



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 13 November 2007

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 239 **GM - Young Achievements Australia: Hawkesbury Business Skills Program 2007 - Outcomes and Future Direction - (95497, 94915)**

Previous Item: 119, Ordinary (26 April 2005)
 242, Ordinary (10 October 2006)

REPORT:

Council for the last two years has been the principal sponsor of the Young Achievements Australia's Business Skills Program (YAA), known locally as the Hawkesbury Business Skills Program (Program). The Program operates as part of the local economic development program ie. small business operations - student exposure.

Council at its meeting on 14 November 2006, considered a report on the outcomes of the 2006 Program and resolved, in part, that:

- "2. *Council sponsor the Young Achievements Australia - Hawkesbury Business Skills Program 2007 as a part of its local economic development initiatives and explore opportunities for partnering further with the local community to develop a mentor pool.*
3. *Council consider sponsoring the Young Achievements Australia - Hawkesbury Business Skills Program for ongoing years as part of its annual budget process subject to staff availability."*

In regard to resolution 2, the 2007 Program commenced on 23 April 2007 with the first meeting of the students and mentors, and the student-company "Stylya" being formed. Stylya held its Final Board Meeting on Monday 29 October 2007 to liquidate the company and to celebrate its success. The company product was t-shirts with a range of designs.

Details of the 2007 Program are outlined below.

Program Recap

To recap, the Program consists of:

- Senior high school students from local high schools (advised minimum 15) meeting on a weekly basis to run their company (with the guidance of mentors);
- Students running a real-life company over a period of about 28 weeks (7 months) covering 24 units (similar to legal mock trials);
- Students setting up a Public Company and having in place all legal requirements before trading;
- Students selling shares to raise capital;
- Students selecting a product, designing and manufacturing it; and then selling it;

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- Students aiming to provide a return on investment to shareholders; and
- Students liquidating their company by 31 October 2007, after producing and presenting an annual report to shareholders.

Program Participant - Students

YAA undertook presentations at the schools to attract senior high school students to the Program. The company represented 5 local high schools in The Hawkesbury, with 10 students completing the course (though this number is below the YAA advisable 15 minimum). Student numbers fluctuated, with some registering and not attending and others resigning after the program had commenced.

Table (1) lists the students and the positions they held in the Company.

| Table 1 - YAA - Hawkesbury Business Skills Program 2007 – Students | | | |
|---|------------------|--------------------------|---|
| Company – STYLYA | | | |
| | Who | High School | Company Position |
| 1 | Rhiannon Garrick | Richmond High | Managing Director |
| 2 | Lucinda Brown | Arndell Anglican College | Secretary |
| 3 | Kael Sharp | Arndell Anglican College | Assistant Finance Manager & Marketing Manager |
| 4 | Mathew Schembri | Arndell Anglican College | Finance Manager |
| 5 | Mathew Cividin | Bede Polding College | Manufacturing Manager |
| 6 | Samantha Chapman | Colo High School | Design Manager & Assistant Sales Manager |
| 7 | Graham Gough | Windsor High School | Sales Manager |
| 8 | Damon Bates | Richmond High | Assistant Manufacturing Manager |
| 9 | Sara Willard | Home schooled | Information Technology Manager |
| 10 | Alison Lee | Colo High School | Human Resources Manager (& Environment Manager) |

Program Participant - Mentors

For the Program to operate (and be successful), it relies on Mentors drawn from our local business community to provide business experience guidance to the students. The mentors are a mix of local business operators and workers who come from a variety of different backgrounds and career paths, which has greatly assisted the student-company.

As with any program that involves Council and the community, it relies on the interest and commitment of volunteers, like the mentors. Importantly, the mentors had a willingness to support the learning opportunities available to our next generation of business leaders, owners and workers. It is encouraging to experience this willingness as people lead busy lives. The mentors promoted the 2007 program amongst business colleagues, provided in-kind contributions eg. printing costs, access to manufacturing infrastructure (workspace for screen printing) and provided incentives eg. Awards (monetary and gifts) for Most Shares Sold, Most T-shirts Sold and Learning Outcomes.

Table (2) lists the mentors who mentored the Company. Council undertook the co-ordinating mentor role, via Council Officers.

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Table 2 - YAA - Hawkesbury Business Skills Program 2006 - Mentors

| | | |
|----|--------------------|--|
| 1. | Sorcha Daynes | Bubba Moe Baby Slings |
| 2. | Christopher Veitch | Millennium Accounting Solutions |
| 3. | Bob Singleton | Mortgage House, Blacktown |
| 4. | Peter Hudson | E- Business Consultant; Café operator, (former) E-commerce/ Markets Advisory Committee |
| 5. | Alan Eagle | Business Consultant, (former) Strategic Planning Advisory Committee |

Program Activities

The Company:

- Registered 'Stylya' as the company name and appointed a Board;
- Sold Shares in the company at \$2.00. A working capital of about \$800.00 (max. potential \$1,000);
- Wrote a Business Plan and hired a workforce;
- Undertook market research to consider what its product might be and the logistics of introducing a new product into the market in the time available;
- The company designed artwork for its product to provide a range of t-shirts (5), for its target market (of mainly teenagers and young adults);
- Prepared a Finance Plan that budgeted and controlled expenditure of the company. This instilled in the members the importance of purchasing procedures, responsibility for monies spent and accurate record keeping. Company books were also audited by an external auditor;
- Liaised, negotiated and engaged in contractual agreements with t-shirt suppliers and screen printers to outsource the manufacturing (printing) of the shirt; and also printed t-shirts in-house for a special order;
- Prepared a Marketing Strategy to identify the best sales channels to sell the product. This included: Product Launch – evening event, YAA Trade Day, Windsor Mall Craft Markets, Penrith Markets, Schools Sales, Business and Community Presentations eg. Hawkesbury Chamber of Commerce, Windsor Rotary Group, Blacktown Business Group); and family/ friends/ sporting networks.
- Marketing slogans were created and stickers produced to build interest prior to product availability. A sales training workshop was completed and a media strategy complemented the marketing plan;
- Set profit and sales targets to sell enough product to provide shareholders with a return on investment (target %100) and adopted Westmead Children's Hospital as a charity (10% net profit donation);
- Created a website to provide for online sales and to promote its activities;
- Followed accepted meeting procedures, learning how to raise ideas, discuss proposals and vote;
- Attended YAA Program activities ie. Management Skills Day (University of Technology, Sydney) and a Trade Day (Castle Towers, Castle Hill); and

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Program Outcomes

The interest and involvement of the students in the Program and the company cannot be underestimated. The Program was an extra-curriculum activity on top of their busy Year 11 school programs. In particular a core group of students held extra meetings and working bees at key company times.

Some key facts are:

- The students were dedicated to and enjoyed the Program and the company they nurtured for seven months. A few excelled showing skills in business organisation, presentation and marketing;
- The students adopted standards of conduct and ethical practices in their business dealings;
- The company was dedicated to its charity demonstrating its commitment to philanthropic business practises;
- The students grew on knowledge and personal levels from the experience. They now have a better understand on running a business, the business environment, systems and process operations (eg. good record keeping), meeting procedures, financial control and people skills to name a few;
- The company, though small in numbers (maximum student number of 25), multi-tasked when necessary to focus on key areas of the business at key times;
- The company returned a healthy dividend of **\$2.57** on each share, raising the overall value of each share to **\$4.57**, a **128.5%** return on equity;
- The students were aware that 1 in 3 businesses fail in the first year of operation and that on past experience a significant number of the YAA companies do not break even; and
- The achievements of the company could not have been possible without the mentors who encouraged the students with consistent messages to focus on the bottom-line, discuss and make decisions, adopt strategies to achieve goals and do the work. At key times the mentors "pushed" the students to achieve targets and maintain interests. The mentors were impressed by the efforts of the company to achieve and exceed profit and sales targets.

In regard to resolution 3, Council has made funds available in the 2007-2008 budget to sponsor a 2008 Program. Points of interest on the matter are:

- Co-sponsors for the 2007 Program were sort from the local high schools and the Top 10 business in the area, with no interest or commitment made;
- YAA has increased the sponsorships cost from \$3,630 (in 2005) to \$5,000 (and this was partly why co-sponsors were sort). The sponsors (ie. Council) also assimilates the coordinating mentors role and invariably provide resources above the financial commitment to assist in administering the Program;
- Marketing of the 2007 Program by YAA was delayed which affected the late start date and student numbers. YAA has experienced difficulty in accessing some of the schools, but perhaps its needs to build interest at the end of the school year to expose the teachers and students to the program rather during the first busy weeks of a new school year;
- Neither the 2006 or 2007 programs achieved the minimum desirable student number (15) to spread the work required of the program more effectively; and
- The responsibility for running a local program is reliant on the sponsor, the co-ordinating mentor and the mentors. YAA is only involved a key program milestones (and the program workbook and timeframes needs to be part of a review process).

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Proposal

That Council:

- (a) Congratulate the company members for their efforts in running a successful company in the form of a Mayoral letter;
- (b) Thank the mentors for being involved in the 2007 Program and this gratitude be shown by hosting a luncheon (and extending invitations to the former E-commerce/ Markets Advisory Committee members) and sponsoring interested mentors (and partners) to attend the YAA's program awards night; and
- (c) Noting the cost to run the 2007 Program,
 - (i) YAA be requested to provide a breakdown on the sponsorship cost to assess the return-on-investment to Council,
 - (ii) Council again, seek co-sponsors from the business and school community to help offset sponsorship costs and to attract additional mentors;
- (d) Consider sponsoring a 2008 Program, subject to assessing if there are any other similar products in the market that may offer a better return on investment for Council and any participating students.

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"

Funding

All costs will need to be met from approved budgets in the local economic development program.

RECOMMENDATION:

That Council:

1. Forward letters of congratulations to the students who participated in the YAA - Hawkesbury Business Skills Program 2007 for their efforts.
2. Thank the mentors for the YAA - Hawkesbury Business Skills Program 2007 by hosting a luncheon in their honour and sponsoring their attendance at the YAA awards night.
3. Request YAA to provide a breakdown on the sponsorship to better understand how sponsorship dollars are used.
4. Explore opportunities for co-sponsor funding for a local student business skills program in 2008 from the business and school community.
5. Explore other opportunities for sponsoring a student business skills program in 2008 similar to YAA's - Business Skills Program; and where there is no opportunity identified, sponsor the YAA program a part of its local economic development initiatives.

ATTACHMENTS:

AT - 1 Stylya Company Annual Report 2007

AT - 1 Stylya Company Annual Report 2007

2007 Annual Report Of



A Young Achievement
Australia Company

Manufacturers of Exclusive Stylya
Designer T-Shirts



A 100% Australian
Designed & Printed
Product

SPONSORS & MENTORS



We wish to thank Hawkesbury Council for sponsoring our YAA company. We would also like to thank the mentors who have given their time freely to assist us in making Stylya a financial and business success and a great place for acquiring valuable business understanding and skills.



YAA's mission is to provide all young Australians the opportunity to access vital business enterprise programs, regardless of location, circumstances, curriculum choice, career paths or academic strengths.

Young Achievement Australia
young australians reach business

FINANCIAL DETAILS Profit & Loss



| | |
|------------------------------|--------------------|
| Income | |
| Income from product sales | \$ 4,007.40 |
| Other Income | \$ 100.00 |
| Total Income | \$ 4,107.40 |
| Cost of Sales | |
| Production Wages | \$ 0.00 |
| Materials Purchased | \$ 1,869.10 |
| Total Cost of Sales | \$ 1,869.10 |
| Gross Profit | \$ 2,238.30 |
| Expenses | |
| Administration costs | \$ 25.10 |
| Other Expenses | \$ 140.00 |
| YAA Charges | \$ 326.00 |
| Donation to Westmead | \$ 175.00 |
| Total expenses | \$ 666.10 |
| Net profit before tax | \$ 1,572.20 |
| YAA 30% Tax | \$ 471.66 |
| Net profit after tax | \$ 1,100.54 |



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MANAGING DIRECTOR'S REPORT



Stylya has produced excellent results. The final return of \$2.57 per share was achieved through focusing on the key issues during the phases of establishment, design, manufacturing, sales & marketing and company wind up.

This 128.5% return on capital is a direct result of the efforts of a core number of key members of the company who, when needed, willingly picked up and resolved issues outside their allocated role.

The results are especially outstanding given that the company had a very short time period in which to operate, half the normal number of members and had to overcome supply and manufacturing problems outside their control.



We are pleased to support Westmead Children's Hospital with a donation of \$175 from our profits.

To our share holders we have provided a healthy return on investment. We thank them for their faith in Stylya, a YAA Company.

Rhannon Garrick MD Stylya

Oct 2007

PRODUCT

Market research was carried out prior to product design.



Design: a range of designs were developed and evaluated and four final designs for the Stylya exclusive T

Shirt range were selected.

Manufacture: Blank T-shirts were sourced locally and local screen printing facilities used to produce the final product. Simple stock control was used to match manufacturing to the demand for the different designs, sizes and colours.



Two customised T-Shirt orders were pursued, one of which was successful and the other was declined.

SALES AND MARKETING

Sales were supported by presentations, posters, our website and press articles.

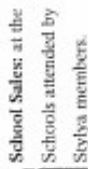
A number of sales channels were used:



Product Launch: Doerubbin Centre, Windsor

Markets: Local markets in Hawkesbury

Visits: Local Rotary and Chambers of Commerce.



School Sales: at the Schools attended by Stylya members.

Bulk Orders: These included a customised bulk order for a local hockey team.

YAA Trade Fair: The YAA Trade Day, at Castle Towers, resulted in \$200+ worth of sales plus three YAA awards for product, sales and retail performance

Individual Members: Individual sales targets and incentives were agreed each company member over an above other channel sales.



TOTAL SALES: Total sales of T-Shirts was 200.

The remaining stock at the end of the program was auctioned off for our nominated charity.

FINANCIAL

SUMMARY

| | |
|----------------------|-------------|
| Original share value | \$ 2.00 |
| Final share value | \$ 4.57 |
| Return per share | \$ 2.57 |
| Return on equity | 128.5% |
| Total Revenue | \$ 4,107.40 |
| Total Expenses | \$ 2,535.20 |
| Profit Before Tax | \$ 1,572.20 |
| Net Profit After Tax | \$ 1,100.54 |

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 241 **CP - Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry - (DA1023/02, 27426, 95498)**

Previous Item: 47, GPC (28 September 2004)
175, Ordinary (14 October 2003)
53, GPC Environment (26 August 2003)
53, GPC Environment (26 August 1999)

Development Information

Applicant: Mr DJ Ireland
Applicants Rep: Falson & Associates Pty Ltd
Owner: Mr DJ Ireland
Zone: Environmental Protection Scenic 7(d) under Hawkesbury Local Environmental Plan 1989
Advertising: 26 August - 10 September 2004
Date Received: 4 July 2003

Key Issues: ♦ Road Severance
 ♦ Use of SEPP No.1
 ♦ No concurrence received from Department of Planning

Recommendation: Uphold previous Refusal

REPORT:

Introduction

This report is a continuation of the review of determination of a two (2) lot subdivision of Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry.

Background

Previous reports to Council regarding this matter are attached. A brief summary of the development application and review of determination is provided below:

16 June 2003 - Application for a two (2) lot subdivision of 34 Chaseling Road, Wisemans Ferry refused under delegated authority. The application proposed allotments of 15.2ha and 8.24ha in a zone where the minimum lot size for subdivision is 40ha.

4 July 2003 - Letter from owner requesting that the determination be reviewed by Council.

26 August 2003 - Matter reported to the General Purpose Committee of Council.

9 September 2003 - Matter deferred at Ordinary Meeting of Council pending receipt of additional information from the owner with respect to position of a future house site on Lot 2.

24 September 2003 - Information received showing a house site towards north western corner of proposed Lot 2 near Bicentennial Road.

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14 October 2003 - Matter reported to Ordinary Meeting. Matter deferred pending receipt of additional information.

28 June 2004 - Additional information received showing a house site within lower cleared portion of proposed Lot 2.

28 September 2004 - Matter reported to General Purpose Committee meeting.

12 October 2004 - Matter deferred at Ordinary Meeting pending receipt of additional information.

26 November and 3 December 2004 - Additional information received.

The applicant has submitted amended plans and information to obtain the approval from the NSW Rural Fire Service, Department of Planning and the Department of Infrastructure Planning & Natural Resources.

Despite attempts to follow up this matter with the relevant Authorities, Council has only recently received the comments from all the above Departments. The last being received at Council on 17 October 2007.

The Proposal

The essential nature of the application remains unchanged, that is a two (2) lot subdivision of the subject site into lots of 15.2ha and 8.24ha. The site is within the Environmental Protection -Mixed Agriculture (scenic) (previously the Environmental Protection (Scenic) 7(d) zone) which required lots created in this zone to be a minimum of 40ha. The applicant's justification for the subdivision is primarily based on the site being severed by Bicentennial Road and claims difficulty in managing the property due to the severance.

The additional information provided by the owner includes an amended dwelling site, waste water disposal report, flora and fauna report, vegetation plan of management and bushfire assessment report.

The new house site is now towards the north-western corner of proposed Lot 2 approximately 6m from Bicentennial Road between the existing entry to the site and a proposed roadside stormwater runoff channel. The house site is 20m long by 12m wide and straddles land sloping from 23.5m AHD to 16.5m AHD (approx). This represents a slope of 30% or 17 degrees. Due to the slope of the land the house site has been nominally described as a "pole house site". The proponent considers that a conventional slab on ground house construction would be unsuitable for the site.

Wastewater disposal report

The waste water disposal scheme consists of an Ecomax system with two irrigation cells excavated into the hillside. One cell is located immediately to the south west of the house site, the other is located on the other side of an access track approximately 30m to the south of the house site.

Bushfire Assessment

The bushfire assessment suggests an Asset Protection Zone of between 20m-60m around the proposed house site.

Level 3 construction under Australian Standard 3959 is required (note this is the highest level of construction required for bushfire protection) as well as roof sprinklers and window shutters.

The bushfire hazard category surrounding the site is high to extreme.

Evacuation from the site during bushfire events is directly onto Bicentennial Road or through a neighbouring paddock to Chaseling Road.

Flora and Fauna Report

The report states that the house site is located within Shale Sandstone Transition Forest (SSTF) intergrading into Ridge top forest. To offset the clearing of the SSTF an area of Sydney Coastal River -flat Forest is proposed to be replanted.

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Proposed management of Lot 2 includes preservation and management of all forest area, replanted creek flat, adherence to a Vegetation Management Plan, prohibition of livestock, and to confinement of dogs and cats to within an escape proof run extending not more than 10 metres from the dwelling.

Community Consultation

The additional information was placed on public exhibition for the period 18 December 2004 - 10 January 2005. One submission was received. Matters raised in the submission include:

- Insufficient details have been provided regarding the access and excavations to enable proper assessment
- Unrealistic and too costly to accept that a house would be built on the inaccessible house site. Future owners may pressure Council for an alternative house site.
- Concern about trespass onto flatter neighbours property due to difficulty in accessing the house site from proposed entry.
- Increase in density, noise, visual impact and associated impact on flora and fauna.
- Precedent for further subdivision that would destroy the environment of the local area.
- Subdivision rules should be applied fairly and consistently and not to the disadvantage of neighbouring properties.
- Cannot guarantee access through neighbouring property during bushfire emergency.
- Subdivision should be rejected or deferred until detailed plans of a dwelling in the house site area are submitted for consideration.

Planning Assessment

The amended proposal does not change the previous finding that the proposed subdivision does not comply with the relevant objectives of the Environmental Protection - Mixed Agriculture zone.

The increase in density proposed by the subdivision is beyond that envisaged by the minimum subdivision standard and does not assist in upholding the objectives of the zone that relate to the preservation of woodland, scenic significance and character of the area. The location of an elevated pole house only 6m from Bicentennial Road and associated Asset Protection Zone would not be consistent with the bushland character of the area.

