



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 08 December 2009

location: council chambers

time: 6:30 p.m.



# mission statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

### **Public Participation**

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

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

### **A Point of Interest**

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

### **Planning Decision**

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

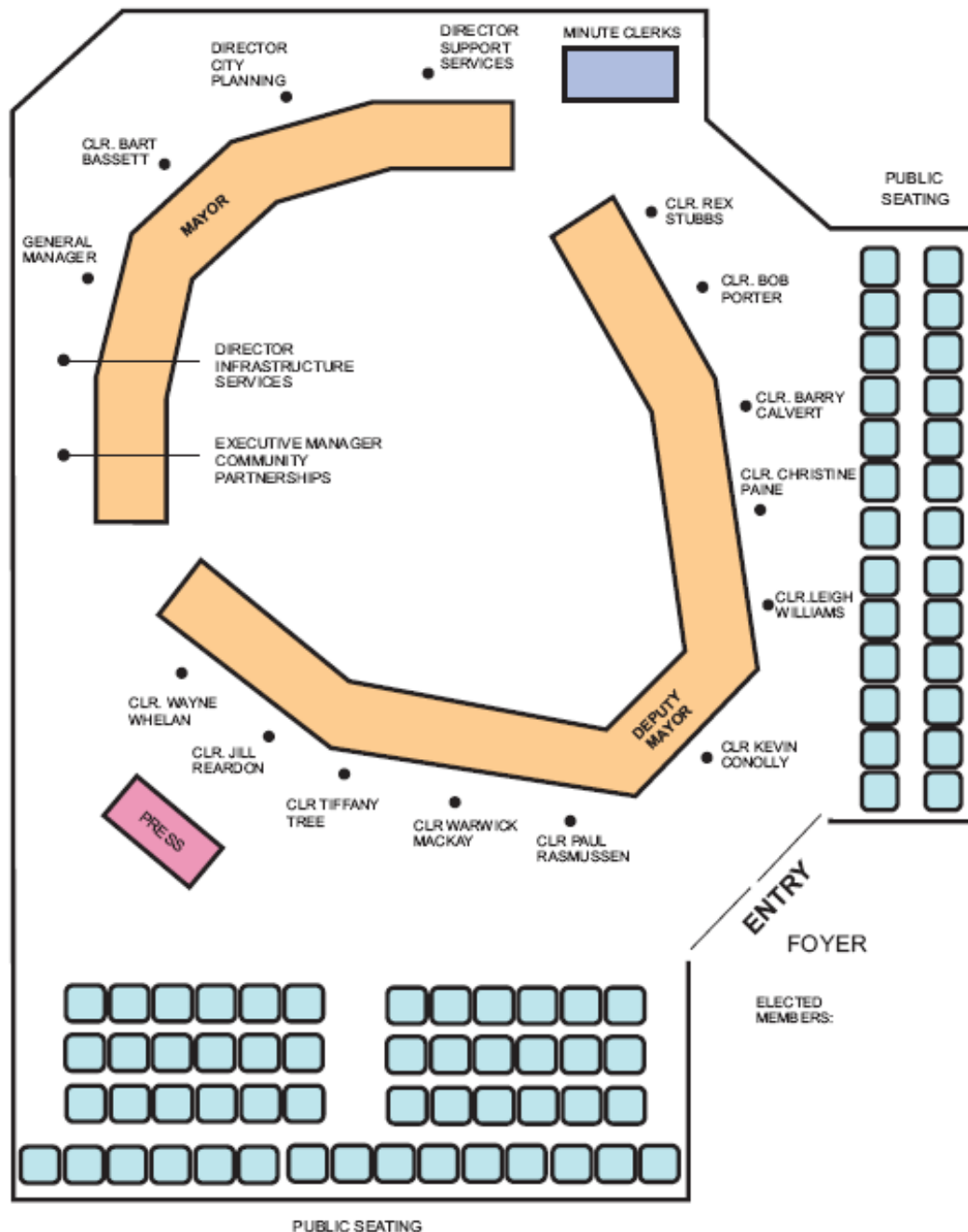
### **Website**

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au).

### **Further Information**

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

# hawkesbury city council council chambers



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confirmation of minutes

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notices of motion

**ORDINARY MEETING**

Notices of Motion

**ORDINARY MEETING**

Notices of Motion

**SECTION 3 - Notices of Motion**

**NM1 - Possible Establishment of Voluntary Register - Food Premises Not Utilising Trans Fats - (111627)**

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**Submitted by:** Councillor Tree

**NOTICE OF MOTION:**

That a report be submitted to Council in relation to the possibility of establishing a voluntary register on Council's website of those food premises within the City area that do not utilise, or limit the use of, Trans Fats in their food preparation processes.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

**ORDINARY MEETING**

Notices of Motion

**NM2 - Possible Establishment of Plastic Shopping Bag Free Zones Within the City Area - (111627)**

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**Submitted by:** Councillor Tree

**NOTICE OF MOTION:**

That a report be submitted to Council in relation to possible action that could be taken by Council to encourage the establishment of plastic shopping bag free zones within the City area similar to the recent proposal by the Kurrajong Village Retailers that was supported by Council.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**



## ORDINARY MEETING

### Notices of Motion

#### **NM3 - Support for the establishment of Community Gardens in the Hawkesbury - (111627)**

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**Submitted by:** Councillor Tree

#### **NOTICE OF MOTION:**

That a report be submitted to Council to identify possible strategies which could be undertaken by Council to support the establishment of community gardens in the Hawkesbury with a particular focus on the involvement of local schools.

#### **BACKGROUND:**

Changes to the lifestyle and nutritional habits of children in particular have become issues of increasing community concern and media reporting. Across Australia a number of projects and initiatives have been implemented within schools to assist children to learn about food so that they can make healthy food choices. For example, the Stephanie Alexander Kitchen Garden Foundation is a not-for-profit program which partners with local schools in Victoria to support children to design, build and maintain vegetable gardens on school grounds. The gardens are then used as a valuable and practical classroom tool to help children learn about food and healthy cooking.

Given the increasing incidence of obesity within the Hawkesbury community, particularly among children, and the health impacts associated with this problem, Council could investigate options for supporting schools or local communities to establish community gardens and other programs which encourage the community to work together to promote healthy food choices and lifestyles.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

## ORDINARY MEETING

### Notices of Motion

#### NM4 - Free Range Eggs - (80105)

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**Submitted by:** Councillor L Williams

#### **NOTICE OF MOTION:**

That:

1. Hawkesbury City Council adopt a policy of using only eggs sourced from certified free range producers. This policy will include but not be limited to the following situations:
  - a. All future catering arrangements will only be made with caterers who can guarantee that they use free range eggs.
  - b. The use of free range eggs be stipulated in any future tenders or contracts relating to the supply of food in which Council is a party.
  - c. Where there is no option but to source food from a vendor who doesn't use free range eggs, 'No eggs' will be the Council's preferred option.
2. Council publicise this policy on its website and that the General Manager write directly to all known suppliers of food products to Council notifying them of the new policy position.
3. Council applaud other Hawkesbury businesses, organisations and households who adopt a similar policy.
4. Council supports any similar motions at the LGA and WSROC and in any other area in which it may be expected to voice a position, relevant to this policy.

#### **BACKGROUND:**

Due to the exposure of the adverse conditions experienced in the egg industry particularly the caged hens, there has been a movement worldwide to abolish this practice to the much more humane method of free range egg production. In support of this idea many parts of Europe are phasing out the caging of hens for egg production and Austria has already banned their use. Many councils are also adopting a similar policy as is being proposed with unanimous support. The practice of producing eggs from such cruel and inhumane conditions has been recognised for some time and our Council would be sending the proper message to all residents if the motion were to be adopted.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

ordinary

section 4

reports  
for determination

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## ORDINARY MEETING

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### SECTION 4 - Reports for Determination

#### GENERAL MANAGER

**Item: 266**      **GM - 50th Anniversary Floodplain Management Authorities Conference - 23 - 26 February 2010 - (79351)**

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#### **REPORT:**

The 50<sup>th</sup> Anniversary Floodplain Management Authorities Conference will be held 23-26 February 2010 on the Central Coast, NSW.

Being the 50<sup>th</sup> Anniversary of the Floodplain Management Authorities, it will be the opportunity to celebrate what has been achieved and look forward to the new challenges ahead. As well as looking at the emerging issues in floodplain management, there will be balanced discussion of practical, on-ground floodplain management and the policies and programs that impact on floodplain management across New South Wales, Australia and the globe.

The 2010 program will feature a number of national and international speakers, concurrent sessions, workshops and poster presentations.

Cost of attendance at the 50<sup>th</sup> Anniversary Floodplain Management Authorities Conference will be \$2,260.00, plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made

• Total budget for Financial year 2009/2010	\$41,000.00
• Expenditure to date	\$18,999.00
• Budget balance as at 1/12/09	\$22,001.00

#### **Funding**

Funding for this proposal will be provided from the Delegate Expenses Budget.

#### **RECOMMENDATION:**

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 50<sup>th</sup> Anniversary Floodplain Management Authorities Conference, to be held 23-26 February 2010 at a cost of \$2,260.00, plus travel expenses per delegate be approved.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

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### CITY PLANNING

**Item: 267**      **CP - S96 Modification request - Condition 80 - Golf Course at 329 Pitt Town Road, Pitt Town - (DA0001/09, DA1150/04E, 110850, 95498)**

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#### Development Information

**Applicant:** MSK Architects on behalf of Lynwood Country Club  
**Owner:** Lynwood Country Club Ltd  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan 2002  
**Area:** 43.950 Ha  
**Zone:** Environmental Protection - Agriculture Protection (Scenic) & Rural Living  
**Advertising:** The modification was not required to be notified.  
**Date Received:** 01/12/2009

**Key Issues:** ♦ Heritage

**Recommendation:** Approval

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#### REPORT:

##### Introduction

This report is to consider a request to modify Condition 80 of Development Consent DA1150/04E. Condition 80 requires the stabilisation of works relating to the heritage-listed building "Lynwood" on the site to occur prior to the operation of the 18 hole golf course.

This modification request is submitted to Council for consideration as there is also a separate report on this Council agenda to consider a S82A review of determination relating to Council's refusal of a modification of consent relating to road intersection treatment. Both matters relate to conditions of approval to be met prior to the full opening of the golf course.

This report recommends the support for the modification request relating to the extended completion date for stabilisation works for the "Lynwood" building.

##### Current Situation

The Club has indicated an intention to open the full golf course in early December 2009. An interim occupation certificate has been issued for the clubhouse and for 9 holes of the golf course. The Lynwood Country Club has two remaining aspects to complete in order to enable opening of the remaining 9 holes. Firstly, completion of the intersection works at the corner of Pitt Town Bottoms Road and Pitt Town Road and secondly, stabilisation of Lynwood.

In respect to the stabilisation works of Lynwood, the applicant advises that tenders closed in October 2009, construction commenced in November 2009 and stabilisation works are now estimated to be completed by April 2010.

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### The Proposal

The applicant has lodged a modification of consent as outlined below:

*"We would like to clarify the required timing of the completion of Lynwood House Stabilisation works, with reference to the opening of the full 18 holes Golf Course. While DA condition 18 has been modified to allow the opening of the Golf Course, while stabilisation works on Lynwood House are still being undertaken, Condition 80 also makes reference to a required finalisation date of the Stabilisation works ...*

*Condition 80 currently reads:*

*Prior to Issue of Occupation Certificate*

*80. "The recommendations and works required in the reports submitted with the Development application be undertaken. This is to include the stabilisation works for 'Lynwood'.*

*Condition 80 applied to read:*

*80. "The recommendations and works required in the reports submitted with the Development application be undertaken. The stabilisation works for 'Lynwood' to be completed in April 2010, and not be associated with the timing of the issue of the Golf Course Occupation Certificate."*

*The Stabilisation works of Lynwood House have been commenced. A contract has been signed between Lynwood Country Club (LCC) and Sydney Restoration Company (Stabilisation Builders), with the works being supervised by Graham Edds & Assoc (Conservation Architects). These works are being undertaken in a timely fashion as befits the nature of the works. LCC are committed to complete the requirements of the Development Conditions relevant to the stabilisation of Lynwood House..."*

### **Assessment of Section 96**

#### **Planning Assessment**

Under Section 96 of the Environmental Planning & Assessment Act Council can modify a consent if the modification:

- a) is of minimal environmental impact;
- b) is substantially the same development as the original development approval; and
- c) has been notified in accordance with the Act and Council has considered any submission made concerning the proposed modification.

The proposed modification seeks to modify Condition 80, which relates to stabilisation works for 'Lynwood'. The stabilisation works are not critical to the operation of the golf course and the proposed revising of completion of the works will not generate any environmental impact. The proposed modification to Condition 80 does not alter the general site layout. The overall development remains essentially the same as was previously approved by Council.

**Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979.**

**a) the provisions of:**

**i) any environmental planning instrument ( i.e LEPs, REPs & SEPPs)**

## ORDINARY MEETING

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### Statutory Situation

The site is zoned part Rural Living and Environmental Protection - Agriculture Protection (Scenic) under Hawkesbury Local Environmental Plan 1989 and is also subject to:

- Sydney Regional Environmental Plan 20 (Hawkesbury Nepean)
- Hawkesbury Development Control Plan 2002.

The following clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 - Aims, objectives etc

Clause 5 - Definitions

Clause 9 - Carrying out of development

Clause 9a - Zone objectives

An assessment revealed that the proposal complies with the matters raised in each of the above clauses of Hawkesbury Local Environmental Plan 1989.

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

Council's Heritage Advisor has reviewed the applicant's stabilisation proposal and raises no objection, advising that the work will give the building protection and provide for future restoration.

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

There are no draft environmental planning instruments applicable to the proposed development.

#### **iii) any development control plan applying to the land**

The application was not required to be notified to adjoining properties in accordance with the requirements of Hawkesbury Development Control Plan 2002 Part A, Chapter 3.

#### **(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**

There are no planning agreements applicable to the proposed development.

#### **iv) any matters prescribed by the regulations**

The proposed development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

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

The modification does not seek to change the works required to be undertaken merely the time to complete the works that are not essential to the operational aspects of the golf course or the club building. Hence the likely impacts in this case have not changed from the original approval.

#### **c) the suitability of the site for the development**

The modification does not seek to change the works required to be undertaken merely the time to complete the works that are not essential to the operational aspects of the golf course or the club building. Hence the suitability of the site has not changed from the original approval.

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



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The modification request was not required to be notified under the relevant provisions.

### e) the public interest

Previous modifications of consent have meant that Condition 18 and Condition 80 both refer to the stabilisation of the heritage listed "Lynwood" building. The modification of consent provides an opportunity to clarify the timeframe for completion of the stabilisation works in their entirety.

The club has undertaken some stabilisation work as required by their conservation plan, however there are a number of key items still to be undertaken. The application was originally approved with 25 items to be completed. There remains a number of items to be completed including stabilisation of walls, roof and interior works.

Since July 2009 there have been regular discussions between the applicant and Council officers about the progress of the stabilisation works. Previously Council officers requested a progress report to be submitted to indicate when the works would be completed. The progress report indicates that stabilisation works would not be completed before the intended opening of the remaining 9 holes in December 2009. Accordingly the applicant is now seeking a modification of consent to extend the timeframe for completion of the stabilisation works and enable the golf course to fully open in December 2009.

### Conclusion

The applicant has requested Council consider whether the golf club could open with an undertaking relating to the delayed timeframe for completing stabilisation works for Lynwood. For major development projects it is not uncommon for some works (not critical to the operation of a development) to be incomplete upon the opening of a facility.

The primary objective of Condition 80 is to ensure that the stabilisation of "Lynwood" occurs in a timely fashion. Over the past few months there has been a renewed commitment shown by the club to undertake stabilisation works. The modified condition will ensure that a clear timeframe is set for the completion of the stabilisation works, hence the modification is recommended for support.

### 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 modification request DA1150/04E for a Golf Course at 329 Pitt Town Road, Pitt Town be approved as follows:

1. Delete Condition 80 which currently reads:

80. *The recommendations and works required in the reports submitted with the Development application be undertaken. This is to include the stabilisation works for 'Lynwood'.*

2. Insert the Condition 80 to read:

80. *"The recommendations and works required in the reports submitted with the Development application be undertaken. The stabilisation works for 'Lynwood' to be completed in April 2010, and not be associated with the timing of the issue of the Golf Course Occupation Certificate.*

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**ATTACHMENTS:**

**AT - 1** Location Plan

**AT - 2** Aerial Photo (location of Lynwood building)

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**AT - 1 Location Plan**

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

**ORDINARY MEETING**

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**AT - 2 Aerial Photo (location of Lynwood building)**

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

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

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**Item: 268**      **CP - S82A Review of refusal of modification request for deletion of Condition 94 relating to Golf Course at 329 Pitt Town Road, Pitt Town - (DA0001/09, DA1150/04D, 110850, 95498)**

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### Development Information

**Applicant:** MSK Architects on behalf of Lynwood Country Club  
**Owner:** Lynwood Country Club Ltd  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan 2002  
**Area:** 43.950 Ha  
**Zone:** Environmental Protection - Agriculture Protection (Scenic) & Rural Living  
**Advertising:** 11/11/2009 to 26/11/2009  
**Date Received:** 28/10/2009

**Key Issues:** ♦ Traffic safety at intersection

**Recommendation:** Approval

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### REPORT:

#### Introduction

This report is to consider an application to review a decision to refuse a modification of consent for deletion of Condition 94 of DA1150/04D relating to road intersection works. Condition 94 requires the construction of a full right turn intersection from Pitt Town Road into Pitt Town Bottoms Road to occur prior to the operation of the 18 hole golf course at Lynwood Country Club in Pitt Town.

Council, at its meeting of 13 October 2009 ((Motion 364 of 13 October 2009), refused the request to delete Condition 94 for the following reason:

*"..the inclusion of a dedicated right turn lane will produce a safer outcome than its deletion."*

Section 82A of the Environmental Planning and Assessment Act provides that an applicant can seek a review of a planning decision. The review process allows consideration of additional information, modified designs and provides that Council may either confirm its original decision (to refuse the modification request) or change the determination (to support the modification request).

The review is submitted to Council for consideration as the modification request was determined by Council. This report recommends the Council change its determination to support the (amended) modification request.

#### Applicant Consultation with Residents

Following the resolution of Council, the applicants organised an information session with local residents to discuss revised plans submitted as part of the Section 82A Review. The meeting was held on the 17 November 2009 and was attended by members of Lynwood Country Club, Pitt Town Progress Association Inc. and local residents. At the meeting, the revised intersection proposal were discussed. The applicant provided a copy of the meeting minutes as part of the review application (see attached)

Comment:

In response to the matters raised by residents the following comments are provided:

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- **Speed reduction** - Any changes to the speed limit on Pitt Town Road will need to go directly to the Roads and Traffic Authority (RTA's Speed Management Unit ) not the local traffic committee in this instance as Pitt Town Road is a State Road under the control of the RTA.
- **Lighting on the corner** - Any works undertaken on Pitt Town Road requires the approval of the RTA. With the intersection upgrade, other matters such as pavement, line marking and lighting etc will need to be considered. The standard of lighting will require a specialist designer and is subject to the RTA's requirements.
- **Club turnoff sign being provided** - Any request for a club turnoff sign being provided along Pitt Town Road would need to be referred to the RTA for their approval. The position of the sign, type and size etc would be considered.

### Current Situation

An interim occupation certificate has been issued for the clubhouse and for 9 holes of the golf course. The Lynwood Country Club has two remaining aspects to complete in order to enable opening of the remaining 9 holes. Firstly, completion of the intersection works at the corner of Pitt Town Bottoms Road and Pitt Town Road and secondly, stabilisation of Lynwood. The club has indicated an intention to open in early December 2009.

### The Proposal

The applicant seeks a review of determination of DA1150/04D, which originally sought approval to delete condition 94 from the development consent, which relates to the intersection works at Pitt Town and Pitt Town Bottoms Road. At present, Condition 94 reads:

*An auxiliary right turn lane is to be provided in Pitt Town Road on the southbound carriageway for cars turning into Pitt Town Bottoms Road to be completed upon the practical completion date of the Golf Course Works.*

Following Council's decision to refuse the modification request the applicant submitted revised intersection plans to the RTA to address safety concerns. The revised plans provide for additional shoulder pavement along the eastern side of Pitt Town Road to allow vehicles travelling south to pass safely on the inside of vehicles waiting to turn right into Pitt Town Bottoms Road. The additional shoulder pavement will enable south bound travelling vehicles to pass safely, however a designated right hand turn lane will not be constructed.

The applicants still seek for the deletion of Condition 94, however with the inclusion of additional shoulder pavement on the eastern side of Pitt Town Road and a left turn deceleration lane turning into Pitt Town Bottoms Road. The RTA have agreed to modified works not a total deletion of works. Accordingly, Council can not consent to the removal of the condition, but may consent to a modified Condition 94 being imposed.

### Assessment of Section 82A

#### Planning Assessment

Section 82A of the Environmental Planning & Assessment Act permits an application to be made seeking a review of a planning decision after a determination has occurred (subject to lodgement of the relevant application form, fees and notification processes). This Section 82A application seeks a review of Council's decision to refuse a Section 96 modification request to delete Condition 94 of the development consent, which required an auxiliary right turn lane to be provided in Pitt Town Road on the southbound carriageway for cars turning into Pitt Town Bottoms Road.

Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979.

**a) the provisions of:**

**i) any environmental planning instrument ( i.e LEPs, REPs & SEPPs)**

**Statutory Situation**

The site is zoned part Rural Living and Environmental Protection - Agriculture Protection (Scenic) under Hawkesbury Local Environmental Plan 1989 and is also subject to:

- Sydney Regional Environmental Plan 20 (Hawkesbury Nepean)
- Hawkesbury Development Control Plan 2002.

The following clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 - Aims, objectives etc  
Clause 5 - Definitions  
Clause 9 - Carrying out of development  
Clause 9a - Zone objectives

An assessment of the Section 82A revealed that the proposal complies with the matters raised in each of the above clauses of Hawkesbury Local Environmental Plan 1989.

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

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

There are no draft environmental planning instruments applicable to the proposed development.

**iii) any development control plan applying to the land**

The application has been notified to adjoining property owners in accordance with the requirements of Hawkesbury Development Control Plan 2002 Part A, Chapter 3.

**(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**

There are no planning agreements applicable to the proposed development.

**iv) any matters prescribed by the regulations**

The proposed development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

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

The application was originally referred to the RTA as a traffic generating development within State Environmental Planning Policy (SEPP) No.11, which is now known as SEPP (Infrastructure) 2007. It should be noted that Pitt Town Road is a main road under the control of the RTA and any works proposed would require the consent of the RTA. The RTA has granted its concurrence to this proposal via the requirement in condition 94.

The applicant approached the RTA proposing to reduce the scope of works in relation to the intersection works as originally imposed. In advice from the RTA to the applicant in September 2009 during consideration of the Section 96 application, which was refused by Council, the RTA had accepted the deletion of the right turn lane, however required the following works in lieu:

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*" - Redesign the subject intersection by providing a left turn deceleration lane from Pitt Town Road to Pitt Town Bottoms road to access the golf club and resubmit the design to RTA for review and acceptance.*

*- All necessary utility adjustments and land acquisition has to be accommodated under the revised scope of works.*

*- The club has to dedicate all the land as public road which forms part of the road corridor under the construction of the slip lane.*

*- The cost of redesign and construction of the slip lane including relocation of services has to be financed by Lynwood Country Club and at no cost to the RTA. "*

In addition to the above works being constructed, following the resolution of Council at the 13 October 2009 Ordinary Meeting, revised plans were further presented to the RTA for consideration. The RTA have agreed with this amended request, however are requiring the construction of a left turn deceleration lane from Pitt Town Road to Pitt Town Bottoms Road as well as providing additional shoulder pavement along the eastern side of Pitt Town Road. The RTA have specified that the construction works are to be completed by the end of December 2009, with the latest plans endorsed by the RTA for construction to commence.

Comment:

The revised scope of works, including additional safety measures have been endorsed by the RTA and would improve the intersection and allow vehicles travelling north approaching the golf course to enter a left hand deceleration lane, thus allowing following vehicles to pass unobstructed towards Pitt Town, improving traffic flow.

The revised intersection would provide for additional shoulder pavement along the eastern side of Pitt Town Road to allow vehicles travelling south to pass safely on the inside, vehicles waiting to turn right into Pitt Town Bottoms Road. Other intersections along Pitt Town Road will be also upgraded in the near future as a result of other developments and overall public safety will be improved.

### **c) the suitability of the site for the development**

The revised intersection works will improve the access of people entering the golf course from Pitt Town Bottoms Road, in addition to allowing vehicles to pass and manoeuvre at this intersection towards Pitt Town and Saunders Road. Accordingly, the deletion of Condition 94 of the development consent, with intersection improvements in lieu of a designated right hand turning bay will enable a safer intersection treatment suitable for the development proposed.

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

The application for review was notified to adjoining property owners for 14 days in accordance with Hawkesbury Development Control Plan 2002 from 11 to 26 November 2009. Within this period, two letters of objection were received both raising safety as a concern.

Concern has been raised that the deletion of Condition 94 will result in safety consequences via heavy vehicles having difficulty in passing stationary vehicles within Pitt Town Road wishing to turn into Pitt Town Bottoms Road.

Comment:

The applicant has approached the RTA seeking to revise the scope of works at the intersection. The RTA agreed to a modified design involving a left turn deceleration lane from Pitt Town Road to Pitt Town Bottoms road to access the golf club as well as additional shoulder pavement along the eastern side of Pitt Town Road to allow vehicles travelling south to pass safely on the inside, vehicles waiting to turn right into Pitt Town Bottoms Road.



**e) the public interest**

Intersection works are required to improve the access of people entering the golf course from Pitt Town Bottoms Road, in addition to allowing vehicles to pass and manoeuvre at this intersection towards Pitt Town and Saunders Road. Intersection works still form part of the golf course redevelopment within this modification request and will improve the existing intersection. Having regard to the relevant planning considerations and the matters raised in public submissions, it is concluded that it would be in the public interest to approve the proposed deletion of Condition 94 to allow the revised intersection works to physically commence in accordance with the RTA's endorsement.

**Conclusion**

The applicant has sought to address the safety concerns raised and actively consulted with both residents and Council about the revised intersection treatment. The revised scope of works proposed under this Section 82A review has been endorsed by the RTA and seeks to improve the intersection of Pitt Town Bottoms Road and Pitt Town Road.

The revised intersection proposal would provide for additional shoulder pavement along the eastern side of Pitt Town Road to allow vehicles travelling south to pass safely on the inside, vehicles waiting to turn right into Pitt Town Bottoms Road.

Accordingly, the Section 82A review to delete the current Condition 94 and replace it with a modified intersection treatment is supported and it is recommended that Council change its determination from refusal to approval of the (amended) modification request.

**Planning Decision**

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

**RECOMMENDATION:**

That:

1. In accordance with Section 82A of the Environmental Planning and Assessment Act, 1979, Council's decision to refuse Modification Request DA1150/04D (Motion 364 of 13 October 2009) be changed to approve the (amended) modification request as follows:
  - a) Delete Condition 94 which currently reads:

*"An auxiliary right turn lane is to be provided in Pitt Town road on the southbound carriageway for cars turning into Pitt Town Bottoms Road to be completed upon the practical completion date of the Golf Course Works"; and*
  - b) Insert Condition 94 to read:

*"A type " BAR " basic right turn treatment ( fig 4.8.23 road design guide RTA Jan 2000) is to be provided in Pitt Town Road on the southbound carriageway for cars turning into Pitt Town Bottoms Road. A design plan shall be submitted to the Roads and Traffic Authority for review and approval prior to the operation of the remaining 9 holes of the golf course."*
2. Those persons who made submissions be advised of Council's decision.

**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**ATTACHMENTS:**

- AT - 1** Minutes from Residents Meeting
- AT - 2** Location Plan
- AT - 3** Aerial photo ( intersection )
- AT - 4** Approved intersection plan
- AT - 5** Proposed intersection plan
- AT - 6** DA1150/04D Development Assessment Report

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**AT - 1 Minutes from Residents Meeting**

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

**ORDINARY MEETING**

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

**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**AT - 2   Location Plan**

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

**ORDINARY MEETING**

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**AT - 3    Aerial photo ( intersection )**

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**ORDINARY MEETING**

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**AT - 4    Approved intersection plan**

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**ORDINARY MEETING**

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**AT - 5 Proposed intersection plan**

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### **AT - 6 DA1150/04D Development Assessment Report**

**ITEM:** Business Paper - Ordinary Meeting Agenda - 8 December 2009

**Previous Item:** 289, Ordinary (27 September 2005)

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#### **Development Information**

**Applicant:** Planning Workshop Australia  
**Applicants Rep:** Planning Workshop Australia  
**Owner:** Kellyville Country Club Limited  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
**Area:** 43.950H  
**Zone:** Part Rural 1(c) & Part Environmental Protection Scenic 7 (d1) Under Hawkesbury Local Environmental Plan 1989.

**Advertising:** The proposed zone under draft Local Environmental Plan 8/98 (Amendment 108) is Part Environmental Protection - Agriculture Protection and Part Rural Living.  
**Date Received:** Not Required.  
7 November 2005

**Key Issues:** ♦ S96(1A)

**Recommendation:** Approval

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#### **REPORT:**

##### **Introduction**

The application seeks to modify the deferred commencement consent issued for the 18 hole golf course and clubhouse. The modification requests that some deferred commencement conditions be operational and minor wording changes to several conditions.

The application is being reported to Council in accordance with Council's policy, which requires any modifications to applications determined by Council to be reported to Council for determination.

This report provides an assessment of the modifications proposed by the applicant and recommends approval.

##### **Background**

The Development Application involving the 18 hole golf course and clubhouse was approved by Council at the Ordinary meeting of 27 September 2005.

##### **The Proposal**

The application under S96 of the Environmental Planning & Assessment Act seeks to modify conditions contained in the Deferred Commencement Consent as follows.

- **Condition (b), (c) & (d) of schedule 1**  
These conditions require the submission and approval of a stabilisation and conservation management plan for the heritage item and a site remediation plan for the contaminated parts of the site prior to the consent being operational.

The amendment proposes to require the plans to be prepared, approved and remediation works

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completed prior to works commencing on the site.

- **Condition 35**

This condition requires that no excavated material to be removed from the site.

The amendment proposes to alter this condition to allow removal of any soil on the site where it is found to be contaminated in accordance with the site remediation report.

- **Condition 58 & 66**

These conditions require that the existing water flows on the site are to follow the original direction and the existing watercourses on the property to maintain their current alignment.

The proposed amendment is to alter the wording so the condition is consistent with the condition of consent imposed by the Department of Infrastructure Planning & Natural Resources.

- **Condition 65**

This condition relates to roadworks along Pitt Town Bottom Road.

The applicant proposes to amend the wording to clarify the works required by Council.

- **Condition 78**

This condition requires a report from a qualified professional to confirm all the remediation works approved under the site remediation plan has been completed to the appropriate standard.

The applicant proposes a slight adjustment to the wording of the condition.

The assessment section of the report provides a more detailed discussion of the proposed modifications. The modifications are proposed to make the consent operational and to correct several conditions with minor wording changes. The proposed modified conditions have been discussed and formulated in consultation with Council officers.

### Statutory Situation

The site is zoned part Rural 1(c) and Environmental Protection Scenic 7(d1) under Hawkesbury Local Environmental Plan 1989 and is also subject to:

- Regional Environmental Plan 26 (Hawkesbury Nepean)
- Hawkesbury Development Control Plan.
- Draft Hawkesbury Local Environmental Plan 1989 (Amendment 108).

### Community Consultation

The notification chapter of the Hawkesbury Development Control Plan does not require S96(1A) applications to be notified.

### Planning Assessment

Section 96 of the Environmental Planning & Assessment Act permits a Development Consent to be modified, if:

- a) it is satisfied that the proposed modification is of minimal environmental impact, and
- b) it is satisfied that the proposed development to which the consent as modified related is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) and

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- c) it has notified the application in accordance with:
  - 1) the regulations if the regulation so require, or
  - 2) a development control plan if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- d) it has considered any submission made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan as the case may be.

Section 96(1A) permits modification involving minimal environmental impact.

The proposed modifications only alter slightly the wording of some conditions and the time period when the various reports are to be submitted and approved by Council. As a result the modification proposed will not have any environmental impact. The development as modified will be exactly the same development approved by Council.

The proposed modifications can be considered under S96(1A) of the Environmental Planning & Assessment Act.

### **Modification of Conditions**

Condition (b) of schedule 1

*A stabilisation plan is to be prepared and submitted for Council approval of Lynwood with stabilisation works to be carried out prior to the use of the golf course, club house and facilities.*

#### ***Applicant's submission***

The applicant has advised that the preparation of such a plan requires extensive and detailed work. The requirement as a deferred commencement condition has the potential for the plan to be rushed so as to enable the consent to become operational.

Instead given the sensitive state of the building it is intended to undertake a more considered approach to the preparation of the plan.

The altering of the lodgement of the plan prior to works commencing on the site will not effect Council's ability to approve the plan.

#### ***Comment***

The condition was imposed to ensure that Council retained the ability to consider and approve the stabilisation plan for the heritage item, which is in a poor condition.

The proposed amendment will still ensure that the plan will be submitted and approved by Council and that works on the site cannot commence until the plan has been approved by Council.

### **Condition (c) of Schedule 1**

*A conservation management plan is to be prepared and submitted to Council for approval of Lynwood. This plan is to detail works required to conserve the building into the future and and is to provide a list of appropriate uses that could be applied to the building.*

#### ***Applicant's submission***

The preparation of the plan is an extensive and detailed project and requires a substantial period of time to ensure it meets both local and state requirements to ensure it meets its long-term preservation. The plan should be prepared and approved prior to the issue of the occupation certification for the golf course.

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This will still ensure that Council maintains a strategic decision making role in the long-term preservation of the heritage item.

This will also allow more time to prepare a comprehensive report and the consent to be operational more expeditiously.

### **Comment**

The condition was imposed to ensure that Council retained the ability to consider and approve the conservation management plan for the heritage item, which is in a poor condition.

It is important that measures and actions are identified for its long term preservation and future uses.

The proposed amendment will still ensure that the plan will be submitted and approved by Council and occupation and use of the site cannot commence until Council has approved the plan.

### **Condition (d) of schedule 1**

*A site remediation plan (SRP) is to be prepared by a qualified person and the contaminated parts of the site are to be remediated in accordance with the SRP*

### **Applicant's submission**

The applicant has requested that this plan be prepared prior to works commencing on the site to allow the consent to be operational.

The same details will be provided to Council.

The proposed changes will not affect Council's ability to ensure the contaminated areas are remediated.

### **Comment**

The condition was imposed to ensure that Council retained the ability to consider and approve the SRP for the contaminated areas of the site.

The proposed amendment will still ensure that the SRP will be submitted and approved by Council and works on the site cannot commence until Council has approved the SRP.

### **Condition 35 & 78**

35 *No excavated material including soil, shall be removed from the site.*

78 *The works required by the approved Site Remediation Plan under schedule 1 are to be undertaken, and a report by an authorised EPA site auditor in accordance with the Contaminated Land Management Act 1997 is to be submitted to confirm all the works have been carried out at the appropriate standard and the land is now suitable for the proposed use as a Golf Course.*

### **Applicant's submission**

Condition 35 should be amended to allow for the removal of soil from the site where it is found to be contaminated and is in accordance with the site remediation plan.

Condition 78 should be amended to require a suitably qualified reviewer to prepare the report as opposed to an authorised EPA site auditor. This is in response to the extensive work that has already been undertaken on the site which is consistent with the EPA requirements.

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The amended conditions proposed

- 35 *No excavated material, including soil, shall be removed from the site, except as required by the Site Remediation Plan at condition (d), schedule 1 of this consent*
- 78 *The works required by the approved Site Remediation Plan under schedule 1 are to be undertaken, and a report from a suitably qualified reviewer in accordance with the Contaminated Land Management Act 1997 is to be submitted to confirm all the works have been carried out at the appropriate standard and the land is now suitable for the proposed use as a Golf Course.*

### Comment

The changes to the wording are considered minor and will still achieve the initial objective and intent of the conditions.

### Conditions 58 & 66

- 58 *All natural and subsurface water-flows shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.*
- 66 *Existing watercourses within the property are to be maintained on their current alignment flowpath.*

### Applicants submission

The proposed wording change is to ensure that any realignment of the existing watercourse on the site are generally consistent with their current alignment and the conditions imposed by DIPNR's general terms of approval.

The amended conditions are:

- 58 *All natural and subsurface water-flows shall not be re-directed or concentrated to adjoining properties. Water flows shall generally follow the original flow direction without increased velocity.*
- 66 *Existing watercourses within the property are to generally be maintained on their current alignment flowpath.*

### Comment

The condition is proposed to be modified by adding the word generally to allow some flexibility and avoid any inconsistency with the DIPNR's conditions contained in the consent.

