



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 30 June 2015

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

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

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

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

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

Voting

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

Planning Decision

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

Business Papers

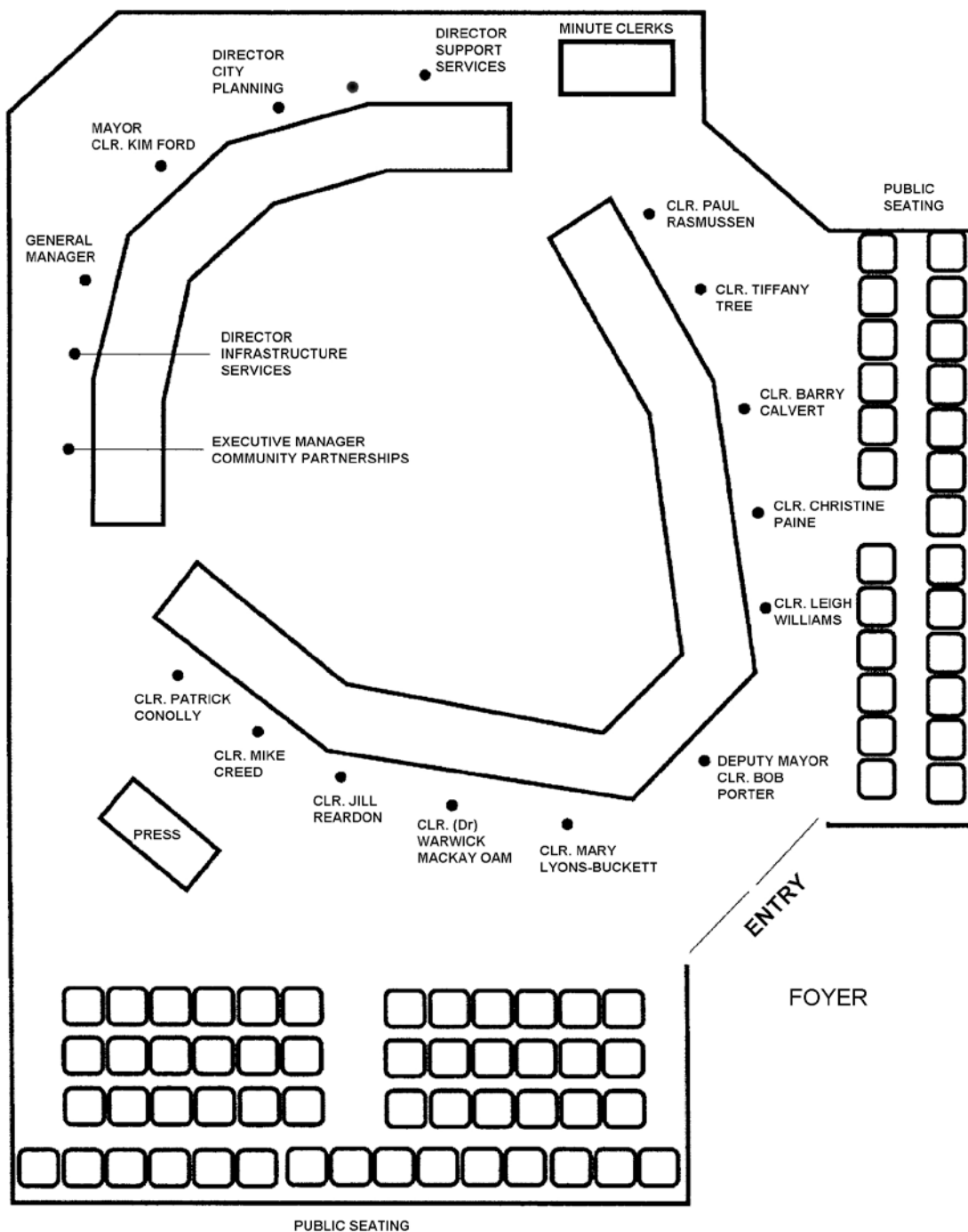
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>.

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

Further Information

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

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Bells Line of Road Corridor Upgrade - (79353)

REPORT:

The Roads and Maritime Services (RMS) as part of the Richmond Bridge and Approaches Study propose to upgrade three intersections approaching the Richmond Bridge. The intersections include Bells Line of Road and Grose Vale Road in North Richmond, Kurrajong Road and Old Kurrajong Road, and Kurrajong Road and Bosworth Street in Richmond. Works have commenced on the Old Kurrajong Road/Kurrajong Road intersection, and it is understood that detailed design processes will commence later this year on the other intersections.

As part of the proposed enhancement works at these intersections, RMS also proposed parking restrictions along Bells Line of Road between Pitt Lane and Grose Vale Road as well as Kurrajong Road in the vicinity of Bosworth Street, during peak travel periods.

Whilst the proposals for the parking restrictions were earmarked to be undertaken as part of Stage 2 of these works, the implementation of the parking restrictions as part of the Stage 2 works are relatively minor cost items and early implementation of the parking restrictions will provide immediate enhancement of traffic flow.

Council has previously supported the implementation of both of these changes to parking restrictions to improve and enhance traffic movements, and following numerous representations RMS is now introducing parking restrictions on March Street at Bosworth Street. This will improve capacity of that intersection.

Unfortunately, no action has yet been taken to implement the restrictions at North Richmond.

I am therefore moving that Council write to the Minister for Roads requesting that RMS take the necessary steps to immediately implement parking restrictions during peak travel periods for westbound traffic on Bells Line of Road between Pitt Lane and Grose Vale Road.

RECOMMENDATION:

That Council make formal representations to the Minister for Roads to take any necessary steps to immediately implement parking restrictions during peak travel periods for westbound traffic on Bells Line of Road between Pitt Lane and Grose Vale Road.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 86 **CP - DA0142/15 - Lot A DP 416762 - 64 Grandview Lane, Bowen Mountain - Structure ancillary to a dwelling - (95498, 120744)**

Development Information

File Number: DA0412/15
Property Address: 64 Grandview Lane, Bowen Mountain
Applicant: Phillip Suvakov
Owner: Mr P Suvakov
Proposal Details: Structure ancillary to a dwelling - Garage
Estimated Cost: \$26,000
Zone: E4 Environmental Living
Date Received: 16 March 2015
Advertising: 7 May 2015 - 21 May 2015

Key Issues: ♦ Location

Recommendation: Approval

REPORT:

Executive Summary

Council is in receipt of a Development Application seeking approval for construction of a garage ancillary to the dwelling at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain.

The application has been assessed having regard to the heads of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*. The proposed structure is consistent with the planning instruments and development controls and is considered to represent a satisfactory form of development.

The proposed structure will be located forward of the dwelling. However, the proposed structure is setback 24.75 metres from Grandview Lane and 3 metres from the closest side boundary. The garage is a barn-style building and has an area of 96 square metres. It is considered that on the basis of site constraints the location of the building is warranted and that the proposed garage would not adversely impact on the established visual amenity of the area.

The matter is being reported to Council at the request of Councillor Lyons-Buckett.

The application is recommended for approval.

Description of Proposal

The application is seeking approval for a structure ancillary to a dwelling at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain.

The subject site has an area of approximately 5,027 square metres and is currently occupied by a single storey dwelling with an attached studio which was approved under Development Consent DA0116/11. Apart from vehicle manoeuvring areas and the bushfire Asset Protection Zone, the land is substantially covered by native vegetation.

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It is proposed to construct a 'Colorbond' metal garage for the storage of vehicles and equipment. The proposed garage will have an area of 96 square metres with dimensions of 12 metres by 8 metres and a maximum roof height of 5.03 metres at the roof ridgeline. The structure will be barn-style and will be accessed by three roller doors, located on the Southern elevation, and two standard personnel access doors, one on each side elevation (being the East and West elevations). Construction will be of 'Colorbond', externally finished in the colour 'Evening Haze' with 'Woodland Grey' roof and 'Monument' trim.

The garaging of vehicles and storage of equipment is associated with the residential use of the land. The structure will be located approximately 20 metres forward of the dwelling but still maintaining a setback of 24.75 metres from Grandview Lane and 3 metres from the closest side boundary (to the North). Landscaping (in the form of hedging) will be provided along the Northern side boundary to afford a level of privacy as well as screening of the development for the adjoining neighbour.

Twelve trees are proposed to be removed as part of the application to make way for the proposed structure.

The dwelling has been constructed on the highest and flattest part of the land. There is a moderate slope from Grandview Lane uphill towards the dwelling. This part of the site has good tree coverage. To the rear of the dwelling the land falls relatively steeply and is heavily vegetated.

There is a significant slope to the land located behind the dwelling and vehicle access to this area is somewhat limited. In addition, the area to the rear of the dwelling is heavily vegetated.

Recommendation

Approval subject to the recommended conditions.

History

DA0116/11 Development Consent dated 29 June 2011 for a single storey dwelling with attached studio.

Issues Relevant to the Decision

- Structure location forward of the dwelling

Council Policies, Procedures and Codes to Which the Matter Relates

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP No. 20)
Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 79C Matters for Consideration

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

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy 55 - Remediation of Land

According to Council records the history of the property indicates the use of the land has been residential. There is no evidence to suggest that the land is contaminated to such a state that would prevent the proposal. On this basis the property is considered suitable for the proposed development.

Hawkesbury Local Environmental Plan 2012

The proposed development is considered to be consistent with the aims of the Plan as outlined in Clause 1.2(2) of Hawkesbury LEP 2012 in that it will not result in significant environmental or visual impacts and is considered to be acceptable in design and scale.

The property is zoned E4 Environmental Living. The proposal is defined as a structure ancillary to a dwelling under this plan and is permissible with consent in the E4 zone.

It is considered that the development as proposed is generally compliant with the objectives of the E4 Environmental Living zone in that the proposal will not contribute to conflict between land uses and is ancillary to the use of the land for residential purposes. Further, the proposal is unlikely to have a significant adverse effect on water catchments or important ecosystems such as waterways.

Clause 4.3 – Height of Buildings

The new works are below 10 metres as measured from ground level consistent with this clause.

Clause 6.1 – Acid Sulfate soils

The proposal is located on Class 5 Acid Sulfate Soil. The proposed cut and fill associated with the works is minor and it is considered that the development is unlikely to lower the water table or expose acid sulphate soils.

Clause 6.4 – Terrestrial Biodiversity

The land is identified on the Hawkesbury Local Environmental Plan 2012 Terrestrial Biodiversity Map. The development proposes to remove twelve trees for construction of the proposed garage. The majority of the vegetation on the site is to be retained.

The removal of the trees would support the use of the land for residential purposes and does not involve the removal of any identified significant native vegetation. It is considered that the proposed tree removal will not have any significant impact on existing flora and fauna as it is adjacent to an area that has already been cleared. In this regard, there will be no demonstrable impact upon connectivity between significant vegetation as a result of the tree removal.

The land is mapped as containing Turpentine-Ironbark Forrest which is listed as being an Endangered Ecological Community under the Threatened Species Conservation Act 2005 and is listed as being a Critically Endangered Ecological Community under the Environment Protection and Biodiversity Conservation Act 1999. There is no proposed vegetation removal within that community.

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

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

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

The proposal is generally consistent with the aims and objectives of Hawkesbury DCP. An assessment of the proposal against the relevant provisions of this plan follows:

Part C Chapter 4 – Soil Erosion and Sediment Control

Council's standard conditions of consent are recommended to ensure that erosion and sediment control is addressed during and after construction.

Part C: Chapter 5 – Bushfire Prone Land

The proposed structure is greater than 10 metres from the dwelling house. There are no additional requirements for this proposal.

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Part C: Chapter 8 – Management of Construction and Demolition Waste

The application is supported by a waste management plan for both the construction and demolition phases of the development. In this regard the proposal is consistent with Chapter 8 of the HDCP 2002.

Part C: Chapter 9 – Preservation of Trees and Vegetation

The application is proposing to remove 12 trees from the development area. The majority of the vegetation on the site will be retained and the proposed structure is located in an area of the land immediately adjacent to land previously disturbed by construction activities.

It is considered that support of the proposal would not result in any significant adverse impact on any native flora and fauna habitats or significantly impact the visual amenity of the locality.

Part D: Chapter 1 - Residential Development

The proposal is consistent with the aims and objectives of the residential chapter of the DCP. The proposed structure is setback approximately 24.75 metres from Grandview Lane and has a maximum building roof height of 5.03 metres consistent with the provisions of the residential chapter of the HDCP 2002. The generous size of the subject site enables the proposal to comply with the relevant provisions for private open space, visual privacy, and landscaped areas.

It is considered that the proposed structure complies with the residential chapter of the HDCP 2002.

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

There are no planning agreements that apply to the subject development.

iv. Matters prescribed by the Regulations:

In accordance with the Environmental Planning and Assessment (EP&A) Regulation 2000 the development would be required to comply with the following:

- The National Construction Code – Building Code of Australia (BCA)
- Fulfilment of BASIX commitments – There are no applicable BASIX commitments
- Fire Upgrade – Not required in class 1 & 10 buildings.

v. Any coastal zone management plan

There are no coastal zone management plans that apply to the subject development.

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

The development is consistent with the surrounding properties which are primarily developed for residential use and environmental conservation. The proposed structure is sufficiently setback from the street and adjoining properties to mitigate any potential visual impacts, overshadowing, loss of privacy or loss of views or vistas.

The trees proposed to be removed as part of this application are located on and adjacent to land previously disturbed. It is considered that tree removal proposed as part of the application will not have any cumulative, lasting or detrimental impacts upon local flora and fauna habitat, connectivity or significance as the area concerned is already fragmented.

It is considered that the proposed structure will not have any adverse environmental, visual, economic or social impacts on the locality.

c. Suitability of the site for the development:

There are no constraints from surrounding land uses that would make this development unsuitable. The development is considered suitable within the context of the locality and is permissible within the zone.

The proposed development is located on bushfire prone land. The structure is located more than 10 metres from the dwelling house and in this regard the requirements of '*Planning for Bush Fire Protection*' do not apply to the development.

It is considered that the development would not impact upon critical habitats and threatened species, populations, ecological communities and habitats as it is located on previously disturbed land.

The site is considered to be suitable for the development.

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

This proposal was placed on public exhibition from 11 May 2015 to 25 May 2015 under the delegation of management as described in the DCP. One submission was received from a local planning consultant acting on behalf of the neighbour immediately to the North – No 56 Grandview Lane. The submission states the owner, Ms Raper, objects to the proposal in principle.

The submission states the points of concern with the proposal. For simplicity the issues raised have been separated. These are as follows:

1. Visual Impact

Issue: *The submission suggests the proposed structure will be located adjacent to Ms Raper's home and only has a 3 metre setback to the boundary. The garage having a ridge height of 5.03 metres above ground level will dominate the existing views from the living areas of Ms Raper's home and almost all parts of her property.*

Comment: The dwelling on the neighbouring land is located in excess of 12 metres from the common boundary and there is existing vegetation providing a filtered view of this area of the subject site. Three metres is considered a generous side setback for a structure of this type and in addition, the applicant is proposing a hedge to screen and soften the visual impact of the garage and provide a level of privacy.

There is a Planning Principle in relation to loss of views surrounding a case heard in the NSW Land and Environment Court – *Tenacity Consulting v Warringah* [2004] NSWLEC 140.

The Senior Commissioner of the Land and Environment Court – Dr John Roseth – in his judgement commented that water views are more highly valued than land views and whole views are more highly valued than partial views. Senior Commissioner Dr Roseth goes on to mention in paragraph 27 of the judgement that "*the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries....The expectation to retain side views...is often unrealistic.*"

Ms Raper is considered to have existing views of the Hawkesbury valley albeit heavily filtered by existing native vegetation.

It is acknowledged that the development as proposed will have some impact upon the view previously enjoyed, however it should be remembered that Ms Raper does not own the view over the adjoining land and that an expectation to retain this view is unrealistic. It is unreasonable to require the owners of any land to maintain a corridor for the views of adjoining neighbours.

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Issue: *The submission states that bulk and scale have not been considered in respect of the surrounding buildings in that Ms Raper's cottage is 56 square metres in area whilst the proposed garage is 96 square metres in area.*

Comment: With regard to bulk and scale the proposal is relatively modest. There is no maximum size currently prescribed for garages or outbuildings within the Hawkesbury DCP. The structure being ancillary development falls under the provisions of Part D, Chapter 1 of Hawkesbury DCP. The proposal is consistent with the provisions of the DCP.

It is considered unreasonable, given the spatial separation between the buildings, to suggest the proposed garage adversely impacts upon the objectors dwelling.

Whilst the draft 'Farm Buildings and Outbuildings' Chapter of the DCP does not apply to this application, with the exception of setbacks, the proposal would be generally compliant. The draft chapter provides that the maximum size of an outbuilding is 180 square metres with an allowable further 26 square metres of awning; the setback should be 15 metres; the side boundary setback should be 5 metres; the maximum height could be 5.5 metres; and landscaping is required.

Issue: *The proposal involves the removal of existing mature vegetation which currently provides a partial visual screen to the recently constructed dwelling.*

Comment: With regard to this issue, the applicant has proposed landscaping in the form of a privacy hedge. In addition, the wall of the garage and the associated water storage tank will serve to provide a most appropriate visual screen to the dwelling.

Issue: *The submission states the location of the proposed building appears not to be the most appropriate and suitable location with the least impact upon the environment and adjoining properties.*

Comment: With regard to the appropriateness and suitability of the location for the garage it is considered that the location as proposed is reasonable and not inappropriate, as similar if not greater tree removal will be required for any alternative location on the site and the garage will serve to visually separate the adjoining landowners with no significant demonstrable impacts.

Issue: *A large area was cleared for the dwelling which has not been used.*

Comment: The large cleared area referred to is the approved Asset Protection Zone required under 'Planning for Bushfire Protection' and was a requirement of the dwelling approval. There has not been any additional clearing on the site beyond that which was approved.

Issue: *There is a current heavy vehicle access on the adjacent property (on the opposite side from Ms Raper's property). There is approximately 10 metres clearance between the dwelling and the boundary on that side of the property and this is not referred to in the application documentation.*

Comment: With regard to the heavy vehicle access on the adjoining property to the South there is no legal right of access for the owner - Mr Suvakov – to use this access. The reason this is not documented in the application is that the applicant has no intention of relying on this access.

Issue: *The objector states the ridge height being 803mm higher than a standard building of similar size has not been justified in terms of the use. A carport has been approved as part of the dwelling which already provides for vehicle parking.*

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Comment: The Residential Chapter of the DCP does not contain any provisions controlling the overall height of a garage. It is considered that the height being approximately 5 metres above ground level would not have any adverse visual impact upon the objectors dwelling. The existing carport does not provide the security required by the applicant for all vehicles and equipment. It is not unreasonable for a secure garage to be provided for a dwelling house.

Issue: *The objector is concerned about the potential for a noisy commercial activity being undertaken within the garage, the potential for large spinning ventilators (whirlybirds) being added and the area behind the garage (adjacent to her property) being used as a dumping ground for building materials and waste.*

Comment: With regard to the use of the garage for commercial purposes there is no such activity proposed as part of this application. In any event a suitable condition of consent can address this issue.

The addition of roof ventilators - were it to occur in the future - will not pose any significant visual impact upon the objector.

With regard to the dumping of building materials and other waste, this will be a compliance matter in the event it occurs.

2. Removal of Trees

Issue: *The objector raises the issue of tree removal in light of the information available on Council's mapping system with particular regard to vegetation communities. The submission indicates that no Flora and Fauna report was provided to assess the impact of the vegetation removal.*

Comment: Council's mapping system indicates the land contains Sydney Sandstone Gully Forest Open, Sydney Sandstone Ridgetop Woodland and Sydney Turpentine Ironbark Forest. The area where the tree removal is to occur is within the Sydney Sandstone Ridgetop Woodland vegetation which is not identified as an Endangered Ecological Community.

A Flora and Fauna report was not provided as part of this application. The land has previously been disturbed for the purposes of development for the dwelling and the area proposed to be affected is adjacent to this previously disturbed area. Furthermore this same area is adjacent to the objector's land (which would be considered to be managed land) and in this regard, the impact upon vegetation communities and native fauna is not likely to be significant. In addition, vegetation removal has been addressed previously in this report.

3. Development Control Plan (Rural Sheds)

Issue: *The submission states the structure does not comply with the Rural Shed Chapter of Hawkesbury Development Control Plan*

Comment: The development is considered to be ancillary to the dwelling and not a Rural Shed (a term that no longer exists in the Hawkesbury LEP 2012). In this regard the Rural Shed Chapter does not apply to the development.

However, an assessment of the proposal in light of the draft chapter of the DCP (which is yet to be adopted but is the subject of another report on this Council meeting agenda) titled 'Farm Buildings and Outbuildings' indicates that the proposal would be non-compliant with regard to setback to boundaries.

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The location of the outbuilding would need to be amended to be situated behind the dwelling. However, as mentioned previously, it is not considered that the relocation of the structure to the rear of the dwelling would be appropriate due to vegetation clearing and slope.

4. Use of the Shed

Issue: *The objector is concerned the garage will be used to operate a business, generating noise and impacting the amenity of the area. The objector claims the father of the owner operates an electrical business from the property.*

Comment: The application suggests the use of the garage is for the storage of vehicles and equipment. There is no basis for the claim that the garage will be used for any commercial or industrial activity. In any event a condition of consent is recommended to be imposed to address this issue.

5. DA Documentation

Issue: *The objection suggests the quality of the application is of a low standard and has not suitably addressed vegetation removal in particular.*

Comment: The level of documentation provided and the quality of the plans are adequate to assess the impact of the development in this particular case. As mentioned previously, the vegetation removal is considered to be minor compared with the area already disturbed on the site.

6. Other matters

Issue: *The objector suggests that there is adequate vehicle storage existing on the premises and that there are a number of other structures on the land which are not shown on the plans.*

Comment: With regard to undercover vehicle parking space there is no limitation and proposals are assessed on the merits of the case. It is apparent on-site that there is a need for additional storage on the property. The other structures referred to are garden sheds and firewood storage. These are used for different purposes to that of the garage.

Other matters unrelated to the application were also included in the submission. These matters are not considered to be relevant to the application and primarily involved issues surrounding the location of the dwelling. This particular matter has been previously reviewed and investigated.

e. The Public Interest:

It is considered that the proposal is consistent with the overall objectives of the zone and is unlikely to result in any negative impacts on the locality. It is therefore considered that the proposal is not contrary to the public interest.

Hawkesbury City Council Section 94A Contributions Plan

The development is exempt from contributions under Council's Section 94A Contributions Plan.

Conclusion

The application has been assessed having regard to the heads of consideration under Section 79C of the EP&A Act. The application is considered to represent a satisfactory form of development and is recommended for approval.

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Planning Decision

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

RECOMMENDATION:

That development application DA0142/15 at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain for construction of a structure ancillary to a dwelling be approved subject to the following conditions:

General

1. The development shall take place generally in accordance with the following plans listed below and endorsed with Council's stamp and any other accompanying documentation submitted with the application, except where amended by other conditions of consent:
 - Drawing No. 1: Site Plan
 - Drawing 150093 – 3: Layout Plan, dated 22 January 2015
2. The development shall incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the National Construction Code/Building Code of Australia.
6. Tree removal is to be undertaken in a safe and professional manner. Stumps are not to be poisoned. Stump grinding may be conducted as an alternative.

Prior to Issue of Construction Certificate

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

Prior to Commencement of Works

8. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
9. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
10. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.

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

During Construction

14. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
15. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
16. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
17. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
18. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
19. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council for the following components of construction:
 - a) piers
 - b) steel reinforcement prior to pouring concrete
 - c) stormwater lines, prior to backfilling
 - d) on completion of the works.

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

20. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.

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21. Roofwater (including overflow from water storage vessels) shall be directed into existing water storage vessel/s with any overflow being dispersed over the site via a level spreader/absorption trench or similar. The level spreader/absorption or similar shall be located a minimum of 3 metres from any structure or boundary.
22. Any filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

Note: ENM is defined by the Excavated Natural Material Exemption 2012 - NSW Environment Protection Authority.

Use of the Development

23. The structure shall not be occupied for human habitation/residential, industrial or commercial purposes.
24. The structure is only to be used in conjunction with, or ancillary to, the residential use of the land.

Advisory

- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable under the National Parks and Wildlife Act 1974.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instruments relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** The applicant is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

ATTACHMENTS:

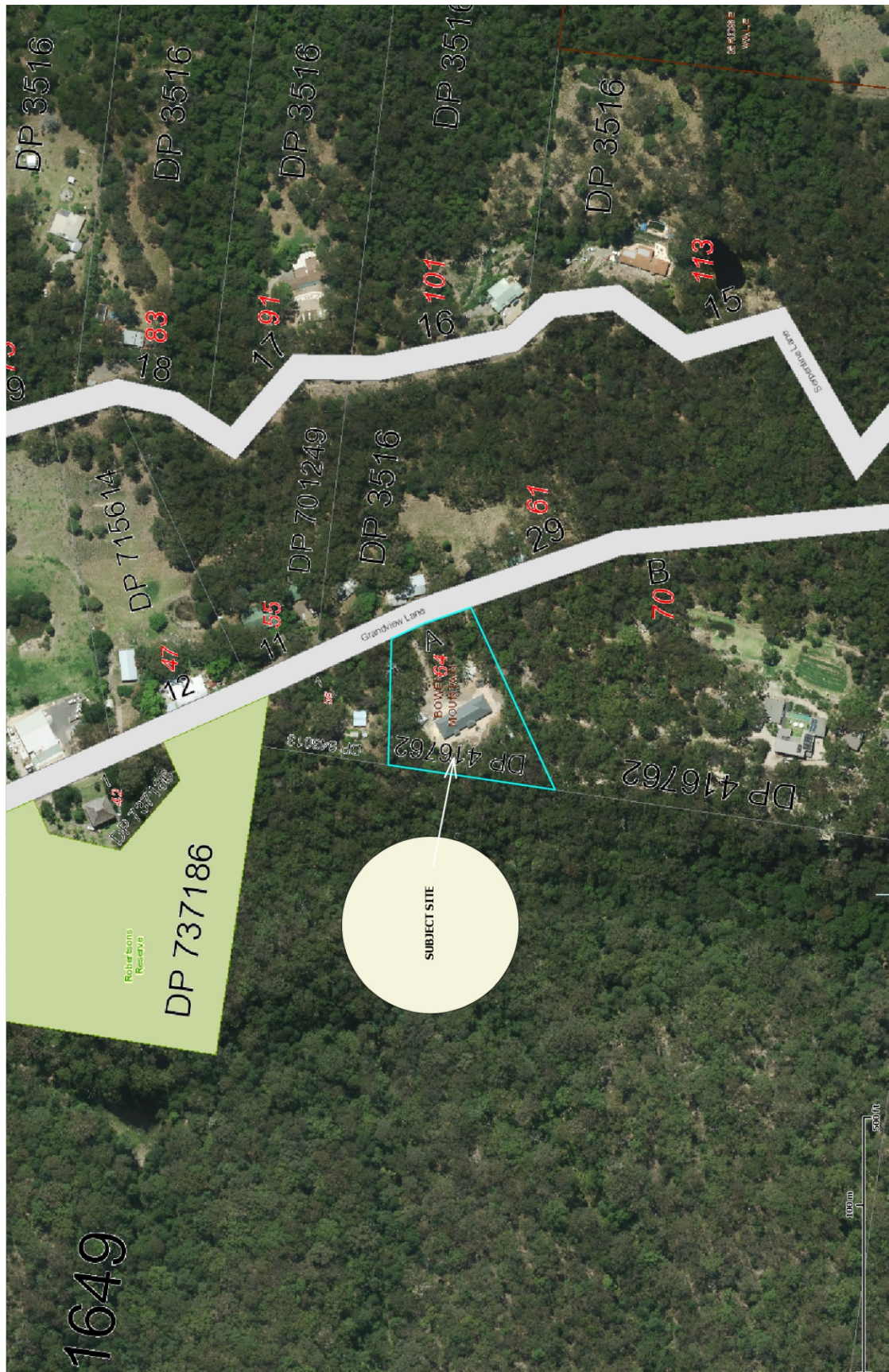
- AT - 1 Locality Plan
- AT - 2 Aerial Photo
- AT - 3 Plans of the Proposal

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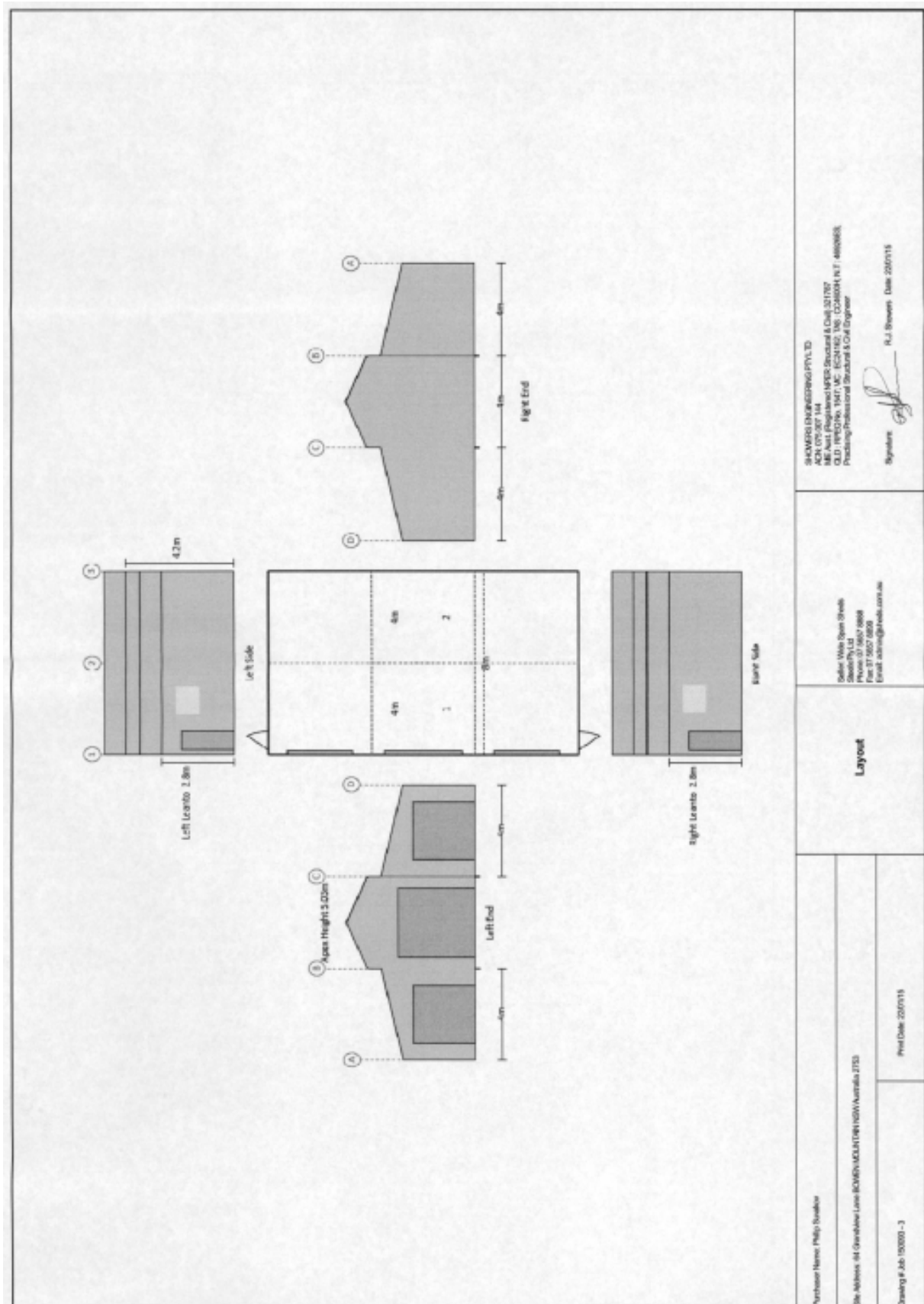
AT - 2 Aerial Photo



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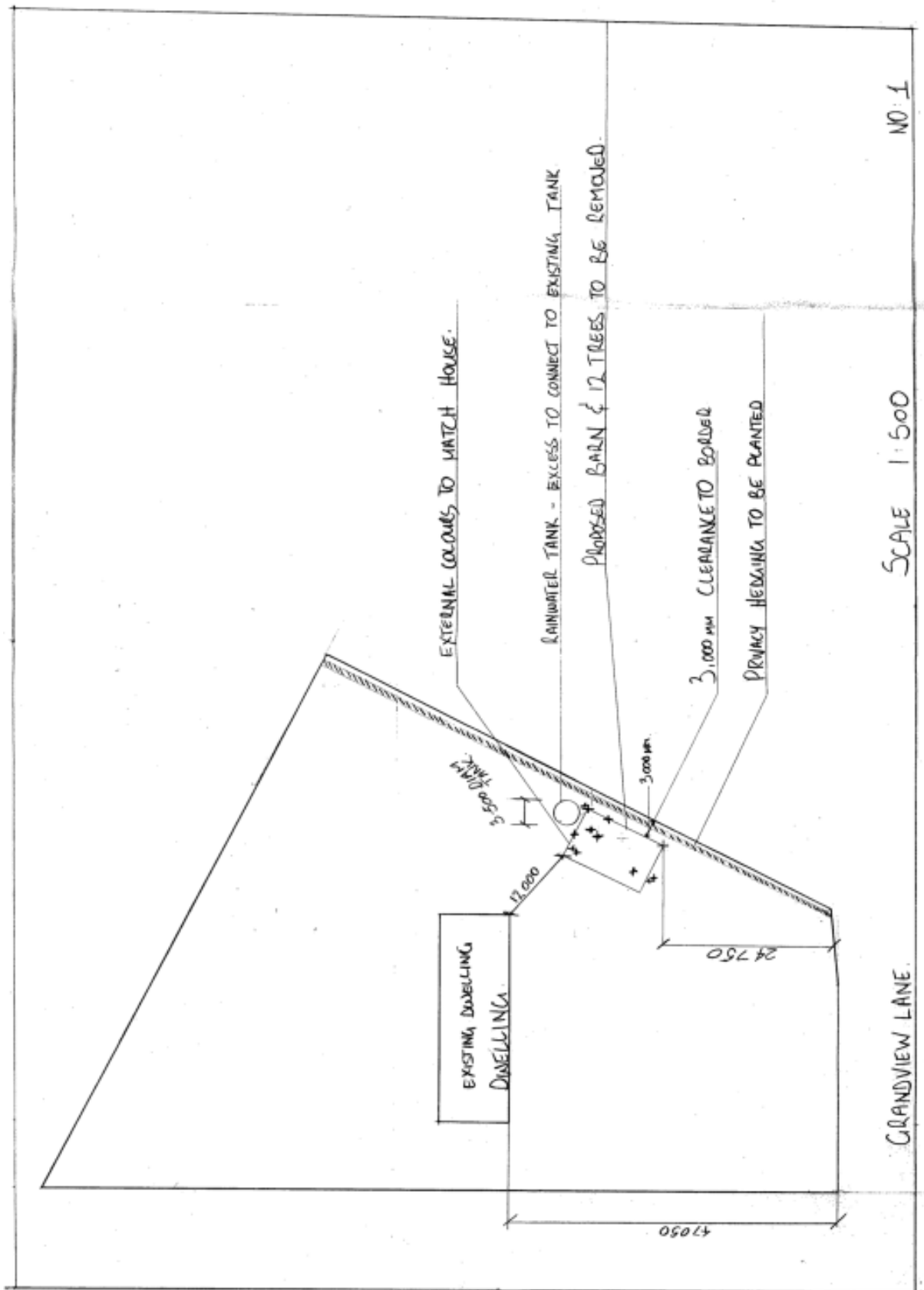
Meeting Date: 30 June 2015

AT - 3 Plans of the Proposal



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Item: 87 CP - DA0156/15 - Lot 25 DP 663770 - 1 Powells Lane, Richmond Lowlands - Temporary use of the existing building for the holding of functions - (95498, 102260, 78522)

Previous Item: 67, Ordinary (12 May 2015)

Development Information

File Number: DA0156/15
Property Address: 1 Powells Lane, Richmond Lowlands
Applicant: Montgomery Planning Solutions
Owner: Basscave Pty Ltd
Proposal Details: Temporary use of the existing building (Polo Barn) for the holding of functions
Estimated Cost: RU2 Rural Landscape
Zone: 28.2600 Hectares
Date Received: 20 March 2015
Advertising: 8 April 2015 - 22 April 2015

Key Issues:

- ◆ Noise
- ◆ Flooding
- ◆ Onsite waste disposal
- ◆ Management of the development
- ◆ Unlawful works
- ◆ Compliance with the Building Code of Australia

Recommendation: Approval

REPORT:

Executive Summary

This application seeks approval for the temporary use of an existing building for the holding of functions at 1 Powells Lane, Richmond Lowlands. The subject building is described in the plans and documentation as the 'Polo Barn'.

The matter was reported to Council's Ordinary Meeting of 12 May 2015. At this meeting it was resolved that:

"Items 67 and 68 be deferred to a Councillor Briefing Session."

A Councillor Briefing Session was held on 2 June 2015.

Since the report to Council, the Applicant has provided an amended Acoustic Report prepared by The Acoustic Group, to clarify and consolidate the previous information submitted with the application. In addition a request has been received for the reconsideration of proposed conditions in relation to the construction of car parking areas and certification from public authorities. Council has also received an application for a Building Certificate.

Clause 2.8 of Hawkesbury Local Environmental Plan 2012 permits land to be used for any purpose as a temporary use subject to certain requirements, including Council's satisfaction that the use will not adversely impact on the environment or the amenity of the neighbourhood. This Clause only allows the use to be carried out for a maximum of 28 days within any 12 month period.

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The application was publicly notified from 8 April 2015 to 22 April 2015. Five submissions were received objecting to the development. A summary of the matters raised in the submissions are as follows:

- the 'Polo Barn' building has been modified without development consent, and no Building Certificate has been obtained;
- the use of the 'Polo Barn' building for functions will adversely impact adjoining land with particular respect to noise generation;
- The building is not compliant with the Building Code of Australia;
- The application does not propose any sound proofing measure to the building;
- Two versions of the acoustic review were submitted with the application, and these reports contradict each other.
- The application does not provide event details;
- The proposed development will have an adverse impact from increased traffic

From the assessment of the application there is no objection, in principle, to the proposed use of the building for functions if that use does not adversely impact on the environment and the amenity of surrounding properties, especially in respect to noise. In this regard the matters raised in the submissions are relevant. However, these matters can be resolved through conditions of consent.

Given the nature and scale of the proposed development, it is proposed that, if approved, any consent be limited in time. In this regard a period of three years is proposed. In doing so it will ensure that the use can be considered as 'temporary' and that any measures employed to mitigate the impacts of the development can be monitored.

In addition, the manner in which it is proposed to manage effluent disposal, car parking and access roads, whilst suitable in the short term, is not considered to be desirable or sustainable for the long term operation of the development.

It is recommended that the application be approved.

Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for the temporary use of an existing building (the Polo Barn) for functions. The proposal specifically involves the following:

- Use of the Polo Barn for wedding receptions and functions associated with polo events. It is proposed that a maximum of 28 functions will be held within any 12 month period. It is proposed that only the ground floor of the building will be used for these purposes. The first floor of the building will not be used for functions.
- The provision of hardstand car parking spaces for 40 vehicles.
- The provision of 27 overflow car parking spaces

The supplied documentation outlines the following operational details for the proposed use:

- Seating for up to 200 patrons.
- Operating hours of:
 - Sunday – Thursday: 2pm to 11pm – Music off by 10:30pm and all patrons to leave premises by 11pm.
 - Friday – Saturday: 2pm to 12 midnight – Music off by 11:30pm and all patrons to leave premises by 12 midnight.
- 10 staff (maximum).

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No signage is proposed. The development does not involve the removal of any native vegetation onsite.

Site and Locality Description

The subject property is legally described as Lot 25 DP 663770 and has an area of 28.26 Hectares. The subject site adjoins Powells Lane to the east and has a northern frontage to the Hawkesbury River. The property is located within the Richmond Lowlands, approximately 2km from the Richmond town centre.

The site contains a number of polo fields, a stable complex, a rural workers dwelling, an agricultural farm shed and the subject Polo Barn. The Polo Barn is located within the north eastern corner of the site. Annexed to the Polo Barn is covered car parking and a marshalling area.

The Polo Barn is accessible via a private road from Ridges Lane that passes through three allotments that are collectively known as 100 Ridges Lane. A secondary access is also available from Powells Lane however the use of this driveway is not proposed with this development.

Surrounding development within the Richmond Lowlands generally comprises of agricultural land, polo fields and limited numbers of rural residential properties. Land on the opposite of the Hawkesbury River comprises of a steep escarpment with residential properties located at the top of that escarpment along Terrace Road.

Background

- On 15 June 2014 a Notice of Intention to Serve an Order under the EP&A Act was issued to the owner to cease the unauthorised use of the site for wedding receptions and other functions.
- Development Application DA0429/14 to use the Polo Barn as a restaurant was lodged with Council on 4 July 2014.
- On 12 September 2014, an Order under the EP&A Act was issued to the owner to cease the unauthorised use of the site for weddings and functions.
- On 17 November 2014 a Direction to Take Preventative Action under the Protection of the Environment Operations Act 1997 was issued to the owners of the land. This Direction related to noise from the site and specified noise limits for the site. Monitoring of the compliance with that Direction since has not identified any non-compliances.
- Argosy Agricultural Group Pty Ltd, Sydney Polo Club Pty Ltd and Mr and Mrs Higgins provided an undertaking on 17 December 2014 that they would refrain from promoting the venue or taking any further bookings for the use as a Function Centre (Wedding Receptions) until further discussions take place with Council officers early in 2015.
- The Applicant filed a Class 1 Appeal against Council's deemed refusal of DA0429/14 (Restaurant) on 12 December 2014.
- At Council's Meeting of 3 February 2015 it was resolved to refuse DA0429/14.
- The Class 1 Appeal was dismissed by the Court (each party to costs) on 20 March 2015
- Development Application DA0156/15 (the application subject to this report) was lodged on 20 March 2015
- DA0156/15 reported to the Council meeting of 12 May 2015. Council resolved to defer the application for review at a Councillor Briefing Session. The Briefing Session was held on 2 June 2015.