The additional information does not resolve the previously identified non-compliances with the Subdivision chapter of the Hawkesbury DCP. In particular the house site and accessways are located on a steep slope (30%) contrary to Section 3.3 Rule (a); the additional housing site and Asset Protection Zone on Lot 2 gives rise to additional and significant visual impacts and soil instability/erosion potential contrary to Section 3.2 Rules (b) and (f) and Section 3.3 (b); the house site is only 240m² which is substantially less than the minimum of 2000m² nominated within Section 3.8.1 Rule (b).

The proponent's inability to find a suitable house site clearly highlights the physical constraints of the site. Furthermore due to the proposed restrictions relating to the location and size of the house site, type of construction and type of wastewater disposal area it is considered that future residential development in the form envisaged will not be readily achievable or certain.

The proposed lots are substantially under the 40ha minimum standard set by the LEP. The additional information submitted does not materially add to the previous objection to the minimum subdivision standard made under State Environmental Planning Policy No 1. The SEPP No 1 objection was essentially based on the physical separation of the property by way of Bicentennial Road, surrounding allotment sizes, and a claim that the development could occur on the site without adverse effect.

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The ad-hoc use of SEPP No 1 for subdivision by way of road severance is not an appropriate approach to resolving the perceived or actual land management issues arising from road severance nor is it an appropriate way to preserve the objectives of the zone. Furthermore, it is important to note that prior to Bicentennial Road being created through the property the site had an area of approximately 25ha and thus did not have subdivision potential.

Ancillary Approvals

The NSW Rural Fire Service have issued their conditions of approval and the Department of Infrastructure Planning and Natural Resources have indicated that no 3a permit is required under the Rivers and Foreshores Improvements Act.

The Department of Planning (Director General) must concur to the use of SEPP No1 as the variation in the minimum subdivision area is outside the delegation given to Council by the Department to the use of SEPP No1. Without the concurrence of the Department of Planning Council cannot grant consent to the application.

The Department of Planning has now provided a response which states:

"I wish to advise that the Director General does not grant concurrence for the proposed subdivision. The Director General has reached this decision by taking the following matters into consideration:

- 1. The extent of the deviation from Clause 11(2)(a) is considered to be inconsistent with the subject zoning. The applicant has not provided sufficient grounds as to why compliance with the development standard contained in clause 11(2)(a) of Hawkesbury LEP is unreasonable or unnecessary.*
- 2. The proposal is inconsistent with the objectives of zone 7(d) Environmental Protection (Scenic) 1989, SREP 20 Hawkesbury-Nepean River, the Metropolitan Strategy and the State Plan with respect to planning strategy for rural land and environmental protection. In addition, it is inconsistent with the provisions of the proposed standard instrument LEP being prepared by Hawkesbury Council.*
- 3. Approval of the proposed subdivision may create a precedent for undersized subdivisions in the Environmental Protection (scenic) 7(d) zone. The proposal is therefore not in the public interest."*

Conclusion

The ad-hoc use of SEPP No 1 for subdivision by way of road severance is not an appropriate approach to resolving the perceived or actual land management issues arising from road severance nor is it an appropriate way to preserve the objectives of the zone.

This view is supported by the Department of Planning.

Council is unable to support the subdivision as the concurrence to the subdivision from the Director General has not been granted.

RECOMMENDATION:

That Council uphold the previous decision of refusal of the application.

ATTACHMENTS:

- AT - 1 Current plans showing location of house site
- AT - 2 Previous reports to Council

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AT - 1 Current plans showing location of house site

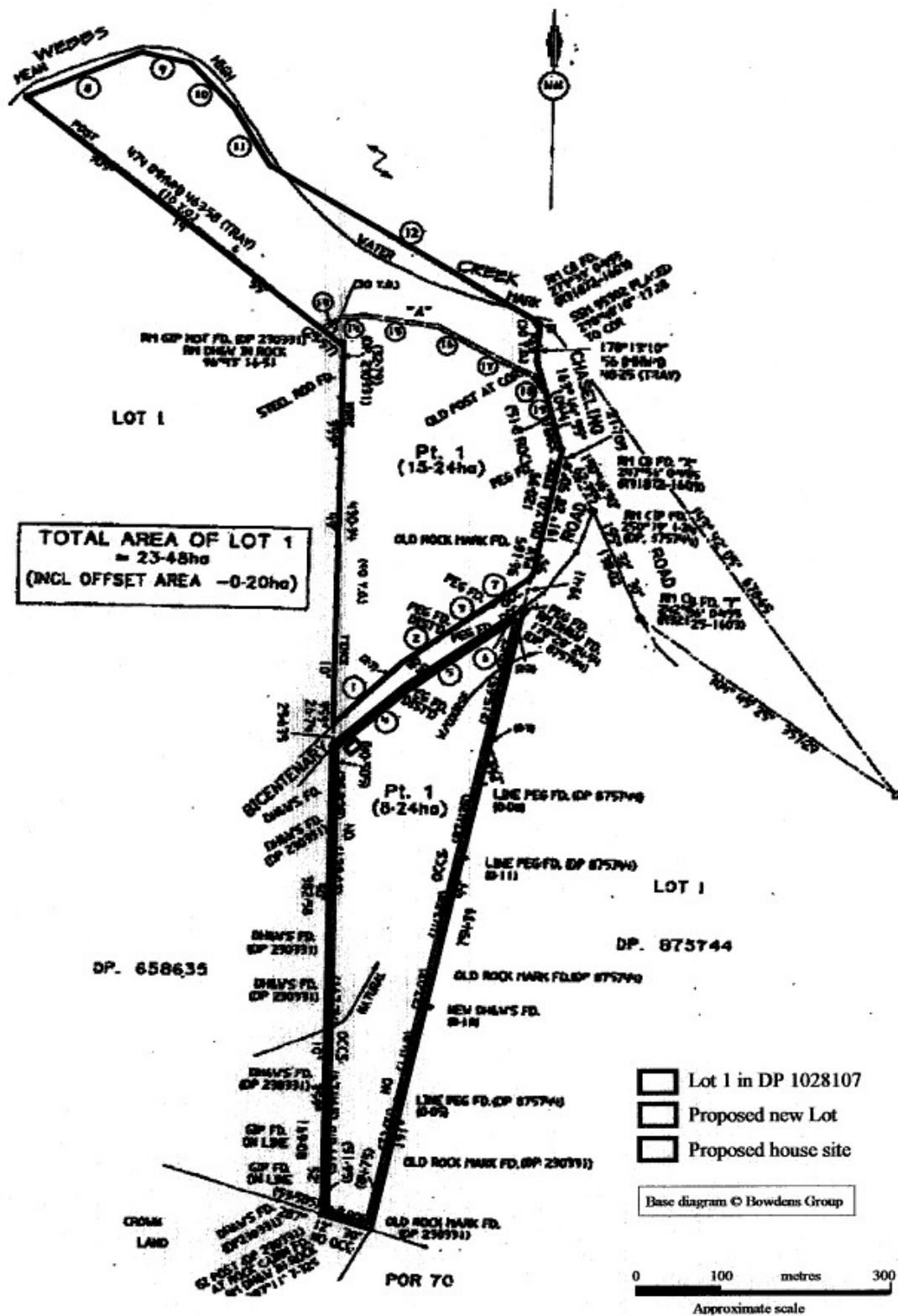


Figure 5. Proposal diagram for Lot 1 in DP 1028107, Webb's Creek

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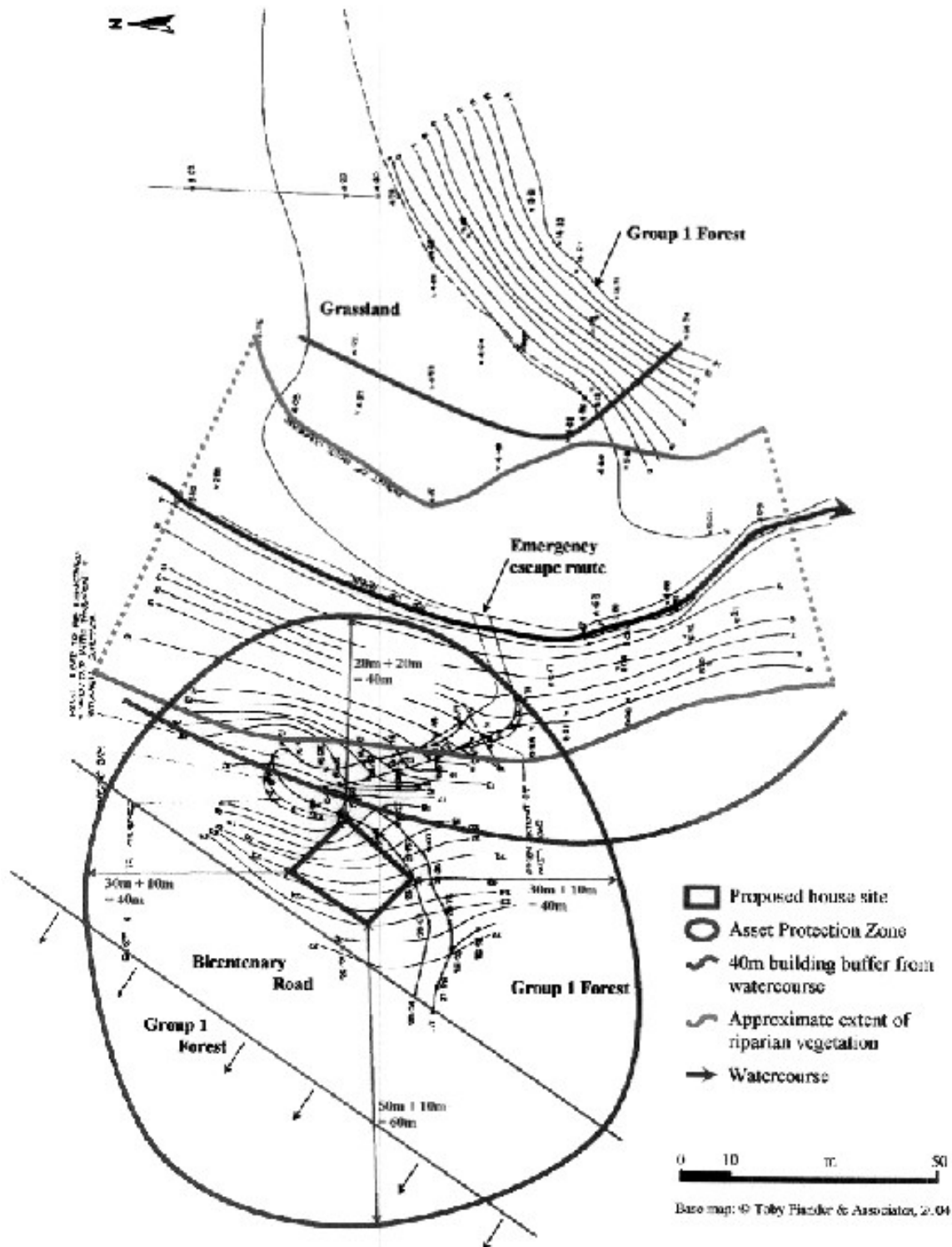


Figure 1. Site diagram with APZ for Lot 1, DP 1028107, Webbs Creek

© Blue Mountain Wilderness Services Pty Ltd, 2006 AD

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AT - 2 Previous reports to Council

ENVIRONMENT

Meeting Date: 28 September 2004

Item: 47 **ENV B - Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 10281047, 34 Chaseling Road, Wisemans Ferry - (79339)**

Previous Item: 175, Ordinary (14 October 2003)
 53, GPC Environment (26 August 2003)
 53, GPC Environment (26 August 1999)

REPORT:

Introduction

In August 2003 Council considered a report concerning a request to review a refusal of a development application for a 2 (two) lot subdivision of 34 Chaseling Road, Wisemans Ferry. A copy of this report is attached. Consideration of the matter was deferred pending the Applicant submitting additional information relating to lands levels, building platform and driveway entry.

The additional information was reported to the Ordinary meeting of Council on 14 October 2003. Council resolved to defer the matter until receipt of additional information. The Applicant has now submitted information in the form of expert reports relating to on-site disposal of waste water, bushfire assessment, flora and fauna and vegetation management.

The Proposal

The applicant proposes to create 2 (two) lots, namely Lot 1 with an area of 15.24ha (fifteen point two four) and Lot 2 with an area of 8.24ha (eight point two four). Lot 1 contains a dwelling house, Lot 2 is vacant. The subdivision is essentially being sought by virtue of severance by Bicentennial Road.

The subject site is zoned Environmental Protection (Scenic) 7(d). The minimum area for lots to be created in this zone is 40ha (forty hectares). The applicant submitted an objection to this development standard under the provisions of State Environmental Planning Policy No. 1.

The applicant claims management of the property is difficult as a result of the road severance. In particular it cannot be managed as 1 (one) entity as it is required to drive cattle from one side of the property across the road to the other. The applicant also claims that movement of machinery is difficult given the steepness of the terrain.

Reasons for Refusal

The development application was refused under delegated authority on 16 June 2003. The reasons for refusal mainly related to insufficient information being submitted with the application to enable a proper assessment of the application, potential environmental impacts of the subdivision, and non-compliance with the Hawkesbury Local Environmental Plan 1989 (HLEP 1989).

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Assessment of Additional Information

The additional information relates to Lot 2 and nominates an internal access track from Bicentennial Road, 2 (two) bridges, a house site within flood liable land, and an effluent disposal area cut into the hillside.

The proposed access track winds its way from Bicentennial Road through Dry Sclerophyll Forest to the low lying flood liable land where the house site is proposed. The track descends from a height of 27.3m (twenty seven point three metres) to 7.3m (seven point three metres) AHD over a distance of 104m (one hundred and forty metres) (i.e. an average slope of approximately 19%, 11 degrees).

A bridge from the access track is proposed over a water course to the dwelling site. Another bridge is proposed from the dwelling site to the effluent disposal area located within the foot slope of a vegetated hill.

A discussion of the additional reports submitted by the Applicant follows:

Wastewater disposal report

This report states the proposed area of the dwelling is below the 1 in 100 (1% AEP) year flood event level and that it would be necessary for the habitable floor level of the dwelling to be at least 300mm (three hundred millimetres) above the underlying land level.

The report identified only one appropriate method of treatment and disposal of wastewater. This was primarily due to the topography of the site and the proximity of the natural watercourse. The recommended system is a soil filter cell (Ecomax) with a septic tank surrounded by a collector drain and soakage system. In order to achieve recommended buffer distances and to avoid inundation of the 1% AEP flood event the wastewater treatment system is proposed to be placed in an excavated section of the hill foot slope to the south-east of the proposed dwelling site. The 2 (two) irrigation area cells are expected to be 11m (eleven metres) long by 4.4m (four point four metres) wide with a 1m (one metre) buffer between the cells.

Whilst in general no objection is raised to the type of system, it is relatively uncommon that only 1 (one) system is found to be suitable for a particular site. Furthermore, it is highly unusual that significant alteration of land is required for the installation of an effluent disposal system. In this regard the foot slope of the hill is proposed to be excavated in order to provide a level bench. The indicative plans submitted suggest excavation of at least 12m (twelve metres) long by 8m (eight metres) wide by 4m (four metres) high. Note: the width, and therefore height of the excavation, may be greater than suggested on the plan in order to accommodate the above mentioned dimensions of the irrigation cells.

Bushfire Assessment Report

This report concludes that given the location of the proposed dwelling on Lot 2 an Asset Protection Zone with radius of 20m (twenty metres) is required around the dwelling, the dwelling is to be of Level 3 construction under AS3959, and roof sprinklers are required. Level 3 construction offers the highest level of protection from bushfire.

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The report states "The access road to the property from Bicentenary Road winds up through the Dry Sclerophyll Forest and may be blocked during a fire on this slope. However there is no threat to the North-east and evacuation may be achieved across a neighbour's paddock to Chaseling Road, through farm gates".

As a result of the public exhibition of the application the neighbour to the north-east advised Council "Whilst I would have no objection to this in an emergency, I cannot guarantee that this would be available. I currently do not live in the site and have chained/padlocked gates that would prevent, for example, ready access of a vehicle or stock through my paddock"

The additional information was referred to NSW Rural Fire Service for comment. No response has been received to date.

Flora and Fauna Report and Vegetation Plan of Management

The flora and fauna report concluded that the proposed subdivision will not have a significant impact upon endangered ecological communities, endangered populations, threatened species or their habitat.

The Vegetation Plan of Management (VPM) provides recommendations for the manner in which the land will be used and managed. It examines such matters as biodiversity conservation, vegetation and weed management, bush regeneration/rehabilitation, bushfire threat, stream and stormwater management, pollution control.

These reports note the occurrence of Lantana along the creek line as well as occurrences of small leaf privet and wild tobacco. The VPM proposes certain measures to remove these weeds and revegetate/rehabilitate the affected area. It also recommends fencing of vegetation areas and creek lines to prevent access by livestock, prohibition of livestock, dogs and cats, and installation of a cattle grid at the entrance to the site for weed seed removal. Whilst the intent of these recommendations is supported the ongoing policing and enforcement of the recommendations would be difficult given the individual property rights of the Torrens title form of subdivision.

The reports also note the site has a high frequency of bushfire and states that frequent hazard reduction burns would compromise the biodiversity of native flora and fauna. The subdivision of land and the erection of the new dwelling may result in greater need/pressure for hazard reduction burning this potentially compromising the existing and future biodiversity.

Community Consultation

The additional information was placed on public exhibition for the period 26 August - 10 September 2004. Three (3) submissions were received, 2 (two) in support, 1 (one) opposing.

Responses in support of the application stated:

- Council records will show on two occasions Council consented to a subdivision and creating a new deed at the request of our Company (Bebrovo Holdings Pty Ltd, owner of Del Rio Riverside Resort) [for] our property severed by Chaseling Road [and] our property severed by Bicentenary Road.

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- Council's favourable agreement . . . will allow the owner's recoup the value of their land severed by the construction of Bicentenary Road.
- With approximately 22 (twenty two) acres of treed land the existing road line could be continued following the contour of the land above the flood level with little impact on the rest of the site. This could be an option to consider.
- The sooner all the introduced pest plants are removed and no longer remain a seed propagation and distribution site, the better.

Issues raised in response opposing the application:

- Concern about owners/occupiers of the new lot gaining access to it via neighbouring property due to no practical access available from Bicentennial Road. Access via neighbouring property may also be required for construction works.
- Concerned about increased density and impact on natural environment.
- Negative impact on environment i.e noise, visual, flora and fauna, and alteration to landform.
- Potential for undesirable precedent. "Everyone can plead some special case. Either the subdivision rules should be applied fairly and consistently or scrapped".
- Availability of bushfire emergency access via neighbouring property

Planning Assessment

This planning assessment will address the content and findings of the additional information.

Hawkesbury Local Environmental Plan 1989

Clause 9 and 9A

The subject property is zoned Environmental Planning (Scenic) 7(d) under the provisions of HLEP 1989.

The relevant objectives of the zone are:

- (a) *to preserve existing wooded ridges and escarpments;*
- (b) *to protect hilltops, ridgelines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping;*
- (c) *to protect the low density, broad-acre character of the rural areas.*

It is considered that the proposed subdivision is contrary to these objectives due to the location of the house site, the bridges and earthworks required for the construction of the access track, and wastewater disposal system.

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Clause 11(3)

This clause states that Council shall not consent to the subdivision of land within the 7(d) zone unless each allotment to be created has an area of land that is above the 1 in 100 year flood event level and that is sufficient for the erection of a dwelling house.

The proposed house site is on land below the 1 in 100 year flood event level. The proposed subdivision is therefore prohibited by way of Clause 11 (3).

The previous report to Council suggested that Lot 2 could accommodate a dwelling house above the 1 in 100 year flood event level, however, this would be dependant upon resolving environmental constraints such as slope, vegetation clearing, bushfire protection and location of driveways and building envelopes. It appears the constraints of the site are such that this could not be achieved.

Clause 18(1)

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

The applicant has demonstrated that effluent can be disposed of on the site however that location of the system (i.e cut into the foot slopes of a vegetated hillside) is considered unsatisfactory.