### Condition 65

- 65 *The road shoulders and full width sealed pavement of Pitt Town Bottoms Rd shall be constructed for a distance of 300 metres from the Pitt Town Rd intersection.*

### Applicant's submission

The purpose of the amendment is to clarify the works required by the condition of consent

The amended condition proposed

- 65 *The road shoulders and full width sealed pavement of Pitt Town Bottoms Rd shall be constructed for a maximum width of 6 metres for a distance of 300 metres from the Pitt Town Rd intersection, where is not currently the case.*

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### Comment

The amended condition provides clarity for the works required.

The maximum width is six metres for the carriageway and does not include the road shoulders.

The condition can be slightly amended to provide more clarity on the works.

The amended condition should read:

65     *The road shoulders and full width sealed pavement of Pitt Town Bottoms Rd shall be constructed for a maximum width of 6 metres wide carriageway for a distance of 300 metres from the Pitt Town Rd intersection, where is not currently the case.*

### Conclusion

The proposed amendments will have no additional impacts. The amendments to the conditions involve only minor wording change and their intent will still be met with the amended wording.

The modification can be considered under S96(1A) of the Environmental Planning & Assessment Act. Given the nature of the amendments and to make it easier to administer the consent it is appropriate for the issue of a new list of conditions in this instance.

### Conformance to Strategic Plan

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

*Objective:*

*"A prosperous community sustained by diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the city."*

### Funding

No impact on budget.

### RECOMMENDATION:

That Development Consent 1150/04 be amended by replacing all conditions in Schedules 1 and 2 with the following schedules:

#### Schedule 1

A Construction Management Plan (CMP) is to be provided and approved by Council. The CMP shall include matters relating to buildings, earthworks, roads, car parking, drainage, wetlands, effluent, dams, vegetation removal and retention, the requirements of Sydney Water and DIPNR and landscaping.

#### Schedule 2

##### General Conditions

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



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2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
10. All the recommendations contained with the various reports that accompanied the application are to be implemented and undertaken.

### Prior To Issue Of Construction Certificate

11. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.
12. Construction of the road, access, car park, drainage, dam, filling and retaining walls are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Council or an Accredited Certifier.
13. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
14. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.
15. A Sewer Management Facility System application shall be submitted to and approved by Council.
16. Submission of external finishes and colour for the proposed buildings.
17. Submission of the necessary approvals as required by the Department of Infrastructure, Planning and Natural Resources.

### Prior to Commencement of Works

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18. The site including Lynwood and remnant silos and dairy buildings are to be photographically recorded to the levels specified by the NSW Heritage Office "Guidelines for Photographic Recording of Heritage Items". Two copies of this record shall be lodged with Council.
19. A stabilisation plan is to be prepared and submitted for Council approval of Lynwood prior to the commencement of works on the site. and Stabilisation works on Lynwood are to be carried out prior to the issue of the occupation certificate for the golf course, club house and facilities.
20. A site remediation plan (SRP) is to be prepared by a qualified person. The contaminated parts of the site are to be remediated in accordance with the SRP prior to the commencement of works.
21. All traffic guidance devices shall be installed and maintained in accordance with the approved traffic Guidance Scheme.
22. 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.
23. 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.
24. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
25. 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.
26. 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.
27. 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.
28. 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.
29. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

### During Construction

30. Dams shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
31. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.

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32. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
33. Screen walls or fences are to be complimentary in both colour and finish with the building on the site, plus any wire mesh fences required to contain golf balls adjacent to the boundaries of the site are to be incorporated into an approved landscaping plan.
34. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
35. Any part of the building to be used for food preparation shall comply with Council's Code for the Fitting out of Food Premises.
36. A physical barrier is to be provided between public spaces, vehicular accessways, parking areas and the surrounding landscaped area.
37. No excavated material, including soil, shall be removed from the site, except as required by the Site Remediation Plan at condition 20 of this consent.
38. The site shall be secured to prevent the depositing of any unauthorised material.
39. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
40. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
41. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
42. 204 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan. The two car parks shall be linked so that each can be accessed from Pitt Town Bottoms Road. Details of this to be submitted to Council for approval. Access via Pitt Town Road is to be designed and signposted for service vehicles only.
43. Disabled parking shall be provided in accordance with AS2890.1-1993.
44. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
45. 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.
46. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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47. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
  - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
  - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
  - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
  - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
  - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - (k) No material is to be burnt on site.
48. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:

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

- commencement of work (including erosion controls, site works and site set out);
  - piers;
  - internal sewer or stormwater lines prior to covering;
  - steel reinforcement prior to pouring concrete;
  - external sewer or stormwater lines, prior to backfilling;
  - framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
  - wet area flashing, after the installation of bath and shower fixtures;
  - prior to occupation of the building;
49. Council records indicate that the building site is at a level of approximately 14.3 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.

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50. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
51. All materials and components used in the building shall comply with the early fire hazard indices stipulated in Specification C1.10 of the BCA. A separate schedule detailing such materials and their respective indices and approved in writing prior to the acquisition, installation or fitting of such materials.
52. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification. In respect of intersection works plans are to be approved by the Roads and Traffic Authority before submission to Council.
53. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
54. All works shall be in accordance with the approved Construction Management Plan.
55. Topsoil shall be stripped and stockpiled and used to cover the landfill.
56. Filled areas, including batters, shall be grassed immediately after filling takes place.
57. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
58. The landfill shall be completed in stages to minimise the area exposed at any one time. Each section is to be stabilised by grassing immediately prior to moving onto the next section.
59. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
60. All natural and subsurface water-flows shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
61. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
62. A surcharge path sufficient to carry the 1 in 100 year storm flow to be provided across the site and a drainage easement of adequate width to be created over the surcharge path.
63. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
64. Water quality control devices and energy dissipaters shall be constructed at the point of discharge of stormwater from the site.
65. Any fencing across the overland flow path shall be constructed so as not to impede the 1 in 100 year storm water flow.
66. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
67. The road shoulders and full width sealed pavement of Pitt Town Bottoms Rd shall be constructed for a maximum width of 6 metres wide carriageway for a distance of 300 metres from the Pitt Town Rd intersection, where is not currently the case.
68. Existing watercourses within the property are to be maintained on their current alignment flowpath.

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69. A dual heavy duty layback and footway vehicular crossing shall be constructed off Pitt Town Bottoms Road to service the proposed Clubhouse and carpark based on the following specification:
- Separation of entry and exit driveways one to one to three metres.
  - Entry driveway width six metre.
  - Exit driveway width 4 metres.
70. A heavy duty layback and footway vehicular crossing six metres wide to be constructed off Pitt Town Road used for service vehicles.

### Prior to Issue of Occupation Certificate

71. Noise from the excavation and construction should be managed so that offensive noise as defined by the Protection of the Environment Operations Act 1997 does not occur at any sensitive receiver (i.e, residential property boundary).
72. 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.
73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
74. A conservation management plan is to be prepared and submitted to Council for approval of Lynwood prior to the issue of an occupation certificate.
- This plan is to detail works required to conserve the building into the future and is to provide a list of appropriate uses that could be applied to the building.
75. 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.
76. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may subject to inundation during times of flood.
77. A copy of the suitable Fire Safety Statement shall be submitted to Council and the NSW Fire Brigade. In addition, the Fire Safety Statement along with the current Fire Safety Schedule shall be prominently displayed in all buildings.
78. The creek crossing is to be certified on completion by a suitably qualified and experienced Structural Engineer.
79. Works as executed plans shall be submitted to Council on completion of the works for the Golf Course. The Plan is to include the location of the natural watercourses that traverse through the property.
80. The recommendations and works required in the reports submitted with the Development Application be undertaken. This is to include the stabilisation works for "Lynwood".

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81. The works required by the approved Site Remediation Plan under schedule1 are to be undertaken, and a report from a suitably qualified reviewer in accordance with the Contaminated Land Management Act 1997 is to be submitted to confirm all the works have been carried out at the appropriate standard and the land is now suitable for the proposed use as a Golf Course.

### Use of the Development

82. No internal or external alterations shall be carried out without prior approval of Council.
83. 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.
84. Any part of the building to be used for food preparation shall be registered with Council as Food Premises.
85. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
86. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
87. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
88. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
89. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
90. All waste materials shall be regularly removed from the property.
91. The hours of operation of the golf club house shall be between 10am and 10pm daily with the function room permitted to open until midnight on Friday and Saturday nights. The golf course shall operate between the hours of 7am to Sunset.
92. The access driveway in Pitt Town Road is only to be used by service vehicles and suitably sign posted.

### Roads and Traffic Authority

93. A northbound left turn lane is to be provided on Pitt Town Road for vehicles turning into Pitt Town Bottoms Road.
94. An auxiliary right turn lane is to be provided in Pitt Town Road on the southbound carriageway for cars turning into Pitt Town Bottoms Road.
95. The secondary access of Pitt Town Road is for service vehicles only and not for traffic associated with the golf driving range unless further auxiliary lanes are constructed in this section of Pitt Town Road. (Note: the recommendation for the development consent requires the driving range access to be incorporated into the main Pitt Town Bottoms Road access.
96. The design and construction of the roadworks to be in accordance with RTA requirements.

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### Department of Planning Infrastructure and Natural Resources

97. In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Infrastructure, Planning and Natural Resources (DIPNR) has an approval role in relation to Development Application 1150/04 (the DA) lodged with Hawkesbury City Council (Council).
98. A permit issued under Part 3A of the Rivers and Foreshores Improvement Act 1948 (R&FI Act) is required to carry out certain works, including **excavations**, on in or under "protected land". "Protected land", for the purposes of this DA, is land and material that is in, or within 40 metres of the top of the bank or shore of, "protected waters", and within land referred to hereinafter as "**the site**", being: **Lots 1 - 3, DP 546915, otherwise known as 329 Pitt Town Rd, Pitt Town, NSW, 2756.**
99. "Protected waters" include the watercourses within the Site, known as;
- Pitt Town Lagoon - the agreed lagoon extent as described by Aerial Photograph Interpretation (API) supplied to DIPNR on 28 May 2004; and,
  - An unnamed tributary of Pitt Town Lagoon located in the north-eastern area of the Site and described as "Stream One".

Pursuant to Part 3A of the R&FI Act, DIPNR, having reviewed the documentation associated with the DA, proposes to grant an approval for the DA, subject to conditions. DIPNR's General Terms of Approval, for inclusion as conditions of consent, are set out below:

### Requirement for Permit

100. Any work which requires a permit under Part 3A of the R&FI Act ("Part 3A permit") is not to commence until such time as a Part 3A permit has been applied for, and subsequently issued by DIPNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any other documents required by these conditions, and which are approved by DIPNR, and which will accompany the Part 3A permit.

### Standard of Design, Documentation and Implementation

101. All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.
102. All designs and documentation required by these conditions are to be prepared and implemented by persons with relevant knowledge, qualifications and experience in current best practice, and to the satisfaction of Council and DIPNR, and approved by DIPNR, **prior to the issue of the Part 3A Permit.**
103. The **implementation** of any design or "plan", or **carrying-out** of any activity at the Site, is to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience in current best practice in the relevant aspect of the operations being undertaken.

### Cessation of Works

104. If, in the opinion of a DIPNR officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any thing not authorised to be so affected, such work shall cease immediately upon oral or written direction of such officer.



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105. Should any of the conditions of the Part 3A permit not be complied with, DIPNR may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with.

### Work as Executed Plans

106. If requested by DIPNR, work as executed survey plans of a professional standard, and including information required by DIPNR, shall be forwarded to DIPNR within 14 calendar days of such request. (NOTE: Apart from extractive industry operations, or large earthmoving projects, DIPNR usually only invokes this condition in matters of contention).

### Remedial Works

107. The Part 3A permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the environment of protected waters or protected land.
108. If any Part 3A permit condition is breached, the permit holder shall follow DIPNR directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a supplementary permit fee for this inspection and for each and every subsequent inspection until the breach has been rectified.

### Disposal of Vegetation

109. Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the material cannot be swept into protected waters during a flood. Burning must not be carried out unless an approval has been obtained from the relevant authority(ies).

### Bulk Earthworks – Protected Waters

110. A *Works Plan* (WP) for bulk earthworks is to be prepared, based on an understanding of stream dynamics and environmentally sensitive stream rehabilitation practices.

The WP is to include:

- a) Plan(s) showing details on the following: existing and proposed protected waters,, riparian zones, vegetation, geomorphic features (including top of bank, bank and toe of bank) and any other relevant feature (structures, services, utilities, etc.)
- b) Representative cross-sections of protected land and protected waters and riparian zones, showing both existing and proposed ground surface levels. The cross sections must fully represent the variety of landforms associated with the proposal. The locations of the cross sections are to be shown on the above-required plan(s)
- c) A longitudinal section of existing and all proposed protected waters in sufficient detail to identify any changes in bed level and hydraulic features (i.e. pools, riffles, shallows, headcuts, etc.).
- d) Detailed designs of any stabilisation works and how they are to be undertaken. All proposed stabilisation works are to be of soft engineering design and must incorporate natural stream features (eg pools, riffles, shallows, meanders, low flow channel) commensurate with the local geomorphic, hydrologic and hydraulic conditions
- e) Details on the staging or sequencing of the proposed works
- f) Contingency measures in the event of flooding during construction
- g) Cross-referencing to other “plans” required by these conditions, where appropriate

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111. The surface of all excavated areas shall be progressively graded to a smooth and even slope free from holes or ridges. Slope drainage and grades are to be as shown on the plans accompanying the Part 3A permit. Batter slopes are not to be steeper than a grade of 1V:3H, unless indicated otherwise on the plans accompanying the Part 3A permit. Slopes are not to be at grades steeper than those satisfactory to Council in relation to public safety.

### “Stream One” – Re-alignment and Rehabilitation

112. Due to the presently degraded state of the watercourse described as “Stream one”, DIPNR will accept the re-alignment and rehabilitation of this watercourse in accordance with *Draft Guidelines for Watercourse and Riparian Area Planning and Design – Version 3* (Attachment A).
113. The design of the watercourse must incorporate the natural watercourse and riparian area form and match the local hydrologic and hydraulic conditions. The downstream end of the watercourse, prior to its entry into the lagoon, must be maintained as an overland flow path to emulate the natural situation and must not be defined or channelised. Any re-alignment must not split the stream into two paths. The designs and methods of construction are to be included in the WP.

### Water Quality Treatment Basins

114. Any water quality treatment basins are to be designed and constructed to ensure minimal impact on the watercourses, identified riparian zones and natural flow regimes. For any part of such basins located on protected land, the designs and methods of construction are to be included in the WP and the rehabilitation of any affected riparian zones is to be included in the VMP.

### Stormwater Outlet

115. Detailed designs of any stormwater outlets and any necessary scour protection works within the riparian zone or any protected waters are to be prepared. The designs must include one or more representative surveyed cross sections and a long section showing existing and proposed bed and bank profiles and water levels at the outlet point. The sections are to extend beyond the structure for a distance of 5m for the cross section, and for the long section, 5m beyond the landward extent of the riparian zone and 5m from the toe of the bank of the receiving protected waters. Any proposed stormwater outlets are to be designed in accordance with the DIPNR guideline: *Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways - Version 1)* (Attachment B).
116. Stormwater outlets must be designed, located and constructed to minimise any erosion or scour of riparian zones or the bed or banks of any protected waters. The construction methods adopted must ensure that disturbance to soil and vegetation in these areas is kept to an absolute minimum. The designs and methods of construction are to be included in the WP.

### Scour Protection

117. Points of constriction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the Site, are to be suitably protected against scour. Designs of scour protection works, based on predicted velocities and scour potential, together with methods of construction, are to be included in the WP.
118. All permanent rock scour protection must consist of hard and durable run-of-quarry rock, sized to resist predicted scour velocities. Rock must be angular and blocky rather than flat, to ensure a good “bind” and to resist negative hydraulic pressure. Rock is to be placed over a bedding layer of angular cobbles with geotextile underneath to prevent erosion of underlying fine bed sediments and to facilitate placement.
119. All finished rock rip-rap surfaces are to be rough, and evenly aligned with the adjoining bed, bank and floodplain profile and must not reduce the capacity of protected waters in any way.

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120. All rock and cobbles installed for scour protection are to be packed with topsoil and the crevasses in the rip-rap planted with local native sedges and rushes, to further stabilise the works and to increase riparian zone values and functions.
121. Wire mesh structures and concrete grouting are not permitted for use with rip rap scour protection unless specifically approved by DIPNR.

### Crossings – General Requirements

122. Any crossing design over protected waters and riparian zones must be sensitive to the ecology, wildlife corridor and geomorphic functions of protected waters and protected land. To achieve this, any crossing is to be designed and constructed in accordance with the principles in the *Draft Guidelines – Watercourse Crossing Design & Construction – Version 3* (Attachment C).

### “Stream One” - Crossings

123. Detailed designs of the proposed “Stream One” watercourse crossings and any necessary scour protection works within the riparian zones, and the bed and banks of protected waters are to be prepared. The designs must include a surveyed representative cross section and long section of each structure showing existing and proposed ground surface and water levels. The sections are to extend 10m beyond each structure. The designs and methods of construction are to be included in the WP and rehabilitation in the VMP.

### Accessways

124. All accessways, being cycleways, pedestrian pathways or other non-vehicular form of accessway that may be proposed for the Site, are to be designed and constructed in accordance with the *Draft Guidelines for the Design and Construction of Paths and Cycleways in Riparian Areas- Version 1* (Attachment D).
125. Any accessway, or accessway lighting, proposed to be located within any riparian zone or protected waters is not to be constructed without consultation with, and prior approval of, DIPNR.

### Maintenance of Works within Protected Waters

126. All works within protected waters are to be monitored after each major storm event for the duration of any Part 3A permit issued by DIPNR. Stabilisation works consisting of soft-engineered designs are to be undertaken as required, after seeking advice and approval from DIPNR, if there are signs of erosion or instability of protected waters.

### Works Within Protected Waters to Satisfy NSW Fisheries

127. Prior to the issue of the Part 3A permit, agreement in writing from NSW Fisheries is required for the designs of all proposed works located within, or connecting, any protected waters.

### Peg Out Survey and Exclusion Fencing – after completion of bulk earthworks

128. Following the completion of bulk earthworks at the Site, a registered surveyor must undertake a “peg out survey”. The survey must clearly show on the ground the location and extent of the riparian zones described in these conditions, via the use of pegs and clearly visible, durable and appropriately signposted exclusion fencing. DIPNR must inspect and approve the “peg out survey” and fencing prior to the release of any cash bond or bank guarantee associated with the earthworks or structures at the Site.

### Designation of Riparian Zones

129. The extent of the riparian zones, is to be measured horizontally landward from the top of the bank or shore (as approved by DIPNR) and at right angles to the alignment of the bank or shore, of

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protected waters, including beneath any crossings, for their entirety within the Site,, unless otherwise approved by DIPNR, and shall be:

- a) **Pitt Town Lagoon** - 40 metres measured from the edge of the agreed lagoon extent, and in accordance with the footprint shown on the Proposed Revegetation Plan, by Marten and Associates Pty Ltd, dated 7/2/05, or similar plan, provided it is approved by DIPNR prior to the issue of the Part 3A Permit.
- b) **“Stream One”** - minimum total width of 20 metres.

130. Any reference to “riparian zones” in any condition in these General Terms of Approval is to be regarded as a reference to the “riparian zones” described within this section.

### Preparation of a Vegetation Management Plan (VMP)

- 131. Site rehabilitation and maintenance is to be carried out in accordance with a VMP.
- 132. The VMP is to be prepared prior to the issue of the Part 3A Permit. The VMP is to be in accordance with the guideline: *“How to Prepare a Vegetation Management Plan – Version 4”* (Attachment E).
- 133. The VMP is to fully address all matters relating to riparian zone protection, vegetation to be retained, vegetation to be removed, obtaining plant material for rehabilitation, establishment methods, sequencing of tasks, maintenance and performance monitoring relating to the rehabilitation of the riparian zones. The VMP is to include drawings that clearly show the approved extent of the riparian zones. The VMP is to clearly state planting densities and the species mix for all areas to be rehabilitated. The VMP is to be cross-referenced to other “plans” required by these conditions, where appropriate.

### Site Rehabilitation - Vegetation

- 134. Site rehabilitation must:
  - a) protect any remnant local native riparian vegetation at the Site wherever it is reasonably possible to do so, and,
  - b) restore any riparian zones, including the area within protected waters, that are disturbed or otherwise affected by the development to a state that is reasonably representative of the natural ecotone of the protected waters and their environment.
- 135. The riparian zones so restored are to consist of a diverse range of native plant species local to the area and are to consist of species and communities that emulate the original natural situation. Planting structure and densities are to be as follows:
  - a) **Pitt Town Lagoon**

Vegetation structure, design, and densities appropriate to restore the natural wetland and terrestrial ecotone of the lagoon. To be finalised in consultation with, and with the approval of, DIPNR prior to the issue of the Part 3A Permit.
  - b) **“Stream One”**

Fully structured vegetation (i.e trees, shrubs and groundcovers). Densities of at least 1 tree or 1 shrub (in approximately equal numbers) alternately planted at 1 plant per square metre and in addition, groundcover plants at 4 plants per square metre,, unless otherwise specified in the VMP.
- 136. Revegetation must be carried out over all areas in the riparian zone affected by the works, including beneath crossings, and including all areas that are temporarily occupied by soil and water

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management controls, once those controls have been decommissioned and the ground surfaces restored to the correct profile and stabilised.

### Physical Barrier to be placed at Landward Edge of Riparian Zones

137. To prevent inadvertent damage to riparian zones, a physical barrier is to be placed at their landward extent in all locations where mowing or slashing of adjacent areas is likely.

### Maintenance of Rehabilitated Areas within Riparian Zones

138. The rehabilitated riparian zones must be maintained and monitored for a period of **at least two years** after final planting, or where other revegetation methods are used, **two years** after plants are at least of tubestock size and are at the densities required by these conditions and with species richness as described in the VMP. Maintenance must include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control, mulching and any other requirements necessary for achieving successful vegetation establishment.

### Maintenance Report

139. A brief and concise report addressing the performance criteria as specified in the VMP, and any problems implementing the VMP, as well as means to overcome these, shall be forwarded to DIPNR **immediately after completion of initial planting/seeding**, and prior to the release of any cash bond or bank guarantee, and **every six months** thereafter for the duration of the maintenance period. The report must also comment on the stability and condition of any associated stream works. Implementation of the VMP will be considered incomplete without DIPNR sign-off of the final monitoring report at the end of the minimum two-year maintenance period.

### Seed and Plant Material Collection, Propagation and Certification

140. The person responsible for implementing the VMP must certify in writing to DIPNR that plantings (including follow-up plantings) have been carried out using stock propagated from seed or plant material collected only from native plants from the **local botanical provenance**. This certification is to be provided with the first monitoring report, and prior to the release of any cash bond or bank guarantee, and for any supplementary plantings with the next monitoring report thereafter.
141. DIPNR is to be advised of the person responsible for any seed or vegetative propagation prior to the commencement of propagation.

### Exotic Plant Species not to be Planted or Placed Within or Near the Riparian Zones

142. No exotic plant species, other than temporary sterile cover crops, are to be planted within, or within **10 metres** of, the riparian zones on the Site, unless otherwise approved by DIPNR.
143. Only certified weed free and contaminant free mulch is to be used on the Site. This is because mulch products imported onto the Site may contain weed seeds and viable vegetative matter and other contaminants, which could impact adversely on the vegetation, soil, water quality or ecology of the Site.

### Works and Activities not to Compromise Riparian Zones and Implementation of the VMP

144. The riparian zones are to function as ecological systems and as such, all works, access routes, roads, recreational areas, service easements and any other non-ecologically functioning work or activity are to be located beyond the riparian zones, unless detailed on plans approved by DIPNR, prior to the issue of the Part 3A permit.
145. Works and activities must not compromise the implementation of the VMP in any way.

### Bushfire Asset Protection Zones not to Compromise Riparian Zones

146. Any requirements for bushfire asset protection zones are not to compromise in any way the extent, form or function of the riparian zones. Fuel reduced areas are to be located outside of riparian zones.

**Council Requirements for Flooding, Drainage, Stormwater Detention and Water Quality**

147. The development is to satisfy all requirements of Council in relation to flooding, drainage, stormwater detention and water quality, but in so doing, must not compromise in any way the form and function of any works, protected waters and riparian zones required by these conditions.
148. With regard to the previous condition, there is to be no permanent or temporary excavation of, or placement of material on, protected land, or anything done that may affect the flow of protected waters, other than as shown on the DA plans and associated documentation provided to DIPNR, and approved by DIPNR, without approval in writing from DIPNR and NSW Fisheries.

**Soil Suitability**

149. Wherever possible, riparian zone soils should be those naturally occurring at the Site. If this will not be the case for the final landform, approval from DIPNR must be obtained **prior to the issue of any Part 3A permit**. If importation of soil into the riparian zone is unavoidable, such soil must be tested and certified by a NATA registered soils laboratory to be:

- a) similar to the naturally occurring local riparian zone soil
- b) suitable for the establishment and on-going viability of riparian vegetation
- c) free of any weed propagules
- d) free of any contaminants

Documentation arising from this testing and certification must be provided to DIPNR prior to the placement of any soil.

150. Any fill material placed in a riparian zone that is inconsistent with the requirements of the previous condition must be removed and relocated beyond the riparian zone or taken off-Site and disposed of in a lawful manner.
151. The structure of the soils in the riparian zones must be suitable for the vegetative rehabilitation of the Site and are therefore not to be proof rolled or subjected to other unsuitable compaction unless otherwise approved by DIPNR.

**Access to the Site to be Provided for the Purpose of Fully Implementing the VMP**

152. Prior to the issue of any Part 3A Permit, documentation that demonstrates a right of access to the site for a sufficient time to enable the full implementation of the VMP is to be provided to DIPNR. Such documentation is to be legally binding upon the land and its present and future owners until such time as the implementation of the VMP is complete, and as approved by DIPNR.

**Water Quality and Environmental Protection**

153. The Applicant must ensure that the amount of dirty water and sediment from the Site that enters protected waters or that is exposed to the flow of protected waters, or that is likely to detrimentally affect water quality, riparian vegetation or habitat or the environment, is minimised in a manner acceptable to DIPNR.

**Soil and Water Management**

154. The Applicant must submit a Soil and Water Management Plan (SWMP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The SWMP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (2004)*. The SWMP is to be cross-

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referenced to other “plans” required by these conditions, where appropriate. The SWMP is also to meet any EPA licence requirements.

155. All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oils and greases, or any other contaminants, must not be permitted to pass to protected waters.
156. All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

### Maintenance of Erosion and Sediment Control Measures

157. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis, and immediately following any rainfall events, to ensure their efficient operation. This obligation remains until the Site has been fully stabilised.

### Decommissioning of All Erosion and Sediment Controls and Water Diversion Structures

158. Decommissioning of all erosion and sediment controls and any water diversion structures must be documented in detail to the satisfaction of DIPNR. Decommissioning must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (2004)*. The timeframes for decommissioning are to be cross-referenced to the implementation of any riparian zone plantings. Decommissioning of sediment and erosion controls is not to detrimentally affect the implementation of the VMP.

### Costing to be Provided

159. A costing based on current industry rates is to be provided for all works and activities that are associated with the DA and that are subject to these conditions. The costing is to identify each type of work or activity and is to present the costing in a break-down format that covers each aspect of that work or activity. Costings are to cover labour, equipment and materials and maintenance and reporting where these tasks are relevant. The costing is to cover, but may not be limited to, the following works and activities:
  - a) complete implementation of all stages of all works within protected waters and riparian zones, including maintenance requirements and decommissioning of any temporary works, as described in the WP
  - b) construction of “Stream One” watercourse crossings as described in the WP.
  - c) construction of any stormwater outlets and their revegetation as described in the WP and VMP
  - d) construction of any scour protection works and their revegetation as described in the WP and VMP
  - e) implementation of the VMP, including monitoring, reporting and maintenance for a period of not less than two years after the date of final planting
  - f) construction of any accessways in any riparian zones

### Security Deposit

160. As a pre-condition to the granting of the Part 3A permit, the applicant for a Part 3A permit will be required to provide a security deposit. The security deposit can be in the form of either a cash bond or bank guarantee. The security deposit is to cover the cost, as approved by DIPNR, of completing the works and activities listed in the previous condition in accordance with the conditions of the Part 3A permit.

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161. Any bank guarantee is to be provided from a bank licensed pursuant to the Banking Act 1959 (Cth) and is to be provided in favour of DIPNR and it must be drawn up in the format provided in **Attachment F**.
162. Any security deposit will be held until such time as the works and activities the subject of the cash bond or bank guarantee have been satisfactorily completed in accordance with the conditions of the Part 3A permit.
163. The sum held may be reduced on application to DIPNR, subject to the satisfactory completion of stages of works or activities required by the Part 3A permit.
164. DIPNR may at any time, and more than once and without notice to the Part 3A permit holder, utilise any cash provided or demand all or part of the moneys available under a bank guarantee, if in its opinion, the Part 3A permit holder has failed at any time to satisfactorily complete the works or activities in accordance with the requirements of the Part 3A permit.

### Resolution of Inconsistencies

165. In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site, and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters, is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, DIPNR

### Any Part 3A permit issued to be kept current

166. Any Part 3A permit issued for works proposed under the DA, and as required by these conditions, must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal is to be lodged at least 1 month prior to the expiry date of the Part 3A permit.

### General Advice

- a) A Part 3A permit, subject to conditions, will be issued for the proposed works upon application.
- b) Any Part 3A permit granted for works the subject of the DA will be for a period of one year, and renewable thereafter on an annual basis.
  - Prior to the issue of the Part 3A permit the applicant must provide DIPNR with the following:
  - A copy of Council's development consent including all conditions of approval
  - Any approval from NSW Fisheries required by these conditions
  - Sufficient number of sets of plans and other documentation that satisfy DIPNR's General Terms of Approval, and any associated recommendations, for distribution to: the proponent, Council, DIPNR and any other approval body likely to be affected by DIPNR requirements
  - The appropriate Part 3A permit fee and any required bond
  - Full details on land ownership of all areas affected by the proposed works, and written authorisation for the works by the relevant land owners
- c) The rehabilitation of the Site in accordance with the Part 3A permit conditions, as determined by DIPNR, is the responsibility of the Part 3A permit holder and the owner or occupier of the land.
- d) The Part 3A permit holder and the owner or occupier of the land are responsible for construction of works or any excavation or removal of material undertaken by any other person or company at the Site.



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- e) Any Part 3A permit granted is not transferable to any other person or company without written approval from DIPNR and does not allow operations at any other site.
- f) Any Part 3A permit granted does not give the holder the right to occupy any land without the consent from the owner(s), nor does it relieve the Part 3A permit holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the Site of the work and/or the activities proposed to be undertaken.
- g) A "person" for the purposes of these GTAs, means a person, persons or organisation authorised by the recipient of the consent for the DA, or their agent, should such consent be issued, to undertake any of the requirements of these GTAs.
- h) These GTAs are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, any Part 3A permit is rendered invalid for such Crown Land and has no force or effect on the same, and the occupier of Crown Land should contact the Department of Lands for their requirements.

### Sydney Water

167. Any works being undertaken near the water main is to comply with Sydney Water's Guidelines for Building over/adjacent to Sydney Water Sewers.

### 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.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- The applicant is advised to consult with:
  - (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) a local telecommunications carrier

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

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

### ATTACHMENTS:

There are no supporting documents for this report.

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oooO END OF REPORT Oooo

## ORDINARY MEETING

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**Item: 269**      **CP - Modification of Development Consent - “Bona Vista” stage at 18, 54 and 80 Johnston Street and 4 Farmhouse Avenue, Pitt Town - (DA0557/06C, 676, 87959, 113691)**

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### Development Information

**Applicant:** Johnson Property Group Pty Ltd  
**Owner:** Bona Vista Properties Pty Limited  
**Zone:** Housing and Rural Housing under Hawkesbury Local Environmental Plan 1989.  
**Advertising:** The application was not required to be notified.  
**Date Received:** 01/07/09

**Key Issues:** ♦ Consistency with Part 3A Concept Approval

**Recommendation:** Approval

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### REPORT:

#### Introduction

This modification of request relates to the “Bona Vista” stage of the approved subdivision at Pitt Town. The overall subdivision has already been granted concept approval by the Planning Minister under Part3A of the Environmental Planning and Assessment Act, 1979. The changes proposed by the modification are minor and are required to remain consistent with the Part 3A approval. A copy of the approved subdivision layout and the proposed lot layout is attached.

This modification request is submitted to Council for consideration as the original development application was determined by Council. This report recommends that the modification request be supported.

#### History

The following lists the key approval processes to date relating to this subdivision:

- 24 April 2007 – Council granted consent (DA0557/06) for staged development into 226 lots (“Bona Vista” stage), including 224 Residential lots with landscaping, new and upgraded roads be approved subject to a deferred commencement requiring the applicant/developer to obtain a permit under Section 90 of the National Parks and Wildlife Act 1974
- 26 July 2007 - Development Consent (DA0557/06) became operational
- 10 July 2008 - Minister for Planning granted Part 3A concept approval for the overall development/subdivision of 659 lots within 5 precincts, including a boat ramp and provision for related infrastructure (services). This Part 3A approval also included the “Bona Vista” subdivision development approved by Council
- 11 December 2008 – Consent was modified (DA0557/06A) to amend conditions 64 and 65 relating to stage 1a of the development, involving contributions payable under Section 94 and for the provision of the sewer
- 11 December 2008 - Consent was modified (DA0557/06B) to reflect new rates relating to Section 94 and sewer contributions. Also, the number of available lots to be released within stage 2 of the development was split into two stages with stage 2a releasing 51 lots and stage 2b 12 lots. At present, works within stage 1a, 1b and 2a have been completed consisting of 80 lots.

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- 23 February 2009 - Minister for Planning granted Part 3A concept approval amended to increase the lot yield of "Bona Vista" precinct from 226 lots to 246 lots, including minor modification to layout and staging and the development of an additional road

### Description of Proposal

This modification request seeks to modify Stages 3-5 only to be consistent with the Part 3A approval granted in February this year in the following way:

- increase the lot yield from 224 lots to 246 lots
- make a minor modification to lot layout
- make a minor alteration to the staging and infrastructure
- include a new road location

This modification request seeks to amend stages 3, 4 and 5 of the development by increasing the lot yield and amending the layout within each of the stages and constructing a new road. The entire lot yield will now increase from 226 to 246 lots. The new road will create a north/south connection from Farmhouse Road to Vermont Avenue and forms part of stage 5 works.

The lot release for each stage as approved and as proposed in the modifications are compared below:

Description	Approved No. of lots	Proposed modification
Stage 1(a) - initial lots	6 (to create 'super' lots 101, 102, 103, 104, 105)	No change NOTE: not included in total lot count
Stage 1(b) – Lot 101	29	No change
Stage 2 – Lot 102	68	No change
Stage 3 – Lot 103	33	38
Stage 4 – Lot 104	44	48
Stage 5 – Lot 105	50	68 plus new road location

### Assessment of Section 96

Under Section 96 of the Environmental Planning & Assessment Act Council can modify a consent if the modification:

- a) is of minimal environmental impact;
- b) is substantially the same development as the original development approval; and
- c) has been notified in accordance with the Act and Council has considered any submission made concerning the proposed modification.

The proposed modification seeks to amend stages 3, 4 and 5 by increasing the lot yield and amending the layout within each of the stages and constructing a new road. The entire lot yield will now increase from 226 (originally approved) to 246 lots. The new road will create a north/south connection from Farmhouse Road to Vermont Avenue and forms part of stage 5 works.

The new works sought within the current Section 96 application are consistent with the approval issued under 75W of the Environmental Planning and Assessment Act, 1979 relating to the Part 3A approval issued by the Minister for Planning. The subsequent impacts of the increased lot yield, amended layout and new road have been considered within the Section 75W modification. It is considered that the proposed modifications do not alter significantly the general site layout and the overall development remains essentially the same as was previously approved by Council.

Notification of this modification was not required so there are no submissions to consider.

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### **Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979**

#### **a) the provisions of:**

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

The subject properties are zoned housing and rural housing under Hawkesbury Local Environmental Plan 1989 and is also subject to:

- Sydney Regional Environmental Plan 20 ( Hawkesbury Nepean )
- Hawkesbury Development Control Plan 2002

The following clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 - Aims, objectives etc  
Clause 5 - Definitions  
Clause 9 - Carrying out of development  
Clause 9a - Zone objectives  
Clause 10 - Subdivision general  
Clause 11 - Rural Subdivision  
Clause 18 - Provision of water, sewerage services, etc  
Clause 28 - Development in the vicinity of Heritage items  
Clause 32B - Development of land at Pitt Town ( the Bona Vista property )  
Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map  
Clause 54 - Pitt Town - Heritage  
Clause 55 - Pitt Town - subdivision and regional transport infrastructure

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of Hawkesbury Local Environmental Plan 1989.