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- Revised acoustic report received on 11 June 2015. This report does not contain any new information or measurements and was proposed to clarify the apparent discrepancies between the previous reports and more clearly articulate the recommendations.

Development Plans Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 9 – Extractive Industry (SREP No. 9)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

In determining the application, Council is required to take into consideration the following matters relevant to the development that applies to the type of development and the land to which the development relates:

Section 79C Matters for Consideration

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

(a)(i) Environmental Planning Instruments

State Environmental Planning Policy No. 44 – Koala Habitat Protection

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

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

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

The site exceeds 1 hectare in area and therefore triggers the requirements of SEPP No. 44. However, the proposed development does not require the removal of native vegetation and will therefore not disturb habitat areas within the site. Consequently, an investigation into whether or not the land is potential koala habitat is not required for the development.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines that a consent authority "must not consent to the carrying out of any development on land unless:

- "(a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

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The site has a history of being used for agricultural, sporting and residential purposes. The subject building was previously used as a milking shed and office for a dairy which operated on the land. The Applicant advises:

"As the building was used for milk production, the relevant food production hygiene controls would have been applied."

Notwithstanding, the current owners thoroughly cleaned the building, added new impervious flooring and timber internal walls."

The proposed use is to utilise the existing structures on the land, and level areas for car parking. It will not result in the disturbance of soils. It is unlikely that the previous uses of the land would have contaminated the land so as to prevent the proposed development. The land is therefore considered suitable for the proposed commercial development with regard to the provisions of SEPP No. 55.

Sydney Regional Environmental Plan No. 9 – Extractive Industry (SREP No. 9)

This Plan aims to facilitate extractive industries by identifying land which contains material of regional significance, ensuring consideration is given to the impacts of other development on these industries and to promote the carrying out of these industries in an environmentally acceptable manner.

The subject property is located on land that is identified in Schedule 5 of this Plan being "the land identified on Sheet 9 of the map as Richmond Lowlands sand/gravel".

Whilst the land is subject to this Policy, SREP No. 9 does not contain any specific requirements in relation to the individual development of the land for other purposes. It is considered that the proposed development will have no impact on the potential use of the land for extractive purposes in the future.

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

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.

The subject land is situated within a scenic corridor of regional significance. In addition, a wetland identified under this Plan is located on the subject property and a number of identified wetlands are located in the vicinity of the development.

Specifically Clauses 6(1), 6(2), 6(3), 6(4), 6(5), 6(6), 6(7) and 11(9), 11(15), 11(16) & 11(17) of the Plan are relevant to the proposal.

The proposed development involves the use of an existing building for functions. The building is situated 140m from the Hawkesbury River and existing vegetation will be maintained. Forty hard stand car parking spaces are to be provided within existing level, previously cleared areas. Internal driveways within the property exist. It is also noted that the 30 space car park area located adjacent to Powells Lane is within approximately 186m of the mapped ephemeral wetland on the property 215 Edwards Lane, Richmond Lowlands,

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Given that the proposed development does not involve building works or substantial earthworks, and is located within previously cleared areas, it is considered that the proposal will have no adverse impact on:

- the water catchment;
- the habitat of native flora and fauna, including aquatic habitats;
- the riverine scenic quality;
- the stability of the riverbank;
- the quantity and quality of water entering the Hawkesbury River or nearby watercourses and wetlands, or on groundwater quality;
- land conditions;
- cultural heritage

In this regard, the proposed development is consistent with clauses 6(1), 6(2), 6(6), 6(7), 11(15) & 11(16) of this Policy.

The proposal is relying on the existing onsite wastewater treatment system to service the development. Therefore, the application is consistent with Clause 11(17) which relates only to the installation of a new system. However, the adequacy of the existing system is discussed later in this Report.

Schedule 1 of SREP No. 20 identifies the property as containing items of non-aboriginal heritage; being a farm building and fence. These items have been identified by this Policy as being located "*Edwards Road, corner of Powells Lane, Richmond Lowlands*". Site inspections carried out by Council officers and Council's Heritage advisor has failed to locate these items, or any buildings or structures of heritage value on the land. It is also noted that the property is not listed as a heritage item under Hawkesbury Local Environmental Plan 2012.

The proposal is considered to be consistent with the aims, planning considerations, planning policies, recommended strategies and development controls of SREP No. 20.

Hawkesbury Local Environmental Plan 2012

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

Clause 2.2 Zoning of land to which Plan applies.

The Property No. 1 Powells Lane, Richmond Lowlands is comprised of 10 individual lots and is zoned part RU2 Rural Landscape and part E2 Environmental Conservation. The portion of the property that is subject to this application is located on land within the RU2 Rural Landscape zone.

Clause 2.3 Zone objectives and Land Use Table

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone. It is considered that the proposed development is generally consistent with the objectives of the zone as:

- the proposed development will have no adverse impact on the existing landscape and rural character, or the scenic quality of the locality given that no additional buildings are proposed and no clearing of vegetation is required
- the use of an existing cleared area as a car park for 30 vehicles will have no unreasonable long-term visual impacts
- it is considered that the proposed use, subject to the imposition of conditions relating to noise, is compatible with, and will not create unreasonable conflicts with, the use of properties in the locality for residential, recreational and agricultural uses
- the proposal will not result in the fragmentation or alienation of resource lands

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- the proposed development will not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways as previously discussed
- the proposal will have no adverse impact on existing landscape values, the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality
- the proposed use will not create unreasonable demands for the provision or extension of public amenities or services
- the proposed development will have no adverse impact on the wetlands located on the property and within the locality having regard to their ecological, scientific, cultural and aesthetic values.

The development is located a minimum of approximately 250m from the wetland located on the property and approximately 186m from the closest mapped wetland located on a nearby property.

The car parking area adjacent to Powells Lane will require upgrading to provide an all-weather surface to the turning, manoeuvring and parking areas (gravel or the like). These works will have no significant adverse impact on the wetland. The upgrading of car parking areas will reduce erosion and thereby sedimentation of downstream watercourses and wetlands. Should sedimentation occur from the overflow parking area, given the lay of the land, any impact will remain on the property.

Clause 2.8 Temporary use of land

The Applicant is seeking approval for the temporary use of the 'Polo Barn' for the holding of functions under Clause 2.8 of HLEP 2012. Clause 2.8 states:

- "(1) the objective of this clause to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.*
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.*
- (3) Development consent must not be granted unless the consent authority is satisfied that:*
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use."*

The proposed development is considered to be consistent with the objectives of this Clause in that it will not compromise the future development of the land as the proposed use will utilise existing buildings, access roads and cleared areas for car parking. In this regard, at the conclusion of each function the land will be in a condition comparable to that in which it was before.

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Having regard to subclause (2), the application proposes a maximum of 28 functions within a twelve month period. Should the proposal be supported, this requirement can be ensured through conditions of any consent.

The Statement of Environmental Effects (SEE) submitted in support of the application advises that:

"The purpose of this application is to provide the opportunity for Council to issue temporary approval to allow the existing booked weddings to take place."

However, further in the SEE it is stated that the function centre will also cater for functions associated with polo events. Discussions with the Applicant have also revealed that there is an expectation that if approved, the temporary use will be ongoing.

It is considered that the expectation of an unlimited approval is contrary to what would be expected of a temporary use, that is, a use that is short in duration and infrequent. The proposed development comprising of up to 28 functions within a year, every year indefinitely, presents as a permanent development.

An onsite sewage management system exists on the land and services the facilities within the existing building. The Applicant states:

"Wastewater is treated and disposed on-site by means of the existing aerated wastewater treatment system and irrigation system, which has serviced functions within the building for many years without incident."

It is considered that the existing system is unsuitable for the proposed use in that it is not a commercial system. In addition, a recent wastewater report, prepared by Envirotech Consultants, for this system (submitted with DA0429/14 for a 120 seat restaurant within the Polo Barn building) identified that the system needed to be augmented/updated to cater for the predicted wastewater loads. The current application seeks functions for a maximum of 200 people.

In this regard, it is proposed that portable toilets be used as an acceptable short term solution. However to minimise any adverse impacts on the amenity of the locality, it will be a requirement of any consent that they be removed at the conclusion of each event within 24 hours.

An amended Acoustic Report prepared by The Acoustic Group and dated 10 June 2015 was received at Council on 11 June 2015.

The amended Acoustic Report does not contain any additional information or measurements and provides clarified recommendations for the operation of the development. In this regard the following recommendations are supported and will be ensured through conditions of consent:

- The provision of entertainment is to be restricted to inside the barn
- All amplification of music should be via power points under the control of a sound cut out limiter ... with the sensing microphone inside the barn near the southern entrance door.
- When entertainment is provided the eastern and northern doors on the Polo Barn are to be closed. Under that scenario the limiter shall be set for a limit of 98 dB(A) 1 metre inside the southern door opening.

It is considered reasonable that monitoring of the activity be undertaken to confirm that the above measures will ensure that noise levels meet the relevant legislative requirements. In this respect Condition 6 has been included in the Recommendation of this Report.

The recent monitoring of events by Council officers has demonstrated that the premises can be operated so that the noise emitted from the development does not exceed more than 5 dB(A) above background noise levels in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) prior to midnight at the boundary of any affected residence.

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It is also acknowledged that the management of the activity will also play a role in mitigating any adverse impacts on the amenity of the locality. The success of management of the activity is evident since the issue of the Direction to Take Preventative Action issued for the site in November 2014. Since the issue of that Direction Council's noise monitoring has not identified any non-compliances with that Direction. In this regard, an operation management plan will also be required as a condition of any consent.

It is also noted that the Direction required events to cease at 10:30pm with all patrons gone by 11pm. The development proposes to maintain these finish times for Sunday through to Thursday, however are seeking approval for music to 11:30pm with all patrons leaving the premises by midnight on Fridays and Saturdays.

Given the above it is proposed that, if approved, any consent be limited in time. In this regard a period of three years is proposed to ensure that the use can be considered as 'temporary' and that any measures employed to mitigate the impacts of the development can be managed and monitored.

It is concluded that, subject to conditions of consent, the proposed development can achieve consistency with the requirements of Clause 2.8 of the LEP.

Clause 4.3 Height of buildings

The maximum height of the building is 7.2m which is well below the maximum building height of 10m required by this Clause.

Clause 6.1 – Acid Sulphate Soils

The land affected by the development falls within Class 4 and Class 5 as identified on the Acid Sulfate Soils Planning Map. The proposed development does not include any works as defined within this clause and therefore no further investigations in respect to acid sulphate soils are required. The proposal is consistent with the requirements of this Clause.

Clause 6.3 – Flood Planning

"(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) This clause applies to land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

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

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

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(5) *In this clause:*

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event."

Council's mapping indicates that the area of the site that accommodates the Polo Barn has a land level of approximately 15m AHD. It is also noted that the main access route to and from the site is as low as 10m AHD and the main parking area has a minimum level at approximately 11m AHD. The property is therefore defined as flood prone land.

The adopted 1-in-100 year flood level for the area is approximately 17.4m AHD. The Hawkesbury Nepean Flood Study (1995) also identifies that the level for the 1 in 5 (20%) chance per year is 12.5m. Therefore, it is considered that the property will be subject to flooding on a frequent basis. Access to the subject property from Richmond is via Triangle or Onus Lane and Ridges Lane. These Roads are located below the 1 in 100 year flood level, and high hazard areas exist in the vicinity, effectively cutting off the evacuation route from the subject property to flood free land within Richmond.

The Applicant states:

"The proposal is for the temporary use of an existing barn for functions. The building will not be occupied by persons on any long term basis. Rather, patrons will attend the premises for short periods only for meals and entertainment.

The road access will be inundated by backwaters prior to the land itself being flooded. There is generally a warning in this location of at least 24 hours prior to a flood event. The premises will close during flood warning periods to ensure that there is no risk to life. There is also sufficient warning to ensure that there is no unnecessary loss of property.

It is considered that the proposed temporary use is compatible with the flood hazard associated with the land as the use will not be operating during times of flood. There is no information available at this time about the effects of climate change on flood behaviour in this area."

Having regard to the principles of the NSW Government Floodplain Development Manual April 2005, it is considered that part of the subject land is within a flood-prone land category of High Hazard - Flood Storage.

Whilst a significant portion of visitors to the site would be unfamiliar with the area, the nature of flooding and evacuation procedures, the effective warning time for an impending flood would be in excess of 24 hours. With the preparation of a Flood Evacuation Management Plan, as well as the implementation of appropriate management practices for events, such as the cancelling of functions once a flood warning has been given, it is considered that the proposed use is compatible with the flood hazard associated with the land.

A Flood Evacuation Management Plan has not been provided in conjunction with the application however it is acknowledged that this would ordinarily be required to be prepared as a condition of consent (See proposed conditions 22 and 23 of the recommendation to this report).

Given the proposal utilises an existing building it is considered that the development will not affect flood behaviour in the locality, will not adversely affect the environment or cause erosion, siltation, the destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The following matters, contained in Council's Development of Flood Liable Land Policy must also be applied when assessing an application on flood affected land or to which Clause 6.3 of the HLEP 2012 applies:

"1. *A building shall not be erected on any land lying at a level lower than 3 metres below the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is situated, except as provided by subclauses (3) and (5).*

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2. *Each habitable room in a building situated on any land to which this Policy applies shall have a floor level no lower than the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is located.*
3. *Notwithstanding subclauses (1), (2), (7) and (8), a building that was lawfully situated on any land at 30 June 1997 may be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*
4. *The assessment of a development application must consider the flood liability of access to the land and, if the land is within a floodway area, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this Policy have been satisfied. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.*
5. *Minor (Non-Habitable) structures such as Farm Buildings, Outbuildings, Sheds, Garages and other Ancillary Structures may be erected on land below the 1:100 ARI (average recurrent interval) flood event level. However, the assessment of a development application for such a structure must consider the likely frequency of flooding, the potential flood damage (to both the subject structure and to other surrounding property should the structure be washed away) and measures to be taken for the evacuation of the property. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk.*
6. *Any part of a building below the 1:100 ARI (average recurrent interval) flood event level is to be constructed of flood compatible materials."*

The subject building satisfies Clause 1 above in that it is located on land that is not less than 3m below the adopted 1-in-100 year flood level. The proposal involves the use of an existing building for a non-habitable purpose so as to also satisfy Clause 5 of the Development of Flood Liable Land Policy.

Access to the site from Ridges Lane will require visitors to pass through areas of higher flood hazard, which is contrary to the Policy. However, access to the site will be inundated by backwaters prior to the land itself being flooded. Warnings will generally be issued a minimum of 24 hours before any major flooding event which should be sufficient to allow for the closure of the premises during periods of flood risk.

It is considered that the proposal, being a non-residential use, will generally satisfy Clause 6.3 of the HLEP 2012 and Council's Development of Flood Liable Land Policy.

Clause 6.4 – Terrestrial Biodiversity

Northern and southern portions of the site are identified on the Terrestrial Biodiversity Map as comprising 'Endangered Ecological Communities' and 'Connectivity between significant vegetation' under this Clause. It is noted that no tree removal is proposed in conjunction with the proposal and the development area is clear of the mapped areas identified above. The development is therefore seen to be consistent with this Clause.

Clause 6.5 – Wetlands

The development is located a minimum of approximately 250m from the wetland located on the property and approximately 186m from the closest mapped wetland located on a nearby property.

The car parking area adjacent to Powells Lane will require upgrading to provide an all-weather surface (gravel or the like) to the manoeuvring and parking areas. These works will have no significant adverse impact on the wetland. The upgrading of car parking areas will reduce erosion and thereby sedimentation of downstream watercourses and wetlands.

Clause 6.7 – Essential Services

The Applicant advises:

"All drinking water will be commercially packaged bottled water. All food will be prepared off site in commercial kitchens by contract caterers and delivered to the building ready to serve to patrons. Roof water will be collected in a tank and reticulated for toilet flushing and hand washing. All taps within the amenities will be labelled "water not suitable for drinking."

The use of bottled water within the food service and preparation areas can be ensured through conditions of consent.

Electricity is connected to the building.

The Applicant requested that draft conditions of consent relating to the provision of certification from public authorities be deleted for the following reason:

"All of these requirements are considered unnecessary in this context as the Polo Barn and Sunnybrook Barn are existing, operational buildings."

The Polo Barn was originally constructed as a milking shed. Unauthorised works have been carried out on this building to convert it for its use for functions, being a commercial use. Certification from public authorities (water, electricity and telecommunications) is a standard requirement for most development. This certification enables these authorities to plan for the needs of the proposed development and future development of the land, and to ensure that services are connected properly. For these reasons this certification will still be required should the proposed development be supported.

As previously discussed, given the unsuitability of the existing sewage management facility, it will be a requirement that portable toilets be provided to service the events.

Given the land levels, stormwater runoff from the car park areas will remain, and be managed on the property.

Access roads within the property are considered to be suitable for the proposed development.

(a)(ii) Draft Environmental Planning Instruments

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

(a)(iii) Development Control Plans

Hawkesbury Development Control Plan 2002

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

Part A Chapter 3 – Notification

The application was notified in accordance with Part A Chapter 3 of the HDCP 2002. As a result five submissions raising objection to the proposal have been received in response to the application. The matters raised in these submissions are discussed later in this Report.

Part C Chapter 2 – Car parking and Access

Part C Chapter 2 of the HDCP 2002 outlines that car parking for 'restaurants, reception centres and refreshment rooms' is to be provided at a rate of one space per 20m² of gross floor area or one space per three seats, whichever is greater.

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Based on a 200 seats capacity, 67 car parking spaces are required. The development proposes to provide a total of 40 spaces within two car parks. Ten spaces will be provided in an area adjacent to the building, with one of these spaces designated as a disabled space. The main car park, located approximately 200m to the south east, will provide 30 car spaces.

The Applicant states:

"The application proposes a total of 40 nominated car parking spaces. There is adequate overflow parking available adjacent to the larger of the two car parking areas. It is submitted that the parking provisions will be adequate for the proposed temporary development."

Whilst the Applicant does not provide any justification for the short fall in parking spaces, on a short term basis, the use of grassed areas for overflow parking is considered acceptable in this case. However, on a long term basis, the continued use of these areas for parking may lead to land degradation if not upgraded. For this reason, the imposition of a time limit on any consent is further justified.

(a)(iii) Planning Agreements

There has been no planning agreement or draft planning agreement entered into under Section 93F of the EP&A Act.

(a)(iv) Matters prescribed by the Regulations

The EP&A Regulation 2000 outlines that the development is to:

- Comply with the National Construction Code / Building Code of Australia (BCA);
- be levied against Council's S94A Development Contributions Plan (where applicable); and
- consider if any works to upgrade the building are warranted.

Suitable conditions of consent may be imposed to ensure compliance with these requirements should the application be approved.

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

Context and Setting

Surrounding development within the Richmond Lowlands generally comprises of agricultural land, polo fields and limited numbers of rural residential properties. Land on the opposite side of the Hawkesbury River comprises a steep escarpment with residential properties located at the top of that escarpment along Terrace Road.

It is considered that the proposed development will have no unreasonable impacts on the locality in respect to overshadowing, loss of views or vistas, or loss of visual or acoustic privacy given the size of the property, the location of the development on the land, and the presence of existing vegetation and landscaping.

As previously discussed, noise generated by the development has the potential to adversely impact the locality, however it has been demonstrated that the activity can be operated to comply with the relevant requirements. These requirements will be enforced via appropriate consent conditions should the application be approved.

Access, Transport and Traffic

At a rate of three persons per car, the proposed development would generate 67 vehicles to the site. The Applicant advises that a maximum of three delivery vehicles per day would be expected and that the maximum number of staff would be 10. This would result in a maximum of 80 vehicles entering or leaving the site at any one time.

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A similar development is also proposed on the adjoining property known as 106 Ridges Lane, Richmond Lowlands within the existing buildings known as 'Sunnybrook Barn' (DA0157/15). This development also proposes a maximum number of guests at each function of 200, and therefore will generate the same traffic volumes.

Therefore, the cumulative impact of both developments in regard to traffic generation would be expected to be a maximum of 160 vehicles for both premises, assuming that they both operate at capacity at the same time. However, it is recognised that not everyone will arrive and depart at the same time, and deliveries usually occur outside of the peak times.

Given the above, it is considered that the proposed development is unlikely to result in unreasonable traffic, transport or access impacts upon the surrounding road network having regard to the current usage of the roads in the locality, their capacity and condition.

The proposal provides suitable access and parking areas for the effective and efficient operation of the site on a temporary and short term basis.

The Applicant has requested that draft conditions relating to the car parking areas being all weather be removed because the 10 space car parking area adjacent to the Polo Barn and the 30 space car parking area are already provided with an all-weather surface. It is agreed that the 10 space car parking area has a suitable seal, however the existing all weather surface within the 30 space car park is insufficient to accommodate 30 vehicles and therefore will need to be upgraded.

The sealing of car parks is a usual requirement for commercial developments. It prevents the generation of dust, and stormwater runoff from unsealed areas that will typically contain more sediments than from sealed areas. Maintenance of unsealed areas is more intensive than for sealed areas. Pedestrian safety within the car park should also be considered, with the unsealed surface requiring a very good standard of maintenance to be suitable for the use of disabled people in particular.

For these reasons the provision of an all-weather surface within the car parking areas is warranted.

(c) *Suitability of the site for the development*

Adequate services and utilities are available to the site.

The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats as no clearing of native vegetation is required.

The flooding affectation of the land is not prohibitive to the proposed development as previously discussed.

The site is located within a rural area subject to low background noise levels. However, this is not considered to be prohibitive to the development as mitigation measures (as has been demonstrated in recent months via Council's noise monitoring) can be undertaken to achieve compliance with relevant noise controls.

The site is considered to be suitable for the development subject to the implementation of the conditions attached to this Report.

(d) *Any submissions made in accordance with the Act or the Regulations*

The application was notified in accordance with the HDCP 2002. Submissions from five adjoining property owners were received in response to this notification. The matters raised in the submissions are discussed below:

- *the 'Polo Barn' building has been modified without development consent, and no Building Certificate has been obtained.*
- *The building is not compliant with the Building Code of Australia.*

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Comment: It is acknowledged that unauthorised works have been undertaken within the building as has occurred on some adjoining properties. However, if required this may be addressed through the Building Certificate process that would be addressed via consent conditions should the development be approved. A Building Code of Australia (BCA) compliance report was submitted for a previous application for the site and that report concluded that the building required relatively minor upgrades to make compliant. Obviously those upgrades would depend on the use that is approved for the site and the ultimate BCA classification. In this regard, an upgraded report demonstrating compliance or otherwise with the National Construction Code/Building Code of Australia would be required, including matters relating to fire safety and disabled access. Should significant works be required to upgrade the building, a separate development application may, but not definitely, need to be lodged.

The Applicant has requested that draft conditions of consent relating to obtaining a Building Certificate be deleted as an application for a Building Certificate for the Polo Barn was lodged with Council on 25 May 2015. However, the issue of that Certificate is dependent on the approval, or otherwise, of this application. In this regard, the classification of the building under the BCA will be different if the application is approved for the proposed temporary use. As such, these Building Certificate applications are on hold pending the determination of this development application.

- *The use of the 'Polo Barn' building for functions will adversely impact adjoining land with particular respect to noise generation.*
- *The application does not propose any sound proofing measure to the building.*
- *Two versions of the acoustic review were submitted with the application, and these reports contradict each other.*

Comment: As previously discussed, it has been demonstrated that the activity can be operated to comply with the relevant requirements. Conditions have been included within the Recommendation of this Report to monitor the development to ensure this compliance.

As mentioned previously in this report, the applicant submitted a consolidated acoustic report that clarifies the apparent discrepancies in the previous reports and clarifies the recommendations. The revised report does not appear to contain any new information or measurements and as such was considered to be clarification as part of the application assessment and did not require to be renotified.

It is considered that noise generated by increased traffic within the locality can be managed via the proposed consent conditions and would be short lived. However, noise associated with the arrival and departure of guests has the potential to cause a nuisance. Management practices can be employed to minimise noise resulting from patrons. In this regard a Patron Management Plan will be required as a condition of any consent.

- *The application does not provide event details;*

Comment: It is confirmed that the application does not provide specific details in respect to events, as approval is not only being sought for the previously booked weddings (details of which have previously been submitted to Council and obtained by objectors), it is also being sought for future functions, including weddings and functions associated with polo events.

The monitoring of the number of functions held on the property can be resolved through conditions of consent requiring the keeping of a register. See recommended consent condition No. 31.

- *The proposed development will have an adverse impact from increased traffic.*

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Comment: Having regard to the current low traffic volumes of roads and polo events currently held on adjoining properties from time to time within the locality, it is considered that traffic generated by the proposed development will have no adverse impact on the road network. This matter has been discussed previously within this Report.

Access to the property and internal driveways are existing and considered suitable for the proposed use.

- *One Respondent raised concern about not being notified of the development*

Comment: The evidence on Council's records does not support this claim. It is confirmed that the application was notified and publicly exhibited in accordance with Hawkesbury Development Control Plan. All adjoining property owners/occupiers were notified in writing, including the Respondent.

(e) The Public Interest

The proposed development is considered to be generally consistent with the relevant legislation and policies. With the clarification of potential noise impacts and the implementation of mitigation measures as recommended in this report, it is considered that the proposed development will have not adversely impact on the amenity of the locality. This matter can be ensured through conditions of consent if the proposal is supported.

On this basis it is considered that the proposed development is not contrary to the public interest.

Developer Contributions

Based on the supplied estimated value-of-work a Section 94A Development Contribution is not applicable.

Conclusion

The proposed development is considered to be consistent with the relevant provisions of Hawkesbury Local Environmental Plan 2012, Sydney Regional Environmental Plan No. 9, Sydney Regional Environmental Plan No. 20, State Environmental Planning Policies No. 44 & 55, Hawkesbury Development Control Plan, and other relevant policies.

In relation to the permissibility of the Temporary Use, Clause 2.8 of the HLEP 2012 permits the use for a "maximum period of 28 days (whether or not consecutive days) in any period of 12 months." Clause 2.8(3) (a-d) outlines the matters to which Council must be satisfied prior to approval. In this regard, whilst the unapproved use of the land may have adversely impacted on adjoining land, the approved use as proposed and conditioned, meets the provisions of this Clause as follows:

- a) The temporary use will not prejudice the subsequent carrying out of development on the land as permitted by the LEP,
- b) For the reasons outlined previously in this report and the imposition and enforcement of the proposed consent conditions, the approved temporary use will not adversely impact on adjoining land or the amenity of the neighbourhood,
- c) As outlined previously in this report, the temporary use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that affect the land,
- d) The temporary use is utilising existing buildings and the land can be restored to the condition previous to the temporary use if required.

Having regard to the disposal of wastewater, the provision of parking and the suitability of existing facilities and infrastructure on the site, it is concluded that the carrying out of the development as proposed on a short term basis will have no significant adverse impact on the natural and built environment. For this reason a time limited approval is recommended.

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It is acknowledged that the application does not satisfactorily demonstrate that the existing building meets the requirements of the Building Code of Australia, especially in relation to fire safety, disabled access and the unlawful works carried out internally. However, as discussed these matters can be resolved with the submission of an updated BCA report and the issue of a Building Certificate.

It is further considered that potential noise impacts from the development can be mitigated by management practices in the short term rather than physical mitigation measures. This is demonstrated by previous noise monitoring of the site by Council. In this regard conditions can be imposed in any consent requiring submission of a patron management plan for approval and regular noise monitoring as directed by Council at the expense of the applicant (see proposed condition No.6 of the recommendation of this report).

Planning Decision

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

RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 approve Development Application No. DA0156/15 for the temporary use of the land for functions on Lot 25 DP 663770, known as 1 Powells Lane, Richmond Lowlands, subject to the following conditions:

General Conditions

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. This consent is limited in time and shall expire on 30 June 2018.
3. The building shall not be used for functions prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the National Construction Code/ Building Code of Australia.
5. Potable water shall be provided to the development in accordance with the NSW Health Private Water Supply Guidelines.
6. Noise assessments are to be conducted for each of the first 10 events/functions held at the premises. The noise assessment must be conducted by a suitably qualified acoustic consultant who is a member of the Association of Australian Acoustic Consultants (AACC), and in accordance with Council directions. Upon completion of each noise assessment for each event, the assessment is to be submitted to Council for review, and demonstrate compliance with noise condition No. 36. Each noise assessment carried out is to be completed at the owners' expense. For any non-compliances that occur during any of the noise assessments, the acoustic consultant is to make recommendations within the assessment and submit these recommendations for review by Council, prior to the next function. Following Council endorsing these recommendations, any changes are to be implemented prior to the next function.

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7. A 149D Building Certificate application for the unapproved works within the existing building shall be submitted to Hawkesbury City Council. The building certificate must be issued prior to the issue of any occupation certificate. The following information must be submitted with the application:
 - a) A report, prepared by a suitably qualified person, demonstrating compliance or otherwise with the National Construction Code/Building Code of Australia. Where any non-compliances exist, the report must make recommendations to address the non-compliances. Particular attention shall be given to egress from the building in the event of an emergency and fire safety measures.
 - b) A structural engineer's certificate certifying the existing structure is capable of withstanding the loads likely to be imposed on it, including resistance to the impact of floodwater in respect to debris and buoyancy forces.
 - c) A statutory declaration or certificate of compliance and a drainage diagram from a licensed plumber is to be provided in relation to sanitary plumbing.
 - d) A termite treatment certificate from a licensed contractor certifying that the structure complies with Australian Standard AS 3660.
 - e) A certificate for wet area waterproofing.

Prior to Commencement of Works

8. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
9. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
10. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
11. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
12. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
13. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

During Construction

14. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
15. Forty car parking spaces to service the development, together with access driveways and turning areas, shall be constructed with an all-weather seal, signposted and maintained. The car park is to comply with AS2890.1 2004, as a minimum standard.
16. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.

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17. Disabled parking shall be provided in accordance with AS2890.6 - 2009.
18. A servicing area with a minimum all-weather surface is to be provided in a suitable location adjacent to the development. The dimensions of the service area are to comply with the requirements of AS2890.2, 2002, for the largest vehicle required to regularly service the site.
19. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
20. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.
21. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project.

Prior to Issue of the Final Occupation Certificate

22. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Services for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building on a prominent location and maintained at all times.
23. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
 - a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
24. The 149D Building Certificate required by Condition 7 of this Consent must be issued prior to the issue of any occupation certificate.
25. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
26. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
27. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
28. A works as executed plan shall be submitted to Council on completion of the car park construction works. The plan shall demonstrate that the car parking and servicing areas have been provided in accordance with the conditions of consent.
29. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au. A plan showing the food preparation/serving area and details demonstrating compliance with the Food Act, 2003 and associated regulations and standards must be submitted with the registration form

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30. A patron management plan for the use of the land for functions shall be submitted to and approved by Hawkesbury City Council. The Plan shall address, but not be limited to:
- a) noise generated from patrons entering or leaving the premises, from within car parking areas and outdoor areas;
 - b) monitoring/management of noise generated from music and PA systems;
 - c) antisocial behaviour,
 - d) the responsible service of alcohol; and
 - e) responsibility for the management of events. For example, and in addition to the items above, who ensures that music ceases and patrons have left the site by the nominated times.

The Plan must detail any likely impacts generated by the use of the premises and propose suitable measures to mitigate these impacts.

Use of the Development

31. The operator shall keep a register detailing the date and times of when the premises is being used for a function and the number of guests attending. This register must be made available to Council officers on request.
32. No more than 28 days within a 12 month period shall be used for the holding of functions on the land.
33. No more than 200 guests are permitted at any function at any given time.
34. A copy of this Development Consent shall be kept on the premises at all times and be made available to Council, Police or other authorised persons upon request.
35. Operating hours shall be limited to:
- Sunday – Thursday: 2pm to 11pm
All music must cease by 10:30pm
All patrons must leave the premises by 11pm.
 - Friday – Saturday: 2pm to 12 midnight
All music must cease by 11:30pm
All patrons must leave the premises by 12 midnight.
36. The noise emitted from the development must not exceed more than 5 dB(A) above background noise levels in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) prior to midnight at the boundary of any affected residence. The noise from the development shall not be audible within any habitable room in any residential premises after midnight.
37. All music, entertainment and speeches (Amplified or otherwise) must only be conducted within the 'Polo Barn' building.
38. All doors to the Polo Barn are to remain closed at all times during a function or event to minimise and reduce noise levels. Entry to and exit from the building during an event shall be via the front/southern side of the building.
39. Farewells to the bride and groom for functions at the Polo Barn must occur inside the barn or on the southern front side of the Polo Barn.
40. All amplification of music, including music from live bands must utilise an in-house sound system with a noise limiter to restrict the level to 98 dB(A) inside the barn when assessed as an average maximum sound level.

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41. Signs must be placed in clearly visible positions within the building and in the car park areas requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
42. Service deliveries to and from the site shall be limited to 7am to 5pm Monday to Sunday.
43. The activity shall be carried out in accordance with the Patron Management Plan.
44. Portable toilets are to be provided to service each function. Amenities are required to be provided for a maximum number of people attending and at the following rates:
 - a) Male facilities are to be provided at a rate of 3 water closets, 8 urinals and 2 hand basins per 500 people attending.
 - b) Female facilities are to be provided at a rate of 13 water closets and 2 hand basins per 500 people attending.
 - c) Hand washing facilities are required at a rate of one hand wash facility per 125 people attending.
45. All Portable toilets and amenities are to be removed from the site within 24 hours of the completion of each function.
46. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person, and
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
47. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
48. The lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed to prevent any light spillage onto adjoining properties.
49. All work and the storage of goods, materials and waste shall be confined within the building or approved storage areas at all times.
50. All waste materials are to be stored in covered waste storage bins and regularly removed from the property. Waste is to be separated where appropriate for re-use and recycling purposes. Waste is to be contained in such a manner to prevent it from being blown, moved or located around the property or surrounding properties.

Advisory Notes

- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- *** In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

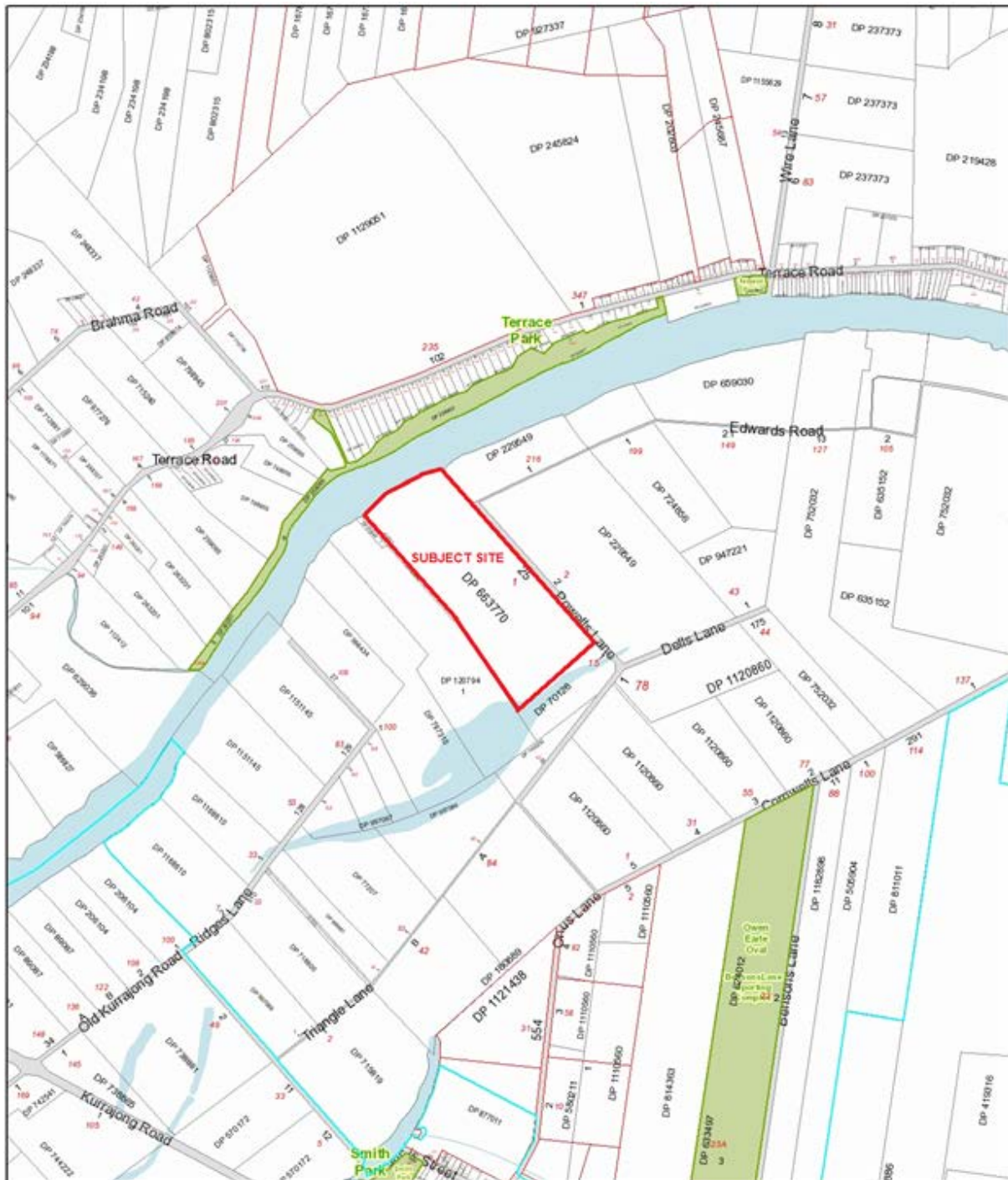
ATTACHMENTS:

- AT - 1 Locality Map
- AT - 2 Aerial Map
- AT - 3 Site Plan
- AT - 4 Floor Plan of Existing Building (Polo Barn)

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AT - 1 Locality Map



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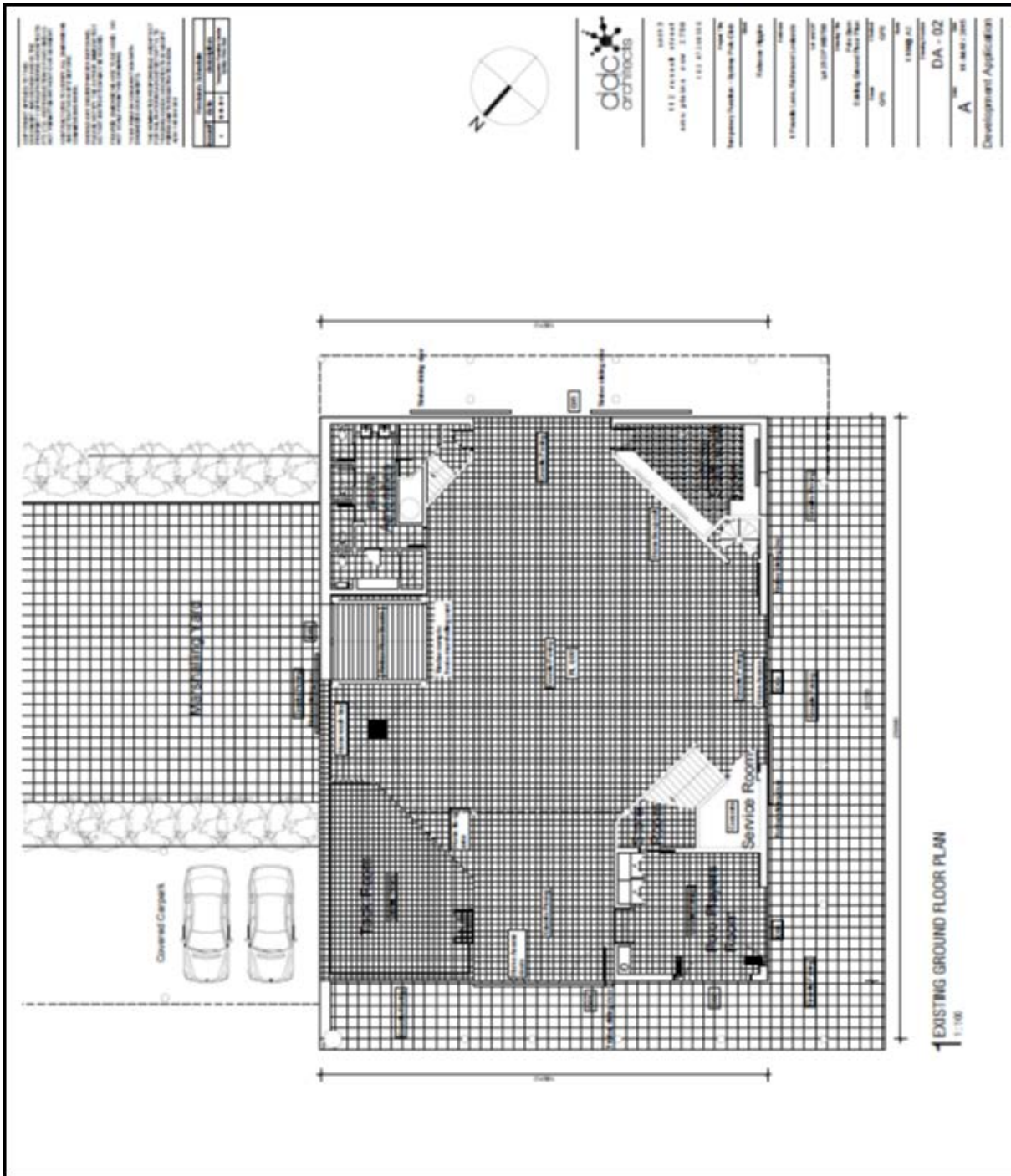
Meeting Date: 30 June 2015

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AT - 4 Floor Plan of Existing Building (Polo Barn)



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ORDINARY MEETING

Meeting Date: 30 June 2015

Item: 88 CP - DA0157/15 - Lot 27 DP 566434 - 106 Ridges Lane, Richmond Lowlands - Temporary use of an existing building - (95498, 102260, 78522)

Previous Item: 4, Ordinary (3 February 2015)

Development Information

File Number: DA0157/15
Property Address: 106 Ridges Lane, Richmond Lowlands
Applicant: Montgomery Planning Solutions
Owner: Basscave Pty Ltd
Proposal Details: Temporary use of the existing building (Sunnybrook Barn) for the holding of functions
Estimated Cost: \$0
Zone: RU2 Rural Landscape
Date Received: 20 March 2015
Advertising: 7 April 2015 - 21 April 2015

Key Issues:

- ◆ Noise
- ◆ Flooding
- ◆ Onsite wastewater disposal
- ◆ Management of the development
- ◆ Unlawful works
- ◆ Compliance with the Building Code of Australia

Recommendation: Approval

REPORT:

Executive Summary

This application seeks approval for the temporary use of an existing building for the holding of functions at 106 Ridges Lane, Richmond Lowlands. The subject building is described in the plans and documentation as the 'Sunnybrook Barn'.

