



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 12 April 2011

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 nspies@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.

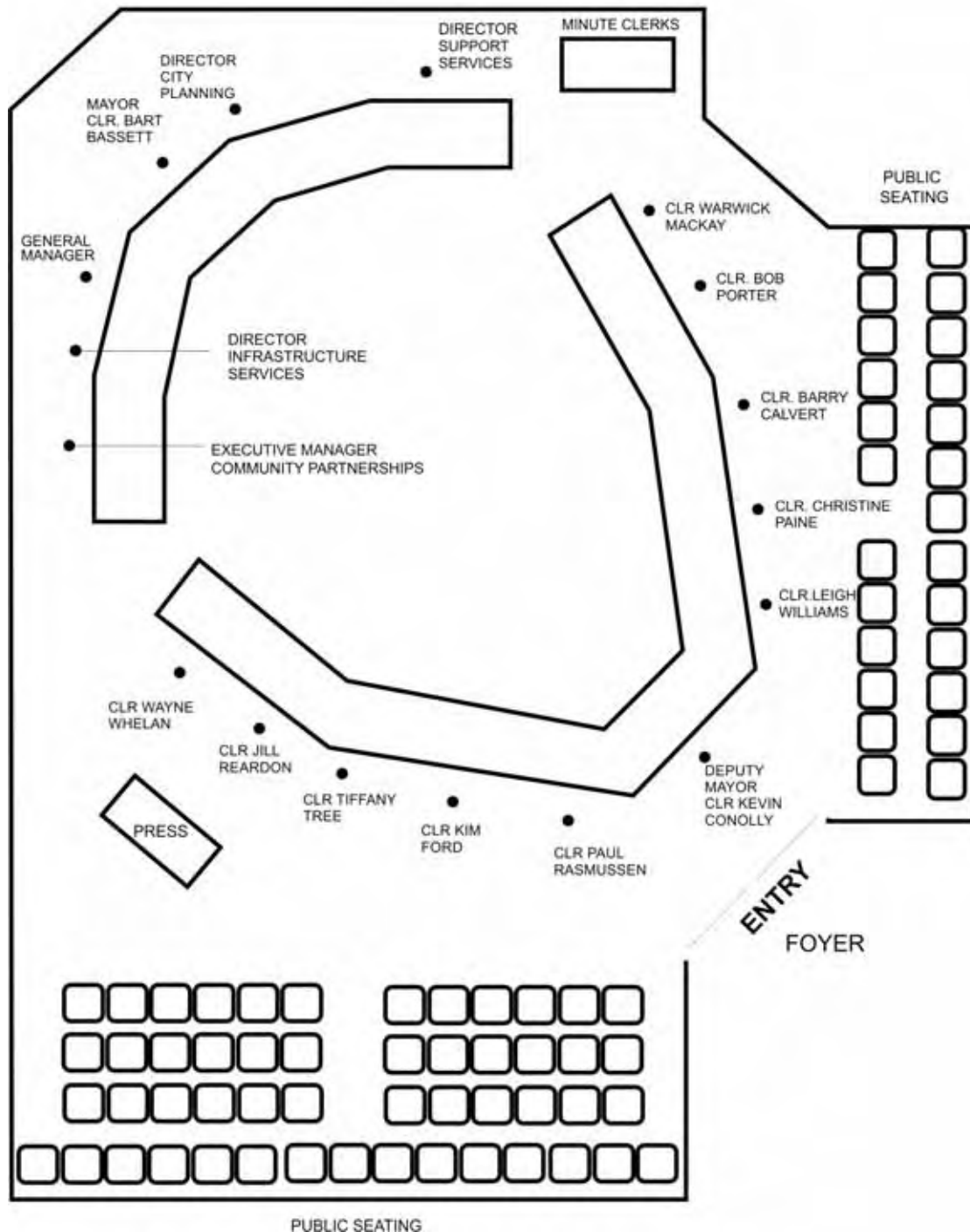
Website

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.

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.

council chambers



ORDINARY MEETING

Table of Contents

Meeting Date: 12 April 2011

AGENDA

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

City Planning

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS FOR NEXT MEETING**

ORDINARY MEETING

Table of Contents

Meeting Date: 12 April 2011

ORDINARY MEETING**Table of Contents****Meeting Date:** 12 April 2011**TABLE OF CONTENTS**

| ITEM | SUBJECT | PAGE |
|--|---|-------------|
| SECTION 1 - Confirmation of Minutes | | 3 |
| SECTION 4 - Reports for Determination | | 7 |
| GENERAL MANAGER | | 7 |
| Item: 68 | GM - Proposal to Include Flood Notation on the Back of Council Envelopes - (79351) | 7 |
| Item: 69 | GM - Australian Local Government Women's Association Conference (79351, 95655) | 12 |
| CITY PLANNING | | 14 |
| Item: 70 | CP - S96 Modification of Development Consent No. M0830/00A - 125 Cattai Road, Pitt Town - Reconfiguration of Proposed Lots 6, 7, 8, 9 and 10 into Four Allotments - (M0830/00A, 102260, 7976, 95498) | 14 |
| Item: 71 | CP - Refreshment Room - Reconstruction and Additions to Restaurant - 406 Bells Line of Road, Kurmond - (DA0293/10, 88858, 13798, 13800, 27901) | 35 |
| Item: 72 | CP - Development Application - Torrens Title Subdivision into Two Lots - Lot 2 DP 846501, 533 Wilberforce Road, Wilberforce - (DA0029/10, 817, 35757, 95498) | 57 |
| Item: 73 | CP - Notice of Intention to Apply for a Packaged Liquor Licence - ALDI Foods Pty Limited - 5A Curtis Road, Vineyard - ALDI McGraths Hill - 128 Windsor Street, Richmond - ALDI Richmond - (95498, 9378) | 77 |
| INFRASTRUCTURE SERVICES | | 89 |
| Item: 74 | IS - Development Servicing Plan - Windsor Sewerage Scheme - (95494, 79357) | 89 |
| Item: 75 | IS - Wilberforce Cemetery - Re-opening for Interments - (95495, 79354, 90781) | 92 |
| Item: 76 | IS - Community Banner Poles Policy - (79354, 95495) | 94 |
| Item: 77 | IS - Reconstruction of Yarramundi Lane - (95495) | 101 |
| CONFIDENTIAL REPORTS | | 103 |
| Item: 78 | IS - Tender No. 00911 - Construction of a Pedestrian /Cycle Bridge over Rickaby Creek - (95495, 79344) | 103 |
| Item: 79 | IS - Tender No.01111 - Tender for Hire of Plant at the Hawkesbury City Waste Management Facility - (112179) | 104 |

ORDINARY MEETING**Table of Contents****Meeting Date:** 12 April 2011

| ITEM | SUBJECT | PAGE |
|--|---|-------------|
| Item: 80 | SS- Property Matter - Lease to Jud Sebastian Haines - Shop 4 Glossodia Shopping Centre - (112106, 95496, 89337, 105494) | 105 |
| SECTION 5 - Reports of Committees | | 109 |
| | ROC - Local Traffic Committee - 16 March 2011 - (80245, 95495) | 9 |
| | ROC - Community Planning Advisory Committee Minutes - 17 March 2011 - (96737) | 146 |
| | ROC - Waste Management Advisory Committee - 30 March 2011 - (95249) | 153 |
| QUESTIONS FOR NEXT MEETING | | 159 |
| | Councillor Questions From Previous Meetings and Responses - (105109) | 159 |

ordinary

section 1

confirmation of minutes

ORDINARY MEETING
Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

SECTION 1 - Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

ordinary

section 4

reports
for determination

ORDINARY MEETING

Meeting Date: 12 April 2011

ORDINARY MEETING

Meeting Date: 12 April 2011

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item:68 **GM - Proposal to Include Flood Notation on the Back of Council Envelopes - (79351)**

Previous Item: 20, Ordinary (15 February 2011)

REPORT:

Executive Summary

Following a recommendation from the meeting of the Floodplain Risk Management Advisory Committee held on 6 December 2010 a report was submitted to the Council Meeting held on 15 February 2011 regarding the subject matter.

Subsequently, the Council resolved to adopt a flood awareness message for the back of Council envelopes with the wording being reported to Council following discussion at a Councillor Briefing Session.

A number of options for wording were discussed at the Councillor Briefing session on 5 April 2011 and the matter is now submitted to Council for endorsement of the favoured option for wording.

Consultation

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

Background

At the meeting of the Floodplain Risk Management Advisory Committee held on 6 December 2010 a recommendation was made to Council regarding the inclusion of a message regarding flood mitigation on the rear of Council envelopes.

As a result, a report was subsequently submitted to the meeting of Council held on 15 February 2011 regarding the Advisory Committee's recommendation. A copy of this report is included as Attachment 1 to this report. Council resolved:

"Following the exhaustion of current envelope supplies, Council adopt a flood awareness message on the back of Council envelopes. The wording of the message is to be developed by the Mayor in consultation with the General Manager and reported back to Council for consideration following discussion at a Councillor Briefing Session."

In accordance with Council's resolution the options for wording to be utilised as an appropriate flood awareness message were discussed at the Councillors Briefing Session on 5 April 2011 where the following options were considered and the consensus for an appropriate message appeared to be Option 2.

ORDINARY MEETING

Meeting Date: 12 April 2011

OPTION 1

Does your family have a Flood Plan?

*Be Aware and be prepared for Floods by creating a plan to use during Floods.
Investigate the potential of flooding near your home and make sure you know the safest
evacuation route.*

*Visit the Services/Emergency information tab at www.hawkesbury.nsw.gov.au or call (02) 4560
4444 to view Flood Extent Maps.*

*For more information on how to create a family flood plan visit, www.floodsafe.nsw.gov.au or call
1800 635 663.*

OPTION 2

Flooding Information

*For information on flooding in the Hawkesbury City area view the Services/Emergency Information
tab at www.hawkesbury.nsw.gov.au or call (02) 4560 4444*

*For more information on how to create a family flood plan visit www.floodsafe.nsw.gov.au or call
1800 635 663*

As it will be necessary to order further envelopes in the near future Council's endorsement of this option is now sought.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure.

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

- Develop disaster response and community safety plans.

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2010 -2012. The Flood Risk Management Study and Plan are currently underway.

Financial Implications

No financial implications applicable to this report as the resupply of envelopes and the inclusion of a message are already covered by normal budgetary provision.

RECOMMENDATION:

That further to it's resolution of 15 February 2011, Council adopt the wording of Option 2 as detailed in the report as an appropriate flood awareness message to be included on the back of Council envelopes.

ATTACHMENTS:

AT - 1 Report to Meeting of Council Held on 15 February 2011 (Item 20)

ORDINARY MEETING

Meeting Date: 12 April 2011

AT - 1 Report to Meeting of Council Held on 15 February 2011 (Item 20)

ITEM: 20 CP - Proposal to Include Flood Mitigation Notation on the Back of Council Envelopes - (86589, 95498)

REPORT:

Executive Summary

At the Floodplain Risk Management Advisory Committee meeting of 6 December 2010 a General Business item was discussed regarding the inclusion of the following statement on the back of Council's envelopes;

"Flood mitigation for the Hawkesbury - Nepean River valley to protect our community now!"

When the matter was considered by the Floodplain Risk Management Advisory Committee there was no report, considering context, on the matter as the discussion was initiated by one of the members.

This report considers the statement in the context of Council Policy and the work currently underway at Council and recommends that any such message, if proposed, should have awareness or educational meanings and should not be in the form of a policy statement.

Consultation

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

Background

On 6 December 2010 Council's Floodplain Risk Management Advisory Committee considered a General Business Item proposal from Mr John Miller, a community representative on the Committee, that a notice relating to flood mitigation be placed on the back of Council envelopes once the Macquarie 2010 promotional envelopes run out.

The request comes on behalf of the Hawkesbury - Nepean Flood Mitigation Action Committee with the recommendation being that the following words (or any alternate statement that Council consider appropriate) be used:

"Flood mitigation for the Hawkesbury- Nepean River valley to protect our community now!"

The Committee voted in support of Mr Miller's proposal.

Discussion

In New South Wales the prime responsibility for local planning and the management of flood liable land rests with local government. To assist in this management the NSW Government has adopted a Flood Prone Land Policy in conjunction with the "Floodplain Development Manual". In accordance with that process Council is currently undertaking the *Floodplain Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury LGA*. A "Draft Data Collection and Review Report" has been prepared and is currently being reviewed by the Floodplain Risk Management Advisory Committee and staff managing the project. This draft report has reviewed some 85 reports and documents dealing with issues such as flood consequences, education and attitudes, evacuation, flood behaviour and forecasting, floodplain management options, flood modification options, flood regimes and geomorphology, insurance and planning and development. As can be seen from this list, the issue of flood mitigation is only one of the issues that floodplain management addresses.

The Study and Plan will, amongst the other issues mentioned above, investigate floodplain mitigation and management options. These options will include recommendations for public education/awareness

ORDINARY MEETING

Meeting Date: 12 April 2011

campaigns. It is considered that any campaign such as that proposed should be guided by the outcomes of the Study and Plan. This will ensure that the basis for the campaign is well founded and informed, proposed mitigation measures are identified and agreed to by the community and the campaign is undertaken in a responsible, targeted and effective manner.

The statement proposed by the Hawkesbury - Nepean Flood Mitigation Action Committee is worded in such a manner that it implies that the proposal is a Council Policy. However, the notice as proposed does not identify, or is backed by, a Council adopted position regarding; the types of mitigation measures proposed; the cost of such measures; the authority responsible for implementing such measures or the timing of implementation. Furthermore, in the event of Council receiving a request to explain the notice, specific advice (in relation to type of measure, costs and benefits of the measure or responsibility for provision of that measure) would not be able to be provided to such a request.

In light of this it is considered that it would be premature to place a notice, with the wording as proposed, on the back of Council's envelope until closer to the completion of the Study and Plan.

Proposal

The notices on the back of Council's envelopes are reviewed by Corporate Communication staff and the General Manager before approval. The prime purpose of these messages are as an awareness and education tool that informs the community about key issues (Tree Preservation) or interest to the broader community (Macquarie 2010 celebrations).

As Council has a responsibility for local planning and flood management, it is relevant (and currently topical) that there is a need for awareness and education of the community about flooding in the Hawkesbury. There have been a number of reports that have found that that education and awareness programs are required. Colmar Brunton Social Research (1999) found that people in Windsor and Richmond have an awareness about the risk of a major flood but are not greatly concerned about the risk to life. Dovetail Planning (2000) report that the real flood hazard is poorly understood by the community who believe that the only flood hazard is on land below the 1 in 100 year event level. Other studies and reports have considered the effectiveness or otherwise of previous education campaigns and it is clear from those reports that there is a need for clear, consistent and ongoing education campaigns to ensure that the community is aware and prepared for a variety of flood risks and scenarios.

In this regard it is recommended that, should Council wish to place a message regarding flooding on the back of its envelopes, the message could be along the lines as follows:

"Awareness and preparation for floods in the Hawkesbury community is everyone's responsibility."

Of course Council can amend the wording of the above at any time. However, it is recommended that the primary task for flood management is to ensure that the affected community have a more complete understanding of the flood affectation and the need to be prepared for those consequences before there is any discussion as to what the management options or solutions may be.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure.

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

- Develop disaster response and community safety plans.

It is clear that there is a need to address flood management in the Hawkesbury Local Government Area. However, there is a range of local issues, such as education, identification of the true extent of the local

ORDINARY MEETING

Meeting Date: 12 April 2011

risks, prioritise the most appropriate solutions by undertaking proper cost benefit analysis of all relevant options, etc, to develop a suite of solutions prior to settling on one solution.

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2010 -2012. The Flood Risk Management Study and Plan are currently underway.

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That following exhaustion of current envelope supplies, should there be a message placed on the back of Council envelopes regarding flood matters, the message should have awareness or educational meanings, such as *Awareness and preparation for floods in the Hawkesbury community is everyone's responsibility*, and should not be in the form of a Policy statement.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2011

Item:69 **GM - Australian Local Government Women's Association Conference (79351, 95655)**

REPORT:

Executive Summary

The 2011 Australian Local Government Women's Association (ALGWA) Conference will be held from 26-28 May 2011. The conference will be held at several locations within the Blacktown local government area. Council has been represented at this conference in the past and it is recommended that the conference be attended by nominated Councillors and appropriate staff.

Consultation

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

Background

The Australian Local Government Women's Association (ALGWA) will hold its Diamond Jubilee State Conference from 26-28 May 2011. The conference will be held at several locations across the Blacktown local government area.

The theme of this year's conference is SWIFT - Strong Women Influencing Future Trends and will provide valuable networking opportunities combined with an outstanding program of guest speakers.

Cost of attendance at the 2011 ALGWA Conference will be \$620.00 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made

- | | |
|---|------------|
| • Total Budget for Financial Year 2010/2011 | \$42,000 |
| • Expenditure to date | \$23,400 |
| • Outstanding commitments (approx) | \$20,067 |
| • Budget balance as at 5/4/11 (including outstanding commitments) | (\$ 1,507) |

The estimated costs associated with attendance at conferences in the 2010/2011 financial year already approved by Council but not yet incurred and are reflected as an outstanding commitment shown above.

Conformance to Community Strategic Plan

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

- Have transparent, accountable and respected leadership and an engaged community.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Engage the community to help determine affordable levels of service.
- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

Funding for this proposal will be provided from the Delegates Expenses Budget and in view of this items predicted movement into deficit an appropriate adjustment will be made as part of a quarterly review.

ORDINARY MEETING

Meeting Date: 12 April 2011

RECOMMENDATION:

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2011 Australian Local Government Women's Association Diamond Jubilee State Conference at a cost of \$620.00 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2011

CITY PLANNING

Item:70 **CP - S96 Modification of Development Consent No. M0830/00A - 125 Cattai Road, Pitt Town - Reconfiguration of Proposed Lots 6, 7, 8, 9 and 10 into Four Allotments - (M0830/00A, 102260, 7976, 95498)**

Development Information

File Number: M0830/00A
Property Address: 125 Cattai Road, Pitt Town
Applicant: Montgomery Planning Solutions
Owner: Colonia Pty Limited
Proposal Details: Modification of Development Consent No. MA0830/00 - Reconfiguration of Proposed Lots 6, 7, 8, 9 and 10 into Four Allotments
Estimated Cost: N/A
Zone: Rural Living, Rural Housing and 9(b) Proposed Road Under Hawkesbury Local Environmental Plan 1989
DRAFT Zone: RU 4 Rural Small Holdings and R5 Large Lot Residential under Draft Hawkesbury Local Environmental Plan 2009.
Date Received: 10 September 2010
Advertising: 19 September 2010 to 1 November 2011

Key Issues: ♦ Flooding
 ♦ Flora and Fauna

Recommendation: Approval

REPORT:

Executive Summary

The subject modification application has been submitted to reconfigure lots approved by Development Consent DA0830/00A to align more closely to the zone boundary between the Rural Living zone and the Rural Housing zone. At the time of the subdivision approval, the land was zoned Rural Living and Proposed Road 9(b). The proposed modified development will provide the opportunity for future development of the land in an orderly and economic manner to facilitate further development in accordance with State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008.

The original application was reported and approved by Council due to the variation in the size of Lot 2 from the minimum allotment size requirement of 2 hectares for the Rural Living zone. The proposed modified development proposes no changes to approved Lot 2.

Introduction

An application under Section 96 of the Environmental Planning and Assessment Act, 1979 has been received to modify Development Consent MA0830/00, which gave approval for "10 Lot Subdivision in Two Stages comprising Three Torrens Title Lots and Seven Lots under Community Title" of Lot 1 DP 551960 and Lot 76 DP 1009124, 125 Cattai Road, Pitt Town.

The Section 96 modification proposes to reconfigure five of the approved lots (Lots 6 to 10) to create four lots (Lots 6 to 9) which more closely align with the zone boundaries affecting the subject land.

ORDINARY MEETING

Meeting Date: 12 April 2011

Assessment of the proposal highlights the following relevant issues for consideration in the determination of the modification application:

- Flooding
- Flora and fauna

The application is being reported to Council in accordance with Council Policy – *Applications Determined by Council – Re-application Process Policy*, which states:

“For any application determined by Council (rather than under delegated authority by staff), subsequent applications relating to the same project in relation to amendments or changes are also to be considered and determined by Council.” The development was approved by Council at its meeting of 10 July 2001.

The proposed modification is recommended for approval.

The application was notified for the period 13 October 2010 to 1 November 2010, and no submissions were received.

It is recommended that the application be conditionally approved.

Description of Proposal

This application seeks to modify Development Consent MA0830/00, which gave approval for a “10 Lot Subdivision in Two Stages comprising Three Torrens Title Lots and Seven Lots under Community Title” of Lot 1 DP 551960 and Lot 76 DP 1009124, 125 Cattai Road, Pitt Town.

The Section 96 modification proposes to reconfigure five of the approved lots (Lots 6 to 10) to create four lots (Lots 6 to 9) which more closely align with the zone boundaries affecting the subject land.

The new lots (Lots 6 to 9) will have the following areas:

- Proposed Lot 6 – 2.010 hectares;
- Proposed Lot 7 – 3.123 hectares;
- Proposed Lot 8 – 2.694 hectares;
- Proposed Lot 9 – 2.169 hectares.

Background

Council, at its meeting of 10 July 2001 resolved to approve Development Application MA0830/00 for a ten lot subdivision to be carried out in two stages;

Stage 1 – the creation of Lots 8, 9 & 10 plus a residual lot.

Stage 2 – the creation of Lots 1 to 7 from the residual lot, with this Stage being a community title subdivision with Lot 1 being used as a road (community property).

The original application was reported to Council as proposed Lot 2 will have an area of only 1.57 hectares, which is a variation of more than 10% from the minimum area required under clause 11 to Hawkesbury Local Environmental Plan 1989. An objection under State Environmental Planning Policy No. 1 was submitted and supported at the time. In addition, the Department of Urban Affairs and Planning granted their concurrence for the subdivision.

Council Policies, procedures and codes to which the matter relates:

- Environmental Planning and Assessment Act, 1979
- State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008
- State Environmental Planning Policy No. 44 – Koala Habitat
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989

ORDINARY MEETING

Meeting Date: 12 April 2011

- Hawkesbury Development Control Plan
- Council Policy – Applications Determined by Council – Re-application Process Policy,

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:

Assessment Of Section 96(2)

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

s.96(2)

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

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

Comment:

It is considered that the development as modified is substantially the same as the approved development for the following reasons:

- The nature of the development, i.e. a rural residential subdivision, has not changed.
 - The proposed modification results in one less lot being created. The variation to the dimensions and configuration of the proposed amended lots compared to those originally approved is not considered significant.
 - The proposed modified subdivision will have no additional adverse impacts when compared to the approved development.
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment:

No approvals are required by a Minister, public authority or approval body. The original application was supported by an objection under State Environmental Planning Policy No. 1, which required the concurrence of the Department of Urban Affairs and Planning at the time. This objection was in relation to the size of Proposed Lot 2. Concurrence was unconditionally granted 18 May 2001. The proposed modified development affects Lots 6 to 10; No amendments are proposed that affect Lot 2.

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

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

Comment:

The application was notified for the period 13 October 2010 to 1 November 2010.

ORDINARY MEETING

Meeting Date: 12 April 2011

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

Comment:

No submissions were received.

s.96(3)

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

Comment:

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

s.96(4)

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

Comment:

The application is for the modification of development consent MA0830/00. It is proposed to support the proposed modification application in its entirety.

s.96(5)

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

Comment:

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

a) the provisions of:

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

The relevant environmental planning instruments are:

State environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008

The subdivision was approved prior to the gazettal of State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008 (18/07/08) and therefore the requirements of these Plans are not considered relevant to the proposed modified development.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

Schedule 2 tree species have been identified on the site. However, these trees do not represent more than 15% of the total number of trees. It is therefore considered that the land is not potential habitat as defined by this SEPP. Under clause 8 of S.E.P.P. No. 44 Council is not prevented from granting consent to the proposal.

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

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

It is considered that the proposed modified development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not

inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)
General Provisions of HLEP 1989

Clause 2 - Aims, objectives etc,

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

Clause 9A - Zone objectives

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

It is considered that the modified proposal is consistent with the objectives of the Rural Living zone and the Rural Housing zone.

Specific Provisions of HLEP 1989

Clause 10 - Subdivision - General

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

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

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

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

Comment:

The modified development will create boundaries that correspond more closely with the zone boundary between the Rural Living and the Rural Housing zones than those originally approved.

Of the lots within the approved subdivision, Lots 2, 7, 8, 9 & 10 will be within both zones. The amended subdivision will result in Lots 8 & 9 being predominantly zoned Rural Living with an insignificant portion of the land being within the Rural Housing zone, and is considered to depart from the boundaries of the different zones to a minor effect.

(5) All subdivision is prohibited on the Pitt Town Site unless the area of each lot created for a dwelling house is equal to or greater than the minimum lot sizes for the land shown on the Lot Size Map and the number of lots created does not exceed the density control for the land shown on the Density Control Map.