Clause 25 (10)

This clause requires that a dwelling not be erected on land lying below the 1 in 100 year flood level. Council would not be able to approve a future Development Application for dwelling in the house site shown on the subdivision plan as it is below the 1 in 100 year flood event level.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment No 108

The relevant draft plan is draft Amendments No. 108. Under this plan the land is proposed to be zoned Environmental Protection - Mixed Agriculture. It is considered that the proposed subdivision does not demonstrate satisfactory compliance with the objectives (a),(c),(d),(e),(f),(g) and (h) of draft Amendment No 108. These objectives seek to preserve agricultural potential; avoid rural land use conflicts; retain and enhance rural character, landscape values, scenic corridors, escarpments and environmentally sensitive areas; avoid economic demands created by demand for public amenities and services.

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

The property falls within the Webbs Creek catchment area and is within an area of regional scenic significance.

The aim of SREP No. 20 is to protect the environment of the Hawkesbury / Nepean River system by ensuring that the impacts of future land use are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies and

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recommended strategies, and development controls which are to be considered in the assessment of a development application.

It is considered that the proposed development does not demonstrate satisfactory compliance with the general or specific aims, planning considerations, planning policies, recommended strategies and development controls of SREP No 20, particularly in relation to location of building envelopes, effluent disposal, clearing of vegetation, and visual impact.

Hawkesbury Development Control Plan

Subdivision

Section 3.3 Rule (a) states that accessways shall avoid steep slopes. Based on the amended site plans the accessways from Bicentennial Road has an average slope of approximately 19% (11 degrees).

Section 3.6 Rule (a) requires compliance with Clause 25 (Development of Flood Liabile Land) of HLEP 1989. Development of the Lot 2 for the purposes of a dwelling house cannot comply with Clause 25(10).

Section 3.8 Rule (b) - Requires a minimum building envelope of 2000sqm (two thousand square metres) with a minimum dimension of 20 (twenty) metres and building envelopes should be located a minimum of 30 (thirty) metres from landscape features. The proposed building envelope has an area of 448sqm (four hundred and forty eight square metres) with a minimum dimension of 16 (sixteen) metres. The building envelope is located in flood liable land that can be considered to be a significant landscape feature.

Ancillary Approvals

Approval of the subdivision is reliant on concurrence from the Department of Infrastructure Planning and Natural Resources (DIPNR). The additional information was referred to DIPNR for comment. To date no response has been received.

The subdivision will require an approval from the NSW Rural Fire Service. The additional information was referred to NSW RFS for comment. To date no response has been received.

Construction of the access bridge and future dwelling will require approval from DIPNR under the provisions of Part 3A of the Rivers and Foreshores Improvement Act 1948.

Conclusion

Section 82A of the Environmental Planning and Assessment Act 1979 provides Council with the power to review of determination of a development application. Upon review Council can decide to confirm or change the determination.

The additional information submitted has not raised any new matter that would warrant approval of the application. Rather, the additional information reinforces the previous concerns regarding the environmental impact of the subdivision and subsequent development of the Lot 2 as well as the unsuitability of the site.

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The amended plans submitted with the additional information demonstrate that the subdivision and future development of the site cannot comply with the previously mentioned provisions of HLEP 1989 or the Hawkesbury Development Control Plan.

That applicant's claim that management of the property is difficult as a result of the road severance is not in itself a reason to approve the application, does not demonstrate that the 40ha (forty hectares) development standard is unreasonable and unnecessary, and is not of sufficient weight to overcome the proposal's non-compliance with HLEP 1989 and the Hawkesbury DCP.

Based on the above assessment it is recommended that Council uphold the previous refusal of the application.

RECOMMENDATION:

That Council uphold the previous refusal of the application.

ATTACHMENTS:

- AT - 1 Previous Reports to Council.
- AT - 2 Additional plan subdivision showing access track, bridges, house site and effluent disposal area.

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ITEM: 175 Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 102807, 34 Chaseling Road, Wisemans Ferry

FILE NUMBER: DA1023/02,21107/EVD/ORJ14NBX.V19

PREVIOUS ITEM: 53, GPC Section 1 - Environment (26.08.2003)

PREVIOUS ITEM: 53, Ordinary (09.09.2003)

REPORT:

Additional information requested by the General Purpose Committee has been received.

The attached plan shows a proposed building platform measuring 15 (fifteen) metres long by 9 (nine) metres wide (135sqm) located in the north-western corner of the proposed Lot 2. The platform is located 8.5 (eight point five) metres from the property boundary with Bicentenary Road and average of 23 (twenty three) metres from the neighbouring property to the west. The land height of the platform varies from approximately 29 (twenty nine) metres AHD to 32.5 (thirty two point five) metres AHD with an average fall of 20% (twenty percent) (12 degrees).

The proposed arc shaped driveway is located 32 (thirty two) metres from the north-western boundary where the adjacent bank in the Bicentenary Road reserve is approximately 1 (one) metre high. The driveway is approximately 35 (thirty five) metres long and traverses land with heights of 29 (twenty nine) metres AHD to 31.5 (thirty one point five) metres AHD.

The plans suggest that 6 (six) trees will need to be removed for the driveway and house site. This however, does not take into consideration vegetation required to be removed for Asset Protection Zones or effluent disposal areas. Both of these matters are not shown on the plans.

The proposed building envelope does not comply with Section 3.8.1 of Subdivision Chapter of the Hawkesbury Development Control Plan which states that lots should be able to accommodate a building envelope of 2000sqm (two thousand) with a minimum dimension of 20 (twenty) metres. Building envelopes should also be located a minimum of 30 (thirty) metres from significant trees and other significant vegetation or landscape features. No assessment of the surrounding vegetation or landscape features has been provided to support the building envelope proposed.

The visual impact of a future dwelling and its associated asset protection zone so close to Bicentennial Road is likely to be significant and out of character with the bushland character of the area.

If Council wishes to try and support this application to the Department then an appropriate amount of information as outlined previously to the last Ordinary meeting will be required.

RECOMMENDATION:

That Council uphold the previous refusal of the application.

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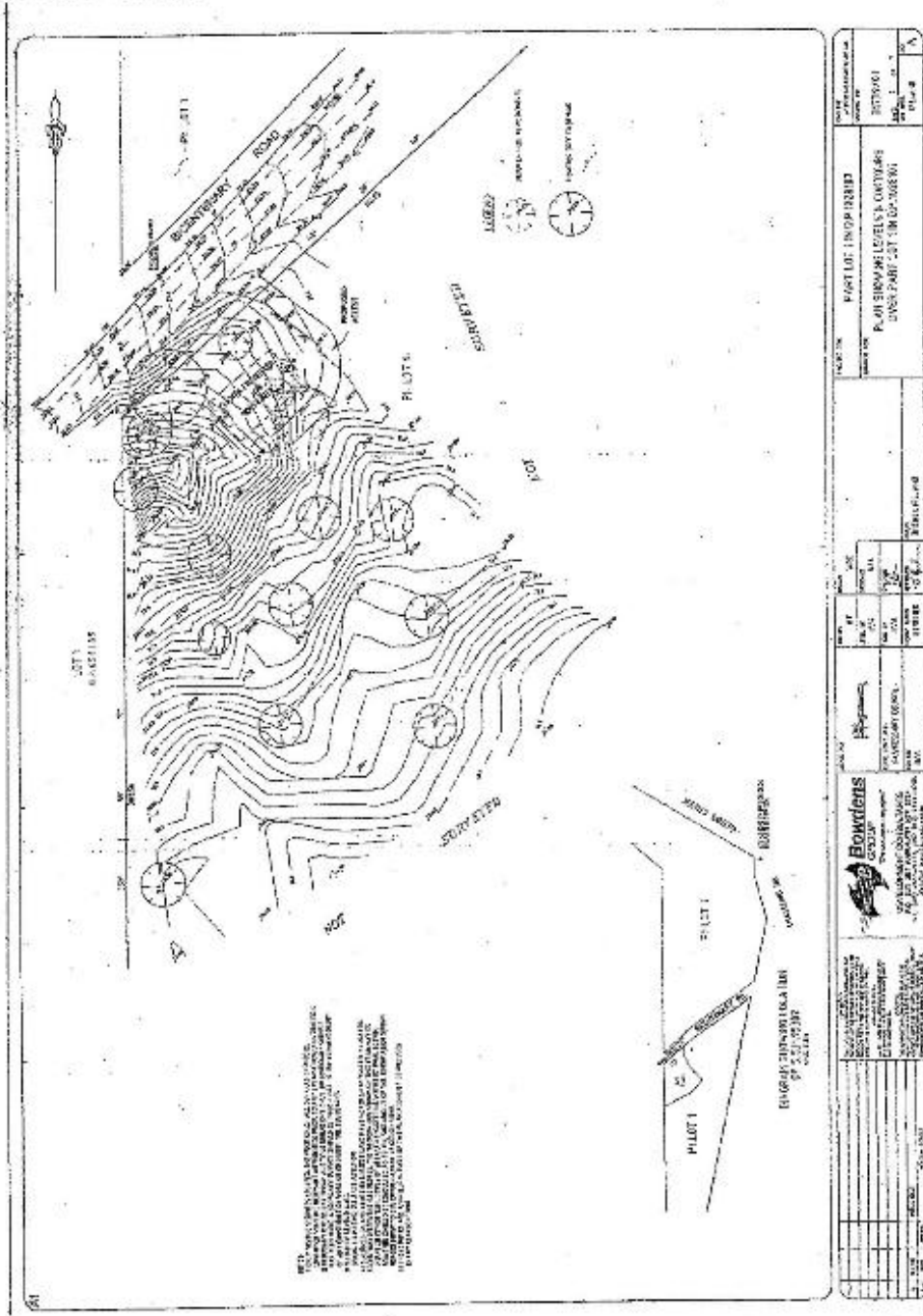
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Item: 53

ITEM: 53 **Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry**

FILE NUMBER: DA1023/020/EVD/ENH26NAX.V04

Applicant: Falson & Associates Pty Ltd
Applicants Rep: Mr Glen Falson
Owner: Mr and Mrs Ireland
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
Area: 23.48ha
Zone: Environmental Protection (Scenic) 7(d)
Advertising: 7 - 25 November 2002
Date Received: 20 August 2002

Key Issues: ♦ Road Severance
 ♦ Use of SRPP No. 1

Action: Refusal

REPORT:

Introduction

Council has received a request to review a refusal of a development application for a 2 (two) lot subdivision of 34 Chaseling Road, Wisemans Ferry.

The development application was refused under delegated authority on 16 June 2003. The reasons for refusal mainly related to insufficient information being submitted with the application to enable a proper assessment of the application, potential environmental impacts of the subdivision, and non-compliance with the Hawkesbury Local Environmental Plan 1989. A copy of the Notice of Determination is attached to this report.

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979 this matter is to be reported to Council for review.

The Proposal

The application is for a 2 (two) lot subdivision of Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry.

The applicant proposes to create 2 (two) lots, namely Lot 1 with an area of 15.24ha (fifteen point two four) and Lot 2 with an area of 8.24ha (eight point two four). The subdivision is essentially being sought by virtue of severance by Bicentennial Road.

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Description of the Site

The property is irregular in shape and has an area of 23.48ha (twenty three point four eight). It has frontages to Webbs Creek and Chaseling Road and is severed by Bicentennial Road. 15.24ha (fifteen point two four) of the property lies to the north of Bicentennial Road, with the remaining 8.24ha (eight point two four) lying to the south of Bicentennial Road.

The land varies in height from less than 20m (twenty) AHD to greater than 80m (eighty) AHD. Low parts of the site consist of flood plain alluvial soils and riparian vegetation the land then rises to steeply sloping heavily vegetated sandstone escarpments.

The 1 in 100 (one in one hundred) flood level for the area is approximately 7m (seven) AHD. No accurate AHD levels have been provided on the plan of subdivision however from investigation of the site it would appear the minor parts of both proposed Lot 1 and Lot 2 are flood affected.

The property contains a dwelling and associated outbuildings on proposed Lot 1.

The property is within a minor and moderate bushfire risk area and within a high and low bushfire prone area.

Background to Road Severance of the Property

The property is known as Lot 1 DP 1028107 being registered on 11 May 2001. Prior to this the property, including that land occupied by Bicentennial Road, was known as Conveyance No. 36 in Book 370 (2nd Schedule) i.e. an old system title allotment created prior to 1863. This property had an area of approximately 25ha (twenty five) and did not have subdivision potential in terms of achieving the minimum lot size provisions of Hawkesbury Local Environmental Plan 1989 (HLEP 1989).

Council constructed Bicentennial Road through the property in 1988 and as a result it severed the subject lot as discussed above.

Severance of properties by a road is a common feature of rural and environmental protection zones particularly along main roads and flood liable lands. Many examples can be found in throughout these zones and within the locality of the subject site.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

Clause 9 and 9A

The subject property is zoned Environmental Planning (Scenic) 7(d) under the provisions of HLEP 1989. The relevant objectives of the zone are:

- (a) *to preserve existing wooded ridges and escarpments;*
- (b) *to protect hilltops, ridgelines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping;*

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(c) to protect the low density, broad-acre character of the rural areas.

Subdivision is permissible within the zone. This report will demonstrate that the proposed subdivision does not demonstrate suitable compliance with the objectives of the zone.

Clause 11(2)

This clause requires that land zoned Environmental Protection Scenic 7(d) be subdivided into lots of not less than 40 ha (forty) and have a satisfactory ratio of depth to frontage.

The proposed lots have areas of 15.24ha (fifteen point two four) (Lot 1) and 8.24ha (eight point two four) (Lot 2). Lot 2 is irregular in shape and appears not to comply with the satisfactory depth to frontage ratio provisions of the Hawkesbury DCP (discussed later).

Under the provisions of State Environmental planning Policy No 1, Council may approve a subdivision with areas less than 40ha (forty) provided Council is of the opinion that the standard is unreasonable and unnecessary. The applicant has submitted an objection under SEPP No.1 arguing that strict compliance with the 40ha (forty) minimum is unreasonable and unnecessary. The SEPP No.1 objection will be discussed later.

Clause 11(3)

This clause allows the subdivision of land if the resultant lots have an area of land above the 1 in 100 (one in one hundred) year level that is sufficient for the erection of a dwelling house.

A dwelling already exists on Lot 1. Lot 2 could accommodate a dwelling house above the 1 in 100 (one in one year) year level, however, this would be dependant upon resolving environmental constraints such as slope, vegetation clearing, bushfire protection and location of driveways and building envelopes.

Clause 18(1)

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

The applicant has not demonstrated that effluent can be disposed of on the site in an environmentally sustainable manner.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment No 108

The relevant draft plan is draft Amendments No. 108. Under this plan the land is proposed to be zoned Environmental Protection - Mixed Agriculture. It is considered that the proposed subdivision does not demonstrate satisfactory compliance with the objectives (a),(c),(d),(e),(f),(I) and (I) of draft amendment No 108. These objectives seek to preserve agricultural potential; avoid rural land use conflicts; retain and enhance rural character, landscape values, scenic corridors, escarpments and environmentally sensitive areas; avoid economic demands created by demand for public amenities and services.

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State Environmental Planning Policy No. 1

The applicant has submitted the following argument under the provisions of SEPP No. 1 in support of the application:

The subdivision approval sought merely recognises in title an existing physical separation of the land.

The sizes of the existing separated parcels of land are not inconsistent with the array of lot sizes that exist in the locality.

There will be no adverse environmental consequence arising from the subdivision.

Each lot is capable of separate development in accordance with the zone land use table. Specifically the vacant lot has an adequate area for subsequent erection of a dwelling and disposal of wastewater.

The subdivision is an orderly and economic use and development of land and accords with this principle requirement contained within Clause 5 of the Environmental Planning and Assessment Act.

In accordance with the provisions of SEPP No. 1 the application has been referred to Planning NSW for concurrence. Planning NSW have declined to provide their concurrence and requested that the applicant provide additional information relating to flora and fauna, building envelopes, driveways details, effluent disposal, settlement pattern, flood liable land, agricultural uses and agricultural potential.

As yet the applicant has not provided the requested information.

Notwithstanding this request for additional information, it is considered that the use of SEPP No. 1 for subdivision by way of road severance is not an appropriate approach to resolving some of the land management problems of road severance or an appropriate way to preserve the objectives and intent of the zone. Dealing with such applications on an ad hoc is also not an appropriate planning response and could be better addressed in a co-ordinated way by investigating an amendment to HLEP 1989.

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

The property falls within the Webbs Creek catchment area and is within an area of regional scenic significance.

The aim of SREP NO. 20 is to protect the environment of the Hawkesbury / Nepean River system by ensuring that the impacts of future land use are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies and recommended strategies, and development controls which are to be considered in the assessment of a development application.

It is considered that the proposed development does not demonstrate satisfactory compliance with the general or specific aims, planning considerations, planning policies, recommended strategies and

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development controls of SREP No 20, particularly in relation to location of building envelopes, effluent disposal, clearing of vegetation, and visual impact.

Hawkesbury DCP

The Hawkesbury Development Control Plan applies to the land. Relevant chapters of the DCP are General Information, Notification and Subdivision.

General Information - It is considered that the applicant has not provided sufficient information to enable Council to assess the application. In particular the applicant has not provided clear details as to the levels of the land relative to AHD, nature of flood liable land, location of building envelopes, a flora and fauna assessment, bushfire protection, driveway entry details, or a waste water feasibility study.

Notification - The application was publicly exhibited for the period 7/11/2002 to 25/11/2002. Three submissions were received. The submissions were in favour of the application.

Subdivision - This chapter requires detailed information addressing flora and fauna protection, visual amenity, building envelopes and effluent disposal.

The applicant has not submitted a flora and fauna assessment of the application or an assessment of the vegetation to be cleared for the purposes of building envelopes, asset protection zones and accessways.

No details of the visual impact of the subdivision and resultant development have been provided. Lot 2 site being on the corner of Bicentennial Road and Chaseling Road is in a very prominent position, particularly from the elevated positions along Bicentennial Road which generally look down upon Lot 2.

The applicant has not provided details of the proposed building envelopes for Lot 2. Due to possible flooding of the site and significant access limitations off Bicentennial Road the most likely building site is on the north-western corner of the Lot 2. The land is quite steep, heavily vegetated and exposed to view from Bicentennial Road.

An effluent disposal report prepared by a suitably qualified person has not been provided with the application.

Planning Assessment

Environmental Impact

There is insufficient information submitted with the application to assess its likely impacts on the environment. Notwithstanding this particular concern is raised as to the potential impacts of the development of Lot 2 in terms of visual amenity, effluent disposal, location of buildings and access roads, clearing of vegetation, and bushfire threat.

Suitability of the Site

The applicant has not provided a detailed assessment of the constraints of the site.

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It is considered that Lot 2's constraints in terms of vehicular access to the site, soil type, steep topography, flooding, and vegetation cover make the site unsuitable for the proposed development without further detailed investigation.

Public Submissions and Public Interest

3 (three) submissions were received in favour of the application. These submissions noted the operational difficulties in having a parcel of land severed by a road as well as noting that Council had in the past granted approval for subdivision on land on the basis of road severance. Up until the major changes to the Environmental Planning and Assessment Act 1979 and associated legislation in mid 1998 Council did on occasion grant consent to subdivisions by road severance which produced lots smaller than the minimum required in the zone.

The changes to the above mentioned legislation require subdivisions by way of road severance to be assessed against the provisions of the HLEP 1989. These provisions include those relating to minimum lot sizes. The proposed lots do not satisfy the minimum lot size requirements or demonstrate compliance with the other previously identified provisions of HLEP 1989 and the Hawkesbury DCP. Further, it is important to note that the property did not have subdivision potential prior to the construction of Bicentennial Road therefore it is questionable whether or not the subdivision potential should be given solely on the basis of the existence of Bicentennial Road.

As stated above it is considered that using SEPP No. 1 for subdivision by way of road severance on an ad hoc basis is not an appropriate planning response and could be better addressed in a co-ordinated way by investigating an amendment to HLEP 1989.

It is considered that the proposed development and the use of SEPP No.1 to achieve the development is not in public interest.

Conclusion

Section 82A of the Environmental Planning and Assessment Act 1979 provide Council with the power to review or determination of a development application. Upon review Council can decide to confirm or change the determination.

Based on the above assessment it is recommended that Council uphold the previous refusal of the application.