The matter was reported to Council's Ordinary Meeting of 12 May 2015. At this meeting it was resolved that:

"Items 67 and 68 be deferred to a Councillor Briefing Session."

A Councillor Briefing Session was held on 2 June 2015.

Since the report to Council, the Applicant has provided an amended Acoustic Report prepared by The Acoustic Group, to clarify and consolidate the previous information submitted with the application. In addition a request has been received for the reconsideration of proposed conditions in relation to the construction of car parking areas and certification from public authorities. Council has also received an application for a Building Certificate.

Clause 2.8 of Hawkesbury Local Environmental Plan 2012 permits land to be used for any purpose as a temporary use subject to certain requirements, including Council's satisfaction that the use will not adversely impact on the environment or the amenity of the neighbourhood. This Clause only allows the use to be carried out for a maximum of 28 days within any 12 month period.

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The application was publicly notified from 7 April 2015 to 21 April 2015. Two submissions were received objecting to the development. A summary of the matters raised in the submissions are as follows:

- the 'Sunnybrook Barn' building has been modified without development consent, and no Building Certificate has been obtained;
- the use of the 'Sunnybrook Barn' building for functions will adversely impact adjoining land with particular respect to noise generation;
- The building is not compliant with the Building Code of Australia;
- The application does not propose any sound proofing measures to the building;
- Two versions of the acoustic review were submitted with the application, and these reports contradict each other.
- The application does not provide event details;
- The proposed development will have an adverse impact from increased traffic

From the assessment of the application there is no objection, in principle, to the proposed use of the building for functions if that use does not adversely impact on the environment and the amenity of surrounding properties, especially in respect to noise. In this regard the matters raised in the submissions are relevant, however these matters can be resolved through conditions of consent.

Given the nature and scale of the proposed development, it is proposed that, if approved, any consent be limited in time. In this regard a period of three years is proposed. In doing so, it will ensure that the use can be considered as 'temporary', and that any measures employed to mitigate the impacts of the development can be monitored.

In addition, the manner in which it is proposed to manage effluent disposal, car parking and access roads, whilst suitable in the short term, is not considered to be desirable or sustainable for the long term operation of the development.

It is recommended that the application be approved.

Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for the temporary use of an existing building (the Sunnybrook Barn) for functions. The proposal specifically involves the following:

- Use of the Sunnybrook Barn for wedding receptions and functions associated with polo events. It is proposed that a maximum of 28 functions will be held within any 12 month period. It is proposed that only the ground floor of the building will be used for these purposes. The first floor mezzanine of the building will not be used for functions.
- The provision of hardstand car parking spaces for 40 vehicles.
- The provision of 27 overflow car parking spaces

The supplied documentation outlines the following operational details for the proposed use:

- Seating for up to 200 patrons.
- Operating hours of:
 - Sunday – Thursday: 2pm to 11pm – Music off by 10:30pm and all patrons to leave premises by 11pm.
 - Friday – Saturday: 2pm to 12 midnight – Music off by 11:30pm and all patrons to leave premises by 12 midnight.
- 10 staff (maximum).

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No signage is proposed. The development does not involve the removal of any native vegetation onsite.

Site and Locality Description

The subject property consists of two allotments that are legally described as Lot 27 DP 566434 and Lot 1 DP 797310 and have a combined site area of approximately 27 Hectares. The site adjoins Ridges Lane to the west and has a northern frontage to the Hawkesbury River. The property is located within the Richmond Lowlands, approximately 2km from the Richmond town centre.

The site contains a number of polo fields, wetlands, a dwelling house and a number of outbuildings, including the subject Sunnybrook Barn. Sunnybrook Barn is located within the north eastern corner of the site.

Sunnybrook Barn is accessible via a private road from Ridges Lane.

Surrounding development within the Richmond Lowlands generally comprises of agricultural land, polo fields and limited numbers of rural residential properties. Land on the opposite of the Hawkesbury River comprises of a steep escarpment with residential properties located at the top of this escarpment along Terrace Road.

Background

- On 15 June 2014 a Notice of Intention to Serve an Order under the EP&A Act was issued to the owner to cease the unauthorised use of the site for wedding receptions and other functions.
- Development Application DA0430/14 to use the Sunnybrook Barn as a restaurant was lodged with Council on 4 July 2014.
- On 12 September 2014, an Order under the EP&A Act was issued to the owner to cease the unauthorised use of the site for weddings and functions.
- On 17 November 2014 a Direction to Take Preventative Action under the Protection of the Environment Operations Act 1997 was issued to the owners of the land. This Direction related to noise from the site and specified noise limits for the site. Monitoring of the compliance with that Direction since has not identified any non-compliances.
- Argosy Agricultural Group Pty Ltd, Sydney Polo Club Pty Ltd and Peter and Rebecca Higgins provided an undertaking on 17 December 2014 that they would refrain from promoting the venue or taking any further bookings for the use as a Function Centre (Wedding Receptions) until further discussions take place with Council officers early in 2015.
- The Applicant filed a Class 1 Appeal against Council's deemed refusal of DA0430/14 (Restaurant) on 12 December 2014.
- At Council's Meeting of 3 February 2015 it was resolved to refuse DA0430/14.
- The Class 1 Appeal was dismissed by the Court (each party to costs) on 20 March 2015
- Development Application DA0157/15 (the application subject to this report) was lodged on 20 March 2015
- This Development application (DA0157/15) was reported to the Council meeting of 12 May 2015. Council resolved to defer the application for review at a Councillor Briefing Session. The Briefing Session was held on 2 June 2015.
- Revised acoustic report received on 11 June 2015. This report does not contain any new information or measurements and was proposed to clarify the apparent discrepancies between the previous reports and more clearly articulate the recommendations.

Development Plans Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 9 – Extractive Industry (SREP No. 9)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

In determining the application, Council is required to take into consideration the following matters relevant to the development that applies to the type of development and the land to which the development relates:

Section 79C Matters for Consideration

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

(a)(i) Environmental Planning Instruments

State Environmental Planning Policy No. 44 – Koala Habitat Protection

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

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

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

The site exceeds 1 hectare in area and therefore triggers the requirements of SEPP No. 44. However, the proposed development does not require the removal of native vegetation and will therefore not disturb habitat areas within the site. Consequently, an investigation into whether or not the land is potential koala habitat is not required for the development.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines that a consent authority

"must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

The site has a history of being used for agricultural, sporting and residential purposes. The subject building is of modern construction (approved with Development Consent No. DA1127/04) and was previously used for the storage of hay prior to its current use. It is unlikely that such uses would have contaminated the land. The land is therefore considered suitable for the proposed commercial development with regard to the provisions of SEPP No. 55.

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Sydney Regional Environmental Plan No. 9 – Extractive Industry (SREP No. 9)

This Plan aims to facilitate extractive industries by identifying land which contains material of regional significance, ensuring consideration is given to the impacts of other development on these industries and to promote the carrying out of these industries in an environmentally acceptable manner.

The subject property is located on land that is identified in Schedule 5 of this Plan being "*the land identified on Sheet 9 of the map as Richmond Lowlands sand/gravel*".

Whilst the land is subject to this Policy, SREP No. 9 does not contain any specific requirements in relation to the individual development of the land for other purposes. It is considered that the proposed development will have no impact on the potential use of the land for extractive purposes in the future.

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

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.

The subject land is situated within a scenic corridor of regional significance. In addition, a wetland identified under this Plan is located on the subject property and a number of identified wetlands are located in the vicinity of the development.

Specifically Clauses 6(1), 6(2), 6(3), 6(4), 6(5), 6(6), 6(7) and 11(9), 11(15), 11(16) & 11(17) of the Plan are relevant to the proposal.

The proposed development involves the use of an existing building for functions. The building is situated 120m from the Hawkesbury River and existing vegetation will be maintained. Forty hard stand car parking spaces are to be provided within an existing level, previously cleared area. Internal driveways within the property exist.

Given that the proposed development does not involve building works or substantial earthworks, and is located within previously cleared areas, it is considered that the proposal will have no adverse impact on:

- the water catchment
- the habitat of native flora and fauna, including aquatic habitats
- the riverine scenic quality
- the stability of the riverbank
- the quantity and quality of water entering the Hawkesbury River or nearby watercourses and wetlands, or on groundwater quality
- land conditions.

In this regard, the proposed development is consistent with clauses 6(1), 6(2), 6(6), 6(7), 11(15) & 11(16) of this Policy.

The proposal is relying on the existing onsite wastewater treatment system to service the development. Therefore, the application is consistent with Clause 11(17) which relate only to the installation of a new system. However, the adequacy of the existing system is discussed later in this Report.

The proposal is considered to be consistent with the aims, planning considerations, planning policies, recommended strategies and development controls of SREP No. 20.

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Hawkesbury Local Environmental Plan 2012

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

Clause 2.2 Zoning of land to which Plan applies.

The Property No. 106 Ridges Lane, Richmond Lowlands is comprised of two individual lots. The Sunnybrook Barn is located on Lot 27 DP 566434 which is zoned RU2 Rural Landscape

Clause 2.3 Zone objectives and Land Use Table

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone. It is considered that the proposed development is consistent with the objectives of the zone as:

- the proposed development will have no adverse impact on the existing landscape and rural character, or the scenic quality of the locality given that no additional buildings are proposed and no clearing of vegetation is required. The use of an existing cleared area as a car park for 40 vehicles will have no unreasonable long-term visual impacts.
- it is considered that the proposed use, subject to the imposition of conditions relating to noise, is compatible with, and will not create unreasonable conflicts with, the use of properties in the locality for residential, recreational and agricultural uses.
- the proposal will not result in the fragmentation or alienation of resource lands.
- the proposed development will not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways as previously discussed.
- the proposal will have no adverse impact on existing landscape values, the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.
- the proposed use will not create unreasonable demands for the provision or extension of public amenities or services.
- the proposed development will have no adverse impact on the wetlands located on the property and within the locality having regard to their ecological, scientific, cultural and aesthetic values.

The development is located a minimum of approximately 700m from the wetland located on the property. The car parking area will require upgrading to provide an all-weather surface to the turning, manoeuvring and parking areas (gravel or the like). These works will have no significant adverse impact on the wetland. The upgrading of car parking area will reduce erosion and thereby sedimentation of downstream watercourses and wetlands. Should sedimentation occur from the overflow parking area, given the lay of the land, any impact will remain within the property.

Clause 2.8 Temporary use of land

The Applicant is seeking approval for the temporary use of the 'Sunnybrook Barn' for the holding of functions under Clause 2.8 of HLEP 2012. Clause 2.8 states:

- "(1) the objective of this clause to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.*

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- (2) *Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.*
- (3) *Development consent must not be granted unless the consent authority is satisfied that:*
 - (a) *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
 - (b) *the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*
 - (c) *the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
 - (d) *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use."*

The proposed development is considered to be consistent with the objectives of this Clause in that it will not compromise the future development of the land as the proposed use will utilise existing buildings, access roads and cleared areas for car parking. In this regard, at the conclusion of each function the land will be in a condition comparable to that in which it was before.

Having regard to subclause (2), the application proposes a maximum of 28 functions within a twelve month period. Should the proposal be supported, this requirement can be ensured through conditions of any consent.

The Statement of Environmental Effects (SEE) submitted in support of the application advises that:

"The purpose of this application is to provide the opportunity for Council to issue temporary approval to allow the existing booked weddings to take place."

However, further in the SEE it is stated that the function centre will also cater for functions associated with polo events. Discussions with the Applicant have also revealed that there is an expectation that if approved, the temporary use will be ongoing.

It is considered that this is contrary to what would be expected of a temporary use, that is, a use that is short in duration and infrequent. The proposed development comprising of up to 28 functions within a year, every year indefinitely, presents as a permanent development.

An onsite sewage management system exists on the land and services the facilities within the existing building. The Applicant states:

"Wastewater is treated and disposed on-site by means of the existing sewer management facility, which has serviced functions within the building for many years without incident."

It is considered that the existing system is unsuitable for the proposed use in that it is not a commercial system. In addition, a recent wastewater report, prepared by Envirotech Consultants (submitted with DA0430/14 for a 120 seat restaurant within the Sunnybrook Barn building) proposed a new system to cater for the predicted wastewater loads. The current application seeks functions for a maximum of 200 people.

In this regard, it is proposed that portable toilets be used as an acceptable short term solution. However to minimise any adverse impacts on the amenity of the locality, it will be a requirement of any consent that they be removed at the conclusion of each event within 24 hours.

An amended Acoustic Report prepared by The Acoustic Group and dated 10 June 2015 was received at Council on 11 June 2015.

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The amended Acoustic Report provides recommendations for the operation of the development. In this regard the following recommendations are supported and will be ensured through conditions of consent:

- The provision of entertainment is to be restricted to inside the barn
- All amplification of music should utilise an in-house sound system with a noise limiter to restrict the level to 80 dB(A) inside the barn when assessed as an average maximum sound level.
- Farewells to bride and groom should occur inside the barn or on the eastern side of the barn.

It is considered reasonable that monitoring of the activity be undertaken to confirm that the above measures will ensure that noise levels meet the relevant legislative requirements. In this respect Condition 6 has been included in the Recommendation of this Report.

The recent monitoring of events by Council officers has demonstrated that the premises can be operated so that the noise emitted from the development does not exceed more than 5 dB(A) above background noise levels in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) prior to midnight at the boundary of any affected residence.

It is also acknowledged that the management of the activity will also play a role in mitigating any adverse impacts on the amenity of the locality. This is evident since the issue of the Direction to Take Preventative Action issued for the site in November 2014. Since the issue of that Direction Council's noise monitoring has not identified any non-compliances with that Direction. In this regard, an operation management plan will also be required as a condition of any consent.

It is also noted that the Direction required events to cease at 10:30pm with all patrons gone by 11pm. The development proposes to maintain these finish times for Sunday through to Thursday, however are seeking approval for music to 11:30pm with all patrons leaving the premises by midnight on Fridays and Saturdays.

Given the above it is proposed that, if approved, any consent be limited in time. In this regard a period of three years is proposed to ensure that the use can be considered as 'temporary' and that any measures employed to mitigate the impacts of the development can be monitored.

It is concluded that, subject to conditions of consent, the proposed development can achieve consistency with the requirements of the Clause.

Clause 4.3 Height of buildings

The maximum height of the building is 6.84m which is well below the maximum building height of 10m required by this Clause.

Clause 6.1 – Acid Sulphate Soils

The land affected by the development falls within Class 4 and Class 5 as identified on the Acid Sulfate Soils Planning Map. The proposed development does not include any works as defined within this clause and therefore no further investigations in respect to acid sulphate soils are required. The proposal is consistent with the requirements of this Clause.

Clause 6.3 – Flood Planning

(1) *The objectives of this clause are as follows:*

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) *to avoid significant adverse impacts on flood behaviour and the environment.*

(2) *This clause applies to land at or below the flood planning level.*

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- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) *is compatible with the flood hazard of the land, and*
 - (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*
 - (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
- (4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*
- (5) *In this clause:*

flood planning level *means the level of a 1:100 ARI (average recurrent interval) flood event."*

Council's mapping indicates that the area of the site that accommodates the Sunnybrook Barn has a land level of approximately 15.5m AHD. It is also noted that the main access route to and from the site is as low as 10m AHD and the parking area has a level at approximately 15m AHD. The property is therefore defined as flood prone land.

The adopted 1-in-100 year flood level for the area is approximately 17.4m AHD. The Hawkesbury Nepean Flood Study (1995) also identifies that the level for the 1 in 5 (20%) chance per year is 12.5m. Therefore, it is considered that the property will be subject to flooding on a frequent basis. Access to the subject property from Richmond is via Triangle or Onus Lane and Ridges Lane. These Roads are located below the 1 in 100 year flood level, and high hazard areas exist in the vicinity, effectively cutting off the evacuation route from the subject property to flood free land within Richmond.

The Applicant states:

"The proposal is for the temporary use of an existing barn for functions. The building will not be occupied by persons on any long term basis. Rather, patrons will attend the premises for short periods only for meals and entertainment.

The road access will be inundated by backwaters prior to the land itself being flooded. There is generally a warning in this location of at least 24 hours prior to a flood event. The premises will close during flood warning periods to ensure that there is no risk to life. There is also sufficient warning to ensure that there is no unnecessary loss of property.

It is considered that the proposed temporary use is compatible with the flood hazard associated with the land as the use will not be operating during times of flood. There is no information available at this time about the effects of climate change on flood behaviour in this area."

Having regard to the principles of the NSW Government Floodplain Development Manual April 2005, it is considered that part of the subject land is within a flood-prone land category of High Hazard - Flood Storage.

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Whilst a significant portion of visitors to the site would be unfamiliar with the area, the nature of flooding and evacuation procedures, the effective warning time for an impending flood would be in excess of 24 hours. With the preparation of a Flood Evacuation Management Plan, as well as the implementation of appropriate management practices for events, such as the cancelling of functions once a flood warning has been given, it is considered that the proposed use is compatible with the flood hazard associated with the land.

A Flood Evacuation Management Plan has not been provided in conjunction with the application however it is acknowledged that this would ordinarily be required to be prepared as a condition of consent. (See proposed conditions 22 and 23 of the recommendation to this report)

Given the proposal utilises an existing building it is considered that the development will not affect flood behaviour in the locality, adversely affect the environment or cause erosion, siltation, the destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The following matters, contained in Council's Development of Flood Liable Land Policy must also be applied when assessing an application on flood affected land or to which Clause 6.3 of the HLEP 2012 applies:

- "1. A building shall not be erected on any land lying at a level lower than 3 metres below the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is situated, except as provided by subclauses (3) and (5).*
- 2. Each habitable room in a building situated on any land to which this Policy applies shall have a floor level no lower than the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is located.*
- 3. Notwithstanding subclauses (1), (2), (7) and (8), a building that was lawfully situated on any land at 30 June 1997 may be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*
- 4. The assessment of a development application must consider the flood liability of access to the land and, if the land is within a floodway area, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this Policy have been satisfied. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.*
- 5. Minor (Non-Habitable) structures such as Farm Buildings, Outbuildings, Sheds, Garages and other Ancillary Structures may be erected on land below the 1:100 ARI (average recurrent interval) flood event level. However, the assessment of a development application for such a structure must consider the likely frequency of flooding, the potential flood damage (to both the subject structure and to other surrounding property should the structure be washed away) and measures to be taken for the evacuation of the property. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk.*
- 6. Any part of a building below the 1:100 ARI (average recurrent interval) flood event level is to be constructed of flood compatible materials."*

The subject building satisfies Clause 1 above in that it is located on land that is not less than 3m below the adopted 1-in-100 year flood level. The proposal involves the use of an existing building for a non-habitable purpose so as to also satisfy Clause 5 of the Development of Flood Liable Land Policy.

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Access to the site from Ridges Lane will require visitors to pass through areas of higher flood hazard, which is contrary to the Policy. However, access to the site will be inundated by backwaters prior to the land itself being flooded. Warnings will generally be issued a minimum of 24 hours before any major flooding event which should be sufficient to allow for the closure of the premises during periods of flood risk.

It is considered that the proposal, being a non-residential use, will generally satisfy Clause 6.3 of the HLEP 2012 and Council's Development of Flood Liable Land Policy.

Clause 6.4 – Terrestrial Biodiversity

Northern and southern portions of the site are identified on the Terrestrial Biodiversity Map as comprising 'Endangered Ecological Communities' and 'Connectivity between significant vegetation' under this Clause. It is noted that no tree removal is proposed in conjunction with the proposal and the development area is clear of the mapped areas identified above. The development is therefore seen to be consistent with this Clause.

Clause 6.5 – Wetlands

A mapped wetland is located in the southern portion of the site. The proposed works are located approximately 700m from this wetland and are unlikely to impact the waterbody.

Clause 6.7 – Essential Services

The Applicant advises:

"All drinking water will be commercially packaged bottled water. All food will be prepared off site in commercial kitchens by contract caterers and delivered to the building ready to serve to patrons. Roof water will be collected in a tank and reticulated for toilet flushing and hand washing. All taps within the amenities will be labelled 'water not suitable for drinking'".

The use of bottled water within the food service and preparation areas can be ensured through conditions of consent.

Electricity is connected to the building.

The Applicant requested that draft conditions of consent relating to the provision of certification from public authorities be deleted for the following reason:

"All of these requirements are considered unnecessary in this context as the Polo Barn and Sunnybrook Barn are existing, operational buildings."

The 'Sunnybrook Barn' was originally approved and constructed as a shed. Unauthorised works have been carried out on this building to convert it for its use for functions, being a commercial use. Certification from public authorities (water, electricity and telecommunications) is a standard requirement for most development. This certification enables these authorities to plan for the needs of the proposed development and future development of the land, and to ensure that services are connected properly. For these reasons this certification will still be required should the proposed development be supported.

As previously discussed, given the unsuitability of the existing sewage management facility, it will be a requirement that portable toilets be provided to service the events.

Given the land levels, stormwater runoff from the car park areas will remain and be managed on the property.

Access roads within the property are considered to be suitable for the proposed development.

(a)(ii) Draft Environmental Planning Instruments

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

(a)(iii) Development Control Plans

Hawkesbury Development Control Plan 2002

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

Part A Chapter 3 – Notification

The application was notified in accordance with Part A Chapter 3 of the HDCP 2002. As a result two submissions raising objection to the proposal have been received in response to the application. The matters raised in these submissions are discussed later in this Report.

Part C Chapter 2 – Car parking and Access

Part C Chapter 2 of the HDCP 2002 outlines that car parking for 'restaurants, reception centres and refreshment rooms' is to be provided at a rate of one space per 20m² of gross floor area or one space per three seats, whichever is greater.

Based on a 200 seats capacity, 67 car parking spaces are required. The development proposes to provide a total of 40 spaces within a cleared area located approximately 150m from the building.

The Applicant states:

"The application proposes a total of 40 nominated car parking spaces. There is adequate overflow parking available adjacent to the car parking area. It is submitted that the parking provisions will be adequate for the proposed temporary development."

Whilst the Applicant does not provide any justification for the short fall in parking spaces, on a short term basis, the use of grassed areas for overflow parking is considered acceptable. However, on a long term basis, the continued use of these areas for parking may lead to land degradation if not upgraded. For this reason, the imposition of a time limit on any consent is further justified.

(a)(iia) Planning Agreements

There has been no planning agreement or draft planning agreement entered into under Section 93F of the EP&A Act.

(a)(iv) Matters prescribed by the Regulations

The EP&A Regulation 2000 outlines that the development is to:

- comply with the National Construction Code / Building Code of Australia (BCA)
- be levied against Council's S94A Development Contributions Plan (where applicable)
- consider if any works to upgrade the building are warranted.

Suitable conditions of consent may be imposed to ensure compliance with these requirements should the application be approved.

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

Context and Setting

Surrounding development within the Richmond Lowlands generally comprises of agricultural land, polo fields and limited numbers of rural residential properties. Land on the opposite side of the Hawkesbury River comprises a steep escarpment with residential properties located at the top of that escarpment along Terrace Road.

It is considered that the proposed development will have no unreasonable impacts on the locality in respect to overshadowing, loss of views or vistas, or loss of visual or acoustic privacy given the size of the property, the location of the development on the land, and the presence of existing vegetation and landscaping.

As previously discussed, noise generated by the development has the potential to adversely impact the locality, however it has been demonstrated that the activity can be operated to comply with the relevant requirements.

Access, Transport and Traffic

At a rate of three persons per car, the proposed development would generate 67 vehicles to the site. The Applicant advises that a maximum of three delivery vehicles per day would be expected and that the maximum number of staff would be 10. This would result in a maximum of 80 vehicles entering or leaving the site at any one time.

A similar development is also proposed on the adjoining property known as 1 Powells Lane, Richmond Lowlands within the existing buildings known as the 'Polo Barn' (DA0156/15). This development also proposes a maximum number of guests at each function of 200, and therefore will generate the same traffic volumes.

Therefore, the cumulative impact of both developments in regard to traffic generation would be expected to be a maximum of 160 vehicles for both premises, assuming that they both operate at capacity at the same time. However, it is recognised that not everyone will arrive and depart at the same time, and deliveries usually occur outside of the peak times.

Given the above, it is considered that the proposed development is unlikely to result in unreasonable traffic, transport or access impacts upon the surrounding road network having regard to the current usage of the roads in the locality, their capacity and condition.

The proposal provides suitable access and parking for the effective and efficient operation of the site on a temporary and short term basis

The Applicant has requested that draft conditions relating to the car parking areas being all weather be removed because it will be used on an infrequent and temporary basis, any sedimentation will be retained within the site and it is more consistent with the Clause 2.8 of Hawkesbury Local Environmental Plan 2012. At present the area in which the 40 car spaces are to be located is grassed.

The sealing of car parks is a usual requirement for commercial developments. It prevents the generation of dust, and stormwater runoff from unsealed areas that will typically contain more sediments than from sealed areas. Maintenance of unsealed areas is more intensive than for sealed areas. Pedestrian safety within the car park should also be considered, with the unsealed surface requiring a very good standard of maintenance to be suitable for the use of disabled people in particular.

For these reasons the provision of an all-weather surface within the car parking areas is warranted.

(c) Suitability of the site for the development

Adequate services and utilities are available to the site.

The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats as no clearing of native vegetation is required.

The flooding affectation of the land is not prohibitive to the proposed development as previously discussed.

The site is located within a rural area subject to low background noise levels. However, this is not considered to be prohibitive to the development as mitigation measures (as demonstrated in recent months via Council's noise monitoring) can be undertaken to achieve compliance with relevant noise controls.

The site is considered to be suitable for the development subject to the implementation of the conditions attached to this Report.

(d) Any submissions made in accordance with the Act or the Regulations

The application was notified in accordance with the HDCP 2002. Submissions from two adjoining property owners were received as a result of this notification. The matters raised in the submissions are discussed below:

- *The 'Sunnybrook Barn' building has been modified without development consent, and no Building Certificate has been obtained.*
- *The building is not compliant with the Building Code of Australia.*

Comment It is acknowledged that unauthorised works have been undertaken within the building as has occurred on some adjoining properties. However, if required this may be addressed through the Building Certificate process that would be addressed via consent conditions should the development be approved. A Building Code of Australia (BCA) compliance report was submitted for a previous application for the site and that report concluded that the building required relatively minor upgrades to make compliant. Obviously those upgrades would depend on the use that is approved for the site and the ultimate BCA classification. In this regard, an updated report demonstrating compliance or otherwise with the National Construction Code/Building Code of Australia would be required, including matters relating to fire safety and disabled access. Should significant works be required to upgrade the building, a separate development application may, but not definitely, need to be lodged.

The Applicant has requested that draft conditions of consent relating to obtaining a Building Certificate be deleted as an application for a Building Certificate lodged with Council on 25 May 2015. However, Council has only received one application, being for the Polo Barn, not the 'Sunnybrook Barn'. Regardless, the issue of any Building Certificate at this time would be dependent on the approval, or otherwise, of this application.

- *The use of the 'Sunnybrook Barn' building for functions will adversely impact adjoining land with particular respect to noise generation.*
- *The application does not propose any sound proofing measure to the building.*
- *Two versions of the acoustic review were submitted with the application, and these reports contradict each other.*

Comment As previously discussed, it has been demonstrated that the activity can be operated to comply with the relevant requirements. Conditions have been included within the Recommendation of this Report to monitor the development to ensure compliance.

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As mentioned previously in this report, the applicant submitted a consolidated acoustic report that clarifies the apparent discrepancies in the previous reports and clarifies the recommendations. The revised report does not appear to contain any new information or measurements and as such was considered to be clarification as part of the application assessment and did not require to be renotified.

It is considered that noise generated by increased traffic within the locality would not be unreasonable as it would be short lived. However, noise associated with the arrival and departure of guests has the potential to cause a nuisance. Management practices can be employed to minimise noise resulting from patrons. In this regard a Patron Management Plan will be required as a condition of any consent.

- *The application does not provide event details;*

Comment It is confirmed that the application does not provide specific details in respect to events, as approval is not only being sought for the previously booked weddings (details of which have previously been submitted to Council and obtained by objectors), it is also being sought for future functions, including weddings and functions associated with polo events.

The monitoring of the number of functions held on the property can be resolved through conditions of consent requiring the keeping of a register. See recommended consent condition No. 31.

- *The proposed development will have an adverse impact from increased traffic.*

Comment Having regard to the current low traffic volumes of roads and polo events held on adjoining properties from time to time within the locality, it is considered that traffic generated by the proposed development will have no adverse impact on the road network. This matter has been discussed previously within this Report.

Access to the property and internal driveways are existing and considered suitable for the proposed use.

- *Two Respondents raised concern about not being notified of this development.*

Comment It is confirmed that the application was notified and publicly exhibited in accordance with Hawkesbury Development Control Plan (DCP). All adjoining property owners/occupiers were notified in writing. The Respondents' land does not directly adjoin the subject land and therefore were not required to be notified under the DCP. However, it should be noted that although not required to be notified under the provisions of the DCP does not preclude any person from making a submission about a development application.

It is noted that notification of the Polo Barn proposal (DA0156/15) was given to these Respondents as they are adjoining neighbours to the proposed Polo Barn development.

(e) The Public Interest

The proposed development is considered to be generally consistent with the relevant legislation and policies. With the clarification of potential noise impacts and the implementation of mitigation measure, it is considered that the proposed development will have no adverse impact on the amenity of the locality. This matter can be resolved through conditions of consent if the proposal is supported.

On this basis it is considered that the proposed development is not contrary to the public interest.

Developer Contributions

Based on the supplied estimated value-of-work a Section 94A Development Contribution is not applicable.

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Conclusion

The proposed development is considered to be consistent with the relevant provisions of Hawkesbury Local Environmental Plan 2012, Sydney Regional Environmental Plan No. 9, Sydney Regional Environmental Plan No. 20, State Environmental Planning Policies No. 44 & 55, Hawkesbury Development Control Plan, and other relevant policies.

In relation to the permissibility of the Temporary Use, Clause 2.8 of the HLEP 2012 permits the use for a *"maximum period of 28 days (whether or not consecutive days) in any period of 12 months."* Clause 2.8(3) (a-d) outlines the matters to which Council must be satisfied prior to approval. In this regard, whilst the unapproved use of the land may have adversely impacted on adjoining land, the approved use as proposed and conditioned, meets the provisions of this Clause as follows:

- a) The temporary use will not prejudice the subsequent carrying out of development on the land as permitted by the LEP,
- b) For the reasons outlined previously in this report and the imposition and enforcement of the proposed consent conditions, the approved temporary use will not adversely impact on adjoining land or the amenity of the neighbourhood,
- c) As outlined previously in this report, the temporary use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that affect the land,
- d) The temporary use is utilising existing buildings and the land can be restored to the condition previous to the temporary use if required.

Having regard to the disposal of wastewater, the provision of parking and the suitability of existing facilities and infrastructure on the site, it is concluded that the carrying out of the development on a short term basis will have no significant adverse impact on the natural and built environment. For this reason a time limited approval is recommended.

It is acknowledged that the application does not satisfactorily demonstrate that the existing building meets the requirements of the Building Code of Australia, especially in relation to fire safety, disabled access and the unlawful works carried out internally. However, as discussed these matters can be resolved with submission of an updated BCA report and the issue of a Building Certificate.

It is further considered that potential noise impacts from the development can be mitigated by management practices. This is demonstrated by previous noise monitoring of the site by Council. In this regard conditions can be imposed in any consent requiring submission of a patron management plan for approval and regular noise monitoring as directed by Council at the expense of the applicant (see proposed condition No.6 of the recommendation of this report).

Planning Decision

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

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RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 approve Development Application No. DA0157/15 for the temporary use of the land for functions on Lot 27 DP 566434 and Lot 1 DP 797310, known as 106 Ridges Lane, Richmond Lowlands, subject to the following conditions:

General Conditions

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. This consent is limited in time and shall expire on 30 June 2018.
3. The building shall not be used for functions or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the National Construction Code/ Building Code of Australia. In this regard, adequate provision shall be made for egress from the building in the event of an emergency.
5. Potable water shall be provided to the development in accordance with the NSW Health Private Water Supply Guidelines.
6. Noise assessments are to be conducted for each of the first 10 events/functions held at the premises. The noise assessment must be conducted by a suitably qualified acoustic consultant who is a member of the Association of Australian Acoustic Consultants (ACCC), and in accordance with Council directions. Upon completion of each noise assessment for each event, the assessment is to be submitted to Council for review, and demonstrate compliance with noise condition No. 36. Each noise assessment carried out is to be completed at the owners' expense. For any non-compliances that occur during any of the noise assessments, the acoustic consultant is to make recommendations within the assessment and submit these recommendations for review by Council, prior to the next function. Following Council endorsing these recommendations, any changes are to be implemented prior to the next function.
7. A 149D Building Certificate application for the unapproved works within the existing building shall be submitted to Hawkesbury City Council. The building certificate must be issued prior to the issue of any occupation certificate. The following information must be submitted with the application:
 - a) A report, prepared by a suitably qualified person, demonstrating compliance or otherwise with the National Construction Code/Building Code of Australia. Where any non-compliances exist, the report must make recommendations to address the non-compliances. Particular attention must be paid to egress from the building in the event of an emergency.
 - b) A structural engineer's certificate certifying the existing structure is capable of withstanding the loads likely to be imposed on it, including resistance to the impact of floodwater in respect to debris and buoyancy forces.
 - c) A statutory declaration or certificate of compliance and a drainage diagram from a licensed plumber is to be provided in relation to sanitary plumbing.
 - d) A termite treatment certificate from a licensed contractor certifying that the structure complies with Australian Standard AS 3660.
 - e) A certificate for wet area waterproofing.

Prior to Commencement of Works

8. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.

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9. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
10. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
11. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
12. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
13. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

During Construction

14. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
15. Forty car parking spaces to service the development, together with access driveways and turning areas, shall be constructed with an all-weather seal, signposted and maintained. The adjacent driveway is to be widened as required to achieve a minimum aisle width for manoeuvring of 5.8m. The car park is to comply with AS2890.1 2004, as a minimum standard.
16. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
17. Disabled parking shall be provided in accordance with AS2890.6 - 2009.
18. A servicing area with a minimum all-weather surface is to be provided in a suitable location adjacent to the development. The dimensions of the service area are to comply with the requirements of AS2890.2, 2002, for the largest vehicle required to regularly service the site.
19. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
20. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.
21. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project.

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Prior to Issue of the Final Occupation Certificate

22. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Services for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building on a prominent location and maintained at all times.
23. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
 - a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
24. The 149D Building Certificate required by Condition 7 of this Consent must be issued prior to the issue of any occupation certificate.
25. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
26. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
27. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
28. A works as executed plan shall be submitted to Council on completion of the car park construction works. The plan shall demonstrate that the car parking and servicing areas have been provided in accordance with the conditions of consent.
29. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au. A plan showing the food preparation/serving area and details demonstrating compliance with the Food Act, 2003 and associated regulations and standards must be submitted with the registration form
30. A patron management plan for the use of the land for functions shall be submitted to and approved by Hawkesbury City Council. The Plan shall address, but not be limited to:
 - a) noise generated from patrons entering or leaving the premises, from within car parking areas and outdoor areas;
 - b) monitoring/management of noise generated from music and PA systems;
 - c) antisocial behaviour,
 - d) the responsible service of alcohol; and
 - e) responsibility for the management of events. For example, and in addition to the items above, who ensures that music ceases and patrons have left the site by the nominated times.

The Plan must detail any likely impacts generated by the use of the premises and propose suitable measures to mitigate these impacts.

Use of the Development

31. The operator shall keep a register detailing the date and times of when the premises is being used for a function and the number of guests attending. This register must be made available to Council officers on request.

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32. No more than 28 days within a 12 month period shall be used for the holding of functions on the land.
33. No more than 200 guests are permitted at any function at any given time.
34. A copy of this Development Consent shall be kept on the premises at all times and be made available to Council, Police or other authorised persons upon request.
35. Operating hours shall be limited to:
 - Sunday – Thursday: 2pm to 11pm
All music must cease by 10:30pm
All patrons must leave the premises by 11pm.
 - Friday – Saturday: 2pm to 12 midnight
All music must cease by 11:30pm
All patrons must leave the premises by 12 midnight.
36. The noise emitted from the development must not exceed more than 5 dB(A) above background noise levels in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) prior to midnight at the boundary of any affected residence. The noise from the development shall not be audible within any habitable room in any residential premises after midnight.
37. All music, entertainment and speeches must only be conducted within the ‘Sunnybrook Barn’ building.
38. All doors to the Sunnybrook Barn are to remain closed at all times during a function or event to minimise and reduce noise levels. Entry to and exit from the building during an event shall be via the eastern side of the building.
39. Farewells to the bride and groom for functions at the Sunnybrook Barn must occur inside the building or on the eastern side of the building.
40. All amplification of music, including music from live bands must utilise an in-house sound system with a noise limiter to restrict the level to 80 dB(A) inside the building when assessed as an average maximum sound level.
41. Signs must be placed in clearly visible positions within the building and in the car park areas requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
42. Service deliveries to and from the site shall be limited to 7am to 5pm Monday to Sunday.
43. The activity shall be carried out in accordance with the Patron Management Plan.
44. Portable toilets are to be provided to service each function. Amenities are required to be provided for a maximum number of people attending and at the following rates:
 - a) Male facilities are to be provided at a rate of 3 water closets, 8 urinals and 2 hand basins per 500 people attending.
 - b) Female facilities are to be provided at a rate of 13 water closets and 2 hand basins per 500 people attending.
 - c) Hand washing facilities are required at a rate of one hand wash facility per 125 people attending.
45. All Portable toilets and amenities are to be removed from the site within 24 hours of the completion of each functions.

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46. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person, and
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
47. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
48. The lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed to prevent any light spillage onto adjoining properties.
49. All work and the storage of goods, materials and waste shall be confined within the building or approved storage areas at all times.
50. All waste materials are to be stored in covered waste storage bins and regularly removed from the property. Waste is to be separated where appropriate for re-use and recycling purposes. Waste is to be contained in such a manner to prevent it from being blown, moved or located around the property or surrounding properties.