Comment:

All lots to be created within the Rural Housing zone comply with the minimum lot size requirement shown on the Lot Size Map.

Clause 11 - Rural subdivision - general provisions

Relevant extracts are:

(1) *In this clause:*

endangered ecological community means any endangered ecological community referred to in Part 3 of Schedule 1 to the Threatened Species Conservation Act 1995.

(2) *Except as otherwise provided by this clause and clause 13, the Council may consent to the*

ORDINARY MEETING**Meeting Date:** 12 April 2011

subdivision of land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, rural Living, rural Housing, Environmental Protection – Agriculture Protection (Scenic) or Environmental Protection – Mixed Agriculture (Scenic) zone only if the area of each of the allotments to be created is not less than:

- (a) *if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or*
- (b) *if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.*

| Column 1 | Column 2 | Column 3 |
|---|--|--|
| Zone | Minimum allotment size if not lot averaging subdivision | Minimum allotment size if lot averaging subdivision |
| <i>Rural Living (land shown hatched on the map)</i> | <i>2 hectares</i> | <i>Not applicable</i> |
| <i>Rural Housing</i> | <i>Minimum lot size as shown on the map (otherwise not applicable)</i> | |

Comment:

The proposed subdivision is not a lot averaging subdivision.

All modified lots (Lots 6 to 9) will meet the minimum allotment size requirement of 2 hectares for Rural Living.

The minimum allotment size for the portion of the land within the Rural Housing zone is 2,500m².

- (3) *The Council may consent to the subdivision of land to which this clause applies only if:*
 - (a) *there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and*

Comment:

The depth to frontage ratio of the proposed modified allotments is satisfactory given the intended rural-residential use.

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

Comment:

It is considered that, the proposed modified subdivision and subsequent development of the lots will have no adverse impacts on threatened species, populations or endangered ecological community, on wetlands, watercourses, or increased bush fire threat as discussed further in this Report.

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

Comment:

A geotechnical assessment has been provided with the original development application demonstrating that the resulting allotments are capable of supporting on-site disposal of effluent for the intended rural residential use. The modification application does not propose any changes to the originally approved

ORDINARY MEETING

Meeting Date: 12 April 2011

effluent disposal areas.

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

Comment:

The proposed subdivision provides suitable areas on each proposed rural residential allotment for a dwelling house, effluent disposal areas and asset protection areas in accordance with the requirements of Hawkesbury Development Control Plan. See assessment below.

(4) N/A

(4A) N/A

(5) N/A

- (6) *Consent must not be granted to a subdivision of land within Zone No 1(a), 1(b), 1(c), 1(c1), 7(d) or 7(d1) that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*

- (a) *sufficient for the erection of a dwelling-house, and*
(b) *at natural surface level or at a level achieved by filling carried out with the consent of Council.*

Comment:

All lots have land adequate in size at a level above the 1 in 100 year flood level.

(7) N/A

(8) N/A

- (9) *References to a number of allotments in this clause do not include allotments created for a public purpose or allotments created as neighbourhood property.*

Specific Provisions of HLEP 1989

Clause 18 - Provision of water, sewerage etc. services

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

A condition of development will require the applicant to liaise with the local service providers to make satisfactory arrangements for their connection to the site.

Clause 22 - Development fronting a main or arterial road

Cattai Road is a main/arterial road. The clause requires assessment of principles including the following:

- Maintenance of existing scenic quality.
- Should not create traffic beyond the capacity of safety of the road.
- Maintenance of character of the area including overall pattern of building development.
- Provision of appropriate building setbacks.
- Future road alignment needs.

The proposed modified development is of a rural residential nature and will not adversely impact on the character of the locality or streetscape. The development of the resultant lots for rural residential purposes will not adversely impact upon the road network or the character of the area.

ORDINARY MEETING

Meeting Date: 12 April 2011

Clause 25 - Development on flood liable land

Sufficient area above the 1 in 100 year flood level is available to all modified lots to accommodate a future dwelling house on each lot.

Whilst access to proposed modified Lots 8 and 9 are below the 1 in 100 year flood level, this is considered acceptable in this instance for the following reasons:

- The subdivision has been approved. This modification will result in one (1) less lot being created.
- It is considered that the level of access to each of the lots does not vary from the 1 in 100 year flood level to a significant degree.
- The land is not located within a floodway.
- The land is located in short proximity to the proposed Pitt Town flood evacuation route (to be upgraded/constructed) and to areas located above the 1 in 100 year flood level.

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

The subject site is identified as Class 5 on Councils Acid Sulphate Soils Planning Map. The proposed development is not within 500m of another Class of Acid Sulfate Soils, and therefore the proposed development is consistent with this Clause.

Clause 55 Pitt Town – subdivision and regional transport infrastructure

The subdivision was approved prior to the inclusion of Clause 55 into Hawkesbury Local Environmental Plan 1989, and therefore the requirements of these Plans are not considered relevant to the proposed modified development.

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

Draft Hawkesbury Local Environmental Plan 2009 applies to the proposal. This draft Plan was exhibited 5 February 2010 to 12 April 2010.

Under this Plan the subject land is proposed to be zoned part RU4 Rural Small Holdings and part R5 Large Lot Residential. The Lot Size Maps provide a minimum lot size requirement for subdivision of 2 ha for land within the RU4 zone and 2,500m² for land within the R5 zone.

The proposed development is considered to be consistent with the provisions of draft Hawkesbury Local Environmental Plan 2009, including the relevant zone objectives.

iii) any development control plan applying to the land

Hawkesbury Development Control Plan.

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

General Information Chapter

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

It is considered the subject application provides adequate information for the assessment of the modified proposal and generally complies with this Chapter.

Subdivision Chapter

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

ORDINARY MEETING

Meeting Date: 12 April 2011

| Element | Rule | Complies |
|----------------------------|--|--|
| General | | |
| Flora and Fauna Protection | <p>(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.</p> <p>(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.</p> <p>(c) Degraded areas are to be rehabilitated as part of the subdivision.</p> <p>(d) Vegetation should be retained where it forms a link between other bush land areas.</p> <p>(e) Vegetation which is scenically and environmentally significant should be retained.</p> <p>(f) Vegetation which adds to the soil stability of the land should be retained.</p> <p>(g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.</p> | <p>A flora and fauna report was considered in the assessment of the original application. The proposed modified development will not introduce any additional impacts to that originally considered.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| Visual Amenity | <p>(a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.</p> <p>(b) Subdivision of escarpments, ridges and other visually interesting places should:</p> <ul style="list-style-type: none"> ❖ Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and | <p>Yes</p> <p>Yes</p> |

ORDINARY MEETING

Meeting Date: 12 April 2011

| Element | Rule | Complies |
|--|---|--|
| | <ul style="list-style-type: none"> ❖ Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations. <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 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. | Yes The subject land is not a listed heritage item or located in the vicinity of a listed heritage item. |
| 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>Yes</p> <p>Yes</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</p> | <p>Yes</p> <p>Access to Proposed Lots 8 & 9 is below the 1% AEP. See previous discussion above (Clause 25)</p> <p>Yes Site not within an identified landslip area.</p> |

ORDINARY MEETING

Meeting Date: 12 April 2011

| Element | Rule | Complies |
|--------------------------|---|---|
| | <p>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 Site not considered to be contaminated.</p> <p>N/A</p> |
| Rural Lot Size and Shape | <p>(a) The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Lots should be able to accommodate a building envelope of 2000m² 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.</p> <p>(c) In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.</p> <p>(d) The width to depth ratio of allotments should not exceed 1:5.</p> <p>(e) Lot layout shall consider the location of watercourse vegetation and other environmental features.</p> | <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> |
| Effluent Disposal | <p>(a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions.</p> <p>(b) Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of Subdivision Certificate.</p> | <p>Yes</p> <p>N/A</p> |

ORDINARY MEETING

Meeting Date: 12 April 2011

| Element | Rule | Complies |
|----------------------------------|--|--|
| 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 |
| | (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. | Subdivision fronts Cattai Road – a constructed main/arterial road. |
| | (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. | Condition |

ORDINARY MEETING**Meeting Date:** 12 April 2011

| Element | Rule | Complies |
|---------|--|-----------|
| | (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 |

Effluent Disposal Chapter

A geotechnical assessment has been provided with the original development application demonstrating that the resulting allotments are capable of supporting on-site disposal of effluent for the intended rural residential use. The modification application does not propose any changes to the originally approved effluent disposal areas.

Notification Chapter

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

Comment:

The proposed modified development was notified in accordance with the requirements of this Chapter. No submissions were received.

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) any matters prescribed by the regulations

There are no prescribed matters relevant to the proposed modified development.

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

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

ORDINARY MEETING

Meeting Date: 12 April 2011

Context And Setting

The proposed modified lots are consistent with the existing surrounding subdivision pattern and are satisfactory having regard to the requirements of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan.

Flora and Fauna

A flora and fauna assessment was submitted with the original application, and concluded that there will be no significant adverse impact on the Cumberland Plain Woodland and on *acacia pubescens* located on the land. 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.

The original consent required a *50m buffer zone be maintained between the triangular area of the class 2 Cumberland Plain Woodland, containing the on site population of Acacia pubescens, and all principal Development Areas on the site, particularly Lot 10 (now Lot 9).*

Future development of the proposed modified allotments will be located in previously cleared/disturbed areas on the land consistent with development areas approved by the original consent.

Land Contamination

As per the original assessment:

"In respect to potential site contamination the applicant's geotechnical consultant has reviewed this matter and certificates relating to the use of the soil for 'organic produce'. As a result he has advised that it is a reasonable conclusion from test results and the land history that there are no chemical residues on the property which would prevent safe use of the land for rural residential purposes."

Natural Hazards

The applicant states:

"Under the Hawkesbury City Council's Bushfire Management Risk Plan for the site, the land is identified as bushfire prone. There is sufficient area for asset protection zones and the land is surrounded by managed land. There is minimal change from the existing approved subdivision."

Bushfire risk was considered with the original application:

"There is no significant bush fire risk as this land is largely cleared and therefore fuel free zones will be available around the house site. Satisfactory emergency access will be available from Cattai and Mitchells Road. There are no excessive slopes prohibitive to residential development"

Future development of the proposed modified allotments will be located on the land consistent with development areas approved by the original consent. The proposed modified development will not have an increased bushfire affectation.

With respect to flooding the applicant states:

Proposed lots 8 and 9 are affected by the 1 in 100 year flood. The land slopes gently towards Mitchell Road and Cattai Road. There is sufficient area above the 1 in 100 year flood level for a dwelling and ancillary buildings.

ORDINARY MEETING

Meeting Date: 12 April 2011

Although the individual access driveways to the dwelling sites will partially be lower than the 1 in 100 year flood level, it is considered that the modification provides a better outcome as only two lots are affected in this way, compared to three in the original approval.

The 1 in 100 year flood level for the locality is approximately 17m AHD. The intersection of Cattai and Mitchell Roads has a level of approximately 15.5m AHD. Land levels along the frontage of Mitchells Road range from approximately 15.5m to 16.5m AHD and levels along the Cattai Road frontage (proposed Lot 8) range from approximately 15m to 16m AHD. Whilst access to proposed modified lots 8 and 9 are below the 1 in 100 year flood level, this is considered acceptable in this instance for the following reasons:

- The subdivision has been approved. This modification will result in one (1) less lot being created.
- It is considered that the level of access to each of the lots does not vary from the 1 in 100 year flood level to a significant degree.
- The land is not located within a floodway.
- The land is located in short proximity to the proposed Pitt Town flood evacuation route (to be upgraded/constructed) and to areas located above the 1 in 100 year flood level.

c) The Suitability of the Site for the Development

As previously discussed, the flooding and bushfire affectation of the land is not prohibitive to the development. Future development of the lots can be achieved having regard to onsite effluent disposal, availability of services, flooding and bushfire affectation, and the conservation/preservation of the Cumberland Plain Woodland and *Acacia pubescens* present on the land. It is considered that the land is suitable for the development.

d) Any Submissions Made in Accordance With the EPA Act or Regulations

The modification application was notified from 13 October 2010 to 1 November 2010 in accordance with Hawkesbury Development Control Plan. No submissions were received.

e) The Public Interest

The proposed modified development responds more positively to the constraints of the site and to the zone boundaries within Hawkesbury Local Environmental Plan 1989. The modified subdivision is compatible with the existing subdivision pattern in the locality, whilst better separating land within the Rural Housing zone to increase the potential for this land to be subdivided in accordance with the Part 3A approval for Pitt Town. For these reasons it is considered that the proposed development is in the public interest.

Conclusion:

As demonstrated within this Report the proposed modified subdivision will have no increased environmental impacts compared to that originally approved. The modified development will assist in the future development of the land in accordance with the approval for Pitt Town. It is therefore recommended that the application to modify Development Consent MA0830/00 be supported.

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: 12 April 2011

RECOMMENDATION:

That Development Consent MA0830/00 for 10 Lot Subdivision in Two Stages comprising Three Torrens Title Lots and Seven Lots under Community Title of Lot 1 DP 551960 and Lot 76 DP 1009124, 125 Cattai Road, Pitt Town be amended in the following manner:

Amend Stage 1 Heading to read:

- A. Stage 1 - Three (3) lot Torrens Title Subdivision (Creation of Lots 8 & 9 and residual lot)

Amend Condition 1 to read:

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the stamped plan (Ref 09042-2) as it relates to Lots 8 and 9 (Proposed lots 1 to 7 to comprise residue lot), specifications and accompanying documentation submitted with s.96 Modification Application MA0830/00A except as modified by these further conditions.

Amend Condition 4 to read:

4. 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 2011. Fees required if an accredited certifier is used will be provided on request.

Amend Condition 10 to read:

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

Amend Condition 13 to read:

13. A pavement 4 metres wide shall be constructed across the footway and to a suitable building site on proposed lots 8 & 9 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.

The access to lots 8 & 9 are to be located so as to minimise tree removal and to avoid impacts on remnant vegetation, as identified in the flora and fauna report prepared by Blue Mountains Wilderness Trust. Access locations are to be located to provide for adequate site distance.

Amend Condition 16 to read:

16. Payment of a linen release fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Amend Condition 17 to read:

17. The creation of a restriction on the use of land under section 88b of the Conveyancing Act, and/or positive covenants, requiring:
 - The establishment of Principal Development Areas showing suitable envelopes for houses and effluent disposal areas, are to be sited as per the Plan of Constraints prepared by McKinlay Morgan and Associates numbered 89278 as amended.

ORDINARY MEETING

Meeting Date: 12 April 2011

- Any on site effluent disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associates titled 'Feasibility of On Site Disposal of Wastewater, Proposed Subdivision, lot 1 DP 551960 & Pt Portion 76 Cattai Road, Pitt Town numbered TFA 2513/01, dated 1/8/2000.
- A weed control program to be undertaken to remove all weeds species from W1 to W4 categories, consistent with the provisions of the Noxious Weeds Act 1993, as recommended by the Flora and Fauna report prepared by Danny Wotherspoon dated 16 Feb 2001.
- Retention of existing pine trees along the western boundary to lot 9.

Insert New Condition:

- 20a. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Amend Stage 2 Heading to read:

- B. Stage 2 – 7 lot community title subdivision of residual lot (Creation of lots 1 to 7)

Amend Condition 22 to read:

22. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the stamped plan (prepared by McKinlay Morgan & Associates numbered 89278, dated 8/11/2000, as amended 12/3/2001) as relates to lots 1 to 5 submitted with Development Application MA0830/00, and the stamped plan (Ref 09042-2) as relates to Lots 6 and 7, submitted with s.96 Modification Application MA0830/00A, and any supportive documentation, except as otherwise provided by the conditions of this consent.

Amend Condition 25 to read:

25. Payment of a Construction Certificate checking fee of \$1586.90 and a Compliance Certificate inspection fee of \$3173.80 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2011. Fees required if an accredited certifier is used will be provided on request.

Amend Condition 31 to read:

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

Amend Condition 36 to read:

36. Payment of a linen release fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Amend Condition 37 to read:

37. The creation of a restriction on the use of land under section 88b of the Conveyancing Act, and/or positive covenants, requiring:
- The establishment of Principal Development Areas showing suitable envelopes for houses and effluent disposal areas, are to be sited as per the Plan of Constraints prepared by McKinlay Morgan and Associates numbered 89278 as amended.
 - Any on site effluent disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associates titled 'Feasibility of On Site Disposal of Wastewater, Proposed Subdivision, lot 1 DP 551960 & Pt Portion 76 Cattai Road, Pitt Town numbered TFA 2513/01, dated 1/8/2000.

ORDINARY MEETING

Meeting Date: 12 April 2011

- A weed control program to be undertaken to remove all weeds species from W1 to W4 categories, consistent with the provisions of the Noxious Weeds Act 1993, as recommended by the Flora and Fauna report prepared by Danny Wotherspoon dated 16 Feb 2001.
- Retention of existing pine trees along the western boundary to lots 5, 6 & 7 and the northern boundary to lots 3, 4 & 5.
- Any application for construction over existing agricultural drains as shown on the Plan of Constraints prepared by McKinlay Morgan & Associates shall be supported by an engineering report and details regarding appropriate foundations and footing.

Insert new Condition:

- 41a. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Plan of Modified Subdivision

AT - 3 Plan Showing Modifications in relation to Approved Subdivision

ORDINARY MEETING

Meeting Date: 12 April 2011

AT - 1 Locality Plan

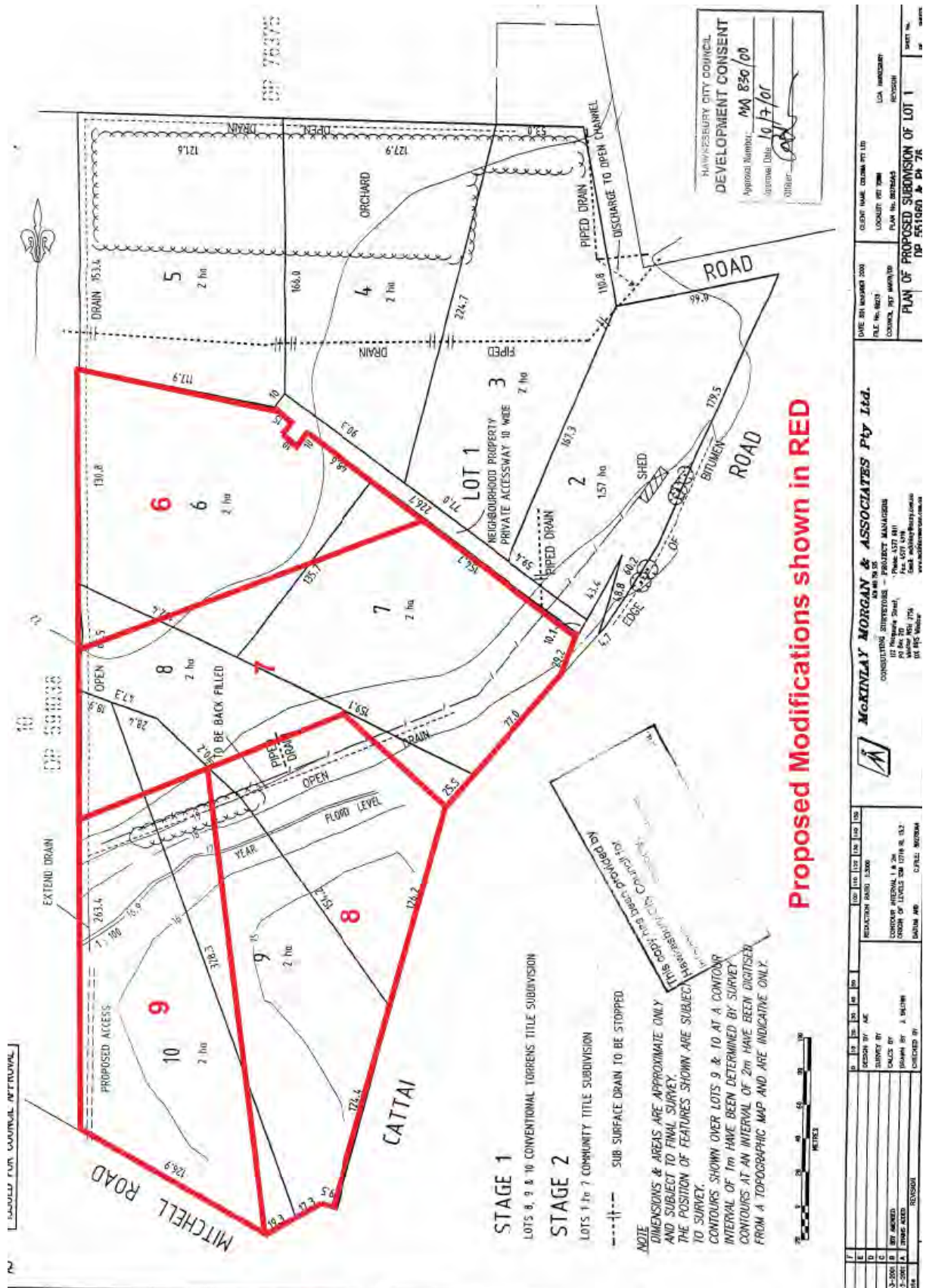
Lot 1 DP 551960, Lot 76 DP 1009124, 125 Cattai Road, Pitt Town



ORDINARY MEETING

Meeting Date: 12 April 2011

AT - 3 Plan Showing Modifications in relation to Approved Subdivision



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2011

Item:71 CP - Refreshment Room - Reconstruction and Additions to Restaurant - 406 Bells Line of Road, Kurmond - (DA0293/10, 88858, 13798, 13800, 27901)

Development Information

File Number: DA0293/10
Property Address: 406 Bells Line Of Road Kurmond NSW 2757
Applicant: Barbara Tarnawski Architects
Owner: Mr WJ Attard, Mrs LM Attard, Mr BM Dawson
Proposal: Refreshment Room – Reconstruction and additions to restaurant
Zoning: Mixed Agriculture Hawkesbury Local Environmental Plan 1989
DRAFT Zoning: RU 1 Primary Production under Draft Hawkesbury Local Environmental Plan 2009
Date Received: 23 April 2010
Estimated Cost: \$1,613,500
Exhibition Dates: 15 September 2010 - 29 September 2010
Submissions: Seven

Executive Summary

Council has received an application for the construction of a refreshment room on Lot 1 in DP607906, 406 Bells Line of Road Kurmond. The applicant proposes to replace and expand an existing approved refreshment room which was damaged by fire in 2008. Expansion of the car parking area is also proposed.

Since lodgement, and in response to submissions, the application has been amended to provide for a Thursday, Friday and Saturday evening closing time of midnight instead of the original 3am closing time proposed.

The assessment of the proposal has revealed that the application addresses the relevant planning controls affecting the proposed development and it is recommended that the application be supported.

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

Background

Development Consent No. 1166/03 for the erection of a deck to be used as an extended seating area for the existing restaurant was approved on 19 December 2003. Condition 28 of this Consent restricted the operating hours of the restaurant to 11:30am to 9:30pm Mondays to Fridays and 11:30am to 11:00pm Saturdays and Sundays.

The application originally proposed the restaurant to operate between 10:00am and 12:00midnight Monday to Wednesday, 10:00am to 3:00am Thursday to Saturday and 10:00am to 10:00pm on Sundays, with alfresco dining to cease by 11:00pm between Thursdays and Saturdays. Based on the proposed hours of operation the applicant was advised on the 15 October 2010 that Council at its ordinary Meeting of 11 May 2010, resolved that *"It be noted that Council., in general does not support the extension of trading hours past midnight and that this is also conveyed to the NSW Casino, Liquor and Gaming Control Authority"*.

Accordingly on the 26 October 2010 the applicant amended the proposed hours of operation to 10am to 12 midnight Monday to Sunday to be consistent with Councils resolution.

Council has previously approved the demolition of the existing refreshment room building under Development Consent Notice No. DA0932/08. To date the fire damaged building has been secured and is currently being used to store the furniture, fixtures and fittings of the proposed new restaurant.

ORDINARY MEETING

Meeting Date: 12 April 2011

Description of the Proposal

The proposal involves the construction of a new building to replace an existing refreshment room at Lot 1 in DP607906, 406 Bells Line of Road Kurmond.

The proposed refreshment room will be two storeys in height with masonry construction proposed for the walls of the building and colorbond metal sheeting to be used as the roofing material.

The existing fire damaged refreshment room will be demolished to make way for the new 757m² refreshment room which will comprise of a reception area, lounge and bar area, restaurant seating area, function room, two verandas, and a kitchen on the first floor with toilets, food preparation room, storage area, garbage area, cool rooms and eleven car parking spaces on the ground floor.

The proposal also involves additions and alterations to the existing car park to provide for an additional 39 spaces resulting in a total of fifty onsite car parking spaces available for the development. It is proposed that the restaurant will seat a maximum of 146 guests.

The proposed hours of operation are:

| | |
|--------------------|--------------------------------|
| Monday to Saturday | 10:00am to 12:00 midnight, and |
| Sunday | 10:00am to 10:00pm |

It is also proposed that alfresco dining will cease by 11:00pm on Thursday, Friday and Saturdays.