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

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

There are no draft environmental planning instruments applicable to the proposed development.

##### **iii) any development control plan applying to the land**

The application was not required to be notified to adjoining properties in accordance with the requirements of Hawkesbury Development Control Plan 2002 Part A, Chapter 3.

In respect to Part E, Chapter 4 Pitt Town, the additional lots, amended layout and creation of a new road do not compromise the rules and objectives of Part E, Chapter 4 and is considered generally consistent with the concept plan approval issued under Part 3A by the Minister for Planning and the Section 75W modification issued by the Executive Director of Strategic Sites and Urban Renewal under the delegation of the Minister for Planning.

##### **iiia) any 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**

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

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The Contributions include in-kind as well as monetary as follows for the modified proposal:

### Indicative values – in-kind contributions

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

### Values – monetary contributions

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

### iv) any matters prescribed by the regulations

The modified development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

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

The proposed modification seeks to amend stages 3, 4 and 5 by increasing the lot yield and amending the layout within each of the stages and constructing a new road. The entire lot yield will now increase from 226 to 246 lots as originally approved. The new road will create a north/south connection from Farmhouse Road to Vermont Avenue and forms part of stage 5 works.

The application was originally referred to the RTA as a traffic generating development within State Environmental Planning Policy (SEPP ) No.11, which is now known as SEPP (Infrastructure ) 2007. The provisions within the SEPP do not require the modification request to be referred to the RTA, as additional lots do not exceed 50.

The new works sought within this modification request are consistent with the approval issued under 75W of the EPA, 1979 relating to the Part 3A approval issued by the Executive Director of Strategic Sites and Urban Renewal under the delegation of the Minister for Planning. The subsequent impacts of the increased lot yield, amended layout and new road have been considered within the Section 75W modification and are considered satisfactory.

### c) the suitability of the site for the development

The development site has already been considered suitable for the development proposed within Part 3A and Section 75W of the EPA, 1979. The modifications sought to lot yield, amended layout and creation of a new road within the modification request are consistent with the latest approval issued under Section 75W of the EPA, 1979. Accordingly, the modifications to the development consent will still ensure that the site is considered suitable for the development proposed.

During the assessment of this modification clarification was sought from the applicant about the timing for necessary services (eg. sewerage and electricity capacity to cater for the future lot releases. The applicant's response in relation to those aspects is provided below:

*"...Council has endorsed a sewerage servicing strategy and this is set out in Council's Section 64 Plan. As you correctly point out, the strategy requires capacity to be created at McGraths Hill Plant to allow for connection beyond the 80 initial lots already approved at Pitt Town. Council's adoption of this strategy comprises "arrangements satisfactory to Council".*

*You are aware that JPG is well advanced in the preparation of an alternative scheme to provide sewerage services to Pitt Town and this scheme may replace Council's adopted strategy, but only if the alternative scheme is acceptable. Until such times as this alternative scheme is advanced, the provisions of the adopted Section 64 plan dealing with servicing of the Pitt Town development prevails.*

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*We have applied to Integral Energy to provide a letter confirming power supply arrangements for the balance of Bona Vista. We expect this letter in the coming days and will immediately forward it to you upon receipt. In both cases, (subject to the Integral Energy letter) arrangements are in place to a point where Council is able to include appropriate conditions of consent requiring JPG to provide the services or make contributions towards the necessary works..."*

Comment:

The current availability of the sewerage services has restricted the release of further lots for development within this subdivision. Whilst Council is aware of the applicant's intentions relating to future provision of sewerage services there is a need to address this matter. Council needs to act in the public interest to ensure that services are provided prior to the legal creation of lots regardless of the final solution for services provision. Hence the following condition is recommended to be included within Stage 3-5:

*"Sewerage services shall be operational to the satisfaction of the sewer authority prior to the issue of the Subdivision Certificate."*

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

The modification request was not required to be notified under the relevant provisions.

### **e) the public interest**

The development site has already been considered suitable for the development proposed within Part 3A and Section 75W of the EPA, 1979. The modifications sought to lot yield, amended layout and creation of a new road within the modification request are consistent with the latest approval issued under Section 75W of the EPA, 1979. Having regard to the relevant planning considerations, it is concluded that it would not be contrary to the public interest to approve the proposed modifications.

### **Conclusion**

The development site has already been considered suitable for the development proposed within Part 3A and Section 75W of the EPA, 1979. The modifications sought to lot yield, amended layout and creation of a new road within the Section 96 application are consistent with the latest approval issued under Section 75W of the EPA, 1979.

### **Conclusion**

The development site has already been considered suitable for the development proposed within Part 3A and Section 75W of the EPA, 1979. The modifications sought to lot yield, amended layout and creation of a new road within the Section 96 application are consistent with the latest approval issued under Section 75W of the EPA, 1979.

### **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 the request to modify DA0557/06C be granted subject to the relevant existing conditions of consent being amended as shown in bold below:

2. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. **The development shall take place in accordance with the stamped plans, as modified by Section 96 Application No. DA0557/06C, submitted by Johnson Property Group and accompanied by drawing No. LO3017 - Bona\_L5, prepared by Brown Consulting, specifications and accompanying documentation submitted with the application except as modified by these further conditions.**
15. The residential allotments that adjoin residual Lot 106, specifically proposed lots 5025 – 5026 (Inclusive) and 5029 - 5042 (inclusive) within proposed Stage 5 towards Lot 106 shall be provided with an APZ towards Lot 106 to a distance of 30 metres, which shall be maintained for a distance of 20 metres as an 'Inner Protection Area' (IPA) then an additional 10 metres shall be maintained as an Outer Protection Area (OPA) as outlined in Section 4.2.2 in 'Planning for Bushfire Protection 2001'. The proposed road network may be included within the required APZ's.
15. **The residential allotments that adjoin residual Lot 106, specifically proposed lots 9, 10, 16, 17 and 198 - 201(Inclusive) and 214 - 220 (inclusive) within proposed Stage 5 towards Lot 106 shall be provided with an APZ towards Lot 106 to a distance of 30 metres, which shall be maintained for a distance of 20 metres as an 'Inner Protection Area' (IPA) then an additional 10 metres shall be maintained as an Outer Protection Area (OPA) as outlined in Section 4.2.2 in 'Planning for Bushfire Protection 2001'. The proposed road network may be included within the required APZ's.**
16. The residential allotments that adjoin residual Lot 106, specifically proposed lots 2001 – 2002 (Inclusive), 2051 – 2002 (inclusive), 2051 – 2060 (inclusive) and 2064 – 2065 (inclusive) within stage 2 shall be provided with APZ towards Lot 106 to distance of 30 metres, which shall be maintained for a distance of 20 metres as an 'Inner Protection Area' (IPA) then an additional 10 metres shall be maintained as an Outer Protection Area (OPA) as outlined in Section 4.2.2 in 'Planning for Bushfire Protection 2001'. The proposed road network may be included within the required APZ's.
16. **The residential allotments that adjoin residual Lot 106, specifically proposed lots 2001 – 2002 (Inclusive), 2051 – 2002 (inclusive), 2051 – 2060 (inclusive) and 2064 – 2065 (inclusive) within stage 2 shall be provided with APZ towards Lot 106 to distance of 30 metres, which shall be maintained for a distance of 20 metres as an 'Inner Protection Area' (IPA) then an additional 10 metres shall be maintained as an Outer Protection Area (OPA) as outlined in Section 4.2.2 in 'Planning for Bushfire Protection 2001'. The proposed road network may be included within the required APZ's.**
- 86d. **Sewerage services shall be operational to the satisfaction of the sewer authority prior to the issue of the Subdivision Certificate.**

### Specific Conditions Relating to Stage 3 - 38 Lot Subdivision

#### Prior to Issue of the Construction Certificate

87. Payment of a Construction Certificate checking fee of \$8,944.00 and a Compliance Certificate inspection fee of \$17,646.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
87. **Payment of a Construction Certificate checking fee of \$9,583 and a Compliance Certificate inspection fee of \$18,906.50 when submitting Civil Engineering Plans for approval. This**

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**amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.**

### **Prior to Issue of Subdivision Certificate**

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

(a) Preliminary Investigation Plans	\$1,233.99
(b) Land Acquisition	\$57,610.24
(c) Community Facilities	\$133,975.03
(d) Park Improvement	\$72,747.54
(e) Recreational Facilities	\$39,165.48
(f) Road Works	\$422,565.86
(g) Regional works	\$39,925.41
<b>TOTAL:</b>	<b>\$767,223.55</b>

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

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

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

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

(a) Preliminary Investigations / Plans	\$1087.80
(b) Land Acquisition	\$62,044.93
(c) Community Facilities	\$111,947.57
(d) Park Improvement	\$106,616.24
(e) Recreational Facilities	\$45,724.60
(f) Road Works	\$351,093.37
(g) Regional works	\$308,299.91
<b>TOTAL:</b>	<b>\$986,814.42</b>

The amount has been determined in accordance with Hawkesbury's Section 94 Contributions Plan 2008. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

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

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director



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**City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contributions Plan 2008.**

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

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

Total: \$974,776.41

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

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

a)	Preliminary Investigations / Plans	\$4647.20
b)	Land Acquisition	\$59,574.81
c)	Wetland and Basin Construction	\$235,222.69
d)	Contribution for Pump Station carrier main and amplification of reticulation system	\$125,735.25
e)	Contribution for treatment works	\$125,735.25
f)	Pump Station T - Pitt Town	\$83,546
g)	Rising Main T - Pitt Town to McGraths Hill	\$212,121
h)	Fernadell Carrier - Pitt Town	\$51,134
i)	Blighton carrier ( option 1 ) - Pitt Town	\$53,132
j)	Storage at T - Pitt Town	\$14,245
k)	Pump Station C - Windsor	\$81,215
l)	Rising Main C - Windsor to South Windsor	\$210,863
m)	Storage at Pump Station C - Windsor	\$21,941
n)	Easements for rising main from pump station C to South Windsor	\$11,211
o)	Replacement of rising main J	\$16,613
p)	Upgrade to South Windsor STP inlet	\$80,031
q)	Land dedication for pump station T at Pitt Town	\$1665

Total: \$1,388,632.20

These fees will remain fix until 30 June 2010 after which it will be recalculated at the rate payable at the time of payment in accordance with the relevant Section 64 plan.

Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with a works in kind agreement or similar between the applicant and Council."

- 95a. Sewerage services shall be operational to the satisfaction of the sewer authority prior to the issue of the Subdivision Certificate.

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### Specific Conditions Relation to Stage 4 - 48 Lot Subdivision

#### Prior to Issue of the Construction Certificate

96. Payment of a Construction Certificate checking fee of \$7,754.00 and a Compliance Certificate inspection fee of \$15,266.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.

**96. Payment of a Construction Certificate checking fee of \$8308 and a Compliance Certificate inspection fee of \$16,356.50 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.**

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

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

TOTAL: \$1,030,956.64

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

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

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

#### Prior to Issue of Subdivision Certificate

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

(a)	Preliminary Investigations / Plans	\$1381.80
(b)	Land Acquisition	\$78,813.83
(c)	Community Facilities	\$142,203.67
(d)	Park Improvement	\$135,431.44
(e)	Recreational Facilities	\$58,082.60
(f)	Road Works	\$445,983.47
(g)	Regional works	\$391,154.21

TOTAL: \$1,253,051

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The amount has been determined in accordance with Hawkesbury's Section 94 Contributions Plan 2008. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

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

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contributions Plan November 2008.

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

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

Total: \$1,309,855.80

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

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

a)	Preliminary Investigations / Plans	\$5,903.20
b)	Land Acquisition	\$75,676.11
c)	Wetland and Basin Construction	\$298,796.39
e)	Contribution for Pump Station carrier main and amplification of reticulation system	\$159,717.75
e)	Contribution for treatment works	\$159,717.75
f)	Pump Station T - Pitt Town	\$106,126.00
g)	Rising Main T - Pitt Town to McGraths Hill	\$269,451.00
h)	Fernadell Carrier - Pitt Town	\$64,954.00
i)	Blighton carrier ( option 1 ) - Pitt Town	\$67,492.00
j)	Storage at T - Pitt Town	\$18,095.00
k)	Pump Station C - Windsor	\$103,165.00
l)	Rising Main C - Windsor to South Windsor	\$267,853.00
m)	Storage at Pump Station C - Windsor	\$27,871.00
o)	Easements for rising main from pump station C to South Windsor	\$14,241.00
o)	Replacement of rising main J	\$21,103.00
p)	Upgrade to South Windsor STP inlet	\$101,661.00
q)	Land dedication for pump station T at Pitt Town	\$2115.00

Total: \$1,763,938.20

These fees will remain fix until 30 June 2010 after which it will be recalculated at the rate payable at the time of payment in accordance with the relevant Section 64 plan.

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Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with a works in kind agreement or similar between the applicant and Council."

**104a. Sewerage services shall be operational to the satisfaction of the sewer authority prior to the issue of the Subdivision Certificate.**

### **Specific Conditions for Stage 5 - 68 Lot Subdivision**

#### **Prior to Issue of the Construction Certificate**

105. Payment of a Construction Certificate checking fee of \$14,017.50 and a Compliance Certificate inspection fee of \$28,035.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.

**105. Payment of a Construction Certificate checking fee of \$16,721 and a Compliance Certificate inspection fee of \$33,457 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.**

#### **During Construction**

113. Kerb and gutter drainage with full width AC sealed pavement of roads (102, 103 & 105) shall be constructed to the alignment shown on plan ref (L03017-ST5) amendment (D) for the length of the proposed lots incorporating Stage 5.

**113. Kerb and gutter drainage with full width AC sealed pavement of roads (102, 103 & 105) shall be constructed to the alignment shown on plan ref (L03017-ST5) amendment (D) for the length of the proposed lots incorporating Stage 5 and additional road shown on plan reference L03017-BONA\_V5.**

#### **Prior to Issue of Subdivision Certificate**

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

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

TOTAL: \$1,174,811.06

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

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

Contributions are to be paid prior to issue of the Subdivision Certificate. Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may

**ORDINARY MEETING****Meeting Date: 8 December 2009**

consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with the provisions of Sections 13.4 and 13.5 of the Section 94 Contribution Plan Review November 2005.

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

(a)	Preliminary Investigations / Plans	\$1969.80
(b)	Land Acquisition	\$112,351.63
(c)	Community Facilities	\$202,715.87
(d)	Park Improvement	\$193,061.84
(e)	Recreational Facilities	\$82,798.60
(f)	Road Works	\$635,763.67
(g)	Regional works	\$557,602.81

**TOTAL: \$1,786,264.22**

The amount has been determined in accordance with Hawkesbury's Section 94 Contributions Plan 2008. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

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

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

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

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

**Total: \$1,492,626.38**

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

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

a)	Preliminary Investigations / Plans	\$8415.20
b)	Land Acquisition	\$107,878.71
c)	Wetland and Basin Construction	\$425,943.79
f)	Contribution for Pump Station carrier main and amplification of reticulation system	\$227,682.75
e)	Contribution for treatment works	\$227,682.75
f)	Pump Station T - Pitt Town	\$151,286.00

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g)	Rising Main T - Pitt Town to McGraths Hill	\$384,111.00
h)	Fernadell Carrier - Pitt Town	\$92,594.00
i)	Blighton carrier ( option 1 ) - Pitt Town	\$96,212.00
j)	Storage at T - Pitt Town	\$25,795.00
k)	Pump Station C - Windsor	\$147,065.00
l)	Rising Main C - Windsor to South Windsor	\$381,833.00
m)	Storage at Pump Station C - Windsor	\$39,731.00
p)	Easements for rising main from pump station C to South Windsor	\$20,301.00
o)	Replacement of rising main J	\$30,083.00
p)	Upgrade to South Windsor STP inlet	\$144,921.00
q)	Land dedication for pump station T at Pitt Town	\$3015.00

**Total: \$2,514,550.20**

These fees will remain fix until 30 June 2010 after which it will be recalculated at the rate payable at the time of payment in accordance with the relevant Section 64 plan.

Alternatively, the applicant is advised that Council, at the discretion of the General Manager and/or Director City Planning, may consider the deferment of payment, transfer of land, or provision of material public benefit in accordance with a works in kind agreement or similar between the applicant and Council."

**120a. Sewerage services shall be operational to the satisfaction of the sewer authority prior to the issue of the Subdivision Certificate.**

**ATTACHMENTS:**

- AT - 1** Location Plan
- AT - 2** Aerial Photo
- AT - 3** Subdivision layout plan

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**AT - 1   Location Plan**

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

**ORDINARY MEETING**

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**AT - 2    Aerial Photo**

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



**ORDINARY MEETING**

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**AT - 3 Subdivision layout plan**

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

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 8 December 2009

**Item: 270**      **CP - Subdivision - 41A Ponderosa Road, Lower Portland - (DA0946/08, 75848, 75849, 95498)**

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### Development Information

**Applicant:** Mullane Planning Consultants Pty Limited  
**Owner:** Mr BG Cartwright & Mrs A Cartwright  
**Zone:** Environmental Protection - Agriculture Protection  
**Advertising:** 9/01/2009 - 15/02/2009  
**Date Received:** 23/12/2008

**Key Issues:**

- ◆ Loss of privacy
- ◆ Objection under provisions of State Environmental Planning Policy No.1

**Recommendation:** Approval

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### REPORT:

#### Introduction

An application has been received seeking approval for a three lot re-subdivision of Lot 7 DP 252546, Lot 4 DP 252546, and Lot 11 DP 826582, 65 Peat Place and 41A Ponderosa Road, Lower Portland.

The application is being reported to Council at the request of Councillor Williams.

#### Description of Proposal

The application is proposing a re-subdivision between three existing allotments;

Lot 7 DP 252546 which is 7998m<sup>2</sup> in area and located adjacent to Hawkesbury River.  
Lot 4 DP 252546 which is 1154m<sup>2</sup> in area and located adjacent to Hawkesbury River.  
Lot 11 DP 826582 which is 10.96ha in area and contains a caravan park and ski resort.

The proposed lots will have the following attributes;

Proposed Lot 1 will have an area of 9578m<sup>2</sup> and will be vacant.  
Proposed Lot 2 will have an area of 1.59ha and will be vacant.  
Proposed Lot 3 will have an area of 9.33ha and will contain the existing caravan park and ski resort,

Due to the location of Lot 7 and Lot 4 within the river corridor and the constraints of these lots, it is considered that the development of the lots for residential purposes is inappropriate. The purpose of the boundary adjustment is to create two development lots in an area of the land where future development will have an acceptable environmental impact.

#### Background

In October, 1972 Colo Shire Council granted consent for the establishment of a caravan park and ski resort on land described as Portions 40 and 44. In December 1973 the Council granted approval for the subdivision of Portions 40 and 44. A condition of consent was the dedication to Council of Lots 4 & 7 in this subdivision for reserve (Reserve No. 75).

In 1999 Council investigated the reclassification of Lots 4 and 7, when it became apparent that the land had no access from a public road and as a result maintenance of the land would be a significant problem. Following reclassification of the land the land was disposed of to the current owners.

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### Recommendation

Approval, subject to Conditions

### History of Application

23 December 2008	Application received.
7 January 2009	Notification of application starts.
15 January 2009	Notification period extended to 15 February 2009.
5 February 2009	Bush fire safety authority received from NSW Rural Fire Services.
12 February 2009	Site inspection and on site meeting with neighbours to discuss concerns.
20 March 2009	Letter to applicant requesting additional information in respect lot design, flora and fauna, effluent disposal and matters raised in public submissions.
1 April 2009	Letter from applicant advising that a response will be provided 17 April 2009.
14 April 2009	Letter to applicant requesting additional information in respect to driveway design.
7 May 2009	Received amended Flora and Fauna Report and subdivision plans.
6 August 2009	Department of Planning advises that concurrence is required and requests Council's intention as to whether approval will be granted prior to making a decision as to whether concurrence will be granted.
18 August 2009	Additional information received in respect to wastewater disposal.
24 November 2009	Amended bush fire safety authority received from NSW Rural Fire Services.

### Issues Relevant to the Decision

- Loss of privacy
- Objection under provisions of State Environmental Planning Policy No. 1

### Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 1 – Development Standards
- State Environmental Planning Policy No. 44 – Koala Habitat
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989
- Hawkesbury Development Control Plan

### Section 79C Matters for Consideration

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

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

**i. Environmental Planning Instrument:**

The relevant environmental planning instruments are:

#### **Hawkesbury Local Environmental Plan 1989 (HLEP 1989)**

The subject land is zoned Environmental Protection – Agriculture Protection (Scenic). Subdivision of land within the Environmental Protection – Agriculture Protection zone (shown hatched on the map) is permissible only if the area of each of the allotments to be created is not less than 10 hectares.

Proposed Lot 1 will have an area of 9578m<sup>2</sup> and proposed Lot 2 will have an area of 1.59 hectares. An objection under State Environmental Planning Policy No. 1 seeking a variation to the lot size requirement in respect to the Environmental Protection – Agriculture Protection zone was submitted and is supported. This is discussed further in the report.

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

- Clause 2 - Aims and objectives etc
- Clause 9A - Zone objectives
- Clause 10 - Subdivision - general
- Clause 18 - Provision of water, sewerage etc services
- Clause 25 - Development of flood liable land
- Clause 27 - Heritage items
- Clause 28 - Development in the vicinity of heritage items
- Clause 36 - Clearing of land in certain environmental and other zones
- Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

The proposed development is considered to be consistent with these clauses of Hawkesbury Local Environmental Plan 1989.

### **State Environmental Planning Policy No. 1 – Development Standards**

An objection under State Environmental Planning Policy No. 1 was lodged in respect to the minimum allotment size requirement for land zoned Environmental Protection – Agriculture Protection (Scenic). This SEPP No. 1 objection states:

*“It is contended that the planning standard of 40ha minimum area for subdivision is inappropriate in these circumstances, given that the boundary adjustment, will both relocate two (2) lots out of the river corridor, and recreate those two (2) lots into a more appropriate rural/residential lot size, configuration and location.*

*The boundary adjustment will ensure more effective environmental and amenity outcomes than those to be achieved from the existing Lots 4 and 7 DP 252546.”*

Supporting documentation submitted with the application demonstrates that existing Lot 4 and Lot 7 are capable of being developed for the purposes of dwelling houses despite the width of the lots, the proximity of development to the River and the flood liability of the majority of these lots.

Existing Lot 4 & 7 are undersized. The proposed resubdivision will not create additional undersized lots.

It is considered that the application adequately demonstrates that the standard is unreasonable in this case

Given that the variation in Lot size is in excess of 10%, the application requires the concurrence of the Director-General of the Department of Planning. It is proposed that should the Council support the proposed development, the application be referred to the Department of Planning for concurrence.

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

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

### **State Environmental Planning Policy No. 44 - Koala Habitat Protection**

A flora and fauna report prepared by Cumberland Ecology titled *"Flora and Fauna Habitat Assessment of Proposed Residential Development Lot 11 DP 826581, Peat Place"* dated 5 November 2008 was submitted with the proposed Development Application. This Report states that whilst the site is regarded as Potential Koala Habitat, it is not considered to be Core Koala Habitat *"and the preparation of a Koala Plan of Management is not required."*

Therefore, the subject land is not considered to be 'potential koala habitat' or 'core koala habitat' as defined by this Plan and Council is not prevented from granting consent to the proposal.

**ORDINARY MEETING****Meeting Date:** 8 December 2009**State Environmental Planning Policy No. 55 - Remediation of Land**

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

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

There are no draft environmental planning instruments applicable to this development.

**iii. Development Control Plan applying to the land:**

**Hawkesbury Development Control Plan.**

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

**Subdivision Chapter**

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

<b>Element</b>	<b>Rule</b>	<b>Complies</b>
<b>General</b>		
Flora and Fauna Protection	(a) Any subdivision proposal which is likely to result in any clearing of native vegetation or impact on any environmentally sensitive area is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the Eight Part Test pursuant to the Act (Section 5A), State Environmental Planning Policy 44 – Koala Habitat protection.	Yes
	(b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.	Yes
	(c) Degraded areas are to be rehabilitated as part of the subdivision.	Yes
	(d) Vegetation should be retained where it forms a link between other bush land areas.	Yes
	(e) Vegetation which is scenically and environmentally significant should be retained.	Yes
	(f) Vegetation which adds to the soil stability of the land should be retained.	Yes
	(g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.	Yes
Visual Amenity	(a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.	Yes
	(b) Subdivision of escarpments, ridges and other visually interesting places should:	

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

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Element	Rule	Complies
Rural Lot Size and Shape	(a) The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.	Yes (See SEPP 1 comments)
	(b) Lots should be able to accommodate a building envelope of 2000m <sup>2</sup> with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes will contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.	Yes
	(c) In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.	N/A
	(d) The width to depth ratio of allotments should not exceed 1:5.	Yes
	(e) Lot layout shall consider the location of watercourse vegetation and other environmental features.	Yes
Effluent Disposal	(a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions.	Yes
	(b) Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of Subdivision Certificate.	Condition
Rural Road and Access Way Design	(a) The design specifications in Figure 4 at the end of this clause are to be met.	N/A
	(b) Where the road width is insufficient or unsatisfactory, an applicant should dedicate or provide land required for local road widening or new roads at no cost to Council.	N/A
	(c) Upgrading of the access way from the nearest sealed road to the proposed subdivision to an all weather standard suitable for the expected traffic generation arising from the subdivision. This work may require the sealing of the pavement dependent upon traffic generation.	N/A
	(d) Where access to the subdivision is via a Crown or Reserve road in addition to the above, the road should be fully constructed to a standard commensurate with roads in the locality and linked to the nearest Council road. Prior to any construction works being undertaken the relevant section of Crown road is to be transferred to Council.	N/A

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Element	Rule	Complies
	(e) The road fronting the subdivision shall be sealed into half width (minimum 3.5 metres). An all weather standard of road construction may be acceptable where the expected traffic volume generated by the subdivision proposal is low and no sealed road in the vicinity.	N/A
	(f) Water courses should be piped where they cross roads and the applicant should create drainage easements generally 10 metres long and 4 metres wide over the point of any discharge of any water from any public road onto private property.	N/A
	(g) All internal driveways shall be constructed to an all weather standard suitable for the expected traffic generation. An all weather access should also be provided across the footway to any battle-axe lot. Such access should be sealed within the vicinity of existing houses on adjoining lots where dust nuisance may occur and also on steeply sloping land.	Yes
	(h) Where 3 or more individual access handles are proposed, common roads are to be provided.	N/A
	(i) Battle-axe handles shall have a minimum width of 6 metres.	N/A
	(j) Access ways should have a maximum grade of 25% (1:4) and be sealed if the grade exceeds 1:6, concrete if exceeds 1 in 5.	Condition
	(k) Where an access way meets a public road there should be a minimum sight distance of 70 metres. This may be increased on roads with a high speed limit.	Yes
	(l) Cul-de-sacs for rural roads should have a minimum seal radii of 12.0 metres and boundary radii of 17.0 metres.	N/A

**Notification Chapter**

The adjoining neighbours were notified as per the requirements of this DCP. Two submissions were received. The matters raised in this submission are discussed further in this Report.

**Development Control Plan – Contaminated Land**

Council records do not indicate that the land was used for any purpose that may cause contamination of the land. It is considered that the land is unlikely to be contaminated and that a Preliminary Site Investigation is not warranted.

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

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



**v. Matters prescribed by the Regulations:**

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

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

**Context and Setting**

Adjoining and nearby land uses predominantly consist of rural residential purposes. The proposal is compatible with the adjoining land uses.

The resultant lots are not inconsistent with the existing subdivision pattern of the locality.

**Access, Transport and Traffic**

Development of the resultant lots will not create unreasonable impacts on the local road network. Appropriate access to proposed Lots 1 and 2 can be achieved.

**Flora and Fauna**

A Flora and Fauna Report was submitted in support of the application. This Report concludes:

*"The proposed development is not likely to have a significant impact on threatened fauna species and will not have a significant impact on threatened flora species or endangered ecological communities because none have been recorded there and the proposed development of two dwellings and private driveways will involve minimal clearance of native vegetation.*

*It is recommended that any gardens or lawns created around dwellings on Proposed Lots 1 and 2 are contained in the curtilage of each house, within what is indicated as "developable areas" on the plan in Appendix D. This can be achieved by using defined garden beds and edging to prevent runners from spreading. Hollow-bearing trees should be preferentially retained when trees are removed for the creation of the IPA. Construction materials should not be stockpiled outside the area indicated as "developable area" or the driveways, in order to avoid unnecessary destruction of vegetation. Unnecessary damage to vegetation or fauna microhabitats should be avoided by using a set path and refraining from walking throughout the residual bushland, and not removing bush rock.*

*If these recommendations are followed, there will be minimal impact on the bushland of the subject site. The proposed development would not have a significant impact on the ecological values of the subject site."*

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

**Waste**

A report prepared by Toby Fiander and Associates, titled *"Feasibility Study for Onsite Disposal of Wastewater at Lot 77 DP 626581 & Lots 4 & 7 DP 252546 Peat Place Lower Portland, NSW"*, Report No. TFA3071/01 dated 10 December 2008 was submitted with the Application. This report concluded that the site is capable of disposing wastewater efficiently without damage to adjoining land or watercourse.

**Natural Hazards**

The subject land is identified as 'bushfire prone land'. A report titled *"Bushfire Protection Assessment for the Proposed Boundary Adjustment between Lot 11 in DP 826581 and Lots 4 & 7 DP 252546 Peat Place Sackville Reach"*, was prepared by Australian Bushfire Protection Planners P/L, dated 6 September 2008. The application was referred to NSW Rural Fire Service for approval. In their letter of 10 November 2009, the NSW Rural Fire Service granted a bush fire safety authority subject to conditions.

**Cumulative Impact**

The proposed development is compatible with the surrounding land uses and no significant negative cumulative impact is foreseen.

**c. Suitability of the site for the development:**

There are no constraints from surrounding land uses that would make this development prohibitive. The proposed development will not lead to unmanageable traffic generation. Access to the site is satisfactory for the intended use. Adequate services and utilities are available to the site. There are no known hazardous land uses/activities nearby. Ambient noise levels are suitable for the development. The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats. The site is considered to be suitable for the development.

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

**Concurrence**

In their letter of 6 August 2009, the Department of Planning advised that "*concurrence is required if Council proposes to grant development consent to the development application.*"

It is proposed that should the Council support the proposed development, the application be referred to the Department of Planning for concurrence.

**Integrated Development**

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

In their letter of 10 November 2009, NSW Rural Fire Services granted a Bush Fire Safety Authority subject to conditions. These conditions can be incorporated within any consent.

**Public Submission**

The application was publicly exhibited between 9 January 2009 and 15 February 2009. As a result two submissions were received. The matters raised in these submissions are addressed below:

**Loss of privacy due to the location of the development area**

**Comment:**

The character and amenity of Peat Place is defined by the existing development on each property. In general, dwelling houses are located centrally on each property, giving good separation between each of these buildings. Properties are not fenced giving the locality an open character, and landscaping between properties provide a level of separation and privacy between houses.

Initially the application proposed the development area on proposed Lot 1 to be located 2m from the adjoining boundary. Following concerns raised with the applicant in respect to potential loss of privacy for the adjoining property, the applicant amended the plans to locate the development area 12m from the shared boundary. The location of the development area on Lot 1 is considered satisfactory in respect to providing separation to the adjoining residence. It is further considered that with the implementation of landscaping along the boundary, there would not be an unreasonable loss of privacy on the adjoining property, and future development of the land would not be inconsistent with the existing open character of the locality. It is also noted that due to the topography of the land, the location of a future building area is limited.

**Loss of property value**

**Comment:**

The proposed land use is already permitted in the zone with Council Consent and, subject to meeting relevant requirements, could be operated without detriment to neighbouring properties.

### **Developer Contributions**

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

### **Conclusion**

The current proposal is not consistent with the minimum allotment size requirement for subdivision of Clause 11 (2) to Hawkesbury Local Environmental Plan 1989. However, the application demonstrates that strict compliance with these requirements is unreasonable and unnecessary and therefore the variation is supported.

It is considered that the proposal will have no adverse impact on the natural or built environment.

Under the provisions of State Environmental Planning Policy No.1 (SEPP 1), Council cannot determine the application without the concurrence of the Director General. It is recommended that Council support the application and request the Director General to grant concurrence to the application. Should concurrence be granted the application can be approved. Should concurrence not be granted then the application must be refused. Both these determination options may be undertaken under the delegated authority of the General Manager.

The proposed development is considered to be in the public interest.

### **Planning Decision**

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

### **RECOMMENDATION:**

That:

1. The objection under State Environmental Planning policy No. 1 be supported.
2. Council seek the concurrence of the Department of Planning to the SEPP No. 1 variation.
3. Development application DA0946/08 at Lot 4 DP 252546, Lot 7 DP 252546, Lot 11 DP 826581, 65 Peat Place and 41A & 41B Ponderosa Road LOWER PORTLAND NSW 2756 for a Boundary Adjustment be supported and, upon the receipt of the response from the Department of Planning, authority be delegated to the General Manager to determine the application.
4. Should concurrence be received from the Department of Planning and the General Manager determines to approve the application under delegated authority, such approval be subject to the following conditions:

#### **NSW Rural Fire Services Conditions**

- A. The proposed subdivision shall be carried out in accordance with the plan by Freeburn Surveying Ref: 30451 Sheet 1 amended 28.04.09.

**Asset Protection Zone**

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

- B. Upon the issue of a subdivision certificate and in perpetuity the property around all existing buildings within Lot 11 to a distance of 20 metres, shall be maintained as an inner protection are (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for asset protection zones.*'

**Water and Utilities**

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

- C. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006* (PBP).

**Design and Construction**

- D. The existing dwelling on Lot 11 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. This includes any sub floor areas where applicable and eaves.

**Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose development.

- E. An Emergency/Evacuation Plan for the existing Water Ski Resort is to be prepared consistent with the NSW Rural Fire Service '*Guidelines for the Preparation of Emergency/Evacuation Plan.*'

**Hawkesbury City Council Conditions****General**

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

**Prior to Issue of Construction Certificate**

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

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

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4. Construction of the access driveways are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
5. Payment of a Construction Certificate checking fee of \$572.00 and a Compliance Certificate inspection fee of \$1162.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an accredited certifier is used will be provided on request.
6. Where applicable, any proposed retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.

### Prior to Commencement of Works

7. 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.
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. All constructed batters are to be topsoiled and vegetated and where batters exceed a ratio of 3 horizontal to 1 vertical, retaining walls, stoneflagging or terracing shall be constructed.
11. No excavated material, including soil, shall be removed from or imported to the site.
12. A turning bay is to be provided to all vehicles to manoeuvre and leave lots 1 and 2 in a forward direction.
13. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
14. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
15. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification, Part II, Table 1.1.
16. A pavement 4m wide shall be constructed along the access driveways to lots 1 and 2 appropriate to the gradient of the land in accordance with the following table:

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

Driveway gradient shall not exceed 25% in any section.

17. A bitumen sealed or concrete rural footway crossing minimum 4m wide shall be constructed to Lots 1 and 2 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

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### Prior to Issue of Subdivision Certificate

18. A Certificate from a telecommunications carrier confirming that provision has been made for services to both lots shall be submitted to the Principal Certifying Authority.
19. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
20. Where applicable, any retaining walls are to be certified on completion by a suitably qualified and experienced Structural Engineer.
21. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
22. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
23. The submission, to Hawkesbury City Council, of a constraints plan showing the location of the building envelope containing the house site, disposal and buffer areas and Asset Protection Zones for Lots 1 and 2.
24. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
  - a. Restricting the location of the house site, gardens and lawns, disposal and buffer areas and asset protection areas on Lots 1 & 2 to those areas defined on the Constraints Plan.
  - b. Hollow-bearing trees shall be preferentially retained when trees are removed for the creation of the Asset Protection Zones.

### Advisory

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

### ATTACHMENTS:

- AT - 1 Locality Plan  
AT - 2 Subdivision Plan

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**AT - 1    Locality Plan**

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

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**AT - 2 Subdivision Plan**

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

**oooO END OF REPORT Oooo**



## ORDINARY MEETING

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**Item: 271**                    **CP - Quarry Rehabilitation - Lot 2 DP587166, 263 Tizzana Road, Ebenezer - (DA0893/07, 96075, 10055, 10056, 95498)**

**Previous Item:**            227, Ordinary (10 November 2009)

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### REPORT:

#### Introduction

At its meeting of 10 November 2009, Council considered a Development Application DA 893/07 for the rehabilitation of a disused quarry on Lot 2 DP 587166, No. 263 Tizzana Road, Ebenezer. Rehabilitation was to be achieved by the importation of 50,000m<sup>3</sup> of material and revegetation of the filled area.