Advisory Notes

- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- *** In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

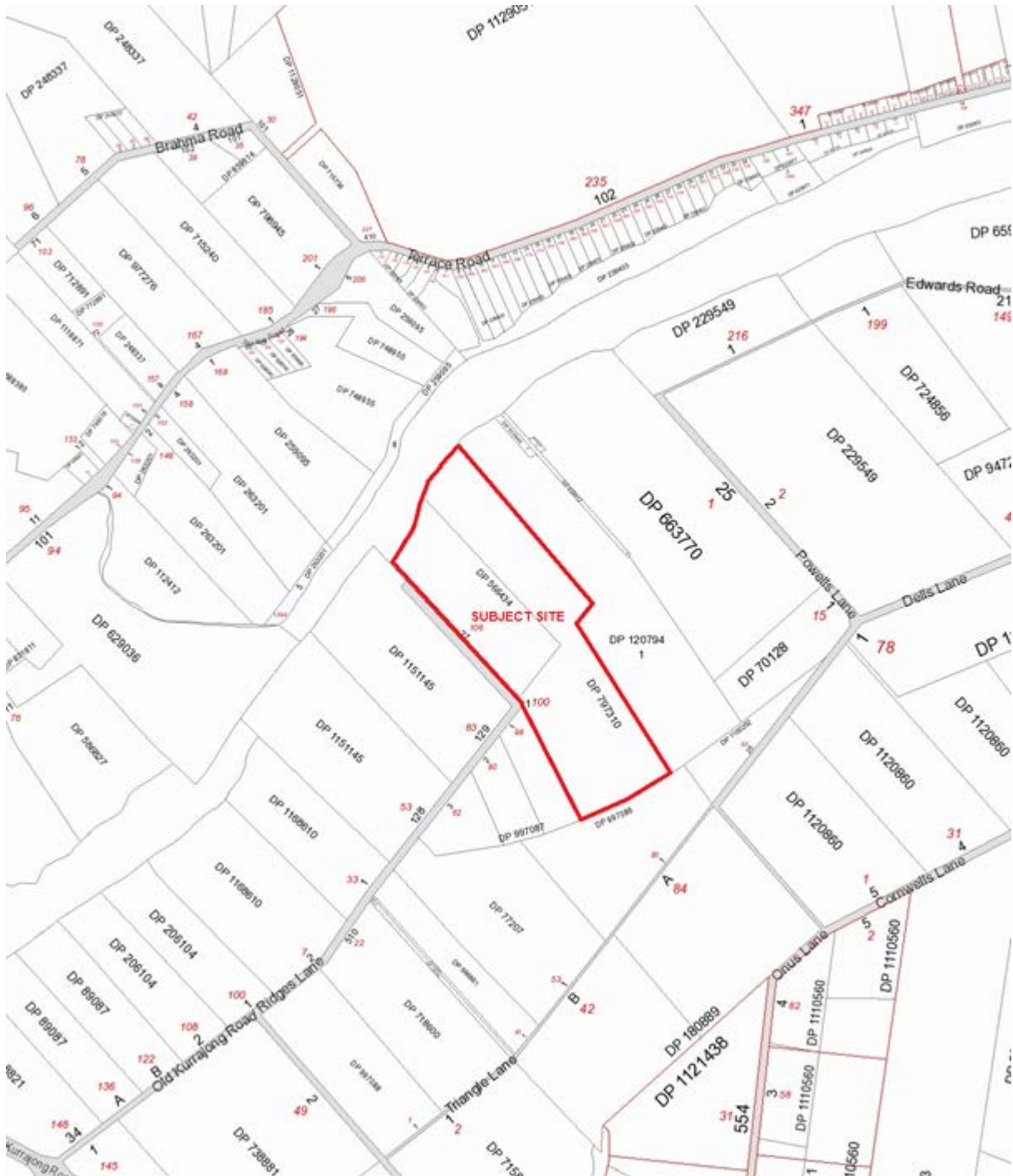
ATTACHMENTS:

- AT - 1 Locality Map
- AT - 2 Aerial Map
- AT - 3 Site Plan
- AT - 4 Floor Plan of Existing Building (Sunnybrook Barn)

ORDINARY MEETING

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AT - 1 Locality Map



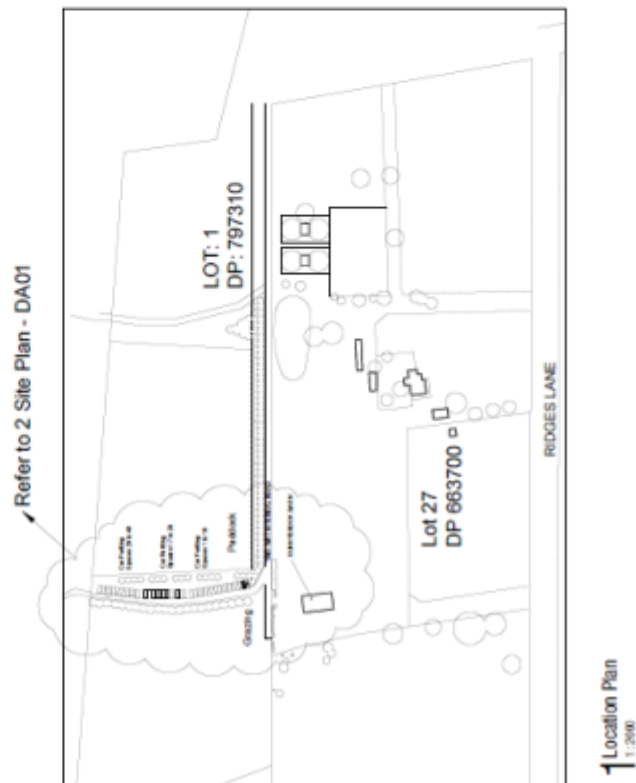
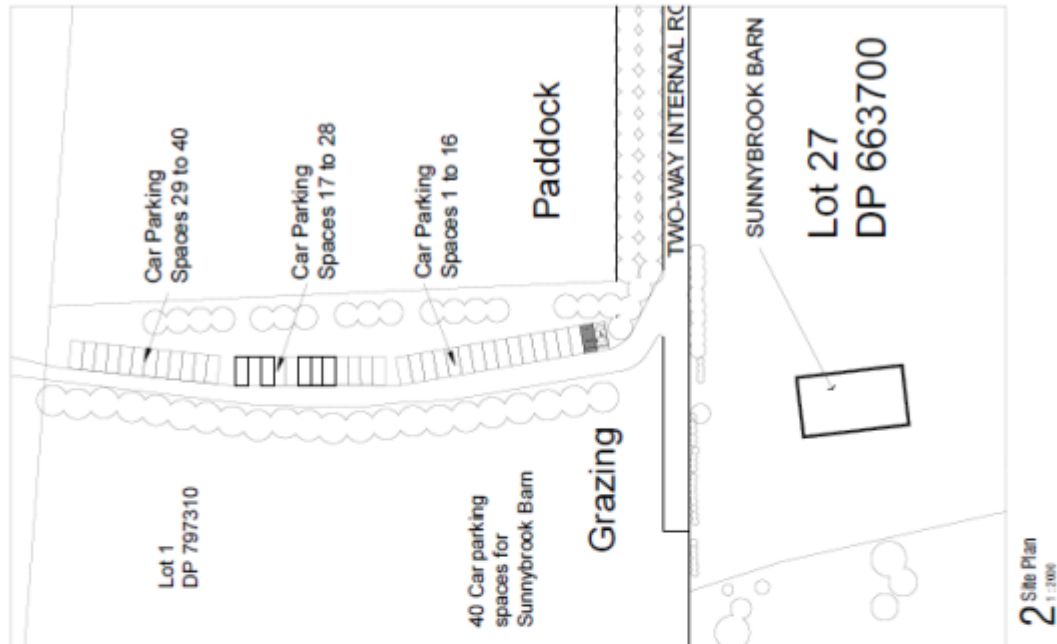
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AT - 2 Aerial Map



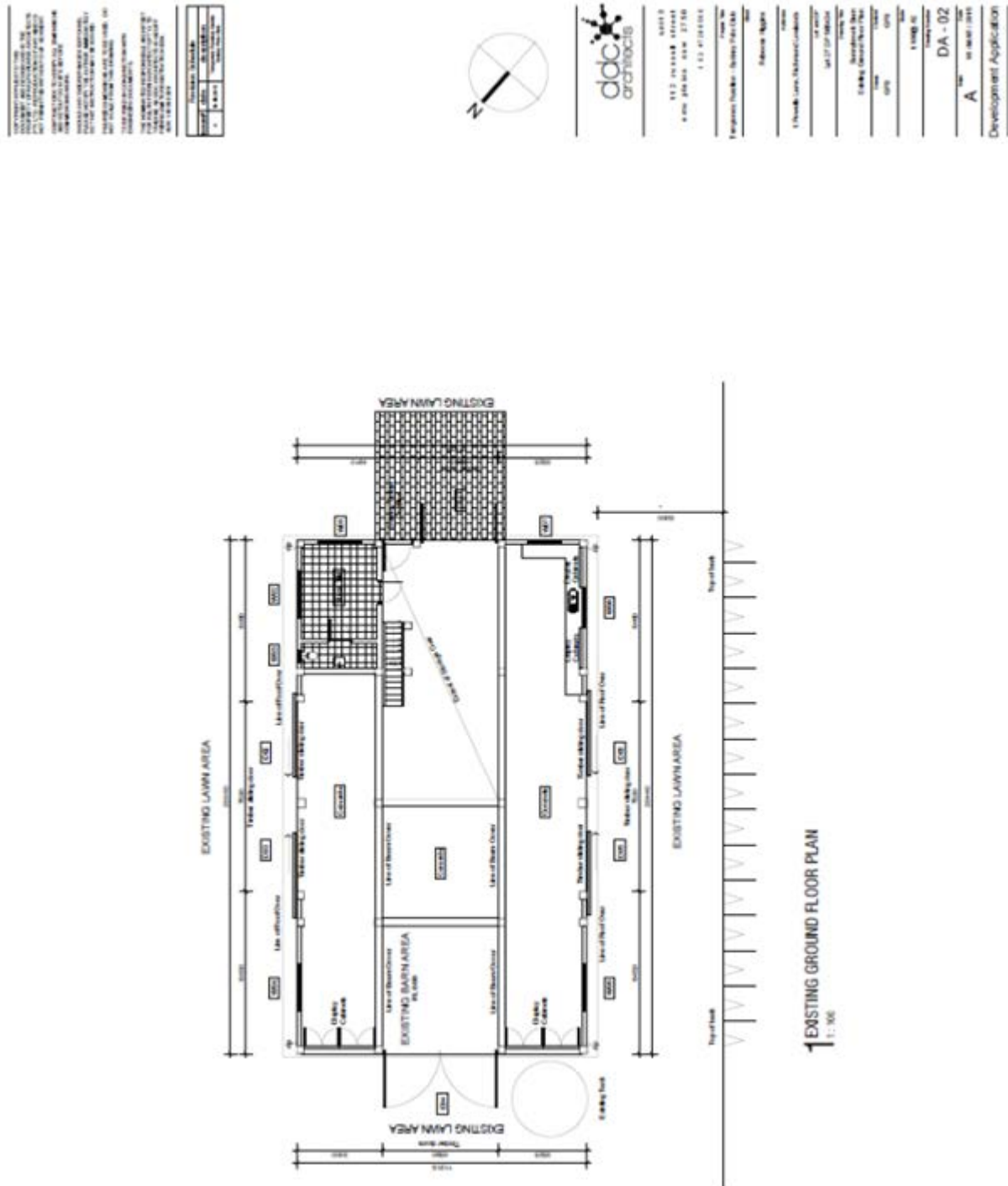
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ORDINARY MEETING

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AT - 4 Floor Plan of Existing Building (Sunnybrook Barn)



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ORDINARY MEETING

Meeting Date: 30 June 2015

Item: 89 **CP - LEP001/15 - Amendment to Resolution - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 219 Bells Line of Road, North Richmond - (95498, 124414)**

Previous Item: 76, Ordinary (26 May 2015)

Applicant Name:	Urban & Rural Planning Consultant
Planning Proposal No:	LEP001/15
Property Address:	219 Bells Line of Road, North Richmond
Owner/(s):	Rural Press Limited
Date Received:	17 December 2014
Fees Paid:	19 January 2015
Recommendation:	Council adopt the rectified Council recommendation Item 1 and replace previous Resolution Item 1 with the rectified Resolution Item 1

REPORT:

Executive Summary

On 26 May 2015 Council considered a report on a planning proposal submitted by Urban & Rural Planning Consultant (the applicant) seeking an amendment to *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond into two lots with a minimum lot size of not less than 4ha. Council resolved to support the preparation of a planning proposal for the subject site.

The purpose of this report is to advise Council of a minor administrative error in part 1 of the resolution of 26 May 2015. As a result of this administrative error the recommendation and resolution with respect to the minimum lot size for the site was quoted as 4,000m² (being 0.4ha) rather than 4.0ha.

It is recommended that Council replace part 1 of the resolution of 26 May 2015 to specify the correct allotment size for subdivision on the site to be 4.0ha.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (the Act) and associated Regulations and as specified in the 'Gateway' determination.

Background

On 26 May 2015 Council considered a planning proposal submitted by the applicant seeking an amendment to the *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of the subject land into two lots with a minimum lot size of not less than 4ha and resolved to support the preparation of a planning proposal for the land.

At that meeting part 1 of the resolution was as follows:

- "1. Council support the preparation of a planning proposal for Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit minimum lot sizes of not less than 4,000m² and 1ha on the land as shown in Attachment 1 to this report."

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Attachment 1 to that report was the 'Proposed Minimum Lot Size Map' which showed the recommended minimum lot size for the land as 4ha. In this regard the resolution should have stated a minimum allotment size of 4.0ha and not 4,000m². It is therefore recommended that part 1 of the previous Council be replaced with the following:

- "1. Council support the preparation of a planning proposal for Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit minimum lot size of not less than 4ha on the land as shown in Attachment 1 to the report for Item 76 in the meeting date of 26 May 2015."

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking after People and Place Directions statement:

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury
- Population growth is matched with the provisions of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Financial Implications

The applicant has paid the planning proposal application fees required by Council's Fees and Charges for the preparation of a local environmental plan.

Planning Decision

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

RECOMMENDATION:

That Council:

1. Amend the minimum allotment size quoted in part one of the resolution in relation to Item 76 of the meeting of 26 May 2015 to 4.0ha so that the amended part one of that resolution reads as follows:
 1. Council support the preparation of a planning proposal for Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit minimum lot size of not less than 4ha on the land as shown in Attachment 1.
2. Advise the Department of Planning and Environment of the amended resolution.

ATTACHMENTS:

AT - 1 Previous Council Report and Resolution (26 May 2015)

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AT - 1 Previous Council Report and Resolution (26 May 2015)

Item: 76 CP - LEP001/15 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 219 Bells Line of Road, North Richmond - (95498, 124414)

Previous Item: 183, Ordinary (30 August 2011)

REPORT:

Executive Summary

This report discusses a planning proposal from Glenn Falson Urban and Rural Planning Consultant (the applicant) which seeks to amend Hawkesbury Local Environmental Plan 2012 (the LEP) to enable the subdivision of Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond (the subject site) into two lots with a minimum lot size of not less than 4ha.

The proposed subdivision of the subject site into two lots does not comply with the current 10ha minimum lot size provisions in the LEP. This planning proposal seeks an amendment to the Lot Size Map of the LEP to change the minimum lot size for the site to allow subdivision of the site into two lots with a minimum lot size of not less than 4ha.

The planning proposal does not seek to amend the existing RU1 Primary Production zoning of the site.

It is recommended that Council support the preparation of a planning proposal to allow development of the subject site primarily for large lot residential development.

Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (the Act) and associated Regulations and as specified in the 'Gateway' determination.

Background

In February 2011, Council received a development application (DA0097/11) seeking approval for a two lot Torrens title subdivision of the subject site. Given the proposed subdivision was not consistent with the 10ha minimum lot size requirement for the subdivision of the site under the provisions of the (then) Hawkesbury Local Environmental Plan 1989 the application included an objection under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) seeking a variation from the minimum lot size requirement.

On 30 August 2011, Council considered a report on the development application and resolved not to support the application.

This planning proposal seeks to amend the Lot Size Map of the LEP to allow subdivision of the land into two lots as depicted in the concept plan attached to the planning proposal. Should the planning proposal be supported a separate development application would be required to determine a future subdivision.

Planning Proposal

The planning proposal seeks an amendment to the LEP in order to permit the subdivision of the site into two lots with a minimum lot size of not less than 4ha. A concept plan for the proposed subdivision is attached to this report, for discussion purposes only in relation to the potential yield of the site and does not form part of the planning proposal. This can only be considered by Council when submitted with a development application.

The effect of the planning proposal would be to either:

- a) amend the Lot Size Map of the LEP (Map Identification No. 3800_COM_LSZ_008AA_020_20141010) to change the minimum lot size applying to the site as 4ha, or
- b) insert a new provision in the LEP to permit the site to be subdivided as proposed into a maximum number of two lots.

The Department of Planning and Environment (DP & E) will ultimately decide on the type of amendment to the LEP. However, it is understood that at present the DP & E's preferred option is to amend the Lot Size Map of the LEP rather than include a clause or provision in the LEP to limit the number of lots of subdivision of the site.

Subject Site and Surrounds

The subject site is legally described as Lot 87 DP 1040092 and known as 219 Bells Line of Road, North Richmond. The site is located on the western side of Bells Line of Road, and is approximately one kilometre from North Richmond Village Centre. The site has an area of 19.2ha and has an irregular shape. Redbank Road bisects the site into two parts. The northern part of the site has an area of 6.7ha and the southern part has an area of 12.5ha (see Figure 1).

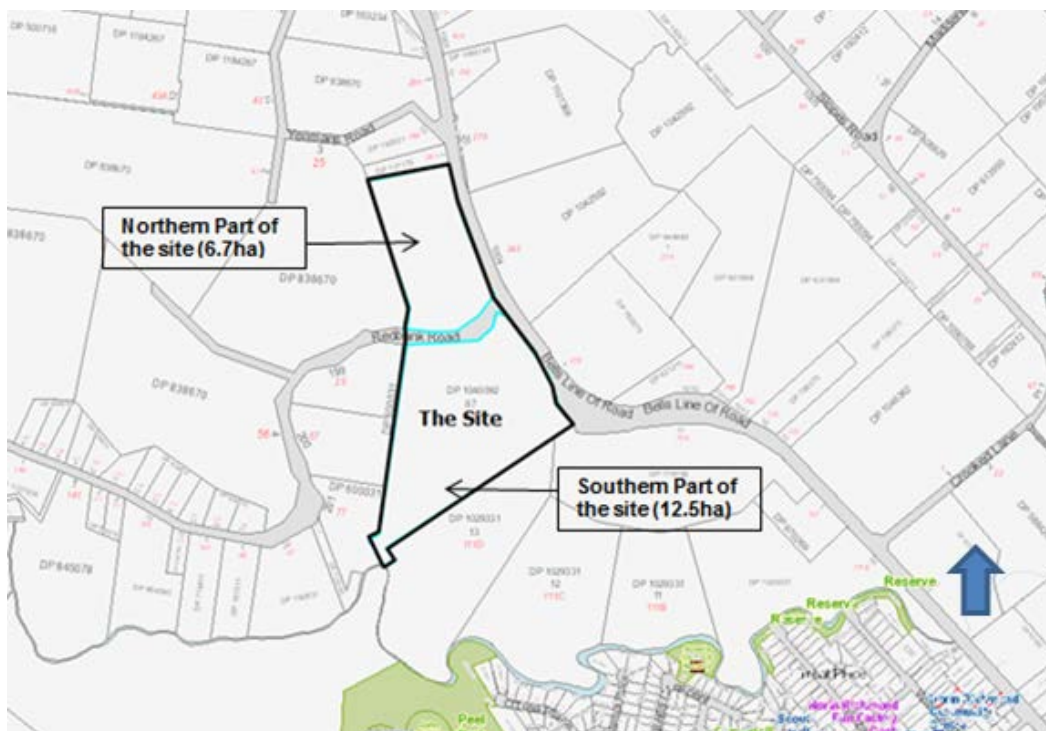


Figure 1: Subject site

The site is zoned RU1 Primary Production under the LEP. The current minimum lot size for subdivision of this site is 10ha.

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

The site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture.

The site is situated above the 1 in 100 year ARI flood level.

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The land has an elevation of approximately 65m AHD towards Bells Line of Road and then falls south-westerly direction towards the two existing two dams at a level of approximately 43 AHD.

According to Council's slope mapping land near the south-eastern and north-eastern corners of the site and the intersection of Bells Line of Road and Redbank Road has a slope greater than 15%. The remaining site area containing open grass land with some scattered clusters of trees and dense vegetation has a slope less than 15%.

The site is shown as being within Acid Sulfate Soil Classification 5. This represents a relatively low chance of acid sulfate soils being present on the site.

The majority area of the site area is shown as 'connectivity between remnant vegetation and records the site as containing Shale Plains Woodland and Shale Sandstone Transition Forest (High Sandstone influence).

The southern part of the site contains a local heritage listed residence known as 'Hillcrest', a tennis court, out buildings, part of the Fairfax (Rural Press) Media complex carpark and a dam. The southern part of the site contains grasslands with some scattered clusters of trees.

The northern part of the site is vacant and has been used in the past for grazing activities. The majority area of this part of the site is covered by vegetation with grasslands and scattered clusters of trees along the northern boundary. A small dam is contained within the grassland area.

The surrounding land uses include rural residential properties, Colo High School, Fairfax (Rural Press) Media complex, grazing lands and urban housing.

Applicant's Justification of Proposal

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

- *Approve the proposal from Bligh Park Community Services Inc. to enter into a licence agreement with Eagle Arts and Vocational College for the purpose of enabling the College to establish and operate an accredited learning and vocational training program from the Tiningi Youth Centre.*
- *"Technical site investigations have been carried out which has demonstrated that the land is capable of being subdivided into two lots and these two lots would be consistent with other lands in the vicinity and would form an appropriate allotment size near to the edge of the North Richmond township.*
- *The proposed lots are capable of containing on-site wastewater disposal and matters relating to vegetation management and bushfire control.*
- *The effluent disposal assessment, flora/fauna assessment and bushfire assessment indicate that there is ample room available for the erection of a dwelling on the proposed vacant northern lot without impact on vegetation.*
- *Water, electricity, telephone and transport are currently available to the site boundaries.*
- *The two components of the site already have the appearance of separate allotments and there are vehicular accesses off Redbank Road to each component. Subdivision in the manner proposed is a logical division of land already physically divided by Redbank Road.*
- *This proposal will allow the development of a new allotment on sustainable accessible land, which can support effluent disposal and provide for asset protection zones (APZs). Most importantly no impact to the existing heritage item 'Hillcrest' will occur due to this proposal.*

- *It is considered that subdivision of the land as proposed would have no impact on primary production capacity and in fact could allow some form of low-density agricultural use if a dwelling was ultimately constructed on the northern parcel of the land as an individual lot as proposed."*

Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's 'A Plan for Growing Sydney' December 2014 (the Sydney Metropolitan Strategy) and Draft North West Subregional Strategy establish the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

These two documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular rural residential planning proposal at North Richmond. Notwithstanding this the applicant has provided an assessment of the planning proposal against these two documents and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed development, i.e. on the western side of Hawkesbury River and on the fringe of North Richmond Village, and the unsuitability of the site to provide for an increased density of housing development beyond what is proposed it is considered that the proposal demonstrates satisfactory compliance with these strategies.

The Hawkesbury Residential Land Strategy (HRLS) is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies.

The proposal can be described as a rural residential development on the fringe of the North Richmond village.

The HRLS states that the future role of rural residential development is as follows:

"Rural residential developments have historically been a popular lifestyle choice within Hawkesbury LGA. However, rural residential development has a number of issues associated with it including:

- *Impacts on road networks;*
- *Servicing and infrastructure;*
- *Access to facilities and services;*
- *Access to transport and services;*
- *Maintaining the rural landscape; and*
- *Impacts on existing agricultural operations.*

Whilst this Strategy acknowledges rural residential dwellings are a part of the Hawkesbury residential fabric, rural residential dwellings will play a lesser role in accommodating the future population. As such, future rural development should be low density and large lot residential dwellings."

For the purposes of this proposal, the relevant criteria for rural residential development are that it be large lot residential dwellings and:

- *"be able to have onsite sewerage disposal;*
- *cluster around or on the periphery of villages;*
- *cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius);*
- *address environmental constraints and have minimal impact on the environment;*
- *be within the capacity of the rural village"*

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Comment: The ability to dispose of effluent on site is discussed in later sections of this report.

The site is on the fringe of the North Richmond village centre.

Relevant environmental constraints are discussed in later sections of this report.

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

On 30 August 2011, Council adopted the following Policy:

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

Note 1:

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

Note 2:

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

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

Council Policy - Our City Our Future Rural Rezonings Policy

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

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

The Policy is repeated below with responses provided by the applicant.

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

Applicant response

The land is within an area identified within Council's subsequent Residential Land Strategy as having urban potential. Fragmentation of land is envisaged by this subsequent strategy. In any case the land is already fragmented by the location of Redbank Road that dissects the site. The site already has the physical characteristics of separate lots.

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

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Applicant response

The site is close to North Richmond and the proposal is consistent with this principle.

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

Applicant response

Whilst the site fronts a main road (Bells Line of Road) it does not rely on access to that road as existing access points are available to Redbank Road for each proposed lot. The subdivision as proposed would not be distinguishable from existing surrounding rural/residential development.

- d) No subdivision along ridgelines or escarpments

Applicant response

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

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

Applicant response

Each proposed lot is well above this minimum area and the effluent disposal assessment indicates that each lot is suitable for effluent disposal.

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

Applicant response

The subdivision does not propose removal of vegetation. The construction of a subsequent additional dwelling would also not require removal of any vegetation.

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

Applicant response

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

Staff response

Taking into consideration the scale of the development it is considered that an environmental study is not required. However, this will be a matter for the DP&E to advise Council on as a result of their 'Gateway' process.

The need for a Section 94 Contribution Plan or a Voluntary Planning Agreement can be further discussed with the applicant if this planning proposal is to proceed.

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

Applicant response

Community title is not proposed for this subdivision and would be of no advantage given that the land is already divided by the Redbank Road.

Section 117 Directions

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

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

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. However all these Directions permit variations subject to meeting certain criteria (see the last part of this section of the report). The principal criterion for variation to a 117 Direction is consistency with an adopted Local or Regional Strategy.

A summary of the key Section 117 Directions applying to the planning proposal follows:

Direction 1.2 Rural Zones

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

The planning proposal seeks an amendment to the Lot Size Map of the LEP and it does not propose any zoning changes or contain provisions to increase the permissible density of land. It is therefore considered that the planning proposal is consistent with this Direction.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

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

Direction 1.3 (3) states that:

"This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) *Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or*
- (b) *Restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development."*

The site is not located within the Identified Resource Area or the Potential Resource Area or the Transition Area - areas adjacent to identified resource areas as defined by mineral resource mapping provided by the NSW Resource & Energy Division of NSW Trade & Investment. Also, the subject land is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

The planning proposal seeks amendments only to the Lot Size Map of the LEP, and does not propose any provisions prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development.

The current RU1 Primary Production zoning of the land is to remain unchanged. However, given mining and extractive industries are prohibited land uses in this zone, consultation is required with the NSW Trade and Investment (NSW T&I) should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E in accordance with this Direction.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Direction 2.3(4)(a) states that:

"(4) A planning proposal must contain provisions that facilitate the conservation of:

- (a) Items, places, buildings, works, relics, movable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area."*

The site contains a heritage item known as "Hill Crest" which is included in Schedule 5 Environmental Heritage of the LEP as a heritage item with local heritage significance. Given the LEP contains provisions to conserve items, areas, objects and places of environmental heritage significance identified in Schedule 5 of the LEP, the planning proposal does not contain provisions to conserve the heritage significance of 'Hill Crest'. Therefore, it is considered that the planning proposal is consistent with this Direction.

Direction 3.1 Residential Zones

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

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

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

The planning proposal would enable the subdivision of the site into two large rural residential lots through an amendment to the Lot Size Map of the LEP and provide the local community with increased housing in close proximity to the North Richmond Village Centre.

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

Direction 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

The planning proposal seeks amendments only to the Lot Size Map of the LEP and the current RU1 Primary Production zoning of the land is to remain unchanged. This zone permits carrying out of home occupations in dwelling houses without development consent. The planning proposal is therefore consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

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

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

The document is very much centres based and not readily applicable to consideration of a rural residential planning proposal. The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed Council seek guidance from the DP&E via the 'Gateway' process, regarding the applicability of this document.

Direction 4.1 Acid Sulfate Soils

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

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

An acid sulfate soils study has not been included in the planning proposal. The DP&E will consider this as part of their 'Gateway' determination and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

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

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Direction 6.1 Approval and Referral Requirements

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

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

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

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal proposes an amendment to the Lot Size Map of the LEP only and does not include any restrictive site specific planning controls. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of 'A Plan for Growing Sydney'

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

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

- a) justified by a strategy which:
 - gives consideration to the objectives of the Direction
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites)
 - is approved by the Director-General of the Department, or

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- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- d) is of minor significance.

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

State Environmental Planning Policies

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

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

The applicant states that the land has not been used for an agricultural use for many years other than light grazing. Council records do not indicate the land has been used for any intensive agriculture or farming. Given the use of the land for low density grazing it is considered that the land would not be contaminated to such a degree as to cause harm.

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

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

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

Specifically the SREP encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna)
- develop in accordance with the land capability of the site and do not cause land degradation
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment
- quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters

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

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of SREP 20.

It is considered that some form of rural residential development on the subject land has the potential to either satisfy the relevant provisions SREP No 20 or be able to appropriately minimise its impacts.

Hawkesbury Local Environmental Plan 2012

The site is zoned RU1 Primary Production under the LEP. The current minimum lot size for subdivision of this site is 10ha. The proposed subdivision of the site is to create a separate lot on either side of Redbank Road recognising the current physical separation of the site, into two parts with areas of 12.5ha and 6.7ha, by Redbank Road as shown in the concept plan is not permissible under the current 10ha minimum lot size provision in the LEP. The site can be subdivided into two lots with areas of 10ha and 9.2ha and this would result in fragmentation of the proposed Lot 1 either side of Redbank Road. According to Council's records a previous development application (DA 0097/11) for subdivision of the site into two lots exactly the same as the current proposal (supported by an objection under SEPP 1 seeking a variation to the minimum lot size requirement) was refused by Council in September 2011. Given these circumstances it is considered reasonable to consider the following issues when determining the appropriateness of the proposed amendment to Lot Size Map of the LEP.

- Redbank Road is a quite busy public road which bisects the site into two parts and isolates the use of the northern part of the site from the southern part and imposes constraints for development of the site as a whole.

Redbank Road experiences a relatively high traffic volume including school traffic to and from both Colo High School and Kuyper Christian School. It is also expected that Redbank Road may experience an increase of traffic once the Redbank development project (enabling approximately 1,400 houses and the Seniors Living facility) currently under construction is completed.

- Given the physical separation of the site into two parts by Redbank Road with a relatively high speed limit of 80kph and a blind corner on eastern side approach causing difficulties in crossing the road or accessing the northern part of the site which creates an obvious physical constraint to develop the site as a whole. It is noted that the current development on the site is limited only to the southern part of the site and northern part with an area of 6.7ha is undeveloped and remained vacant.
- If the site is subdivided under the current 10ha minimum lot size provision it can be subdivided into 10ha and 9.2ha lots. This would result in fragmentation of the proposed Lot 1 either side of Redbank Road. This is not considered as a desirable land use planning outcome.
- If the site is to continue with its current form and this physical constraint it is considered that it would not be possible to develop the whole site to its full potential and is also inconsistent with the following objective of Section 5(a)(ii) of the Act:

"(a) to encourage:

(ii) the promotion and co-ordination of the orderly and economic use and development of land."

Given these circumstances, the planning proposal seeking amendment to the Lot Size Map of the LEP to allow the proposed subdivision of the site into two lots is considered appropriate provided that the site has an environmental capability to accommodate the proposed development on the site.

The rest of the report assesses the site's environmental capability against other relevant environmental issues such as site slope, on-site wastewater disposal, bushfire, flora and fauna, flooding and heritage.

Topography

The land has an elevation of approximately 65m AHD towards Bells Line of Road and then falls south-westerly direction towards the two existing dams at a level of approximately 43 AHD.

According to Council's slope mapping land near the south-eastern and north-eastern corners of the site and the intersection of Bells Line of Road and Redbank Road has a slope greater than 15%. The remaining site area generally has a slope less than 15%. The HRLS recognises slopes greater than 15% act as a constraint to development. The steeper sloping part of the land with slopes greater than 15% act as constraints for the location and type of dwelling, any out building, effluent disposal system, and driveways for the proposed two lots.

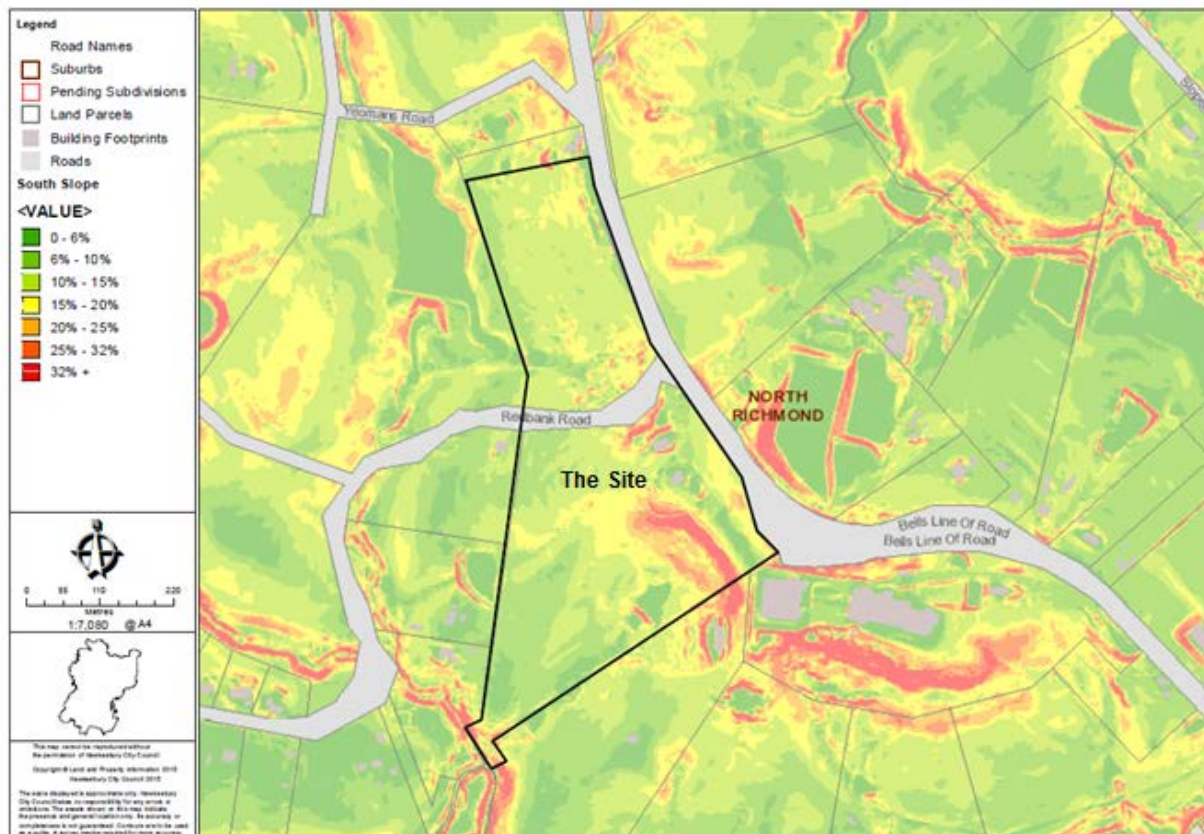


Figure 2: Slope analysis map

The land area identified for the future dwelling in the concept plan and 1000m² land area allotted for an irrigation disposal area associated with the future On-Site Sewerage Management (OSSM) system for the dwelling on the proposed Lot 1 as depicted in Figure 3 are generally within the land area with a slope less than 15% shown in Figure 2 above.

However, there may be a loss of some trees depending on the final locations of the proposed building platforms and the irrigation disposal area this likely impact could be determined at the development application stage.

Services

The applicant states that:

"Water, electricity, telephone and transport services are currently available to the site boundaries."

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The site does not have an access to a reticulated sewerage system. The existing house on the proposed Lot 2 is serviced by an on-site sewerage management system. According to Council records the current system is operating under a five-year license issued by Council in May 2011.

A report prepared by H J Finder & Associates, titled "Subdivision and Associated On-site Wastewater Treatment & Disposal Systems 219 Bells Line of Road, North Richmond" dated 29 October 2010 was submitted in support of the planning proposal. The report provides the following information.

The existing onsite sewerage disposal system meets the required standards.

There is sufficient land area available on each proposed lot for house and associated structures, wastewater treatment and disposal and appropriate buffer zones. Surface or sub-surface irrigation can be carried out at this site provided an appropriate buffer zone is in place.

The report concludes that:

"It is considered that with respect to on-site waste management issues this site is capable of being subdivided under the current proposal. It will be feasible to dispose of wastewater produced on each block efficiently with no adverse impacts on the adjoining land, nearby watercourses and existing dams."

It is considered that the site has a reasonable access to the required level of service infrastructure to accommodate the proposed development on the site.

Public Transport, Accessibility and Traffic Generation

Public transport is limited in the locality. The Westbus Route 680 service operates along Bells Line of Road between Richmond and Bowen Mountain. This service operates every 30-45 minutes during morning and afternoon peaks and two trips during off period. The Westbus Route 682 service operates along Bells Line of Road between Richmond and Kurrajong. This service operates every 30 minutes during morning and afternoon peaks and every 120 minutes during off peak. During weekends both these services are very limited. There are only four trips on Saturdays and two daily trips on Sundays and public holidays.

Given the limited frequency of service operating in the locality the future residents of the proposed subdivision will most likely need to rely upon private vehicles.

The site is currently accessed via Redbank Road which is classified as a 'local road' under the *NSW Roads Act 1993*. The applicant states that the access to the proposed two lots site will be from Redbank Road.

It is considered that the planning proposal seeking subdivision of the site into two lots would not make any adverse impact on the existing traffic in the area.

Bushfire Hazard

The site is shown as being bushfire prone (bush fire vegetation category 1) on the NSW Rural Fire Services Bushfire Prone Land Map.

The planning proposal is supported by a bushfire threat evaluation report prepared by McKinlay Morgan & Associates Pty Ltd in July 2011. This report concludes that asset protection zones can be provided consistent with the provisions of *Planning for Bushfire Protection 2006*.

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

Flora and Fauna

The Terrestrial Biodiversity (TBV) Map of LEP 2012 identifies approximately 60% of the site area as 'connectivity between remnant vegetation and Endangered Ecological Communities. Council's vegetation mapping records the site as Shale Plains Woodland and Shale Sandstone Transition Forest which is a sub-set of Cumberland Plain Woodland which is a critically Endangered Ecological Community under the *Threatened Species Conservation Act 1995*.

The planning proposal is supported by a flora and fauna survey and assessment report prepared by T J Hawkeswood in May 2011. The report provides the following information on flora and fauna within and adjacent to the site.

None of the flora or fauna species defined under the *Threatened Species Conservation Act 1995 (TSC Act)* or the *Environmental Protection and Biodiversity Conservation Act 2000 (EPBC Act)* was present within the survey area.

The report concludes that there are no impediments, based on flora and fauna concerns, for the development of the surveyed area as proposed.

Council's Land Management Officer provides the following comments with respect to the flora and fauna assessment report. The report provided for the proposed subdivision cannot be accepted as a true representation of the potential impacts of the proposed activity for the following reasons.

- As with any environmental assessment the study area should always be larger than the subject site as it includes adjacent areas that will be directly or indirectly affected by the proposal. It is not sufficient to only address the area of the development site.
- The limited fauna detected on site suggests an inadequate survey effort and in no way constitutes the absence of threatened biodiversity. Survey times have been reported as two hours in the morning and one hour at night.
- A simple Bionet search offers an extensive list of threatened biodiversity that does or has the potential to frequent the site. The author's list is not locally specific and disregards a number of species that have been observed locally.
- The habitat survey is totally inadequate and provides no information about the habitat elements present on site.
- If suitable habitat for a particular threatened species is present on site then it must be assumed that the threatened species is also present, regardless of whether the author observes them or not, and as such an assessment of significance should be applied.
- The dominance of *Acacia decurrens* suggests that the vegetation community is Shale Sandstone Transition Forest rather than Cumberland Plain Woodland.
- None of the author's claims are substantiated by supporting evidence or reference.
- The report is inadequate and out-dated and does not meet the requirements outlined in Council's '*How will Council assess flora/fauna reports and assessment of significance*' guidelines.

The preparation of a flora and fauna assessment report could be undertaken at the post Gateway determination stage prior to the commencement of the government agency consultation and the public exhibition of the planning proposal. However, the DP&E will be able to consider this matter as part of their "Gateway" determination.

Agricultural Land Classification

The site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as:

- "3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required.*"

According to this classification the overall production level is moderate and existing environmental constraints may limit the cultivation capacity. Given the site has not been used for agricultural purposes other than light grazing for many years, site's agricultural land classification 3, its proximity to surrounding rural residential properties and the size and slope of the site it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise. However the land could still be used for light grazing.

Heritage

The planning proposal is supported by a 'Statement of Heritage Impacts 219 Bells Line of Road, North Richmond ('Hillcrest')' prepared by Archnex Designs and dated November 2010. This assessment was based on the previous DA 0097/11 for the proposed two lot subdivision for the site. This report concluded:

"The portion of the land proposed to be subdivided off parcel is effectively separated by the intervening Redbank Road, and there is little evidence of a functional relationship between the house and the subject part of the land.

In my opinion, the proposed subdivision will have a nil effect on the significance of 'Hillcrest'. The proposed subdivision is, in essence a matter of re-designation of the proposed allotments, and is potentially a lesser physical impact than the conventional 'lines on paper' of a subdivision."



Figure 4: Heritage listed 'Hillcrest'

Given this site is bisected by Redbank Road the planning proposal seeking amendment to the Lot Size Map of the LEP to allow two lot subdivision of the site would not cause any further adverse impacts on the heritage value of 'Hillcrest'.

However, given the site containing 'Hillcrest' residence is heritage listed, the planning proposal will be referred to the NSW Environment & Heritage Office for comments should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E.

Character

The predominant character of the immediate locality is rural residential (see Figure 5 below).