The application is supported by a Statement of Environmental Effects, Operations Management Plan, Traffic Impact Statement, Acoustical Assessment and Waste Management Plan.

Description of the Land and its Surroundings

The site is 9242m² in area, is generally rectangular in shape, directly fronts Bells Line of Road and is partially affected by road widening. At present the site contains the existing fire damaged refreshment room building (with a former seating capacity of 92), a 34 space carpark and a single storey dwelling.

Surrounding lots consist of a variety of sizes and are primarily used for a combination of agricultural and rural residential uses.

Key Issues Relevant to the Decision

- Proposed Hours of Operation
- Noise

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No 64 - Advertising and Signage. (SEPP No. 64)
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)
- Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury Nepean River (SREP No. 20).
- Hawkesbury Local Environmental Plan (HLEP)1989
- DRAFT Hawkesbury Local Environmental Plan (DHLEP)2009
- Hawkesbury Development Control Plan (HDCP) 2002

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

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

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No 64 Advertising and Signage.

The application proposes the installation of business identification signage on a proposed masonry wall and retention of the existing pylon sign situated on the subject site.

The proposed new sign will be located on a feature wall having dimensions of 6 metres by 1.5 metres high. The signage on this wall will have dimensions of 5.2m by 0.5m.

It is considered that the proposal is consistent with the general aims and objectives of this plan. The proposal is further considered to be acceptable in regards to the matters raised under Schedule 1 of this plan as the proposal will not have an adverse impact on the surrounding locality in terms of visual impacts, views and vistas, character of the area, streetscape, landscape and safety. The proposed signage has been designed to be compatible with the proposed building and will not result in unacceptable glare being created from the illumination of the signage.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development is considered to be traffic generating with respect to State Environmental Planning Policy (Infrastructure) 2007, and as such, the application has been referred to the Roads and Traffic Authority for comment.

In their letter of 29 October 2010, the Roads and Traffic Authority advised that they raise no objection to the proposal subject to a condition. This condition has been included in the Recommendation to this Report.

Sydney Regional Environmental Plan No. 20 (No.2 – 1997) – Hawkesbury – Nepean River

The proposal is consistent with the aims and objectives of 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.

Hawkesbury Local Environmental Plan 1989

The proposal is consistent with the requirements of Hawkesbury Local Environmental Plan 1989. The subject property is zoned Mixed Agriculture. The proposal being defined as a "refreshment room" is a permissible form of development within the zone. The proposal is consistent with the objectives of the zone as the development will not adversely impact nearby agricultural land, local native vegetation, existing landscape values or create traffic generating development along a main arterial road.

Whilst it is acknowledged that Clause 22(2) of this plan prohibits Council granting consent to refreshment rooms on land zoned Mixed agriculture with direct vehicular access to a main road it is considered that the proposal is not contrary to this clause as the proposal is for the replacement of an existing refreshment room with the use of the site previously being dealt with under DA1166/03 which approved extensions a refreshment room on the subject site that already had existing access to the main road. The proposal is further considered to be consistent with clause 22 of this Plan as the proposal is not out of character with the existing scenic character of the locality, will not generate significant additional traffic, is relative to the capacity and safety of the road, will not intrude into the skyline and is appropriately setback from Bells Line of Road.

In addition to the above, it is considered that the proposal is consistent with the following clauses of Hawkesbury Local Environmental Plan 1989 which were taken into consideration as part of the assessment of the application:

Clause 2 - Aims, objectives etc
Clause 5 - Definitions
Clause 9 - Carrying out of development
Clause 18 - Provision of water, sewerage services, etc
Clause 22 – Development fronting a main or arterial road
Clause 23 - Advertising structures
Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

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

Draft Hawkesbury Local Environmental Plan 2009 was exhibited 5 February 2010 to 12 April 2010. The subject lot is identified as being zoned part RU1 – Primary Production and part SP2 – Infrastructure under Draft Hawkesbury Local Environmental Plan 2009.

The development is proposed entirely on the portion of the land proposed to be zoned RU1 – Primary Production. The proposal is consistent having regard to the provisions of this draft plan in that the proposal being defined as a “food and drink premises” is a permissible form of development within the RU1 – Primary Production zone and the development is consistent with the overall objectives of the zone. There is no prohibition of the access to the main road under the draft LEP.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

The proposed development is generally consistent with the requirements of HDCP 2002. An assessment of the proposal against the relevant provisions of this Plan follows:

Part A Chapter 2 - General Information

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

Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP 2002. Six (6) letters and a petition with 104 signatures were received as a result of the neighbour notification process. The matters raised in the submissions received have been discussed under the submission section of this report.

Part C Chapter 1 Landscaping

It is considered that the proposal will fit within the existing landscaping provided on site and the development will fit within the overall context of the area.

Part C Chapter 2 Car Parking and Access

The application proposes the construction of fifty onsite parking spaces with access to the site from Bells line of Road to remain unchanged.

This chapter requires parking for refreshment rooms outside of commercial zones to be provided at the rate of 1 car space per 20m² of Gross Floor Area or one space per 3 seats whichever is greater. The application proposes a total of 146 seats for the restaurant which will total 757m² in area. By way of calculation the parking rate per number of seats is greater, and therefore a total 49 parking spaces will be required. As the development proposes a total number of 146 seats for the restaurant, and fifty parking spaces are to be provided, it is considered that the proposal complies with the car parking requirements of this chapter.

Access to the site is considered appropriate as all vehicles will be able to safely enter and exit the site in a forward direction. It is considered that although the proposed aisle widths of the carpark do not strictly comply with Council's DCP requirements, the applicant has adequately addressed the proposed carpark design within the submitted Traffic Impact Statement, which demonstrates compliance with the Australian Standards.

Part C Chapter Signs

The application proposes the installation of business identification signage on a proposed retaining wall and retention of the existing pylon sign situated on the subject site.

The proposed new sign will be located on a feature wall having dimensions of 6 metres by 1.5 metres high. The signage on this wall will have dimensions of 5.2m by 0.5m.

The existing and proposed signs are generally acceptable as identified under this plan and will not result in excessive visual clutter along the Bells Line of Road frontage. The signage will identify the nature in which the site is being used and has been designed to fit in with the proposed development.

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.

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:

Conditions have been recommended in the consent that the development is carried out in accordance with the requirements of 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:

Context and setting

The subject land fronts Bells Line of Road, which is a main/arterial road. Surrounding properties consist of land used for residential or commercial/tourist purposes, including a restaurant (Cravings) and a veterinarian clinic. The proposed development is considered to be consistent with these adjoining landuses.

The closest dwelling house to the new building is approximately 17m to the south east. It is considered that the proposed intensified restaurant use will have no adverse impact on the amenity of residences in the locality in terms of loss of privacy, noise, light and traffic as demonstrated in this Report.

The new building will be generally sited on the previous building footprint and is considered to be of a suitable scale, will not intrude into the skyline and is compatible with the rural character of the locality and existing development in the vicinity.

Traffic

The subject land is affected by future road widening. All building work is located clear of the proposed new road alignment.

The entry and exit points to the site exist. These points of access are considered satisfactory in respect to sight distances.

Flora and Fauna

The proposal requires the removal of two exotic trees which are not considered to be significant. No native vegetation is to be removed.

ORDINARY MEETING

Meeting Date: 12 April 2011

Noise

An acoustic assessment report has been submitted with the application and it is recommended that the proposal be constructed/operated in accordance with the recommendations set out in this report. This Report concluded:

"A noise impact assessment has been conducted in relation to the operation of the reconstructed Kurmond Wine Bar and Grill.

Appropriate criteria for the assessment of noise emissions have been established in accordance with DECCW and CLGCA guidelines.

Based on the assumed operating scenario and typical sound power level data for mechanical plant, it is anticipated that compliance with the criteria will be achieved following appropriate selection and location of plant.

Entertainment noise emissions from a typical house system operating within the restaurant and the function room are predicted to comply with the established criteria provided external doors and glazing remains closed and the minimum specified roof/ceiling and glazing is incorporated into the building envelope.

If live bands are proposed to perform during functions held at the venue, the roof/ceiling construction will require upgrading and windows and doors will require double glazing.

Noise emission from the outdoor dining terrace area generally achieve the CLGCA criteria for the typical operational scenario involving approximately 16 people using normal to raised vocal effort. The use of the terrace should not be permitted after midnight.

It is envisaged that with appropriate noise control measures, based on the recommendations in this report, the Kurmond Wine Bar and Grill will operate in an acoustically compliant manner."

Councils' Environmental Health Officers have assessed the development as being satisfactory in achieving compliance with relevant noise criteria, subject to the conditions included in the recommendation to this Report.

Water

Effluent disposal will be achieved by via a commercial pump out system and a drainage concept plan has been submitted demonstrating that the appropriate drainage can be achieved.

c. Suitability of the site for the development:

The proposal is consistent with the various planning controls affecting the site and it is therefore considered that the site is suitable for the proposed development. The overall use of the subject land does not change as a consequence of the proposal as the development will remain consistent with the previously approved use of the site for a refreshment room. It is considered that the proposed scale of the development will not result in a significant adverse impact on the locality as the site will be able to provide the relevant parking and servicing requirements for the new development.

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

New South Wales Roads and Traffic Authority

The application has been referred to the Roads and Traffic Authority for Comment under State Environmental Planning Policy (Infrastructure) 2007.

In their letter of 29 October 2010, the Roads and Traffic Authority advised that they raise no objection to the development subject to the following condition:

1. *All new buildings or structures must be constructed clear of the land required for road widening.*

ORDINARY MEETING

Meeting Date: 12 April 2011

Reason: The subject property is affected in the manner shown by pink colour on the attached plan by a Road Widening Order under Section 25 of the Roads Act 1993, as published in Government Gazette No. 39 dated 22 April 1955; folio 1074-DP 448216.

This condition has been considered and recommended as part of a condition of development consent.

New South Wales Police

The application was forwarded to the Hawkesbury Local Area Command for comments in relation to the use of the premises being associated with the sale of alcohol. No concerns in respect to the application have been raised.

Public Submissions

The application was publicly notified to adjoining owners from 2 September 2010 to 30 September 2010. Six (6) letters and a petition with 104 signatures raising objection to the proposal were received as a result of the neighbour notification process. The issues raised in these submissions are identified and considered below:

Hours of operation

- 3am trading hours is excessive with 12am closing more appropriate
- Approval of the hours of trading will turn the restaurant into a nightclub
- Safety on traffic on Bells Line of Road with patrons leaving the site at 3am

Comment: At the time of the neighbour notification process the application proposed that the development will operate to 3am on Thursdays, Fridays and Saturdays.

In Council's letter of 15 October 2010, the applicant was advised that the extension to the hours past midnight was not supported due to the resulting adverse impact on the amenity of the locality in terms of noise and safety.

In their letter of 26 October 2010, the applicant amended the closing hour to 12 midnight.

Noise

- Noise from music and entertainment
- Noise from traffic leaving early morning
- Will affect sleep

Comment: The Acoustic Report submitted with the application satisfactorily demonstrates that the proposed development will have no unreasonable impacts with respect to noise generated by the activity, including noise from music and entertainment. This will also be ensured through conditions of consent.

Insufficient parking

- Only 48 parking spaces provided for 146 guests
- Guests will be forced to park on the main road or neighbouring properties which is not safe

Comment: The proposed development provides for 50 car parking spaces, which is consistent with the requirements of Hawkesbury Development Control Plan.

Overall increase in size of restaurant

Comment: A previous approval (DA1166/03) for an extension (decking) to the restaurant identified that the restaurant provided seating for 92 persons. It is considered that the size of the proposed new restaurant, which caters for a maximum of 146 persons, is satisfactory in consideration of the size of the land, boundary setbacks, access and the provision of adequate carparking.

ORDINARY MEETING

Meeting Date: 12 April 2011

Effluent Disposal

- Proposed pump out system
- How often and times
- Possible overflow

Comment: Wastewater management will be via a pump out system, with a 15,000 litre holding tank, and which will be pumped out on a weekly basis. This is considered satisfactory to cater for the proposed development.

Removal of trees

Comment: It is considered that the removal of the two exotic trees will not have a significant adverse impact on the locality in terms of visual impacts or flora and fauna disturbance. Council's vegetation mapping has not identified any significant vegetation communities on the proposed development area.

e. The Public Interest:

Based on the assessment of the proposal made in this report it is considered that the development is not contrary to the general public interest. The proposal is consistent with the relevant planning controls affecting the site and the matters raised in the submissions received do not warrant the refusal of the application.

Conclusion:

The matters raised in the submissions have been addressed and it is considered that the matters raised in the submissions do not warrant refusal of the application or any further alteration to the recommended conditions of consent.

The assessment has identified various concerns regarding the permissibility and safety of the development. On balance this proposal is considered to be satisfactory, subject to the implementation of conditions outlined in the recommendation to this report.

Developer Contributions

In accordance with Council's s.94A Contribution Plan, a developer contribution of \$16,135.00 applies to this development (being 1% of the cost of development). Accordingly, a condition of consent is required to be imposed in this regard.

Planning Decision

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

RECOMMENDATION:

That development application DA0293/10 at Lot 1 DP 607906, 406 Bells Line Of Road Kurmond NSW 2757 for Refreshment Room be approved subject to the following 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.

ORDINARY MEETING

Meeting Date: 12 April 2011

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 development shall comply with the provisions of the Building Code of Australia.
5. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
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. This consent covers the removal of trees and other vegetation for driveways and access and within a 6 metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
8. 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 the Construction Certificate

9. 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.
10. Construction of the road, access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
11. Payment of a Construction Certificate checking fee of \$772.00 and a Compliance Certificate inspection fee of \$449.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2011. Fees required if an Accredited Certifier is used will be provided on request.
12. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$16,135.00 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 times).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.
13. A Sewer Management Facility System application shall be submitted to and approved by Council prior to the issue of any occupation certificate.

Prior to Commencement of Works

14. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

ORDINARY MEETING

Meeting Date: 12 April 2011

15. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
16. 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.
17. 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.
18. 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.
19. Toilet facilities (to the satisfaction of the Principal Certifying Authority) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
20. 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.
21. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

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.
22. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

23. Fifty 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.
24. The development shall be completed in accordance with the approved colours and finishes and shall not be altered:

| | | | |
|-----------|-----------------|---------|----------------------------------|
| ▪ Roof | Colourbond | Colour: | Windspray |
| Material: | | | |
| ▪ Walls | Blockwork Adbri | Colour: | "Fossil" smooth face to basement |

ORDINARY MEETING

Meeting Date: 12 April 2011

Material: Blockwork Adbri "Fossil" rough face to basement
Render paint finish Dulux:
"Macchiato malt" to gable and features
"Eco Chic" to main level
"Raw Onyx" to basement

▪ Doors/ Aluminium Colour: Charcoal
Windows
Material:

25. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
26. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
27. Disabled parking shall be provided in accordance with AS2890.1-1993. The disabled bays are to be safely linked to the café entry point.
28. 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.
29. 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.
30. The site shall be secured to prevent the depositing of any unauthorised material.
31. 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.
32. 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.
33. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
34. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
35. 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.
36. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.

ORDINARY MEETING

Meeting Date: 12 April 2011

37. All landscaping shall be completed in accordance with the approved landscaping plan.
38. All food premises are to comply with Hawkesbury City Council's *Food Premises Fit Out Code*.
39. Any area used for storage of food or food appliances/equipment is to comply with the relevant section of Hawkesbury City Council's *Food Premises Fit Out Code* including Section 7.0 - Storerooms.
40. Prior to occupation of the development, a grease trap of an appropriate size shall be installed on the drainage line at a location approved by the Manager of Regulatory Services. Alternatively, details of an existing trap are to be supplied to Council prior to occupation of the development.
41. Ceilings throughout the premises are to be solid and are to comply with section 4.0 of Hawkesbury City Council's *Food Premises Fit Out Code*. "Drop in" ceiling panels are not permitted over food preparation or food storage areas.
42. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin.
43. The floors are to be covered with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets (where necessary), and connected to an approved drainage installation. The floor covering is to be free of protrusions or gaps.
44. Where used, floor tiles are to be epoxy grouted.
45. All wall/floor junctions in the food preparation and storage area(s), including any prefabricated low temperature room wall and floor, shall be coved according to Hawkesbury City Council's *Food Premises Fit Out Code*. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. "Stick on" coving is not permitted. Feather edge skirting is not permitted.
46. Any additional internal walls should be durable and of solid construction with no internal cavities. The wall should be sealed to the floor, and should comply with Hawkesbury City Council's *Food Premises Fit Out Code*, and the Building Code of Australia.
47. The premises are to be fitted with adequate hand washing facilities for the preparation of food. Handwashing basins are required in addition to other basins and sinks in any toilet, AND in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Handwashing basins are required;
 - a) to be fitted with hand's free taps such as knee or foot operated devices;
 - b) with hot and cold running potable water;
 - c) with a common spout delivering water of at least 40° Centigrade.
 - d) to be easily accessible at all times.
48. A slop sink should be installed so that mop water does not contaminate the kitchen sinks. Mop water and water used for washing garbage receptacles must not be disposed of using a storm water drainage inlet.
49. The area used for storage of garbage receptacles is to be undercover, graded to a drain connected to the sewer, constructed with a surface that is easily cleaned, and shall have a supply of water under pressure available within the enclosure. Any stormwater or rainwater entering the garbage area should be adequately directed away from this drain.

ORDINARY MEETING

Meeting Date: 12 April 2011

50. The exhaust hood, filters and flue are to be installed and maintained as per Australian Standard AS 1668. The system should be adequate so that a smoke or odour emission nuisance does not occur as a result of the development.
51. Wood fired or wood/gas ovens and flues are to be installed and maintained as per the manufacturer's recommendations and in such a manner as to minimise potential impacts from odour and/or emissions. They should be fuelled and operated so that an odour or smoke emission nuisance does not occur.
52. A supply of soap and single use paper hand towels should be fitted to the wall in an appropriate and durable dispenser adjacent to any hand washing basin.
53. Provide toilet and washing facilities in accordance with part F2 of the Building Code of Australia relevant to class 3 to 9 buildings.
54. A separate area should be made available for the purposes of storing personal items. A locker or cupboard is to be provided away from any food preparation or storage area.
55. Refrigerators and frozen food cabinets should be installed so as to comply with Hawkesbury City Council's *Food Premises Fit Out Code*.
56. The inaccessible cavities formed between the low temperature room and the ceiling, and the low temperature room and a wall are to be made vermin proof, and are to comply with Section 9.0 of Hawkesbury City Council's *Food Premises Fit Out Code*.
57. An appropriate temperature gauge is to be provided externally to each low temperature room, refrigerated display unit, and refrigeration device.
58. All panels of the low temperature room are to be neatly cut and finished smooth to eliminate any cracks, crevices, or imperfections which may provide access for food, vermin or insects.
59. Storage racks for the low temperature room shall be constructed of pipe, angle iron, "T" iron, channel iron, flat metal or other approved materials. The material should be galvanised and/or adequately treated to prevent corrosion.

Prior to Issue of Occupation Certificate

60. 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.
61. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
62. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
63. 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.
64. 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

ORDINARY MEETING

Meeting Date: 12 April 2011

- (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the premises, 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.

- 65. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
- 66. Works-as-Executed drawings for the One Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
 - (a) Invert levels of tanks, pits and pipes
 - (b) Surface levels of pits and surrounding ground levels
 - (c) Levels of surrounding kerb
 - (d) Floor levels of buildings
 - (e) Top of kerb levels at the front of the lot; and
 - (f) Extent of inundation
- 67. A survey plan showing all existing services on the property including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.

Use of the Development

- 68. Operating hours shall be limited to Monday to Saturday 10am to 12 midnight, and Sunday 10am to 10pm.
- 69. The restaurant shall cater to a maximum of 146 patrons at any one time
- 70. The activity shall be carried out in accordance with the Patron Management Plan.
- 71. A copy of this Development Consent shall be kept on the premises at all times and be made available to Council, Police or other authorised persons upon request.
- 72. No internal or external alterations shall be carried out without prior approval of Council
- 73. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
- 74. 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.
- 75. All vehicles loaded or unloaded shall stand entirely within the property.
- 76. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
- 77. The proposed development shall be conducted in accordance with recommendations outlined with the report entitled, '*Kurmond Wine Bar and Grill, 406 Bells Line of Road, Kurmond, Acoustical Assessment. Report Number 4878 – R1, Revision 0, dated 7 July 2010. Prepared for Wayne Attard Group, PO Box 310, Seven Hills NSW 2147. Prepared by Lee Hudson, Project Consultant, RSA Acoustics*'.

The proposed development is to be conducted in accordance with acoustic fixture recommendations outlined in correspondence dated 9 November 2010, which include but are not limited to the following:

ORDINARY MEETING

Meeting Date: 12 April 2011

- *A minimum of **10.76 mm laminate** glazing is required to enable a **typical house music system** to operate within acceptable limits. The restaurant and function room shall be fitted with set 13 mm firegrade plasterboard ceilings.*
 - *To enable live bands to perform in the venue the ceiling construction should be upgraded to comprise two layers of 16 mm firegrade plasterboard. A layer of 75 mm mineral wool blanket is required to the underside of the sheet metal roofing.*
 - *To enable **live bands** to perform in the venue **double glazing** will be required. A system incorporating 10 mm and 6 mm monolithic glass panels separated by nominal 75 mm airspace will provide adequate sound insulation. Window and door frames shall be of heavy duty construction and fitted with Q-Lon or other appropriate acoustical seals.*
78. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
79. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
80. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
81. Noise generated as a result of the development shall be managed so that the L_{Aeq} noise levels, measured at any point in accordance with the NSW DEC's *Industrial Noise Source Policy*, do not exceed 5dB(A) (L_{Aeq}) above background levels (L_{A90}) with respect to noise amenity of other properties and associated outdoor areas.
82. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au
83. Food preparation and storage areas are to be adequately protected from flies, insects, and vermin. Windows are to be screened, and doorways are to be provided with self closing doors. External doors are to be provided with self-closing screen doors.
84. All waste materials are to be stored adequately, away from food areas, and disposed of at regular intervals to the satisfaction of the Manager Regulatory Services.
85. All packaged foods prepared for presentation at a different premises, are to be packed and labelled in compliance with the current Food Standards Code. Hawkesbury City Councils' environmental health officers can assist with this requirement.
86. All food and food handling equipment is to be stored at least 300mm clear of the floor on an approved shelf or appliance. No food is to be stored on the floor in a low temperature room or freezer.
87. A portable thermometer accurate to $\pm 1^{\circ}\text{C}$ is to be available at the premises at all times for the purposes of checking cold and hot foods for compliance temperatures.
88. Materials and equipment for cleaning are to be stored in a place physically separated from any food storage, display, or preparation area. Separate cleaning equipment is required for cleaning of toilets.
89. Non-commercial refrigeration is not permitted in new food premises.

ORDINARY MEETING

Meeting Date: 12 April 2011

90. Potentially hazardous foods should be stored below 5°C, or above 60°C at all times in accordance with The Food Act 2003.

New South Wales Roads and Traffic Authority Conditions

91. *All new buildings or structures must be constructed clear of the land required for road widening.*

Reason: The subject property is affected in the manner shown by pink colour on the attached plan by a Road Widening Order under Section 25 of the Roads Act 1993, as published in Government Gazette No. 39 dated 22 April 1955; folio 1074-DP 448216.