At this meeting, Council refused the application and resolved that a further report be prepared in respect to *"action required for compliance with the condition of consent for the original approval for the site."*

This component of the resolution relates to Condition (d) of Interim Development Consent 68A/392/69. Interim Development Consent 68A/392/69 approved *"the establishment of an extractive industry for the purpose of winning extractive material in the form of sand"* on the subject land on 26 August 1969.

Condition (d) of the consent provided:

*"Reinstatement of the area of operations shall be carried out to the satisfaction of Council."*

#### Legal Advice

In 2001, Council sought legal advice in respect to Condition (d) of Interim Development Consent 68A/392/69.

An extract of this advice states:

*"....the reinstatement cannot be carried out without the "satisfaction" of Council. (We are of the view that the word "satisfaction" can be read as "approval by Council".) Accordingly, Council can withhold its "satisfaction" until it approves the requisite information provided to it, and is satisfied that appropriate environmental constraints will be in place."*

Given the above, it is considered that Condition (d) of the Consent can be fulfilled without the need of a separate development application if the reinstatement of the quarry site is to the satisfaction of the Council.

It is clear from the refusal of Development Application DA 893/07 that the importation of 50,000m<sup>3</sup> of natural material, as a means of reinstatement, is not to Council's satisfaction. In summary, the main reasons for refusal related to the size of trucks and the number of truck movements proposed with respect to the condition of Tizzana Road, increased degradation of Tizzana Road and the adverse impacts on the amenity of residents, as well as insufficient details with respect to the management of the landfill operations, stormwater control, dust nuisance and landscaping/vegetation management.

In view of the above, a number of options for the rehabilitation of the disused quarry are discussed below:

#### Options

In assessing these options the following assumptions have been made:

- The area for rehabilitation has been nominated as the area identified as Years 1 to 5 on the previously considered plans. This rehabilitation area is 11,753m<sup>2</sup> in size.

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The area identified as Years 6 and 7 on the plan has been excluded given the extent of vegetation within this area and given that the sedimentation ponds/dam have naturalized. The vegetation community in this area has been identified as an endangered ecological community. In addition the existing ponds will act as sediment basins while works are being carried out.

- In order for Council to be satisfied that the reinstatement of the site has no adverse impact, a Rehabilitation Management Plan, including a Dust Management Plan, a Landscape Plan and Vegetation Management Plan, should be submitted for all options.

### **Option 1**

The existing material on the site could be used to reshape the land to a more consistent topography. This material is available within the existing batters, a number of mounds situated within the site and in the material previously brought to the site. The batters and previously imported material alone would provide approximately 8109m<sup>3</sup> of material for reuse. The amount of material within the existing mounds is unknown at this time.

It is considered that following the redistribution of this material, topsoil would need to be imported to facilitate the revegetation of the land. In general 300mm of topsoil is usually provided to ensure revegetation. In this respect approximately 3526m<sup>3</sup> (5289 tonnes) of topsoil would be imported.

This would require 199 truck loads of material to be brought to the site.

In order for Council to be satisfied that the reinstatement of the site carried out in this manner will have no adverse impact, the following would need to be provided:

- The use of the existing material on the site would be subject to the submission of a flora and fauna report demonstrating that the proposed rehabilitation will have no significant adverse impact on threatened species, populations, ecological communities or their habitats in accordance with Part 5A of the Environmental Planning and Assessment Act, 1979.

### **Option 2**

That the site be covered by 300mm of topsoil and revegetated. As discussed above this would result in 199 truckloads of the material being brought to the site.

This option would be acceptable if it is considered that the existing landform on the site is suitable.

### **Option 3**

That the site be covered by 500mm of material, including topsoil, and revegetated.

This would involve approximately 5877m<sup>3</sup> (8815 tonnes) of material being imported to the site, which would require 498 truck loads. The importation of this amount of material would allow for the reshaping of the land.

The table below compares each of the above options in terms of truck movements:

<b>TABLE</b> <b>Comparison of No. of truck movements for each Option</b>		
	<b>Options 1 and 2</b>	<b>Option 3</b>
Amount of fill per truck	17.7m <sup>3</sup>	17.7m <sup>3</sup>
Total No. of truck loads	199	498

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**TABLE**  
**Comparison of No. of truck movements for each Option**

	<b>Options 1 and 2</b>	<b>Option 3</b>
No. of truck loads per day over 1 month period (Monday to Friday)	10	25
No. of truck movements per day over 1 month period (Monday to Friday)	20	50
No. of truck loads per day over 2 month period (Monday to Friday)	5	13
No. of truck movements per day over 2 month period (Monday to Friday)	10	26
No. of truck loads per day over 3 month period (Monday to Friday)	4	8
No. of truck movements per day over 3 month period (Monday to Friday)	8	16

It can be seen that the proposed Options, if carried out over a couple of months (especially in the case of Option 3) will have no significant or prolonged impact on the amenity or safety of the locality as the result of truck movements.

It is considered that works carried over a 3 month time frame for any option allows for the timely completion of the rehabilitation works while minimising any impacts from truck movements.

**Conclusion**

Council's legal advice demonstrates that the rehabilitation of the disused quarry can be carried out as required by Condition (d) of Interim Development Consent 68A/392/69 provided it is done to Council's satisfaction.

As discussed, a number of options for the rehabilitation are available in which acceptable impacts from truck movements can be achieved. However, it is considered that to ensure Council is satisfied that the rehabilitation works will have no adverse impact on the locality a Rehabilitation Management Plan be submitted for approval prior to any works commencing.

**Planning Decision**

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

**RECOMMENDATION:**

That:

1. Council's preferred option, Option 3 in this report, be discussed with the landowner with a view to obtain their agreement.

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2. Should the applicant agree to Option 3 the applicant prepare a Rehabilitation Management Plan for Council's consideration and the General Manager be granted delegated authority to consider and determine the proposal if appropriate.
3. Should the applicant not agree to Option 3, negotiations with the application will be undertaken by Council staff and the outcome of those discussions will be further reported to Council.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 8 December 2009

**Item: 272**            **CP - Request for Council to Manage Elizabeth Street Extended Hours Pre-School Inc - (73497, 95498)**

**Previous Item:**        235, Ordinary (10 November 2009)

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### REPORT:

This report has been prepared to advise Council of the status of negotiations with the Elizabeth Street Extended Hours Pre-School Management Committee, regarding their request for Peppercorn Services Inc. to accept management responsibility for the Pre-School.

### Background

As previously reported to Council, the Management Committee of the Elizabeth Street Extended Hours Pre-School (ESEHPS) has been experiencing difficulties in maintaining the level of membership required to effectively manage the service. Consequently the Committee had written to Council to request that Council give consideration to assuming the management of the Pre-School.

In considering a report into this issue Council resolved (at its Ordinary Meeting held on 10 November 2008):

- "1.    *That Council advise the parents and staff of Elizabeth Street Extended Hours Pre-School of the proposals in this report and invite submissions to Council by 27 November 2009.*
2.    *The matter be reported to Council in December 2009."*

### Current Situation

The Management Committee of the Elizabeth Street Extended Hours Pre-School were advised of Council's resolution. At this time, the Committee has indicated that it wishes to defer its request for the proposed transfer of management responsibility. The Committee has indicated it may revisit the issue after the AGM of the Committee to be held in March 2010.

Consequently, Council staff have deferred further consultation with parents and staff pending further advice from the Committee.

### Funding

There are no funding implications arising from this report.

### RECOMMENDATION:

That the information be received.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**Item: 273**                    **CP - Draft Residential Strategy Public Exhibition - (95498)**

**Previous Item:**            148, Ordinary (8 July 2008)

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**REPORT:**

**Introduction**

On 8 July 2008 Council considered a report on the progress and criteria for the preparation of a residential strategy. The resolution of that meeting was as follows:

- "1. Council note that the sustainability criteria contained in the Metropolitan Strategy and the actions contained in the draft North-West Sub-Regional Strategy must be included for implementation in Council's Strategy work.*
- 2. It be noted that the criteria for inclusion into the Residential Strategy, as specified in the "Proposed Broad Local Criteria" of this report is an extension of the Statutory criteria and this be adopted for use in the preparation of the Residential Strategy.*
- 3. The draft Residential Strategy be reported to Council prior to the public exhibition of the draft Strategy.*
- 4. That no additional applications (beyond those already lodged in Council) for new residential rezoning matters be processed by Council until the draft Residential Strategy has been completed and endorsed by Council."*

A draft strategy has been prepared and is being reported to Council in accordance with part 3 of the above resolution. The recommendation of this report is to propose the public exhibition of the draft Residential Strategy.

**Project Brief for Residential Strategy**

The purpose of the strategy is to develop a planning framework for residential precincts (urban, semi urban/rural village and rural residential) to provide for a range of housing types and locations to satisfy demographic demands within the Hawkesbury region to at least the year 2031.

The project deliverables from the brief included the following:

- Review and analysis of the Statutory framework for the Residential Strategy;
- Analysis of the existing and projected demographic makeup of the Hawkesbury and the impacts this will have on the provision of housing in the Hawkesbury;
- Analysis of the existing supply of residential (urban, semi urban/rural village and rural residential) land;
- Projections of future residential land requirements by type (urban, semi urban/rural village and rural residential) to at least the year 2031;
- Analysis of physical and environmental constraints to residential development in the Hawkesbury;
- Analysis of existing and required infrastructure for residential development;
- Recommend, based on demographic needs and infrastructure costs and efficiency, a ratio of urban and rural housing required to achieve projected targets;
- Applying the criteria contained in the Metropolitan Strategy, the draft North West Subregional Strategy and the Council adopted criteria (report dated 8 July 2008), identify, both infill and greenfield, future investigation areas for urban, semi urban/rural village and rural residential housing provision;

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- Develop methodology for strategic planning approach for future Greenfield residential land provision;
- Develop methodology for strategic planning approach for future redevelopment and infill residential development;
- Recommend urban design principles for each housing type to assist in the maintenance of desired character of localities;
- Recommend timing and options for the implementation of the Strategy recommendations;
- A monitoring and review program for the Strategy.

### Engagement of Consultants

The project brief was sent to five reputable consultants for Expressions of Interest. Hassell were engaged on 15 May 2009 to undertake the work as they had experience in residential planning and urban design and provided a suitable response to the project brief.

The current draft report was received at Council in early November 2009 and a briefing of the draft strategy was given to Councillors on 17 November 2009.

### Strategy Approach

The draft strategy provides a sustainable planning framework to ensure equity in access to a range of services and facilities, to encourage increased diversity in housing stock and to promote a range of lifestyle areas. The strategy provides a philosophy for localised growth and development, based on a sustainability checklist.

The draft strategy has identified the following challenges for future planning within the Hawkesbury:

- The need to accommodate an approximate 5,000 additional dwellings by 2031, primarily within the existing urban areas as prescribed by the Department of Planning's North West Subregional strategy,
- Preserving the unique and high quality natural environment of the area,
- Accommodating a changing population, which presents new demands in terms of housing, servicing and access,
- On-going development pressures to expand into natural and rural areas, as well as new development both in and around existing centres,
- Physical constraints – flood, native vegetation and bushfire risk.

The preparation of the draft strategy has considered the following documents:

- Community Strategic Plan Directions, including;
  - Maintaining the rural character and atmosphere of the Hawkesbury
  - Achieve balanced growth
  - Provide housing choice
  - Develop strong town centres
  - Encourage better public transport
- Sydney Metropolitan Strategy – City of Cities: A Plan for Sydney's Future 2005,
- Draft North West Subregional Strategy,
- Hawkesbury Employment Land Strategy 2008,
- Community survey results,
- Previous Council resolutions regarding land release areas,
- Criteria for preparation of residential strategy (Council report dated 8 July 2008).

The draft strategy uses a Centres Development Model to guide the location of future housing in a sustainable manner to meet social, economic and environmental outcomes. The draft strategy provides the strategic direction for the location of housing. In this regard the draft strategy identifies sites and localities that, on preliminary assessment, may be suitable for further more detailed investigation. However, the suggested areas for further investigation will require additional detailed environmental investigation and structure planning to determine the actual location and yield of identified areas. It should

also be noted that whilst an area may be identified for further investigation, there is no guarantee that all or some of the investigation area will be developed.

The core philosophy of the draft strategy is to consider sustainable development and communities and seeks to minimise environmental impact, preserve existing character and lifestyle choices, promote social interaction and ensure economic viability. In this regard the centres model builds on the Sydney Metropolitan Strategy to locate 60% to 70% of future housing within or adjoining existing centres. This does not mean that the draft strategy ignores rural residential development. The draft strategy includes criteria for development around rural villages to minimise the impacts on, and fragmentation of, agricultural land, protect scenic landscape and natural areas, and recognises the limitations and servicing constraints of development in rural localities.

### **Findings**

The draft strategy has considered the population and housing trends (existing and projected) within the Hawkesbury and summarised the key implications these trends have on the residential strategy. The key implications are:

- The population profile is aging, having implications on housing types and service provision in the future,
- There is high car dependency in the Hawkesbury;
- Whilst population has decreased in recent years, the number of dwellings have actually increased,
- Household structures are changing with less couples with children and more couples with no children and lone person households,
- Housing is more affordable in the Hawkesbury relative to Sydney SD but is still unaffordable for 51% of very low, low and moderate income households,
- The target for housing provision is 70% in or adjacent to existing centres (towns, villages) and 30% as Greenfield development.

The draft strategy has identified a number of key issues that have implications (constraints and opportunities) for housing in the Hawkesbury as follows:

- Natural environment,
- Centres and employment,
- Transport,
- Open space and recreation,
- Community services and facilities,
- Utilities infrastructure,
- Heritage and character,
- Sustainable development.

The constraints and opportunities of the key issues above have been ranked and mapped to assist in the identification of areas of land suitable for further investigation.

Based on the outcomes of the opportunity and constraints analysis the following major areas have been identified (see mapped areas in draft strategy) for further consideration:

Richmond  
North Richmond  
Windsor  
Wilberforce  
Glossodia

Whilst the rural development areas have not been mapped, there is some scope for consideration of localities surrounding rural villages and smaller settlements subject to specified sustainability criteria.



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The following areas have not been considered for future investigation for the specified reasons:

### *Vineyard*

The future planning for this locality is subject to the release of the North West Growth Centre. All land in this locality suitable for further investigation is included in the growth area.

### *Pitt Town*

The development of Pitt Town has been addressed via the approval of the Part 3A Concept Approval in 2008. That approval has identified the constraint free land sufficient for the life of this strategy

### *Clarendon*

Clarendon has been identified in the Employment Land Strategy 2008 for more non-residential uses. There are also significant flooding constraints to residential development in the Clarendon locality.

### *Mulgrave/McGraths Hill*

This area not considered suitable for future residential expansion due to unacceptable flooding and evacuation impacts.

### *South Windsor/North Bligh Park*

This locality may have limited potential for increased infill density or additional expansion. However, this is only possible if the significant flooding and evacuation problems can be suitably addressed. The land is not critical to the requirements of this strategy and if the problems for this area cannot be readily addressed then the area should be removed from further consideration.

## **Sustainability Matrix**

The draft strategy has developed a sustainability matrix which establishes a minimum level of services and facilities as defined by the classification of each centre type. The matrix nominates the character and level of service provision in terms of numbers of dwellings, types of retail and employment, infrastructure requirements, aspirational public transport provision and level of community service. The matrix would be used to assess current service and facility provision of each centre when considering additional development within a centre. It will also inform future infrastructure and facility provision.

## **Conformance to Strategic Plan**

The preparation, exhibition and final adoption of a Residential Strategy is consistent with the “*Looking After People and Place*” Directions of the Community Strategic Plan adopted by Council on 13 October 2009. The preparation of the Residential Land Strategy is also a specific strategy nominated in the Community Strategic Plan.

## **Funding**

The preparation and exhibition of the residential strategy is undertaken within existing budget allocations.

## **Planning Decision**

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

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### RECOMMENDATION:

That:

1. The Draft Hawkesbury Residential Strategy be placed on public exhibition for a minimum of 28 days, commencing late January 2010 and relevant industry and community groups be advised of the exhibition period and be invited to submit comments during that period.
2. Any issues raised in submissions received during public exhibition be reported to Council for consideration prior to the finalisation of the Strategy

### ATTACHMENTS:

- AT - 1** Council report of 8 July 2008 - Progress and Criteria for Preparation of Residential Strategy  
**AT - 2** Draft Residential Strategy (*Distributed under separate cover*)

**Council Report of 8 July 2008 - Progress and Criteria for Preparation of Residential Strategy****REPORT:****Introduction**

On 29 May 2007 Council considered a report on the preparation of a land use strategy for the Hawkesbury. That report discussed the purpose of a strategy and proposed a sequence of steps to follow in the preparation of that strategy. The resolution from that meeting was as follows:

*That:*

- 1. The process and prioritisation for LEP and strategy preparation contained in this report be endorsed.*
- 2. Council note that it is proposed to proceed with the offer previously accepted from Builderv Group for an employment lands study as soon as practically possible.*
- 3. Upon release of the Sub-Regional Strategy for North-West Sydney, the implications of the Strategy on the Hawkesbury be reported to Council.*

The report contained 11 general tasks involved in the preparation of a land use strategy as follows:

- *Survey community to ascertain community vision (currently underway).*
- *Review of existing land supply in relation to residential, commercial, industrial and rural land uses.*
- *Update population statistics from 2006 census (due August/September 2007).*
- *Review projected growth figures in the context of a long-term planning framework (20-25 years).*
- *Review impacts that Metro Strategy and Sub-regional Strategy (draft expected June/July 2007) will have on the Hawkesbury.*
- *Based on the above information, review the need for separate Strategies for Residential, Employment (including retail, industrial and commercial) and rural land uses.*
- *Prepare (if required) separate Strategies for residential, employment and rural land use. These Strategies must be consistent with the Strategies of the State Government.*
- *Prepare document for public exhibition that will integrate the above strategies and clearly articulates the process for the implementation of the strategies.*
- *Publicly exhibit the Strategies to obtain community and servicing authority support.*
- *Council adopt the Strategy/s to provide certainty for landowners and the development industry and set a clear direction for implementation.*
- *Council's final adopted Strategies to be sent to the Department of Planning for endorsement.*

The timing of some of these tasks has been delayed due to the delayed release of the Sub-Regional Strategy. However, Council staff have undertaken the community survey, have commenced preparing a community strategy plan and a draft employment study is due for completion shortly. This work has indicated that it is necessary to undertake "separate Strategies for residential, employment" etc. As such, 7 of the above list of 11 are virtually completed. Council considered a report on the draft North-West Sub-Regional Strategy on 11 March 2008 and forwarded a submission to the Department of Planning on the strategy.

The purpose of this report is to propose a process and principles for the preparation of a Residential Strategy.

**Statutory Requirements for Residential Strategy**

There are a number of Directions issued by the Minister and the Department of Planning that require land release proposals and rezonings to conform to a local or State Strategy, including the Sydney Metropolitan Strategy, the draft North-West Sub-Regional Strategy and the Department of Planning spot rezoning

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criteria. It should also be noted that the Minister will issue a Section 117 Direction upon finalisation of the Sub-Regional Strategy that will give the provisions of the North-West Sub-Regional Strategy Statutory weight. As such, any strategy work that Council undertakes must be consistent with the existing State Strategies or draft strategies.

### Metropolitan Strategy

The Sydney Metropolitan Strategy contains Sustainability Criteria that Councils and other planning authorities must follow for all strategy, land release or rezoning proposals. This sustainability criteria is adopted and expanded in the implementation actions of the North-West Sub-Regional Strategy. The Sustainability Criteria contained in the Metropolitan Strategy is listed as follows:

#### Infrastructure Provision

*"Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way."*

Development is consistent with this if it is consistent with a relevant residential strategy, sub regional strategy, regional infrastructure and Metropolitan Strategy.

#### Access

*"Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided."*

Development is consistent with this if the subject area is, or is planned to be, accessible by public transport and there is appropriate road access in terms of location, catchment and network efficiency.

#### Housing Diversity

*"Provide a range of housing choices to ensure a broad population can be housed."*

Development is consistent with this if it contributes to the geographic spread of housing supply, including any government targets established for aged, disabled or affordable housing.

#### Employment Lands

*"Provide regional/local employment opportunities to support Sydney's role in the global economy"*

Development is consistent with this if it:

- maintains or improves the existing level of sub regional employment self containment;
- meets sub regional employment capacity targets and;
- employment related land is provided in appropriately zoned areas.

#### Avoidance of risk

*"Land use conflicts, and risk to human health and life, avoided."*

Development is consistent with this if there is:

- an available safe evacuation route (flood and bushfire);
- no residential development within 1 in 100 year flood plain;
- avoidance of physically constrained land;
- avoidance of land use conflicts with adjacent, existing or future land use and rural activities as planned under regional strategy.

Natural Resources

*"Natural resource limits not exceeded/environmental footprint minimised."*

Development is consistent with this if:

- there is no unacceptable pressure in demand for water supply and environmental flows;
- demonstrates most efficient/suitable use of land;
- avoids significant agricultural land;
- avoids impact on productive resource lands (extractive industries);
- no unacceptable pressure in demand on infrastructure to supply energy.

Environmental protection

*"Protect and enhance biodiversity, air quality, heritage, and waterway health."*

Development is consistent with this if it maintains or improves:

- regionally significant terrestrial and aquatic biodiversity;
- existing environmental condition for water (community and recreational) and air quality;
- protect areas of aboriginal cultural heritage value (as agreed by DECC).

Quality and equity in services

*"Quality health, education, legal, recreational. Cultural and community development and other government services are accessible."*

Questions to consider when considering this issue include:

- do adequate services exist?
- do they have sufficient capacity?
- has government planned or budgeted for further service provision?
- developer funding for required service upgrade/access is available.

North-West Sub-Regional Strategy

This draft strategy contains a number of specific actions that Council must implement when undertaking strategy work. The main points are:

- achieve dwelling target of 5,000 dwellings by 2031;
- work with the Department of Planning to get land on the Metropolitan Development Plan (MDP);
- *"Hawkesbury Council to prepare a strategic residential land use study to consider opportunities for further growth around local centres to the north of the Hawkesbury River, cognisant of flooding and flood evacuation issues."*
- there is no capacity for additional growth south of the River outside current LEP provisions without substantial further upgrades to the flood evacuation network to the satisfaction of the State Emergency Services.

There are a range of other implementation actions contained in the North-West Subregional Strategy that Council must consider and take into account when preparing any local strategy. However, the points above are the principal matters relating to the residential strategy provision of dwelling targets.

**Proposed Broad Local Criteria**

A number of issues need to be addressed prior to preparation of the draft residential strategy to provide a framework, consistent with the Statutory requirements and community statements obtained via the community survey, for the preparation of the strategy. It is proposed to use the above Statutory and the

following local criteria to determine suitable localities for inclusion and investigation for release/development in the residential strategy. This criteria will also assist in dealing with submissions during the exhibition of the draft strategy and other individual applications for rezoning that are submitted to Council.

Areas that conform to the Statutory and broad criteria are likely to be less constrained, easier to service and capable of release in the relatively short term.

### **Community Survey**

Some of the key issues identified in the Community Survey and the actions identified in the North-West Sub-Regional Strategy, that a residential strategy must address include the following:

#### *Maintain the rural Character and Atmosphere of the Hawkesbury*

The exact manner that this can be achieved will vary across the Hawkesbury. However, the key issues that need to be addressed include:

- minimise the fragmentation of rural land;
- development needs to build on existing settlements;
  - adjoining an existing centre or village for urban development,
  - within reasonable distance from centre or village for rural residential (defined by short distance, topography or physical feature),
  - isolated, or stand alone, residential subdivisions should not be developed further or used as justification to undertake additional similar development, as these are contrary to the Sub-Regional actions,
- avoid prime agricultural land (Defined by the agricultural land classification and/or the need to protect the particular purpose for which the locality is currently used.);
- need to promote and protect existing productive and economic activities (both rural and urban activities);
- minimise potential land use conflicts (ie, not make existing conflict worse or introduce new conflicts);
- avoid vegetated land or land that will require significant clearing (for actual development or asset protection zones) or landform alteration (particularly to raise currently flood liable land).

#### *Achieve balanced growth*

Any release area must adequately address infrastructure servicing including:

- capacity of provision of reticulated sewer system or geotechnical capacity of catchment for on-site effluent disposal capacity;
- capacity of existing roads and other infrastructure to deal with the full development of the area;
- capacity of other infrastructure, including water supply, waste disposal, community, cultural and open space;
- requirements, ability, and timing of any upgrading works required prior to development proceeding;
- development (rezoning) must not proceed until adequate provision for infrastructure has been addressed.

#### *Provide housing choice*

The criteria must be consistent with the Metropolitan Strategy but must also take the changing demographics into account as well as the financial (including Council and community costs) and environmental sustainability of providing different types of housing in different localities.

#### *Develop strong town centres*

The trend in population decline in town centres must be addressed by making provision for appropriate density housing in, and surrounding, existing centres. The appropriate density should be defined by matters such as;

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- infrastructure capability;
- aircraft noise and height limitations;
- building height limits (possible need for review);
- definition of appropriate urban design controls;
- protection of Heritage (both cultural and physical);
- residential development must not conflict with, or restrict additional, commercial development within the town centres.

### *Encourage better public transport*

Public transport will be encouraged if the above issues are appropriately addressed. However, housing density and location will significantly impact public transport. Housing densities that are too low, significant rural residential development dispersed throughout the Hawkesbury and a lack of corridor planning will all adversely impact on the viability of public transport.

### Population and Demographics

The most significant changes to Hawkesbury's population has been the slowing of its growth rate - resulting in a loss of 134 people in the 2006 Census count (- 0.22%. Note: Neighbouring LGA's of Penrith and Blue Mountains have also had slightly negative growth at the 2006 Census). This will result in a revised expectation of growth (and resulting dwelling and land requirements) over the next 23 years (to 2031). The actual population for the Hawkesbury from the 2006 census was 60,938 persons.

The previous projected population to 2031, based on the 2001 census, was 93,774 persons. The revised population projection based on the 2006 census would be approximately 72,995. However, the dwelling targets specified in the Sub-Regional Strategy will result in a population at 2031 of approximately 82,590.

These three projections display a high, medium and low population projection for the Hawkesbury that would be adequate for use in the Residential Strategy for the purpose of developing options for land requirements as the population is likely to be within these figures. It is appropriate that the medium projection be used as this is the artificially set target by the Department of Planning.

Key factors in the population change include:

- Australia's aging population;
- slowing birth rates reflecting that families are having less children and having them later in life;
- actual migration of people from some localities in the Hawkesbury.

It is important to note that the population trends show a decline in the population of "town residents" and an increase in rural fringe population. This will have a detrimental impact on the viability of the towns and the employment and residential strategies will need to address this matter. This will affect the types of dwellings, and land requirements, that the residential strategy will need to address.

The changing demographics will result in a lower occupancy rate for dwellings (currently 2.9 persons per dwelling) and a different mix in dwelling types, ie possibly more urban dwellings. This change in occupancy rate will also increase the land area requirements as more houses would be required for less people. The exact implications of this demographic change will be addressed in the strategy. However, Council will need to take the issue of changing population demographics into account in the preparation of the strategy which is likely to require a shift in the type of housing and subdivision that has traditionally been provided in the Hawkesbury.

### Growth Thresholds

The housing market in the Hawkesbury has been restricted in the past few years due to the availability of suitable land. This makes it difficult to predict a realistic, long-term growth rate, estimate land requirements or suggest suitable locations as the current land market may be biased towards the one area where land is currently easier to develop.

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It is proposed to base growth rates and housing requirements on a range of matters with particular emphasis on the housing targets, population trends (and the implications that this will have on the types of housing planned for), existing transport corridors, existing centres and achievement of the principle of strong town centres. This will not ignore other forms of housing or the "character and atmosphere" issue, however, it should enable a supply of additional land to be made available in the relative short term to enable a more unbiased monitoring of the growth trends. This can then be used as a base for a review of the strategy in the short to medium term. It is proposed to include a monitoring and review program in the Residential strategy that would require an annual monitoring program and a review at least every 5 years following the release of census figures.

### Conformance to Strategic Plan

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

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

### Funding

No budget impact if recommendation adopted.

### RECOMMENDATION:

That:

1. Council note that the sustainability criteria contained in the Metropolitan Strategy and the actions contained in the draft North-West Sub-Regional Strategy must be included for implementation in Council's Strategy work.
2. It be noted that the criteria for inclusion into the Residential Strategy, as specified in the "Proposed Broad Local Criteria" of this report is an extension of the Statutory criteria and this be adopted for use in the preparation of the Residential Strategy.
3. The draft Residential Strategy be reported to Council prior to the public exhibition of the draft Strategy.
4. That no additional applications (beyond those already lodged in Council) for new residential rezoning matters be processed by Council until the draft Residential Strategy has been completed and endorsed by Council.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



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**Item: 274**      **CP - Multi unit development - Construction of a single storey dwelling and retention of existing dwelling - 89 Southee Road, Hobartville - (DA0352/09, 108110, 32470, 80070, 80071)**

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### Development Information

**Applicant:** Mr DJ Ballantyne, Mrs CA Ballantyne, Mr SP Pereira, Mrs SL Pereira  
**Owner:** Mr DJ Ballantyne, Mrs CA Ballantyne, Mr SP Pereira, Mrs SL Pereira  
**Zone:** Multi Unit Housing  
**Advertising:** 17/07/2009 - 31/07/2009  
**Date Received:** 24/06/2009

**Key Issues:**

- ◆ Reduced setback for proposed dwelling
- ◆ Removal of Jacaranda Tree

**Recommendation:** Approval

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### REPORT:

#### Description of Proposal

The application proposes a multi unit housing development involving the retention of the existing dwelling fronting Southee Road and construction of a single storey dwelling which will front Anderson Avenue.

The existing dwelling contains two bedrooms, living, dining, kitchen, laundry and bathroom. It is proposed that a carport will be constructed on the northern side of the building to provide two covered parking spaces for this dwelling in a stacked arrangement. This dwelling has a floor area of 76m<sup>2</sup>.

The proposed dwelling is to contain three bedrooms, living, dining, kitchen, laundry, entry foyer, bathroom and an ensuite. Covered parking for two vehicles is proposed for the new dwelling consisting of a carport and an enclosed garage in a stacked arrangement.

In addition, the proposal will require the removal of two trees situated on the subject site that are greater than 8m in height.

The application is being reported to Council at the request of Councillor Williams.

#### Recommendation

Conditional approval

#### Description of the land and its surroundings

The site is a corner lot of a regular shape, with a street frontage of 15.24m along Southee Road and 32.92m along Anderson Avenue. The site has a total land area of 684.52m<sup>2</sup>. The subject site is essentially level with a slight fall towards the north east.

The site currently contains a single storey dwelling fronting Southee Road and two metal sheds located towards the rear. The existing vegetation is a mixed garden consisting of five large trees.

#### History of the application

17 Aug 2009      Letter sent to the applicant highlighting several non-compliances with regard to Hawkesbury Development Control Plan and information requesting details of proposed subdivision, shadow diagrams and drainage concept plan.

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8 Sept 2009	7 day letter sent to applicant regarding outstanding issues still to be addressed.
28 Sept 2009	Partial additional information received from Insight Architecture responding to letter dated 17 August 2009 including amended driveway design. However key non-compliances remain. Response also noted that the subdivision is not included as part of this application.
Oct 2009	Telephone discussion with the applicant explaining the information received did not address the outstanding information highlighted in Councils letter dated 17 Aug 2009.
21 Oct 2009	Telephone discussion with the applicant advising that the application in its current form will be recommend for refusal at the next available Council meeting.
27 Oct 2009	Applicant requested a meeting be held so that an amended design solution could be resolved.
9 Nov 2009	Meeting held with the applicant regarding, setbacks, driveway, carport, drainage concept plan to be provided.
20 Nov 2009	Partial additional information received from Insight Architecture in response to meeting held on the 9 Nov 2009.
25 Nov 2009	Telephone discussion with Insight Architecture requesting amended set of plans showing proposed changes including carport detail to be provided by 27 Nov 2009.
27 Nov 2009	Amended plans received.

### Issues Relevant to the Decision

- Reduced setback for proposed dwelling
- Removal of Jacaranda tree

### Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan (HLEP)1989
- Hawkesbury Development Control Plan (HDCP)

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

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

#### a. The provisions of any:

##### i. Environmental Planning Instrument:

#### Hawkesbury Local Environmental Plan (HLEP) 1989

##### Clause 2 - Aims, objectives etc,

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

**Clause 9 - Carrying out development**

The subject land is zoned Multi Unit Housing. The proposed development is defined as “multi unit housing” under Clause 5 of HLEP 1989 and is constitutes a permissible form of development with consent in the Multi Unit Housing zone.

**Clause 9A - Zone Objectives**

The objectives of the Multi Unit Housing zone are:

- (a) *to consolidate population and housing densities,*
- (b) *to provide a wide range of housing choices in close proximity to commercial centres and railway stations,*
- (c) *to ensure that building form is in character with the surrounding built environment,*
- (d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area,*
- (e) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,*
- (f) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.*

**Comment:** It is considered that the proposal is consistent with the objectives of the zone as:

- the proposal will increase the housing density of the site,
- the proposal will provide additional housing in close proximity to a commercial area,
- the design of the new building is not inconsistent with the character of dwelling houses within the locality, and,
- the proposed development will not create unreasonable demands on the provision/extension of public amenities,

**Clause 18 - Provision of water, sewerage etc. services**

The subject site is serviced by reticulated water, sewerage, electricity and telecommunications services. Whilst services to the property exist, written evidence that satisfactory arrangements for the provision/extension of these services, from the relevant authorities, will need to be provided.

**Clause 25 - Development on flood liable land**

The proposed development site is above the 1-in-100 year flood level.

**Clause 27 - Heritage items**

The site does not contain any heritage items as listed in the Schedule 1 of the HLEP 1989

**Clause 28 – Development within the vicinity of heritage items**

The site is not within the vicinity of any heritage items.

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

The subject site is within Class 5 as shown on the Acid Sulfate Soils Planning Map and is not within 500m of Class 1, 2, 3, or 4 land, therefore the proposed development is consistent with this clause.

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

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

**Comment:** The development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context as it is within an established residential/urban environment. There are no specific planning considerations, planning policies and development controls within SREP 20 that relate to residential development within the established urban area.

In addition the site is not within a scenic corridor as mapped by the SREP.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

Clause 164A of the Environmental Planning and Assessment Regulations 2000 provides the circumstances under which a BASIX certificate is required and the information that must be contained within the certificate.

**Comment:** A current BASIX Certificate has been issued in accordance of the Environmental Planning and Assessment Regulations for the proposed development and supports the application.

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

None applicable

**iii. Development Control Plan applying to the land:**

**Hawkesbury Development Control Plan (HDCP) 2002**

The proposed development is generally consistent with the requirements of HDCP. An assessment of the proposal against the relevant provisions of this Plan follows:

**Part A Chapter 2 - General Information**

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

**Part A Chapter 3 - Notification**

The application was notified to adjacent property owners in accordance with HDCP. Two (2) submissions were received in response to the application and have been discussed in the public consultation section of this report.

**Part C Chapter 1 - Landscaping**

A concept landscaping plan has been submitted with the application. This plan is considered to be satisfactory for the proposed development.

**Part C Chapter 2 – Carparking and Access**

The proposal is consistent with the requirements of this chapter at the required rate of two (2) covered spaces for each dwelling. Access to the new dwelling will be via Anderson Avenue. The new dwelling provides for a 5.5m setback in front of the proposed garage to enable a vehicle to park on the driveway should access to the garage not be available.

**Part C Chapter 4 - Erosion and Sediment**

This application is accompanied by a Sediment and Erosion Control Plan which satisfies the objectives and controls of this chapter of the DCP. Appropriate conditions addressing this matter are included in the recommendation of this report.

**Part C Chapter 6 – Energy Efficiency**

The proposal is consistent with this chapter as:

- A BASIX certificate has been issued for the proposed development demonstrating that the proposed design can achieve the minimum energy performance targets, and;
- Sunlight is to be available to at least 50% of required private open space for at least 2 hours between 9.00am and 3.00pm on June 21.

**Part D Chapter 1 - Residential Chapter**

The proposal is consistent with the aims, objectives of the residential chapter of the DCP.

The application complies with the set rules of this chapter in respect to building height, landscaped areas, private open space, visual amenity, visual privacy, acoustic privacy, external noise and vibration, safety and security, utility and site services, recycling, garbage and mail collection areas.