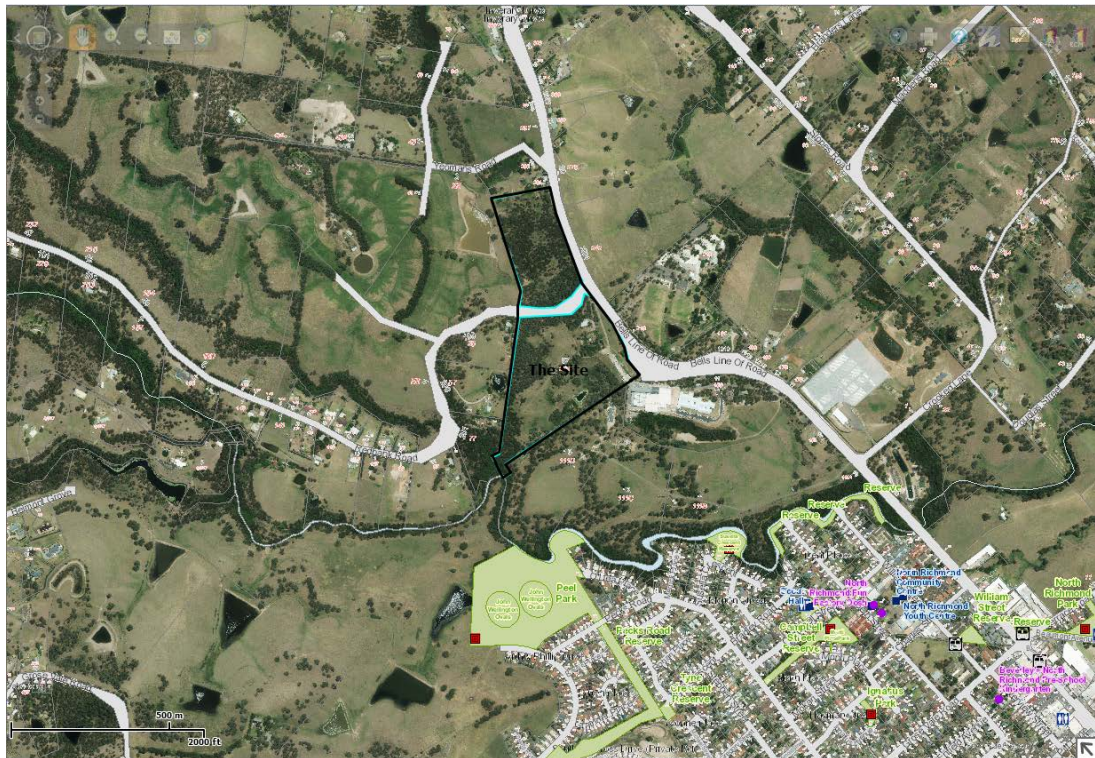


Figure 5: Aerial view of the site and surrounds

The area surrounding the site contains a mix of lot sizes and in particular there are a number of relatively small rural residential lots with minimum lot sizes ranging from 4,000m² – 2ha fronting Redbank Road to the south-west of the site. The lot sizes of properties in the immediate vicinity of the proposed Lot 1 and the proposed Lot 2 are ranging from approximately 8,000m² – 16ha and 2.6ha - 10ha respectively.

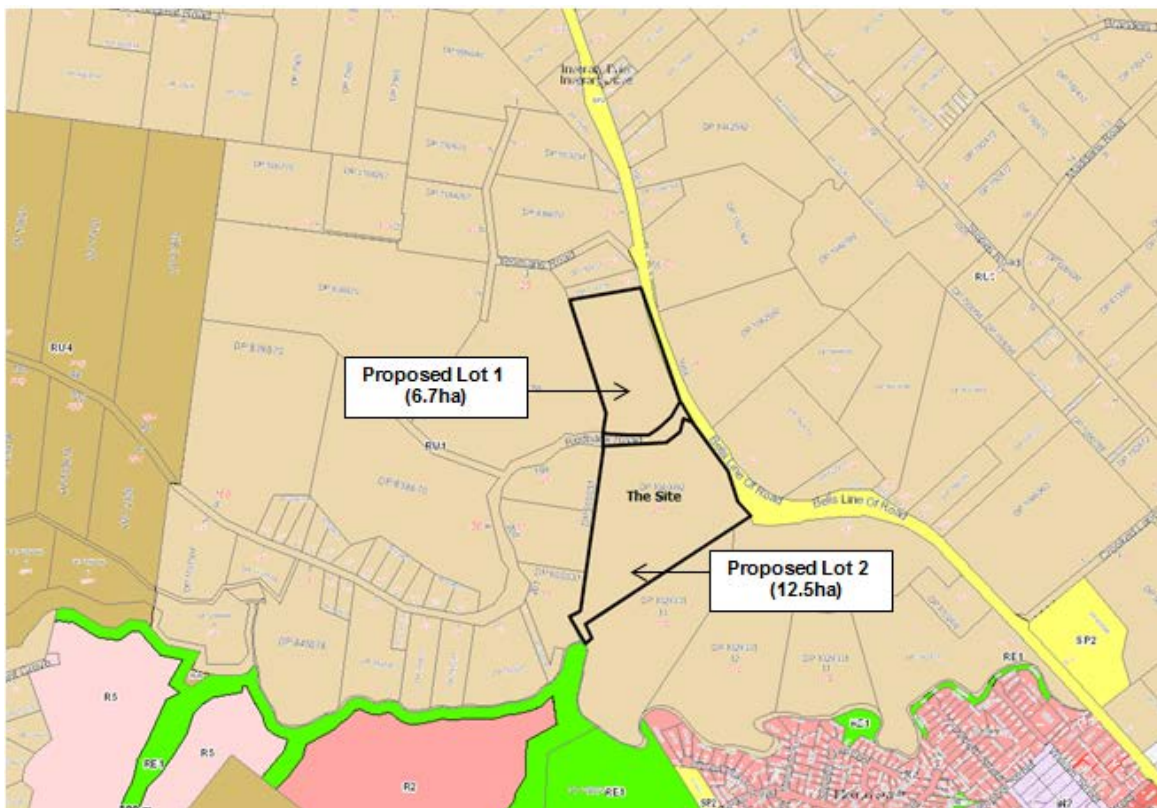


Figure 6: Lot site of the surrounding properties

Therefore the planning proposal seeking subdivision of the site into two large lots with a minimum lot size of not less than 4ha to allow rural residential dwellings on these two lots is considered consistent with the existing land use and the character of the locality.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking after People and Place Directions statement.

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provisions of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Financial Implications

It is considered that some form of rural residential subdivision on the site is appropriate and it is recommended that Council support the preparation of a planning proposal to amend the LEP to reduce the lot size to a minimum of 4ha.

The preparation of a revised flora and fauna report will need to be completed prior to the government agency consultation and the public exhibition of the planning proposal.

Planning Decision

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

RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit minimum lot sizes of not less than 4,000m² and 1ha on the land as shown in Attachment 1 to this report.
2. Council does not endorse any proposed subdivision layout/plan submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in making the plan.
3. The planning proposal be forwarded to the Department of Planning and Environment for a 'Gateway' determination.
4. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

ATTACHMENTS:

AT - 1 Proposed Minimum Lot Size Map

ORDINARY MEETING

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AT - 1 Proposed Minimum Lot Size Map



ORDINARY MEETING

Meeting Date: 30 June 2015

Resolution

Item: 76 CP - LEP001/15 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 219 Bells Line of Road, North Richmond - (95498, 124414)

Previous Item: 183, Ordinary (30 August 2011)

Mr Charlie Ginty addressed Council, speaking for the item.
Ms Beatriz Insausti addressed Council, speaking against the item.

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Creed.

Refer to RESOLUTION

126 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Creed.

That:

1. Council support the preparation of a planning proposal for Lot 87 DP 1040092, 219 Bells Line of Road, North Richmond to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit minimum lot sizes of not less than 4,000m² and 1ha on the land as shown in Attachment 1 to this report.
2. Council does not endorse any proposed subdivision layout/plan submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in making the plan.
3. The planning proposal be forwarded to the Department of Planning and Environment for a 'Gateway' determination.
4. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Conolly	Councillor Calvert
Councillor Creed	Councillor Lyons-Buckett
Councillor Ford	Councillor Paine
Councillor Porter	Councillor Rasmussen
Councillor Reardon	
Councillor Tree	

Councillors Mackay and Williams were absent from the meeting.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

Item: 90 **CP - LEP003/13 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 1026 Grose Vale Road, Kurrajong - (95498, 124414, 74563, 103315, 103316)**

Previous Item: 76, Ordinary (29 April 2014)

Applicant Name:	Falson & Associates Pty Ltd
Planning Proposal No:	LEP003/13
Property Address:	1026 Grose Vale Road, Kurrajong
Owner/(s):	Mr CB Crambrook and Mrs MR Crambrook
Date Received:	20 February 2013
Fees Paid:	18 September 2013
Public exhibition:	7 April 2015 - 8 May 2015
Community submissions:	Nil
Government Agency Submissions:	Seven submissions (with no objections)
Recommendation:	Council proceed with the making of the LEP amendment

REPORT:

Executive Summary

On 29 April 2014, Council considered a report on a planning proposal submitted by Falson & Associates Pty Ltd (the applicant) seeking an amendment to *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to permit the subdivision of Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong into two lots with a minimum lot size of not less than 4ha. Council resolved to support the preparation of a planning proposal for the subject site to allow development of the site for rural residential development with a minimum lot size of 4ha.

In June 2014, the planning proposal was forwarded to the Department of Planning and Environment (DP & E) in accordance with the Council's resolution. Council received a 'Gateway Determination' from DP & E advising to proceed with the planning proposal in December 2014.

In accordance with the relevant statutory and the 'Gateway determination' requirements relevant public authorities and the community were consulted on the planning proposal. The planning proposal and other supporting documentation were publicly exhibited for the period Tuesday, 7 April 2015 to Friday, 8 May 2015. Council received submissions from seven public authorities and no submissions from the community.

The purpose of this report is to advise Council of the outcome of the community and public authority consultation on the planning proposal.

It is recommended that Council proceed with the making of the LEP that gives effect to the planning proposal to allow the subdivision of the site into two lots with a minimum lot size of not less than 4ha.

Consultation

The consultation with the relevant public authorities and the community on the planning proposal was completed in accordance with the relevant statutory and 'Gateway determination' requirements. The outcome of the consultation is discussed in this report.

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Background

On 29 April 2014, Council considered a report on a planning proposal submitted by the applicant seeking an amendment to the LEP in order to permit the subdivision of Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong into two lots with a minimum lot size of not less than 4ha. The resolution of that meeting was as follows:

"That:

- 1. Council support the preparation of a planning proposal for Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong to allow development of the land for rural residential development with a minimum lot size of 4ha.*
- 2. Council does not endorse any proposed subdivision layout submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in gazettal.*
- 3. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.*
- 4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.*
- 5. The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal."*

On 3 June 2014, the planning proposal was forwarded to DP & E in accordance with the above resolution. On 3 December 2014, a 'Gateway determination', advising Council to proceed with the planning proposal, was received from DP & E.

Authorisation for Council to Exercise Delegation

Under Part 3 of the *Environmental Planning and Assessment Act, 1979* (the Act) an authorisation for Council to exercise delegation to make this plan was received under the 'Gateway determination'. Should Council resolve to proceed with the making of the plan following the community and public authority consultation on the planning proposal, this authorisation will allow Council to make a direct request to the Parliamentary Counsel's Office (PCO) to prepare a draft local environmental plan to give effect to the planning proposal. Following receipt of an opinion from the PCO that the plan can be legally made, Council can adopt and make the plan. Council delegated this function to the General Manager by resolution on 11 December 2012.

Consultation with Public Authorities

Consultation about the planning proposal was undertaken with the following public authorities identified in the 'Gateway determination':

- Hawkesbury - Nepean Catchment Management Authority (Local Land Services)
- Endeavour Energy
- NSW Department of Primary Industries - Agriculture
- NSW Department of Primary Industries - Minerals and Petroleum
- NSW Rural Fire Service
- Roads and Maritime Services
- Sydney Water
- Telstra.

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Council received submissions from NSW Department of Primary Industries, Sydney Water Corporation, NSW Office of Water, NSW Rural Fire Service, NSW Transport - Roads and Maritime Services (RMS), Endeavour Energy, NSW Trade & Investment and NSW Fisheries. None of the submissions raised objections to the making of the plan.

Submissions received from NSW Department of Primary Industries, Sydney Water Corporation, NSW Office of Water, NSW Rural Fire Service, NSW Transport - Roads and Maritime Services (RMS) and Endeavour Energy raised certain issues. These issues are discussed below:

NSW Department of Primary Industries

Agency Comment

"Clarifying the intended outcome

There appears to be some confusion around the intended outcome of this proposal.

The proposal sites the Hawkesbury Residential Land Strategy as support for rezoning to enable subdivision as it will allow for an additional dwelling site within the Hawkesbury Local Government Area, however the objective of the proposed zone RU4 Primary Production Small Lots is "to enable sustainable primary industry and other compatible uses". The proposal is justified on the provision of housing, but this is not consistent with the objective of Zone RU4.

In addition, it is noted that the proposal gives no consideration to the need for increased agricultural production on small lots, or the potential use of the land under the RU4 Zone.

If the Council's intention is for the land to be used for small lot production, it is suggested that some consideration be given to the potential future uses of the land."

Staff Response:

The subject site is shown as being Agriculture Land Class 3 and 4 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required.*
4. *Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.*

Part of the site shown as Class 3 on the maps, is well suited to grazing including the use of improved pasture. The remainder of the site shown as Class 4 on the maps is also suitable for grazing not for cultivation. According to Council's records the site has not been used for intensive agriculture purposes other than for grazing and moderate farm activities.

Given the site's close proximity to surrounding rural residential properties, 'environmental constraints', agricultural land classification as Class 3 and 4, and non-intensive agricultural use it is unlikely the site could be used for a substantial or sustainable agricultural enterprise other than grazing. Given the proposed minimum lot size of not less than 4ha, grazing or any moderate farm activities can still be carried out on the proposed two lots, if required. Given the site is suited for grazing activities and not for intensive agriculture purposes the planning proposal enabling a new dwelling on the additional lot as a compatible use whilst still enabling any grazing or moderate farm activities on the two lots is not inconsistent with the objectives of the proposed RU4 zoning.

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Agency Comment

"Appropriate Rezoning"

The proposed rezoning appears to be consistent with the principles in the Hawkesbury Residential Land Strategy 2011 of "minimising impacts on agricultural land", as the land use remains Primary Production. However, Council may wish to consider whether R5 Large Lot Residential is a more appropriate zone for this parcel if the intention is to allow for the provision of dwellings. However, it is also not clear whether such rezoning would be in accordance with the Sustainability Development Framework which considers the centres based development approach."

Staff Response:

According to the Minimum Lot Size Map of the LEP the corresponding minimum lot size for RU4 zoning in the vicinity is 4ha and the corresponding minimum lot size for RU1 is 10ha. As the planning proposal seeks to subdivide the site into two lots with a minimum lot size of 4ha, rezoning of the land from RU1 to RU4 is justified.

The LEP classifies R5 Large Lot Residential Zone as a residential zone. This zone generally intends to cater for development that provides for residential housing in a rural setting. According to DP&E the allocation of large lot rural residential land must be justified by a land use strategy. Section 117 Direction 1.2 Rural Zones states that planning proposals must not rezone land from rural zone to a residential, business, industrial, village or tourist zone. Rezoning of the land to R5 is therefore not consistent with this direction, and it is difficult to justify this inconsistency. Also the properties immediately north, south and west of the site, are zoned RU4 and therefore the predominant zoning of the immediate vicinity is RU4. Therefore rezoning of the site to R5 Large Lot Residential will create a zoning anomaly in the locality. Given these circumstances, rezoning of the site into R5 is not appropriate. Rezoning of the land to RU4 is consistent with the zoning of the immediate vicinity.

Distance criteria for rural housing, as identified in the Hawkesbury Residential Land Strategy (HRLS) is 1km radius from a rural village or neighbourhood centre, and is not based on development within a 150m village/neighbourhood centre catchment.

Agency Comment

"Centres based development"

The planning proposal indicates the location meets the criteria for the future development of rural villages. However, the site appears to be an "out of centre" development as defined in the Hawkesbury Residential Land Strategy. The lot is 300m south of Kurrajong Village, which is not within the catchment of the Kurrajong Neighbourhood Centre, the nearest centre, which is defined as having a 150m catchment in the Strategy. The rezoning for the purpose of subdivision therefore appears to fall into the category of an "out of centre" development which is generally discouraged for rural residential development. None of this has been addressed in the planning proposal."

Staff Response:

The Hawkesbury Residential Land Strategy (HRLS) states that the future role of rural residential development is as follows:

"Rural Villages"

The Hawkesbury Residential Development Model focuses on future residential development in urban areas and key centres. However, the importance of maintaining the viability of existing rural villages is recognised. As such the Hawkesbury Residential Land Strategy has developed a strategy for large lot residential or rural residential development to focus around existing rural villages.

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The future development of rural villages is recommended to:

- *Be low density and large lot residential dwellings, which focus on proximity to villages and services and facilities; and*
- *Minimise impacts on agricultural land, protect scenic landscape and natural areas, and occur within servicing limits or constraints.*

Additionally development within and adjacent to rural villages must:

- *Be able to have onsite sewerage disposal;*
- *Cluster around or on the periphery of villages;*
- **Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius);**
- *Address environmental constraints and with minimal environmental impacts; and*
- *Only occur within the capacity of the rural village."*

The subject site is located within a 1km radius of the Kurrajong Neighbourhood Centre and therefore the planning proposal satisfactorily meets the above distance criteria for rural residential development. Please note that 150m distance referred to in DPI's submission is the neighbourhood catchment as referred to in HRLS or the centre typology in the North West Subregional Strategy. It is not the distance criteria for rural residential development identified in HRLS. An assessment of the planning proposal contained in the Council Report (dated 29 April 2014) reveals that the planning proposal meets all the other essential criteria for rural residential development identified in HRLS (a copy of the report was previously forwarded to DPI along with a copy of the planning proposal). Therefore, the planning proposal is consistent with the rural residential development criteria identified in HRLS.

Given these circumstances, the planning proposal seeking the subdivision of the land into two lots with a minimum lot size not less than 4ha and rezoning of the land from RU1 to RU4 is appropriate.

Sydney Water

Agency Comment

"For the proposed development, the drinking water main available for connection is the 100mm main in Grose Vale Road. The proposed development site is not serviced by a Sydney Water wastewater system. The developer is required to contact the local council regarding on-site sewage management system requirements.

A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water."

Staff Response:

Sydney Water's confirmation that the land has access to its reticulated water system and no access to a wastewater system was noted. A preliminary on-site wastewater disposal feasibility study submitted in support the planning proposal concludes that on-site wastewater disposal is achievable on the lots shown in the concept plan attached to the planning proposal.

This plan making process does not require a section 73 Compliance Certificate from Sydney Water as the site can be serviced by on-site sewage management system under Council regulations.

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NSW Office of Water (NoW)

Agency Comment

"The two existing dams are within the harvestable rights zones as outlined in the Farm Dams Policy and as such are areas subject to the Farm Dam Policy. The current Maximum Harvestable Right Dam Capacity (MHRDC) for this property is 1.078 Megalitres (ML). If the property is subdivided and they are sold off the MHRDC will change to the size of each property (i.e. the proposal is to have one property of 6.19ha and the other of 4.59ha). The larger property will then have a MHRDC of 0.69ML and the other of 0.459ML. If each of the dams on each property collects no more than these volumes, the water within these dams can be used for any purpose. However if the dams hold more water than the MHRDC a Water Access Licence (WAL) and a Works and Use Approval will be required.

It appears that the larger dam, which will be on the smaller property holds more water than the MHRDC, in this case either the owner will need to acquire a WAL to account for the amount of water in excess of the harvestable right and they will need to apply for an approval for the dam.

There is an option that as part of the subdivision process, the larger dam is removed or reduced in size to the harvestable right to preclude the requirement for a WAL and approval."

Staff Response:

Item 2 of the Council's Resolution of 29 April 2014 states that:

- "2. Council does not endorse any proposed subdivision layout submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in gazettal."

According to this resolution a development application for the subdivision of the site into two lots needs to be lodged with Council should the plan be made. There are likely to be changes to lot sizes in the future subdivision application. If so, MHRDC of each property identified in the submission for the proposed two lots shown in the concept plan may also be changed. However, this matter is not relevant to the current plan making process. Council will refer any future subdivision application for the site to NoW for comment.

Transport for NSW - Roads & Maritime Services (RMS)

Agency Comment

"Roads and Maritime Services has reviewed the planning proposal and raises no objection as Grose Vale Road is a non-classified regional road under the care and control of Hawkesbury City Council and the planning proposal will generate minimal additional vehicle trips on the adjacent road network."

Staff Response:

RMS raises no objection to the making of the plan and its conclusion that the proposal will have no adverse impact on the adjacent road network was noted.

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NSW Rural Fire Service

Agency Comment

"The NSW Rural Fire Service (NSWRFS) notes that Lot 2 DP 617404 is mapped as bush fire prone on the Hawkesbury Bushfire Prone Land Map and will be subject to the requirements of Section 79BA of the Environmental Planning Assessment Act 1979 and Section 100B of the Rural Fires Act 1997.

The NSWRFS raises no objections to the planning proposal at the subject site on the provision that any future development is appropriately designed to comply with Planning for Bushfire Protection 2006 and AS3959 – 2009 Construction of buildings in bushfire prone areas. "

Staff Response:

The NSWRFS raises no objection to the making of the plan was noted. If this plan was made, any future application (DA) for the land including the subdivision of the land will be referred to NSWRFS for comment.

Endeavour Energy

Agency Comment

"As shown in the below site plan from Endeavour Energy's G/Net master facility model there are significant electrical assets located on and adjacent to the site.

Endeavour Energy has no specific comments or concerns regarding the planning proposal to rezone the land. However, should the rezoning be approved, for the potential future subdivision and construction of a dwelling requiring electricity connection and the possibility of work being undertaken near electrical assets/easement area, Endeavour Energy will have issues/advice for the applicant in relation to these future development application."

Staff Response:

Endeavour Energy raising no objection to the making of the plan was noted. A future development application for the subdivision of the site will be referred to Endeavour Energy for comment, should the plan be made, to give effect to the planning proposal.

Community Consultation

In accordance with the relevant statutory and 'Gateway determination' requirements the planning proposal and supporting documentation was publically exhibited for the period Tuesday, 7 April 2015 to Friday, 8 May 2015. A notice was placed in the 'Hawkesbury Courier' local newspaper and letters were sent to adjoining and nearby landowners and occupiers advising of the public exhibition of the planning proposal. During the public exhibition period the planning proposal and supporting documentation was made available on Council's website and at Council's Main Administration Building for public view.

Council received no submissions from the community.

Applicant's Submission

Following the public exhibition of the planning proposal, Council received a submission from the applicant requesting an amendment to the exhibited planning proposal. The request was to include an additional lot immediately northeast of the site with an area of 2.42ha and having frontages to both Grose Vale Road and Greggs Road (Lot 1 DP 745040, 1040 Grose Vale Road, Kurrajong) to the subject site. The applicant stated that the inclusion of this additional land will enable a better land use outcome.

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Staff Response:

The proposed amendment to the exhibited planning proposal is considered substantial. According to the (then) Department of Planning and Infrastructure's "*A guide to preparing planning proposals*" October 2012 a substantial change to the planning proposal may no longer be authorised by the 'Gateway determination'. In these circumstances a new "Gateway determination" will be required before the LEP is made.

This matter was discussed with DP & E, and it was advised that the proposal to add a new land to the exhibited planning proposal cannot be considered as an amendment to the planning proposal, and is a new planning proposal requiring a new 'Gateway determination'.

The applicant was advised that the amendment was not possible in this case and should the additional land wish to be pursued then another planning proposal would need to be submitted.

Conclusion

The consultation undertaken with the community and the relevant public authorities on the planning proposal do not warrant any changes to the exhibited planning proposal or the abandonment of the proposal. It is therefore recommended that Council proceed with the making of the LEP under the authorisation for Council to exercise delegation issued by the Gateway determination.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking after People and Place Directions statement:

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury
- Population growth is matched with the provisions of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Financial Implications

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

Planning Decision

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

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RECOMMENDATION:

That Council:

1. Proceed with the making of the plan to:
 - a) Amend the Land Zoning Map of Local Environmental Plan 2012 to change the current RU1 Primary Production zoning of Lot 2 DP 617404, 1026 Grose Vale Road, Kurrajong to RU4 Primary Production Small Lots
 - b) Amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to change the minimum lot size applying to the land to 4ha to allow the subdivision of the land into two lots with a minimum lot size of not less than 4ha.
2. Council exercise its delegation to make the plan as authorised by the Gateway determination for this matter.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 91 **CP - LEP008/13 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lot 5 DP 237575, 35 Chapel Street, Richmond - (95498, 124414)**

Previous Item: 1, Ordinary (3 February 2015)

Applicant Name:	Max Fragar, Fragar Planning and Development
Planning Proposal No:	LEP008/13
Property Address:	35 Chapel Street, Richmond
Owner:	Mr P and Mrs K Smith
Date Received:	12 November 2013
Recommendation:	Council not support the planning proposal

REPORT:

Executive Summary

This matter was last considered at a Council meeting of 3 February 2015 when the item was deferred pending a site inspection by Councillors.

This report discusses additional information provided by the applicant in support of their planning proposal to rezone the land and permit the subdivision of part of Lot 5 DP 237575, 35 Chapel Street, Richmond for residential purposes.

The additional information was submitted in response to a previous report to Council and site inspection by Councillors. However, as discussed in this report, it is considered that the additional information does not address the major constraints limiting the land's potential for residential development and accordingly it remains the Council staff's recommendation that the planning proposal not be supported.

Consultation

The planning proposal has not been exhibited as there are a number of outstanding matters that have not been satisfactorily resolved. If the planning proposal was to proceed it would be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and associated Regulations and as specified in the 'Gateway' determination administered by the Department of Planning and Environment (DP&E).

Background

On 3 February 2015 Council considered a report regarding this planning proposal that seeks to amend *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to rezone and permit the subdivision of part of Lot 5 DP 237575, 35 Chapel Street, Richmond for residential purposes. A copy of the Council report is attached to this report.

In summary the report identified a number of major constraints that limited the land's potential for residential development such as flooding, proximity to a wetland, proximity to a State listed heritage item, there being no legal frontage to a road (as access is via a tree lined, heritage listed, Right of Carriageway) and traffic impacts onto Kurrajong Road/March Street.

The report argued that the planning proposal did not propose suitable resolution of these issues and recommended that Council not support the planning proposal.

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Following consideration of the report Council resolved to defer the matter for a site inspection. A site inspection with the Mayor Councillor Ford, and Councillors Rasmussen, Calvert and Reardon, the applicant, the applicant's consultant engineer, the land owners, and Council staff occurred on 19 March 2015 and the applicant subsequently submitted additional information to Council on 17 and 29 April 2015.

Additional information submitted by applicant

On 17 April 2015 the applicant provided additional information within respect to the following:

- access
- permissible uses under the existing RU2 Rural Landscape zone
- allowable uses in the proposed R1 General Residential zone
- various matters identified in the report to Council of February 2015.

Access

The applicant has advised that the current intention is to develop the land as a private estate under a community title scheme with the Chapel Street extension being a private road with upgrade and maintenance to be part of a community title scheme.

Further the applicant states:

"Developing the land as a community title development is only one option. Unless circumstances change it is envisaged that the road access via the two Right of Ways will remain a private road and a suitable management agreement to ensure upgrade and maintenance of the road can be addressed at Development application stage.

We again refer to the legal advice that was included as part of the submission to Council in 2008 which stated that the Lot 5 DP 237575 has a right of carriageway easement to the eastern extension of Chapel Street. If the property is subdivided in the future, the right of carriageway must be registered on each individual new title created. Consent of the owner of the land over which the existing right of carriageway exists is not required.

With regard to upgrading of the carriageway the legal opinion also stated as follows:

'In relation to the resurfacing of the carriageway, whilst it is not your property you do have a registered right to use the same. In these times of access by motor vehicle an all-weather surface is necessary. The fact that the carriageway is already surfaced is not only a precedent for it being resurfaced but an admission of the necessity for all weather access. We can see no legal impediment to you having the carriageway resurfaced should an adjoining user object although it is our view that you cannot compel these users to contribute to the cost thereof where the existing surface is adequate for existing purposes.'

The applicant also claims that the proposed 5.5m wide road width is sufficient to cater for up to 200 townhouses and that, subject to detailed design and arborist advice, the proposed development would have no adverse impact on the heritage listed trees along Chapel Street.

Comment This additional information does not address the suitability of the right of carriageway to serve the 54 to 58 dwellings proposed in the planning proposal. As stated in the previous report to Council in general terms, it is good planning practice and an emergency services' priority to provide properties with direct vehicular access to a public road and avoid the use of Right of Carriageways or at least limit their use to serve a small number of lots. Like any other type of road, vehicular Rights of Carriageway require regular maintenance. Further, in this case, the practicality of access for larger vehicles (e.g. garbage, removalist, service vehicles) is constrained by the width and the physical location of the trees flanking the Right of Carriageway.

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With respect to garbage, recyclables and green waste collection, Council's current practice is not to allow Council collection trucks or Council contractor collection trucks to traverse private roads or Rights of Carriageways. These private roads are also generally not suitably designed (turning paths, height clearance, construction standards, etc.) for sustainable use by these vehicles. Hence, if the planning proposal was to proceed, collection of garbage, recyclables and green waste from the proposed development would need to be undertaken by private contractor under agreement with future owners. This would most likely require future owners to form a collective in order to secure such private collection. This, however, would not stop the potential for future land owners to seek collection services from Council in the event that the contractual arrangements could not be maintained or became cost prohibitive for land owners.

Inspection by Council staff revealed that due to the proximity of the proposed road to existing vegetation, approximately four to six trees would require removal and three of these trees are large and significant trees within the surrounding landscape. Removal of these trees would require permission of the owners of Hobartville Stud and the Heritage Council of NSW approval as the Hobartville site is a State listed Heritage Item. A site inspection revealed that many of these trees might be retained if the private road was re-aligned to the south; however, this would require the road to be constructed outside of the right of carriageway and hence would require permission of the owners of Hobartville Stud and the Heritage Council of NSW approval.

Further, the narrow width of the proposed private road carriageway is considered unacceptable on this site in terms of the potential conflicts between vehicles and pedestrians. The AMCORD guidelines referred to by the applicant for road widths are not mandatory, rather they are suggestions that a council may choose to adopt or adapt based on their individual circumstances. Further the provisions of AMCORD are best considered in light of an integrated planning framework/assessment for an area or region rather than on an ad-hoc site by site basis. Finally, even if the provisions of AMCORD were applied to this proposal the proposed access does not comply with AMCORD standards as no verge or parking is provided on the southern side of the proposed access.

Permissible uses under the existing RU2 Rural Landscape zone

The applicant has provided the following table summarising uses that are permissible with consent under the current RU2 zone and, in the applicant's opinion, an indication as to whether the use is suitable for the location.

RU2 – Rural Landscape	Suitable for the location	Marginally acceptable for the location	Economically viable but not suitable for the location
Agriculture		X	
Animal boarding or training establishments		X	
Boat sheds		X	
Building identification signs	X		
Business identification signs	X		
Cemeteries			X
Charter and tourism boating facilities		X	
Crematoria			X

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RU2 – Rural Landscape	Suitable for the location	Marginally acceptable for the location	Economically viable but not suitable for the location
Dual occupancies (attached)	X		
Dwelling houses	X (one and an existing)		
Educational establishment;	X		
Entertainment facilities		X	
Environmental facilities	X		
Farm buildings			X Possibly not viable
Farm stay accommodation			X
Flood mitigation works	X		
Forestry			X
Funeral homes		X	
Helipads			X
Home-based child care	X		
Home industries	X		
Jetties			X
Landscaping material supplies		X	
Moorings			X
Places of public worship		X	
Plant nurseries	X		
Recreation areas	X		
Restaurants or cafes		X	
Roads	X		
Roadside stalls			X
Rural industries			X
Rural supplies			X
Rural workers' dwellings	X		
Water recreation structures	X		
Water storage facilities			X

Comment Whilst not all of the applicant's claims regarding suitable, marginally acceptable, and not suitable land uses are agreed with, it is not uncommon that some land uses which are permissible broadly throughout a zone may not be suitable on a specific property given the site's particular location and characteristics.

In considering the planning proposal, Council staff have not defended or challenged the suitability of the current RU2 Rural Landscape zone of the land, rather it is the proposed residential zone and proposed residential development and subdivision scale that has been called into question given the constraints of access to the site, impact of traffic generation, heritage impact considerations, and the surrounding development pattern.

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Allowable uses in the proposed R1 General Residential zone

The applicant has provided the following table summarising uses that are permissible with consent in the proposed R1 General Residential zone and, in the applicant's opinion, an indication as to whether the use is suitable for the location.

R 1 – General Residential	Suitable for the location	Marginally acceptable for the location	Economically viable but not suitable for the location.
Animal boarding or training establishments		X	
Attached dwellings	X		
Boarding houses	X		
Building identification signs	X		
Business identification signs	X		
Camping grounds			X (Adjoining dwellings and seniors living)
Caravan parks			X (Adjoining dwellings and seniors living)
Child care centres	X		
Community facilities	X		
Dwelling houses	X (one only and existing)		
Educational establishments	X		
Environmental facilities	X		
Exhibition homes	X		
Flood mitigation works	X		
Group homes	X		
Home-based child care	X		
Home industries	X		
Hostels		X	
Multi dwelling housing	X		
Neighbourhood shops		X	
Places of public worship	X		
Public administration buildings			X
Recreation areas	X		
Recreation facilities (indoor)		X	
Recreation facilities (outdoor)		X	
Registered clubs		X	

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R 1 – General Residential	Suitable for the location	Marginally acceptable for the location	Economically viable but not suitable for the location.
Residential accommodation			The following types of residential accommodation are not suitable for the location: <ul style="list-style-type: none"> residential flat buildings shop top housing
Residential flat buildings			X
Respite day care centres			X
Roads	X		
Semi-detached dwellings	X		
Seniors housing	X		
Shop top housing			X
Tourist and visitor accommodation			The following tourist and visitors accommodation is not suitable for the location: <ul style="list-style-type: none"> backpackers accommodation farm stay accommodation hotel or motel accommodation
Veterinary hospitals		X	
Water storage facilities			X

The applicant advises that although certain uses are shown as suitable for the location, the intention of the owner is to develop the land proposed to be rezoned R1 - General Residential for residential purposes to include:

- detached dwellings on individual community titled lots with a minimum lot size of 450 m²
- semi-detached and attached dwellings.

The applicant has also suggested as an alternative to only a zone change that a LEP schedule amendment may be a suitable mechanism to ensure that unsuitable uses are not permitted uses; for example residential flat buildings and caravan parks.

Comment As stated in the report to Council of 3 February 2015, the proposed R1 General Residential zone would permit a wide range of residential development including residential flat buildings. It is considered that permitting such development on this land would be inconsistent with the type and character of surrounding residential development which is predominantly single storey detached dwellings and low scale aged housing. The suggestion by the proponent to exclude such development from the site by way of a separate clause is inconsistent with the DP&E's guidelines for LEPs which do not allow individual clauses to prohibit otherwise permissible development established by the respective zone.

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Council's previous approach to the zoning of land for the purposes of medium density development has been to restrict such development to within 1km of a railway station or 500m of a commercial zone in the townships of Richmond, North Richmond, Windsor, South Windsor, and Hobartville. Most of the land subject to the planning proposal is greater than 1km (measured in a straight line) from the Richmond Railway Station. Furthermore, the dominant residential zoning in the vicinity of the site is R2 Low Density Residential not an R1 General Residential zone.

Various Matters Identified in Previous Report to Council

The applicant has provided the following additional commentary regarding the following matters.

Visual impact

On site development will be seen against a backdrop of urban development.

Effect on nearby wetland

The overall site contains a wetland on the lower lying northern portion of the site. The subject site does not include the area identified as wetland or significant vegetation. The impact of any future development on issues such as water and river scenic quality can be addressed at development application stage. Future development applications on the site should address:

- Detail design of buildings when viewed from the north
- Boundary setback to provide separation buffers between future development on the subject site and the area mapped wetland and significant vegetation
- Soil erosion management plan
- Drainage plan to ensure drainage resulting from future development on the site drains above the wetland
- Tree preservation and additional screen planting.

Proximity to and impact on adjacent heritage item (Hobartville Stud)

The heritage listed trees along Chapel Street will be protected while also providing for private road access. It is also noted that Chapel Street is not the primary access to Hobartville.

Service availability

The site is located approximately 485 metres north-west of the Richmond town centre, and has good access to public roads and public transport services.

Comment:

Whilst this additional commentary is noted it does not resolve the fundamental concerns raised in the previous Council report regarding access to the site and the impact of additional vehicular traffic on the Chapel Street and Kurrajong Road - March Street intersection.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the HCSP are of most relevance to this residential development planning proposal.

Looking After People and Place

Directions

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways

Strategy

- Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations

Shaping Our Future Together

Direction

- A balanced set of decisions that integrate jobs, housing, infrastructure, heritage, and environment that incorporates sustainability principles

Financial Implications

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

Conclusion

It is recommended that Council not support this planning proposal to allow development of the land for residential purposes due to the inappropriateness of the proposed zone, inadequate vehicular and pedestrian access to the site, and the determinant impacts of the proposed development on the Chapel Street and Kurrajong Road - March Street intersection.

Planning Decision

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

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RECOMMENDATION:

That Council not support the planning proposal seeking to rezone and permit the subdivision of part of Lot 5 DP 237575, 35 Chapel Street, Richmond for residential purposes.

ATTACHMENTS:

AT - 1 Report to Council dated 3 February 2015

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AT - 1 Report to Council dated 3 February 2015

Item: CP - LEP008/13 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Lot 5 DP 237575, 35 Chapel Street, Richmond - (95498, 124414)

REPORT:

Executive Summary

This report discusses a planning proposal which seeks to amend *Hawkesbury Local Environmental Plan 2012* (the LEP) in order to rezone and permit the subdivision of part of Lot 5 DP 237575, 35 Chapel Street, Richmond for residential purposes.

As discussed in this report, the land has a number of major constraints that limit its potential for residential development including flooding, proximity to a wetland, proximity to a State listed heritage item, there being no legal frontage to a road (as access is via a tree lined, heritage listed, Right of Carriageway) and traffic impacts onto Kurrajong Road / March Street.

It is considered that the planning proposal does not present a resolution to these complexities of the site for the intended purpose, particularly traffic impacts and access to the site and the heritage impacts of that access. Accordingly, it is recommended that Council not support the planning proposal.

Consultation

The planning proposal has not been exhibited as there are a number of outstanding matters that have not been satisfactorily resolved. If the planning proposal was to proceed it would be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and associated Regulations and as specified in the "Gateway" determination administered by the Department of Planning and Environment (DP&E).

Background

For more than 20 years Council has considered and rejected a range of requests by the land owners (Mr and Mrs Smith) to vary the Council's local environmental plans in order to allow residential subdivision of this property. Following is a chronology of such requests and associated Council decisions.

August 1993 - Plan submitted to Council for 46 lots.

October 1998 - Re-submission of August 1993 plan from McKinlay Morgan & Associates Pty Ltd. McKinlay Morgan advised to submit a site specific Local Environmental Plan application with accompanying Local Environmental Study considering matters such as visual impact, effect on wetlands, proximity to heritage items, service availability.

February 1999 - Request from owners for Council to include land in Council's Urban Development Strategy. Suggestion by owner of approximately 30 lots.

March 1999 - Letter from Council advising owners that property falls outside the Urban Land Strategy investigation areas and that if they wish to pursue the matter they should submit a detailed application.

May 1999 - Rezoning submission received by Falson and Associates Pty Ltd with proposal for 46 lots (same plan as 1993 plan).

August 1999 - Letter from Council to Falson and Associates requesting further information and clarification of some matters.

April 2000 - Response received from Falson and Associates with number of proposed lots reduced to 38.

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June/July 2000 - Matter reported to Council's General Purpose Committee. Recommendation that proposal not be supported, suggestion that a lower density development addressing concerns raised in report may be considered by Council. Ordinary Meeting of Council deferred matter pending submission of further information from applicant. Petition from some residents of William Cox Drive objecting to proposal was received.

December 2000 - Additional information, including traffic report, received from Falson and Associates and proposal amended to 18 lots.

January 2001 - Meeting with Council staff, Mr Glenn Falson and Mr Smith. Additional information / clarification of issues requested by Council staff.

November 2003 - Letter from owners requesting advice regarding possibility of subdivision of land into 8 to 10 allotments.

April 2004 - Letter from Council advising of previous matters which require consideration/additional information.

October 2006 - Letter from owners requesting property be considered for residential rezoning in new City wide LEP.

November 2006 - General report to Council regarding City wide LEP. Mr Smith addressed Council.

December 2006 - Letter from Council advising of "conversion" nature of new City wide LEP and information to be submitted with rezoning request.

April 2007 - Notice of Motion regarding anomalies in Hawkesbury Local Environmental Plan 1989. Subject property nominated for change to residential zone or zone for aged care facility.

May 2007 - Report to Council regarding investigations resulting from Notice of Motion. Council resolved that the land be subject to a further report to Council following the release of the State Government Subregional Study.

October 2007 - Proposal received from Montgomery Planning Solutions for 16 lots. Reported to Council on 8 July 2008 whereby Council resolved:

"That:

- 1. The proposed rezoning of 35 Chapel Street, Richmond for residential purposes not be supported at this time and this land be considered in future land planning strategies.*
- 2. This land be considered further when Council has finalised a residential strategy that is consistent with the North West Subregional Strategy and further work has been undertaken on the Flood Risk Management Plan for the Hawkesbury."*

In general terms, throughout the various proposals and discussions, Council staff have requested the follows matters be addressed in any rezoning proposal:

- Visual impact
- Effect on nearby wetland
- Proximity to and impact on adjacent heritage item (Hobartville Stud)
- Service availability
- Department of Planning Section 117 directions
- Provisions of SREP No 20 Hawkesbury - Nepean (No.2 -1997)
- Details and justification of lot sizes, configuration and density
- Aircraft noise
- Impact on flora and fauna

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- Traffic impacts, in particular operation of intersection of Chapel Street and Kurrajong Road - March Street
- Legal access over Right of Carriageway and adequacy of access

The planning proposal, the subject of this report, was received by Council in November 2013. Following an initial staff assessment, in March 2014 the applicant was advised in writing of a number of concerns regarding the proposal and invited to withdraw the application due to the extent of concerns. In response, the applicant provided additional written information in April 2014, met with Council staff in August 2014, and provided further additional information in November 2014.

Planning Proposal

Fragar Planning and Development (the applicant) seeks an amendment to the LEP in order to rezone and permit the subdivision of Lot 5 DP 237575, 35 Chapel Street, Richmond for residential purposes. Specifically, the applicant requests that part of the land (approximately 3.5ha) be rezoned from RU2 Rural Landscape to R1 General Residential and that the minimum lot size for the land to be rezoned be reduced from 10ha to 450m².