Advisory

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

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

ATTACHMENTS:

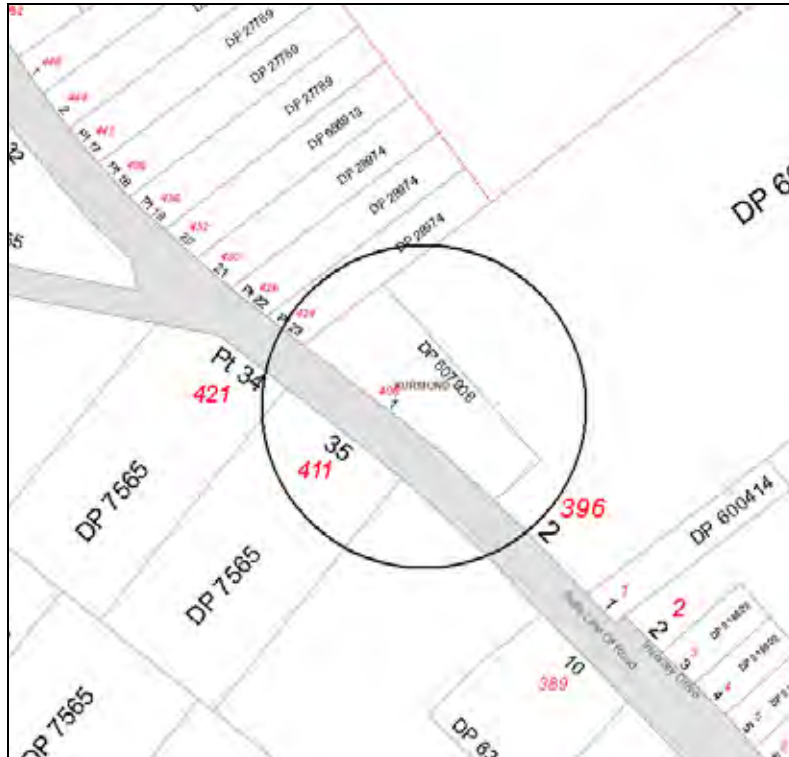
- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Ground Floor Plan
- AT - 4** Basement Floor Plan
- AT - 5** Elevation Plan (South & West)
- AT - 6** Elevation Plan (North & East)

ORDINARY MEETING

Meeting Date: 12 April 2011

AT - 1 Locality Plan

Lot 1 DP 607906, 406 Bells Line of Road, Kurmond



Meeting Date: 12 April 2011

[illegible]

Meeting Date: 12 April 2011

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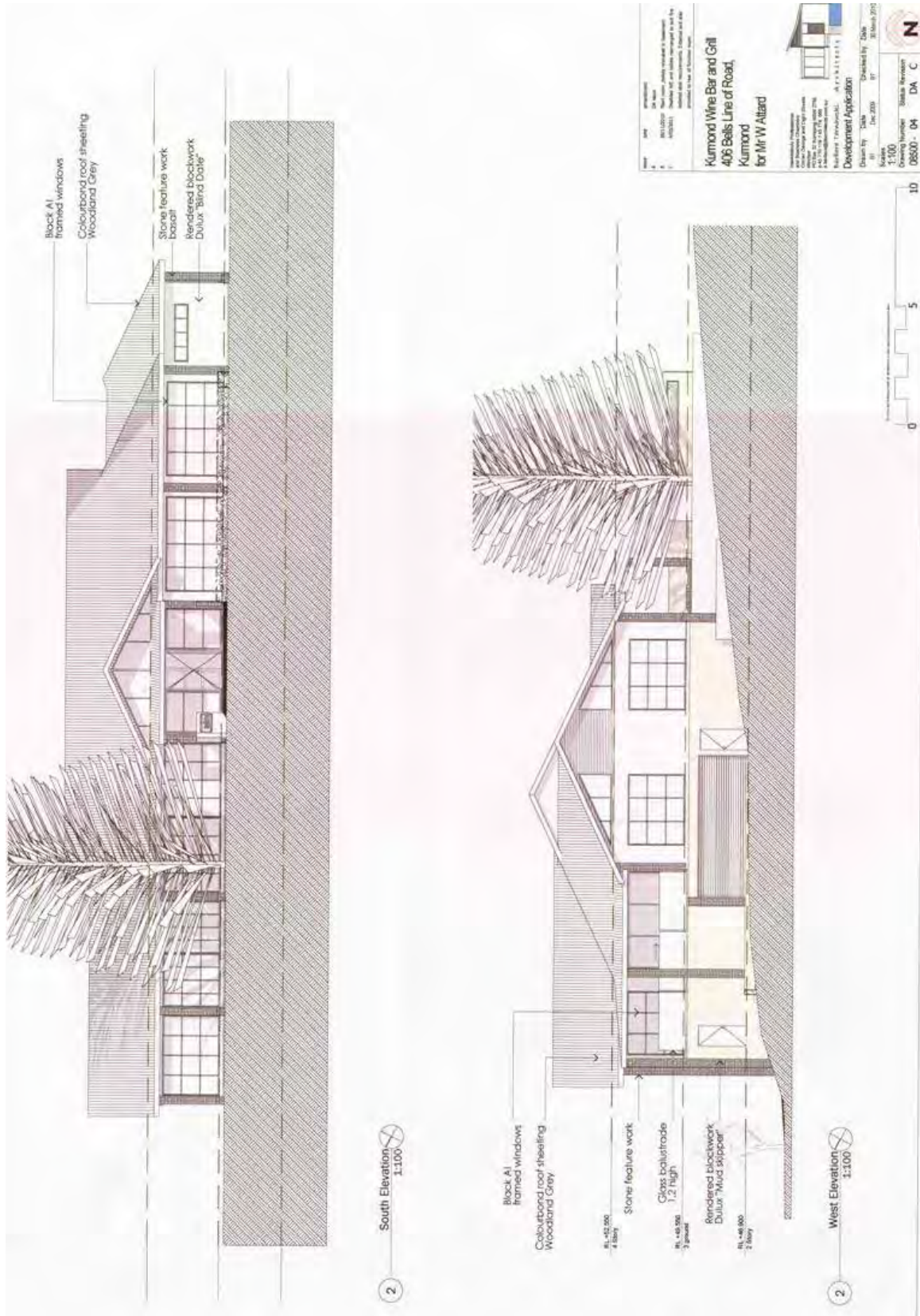
Meeting Date: 12 April 2011

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ORDINARY MEETING

Meeting Date: 12 April 2011

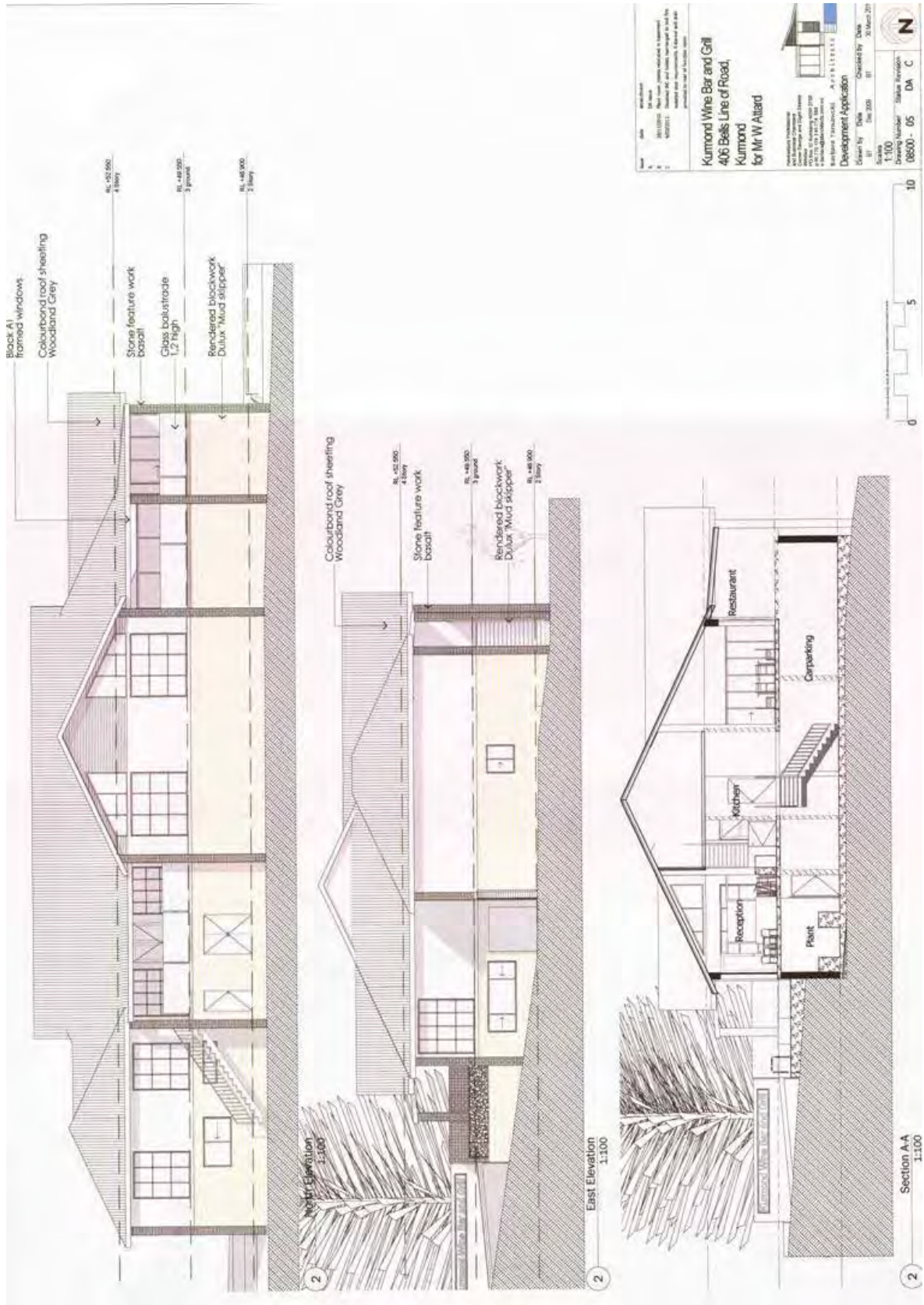
AT – 5 Elevation Plan (South & West)



ORDINARY MEETING

Meeting Date: 12 April 2011

AT – 6 Elevation Plan (North & East)



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2011

Item:72 **CP - Development Application - Torrens Title Subdivision into Two Lots - Lot 2 DP 846501, 533 Wilberforce Road, Wilberforce - (DA0029/10, 817, 35757, 95498)**

Previous Item: 231, Ordinary (12 October 2010)

Development Information

File Number: DA0029/10
Property Address: 533 Wilberforce Road, Wilberforce NSW 2756
Applicant: Warren Douglas Wilson
Owner: Gullbraith Pastoral Company Pty Limited
Proposal Details: Torrens Title Subdivision into Two Lots
Estimated Cost: Not Applicable
Zone: Housing, Environmental Protection – Agriculture Protection (Scenic),
 9(b) Proposed Road
Draft Zoning: R2 Low Density Residential, RU2 Rural Landscape, SP2 Infrastructure
Date Received: 21 January 2010
Advertising: 3 March 2010 to 17 March 2010

Key Issues: ♦ Objection under State Environmental Planning Policy No.1
 ♦ Allotment Area
 ♦ Flooding

Recommendation: Refusal

REPORT:

Introduction

At its meeting of 12 October 2010, Council considered this application for a 2 lot Torrens Title Subdivision at 533 Wilberforce Road, Wilberforce. It was resolved:

That consideration of this matter be deferred to the next meeting of Council.

A copy of that report is attached.

A number of discussions have been held with the applicant and in order to seek a resolution to the assessment of the application a legal opinion was obtained by Council in regards to the Clauses in the LEP (prohibition or development standard) and in relation to the SEPP 1 applications. These actions have resulted in a delay in resubmitting this application to Council.

This report addresses the legal opinion issues and recommends, as per the previous (attached) report, that the application be refused.

Background

The subject land is zoned part Environment Protection - Agriculture Protection (Scenic) and part Housing. The development application is proposing a two lot subdivision to create allotments of 8,653m² and 5,338m² with the proposed boundary to follow the existing zone boundary. The entire property is flood prone in the 1 in 100 year event with the natural surface level of the site ranging from 10.76m to 16.05m AHD, with the flood level in the locality being 17.3m AHD. There are no areas on the site that are flood free.

ORDINARY MEETING

Meeting Date: 12 April 2011

The proposed allotment in the Environment Protection zone is 8,653m² where the minimum allotment size in the zone is 10ha. A SEPP 1 submission seeking support to this variation has been submitted with the application. The applicant has also lodged a SEPP 1 submission in regards to Clause 11(6) of the Hawkesbury LEP seeking variation to the requirement to provide an area of land above the 1 in 100 year flood level.

The attached report to the Council meeting of 12 October 2010 assesses the application in detail.

Additional Information

Following the meeting of October 2010 the applicant has raised concern that Council officers considered Clause 11(6) to be a prohibition not a development standard.

The requirements of Clause 11(6) specify that:

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

- a) sufficient for the erection of a dwelling house, and*
- b) at natural surface level or at a level achieved by filling carried out with the consent of the Council."*

In relation to Clause 11(6) and the SEPP 1 objection submitted with the application, legal advice has been obtained, by Council officers, since the last Council meeting. In summary the following advice has been provided:

1. Clause 11(6) should be interpreted as a development standard not a prohibition. However Clause 11(6) only controls subdivisions, not dwellings or other buildings. Importantly, Clause 11(6)(b) only allows consent to be granted for subdivision where consent for filling has already been granted. The current application does not seek approval for filling.
2. Clause 11 must be read in conjunction with the zone objectives including "to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services". Hence, the potential for an increased demand for emergency services for flood evacuation (and the like) would need to be considered by Council before a decision is made.
3. Complying with the development standard for subdivision does not hinder the development of the site (under Clause 5 (a) (i) and (ii) of the Environmental Planning and Assessment Act, 1979). The existing development has already been separately considered i.e. it is not reliant on this subdivision or Clause 11(6). The existing developments are irrelevant in considering whether the development standards under Clause 11 can be met by the proposed subdivision. Clause 25 of the HLEP provides separate development standards for building on flood liable land. If a SEPP 1 was to be supported and a subdivision granted within the Housing Zone, a dwelling below the 1 in 100 level is still prohibited by Clause 25(10) of the HLEP. NOTE: Clause 25(10) is a prohibition not a development standard.
4. The SEPP 1 objection is not considered to be well-founded as it seeks to create two lots in breach of the development standard, is a proposal of a nature contrary to the intent of Clause 11, is a proposal of a nature contrary to the objectives of the zones and does not promote the orderly and economic use of the land under Clause 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. In this case the subdivision proposal to seek exemption to Clause 11(6) seeks to create a situation in direct conflict with Clause 25(10). The proposal seeks to exacerbate an existing situation.

25 Development of flood liable land

- (10) Despite subclauses (2) and (3) but subject to subclause (4), a dwelling must not be erected on land lying below the 1-in-100 year flood level if the allotment of land on which it is to be erected was created by a subdivision approved under clause 11 on or after the commencement day.

Conclusion

The legal advice has changed the consideration of Clause 11(6) only slightly. It enables consideration of the clause as a development standard rather than a prohibition. However, it remains that the provision of the clause and the objectives of the LEP have still not been met by the development application in respect of the following:

1. Clause 11(6)(b) only allows consent to be granted for subdivision where consent for filling has already been granted. The current application does not seek approval for filling.
2. The potential for an increased demand for emergency services for flood evacuation (and the like) would need to be considered by Council before a decision is made. This has not been addressed by the applicant.
3. A SEPP 1 objection to a development standard cannot be considered by Council if the objection is not well founded.
4. If the subdivision was approved in its current form a dwelling would be prohibited on the new allotment due to the provisions of Clause 25(10).

Hence the requested objection to the minimum levels for development on land inundated by the 1 in 100 year flood level is still not supported. Council officers have had discussions with and advised the applicant of the above concerns in writing. It has been suggested that the application either be withdrawn or amended information be submitted that addresses the above matters.

The applicant has provided a response requesting that the application be determined. However, that response has not provided a revised SEPP 1 objection nor has any additional information in regards to the flooding issues been submitted.

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 SEPP No. 1:
 - a) To the minimum lot size is supported.
 - b) To the minimum levels for development on land inundated by the 1 in 100 year flood level not be supported.
2. Development application DA0602/09 at Lot 2 DP 846501, 533 Wilberforce Road, WILBERFORCE NSW 2756 for Torrens title subdivision into two lots be refused for the following reasons:

ORDINARY MEETING

Meeting Date: 12 April 2011

- a) Failure to comply with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
- b) The development fails to satisfy flood provisions under Clause 11(6) of Hawkesbury Local Environmental Plan 1989.
- c) The development is inconsistent with the flood planning requirements of Clause 6.7(3) of Draft Hawkesbury Local Environmental Plan 2009.
- d) The development does not comply with Hawkesbury Development Control Plan 2002 Part D Chapter 3 – Subdivision in respect to flooding and access and rural allotment size.
- e) The repeated cumulative impact of subdivision upon land below the 1 in 100 year flood level will increase the number of future occupants upon land subject to the risk of flooding.
- f) The site is considered unsuitable for increased residential development given its flood affectation.
- g) Due to the above reasons, and the objections received, the proposal is considered to not be in the general public interest.

ATTACHMENTS:

AT - 1 Previous Report to Council - Item 231 - 12 October 2010

ORDINARY MEETING

Meeting Date: 12 April 2011

AT - 1 Previous Report to Council - Item 231 - 12 October 2010

ITEM: 231 CP - Development Application - Torrens Title Subdivision Into Two Lots - Lot 2 DP 846501, 533 Wilberforce Road, Wilberforce - (DA0029/10, 817, 35757, 95498)

Development Information

File Number: DA0029/10
Property Address: 533 Wilberforce Road Wilberforce NSW 2756
Applicant: Warren Douglas Wilson
Owner: Gullbraith Pastoral Company Pty Limited
Proposal Details: Torrens Title Subdivision into Two Lots
Estimated Cost: Not Applicable
Zone: Housing, Environmental Protection – Agriculture Protection (Scenic), 9(b) Proposed Road
Draft Zoning: R2 Low Density Residential, RU2 Rural Landscape, SP2 Infrastructure
Date Received: 21/01/2010
Advertising: 3/03/2010 - 17/03/2010

Key Issues:

- ◆ Objection under State Environmental Planning Policy No.1
- ◆ Allotment Area
- ◆ Flooding

Recommendation: Refusal

REPORT:

Executive summary

The application seeks approval for the Torrens title subdivision into two lots at Lot 2 DP846501, 533 Wilberforce Road, Wilberforce to create allotment areas of 5338m² and 8653m² respectively.

The application is being reported to Council as the variation to the minimum allotment area exceeds 10% and it is Council's Policy for all State Environmental Planning Policy (SEPP) No. 1 variations greater than 10% to be considered by Council. The applicant's also seek variation to the requirements of providing an area of land above the 1 in 100 year flood level.

Introduction

An application has been received seeking approval for a two lot subdivision of Lot 2 DP 846501 at 533 Wilberforce Road, Wilberforce. The existing lot contains an approved building pad, partially constructed with piers only subject to BA1081/93/DA188/96, located at the south western corner of the allotment.

The subdivision would result in an area of 5338m² forming an allotment fronting Wilberforce Road and another allotment having an area of 8653m² with access from Earl Street. A part rural (Environmental Protection – Agriculture Protection (Scenic)) and part residential (Housing) zoning applies to the land. In addition, the entire frontage of the development along Wilberforce Road is zoned 9(b) Proposed Road of variable width. The minimum lot size required for the housing zone is 4000m² in this instance as the area is not yet serviced by reticulated sewerage. The minimum lot size required for the Environmental Protection – Agriculture Protection (Scenic) zone is 10 ha.

The purpose behind the subdivision proposal is to divide the land so that the zone boundary is the subdivision boundary to eliminate the split zoning that applies to the land. The applicant's Statement of Environmental effects states that the subdivision will "allow future residential development in the Housing zone if and when services are provided".

ORDINARY MEETING

Meeting Date: 12 April 2011

History

3 February 1994 - SA163/93 – Development Consent for a boundary adjustment between No. 543 and 533 Wilberforce Road, Wilberforce granted.

3 August 1995 - SA37/95 – Development Consent for a two lot subdivision creating areas of 5336m² and 8649m² granted. This consent was never acted upon and has subsequently lapsed.

17 October 1996 - DA188/96 – Refusal issued for the erection of dual occupancy.

19 November 1996 - BA1081/93 – Building approval granted for one dwelling.

8 April 1997 - DA188/96 – Reconsideration of the application made and consent granted for the erection of a dual occupancy.

7 September 2001 - BA1081/93 – Inspection of piers made and considered satisfactory. Accordingly, physical commencement of work has secured development consent for the residential development.

21 January 2010 – Current Development Application lodged.

11 February 2010 – SEPP 1 fee requested.

16 February 2010 – SEPP 1 request referred to the Department of Planning

3 March -17 March 2010 – Notification period

10 June 2010 – Additional information requested about SEPP 1, regional wetland, flood levels and effluent disposal.

3 August 2010 – Revised SEPP 1 report, effluent report and Statement of Environmental Effects received

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy No. 1
Sydney Regional Environmental Plan No 20
Hawkesbury Local Environmental Plan 1989
Draft Hawkesbury Local Environmental Plan 2002
Hawkesbury Development Control Plan 2002

Section 79C Matters for Consideration

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

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

The relevant environmental planning instruments are:

State Environmental Planning Policy No. 1 – Development Standards

An objection under SEPP No. 1 was lodged in respect to the minimum allotment size requirement for land zoned Environmental Protection – Agriculture Protection (Scenic) and in respect to an area of land above the 1 in 100 year flood level. Commentary on the use of SEPP No.1 to consider the variation to allotment size is firstly discussed followed secondly by consideration of flood levels.

Minimum Allotment Size

ORDINARY MEETING

Meeting Date: 12 April 2011

Within their SEPP No. 1 objection the applicant's claim that compliance with the development standard is considered unreasonable and unnecessary, for the following reasons:

- *Each of the proposed lots would not be distinguishable in an overall context from those that exist in the surrounding lot pattern.*
- *The allotments are of a size and shape adequate to contain dwellings in a housing and agricultural environment.*
- *Lot 2 is justifiably less than the 10ha minimum area requirements and in any case the existing land is already less than the 10ha requirement.*
- *Lot 1 is more than the required 4000m² minimum area.*
- *There would be no adverse impact on amenity or streetscape arising from the subdivision.*
- *The subdivision has been designed to account for environmental and physical features and allows the best long term management opportunities for the total landholding. Particularly it creates lots of better shape and ratio than is the existing landholding whilst at the same time conforming to the zone requirements.*
- *The underlying objectives of the standard are achieved notwithstanding non-compliance with the standard.*
- *The underlying objective would be defeated or thwarted if compliance with the standard is required given that the land is better able to be used for relevant zone purposes than if left in its current state divided by the boundary between two zones.*

Comment:

The minimum lot size for the Environmental Protection – Agriculture Protection (scenic) zone is 10ha, with the applicant seeking a variation to consider an allotment with an area of 8653m², which equates to 0.86ha considerably less than the 10ha minimum required. A part rural (Environmental Protection – Agriculture Protection (Scenic)) and part residential (Housing) zoning applies to the land.

The allotment is one of many allotments in the Hawkesbury Local Government Area that has spilt or numerous zonings which apply to the land. Adjacent lots in the immediate vicinity of the site are also zoned part Housing and part Environmental Protection – Agriculture Protection (Scenic).

The underlying objective and purpose of the development standard in respect to rural subdivision within the Environmental Protection – Agriculture Protection (Scenic) zone is to determine minimum allotment areas, to promote, preserve and encourage agricultural production to protect its agricultural potential. However, in this instance it should be noted that the rural zoned portion of the site is already significantly undersized and that the small size is likely to be a prohibitive constraint to sustaining an agriculture use, even if the entire site was utilised. At present, the land is not utilised for any agricultural use, despite the Housing zoned portion of the site capable of sustaining the permissible use of 'Agriculture' as defined by Hawkesbury Local Environmental Plan 1989.

Given that the existing property is currently spilt by two different zonings, which don't follow any identified cadastral or topographic feature and that the small area of the site limits the agricultural viability of the site, it is considered unreasonable to allow the site to maintain a split zoning. It is considered that in the circumstances of the case the departure to the minimum allotment size criteria contained in Hawkesbury Local Environmental Plan 1989 is acceptable.

Area of land above the 1 in 100 year flood level

Comment

It is the applicant's opinion that Clause 11(6) is a development standard rather than a prohibition citing "the planning control that requires a minimum area and height of land for the erection of a dwelling at clause 11(6) is therefore, a development standard." Council's view is that the flooding provisions contained within clause 11(6) are not considered a Development Standard and that the use of SEPP No. 1 in this instance can not be used to overcome a prohibition. This view is reinforced by comments received from the Department of Planning dated 12 March 2010, who advised Council in respect to the application that:

ORDINARY MEETING

Meeting Date: 12 April 2011

"The proposed site does not have land above the 1 in 100 year flood level, and as such the applicant may need consent for a landfill first before a subdivision would be allowed."

The requirements of Clause 11(6) specify that:

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

- c) sufficient for the erection of a dwelling house, and*
- d) at natural surface level or at a level achieved by filling carried out with the consent of the Council."*

The applicant's claim, submitted with the development application, is that compliance with the development standard is considered unreasonable and unnecessary, for the following reasons:

- *The allotment on which exists the dual occupancy development and the subject of this SEPP 1 objection is consistent with other lots in the locality.*
- *The allotment would not be distinguishable in an overall context from those that exist in the surrounding lot pattern.*
- *The allotment is of a size and shape adequate to contain the existing dual occupancy development.*
- *The allotment is only marginally flood liable and there will be no property impact or personal safety matters arising given that the habitable space of the existing dual occupancy building is above the 1:100 level.*
- *There would be no impact on amenity or streetscape as the dual occupancy exists on this lot.*
- *The subdivision has been designed to account for environmental and physical features and allows the best long-term management opportunities for the total landholding.*
- *There is nothing to be gained by not approving of the subdivision as a dual occupancy development exists already on the Environmental Protection zone lot and the proposed vacant lot will be contained within the Housing zone and able to be developed independently of the Environmental Protection zone lot.*

Additionally, within the applicant's submission, they claim that there is inconsistency within Hawkesbury Local Environmental Plan 1989, which requires land to be at a certain level if subdivided, but also allows dwellings to be constructed if not at that level. The provisions of Clause 25 of Hawkesbury Local Environmental Plan 1989 do allow dwellings to be constructed within flood liable land. However, the proposal must first meet specified criteria. In some instances, the level of the land is too low to grant development consent for residential occupation.