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The applicant has requested a variation to the following parts of the residential chapter:

Part	Rules	Comment	Complies
1.4 Setbacks	(a) For sites fronting main or arterial roads, buildings are to be set 10 metres back from the front boundary unless there are exceptional physical circumstances. The 10m setback commences after any road widening which may affect the subject land.	Not located on a main or arterial road	N/A
	(b) For sites fronting a local road buildings are to be set 7.5m back from the front boundary. In areas where there is prior development the established pattern is to be regarded as the standard setback.	7.5m setback provided to Southee road for existing dwelling. 2m minimum setback provided to new dwelling facing Anderson Avenue.	No
	(c) For battleaxe blocks the general setback from the rear boundary of the property in front is to be 6 metres.	Not a battleaxe block	N/A
	(d) For the minor frontage on corner blocks, the minimum building setback is to be 2 metres.	Rule does not apply. No minor frontage identified. Each dwelling will face its own respective street.	N/A

**Comment:** The applicant has requested a variation to the minimum setback requirement for the proposed new dwelling. The applicant seeks approval for a minimum dwelling setback of 2m.

It is noted that HDCP 2002 allows buildings to be setback less than the standard 7.5m requirement where prior development has occurred. It is noted that adjoining property No. 3 Anderson Ave is the only dwelling located on the Western side Anderson Ave and has a setback of 4.5m.

The applicant requested that a reduced setback be considered as:

- Adequate off street parking has been provided to be contained onsite; and,
- Adjoining properties have similar or varied setbacks and that this request will not have any adverse effects.

The façade of proposed single storey dwelling will consist of a minimum 2m setback to a maximum 5.5m setback. It is considered that the difference between the existing street setback of 4.5m and a 2m to 5.5m building setback will unlikely have an adverse impact on the streetscape of Anderson Avenue given that there is only one other building along the Western side of Anderson Avenue.

Furthermore it is considered that the proposal is consistent with the broader aims and objectives of this chapter as the dwelling will not obscure line of sight of any pedestrian or motor vehicles. The design as proposed provides for the suitable space for a vehicle to be parked on the proposed driveway entirely within the property.

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Part	Rules	Comment	Complies
1.9 Vehicle and access parking	(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them.	400mm proposed. (see comments below)	No
	(b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metre above the driveway.	Shared driveway not proposed	Yes
	(c) All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion.	Proposed	Yes
	(d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.	Each dwelling will be serviced by its own driveway.	N/A
	(e) Garages and carports must not visually dominate the street façade, should occupy less than 50% of the building facade and must be compatible with the building design.		Yes
	(f) Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.	Not proposed.	N/A
	(g) Where parking spaces are located at 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate maneuvering on site.	Not proposed.	N/A
	(h) On site maneuvering areas shall be provided to allow entry and exit to the site in a forward direction (except for a single dwelling).	Suitable space within the basement car park has been provided to allow for vehicles to enter and exit the site in a forward direction.	Yes
	(i) On site maneuvering areas shall be provided to allow entry and exit to and from all car spaces including garages, carports, uncovered spaces and visitor spaces by a single turning movement.	Each dwelling will be serviced by its own driveway. The existing dwelling will face Southee Road and the new dwelling will face	Yes

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Part	Rules	Comment Anderson Avenue.	Complies
	(j) Attached dual occupancies will be assessed on merits in relation to onsite maneuvering.	Detached dual occupancy proposed.	N/A
	(k) Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access.		N/A
	(l) On site maneuvering shall be based on the Austroads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the sweep paths.	Onsite maneuvering not proposed. Vehicles will be required to reverse onto the street.	N/A
	(m) All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening: <ul style="list-style-type: none"> <li>• on one side only to 3.2m</li> <li>• on both sides to 3.8m</li> </ul>	2.995m provided between the existing dwelling and western boundary for a carport. Space will adjoin the existing fence and existing dwelling. It is considered that sufficient space is available for the parking of a vehicle with a width greater than the required 2.6m width for car parking spaces as detailed in under HDCP 2002 Part C Carparking Ch 2.6 - Acceptable design solutions.	No
	(n) Refer to the following chapters for additional requirements: <ul style="list-style-type: none"> <li>• Part C Chapter 2 - Carparking and Access</li> <li>• Part C Chapter 6 - Energy Efficiency</li> <li>• Part D Chapter 3 - Subdivision</li> </ul>	Not proposed	Yes Yes N/A

**Comment:** Even though a 1m landscape strip has not been provided as required it is considered that a driveway on the western boundary is the most appropriate location for a new driveway to service the existing dwelling. The difference between a 1m landscape strip and 400mm strip is considered to be negligible and it is considered that the variation will not adversely impact the amenity of the adjoining property.

### Conclusion

It is considered that the variations requested above should not significantly affect the surrounding environment, it is therefore recommended that the proposal be supported.

### Development Control Plan – Contaminated Land

The land has been used for residential purposes. Council records do not indicate that the land has been used for any other purpose. It is considered unlikely that the land will be contaminated that would require further investigation.

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

Not applicable

v. **Matters prescribed by the Regulations:**

The development will be required to comply with the Building Code of Australia

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

It is considered unlikely that the proposed development will have any adverse environmental or social impacts on the locality. The site is within an established residential area.

Consideration has been given to the relevant matters identified under s79C (1) (b) of the EP&A Act as shown below:

### Context and Setting

There are no known hazardous landuses/activities nearby.

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

The proposal is compatible with the residential character of the locality. Adjoining landuses are single dwelling houses. The proposal is compatible with the existing residential use of the locality.

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

### Access, Transport and Traffic

The development will not result in significant traffic generation.

### Utilities

The proposed development will not place unreasonable demands on the provision of services. The provision of services to the development will be confirmed through the conditions of consent.

### Soils

Erosion and sedimentation controls will be utilised during construction.

### Natural Hazards

The subject land is above the 1-in-100 year flood level and is in an area of insignificant bushfire risk.



**Safety, Security and Crime**

The design of the development achieves satisfactory performance for safety, security and crime prevention.

**Construction**

The recommendation of this report includes conditions to manage construction works to ensure that disruption to the locality is minimised.

**Cumulative Impact**

The proposed development is compatible with adjoining land uses, the objectives of the zone and requirements of Hawkesbury DCP therefore no negative cumulative impact is foreseen.

**c. Suitability of the site for the development:**

The site will be suitable for this proposal subject to the implementation of the conditions outlined in the recommendation to this report.

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

The application was publicly notified to adjoining owners from 17 June 2009 until 31 June 2009. Two (2) submissions, raising objections was received. The issues raised in these submissions are identified below:

- **Loss of privacy (3 Anderson avenue and 87 Southee Road) with the proposed dwelling being situated on the fence line**

**Comment:** The proposal complies with the requirements for privacy contained in HDCP 2002 with respect to landscaping and positioning of windows. A suitable condition has been included as part of the conditions recommended in this report requiring a fence height of 1.8m to be provided at the developers expense.

- **Lack of covered parking spaces**

**Comment:** The application has been amended to provide two (2) covered spaces per dwelling.

- **Proximity of building and driveway to adjoining property boundaries**

**Comment:** The proposal is generally consistent with the requirements of HDCP 2002. See assessment against HDCP 2002 above.

- **Insufficient private open space**

**Comment:** The plans received on the 20 November 2009 now provide the required minimum private open space areas consistent with HDCP 2002.

- **Removal of the existing Jacaranda tree will result in the loss of privacy and will have an impact on the existing wildlife of the area.**

**Comment:** The proposed development has addressed privacy by incorporating landscaping and design techniques as suggested under HDCP 2002. The new dwelling is single storey and it is considered that overlooking will not be an issue should the existing fence be replaced with a new 1.8m fence.

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Jacarandas trees are not native to Australia and it is considered that the removal of the tree will unlikely have an impact on any native flora or fauna as the subject site is not located within an identified vegetation corridor.

There is not an option to retain the existing tree as it is central on the dwelling site. The proposal will retain one tree at the rear and two trees at the front of the subject site

### Conclusion

The matters raised in the submissions have been considered. The modifications to the application respond positively to the key concerns raised.

#### e. The Public Interest:

The proposed development is considered to be in the public interest based on the following:

- The proposal is consistent with the objectives and requirements of HLEP 1989, SREP No. 20 and SEPP 2004(BASIX);
- The proposal generally complies with the objectives and requirements of the HDCP 2002; and,
- The proposed development is not expected to adversely impact on the amenity of the locality or the surrounding environment.

### Developer Contributions

Under Councils S. 94A Contribution Plan the contribution payable is calculated at the rate of .5% the total cost of the development. Based on the applicants estimated cost of \$150000 the following developer contributions apply to this development \$750.00. Accordingly, a condition of consent is recommended.

### Conclusion

The assessment has identified various concerns regarding:

- The reduced setback
- The removal of the Jacaranda tree

On balance this proposal is considered to be satisfactory, subject to the implementation of conditions outlined in the recommendation to 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 Development Application No. DA0352/09 at Lot 446 DP 237868, 89 Southee Road, Hobartville for a Multi unit development – Construction of a single storey dwelling and retention of existing dwelling be approved subject to the following conditions:

#### General Conditions

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

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3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
7. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

### ***Prior to Issue of Construction Certificate***

8. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$750.00 shall be paid to Hawkesbury City Council.

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

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

9. The submission of a drainage concept plan, including a design for a concept on-site stormwater detention system to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels, prepared by a suitably qualified person. This plan shall be submitted and approved by Hawkesbury City Council prior to the issue of a Construction Certificate.
10. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.  
  
All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
11. Construction of the OSD & drainage are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
12. Payment of a Construction certificate checking fee of \$277.00 and a Compliance Certificate inspection fee of \$461.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an accredited certifier is used will be provided on request.

### ***Prior to Commencement of Works***

13. 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.
14. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.

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15. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
16. 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.
17. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
18. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
19. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
20. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
  - If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.
21. 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.
  22. 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.

### ***During Construction***

23. The site shall be secured to prevent the depositing of any unauthorised material.
24. 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.

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25. 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.
26. 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.
27. At all times during demolition of the existing structures, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
  - b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
  - c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
  - d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
  - g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
  - j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - k) No material is to be burnt on site.

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28. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage; and
  - (b) if necessary, must underpin and support the building in an approved manner; and
  - (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

29. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.

Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.

30. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
31. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
32. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted
33. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
34. All work shall be completed in accordance with the BASIX Certificate and supporting ABSA Certificates in accordance with the requirements of the NSW Department of Planning. Evidence must be submitted to the certifying authority prior to the issue of the occupation certificate.
35. All services or suitable conduits shall be placed prior to concrete pouring.
36. All internal and external lighting shall be installed in a manner that would avoid intrusion onto adjacent residential properties.
37. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
38. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.

Prior to works commencing the applicant shall consult with Asset Services and Recreation regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.

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

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40. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix E Civil Works Specification, Part II, Table 1.1.
41. Layback and footway vehicular crossings 3 m wide shall be constructed to the development as shown on the approved plans. The crossings shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

Prior to works commencing the applicant shall consult with Asset Services and Recreation regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.

### ***Prior to Issue of the Occupation Certificate***

42. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
  - c) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
43. 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.
44. New boundary fences shall be provided at the developer's expense prior to the issue of an occupation certificate. Fencing behind the building line shall be a height of 1.8m.
45. Compliance with all conditions of this development consent.
46. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
47. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
48. The owner shall enter a positive covenant with Council which provides the following:
  - (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
  - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
  - (c) Council only will be entitled to release or modify the Covenant.

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

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

### ***Use of the Development***

51. No internal or external alterations shall be carried out without prior approval of Council.
52. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

### ***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.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- \*\*\* The applicant is advised to consult with:
  - (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) a local telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- \*\*\* Separate Council approval would be required if subdivision of the proposal is intended.



**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**ATTACHMENTS:**

- AT - 1**    Locality Plan
- AT - 2**    Aerial Photography
- AT - 3**    Site Plan
- AT - 4**    Elevation Plans

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**AT - 1    Locality Plan**

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

**ORDINARY MEETING**

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**AT - 2    Aerial Photography**

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

**ORDINARY MEETING**

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**AT - 3    Site Plan**

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

**ORDINARY MEETING**

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**AT - 4   Elevation Plans**

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Attachments Document (Maps)**

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**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 8 December 2009

**Item: 275**                    **CP - Hawkesbury Mobility Plan - (96328, 98212)**

**Previous Item:**            106, Ordinary (30 May 2006)

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### REPORT:

This report has been prepared to seek Council's approval to place on public exhibition the (Draft) *Hawkesbury Mobility Plan*. The Draft Plan has been developed to provide Council with a blueprint to inform future planning priorities for capital and maintenance works to address the access needs of cyclists, motorised mobility scooter users, pedestrians and people with disabilities.

### Background:

In May 2006, Council endorsed terms of reference for a planning process to draft a city-wide mobility plan. The Hawkesbury Bicycle and Access Mobility Committee (HBAMC) were delegated responsibility for the implementation of the approved planning process. During 2006/2007 the HBAMC completed 4 of the 7 elements within the adopted planning process.

In June 2008, Council approved an amount of \$60,000 to facilitate the appointment of consultants to undertake the extensive research, technical assessments and additional consultations required to finalise the draft plan. This allocation was funded from savings within the Road Safety budget. Following an Expression of Interest process, GTA Traffic Consultants were engaged by the HBAMC Committee and a Mobility Plan Steering Committee made up of Council staff and members of the HBAMC was established to assist GTA consultants in the preparation of the draft plan.

### The (Draft) Hawkesbury Mobility Plan

The draft Hawkesbury Mobility Plan has been completed. The preparation of the Plan has incorporated a review of the outcomes of the Hawkesbury Mobility Survey, a detailed review of the 1997 Bike Plan; an analysis of relevant Council strategic plans and documents; mapping information; site audits; additional consultation with relevant stakeholders representing bicycle, access and disability needs; and a survey of secondary schools.

The aim of the draft Plan is to *"Identify a cohesive strategy for linking residents to the major business and service centres of the city by means of safe and accessible pathways and cycleways"*.

The draft Hawkesbury Mobility Plan was considered by the HBAMC at its November 2009 meeting. The Committee resolved to ratify the Draft Plan and to forward it to Council for public exhibition. The draft Plan includes;

- pedestrian and access mobility plans (PAMPS) for Windsor (Sth Windsor), Richmond and North Richmond;
- a bike plan identifying on road and off road cycleways across the region with a primary focus on linkages between Windsor and South Windsor/Bligh Park, and between Richmond and Windsor;
- an analysis of the PAMPs and the Bike plan identifying opportunities for shared pathways which would achieve the objectives of both plans;
- a detailed works schedule (with indicative costings) for the proposed key pedestrian and cycling routes to assist in the prioritisation of access improvements over the next five to ten years;

The proposed pedestrian, bicycle (and shared) networks are based on current bicycle and pedestrian best practice guidelines and state/ federal planning and policy documents. The recommended pedestrian and bicycle networks within the draft Plan propose high quality infrastructure in line with contemporary

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community aspirations. Consequently, the works schedules within the draft Hawkesbury Mobility Plan are ambitious. For this reason, the draft Plan proposes a 5 to 10 year time frame for the works and utilises a 'priority evaluation matrix' to assess the cost, benefit and feasibility of the proposed works to establish high, medium and low priority works. The total indicative cost for high (Priority 1) works is \$2,888,500 - which within a ten year time frame equates to \$288,850 per year (Council's current budget for bicycle/footpath construction and maintenance is in the order of \$185,380 per year).

It is not anticipated that Council will necessarily be in a position to fund the entire proposed works schedule from within its current footpath and bicycle construction and maintenance budgets. The draft Plan identifies comprehensive work schedules which will assist Council not only to establish internal priorities, but will enable Council to lobby for grants and/or works (particularly on RTA regional roads) and to undertake 'opportunistic' improvements in conjunction with planned road maintenance and pavement rehabilitation works.

### Public Exhibition

It is proposed that the Draft Hawkesbury Mobility Plan be placed on Public exhibition for a period of 60 days, and community feedback invited. The contract with GTA consultants provides for GTA to document, summarise and assess submissions received during the public exhibition period and to refer these to the Mobility Plan Steering Committee to determine if the draft Plan requires amendment. The final version of the Plan will include a summary of the comments received during the public exhibition period, a response to each comment including any steps to address and incorporate the comment into the final plan.

### Conformance to Community Strategic Plan

The proposal is consistent with the *Linking the Hawkesbury* direction statement, i.e:

*"Be linked by accessible, viable public transport, cycleways and pathways to the major growth and commercial centres within and beyond the Hawkesbury."*

and strategy to *"Implement bike and pedestrian mobility plan."* The milestone in the Strategy indicates that the implementation of this plan is to commence immediately.

### Funding

There are no funding implications arising directly from this report. The funding implications arising from Council's adoption of the Plan (if adopted) will be considered in the further report to Council following the public exhibition period.

### RECOMMENDATION:

That the *Draft Hawkesbury Mobility Plan* be placed on public exhibition for a period of 60 days.

### ATTACHMENTS:

AT - 1 'Draft Hawkesbury Mobility Plan' (distributed under separate cover).

oooO END OF REPORT Oooo



## ORDINARY MEETING

Meeting Date: 8 December 2009

**Item: 276**                    **CP - Land Release Application to Department of Planning for 108 Grose Vale Road, North Richmond - (107430, 105365, 77679, 95498)**

**Previous Item:**            236, Ordinary (10 November 2009)

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### REPORT:

#### Introduction

On 10 November 2009 Council received an information report on the lodgement of an application to the Department of Planning for land release listing on the Metropolitan Development Program (MDP) at Grose Vale Road, North Richmond. A copy of that report is attached for reference. The resolution of that meeting was as follows:

- "1.     *The information be received.*
2.     *Following receipt of the letter of expectations from the Department of Planning in relation to this application, the matter be reported to the next available Council meeting.*
3.     *Council reaffirm its resolution of 13 October 2009 as details in the report."*

The letter of expectations from the Department, as mentioned in point 2 above, was received by Council on 9 November 2009. (Copy attached). The purpose of this report is to discuss the issues raised in the Department's letter and to suggest responses to those issues.

#### Purpose of the Land Release Application

As mentioned in the report to Council on 10 November 2009 the land release application is not a rezoning application and it is not a development application for the development of the site. The consent authority for this application is the Department of Planning as the application seeks the land to be listed on the State Government's Metropolitan Development Program (MDP).

The 5 November letter from the Department of Planning describes the role of the MDP, its status in the planning system and clearly outlines the purpose of the program and states that "*the Government uses the Metropolitan Development Program to help guide the infrastructure and service provision of Government agencies.*" The Government agencies do not consider the upgrades of infrastructure unless land or a locality is identified on the MDP.

#### Role of Council

The expectation of Council in relation to this application has been set out in the letter from the Department of Planning (attached). The Department, in relation to the land release application, is keen to receive advice from Council on the following issues:

1.     The level of fit with existing or proposed residential strategies.
2.     The extent to which the Sustainability Criteria set in the Metropolitan Strategy (copy attached to the Department's letter, and this report) are met in the application.
3.     Council's views on the broad extent and type of infrastructure required to service the land.
4.     The contribution the application would have to housing diversity within the LGA.
5.     Impacts on the local environment and Heritage values (as per criterion 7).
6.     Those requirements Council would consider appropriate to be met if the land was to be listed on the MDP and any subsequent rezoning process.

The original advice received from the Department in early 2009 stated that, should an application be lodged, Council would be required to respond to the Department within 60 days. However, due to the time

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of year and the limited Council meeting schedule during this time, the Department has extended this period to late February 2010.

Council resolved on 13 October 2009 as follows:

*"That as a matter of policy Council indicate that it will not consider nor support any further applications to rezone land for residential purposes in the area west of the Hawkesbury River until such time as the existing infrastructure issues, particularly as related to traffic, have been addressed to Council's satisfaction."*

The above resolution does not preclude Council from considering and commenting on the subject application, as the application is not an application to rezone the site. Consideration of the application by Council is consistent with the above resolution as the fundamental purpose of the land release application is to list the site on the MDP so that "existing (and proposed) infrastructure issues" can be addressed prior to the land being considered for rezoning.

### Consideration of Issues

The following comments are provided in relation to the questions raised by the Department of Planning. As the application has been made to the Department and Council has only been asked to comment on the application, the following comments are made to assist the Department when assessing the application.

#### **The level of fit with existing or proposed residential strategies**

On 8 September 1998 Council resolved to consider land at North Richmond, North Bligh Park, Vineyard, Pitt Town and Wilberforce as it was considered that they had capability for urban development in the short to medium term. The land at North Richmond, known then as "Kemsley Downs", included the land that is the subject of the land release application. The potential yield being considered for the land was for the immediate release of 200 allotments. The work for this release did not proceed due to the State Government Policy at the time relating to development west of the Hawkesbury River, the need for a more complete residential strategy to be prepared and for the land to be included in the Urban Development Program.

A draft residential strategy has been prepared (the subject of another item on this agenda) that is consistent with the current State policies. The draft Residential Strategy (yet to be publically exhibited) includes the subject land for further investigation for land release. In this regard the further investigation relates to heritage, services (water, sewer, shops, etc) and road infrastructure.

#### **The extent to which the Sustainability Criteria set in the Metropolitan Strategy (copy attached to the Department's letter, and this report) are met in the application**

The Sydney Metropolitan Strategy sets eight sustainability criteria for testing land release proposals. A copy of the sustainability criteria is attached to this report as part of the letter from the Department of Planning. The Metropolitan strategy states the main criteria and then outlines an explanation as to how an application is measured against those criteria. The relevant sustainability criteria and comments on the application in relation to the criteria are provided below.

1. **Infrastructure Provision** – Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.

*Measurable explanation of criteria.*

- The proposed land release application has been considered in relation to Council's existing and proposed residential strategies previously in this report. It is considered that the application is consistent with existing and likely future strategies of Council.
- The application, in Section 2, considers a range of infrastructure and services for the site and proposed development. The application has indicated that there is some capacity for development

within the existing infrastructure provision. Some areas, such as roads, will require immediate, staged upgrading and the applicant has already commenced discussions in this regard with the relevant authorities. The application also considers that the upgrading of the required infrastructure is economically viable for the development.

- The application has indicated that there is opportunity for developer agreements to be negotiated with Council for particular issues such as traffic.
2. **Access** – *Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.*

*Measurable explanation of criteria.*

- The subject site is located adjacent to the existing development at North Richmond. In this sense development at the site would be a logical extension to the existing centre.
- The existing area is serviced by limited public transport. The existing public transport economic viability is limited partly due to the size of the existing population of the centre and partly due to the dispersed, low density nature of development surrounding North Richmond. Additional development in or adjacent to the existing development will have the potential to improve the viability of the public transport system.
- Transport within the catchment is dominated by private vehicle use. The road access to and from the locality is focused at the existing river crossing at North Richmond making road access to the locality and development site a major issue. Additional development in the locality without the upgrading of the road access is not sustainable and in the absence of any upgrade work development would make a negative contribution to travel and vehicle use goals.

The application has rightly commented that the site is reasonably well located to some transport, particularly rail via Richmond. The application has also made mention of preliminary discussions with transport agencies which have identified potential for state infrastructure contributions that would assist the required upgrades of Bells Line of Road at the intersection of Grose Vale Road and upgrade to or additional river crossing.

It is considered that the application does not currently meet the access sustainability criteria. In order for the proposed land release application to meet the access sustainability criteria, the potential for state contributions and upgrade works would need to be realised. In this sense, the necessary upgrade works and/or additional river crossing would need to be determined by the service authorities, in this case the RTA. These works would then need to be fully costed, to enable appropriate cost distribution to development potential, and the staging of the works programmed to coincide with the appropriate stages of development and population increase (as it would be unrealistic and unsustainable to construct, upfront, infrastructure for development that may take ten or more years to fully be realised).

3. **Housing Diversity** – *Provide a range of housing choices to ensure a broad population can be housed.*

*Measurable explanation of criteria.*

The contribution that this proposed land release application would make to housing diversity in the Hawkesbury is addressed elsewhere in this report. It is considered that the proposal will meet this criteria.

4. **Employment Lands** – *Provide regional/local employment opportunities to support Sydney's role in the global economy.*

*Measurable explanation of criteria.*

The proposed land release is for residential land uses. Despite this the application is considered to be consistent with this criteria as it does not result in the loss of employment land, there will be some

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temporary employment generation during the construction and housing development of the land and the increase in population in the locality will require the corresponding increase in services (retail, commercial, etc) in the locality.

5. ***Avoidance of Risk*** – *Land use conflicts and risk to human health and life avoided.*

*Measurable explanation of criteria.*

- The site is flood free even when considered from the perspective of the Probable Maximum Flood (PMF), although the site and locality will be isolated from the existing services and evacuation routes to the east. However, there is the ability to evacuate the locality to the west in the case of flood. Existing evacuation plans of the locality during bushfire events would need to be suitably upgraded if there was any additional development in the locality. However, the site currently has a low hazard bushfire rating due to the site's previous grazing land use.
- The site, as mentioned elsewhere in this report, would need to be master planned so that any development of environmentally or physically constrained land (riparian, steep, etc) is excluded from development.
- The site has a number of different land uses adjoining. To the north is the existing urban development of North Richmond, to the south and west is predominantly rural residential development and to the east, over the ridgeline occupied by Grose Vale Road, is grazing agriculture. The use of the site for agricultural purposes, particularly more intensive uses, would result in significant conflicts with the existing adjoining urban and rural residential land uses. The development of the surrounding land uses over recent years has resulted in a constrained potential for the site and it is considered that the most appropriate use of the land would be for a mix of residential densities.

6. ***Natural Resources*** – *Natural resource limits not exceeded/environmental footprint minimised.*

*Measurable explanation of criteria.*

- As mentioned elsewhere in this report, it is clear that the physical infrastructure for the supply of water to the site will require upgrading prior to any development taking place. Whilst the supply infrastructure can be upgraded there is concern regarding the bulk supply of water that relies on drawing from the river. The drawing of water for urban growth depletes the supply available within the river and has the potential to adversely impact on environmental flows and the river environment. The application states that water and sewerage infrastructure is available and that BASIX requirements are able to be achieved. Should the Department list the site on the MDP, it is considered that any development should be encouraged to achieve environmental and natural resource conservation at levels greater than those specified in BASIX.
- The application states that the site is classified as Category 3 Agricultural land, being of marginal agricultural value and that the existing agricultural use is of marginal value. This has been confirmed from the Department of Primary Industry in previous advice to the Heritage Branch of the Department of Planning. It is also considered that, due to the location of adjoining urban residential and rural residential development, any significant agricultural activity on the site would result in unacceptable land use conflicts in the future.
- The land is not considered to be productive resource land for extractive or other industries.
- Energy infrastructure required to service any development of the site would require upgrading that would need to be funded by the development that benefits from that infrastructure and it is considered that there is existing capacity to supply the site.

7. ***Environmental Protection*** – *Protect and enhance biodiversity, air quality, heritage, and waterway health.*

*Measurable explanation of criteria.*

- The application has included a variety of studies and investigations into the natural and cultural heritage of the site. The recommendations from the reports is to protect and enhance the riparian environment along Redbank Creek and to design and manage stormwater drainage across the site to ensure that any development of the site does not adversely impact on the downstream development areas or the natural environments of the receiving waters. This approach is supported and any listing of the site on the MDP should require this approach to all the future planning for the site.
- The site contains the remnants of the Keyline Dam system that has heritage importance. Previous advice has been received by Council from the Heritage Branch of the Department of Planning indicating that the future planning for the site is to be undertaken in consultation with that Branch. Recent discussions and correspondence received by Council from the Heritage Branch has indicated that discussions have commenced and will be ongoing in relation to the retention and/or interpretation of the heritage values of the site should any future development be supported. Council supports this approach and is willing to participate in any future consultations on this matter.

8. ***Quality and Equity in Services*** – *Quality health education, legal, recreational, cultural and community development and other government services are accessible.*

*Measurable explanation of criteria.*

The purpose of the application for land release is to obtain listing on the MDP to enable Government agencies to consider the planning of appropriate services for the site should development occur. Generally the quality and extent of these services is commensurate with the size and location of the population and the services generally expand as the population expands.

Council supports and encourages the progressive expansion of Government services as the population grows. However, due to the location of the subject site, any planning for the provision of health, education, legal, recreational, cultural and community services needs to consider the equity impacts that arise from the restricted access across the river and the potential for isolation of the site and locality from existing services in the time of flood or other emergency. In this regard Council considers that particularly health, education and other essential community services should be readily available to the existing and proposed population on the western and northern sides of the Hawkesbury River rather than reliance on these services in Richmond or Windsor alone. It is one of the basic responsibilities of the State Government to supply such facilities should it require Council to plan and progress towards the targets set in the North West Subregional Strategy.

**Council's views on the broad extent and type of infrastructure required to service the land,**

It is clear that the current infrastructure in North Richmond could not cater for the development of the subject land without upgrading. This is primarily due to the fact that the current zoning of the site does not allow for development and the existing infrastructure and services have not been designed to service land not earmarked for release. It is noted that the land release application contains a number of studies and investigations into the servicing of the site. However, should the site be considered for further development the following infrastructure would need to be suitably addressed:

Water Supply

The land is serviced by Sydney Water for water supply. It is understood that there is a current limitation on water supply to the property due to the height of the existing reservoir servicing the site. In order to service the site an additional high level reservoir would be required along with the additional ancillary delivery infrastructure. It is clear that physical infrastructure expansion of these facilities is possible and it is

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considered that any such expansion should be at the cost of the development that requires and benefits from those facilities.

There are concerns in relation to the source of the water supply to service any development of the site. In this regard the drawing of additional water from the Hawkesbury River at North Richmond may have adverse impacts on other existing River users and the river environment. It is considered that the overall supply of water needs to be carefully considered to ensure that there is a fair balance of water for the environment and existing users.

### Reticulated Sewer

The land is serviced by Sydney Water for reticulated sewer. The application states that there is *“capacity in the existing network and treatment plant infrastructure that may, with minimal alteration accommodate the proposed land release.”* It is recommended that any required upgrade of the physical infrastructure required for additional development should be funded by the development that requires or benefits from that upgrade. However, the issue of additional water usage and discharge of effluent to the river and the potential adverse impact that this may have on the environment must be considered. Should any land be considered for future development the use of recycled water from the Sydney Water treatment plant should be required within the site.

### Utility services

Power, telecommunications and gas services must be upgraded and the funding of these upgrades should be at the expense of the benefiting development.

### Community services

Whilst the site is adjacent to the existing village of North Richmond, the site is outside the normal catchment of the existing retail and community infrastructure of the village. This is recognised in Council's draft residential strategy where it comments that for this site there is a *“longer term opportunity subject to provision of shops, transport infrastructure, community infrastructure and services outside catchment.”* Should any development be proposed on the subject land the additional services should be developed to cater for that increase in population.

### Road Transport

There is an existing significant traffic problem during the peak periods along Bells Line of Road at the intersection of Grose Vale Road stretching east to almost Richmond in pm and westward to Colo High School in am. There are real concerns that any additional development of the locality will result in the road system breaking down. Whilst it is not expected that the existing problems should be resolved by any new development, it is expected that any new development must ensure that the existing problems are not made worse and preferably any new development should result in an improvement of the existing situation. Again it is considered that the necessary upgrade of the road system should be funded by new development with any shortfall, attributed to the existing problems, being contributed by the State Government as the problem relates to a State controlled road.

### **The contribution the application would have to housing diversity within the LGA.**

The subject site is a significantly large site that has potential for the design of a variety of housing types, open space and retention of riparian vegetation. In this regard the site would need to be master planned to ensure that appropriate dwelling densities and open space provision is obtained. The master planning would also need to ensure retention of the existing rural and village character of the locality.

The draft residential strategy (see other item on this agenda) has found that the current provision of housing within the Hawkesbury is generally low density, detached dwellings. Whilst there is no proposal to discontinue this style of housing, the draft strategy has also found that with the predicted change to population over the next twenty years, there is a need to increase the diversity of housing provided within the Hawkesbury. In this regard there is a need to increase housing density, particularly around centres, to make provision for the changing population.

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The subject site, as mentioned above, has the potential to make a significant contribution to the provision of housing diversity in the Hawkesbury LGA subject to the site being appropriately planned. Should the Department approve the land release application it would be appropriate that the Department, Council, the community and the developer work closely to achieve the appropriate development outcome for the site.

### **Impacts on the local environment and Heritage values (as per criterion 7).**

The site is a large site that has some sensitive riparian environments along the western property boundary along Redbank Creek. The site also has the remnants of the Key Line Dam system developed by PA Yeoman. It is noted that the land release application includes a number of studies that assess and make recommendations in relation to the environmental and heritage values of the site.

The local natural environmental values of the site will need to be appropriately identified for incorporation into, rather than removal for, any development of the site. In this regard the appropriate master planning of the site, as mentioned previously, will need to make appropriate provision for retention of the natural environmental features.

In relation to the heritage values of the site, comments have been made in previous sections of this report. It is noted that the previous advice from the Heritage Branch indicates that consultation and discussion is to take place with the developer, Council and the Heritage Branch to plan for the retention and/or interpretation of the heritage of the site should any development proceed. It is considered that these discussions should be comprehensive and include all relevant information and the community.

### **What requirements Council would consider appropriate to be met if the land was to be listed on the MDP and any subsequent rezoning process.**

The requirements of Council have been discussed previously in this report. The following is a summary of the requirements that Council considers appropriate in this matter:

1. Road infrastructure upgrading, including the intersection of Bells Line of Road and Grose Vale Road, upgrade or duplication of the river crossing or by-pass of North Richmond to improve the existing traffic problems that any further development in the locality will only exacerbate.
2. Any upgrade of utilities required for further development to be planned for and provided progressively as any development proceeds. Infrastructure being provided following development is not acceptable.
3. Any upgrade or provision of services for development is to be funded by the development that benefits or requires that provision.
4. The heritage value and significance of the site is to be impartially assessed and retained or interpreted in consultation with the Heritage Branch, developer, Council and the community.
5. Assurance that the sustainability criteria set in the Sydney Metropolitan Strategy and Council's Residential Strategy (when adopted) are to be fully incorporated into all aspects of the future development.

### **Conformance to Community Strategic Plan**

The Council has been requested to comment on the application, lodged with the Department of Planning, to list 108 Grose Vale Road, North Richmond on the MDP. Council adopted the Community Strategic Plan on 13 October 2009 and Council's comments in relation to this matter should be consistent with the following Direction Statements contained within the Strategy:

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### Looking after People and Place

- *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 development on both sides of the river supported by appropriate physical and community infrastructure.*
- *Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.*

### Caring for our environment

- *Be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.*
- *Take active steps to encourage lifestyle choices that minimise our ecological footprint.*

### **Funding**

N/A

### **Planning Decision**

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

### **RECOMMENDATION:**

That:

1. Council prepare a submission to the Department of Planning on the application for land release at 108 Grose Vale Road, North Richmond, in accordance with the comments made in this report and a copy of this report be attached to the submission.
2. The application documents lodged with Council be placed on Council's website with explanatory information for the information of the public.

### **ATTACHMENTS:**

**AT - 1** Copy of report to Council meeting dated 10 November, 2009

**AT - 2** Copy of letter of expectation from Department of Planning and Extract of Metropolitan Strategy Sustainability Criteria.



**AT - 1 Report to Council dated 10 November re Land Release Application to  
Department of Planning for North Richmond**

**REPORT:**

**Introduction**

The purpose of this report is to advise Council that a Land Release application has been lodged with the Department of Planning for approximately 180.3 hectares of land at North Richmond, known as Lot 27, DP 1042890, 108 Grose Vale Road, North Richmond.

Copies of the application were given to the Director City Planning at a meeting with the Department of Planning on Monday 2 November 2009. Also in attendance at that meeting were representatives from Builddev, Urbis (consultants for Builddev), Heritage Branch of the Department of Planning, Sydney Water and RTA. The meeting was convened by the Department of Planning to advise relevant infrastructure authorities and Council of the existence of the application and the proposed manner in which the application will be considered by the Department.

At the meeting it was stated that a letter will be sent to Council from the Department of Planning formally requesting comments from Council and outlining what detail is expected from Council in their response. At the time of writing this report the letter from the Department of Planning had not been received at Council.

**Purpose of the Application**

The application is **not** a rezoning application and it is **not** a development application for the development of the site. The consent authority for this application is the Department of Planning as the application seeks the land to be listed on the State Government's land release schedule.

The application requests the Department of Planning to grant land release approval for the site. If a site is granted land release status by the Department of Planning the land can then be listed on the NSW Government's Metropolitan Development Program (MDP). The MDP is essentially a State strategic list of properties that are deemed suitable for further investigation, particularly in relation to infrastructure planning, prior to that land proceeding to rezoning consideration by a local Council. An extract from the Department of Planning's website in relation to the MDP states the following:

*"The MDP develops an indicative ten-year dwelling supply forecast, which is an important tool in tracking the likely future availability of land for housing purposes, thereby ensuring the demand of the housing market can be adequately met, and the affordability of housing maintained.*

*It is also a valuable resource for Government agencies which are responsible for the provision of infrastructure by keeping them informed of likely future land release areas that will require infrastructure services such as connection to sewerage, electricity and transport networks.*

*To assist with these functions, it is a typical requirement that proposed land releases in the metropolitan region are included on the MDP before they can proceed to formal rezoning."*

Land can be included on the MDP either by identification for further investigation in a Council strategy or via a separate application directly to the Department of Planning where the land parcel is significant. Listing on the MDP is a pre-requisite for infrastructure providers, such as Sydney Water and RTA, as those providers do not plan infrastructure provision unless land is listed on the MDP. It should also be noted that listing on the MDP does not automatically permit all the land to be developed for residential development. The listing will give the opportunity for the land to be investigated by the infrastructure providers to plan how and when infrastructure may be provided to the land.