The area of land subject to the planning proposal is shown in Figure 1 below.



Figure 1: Subject site

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The applicant advises that the overall intention of the planning proposal is to develop the land mainly for residential purposes to include:

- detached dwellings on individual titled lots with a minimum lot size of 450 m²; and
- semi-detached and attached dwellings.

The applicant advises that the expected development yield would be between 54 and 58 dwellings. The applicant has not provided a concept plan of subdivision and has not been requested to do so as it is considered that there are pre-determinative matters that preclude support for the planning proposal as outlined below.

Subject Site and Surrounds

The property is located on the western edge of the Richmond township approximately 1 km from the Richmond railway station.

The property is located to the south of Chapel Street, Richmond and is accessed via a right of carriageway over an access handle of an adjoining property (Hobartville Stud). The site does not front a public road and the legal status/suitability of this accessway will be discussed later in this report.

The property has a total area of 8.099 ha and is presently zoned part RU2 Rural Landscape (approx. 6.6ha) and part E2 Environmental Conservation (approx. 1.5ha). Under the current provisions of LEP 2012 zone, the property has a minimum lot size for subdivision of 10ha; hence at present the property does not have subdivision potential.

The property varies in height from approx. 21m AHD to 18m AHD in the area where the new lots are proposed. This is an area of approx. 3.5ha with the higher land fronting the right of carriageway. Beyond this upper plateau the land then falls sharply to the north-west to low lying land with a height of approximately 9m AHD.

Improvements on the land are mainly within the eastern corner of the property and consist of a dwelling with onsite disposal of effluent, a tennis court and associated driveway and landscaping. The balance of the property mainly consists of grass lands and a wetland (see Figure 1).

R2 Low Density Residential and RE1 Public Recreation zoned land is located to the south, Hobartville Stud is located to the west, Kurrajong Road is located to the north, two dwellings with an aged care village (Hawkesbury Village) beyond is located to the north-east and R1 General Residential zoned land (John Tebbutt Mews) is located to the east. The minimum lot size of surrounding land zoned R1 General Residential and R2 Low Density Residential is 450m². Hobartville Stud is listed as a heritage item on Schedule 1 of HLEP 2012 as well as being State heritage listed. The property shares an accessway (via a Right of Carriageway) from Chapel Street with Hobartville Stud. The accessway is flanked by an avenue of trees that lead to Chapel Street. The avenue of street trees in Chapel Street is also heritage listed under the LEP.

Beyond the immediately surrounding properties, the main distant views to the property are from the west through to north across the floodplain.

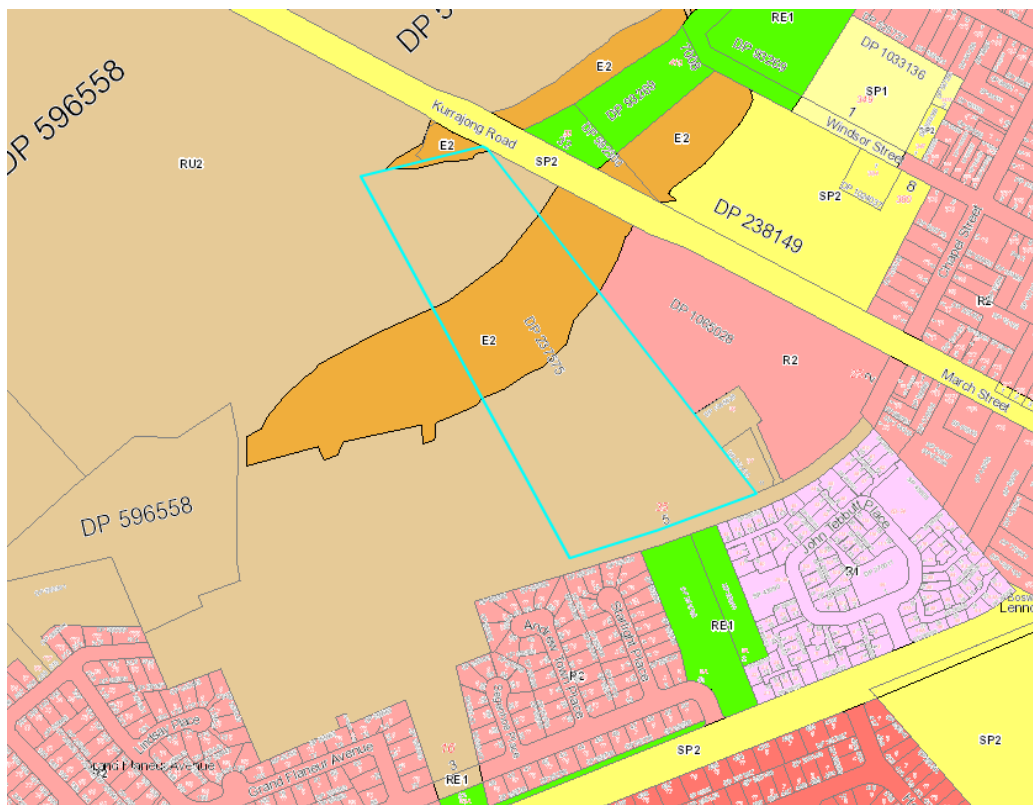


Figure 2: Land Zone Map extract

The height of the 1 in 100 year flood event for the surrounding area varies from 18.3m AHD at Yarramundi to 17.5m AHD at the North Richmond Bridge. The rear of the site is severely flood prone and only a small area immediately adjacent to the accessway is above the 1 in 100 year flood event level.

The land is partly affected by the 20 - 25 ANEF contour, however most of the land subject to the rezoning is not affected by the ANEF contours. The 20 - 25 ANEF affection does not represent a significant impediment to further residential development of this land.

The lower parts of the property are generally shown as either *Significant Vegetation* or *Connectivity Between Significant Vegetation* on the Terrestrial Biodiversity Map of LEP 2012 and the access handle is also shown as *Significant Vegetation*. Most of the land subject to the rezoning does not fall under either of these categorisations.

The site is not shown as being bushfire prone on the NSW Rural Fire Service's Bushfire Prone Land Map.

The land contains Class 4 and Class 5 acid sulphate lands as shown on the Acid Sulphate Soils Planning Map. The Class 4 land is generally in the low lying wetland area with the Class 5 making up the balance of the property.

The site is shown as being Agriculture Land Classification 5 on maps prepared by the former NSW Department of Agriculture. This classification is described as *Land unsuitable for agriculture or at best suited to only light grazing. Agricultural production is very low to zero as a result of severe constraints, including economic factors, which preclude land improvement.*

The site falls within the "Transition Area" as shown on the NSW Trade & Investment's Mineral Resources Audit 2104 map due to its proximity to the Richmond Lowland sand and gravel resource area. As a result, if the planning proposal is to proceed, referral to the Mineral Resources Branch of NSW Trade & Investment would be required.

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)*. The lower parts of the site fall within an area of regional significance under this SREP and the wetland is also shown as a wetland under *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

Applicant's Justification of Proposal

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

- *The subject site would be developed more economically and to its full potential if it was rezoned to R1 General Residential or similar zone and the minimum lot size allowed for 450 m2 residential lots. This type of development would be in line with the character of the surrounding area and would contribute to the provision of the much-needed residential housing supply of Richmond. The proposed R1 Residential General zone will provide for a mix of residential housing types that can respond to market demand and increase the supply of affordable housing in close proximity to public transport services.*
- *Development of the land as proposed will be consistent with the objectives of the R1 General Residential zone, the Hawkesbury Residential Land Use Strategy 2011, relevant SEPPs and S117s directions.*
- *The proposed amendments to the Hawkesbury LEP 2012 zoning and minimum lot size maps will be the best means of achieving the intended objective to develop the site for residential purposes.*

A Plan for Growing Sydney and the Draft North West Subregional Strategy

The NSW Government's *A Plan for Growing Sydney (December 2014)* provides a long-term planning framework for the Sydney metropolitan area. The Plan's vision is "A strong global city, a great place to live".

This is to be achieved by the Plan's goals, which are:

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

A number of Directions accompany each of the goals.

The Plan divides the Metropolitan area up into the Metropolitan Urban Area and the Metropolitan Rural Area. The Hawkesbury Local Government Area (LGA) is in the Metropolitan Rural Area and is within the West Region sub-region with the Blue Mountains and Penrith LGAs.

The planning proposal is generally consistent with the provisions of *A Plan for Growing Sydney*.

The Draft North West Subregional Strategy (dNWSS) provides a broad framework for the long-term development of the north-western sector of Sydney, guiding government investment and linking local and state planning issues. It contains a number of key strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance, and identify a hierarchy of centres.

The planning proposal is generally consistent with the provisions of the dNWSS.

Hawkesbury Residential Land Strategy

The Hawkesbury Residential Land Strategy (HRLS) seeks to:

- accommodate, based on estimated demand, between 5,000 to 6,000 additional dwellings by 2031, primarily within the existing urban areas as prescribed in the dNWSS
- preserve the unique and high quality natural environment of the LGA
- accommodate changing population, which presents new demands in terms of housing, services and access
- identify on-going development pressures to expand into natural and rural areas, as well as new development both in and around existing centres
- identify physical constraints of flood, native vegetation and bushfire risk

To achieve this, the HRLS identifies residential investigation areas and associated sustainable development criteria.

The subject site is located within the Richmond investigation area and the proposal is generally consistent with the relevant sustainability development criteria.

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

On 30 August 2011, Council adopted the following Policy:

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

Note 1:

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

Note 2:

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

As will be discussed in a later section of this report, it is considered that the proposal has not adequately addressed the existing infrastructure issues in the locality of the development, primarily with respect to access to the site and the impact of additional vehicular traffic on the Chapel Street and Kurrajong Road - March Street intersection.

Section 117 Directions

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. The Section 117 Directions contain criteria to be considered if a proposal is inconsistent with those Directions.

The Section 117 Directions of most relevance to this proposal are follows:

- Direction 1.2 Rural Zones
- Direction 1.3 Mining, Petroleum Production and Extractive Industries
- Direction 3.1 Residential Zones
- Direction 3.3 Home Occupations
- Direction 3.4 Integrating Land Use and Transport
- Direction 4.1 Acid Sulfate Soils
- Direction 4.3 Flood Prone Land
- Direction 7.1 Implementation of the Metropolitan Strategy

It is considered that the proposal is consistent with or justifiably inconsistent with these directions.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are as follows:

- State Environmental Planning Policy No. 55 - Remediation of Land
- Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)
- Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997)

It is considered that the proposal is generally consistent with these policies.

Vehicle and Pedestrian Access to the Site

The site does not have direct vehicular or pedestrian frontage to a public road being Chapel Street. The site has access to Chapel Street via two Right of Carriageways. One Right of Carriageway is 9.145m wide, is part of the State Heritage listing and is located within the Hobartville Stud's access handle from Chapel Street. This access handle consists of a narrow bitumen sealed driveway lined by generally substantial, mature trees such as Bunya Pines and Celtes. The other Right of Carriageway is 4.57m wide and is located immediately to the north-west of the previously mentioned Right of Carriageway on adjoining lands. It is the Hobartville Stud Right of Carriageway that the proponent seeks to utilise.

The owner of the land has provided a legal opinion regarding the current and future use of the Right of Carriageway. The conclusion of this legal opinion is as follows:

- *Lot 5 DP 237575 has a Right of Carriageway easement to the eastern extension of Chapel Street.*
- *If the property is subdivided in the future, the Right of Carriageway must be registered on each individual new title created.*
- *Consent of the owner of the land over which the existing Right of Carriageway exists is not required.*

The proponent has provided an indicative plan (see Attachment 1 of this report) showing a proposed 5.5m wide access carriageway between the existing trees. Council's DCP requirement for the proposed development (54 - 58 residential dwellings) is for a 15m road reservation comprising an 8m wide road and 3.5m wide verges. Hence in terms of road width and verges the proposal is significantly inconsistent with Council's standard.

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The proponent claims that reduced road widths for residential subdivisional are acceptable on a case by case basis and cites the provision of Australian Model Code For Residential Development (AMCORD) as an appropriate alternative standard.

The following extracts from AMCORD have been provided by the proponent in support of the use of a narrower road design standard. These are as follows:

- *A carriageway width of 3 metres is adequate for a local "Access Lane" where the maximum daily traffic is less than 100 vehicles per day (typically 10 single dwellings or 20 townhouses). For these streets, on-street parking is NOT permitted and the design speed is 15km/hr. Pedestrian access may need to be separately considered. The alignment of Access Lanes can meander through a site based upon the swept path needs of the maximum length vehicle expected on a regular basis. Dwelling setback based upon noise attenuation methods employed.*
- *A minimum carriageway width of 3.5 metres is adequate for a local "Access Place" where the maximum daily traffic is less than 300 vehicles per day (typically 30 single dwellings or 60 townhouses). For these streets shared pedestrian traffic is permitted and the design speed is 15km/hr. If on-street parking is permitted it is to be in the form of separated indented parking bays. The alignment of Access Places can meander through a site based upon the swept path needs of the maximum length vehicle expected on a regular basis. Verge widths of 3.5m both sides also required for utility services, landscaping and noise attenuation setback for dwellings.*
- *A maximum carriageway width of 5.5 metres is adequate for an "Access Street" where the maximum daily traffic is between 300 to 1,000 vehicles per day (typically up to 100 single dwellings or 200 townhouses). For these streets, on-street parking is permitted and the design speed is 40km/hr. Verge widths of 4m both sides also required for utility services, landscaping and noise attenuation setback for dwellings.*
- *For "Access Streets" accommodating higher daily traffic volumes of between 1,000 to 2,000 vehicles per day, the design speed is 40km/hr still applies, however the carriageway width increases to a minimum of 7.5m with on-street parking permitted. Verge widths of 4m both sides also required for utility services, landscaping and noise attenuation setback for dwellings.*
- *Separated 1.2m wide footpaths are typically introduced on one side only of access streets accommodating in excess of 1,000 vehicles per day.*
- *Bicycle traffic shares the road space for access streets, access places and access lanes accommodating less than 2,000 vehicles per day.*

The proponent claims that based on the above extracts the proposed 5.5m wide road carriageway is acceptable for the proposed number of lots/dwellings and that it can be accommodated within the existing right of carriage way without requiring the removal of existing trees along Chapel Street. Further, the proponent claims that on-street car parking and a verge would only be required should individual lots obtain direct access from Chapel Street, however, should parking within a 2.5 metre wide kerb be required, it can be provided along the northern boundary of the right of carriage way without impacting on the heritage listed trees along this road.

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Comment

The proposal for the existing Right of Carriageway to service 54 to 58 dwellings is considered to be unsatisfactory and unsustainable. In general terms, it is good planning practice to provide properties with direct vehicular access to a public road and avoid the use of Right of Carriageways or at least limit their use to serve a small number of lots. Like any other type of road, vehicular Right of Carriageways require regular maintenance. In this regard, council staff's experience is that disputes often arise between respective land owners over the frequency of maintenance, the nature/extent of maintenance works and apportionment of costs between users. With the greater number of land owners using a Right of Carriageway there is the greater potential for such disputes to arise. Further, in this case, the practicalities of access for larger vehicles (e.g. garbage, removalist, service vehicles) is constrained by the width and the physical location of the trees flanking the Right or Carriageway.

Further without direct public road access to the proposed subdivision all roads within the subdivision would need to be private roads as it is legally not possible to create an isolated public road. Therefore, if the proposed development was to eventuate, vehicular access to the properties would be via a public road (Chapel Street), a Right of Carriageway over Hobartville Stud, and then private roads within the subdivision.

With respect to garbage, recyclables and green waste collection, Council's current practice is not to allow Council collection trucks or Council contractor collection trucks to traverse private roads or Rights of Carriageways. This is primarily to avoid potential maintenance claims against Council due to possible damage caused by the weight and turning movements of the trucks. These private roads are also generally unsuitably designed (turning paths, height clearance, construction standards, etc.) for sustainable use by these vehicles. The possibility of storing a significant number of future garbage, recycle and green waste bins within Chapel Street for collection is considered unacceptable due to the available space, the unsightly nature of the likely number of bins within a confined area of Chapel Street and the inconvenience caused for existing residents of the Chapel Street and future residents of the development. Hence, collection of garbage, recyclables and green waste from the proposed development would need to be undertaken by private contractor under agreement with future owners. This would most likely require future owners to form a collective (perhaps through a community title) in order to secure such private collection. This, however, would not stop the potential for future land owners to seek collection services from Council in the event that the contractual arrangements could not be maintained or became cost prohibitive for land owners.

The proponent's claim that the proposed 5.5m wide road carriageway can be accommodated within the existing Right of Carriage way without requiring the removal of existing trees is disputed. Inspection by Council staff revealed that due to the proximity of the proposed road to existing vegetation, approximately 4 - 6 trees would require removal and 3 of these trees are large and significant trees within the surrounding landscape. Removal of these trees would require permission of the owners of Hobartville Stud and Heritage Council of NSW approval. A site inspection revealed that many of these trees might be retained if the road was re-aligned to the south; however, this would require the road to be constructed outside of the right of carriageway and hence would require permission of the owners of Hobartville Stud and Heritage Council of NSW approval.

Also, due to the broader concerns regarding the proposed access and impact of additional vehicular traffic on the Chapel Street and Kurrajong Road - March Street intersection (to be discussed later in this report) the proponent has not been requested to seek such permission from the owners of Hobartville Stud. It is however noted that when the previous rezoning proposal was reported to Council in October 2007 the then Manager of Hobartville Stud spoke against the proposal.

Notwithstanding the provisions of AMCORD, the narrow width of the proposed road carriageway is considered unacceptable on this site in terms of the potential conflicts between vehicles and pedestrians. The AMCORD guidelines are not mandatory, rather they are suggestions that a council may choose to adopt or adapt based on their individual circumstances. Further the provisions of AMCORD are best considered in light of an integrated planning framework/assessment for an area or region rather than on an ad-hoc site by site basis. Finally, even if the provisions of AMCORD were applied to this proposal the proposed access does not comply with AMCORD standard as no verge or parking is provided on the southern side of the proposed access.

Traffic Generation and Impact on Chapel Street and March Street - Kurrajong Road Intersection

The proponent has submitted advice from McLaren Traffic Engineering (MTE) that considers the current operation of the Chapel Street and Kurrajong Road - March Street intersection and the likely impact of additional vehicular traffic caused by the proposed development.

The MTE report found that in the AM and PM peak periods the intersection performed poorly for the purposes of a right hand turning movement from Chapel Street into March Street under both existing and forecast future conditions based on retaining the two lane flow arrangement along Kurrajong Road.

In response, MTE advise that:

"Whilst this appears to be an issue at first glance . . . it is evident that the current delay and queue lengths associated with these right turns increase only marginally. The . . . analysis does not include the benefits that can occur with gaps created between platoons of traffic generated by the traffic signal control at Bosworth Street further east of Chapel Street.

The provision of 4 through lanes along Kurrajong Road assists in improving the overall level of service of the intersection of Kurrajong / Chapel, and the delays to the right turns out of Chapel Street will significantly improve. The volume of additional right turning traffic from the development site is very low in the context of existing traffic flow demand being some 5 additional vehicles or 1 additional vehicle per 12 minutes during the weekday PM peak hour. That volume of additional traffic would not be sound justification for upgrading the intersection."

In considering this further, MTE considered the following traffic management options:

- Option 1 - Do nothing
- Option 2 - No Right Turn onto March Street from Chapel Street in the morning between 7-10am
- Option 3 - No Right Turn into Chapel Street from Kurrajong Road in the morning and afternoon
- Option 4 - No Right Turn onto March Street from Chapel Street in the morning and No Right turn from Kurrajong Road in the morning

MTE favoured Option 4 and stated that *traffic delay for the critical eastbound flow along the main road of Kurrajong Road during the 7-10AM weekday morning commuter peak is not exacerbated [by the proposed development] and accordingly is supportable in terms of external road network impact.*

Comment:

Whilst MTE claim that the traffic delay for eastbound flow along Kurrajong Road/March Street is not exacerbated no improvement to the intersection is provided and for existing residents of Chapel Street, any easterly paths of travel would be extended and delayed by the No Right Turn restriction. This restriction would require existing residents seeking to travel easterly to turn left on Kurrajong Road and then double back via Old Kurrajong Road, Yarramundi Land and Inalls Lane. This proposed change is considered unsatisfactory and unacceptable.

As noted by MTE, the proposal does not generate sufficient traffic to be a catalyst for an intersection upgrade. Hence, this is inconsistent with Council's Residential Strategy and related resolutions about infrastructure upgrades for planning proposals and development contributions.

Suitability of Proposed R1 General Residential Zone

In support of the proposed R1 General Residential zone the proponent has provided the following commentary:

Some land in the vicinity of the subject site is zoned R2 - Low Density Residential. Land to the south east across Chapel Street is zoned Residential 1. Having regard to the zoning of the land immediately surrounding the subject site it is submitted that an R1 - General Residential is appropriate.

The R2 - Low Density Residential zone does not permit Attached Dwellings, Semi Detached Dwellings and Multi Dwelling Housing. The R2 - Low Density Residential zone is therefore not suitable for the site, being in very close proximity to other R1 - General Residential land and close to the Town Centre, transport, etc.

The R1- General Residential zone permits a variety of housing types to include Semi Detached and Attached Dwellings with the consent of Council. It is not the intention of the applicant to provide Residential Flat Buildings as part of the development on the subject site and can be excluded as part of a special clause from the proposed Residential 1 - General zone should it be required by Council.

The proposal to provide for a variety of housing types as permitted in terms of the R1 - General Residential zone, will be in line with objectives to encourage a variety and choice of housing types to provide for existing and future housing needs and to make efficient use of existing infrastructure and services as stated in the:

- *Ministerial Direction 3.1 Residential Zones;*
- *Hawkesbury Residential Land Use Strategy 2011;*
- *Improving Transport Choice - Guidelines for planning; and*
- *North West region, Metropolitan Sub regional Strategy.*

The proposed R1 - Residential General zone will provide for a mix of residential housing types that can respond to market demand and increase the supply of affordable housing in close proximity to public transport and Richmond Town Centre. This is the preferred option.

An R3 - Medium Density Residential zone permits Dwellings, Attached Dwellings, Dual Occupancies, Multi Dwelling Houses and Semi - detached dwellings with the consent of the Council. This zone could also be suitable for the intended development of the site. Whilst this is not the preferred option, the application of an R3 - Medium Density Residential zone would be an acceptable alternative outcome for the planning proposal.

Comment:

The R1 General Residential zone permits a wide range of residential development including residential flat buildings. It is considered that permitting such development on the land would be inconsistent with the type and character of surrounding residential development which is predominantly single storey detached dwelling. The suggestion by the proponent to exclude such development from the site by way of a separate clause is inconsistent with the DP&E's guidelines for LEPs which do not allow individual clauses to prohibit otherwise permissible development established by the respective zone.

Council's previous approach to the zoning of land for the purposes of medium density development has been to restrict such development to within 1km of a railway station or 500m of a commercial zone in the townships of Richmond, North Richmond, Windsor, South Windsor, and Hobartville. Most of the land subject to the planning proposal is greater than 1km (measured in a straight line) from the Richmond Railway Station and as can be seen by Figure 2 above the dominant residential zoning in the vicinity is R2 Low Density Residential.

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The proponents desire to provide affordable housing is not disputed however it appears to be incongruent with the nature of the site limitations and the likely need for privately managed road, access and waste and recycling collection.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the HCSP are of most relevance to this residential development planning proposal.

Looking After People and Place

Directions

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems, allowing easy access to main metropolitan gateways

Strategy

- Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations

Shaping Our Future Together

Direction

- A balanced set of decisions that integrate jobs, housing, infrastructure, heritage, and environment that incorporates sustainability principles

Financial Implications

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

Conclusion

It is recommended that Council not support this planning proposal to allow development of the land for residential purposes due to the inappropriateness of the proposed zone, inadequate vehicular and pedestrian access to the site, and the determinant impacts of the proposed development on the Chapel Street and Kurrajong Road - March Street intersection.

Planning Decision

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

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RECOMMENDATION:

That Council not support the planning proposal to seeking to rezone and permit the subdivision of part of Lot 5 DP 237575, 35 Chapel Street, Richmond for residential purposes.

ATTACHMENTS:

AT - 1 Proposed Access Plan

Meeting Date: 30 June 2015

[illegible]

oooO END OF REPORT Oooo

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Item: 92 **CP - Proposed Amendments to Hawkesbury Development Control Plan 2002 - Draft Part D Chapter 8 Farm Buildings & Outbuildings and Part A Chapter 1 General Information - (95498, 124414)**

Previous Item: 42, Ordinary (31 March 2015)

REPORT:

Executive Summary

The purpose of this report is to advise Council of submissions and comments received during the public exhibition of the draft Development Control Plan (DCP) chapter for Farm Buildings and Outbuildings (the draft chapter). It is proposed that this draft chapter will replace the current 'Rural Shed' chapter of the DCP.

It is recommended that the draft chapter be adopted subject to the amendments outlined in this report.

Introduction

Council at its Ordinary Meeting of 31 March 2015 resolved to exhibit the draft chapter and other associated amendments to the Hawkesbury Development Control Plan 2002 (DCP).

Prior to approving a development control plan the *Environmental Planning and Assessment Regulation 2000* (the Regulation) requires Council to publically exhibit the draft plan and consider any submissions received in response to the draft plan.

The exhibition period has ended and the submissions and comments received following the exhibition period have been considered in this report. It is recommended that some minor amendments be made to the draft chapter prior to its adoption. The recommended amendments are considered to be minor changes that can be approved by Council without further exhibition.

Background

On 11 November 2014 Council resolved to receive a report to review the "*appropriateness of the current provisions contained within Council's planning controls in relation to the erection of sheds in both urban and rural areas of the City*".

A briefing to Councillors was provided on 10 February 2015 following a review of Council's current planning controls. During the briefing session it was agreed that the current development controls should be based on a sliding scale set of rules which consider land size, building setbacks and specified land.

Accordingly a draft DCP chapter was prepared proposing a new set of rules for farm buildings and outbuildings. The draft chapter also clarifies how development is required to be classified under Hawkesbury Local Environmental Plan (LEP) 2012 and the different issues which are required to be considered when assessing Farm Buildings or Outbuildings. (Note: the term Rural Shed is no longer a defined term in the LEP 2012.

The draft chapter and other associated amendments were presented to Council in a report at the Ordinary Meeting of 31 March where Council resolved that the plan be exhibited and reported back to Council.

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Consultation

In accordance with Section 18 of the Regulation the draft Part D Chapter 8 Farm Buildings and Outbuildings, associated minor administrative amendments to Part A Chapter 1 General Information of the DCP and other supporting documentation were publically exhibited for the period 17 April 2015 to 18 May 2015.

Exhibition notices of the draft chapter were placed on the Hawkesbury Courier on 16 April 2015 and 30 April 2015. During the exhibition period the draft chapter and all supporting documentation were available on Council's website and for inspection at Council's Administration Office.

Submissions

Council received one submission during the exhibition period. The submission was from Agriculture NSW and supported the intent of changes to reduce the visible intrusion into the rural landscape of large sheds, however noted that the DCP should not impeded genuine commercial agricultural development.

Response

The key reason for separating the development controls for farm buildings and outbuildings is to acknowledge that agricultural land uses typically require larger structures to be constructed to support the use of the land (e.g. turf farming) as opposed to the use of the land for residential purposes. Should any future application be received for farm buildings which do not comply with the standard rules the application would be assessed based on the individual merits of the proposal.

However, in reviewing the rules relating to agricultural land uses it is recommended that Chapter 8.5.4 - Development Control 6 be modified to allow the cumulative size of farm buildings and outbuildings on a single property to be assessed on the merit of the application. This change would ensure that the current control does not hinder the commercial agricultural development of the land.

Review of the Draft Chapter

After the exhibition period an internal briefing session was held with Development Services staff. The briefing session reviewed a number of matters identified during the exhibition period based on an analysis of the development applications for Farm Buildings and Outbuildings currently in progress during the exhibition period. These findings are addressed below:

Land Area Controls

The land area controls for outbuildings should be simplified across all medium to large sized lots and the land area controls should start at lots below 1000m² based on the current exempt and complying development code requirements and the typical lot sizes which exist in large lot residential areas. i.e. Pitt Town and Windsor Downs.

Response

The land area controls in the exhibited draft were chosen to align with the minimum lot size requirements for rural properties. The development controls as exhibited in the draft chapter are shown in Table 1 below.

A review of the land area development controls has found that minor changes should be made to group the land areas into broader categories. The land areas which had been chosen were based on taking into account typical lot sizes and land uses and were categorised into the following groups:

- small lots (<1000m²),
- medium lots (1,000 to < 4,000m²),
- medium to large lots (4,000m² to <4ha),
- large lots (4ha to <10ha), and
- extra-large lots (10ha or greater).

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A revised table has been prepared and is shown in Table 2 below and aims to simplify the sliding scale. Furthermore, in order to ensure that the DCP is more in line with the State Exempt and Complying Development Codes, it is recommended that the controls for properties below 1000m² be identified separately from properties greater than 1000m².

The revised land areas have generally resulted in the maximum allowable areas increasing on properties with a land area which were previously identified in Table 1.

Table 1: Exhibited DRAFT Sizes and Setbacks for outbuildings

LAND AREA	MAX ALLOWABLE AREA (m²)	FRONT SETBACK (m) (from Primary Rd Frontage)	SIDE/REAR SETBACK (m)
<2,000m ²	55	Behind any existing dwelling or 10m, whichever is the greater	Considered on merit of the application
2,000m ² to <1ha	80	Behind any existing dwelling or 10m, whichever is the greater	3
1ha to <2ha	110	15	5
2ha to <4ha	180	20	5
4ha to <10ha	225	20	10
10ha or greater	325 for first 10ha then 25 per every hectare thereafter	20	10m to a property boundary or 50m (minimum) from a dwelling on an adjoining property, whichever is greater

Table 2: Proposed amendments to DRAFT Sizes and Setbacks for outbuildings

LAND AREA	MAX ALLOWABLE AREA (m²)	FRONT SETBACK (m) (from Primary Rd Frontage)	SIDE/REAR SETBACK (m)
<1,000m ²	60	Behind any existing dwelling or 10m, whichever is the greater	Considered on merit of the application
1,000 to < 4,000m ²	110	Behind any existing dwelling or 10m, whichever is the greater	3
4,000m ² to <4ha	180	15	5
4ha to <10ha	250	20	10
10ha or greater	325 for first 10ha then 25 per every hectare thereafter	20	10m to a property boundary or 50m (minimum) from a dwelling on an adjoining property, whichever is greater

Farm Buildings and Outbuildings for Heritage Listed Sites

The chapter should specify requirements for farm buildings and outbuildings on heritage listed items or properties within close proximity to heritage listed items.

Response

Part C Chapter 10 Heritage Conservation outlines objectives and development controls for heritage items and any development on land adjacent to or within the vicinity of a heritage item.

Whilst this chapter applies in addition to the draft chapter it is considered appropriate that a control be included to highlight that heritage items should be considered when choosing a building location for farm buildings or outbuildings. It is proposed that a development control under the 'siting and orientation' section be added as follows:

"Farm buildings or outbuildings on properties which contain or are adjacent to a heritage item will be assessed on merit. Development applications shall be supported by an assessment against clause 5.10 Heritage conservation of the LEP and Part C Chapter 10 Heritage Conservation of the DCP."

Cut and Fill

The maximum cut and fill areas should apply to vehicle manoeuvring areas and filled batters in addition to driveways.

Response

The draft chapter specifies that the maximum cut and fill controls relate to the building and access driveways. In order to avoid any confusion about fill outside of the building pad it is considered appropriate that the development control be clarified to refer to manoeuvring areas and filled batters as well as driveways. Accordingly it is proposed that the development control located within the siting and orientation section be amended as follows:

"Cut and fill for buildings, manoeuvring areas, fill batters and access driveways should be limited to a maximum 2 metres of cut and 900mm of fill. (Figure 1)"

Mezzanine Level

The controls relating to mezzanine levels should be assessed based on the merit of the proposal.

Response

The draft chapter specified that mezzanine levels should be no more than 50% of the ground floor area and that these areas shall be restricted to be used for storage purposes.

In reviewing these controls it is considered mezzanine levels could exceed 50% of the ground floor area or be used for other purposes provided that they have appropriate access in accordance with the Building Code of Australia and comply with the maximum building height.

Consequently, it is recommended that the mezzanine controls contained within the 'size, setback and height' controls be modified by removing the clause restricting the use of mezzanine floors for storage purposes and that the control relating to floor area be adjusted to read as follows:

"The total floor area specified for farm buildings and outbuildings does not include second floors and Mezzanine floors within a building that complies with the maximum height requirements."

Other Amendments to Draft Chapter for Farm Buildings and Outbuildings

The following additional amendments are also proposed for the Draft Chapter.

- Minor changes to formatting.
- Addition of text to the Introduction section listing animal shelters as structures which are not covered under this chapter.
- Deletion of text within Introduction section which refers to Part D Chapter 1 of the DCP and Part D Chapter 9 of the DCP.
- Relocation of the note relating to exempt and complying development included from the Farm Building section to the Introduction section.
- Addition of page numbers in the footer consistent with the DCP.
- Correction to numbering used with the chapters.
- Move the maximum height rule for farm buildings below Table 1.
- Confirm that the maximum height for outbuildings greater than 200m² shall be restricted to 6.5 metres.
- Clarify that the maximum allowable area is calculated using the cumulative total of the enclosed floor area for farm buildings and outbuildings.
- Clarify that development controls for colours relates to environmental protection areas as well as rural areas.

The above changes are considered to be minor administrative changes discovered as part of the exhibition of the document and do not seek to change any of the development controls relating to farm buildings or outbuildings. Hence a further exhibition of the draft chapter is not required.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Community Strategic Plan Theme:

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

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

- Manage rural and natural lands to support a balance of agriculture, environment and housing that delivers viable rural production and rural character.

Financial Implications

The costs associated with the preparation of this DCP chapter are covered in Council's existing budget.

Planning Decision

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

ORDINARY MEETING

Meeting Date: 30 June 2015

RECOMMENDATION:

That the amended draft DCP chapter for Farm Buildings and Outbuildings as attached to this report be adopted to become effective as at the date of publishing a notice in a public newspaper.

ATTACHMENTS:

AT - 1 Part A Chapter 1 General Information and Part for tracked changes Part D Chapter 8 Farm Buildings and Outbuildings

AT - 1 Part A Chapter 1 General Information and Part for tracked changes

Part D Chapter 8 Farm Buildings and Outbuildings

CHAPTER 8

Farm Buildings and Outbuildings

8.1 INTRODUCTION

This Chapter of the DCP provides objectives and development controls for Farm buildings and Outbuildings.

This Chapter specifically deals with buildings which are associated with the lawful use of the land for agricultural or domestic purposes (eg. outbuildings and gardens sheds) and does not provide objectives or development controls for:

- Buildings which are ancillary to animal boarding or training establishments, animal shelters and/or rural industries. These are dealt with by Part D, Chapter 9 of the DCP.
- Garages or carports ancillary to a dwelling. These are dealt with by Part D Chapter 1 of the DCP.

NOTE The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 classifies certain farm buildings and outbuildings as exempt development and thus does not require development consent from Council (see www.legislation.nsw.gov.au for details).

8.2 OBJECTIVES

The primary objectives of this Chapter are:

- (a) To enable the erection of farm buildings and outbuildings in a manner that complements the landscape character and any scenic qualities of the locality.
- (b) To ensure farm buildings and outbuildings are designed and sited with regard to site planning principles and also the requirements specified in this Chapter to minimise the likely impact on the amenity of adjoining land uses, especially dwellings.
- (c) To ensure farm buildings and outbuildings are sited to minimise unnecessary disturbances to the natural environment.

8.3 WHAT IS A "FARM BUILDING"?

"Farm buildings" are defined by the LEP as structures which are ancillary to an agricultural use of the land on which it is situated and includes hay sheds, stock holding yards, machinery sheds, shearing shed, silo, storage tank, outbuildings or other forms of structures used for storing agriculture machinery, farm produce and supplies.

These structures are typically large buildings used for commercial purposes requiring a large area to serve a number of different functions as part the agricultural use of the land.

"Agriculture" is defined by the LEP and is directly associated with the commercial use of the land for activities including aquaculture, extensive agriculture, intensive livestock agriculture, and intensive plant agriculture. These uses are separately defined in the LEP.

NOTE The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 classifies certain farm buildings as exempt development and thus does not require development consent from Council (see www.legislation.nsw.gov.au for details).

Applications for farm buildings are required to specify how the proposed building and site are intended to be used. Specific information shall be provided in respect to:

- The type of commercial agricultural activity being undertaken on the land.
- Details concerning the floor layout and fit-out of the building in accordance with the National Construction Code - Building Code of Australia.
- The number of staff or customers which would be associated with the use of the land.
- Details concerning amenities, services and facilities which would be provided onsite.
- Car parking and access requirements in accordance with Part C Chapter 2 of the DCP.
- Any potential environmental impacts associated with the use of the land particularly in respect to traffic, effluent disposal, water use, noise, amenity, odour and hours of operation.

8.4 WHAT ARE OUTBUILDINGS?

These are buildings that are used for the storage of possessions of the owners/occupiers of the land and are considered under the LEP as structures which are ancillary to an existing land use. These buildings are generally ancillary to a dwelling house and are associated with the normal domestic use of the land.

Outbuildings are not commercial in nature and are typically used by the land owners/occupiers for:

- The storage of equipment used to maintain the property,
- Hobbies; and
- Parking of non-commercial vehicles*.

*Outbuildings are not be used for the parking of more than one (1) truck plus two (2) trailers or two (2) small earthmoving machines used primarily off-site by the owner/occupiers of the property.

8.53 DEVELOPMENT CONTROLS

Development controls for farm buildings and outbuildings are as follows:

8.53.1 Siting and Orientation

Objectives

(a) To ensure that farm buildings and outbuildings:

- Complement the character of the area and are not visually dominant
- Have minimal impacts on the removal of native vegetation
- Take into consideration the natural features of the land
- Take into consideration existing and potential uses of the land.

Development Controls

1. Farm buildings and outbuildings should be clustered in one location on the property. Where possible, this should be close to dwellings, but not where this will result in land use conflict.
2. Farm buildings and outbuildings are to be sited and orientated to minimise their visual dominance and impact on the streetscape. In particular:
 - i) Ridgeline or hilltops locations should be avoided
 - ii) The narrow elevation of the building should face the primary street frontage.
3. Farm buildings and outbuildings as well as related driveways, manoeuvring areas and filled areas are to be positioned on the land so as to minimise the removal of any native vegetation.
- 3-4. Farm Buildings or Outbuildings on properties which contain or are adjacent to a heritage item will be assessed on merit. Development applications shall be supported by an assessment against clause 5.10 Heritage conservation of the LEP and Part C Chapter 10 Heritage conservation of the DCP.
- 4-5. Cut and fill for buildings, manoeuvring areas, fill batters and access driveways should be limited to a maximum 2 metres of cut and 900mm of fill. (Figure 1)
- 6-6. Farm buildings and outbuildings should not be erected on land having a slope in excess of 10%.
- 6-7. Farm buildings and outbuildings should be set back a minimum of 40 metres away from any watercourse.

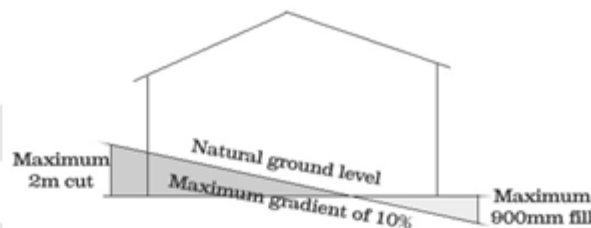


Figure 1: Cut and fill

8.53.2 Building Design and Form**Objectives**

- (a) To encourage attractive developments that blend in with the character of the locality, surrounding development and landscaping.

Development Controls

1. Roof forms should provide visual relief to the building in order to reduce the building's bulk. Barn style roof forms that are less bulky in appearance are encouraged in rural and environmental protection zoned areas. (Figure 2)
2. Building facades that can be readily viewed from adjacent roads should be articulated with suitable features such as windows, awnings and verandahs to minimise their visual bulk.



Figure 2: Less Bulky Appearance of Barn Style Roof Forms

8.53.3 Building materials, finishes and colours

Objectives

- (a) To ensure that building materials and external finishes of farm buildings and outbuildings do not have a significant adverse impact on the visual qualities of the landscape.
- (b) Ensure that the colours used in the construction of farm buildings and outbuildings are consistent with the prevailing colours of the locality.

Development Controls

1. External materials, finishes and colours should complement and harmonise with the surrounding environment and the existing development on the land.
2. External materials should have non-reflective surfaces. The use of unpainted metal surfaces may be permitted in limited circumstances subject to the size, height, design and location of the building. The use of unpainted zincalume steel is not encouraged.
3. In rural [and environmental protection](#) areas the walls and roof should be of colours primarily involving non-urban landscape colours (muted greens and browns). Bright/stark colours such as white, black, blue, yellow or red or variations of these (e.g. cream, grey or orange) are generally not acceptable except as a minor detail colour (e.g. gutters) on a structure.
4. Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.

8.53.4 Size, Setbacks and Height

Objectives

- (a) To ensure that the bulk of farm buildings and outbuildings do not visually dominate the streetscape and the landscape.
- (b) Ensure that the size of farm buildings and outbuildings is consistent with the intended use and the size of the property.
- (c) Farm buildings and outbuildings should not be visually prominent or intrude into the skyline.