The subject property ranges from 16.05m AHD adjacent to Wilberforce Road to as low as 10.76m AHD centrally within the site, with the highest natural land level within proposed Lot 2 (sited within the Environmental Protection – Agriculture Protection (Scenic) zone) at 15.36m AHD. The assessed 1 in 100 year flood level for the locality is 17.3m AHD. Accordingly, the site is completely inundated by the 1 in 100 year flood event with no natural levels of land of the site available above the 1 in 100 year flood event. An earlier development approval for the construction of a dual occupancy has been secured on site through the construction of piers; however the first floor of the dual occupancy is set at 17m AHD, below the 1 in 100 year flood event of 17.3m AHD.

The applicants have not proposed the filling of land, which would be significant, to satisfy clause 11(6) requirements. To consider the application under the provisions of SEPP 1 both of the above issues must be development standards to enable a merit assessment of those matters. As the flood issues is not considered to be a development standard, the merits of the application cannot be used. SEPP No. 1 is not the correct planning mechanism to overcome site constraints in the circumstances. The provisions of clause 11(6) are clear in that *'consent must not be granted.... unless the Council is satisfied that there is an area of land above the 1 in 100 year flood level on the allotment.'* In this instance, Council is unable to approve any form of subdivision where the level of land is below the 1 in 100 year flood event.

ORDINARY MEETING

Meeting Date: 12 April 2011

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

The site contains a mapped wetland centrally located within the site. Evidence has been submitted by the applicant, which suggests that the wetland is in fact a dam and has existed on site for many years. It is claimed that in the late 1980's the capacity of the dam was increased to safeguard against possible water restrictions and ensure the survival of a nursery, operating on No. 543 Wilberforce Road, Wilberforce.

Accordingly, 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.

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

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject property contains three separate zones. A portion of the land fronting Wilberforce Road is zoned Housing, with the majority of the site zoned Environmental Protection – Agriculture Protection (Scenic). Subdivision of land within the Housing zone is permissible only if the area of each of the allotments to be created is not less than 4000m², with the minimum lot size required for the Environmental Protection – Agriculture Protection (Scenic) zone being 10ha. In addition, the entire frontage of the development along Wilberforce Road is zoned 9(b) Proposed Road of variable width.

The subdivision would result in an area of 5338m² being created for the proposed Housing zone lot fronting Wilberforce Road and the remaining allotment having an area 8653m². An objection under SEPP No.1 seeking a variation to the allotment size and an area of land above the 1 in 100 year flood level in respect to the Environmental Protection – Agricultural Protection (Scenic) zone was submitted and, as mentioned previously in this report, it is recommended that Council decline support and refuse the application.

In addition to the above, 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 12 – Residential Subdivision
Clause 18 - Provision of water, sewerage services, etc
Clause 22 – Development fronting a main or arterial road
Clause 25 – Development of flood liable land
Clause 28 – Development in the vicinity of heritage items
Clause 31 – Acquisition and use of reserved land
Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

An assessment of the Development Application otherwise reveals that the proposal complies with the matters raised in the above clauses of Hawkesbury Local Environmental Plan 1989, with the exception of satisfying allotment size and an area of land above the 1 in 100 year flood level contained in Clause 11. The applicant has made an objection to this clause under SEPP No.1, which has been discussed earlier in the report.

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

Within the Draft Hawkesbury Local Environmental Plan 2009, the subject site is part zoned R2 Low Density Residential, RU2 Rural Landscape and SP2 Infrastructure. The subject development is permissible only if

ORDINARY MEETING

Meeting Date: 12 April 2011

the area of the RU2 allotment to be created is not less than 10 hectares. Within the R2 zone, the development standard requires an allotment area to be no less than 4000m². In the proposed development, an area of 5338m² will be created within the R2 zoned allotment, thus achieving compliance. However, within the RU2 zoned allotment, an area of 8653m² will be created, which fails to achieve the minimum allotment area. An exception to this development standard can be considered where it is demonstrated by the applicant that:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) that there are sufficient planning grounds to justify contravening the development standards.

As detailed earlier in the report, in respect to allotment size only, it is considered that the SEPP No. 1 objection has demonstrated that compliance with the development standard is unreasonable or unnecessary or has provided sufficient justification on planning grounds to warrant contravening the development standard.

However, the development is subject to the flood planning requirements of clause 6.7. Clause 6.7(3)(c) states that:

"Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

will enable safe occupation and evacuation of the land."

The subject property ranges from 16.05m AHD adjacent to Wilberforce Road to as low as 10.76m AHD centrally within the site, with the highest natural land level within proposed Lot 2 (sited within the RU2 Rural Landscape zone) at 15.36m AHD. The assessed 1 in 100 year flood level for the locality is 17.3m AHD. Accordingly, the site is completely inundated by the 1 in 100 year flood event with no portion of the site available above the 1 in 100 year flood event.

In this regard, it is considered that the site is unable to provide a suitable area that is not flood liable to enable the safe occupation of the land. An earlier development approval for the construction of a dual occupancy has been secured on site through the construction of piers; however the first floor of the dual occupancy is set at 17m AHD, below the 1 in 100 year flood event of 17.3m AHD. The flood planning requirements contained within Draft HLEP 2009 are not development standards and cannot be varied. In this instance, Council remains unsatisfied that the subdivision proposal will enable the safe occupation and evacuation of land.

i. Development Control Plan applying to the land:

Hawkesbury Development Control Plan

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

Part A Chapter 3 – Notification

The application was notified to adjacent and adjoining property owners in accordance with HDCP. During the neighbour notification period, two submissions were received and are discussed later in this report.

Subdivision Chapter

The following is an assessment against the relevant Rules of the Subdivision Chapter in respect to Part D.

| Element | Rule | Complies |
|---------|------|----------|
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ORDINARY MEETING

Meeting Date: 12 April 2011

| Element | Rule | Complies |
|----------------------------|---|--|
| General | | |
| Flora and Fauna Protection | <p>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.</p> <p>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.</p> <p>c) Degraded areas are to be rehabilitated as part of the subdivision.</p> <p>d) Vegetation should be retained where it forms a link between other bush land areas.</p> <p>e) Vegetation which is scenically and environmentally significant should be retained.</p> <p>f) Vegetation which adds to the soil stability of the land should be retained.</p> <p>g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.</p> | <p>Yes. No vegetation is proposed to be removed. No environmentally sensitive area is remnant within the site.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| Visual Amenity | <p>(a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.</p> <p>(b) Subdivision of escarpments, ridges and other visually interesting places should:</p> <ul style="list-style-type: none"> Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations. <p>(c) Development Applications for subdivision shall take into consideration the</p> | <p>Yes. Not located upon a steep site or ridge top.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |

ORDINARY MEETING

Meeting Date: 12 April 2011

| Element | Rule | Complies |
|--|--|--|
| | provisions of SREP No. 20 in relation to scenic quality. | |
| 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. | Yes. |
| 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>Condition if approval granted.</p> <p>Available.</p> <p>Yes. Reticulated water available.</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>No.</p> <p>No. Both street frontages sit below the 1 in 100 year flood level.</p> <p>N/A</p> <p>Not considered to be contaminated.</p> <p>N/A</p> |

ORDINARY MEETING

Meeting Date: 12 April 2011

| Element | Rule | Complies |
|----------------------------------|---|--|
| Rural Lot Size and Shape | <p>(a) The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Lots should be able to accommodate a building envelope of 2000m² 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.</p> <p>(c) In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.</p> <p>(d) The width to depth ratio of allotments should not exceed 1:5.</p> <p>(e) Lot layout shall consider the location of watercourse vegetation and other environmental features.</p> | <p>No (See SEPP 1 comments)</p> <p>Yes. However, site levels are below flood level.</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> |
| Effluent Disposal | <p>(a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions.</p> <p>(b) Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of Subdivision Certificate.</p> | <p>Yes</p> <p>Yes</p> <p>Note: The land is eligible for connection under the Sydney Water Sewerage Scheme</p> |
| Rural Road and Access Way Design | <p>(a) The design specifications in Figure 4 at the end of this clause are to be met.</p> <p>(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.</p> <p>(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</p> | <p>N/A</p> <p>N/A</p> <p>N/A</p> |

ORDINARY MEETING

Meeting Date: 12 April 2011

| Element | Rule | Complies |
|---------|--|----------------------------|
| | generation arising from the subdivision. This work may require the sealing of the pavement dependent upon traffic generation. | |
| | (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 |
| | (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. | Yes |
| | (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. | N/A |
| | (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. | Can condition if approved. |
| | (k) Where an access way meets a public road there should be a minimum sight | N/A |

ORDINARY MEETING**Meeting Date:** 12 April 2011

| Element | Rule | Complies |
|---------|--|----------|
| | distance of 70 metres. This may be increased on roads with a high speed limit. (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 |

As detailed above, the development proposal fails to satisfy the flooding and access and rural allotment size requirements of Hawkesbury Development Control Plan 2002.

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

There are no planning agreements applicable to the proposed development.

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

Access, Transport & Traffic

It is considered that the traffic generated by the proposal will have no significant impact on traffic movements within the locality.

Utilities

It is considered that the proposed development will not place unreasonable demands on the provision of services.

Flora & Fauna

The site is relatively cleared with no vegetation proposed to be removed as part of the application. It is therefore considered that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

Heritage

The site is not a registered heritage item under any local or state registry. The subject land is however opposite a locally listed heritage item 'Karoola', a single storey sandstone house on Wilberforce Road. Council's Heritage Advisor has reviewed the application and advises that the subdivision of land would not give rise to any adverse impacts on heritage values of the area.

Natural Hazards

The subject site is not affected by bushfire.

The entire site is inundated by the 1 in 100 year flood level of 17.3m AHD. An assessment against the relevant flood controls affecting the site have been addressed previously in this report.

Cumulative Impacts

ORDINARY MEETING

Meeting Date: 12 April 2011

The cumulative impact of approving subdivisions below the 1 in 100 year flood level could compromise the ability of State Emergency Services (SES) and other emergency services to serve the community and would adversely impact on overall community safety.

c. Suitability of the site for the development:

The subject property ranges from 16.05m AHD adjacent to Wilberforce Road to as low as 10.76m AHD centrally within the site, with the highest level within proposed Lot 2 (sited within the Environmental Protection – Agriculture Protection (Scenic) zone) at 15.36m AHD. The assessed 1 in 100 year flood level for the locality is 17.3m AHD. Accordingly, the site is completely inundated by the 1 in 100 year flood event with no portion of the site available above the 1 in 100 year flood event. In this instance, the site is not considered suitable for the development proposed that will increase the residential density within an area that is flood prone.

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

In their letter dated 16 March 2010, the Department of Planning advised that:

"I note that the proposal involves a variation to the 10 hectare subdivision standard for Environmental Protection – Agricultural Protection (Scenic) under the provisions of Hawkesbury Local Environmental Plan 1989. Under the Environmental Planning and Assessment Act, 1979, concurrence is required if Council proposes to grant development consent to the development application. The correspondence from Council does not indicate Council's intention to grant consent to the DA.

It is noted that the subject land is below the 1 in 100 year flood level for the locality. It is also noted that Clause 11(6) of the Hawkesbury LEP 1989 prohibits subdivision on land zoned Environmental Protection – Agricultural Protection (Scenic) which does not have land above the 1 in 100 year flooding level."

It is recommended that Council decline support for the proposed development. However, should the application be approved, then the application is required to be referred to the Department of Planning to obtain their concurrence.

Public Submissions

The application was publicly exhibited between 3 March 2010 and 17 March 2010. During this notification period, two (2) submissions of objection were received. The matters raised in these submissions are addressed below:

1. Flooding

Comment:

Concerns have been raised by nearby residents that the proposed subdivision will not achieve a high enough area to be out of flood waters during a flood event. The concerns raised by nearby residents are valid, as earlier discussed within the report the entire property is inundated by flood waters during the 1 in 100 year storm event. In this regard the site is not considered suitable for an increase in residential density.

2. Details of submission

Comment:

An objection has been received disagreeing with the applicant's details that a dual occupancy exists on the property and that the levels of land within proposed Lot 1 can achieve 15.5m AHD. In addition, the objector claims that the existing building pad is approximately 13.85m AHD. An earlier

ORDINARY MEETING

Meeting Date: 12 April 2011

development approval for the construction of a dual occupancy, via DA0188/96, has been secured on site through the construction of piers, which were inspected by Council in September 2001.

Survey details of the property reveal that the highest levels of land within proposed Lot 1 are 16.05m AHD adjacent to Wilberforce Road with spot levels of 15.8m AHD and 15.37m AHD within close proximity. The survey details also reveal that the existing building pad located adjacent to Earl Street has been constructed to a level of 14.3m AHD.

e. The Public Interest:

The current planning controls require for rural subdivisions to provide for an area of land above the 1 in 100 year flood level, sufficient for the erection of a dwelling house, either at a natural level or by the filling of land. The highest natural land level within proposed Lot 2 (sited within the Environmental Protection – Agriculture Protection (Scenic) zone) is at 15.36m AHD with the assessed 1 in 100 year flood level for the locality being 17.3m AHD.

The proposed application does not seek to fill the land to achieve the required level and nor does it satisfy a natural land level of 17.3m AHD to satisfy flood planning requirements as per Clause 11(6) of HLEP 1989.

If a lot size variation were to be repeated on other allotments below the 1 in 100 year flood level, it will increase further the number of occupants upon land subject to the risk of flooding. Having regard to the relevant planning considerations and the objections received, it is concluded that the proposal is therefore contrary to the public interest.

Conclusion:

The existing secured approval for a dual occupancy has already fulfilled the applicant's intent of providing residential development despite the zone boundary position.

The current subdivision proposal is not consistent with the minimum allotment size requirement for subdivision as per Clause 11(2) and the area of land above the 1 in 100 year flood level as per Clause 11(6) of Hawkesbury Local Environmental Plan 1989. SEPP No. 1 can only be used in a situation where the LEP requirements are a development standard rather than a prohibition. In this case it is considered that the requirements of Clause 11(6) are not a development standard. The SEPP is also not intended to be used to pre-empt or circumvent the proper strategic planning processes set out in the local environmental planning process.

The highest natural land level within proposed Lot 2 (sited within the Environmental Protection – Agriculture Protection (Scenic) zone) is at 15.36m AHD with the assessed 1 in 100 year flood level for the locality being 17.3m AHD. Thus the development is unable to satisfy the flood planning requirements of Clause 11(6) of HLEP 1989.

SEPP No. 1 is not the correct planning mechanism to overcome site constraints in the circumstances. In this instance, Council is unable to approve any form of subdivision where the level of land is below the 1 in 100 year flood event.

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.

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: 12 April 2011

RECOMMENDATION:

That:

3. The objection under SEPP No. 1:
 - a) To the minimum lot size is supported.
 - b) To the minimum levels for development on land inundated by the 1 in 100 year flood level not be supported.
4. Development application DA0602/09 at Lot 2 DP 846501, 533 Wilberforce Road, WILBERFORCE NSW 2756 for Torrens title subdivision into two lots be refused for the following reasons:
 - h) Failure to comply with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
 - i) The development fails to satisfy flood provisions under Clause 11(6) of Hawkesbury Local Environmental Plan 1989.
 - j) The development is inconsistent with the flood planning requirements of Clause 6.7(3) of Draft Hawkesbury Local Environmental Plan 2009.
 - k) The development does not comply with Hawkesbury Development Control Plan 2002 Part D Chapter 3 – Subdivision in respect to flooding and access and rural allotment size.
 - l) The repeated cumulative impact of subdivision upon land below the 1 in 100 year flood level will increase the number of future occupants upon land subject to the risk of flooding.
 - m) The site is considered unsuitable for increased residential development given its flood affectation.
 - n) Due to the above reasons, and the objections received, the proposal is considered to not be in the general public interest.

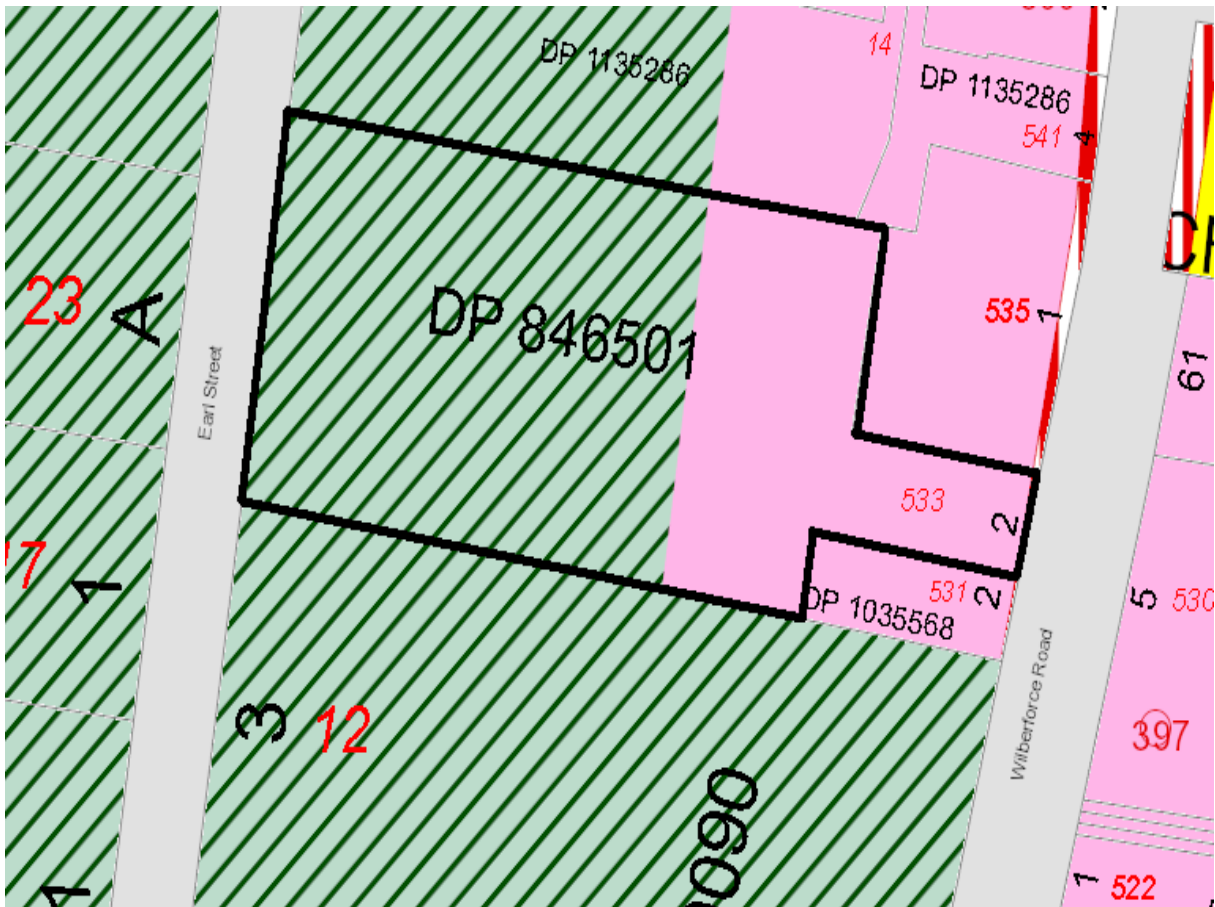
ATTACHMENTS:

- AT - 1 Locality Plan
AT - 2 Plan of Subdivision

ORDINARY MEETING

Meeting Date: 12 April 2011

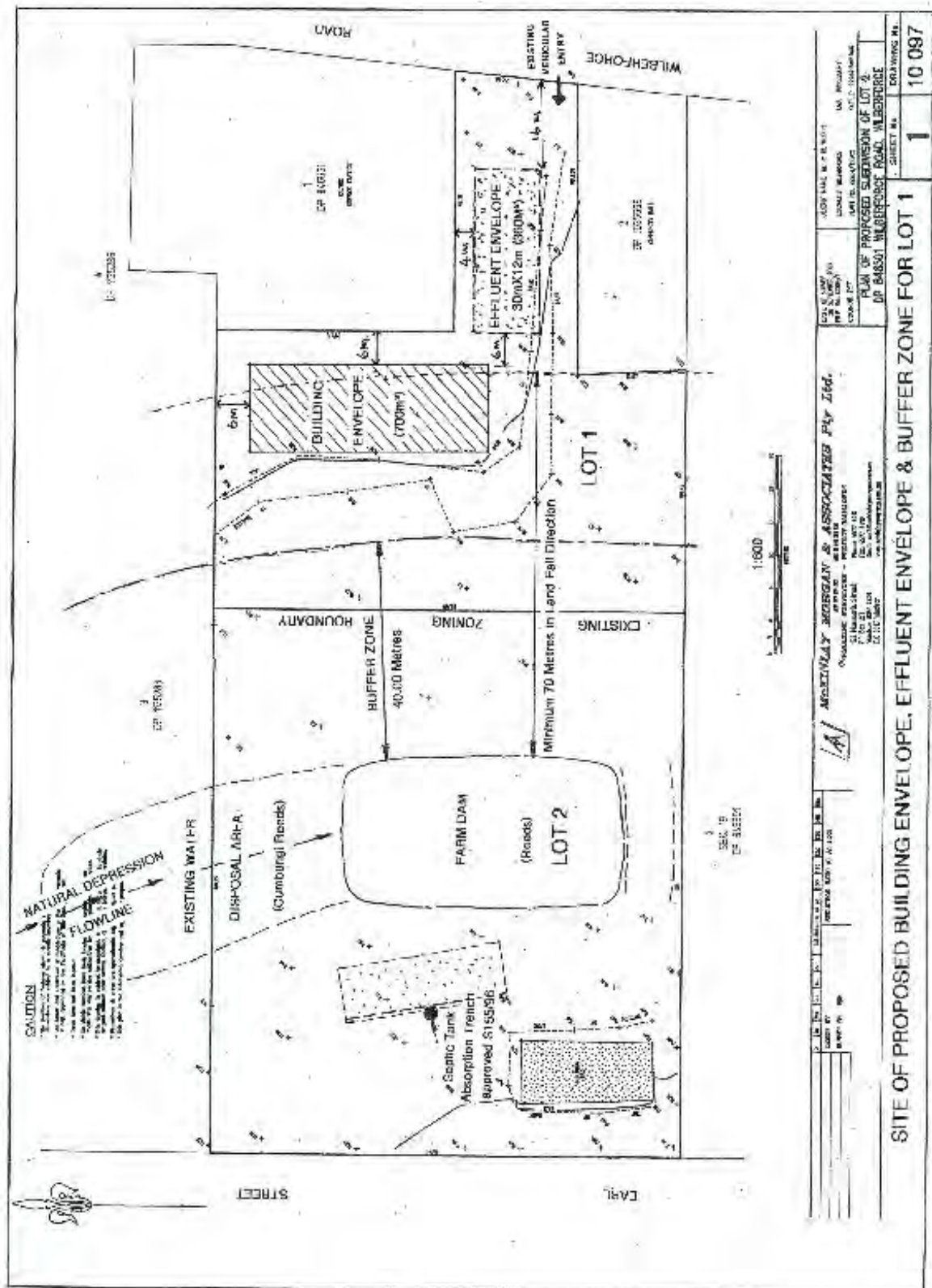
AT - 1 Locality Plan



ORDINARY MEETING

Meeting Date: 12 April 2011

AT - 2 Plan of Subdivision



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ORDINARY MEETING

Meeting Date: 12 April 2011

Item:73 **CP - Notice of Intention to Apply for a Packaged Liquor Licence - ALDI Foods Pty Limited - 5A Curtis Road, Vineyard - ALDI McGraths Hill - 128 Windsor Street, Richmond - ALDI Richmond - (95498, 9378)**

Previous Item: NM1 - Ordinary (30 June 2009)

REPORT:

Executive Summary

Council has received two notices from ALDI Foods Pty Limited that it is intended to lodge a Packaged Liquor Licence application with the NSW Casino, Liquor and Gaming Control Authority in the near future for the existing ALDI supermarkets in Richmond and McGraths Hill. The purpose of the Notice of Intention is to allow Council (and the community) the opportunity to comment on the proposal as part of the preparation of the Community Impact Statement (CIS) which is required to be prepared by the applicant and submitted along with the Liquor Licence Application to the NSW Casino, Liquor and Gaming Control Authority. Council may take this opportunity to make representations to the applicant in respect of the proposal.

Given that development consent for the use of both the premises has been granted and that the Casino, Liquor and Gaming Control Authority and the Liquor Licensing Police are responsible for controlling the hours of operation and the conditions imposed upon a Liquor Licence, it is recommended that a response be provided to the applicant - ALDI Foods Pty Limited and advise that no adverse community impacts are perceived with regard to the issue of a Liquor Licence for a bottle shop to be located within the ALDI supermarket premises at both Richmond and Vineyard.