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### Role of Council

The exact role, or expectation, of Council in relation to this application will be set out in a letter from the Department of Planning which had not been received at Council at the time of writing this report. However, Council has received advice previously regarding this pending application.

Whilst Council is not the consent authority in this matter, the Department of Planning and the Director General, are keen to receive comments from Council in relation to this proposal. The comments are likely to expect an "In Principle" comment from Council in relation to the listing and investigation of infrastructure provision for the site and will not expect a detailed assessment of the application. Should the MDP listing be approved by the Department, and the subsequent infrastructure planning be suitably completed, the land can then, subject to an appropriate rezoning application being lodged, be considered in detail by Council, and the Department, as part of a rezoning application.

Council resolved on 13 October 2009 as follows:

*"That as a matter of policy Council indicate that it will not consider nor support any further applications to rezone land for residential purposes in the area west of the Hawkesbury River until such time as the existing infrastructure issues, particularly as related to traffic, have been addressed to Council's satisfaction."*

The above resolution does not preclude Council from considering and commenting on the subject application, as the application is not an application to rezone the site.

Whilst the above resolution is a broad Policy statement of Council, it is likely that a response along these lines to the Department of Planning in relation to this application may be suitable.

### Funding

There are no funding implications in relation to this report.

### RECOMMENDATION:

That:

1. The information be received,
2. Following receipt of the letter of expectations from the Department of Planning in relation to this application, the matter be reported to the next available Council meeting.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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**AT - 2 Copy of letter of expectation from Department of Planning and  
Extract of Metropolitan Strategy Sustainability Criteria**

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**Item: 277**      **CP - Representations to Ageing, Disability and Home Care, NSW Department of Human Services - (95498, 96328, 116110, 108433)**

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### REPORT:

This report has been prepared to advise Council of a request received from the Hawkesbury Community Care Forum for Council to make representations on the Forum's behalf to Ageing, Disability and Home Care, NSW Department of Human Services regarding funding allocations to the Hawkesbury Local Government Area.

The Hawkesbury Community Care Forum is an interagency made up of local community, health, disability and aged care service providers. The majority of these services receive funding under the Home and Community Care Program (HACC) to provide services to frail older people, people with disabilities and their carers. In NSW, funding under the HACC Program is generally administered by Ageing, Disability and Home Care (ADHC) within the NSW Department of Human Services.

New funding under the HACC program is distributed under a competitive tendering arrangement, based on priorities identified in Regional Plans developed in consultation with HACC service providers.

In October 2009, as part of this process, tenders were advertised on the ADHC website calling on eligible agencies to submit tenders to operate social support services within the Nepean Region (Blue Mountains, Hawkesbury and Penrith). \$90,000 was allocated for these services.

In response to the call for tenders, a number of agencies within the Hawkesbury prepared the necessary documentation to tender for these services investing staff hours in the process. Unfortunately, some three weeks after the initial call for tenders, the tender specifications for the \$90,000 social support services were altered. The tender was changed with the \$90,000 previously allocated to provide social support services in the Blue Mountains, Hawkesbury and Penrith replaced by a narrower tender brief which allocated the \$90,000 for the provision of social support services solely within the Penrith Local Government Area targeting the indigenous community. No information was provided on the web-site outlining the reasons for the changes.

At a recent meeting of the Hawkesbury Community Care Forum held on 11 November, this matter was discussed. Forum members did not question the requirement for funds to be allocated for social support services to the indigenous community - particularly in view of the significant disadvantages faced by indigenous people. However, the Forum was concerned that funding previously allocated for much needed social support services in the Hawkesbury had been withdrawn. The Forum was concerned at the lack of communication and information which accompanied this decision - particularly as the need for these services in the Hawkesbury has not lessened.

In 2008, a similar process occurred in relation to a call for tenders by ADHC for the construction of a regional dementia specific day care and respite centre to be located in the Hawkesbury. Council staff prepared a tender, including initial sketch designs for the proposed centre, only to be advised that the target location of the facility had been changed to Penrith (this occurred following the lodgement of the tender). The proposed centre has not been constructed.

Apart from its concerns regarding the management by ADHC of its tender processes, the Hawkesbury Community Care Forum is also concerned at what appears to be an inequity of funding allocated to the Hawkesbury LGA in relation to other Local Government Areas in the Metro North Region. The Forum has requested that Council make representations in writing on their behalf to the Regional Director for the Metro North Region to seek advice in relation to the change to the recent tender for social support services and more generally to seek an assurance that the needs of residents of the City of Hawkesbury are being adequately and equitably addressed.

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### Conformance to Strategic Plan

The proposal is consistent with the Community Strategic Plan, *Looking after People and Place* Strategy, i.e:

*"Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities."*

It is clear that there is a need for the required services and in this case Council is the appropriate body to advocate for the required services and facilities.

### Funding

There are no funding implications arising from this report.

### RECOMMENDATION:

That Council make written representations to the Regional Director for the Metro North Region, Ageing, Disability and Home Care, NSW Department of Human Services, on behalf of the Hawkesbury Community Care Forum in relation to the issues identified in this report.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**Item: 278 CP - Draft Hawkesbury Local Environmental Plan 1989 (Amendment 154) - Rezoning of land in New Street and Johnston Street, Windsor - (95498)**

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**REPORT:****Introduction**

Council at its Ordinary Meeting of 24 June 2008 resolved to rezone certain land in New and Johnston Streets, Windsor to either Business General 3(a) under Hawkesbury Local Environmental Plan 1989 or B2 Local Centre under the Standard Template LEP.

The purpose of this report is to advise Council of the public authority consultation and public exhibition of Draft Hawkesbury Local environmental Plan 1989 (Amendment 154) and recommend that the Plan be forwarded to the Department of Planning for finalisation and gazettal.

**Sections 54 and 62 consultation with government agencies**

On 2 July 2008 Council wrote to the Department of Planning (DoP) pursuant to Section 54 of the EP & A Act 1979 advising of Council's 24 June 2008 resolution. The DoP subsequently advised Council on 1 August 2008 that Council may continue with the preparation of the draft LEP and that the LEP was contain provisions for the control of height and floor space ratios.

On 12 January 2009 Council wrote to the following public authorities under Section 62 of the EP & A Act 1979.

- Roads and Traffic Authority
- Department of Tourism Sport and Recreation
- Deerrubbin Local Aboriginal Land Council
- Integral Energy
- Telstra
- Telstra Countrywide-Nepean Hawkesbury Macarthur
- Urban Growth, Sydney Water
- NSW Department of Aboriginal Affairs
- Rail Estate
- NSW Department of Primary Industries – Minerals
- NSW Fire Brigade
- NSW State Emergency Service
- Transgrid
- Department of Defence
- NSW Department of Planning - Heritage Office

Replies were received from Transgrid, Telstra, Sydney Water, NSW Department of Primary Industries, NSW Fire Brigades, Department of Defence, Roads and Traffic Authority, and the DoP - Heritage Branch. None of these public authorities raised objection to the rezoning, however some did alert Council to matters to be considered by Council when assessing any subsequent development applications. In general these matters relate to the provision of services, traffic matters, external lighting and reflective surfaces and the potential of these to interfere with pilots and operations of the RAAF Base Richmond. These matters can be readily dealt with at development application stage and need not be addressed in detail at the rezoning stage.

On 26 June 2009 Council forwarded a copy of the draft LEP, copies of public authority submissions and associated material to the DoP and requested permission to publicly exhibit the draft LEP. It was submitted that Council should not be required to include floor space ratio provisions however did include a



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height limit of 10m in the draft plan. This height limit is consistent with the proposed height limit to be adopted in the Standard instrument LEP.

The DoP provided Council with permission to public exhibit the draft LEP on 4 August 2009. A copy of the draft LEP is attached to this report.

### Public Exhibition of the draft LEP

The draft LEP was exhibited from 22 October to 23 November 2009. Five submissions were received, two from Sydney Water and Department of Defence who raised no objection to the proposal, and three from the owners of 66, 68 and 70 The Terrace, Windsor who requested that their properties be included in the rezoning.

In the original rezoning application to Council, the proponent requested that 66, 68 and 70 The Terrace, Windsor be rezoned to Business General 3(a). These properties are currently zoned Housing and each contain a single dwelling. The dwellings on 66 and 68 The Terrace present as single storey in height, with 70 The Terrace being a mix of single and two storey building elements. In considering the rezoning, the report to Council on 24 June 2008 stated:

*"The application seeks to rezone 3 properties along The Terrace, being No.s 66, 68 and 70. Whilst these properties are not listed as heritage items they contribute significantly to the streetscape and character of The Terrace and represent the inter-war style of housing. The re-development of these properties has the potential to adversely affect the character of Windsor. Adaptive re-use of the dwellings are encouraged and may compliment development on the adjoining site, however this can be achieved under the current provisions of Hawkesbury LEP 1989."*

Council subsequently resolved not to include these properties in the draft LEP. Furthermore, the DoP - Heritage Branch advised via the Section 62 consultations as follows:

*"The Heritage Branch also supports the non inclusion of No.s 66, 68 and 70 The Terrace Windsor in the rezoning on the basis that redevelopment of these properties has potential to adversely affect streetscape and character of The Terrace. The Heritage Branch encourages the adaptive reuse of No.s 66, 68 and 70 The Terrace Windsor."*

The owners of 66, 68 and 70 The Terrace have requested inclusion in the rezoning to Business General 3(a) for the following reasons:

*"To have businesses all around us and not be able to likewise development is in our opinion unjust*

*The 3 houses in the Terrace would be the only residential properties in the entire block within the boundaries of George, Johnston, New and the Terrace. There would be no buffer between commercial and residential, usually a street or a park.*

*The Council maintain that they want to retain the streetscape, residential environment, of the Terrace but not that of New St. or Johnston St.*

*The Terrace has already 2 commercially zoned properties being the 3 storey Professional Retail Centre on the corner of Kable Street and the car park and toilet block on the opposite corner. There is also at least 3 professional premises in The Terrace Physiotherapy with a hydrotherapy pool, Surveyors and a Massage and Aromatherapy business. The Terrace between New and Catherine Street is fully parked out during business hrs by staff from the commercial area. We find this not to be a typical residential environment.*

*If the properties are re-zoned commercial the council will remain in control of the type and design of the structure. Therefore why is it assumed that any new development would be detrimental to the streetscape."*

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*Several properties that border the rear of my property have been rezoned to business general and I now face the prospect of having buildings to a maximum of 10 metres high being erected on my back boundary and looking into my property and destroying my privacy.*

*My property and my two neighbours are now unfairly affected with no proper buffer between our properties and the high rise behind us.*

*A proper buffer between high rise commercial and residential should be the Terrace itself and Hollands Paddock and New Street.*

*If my property remains "residential" Council's actions has seriously diminished its value.*

Properties along The Terrace in the vicinity of the land proposed to be rezoned can be characterised as having either a low scale residential or park land character. The majority of the dwellings in this area are single storey in height and the park land has an open nature affording views between the river and town centre/residential area. Importantly, due to their elevated and prominent position, the cluster of properties at 66 - 70 and 61 - 67 The Terrace act as a physical and visual transition from the residential area in the south-west to the open park land to the north-east. It is considered that this important physical and visual transition should be maintained and that the 66 - 70 The Terrace should not be rezoned to Business General 3(a) as it would be difficult to maintain or replicate this transition with commercial style re development of these properties.

Finally, it is noted that some properties in The Terrace are being used for medical and surveying services. This is because these activities fall within the definition of "professional and commercial chamber" which are permissible within the Housing zone. As 66 - 70 The Terrace are also zoned Housing these uses would also be permissible subject to Council consent on these properties hence adaptive re-use of these properties is possible.

### Conclusion

The submissions received as a result of consultation with public authorities and the community either raise no objection to the draft LEP or raise matters which do not require the draft LEP to be amended or abandoned or a public hearing (as defined by the EP & A Act 1979) to be conducted in respect of the draft LEP. Accordingly, it is recommended that Council forward Draft Hawkesbury Local Environmental Plan 1989 (Amendment 154) to the Department of Planning for finalisation and gazettal.

### Conformance to Strategic Plan

The proposal is consistent with the Community Strategic Plan, *Supporting Business and Local Jobs* Direction:

*"Help create thriving town centres, each with its own character that attract residents, visitors and business."*

The additional commercial zone adjacent to the existing town centre will assist in providing the opportunity for existing and new businesses to expand and add to the existing services of the town.

### Funding

There are no funding implications.

### 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:** 8 December 2009

### **RECOMMENDATION:**

That Council forward the Draft Hawkesbury Local Environmental Plan 1989 (Amendment 154) to the Department of Planning requesting that the plan be finalised and made.

### **ATTACHMENTS:**

- AT - 1** Draft Hawkesbury Local Environmental Plan 1989 (Amendment 154) Written Instrument and Map
- AT - 2** Locality Plan

**AT - 1 Draft Hawkesbury Local Environmental Plan 1989 (Amendment 154)**

**Written Instrument and Map**

**DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989  
(AMENDMENT No. 154)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*.

(  
Minister for Planning )

**DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989  
(AMENDMENT No. 154)**

under the

Environmental Planning and Assessment Act 1979

**1. Name of plan**

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No. 154)*.

**2. Aims of plan**

This plan aims to rezone the land to which the plan applies from:

- a. Housing to Business General;
- b. Special Uses 5(a)-Water Treatment to Business General;
- c. Open Space (Existing Recreation) to Business General.

**3. Land to which plan applies**

This plan applies to land in Johnston and New Streets, Windsor, as shown on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No. 154) deposited in the office of the Council of the City of Hawkesbury.

**4. Amendment of Hawkesbury Local Environmental Plan 1989**

Hawkesbury Local Environmental Plan 1989 as set out in Schedule 1

## Schedule 1 Amendments

### [1] Clause 5 Definitions

Insert in the appropriate order in the definition of ***the map*** in clause 5(1):

Hawkesbury Local Environmental Plan 1989 (Amendment No. 154)

### [2] Clause 58

Insert after Clause 57:

#### Clause 58 Residential development at Johnston and New Streets, Windsor

- (1) This clause applies to the following lots as shown coloured blue on the map marked Hawkesbury Local Environmental Plan 1989 (Amendment No. 154):

<b><i>Property Description</i></b>	<b><i>Address</i></b>
<i>Lot 8 DP1066324</i>	<i>8 New Street</i>
<i>Lot 6 DP1066233</i>	<i>6 New Street</i>
<i>Part Lot 51 DP1073306</i>	<i>Walkway to New Street</i>
<i>Lot 1 DP804295</i>	<i>4 New Street</i>
<i>Lot 11&amp;12 DP854037</i>	<i>2 New Street</i>
<i>Part Lot 51 DP1073306</i>	<i>Land on the south western side of Johnston Street</i>
<i>Lot 1 DP70063</i>	<i>17 Johnston Street</i>
<i>SP49911</i>	<i>19 Johnston Street</i>
<i>Lot 1 DP800664</i>	<i>23-27 Johnston Street</i>

- (2) In this clause, ***commencement day*** means the day on which *Hawkesbury Local Environmental Plan 1989 (Amendment No 154)* commenced.
- (3) Notwithstanding Clause 9, a dwelling that was lawfully situated on any land before the commencement day may, with the consent of the Council, be extended, altered, added to or replaced however the number of dwellings on the land shall not be increased. Where no dwelling existed on any land before the commencement day, the Council may consent to the erection of one but no more than one dwelling.
- (4) The height of a building on any land shall not exceed 10 metres.

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Please Refer to the Separate  
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**AT - 2**    Locality Plan

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

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 8 December 2009

### SUPPORT SERVICES

**Item: 279**                      **SS - Proposed New Recreation Area Adjacent to the Hawkesbury River, Windsor - (95496)**

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#### **REPORT:**

Representatives of 'The Heart of the Hawkesbury' Inc. have had preliminary discussions with Council, with a view to formally seeking owner's consent to lodge a development application on land owned by Council, and the Crown. The Group propose to create a new recreational area on the opposite side of the Hawkesbury River to the Windsor Township, with access also via a pedestrian bridge linking the Windsor CBD and The Terrace to the facility. The land in question is identified as Macquarie Park and its surrounds, which includes land owned by Council and Crown land under the care, control and management of Council.

It is understood that 'The Heart of the Hawkesbury' Inc. is a Group consisting of representatives from various associations and service clubs including Lions, Rotary, Windsor Business Group, and the Chamber of Commerce.

The representatives of the Group have provided a concept plan showing the main attraction being a salt based wave pool. There will be associated activities including kiosk and restaurant, and other water activities. It is estimated that the concept will cost in the vicinity of \$3 million to \$3.5 million. Funding is proposed by sponsorship, naming rights, donations, grants, etc. There will be rights to lease areas within the site, and one option for management of the facility is a similar arrangement as with the Hawkesbury Leisure Centres (ie YMCA managed). There will be parking on site. The Group currently estimate that the completion date will be by December 2010.

In researching the ownership of the land involved, it is noted that the relevant Council land is classified as community land under the Local Government Act, 1993, and is subject to the Windsor Foreshore Parks Plan of Management (POM) adopted by Council at its meeting of 29 September 2009. Currently any use of that land will need to be in accordance with the POM, and the proposal would seem to be inconsistent with that POM and the identified management strategies for Macquarie Park.

The concept is in its infancy stage and there are many legal and technical issues that the Group will need to address in developing further the concept, and the lodgment of any development application with Council.

The Group has been asked to consider the implications of the POM on its proposal, as this is an obvious barrier to Council considering whether to give owner's consent to the lodgment of any development application. Conversely, it is apparent that the Group would want owner's consent prior to it expending further significant resources in the preparation of the various reports and studies that would be required for a development of this nature.

Should Council consider it wishes to have more information on the proposal, it is suggested that representatives of the Group be invited to provide a presentation at a Councillor Briefing Session early in 2010.

#### **Funding**

There is no financial impact as a result of this report.



**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**RECOMMENDATION:**

That the information regarding the proposal by The Heart of Hawkesbury Inc for a new recreation area adjacent to the Hawkesbury River, Windsor be received and noted and that the organisation be invited to make a presentation to the next Councillors Briefing Session in connection with the proposal.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 8 December 2009

**Item: 280**                    **SS - Classification of Land - Lot 1061 DP1131838, Johnston Street, Pitt Town - Sewage Pumping Station - (95496, 87959)**

**Previous Item:**        11, Ordinary (3 February 2009)  
                              243, Ordinary (25 November 2008)  
                              146, Ordinary (8 July 2008)  
                              170, Ordinary (25 August 2009)

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### REPORT:

The State Government approved a rezoning for land at Pitt Town on 10 July 2008, under Part 3A of the Environmental Planning and Assessment Act 1979 creating potential for 943 lots within the rezoned area.

To provide reticulated sewerage services to the rezoned area, Council adopted a sewerage strategy in October 2008. The strategy had been developed by the Johnson Property Group Pty Ltd, the major developer within the rezoned area.

The strategy required the construction of a new pumping station at Pitt Town (off Bootles Lane) (P.S.T) and a new rising main to transfer flows to McGraths Hill Wastewater Treatment Plant (MHWWT). This new infrastructure has now been provided and has capacity to service both the existing village and the rezoned area. It was agreed that the sewage infrastructure, on satisfactory completion, would become the property of Council who will then be responsible for its ongoing operation and maintenance

The Johnson Property Group Pty Ltd has commenced the process of transferring the ownership of the land on which the sewage pumping station is located to Council. Transfer documents have been lodged with Department of Lands. The relevant land has been provided with a new Deposited Plan and Lot Number, being Lot 1061 in Deposited Plan 1131838.

In relation to this matter, Section 31(2) of the Local Government Act 1993 (LGA) is relevant and is as follows:

*"31(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community or operational land".*

Section 31 of the LGA states that before a council acquires land, or within 3 months after it acquires land, a council must resolve that the land be classified as community land or operational land. If no such resolution is made the land will be classified by default as community land.

This land is being transferred in relation to sewerage operations and should be classified as operational land under the LGA. Other Council land that is utilised for similar operations has been classified as operational land.

The need to make an early declaration of classification is driven by the requirements of the LGA. In this regard, Section 34 of the LGA deals with the requirements concerning public notice and is as follows:

- "34 (1) A council must give public notice of a proposed resolution to classify or reclassify public land.*
- (2) The public notice must include the terms of the proposed resolution and a description of the public land concerned.*
- (3) The public notice must specify a period of not less than 28 days during which submissions may be made to the council".*

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### **Funding**

The proposal to classify the property as operational land under the LGA will have minimal effect on the budget, with the only cost being for advertising which is generally provided for in Council's Budget.

### **RECOMMENDATION:**

That Council:

1. Pursuant to Section 34(1) of the Local Government Act 1993, give public notice of a proposed resolution to classify Lot 1061 DP 1131838 as "Operational Land", being land associated with the sewage pumping station for Pitt Town;
2. A further report be submitted to Council at the conclusion of the 28 day public exhibition period.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**Item: 281            SS - Proposal to Re-establish Alcohol-Free Zones - (95496)****REPORT:**

Alcohol Free Zones (AFZs) are established to promote safe public places including roads and car parks for residents and visitors. Once an AFZ is established it is an offence to drink alcohol at any time on any street or footpath where the zone exists for the period of up to 4 years. The irresponsible consumption of alcohol on roads and footpaths and in car parks can compromise their use by members of the public in safety and without interference. An AFZ may now be re-established for a maximum period of 4 years (previously 3 years). Once an AFZ is established, it applies 24 hours per day.

The current AFZs, located within the Hawkesbury Local Government Area, expire on the 31 December 2009.

In accordance with the provisions of the Local Government Act, 1993, Council now needs to consider the re-establishment of the AFZs in the Hawkesbury Local Government Area.

As required under the Ministerial Guidelines on AFZs the public consultation process has been undertaken and included the following:

- A published notice of the proposal in the Hawkesbury Courier on 29 October 2009 allowing inspection of the proposal and inviting representations or objections within 30 days (from the date of publication). The notice stated the exact location of the proposed AFZs and the place and time at which the proposal may be inspected.
- Copies of the proposals were sent to Hawkesbury Local Area Command (Police) as well as all liquor licensees, secretaries of registered clubs and principals of local schools whose premises border on or adjoin or are adjacent to the proposed zones, inviting representations or objections within 30 days (from the date of sending the copy of the proposal)
- Other Departments such as Nepean Migrant Access Inc, Deerubbin Local Aboriginal Land Council, NSW Drug Awareness Council have also been informed with a copy of the proposal for the re-establishment of the AFZs within the Hawkesbury Local Government Area, inviting representations or objections within 30 days (from the date of sending the copy of the proposal).

As at the closing date, being 30 November 2009, no objections had been received.

It is noted that some circumstances an alcohol free zone may be proposed for an area that includes footpath alfresco dining areas for cafes and restaurants which fall within the zone. It should be noted that when a permit for the use of public footpaths for such dining in an alcohol-free zone is granted, it must impose conditions on the licensee (eg restaurant operator) about the requirements of the zone, including clear delineation and control of the licensed area from the AFZ.

Accordingly, it is proposed to re-establish all AFZs for another period of 4 years, commencing 1 January 2010 and expiring 31 December 2013.

The current location of Hawkesbury's AFZs, as indicated on the attached maps, are as follows:

- **The roads and footpaths of the following blocks having boundaries of:**
  - Francis Street, West Market Street, Windsor Street and Bosworth Street, Richmond - including Coles Car Park in Richmond.
  - East Market Street, Windsor Street, West Market Street and March Street, Richmond.
  - George Street, Campbell Street, Mullinger Lane and Argyle Street, South Windsor - including the roads, footpaths and car parks of South Windsor Shopping Centre.
  - Charles Street, Elizabeth Street, Grose Vale and William Street, North Richmond

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- **The roads and footpaths at the following locations:**
  - East Market Street, Richmond - between Francis Street and Windsor Street, Richmond.
  - Toxana Street, Richmond - between Francis Street and Windsor Street, Richmond.
  - Windsor Street, Richmond - between East Market Street and Paget Street, Richmond.
  - West Market Street, Richmond - between Lennox Street and March Street, Richmond.
  - East Market Street, Richmond - between March Street and Lennox Street, Richmond.
  - March Street, Richmond – between East Market Street and Paget Street, Richmond
  - Paget Street, Richmond – between March Street and Windsor Street, Richmond
  - George Street, Windsor - from the roundabout in Thompson Square to the corner of Arndell Street, Windsor.
  - Eldon Street, Pitt Town - between Grenville Street and Chatham Street, Pitt Town.
  - Along The Terrace, Windsor - adjoining Howe Park.
  - Windsor Mall, George Street, Windsor.
- **The carpark and service roads at the following locations:**
  - Corner of Bells Line of Road and Pitt Lane, North Richmond.
  - Glossodia Shopping Centre at 162 Golden Valley Drive, Glossodia.
  - McGraths Hill Shopping Centre at Phillip Place McGraths Hill - being the block bounded by Phillip Place, Redhouse Crescent and McGraths Hill Community Centre.
  - Wilberforce Shopping Centre at 15 King Road, Wilberforce.
  - Kurmond Village Shopping Centre 519 – 521 Bells Line of Road, Kurmond
  - Woodhills Carpark, Richmond.

### Funding

This proposal will require that current signage to be updated (i.e dates) and these minor costs involved in relation to this proposal can be funded from Component 58 of the 2009/2010 Budget.

### RECOMMENDATION:

That:

1. In accordance with the provisions of the Local Government Act, 1993, the consumption of alcohol in the areas outlined in the report, be prohibited for the period from 1 January 2010 to 31 December 2013, by the re-establishment of the Alcohol Free Zones in the Hawkesbury Local Government Area.
2. Public Notification (including erection of signage and an advertisement in the Hawkesbury Courier) be given for the re-establishment of the Alcohol Free Zones, for the period from 1 January 2010 to 31 December 2013 as indicated in the report.

### ATTACHMENTS:

- AT - 1** Map of Glossodia identifying the location of the Alcohol Free Zones.
- AT - 2** Map of Kurmond identifying the location of the Alcohol Free Zones.
- AT - 3** Map of McGraths Hill identifying the location of the Alcohol Free Zones.
- AT - 4** Map of North Richmond identifying the location of the Alcohol Free Zones.
- AT - 5** Map of Pitt Town identifying the location of the Alcohol Free Zones.

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**AT - 6** Map of Richmond identifying the location of the Alcohol Free Zones.

**AT - 7** Map of South Windsor identifying the location of the Alcohol Free Zones.

**AT - 8** Map of Wilberforce identifying the location of the Alcohol Free Zones.

**AT - 9** Map of Windsor identifying the location of the Alcohol Free Zones.

**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**Attachment 1 - Map of Glossodia identifying the location of the Alcohol Free Zones**

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

**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**Attachment 2 - Map of Kurmond identifying the location of the Alcohol Free Zones**

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



**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**Attachment 3 - Map of McGraths Hill identifying the location of the Alcohol Free Zones**

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

**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**Attachment 4 - Map of North Richmond identifying the location of the Alcohol Free Zones**

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

**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**Attachment 5 - Map of Pitt Town identifying the location of the Alcohol Free Zones**

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

**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**Attachment 6 - Map of Richmond identifying the location of the Alcohol Free Zones**

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

**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**Attachment 7 - Map of South Windsor identifying the location of the Alcohol Free Zones**

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

**ORDINARY MEETING**

**Meeting Date: 8 December 2009**

**Attachment 8 - Map of Wilberforce identifying the location of the Alcohol Free Zones**

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

**ORDINARY MEETING**

**Meeting Date:** 8 December 2009

**Attachment 9 - Map of Windsor identifying the location of the Alcohol Free Zones**

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

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 8 December 2009

**Item: 282**                    **SS - Hawkesbury Regional Museum - Hours of Opening - (95496, 114055, 103542)**

**Previous Item:**            109, Extraordinary (16 June 2009)

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### REPORT:

This Report has been prepared to provide Council with options for the opening hours of the Hawkesbury Regional Museum along with the financial implications of each option. It makes a recommendation on changing the opening hours of the Museum. The Report also outlines the outcome of surveys conducted in relation to investigating the optimum Hawkesbury Regional Museum hours of opening.

### Background

At the Extraordinary Meeting held on 16 June 2009 Council considered a report regarding the 2009/2010 Management Plan and resolved, in part, as follows:

*"That:*

3. *A report on the possible extension of the Regional Museum's opening hours be submitted to Council before the end of 2009".*

### Current Situation

The Hawkesbury Regional Museum (Museum) has been fully open to the public since 18 May 2008. In the past eighteen months it has received over 17,000 visitors. The Museum is in a prime location in Windsor, co-located on a site where the existing Museum was in operation for over 40 years.

When the Museum was established it was widely advertised as being open to the general public 5 days a week and open by appointment for groups on the other two days. It closed on public holidays. The opening hours were as follows:

Wednesday - Friday	10am - 4pm
Saturday - Sunday	10am - 3pm
Monday and Tuesday	Closed (open by appointment for groups)
Public Holidays	Closed

After representations to Council regarding the Museum's closure on Australia Day 2009, this year falling on Monday 26 January, in mid 2009 the public holiday times were amended to:

*"Closed Christmas Day, Good Friday and public holidays falling on Tuesdays to Fridays.  
Open 10am - 3pm on public holidays falling on Saturdays to Mondays".*

This is a complex arrangement which presents challenges in communication and promotion to the general public. For marketing purposes the aim is to have memorable and consistent hours of opening.

When the Museum opened it did so as an additional facility and service. Permanent staffing levels were not increased. Three full time Gallery/Museum staff as well as the Volunteer Co-ordinator currently work across two facilities. Staffing levels were augmented by casual staffing arrangements and budgets.

Museum Volunteers are recruited, trained and co-ordinated to provide value-added services for Museum visitors. They are not intended to replace paid professional staff. For occupational, health and safety, and risk management purposes, volunteers are not to work alone at any Cultural Services facilities, which



include the two libraries, Gallery, Visitor Information Centre and the Museum. All these services are operated in relatively stand-alone situations which heighten the importance of risk minimisation.

## **Research**

In preparing the report a range of research was undertaken:

1. Hawkesbury Regional Museum, visitation popularity by day of the week.
2. NSW Museum opening hours survey, October 2009.
3. Bus Company telephone survey, October 2009.

### *1. Museum attendance trends to date*

Museum attendance figures for 1 January to 10 October 2009 have been collated and averaged for each day of the week to provide historical data on when visitors come to the Museum. Visitors have been broken into two types:

- Casual / independent visitors – eg. individuals, family / friend groups
- Organised groups – eg. bus tours and school groups

Attachment 1 to this report outlines the Museum visitations by day of the week.

Sunday is the most popular day of the week for both types of visitors. This is a likely consequence of the Sunday Markets and the greater density of visitors in Windsor on that day. Saturday is the second most popular day for casual / independent visitors.

Wednesday is the second most popular day for organised groups. This indicates that there is a midweek market for booked tour groups and school visits. The Museum has catered for this anticipated visitor trend since its establishment by advertising that it is open by appointment for booked groups on both Monday and Tuesday, when it is otherwise closed to the general public on those days.

### *2. NSW Museums' opening hours*

A survey of various NSW Museums' opening hours is attached as Attachment 2 to this report. The survey was carried out by Museum staff.

This survey of NSW Museums' opening hours illustrates that there is no industry standard for opening hours. Decisions on opening hours are influenced by many factors, the most pressing being budgets. Other informing factors are the location of the Museum, target audience/s, demonstrated or anticipated demand for services, or service scope of the institution.

State funded museums typically have longer general public opening hours. This is logical given their size, funding source and staffing levels as well as the scope of responsibility or role of these institutions.

Most other museums (non-State Government) surveyed are closed at least one, but usually two or three days a week. The average for non-State Government funded and managed museums is to be open 5 days per week and to close at 4pm on weekend days. The Hawkesbury Regional Museum meets the average number of days opened to the general public each week but has the earliest weekend closing hours of those surveyed.

Some more niche market institutions such as the Historic Houses Trust NSW properties Elizabeth Farm Cottage at Rosehill, Elizabeth Bay House at Elizabeth Bay and Justice and Police Museum at Circular Quay have recently decided to open to the general public on weekends only and to close on all or most week days - except for pre-booked school groups.

Elizabeth Farm Cottage is specifically geared towards school groups and school holiday programs. This strategy gives access for the general public – casual / independent visitor - on weekends and allows staff and other resources to be otherwise focused on delivering high quality and tailored programs and experiences to their key target audience (school-aged children and pre-booked school groups).

Quality program development, interactive activities and interpretative devices are those parts of the Museums' services that make its objects and collections come to life and impart a sense of relevance. This dimension of a museum's role is developed in the background, behind-the-scenes and requires time, attention and knowledge.

Museums are most effective for their audiences and efficient for their operators when they are responsive to target audiences' visiting patterns. The Hawkesbury Regional Museum has kept visitor records since its opening and has established that it would be most effective and efficient to open to the general public during weekend hours and to focus on group visits during week days.

In taking this approach it is following the lead of Historic Houses Trust NSW (HHT), which sets a high benchmark in terms of specific audience targeting and excellence in program delivery – both of which have been established over many years of management. HHT's recent approach of closing to the general public on week days in order to focus on special programs for schools and booked groups enables it to best allocate their limited resources.

### 3. *Bus company survey*

Twenty one bus companies were contacted by telephone and 10 participated in the survey. Attachment 3 to this report outlines the results of the survey. The survey was carried out by a senior student from UWS as part of the Bachelor of Tourism Management, and under the supervision of the Manager Cultural Services.

The survey participants were asked about the degree of satisfaction or dissatisfaction with a range of items including parking, public toilets, opening hours of businesses and services, tourism attractions and restaurants. In summary the survey results were:

- In respect of the Museum opening hours, all bus companies were satisfied, very satisfied or neutral. No survey participant registered a negative response.
- Coach parking was identified as the key issue for bus companies. In Windsor, however, there are tourist coach parking areas on the Baker Street and Thompson Square sides of the Museum. There is an additional area in Fitzgerald Street, reasonably close to the George Street intersection.
- Coach companies did not report that the availability of public toilets was a significant issue, but the quality of the public toilets was.
- The participating bus companies were asked three open ended questions to ascertain where they took groups, what type of groups they carried, and what local services or tour guides they used.
- Windsor is visited by most of the 10 bus companies; with Richmond, Kurrajong and Ebenezer the other main destinations in The Hawkesbury.
- Seniors and Probus groups are the main groups carried.
- Businesses benefiting from the tour group sector are Hawkesbury Valley Heritage Tours– patronised by at least 5 bus companies, and the Hawkesbury Paddlewheeler – patronised by 3 bus companies.

### **Museum Hours**

The following 6 options are provided for consideration. Attachment 4 to this report outlines the advantages and disadvantages of each of these options. The options range from retaining the status quo to opening more hours on weekends, opening more public holidays and opening on Mondays.

Opening seven days a week has not been included as an option as the closure of the Museum on Tuesdays is important to enable paid staff to develop exhibitions and programs, manage and develop

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collections, undertake training themselves as well as develop training for volunteer staff, and to take part in a range of business commitments that require them to be off site.

Many museums world wide – major and small - close during week days in order to allow staff to undertake exhibitions and collection work unrestrained by the demands of customer service delivery and matters of public liability. There are times when work undertaken in the Museum, whether it is building or plant maintenance or exhibition development requires the presence of contractors or trades and use of equipment such as scissor lifts in public areas. The Hawkesbury Regional Museum is a well designed but small museum and at times it is important to have unrestricted use of all areas in order to undertake collection and exhibition management work.

The closure of the Museum to the general public on Tuesdays does not prevent pre-booked groups visiting.

It is noted that any additional opening hours approved for the Museum would translate to additional public toilets being available.

Each of the following 6 options outline an approximate costing. These costings relate to the approximate additional annual wage costs included, however they do not include other possible on-costs such as outgoings and cleaning.