ORDINARY MEETING

Meeting Date: 30 June 2015

Development Controls

- The maximum areas and minimum setback requirements for farm buildings and outbuildings are provided under the following tables:

Farm Buildings

Table 1: Sizes and Setbacks for Farm Buildings

LAND AREA	MAX ALLOWABLE AREA* (m ²)	FRONT SETBACK (m) (from Primary Rd Frontage)	SIDE/REAR SETBACK (m)
<2,000m ²	80	Behind any existing dwelling or 10m, whichever is the greater	Considered on merit of the application
2,000m ² to <1ha	110	Behind any existing dwelling or 10m, whichever is the greater	3
1ha to <2ha	270	15	5
2ha to <4ha	325	20	10
4ha to <10ha	450	20	10m to a property boundary or 50m (minimum) from a dwelling on an adjoining property, whichever is greater
10ha or greater	600 for first 10ha then 25 per every hectare thereafter	20	10m to a property boundary or 50m (minimum) from a dwelling on an adjoining property, whichever is greater

* Any variation to the maximum allowable area for farm buildings will have to be justified in terms the use of the building and visual impact of the development.

- The maximum height of a farm building is 8m above ground level (existing).

ORDINARY MEETING

Meeting Date: 30 June 2015

Outbuildings

Table 2: Sizes and Setbacks for outbuildings

LAND AREA	MAX ALLOWABLE AREA (m ²)	FRONT SETBACK (m) (from Primary Rd Frontage)	SIDE/REAR SETBACK (m)
≤2,000m ²	55	Behind any existing dwelling or 10m, whichever is the greater	Considered on merit of the application
2,000m ² to <1ha	80	Behind any existing dwelling or 10m, whichever is the greater	3
1ha to <2ha	110	15	5
2ha to <4ha	180	20	5
4ha to <10ha	225	20	10
10ha or greater	325 for first 10ha then 25 per every hectare thereafter	20	10m to a property boundary or 50m (minimum) from a dwelling on an adjoining property, whichever is greater

LAND AREA	MAX ALLOWABLE AREA (m ²)	FRONT SETBACK (m) (from Primary Rd Frontage)	SIDE/REAR SETBACK (m)
≤1,000m ²	60	Behind any existing dwelling or 10m, whichever is the greater	Considered on merit of the application
1,000 to <4,000m ²	110	Behind any existing dwelling or 10m, whichever is the greater	3
4,000m ² to <4ha	180	15	5
4ha to <10ha	250	20	10
10ha or greater	325 for first 10ha then 25 per every hectare thereafter	20	10m to a property boundary or 50m (minimum) from a dwelling on an adjoining property, whichever is greater

Note: Maximum Allowable Area (m²) is calculated using the cumulative total of the enclosed floor area of the structure for farm buildings and outbuildings and does not include verandahs, awnings or the like that are open on two or more sides

- ~~The maximum height of a farm building is 8m above ground level (existing).~~
- The maximum height of an outbuilding with an area equal to or less than 200m² is 5.5m above ground level (existing). The maximum height of 'Barn style' outbuildings or outbuildings greater than 200m² is 6.5m above ground level (existing), may exceed 6.5m based on individual merit.

ORDINARY MEETING

Meeting Date: 30 June 2015

Part D

Hawkesbury Development Control Plan

5. Farm buildings and outbuildings that are greater in height than any existing or approved dwelling house on the land are discouraged. (Figure 3)
6. The cumulative area for farm buildings and outbuildings on a single property will be considered based on the merits of the proposal shall be no greater than the maximum allowable area specified for farm buildings.
7. An open sided ~~veranda~~ or awning of not greater than one third of the area of the proposed farm building or outbuilding may be allowed in addition to the above mentioned maximum allowable areas.
8. The total floor area specified for farm buildings and outbuildings does not include second floors and Mezzanine floors within a building that complies with the maximum height requirements shall be no more than more than 50% of the area of the ground floor of a farm building or an outbuilding may be allowed in addition to the above maximum allowable areas.
9. The mezzanine floor shall only be used for storage purposes.
10. The size, setback and height rules do not apply to existing or replica historic slab barns and the building will be assessed based on the merit of the application. (Figure 4)



Figure 3: Visual dominance of the shed (on left) due to its excessive height



Figure 4: Slab Barn Style building

| **8.53.5 Landscaping**

Objectives

To provide attractive landscapes which are consistent with visual landscapes in the locality.

Development Controls

1. Screening should be provided around farm buildings and outbuildings to reduce the bulk of the building and soften the appearance of the building from any adjoining dwelling, street or property boundary.
2. Plants endemic to the area with suitable fire resistance, heights, coverage and density should be chosen. Landscaping shall consist of a mixture of trees, shrubs and ground cover to minimise the visual impact of the buildings.
3. Trees should include species that at maturity have a height above the ridgeline of the proposed buildings.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

GENERAL MANAGER

Item: 93 GM - Local Government NSW 2015 Annual Conference (79351, 79633)

REPORT:

Executive Summary

The Local Government NSW (LGNSW) 2015 Annual Conference will be held from 11 to 13 October 2015 at Rosehill, NSW. Due to its relevance to Council's business, it is recommended that the LGNSW 2015 Annual Conference be attended by Councillors and appropriate staff.

Consultation

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

Background

The LGNSW 2015 Annual Conference will be held from 11 to 13 October 2015 at Rosehill. Council is entitled to nominate four voting delegates as well as observers to attend this Conference.

Cost of attendance at the LGNSW 2015 Annual Conference is approximately \$2,400 plus travel expense per delegate.

The 2015/2016 Operational Plan contains a provision of \$48,000 for Delegate Expenses.

Budget for Delegate Expenses - Payments made:

• Total Budget for Financial Year 2015/2016	\$48,000
• Expenditure to date	\$Nil
• Budget balance as at 24/6/15	\$48,000

At this stage Council has not nominated any matters or issues for the submission of a motion/s to the Conference for consideration.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions Statement:

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services
- Have transparent, accountable and respected leadership and an engaged community

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

- Achieve community respect through good corporate governance and community leadership and engagement.

Financial Implications

Funding of the cost of attendance at this Conference will be provided from Delegates Expenses within the 2015/2016 Operational Plan.

ORDINARY MEETING

Meeting Date: 30 June 2015

RECOMMENDATION:

That:

1. Attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2015 Local Government NSW Annual Conference at an approximate cost of \$2,400 per delegate be approved.
2. Council nominate four voting delegates from those nominated to attend the 2015 Local Government NSW Annual Conference.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

Item: 94

GM - Local Government NSW 2015 Water Management Conference (79351, 79633)

REPORT:

Executive Summary

The Local Government NSW (LGNSW) 2015 Water Management Conference will be held from 24 to 26 August 2015 at Bowral. Due to its relevance to Council's business, it is recommended that the LGNSW 2015 Water Management Conference be attended by Councillors and appropriate staff.

Consultation

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

Background

The LGNSW 2015 Water Management Conference will be held from 24 to 26 August 2015 at Bowral. This conference is an annual event, co-ordinated by local government for local government, providing a forum for discussion on urban water supply and sewerage as well as the broader water management issues. This year's conference will focus on key themes; Innovative practice; Water catchment protection; Challenges of water transfer schemes and Review of institutional arrangement for local water utilities in regional NSW.

Cost of attendance at the LGNSW 2015 Water Management Conference is approximately \$1,200 plus travel expense per delegate.

The 2015/2016 Operational Plan contains a provision of \$48,000 for Delegate Expenses.

Budget for Delegate Expenses - Payments made:

- | | |
|---|----------|
| • Total Budget for Financial Year 2015/2016 | \$48,000 |
| • Expenditure to date | \$Nil |
| • Budget balance as at 23/6/15 | \$48,000 |

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Direction Statement

- To look after our cultural and environmental assets for future generations so that they too can enjoy, and benefit from, a clean river and natural eco-systems, rural and cultural landscape
- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

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

ORDINARY MEETING

Meeting Date: 30 June 2015

Financial Implications

Funding of the cost of attendance at this Conference will be provided from the Delegates Expenses within the 2015/2016 Operational Plan.

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW 2015 Water Management Conference at an approximate cost of \$1,200 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

Item: 95 **GM - Outcomes of Contribution towards various Christmas Lights Events in 2014 (79351, 111215)**

REPORT:

Executive Summary

In recent years, Council has provided funds towards the provision of Christmas lights that are undertaken by local business groups.

Following relevant processes, funds were allocated to Windsor Business Group (WBG) in 2010, 2011 and 2012 for the provision of Christmas lights and associated activities in the Windsor town centre. In 2013, funds were allocated to WBG, Kurrajong Community Forum (KCF) and Hawkesbury City Chamber of Commerce (HCCC), whose funds were donated to the Hawkesbury District Hospital Christmas tree lighting and carols fund raiser.

In 2014, Council again allocated funds to business groups for the provision of Christmas lights, being WBG, KCF, HCCC and Richmond Main Street (RMst).

This report provides Council with an overview of the funds provision for Christmas lights in 2014, in respect to its resolution and to the results of each Christmas lights projects.

Consultation

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

Background

Council allocated \$8,000 in the 2014/2015 Operational Plan for Christmas lights and associated activities (including prize money for business lights competitions) in business centres, as a business development activity to be undertaken by business groups.

Following approaches to relevant business groups and organisations representing the town centres, a request for the allocation of the 2014/2015 Christmas lights funds was received from:

- **WBG** Light Up Windsor 2014 Christmas lights project. Lights and wreaths to be installed in the main tree in Thompson Square, lights display on some Windsor shops and buildings, a competition for best lights by a business and other activities in conjunction with the switch on lights night including a band, school choirs, face painting, Santa, children's prince and princess best-dressed, and market stalls . WBG proposed to use funds to buy lights for the main tree in Thompson Square (to be installed by Council).
- **KCF** Kurrajong Christmas lights and banners project. Banners, swags and wreaths decorated with solar lights and displayed on Kurrajong shops and buildings, a competition for best lights by a business, and a launch event. KCF proposed to buy banners, wreaths and solar lights.
- **HCCC** Hawkesbury lights display to supplement other planned Christmas activities. Lights and decorations for a main Christmas tree display at Richmond Market place. HCCC proposed to buy lights and decorations for a Christmas tree.

ORDINARY MEETING

Meeting Date: 30 June 2015

- RMst Christmas lights in Richmond main street project. Solar lights to be displayed on Richmond shops and buildings and a competition for best lights by a business. RMst proposed to buy lights and create a pool of lights for future use.

Council considered the matter at its meeting on 12 August 2014 and resolved:

"That Council:

1. *Allocate its available Christmas Lights funding to the projects presented by the Richmond Mainstreet Inc., Kurrajong Community Forum, Windsor Business Group and Hawkesbury City Chamber of Commerce in the amounts of \$3,000, \$1,500, \$1,500 and \$1,500, respectively, to support Christmas Lights displays and associated activities for Christmas 2014 in town centres, subject to the business groups providing details on the proposed expenditure of any allocated funds to the satisfaction of the General Manager.*
2. *Retain \$500 of the available Christmas Lights funding to be used towards prizes for competitions undertaken by the groups to encourage businesses to participate in the Christmas lights activities.*
3. *Approve the execution of the Council's standard Sponsorship Agreement for projects.*
4. *Liaise with the business groups in regard to part (1), to ascertain how the groups will progress their overall Christmas lights activities."*

In respect of parts 1, 3 and 4 of the resolution, the business groups subsequently provided details about how the allocated funds would be used for their Christmas lights projects, as they had requested funds that exceeded the budgeted amount. Sponsorship agreements were executed.

In respect of part 2 of the resolution, \$200 was also provided to KCF for its business lights competition. The WBG business lights competition was funded from its own funds in this year.

Council's Sponsorship Policy requires a group who receives sponsorship funds from Council to provide an evaluation of the project and to account for how funds were spent, including a statement of income and expenditure of the sponsorship funds. Details received from the business groups are summarised and commented on below:

WBG

Project: New lights for the main tree in Thompson Square purchased with project funds and installed by Council in early December 2014. Switch on lights launch event held on Friday, 6 December 2014 and was attended by Councillor Reardon, who judged the business lights competition on the night. Event included market stalls, a jumping castle, three school choirs, children's prince and princess best-dressed and a drawing completion and other artistic demonstrations.

Lights display from 6 December 2014 to 31 January 2015 in Thompson Square and Windsor Mall areas. Advertising included a drawing competition, Facebook pages, The Hawkesbury Independent, school newsletters, local radio, flyers in shop windows of Windsor and the Mayor's Column in The Gazette. Indicated that over 100 families attended the switch on light event and that there was good feedback about this event. The BBQ run by WBG was well received.

Businesses: Macquarie Arms Hotel, River Music, Windsor Chinese Restaurant, Trentino's on George, Windsor Ice Creamery, Baker and George, Wilkinson's Real Estate, The Lolly Shop House of Lollies, Frickers Shoes, Dinki Di Cleaning, Smik Surf, Chattering Scissors, The House of Windsor, Anytime Fitness and Good Year.

ORDINARY MEETING

Meeting Date: 30 June 2015

Comment: WBG comments included: the severe weather encountered at the time, which lead to numerous calls to Council for assistance in fixing lights e.g. blown fuse box; retrieving shop lights from previous year's participants, lights destroyed due to the severe weather encountered, so that the stock is now diminished.

Funds: Project cost was \$6,324 (unaudited). Council contribution was \$1,500 for lighting.

KCF

Project New wreaths and garlands purchased with project funds and installed on shop doors and banners purchased with funds in 2013 were erected in Kurrajong's main street. Shop owners invited to decorate their own shops to supplement KCF efforts. The launch event was held on Saturday, 20 December 2014 and was attended by Councillor Rasmussen, who judged the business lights competition in the morning.

Advertising included articles in The Gazette and The Courier. Indicated that the project and decorations attracted positive comment from the community and Kurrajong village looked welcoming and in the Christmas spirit.

Business: No details supplied.

Funds: Project cost was \$3,270 (unaudited). Council contribution was \$1,500 for decorations and \$200 for the competition.

HCCC

Project: Christmas tree, lights and decorations purchased with project funds and tree erected at Richmond Marketplace. Project incorporated a charity drive for Peppercorn Services, Women's Cottage Richmond and Bridges Disability Service. Turn on Christmas tree lights event held in early November 2014 and was attended by The Mayor, HCCC members, local businesses and community members.

Christmas tree display from November 2014 to January 2015. Advertising included articles in The Gazette, businesses in Richmond Market Place promoting and taking donations for the charities, Richmond Marketplace website and Facebook page, and signs at the tree. Indicated that the project was well received, with an exceptional donation amount achieved. This enabled 100 large hampers to be created for distribution to needy people and families through the nominated charities. The charities were appreciative of the project that lead to the hampers.

Comment: HCCC comments included: the project generated multiple contributions for the project, including funds and in kind, to supplement the hampers e.g. Richmond Club, Windsor Club, and Nova Employment.

Business: Not applicable.

Funds: Project cost was \$1,500 (unaudited). Council contribution was \$1,500 for the tree, lights and decorations.

RMst

Project: Lights purchased with project funds to create a pool of lights for ongoing Christmas lights activities (50 sets). Lights sets distributed to interested business in Richmond main street for installation on shops and buildings.

Lights display period and advertising not indicated.

ORDINARY MEETING

Meeting Date: 30 June 2015

Comment: RMst comments included: the severe weather in the lead up to Christmas 2014, hindered the project making it difficult to install the lights and to recharge the solar lights to achieve their potential; resources of the committee limited to get the project off-the-ground in the timeframe it had, and has intention to start earlier in 2015.

It is also indicated that not all the project funds were spent, only \$1,650.00 for the purchase of the lights, which included a substantial discount on expected costs for the lights. See comment above, for other reasons why the project funds were not spent. RMst has indicated that it has quarantined the unspent project funds and will use it in 2015 to grow the lights bank, with Council's support. It is considered that the suggested approach to holding and then using the unspent funds for Christmas 2015 is an acceptable approach to the situation. Use of the unspent funds will be followed up by Council staff during the 2015 Christmas period.

Business: No details.

Funds: Project cost was \$3,000 (unaudited). Council contribution was \$3,000 for the lights and decorations.

The Christmas lights program for main streets in town centres was approached differently by each of the business groups. The different approaches are influenced by funds available, both Council funds and funds contributed by the groups, along with weather impacts and the resources of each group. It is encouraging that the business groups are interested in leading Christmas lights projects on behalf of businesses in each town. However, there are signs that the groups have limited resources to devote to the projects, notwithstanding they are well meaning in undertaking the projects.

It is also difficult for the business groups to report on the business development aspects of the program, that is how the trading period benefits from the Christmas lights, other than to make general statements that business would benefit from the Christmas lights events. WBG has received the most funds over the years for Christmas lights, and business participation has hovered around 10 for Windsor. It would also appear that WBG's switch on the light launch event is more of a community development event now rather than a vehicle for business development.

With this in mind, it is suggested that Council consider the merits of the Christmas Lights program sitting in the business development area of Council. The business groups do not necessarily have the resources and skills to mount Christmas lights activities. An alternative approach to the Christmas lights program that is more sustainable in the long term and which considers the interests of the community and business stakeholders might be a way forward. Council in the Operational Plan 2015/2016 included Lights funds as part of its events area of Council i.e. Corporate Communication. It is suggested that Council review the Christmas lights program for business groups in conjunction with the report to be prepared on the proposed new events light program.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses.

Financial Implications

An amount of \$8,000 for Christmas light activities and associated prize money for competitions by business groups was allocated in the 2014/2015 Operational Plan in the Strategic Activities service area.

ORDINARY MEETING

Meeting Date: 30 June 2015

RECOMMENDATION:

That:

1. The information be noted.
2. As suggested within the report, the Christmas Lights for business groups program be reviewed in conjunction with a report on the proposed Christmas Events Program.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

INFRASTRUCTURE SERVICES

Item: 96 **IS - Exclusive Use of Governor Phillip Reserve - Bridge to Bridge Water Ski Classic Event - (95495, 79354, 74204)**

REPORT:

Executive Summary

An application has been received from the NSW Water Ski Federation Inc. to hold an 'exclusive use' event at Governor Phillip Reserve, Windsor. The NSW Water Ski Federation are seeking the dates of 20, 21 and 22 November 2015 for the Bridge to Bridge Water Ski Classic.

As the events are held annually and create positive flow on benefits to the community, it is recommended that exclusive use of the Reserve be granted for this event.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. It is proposed that community notification be undertaken by the applicant as part of the conditions of consent.

Background

There are a number of exclusive use events that are held at Governor Phillip Reserve over the year. The Bridge to Bridge Water Ski Classic is one of these events and the NSW Water Ski Federation are seeking the dates of 20, 21 and 22 November 2015 for their Bridge to Bridge Water Ski Classic.

Approval for Traffic Management is to be undertaken as part of the Special Event Application.

The Plan of Management for the Windsor Foreshore Parks was recently reviewed and adopted by Council and it allows these types of activities to occur.

It is anticipated that this event will have significant flow on benefits to the business community and it is recommended that exclusive use be granted for the Bridge to Bridge Water Ski Classic event.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

Financial Implications

Income will be generated through user charges for use of the Reserve in accordance with the 2015/2016 adopted Operational Plan.

ORDINARY MEETING

Meeting Date: 30 June 2015

RECOMMENDATION:

That:

1. Approval be granted to the NSW Water Ski Federation for “exclusive use” of Governor Phillip Reserve for the 2015 Bridge to Bridge Water Ski Classic to be held on 20, 21 and 22 November 2015.
2. The approval be subject to the following conditions/documents:
 - a) Council's general park conditions.
 - b) Council's fees and charges.
 - c) The Windsor Foreshore Plan of Management.
 - d) The Governor Phillip Exclusive Use Policy.
 - e) The Governor Phillip Noise Policy.
 - f) A Traffic Management Plan which has been approved as part of the Special Event Application.
3. As the applicant has not advised alternative dates in the event of inclement weather or other circumstances, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 97 **IS - Governor Phillip Reserve Camp Stopover for Charity Cycling Event - The Ride to Conquer Cancer - (95495, 79354, 131297)**

REPORT:

Executive Summary

An application has been received from Chris O'Brien Lifehouse charity to use Governor Phillip Reserve on 10 and 11 October 2015 as a camp stopover for their charity cycling event.

This report recommends approval subject to standard conditions for such events.

Consultation

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

The Windsor Foreshore Plan of Management allows for events to be held in Governor Phillip Reserve and a condition of approval would be for the event organiser to notify residents of the activity.

Background

The Chris O'Brien Lifehouse charity has lodged an application to use Governor Phillip Reserve on 10 and 11 October 2015 on a non-exclusive basis. They are holding a charity cycling event called 'The Ride to Conquer Cancer'. The riders cycle for 200km over two days and propose to camp overnight at Governor Phillip Reserve on Saturday, 10 October 2015.

In 2014, the event was held at Macquarie Park and Council staff received no negative feedback with the exception of traffic congestion over the Windsor Bridge. The Windsor Police were not supportive of the event being held at Macquarie Park again this year for that reason. The organisers have therefore proposed Governor Phillip Reserve as an alternative venue.

The event will include between 1,100 and 1,300 bike riders with a further 250 to 350 crew, volunteers and staff in attendance. The event organisers will provide camping tents, showers, toilets, dining and ancillary facilities for the participants.

As part of the event, the organisers propose to sell alcohol to the participants and have a live band and DJ for entertainment. The organisers provide wrist bands for participants and have security on site to ensure the responsible service of alcohol (RSA). The entertainment will finish by 9:30pm and will comply with the EPA 'Noise Control Guidelines for Outdoor Entertainment'.

Approval for Traffic Management is to be undertaken as part of the Special Event Application.

It is recommended that the use of Governor Phillip Reserve for The Ride to Conquer Cancer be approved subject to set conditions.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

ORDINARY MEETING

Meeting Date: 30 June 2015

Financial Implications

There are no financial implications are applicable to this report.

RECOMMENDATION:

That:

1. The Chris O'Brien Lifehouse charity be given approval for use of part of Governor Phillip Reserve on 10 and 11 October 2015 for camping and activities associated with "The Ride to Conquer Cancer" event.
2. The approval be subject to the following:
 - a) Council's general park conditions.
 - b) Council's fees and charges.
 - c) The Windsor Foreshore Plan of Management.
 - d) A Traffic Management Plan as part of the Special Event Application.
3. As the applicant has not advised alternative dates, the General Manager be given authority to negotiate an alternate date, if required by the applicant.

ATTACHMENTS:

AT - 1 Governor Phillip Reserve Site Plan

ORDINARY MEETING

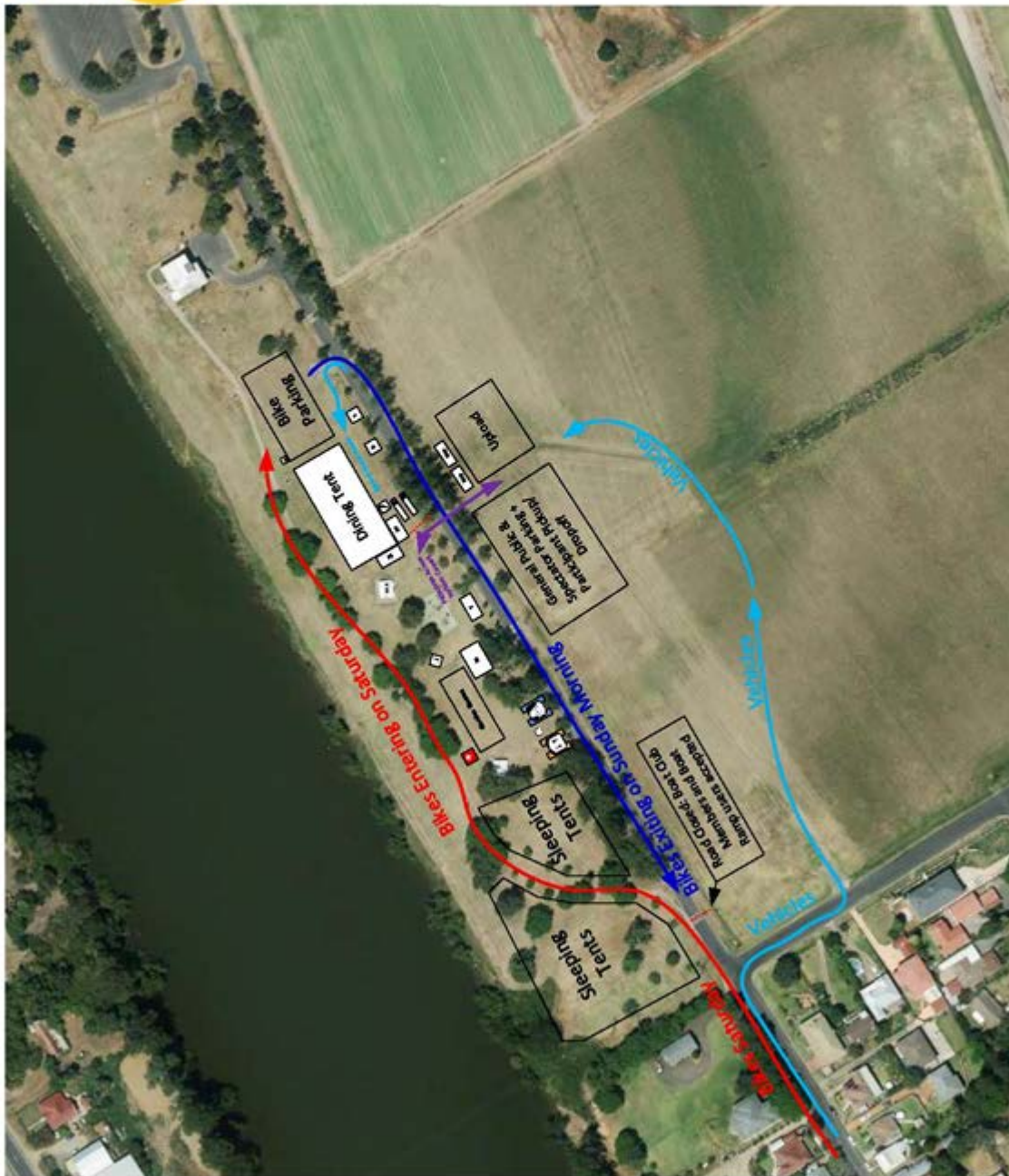
Meeting Date: 30 June 2015

AT - 1 Governor Phillip Reserve Site Plan



Governor Phillip Park

Dining Tent – 25m x 50m
 FS = Food Service – 6m x 12m
 Y = Yoga – 6m x 12m
 M = Massage – 10m x 15m
 FP = Food Prep – 6m x 12m
 + = Medical – 6m x 6m
 I = Info/2015 – 5m x 5m
 D = Dispatch – 6m x 6m
 S = Staff Lounge 6m x 6m
 X = Bike Tech – 3m x 3m



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

Item: 98

IS - Webers Circus - Application for McQuade Park - (95495, 79354, 123404)

REPORT:

Executive Summary

Webers Circus has lodged an application to hold shows at McQuade Park in 2016.

It is recommended that the event be notified in accordance with the *Local Government Act 1993* and the matter with any submissions, be reported back to Council.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy.

The event will be advertised for a 28 day consultation period in accordance with the *Local Government Act 1993*, and in conformance with Council's policy requirements.

Background

An application has been received from Webers Circus to hold shows at McQuade Park from 23 May 2016 to 13 June 2016.

Webers Circus is not considered an animal circus but it does use some domesticated animals. It features four miniature ponies, and a team of seven trick dogs.

The McQuade Park Plan of Management does allow circuses however due to the event running longer than three days, Council needs to notify the community of the event in accordance with the *Local Government Act 1993*. Following the notification period of 28 days, Council must consider all submissions prior to giving a lease or licence.

It is recommended that the event be notified in accordance with the *Local Government Act 1993* and the matter with any submissions, be re-reported to Council.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement:

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses.

Financial Implications

There are no financial implications on the current budget in relation to this event. Fees and charges for 2015/2016 are \$1,030 per day for show days and \$515 per day for set up/removal and non-show days.

ORDINARY MEETING

Meeting Date: 30 June 2015

RECOMMENDATION:

That:

1. Community notification of the Webers Circus to be held in McQuade Park, between 23 May 2016 and 13 June 2016 be carried out in accordance with the Local Government Act 1993.
2. Following the closure of the notification period, the matter with any submissions, be reported back to Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

SUPPORT SERVICES

Item: 99 **SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)**

REPORT:

Executive Summary

The Local Government Act, 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding two Returns recently lodged with the General Manager by Designated Persons. It is recommended that Council note, that the Disclosure of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

Consultation

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

Background

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1. *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*
2. *Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:*
 - (a) *In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
 - (b) *In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
 - (c) *In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council, as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting, as outlined in subsections (a), (b) and (c).

With regard to Section 450(2)(a), the following Section 449(1) Returns have been lodged:

Position	Return Date	Date Lodged
Team Leader Customer Service	19/03/2015	30/03/2015
Deputy Chief Financial Officer	19/03/2015	25/03/2015

The above Designated Persons have lodged their Section 449(1) Returns prior to the due dates (being three months after the Return Dates), as required by the Act for the receipt of the Returns.

ORDINARY MEETING

Meeting Date: 30 June 2015

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Returns are available for inspection if requested.

Conformance to the Hawkesbury Community Strategic Plan

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

- The Council have transparent, accountable and respected leadership and an engaged community.

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

Item: 100

SS - 2015/2016 Remuneration for Councillors and Mayor - (95496, 96332)

REPORT:

Executive Summary

The Local Government Act, 1993 (the Act) makes provision for the payment of fees to the Mayor and other Councillors and the categories that individual councils are placed into.

The Local Government Remuneration Tribunal (the Tribunal), each year, reviews and sets the minimum and maximum amount of fees to be paid to mayors and councillors of councils. The Tribunal also, at least, once every three years, reviews and determines the categories for councils and mayoral offices. Both the fees paid to mayors and councillors, and the categories for councils and mayoral offices, were reviewed this year.

The Tribunal has recently handed down its determination of fees and categories for 2015/2016. This report recommends that Council set the maximum amount under the Tribunal's determination applicable to Hawkesbury City Council.

Consultation

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

Background

The Local Government Remuneration Tribunal, pursuant to Section 239 of the Act, is required to determine the categories of councils and mayoral offices at least once every three years. The Tribunal undertook its last review of the categories of councils in 2012, with Hawkesbury City Council being categorised as 'Regional Rural'.

The Tribunal has recently undertaken a review of the categories for councils and mayoral offices. The Tribunal's review had regard to issues raised in submissions made by Local Government NSW and individual councils, including a submission made by Hawkesbury City Council. The Tribunal has considered the submissions received, including Council's submission in its report, and determined that no change is warranted to the existing categorisation framework, or to the current categorisation of individual councils. Accordingly, Hawkesbury City Council will continue to be categorised as 'Regional Rural'.

In addition, the Tribunal, pursuant to Section 241 of the Act, is required, each year, to determine the minimum and maximum fees for mayors and councillors, as well as chairpersons and members of county councils. The Tribunal has recently determined to increase these annual fees payable by 2.5%, effective from 1 July 2015.

Accordingly, the annual fees to be paid to mayors and councillors for the period 1 July 2015 to 30 June 2016 for a Regional Rural Council (which includes Hawkesbury City Council), are as follows:

	Councillor Annual Fee		Mayor Additional Fee	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Regional Rural	\$8,330.00	\$18,380.00	\$17,740.00	\$40,090.00

ORDINARY MEETING**Meeting Date: 30 June 2015**

In the past, it has been the practice for Council to pay the maximum fee, and the following table depicts the annual and monthly payments that would be paid to Councillors, the Mayor and the Deputy Mayor, should this practice continue. The Deputy Mayor fee has been maintained at 15% of the Mayoral fee, which is deducted from the Mayor's annual fee.

	Councillor Fees		Mayor / Deputy Mayor *		Maximum Total	
	Maximum - Annual	Maximum - Monthly	Maximum - Annual	Maximum - Monthly	Annual	Monthly
Councillor	\$18,380.00	\$1,531.67			\$18,380.00	\$1,531.67
Mayor	\$18,380.00	\$1,531.67	\$40,090.00 less \$6,013.50 = \$34,076.50	\$2,839.71	\$52,456.50	\$4,371.38
Deputy Mayor	\$18,380.00	\$1,531.67	\$6,013.50	\$501.12	\$24,393.50	\$2,032.79

Note: Pursuant to Section 249 (2) of the Act, the fee paid to the Mayor and Deputy Mayor, is paid in addition to the fee paid to the Mayor and Deputy Mayor as a Councillor.

The current fees for Councillors and the Mayor are \$17,930 and \$39,110 respectively, with an additional fee of \$5,866.50 being paid to the Deputy Mayor, which is deducted from the Mayor's fees.

Based on Council's previous practice of paying the maximum fees, as determined by the Tribunal, the following recommendation is submitted for Council's consideration.

Conformance to the Hawkesbury Community Strategic Plan

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

- Have a transparent, accountable and respected leadership and an engaged community.

Funding

Councillor, Mayoral and Deputy Mayoral fees have been provided for in Service Account 169 - Elected Members of the adopted 2015/2016 Operational Plan.

RECOMMENDATION:

That:

1. The annual fee for Councillors for 2015/2016 be set at \$18,380.
2. The additional annual fee for the Mayor be set at \$40,090, and the Deputy Mayor's additional annual fee be set at \$6,013.50, to be deducted from the Mayor's annual fee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 30 June 2015****Item: 101****SS - Monthly Investments Report - May 2015 - (96332, 95496)****REPORT:****Executive Summary**

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

This report indicates that Council held \$45.90 million in investments at 31 May 2015.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$45.90 million in investments as at 31 May 2015. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.85%	3,100,000	6.75%	
Total On-call Investments								3,100,000
Term Investments								
ANZ	A1+	AA-	11-Jun-14	10-Jun-15	3.70%	1,500,000	3.27%	
ANZ	A1+	AA-	11-Jun-14	10-Jun-15	3.70%	500,000	1.09%	
ANZ	A1+	AA-	18-Jun-14	17-Jun-15	3.70%	500,000	1.09%	
ANZ	A1+	AA-	17-Dec-14	17-Jun-15	3.64%	3,000,000	6.54%	
ANZ	A1+	AA-	23-Jul-14	22-Jul-15	3.70%	1,000,000	2.18%	
ANZ	A1+	AA-	06-Aug-14	06-Aug-15	3.70%	2,000,000	4.36%	
ANZ	A1+	AA-	20-Aug-14	19-Aug-15	3.71%	2,000,000	4.36%	
ANZ	A1+	AA-	03-Sep-14	02-Sep-15	3.73%	1,000,000	2.18%	
Bankwest	A1+	AA-	14-May-15	21-Oct-15	3.00%	1,500,000	3.27%	
CBA	A1+	AA-	19-Mar-15	21-Oct-15	3.05%	1,000,000	2.18%	
CBA	A1+	AA-	01-Apr-15	02-Oct-15	2.98%	2,000,000	4.36%	
CBA	A1+	AA-	08-Apr-15	07-Oct-15	3.02%	1,000,000	2.18%	
CBA	A1+	AA-	08-Apr-15	07-Oct-15	3.02%	500,000	1.09%	
NAB	A1+	AA-	20-Aug-14	22-Jul-15	3.66%	1,000,000	2.18%	
NAB	A1+	AA-	21-Aug-13	19-Aug-15	4.25%	1,000,000	2.18%	
NAB	A1+	AA-	03-Sep-13	02-Sep-15	4.10%	2,000,000	4.36%	

ORDINARY MEETING

Meeting Date: 30 June 2015

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	03-Sep-14	02-Sep-15	3.65%	500,000	1.09%	
NAB	A1+	AA-	03-Oct-14	07-Oct-15	3.59%	1,000,000	2.18%	
NAB	A1+	AA-	15-Oct-14	07-Oct-15	3.60%	500,000	1.09%	
NAB	A1+	AA-	06-May-15	13-Jan-16	2.93%	1,000,000	2.18%	
NAB	A1+	AA-	06-May-15	13-Jan-16	2.93%	1,000,000	2.18%	
NAB	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.18%	
NAB	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.18%	
NAB	A1+	AA-	27-Feb-15	02-Dec-15	3.14%	2,000,000	4.36%	
NAB	A1+	AA-	04-Mar-15	02-Mar-16	3.13%	2,000,000	4.36%	
NAB	A1+	AA-	06-May-15	04-May-16	2.93%	2,000,000	4.36%	
Westpac	A1+	AA-	25-Jun-14	25-Jun-15	3.75%	500,000	1.09%	
Westpac	A1+	AA-	29-Jan-15	25-Jun-15	3.35%	2,000,000	4.36%	
Westpac	A1+	AA-	04-Jul-14	08-Jul-15	3.75%	500,000	1.09%	
Westpac	A1+	AA-	16-Feb-15	19-Aug-15	3.25%	2,000,000	4.36%	
Westpac	A1+	AA-	04-Feb-15	04-Feb-16	3.40%	1,000,000	2.18%	
Westpac	A1+	AA-	27-May-15	02-Mar-16	3.05%	1,300,000	2.83%	
Westpac	A1+	AA-	20-May-15	16-Mar-16	3.05%	2,000,000	4.36%	
Total Term Investments								42,800,000
TOTAL INVESTMENT AS AT 31 May 2015								45,900,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,100,000	1.85%	Reserve Bank Cash Reference Rate	2.00%	-0.15%
Term Deposit	42,800,000	3.38%	UBS 90 Day Bank Bill Rate	2.13%	1.25%
Total	45,900,000	3.28%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	8,059,644
External Restrictions - Other	4,576,112
Internal Restrictions	20,467,718
Unrestricted	12,796,526
Total	45,900,000

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

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

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

Investment Commentary

The investment portfolio decreased by \$0.55 million for the month of May 2015. During May 2015, income was received totalling \$8.05 million, including rate payments amounting to \$4.20 million, while payments to suppliers and staff costs amounted to \$9.26 million.

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

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

As at 31 May 2015, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

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

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

Investment Certification

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

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

ORDINARY MEETING

Meeting Date: 30 June 2015

RECOMMENDATION:

The report regarding the monthly investments for May 2015 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

Item: 102 **SS - Review of Council's Draft Investment Policy and Appointment of Investment Advisor - (96332, 95496)**

Previous Item: 94, Ordinary (27 May 2014)

REPORT:

Executive Summary

Council's current Investment Policy was adopted by Council at the meeting of 27 May 2014. The Investment Policy is to be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of the Policy. Any amendment to the Investment Policy must be by way of Council resolution.

The Investment Policy, adopted on 27 May 2014, has been reviewed to ensure applicable legislative changes are taken into account and addressed if necessary. There are no amendments recommended to the current Investment Policy as a result of legislative changes. A minor change is recommended in regard to delegated authority.

This report is being submitted to satisfy the requirements of the then Department of Local Government (DLG) Guidelines, issued in May 2010, with regard to the annual review of Council's Investment Policy. Also, in line with the DLG Guidelines, Council's approval is sought to appoint Council's Independent Investment Advisor.

This report recommends that the Investment Policy be adopted and that Spectra Financial Services Pty Ltd be appointed as Council's Independent Investment Advisor.

Consultation

The Policy, which is the subject of this report, is being reported to Council in accordance with legislative requirements. The report recommends no significant changes to the Investment Policy adopted on 27 May 2014. The only recommended change is in regard to delegated authority, being the amendment of a position title. Under these circumstances it is considered that public consultation is not required.

Background

On 25 May 2010, the then Division of Local Government (DLG) issued Investment Policy Guidelines to assist councils with the preparation of an Investment Policy and the prudent and appropriate management of Council's surplus funds. The Guidelines, issued under Section 23A of the Local Government Act, 1993 (the Act), apply to all general purpose and special purpose councils in New South Wales. On 17 February 2011, Circular No.11-01 was issued by the DLG, advising that a revised Investment Order pursuant to Section 625 of the Local Government Act, 1993, had been issued.

Council's current Investment Policy, adopted 27 May 2014, is in line with the Guidelines and the subsequent legislative changes referred to above. As at the time of preparing this report, there were no relevant legislative changes since the adoption of the current Investment Policy on 27 May 2014.

The proposed Policy is in line with the legislative requirements above.

Investment Policy

The purpose of the Investment Policy is to establish the guidelines that Council adopts in investing funds surplus to cash flow requirements. The objectives of this Policy are:

1. to comply with the legislative requirements and regulations relevant to the management of Council's investments
2. to maximise returns to Council consistent with all requirements of the Policy
3. to preserve the capital of the investment portfolio. Investments are to be placed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters
4. to ensure the investment portfolio has sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment
5. to establish a framework for monitoring the investments. The investment portfolio is expected to achieve a predetermined market average rate of return that takes into account Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles
6. to confirm delegations and other relevant governance matters in relation to Council's investments.

Under Council's Investment Policy, all investments are made in accordance with:

- The Local Government Act, 1993 - Section 625
- The Local Government (General) Regulation, 2005 – Clause 212
- The Local Government Act, 1993 - Order (of the Minister) dated 12 January 2011 and gazetted 11 February 2011
- The Trustee Amendment (Discretionary Investments) Act, 1997 – Sections 14A(2), 14C(1) & (2)
- The Local Government Code of Accounting Practice and Financial Reporting
- Office of Local Government Circulars
- Australian Accounting Standards
- Council resolutions.

A permanent guarantee cap, per account holder, per Authorised Deposit Taking Institution (ADI), of \$250,000, has been in place since 1 February 2012. The Financial Claims Scheme (FCS) protects depositors by guaranteeing deposits (up to the cap) held in ADIs incorporated in Australia, and allows quick access to deposits if an ADI becomes insolvent. Council's current Investment Policy, Clause 7, stipulates what constitutes approved investments. This Clause also specifies the limits applicable to investments with ADIs which are not major trading Australian Banks or a wholly owned subsidiary thereof. The current Policy allows investments with ADIs falling within this category up to the limit covered by the FCS. It is proposed that the Policy remains unchanged with regard to this matter.