Consultation

The applicant - being ALDI Foods Pty Limited - is required by the Control Authority to undertake this community consultation process.

In order to meet statutory requirements, it is not possible for Council to undertake further community engagement prior to making a submission to the applicant for the purposes of a Community Impact Statement. The legislation associated with Liquor Licensing requires an applicant to give a period of thirty (30) days for submissions as part of a Community Impact Statement (CIS) for a proposal to be received. After the expiration of that time period, the applicant is entitled to prepare their Liquor Licence Application to the NSW Casino, Liquor and Gaming Control Authority.

Council is being asked to represent the views of the wider community to the applicant as part of the CIS process.

Background

At the Ordinary Meeting of 30 June 2009 Council resolved, in part:

Until the above Policy is adopted by Council all licence applications that are accompanied by a Community Impact Statement (CIS) are to be reported to the next available Council meeting to be held after receipt of the application.

The Policy Dealing with Liquor Licence Applications is nearing completion. As part of the policy it will be recommended that Council be more involved with a proposal at the CIS stage. This will give Council more influence over the nature of a proposal and the potential impacts perceived by Council can be highlighted at this earlier stage. It will then rest with the applicant to address any concerns and if necessary amend their proposal before lodging their application with the Control Authority.

ORDINARY MEETING

Meeting Date: 12 April 2011

In view of this proposed course of action the following two matters are reported to Council for consideration.

Packaged Liquor Licence Application

Council has received notification dated 18 March 2011 that an application for a Packaged Liquor Licence (Bottle Shop) is proposed to be lodged by Grant Cusack and Associates with the NSW Casino, Liquor and Gaming Control Authority for both the Richmond and Vineyard ALDI supermarkets. The licence (if granted) will allow the sale of take-away liquor from the supermarkets. The applicant is required to consult with the Council and the community in order to prepare a Community Impact Statement (CIS) regarding the impact of the proposed bottle shop upon the local community. Council (and any individual) may make representations to the Casino, Liquor and Gaming Control Authority in respect of the application, once made.

Development Consent is in force for the use of both premises as a supermarket/shop. A bottle shop falls within the definition of a shop and as such the liquor sales area is consistent with the approved dominant use of the land for both sites.

The applicant states the current proposals are quite different to the traditional liquor store in terms of the comparatively small size of the licensed area, the smaller range of liquor to be sold and the reduced hours for the sale and supply of liquor.

Further details of the proposals are as follows:

- The bottle shops will be located within their respective ALDI stores. There are no external works proposed;
- The licenced area will be separated from the remainder of the supermarket area by fixed partitions 1.8 metres in height. This is to minimise the likelihood of theft and minors gaining access to liquor;
- The licenced area is proposed to be 40 square metres which is significantly smaller than a bottle shop associated with a supermarket (which may typically be 100 square metres or more);
- Liquor sold will principally comprise a limited range of ALDI branded products. The range is not expected to exceed 100 types/lines of liquor. On occasion, a small selection of non-ALDI branded products may be available.
- Liquor is not proposed to be sold refrigerated. The applicant states this is consistent with similar licences operated by ALDI in Victoria and the ACT.
- The proposed trading hours of the bottle shops are to be consistent with the supermarket trading hours (listed below). These hours are marginally less than that typically proposed or permitted for stand-alone bottle shops. The latest trading would be 9.00pm on Thursdays.
- The applicant expects that the majority of customers to the liquor store would be persons attending the supermarket who arrive and depart by car. The customers will have the added convenience of being able to purchase liquor when purchasing their groceries.

The proposed bottle shops are identical to each other for the purposes of the CIS and Liquor Licence Authority except for their locations. These differences will be discussed later in the report.

Issues to be considered for Community Impact Statement

Issues associated with the proposal to be considered as part of the CIS include:

- Proximity to other licenced premises;
- Proximity to schools, churches and other sensitive land uses;
- Trading hours
- Alcohol-related anti-social behaviour or crime
- Alcohol-related hospitalisations and health problems
- Increases in pedestrian and motor traffic numbers
- Drink-driving and drink-walking
- Increase in domestic violence associated with alcohol consumption

ORDINARY MEETING

Meeting Date: 12 April 2011

- Litter and other pollution associated with the operation of the premises.

Potential benefits of the proposal may include:

- Increased social and recreational opportunities
- Increased employment and economic activity.

The trading hours of the Richmond store, as per the development consent are:

| | |
|---------------------------------------|--------------------------|
| Monday to Friday: | 6.00 am - 12.00 Midnight |
| Saturday, Sunday and Public Holidays: | 7.00 am - 12.00 Midnight |

The trading hours of the McGraths Hill store, as per the development consent, are:

| | |
|----------------------|-------------------|
| Monday to Wednesday: | 9.00 am - 7.00 pm |
| Thursday: | 9.00 am - 9.00 pm |
| Friday: | 9.00 am - 8.00 pm |
| Saturday: | 8.30 am - 6.00 pm |
| Sunday: | 9.00 am - 6.00 pm |

The proposed trading hours for the liquor sales at both stores are as follows:

| | |
|----------------------|--------------------|
| Monday to Wednesday: | 9.00 am - 7.00 pm |
| Thursday: | 9.00 am - 9.00 pm |
| Saturday: | 8.30 am - 6.00 pm |
| Sunday: | 10.00 am - 6.00 pm |

As the hours are within the current development approved hours there are no objections to the proposed operating hours.

Richmond ALDI Bottle Shop

The proposed liquor store within the Richmond ALDI supermarket is approximately 200 metres from the nearest school being Richmond Public School. St Monica's Primary School is approximately 400 metres from the ALDI site.

Other liquor retail outlets in the vicinity include:

The Royal Hotel Bottle Shop - 250 metres away;
Dan Murphy's Bottle Shop - 290 metres away;
The Richmond Inn Bottle Shop - 350 metres away.

It is noted there are a number of establishments within Richmond (in addition to the above listed premises) where liquor is readily available and it is acknowledged that there may be an element of anti-social behaviour associated with alcohol consumption. However, it is not expected that the sale of liquor from ALDI would demonstrably contribute to alcohol-related anti-social behaviour or crime as liquor is currently readily available. It is considered that the sale of liquor from ALDI would be an added convenience for customers.

McGraths Hill ALDI Bottle Shop

The proposed liquor store within the McGraths Hill ALDI supermarket is approximately 600 metres from the nearest school being Windsor High School.

Other liquor retail outlets in the vicinity include:

Privately operated Bottle Shop - 100 metres away;
Proposed Tavern (approved but not yet constructed) - 250 metres away;

ORDINARY MEETING

Meeting Date: 12 April 2011

The Australian Hotel Bottle Shop - 1 Km away.

It is noted there are a number of establishments within the locality (in addition to the above listed premises) where liquor is readily available and it is acknowledged that there may be an element of anti-social behaviour associated with alcohol consumption. However, it is not expected that the sale of liquor from ALDI would demonstrably contribute to alcohol-related anti-social behaviour or crime as liquor is currently readily available. It is considered that the sale of liquor from ALDI would be an added convenience for customers.

Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions statement;

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.

and is also consistent with a strategy within the Community Strategic Plan being:

- Encourage stronger relationships between the business and community sectors to increase local career options.

Financial Implications

There are no financial implications applicable to this report.

Conclusion

Given the above, it is anticipated that the sale of liquor from ALDI would not demonstrably contribute to alcohol-related anti-social behaviour or crime as liquor is currently readily available elsewhere in both Richmond and Vineyard in any case. It is considered that the sale of liquor from ALDI would be an added convenience for customers.

RECOMMENDATION:

That a response be provided to the applicant - ALDI Foods Pty Limited, advising that, subject to the operation being conditional to the details submitted in the attached "Notice of Intention" documents, Council raises no objection to the issue of a Liquor Licence for a bottle shop to be located within the ALDI supermarket premises at both Richmond and McGraths Hill.

ATTACHMENTS:

- AT - 1** Community Impact Statement Notification Received - ALDI Richmond
- AT - 2** Community Impact Statement Notification Received - ALDI McGraths Hill (Vineyard)

ORDINARY MEETING

Meeting Date: 12 April 2011

AT - 1 Community Impact Statement Notification Received - ALDI Richmond



ALDI Stores

(A Limited Partnership)
ABN 90 196 565 019

10 Burando Road, Prestons, NSW 2170 AUSTRALIA

PRESTONS REGION

Locked Bag 7055
Liverpool Retail
NSW 1871

Telephone: (02) 8783 3000
Facsimile: (02) 8783 3199

18 March 2011

The General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756

Hawkesbury City Council

21 MAR 2011

Dear Sir/Madam

**Re: Category B Community Impact Statement Notice
Application by ALDI Foods Pty Limited for a Packaged Liquor Licence in respect of the ALDI Supermarket, 128 Windsor Street, Richmond and to be known as "ALDI Richmond"**

We refer to the above.

In accordance with Section 48 of the Liquor Act 2007 and Clause 11 of the Liquor Regulation 2008, we **enclose** the required Notice of Intention to apply for a liquor licence in respect of the abovementioned premises.

As required, a Community Impact Statement must first be prepared and then subsequently an application for a licence made to the Casino, Liquor and Gaming Control Authority.

As is apparent from the Notice of Intention, the proposal is quite different to a traditional liquor store in terms of the size of the licensed premises, range of liquor to be sold, hours for the sale and supply of liquor etc. In this regard, we would draw your attention to the following:-

- (i) Application is to be made for a packaged liquor licence to permit the sale of liquor by retail from a small liquor store/bottleshop to be situated within the existing ALDI Supermarket.
- (ii) As required by the Liquor Act, the liquor store area will be defined from the Supermarket area including by fixed partitioning approximately 1800 millimetres in height (i.e. so that area is adequately defined to minimise likelihood of theft, minors gaining access to liquor etc).
- (iii) The proposed liquor store area will comprise an area less than 40 square metres. As such, the licensed area will be significantly smaller than that of a typical bottleshop/liquor store comprising part of/adjoining a Supermarket which would normally be at least 100 square metres (and often much larger).
- (iv) Liquor to be sold will principally comprise of a limited range of ALDI branded products. On occasion, a small selection of non-ALDI branded products may be available as a special. No more than 100 types/lines of liquor will be sold which is substantially less than, and only a small percentage of, the lines/types of liquor sold by a typical liquor store.



SCANNED

ORDINARY MEETING

Meeting Date: 12 April 2011

- (v) At this stage, and as is the case with similar licences currently operated by ALDI in Victoria and ACT, it is not proposed that liquor products will be sold refrigerated.
- (vi) The proposed trading hours to be endorsed on the licence are set out in the Notice and are less than the standard trading hours permitted by the Liquor Act and less than the hours during which most liquor stores generally trade, particularly on Fridays to Sundays.
- (vii) As you will note, the sale of liquor will cease early in the evening on most days with the latest being 9.00 pm on Thursdays.
- (viii) The majority of customers of the liquor store will be persons attending the Supermarket who arrive and depart by car and park in the adjoining ALDI carpark who will have the added convenience of being able to purchase liquor when purchasing their grocery needs.
- (ix) Various policies and procedures will be in place to ensure that minors do not gain access to liquor and to minimise the likelihood of secondary sales, and as stated above, the liquor sales area will be separated from the Supermarket area. All staff involved in the sale and supply of liquor will complete an approved responsible service of alcohol course and receive adequate training in respect of their responsibilities.
- (x) ALDI presently operates similar licences in various supermarkets in Victoria and the ACT with 77 stores in Victoria and 8 stores in the ACT, the subject of a licence. It is noted that unlike in NSW, there is no requirement in Victoria and the ACT for the liquor to be located in a separate defined liquor store/liquor sales area.

The proposed liquor sales area will comprise an area of less than 40 sqm and the required internal alterations were approved via a recent application for modification made under Section 96 of the Environment Planning & Assessment Act. The proposed small liquor sales area is consistent with the approved dominant use (i.e. supermarket/shop/store use) and therefore does not constitute a change of use. Accordingly, no further development consent is required for the proposed use as a liquor sales area.

Should you have any queries or concerns in respect of the application, or require any further information, please do not hesitate to contact the person referred to in the Notice within 30 days of the date of the Notice.

Yours faithfully



Jon Harris
Property Director

Notice of intention to apply for a liquor licence or a licence authorisation

(date of notice)

22/03/2011

(name of applicant)

ALDI Foods Pty Limited

proposes to make an application to the Casino, Liquor and Gaming Control Authority for a

(type of liquor licence or licence-related authorisation)

Packaged Liquor Licence to permit the sale of liquor by retail from a small liquor store/bottle shop to be situated within an existing ALDI Supermarket

at

(address of existing or proposed premises)

ALDI Richmond
128 Windsor Street
Richmond NSW 2753

The following information is provided to you as a requirement for the preparation of a community impact statement (CIS).

The NSW Liquor laws require a CIS to be prepared by an applicant for certain liquor licence or licence-related authorisations.

The CIS summarises the results of consultation between the applicant and the local and broader community about any issues with the proposed application.

The application cannot be granted unless the Authority is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community. In determining this, the Authority will consider the CIS, along with the application, any submissions made by stakeholders, and reports from police and the Director of Liquor and Gaming.

ORDINARY MEETING

Meeting Date: 12 April 2011

What liquor-related activity is proposed?

The following describes the proposed premises including:

- proposed trading hours
- proposed activities and entertainment to be provided on the premises
- maximum patron numbers

The applicant is seeking approval for a packaged liquor licence (i.e. bottle shop/liquor store licence) which will allow the sale and supply of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises.

The proposed licensed premises ("liquor sales area") will occupy a small section of the existing ALDI Supermarket, comprising an area of less than 40 sqm. As required by the Liquor Act, the liquor sales area will be clearly defined/separated from the Supermarket area, including by way of fixed partitioning. Liquor will be displayed on shelving and display units within the defined liquor sales area.

Liquor to be sold will principally comprise a limited range of ALDI branded products (including beers, wines and spirits). On occasion, a small selection of non ALDI branded products may be available as a "special". No more than 100 types/lines of liquor will be sold which is substantially less than, and only a small percentage of, the lines/types of liquor sold by a typical liquor store. By comparison, it is noted that a typical liquor store adjoining a major supermarket would generally occupy an area in excess of 100 square metres (often more than 150 square metres) and carry in excess of 1000 types/lines of liquor. At this stage, and as is the case with similar licences currently operated by ALDI in Victoria and the ACT, it is not proposed that liquor products will be sold refrigerated.

The proposed hours to be endorsed on the licence are Monday to Wednesday – 9:00 am until 7:00 pm, Thursday – 9:00 am until 9:00 pm, Friday – 9:00 am until 7:00 pm, Saturday – 8:30 am until 6:00 pm and Sunday – 10:00 am until 6:00 pm. It is noted that these hours are less than the standard trading hours permitted by the Liquor Act, and less than the hours during which most liquor stores generally trade particularly on Fridays to Sundays. The liquor sales area will only be open for trade during those hours that the Supermarket is also trading (ie there will not be any times when the liquor sales area is trading and the Supermarket is not). Customers will not be able to enter the liquor sales area outside of the hours specified in the licence.

Various ALDI stores in Victoria and the Australian Capital Territory are presently the subject of a similar licence.

Policies will be in place, including a detailed House Policy in respect of the responsible service of liquor, and all staff involved in the sale and supply of liquor will complete an approved responsible service of alcohol course. Measures will also be in place to ensure that minors do not gain access to liquor, as well as security measures such as CCTV surveillance of the licensed area.

It is expected that the majority of customers will be persons attending the Supermarket who will have the added convenience of being able to purchase liquor when purchasing their grocery needs.

How to seek further information and provide comment

The following describes how to seek further information and provide feedback to the potential applicant regarding the proposal.

This feedback can be in various forms such as written response (including email), phone response, or face to face. You have 30 days to respond to the date of the notice. If applicable the details of further organised consultation sessions will be outlined below.

Should you have any questions in respect of the proposal, or have any feedback regarding the proposal, then within 30 days of the date of this notice please contact:

Grant Cusack of Grant Cusack & Associates whose contact details are as follows:-

Telephone: (02) 9280 4310

Facsimile: (02) 9280 4404

Email: gc@grantcusack.com.au

or post: Attention: Grant Cusack

Grant Cusack & Associates

PO Box K226

HAYMARKET NSW 1240

Next steps

A CIS summarising the results of the consultation, including a summary of responses to this notice, must be included with the papers lodged with the Authority when a liquor licence-related authorisation application requiring a CIS is made. Your feedback will be used to compile the CIS. Unless agreed the CIS will not identify anyone who comments on the proposed application.

The licence application cannot be lodged until 30 days from the date of this notice.

You will be able to view the completed CIS on the NSW Office of Liquor, Gaming and Racing website www.olgr.nsw.gov.au if the application for the liquor licence or authorisation is lodged with the Authority. Notice will be provided by the applicant to you (where you provide reasonable contact details) at that time. Any person can make submissions regarding the application directly to the Authority. The law requires that the Authority take into account any submissions made when determining on an application.

page 2 of 2

AT - 2 Community Impact Statement Notification Received - ALDI McGraths Hill (Vineyard)



ALDI Stores

(A Limited Partnership)
ABN 90 196 565 019

10 Burando Road, Prestons, NSW 2170 AUSTRALIA

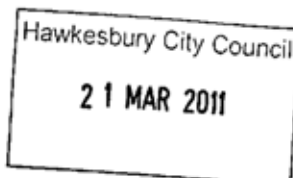
PRESTONS REGION

Locked Bag 7055
Liverpool Retail
NSW 1871

Telephone: (02) 8783 3000
Facsimile: (02) 8783 3199

18 March 2011

The General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756



Dear Sir/Madam

**Re: Category B Community Impact Statement Notice
Application by ALDI Foods Pty Limited for a Packaged Liquor Licence in respect of the ALDI Supermarket, 5a Curtis Road, Vineyard and to be known as "ALDI McGraths Hill"**

We refer to the above.

In accordance with Section 48 of the Liquor Act 2007 and Clause 11 of the Liquor Regulation 2008, we **enclose** the required Notice of Intention to apply for a liquor licence in respect of the abovementioned premises.

As required, a Community Impact Statement must first be prepared and then subsequently an application for a licence made to the Casino, Liquor and Gaming Control Authority.

As is apparent from the Notice of Intention, the proposal is quite different to a traditional liquor store in terms of the size of the licensed premises, range of liquor to be sold, hours for the sale and supply of liquor etc. In this regard, we would draw your attention to the following:-

- (i) Application is to be made for a packaged liquor licence to permit the sale of liquor by retail from a small liquor store/bottleshop to be situated within the existing ALDI Supermarket.
- (ii) As required by the Liquor Act, the liquor store area will be defined from the Supermarket area including by fixed partitioning approximately 1800 millimetres in height (i.e. so that area is adequately defined to minimise likelihood of theft, minors gaining access to liquor etc).
- (iii) The proposed liquor store area will comprise an area less than 40 square metres. As such, the licensed area will be significantly smaller than that of a typical bottleshop/liquor store comprising part of/adjoining a Supermarket which would normally be at least 100 square metres (and often much larger).
- (iv) Liquor to be sold will principally comprise of a limited range of ALDI branded products. On occasion, a small selection of non-ALDI branded products may be available as a special. No more than 100 types/lines of liquor will be sold which is substantially less than, and only a small percentage of, the lines/types of liquor sold by a typical liquor store.



SCANNED

ORDINARY MEETING

Meeting Date: 12 April 2011

- (v) At this stage, and as is the case with similar licences currently operated by ALDI in Victoria and ACT, it is not proposed that liquor products will be sold refrigerated.
- (vi) The proposed trading hours to be endorsed on the licence are set out in the Notice and are less than the standard trading hours permitted by the Liquor Act and less than the hours during which most liquor stores generally trade, particularly on Fridays to Sundays.
- (vii) As you will note, the sale of liquor will cease early in the evening on most days with the latest being 9.00 pm on Thursdays.
- (viii) The majority of customers of the liquor store will be persons attending the Supermarket who arrive and depart by car and park in the adjoining ALDI carpark who will have the added convenience of being able to purchase liquor when purchasing their grocery needs.
- (ix) Various policies and procedures will be in place to ensure that minors do not gain access to liquor and to minimise the likelihood of secondary sales, and as stated above, the liquor sales area will be separated from the Supermarket area. All staff involved in the sale and supply of liquor will complete an approved responsible service of alcohol course and receive adequate training in respect of their responsibilities.
- (x) ALDI presently operates similar licences in various supermarkets in Victoria and the ACT with 77 stores in Victoria and 8 stores in the ACT, the subject of a licence. It is noted that unlike in NSW, there is no requirement in Victoria and the ACT for the liquor to be located in a separate defined liquor store/liquor sales area.

As stated above, the proposed liquor sales area will comprise of an area of less than 40 square metres and will involve minor non-structural alterations. We have obtained advice that the carrying out of such internal alterations to an existing approved ALDI Store is complying development for the purposes of the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008. Further, as Council would be aware, it has also been held in cases such as Foodbarn Pty Limited v Solicitor-General (1975) 32 LGRA 157, that there is no need for a separate consent for an ancillary or subordinate purpose such as use for a small liquor sales area, because it is legitimate to treat the dominant purpose (i.e. the Supermarket/Store use) as that for which the whole is being used. The layout even with the inclusion of the small liquor sales area will still be substantially in accordance with the approved plans.

A copy of the relevant Complying Development Certificate will be provided to Council as soon as same has been issued.

Should you have any queries or concerns in respect of the application, or require any further information, please do not hesitate to contact the person referred to in the Notice within 30 days of the date of the Notice.

Yours faithfully



Jon Harris
Property Director

Notice of intention to apply for a liquor licence or a licence authorisation

(date of notice)

22/03/2011

(name of applicant)

ALDI Foods Pty Limited

proposes to make an application to the Casino, Liquor and Gaming Control Authority for a

(type of liquor licence or licence-related authorisation)

Packaged Liquor Licence to permit the sale of liquor by retail from a small liquor store/bottle shop to be situated within an existing ALDI Supermarket

at

(address of existing or proposed premises)

**ALDI McGraths Hill
5A Curtis Road
Vineyard NSW 2765**

The following information is provided to you as a requirement for the preparation of a community impact statement (CIS).

The NSW Liquor laws require a CIS to be prepared by an applicant for certain liquor licence or licence-related authorisations. The CIS summarises the results of consultation between the applicant and the local and broader community about any issues with the proposed application.

The application cannot be granted unless the Authority is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community. In determining this, the Authority will consider the CIS, along with the application, any submissions made by stakeholders, and reports from police and the Director of Liquor and Gaming.

ORDINARY MEETING

Meeting Date: 12 April 2011

What liquor-related activity is proposed?

The following describes the proposed premises including:

- proposed trading hours
- proposed activities and entertainment to be provided on the premises
- maximum patron numbers

The applicant is seeking approval for a packaged liquor licence (i.e. bottle shop/liquor store licence) which will allow the sale and supply of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises.

The proposed licensed premises ("liquor sales area") will occupy a small section of the existing ALDI Supermarket, comprising an area of less than 40 sqm. As required by the Liquor Act, the liquor sales area will be clearly defined/separated from the Supermarket area, including by way of fixed partitioning. Liquor will be displayed on shelving and display units within the defined liquor sales area.

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Various ALDI stores in Victoria and the Australian Capital Territory are presently the subject of a similar licence.

Policies will be in place, including a detailed House Policy in respect of the responsible service of liquor, and all staff involved in the sale and supply of liquor will complete an approved responsible service of alcohol course. Measures will also be in place to ensure that minors do not gain access to liquor, as well as security measures such as CCTV surveillance of the licensed area.

It is expected that the majority of customers will be persons attending the Supermarket who will have the added convenience of being able to purchase liquor when purchasing their grocery needs.

How to seek further information and provide comment

The following describes how to seek further information and provide feedback to the potential applicant regarding the proposal.

This feedback can be in various forms such as written response (including email), phone response, or face to face. You have 30 days to respond to the date of the notice. If applicable the details of further organised consultation sessions will be outlined below.

Should you have any questions in respect of the proposal, or have any feedback regarding the proposal, then within 30 days of the date of this notice please contact:

Grant Cusack of Grant Cusack & Associates whose contact details are as follows:-

Telephone: (02) 9280 4310

Facsimile: (02) 9280 4404

Email: gc@grntcusack.com.au

or post: Attention: Grant Cusack

Grant Cusack & Associates

PO Box K226

HAYMARKET NSW 1240

Next steps

A CIS summarising the results of the consultation, including a summary of responses to this notice, must be included with the papers lodged with the Authority when a liquor licence-related authorisation application requiring a CIS is made. Your feedback will be used to compile the CIS. Unless agreed the CIS will not identify anyone who comments on the proposed application.

The licence application cannot be lodged until 30 days from the date of this notice.