RECOMMENDATION:

That Council uphold the previous refusal of the application.

ATTACHMENTS:

- AT-1 Notice of Determination
- AT-2 Locality Plan
- AT-3 Plan of Subdivision

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SECTION A

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DA1023/02

Refusal date: 16 June 2003

Notice of Determination of a Development Application
Environmental Planning and Assessment Act 1979

To: The Manager
Falcon & Associates Pty Ltd
P O Box 3127
GROSE VALE NSW 2753

being the applicant in respect of Development Application No: DA1023/02

Pursuant to Section 81(1)(a) of the EPA Act notice is hereby given of the determination of the Development Application relating to the land described as follows:

Lot 1 DP 1028107 34 Casseling Road, Wisemans Ferry NSW 2775

Council's Property Number: 21107

Building Code of Australia Building Classification:

Determination:

Decision Date: 16/06/2003

The HAWKESBURY CITY COUNCIL has determined your application by refusing consent to:

Two (2) Lot Subdivision

for the following reasons:

1. The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, there is insufficient information in respect of building envelopes, asset protection zones, waste water disposal, vehicular access.

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2. The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 1989.
3. The proposed development is inconsistent with objective (a), (b) and (e) of the Environment Protection (Scenic) 7(d) zone contained within Hawkesbury Local Environmental Plan 1989.
4. The proposed development is inconsistent with the Objects contained within Section 5 of the Environmental Planning and Assessment Act, 1979.
5. The proposed development will have an unacceptable impact on the visual quality of the area.
6. The development application does not demonstrate whether the site is suitable for the disposal of effluent generated by the proposed development.
7. The site is unsuitable for the proposed development.
8. In the circumstances, approval of the development would not be in the public interest.

The reasons for refusal are those matter referred to above, being those matters referred to in 79(c)(1) of the Environmental Planning and Assessment Act, 1979 as are relevant to the subject development.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

For any enquiries please contact Philip Pfeffer on (02) 4560 4544


for General Manager

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Meeting Date: 13 November 2007

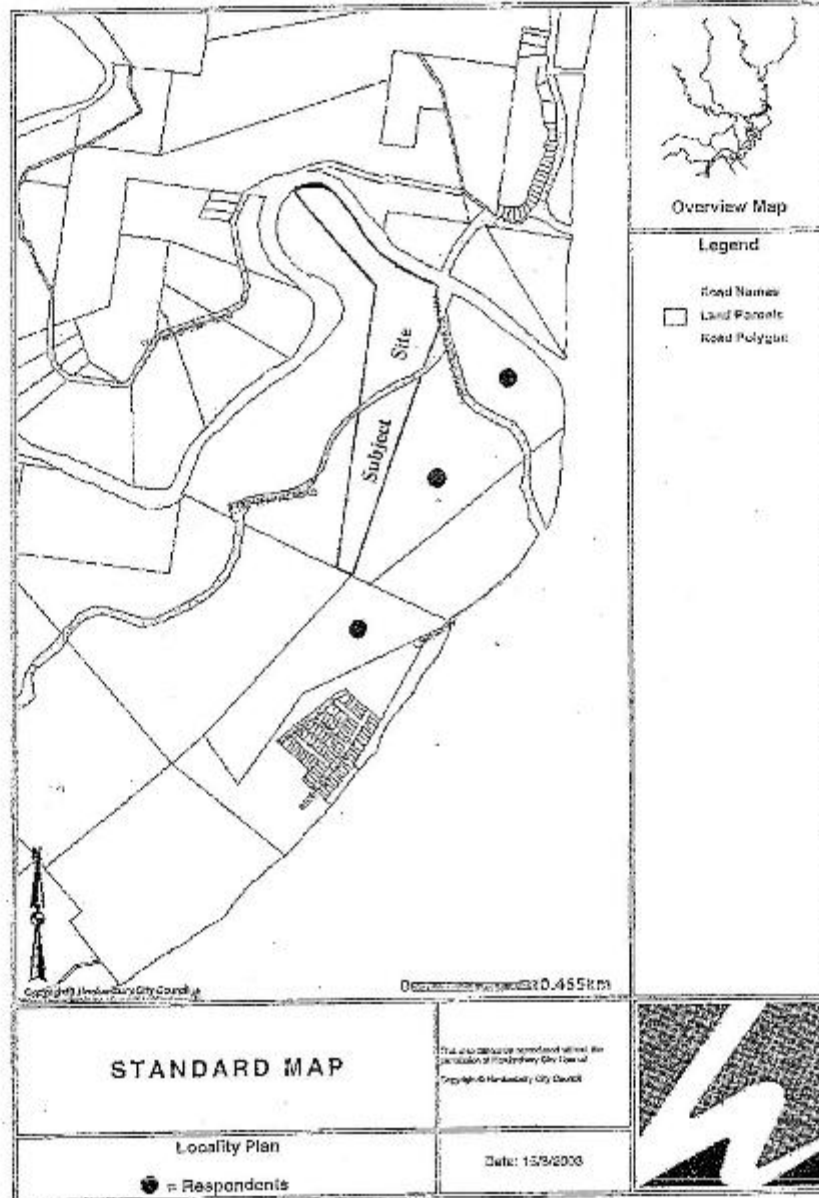
ENVIRONMENT

Meeting Date: 28 September 2004

ENVIRONMENT

Meeting Date: 26 August, 2003

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<http://172.16.8.4/proclaim/prolog/pmap/Mapping/pmapprint.asp>

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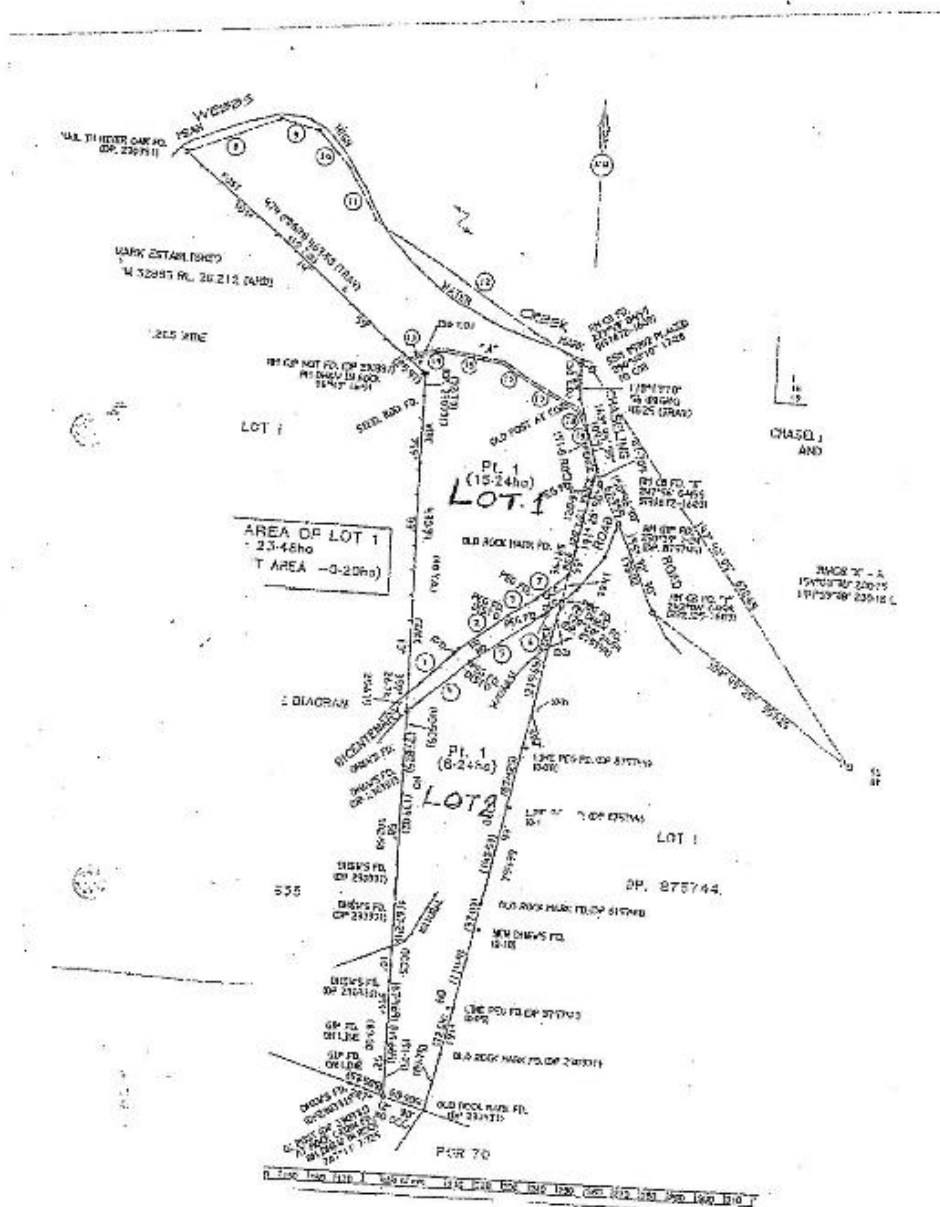
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General Purpose Committee - 26 August 1999

Environment

SECTION 1 - ENVIRONMENT

- 53: Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry (DA1023/020/EVD/ENH26NAX.V04)

Mr Glen Falson, the applicant and Mrs Brenda Ireland, the owner, addressed the Committee

COMMITTEE'S RECOMMENDATION

That a further report be provided to the Ordinary Meeting and the applicant be requested to provide information as to the level of the land, building platform and driveway entry.

ADDITIONAL INFORMATION

At the time of preparing this report the additional information requested by the General Purpose Committee had not been received. It is understood that the applicant is presently preparing this information for submission to Council in due course.

To assist Council with further consideration of this matter the following information is provided.

Due to the proposed variation to the minimum lot size provisions of Hawkesbury Local Environmental Plan 1989 Council cannot issue a development consent without the concurrence of the Department of Infrastructure, Planning and Natural Resources (DIPNR). As stated in the previous report DIPNR have not provided concurrence.

Council cannot approve the application without undertaking an assessment of the potential impacts of the development on threatened species, populations or ecological communities of habitats. This is commonly known as applying the "8 part test". To date the applicant has not provided sufficient information by way of driveway and building sites, flora and fauna assessment, Asset Protection Zones, and waste water feasibility study to enable Council to undertake the 8 part test.

Council's policy with respect to the use of SEPP No. 1, adopted on 9 June 1998, states:

1. Applications which propose 1 (one) undersized lot only which is within 10% (ten percent) of the minimum allotment size, be determined by Council staff under delegated authority.
2. Applications involving more than 1 (one) undersized lot and/or a variation greater than 10% (ten percent) from the minimum be considered and determined by Council where they can demonstrate that the standard is unreasonable or unnecessary in the attainment of the relevant objects of the Act.
3. Applications which do not demonstrate that the standard is unreasonable or unnecessary be refused by Council staff under delegated authority.

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General Purpose Committee - 26 August 1999

Environment

With respect to this application it was considered that the use of SEPP No.1 for the purposes of creating an additional development entitlement by way of road severance was not appropriate and given the relatively common occurrence of lands which are severed by road would create a significant and undesirable precedent. Further, based on the information provided it was considered that the applicant did not demonstrate the minimum lot size standard was unreasonable or unnecessary in the attainment of the relevant objects of the Act. In accordance with the above policy the application was refused under delegated authority.

Conversely, a more appropriate use of SEPP No. 1 and a possible solution to the apparent land management issues raised by the applicant could be a subdivision involving the consolidation of 1 (one) or both of the proposed lots into adjoining land with no additional development entitlements being created. This option was not considered in the documentation submitted in the application, however, theoretically this could occur with the land adjoining to the west (Lot 1 DP 230331) which is also severed by Bicentennial Road.

Recommendation

That this information be received.

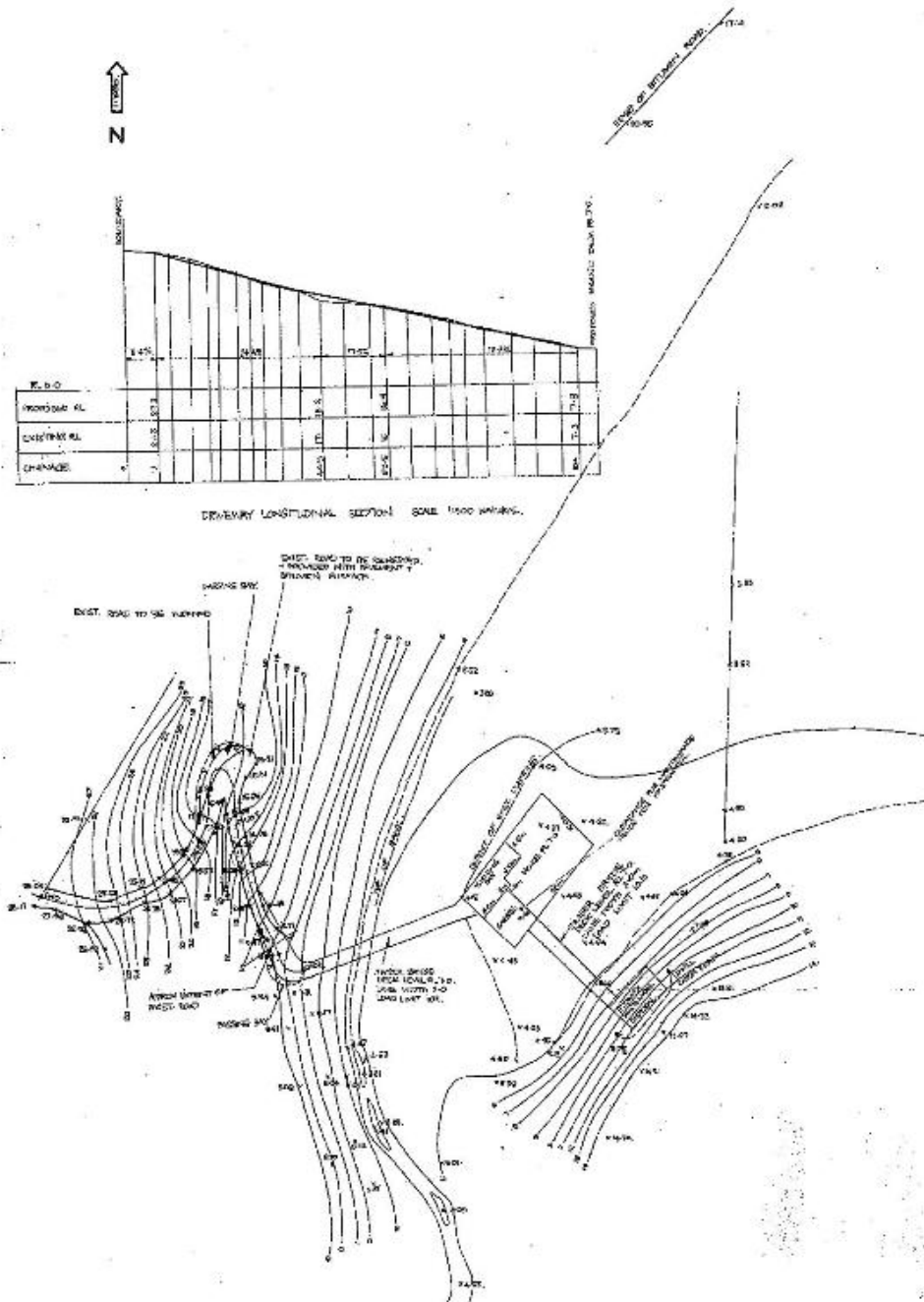
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AT - 2 - Additional Plan subdivision showing access track, bridges, house site and effluent disposal area



0000 END OF REPORT 0000

GPC - Environment

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Item: 244 **CP - Educational Establishment - S96 Modification to increase hours of Swim School, Lot 11 DP 867444, 54 Kurrajong Road, Kurrajong - (DA0317/97B, 27785, 90592, 95498)**

Development Information

Applicant: Pauline Danielle Watt
Applicants Rep: Troy Myers, Urban City Consulting
Owner: Mr A Kiszonka & Ms PD Watts
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 1146.300m²
Zone: Housing
Advertising: 3/10/2006 to 17/10/2006
4 Submissions received
Date Received: 28/8/2006

Key Issues:

- ◆ Amenity
- ◆ Parking
- ◆ Traffic Generation
- ◆ Noise

Recommendation: Approval subject to conditions

REPORT:

Introduction

This application seeks to modify Development Consent DA 317/97, which granted approval for 'establishment of an educational establishment being the teaching of swimming to children and adults' on the subject land.

The application is being reported to Council in accordance with Council's Policy and is recommended for approval.

Background

DA 317/97 approved an educational establishment (swim school) on 9 January 1998. The following conditions of consent are relevant to the application:

- Condition 1 *Student numbers being limited to four (4) in any one half hour period.*
- Condition 2 *Parking to be provided in the carport/driveway area for 2 teachers' vehicles and 2 student vehicles in a 2 x 2 stacked formation with the 2 student vehicles being located closest to Kurrajong Road.*
- Condition 4 *Students and their activities to be controlled at all times to ensure that no adverse impact occurs to the amenity of the surrounding residential area.*
- Condition 17 *Operating hours shall be limited to 9am to 11am and 3.30pm to 6.30pm Monday to Friday and 8am to 12noon Saturday. Any alteration of these hours will require the approval of the Director Environment and Development.*

Since approval of the application on 9 January 1998, a number of complaints have been made in respect to the operation of the school and non compliance with conditions of consent. In this respect, the main

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concerns have been in relation to the parking of vehicles on the street, increased traffic, hours of operation and noise.

The Proposal

This Section 96 modification application, seeking to modify Development Consent DA 317/97, proposes an increase in the hours of operation (Increase from 11am to 1.15pm Monday to Friday) of the swim school to:

Monday - Friday 9.00am to 1.15pm and 3.30pm to 6.30pm

Saturday 8.00am to 12 midday

The application also includes the reconfiguration of the car parking layout.

Statutory Situation

ASSESSMENT OF SECTION 96(2)

This application is to be determined under the provisions of s96(2) - *Other Modifications* - of the EPA & A Act, 1979.

s.96(2)

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the development to which the consent as modifies relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*

Comment:

It is considered that the development as proposed to be modified is substantially the same as the approved development.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment:

Not Applicable.

- (c) *it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*

Comment:

The modification application was notified in the same manner as the original development application in accordance with the requirements of Hawkesbury Development Control Plan - Notification Chapter.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment:

Following notification of the application, four (4) submissions were received. The matters raised in these submissions are discussed further in this report.

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s.96(3)

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79c(1) as are of relevance to the development the subject of the application

Comment:

The relevant matters for consideration under s.79C(1) of the EP&A Act are discussed below.

s.96(4)

Modification of a development consent in accordance with this section is not to be construed as the granting of development consent under this Part but a reference in this or any other Act to a development consent is a reference to the development consent so modified.

Comment:

The application is for the modification of development consent DA 317/97.

s.96(5)

Development consent of the kind referred to in section 79B(3) is not to be modified unless the requirements of section 79B(3)-(7) have been complied with in relation to the proposed modification as if the proposed modification were an application for development consent.

Comment:

The proposed modification is not located on land that is, or is a part of, critical habitat, or is likely to significantly affect a threatened species, population, or ecological community, or its habitat. Therefore section 79B(3) - (7) do not apply.

a) the provisions of:

i) any environmental planning instrument (ie LEPs, REPs & SEPPs)

The relevant environmental planning instruments are:

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

General Provisions of HLEP 1989

Clause 2 - Aims, objectives etc,

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

Clause 5 - Definitions

The activity was approved under the HLEP 1989 definition of 'educational establishment' which means:

"a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre;"

Clause 9 - Carrying out development

The subject land is zoned Housing under the provisions of Hawkesbury Local Environmental Plan 1989.

'Educational establishment' is permissible with development consent within the Housing zone.

Clause 9A - Zone objectives

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

These objectives are as follows:

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

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

It is considered that an extension to the hours of operation will result in an increase in the impacts of the activity in respect to:

- cars parking on the road;
- increased traffic movements, and
- an increase in the duration of noise produced by the swim school.

As a result the activity will not be in keeping with the existing residential/domestic character of the locality.