A minor change to the Policy – Section 4 – *Delegation of Authority* is proposed. The position of *Senior Financial Accountant*, included in the Policy adopted 27 May 2014, has been renamed as *Deputy Chief Financial Officer*, and it is therefore recommended that the Policy is amended accordingly.

The Draft Investment Policy is attached as Attachment 1 to this report.

The attached Investment Policy provides a framework within which investment decisions are made. Permitted investments, risk management, diversification, term, and liquidity considerations are addressed within the attached Policy. The requirements regarding measurement, benchmarking, reporting and reviewing of Council's Investments are also addressed.

ORDINARY MEETING

Meeting Date: 30 June 2015

Council's Independent Investment Advisor, Spectra Financial Services Pty Ltd., has reviewed and endorsed the attached Investment Policy as follows:

"I have reviewed the draft Investment Policy that is proposed to be adopted by Council at its June meeting and confirm that it accords with current Department of Local Government Guidelines and that it is an appropriate policy for Council's use.

In our view, the policy is consistent with the conservative approach required for the stewardship of the restricted and unrestricted monies council is responsible for."

Appointment of Investment Advisor

Council appointed its current Investment Advisor, Spectra Financial Services Pty Ltd, at its meeting on 27 May 2014.

Spectra Financial Services Pty Ltd's representatives meet with Council senior staff on a regular basis to review and discuss Council's investment portfolio, as well as provide advice on the strategy for future investments. Spectra Financial Services Pty Ltd have been of great assistance to Council's staff in ensuring that Council's investments are compliant with relevant legislation and policy at all times, whilst achieving an appropriate balance between risk and return when placing investments.

Council has been provided with the relevant documentation with regard to the Advisor's licensing requirements and independence requirements.

Spectra Financial Services Pty Ltd was granted the Australian Financial Services Licence (AFS Licence) on 10 March 2004 by the Australian Securities and Investments Commission (ASIC). The licence is current as of June 2015, and will be the licence that Council's advisor will be operating under.

In June 2015, Spectra Financial Services Pty Ltd also provided Council with a written confirmation stating that they remain totally independent of any product provider and financial institution, or any other party or arrangement that could potentially lead to a loss of its independency or a conflict of interest.

It is recommended that for the financial year ending 30 June 2016, Spectra Financial Services Pty Ltd is appointed as Council's Investment Advisor.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Improve financial sustainability
- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations.

Financial Implications

The appointment of an Independent Investment Advisor for the financial year ending 30 June 2016 would be funded from the Financial Services Budget in the 2015/2016 Operational Plan.

ORDINARY MEETING

Meeting Date: 30 June 2015

RECOMMENDATION:

That Council:

- Adopt the Investment Policy attached as Attachment 1 to the report.
- Appoint Spectra Financial Services Pty Ltd as its Independent Investment Advisor for the financial year ending 30 June 2016.

ATTACHMENTS:

AT - 1 Draft Investment Policy - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 June 2015

Item: 103 **SS - Execution of Lease Documentation - North West Disability Services, 46 Bourke Street, Richmond (Pound Paddock) - (95496, 96328)**

Previous Item: 32, Ordinary (26 February 2013)
 99, Ordinary (22 May 2013)

REPORT:

Executive Summary

This report has been prepared to seek Council's approval to execute the required lease documentation to give effect to Council's previous resolution to enter into a lease agreement with North West Disability Services Inc. for the purpose of constructing a Disability Services Centre on Pound Paddock.

Consultation

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

Council will be aware that the proposal to construct a Disability Services Centre on 46 Bourke Street, Richmond (generally known as Pound Paddock) has been the subject of a statutory public notice process, carried out in accordance with Section 47 of the Local Government Act, 1993 (the Act), and involving extensive community consultation. As part of this process, Council was required to seek Ministerial approval to enter into the lease agreement with North West Disability Services. This report deals with the requirement for Council to approve the use of the Seal of Council, to give effect to the lease documentation which has been prepared pursuant to these processes.

Background

In December 2010, North West Disability Services (NWDS) approached Council with a proposal to build a disability services centre on Council land with NWDS funding, constructing and managing the building.

To explore this partnership proposal, Council resolved to implement a community consultation strategy which was conducted between June and September 2011. The results were reported to Council, with Council resolving to call for Expressions of Interest (EOI) from not-for-profit community agencies to construct a community facility on Pound Paddock. In February 2012, Council accepted a proposal from NWDS to construct a single level disability services centre on Pound Paddock.

To give effect to the intent of the proposal, in April 2012, Council conducted a Public Hearing under Section 40A of the Act, to re-categorise Pound Paddock from 'Sportsground' to 'General Community Use'. In February 2013, following the completion of the re-categorisation process, Council subsequently gave public notice of its intention, under Section 47 of the Local Government Act, 1993, to enter into a 21 year lease agreement with North West Disability Services Inc., in accordance with the proposed lease conditions reported to Council.

A further public notice process was conducted by Council in relation to the proposed lease agreement and its conditions. Council received an objection to the proposed lease, and consequently under Section 47 (5) of the Act, Council was required to seek the Minister's consent for the proposed lease. The required Ministerial submission was lodged in May 2013, with the Minister's consent granted on 27 June 2013.

ORDINARY MEETING

Meeting Date: 30 June 2015

Current Situation

In September 2013, NWDS lodged a Development Application for the proposed Disability Services Centre with Development Approval granted in March 2014. A Construction Certificate was issued in October 2014.

NWDS have advised Council that they have completed the tender process and are now ready to execute contracts with a builder to commence construction of the Disability Services Centre.

Draft lease documentation has been prepared by Council's solicitors to give effect to the intent of the proposed lease conditions previously considered by Council. The main elements of the proposed lease conditions are as follows:

Licensor:	Hawkesbury City Council (Council)
Licensee:	North West Disability Services Inc. (NWDS)
Licensed Area:	Portion of Pound Paddock as per the approved development consent (DA0517/13).
Permitted Use:	Disability Services Centre (Non-residential)
Commencement Date:	Upon registration of Subdivision Plan
Term of Agreement:	21 years
Option:	Nil
Rental:	\$1 per annum
Insurance:	\$20M Public Liability Insurance
Outgoings:	100% of all outgoings relating to exclusive use areas.

NWDS also agrees to:

- maintain public car park and keep in good repair
- undertake routine grounds maintenance of public park

Other Conditions:	A bank guarantee in favour of Council, to an amount of \$50,000, to be returned following the issuing of an Occupation Certificate for the Disability Services Centre.
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During the term of lease, NWDS to maintain building to standard deemed acceptable to Council. NWDS to refurbish building in the 10th and 20th year of the term of the lease.

During the term of the lease, NWDS is to establish a consultation mechanism to facilitate communication between local residents, adjoining owners and NWDS to identify and respond to any reasonable concerns or issues regarding the operation of the facility and its potential impact on the amenity of local residents.

Council may terminate the lease if the Disability Services Centre is not completed within nine months from when the construction of the building commences, or where the construction of the building ceases for a period of more than eight weeks at any one time.

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Solicitors for NWDS have indicated that the proposed lease conditions are acceptable to NWDS. At its Board Meeting held on 23 June 2015, NWDS resolved to approve the lease documentation and to request that Council formally execute the lease documentation.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Theme:

- Have friendly neighbourhoods, connected communities, and supported households and families.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That Council approve the execution of lease documentation, under Seal of Council, to grant North West Disability Services Inc. access to and use of a portion of Pound Paddock, 46 Bourke Street, Richmond, in accordance with the conditions outlined in this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ordinary

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SECTION 4 - Reports of Committees

ROC Local Traffic Committee - 15 June 2015 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 15 June 2015, commencing at 3pm.

Present:	Councillor Kim Ford (Chairman) Mr James Suprain, Roads and Maritime Services Mr Steve Grady, Busways
Apologies:	Mr Dominic Perrottet, MP (Hawkesbury) Ms Jill Lewis, NSW Taxi Council Inspector Ian Woodward, NSW Police Force Snr Constable Debbie Byrnes, NSW Police Force Snr Constable David Gillard, NSW Police Force
In Attendance:	Mr Chris Amit, Manager, Design and Mapping Services Ms Judy Wong, Community Safety Coordinator Ms Jillian Bentham, Events Coordinator Ms Laurel Tweedie, Administrative Officer, Infrastructure Services Ms Cathy Mills, Personal Assistant, Infrastructure Services Mr Ralph Harlander, Taxi Driver, Local Taxi Companies Representative

RESOLVED on the motion of Mr James Suprain, seconded by Councillor Kim Ford that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Mr James Suprain, seconded by Councillor Kim Ford that the minutes from the previous meeting held on Monday, 11 May 2015 be confirmed.

Item 1.2 Business Arising

There was no Business Arising.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - The Hawkesbury 120 Ski Race Classic 2015 - (Hawkesbury) - (80245, 92138)

REPORT:

Introduction:

An application has been received from Ski Racing NSW Inc, seeking approval (in traffic management terms) to conduct the Hawkesbury 120 Ski Race Classic on Saturday, 29 and Sunday, 30 August 2015.

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The event organiser has advised;

- The Hawkesbury 120 Ski Race Classic is an annual event initially undertaken in 2006.
- The Hawkesbury 120 Ski Race Classic is an annual water ski race on the Ski Racing Australia Calendar and is undertaken along the Hawkesbury River.
- Event Schedule:
 - Saturday, 29 August 2015:
 - Ski Race from Governor Philip Park, Windsor to Sackville Ski Gardens, Tizzana Road, Sackville and return.
 - Start and Finish times: 8am to 5pm.
 - Set Up and Pack Down Times: 7am to 6pm.
 - Sunday, 30 August 2015:
 - Ski Race from Governor Philip Park, Windsor to NSW Ski Grounds Caravan Park (Known as NSW Ski Gardens) at River Road, Wisemans Ferry and return.
 - Start and Finish times: 8am to 5pm.
 - Set Up and Pack Down Times 7am to 6pm.
- The suspension of ferry services, controlled by Council and the Roads and Maritime Services - RMS (formerly RTA), is required on Sunday, 30 August 2015:
 - Lower Portland Ferry (HCC): 9am to 11am and noon to 2pm
 - Sackville Ferry (RMS): 9am to 11am and noon to 2pm
- Webbs Creek Ferry and Wisemans Ferry are located downstream to the NSW Ski Gardens, and subsequently these ferry operations are not affected.
- The suspension of the ferry services is required for safety reasons. Emergency vehicles will be allowed access at all times. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all.
- Alternate routes for traffic are available via West Portland Road and River Road.
- The event organiser acknowledges that either Council or the RMS on the day may have the need to alter the suspension of the ferries at their discretion.
- Windsor boat ramp will be closed to the public on both days.
- The number of participants expected is approximately 400.
- Approximately 300 to 400 spectators are expected at the start/finish venue at Governor Phillip Park, Windsor.
- Parking will be at Governor Phillip Park with additional parking available off street utilising vacant land adjacent to Governor Phillip Park.
- Road closures are not required other than the closure of the approach roads to the two ferries along the Hawkesbury River.
- Advance warning with VMS will be located on Windsor Road at Vineyard and one in Windsor.

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Discussion:

The event organiser is seeking Council and RMS approval for the suspension of the following Ferry Services on Sunday, 30 August 2015:

- Lower Portland Ferry (HCC): 9am to 11am and noon to 2pm,
- Sackville Ferry (RMS): 9am to 11am and noon to 2pm,

Webbs Creek Ferry and Wisemans Ferry are located downstream of the NSW Ski Gardens, and subsequently these ferry operations are not affected on Sunday, 30 August 2015.

Ferry operations are not affected on Saturday, 29 August 2015, as Wisemans Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens.

Total suspension of the Lower Portland Ferry and Sackville Ferry is required due to poor sight distance leading to the ferry and the bends in the river. The total suspension of the ferry services will enable a free flow of competitors across the ferry crossings.

As in previous years, emergency vehicles will be allowed access onto the ferries. Safety vessels with crew will be placed on the relevant side of the ferries with suitable equipment to indicate to competitors that a ferry may be operating and with communication between the boat and the ferry vessel.

The Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. The Sackville Ferry Service is the under the care and control of the Roads and Maritime Services - RMS (formerly RTA).

The event will be held principally along the Hawkesbury River with the event organiser requesting exclusive use of the River from the Roads and Maritime Services - RMS (formerly NSW Maritime). The spectators travelling to the event, and in particular to Governor Phillip Park, may impact heavily on the state road network along Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street. Furthermore the suspension of the Ferry services and subsequent road closures leading to the ferries (1 RMS Ferry and 1 HCC Ferry) will have an impact on the adjacent road network in the vicinity of the ferries. The suspension of the RMS ferry is affectively closing a State road. It would be appropriate to classify the event as a "**Class 1**" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

As the event is classified as a "**Class 1**" event, approval is to be sought directly by the event organiser for the suspension of the Sackville Ferry service from the Transport Management Centre (TMC).

The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document No: 5183520):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Copy of the Advertisement for the Event,
5. Signs to be placed at each Ferry.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury 120 Ski Race Classic 2015 event planned for Saturday, 29 and Sunday, 30 August 2015 be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "**Class 1**" event; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**

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- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000 noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4g. as the event involves the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road.
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council**;
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Governor Phillip Park;
- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council**;
- 4k. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council**;
- 4l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council** (advertising medium to be advised);
- 4m. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4n. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4o. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4p. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4q. access is to be maintained for businesses, residents and their visitors;
- 4r. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4s. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route (including the road closure points for the Ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4u. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4v. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

Ferry Services

- 5. The applicant is to seek approval relating to the RMS ferry from the Transport Management Centre (TMC), for the suspension of the Sackville Ferry Service, due to the event being classified as a Class 1 event. There is no objection to the suspension of the Lower Portland Ferry Service.

Suspension of the ferry services on Sunday 30 August 2015 as listed below:

- Lower Portland Ferry (HCC): 9am to 11am and noon to 2pm
- Sackville Ferry (RMS): 9am to 11am and noon to 2pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Transport Management Centre (TMC):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council.
- 5b. advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
 - traffic impact and delays,
 - exclusive use of Governor Phillip Park,
 - timings of suspension of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;

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- 5d. safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,
- 5e. the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension times if necessary.

APPENDICES:

AT - 1 Special Event Application - (ECM Document No. 5183520) – *see attached*.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr James Suprain, seconded by Councillor Kim Ford.

Support for the Recommendation: Unanimous support

That:

- 1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
- 2. The Hawkesbury 120 Ski Race Classic 2015 event planned for Saturday, 29 and Sunday, 30 August 2015 be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
- 3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
- 4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "Class 1" event; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000** noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties **on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. as the event involves the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road.
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Governor Phillip Park;
- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council;**

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- 4l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council** (advertising medium to be advised);
- 4m. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4o. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4p. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4q. access is to be maintained for businesses, residents and their visitors;
- 4r. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4s. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route (including the road closure points for the Ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4u. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4v. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

Ferry Services

- 5. The applicant is to seek approval relating to the RMS ferry from the Transport Management Centre (TMC), for the suspension of the Sackville Ferry Service, due to the event being classified as a Class 1 event. There is no objection to the suspension of the Lower Portland Ferry Service.

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Suspension of the ferry services on Sunday 30 August 2015 as listed below:

- Lower Portland Ferry (HCC): 9am to 11am and noon to 2pm
- Sackville Ferry (RMS): 9am to 11am and noon to 2pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Transport Management Centre (TMC):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council.
- 5b. advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
 - traffic impact and delays,
 - exclusive use of Governor Phillip Park,
 - timings of suspension of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d. safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,
- 5e. the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension times if necessary.

Item: 2.2 LTC - Bilpin Bush Run 2015, Bilpin (Hawkesbury) - (80245, 73582)

REPORT:

Introduction

An application has been received from the Bilpin Rural Fire Service seeking approval (in traffic management terms) to conduct the Bilpin Bush Run on Saturday, 22 August 2015,

The event organiser has advised:

- This is an annual event which has been held for over 15 year and previously undertaken along a different course.
- The 2014 event was undertaken along a new course which is to be utilised for the 2015 event.
- The event is a fun/fitness run organised by the Bilpin RFS as a fundraising event that also promotes and develops training for personnel.

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- The event will be conducted between 7am and 3pm. The set up and pack down times are between 5am and 5pm.
- The start and finish of the event will be at Bilpin District Hall located at No. 2596 Bells Line of Road, Bilpin.
- The route of the Bush Run is within the Hawkesbury Local Government area and will be predominantly along fire trails, national park trails, Telstra trails, power line trails and easements, private property tracks and paddocks, along short sections of Mt Tootie Road and Bells Line of Road and cross Mt Tootie Road at several locations.
- The 34 kilometre Bush Run will be undertaken along the following route;
 - Commence at the Bilpin District Hall and proceed in a westerly direction along the road verge area on Bells Line of Road for an approximate distance of 600 metres.
 - Turn right into the fire trail (Crown Road Reserve) and proceed along the fire trail into the National Park and follow the trail until it crosses Mt Tootie Road (race distance 1.8 kilometres). The crossing point in Mt Tootie Road is in the vicinity of No. 66 Mt Tootie Road (approximately 800 metres from Bells Line of Road).
 - After crossing Mt Tootie Road, proceed along a Telstra trail that runs parallel to and west of the road 20 to 30 metres off the Mt Tootie Road.
 - After 3.5 kilometres of existing trails, the runners cross Mt Tootie Road on 2 occasions 100 metres apart below the loop in the road.
 - The runners will then enter a series of trails and power line tracks before emerging for a short distance along Mt Tootie Road (approximately 200 metres), before entering a Telstra trail that runs parallel to Mt Tootie Road.
 - At this point the runners will enter private property and follow a course over paddocks, property tracks and fire trails which will bring them back to Mt Tootie Road.
 - The return course follows the same tracks as the outbound course until approximately 3 kilometres from the finish.
 - At this point the runners will cross Mt Tootie Road and follow a power line easement until they enter the fire trail 1.8 kilometres from the start.
 - On entry to the fire trail, runners return along the same out bound course, finishing at the Bilpin District Hall.
- Traffic Controllers will be positioned at all Mt Tootie Road crossing points.
- Mt Tootie Road is a very low traffic gravel road (ADT < 50).
- Some disruption will occur to a small number of residents along Bells Line of Road and Mt Tootie Road.
- The runners will utilise a 600 metre section along the northern verge of Bells Line of Road, which is a State Road. Vehicular traffic and participants are separated by a verge of approximately 10 metres wide along this section of Bells Line of Road. The shoulder of Bells Line of Road (on the section between Mt Tootie Road and Bilpin District Hall) will not be used at all by any runners.
- There will be approximately 200 runners participating in the run.
- Approximately 200 spectators are expected to attend.
- Off street parking is available at Bilpin District Hall for over 200 cars. If the car park area becomes full, additional car parking is available on adjoining properties.

Details of the Event Course for the Bilpin Bush Run 2015, is contained in Attachment 1.

Discussion

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact on minor traffic and transport systems and there may be low scale disruption to the non-event community.

Mt Tootie Road is a dead end road which extends from Bells Line of Road for a distance of 8.75 kilometres. The road is sealed for an approximate distance of 230 metres from Bells Line of Road with the remaining length being unsealed. The traffic volume recorded in 1999 in the vicinity of No. 66 Mt Tootie Road was 31 vehicles per day. It has an entering speed limit of 50km/h.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document No: 5214707):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP),
5. Event Course Map,
6. Copy of the correspondence to be forwarded to the Residents,
7. Copies of correspondence forwarded to the NSW Police Force, NSW Ambulance Service, Fire and Rescue NSW, Hawkesbury NSWPW, NSW Department of Primary Industries – Crown Lands Office and SES.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bilpin Bush Run 2015 event planned for Saturday, 22 August 2015, be classified as a “**Class 2**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4e. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road.
- 4f. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of is to be addressed and outlined in writing and added to the TMP;
- 4g. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Wollemi National Park; **a copy of this approval to be submitted to Council;**
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4i. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);

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- 4l. the event organiser is to notify the details of the event to the NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence has been submitted to Council;**
- 4o. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

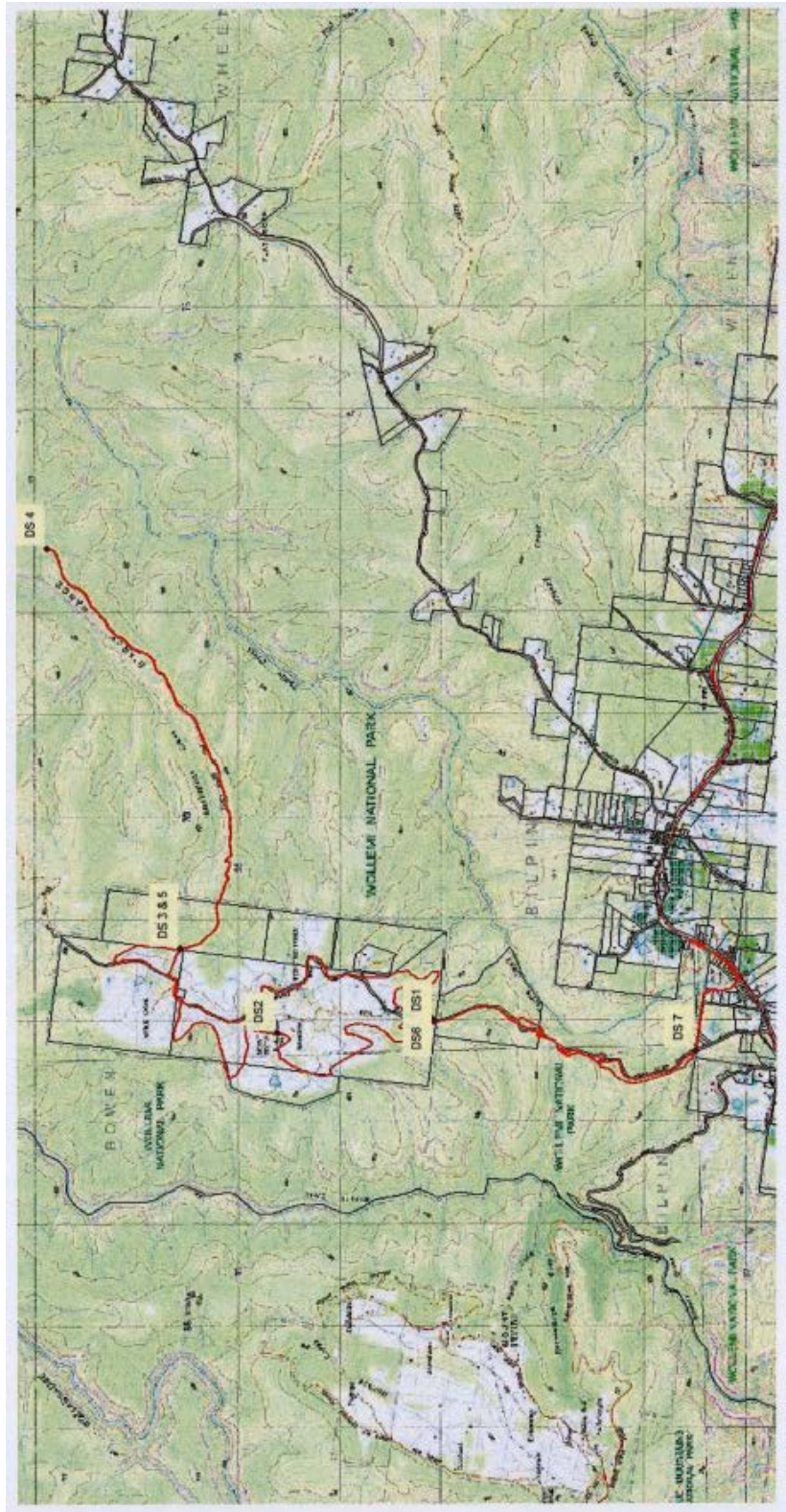
- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the runners are to be made aware of and are to follow all the general road user rules whilst running on public roads;
- 4t. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4u. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4v. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4w. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

APPENDICES:

AT - 1 Event Course Map for the Bilpin Bush Run 2015.

AT - 2 Special Event Application - (ECM Document No: 5214707) - *see attached*.

AT - 1 Event Course Map for the Bilpin Bush Run 2015



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Mr James Suprain.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bilpin Bush Run 2015 event planned for Saturday, 22 August 2015, be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
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- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**

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- 4e. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road.
- 4f. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of is to be addressed and outlined in writing and added to the TMP;
- 4g. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Wollemi National Park; **a copy of this approval to be submitted to Council;**
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4i. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4l. the event organiser is to notify the details of the event to the NSW Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence has been submitted to Council;**
- 4o. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the runners are to be made aware of and are to follow all the general road user rules whilst running on public roads;

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- 4t. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4u. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4v. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4w. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

SECTION 3 - Reports for Information

There are no Reports for Information.

SECTION 4 - General Business

Item: 4.1 LTC - Request for Installation of No Stopping Signage Curtis Road, Mulgrave - (80245, 125358)

REPORT:

Mr Steve Grady, Busways advised the Committee that Busways is requesting the installation of No Stopping signage on Curtis Road, Mulgrave adjacent to the entrance to the bus depot. The bus depot is located at the corner of Curtis Road and Mulgrave Road with access only from 31 Curtis Road.

The request is following recent incidences where vehicles have been obstructing access into and out of the depot. Vehicles are parking with the front or rear adjacent to or slightly over the driveway apron and causing buses to travel onto the incorrect side of the road in order to depart or enter the depot, which is not a safe practise, considering the sight constraints and safety issues.

Mr Grady also advised the Committee that recently a vehicle was struck by a bus departing the depot due to it being parked right on the edge of the driveway apron. The attached photo taken on the 10 June 2015 outlines the issue experienced at this location, as well as an overhead photo showing the requested location of the signage. On the overhead photo the blue section indicates the location where vehicles often park near the driveways. Mr Grady advised that No Stopping signage would be the better option, (the adjoining property at No. 27 Curtis Road has markings on the pavement at the driveway entrance) as the continual upgrading of the markings is not ideal.

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Kim Ford, seconded by James Suprain.

Support for Recommendation: Unanimous Support

That No Stopping signage be provided across the access driveway to the Busways Depot located at 31 Curtis Road, Mulgrave, extending from 10 metres west to 6 metres east (or just east of the adjacent driveway at No. 27 Curtis Road) of the Depot driveway.

APPENDICES:

AT - 1 Curtis Road, Mulgrave location map - No Stopping Signage

AT - 2 Curtis Road, Mulgrave - Parking over Driveway Apron

AT - 1 Curtis Road, Mulgrave location map - No Stopping Signage



AT - 2 Curtis Road, Mulgrave - Parking over Driveway Apron



Item: 4.2 LTC - Red Light (Safety) Camera Installation at Macquarie Street at the Intersection with Hawkesbury Valley Way, Windsor - (80245, 123265)

REPORT:

Mr C Amit advised the Committee that the Roads and Maritime Service (RMS) has indicated that a new red-light speed (Safety) camera is being installed in Macquarie Street at the intersection with Hawkesbury Valley Way, Windsor. The cameras were formerly known as red-light safety cameras.

As part of the notification, RMS have provided the following background information relating to the Red-Light Speed Cameras.

1. Red-light speed cameras operate automatically day and night. Red-light speed cameras detect and record the speed of a vehicle by using vehicle tracking radar or electronic detectors that are embedded in the road's surface. These detectors both accurately measure the speed of a vehicle as well as its location when the traffic lights change to red. If the speed of a vehicle exceeds the speed limit or the vehicle enters into the intersection on a red-light, a digital photograph is taken of the vehicle.
2. Camera sites are selected on crash statistics at intersections. The site selection criteria can be accessed via RMS website under the NSW Speed Camera Strategy - www.rms.nsw.gov.au/roadsafety.
3. By the end of 2015 there will be cameras at 161 intersections enforcing red-light and speeding offences.
4. If a vehicle is detected both speeding and running a red -light, two penalty notices will be issued and demerit points recorded for both offences. Double demerits apply for speeding offences during long weekends and holiday periods.
5. Initiatives to inform the public about new red-light speed cameras include:
 - Signposting at intersections to alert drivers that red-light speed cameras are installed and operational;
 - RMS Camera Enquiry Line (1300 782 230) to answer specific enquiries from the public about red-light speed cameras;
 - Information about the program, including the location of red-light speed cameras are available to all road users and potential defendants on the RMS website at the <http://roadsafety.transport.nsw.gov.au/>.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Kim Ford, seconded by James Suprain.

Support for Recommendation: Unanimous Support

That information be received.

ORDINARY MEETING
Reports of Committees

Item: 4.3 LTC - Request for the Provision of No Right Turns in Hawkesbury Valley Way at Moses and Cox Street, Windsor - (80245)

REPORT:

Mr Ralph Harlander, representing the local Taxi companies advised the Committee that there are sight distance and safety issues for vehicles driving along Hawkesbury Valley Way, negotiating past those vehicles waiting to turn right into either Cox Street or Moses Street, Windsor. Vehicles also turning right from Hawkesbury Valley Way have near misses with the passing through vehicles as they are obstructed by the opposing turning vehicles.

Mr Harlander requested that consideration be given to the provision of Right Turn bans from Hawkesbury Valley Way into both Cox Street and Moses Street. The turn bans could either be during peaks times or full time. There is sufficient green time at the signalised intersection of Hawkesbury Valley Way and George Street for vehicles wishing to access the Railway car park in Cox Street.

Mr James Suprain, RMS advised he would investigate the five year accident history on Hawkesbury Valley Way with a view to banning the right hand turn at the intersection of Moses and Cox Streets.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by James Suprain.

Support for Recommendation: Unanimous Support

That the Roads and Maritime Services investigate the recent accident history (five years) of Hawkesbury Valley Way at the intersection of Moses and Cox Streets, Windsor with a view to banning the right hand turn into Moses and Cox Street.

APPENDICES:

There are no supporting documents for this report.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 13 July 2015 at 3pm in the Large Committee Room.

The meeting terminated at 4:05pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

RM Rescission Motion - Draft Fit for the Future Proposal - (79351, 95496, 105109, 120428, 125611, 111629)

Submitted by: Councillor Ford, Mayor
Councillor Creed
Councillor Mackay

RESCISSION MOTION

That Council's resolution from the Extra Ordinary meeting of 23 June 2015 in relation to item 85 concerning Council's Draft Fit for the Future submission be rescinded.

In the event that the motion is rescinded it is intended to move the following motion:

"That:

- 1. Council approve the submission to IPART of the draft Fit for the Future proposal submitted to the Extra Ordinary meeting of 23 June 2015 on the basis that it provides for a possible special rate variation being considered in 2017-2018 and, then, only following extensive community consultation and engagement*
- 2. A process and program be developed that would enable the specific activities, and the Fit for the Future proposal, presented previously, and any initiatives and other opportunities proposed by Councillors and the community, to be brought forward and assessed according to due diligence practice."*

BACKGROUND:

The decision to prepare a new Fit for the Future submission as soon as possible, without a special rate variation, effectively means that no submission could be made prior to the 30 June 2015 IPART deadline. It has been confirmed that:

1. If no submission is made, then a council will be deemed 'not fit'.
2. IPART, whilst potentially accepting a late submission, will not necessarily consider such submissions. In any event, and having regard for the concerns put forward by Councillors regarding consultation and involvement, it is unlikely that such a new submission could be made in sufficient time for IPART to meet its own reporting deadlines to the NSW Government.

Substantial financial modelling and development of responses necessary to complete the Fit for the Future template has involved significant commitment over the last six months.

This has at its most basic level identified the need for either additional income or substantial service cuts or efficiencies to achieve long term sustainability and the means to deliver services and works to the Hawkesbury community.

By not submitting a report as required by the NSW Government, Council's ability to engage with our community over these choices is put at risk or jeopardised. These choices and self-determination of outcomes could be simply removed by administrative action.

The foreshadowed motion seeks to achieve a non-partisan approach to allow and achieve those conversations with our community, as well as capturing the spirit of the previous motion and allow for the concerns of Councillors to an special rate variation to be recognised.

ORDINARY MEETING

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As the Fit for the Future process requires Council to demonstrate how our Council will move to achieve a sustainable position, the deferral of any potential special rate variation until a point in time where Council has considered the other opportunities and efficiencies that may be available, and fully engaged with our community is suggested and is appropriate.

Whilst noting that the submission is unlikely to demonstrate compliance with the ratios set by IPART, it will show a positive trend.

This approach will meet the IPART requirements and deadlines as well as allowing for extended engagement, debate and consideration of the options fundamental to our survival as a standalone Council representing the interests of the Hawkesbury.

oooO END OF RESCISSION MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM1

Cogeneration plant at Deerubbin Centre - (79351, 105109, 125612)

Submitted by: Councillor Lyons-Buckett

NOTICE OF MOTION:

That Council prepare a report on the options of what to do with the cogeneration plant at the Deerubbin Centre

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2

Anti-domestic violence signage - (79351, 105109, 125612)

Submitted by: Councillor Lyons-Buckett

NOTICE OF MOTION:

That Council liaise with the Women's Cottage to install signage on the 'Welcome to the Hawkesbury' signs, with wording such as "We say NO to domestic violence".

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM3

Windsor and Richmond Parking - (79351, 105109, 80105)

Submitted by: Councillor Williams

NOTICE OF MOTION:

That Council carry out investigations to improve the availability of parking in Windsor and Richmond CBDs including the following:

1. Use of line marking of parking spaces (such as that opposite the Macquarie Arms in George Street, Windsor from The Bridge Cafe to Baker Street).
2. Survey the CBD areas for unused laybacks where driveways are no longer used and the street can be line marked for additional parking.
3. Survey both towns for possible additional parking spaces, such as laybacks wider than required (eg Macquarie Arms car park entrance and exit in Baker Street) and line mark to allow sufficient width only for safe ingress and egress.
4. Use landscaping or islands to increase numbers of parking spaces (similar to Kable Street at the Mall).

BACKGROUND:

Our business centres are constantly struggling, in large part because of the difficulty shoppers have parking in the town centres. This is an attempt to maximise the utilisation of street parking with a view to increasing the attraction of Windsor and Richmond as shopping precincts.

Regarding the above points:

1. The line-marking opposite the Macquarie Arms results in that section being fully utilised for parking. Without line-marking the same stretch of street might only contain half of the vehicles which can park in marked spaces.
2. Garages permanently used for offices, storage etc have lay backs which cannot be used and should be turned over for parking.
3. Self explanatory.
4. Kable Street has landscaping at the Mall which allows vehicles to utilise parking to within 3 metres of the Mall. Baker Street north side has had no such attention and, with the additional problem of wider than needed laybacks at the Macquarie Arms car park, vehicles cannot park within 30 or 40 metres of the Mall.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM4

Financial Assistance Grants freeze - (79351, 105109, 80106)

Submitted by: Councillor Rasmussen

NOTICE OF MOTION:

That Council:

1. Call on the Federal Government to restore Financial Assistance Grants to their funding level prior to the 2014/2015 Federal Budget cuts.
2. Produce a report documenting the direct impacts that cuts in the Financial Assistance Grants have had, and will continue to have, on the operations of Council, its capacity to serve its community and to develop options to become financially sustainable.

BACKGROUND:

- In its 2014/2015 budget, the Australian Government implemented significant cuts to Financial Assistance Grants to councils.
- The decision pauses the indexation of Financial Assistance Grants over three years from 2014/2015 to 2016/2017 i.e. the Commonwealth Grants will not increase in line with the Consumer Price Index (CPI) and population growth.
- Over the forward estimates (2014/2015 to 2017/2018) a total of \$925 million will not be paid to councils across Australia through the Financial Assistance Grants.
- In addition, the impact of these cuts will continue beyond the forward estimates with the base level permanently reduced by more than 12%.
- In recent years, the value of the Grants to councils has slipped to 0.7% of total federal taxation revenue (excluding GST). With the indexation freeze, this figure is set to fall to 0.53% by 2017/2018.
- In NSW, the indexation freeze on Grants to councils will result in losses from forgone increase of approximately \$287.7 million over the forward estimates - \$29.9 million in Financial Year 2014/2015, \$62.2 million in Financial Year 2015/2016, \$95.8 million in Financial Year 2016/2017, and \$99.8 million in Financial Year 2017/2018. These amounts represent a significant decrease and will result in severe financial impacts on council operations and services to local communities.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM5

Rural Lands Study - (79351, 105109, 125612)

Submitted by: Councillor Lyons-Buckett

NOTICE OF MOTION:

That Council raise to the highest level of priority, the completion of the Rural Lands Study and review of the HRLS.

BACKGROUND:

In recent press reports relating to the proposal by Hills Shire Council to acquire a portion of the Hawkesbury Local Government area, the Mayor has confirmed the widely understood sentiment of the community in wanting to preserve the rural lifestyle of the Hawkesbury.

It is imperative that rural/agricultural land is identified and protected from further inappropriate development. It is also important that the review of the Residential Lands Strategy is completed to ensure certainty for stakeholders within the Hawkesbury.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

REPORT:

Questions - 26 May 2015

#	Councillor	Question	Response
1	Rasmussen	Enquired which council is responsible for the maintenance of The Driftway, Hawkesbury or Penrith Council, as there are potholes that require attention.	The Director Infrastructure Services advised that The Driftway is principally a shared responsibility between Hawkesbury City Council and Penrith City Council and maintenance is alternated annually between the two Councils (Hawkesbury City Council will carry out maintenance from 1 July 2015). The western end (Jockbett Road to Castlereagh Road) is wholly Hawkesbury City Councils responsibility. Instructions have been given for the repair of potholes on the above basis.
2	Calvert	Enquired if Council could contact Telstra to determine when the telephone lines in the Kurrajong Heights area will be operable again.	The Director Infrastructure Services advised that Telstra have been contacted and they advised that there are no known outages in the Kurrajong Heights area at this time.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
3	Calvert	Enquired if there is a reason for residents to receive a Final Notice with red wording, for an amount of one cent outstanding and also receiving the same notice twice and requested if this situation could be reviewed.	<p>The Director Support Services advised that the debt recovery process undertaken for unpaid amounts is in accordance with Council's Debt Recovery Policy. In line with this Policy, a Final Notice, printed in black ink, is issued for unpaid amounts above \$20. Final Notices are not issued for amounts under this threshold. There is no minimum threshold for Rates Notices and Debtor Invoices. These need to be issued regardless of the amount so as to notify the ratepayer or debtor of amounts outstanding so as to avoid the accruing of interest. No correspondence is printed in red.</p> <p>In relation to rates, a rates notice is issued in July each year showing the rates and annual charges payable for that year and detailing the quarterly amounts applicable if paying by instalments. Approximately six weeks before a quarterly instalment is due, an Instalment Notice is sent showing overdue amounts and the instalment amount applicable to that quarter. In the case where there are no overdue amounts, the Instalment Notice for each quarter will show an identical amount, but a different due date and reference.</p> <p>In relation to amounts, other than rates or annual charges, owed to Council, an invoice would be sent to the Debtor. If by the end of the month that invoice is still unpaid, a statement would be issued for the same amount. The latter is not an additional invoice, but merely a document showing the outstanding amount as at the end of that month.</p>

ORDINARY MEETING
Questions for Next Meeting

#	Councillor	Question	Response
4	Paine	Enquired if staff could investigate the massage parlour in George Street, South Windsor.	The Director City Planning advised that the matter is being investigated and, depending on the outcome of that investigation, the appropriate action will be taken.
5	Paine	Enquired if the old UWS building known as 'The Piggery' is heritage listed and if it is, what type of listing it has and also, requested that the heritage officer review the building and comment on its current state.	The Director City Planning advised that it appears that there is no individual listing for 'The Piggery Lane Studio' structure at the UWS site. However, there is a Conservation Management Plan (CMP, dated 2011) and a Heritage Interpretation Strategy for the overall UWS site. Should the owners of the site wish to discuss the structure with Council's heritage advisor, they can contact staff to arrange an appointment.
6	Porter	Requested that Council liaise with the relevant State agency/s to address the ponding of the creek system upstream of Sackville Road.	The Director Infrastructure Services advised that Council controlled drainage structures and bridges have been inspected and are clear of blockages. Should blockages of the creek system be identified, land owners are generally able to clear debris, but should seek advice from the NSW Office of Water to ensure any works are permissible. A request has been forwarded to the Office of Water requesting that this creek system be examined.
7	Lyons-Buckett	Requested that the issue of roadside rubbish removal around the Kurrajong area be referred to the RMS.	The Director Infrastructure Services advised that RMS has been requested to undertake more litter patrols through their service contract.
8	Reardon	Enquired on the progress of the old Speedo factory in South Windsor that was approved as accommodation for the homeless.	The Director City Planning advised that the development approval has been issued some time ago and the decision to take up that approval and/or the timing of commencement is up to the applicant/owner. To date there has been no indication given from the owner.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
9	Conolly	Requested an update from the RMS regarding the round-about at the intersection of Richmond Road and George Street, Bligh Park, including when works will be completed.	The Director Infrastructure Services advised that Council received an update on this project from RMS' contractor, DownerMouchel on 21 May 2015. Currently works are being carried out between 7am and 6pm weekdays and 8am to 1pm Saturdays until completion of the project. Additionally, night works will be carried out between 8pm and 5am from 26 May to 17 July weather permitting. The project is due to be completed by the end of November 2015.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 104 **IS - Tender No. 00954 - Environmental Monitoring and Professional Services
for Hawkesbury City Waste Management Facility - (95495, 112179)**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 105

IS - Tender No. 00957 - Tender for the Hire of Plant and Trucks - (95495, 79344)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 106

IS - Tender No. 00959 - Pool Maintenance Services - Oasis Aquatic and Leisure Centre - (95495, 79340)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of maintenance services to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

<p style="text-align: center;">ORDINARY MEETING CONFIDENTIAL REPORTS</p>
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Item: 107

IS - Tender No. 00963 - CCTV and Lighting Works - (95495, 79340)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 108 **SS - Property Matter - Lease to Melissa Kingcott - Shop 9, Wilberforce Shopping Centre - (95496, 112106, 103841, 96728)**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.



ordinary
meeting

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