You will be able to view the completed CIS on the NSW Office of Liquor, Gaming and Racing website www.olgr.nsw.gov.au if the application for the liquor licence or authorisation is lodged with the Authority. Notice will be provided by the applicant to you (where you provide reasonable contact details) at that time. Any person can make submissions regarding the application directly to the Authority. The law requires that the Authority take into account any submissions made when determining on an application.

page 2 of 2

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item:74 IS - Development Servicing Plan - Windsor Sewerage Scheme - (95494, 79357)

REPORT:

Executive Summary

A Development Servicing Plan has been prepared to enable developer charges to be collected to provide funding for infrastructure required to service new development. It is proposed to advertise the Plan prior to Council considering its adoption.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed to place the Development Servicing Plan for the Windsor Sewerage Scheme area on public exhibition for a period of 28 days.

Background

Hawkesbury City Council owns and operates sewerage services within the areas of Windsor, South Windsor, Bligh Park, Windsor Downs, Clarendon, Mulgrave, Vineyard and Pitt Town. Effluent from part of South Windsor, Bligh Park, Windsor Downs and Clarendon is transported via pumping stations to the South Windsor Waste Water Treatment Plant where it is treated and discharged into South Creek. Effluent from Windsor, Mulgrave, Vineyard and Pitt Town is transported via pumping stations to the McGraths Hill Wastewater Treatment Plant where it is treated and discharged through a wetland system to South Creek.

Section 64 of the *Local Government Act 1993* enables a local government council to levy developer charges for water supply, sewerage and stormwater. Developer charges are up-front charges levied to recover part of the infrastructure costs incurred in servicing new developments or additions/changes to existing developments. Developer charges provide a source of funding for infrastructure required for new development.

A Section 64 Contribution Plan has been developed which incorporates Capital Works to be completed over the next ten years. The assessment is based on projected development uptake under Amendment 130 of the Local Environmental Plan (LEP) within the areas of Windsor and South Windsor (refer to attached plans) which is now incorporated into Amendment 108 of the LEP. The estimated yield of additional equivalent tenements from Amendment 130 in South Windsor is 1,312 (Estimated Tenements). It is assumed that an 80% uptake of the developable area will occur over the next ten years, resulting in 1,050 ET. There are approximately 50 additional lots within the Windsor Sewerage Scheme where a Developer Contribution may be collected. These are vacant, or occupied and not connected properties to the sewer making a total of 1,100 lots estimated for projected development growth.

With regard to Industrial Land only two lots, plus a portion of a third is regarded as having development potential therefore incurring Headworks Contributions. There is another Lot which is under DA at present and Headwork's Contributions have been accounted. The remainder of Mulgrave Industrial Area is subject only to subsequent development Headwork's Contributions that is \$/ built up hectare (area of new structures and curtilage).

To enable the transport of sewage from the additional lots generated it is necessary to provide a new pump station and associated works on Church Street, South Windsor just south of the railway line. A new rising main will also be required from the pump station south along Church Street, east along Bell Street, south along Mileham Street, east along Argyle Street, south along Fairey Road to a 450 diameter carrier main

ORDINARY MEETING

Meeting Date: 12 April 2011

located on the corner of Fairey Road and Ham Street, South Windsor. The sewage eventually flows to the South Windsor Sewage Treatment Plant where it is treated and then discharged into South Creek.

Other works, such as the augmentation of the South Windsor Sewage Treatment Plant are included to ensure it has capacity for the additional flows as a result of development.

The cost of the works required as a result of proposed development are to be recovered from a charge levied on each allotment under a plan created in accordance with Section 64 of the Local Government Act. Each developer of land within the defined area is required to pay Council for the design and construction of the necessary sewerage infrastructure that will serve the development. The infrastructure will, on satisfactory completion, become the property of Council who will then be responsible for its ongoing operation and maintenance.

Provision of 10 Year Capital Works Sewerage Infrastructure

The table below shows the sewerage infrastructure works required for development within the Windsor Sewerage Scheme, and the cost estimates for those works. Note that the proposed 1,100 ET make up 14.25% of the capacity for the South Windsor STP, thus only this proportion is used for calculation of the Capital Works.

| Windsor Sewerage Scheme – Sewerage Infrastructure and Associated Costs | |
|---|--|
| Item | Estimated Costs (GST Excl.) |
| Purchase of Plant and Equipment – 14.25% of \$586,300.00 | \$83,548.00 |
| South Windsor STP – Permanent onsite dewatering system 14.25% of \$2,900,000 | \$413,250.00 |
| Pump Station V and Rising Main V and associated works | \$3,750,000.00 |
| South Windsor STP upgrade – Stage 3 phase 2 – to provide capacity for 40,000 EP | \$4,000,000.00 |
| South Windsor STP – Wet weather balance pond pipework – 14.25% of \$65,000.00 | \$9,263.00 |
| Fair value of South Windsor STP 10/11 \$13,541,600.00 – 14.25% of \$13,541,600.00 | \$1,929,678.00 |
| | |
| Total | \$10,185,696.00 |

Notes:

NPV of Capital Cost over the 10 years - \$7,539,978 (refer to following page for details)

The 1,100 proposed tenements to contribute to the South Windsor STP equates to 14.25% of the current capacity of the facility.

It is proposed to adopt the estimates for works outlined as the basis for the Section 64 Contributions for the provision of sewerage infrastructure for the Windsor Sewerage Scheme area. The charge for each lot provided with access to reticulated sewerage services and the calculation method is outlined in detail within the attached document 'Draft Windsor Sewerage Scheme – Development Servicing Plan for Sewerage Services, April 2011'.

Proposed Charge for Reticulated Sewerage Services

The proposed Section 64 Contribution for sewerage infrastructure per lot within the Windsor Sewerage Scheme development area payable to Council is \$7,797.00.

A copy of the draft Section 64 Plan proposed for this purpose is included as Attachment 1 to this report. It will now be necessary for the Plan to publicly exhibited prior to consideration for adoption by Council.

ORDINARY MEETING

Meeting Date: 12 April 2011

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.

Financial Implications

Funding to be provided from within the Section 64 Reserve through developer contributions as development occurs.

RECOMMENDATION:

That the Development Servicing Plan for the Windsor Sewerage Scheme area, included attachment 1 to this report, be placed on public exhibition for a period of 28 days.

ATTACHMENTS:

AT - 1 Draft Windsor Sewerage Scheme – Development Servicing Plan for Sewerage Services, April 2011 - *(to be distributed under separate cover)*.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2011

Item:75 **IS - Wilberforce Cemetery - Re-opening for Interments - (95495, 79354, 90781)**

Previous Item: 22, Ordinary (15 February 2011)
 401, Ordinary (9 November 2010)

REPORT:

Executive Summary

Following the recent upgrade of Wilberforce Cemetery, Council at its meeting of 9 November 2010 resolved to approve the re-opening of Wilberforce Cemetery for burials. Council further resolved at its meeting on 15 February 2011 that the proposed fees and charges for the Wilberforce Cemetery be placed on public exhibition for a period of 28 days.

Following exhibition no comments have been received relating to the draft fees and charges, and it is recommended that the fees and charges outlined within the report be adopted.

Consultation

The draft fees and charges have already been placed on public exhibition and, therefore, no further consultation is required.

Background

Council at its meeting of 15 February 2011 resolved:

"That the proposed fees and charges for the Wilberforce Cemetery as outlined within the report be placed on public exhibition for a period of 28 days"

The fees and charges were placed on exhibition from 3 March 2011 – 31 March 2011 and as a result no comments were received.

It is therefore recommended that the fees and charges outlined below be adopted.

| Description | Proposed Fees & Charges |
|---|-------------------------|
| D5.1 Plot Fees | |
| D5.1.1 Adult Plot | \$1000.00 |
| D5.1.2 Child / Infant Plot - where casket is less than 1.1m in length (single depth only) | \$500.00 |
| D5.2 First interment | |
| D5.2.1 Adult | \$850.00 |
| D5.2.2 Burial of infant - where casket is less than 1.1m in length | \$535.00 |
| D5.2.3 Monumental Headstone | POA |
| D5.2.4 Perpetual Maintenance | \$500.00 |
| D5.3 Second interment | |
| D5.3.1 Re-opening of grave for second interment | \$850.00 |
| D5.3.2 Additional inscription on Monumental Headstone | POA |
| D5.4 Associated Fees | |
| D5.4.1 Interments after 2.30pm on weekdays | \$213.00 |
| D5.4.2 Interments on weekends/public holidays | \$500.00 |
| D5.4.3 Administration fee for relinquishing/reversing purchase of cemetery plots | 10% of plot cost + GST |
| D5.4.4 Placement of War Office plaque at Wilberforce Cemetery | \$52.00 |

ORDINARY MEETING

Meeting Date: 12 April 2011

| Description | Proposed Fees & Charges |
|-------------------------------|-------------------------|
| D5.5 Columbarium Walls | |
| D5.5.1 Niche in Columbarium | \$423.00 |

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote

Financial Implications

There will be additional income derived from the opening of the Wilberforce Cemetery.

RECOMMENDATION:

That the proposed fees and charges for Wilberforce Cemetery as detailed in the report be adopted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2011

Item:76 **IS - Community Banner Poles Policy - (79354, 95495)**

Previous Item: 23, Ordinary (15 February 2011)

REPORT:

Executive Summary

Following numerous requests from organisations/for profit groups wishing to place banners on Council managed banner poles, the review of Council's Banner Policy was undertaken. The main amendments to the Policy allow groups to display banners that advertise broad based community events provided they are in line with the policy guidelines.

Council at its meeting of 15 February 2011 considered the amended Policy and resolved to place the Draft Community Banner Poles Policy on public exhibition for a period of 28 days, and the Policy be further reported for consideration following exhibition.

Comments were received from three organisations and it is now recommended that the Draft Community Banner Poles Policy be adopted.

Consultation

The Draft Community Banner Poles Policy was placed on public exhibition for a period of 28 days.

Background

Council at its meeting of 15 February 2011 resolved:

"That:

1. *The Draft Community Banner Poles Policy be placed on public exhibition for a period of 28 days and further reported for consideration.*
2. *Additional locations be investigated for the placement of permanent banner poles.*

The Draft Banner Pole Policy was placed on exhibition from 3 March 2011 – 31 March 2011. Comments have been received from three organisations, the Windsor Business Group, Windsor Mall Craft Group Inc and the Hawkesbury District Concert Band.

The comments received are outlined below.

Windsor Business Group

The Windsor Business Group has requested that not for profit groups be permitted to hang banners and/or signage free of charge. Reference is made to groups such as the Windsor Sunday Markets which draw large crowds.

Comment

The fees and charges raised by banner bookings cover the administration, maintenance and repairs to the banner poles. The majority of banners are booked by community groups (not for profit groups) and should the fees be waived there would be no income to off-set expenditure.

Recommendation – that the policy not be amended.

ORDINARY MEETING

Meeting Date: 12 April 2011

Windsor Mall Craft Group Inc.

The Windsor Mall Craft Group Inc would like to be able to display banners every Sunday between 9am and 3pm and be allocated permanent keys as no Committee members reside within a reasonable distance of the Windsor area.

Comment

The banner poles are booked out regularly by various not for profit groups and therefore it is not feasible to allow one group to put up a banner every Sunday. It is considered that banners are only one avenue for groups to advertise their events and where an event is permanent it is suggested that other alternatives be investigated by that party.

Recommendation – that the policy not be amended

Hawkesbury District Concert Band

The Hawkesbury District Concert Band would like to be able to book two sites up to 6 months in advance. They feel it will reduce paper work and time for all community groups.

Comment

Whilst the current policy is for one, Council staff have allowed up to two banners to be placed advertising the same event where vacancies exist. This meant however that other groups who booked later missed out. It is difficult to determine the demand with the new policy and thus it is recommended that the policy remain the same but be reviewed in one year.

Recommendation – that the policy not be amended

Alternative sites continue to be investigated and will be subject to Council's planning and budgeting process once finalised.

It is recommended that the Draft Community Banner Poles Policy be adopted without amendments.

Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions statement;

- Have constructive and productive partnerships with residents, community groups and institutions.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Have ongoing engagement and communication with our community, governments and industries

Financial Implications

There are no financial implications resulting from this report.

RECOMMENDATION:

That the Draft Community Banner Poles Policy as attached to this report be adopted.

ATTACHMENTS:

AT - 1 Draft Community Banner Poles Policy

AT - 1 Draft Community Banner Poles Policy

DRAFT COMMUNITY BANNER POLES POLICY

1. PURPOSE

- 1.1 To describe Hawkesbury City Council's approach to the assessment and approval of banner displays for installation on permanent purpose built banner poles, at designated community banner pole sites on Council managed land.
- 1.2 To establish a framework to assist community groups to determine if a proposed banner display can be approved for display at Council managed community banner pole sites.

2. SCOPE

This Policy applies to community groups, organisations and other entities requesting to display banners at Council managed banner poles sites.

3. BACKGROUND

- 3.1 In response to requests from not-for-profit community groups and organisations to erect banners in the Hawkesbury LGA to promote their community activities or to convey information to residents, Council has erected permanent banner poles at key locations within the Hawkesbury Local Government Area.

Include something about~~ Requests to use the banner are also received from groups, organisations and businesses who host events of community interest. (Subject to GM discussions etc)

- 3.2 The community banner poles sites are located at:

Ham Common, Hawkesbury Valley Way, Clarendon;
Cnr. Bells Line of Road and Terrace Road, North Richmond
Cnr. Pitt Town Road and Windsor Road, McGraths Hill

- 3.3 The community banner poles set consists of two poles (8m in height) between which a banner is supported. Up to three banners can be displayed on a community banner pole at anyone time.

4. PRINCIPLES

- 4.1 Council acknowledges that it has a role in assisting community groups to raise awareness about issues impacting on residents and to promote activities and events which are undertaken for the community's benefit.
- 4.2 Council recognises that working in partnership with community groups to promote community events and to publicise public health and safety messages will complement Council's strategic and operational objectives.
- 4.3 Council has established community banner pole sites to provide safe and permissible locations for the display of banners by community groups. Council's primary aim in establishing these sites is to support local community groups, with limited access to funds, to undertake promotional activities. Council will operate these sites in a way that minimises the cost to community groups of accessing these sites for the display of banners deemed to be in the community interest.
- 4.4. Approval to display a banner at a designated community banner pole site managed by Council may convey an implied association between Council and the banner applicant. In providing a community group with access to a community banner pole site for the purpose of promotion and/or information sharing, there will be an obligation on the part of the banner applicant to ensure that the text of the

ORDINARY MEETING

Meeting Date: 12 April 2011

banner is appropriate and is consistent with the principles outlined in this Policy. While the text and content of a banner remains the responsibility of the banner applicant, the banner applicant should be aware that the wording and intent of a banner displayed at a community banner pole site may be perceived by the community as communicating information which Council has approved or endorsed.

- 4.5 Community banner pole sites will therefore be made available provided that the activity or information to be displayed on the banner refers to an event, activity or publicises information which delivers a demonstrable community benefit or outcome which aims to
- 4.5.1 Raise funds for donation to a registered charity;
 - 4.5.2 Raise funds in conjunction with a 'community appeal';
 - 4.5.3 Generate income to be used to supplement funds ordinarily used to operate a not-for-profit funded or volunteer service or program;
 - 4.5.4 Facilitate a free community event or activity which is open to all members of a community;
 - 4.5.5 Facilitate a community event or activity where, if an entry fee is charged, the fee is set at a full or partial cost-recovery basis and is not intended generate a private commercial gain for the organiser of the event or activity;
 - 4.5.6 Raise awareness within the community about a matter of public health or safety, generally in conjunction with a regional, state or national public education campaign and which is co-ordinated by a reputable and/or accredited public institution or registered charity;
 - 4.5.7 Advises the community of activities of a local sporting, leisure, hobby, cultural or other community based not-for-profit community group which has been established by members of the community to promote a collective interest within the community;
- 4.6 Council may approve the display of a banner proposed by a corporate, commercial or for profit enterprise provided that the intent of the banner is to promote a free or cost recovery community event or activity,, where the net proceeds of the event or activity are used for the one of the purposes identified in clauses 4.5.1, 4.5.2, 4.5.3 as outlined above. In the context of a commercial undertaking, a donation of \$1,000 (derived from the net proceeds of the event) would be a reasonable minimum level of donation.
- 4.7 Council will not generally approve the display of a banner where to do so would place Council in conflict with its adopted *Sponsorship Policy*. In this context Council may choose not to approve a banner where;
- 4.7.1 The text of the banner may be in breach of a legislative provision enacted by the state or federal government or a Council regulation or statutory responsibility and which may be perceived as encouraging persons to disregard or contravene these provisions;
 - 4.7.2 The text of the banner is overtly party political (unless Council has explicitly resolved to approve the display of such a banner in conjunction with its legitimate role as a community advocate-.
 - 4.7.3 Where the activities of the organisation seeking approval to display a banner could impact adversely on Council's reputation or where the banner seeks to promote an event or activity which could be perceived by the broad community as inappropriate;
 - 4.7.4 Where the approval of the text of a banner could compromise, or be seen to compromise Council's ability to exercise its role or functions impartially on behalf of the community, or which otherwise might diminish public confidence in Council.

ORDINARY MEETING

Meeting Date: 12 April 2011

- 4.7.5 The text of the banner could be perceived as an implicit endorsement by Council of a commercial product or service and where the promotion of an ostensibly community event is incidental to the promotion of a corporate or commercial entity for marketing purposes.
- 4.7.6 The display of a banner may be perceived as conferring unfair financial advantage to a corporate, commercial or for profit enterprise or where such a banner may be perceived as commercial or corporate advertising.
- 4.8. Where a banner which has been approved for display is subsequently determined to be in breach of the provision of Clause 4.6 or 4.7 Council reserves the right to remove and impound a banner without reference to the banner applicant.

5. DEFINITIONS

- 5.1 Commercial or for-profit enterprise is defined as any group that is NOT a non-profit organisation and which operates for the profit or gain of its individual members, whether these gains would have been direct or indirect.
- 5.2 Community benefit generally refers to an outcome, usually of an event, program or activity, that delivers an improvement to the welfare or well-being of a community or which seeks to reduce a social or economic disadvantage within a community. In broad terms a community benefit involves an activity which;
- responds to needs of special populations such as persons living in poverty and other disenfranchised persons
 - aims to supply, augment or maintain a social services or program that would likely be discontinued or reduced without financial assistance
 - responds to a public health or public safety need
 - raises community awareness or involves education or research that improves overall community health and well-being
 - supports the active participation of residents in community and civic life who otherwise might face barriers which would prevent their participation
 - usually generates a low or negative financial return
- 5.3 Community event is an event whose primary purpose is not to generate income for private gain and which is generally open to all residents to attend. Where an entry fee is payable, the level of the fee is generally determined on a cost recovery basis or alternatively has been imposed to raise funds for a charitable purpose usually in conjunction with an advertised community appeal.
- 5.4 Keys refer to the keys used to open the banner poles.
- 5.5 Community or not for profit organisation is taken to refer to a community association or legal entity registered under the Associations Incorporation Act 2009 which has generally been established for the purpose of engaging in small-scale, non-profit and non-commercial activities. A not-for-profit organisation is one which does not operate for the profit or gain of its individual members, whether these gains would have been direct or indirect. A not-for-profit organisation may generate income to operate, including profit, but this income must be used to carry out its purposes and cannot be distributed to owners, members or other private people.
- 5.6 Week for the purposes of this Policy a week is determined as Tuesday to Monday.

6.0 ROLES AND RESPONSIBILITIES

| ROLE | RESPONSIBILITIES |
|------------------------------|--|
| Customer Service Officers | Receiving applications and processing, answering incoming enquiries/bookings, handling of payment and bonds, managing the loaning of keys. |
| Manager Parks and Recreation | To oversee the implementation and the revision of the policy and make determination where the |

ORDINARY MEETING

Meeting Date: 12 April 2011

| | |
|---|--|
| | issue is grey. |
| Director Infrastructure Services | To determine if banners can be placed in alternative locations to the permanent banner poles for one off requests. |

7.0 TRAINING REQUIRED

- 7.1 Training and refresher sessions will be arranged from time to time for relevant Council officials on the contents and implementation of this policy.
- 7.2 All groups are given a procedure for the installation and removal of banners on the permanent banner poles prior to attempting this activity

8.0 AMENDMENTS

Council reserves the right to review, vary or revoke this Policy. Notwithstanding, the Policy will be reviewed at least within 12 months after election of a new Council. Amendments to the Policy other than amendments due because of legislative changes will be reported to Council.

9.0 PROCEDURES

- 9.1 This policy allows for the erection of banners by not-for-profit organisations for community information/activities/events held within the Hawkesbury Local Government area or for a purpose approved by the Director of Infrastructure Services.
- 9.2 Banners are to be placed on permanent purpose built banner poles at the locations identified in Clause 3.2 and other locations as determined by the Director of Infrastructure Services.
- 9.3 Commercial or for-profit enterprises may apply to display a banner provided that the purpose of the banner is consistent with the Principles outlined in Section 4 of this Policy.
- 9.4 Council managed civic and community events often have short notice periods for their organisation and therefore at the time of seeking to use them, the banner poles are already pre booked by other groups. Due to their importance and the Council's commitment to support their own sponsored or hosted event, the Director of Infrastructure Services can give permission for their banners to be placed at alternative locations.
- 9.5 The placing of a banner is subject to the following conditions:
 - 9.5.1 Permission to erect banners to be obtained by written application and will be subject to Councils fees and charges.
 - 9.5.2 Applicants must provide evidence of Public Liability Insurance for a minimum of \$10 million (ten million dollars).
 - 9.5.3 Due to the high demand for the usage of banner spaces, banners can only be erected for a maximum 2 week period. Back to back bookings are not permitted without a week break in between.
 - 9.5.4 Bookings will be accepted no earlier than 6 (six) months prior to an event for (1) one banner only at 1 (one) location only, to allow maximum use of available space by the community. Additional banners could be displayed, subject to space being available when a request is received, (no more that three weeks prior to the advertised event).
 - 9.5.5 Responsibility for erection and removal of the banner is to remain with applicants
 - 9.5.6 Keys can be collected on the required Tuesday between 8.30 and 5pm.

ORDINARY MEETING

Meeting Date: 12 April 2011

- 9.5.7 Banners are to be removed and the keys to be returned on the required Monday between 8.30pm and 4pm. A late fee is applicable as per Councils Fees and Charges if the banner is not removed and/or the key not returned within the required timeframe.

oooO END OF REPORT Oooo

Item: 77 IS - Reconstruction of Yarramundi Lane - (95495)

REPORT:**Executive Summary**

Due to the deterioration of its bitumen surface it is proposed to rehabilitate Yarramundi Lane, between Inalls Lane and Crowleys Lane.

It is proposed to reallocate funding in the amount of \$219,000 from the unexpended component of the 2010/2011 Reseal Program to the project.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, if this project is approved by Council it will be necessary to advise adjoining property owners of the proposed works and of any temporary restrictions.

Background

Yarramundi Lane, between Inalls Lane & Crowleys Lane, was bitumen sealed in 1994 and due to the deterioration of the seal over time it is continually forming potholes and is now covered with numerous pothole patches which encourage a substantial number of community complaints, due to the rough surface. Although Yarramundi Lane is a local road it is subject to excess volumes of traffic due to vehicles taking a shortcut between Castlereagh & Kurrajong Roads which are classified as State Roads. Traffic counts taken in 2004 show the level of usage at that time and it is reasonable to expect that these volumes have increased over time:

- Yarramundi Lane at the intersection with Inalls Lane – 4,451 vehicles per day
- Yarramundi Lane between Crowleys Lane & Inalls Lane – 2,596 vehicles per day

The section of road is 1.75km long and 5.6m wide.

It can be appreciated that the high traffic volumes coupled with the poor drainage conditions and length of time since it was sealed have contributed immensely to the current condition of Yarramundi Lane. Under normal conditions Yarramundi Lane would normally have been resealed around 2004, however, this was not carried out due to competing priorities and uncertainty in relation to its future use.

Due to the current condition of the road and the inherent risk of liability if more permanent repair works are not undertaken it is proposed that the road be rehabilitated. It would appear that the existing 200mm stabilised sub-base and 100mm base course material are sound and as such it is proposed to initially remove any failed material from the road edges, add approximately 50mm of road base to the existing surface, use a profiler to mix the top 150mm to form a new base course, shape and compact the material and apply a two coat bitumen seal. It is estimated that the cost of the work will be \$219,000.

In terms of providing funding to undertake the project, there is unspent funding currently available within the 2010/2011 reseal program. It will not be possible to spend those funds this financial year as road temperatures will not support the application of single coat bitumen seals until next summer. It would be necessary to carry the unspent funds into the next financial year. As such, it is proposed that the required funding to rehabilitate Yarramundi Lane be reallocated from this program.

Conformance to Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions statement;

ORDINARY MEETING

Meeting Date: 12 April 2011

- Have a comprehensive system of well maintained local and regional roads to serve the needs of the community.

and is also consistent with the Community Strategic Plan being:

- Facilitate the integration of a transport network.