### **Option 1**      **Extend Weekend hours to 10am – 4pm on Saturdays and Sundays**

Current:	Open 10am – 3pm Saturdays and Sundays
Outcome:	Open an extra 2 hours per week
Approximate additional annual wages cost:	\$2,500

### **Option 2**      **Open 10am – 4pm on selected Public Holidays. Closed Christmas Day, Boxing Day and Good Friday (family oriented days). Open other public holidays.**

Current:	Closed Christmas Day, Good Friday and public holidays falling on Tuesdays to Fridays. Open 10am - 3pm on public holidays falling on Saturdays to Mondays.
Outcome:	Open 7 public holidays that have a greater leisure/tourism focus for the domestic market - New Years Day, Australia Day, Easter Saturday, Easter Monday, Anzac Day, Queens Birthday, Labour Day
Approximate additional annual wages cost:	\$2,500

### **Option 3**      **Extend Weekend hours and Open 10am – 4pm on selected Public Holidays**

Outcome:	Combination of Options 1 and 2
Approximate additional annual wages cost:	\$5,000

### **Option 4**      **Open Mondays 10am – 4pm**

Current:	Closed to general public (Open by appointment by groups)
Outcome:	Open extra 6 hours per week
Approximate additional annual wages cost:	\$12,000

### **Option 5**      **Extend Weekend hours, Open 10am – 4pm on selected Public Holidays and Open Mondays**

Outcome:	Combination of Options 1, 2 and 4
Approximate additional annual wages cost:	\$17,000

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### **Option 6**      **Retain status quo**

Outcome:	Open 5 Days. Closed Monday and Tuesday 10am – 3pm weekends 10am – 4pm weekdays Open 10am – 3pm on public holidays where the public holidays fall on a Saturday, Sunday and Monday with the exception of Christmas Day and Good Friday
Additional Cost:	NIL

### **Summation**

Based on evaluation of empirical evidence, the most effective change to hours of opening is to extend the weekend hours when current visitation is highest. The average weekend day attendance rate for casual / independent visitors is 100% more than the average attendance for casual / independent visitors on week days. Hawkesbury Regional Museum also has the earliest weekend closing hours of all the museums surveyed.

An extremely important benefit of extending the weekend hours would be the Museum meeting the criteria of the Tourism Attraction Signposting Assessment Committee (TASAC) to install the brown and white tourism attraction signposting on RTA roads. Criteria requires that museums be open at least 5 days a week, and 6 hours per day. This well recognised tourism signage alerts the touring public to the Museum via roadside signs on major motor gateways to the region.

Based on extrapolation of the data, opening on the seven selected public holidays is also an effective way forward, from the visitor perspective. These are days when families and friends are most able to visit museums or are looking for leisure options that are low cost, fun, educational and make up part of a day's excursion or short stay visit. This is an important consideration in terms of broader tourism strategies.

Also, given the fact that the majority of surveyed museums managed by local government are closed on all or most public holidays, the Hawkesbury region could be advantaged in the cultural tourism stakes by opening on these days. Given the distance of the Hawkesbury from major CBDs the Hawkesbury Regional Museum as well as the Hawkesbury Regional Gallery have important roles in contributing to the area as a tourism destination. The Hawkesbury is fortunate in that its business sector recognises this.

Opening to the general public on additional week days is not convincingly supported by current visitor data or by feedback from coach companies, none of which cited the Museum opening hours as being problematic. However, if the Museum also opened on Mondays the advantages would be that its days of opening would be aligned to Gallery days of opening. This would provide a clearer marketing message to existing and potential Gallery and Museum audiences and there would also be a contribution to a 'critical mass' of cultural tourism opportunities within the Hawkesbury on Mondays. Overall, more tourism based activity may contribute to the local economy.

The advantages of opening on Mondays rather than on Tuesdays is supported by an extrapolation of the current visitation data; that is that Friday has slightly higher visitation rate than Thursday. By extrapolating this data it could forecast that Monday would also have a higher visitation than Tuesdays, most likely due to its proximity with the weekend and the higher likelihood of people taking rostered days off and extended weekend breaks.

It is important in reviewing the Museum's opening hours to bear in mind that pre-booked groups can already visit the Museum on both Mondays and Tuesdays and that casual / independent visitor rates are half as much on week days as they are on Saturdays and Sundays.

It is strongly recommended that the Museum maintain one day of closure to the general public and continue to open that day on a pre-booked group basis only. As previously noted, this is important in terms of coordinating staff and volunteer training, exhibition amendments, collection development work, special cleaning work and building maintenance work that may involve heavy machinery.

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Also, it is strongly recommended that opening hours are not varied on numerous occasions as this creates uncertainty in the market. Hours of opening should be reliable and constant and therefore trialing of opening hours is not recommended. The supportive research and data collected from other museums and through our own visitor surveys provides a firm grounding for decision making with regard to the Museum's hours and days of opening. Further, it is recommended that opening hours be clear and easy to advertise. Dates which include exceptions to the rule are strongly advised against.

In conclusion, Option 5 is recommended for adoption by Council, with the following opening hours:

Wednesday to Monday	10am – 4pm
Tuesdays	Closed (open by appointment to booked groups).
Christmas Day, Boxing Day and Good Friday.	Closed
All other public holidays (New Years Day, Australia Day, Easter Saturday, Easter Monday, Anzac Day, Queens Birthday, and Labour Day).	Open 10am – 4pm

If Council agreed to alter the opening hours of the Museum, it is considered that the most appropriate commencement date would be 1 July 2010. This would enable this proposal to be considered as part of the 2010/2011 Budget and Management Plan process.

### Museum Revenue

The Hawkesbury Regional Museum and Hawkesbury Regional Gallery have been the recipients of several successful applications for Arts NSW funding. Funding of 50% was provided for both the Director and Curator positions for 3 years. Under Arts NSW's recently reviewed Arts Funding Program, \$100,000 has been received to support the operations across the Museum and Gallery during 2009.

The success of the applications is due to the management model under which the Gallery has operated since its establishment and the one under which the Museum now operates. The key to achieving Arts NSW grants is evidence of sustainability and professional standards of service delivery and collection management.

The agreement entered into in 2006, by the Hawkesbury Historical Society and Hawkesbury City Council, has been superseded by the Deed of Agreement in 2007, the building of the new Museum in 2007/2008 and the revised management model of the Museum.

In compliance with the "Deed of Agreement – Incoming Permanent Loan", and under the direction of and training by professional staff and grant funded collection and conservation experts, the support of the Hawkesbury Historical Society has been re-prioritised and focused onto the significance assessment and development of collections. Collections are the cornerstones of successful museums and the work done has contributed to preparation of museum exhibits as well as education collections. Education collections include such items as duplicates or those with no provenance. These have been set aside and will be available for hands-on education activities.

Members of the Hawkesbury Historical Society have developed school programs aimed at a range of school age groups and relating to syllabus requirements. This has been done in consultation with educators in local primary and high schools. Together, the Hawkesbury Historical Society and local educators have formed a Schools Program Project Team. Some programs have been trialled by schools and evaluated by the Project Team. Further development and implementation is planned for but is contingent upon space being made available within the Museum precinct.

For example, plans are in place to develop portable archaeology pits; this is an activity highly relevant to the museum site and is aligned to the secondary school syllabus. It is proposed that the portable pits will be housed in the shed (which is currently being used to store artefacts from Howes House). Once Howes

## ORDINARY MEETING

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House becomes available, the shed will be able to be emptied and thus become available as suitable storage for the archaeology pits.

Other spaces within the Museum which would need to be made available for the school programs such as the Hugh Williams Room are being used as part of collection conservation, preparation and documentation processes. These activities are extremely important because they make collections more accessible to the public, through the information gathered on them as well as collation of that data onto computer.

Howes House is still being restored and is not yet accessible by staff. The plans for the re-use of Howes House include installation of interpretive panels in the Tebbutt Room, Foyer and Cellar areas. The RAAF Room, as per Council's resolution of 5 February 2008 is retained. The Victorian Room will be re-fitted to become a hands-on display area where school groups can be involved in interactive activities. Similar activities are very successfully presented at Elizabeth Farm Cottage at Rosehill (as previously noted, during week days when the Cottage is closed to the general public). Interactive and hands-on activities for school aged children and young adults are more effective educationally than passive tour based programs. However, they do require more space and development of resources.

It is envisaged that the Hawkesbury Historical Society members will play an important role in the delivery and promotion of school programs once Howes House becomes available and that they will generate income. All programs and activities will be overseen by Council staff to ensure that they comply with any grant funding conditions.

The Hawkesbury Historical Society has made a donation of \$11,000 in December 2008 and an additional \$9,000 will be gifted to the Hawkesbury Regional Museum once Howes House has been redeveloped for use. Profit from Hawkesbury Historical Society merchandise sold in the Museum also benefits the Museum.

### Funding

If Council were to adopt Option 5 as outlined in the report the cost implication would be an increased employee budget of approximately \$17,000 per annum plus other costs such as outgoings and cleaning. This additional cost is not in the 2009/2010 Adopted Budget and the proposed and associated funding should be considered in conjunction with the 2010/2011 Budget and Management Plan Process.

### RECOMMENDATION:

That:

1. The contents of the report regarding the opening hours of the Hawkesbury Regional Museum be noted.
2. It be noted that Council's preference is to amend the Hawkesbury Regional Museum's opening hours in accordance with Option 5 as outlined in the report and that this matter and provision of required funding be considered in conjunction with the 2010/2011 Draft Budget and Management Plan.

### ATTACHMENTS:

- AT - 1** Hawkesbury Regional Museum - Visitation Popularity by Day of the Week
- AT - 2** Survey of NSW Museums' opening hours, October 2009
- AT - 3** Hawkesbury Visitor Information Centre – Coach Company Survey, October 2009
- AT - 4** Hawkesbury Regional Museum – opening hour options with advantages / disadvantages

# ORDINARY MEETING

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## Attachment 1: Hawkesbury Regional Museum - Visitation Popularity by Day of the Week - Reporting period 1 January – 10 October 2009

<i>Best day/s overall (including number of people in organised groups and casual / independent visitors)</i>	<i>Average per day during reporting period</i>
<b>Sun</b>	<b>94</b>
Wed	91
Sat	73
Fri	54
Thurs	47

<i>Best day/s for casual / independent visitors (people in organised groups not included)</i>	<i>Average per day during reporting period</i>
<b>Sun</b>	<b>81</b>
Sat	49
Fri	35
Thurs	32
Wed	31

<i>Best day/s for organised groups</i>	<i>Number of groups during reporting period</i>
<b>Wed</b>	<b>18</b>
Fri	8
Thurs	7
Sat	7
Sun	3
<b>TOTAL number of groups during Jan-Sep 2009</b>	<b>43</b>

**ORDINARY MEETING**

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**ATTACHMENT: 2      Survey of NSW Museums' Opening Hours**

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**ORDINARY MEETING**

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**ORDINARY MEETING**

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# ORDINARY MEETING

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## **ATTACHMENT: 3      Hawkesbury Visitor Information Centre – Coach Company Survey** **- October 2009**

Bus companies which visited the Hawkesbury were asked how satisfied they are with the following. The ranking system was rated by Very Dissatisfied (1) to Very Satisfied (5).

	<b>Very Dissatisfied (1)</b>	<b>Dissatisfied (2)</b>	<b>Neutral (3)</b>	<b>Satisfied (4)</b>	<b>Very Satisfied (5)</b>	<b>Response Count</b>
Parking Availability	5		4	1		10
Opening hours of businesses			1	8	1	10
Availability of public toilets		1	2	7		10
Quality of public toilets		3	3	4		10
Opening hours of Hawkesbury Regional Museum			5	4	1	10
Opening hours of Hawkesbury Regional Gallery			6	3	1	10
Opening hours of Hawkesbury VIC			6	3	1	10
Location of Hawkesbury VIC			7	2	1	10
Range of tourism/visitor attractions			3	6	1	10
Quality of tourism/visitor attractions			4	6		10
Availability of restaurants/eateries			3	7		10
Quality of restaurants/eateries			3	7		10
<b>TOTAL</b>	<b>5</b>	<b>4</b>	<b>47</b>	<b>58</b>	<b>6</b>	

**Explanation of very dissatisfied:** includes the lack of coach parking in the Windsor area especially along the river. One company said they discontinued coming to Windsor as part of their tour due to bad experiences with trying to find coach parking.

# ORDINARY MEETING

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Coach companies which visited the Hawkesbury were asked three open ended questions

What towns do you include in your itinerary?	What type of group/s do you usually bring here	Do you use the services of local tour guides/businesses? If yes, which ones?
Windsor	Seniors and Probus	Yes: Paddlewheeler River Cruise, Hawkesbury Valley Heritage Tours and depending in the group tour guide services from the Museum
Windsor and Richmond	Any	Yes: Hawkesbury Valley Heritage Tours
Richmond, Kurrajong, Ebenezer, Wisemans Ferry, St Albans and on occasion Windsor	Seniors	No
Windsor	Seniors	Yes: Hawkesbury Valley Heritage Tours
Windsor, Richmond, Kurrajong	Seniors	No
Windsor	Seniors	Yes: Paddlewheeler River Cruise
Windsor and Richmond	Seniors	Yes: Hawkesbury Valley Heritage Tours
Windsor and Glossodia (guide dogs)	Seniors	No
Windsor, Richmond, Ebenezer	Seniors and Probus	Yes: Hawkesbury Valley Heritage Tours
Windsor	Seniors and Probus	Yes: Paddlewheeler River Cruise

What do you include in your ticket, or offer as an optional extra - to your passengers?

	YES	NO	TOTAL	Explanations for 'Yes' response
Meals	9	1	10	Morning tea, Richmond Club, RSL Clubs in the area, lunch on the paddlewheeler
Drinks and/or snacks	9	1	10	As above, including coach catering
Souvenirs and/or postcards		10	10	
Information guides and/or history guides		10	10	
Guided Tours	4	6	10	Hawkesbury Valley Heritage Tours

Do your passengers spend money within the Hawkesbury on items, such as:

	YES	NO	TOTAL	Explanations
Meals, drinks or snacks	6	4	10	Cafes & Restaurants, Richmond Club, Macquarie Arms
Souvenirs, postcards or information guides and/or history guides	5	5	10	Souvenir shops (Windsor)
Guided tours	6	4	10	Hawkesbury Valley Heritage Tours

**ORDINARY MEETING****Meeting Date:** 8 December 2009**Attachment 4: Hawkesbury Regional Museum – Opening Hour Options****Option 1:** **Extend Weekend hours to 10am – 4pm on Saturdays and Sundays**

Current: Open 10am - 3pm Saturdays and Sundays

Outcome: Open an extra 2 hours per week

Approximate additional annual wages cost: \$2,500

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Allocating resources in response to target audience/s – who they are and how and when they use the museum</li> <li>Opening 1 extra hour on weekend days means the museum will meet Tourism Attraction Signposting Assessment Committee (TASAC) criteria, and can have the brown and white signposting installed on RTA roads. Criteria requires that museums must be open at least 5 days a week, and 6 hours per day to meet opening hours criteria</li> <li>Longer opening hours on weekend days is catering to the demonstrably higher numbers of visitors on those days, ie meeting demand</li> <li>2 closed days allow for administrative requirements such as staff training, collection management, building maintenance work</li> <li>Week days still available for pre-booked schools and tour groups</li> <li>Change in hours, and therefore disruption to marketing message, is minimal</li> <li>Museum can have special event/education days on closed days for special interest groups</li> </ul>	<ul style="list-style-type: none"> <li>Staff cost of additional 2 hours per week, including penalty rates</li> <li>Change in times disrupts marketing message and public expectations</li> <li>Costs in changing print collateral</li> </ul>

**Option 2:** **Open 10am – 4pm on selected Public Holidays: Closed - Christmas Day, Boxing Day and Good Friday (family orientated days). Open other public holidays**

Current: Closed Christmas Day, Good Friday and public holidays falling on Tuesdays to Fridays. Open 10am - 3pm on public holidays falling on Saturdays to Mondays.

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**Outcome:** Open 7 public holidays that have a greater leisure/tourism focus for the domestic market - New Years Day, Australia Day, Easter Saturday, Easter Monday, Anzac Day, Queens Birthday, Labour Day

**Approximate additional annual wages cost:** \$2,500

**Advantages****Disadvantages**

<ul style="list-style-type: none"> <li>Opening on 7 out of 10 public holidays per year - the public holidays when the touring and visiting public are likely to be more focused on leisure activities than they are on family gatherings and shopping</li> <li>Opening on targeted public holidays caters to local, regional and Sydney residents looking for day trip or short break destinations / activities</li> <li>Contributes to critical mass of leisure options for visiting public during public holidays</li> <li>Closures on Christmas Day, Boxing Day and Good Friday recognises that these days have a family gathering focus rather than tourism focus</li> <li>Similar public holidays of closure to Hawkesbury Visitor Information Centre</li> </ul>	<ul style="list-style-type: none"> <li>Staff cost of additional 7 public holidays, including penalty rates</li> <li>Change in times disrupts marketing message and public expectations</li> <li>Costs in changing print collateral</li> <li>May be difficult to roster volunteer staff on public holidays</li> </ul>
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**Option 3:**

**Extend Weekend hours and Open 10am - 4pm on selected Public Holidays.**

**Outcome:** Combination of Options 1 and 2.

**Approximate additional annual wages cost:** \$5,000

**Advantages****Disadvantages**

Options 1 + 2	Options 1 + 2
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**Option 4:**

**Open Mondays 10am – 4pm**

**Current:** Closed to general public (Open by appointment by groups)

**Outcome:** Open 6 days per week

**Approximate additional annual wage cost:** \$12,000

## ORDINARY MEETING

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### Advantages

- More week days of opening to the general public means potentially more visitation by casual / independent visitors (Groups can already visit by pre-booking).
- Days of opening are the same as the Gallery, offering more consistency when promoting services
- One closed day allows for some administrative requirements such as staff training, collection management, building maintenance, exhibition development
- Museum can have special event/education days on closed day for special interest groups

### Disadvantages

- Groups can already pre-book for visits on Monday and Tuesday, so this change only advantages casual / independent visitors
- Staff cost of additional day
- Change in days disrupts marketing message and public expectations
- Costs in changing print collateral
- Less behind-the-scenes time for staff to plan and develop value-added programming

#### **Option 5:**

**Extend Weekend hours, Open 10am - 4pm on selected Public holidays and open Mondays.**

Outcome:

Combination of Options 1, 2 and 4

Approximate additional annual wages cost:      \$17,000

### Advantages

Options 1 + 2 + 4

### Disadvantages

Options 1 + 2 + 4

#### **Option 6:**

#### **Retain status quo**

Outcome:

Open 5 days per week. Closed Monday and Tuesday  
 10am – 3pm weekends  
 10am – 4pm weekdays  
 Open 10am - 3pm on public holidays where the public holidays fall on a Saturday, Sunday and Monday with the exception of Christmas Day and Good Friday

Additional cost:

NIL

## ORDINARY MEETING

Meeting Date: 8 December 2009

### Advantages

- Hours consistent and known
- No further budget implications
- Closed days allow for staff administration and collection management
- Open to pre-booked tour and school groups
- Museum can have special event / education days on closed days for special interest groups

### Disadvantages

- Current public holiday opening/closing hours are long, complicated and hard to include in promotional material. Also hard to remember as they vary from year to year
- Not responding to demand as shown by weekend visitor numbers
- Closed public holidays when people are likely to visit Windsor

oooO END OF REPORT Oooo



## ORDINARY MEETING

Meeting Date: 8 December 2009

### CONFIDENTIAL REPORTS

#### INFRASTRUCTURE SERVICES

Item: 283      IS - Tender No. 00710 - Bitumen Sealing and Resealing of Roads Within the Hawkesbury - (95495, 79344) **CONFIDENTIAL**

Previous Item:      263, Ordinary (24 November 2009)

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#### **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 tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

## ORDINARY MEETING

Meeting Date: 8 December 2009

### SUPPORT SERVICES

Item: 284      SS - Property Matter - Lease to Laundry Investments Pty Limited - Shop 3  
Wilberforce Shopping Centre - (34779, 95496) **CONFIDENTIAL**

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#### **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

Meeting Date: 8 December 2009

Item: 285      **SS - Property Matter - Assignment of Lease from Ahmad Issa to Vannarith Chea and Sayoeun Khun - Shop 11 Wilberforce Shopping Centre, Wilberforce - (74275, 34779, 109445, 75821, 74477, 95496) CONFIDENTIAL**

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**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.*

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ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee Minutes - 19 October 2009 - (86589, 95498)**

The meeting commenced at 4.30pm in Council Chambers.

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<b>Present:</b>	Councillor Kevin Conolly - Chair Councillor Bob Porter - Deputy Chair Councillor Jill Reardon Mr John Miller Mr Greg Murphy (representing Mr Peter Cinque OAM) Mr Alexander (Phil) Windebank Mr David Scott Mr Les Sheather Mr Geoffrey Bessell Mr David Avery
<b>Apologies:</b>	Councillor Paul Rasmussen Mr Kevin Jones Mr Ian Johnston Mr Bill McMahon Councillor W Mackay Mr Ray Williams MP - Member for Hawkesbury
<b>Non-Attendance:</b>	Snr Inspector Robert Bowman
<b>In Attendance:</b>	Mr Matthew Owens Mr Philip Pleffer Mr Chris Amit Ms Amy Dutch Mr Harry Panagopoulos (DECCW) - Observer Ms Chris Bourne (representative for Ms Louise Markus MP)

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**REPORT:**

**RESOLVED** on the motion of Mr John Miller and seconded by Councillor Reardon that the apologies be accepted.

The Chair acknowledged Mr Harry Panagopoulos' attendance at the meeting as an observer.

Mr Phil Windebank arrived at the meeting at 4.35pm.

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Please Refer to the Separate  
Attachments Document (Maps)**

## **CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr John Miller and seconded by Councillor Reardon that the Minutes of the Floodplain Risk Management Committee held on 3 August 2009, be confirmed with the following alteration to point 3 in Section 5 - General Business:

- Mr Sheather referred to an article in the Gazette regarding concerns re the possibility of debris piling up on the new (low level) bridge across South Creek during times of flood. Mr Sheather raised concern the proposed new bridge across the Hawkesbury may also have the potential to impede flow on to the Hawkesbury River, and it was suggested this concern be taken up with the RTA as part of the consultation process.

## **BUSINESS ARISING**

- Mr Les Sheather advised that Waterways have agreed to provide a vessel for Council staff to use to conduct a survey of the river. Mr Matthew Owens is to co-ordinate the survey.

## **SECTION 3 - Reports for Determination**

### **Item: 1 Election of Chairperson and Deputy Chairperson**

---

Mr Matthew Owens called for nominations for the position of Chairperson, two nominations were received, being:

Councillor Conolly	Nominated by Councillor Reardon Seconded by Mr Phil Windebank
Councillor Porter	Nominated by Mr Geoffrey Bessell

The ballot was conducted by show of hands resulting in the candidates receiving the following votes:

Councillor Conolly	5 votes
Councillor Porter	2 votes

## **MOTION:**

**RESOLVED** on the motion of Councillor Reardon, seconded by Mr Phil Windebank

***Refer to COMMITTEE RECOMMENDATION***

## **COMMITTEE RECOMMENDATION:**

That an election for the position of Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2009/2010 term of the Committee be carried out.

Mr Matthew Owens declared Councillor Conolly elected as the Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2009/2010 term of the Committee.



**ORDINARY MEETING**  
**Reports of Committees**

Mr Matthew Owens called for nominations for the position of Deputy Chairperson, one nomination was received, being:

Councillor Porter

Nominated by Councillor Reardon  
Seconded by Mr John Miller

**MOTION:**

RESOLVED on the motion of Councillor Reardon, seconded by Mr John Miller

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2009/2010 term of the Committee be carried out.

Mr Matthew Owens declared Councillor Porter elected as the Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2009/2010 term of the Committee.

**Item: 2 Availability of Comprehensive Flood Information to Community**

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**DISCUSSION:**

- Mr Phil Windebank provided Mr Matt Owens with an example (for further development) of a basic handout for residents detailing information on what to do in flood situations.
- Councillor Conolly encouraged the use of different types of media to inform the public and asked for members of the Committee to consider different methods available. He also commented that ideas could be obtained from websites of Councils such as Lismore.
- Mr Matthew Owens advised that the purpose of point two of the committee recommendation is identify existing information that can be utilised to assist in raising public awareness and providing education regarding flood risks.
- Mr David Avery advised that the feedback on the Hawkesbury Nepean Strategy could be used to gauge awareness and attitudes of people in the area.

**MOTION:**

RESOLVED on the motion of Mr Les Sheather, seconded by Councillor Reardon.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the:

1. Attached copy of the information currently available on Council's website be noted.
2. Committee members review the information sheets and forward suggestions to Council's Director City Planning for inclusion in a report to the Committee meeting of 7 December 2009.

**Item: 3 Encroachment of Sand at Bens Point**

---

**DISCUSSION:**

- Councillor Porter advised that he has numerous concerns regarding the siltation of the river and dredging that need to be addressed.

**MOTION:**

RESOLVED on the motion of Councillor Reardon, seconded by Mr Les Sheather.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That this matter be deferred for discussion at the next meeting when Mr Ian Johnston is present.

**SECTION 4 - Reports for Information**

**Item: 4 Conversion of Hawkesbury Local Environmental Plan 1989 to NSW Government' Standard Local Environmental Plan - Future of Flood Related Development Controls**

---

Mr Phillip Pfeffer conducted a presentation on HLEP 1989 Clause 25 and the new Flood Clause.

- Councillor Porter enquired if the old levels apply in a case where an old house is demolished and replaced with a new house. Mr Phillip Pfeffer advised that subclause 4 of Clause 25 would apply.
- Councillor Conolly referred to Subclause 7 enquired if there is an Australian Standard that lists flood compatible materials. Mr Phillip Pfeffer advised that he is not aware of an Australian Standard that provides this information.

Councillor Conolly left the meeting at 4.55pm and handed the Chair to Councillor Porter.

- Councillor Porter enquired where Council would stand if an application for a subdivision is received and access to the subdivision is via a Council road that goes under in a 1 in 20 year flood. Mr Phillip Pfeffer advised that the application would be assessed on its merits with respect to subclause 5 of Clause 25.

**ORDINARY MEETING**  
**Reports of Committees**

- Mr David Avery commented that the LEP Clause is about dealing with floods up to the 1 in 100 year floods and the rarer floods should be dealt with in the DCP. The flood risk management study should also address exceptional circumstances.
- Mr Les Sheather commented that Council has a responsibility to the community regarding the provision of suitable evacuation routes in times of flooding and needs to investigate how to deal with this matter in the future.
- Mr Matthew Owens commented that the purpose of the Clause is to raise awareness of the merit assessment when assessing applications.
- Councillor Porter advised that he feels Council is hamstrung until the Residential Land Strategy is finalised.

**MOTION:**

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Porter.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the presentation be received.

**Item: 5 Amendments to the Floodplain Risk Management Advisory Committee Constitution**

---

**MOTION:**

RESOLVED on the motion of Mr Les Sheather, seconded by Councillor Reardon.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the information be received and noted.

**SECTION 5 - General Business**

- Mr John Miller tabled a letter from John Aquilina regarding flood mitigation on the Hawkesbury/Nepean River and the level of funding available. Mr Miller provided a copy to Mr Greg Murphy and requested he pass it on to Mr Peter Cinque.

Mr Les Sheather and Mr David Avery advised that the Local Government Shires Association has a Flood Mitigation Authority that has a program 'hit list' that they deal with each year however it deals with smaller projects.

Mr Matthew Owens enquired what the intention of Mr Miller's enquiries are and Mr Miller indicated that he would like to see the wall of Warragamba dam raised.

**ORDINARY MEETING**  
**Reports of Committees**

Mr Matthew Owens advised that he had received a letter from the Department that basically advised it was not worth perusing raising the dam wall.

- Mr Phil Windebank enquired about the requirements for filling and building on filled land as he is concerned that when footings/piers for buildings are placed in filled soil slumping could occur due to floods. He also raised the issue of underground fuel tanks floating up out of the ground during flooding.

Mr Matthew Owens advised that controls on filling are in place to ensure the correct compaction, certification, etc.

Mr Les Sheather enquired if fuel depots are permitted to be built on floodplains and advised that he also finds the possibility of tanks floating up out of the ground during flooding a concern as they could cause safety issues for the SES and also damage to the environment if they leak.

Mr Matthew Owens advised that each application would be assessed individually and judged on their merits.

The meeting closed at 5.40pm

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Local Traffic Committee - 18 November 2009 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 18 November 2009, commencing at 3.00pm.

**ATTENDANCE**

<b>Present:</b>	Councillor B Bassett (Chairman) Mr J Suprain, Roads and Traffic Authority Mr J Christie, Officers of Messrs A Shearan, MP ,(Londonderry) and J Aquilina, MP, (Riverstone) Mr R Williams, MP, (Hawkesbury) Snr Constable B Phillips, NSW Police Service
<b>Apologies:</b>	Denise Oakes, Community Safety Co-ordinator
<b>In Attendance:</b>	Mr C Amit, Manager, Design & Mapping Services Bianca James, Administrative Officer, Infrastructure Services

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**SECTION 1 - Minutes**

**Item 1.1        Minutes of Previous Meeting**

The Minutes of the meeting held on Wednesday, 21 October 2009 were confirmed on the motion of Mr J Christie and seconded by Mr J Suprain.

**Item 1.2        Business Arising**

Nil Business Arising

**SECTION 2 - Reports for Determination**

**Item 2.1        LTC - 18 November 2009 - Item 2.1 Bicycle Racing Events for 2010 - Oakville (Hawkesbury) - (80245, 82935)**

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**REPORT:**

**Introduction:**

An application has been received from the Parramatta Cycling Club seeking approval to conduct Amateur Bicycle Racing Events in Oakville during 2010. The racing events will be conducted along the following route:

**Route – Oakville;**

- Commencing at Oakville Public School, Oakville, and entering Ogden Road,
- Travel a short distance along Ogden Road and then into Hanckel Road,

## ORDINARY MEETING

### Reports of Committees

- Travel along Hanckel Road and turn left into Old Pitt Town Road,
- Travel along Old Pitt Town Road and turn left into Saunders Road,
- Travel along Saunders Road and turn left into Smith Road,
- Travel along Smith Road and turn left into Ogden Road,
- Travel along Ogden Road finishing at Oakville Public School.
- The route distance is approximately 7.1 kilometres

(Refer to Appendix 1: Plan TR005/09 - Bicycle Racing Event - Route - Oakville).

The Parramatta Cycling Club (PCC) has indicated that the cycling events will be held on twelve (12) separate Saturdays, during the period of 10 April 2010 to 25 September 2010. Each event will be conducted between 2.00pm and 4.00pm. There will be approximately 70 to 80 competitors competing in 5 separate groups. The groups have on average 15 competitors, but are limited to 25 competitors. Each group will be spaced approximately 5 minutes apart. Approximately 20 spectators are expected. Traffic control arrangements will be in place with no road closures required.

The proposed dates are:

- 10 April 2010
- 24 April 2010
- 08 May 2010
- 22 May 2010
- 12 June 2010
- 26 June 2010
- 10 July 2010
- 24 July 2010
- 14 August 2010
- 28 August 2010
- 11 September 2010
- 25 September 2010

#### 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 & Traffic Authority as the event may disrupt minor traffic and transport systems along the specified route. Traffic volume and road width details are as provided in the following table:

Route - Oakville		
Road Name	ADT (Year)	Sealed Carriageway Width (m)
Hanckel Road	1498 (2002)	5.7
Old Pitt Town Road	1264 (2002)	6.0
Saunders Road	718 (2000)	5.4 – 5.8
Smith Road	342 (1999)	6.2
Ogden Road	190 (1999)	7.5

The event organiser should assess the risk and address the suitability of the route as part of the risk assessment considering the road width, number of bicycles, traffic volume and bicycles travelling close to the edge of the sealed travelling lane.

The event organiser has provided the following information in relation to the event: Appendix 2 (Dataworks Document No: 3201824 & 3218463):

- i) Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic,
- ii) Special Event Transport Management Plan Template – RTA,
- iii) Proposed Road Racing Schedule 2010,
- iv) Transport Management Plan –referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP),

**ORDINARY MEETING**  
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- v) Copy of Insurances which are valid to 30 November 2009,
- vi) Course Map/Plan,
- vii) Advice that an application has been made to the NSW Police Service.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Suprain.

That:

Mr J Suprain advised the committee that as this is a Bicycle Race and not a Bicycle Ride event it should be changed from a Class 2 event to a Class 1 event.

1. The Bicycle Racing Events planned for:

- 10 April 2010
- 24 April 2010
- 08 May 2010
- 22 May 2010
- 12 June 2010
- 26 June 2010
- 10 July 2010
- 24 July 2010
- 14 August 2010
- 28 August 2010
- 11 September 2010
- 25 September 2010

by the Parramatta Cycling Club along the Oakville Route, be classified as a "Class 1" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.

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

**Prior to the event:**

- 4a. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. 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 as an interested party on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4c. the event organiser is to advertise the event in the local press stating the entire route/extent of the event 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);

- 4d. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4e. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event for 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;**
- 4f. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all participants; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to the event;
- 4g. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

**During the event:**

- 4h. access is to be maintained for businesses, residents and their visitors;
- 4i. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4j. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4k. the cyclist are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4l. 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 RTA;
- 4m. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4n. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity,

**APPENDICES:**

**AT - 1** Bicycle Racing Event, Route - 2010 - Oakville, Plan TR005/09

**AT - 2** Special Event Application - (Dataworks Document No. 3201824 & 3218463) - *see attached.*



**ORDINARY MEETING**  
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**AT - 1** Bicycle Racing Event, Route - 2010 - Oakville, Plan TR005/09

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

## ORDINARY MEETING

### Reports of Committees

#### Item 2.2 LTC - 18 November 2009 - Item 2.2 - Zone One Q60 Training Horse Ride 2010 - Upper Colo Reserve (Hawkesbury) - (80245, 85005)

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#### REPORT:

##### Introduction:

An application has been received from Zone One of The NSW Endurance Riders' Association to conduct a Zone One Q60 Training Horse Ride on Sunday 07, March 2010, utilising Upper Colo Reserve as a base area.

Event Schedule - (Zone One Q60 Training Horse Ride on 07 March 2010):

- Ride A: 35 Kilometres - Training Ride,
- Ride B: 20.6 Kilometres - Social Ride,
- Duration: between 8.00am and 2.00pm.,
- Approximately 50 to 60 Participants and 30 to 40 support people,
- Riders travel as single or small groups of 2 and 3.

Refer to attached drawing "Zone One Q60 Training Horse Ride 2010 - TR006/09": Appendix 1

The event organiser advises that the Colo River will not be crossed as part of the route and instead, riders will use the Timber Bridge along Colo Heights Road to cross the Colo River.

##### Route for the Rides:

##### Training Ride - 35 Kilometres

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
- Travel along Upper Colo Road, past Comleroy Road, and turn left into the Wollemi National Park,
- Travel through the Wollemi National Park to Mountain Lagoon, and turn left into Sams Way,
- Travel along Sams Way and turn left into Mountain Lagoon Road,
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction, and turn right into Upper Colo Road,
- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

##### Social Ride - 20.6 Kilometres

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
- Travel along Upper Colo Road, and turn left into Comleroy Road,
- Travel along Comleroy Road and turn right into Mountain Lagoon Road,
- Travel along Mountain Lagoon Road to the Check Point and turn around.
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction, and turn right into Upper Colo Road,

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- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

Road Inventory

- Hulbert Road – Unsealed
- Colo Heights Road - Unsealed
- Upper Colo Road - Unsealed
- Comleroy Road - Unsealed
- Mountain Lagoon Road - Unsealed
- Sams Way - Unsealed

**Discussion:**

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

The event organiser has provided the following information in relation to the event: Appendix 2 (*Dataworks Document Nos. 3219972 and 3227976*).

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
2. Special Event Transport Management Plan Template – RTA;
3. Transport Management Plan (TMP) from the 2008 Event- Referred to in the application as Traffic Management Plan Risk Assessment -, and associated TCP for the 2008 Event;
4. Risk Management Plan from the 2009 event;
5. Copies of correspondence forwarded to the NSW Police Service, National Parks and Wildlife Service, NSW Ambulance Service, NSW Rural Fire Service and SES;
6. Copy of the Resident letter and Advertisement, from the 2008 Event;
7. The Public Liability Insurance to the value of \$20,000,000, which expires 1 January 2010.

Reserve Matters:

The event organiser has made application with Councils Parks and Recreation Section to utilise Upper Colo Reserve as the Base Area as well as for Camping purposes.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Christie.

That:

1. The Zone One Q60 Training Horse Ride 2010, based at Upper Colo Reserve, planned for Sunday 07 March 2010, be classified as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4c. 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 as an interested party on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4d. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4e. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road, the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council;**
- 4f. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road the event organiser is to obtain the relevant approval from the Department of Environment, Climate Change and Water to cross the Colo River; **A copy of this approval to be submitted to Council;**
- 4g. the event organiser is to advertise the event in the local press stating the entire route/extent of the event 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);
- 4h. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence has been submitted to Council;**
- 4i. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event for 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;**
- 4j. the event organiser is to obtain approval from the National Parks and Wildlife Service (Department of Environment, Climate Change and Water) for the use of Wollemi National Park;
- 4k. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4l. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

**During the event:**

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4p. the riders are to be made aware of and are to follow all the general road user rules whilst riding on public roads;
- 4q. 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 RTA;
- 4r. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4s. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity, and,
- 4t. 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** Zone One Q60 Training Horse Ride 2010- Drawing No: TR006/09.