It is further considered that, by imposing a change over period between classes, the modification may result in an improvement in the operation of the activity by reducing the impacts identified above. The change over period would allow students to leave prior to the next class arriving, and may result in

- reduced number of vehicles at the site at any one time,
- reduced carparking on the road, and
- reduced number of people at the site at any one time thereby reducing the level of associated noise.

Specific Provisions of HLEP 1989

Clause 18 - Provision of water, sewerage etc. services

Clause 18(1) states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

Comment:

Services to the property exist and are considered adequate for the proposal.

Conclusion

The proposed modified development is consistent with Hawkesbury Local Environmental Plan 1989 including the Housing zone objectives.

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.

Conclusion

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

- ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

There are no relevant draft environmental planning instruments that apply to the proposed development as modified.

iii) any development control plan applying to the land

Hawkesbury Development Control Plan.

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

General Information Chapter

This Chapter provides an explanation of the development application process and provides the requirements for lodging a development application for different landuses.

It is considered the subject application provides adequate information for the assessment of the proposal and therefore is consistent with this Chapter.

Car Parking Chapter

The aims of this chapter of the DCP are to:

- ensure that adequate and convenient off-street parking facilities are provided for all vehicles generated by new development;
- encourage the efficient flow of traffic through car parks and to minimise the potential for pedestrian/vehicle and vehicle/vehicle conflict;
- ensure minimum interference to the flow of traffic in the street network; and
- ensure adequate traffic safety and management and to improve amenity of car parking areas.

Comment:

The owners of the property have reconfigured the carparking area located within the front setback. The new layout incorporates three (3) parking spaces 90° to the driveway, in addition to the two (2) spaces available within the existing carport.

The carparking space identified as No. 3 on the Site Plan does not comply with the requirements of this Chapter of the Development Control Plan. However, 4 parking spaces have been provided as per the number required by the original consent, and in a more user friendly way, and there is no objection to the use of the additional space.

Notification Chapter

The aim of this Chapter is to identify under what circumstances development proposals will need to be advertised and the means by which it will be advertised to provide for public participation.

Comment:

The application was notified as per the requirements of this Chapter. As a result, four (4) submissions were received. The matters raised in these submissions are discussed below.

Conclusion

The proposed development is generally consistent with the relevant objectives and rules of the Hawkesbury Development Control Plan.

iv) any matters prescribed by the regulations

There are no relevant matters that are applicable to the proposed modification.

b) the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The relevant matters for consideration under Section 79C of the EP & A Act follow:

Context And Setting

Adjoining land uses comprise of predominantly residential uses.

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Traffic & Parking

DA 317/97 approved an education establishment (swim school) on 9 January 1998. Condition 2 of the Consent states *"Parking to be provided in the carport/driveway area for 2 teachers' vehicles and 2 student vehicles in a 2 x 2 stacked formation with the 2 student vehicles being located closest to Kurrajong Road."*

The application advises that car parking on the site has been rearranged to allow 2 instructor spaces within the carport, and three student spaces within the front setback.

In respect to the provision of car parking the applicant provides the following:

- *A stacked car parking arrangement of 2 x 2 would only realistically allow for 2 student vehicles. The front two vehicles would generally be comprised of resident and teacher vehicles. In terms of car parking this would lead one to believe that Council is satisfied with a ratio of two car parking spaces per 4 students. This enables the applicant to achieve compliance with condition 1 of DA 317/97, maximum of 4 students in any one half hour.*
- *Condition 1 does not allow for a change over period. Therefore as it currently stands the applicant could have four students in a class with only 2 car parking spaces, causing the remaining 2 of the student vehicles to be parked on the street. At the end of the 30 minute lesson the next four students arrive causing their cars to be parked on the street. Therefore we have 2 student cars parked in the property and six cars parked on the street.*
- *It is my view that the applicant could comply with condition 1 of Council's consent so long as there are only 4 students per 30 minute lesson; 2 student vehicles parked in the allocated parking spaces onsite and the residual student vehicles parked straight and parallel to the public road verge.*

In the original assessment of the proposal, it was identified that there would be the potential for street parking, given that a ratio of 1 space per 2 students was adopted. It would be expected that, at worst, 8 cars could be parked on the road; 4 students arriving, 4 students leaving and no one utilising the car parking onsite.

Since the commencement of the development, complaints have been consistently received in respect to the parking of vehicles associated with the swim school on the road, in some cases vehicles exceeding 8 in number.

Kurrajong Road has a narrow pavement, with no kerb or guttering.

An increase in the hours of operation will result in an increase in the number of traffic movements within Kurrajong Road.

It is acknowledged that the development would be consistent with the consent if all parking within the site was full and a maximum of 6 vehicles were parked on the road. However, this situation has proven unsatisfactory in respect to the amenity of residents within the locality.

It is considered that the inclusion of a fifteen minute change over period between each class in the morning period will allow ample time for students to depart before the next class arrives, making the car parking spaces on site available. In addition, it is considered reasonable to impose a twelve (12) month trial period to ascertain whether or not this may reduce the current impacts of the activity in respect to on street parking and the number of vehicles visiting the site at any one time. A twelve month period was chosen for the following reasons:

- the swim school activity is considered to be seasonal;
- the timeframe will allow for a 'settling in' period in respect to the changes; and
- the period will provide adequate time in which the impacts of the modified activity can be measured.

The inclusion of the fifteen (15) minute change over period will result in two (2) additional classes being run during the proposed extended morning session.

Waste

The development is serviced by an onsite effluent disposal system, however the application does not demonstrate that the existing system is adequate for the increase in loads as a result of the intensification of the swim school. In this respect, it is considered that the increase in hours will result in an increase in student numbers of 8, and that this increase is minor in regard to increased loads on the existing effluent disposal system. In addition, Council is required to regularly inspect on site effluent disposal systems, and should a failure of the system be detected, appropriate measures to rectify the situation can be enforced through the Local Government Act.

Noise and Vibration

The applicant provides the following comments in respect to noise:

- *The current operating hours for the swim school are 9am to 11am; and 3:30 pm to 6:30 pm. The applicant is requesting an extension of the morning operating hours to 9 am to 1pm.*
- *In terms of Council's current approval an increase of 2.5 hours to the morning sessions would allow an additional 20 students. This is working on 4 students per 30 minute session.*
- *The additional sessions would not involve an intensification of noise moreover the status quo will remain; i.e. the level of noise currently generated would also be generated in the additional 2.5 hours. The same could be said for all aspects of the development.*
- *Given that there will be no intensification of noise generated by the proposed modification it would follow that an acoustic assessment in the form of a report is not required.*
- *The operation of the development is bound by the provisions of the POEO Act in relation to noise, as are all land use activities.*

Whilst it is anticipated that the level of noise generated by the swim school may not necessarily increase, an increase in the duration of noise through the day will. The application has not provided details to demonstrate whether or not the noise generated by the activity is within current guidelines, and, if not, any proposed measures to be implemented to ensure compliance.

In this respect, the imposition of the twelve (12) month trial period will provide an opportunity to gauge the impact that the extended hours and the introduction of the change over period will have in respect to noise generation. It is anticipated that with a reduction in the number of cars and people at the site at any one time, a reduction in the level of noise will result.

c) the suitability of the site for the development

The proposed development as modified will not lead to unmanageable transport demands or traffic generation.

Access to the site is satisfactory for the intended use.

Adequate services and utilities are available to the site.
There are no known hazardous landuses/activities nearby.

Ambient noise levels are generally suitable for the proposed modified development. The proposed twelve (12) month trial period for the extension to the operating hours will allow the situation to be monitored.

The site is not critical to the water cycle of the catchment.

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

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The subject land is above the 1-in-100 year flood level and is in an area of major bushfire risk. These affectations do not prohibit the proposed development.

In view of the above, it is concluded that the site is suitable for the proposed modified development.

d) any submissions made in accordance with the EPA Act or Regulations

Public Submissions

Following notification of the proposal, four (4) submissions were received. The matters raised in these submissions are addressed below:

Increased Traffic

The extra traffic flow to this street increases the risk of pedestrians being hit due to the extra volume and the reversing of vehicles from the property and or continual parking and reversing on the nature strip of the next door neighbours frontage. This street is a high pedestrian area and this is not a perceived danger but a real danger waiting to happen. All respondents raised concern in respect to pedestrian safety, especially children.

The increased number of car movements seems too much for the road conditions, bearing in mind that these cars are backing or manoeuvring onto the street.

Comment:

The increased hours of operation will result in an increase in the duration of time in which additional cars will visit the site. Kurrajong Road is a narrow road and does not have kerb or guttering. The western side of the road, in the vicinity of the subject property, consists of a raised embankment adjacent to the road verge. The applicant is attempting to address this concern with the reconfigured carpark proposed. The proposed introduction of a "change over period" should also assist with these concerns.

Vehicles parked in Street

Vehicles park in the street because they can not park on the property.

For this reason questions should be asked:

- 1. is this because there are more students attending in the half hour than conditions?*
- 2. is there appropriate allocated parking?*

The property owners have 3 of their own vehicles to garage onsite.

As an example, one respondent cited seven (7) cars being parked on the nature strip outside the swim school and a further five (5) in the parking area within the property.

Comment:

As discussed previously, it is anticipated that the inclusion of a change over period will ensure that:

1. parking spaces on site are available
2. that a minimum number of cars visit the premises at any one time, and
3. that a minimum number of cars are parked on the road at any one time.

Parking

The 7 parking spaces as in the plan, are difficult to access and inadequate. This results in a preference for parking on the street.

Comment:

Noted.

Noise/ Privacy/Amenity

Children naturally make many excited noises when in the water which means for five days a week there would be very little relief from the increased noise level.

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The sound of teaching and children reverberates in the closed-in pool and up the gully making outside entertaining unpleasant. At times e.g. during pre-school lessons, the level of noise makes it difficult to sustain a conversation - one has to shout to be heard. With the proposed 10 half hourly lessons, or in fact, more than the current 4 per class, the volume of noise and disturbance from pool, cars, road, loud voices, doors slamming would make my place unliveable.

Comment:

See comments under 'Noise and Vibration' above.

Out of Character

It appears that the enterprise is no longer contained within the scale of a small home based enterprise. The current level of activity is beyond a small home based enterprise. Should the proprietors wish to pursue the enterprise, then a suitable commercial premises must be found if this attempt for an obviously commercial upgrade to the enterprise is, on any form, successful.

Comment:

Noted.

Non Compliance with Conditions of Consent

Respondents have raised issue with non compliance of conditions of consent in respect to hours of operation and number of students per lesson.

Comment:

Noted. A number of compliance audits have been undertaken over the years this swim school has been operating. The operation has been found to generally comply except for the matters that have resulted in the application to modify the consent.

Conclusion

It is considered that an increase in the hours of operation of the swim school may have the potential to unreasonably impact on the amenity of the locality in respect to traffic generation, car parking and noise generation. However, by imposing a fifteen (15) minute change over period between classes these impacts may be reduced. A twelve (12) month trial period can be imposed to ascertain whether this change will provide a benefit to the amenity of the locality. It is therefore further considered that approval of the modification subject to these requirements is in the public interest.

RECOMMENDATION:

That the S96 Modification Application DA 317/97B for an educational establishment to increase hours of swim school at Lot 11 DP 867444, 54 Kurrajong Road, Kurrajong be amended in the following manner:

Condition 2 be amended to read:

2. Five off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan submitted with the S96 modification application.

Condition 17 be amended to read:

17. (a) Operating hours shall be limited to 9am to 11am and 3.30pm to 6.30pm Monday to Friday and 8am to 12noon Saturday.
- (b) Notwithstanding (a) above, the use may operate between 9:00am to 1:15pm and 3:30pm to 6:30pm Monday to Friday and 8am to 12 noon Saturday for a trial period of 12 months from the date of this consent.
- (c) A 15 minute change over period between lessons shall be applied to the morning session to allow time for students to leave prior to the arrival of the next class. This change over period will operate for a trial period of 12 months from the date of this consent.

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- (d) A further application may be lodged to continue the trading hours outlined in (b) above three months before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, and any substantiated complaints received.

Condition 18 be amended to read:

18. The development shall be carried out in accordance with the approved plan submitted with the S96 modification application.

Insert new condition:

19. The activity shall be conducted so as to avoid unreasonable noise or vibration interference to adjoining properties. Special precautions must be taken to avoid nuisance in neighbouring residential areas. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall, when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustic consultant and submit the results and report to Council for consideration. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

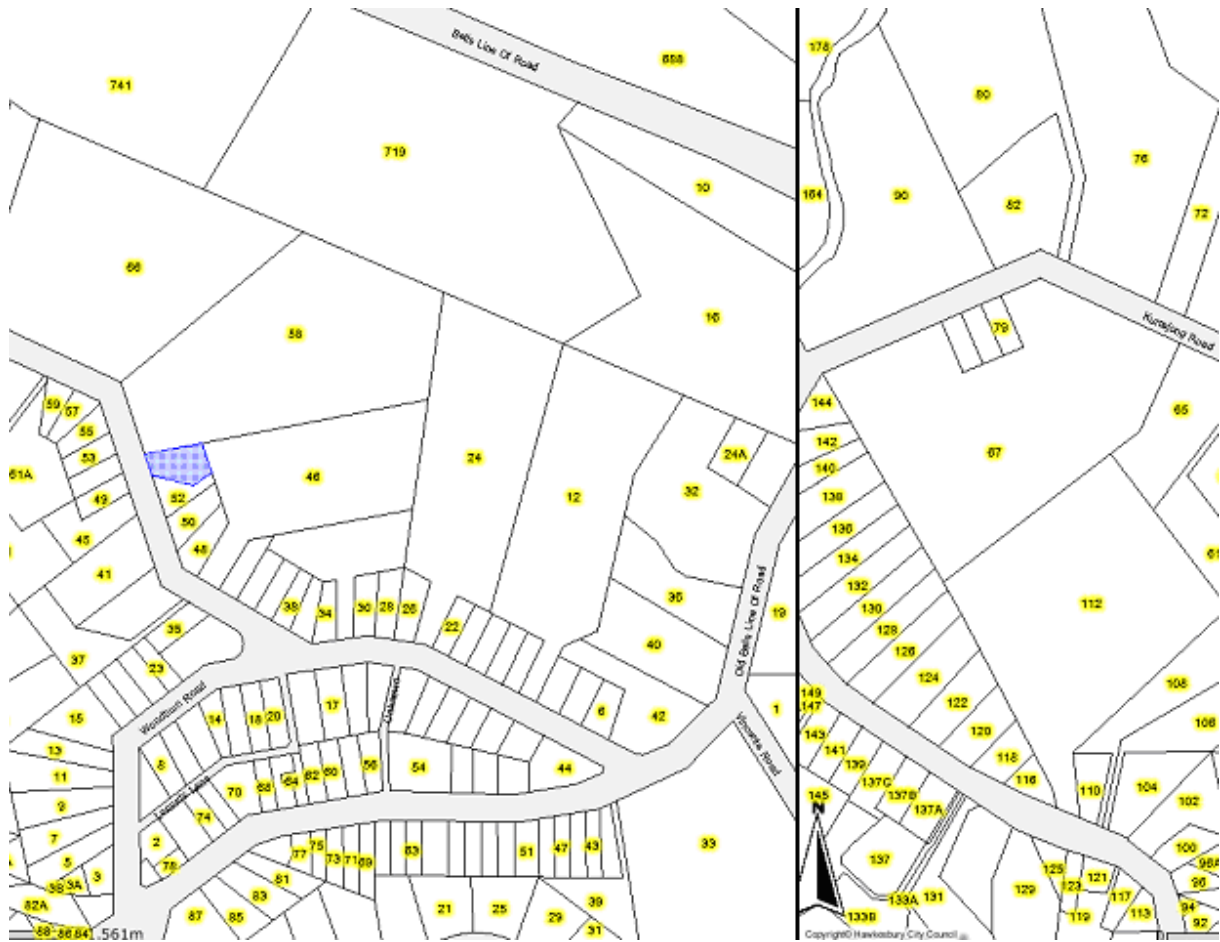
ATTACHMENTS:

- AT - 1 Locality Plan
AT - 2 Site Plan

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Meeting Date: 13 November 2007

AT - 1 Locality Plan




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SITE PLAN

NOTES:

-  = SCAFFOLD HELPS
- Extra Parking Area can provide for 3 extra cars to be able to reverse park in these spaces to allow for a forward exit
- The Carport can provide for 2 instructor cars side by side with no cars to be parked in the driveway

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 13 November 2007

Item: 245 **CP - Kurrajong Community Centre - (95498)**

Previous Item: NM1 Ordinary (25 September 2007)

REPORT:

This report has been prepared to advise Councillors of the outcome of further consultation regarding the design of the proposed Kurrajong Community Centre.

Background:

- Community consultation regarding the construction of a community centre in Kurrajong commenced in November 2004.
- A 22 month consultation process involving public meetings, a community survey, the appointment of a community working party to develop a design brief, the adoption of an agreed design brief by Council, and the identification of a preferred design option has been completed.
- A DA (based on the preferred design option) was subsequently lodged in February 2007 and approved on 3 September 2007.
- At its ordinary meeting held on 25 September 2007, Council resolved to defer further action regarding the DA Approved plan (Attachment 1) until a further report could be submitted to Council *'in relation to concerns raised by the McMahon's Park Management Association in connection with the design and location of the proposed facility and its effects on the surrounding park'*. Council further resolved to refer this matter to a Councillor briefing session.
- The matter was considered at a Councillor briefing session held on 2 October 2007. The presentation and issues canvassed at the Councillor briefing session were subsequently presented to a meeting of the community working party on 1 November 2007.

Summary of Issues:

Council was requested to defer further action in relation to the construction of the Kurrajong Community Centre pending an assessment of an alternate proposal put forward by the McMahon Park Management Association (MPMA). The alternate proposal (Attachment 2) was put forward by the MPMA following concerns raised by the McMahon's Park Bushcare Group (MPBG) who objected to the proposed removal of 5 trees to enable the community centre to be constructed in accordance with the approved DA. It should be noted that this issue was raised in a submission lodged by the MPBG and was considered by the DA assessing officer prior to the DA determination.

The alternate proposal put forward by the MPMA provided for a stand alone community centre connected to the exiting McMahon Park Community Pavilion by means of a covered walkway. A preliminary assessment of the alternate MPMA proposal suggested that it would impact on the functionality of the completed project and would not deliver on the design requirements as outlined in the agreed design brief for the Centre which was adopted by Council in April 2006.

Accordingly, Mr. Robert Pont (Architect) was requested to consider the alternate proposal and to review the design of the approved community centre to determine if the design of the centre could be modified to reduce the number of trees required to be removed while also preserving the integrity of the approved design brief. A revised layout (Attachment 3) was developed by Mr. Pont and included in the presentation to Councillors and the community working party.