**AT - 2** Special Event Application - (Dataworks Document Nos. 3219972 and 3227976) - *see attached*.

**AT - 1**    Zone One Q60 Training Horse Ride 2010 - Drawing No: TR006/09

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

**Item 2.3      LTC - 18 November 2009 - Item 2.3 - Hawkesbury Show 2010- Hawkesbury Showground, Clarendon - (Londonderry) - (80245, 74207, 80761, 74282)**

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**REPORT:**

**Introduction**

An application has been received from the Hawkesbury District Agricultural Association seeking approval to conduct the Hawkesbury Show on 23, 24, and 25 April 2010 within the Hawkesbury Showground, Clarendon. The times for operation are proposed from 9.00am to 11.30pm for both 23 and 24 April, and 9.00am to 5.00pm for 25 April 2010. The showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.

The event organiser has advised the following:

- The event is expected to attract approximately 55,000 visitors over the three days it will operate.
- It is anticipated that most visitors (an estimated 85%) will travel by car. They will park within the Hawkesbury Showground car parking area, the adjacent Hawkesbury Racecourse car parking area, or in the road reserve areas of Hawkesbury Valley Way (formerly Richmond Road) and Racecourse Road and walk to one of the pedestrian entry gates.
- It is expected that approximately 17,000 vehicles will travel to this area during the three days of the show.
- Parking is available for more than 20,000 vehicles.

**Discussion**

Racecourse Road intersects with Hawkesbury Valley Way near the northern boundary of the showground site, and intersects with Blacktown Road approximately 3.5 kilometres to the south. Racecourse Road is a minor rural road of approximately 3.5 kilometres in length with the full length being sealed. The event organiser has indicated that a high proportion of traffic is expected from the Hawkesbury Valley Way intersection. Both Hawkesbury Valley Way and Blacktown Road are main arterial roads.

Considerable pedestrian movements are expected along Racecourse Road. It is likely that visitors to the show may park in the road reserve areas of Racecourse Road and Hawkesbury Valley Way as well as the parking areas within the Showground, Clarendon Paddocks and the Racecourse

Traffic congestion is likely to be concentrated in Hawkesbury Valley Way, from where the majority of vehicles will queue to enter Racecourse Road, and in Racecourse Road, as vehicles queue to enter parking areas. It is likely that some vehicles, to avoid the congestion at Hawkesbury Valley Way, will travel towards the intersection of Blacktown Road.

Delays are likely to occur when vehicles are leaving the site during peak times, as vehicles queue to enter Hawkesbury Valley Way from Racecourse Road. The majority of traffic will be directed from the main internal dedicated parking area within the showground, exiting onto Blacktown Road through the University of Western Sydney, Hawkesbury Campus property. To enable the exit into Blacktown Road to work effectively, an application has been made to the Roads and Traffic Authority (RTA) by the event organiser for the speed limit in Blacktown Road to be reduced from 80Kph to 60Kph between Bourke Street and Racecourse Road during the event.

**ORDINARY MEETING**  
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It would be appropriate to classify this event as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA as the event may impact on major traffic and transport systems and there may be significant disruption to the non-event community.

The event organiser has provided the following information in relation to the event: Appendix 1 (Dataworks Document Nos. 3204853 & 3239950);

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
2. Transport Management Plan (TMP) - referred to in the application as Traffic Management Plan and Traffic Control Plan (TCP);
3. The approval provided by the NSW Police Service dated 27 October 2009;

The TMP and the associated TCP should be submitted to the RTA for authorisation due to the proposed temporary speed restriction application, and as the event may impact traffic on Hawkesbury Valley Way and Blacktown Road.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr J Christie, seconded by Snr Constable B Phillips.

That:

1. The Hawkesbury Show 2010 planned for 23, 24 and 25 April 2010, within the Hawkesbury Showground, Clarendon, be classified as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

**Prior to the event:**

- 4a. the application including the **TMP and the associated TCP is to be submitted to the RTA** for authorisation as this is a “**Class 1**” event and due to the traffic impact on Hawkesbury Valley Way and Blacktown Road as well as the proposed temporary speed restriction required for Blacktown Road; **a copy of the RTA approval to be submitted to Council;**
- 4b. 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 Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4c. the event organiser is to advertise the event in the local press stating the entire extent of the event 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);
- 4d. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**



- 4e. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event for 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;**
- 4f. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event;
- 4g. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4h. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

**During the event:**

- 4i. access is to be maintained for businesses, residents and their visitors;
- 4j. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4k. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4l. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, including temporary speed restriction signs (subject to RTA requirements), shall be placed at the event organiser's expense after all the required approvals are obtained from the relevant authorities, and traffic control devices are to be placed during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA, and;
- 4m. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity, and,

**APPENDICES:**

**AT - 1** Special Event Application - (Dataworks Document Nos. 3204853 & 3239950) - *see attached.*

**Item 2.4      LTC - 18 November 2009 - Item 2.4 - Request to the RTA to provide a Pedestrian Refuge in Macquarie Street (south) at Brabyn Street, Windsor - (Riverstone) - (80245, 80761, 73625)**

**Previous Item:**      4.1, LTC (17 January 2007)  
                             4.2, LTC (21 March 2007)  
                             4.2, LTC (18 July 2007)  
                             3.2, LTC (15 July 2009)  
                             3.2, LTC (21 October 2009)

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**REPORT:**

Changes to the traffic flow at the intersection of Macquarie Street and Brabyn Street, Windsor have been implemented by the Roads and Traffic Authority (RTA) in August 2009. The restriction to traffic flow includes the following;

- Right from Macquarie Street (north) to Brabyn Street (west)
- Right from Brabyn Street (west) to Macquarie Street

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 28 July 2009 resolved in part that:

*“correspondence be forwarded to the RTA requesting that the Authority re-consider providing;*

- a) Traffic lights at the intersection of Brabyn Street and Macquarie Street, Windsor*
- b) The right turn from Hawkesbury Valley Way into Macquarie Street for vehicles heading North along Macquarie Street”*

Correspondence received from the Roads and Traffic Authority (*Dataworks Document No. 3207815*) advised in part the following:

**1.      No Right Turn signs at the intersection of Brabyn Street and Macquarie Street, Windsor**

*The Roads and Traffic Authority (RTA) engaged Aurecon to prepare a concept plan of the preferred traffic management option for the Macquarie Street/ Brabyn Street intersection to address the safety at this intersection. A number of options were considered for this intersection which included installing traffic lights, providing a round-a-bout, and banning certain traffic movements.*

*The installation of the traffic signals at this intersection was not favoured due to the following reasons:*

- *Could encourage traffic to use Mileham/ Brabyn Streets to avoid delays at the Macquarie Street/ Hawkesbury Valley Way intersection and would potentially increase through traffic volumes along local roads such as Mileham Street, Brabyn Street and Cox Street.*
- *Could increase the delays for the vehicles travelling along Macquarie Street. This would potentially divert traffic from Macquarie Street onto George Street. This would have the potential to impact on the performance of the Hawkesbury Valley Way/ George Street Intersection.*
- *The removal of some of the existing on-street parking would be required to provide right turn bays on Macquarie Street.*

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- *Could have the potential to cause rear-end type collision due to limited sight distance since the sight lines to traffic signals would be obscured by the railway bridge which is located south of Brabyn Street.*

*As per Aurecon's recommendation the following movements were banned during mid August 2009, after a four week public information period,*

- *Right turn movements from Macquarie Street (North) onto Brabyn Street (West)*
- *Right turn movements from Brabyn Street (West) onto Macquarie Street*

*The new No Right Turn signs installed at the Brabyn St/ Macquarie Street intersection have no adverse impact to the traffic from the industrial estate south of Hawkesbury Valley Way along Mileham Street wanting to head north; vehicles are still able to turn right out of Brabyn Street onto Macquarie Street. As some right turn movements are banned, now the intersection would provide better intersection performance for the turning vehicles.*

*No adverse public responses received from local public during the public information period. Queries received from Hawkesbury City Council during this period were responded by RTA in a timely manner.*

*It is predicted that the above movement restrictions would have the potential to reduce crashes at the intersections and vehicle conflicts. However, the effectiveness of these safety measures would be monitored for a two year period and further safety measures would be considered, if these measures would not reduce the crashes substantially at this intersection.*

#### **2. No Right Turn from Hawkesbury Valley Way into Macquarie Street for Vehicles heading north along Macquarie Street**

*The banning of right turn movements from Hawkesbury Valley Way into Macquarie Street was deemed necessary due to the following safety and intersection operation concerns:*

- *Vehicles (in particular heavy vehicles) turning left from Mileham Street would need to cross two lanes within a short distance to access a right turn bay. This would have the potential to cause rear-end collision at this location.*
- *The potential inefficiencies from a four way signal operation (instead of three ways) were noted and it was considered appropriate to restrict some movements to assist with intersection performance of the Macquarie Street/ Hawkesbury Valley Way intersection.*

*The traffic along Hawkesbury Valley Way that wishes to head North along Macquarie Street is able to turn right at the Hawkesbury Valley Way/ Day street ramp intersection. Existing signage at this intersection will be reviewed and modified, if required."*

The report prepared by the RTA consultant (Aurecon – Reference 562C – Rev 2) outlines in Table 4.1 that the only way pedestrian safety will be improved at this intersection is with the provision of traffic lights. The current measures implemented by the RTA will not improve pedestrian safety as outlined in the report.

Pedestrians have been observed experiencing difficulty in crossing Macquarie Street at Brabyn Street. Given the views expressed by the RTA in its most recent correspondence in not providing signals at this intersection, it is considered appropriate that the RTA be requested to provide a pedestrian refuge in Macquarie Street (south) at its intersection with Brabyn Street, Windsor.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr J Christie, seconded by Snr Constable B Phillips.

That the RTA provide a pedestrian refuge in Macquarie Street (south) at its intersection with Brabyn Street, Windsor to improve pedestrian safety.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 3 - Reports for Information**

**Item 3.1      LTC - 18 November 2009 - Item 3.1 - Local Traffic Committee 2010 Calendar -  
(Hawkesbury, Londonderry, Riverstone) - (80245)**

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**REPORT:**

The following 2010 Local Traffic Committee Meeting Calendar is submitted for notation in member's personal diaries:

20 January 2010

17 February 2010

17 March 2010

21 April 2010

19 May 2010

16 June 2010

21 July 2010

18 August 2010

15 September 2010

20 October 2010

17 November 2010

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Christie.

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 4 - General Business**

**Item 4.1      LTC - 18 November 2009 - QWN 4.1 - Traffic Issues - Round-a-bout under construction at Gorricks Lane and Freemans Reach Road, Freemans Reach**

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**REPORT:**

**Mr R Williams MP** tabled a document relating to a complaint from Ms Jennifer Hilder of Freemans Reach (*Dataworks #3258358*) regarding issues relating to the construction of the new round-a-bout. Some of the issues raised related to manoeuvring at the site, not being able to pass vehicles when entering the roundabout, and truck being on the wrong side of the road.

Mr C Amit advised that round-a-bout is under construction and that the site will be constricted during this process. Whilst the site is constricted, it still enables all vehicles to negotiate the site adequately. There are speed restrictions in place to ensure vehicles negotiate the work site in a safe manner..

Mr C Amit will contact Ms Hilder with a view to addressing her concerns.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Christie.

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**ORDINARY MEETING**  
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**Item 4.2      LTC – 18 November 2009 - QWN 4.2 - Visibility issues with “No Right Turn” signs from Macquarie Street (north) into Brabyn Street (west), Windsor**

**Previous Item:**    4.1 – LTC (17 January 2007)  
                         4.2 – LTC (21 March 2007)  
                         4.2 – LTC (18 July 2007)  
                         3.2 – LTC (15 July 2009)  
                         3.2 – LTC (21 October 2009)

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**REPORT:**

**Councillor B Bassett** advised that there are visibility issues relating to the “No Right Turn” signs on Macquarie Street (north) into Brabyn Street (west) and as a result drivers continue to make the illegal right turn as the sign appears to be too small.

Mr J Suprain advised that he will inspect the site to check on the sign and position of the signage.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor B Bassett, seconded by Mr R Williams, MP.

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SUPPLEMENTARY REPORTS**

**Item 2.5      LTC - 18 November 2009 - Item 2.5 - Update on Proposed changes to Bus Zones in Windsor (Riverstone) - (80245, 104540)**

**Previous Item:**    2.3, LTC (21 October 2009)  
                         240, Ordinary (10 November 2009)  
                         251, Ordinary (10 November 2009)

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**REPORT:**

Proposed changes to bus zones in Windsor were reported to the Local Traffic Committee meeting on 21 October 2009. The changes were brought about to alleviate the industrial action proposed by the Transport Works Union (TWU).

The following recommendation by the Local Traffic Committee was reported to Council, at its meeting held on 10 November 2009 ;

*That the following temporary changes to bus zones and 1 hour parking zones be implemented:*

1. *Kable Street; the existing bus zone on the western side of Kable Street in the vicinity of George Street and Union Lane (approximately 55 metres in length) be relocated to the eastern side of Kable Street, across the frontage of the Windsor Town Centre (currently 1 hour parking - approximately 50 metres in length), with the existing bus zone being converted to 1 hour parking.*
2. *George Street/Fitzgerald Street; the existing bus zone on the northern side of George Street between Fitzgerald Street and Johnston Street adjacent to the Windsor Home Store (approximately 29 metres in length) be relocated into Fitzgerald Street, north of George Street (currently 1 hour parking – approximately 28 metres in length), with the existing bus zone being converted to 1 hour parking.*
3. *The existing bus zones along George Street, not being utilised, be converted to 1 hour parking.*
4. *The proposed changes listed as items 1, 2 & 3 be reversed as necessary in the event that the buses return to George Street.*

Prior to considering the LTC minutes from 21 October 2009, Council was presented with 2 reports in the business paper outlining other options which included the proposal to remove street parking on the south-eastern side of George Street, between Fitzgerald Street and Catherine Street; supplemented with the results of a public consultation survey in relation to the proposed removal of parking and an alternate proposal by Westbus to reinstate buses into George Street through a combination of alterations to bus zones and making Suffolk Street one way from George Street to Macquarie Street. A copy of the reports is contained within attachments 1 & 2.

#### **Removal of parking in George Street and survey results**

The management of Westbus have indicated that future bus services will only be provided along George Street if the street parking along the south-eastern side of George Street, between Fitzgerald Street and Catherine Street is removed. When vehicles are parked on both sides of George Street it is difficult for buses to manoeuvre safely due to issues with oncoming vehicles and motorists opening doors of parked vehicles into the line of traffic. The existing road width cannot be changed without property acquisition, thus leaving the removal of street parking as the only readily available option.

To facilitate the possible removal of street parking, a survey was delivered to each business or residential property within George Street, between Fitzgerald and Catherine Streets, including any adjoining arcades which may be directly affected by the removal of parking within George Street. A total of 75 surveys were distributed along George Street, with 40 returned and 25 surveys were returned from The Riverview Shopping Centre.

Of the surveys returned from George Street, generally 12 supported the removal of the parking between Fitzgerald and Catherine Streets, 26 objected to the removal of parking, including 9 who objected to the removal of parking AND supported a proposal to turn George Street into a one way street. A one way street proposal was not canvassed as part of the survey. Of the surveys from The Riverview Shopping Centre, 24 supported the removal of parking in George Street and 1 objected.

#### **Westbus Alternate Proposal**

An alternate proposal suggested by Westbus in consultation with their drivers, is to utilise George Street from the Railway Station heading towards the town centre, turn right into Suffolk Street, left into Macquarie Street, left into Fitzgerald Street, right into The Terrace, right into Kable Street, right into Macquarie Street, right into Hawkesbury Valley Way, left into George Street and proceed to the station.

Critical to this proposal is to make Suffolk Street one way from George Street towards Macquarie Street and the installation of a bus zone in George Street on the approach to New Street and the installation of a bus zone in Fitzgerald Street between George Street and the Fire Station. The drivers have indicated that should the bus zones be approved and Council support the one way movement in Suffolk Street in principle, they would commence that route as soon as the bus zone alterations were in place.

### **Taxi Zone**

The existing Taxi zone is located in the vicinity of No. 206 George Street, on the south-eastern side, north-east of the access driveway to the Country Target store. Due to the removal of the now redundant bus zone from outside of the Country Target store, it is proposed to relocate the taxi zone from its current position to a position adjacent to the Country Target store, south-west of the access driveway. This area is considered appropriate as it provides for undercover seating as well as access to pay phones. The relocation of the Taxi Zone is currently being negotiated with the NSW Taxi Council

### **Summary**

The proposal to remove street parking on the south-eastern side of George Street, between Fitzgerald Street and Catherine Street, supplemented with the results of the public consultation survey, and the alternate proposal by Westbus to reinstate buses into George Street was considered by Council at its meeting held on the 10 November 2009 where the following resolution was adopted;

*That:*

1. *The proposed bus route utilising George Street, Suffolk Street, Fitzgerald Street, The Terrace, Kable Street, Macquarie Street, Hawkesbury Valley Way and George Street be supported.*
2. *The proposal to alter the traffic flow in Suffolk Street to one way from George Street towards Macquarie Street be supported in principle and appropriate procedures be commenced to achieve the change.*
3. *That the following changes to bus zones and 1 hour parking zones be implemented:*
  - a. *The existing bus zone on the western side of Kable Street in the vicinity of George Street and Union Lane (approximately 55 metres in length) be relocated to the eastern side of Kable Street, across the frontage of the Windsor Town Centre (currently 1 hour parking - approximately 50 metres in length), with the existing bus zone being converted to 1 hour parking.*
  - b. *The existing bus zone on the northern side of George Street between Fitzgerald Street and Johnston Street adjacent to the Windsor Home Store be relocated into Fitzgerald Street, north of George Street (currently 1 hour parking), with the existing bus zone being converted to 1 hour parking.*
  - c. *The existing bus zones along George Street, not being utilised, be converted to 1 hour parking.*
  - d. *The temporary bus zones currently within Macquarie Street be formalised with the exception of the zone adjacent to Target and that zone be reinstated to 'Unrestricted Parking'.*
  - e. *A bus zone be implemented in George Street on the approach to New Street.*
  - f. *A bus zone be implemented in Suffolk Street on the approach to O'Brien Lane."*



The changes to the Bus zones outlined within this report have been implemented, and Westbus indicating they will commence the new bus route along George Street, Suffolk Street, Fitzgerald Street, The Terrace, Kable Street, Macquarie Street and Hawkesbury Valley Way on Saturday, 21 November 2009.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr J Christie, seconded by Councillor B Bassett.

That;

1. the information be received and the additional changes to bus zones adopted by Council be endorsed,
2. the proposal to alter the traffic flow in Suffolk Street to one way from George Street towards Macquarie Street be supported in principle and appropriate procedures be commenced to achieve the change, and
3. the existing taxi zone on the south-eastern side of George Street, north-east of the access driveway to the Country Target store be relocated to a position south-west of the access driveway adjacent to the Country Target store, with the final position subject to concurrence from the NSW Taxi Council.

**APPENDICES:**

**AT – 1** Council Report – Item 240, Ordinary Meeting of 10 November 2009.

**AT – 2** Council Report – Item 251, Ordinary Meeting of 10 November 2009

**AT - 1 Council Report - Item 240, Ordinary Meeting of 10 November 2009**

**Item: 240**      **IS - Proposed Removal of Street Parking on the South-Eastern Side of George Street, between Fitzgerald Street and Catherine Street, Windsor - (95495, 81301, 104540)**

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**REPORT:**

The Transport Workers Union (TWU) representing the Westbus drivers have advised that, due to safety issues, if buses are to travel along George Street – with its current parking layout – the Windsor Town Centre will not be serviced resulting in buses terminating at Windsor Station.

To alleviate the industrial action which was proposed from 11 October 2009, the Ministry of Transport (MOT), now known as NSW Transport & Infrastructure, approved the change from George Street to Macquarie Street for all bus operators in the area. The MOT advice was provided to Council by correspondence dated 8 October 2009. This has resulted in the circulation pattern changing whereby buses now travel from Windsor Station, into Macquarie Street, via George Street and Hawkesbury Valley Way (HVW), turning left into Fitzgerald Street, right into The Terrace, right into Kable Street and back onto Macquarie Street.

To facilitate these new bus movements from 11 October 2009, the existing bus zone on the south-western side of Kable Street in the vicinity of George Street and Union Lane (approximately 55 metres in length) was relocated to the north-eastern side of Kable Street, across the frontage of the Windsor Marketplace (previously 1 hour parking - approximately 50 metres in length), with the existing bus zone being converted to 1 hour parking. The changes to Kable Street were implemented on 11 October 2009 to ensure that the travelling public were not disadvantaged by not having a designated bus zone within the Windsor town centre. Bus zones have also been provided in Macquarie Street subject to final approval by the RTA.

A meeting was undertaken on 21 October 2009 between representatives from the Business Community, management of Westbus and Council staff, at which time a request was made by Westbus for an additional bus zone on the south-western side of Fitzgerald Street, north-west of George Street, replacing the existing bus zone on the north-western side of George Street between Fitzgerald Street and Johnston Street. This matter was reported to, and supported at, the Local Traffic Committee (LTC) meeting held on the same day. The minutes of the LTC meeting are contained within this business paper.

The management of Westbus have indicated that future bus services will only be provided along George Street if the street parking along the southern side of George Street, between Fitzgerald Street and Catherine Street is removed. When vehicles are parked on both sides of George Street it is difficult for buses to manoeuvre safely due to issues with oncoming vehicles and motorists opening doors of parked vehicles into the line of traffic. The existing road width cannot be changed without property acquisition, thus leaving the removal of street parking as the only readily available option.

Removal of street parking along the south-eastern side of George Street between Fitzgerald Street and Catherine Street will result in the loss of 32 parking spaces (including 1 Taxi Zone space). To off-set the loss of parking on the south-eastern side, it is proposed to convert the existing bus zone on the north-western side of George Street between Fitzgerald Street and Johnston Street adjacent to the Windsor Home Store (approximately 29 metres in length) to 1 hour parking with the relocation of the Taxi Zone space either within this section or along the Riverview Shopping Centre frontage. The relocation of the Taxi Zone is currently being negotiated with the NSW Taxi Council. It is proposed that the other existing bus zones along George Street, not being utilised, be converted to 1 hour parking zones, resulting in 6 parking spaces (3 south-west of Catherine Street and 3 between Johnston and Fitzgerald Streets) and 1 taxi zone, leaving a net loss of 25 parking spaces.

An alternate option was identified by Westbus and this option involved making George Street one-way in a southerly direction between Fitzgerald and Catherine Streets. This option has many implications, not the

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least being additional traffic loads of the residential areas of Windsor, construction requirements and time implications if this action was proposed.

If the buses are to return to George Street, the circulation pattern will be as follows:

- Travelling from Windsor Station, into Macquarie Street, via George Street and HVW, turning left from Macquarie Street into Kable Street, left into The Terrace, left into Fitzgerald Street, right into George Street and back towards Windsor Station.

Taking into account the information provided above, the following options are readily available:

1. Street parking on the south-eastern side of George Street between Fitzgerald Street and Catherine Street be removed, which will result in buses servicing George Street – travelling in the direction from Fitzgerald Street to Windsor Station only, or
2. Buses to remain on their current route which excludes George Street, between Hawkesbury Valley Way and Fitzgerald Street.

The views of stakeholders, who may be immediately affected by the removal of the parking as described, are currently being sought. This time of year is a busy period in the business precinct and every endeavour has been made to formulate a positive solution to the situation brought about by the industrial action threatened by the TWU. To expedite the consultation process a one week consultation period is being used. The results of the consultation process will be made available at the Council meeting.

#### **Funding**

Funding for the adjustment to signs is available within the current Budget.

#### **RECOMMENDATION:**

That the contents of the report be noted and that a Recommendation be included within a Supplementary Report to the Council Meeting of 10 November 2009 outlining the results of the survey.

#### **ATTACHMENTS:**

- AT - 1** Parking Plan Layout: "George Street, Windsor – Proposed Removal of Street Parking between Fitzgerald Street and Catherine Street" - *(to be on display at the meeting)*.

oooO END OF REPORT Oooo

**AT - 2    Supplementary Council Report - Item 251, Ordinary Meeting of 10 November 2009**

**Item: 251        IS - Proposed Removal of Street Parking - South-Eastern Side of George Street, between Fitzgerald Street and Catherine Street, Windsor - (95495, 81301, 104540)**

**Previous Item:**        240, Ordinary (10 November 2009)

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**REPORT:**

As reported within the business paper, a survey was delivered to each business or residential property within George Street, between Fitzgerald and Catherine Streets, including any adjoining arcades which may be directly affected by the removal of parking within George Street. A total of 75 surveys were distributed along George Street, with 40 returned and 25 surveys were returned from The Riverview Shopping Centre.

Of the surveys returned from George Street, generally 12 supported the removal of the parking between Fitzgerald and Catherine Streets, 26 objected to the removal of parking, including 9 who objected to the removal of parking AND supported a proposal to turn George Street into a one way street. A one way street proposal was not canvassed as part of the survey. Of the surveys from The Riverview Shopping Centre, 24 supported the removal of parking in George Street and 1 objected.

Comments from respondents where provided:

Support removal of parking:

- Ideally the mall should go. Every council in Australia has re-opened malls. George Street could be one way with parking on one side giving buses more access, also the town needs a modern update before it dies.
- I have found cars parked on the south side of George Street Windsor to obstruct vision, which has almost resulted in an accident on a few occasions.
- At present we rent out our carpark. We would lose income if we need to reclaim our carpark for our use. Another comment is that as a church we have funerals, weddings etc. that would need to be supported by being able to block off the space needed to be used for that occasion.

Object to removal of parking:

- Would accept the current Macquarie Street run provided a stop is made for people to access the Library and Gallery (in Macquarie Street)
- There is a severe shortage of parking in Windsor. If the existing parking is removed to allow bus access, additional parking must be provided within close proximity of the town centre.
- Retain buses in George Street the commercial centre of Windsor.
- Bus services to George Street are a must as is parking. Many local patients are elderly, frail or unable to walk distance due to injury or illness.
- Customers complain about the lack of parking now. Parking officers are not regular enough to enforce the parking hours. Note: a lot of the time buses using George Street do not have anybody on board.
- Attached letter – use smaller buses, if big ones are used roster them so they don't meet in the middle, we need all the parking spaces available.
- Why not remove half the street parking from both sides of George Street and keep existing bus stop and buses can travel both directions. Therefore can remove street parking from entrance of the shopping centre half opposite each side of the George Street.
- Many elderly, disabled patients require to be dropped off at "front door" of premises. They need to park as close as possible to premises.
- Introduction of the small buses that Westbus used in the past, with interchange at Windsor station; removal of parking on the northern side as most passengers will be using the Riverview Centre –

refer the parking cross road; bus stop Macquarie Street, down Kable, left on Terrace, left on Richmond, right on George, terminate at Windsor Station.

- Is it possible for buses to travel only one way down George Street, ie buses coming from the station can turn off George into either Christie or Suffolk Street to Macquarie, then left into Fitzgerald and left down George.
- Attached letter – removal of parking will cause considerable inconvenience to customers; negative affect on businesses; cause more businesses to close as many are struggling to keep trading already leaving more vacant shops; needs more parking not less.
- Keep parking, make George Street one way from Fitzgerald down to Catherine Streets and get buses back.
- Turn George Street into a one way street coming down from Fitzgerald to Suffolk Street, so parking stays on both sides.
- Attached letter - convert to one way street as per Windsor Business Group (WBG) proposal; will ensure residents and visitors have uninterrupted safe and easy access to continue to travel, shop and conduct business in our community.
- Turn the street into one way and keep the parking on both sides.
- Would like to see the parking continue on George St, however, make George St one way.
- Would like to see the buses returned, the parking retained and the street made one way to satisfy both objectives – attached proposal from WBG.
- A 'no-parking' zone would case a huge impact to our business. A one way street down George St with parking available on both sides may be the best result which will bring the buses down George Street.
- Why not leave the existing bus zones in George Street as they are and make it one way. Seems a logical choice. The bus services reinstated and business/houses will not be affected by poor parking facilities, which has been a problem for many years. Strongly object, will have a vast downturn in our business and other surrounding retail outlets.
- George Street becomes a one way street travelling towards the station, buses could then proceed down George Street utilising existing bus stop at Target.
- Reverse the proposal so that the bus came up George Street, there would be less loss of parking spaces, bus stop outside of Riverview. Would make it more safe for people shopping, no need to cross the road.

### **Westbus Alternate Proposal**

An alternate proposal has been suggested today by Westbus in consultation with their drivers. The proposal is to utilise George Street from the Railway Station heading towards the town centre, turn right into Suffolk Street, left into Macquarie Street, left into Fitzgerald Street, right into The Terrace, right into Kable Street, right into Macquarie Street, right into Hawkesbury Valley Way, left into George Street and proceed to the station.

Critical to this proposal is to make Suffolk Street one way from George Street towards Macquarie Street, the installation of a bus zone in George Street on the approach to New Street and the installation of a bus zone in Fitzgerald Street between George Street and the Fire Station. The drivers have indicated that should the bus zones be approved and Council support the one way movement in Suffolk Street in principle, they would commence that route as soon as the bus zone alterations were in place.

Whilst there would be a loss of one parking spot on the approach to New Street, the existing bus zone in George Street at its intersection with Fitzgerald Street could be reinstated as 1 hour parking.

In relation to the bus zones in Macquarie Street, it is proposed to remove the bus zone adjacent to Target and leave those adjacent to The Deerubbin Centre and the Hospital.

### **Funding**

Funding for the adjustment to signs is available within the current Budget.

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**RECOMMENDATION:**

That:

1. The proposed bus route utilising George Street, Suffolk Street, Fitzgerald Street, The Terrace, Kable Street, Macquarie Street, Hawkesbury Valley Way and George Street be supported.
2. The proposal to alter the traffic flow in Suffolk Street to one way from George Street towards Macquarie Street be supported in principle and appropriate procedures be commenced to achieve the change.
3. That the following changes to bus zones and 1 hour parking zones be implemented:
  - a. The existing bus zone on the western side of Kable Street in the vicinity of George Street and Union Lane (approximately 55 metres in length) be relocated to the eastern side of Kable Street, across the frontage of the Windsor Town Centre (currently 1 hour parking - approximately 50 metres in length), with the existing bus zone being converted to 1 hour parking.
  - b. The existing bus zone on the northern side of George Street between Fitzgerald Street and Johnston Street adjacent to the Windsor Home Store be relocated into Fitzgerald Street, north of George Street (currently 1 hour parking), with the existing bus zone being converted to 1 hour parking.
  - c. The existing bus zones along George Street, not being utilised, be converted to 1 hour parking.
  - d. The temporary bus zones currently within Macquarie Street be formalised with the exception of the zone adjacent to Target and that zone be reinstated to 'Unrestricted Parking'.
  - e. A bus zone be implemented in George Street on the approach to New Street.
  - f. A bus zone be implemented in Suffolk Street on the approach to O'Brien Lane

**ATTACHMENTS:**

- AT - 1** Parking Plan Layout: "George Street, Windsor – Proposed Removal of Street Parking between Fitzgerald Street and Catherine Street" - *(to be on display at the meeting)*.

**oooO END OF REPORT Oooo**

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday, 20 January 2010 at 3.00pm in the Large Committee Rooms.

The Chairman thanked all members of the Committee as well as administrative support staff for their contribution and assistance during the past year and wished all a safe and prosperous Christmas and New Year.

The meeting terminated at 3.30pm

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Heritage Advisory Committee Minutes - 25 November 2009 - (80242)**

The meeting commenced at 5.04pm in Council Chambers

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<b>Present:</b>	Mr Graham Edds Professor Ian Jack Ms Deborah Hallam Mr Jonathan Auld Ms Michelle Nichols Ms Danielle Wheeler Ms Jan Barkley Jack	Chair Deputy Chair Community Member Community Member Community Member Community Member Community Member
<b>Apologies:</b>	Mr Donald Ellsmore Councillor Jill Reardon Ms Shari Hussein	Heritage Advisor Hawkesbury City Council Hawkesbury City Council
<b>In Attendance:</b>	Mr Matthew Owens Ms Robyn Kozjak	Hawkesbury City Council Hawkesbury City Council

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**REPORT:**

The Chair noted the non-attendance of Virginia Kruse and enquired if she had contacted Council in regard to her intention to continue with the Committee. Ms Kozjak confirmed Ms Kruse had tendered her resignation from all council committees, including the Heritage Advisory Committee. Query was raised as to the procedure for recruiting new members in this circumstance. Mr Owens advised he would investigate and take appropriate action.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Ms Deborah Hallam and seconded by Ms Michelle Nichols that the Minutes of the Heritage Advisory Committee held on the 10 September 2009, be confirmed.

**BUSINESS ARISING FROM MINUTES**

Ms Nichols advised she had invited Mr Broadbent to speak at the seminar series. Ms Nichols further reported she had liaised with Reverend Pinter of St Matthews Church regarding the prospect of holding the heritage seminars at the church and the Reverend (a member of the Macquarie 2010 Committee) agreed the church would be an appropriate venue.

*The Chair welcomed Ms Barkley Jack back to the meeting and wished her the best of health.*

**Slab Barn Study**

The Chair declared an interest in this matter and subsequently advised the Committee of the status of the study. It was reported all fieldwork had been completed and results entered into a database. Mr Owens advised he would ascertain from the study those properties which should be listed in the LEP.

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**SECTION 3 - Reports for Determination**

**Item: 1 Listing of Macquarie Towns**

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**DISCUSSION:**

Ms Barkley Jack distributed copies of a draft Rationale for Macquarie Towns Heritage boundaries for the Committee's perusal.

*The Committee vacated Chambers and moved to adjoining Committee Rooms for viewing of maps.*

Whilst viewing the maps of Wilberforce, Windsor, Richmond and Pitt Town, it was suggested the overlay of Parish maps may assist with deciphering boundaries and Mr Owens indicated he would approach council's mapping officer in this regard.

Ms Nichols offered to arrange for (Ms Barkley Jack's) aged maps to be digitised to improve clarity.

Members concluded the map viewing session and various amendments were made to the proposed boundaries. Ms Barkley Jack advised she would amend the draft Rationale accordingly.

*The Committee returned to Chambers to conclude the meeting.*

**RECOMMENDATION TO COMMITTEE:**

That:

1. The Committee be provided with a verbal presentation by the Chair and others, detailing the extent of the proposal, and
2. The Committee consider at least the list of issues contained in the report as well as any other matters that may arise and provide a comment on the Committee's position on those issues.

**MOTION:**

RESOLVED on the motion of Ms Michelle Nichols, seconded by Professor Ian Jack.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. This Committee pursue the proposal to state heritage list the Macquarie Town plans of Windsor, Wilberforce, Richmond and the 1815 site at Pitt Town.
2. Council be requested to support the proposal by the Heritage Advisory Committee to request the Heritage Council to consider the state heritage listing of the Macquarie Town Plans.
3. Representatives of the Heritage Advisory Committee make a presentation on the proposal to heritage list the original layout of the Macquarie towns to councillors at the February 2010 briefing session.
4. Penrith City Council be approached to seek their support for the inclusion of Castlereagh in the proposed heritage listing.

**Item: 2 Correspondence from Heritage Council - Notice of Intention to consider listing Scheyville National Park on the State Heritage Register**

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**DISCUSSION:**

Mr Owens tabled correspondence from the Heritage Council dated 18 November 2009 and subsequently sought the Committee's opinion on the proposal to list Scheyville National Park on the State Heritage Register. Mr Owens further advised the matter would be reported to Council.

The Committee agreed to the proposal and Mr Owens advised he would send a submission to that effect to the Heritage Council.

**MOTION:**

RESOLVED on the motion of Mr Jonathan Auld, seconded by Ms Jan Barkley Jack.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That:

1. The information be received.
2. A submission be forwarded to the Heritage Council supporting the listing of Scheyville National Park on the State Heritage Register.

**Correspondence from Heritage Council - Notice of Intention to consider listing  
Scheyville National Park on the State Heritage Register**

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**ORDINARY MEETING**  
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**SECTION 4 - General Business**

**Item: 3 Future meeting dates of the Heritage Advisory Committee**

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Enquiry was raised regarding future meeting dates of the HAC and it was determined Ms Kozjak would email members with the information once dates have been established.

*The Chair conveyed his best wishes to the Committee for the festive season.*

The meeting closed at 7.15pm

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
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Council's official copy of  
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