Assessment of Design Options:

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Three design options have been considered by Councillors (at the Councillor Briefing Session on 2 October 2007) and by the design working party:

Design Option 1: Approved DA

Design Option 2: Alternate MPMA proposal

Design Option 3: Revised Layout

The three design options have been assessed against the following criteria

- requirement for tree removal;
- compliance with 12 design requirements in the adopted design brief;
- community engagement;
- cost; and
- timing

The following table 1 summarises the outcomes of this assessment.

| Criteria | Option 1 Approved DA | Option 2 MPMA proposal | Option 3 revised layout | Comment |
|------------------------------|--|--------------------------------------|--|--|
| tree removal | 5 trees to be removed | 2 trees to be removed | 2 trees to be removed | Options 2 and 3 enable 3 of 5 trees to be retained - the realignment of the community facility extension would preserve 2 trees and a minor realignment of the sports shed will preserve an additional tree. |
| | Advice from Council's Building Services indicates that all options require removal of largest ironbark situated to the north and of the existing Community Pavilion (adjacent to besser-block storage shed). All construction options would result in major disturbance to root zone and the extensive lopping of tree canopy (for safety and fire protection) which would severely impact on the structural integrity of this tree. | | | |
| design requirements achieved | 11 of 12 | 5 of 12 | 11 of 12 | Assessment refers to design requirements which can be achieved using available Sec 94 funding. |
| | Design Option 2 provides for a stand alone community centre whose building footprint would not require the demolition of the existing besser-block sports storage and removal of container storage. This removes the nexus between the new building and the existing Community Pavilion which would preclude Sec 94 funds being used to construct the sports shed and partitioning for office space. The building design of the approved DA (Option 1) and revised layout (Option 3) are calibrated to meet Sec 94 requirements in that they justify the demolition of the existing external storage and the inclusion of partitioning to improve the functionality of the completed and internally integrated centre. | | | |
| community engagement | endorsed by stakeholders | endorsed by some stakeholders | endorsed as 'reasonable compromise' by stakeholders | Option 1 was culmination of 22 month community engagement process. Option 3 faithful to this rigorous community engagement process. |
| cost | estimated cost \$693,007 | estimated cost \$654,267 | estimated cost \$693,007 | The reduction in cost of Option 2 due to omission of sports shed and office partitioning. |
| timing | no delay | Sec 96 required - 6 week assessment. | Sec 96(1A) required - Notification and 1 week assessment | No significant delays arise from three options. Preparation of tender documentation can commence immediately and concurrent with assessment of Sec 96 application (if required). |

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Taking into account the matters identified in the assessment of the 3 options, this report recommends Option 3 (revised layout). This option has been endorsed as a reasonable compromise by the design working party. The revised layout was developed by the architect commissioned to realise the design brief for the project and is faithful to the approved brief.

It should be noted that all the design options will require the removal of trees. It is not possible to construct a community centre at McMahon Park without the removal of vegetation. The only locations in the Park without tree cover are the sports field itself, the existing car park, and an area immediately adjacent to the northern boundary of the Park (which immediately borders the adjoining owners). If Council wishes to construct a building without requiring the removal of trees then it probably should abandon the idea of building the Community Centre at McMahon Park. The alternative would be to construct elsewhere in the Catchment (North Richmond or Bowen Mtn) or alternatively use available s94 funds to buy land in Kurrajong for future construction.

If Council wishes to proceed with Community Centre at McMahon Park (the preferred site nominated by the community) and minimise the removal of trees - then the revised layout best fulfils the competing requirements for the project.

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 for the City's Future in consultation with our community, and coordinating human and financial resources to achieve this future."

Funding

There are no funding implications arising directly from this report. Section 94 funds are available for the Project - however, building costs are increasing and the delay in progressing the project will impact on the capacity of the project to be achieved within budget.

RECOMMENDATION:

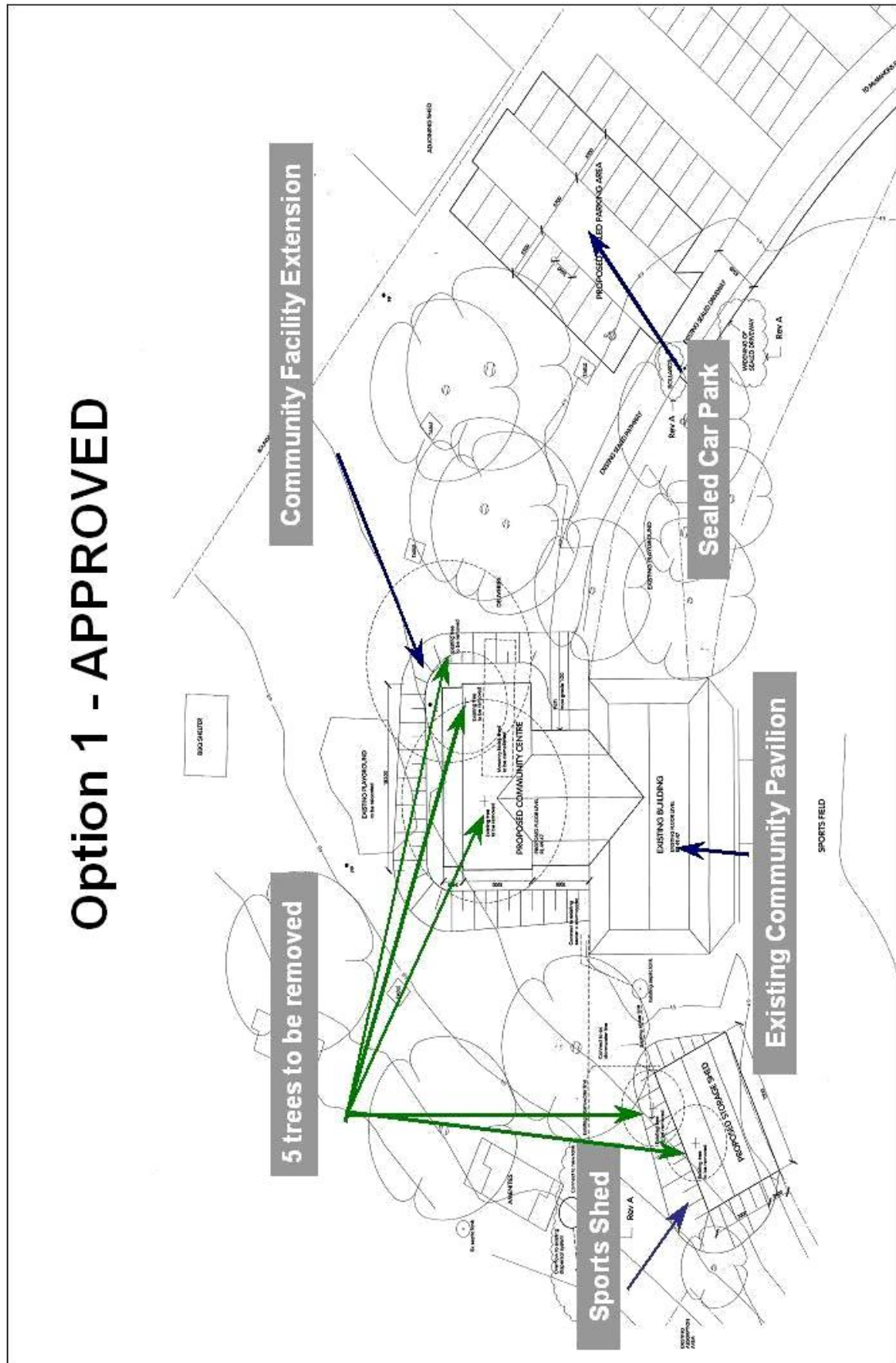
That Council approve the preparation of tender documentation to proceed with the construction of the Kurrajong Community Centre at McMahon Park on the basis of Option 3 (revised layout) as identified in this report.

ATTACHMENTS:

- AT - 1 Site Plan: Approved Development Application
- AT- 2 Site Plan: Alternate Proposal developed by McMahon Park Management Association
- AT-3 Site Plan: Revised Layout

AT - 1 Site Plan: Approved Development Application

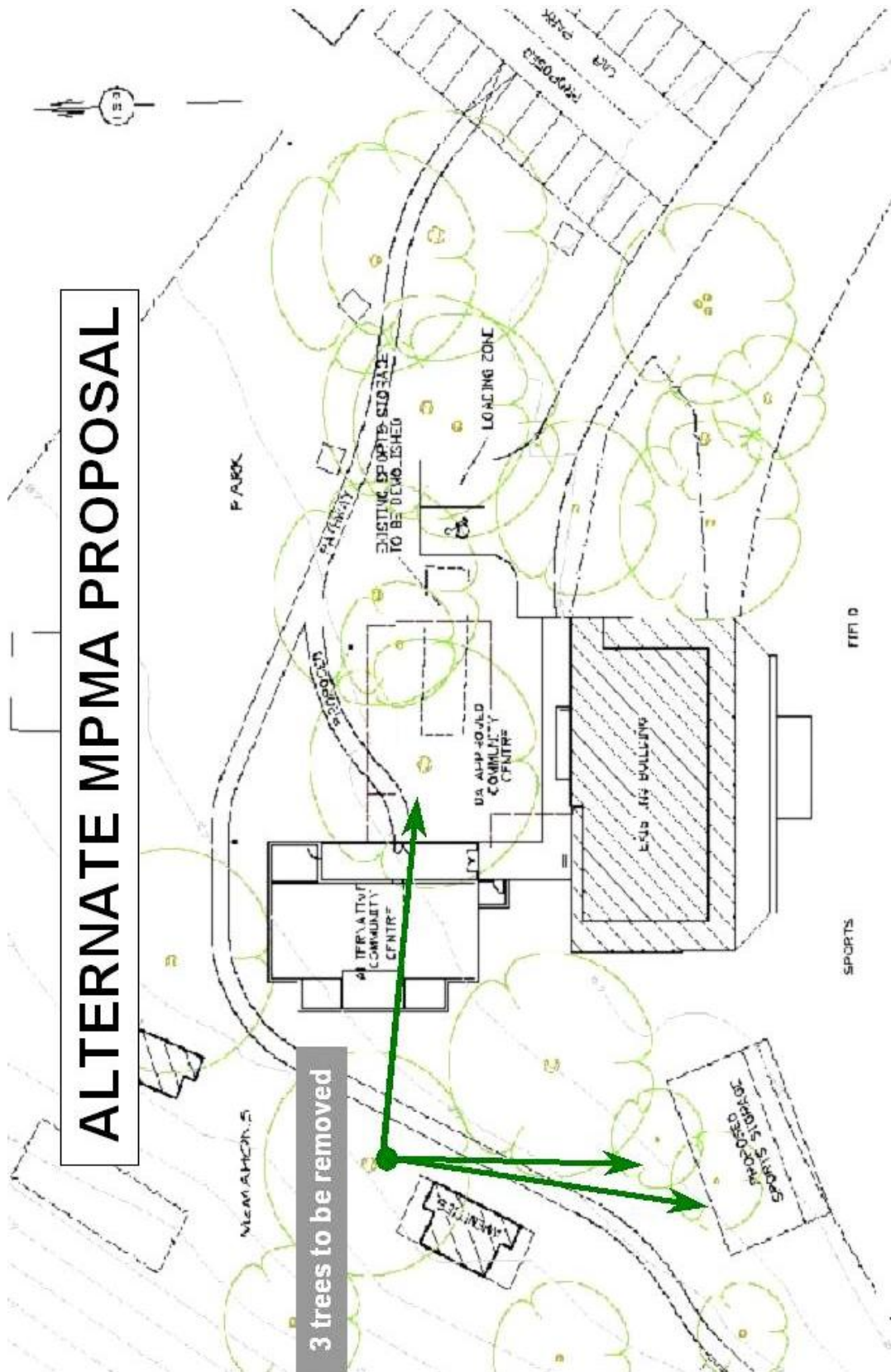
Option 1 - APPROVED



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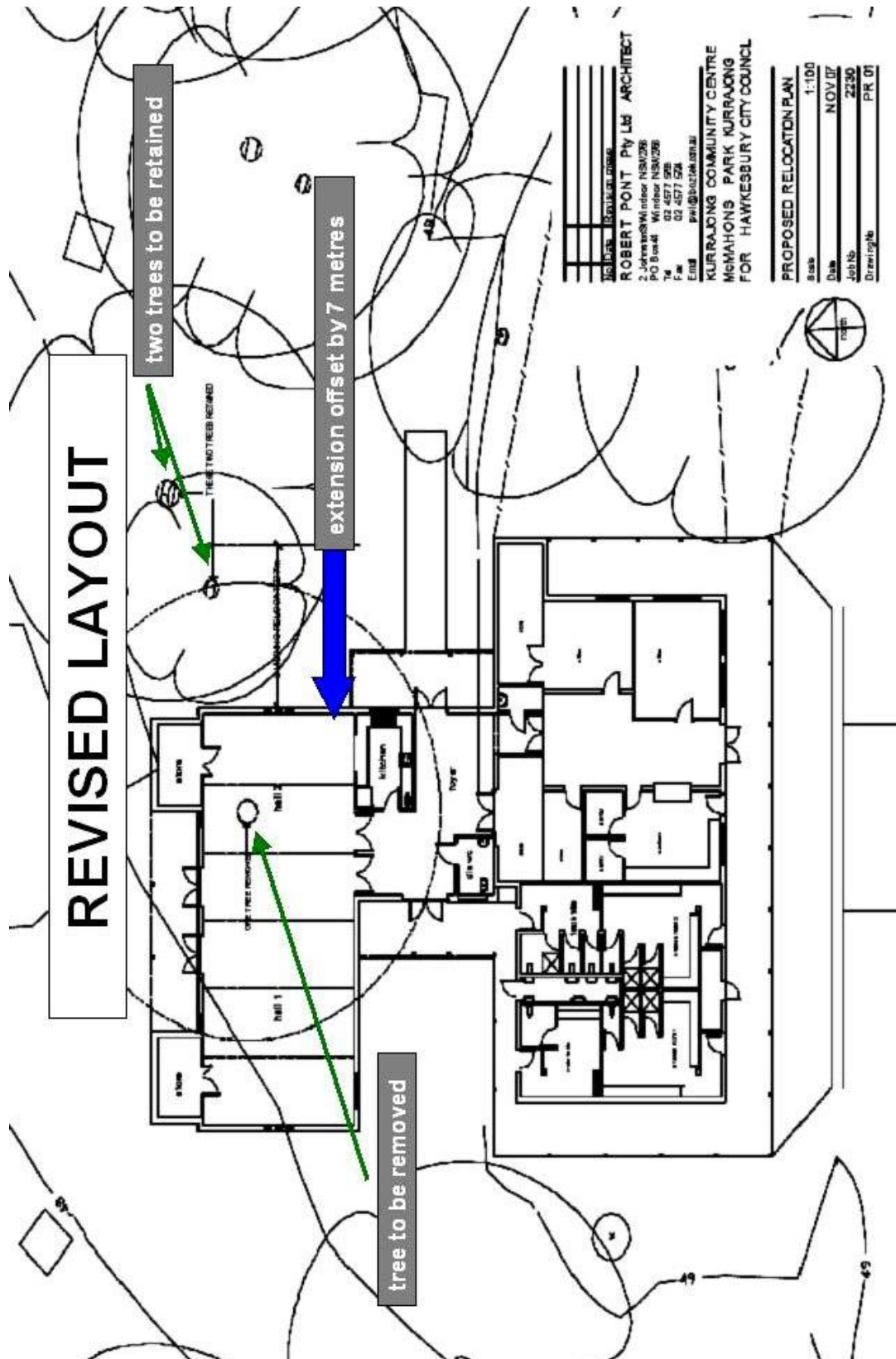
AT- 2 Site Plan: Alternate Proposal developed by McMahon Park Management Association



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AT-3 Site Plan: Revised Layout



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 13 November 2007

INFRASTRUCTURE SERVICES

Item: 248 **IS - Grose Vale Rural Fire Brigade - Request for Additions to Rural Fire Station - (95495, 79016, 73589)**

REPORT:

An application has been received from the Grose Vale Rural Fire Brigade to build an addition at the Grose Vale Station located in Cabbage Tree Road, Grose Vale.

The Grose Vale Rural Fire Brigade have identified the need for some station improvements to assist in the running of a modern Rural Fire Brigade.

The existing station has limited space for storage, resulting in the computer, fax and photocopier equipment being stored adjacent to paint, oils and grease. The brigade's lawnmower is currently stored under the rear of a fire tanker. The current station has no insulation, heating, cooling or workshop facilities and no storage area for the ever increasing array of pumps and equipment.

The proposed additions consist of an office, kitchen, storeroom, workshop and multi-function areas. It is anticipated that the proposed additions will alleviate the issues outlined above. The Brigade has advised it will fund the total cost of erecting and maintaining the additions, through a combination of grant allocations and fundraiser activities, bearing no cost to Council.

The proposal will be subject to a development application.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives 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

No impact on current budget.

RECOMMENDATION:

That the request of the Grose Vale Rural Fire Brigade to construct additions to the Grose Vale Station at no cost to Council be supported in principle.

ATTACHMENTS:

- AT - 1** Floor Plan - Grose Vale Rural Fire Brigade - Additions to Fire Brigade Shed, Drawing No.2605.2 Sheet 2.
- AT - 2** Elevations - Grose Vale Rural Fire Brigade - Additions to Fire Brigade Shed, Drawing No.2605.3 Sheet 3

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Architectural drawings of the four elevations of a building. The drawings are arranged in a 2x2 grid. The top-left drawing is the South Elevation, showing a building with a gabled roof and a central entrance. The top-right drawing is the North Elevation, showing a building with a gabled roof and a central entrance. The bottom-left drawing is the West Elevation, showing a building with a gabled roof and a central entrance. The bottom-right drawing is the East Elevation, showing a building with a gabled roof and a central entrance. Each drawing is labeled with its respective elevation name.

oooO END OF REPORT Oooo

ORDINARY MEETING

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SUPPORT SERVICES

Item: 250 **SS - Proposal to Establish an Additional Alcohol Free Zone, Kurmond Village Shopping Centre - (13708, 74637, 14592, 95496)**

Previous Item: 182, Ordinary (11 September 2007)

REPORT:

Council at its meeting on 11 September 2007 gave consideration to a report regarding a request from Christopher Edwards Solicitors on behalf of their client Ms Sharon Hoffman for the establishment of an additional Alcohol Free Zone in the carpark and service roads of Kurmond Village Shopping Centre at 519-521 Bells Line of Road, Kurmond. A plan showing the nominated area of the proposed Alcohol Free Zone is attached to this report as Attachment 1.

At that meeting, Council resolved as follows:

"That:

1. *In accordance with the provisions of the Local Government Act, 1993, it is proposed that consumption of alcohol in the carpark and service roads of Kurmond Village Shopping Centre at 519 - 521 Bells Line of Road, Kurmond, be prohibited for the period from the present until the 31 December 2009, by the proposed establishment of this additional Alcohol Free Zone in the Hawkesbury Local Government Area.*
2. *Consultation with interested parties be undertaken regarding the proposed establishment of the Alcohol Free Zone in accordance with Ministerial Guidelines on Alcohol Free Zones.*
3. *Public notification (an advertisement in the Hawkesbury Independent) be undertaken for the proposed establishment of the Alcohol Free Zone in accordance with Ministerial Guidelines on Alcohol Free Zones.*
4. *Details of Council's resolution be conveyed to the applicant's representatives, Christopher M Edwards Solicitors.*
5. *Upon completion of the public consultation period, the matter be reported to Council for further consideration."*

In accordance with Items 2 & 3 of the abovementioned resolution and as required under the Ministerial Guidelines on Alcohol Free Zones the relevant public consultation process has been undertaken in regard to the proposed zone. The process under the Act involved all of the following;

- A notice of the proposal was published in the Hawkesbury Independent on 9 October 2007 allowing inspection of the proposal and inviting representations or objections within fourteen (14) days, from the date of publication. The notice stated the exact location of the proposed Alcohol Free Zone and the place and time at which the proposal may be inspected.
- Copies of the proposal were forwarded to Hawkesbury Police Local Area Command as well as the Principal of Kurmond Public School, Nepean Migrant Access Inc, Deerubbin Local Aboriginal Land Council and NSW Drug Awareness Council, inviting representations or objections within thirty (30) days from the date of sending the copies of the proposal.

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As at the closing date, being 31 October 2007, only one submission had been received, as follows:

- Superintendent, Local Area Commander of NSW Police, on 29 October 2007 raising no objection and confirming support for Council's proposal to the establishment of the abovementioned Alcohol Free Zone.

In view of the above it is considered that Council should now establish this Alcohol Free Zone.

Conformance to Strategic Plan

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

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

"Objective: Respond to crime and public safety issues."

Funding

This proposal 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 2007/2008 Budget.

RECOMMENDATION:

That:

1. In accordance with the provisions of the Local Government Act, 1993, the consumption of alcohol in the carpark and service roads of Kurmond Village Shopping Centre at 519-521 Bell Line of Road, Kurmond, be prohibited for the period from the present until 31 December 2009, by the establishment of this additional Alcohol Free Zone in the Hawkesbury Local Government Area.
2. Public notification by way of an advertisement in the Hawkesbury Independent be undertaken regarding the establishment of the Alcohol Free Zone.
3. Details of Council's resolution be conveyed to all interested parties involved, including the applicant's representative, Christopher M Edwards Solicitors.
4. Appropriate signage be erected in this matter.

ATTACHMENTS:

AT - 1 Plan Showing the Nominated Area of the Proposed Alcohol Free Zone

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Meeting Date: 13 November 2007



AT - 1 Plan Showing the Nominated Area of the Proposed Alcohol Free Zone

Proposed Alcohol Free Zone -

**Kurmond Shopping Village
519-521 Bells Line of Road, Kurmond**



Legend

-  Carpark - proposed alcohol free zone
-  Land Parcels

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 13 November 2007

ordinary

section 5

reports
of committees

ORDINARY MEETING
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SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 17 October 2007 - (80245, 95495)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 17 October 2007, commencing at 3.00pm.

ATTENDANCE

Present: Mayor B Bassett (Chairman) via telephone conferencing
Mr J Christie, Offices of Messrs. A Shearan (Londonderry) and J Aquilina (Riverstone), Members of Parliament
Mr J Suprain, Roads and Traffic Authority
Senior Constable S Sherry, NSW Police Service

Apologies: Mr R Elson, Department of Transport
Mr R Williams, MP (Hawkesbury)

In Attendance: Mr C Amit, Manager Design & Mapping Services
Mr T Shepherd, Administrative Officer, Infrastructure Services

SECTION 1 - Minutes

Item 1.1 Minutes of Previous Meeting

The Minutes of the meeting held on 19 September 2007 were confirmed.

Item 1.2 Business Arising

Nil Business Arising.

Mr J Suprain joined the meeting at this stage.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 17 October 2007 - Item 2.1 - Barefoot Drag Racing, February 2008 - (Hawkesbury, Londonderry & Riverstone) - (80245, 79949)

REPORT:

Introduction:

An application has been received from the Australian Barefoot Racers Club Ltd, seeking approval to conduct the Barefoot Drag Racing event on Saturday 23 and Sunday 24 February 2008.

The Barefoot Drag Racing event is an annual event held over the last 10 years. This event is a race and is undertaken on a 4 lane, 350 metre long course along the Hawkesbury River adjacent to Governor Phillip

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Reserve, Windsor (between Windsor Bridge and South Creek). Lane buoys will be in place to define the 4 lanes. As a result of this event being held over 2 days the buoys will remain in place overnight and will display lighting at night.

Throughout the event there will be 3 pickup/rescue boats on the course, with a qualified first aid person being present on the boats as well as on the river bank. Attendance over the weekend is expected to be in the vicinity of 500 people, with approximately 70 participants taking part in the races.

Event Schedule:

Event 1: Saturday, 23 February 2008: 8.00am - 5pm

- 8.00am - Drivers Briefing
- 8.30am - Boats permitted to enter water for warm-up
- 9.00am - Race one of the events start
- 5.00pm - Last race of the day ends

Event 2: Sunday, 24 February 2008: 8.00am - 5pm

- 8.00am - Drivers Briefing
- 8.30am - Boats permitted to enter water for warm-up
- 9.00am - Race one of the events start
- 1.00pm - Finals Start
- 5.00pm - Last race of the day ends

The event organiser has submitted the following items in relation to this event: Appendix 1 (Dataworks Doc. No: 2584722, 2593661):

- i) Details of the Special Event - Traffic template;
- ii) Risk Assessment;
- iii) Course Map/Plan.

In addition to traffic management issues, non-exclusive use of Governor Phillip reserve has been provided and conditioned under separate cover by Council's Parks and Recreation Section.

Discussion:

Even though this event will be held along the Hawkesbury River and in the Governor Phillip Reserve, the event and the spectators travelling to and from the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street, and in particular the local roads such as George Street, North Street, Palmer Street and Court Street. It would be appropriate to classify the event as a **"Class 1"** special event under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority given that perceived impact.

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service. A Transport Management Plan (TMP) and an associated Traffic Control Plan (TCP) should be submitted to Council and the RTA for acknowledgement as this is a **Class 1** event.

RECOMMENDATION:

That:

1. The Barefoot Drag Racing event planned for Saturday 23 and Sunday 24 February 2008, be classified as a **"Class 1"** special event under the "Traffic and Transport 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 approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. The event organiser obtains approval from the RTA as this is a "Class 1" event; **a copy of the RTA approval be submitted to Council;**
- 4c. the event organiser **submitting a Transport Management Plan (TMP) for the entire event 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. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as an interested parties on the Policy** and that Policy to cover **both on-road and off-road activity;**
- 4e. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- 4f. the event organiser advertising the event in the local press stating the entire extent of the event and 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);
- 4g. 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; **a copy of the correspondence be submitted to Council**
- 4h. 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 event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; **a copy of the correspondence be submitted to Council**
- 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 NSW 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. a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;

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- 4m. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 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 and other 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.

APPENDICES:

AT - 1 Special Event Application - (Dataworks Document No. 2584722,2593661) - *see attached*

Item 2.2 **LTC - 17 October 2007 - Item 2.2 - Richmond Marketplace Santa's Arrival - Various roads, Richmond CBD - (Londonderry) - (80245, 77088)**

REPORT:

Introduction

An application has been received from the Richmond Marketplace Centre Management seeking approval to conduct Santa's Arrival at the Richmond Marketplace on Sunday, 11 November 2007 from 12.15pm to 12.30pm.

Documents submitted with the application are attached. See Appendix 2 - Dataworks Document No. 2599847.

Event Description

Santa will be seated in a sleigh which will be led by live reindeer. A handler will walk beside the sleigh. The sleigh will take the proposed route as shown on the attached Plan No: TR012/07. The event will start at the Woolworths Petrol Plus on Lennox Street and finish at the March Street entrance to the Richmond Marketplace. The proposed route consists of the following roads within the Richmond CBD.

State Roads

Lennox Street (between Paget Street and East Market Street), East Market Street (between Windsor Street and Lennox Street) and March Street (between East Market Street and West Market Street).

Local Roads

West Market Street (between March Street and Windsor Street), Windsor Street (between West Market Street and East Market Street) and March Street (between East Market Street and Paget Street).

The event organiser has informed the following in relation to this event:

- It is anticipated that it will take approximately 15 minutes for the sleigh to travel along the proposed route.

- No changes to the existing traffic conditions are required.
- This event was conducted in a similar manner last year. It proved to be both an attraction for the Marketplace, as well as for the Richmond Main Street retailers, with customers lining up along the roads to see Santa and his reindeer.

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 on minor traffic and transport systems along the specified route and there may be a low scale disruption to the non-event community. Even though this event will traverse along classified roads, the event classification is based on the level of impact on traffic. This is a low speed, moving event and no road closures are involved.

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service. The event organiser is required to submit a Transport Management Plan(TMP) and Traffic Control Plan (TCP) for the entire route 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.

The RSPCA has advised that reindeers are not classified as domestic animals. Therefore, a reindeer is not permitted to travel on public roads like other road user vehicles without approval.

RECOMMENDATION:

That:

1. The Richmond Marketplace Santa's Arrival event planned for 11 November 2007, be classified as a "Class 2" special event under the "Traffic and Transport 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 approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. the event organiser **submitting a Transport 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;
- 4c. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as an interested parties on the Policy** and that Policy to cover the **on-road activity;**

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- 4d. the event organiser obtaining the relevant approval from the RSPCA for the Reindeer to travel on the public road and pull the sleigh; **A copy of this approval be submitted to Council;**
- 4e. the event organiser advertising the event in the local press stating the entire route/extent of the event and 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);
- 4f. 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; **a copy of the correspondence be submitted to Council**
- 4g. 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 event at least two weeks prior to the event; **a copy of the correspondence be submitted to Council**
- 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 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 NSW 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:

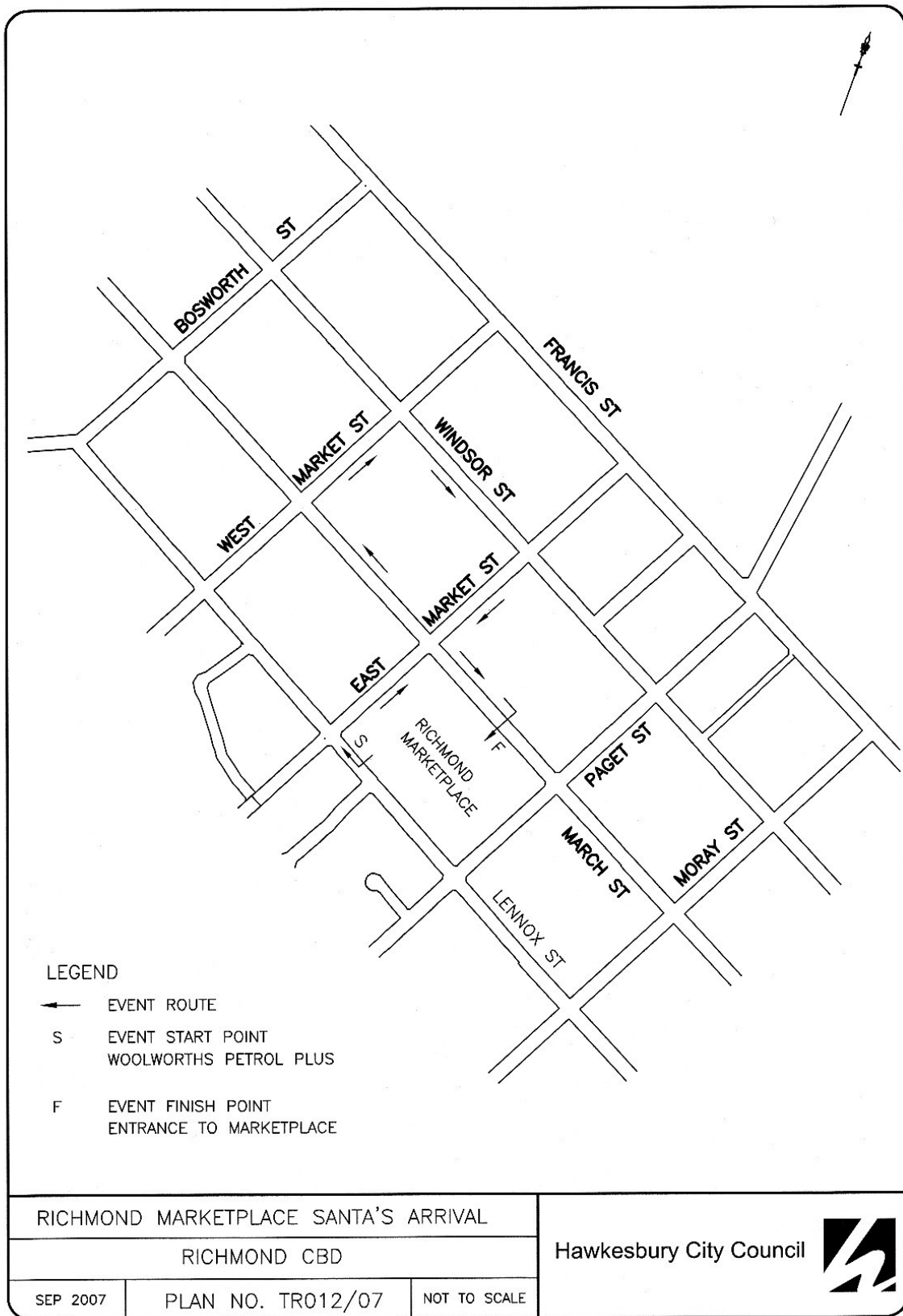
- 4k. access being maintained for businesses, residents and their visitors;
- 4l. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4m. the handler is aware of and is following all the general road user rules while travelling 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 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.

APPENDICES:

AT - 1 Drawing No. TR012/07 - Richmond Marketplace - Santa's Arrival

AT - 2 Special Event Application - (Dataworks Document No. 2599847) - see attached

APPENDIX 1 - Drawing No. TR012/07 - Richmond Marketplace - Santa's Arrival



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Item 2.3 LTC - 17 October 2007- Item 2.3 - Pedestrian Refuge/Crossing Request - March Street (opposite Richmond Market Place Entrance), Richmond - (Londonderry) - (80245)

Previous Item: 2.3, Local Traffic Committee (21 March 2007)
 4.1, Local Traffic Committee (22 November 2007)

REPORT:

Introduction

At the Local Traffic Committee Meeting of 22 November 2006, Councillor 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."

This matter was investigated with particular attention being made to the pedestrian movements in the vicinity of the March Street and Paget Street intersection. The emphasis being to provide a pedestrian crossing in March Street in the vicinity of Paget Street. Upon investigation, the pedestrian movements at this intersection were very low and did not meet the required warrants. This matter was reported to the Local Traffic Committee on 21 March 2007, with the recommendation of the Committee and the amended recommendation by Council as adopted by Council on 24 April 2007 as follows:

"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,*

Additional Resolution by Council:

- 3. That further investigations be undertaken with the view to providing a pedestrian refuge at an appropriate location in March Street between East Markets and Paget Streets."*

General Conditions

March Street is a Collector Road in Richmond. The horizontal alignment of March Street between East Market Street and Paget 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 |
|------------------------------------|--------------------------------|-------------|--------------------|-----------|
| East Market Street to Paget Street | 12.60 metres K&G both sides | 60kph | 6788 (Nov 2004) | 55 kph |

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The RTA Road Traffic Accident Database indicates two pedestrian accidents, nine injury accidents and six minor accidents along this section of the road from 2000 to 2005.

Discussion

The request for the pedestrian refuge is to enable pedestrians to safely cross March Street to access the Richmond Market Place. There are 5 pedestrian points of access/entry from the footpath in March Street into the Richmond Market Place. These access points are at the following chainages measured in metres from East Market Street:

- Main Entrance - Chainage 62
- Entrance 2 - Chainage 80
- Entrance 3 - Chainage 95
- Entrance 4 - Chainage 116
- Entrance 5 - Chainage 170

Pedestrian movements in the vicinity of all 5 access points were initially observed prior to undertaking a detailed count. Resulting from this initial observation, it was noted that the major pedestrian access into the Richmond Market Place was from the direction of East Market Street towards the Main Entrance (Chainage 62).

Following the initial observation, Traffic and Pedestrian counts were undertaken in March Street in the vicinity of the Main Entrance to the Richmond Market Place, with the results listed in Table 2.

During the Traffic and Pedestrian count, it was observed that over two-thirds of the pedestrians from the direction of East Market Street, were avoiding the signalised pedestrian crossing at the intersection of East Market Street and March Street and following the shortest route to the Richmond Market Place Main entrance. These pedestrians were either crossing March Street diagonally towards the Main entrance or straight across March Street adjacent to the Main Entrance after cutting across the McDonalds Restaurant property. The reverse to these movements were undertaken by Pedestrians exiting the Richmond Market Place.

Providing some form of fencing along the kerb line to channelise the pedestrian traffic towards the signalised intersection is not practical due to the two driveways that lead to the McDonalds Restaurant and the Richmond Inn Hotel-Motel, which are opposite each other and in the vicinity of the Richmond Market Place Main entrance.

Table 2: Pedestrian/Vehicle Count (28 August 2007)

| Time | Number of pedestrians (P) | Number of vehicles (V) | P x V |
|---------------------|---------------------------|------------------------|---------|
| 9.45 am to 10.45 am | 242 | 737 | 178,354 |
| 1.15 am to 2.15 am | 196 | 702 | 137,592 |
| 3.15 pm to 4.15 pm | 197 | 785 | 154,645 |

Table 3: Requirements of Australian Standard 1742.10 -1990

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

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It is evident from the PxV counts undertaken that the minimum warrant of PxV=90,000 has been satisfied. All three values recorded on 28 August 2007 are significantly higher than the minimum PxV=90,000 as stipulated in AS1742.10 - 1990.

The resolution of Council was to investigate an appropriate location for a pedestrian refuge. The Main entrance to the Richmond Market Place at an approximate chainage of 62 metres from East Market Street would be the appropriate location for a crossing facility. The nature of the crossing facility will be dictated by the existing infrastructure. To facilitate this crossing point and given the high sandstone kerb on the northern side and the restricted space available to adjust the footpath to provide adequate pedestrian pram ramps, it would be appropriate to provide gutter bridge crossings onto kerb extension Islands.

As a result of the PV count and the minimum warrants being met, it is proposed that a pedestrian crossing be installed in March Street, adjacent to the Main Entrance to the Richmond Market Place. The proposed pedestrian crossing would be of a similar format to a wombat type crossing - flush threshold with a centre Island as indicated in Drawing No. TR09B/07. This in accordance with Council's Standard Drawing (SD 11, sheet 2 of 2 - HCC DCP - Appendix E).

The provision of the pedestrian crossing will require upgrading of street lighting as well as adjustments to the existing linemarking. The estimated cost for this project is in the order of \$35,000. This project will need to be listed for consideration in the 2008/09 capital works programme.

Due to the required No Stopping zones required for the pedestrian crossing, adjustment of The Bus Zone and Taxi zone will be required on the Southern side with only adjustment to the No Parking zone on the northern side. Parking spaces will not be lost due to this proposal.

The existing Bus Zone will be increased from 16.5m to 19.5m to satisfy current standards and will be shifted 5 metres in an easterly direction. This will ensure adequate site distance for the pedestrians crossing at this location. The management of Westbus do not object to these changes.

It is proposed to reduce the length of the Taxi Zone from 19.5m to 11.5m to accommodate the required No Stopping zone and the extended Bus Zone. It was observed that the Taxi Zone is only used as a pickup area for services ordered. It is not a zone where Taxis stand waiting for a fare. The proposed length of 11.5 metres is adequate for the Taxi Zone as it will allow for 2 Taxis. The management of Richmond Market Place and the NSW Taxi Council do not have any objection to the reduction of the Taxi Zone. Refer to Drawing No's TR09A/07 and TR09B/07.

The manoeuvres in and out of the driveways to the McDonalds Restaurant and the Richmond Inn Hotel-Motel (west of the proposed crossing) satisfy the turning circles for cars and medium size trucks (8.8m). Deliveries for the Richmond Inn Hotel-Motel are via East Market Street. Deliveries for the McDonalds Restaurant are generally undertaken using their eastern access. For delivery vehicles longer than 8.8 metres needing to use the western access into the McDonalds, they have the option of taking an alternate route via East Market Street. The management from both businesses do not object to this facility being constructed.

The Chairman indicated that the Richmond Market Place was providing an upgraded exit ramp from its eastern access point along its March Street frontage. The ramp will exit onto March Street approximately 40.0 metres west of Paget Street. Subsequently it was requested that a pedestrian refuge be provided adjacent to this access point. This will assist the Commercial premises in this vicinity located on the northern side of March Street as well as the residential precinct to the east of the shopping centre.

Given the proximity of driveways along the northern side of March Street, the pedestrian refuge can be positioned approximately 30.0 metres west of Paget Street. This will be between the driveways to the Repco premises and the Fire Station.

Mr Amit advised that the provision of the pedestrian refuge will require upgrading of street lighting as well as adjustments to the existing linemarking and in particular the provision of painted chevrons on both approaches. There will be a loss of 3 parking spaces along the northern kerb line between the Repco premises and the Fire Station. Currently this section of roadway provides for 7 parking spaces in total.

The positioning of the Pedestrian Refuge needs to take into consideration manoeuvring of vehicles into the adjacent premises. The estimated cost for the pedestrian refuge and associated infrastructure is in the order of \$25,000.

RECOMMENDATION:

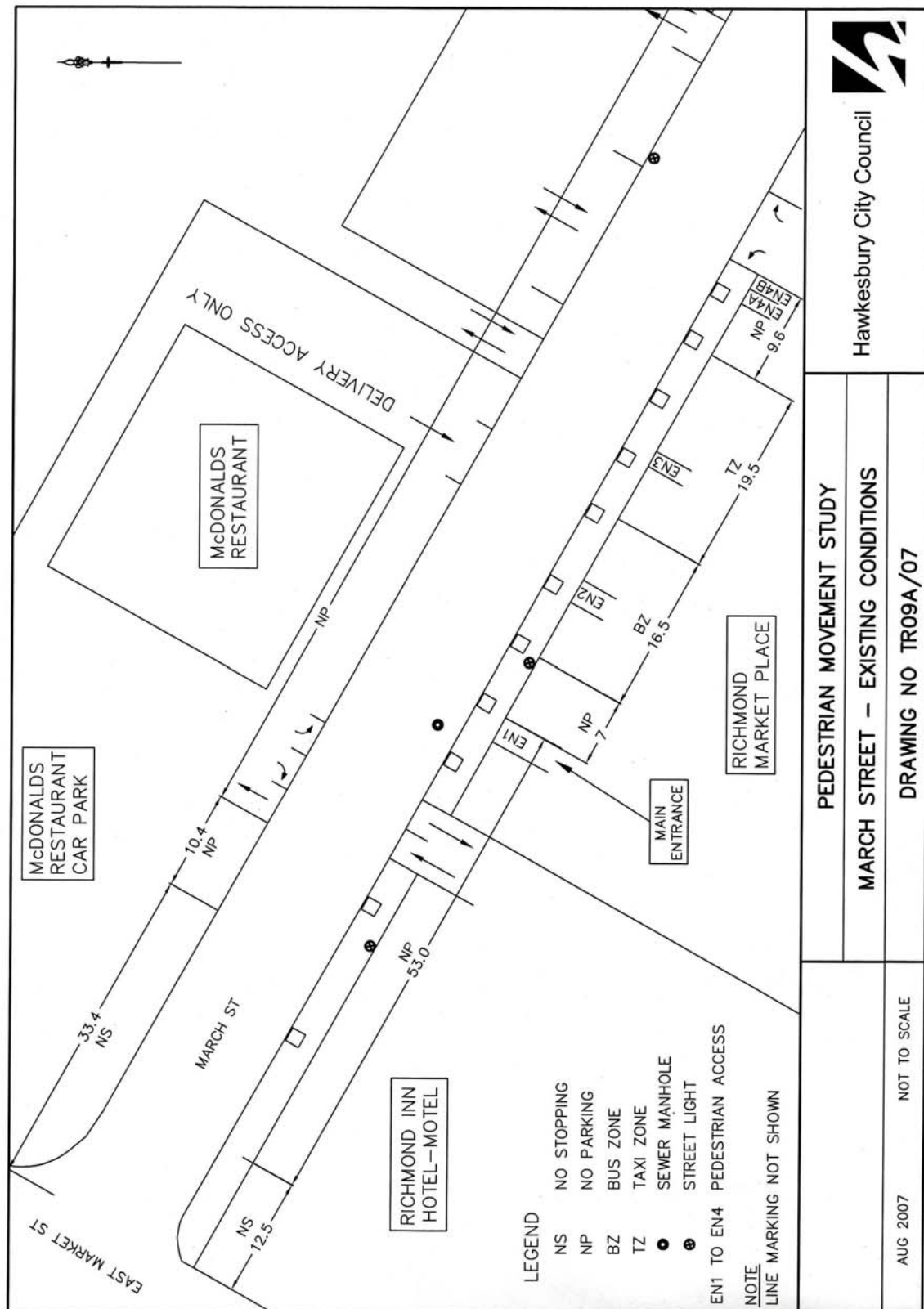
That subject to available funding:

1. a Pedestrian Crossing be installed in March Street, approximately 62 metres east of East Market Street with installation of off-set fencing for pedestrians to provide a chicane approach to the crossing by pedestrians existing the shopping centre, appropriate line marking, upgrading of lighting and in accordance with Drawing No. TR09B/07 and Council's Standard Drawing (SD 11, sheet 2 of 2 - HCC DCP - Appendix E).
2. this project, with an estimated cost of \$35,000, be listed for consideration in the 2008/09 capital works programme.
3. a Pedestrian refuge be provided in March Street approximately 30 metres west of Paget Street to accommodate the new access ramp into the Richmond Market Place which will cater for pedestrian flows from the commercial precinct and the residential catchment east of the Richmond Market Place. The pedestrian refuge with an estimated cost of \$25,000, be listed for consideration in the 2008/09 capital works programme.

APPENDICES:

- AT - 1** Pedestrian Movement Study, March Street - Existing Conditions Plan No. TR09A/07
- AT - 2** Pedestrian Movement Study, March Street - Proposed Conditions Plan No. TR09B/07

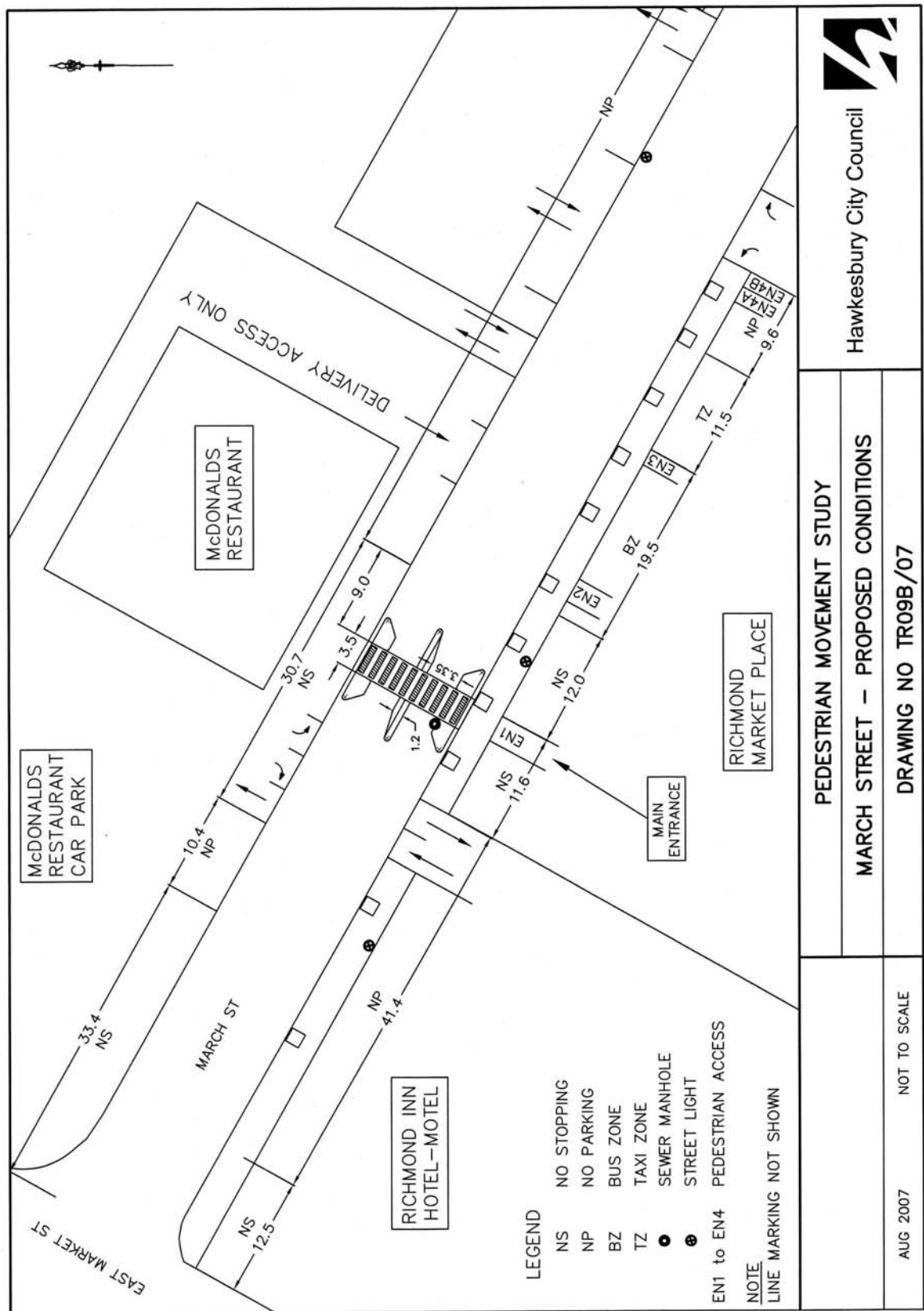
APPENDIX 1 - Pedestrian Movement Study, March Street - Existing Conditions Plan No. TR09A/07



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AT - 2 Pedestrian Movement Study, March Street - Proposed Conditions Plan No. TR09B/07



SECTION 3 - Reports for Information

Nil Reports for Information

SECTION 4 - General Business

**Item 4.1 LTC - 17 October 2007 - Item 4.1 QWN - Boundary Road/Old Pitt Town Road,
Maraylya - School Bus Interchange - (80245)**

Mr R Williams

REPORT:

Mr C Amit tabled representations received from Mr R Williams on behalf of T McClintock regarding traffic conditions at the School Bus interchange located at Boundary/Old Pitt Town Roads, Maraylya.

RECOMMENDATION:

That this matter be investigated and an appropriate response be forwarded to Mr R Williams.

APPENDICES:

There are no supporting documents for this report.

**Item 4.2 LTC - 17 October 2007 - Item 4.2 QWN - Oakville locality - Warning/Regulatory
Signage - (80245)**

Mr R Williams

REPORT:

Mr C Amit tabled representations received from Ms J Saliba seeking upgrading of warning/regulatory signage in the Oakville locality following a recent fatal accident at the intersection of Bocks/Stahls Roads, Oakville.

RECOMMENDATION:

That this matter be investigated and appropriate response be forwarded to Mr Williams.

APPENDICES:

There are no supporting documents for this report.

Item 4.3 LTC - 17 October 2007 - Item 4.3 QWN - Windsor Road Speed Review - (80245)

Mayor, Mr B Bassett

REPORT:

The Chairman enquired as to whether a response had been received from the Roads and Traffic Authority in response of the Committee's previous decision seeking review of the speed limit on Windsor Road, between South Creek and the eastern boundary of Windsor High School, McGraths Hill.

Mr J Suprain advised that speed reviews were currently in progress.

RECOMMENDATION:

That the information be received.

Item 4.4 LTC - 17 October 2007 - Item 4.4 QWN - Francis Street, Richmond - Street Lighting - (80245)

Senior Constable S Sherry

REPORT:

Advised that street lighting at the recently installed pedestrian refuge on Francis Street, Richmond, at the Richmond Club, was poor.

Mr C Amit advised that the Richmond Club had prepared a lighting design which was now with Integral Energy for assessment.

RECOMMENDATION:

That the information be received.

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**Item 4.5 LTC - 17 October 2007 - Item 4.5 QWN - West Market Street/Lennox Street, Richmond
- Street Lighting - (80245)**

Mr J Christie

REPORT:

Advised that Integral Energy had re-directed street lighting at the intersection of West Market/Lennox Streets, Richmond to better illuminate the pedestrian crossing at that location.

RECOMMENDATION:

That the information be received.

LTC SUPPLEMENTARY REPORTS

Item 2.4 LTC - 17 October 2007 - Item 2.4 - Educational Establishment Involving Alterations and Additions to Existing Residence - No.99 and No.83 Slopes Road, North Richmond - DA0213/07 (Hawkesbury) - (80245)

Mr R Nej, Senior Town Planner (Council) and Mr F Patterson, Stanton Dahl Architects joined the meeting at this stage for consideration of this item.

REPORT:

Introduction

A Development Application (DA0213/07) has been received seeking approval for alterations and additions to an existing residence to provide school facilities to accommodate forty (40) students and four (4) staff and caretakers residence at completion of Stage 1. It is also detailed that the school student population could increase to one hundred and ninety (190) with twelve (12) staff subject to approval of further stages of the development.

Initial concerns relating to the intended point of entry to the proposed school and the level of information submitted have been dealt with by the applicant through the provision of additional information and submission of amended plan detail.

The application as modified proposes the following:

- Alterations/additions to the existing building so as to provide two (2) school classrooms and administration offices.
- New play area to be situated at the rear of the main building.
- Drop off/ pick up area within the site suitable for use by a school bus.
- Provision of a new sealed car parking area within the site, adjacent to Slopes Road, to accommodate a total of fifteen (15) parking spaces, including five (5) dedicated staff parking spaces.
- Provision of an additional five (5) overflow and residence car parking spaces at the rear of the site adjacent to an existing storage shed.
- Access to be obtained via a combined entry/exit driveway onto Slopes Road. In response to previous concerns, use of existing driveway is to be discontinued and a new entrance constructed approximately 125 metres to the east of Branders Lane.
- Widening of Slopes Road for a length of approximately 160m to accommodate new left hand and right hand turn lanes and new school access road. It is not proposed to provide kerb/guttering within the road widening, rather it is proposed to provide 1.5m wide sealed shoulders on both sides of the road, consistent with the semi-rural nature of the roads in the surrounding area.
- Provision of 40km/h School Zone along Slopes Road in accordance with RTA practice.
- Introduction of car parking restrictions along Slopes Road for a distance which corresponds with the extent of the proposed 40km/h School Zone so as to ensure that all car parking activity is contained within the school site.

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- The existing site access driveway located opposite Branders Lane is to be closed. Furthermore, none of the traffic activity generated by the school is expected to use Branders Lane as it is considered to be a circuitous detour on which vehicle speeds are limited by the unsealed road surface. The shortest and most direct approach route to the school from the north is via Maddens Lane and then a right-turn into Slopes Road.

An amended traffic report has been submitted titled *Proposed Anglican Primary School Slopes Road North Richmond - Traffic and Parking Assessment Report* prepared by Varga Traffic Planning Pty Limited Transport, Traffic and Parking Consultants, dated 24 August 2007. A copy of the Traffic Report and Plan No. 971.05 A100/3 will be made available at the LTC Meeting (Dataworks Document No's 2577455 and 2579868).

Subject Site

The site is situated on Slopes Road at the intersection of Branders Lane. It consists of 2 lots:

- Lot 100 in DP1011861 with an area of 2.377 ha and a 156 metre frontage to Slopes Road,
- Lot 1005 in DP1042592 with an area of 9.086 ha and a 170.1 metre frontage to Slopes Road.

The site contains an existing two-storey brick residential dwelling house and storage shed. Vehicle access is currently provided via a driveway leading off Slopes Road, opposite Branders Road.

The road hierarchy situated adjacent to the site is described as follows:

- Slopes Road/Crooked Lane - *local unclassified roads* (80km/h posted speed limit)
- Bells Line of Road - *State Road* (80km/h posted speed limit at its intersection with Crooked Lane)

Traffic and Parking Assessment Report

The revised Traffic Report submitted provides an assessment and examines the access, traffic and parking issues associated with the proposed development. Previously, the report only considered the Slopes Road/Branders Lane intersection. This has been revised to include the Slopes Road/Maddens Road and Crooked Lane/Bells Line of Road intersections, and the single lane bridge on Crooked Lane.

The report now considers the "peak half-hour" loadings as the author confirms that 70% of the am 1 hour peak and 90% of the pm 1 hour peak occurs within a half hour period.

Projected Traffic Generation

The following table details the anticipated traffic generation associated with the proposal:

| <i>Table 3.1 - Projected Traffic Generation (Vehicles per Hour)</i> | | | | |
|---|--------------------|-----------|---------------------|-----------|
| | <i>40 Students</i> | | <i>190 Students</i> | |
| | <i>AM</i> | <i>PM</i> | <i>AM</i> | <i>PM</i> |
| IN | 31 | 25 | 72 | 30 |
| OUT | 25 | 31 | 53 | 59 |
| TOTAL | 56 | 56 | 125 | 89 |

Traffic Implications

The report provides that the Maddens Lane/Slopes Road and the Bells Line of Road/Crooked Lane intersections currently operate at Level of Service "A" during the AM and PM peak periods, with total average vehicle delays in the order of 3 to 5 seconds per vehicle. It is concluded that these intersections will continue to operate at this level of service at the completion of Stage 1 (40) students and Stage 2 (190 students), with an increased delay of less than 1 second per vehicle.

The single lane bridge on Crooked Lane is currently assessed as having a Level of Service "B" with delays in the order of 5 seconds per vehicle. The report concludes that this service level will continue with an increased waiting time of less than 2 seconds per vehicle.

Parking Implications

Hawkesbury Development Control Plan 2002 provides the following, having regard to parking requirements for schools and educational establishments:

- 1 space for each staff, plus
- space for delivery vehicles and buses, plus
- 1 space per 5 seats or 1 space per 7m² of floor area in assembly hall, whichever is greater, plus
- 1 space per 3 Year 12 students.

The Traffic Report details that, based upon the above, Stage 1 of the development is required to provide a total of four (4) car parking spaces given that four (4) staff and no Year 12 school students are proposed. In addition, the design of the car parking areas satisfies the requirements of AS2890.1 - Parking Facilities Part 1 - Off-Street Carparking.

Assessment

The expanded report concludes that the level of service for the considered locations will be maintained after the development, with slightly increased traffic delays.

The relocation of the entrance/exit to a location 125 metres east of Branders Lane and the associated widening of Slopes Road to provide a left turn and right turn lane will improve safety for through traffic and traffic entering/exiting the proposed school.

The report considers the "peak half-hour" loadings as the it confirms that 70% of the am "1 hour peak" and 90% of the pm "1 hour peak" occurs within a half-hour period. The report concludes that a current level of service at the surveyed locations will continue to be maintained.

A 40km school zone is proposed in Slopes Road for approximately the length of the site frontage being 326.1 metres. This will cause delays to through traffic during the operational hours. This has not been commented on in the Traffic Report.

The report assumes that 32% of students in the morning and 40% in the afternoons will utilise bus services when the population increases to 190 students. Whilst the numbers are limited to 40 students the Traffic Report considers that all will be transported by car.

Messrs. Nej and Patterson retired from the meeting at this stage.

RECOMMENDATION:

That:

1. The effects of expected increased delays on the road network capacity at the nearby intersections be monitored between Stages 1 and 2 with a view to a treatment at the Branders Lane and Slopes Road intersection prior to Stage 2 of the development, at the applicants expense.
2. The effects of increased delays on the road network capacity at the Bridge in Crooked Lane be monitored between Stages 1, 2 and through to the final stage, with a view to a contribution being levied onto the applicant for the future widening of this bridge.
3. A new, upgraded site access be constructed in Slopes Road approximately 125 metres south of Branders Lane.
4. A formal 'drop off/pick up' area be constructed within the site as part of the proposed carparking facilities. All parking associated with the use is to be fully contained within the site.

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5. A staff parking area be designated within the proposed carparking facilities within the site.
6. A 40km per hour School Zone be installed in Slopes Road in accordance with current RTA practice and the school not commence operation until such time as the School Zone is in place.
7. The school be incorporated in the local school bus services in the longer term and that a dedicated school bus zone be constructed within the site for that purpose.
8. Slopes Road be widened and upgraded to accommodate the new school access road. Widening of Slopes Road for a length of approximately 160m to accommodate new left hand and right hand turn lanes, the new school access road, and in particular a holding lane in Slopes Road for vehicles turning right out of the school access road.
9. The existing site access driveway opposite Branders Lane be closed.
10. Parking be restricted in Slopes Road, with the provision of "No Stopping" zones for a distance which corresponds with the extent of the School Zone, with adjoining owners being notified of this restriction. The extent of the 40kph School zone speed limit in Slopes Road is to correspond with the length of the site frontage, from a point approximately 50m west of Branders Lane, to a point approximately 50m west of Maddens Road.
11. Given the proposed locality of the school in Slopes Road and the 'single lane bridge' in Crooked Lane, the RTA be requested to review the speed limit along Slopes Road (Kurmond Road to Crooked Lane), Maddens Road (Crooked Lane to Slopes Road), and Crooked Lane (Kurmond Road to Maddens Road and Slopes Road to Bells Line of Road, with a view to maintaining a consistent speed limit of 60kph in this area.
12. Traffic counts be undertaken both pre and post development in Branders Lane and Slopes Road in the vicinity of this intersection.

APPENDICES:

- AT - 1** Traffic Report titled *Proposed Anglican Primary School Slopes Road North Richmond - Traffic and Parking Assessment Report* prepared by Varga Traffic Planning Pty Limited: Transport, Traffic and Parking Consultants, dated 24 August 2007 (See attached).
- AT - 2** Development Application Plan - Job No 971.05, Dwg No A100/3 Site Plan Issue 3, Dated 08/08/07

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on 21 November 2007 at 3.00pm in the Large Committee Room, Council Chambers.

The meeting terminated at 4.15pm.

oooO END OF REPORT Oooo



ordinary
meeting

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business
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