Financial Implications

Funding for the work is proposed to be provided from the unexpended component of the 2010/2011 Reseal Program.

RECOMMENDATION:

That:

1. The proposal to rehabilitate Yarramundi Lane between Inalls Lane and Crowleys Lane be approved.
2. Funding for the project in the amount of \$219,000 be reallocated from the unexpended component of the 20010/2011 Reseal Program.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2011

CONFIDENTIAL REPORTS

Item: 78 IS - Tender No. 00911 - Construction of a Pedestrian /Cycle Bridge over Rickaby Creek - (95495, 79344)

Previous Item: 70, Ordinary (8 April 2008)
 206, (9 October 2007)

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: 12 April 2011

Item: 79 IS - Tender No.01111 - Tender for Hire of Plant at the Hawkesbury City Waste Management Facility - (112179)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(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: 12 April 2011

Item: 80 **SS- Property Matter - Lease to Jud Sebastian Haines - Shop 4 Glossodia Shopping Centre - (112106, 95496, 89337, 105494)**

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: 12 April 2011

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 16 March 2011 - (80245, 95495)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 16 March 2011, commencing at 3:00pm.

ATTENDANCE

Present:

Councillor B Bassett (Chairman)
Mr J Suprain, Roads and Traffic Authority
Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP
Mr R Williams, MP (Hawkesbury)
Snr Constable B Phillips, NSW Police Service
Ms J Edmunds, Westbus
Mr C DeSousa, Hawkesbury Valley Bus Service

Apologies: None

In Attendance: Mr C Amit, Manager, Design & Mapping Services
Ms D Oakes, Community Safety Co-ordinator
Ms B James, Administrative Officer, Infrastructure Services

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Mr J Christie, seconded by Mr J Suprain that the minutes from the meeting held 16 February 2011, be confirmed.

Item 1.2 Business Arising

There was no business arising

SECTION 2 - Reports for Determination

Item 2.1 LTC - 16 March 2011 - Item 2.1 - Kurrajong Classic Cycle Race Event for 2011 - Kurrajong and East Kurrajong (Hawkesbury) - (80245, 82935)

REPORT:

Introduction:

An application has been received from the Parramatta Cycling Club seeking approval (in traffic management terms) to conduct an Amateur Bicycle Racing Event in Kurrajong and East Kurrajong on Sunday 7 August 2011.

ORDINARY MEETING
Reports of Committees

The event organiser has advised the following

Event Route – Kurrajong/East Kurrajong:

- Commencing at Stanley Park, East Kurrajong, turn right out of the park entering East Kurrajong Road,
- Travel a short distance along East Kurrajong Road and turn left into Putty Road (RTA),
- Travel along Putty Road (RTA) and turn left into Blaxlands Ridge Road,
- Travel along Blaxlands Ridge Road and turn left into Comleroy Road,
- Travel along Comleroy Road and turn left into East Kurrajong Road,
- Travel along East Kurrajong Road finishing at Stanley Park – turning right into the park.
- The route distance is approximately 32.5 kilometres

(Refer to Attachment 1: Plan TR004/11 – Kurrajong Classic Cycle Race Event, Route – Kurrajong/East Kurrajong).

Event Schedule:

- The event will be a One Day Event, conducted between 8.00am and 3.00pm.
- There will be approximately 150-160 competitors competing in graded events.
- There will be approximately up to 40 competitors competing in 5 separate groups.
- Approximately 30-40 spectators are expected.
- Traffic control arrangements will be in place with no road closures required.
- All turns at intersections will be left turns with cyclists not having to cross any intersections.
- Traffic control at the 2 affected intersections will stop traffic long enough to allow groups of cyclists to negotiate the corners safely (normally only for 30 seconds).
- All groups of racing cyclists will be escorted by vehicles marked with signage and with flashing amber lights to isolate them from normal vehicular traffic.
- All escort vehicles have authority to neutralise the race in the event of any unforeseen incidents during the course of an event.
- The Chief Commissaire has total authority over the conduct of the race; including the authority to terminate the race if it is deemed unsafe to continue.

Discussion:

It would be appropriate to classify the event as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads & Traffic Authority as the event may disrupt major traffic and transport systems along the specified route. Traffic volume and road width details are as provided in the following table;

| Route – Kurrajong/East Kurrajong | | |
|----------------------------------|-------------------------|------------------------------|
| Road Name | Max ADT recorded (Year) | Sealed Carriageway Width (m) |
| East Kurrajong Road | 906 (1995) | 5.6 – 6.4 |
| Putty Road (RTA) | RTA (Not Available) | RTA (Not Available) |
| Blaxlands Ridge Road | 694 (1995) | 6.0 – 7.5 |
| Comleroy Road | 2184 (1998) | 6.0 – 6.8 |

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 submitted the following items in relation to the event: Attachment 2 (Dataworks Document No: 3653180):

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic,

ORDINARY MEETING
Reports of Committees

2. Special Event Transport Management Plan Template – RTA,
3. Course Map/Plan,
4. Transport Management Plan –referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP),
5. Risk Assessment for the event,
6. Copy of Insurances which are valid to 30 November 2011,
7. Copy of the Advertisement with advertising medium to be advised,
8. Copy of the Resident letter,
9. Copies of correspondence forwarded to the NSW Police Service, NSW Ambulance Service, NSW Fire Brigade (Fire and Rescue NSW), SES, NSW Taxi Council LTD and NSW National Parks and Wildlife Service.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Suprain.

That:

1. The Bicycle Racing Event planned for Sunday, 7 August 2011 by the Parramatta Cycling Club along the Kurrajong/East Kurrajong Route, be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the 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 (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is 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 obtain approval from the RTA as this is a **Class 1** event and the event will traverse along a classified road; **a copy of the RTA approval to be submitted to Council;**
- 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 has been submitted to Council** (advertising medium to be advised);
- 4d. the event organiser is to notify the details of the event to the Rural Fire Service 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 and tourist bus operators operating in the area which may be affected by the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4f. the event organiser is to directly notify 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;**

- 4g. written approval is required from Councils' Parks and Recreation section for the use of Stanley Park, East Kurrajong;
- 4h. 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;
- 4i. 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>);
- 4j. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

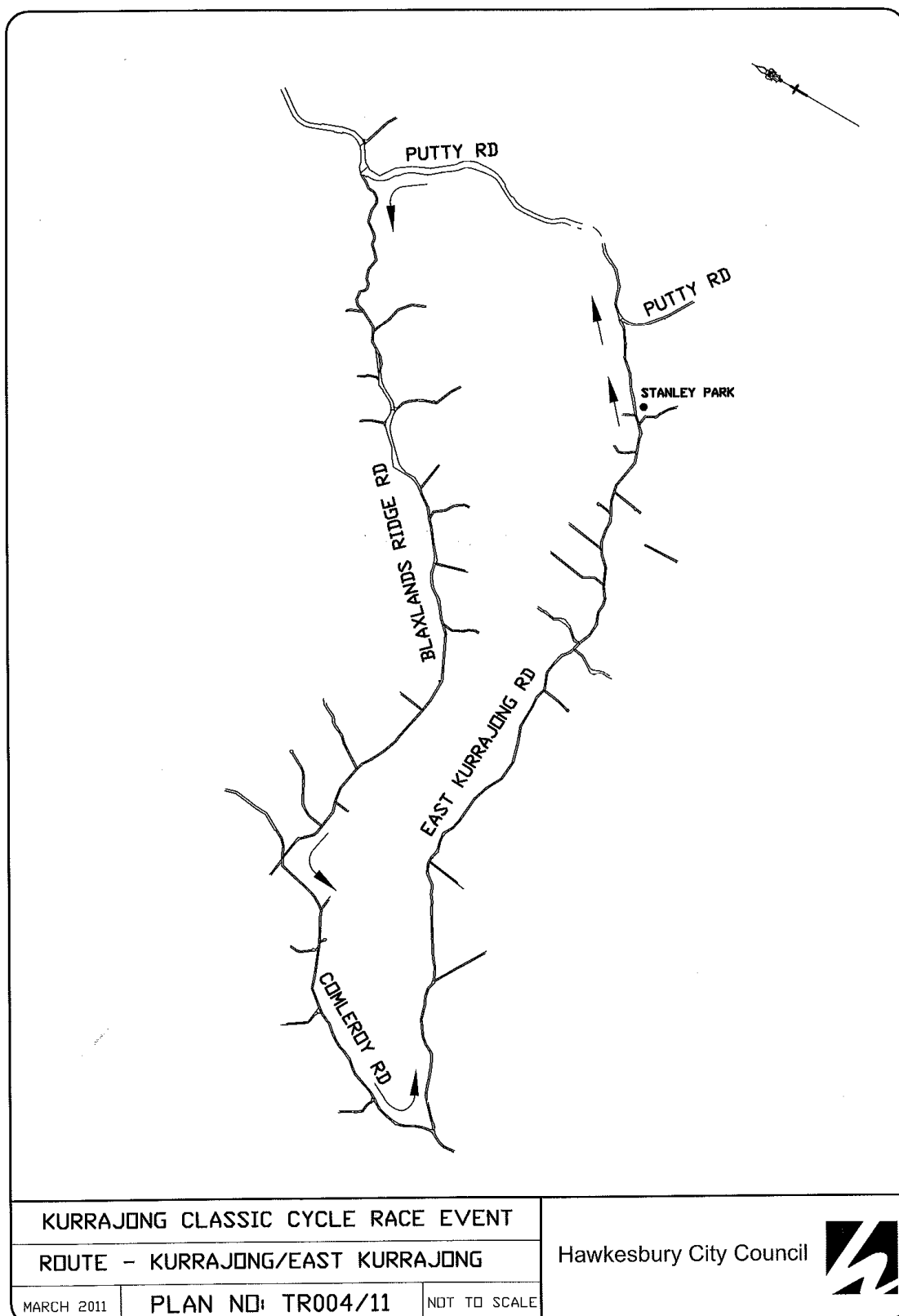
- 4k. access is to be maintained for businesses, residents and their visitors;
- 4l. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4m. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4n. the cyclist are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4o. 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;
- 4p. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4q. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

AT - 1 Kurrajong Classic Cycle Race Event, Route – Kurrajong/East Kurrajong, Plan TR004/11

AT - 2 Special Event Application - (Dataworks Document No. 3653180) - *see attached*.

AT - 1 Kurrajong Classic Cycle Race Event, Route – Kurrajong/East Kurrajong, Plan TR004/11



Item 2.2 LTC - 16 March 2011 - Item 2.2 - Hawkesbury Show 2011- Hawkesbury Showground, Clarendon - (Londonderry) - (80245, 74207, 73621)

REPORT:

Introduction

An application has been received from the Hawkesbury District Agricultural Association seeking approval (in traffic management terms) to conduct the Hawkesbury Show on 13, 14, and 15 May 2011 within the Hawkesbury Showground, Clarendon.

The event organiser has advised the following:

- The Hawkesbury Show is a major community event, featuring agricultural displays, rides, show bags, sideshows, business promotions and arts and craft shows that have been held at the showground for 124 years.
- The times for operation are proposed from 9.00am to 11.30pm for both 13 and 14 May, and 9.00am to 5.00pm for 15 May 2011.
- The showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.
- The event is expected to attract approximately 55,000 visitors over the three days it will operate.
- It is estimated approximately 26% of the total number of visitors will attend the show on Friday, 42% will attend the show on Saturday and 32% will attend the show on Sunday.
- 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 20,000 vehicles will travel to this area during the three days of the show.
- Parking is available for more than 20,000 vehicles each day.

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.

It would be appropriate to classify the event as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the 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 submitted the following items in relation to the event: Attachment 1 (Dataworks Document Nos. 3572643 & 3659917);

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic,
1. Special Event Transport Management Plan Template – RTA;
2. Transport Management Plan (TMP) - referred to in the application as Traffic Management Plan and Traffic Control Plan (TCP). The TCP is for the 2010 event which has expired.

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 Mr R Williams, MP.

That:

1. The Hawkesbury Show 2011 planned for 13, 14 and 15 May 2011, within the Hawkesbury Showground, Clarendon, be classified as a “**Class 1**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the 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 (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is 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 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;**
- 4c. the event organiser is to **submit a Traffic Control Plan (TCP) to Council and the RTA for**

ORDINARY MEETING

Reports of Committees

- 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;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
 - 4e. 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);
 - 4f. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
 - 4g. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
 - 4h. the event organiser is to directly notify 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**;
 - 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **A copy of this approval to be submitted to Council**;
 - 4j. 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>);
 - 4k. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

- 4l. access is to be maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4o. 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,
- 4p. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

AT - 1 Special Event Application - (Dataworks Document Nos. 3572643 & 3659917) - *see attached*.

Item 2.3 LTC - 16 March 2011 - Item 2.3 - Dirt Works 100 Kilometre Classic 2011- St Albans (Hawkesbury) - (80245, 85193)

REPORT:

An application has been received from Maximum Adventure Pty Ltd seeking approval (in traffic management terms) to conduct the Dirt Works 100 Kilometre Classic 2011 - St Albans, on Sunday 1 May 2011 (from 6.30am to 5.00pm).

The event organiser has advised the following;

- The event is a Mountain Bike Endurance Ride in and around the St Albans and Macdonald Valley areas, in conjunction with the St Albans Rural Fire Brigade as part of their fundraising activities;
- There are 2 courses for the event, a 50 kilometre and 100 kilometre option;
- The event route is identical to the 2010 event;
- This is the seventh year the event has been held in St Albans;
- The event route will cross the Macdonald River at the two points shown on the Event Route Plan contained in Attachment 1 & 2. Crossing of the Macdonald River will be undertaken utilising a 'pontoon bridge' configuration at each location. Permission will be obtained from the adjoining property owners on either side of the River;
- The event will take place on clearly marked trails that are currently used for horses in 'The Shahzada'.
- Participants will compete on a two-leaf clover route format;
- The course will be clearly marked for riders to follow;
- Marshalls with high visibility vests and radios will be positioned at junctions, warning cyclists of on coming traffic and the track ahead;
- Signs will be positioned throughout the course to warn other users of the event;
- St Albans Fire Brigade will be providing safety communication and support;
- Approximately 1300 participants are expected for the event;
- Approximately 200 spectators and 600 vehicles are expected. Parking will be available on private land;
- The start and finish of the race will be in the town of St Albans, on Bulga/Wharf Street;
- The start of the event will be staggered to reduce the amount of traffic on the roads and trails at any one time. As the event progresses, the competitors will spread out further; and,
- It is proposed to close the section of Bulga Street, between Wharf Street and Wollombi Road, St Albans (135 metres long sealed section).

The endurance ride is predominantly on tracks within the Parr State Recreational Area, Yengo National Park, Darug National Park, private properties and on the following public roads:

- Bulga Street – Sealed and Unsealed Road.
- Settlers Road – Sealed and Unsealed Road.
- Shepherds Gully Road – Unformed Road.
- St Albans Road – Sealed Road.
- Upper Macdonald Road – Unsealed Road.
- Webbs Creek Mountain Road - Unsealed Road
- Wharf Street – Sealed Road.
- Wollombi Road – Sealed and Unsealed Road.

ORDINARY MEETING
Reports of Committees

- Wrights Creek Road - Unsealed Road.
- Macdonald River – Two river crossing points.

The event is also traversing along the Great Northern Road, which is under the care and control of the National Parks and Wildlife Service - (Department of Environment, Climate Change and Water).

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 (RTA) as the event may impact minor traffic and transport systems along the specified route and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 2 (Dataworks Document No: 3679397):

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
2. Special Event Transport Management Plan Template – RTA;
3. Event Route Plan;
4. Public Liability Insurance to the value of \$20,000,000, which expires 27 January 2012;
5. Transport Management Plan (TMP) - referred to in the application as Risk and Hazard Assessment and Traffic Control Plans (TCP);
6. Copy of the application to the NSW Police Service;
7. Copy of correspondence forwarded to the NSW Ambulance Service.

The event organiser will be required to liaise with the Upper Hawkesbury Power Boat Club (contact number 1300 440 730), who is the event organiser of the Bridge to Bridge Power Boat Race - Brooklyn to Windsor 2011 event, which is being held on 1 May 2011, along the Hawkesbury River and affecting the operation of the ferries.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr R Williams, MP, seconded by Snr Constable B Phillips

That:

1. The Dirt Works 100 Kilometre Classic 2011 - St Albans (Mountain Bike Endurance) event, planned for Sunday 1 May 2011, be classified as a “**Class 2**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the 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 (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted - which includes the road closure of a section of Bulga Street between Wharf Street and Wollombi Road, St Albans - and 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 obtain approval from the RTA as a road closure is proposed

ORDINARY MEETING

Reports of Committees

for a section of Bulga Street between Wharf Street and Wollombi Road, St Albans; **a copy of the RTA approval to be submitted to Council;**

- 4c. 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 writing and added to the TMP;
- 4d. 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;**
- 4e. the event organiser is to obtain the relevant approval from the Department of Environment, Climate Change and Water to cross the Macdonald River; **a copy of this approval to be submitted to Council;**
- 4f. the event organiser is to advertise the event in the local press stating the entire route/extent of the event - including the road closure and the detour route - 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);
- 4g. the event organiser is to notify the details of the event to Fire and Rescue NSW, Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4h. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event - including the proposed road closure - for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4i. the event organiser is to directly notify all the residences and businesses which may be affected by the event - including the proposed road closure - 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;**
- 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 the Parr State Recreational Area, Yengo National Park, Darug National Park and the Great Northern Road. Written approval is required from Councils' Parks and Recreation section for the use of a Council Park/Reserve; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to obtain approval from the NSW Land and Property Management Authority for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 4l. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**
- 4m. the event organiser will be required to liaise with the Upper Hawkesbury Power Boat Club (contact number 1300 440 730), who is the event organiser of the Bridge to Bridge Power Boat Race - Brooklyn to Windsor 2011 event, which is being held on 1 May 2011, along the Hawkesbury River and affecting the operation of the ferries;
- 4n. 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;
- 4o. 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>);

- 4p. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

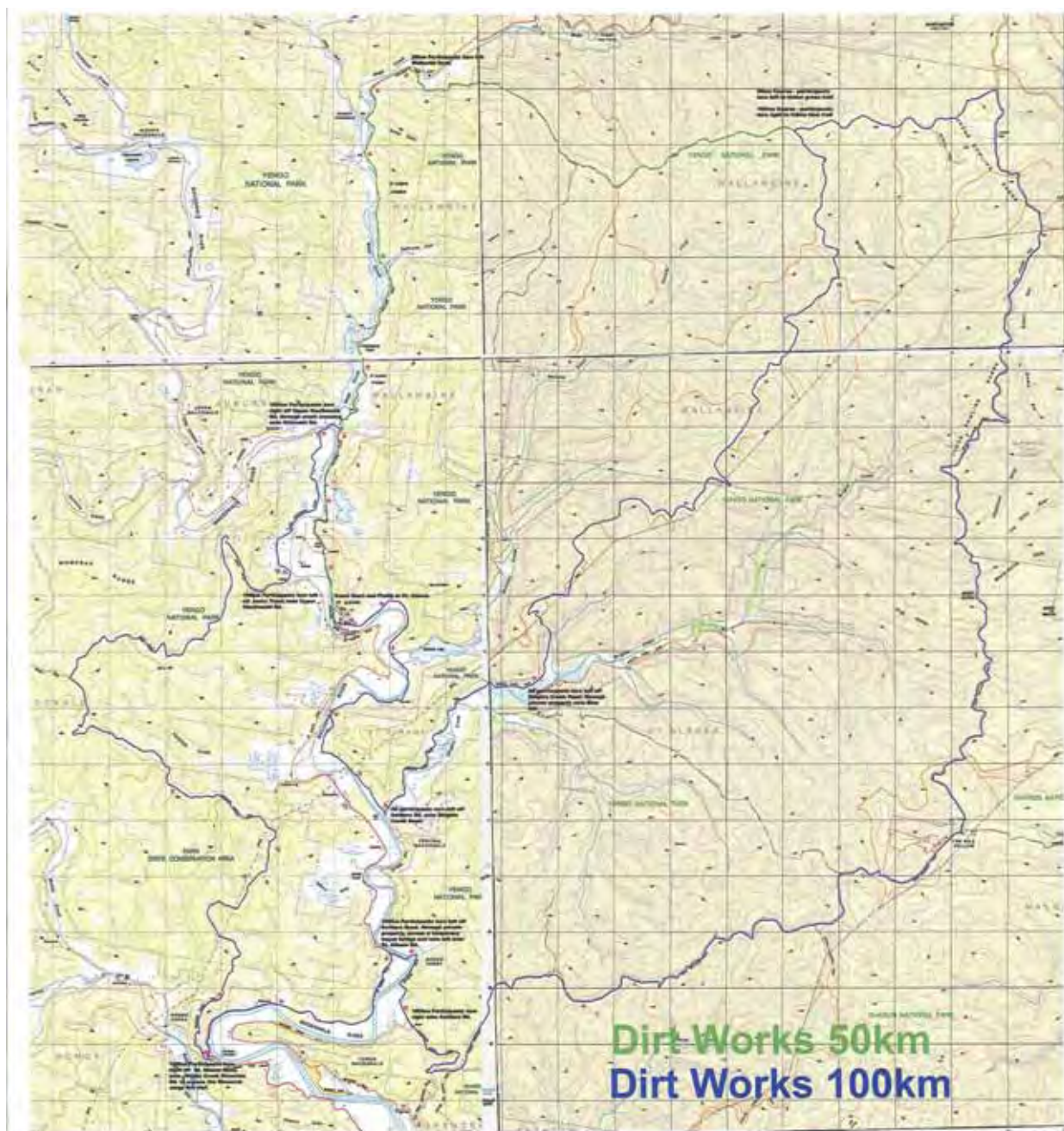
- 4q. access is to be maintained for businesses, residents and their visitors;
- 4r. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4s. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4t. the riders/cyclist are to be made aware of and are to follow all the general road user rules whilst riding/cycling on public roads;
- 4u. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route including the road closure points, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4v. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4w. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4x. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

APPENDICES:

AT – 1 Event Route Plan - Dirt Works 100 Kilometre Classic 2011 - St Albans.

AT – 2 Special Event Application - Dirt Works 100 Kilometre Classic 2011 - St Albans (Dataworks Document No. 3679397) - *see attached*

AT – 1 Event Route Plan - Dirt Works 100 Kilometre Classic 2011 - St Albans.



Item 2.4 LTC - 16 March 2011 - Item 2.4 - Bridge to Bridge Power Boat Time Trial Event from Brooklyn to Windsor - 2011 (Hawkesbury, Londonderry & Riverstone) - (80245, 73829)

REPORT:

Introduction

An application has been received from the Upper Hawkesbury Power Boat Club, seeking approval (in traffic management terms) to conduct the Bridge to Bridge Power Boat Time Trial from Brooklyn to Windsor on Sunday, 01 May 2011, between the hours of 8.00am and 1.00pm.

The event organiser has advised the following;

- This is an annual power boat time trial event along the Hawkesbury River between Brooklyn Bridge and Windsor Bridge;
- There is a Test and Tune day on Saturday, 30 April 2011 - Dry Boat Inspections;
- The Club is expecting approximately 120 participants/boats to compete in the event;
- There will be groups consisting of 1, 2 and 3 participants each;
- This annual event has been held for over seventy years and the club is expecting approximately 4000 spectators on the day of the event, at Governor Phillip Reserve;
- The vehicles of the spectators will be parked in the car park next to Governor Phillip Reserve. There are more than adequate parking spaces available for off-street parking.

Discussion

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

The event organiser has advised that the event will have minimal impact on the operations of the Ferry services. There will be a Course boat on the approach to each ferry crossing point, which will be communicating via radio with a marshal on the ferry. While a ferry is in motion, all boats will be prohibited from crossing this point until such time as the ferry is at the river bank. While the ferry is at the river bank unloading and loading vehicles, the boats will be allowed to pass.

Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. The Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services are the under the care and control of the RTA and hence, RTA approval is to be sought directly by the event organiser for any alterations to the operation of ferry services maintained by them.

The Upper Hawkesbury Power Boat Club has made application under separate cover to Councils' Parks and Recreation section for exclusive use of Governor Philip Reserve.

ORDINARY MEETING
Reports of Committees

The event organiser has submitted the following items in relation to the event: Attachment 1 (Dataworks Document No: 3679007):

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic,
2. Special Event Transport Management Plan Template – RTA,
3. Copy of the application to the NSW Police Service;
4. Copies of correspondence forwarded to the NSW Ambulance Service, Windsor and Richmond Fire Brigade (Fire and Rescue NSW) and SES.

The event organiser will be required to liaise with Maximum Adventure Pty Ltd (contact number 0423 735 779) who is the event organiser of the Dirt Works 100 Kilometre Classic 2011 - St Albans, event which is being held on 1 May 2011, within the St Albans area.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Christie.

That:

1. The Bridge to Bridge Power Boat Time Trial event from Brooklyn to Windsor planned for Sunday, 1 May 2011 be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the 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 (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is 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 obtain approval from the RTA as this is a "**Class 1**" event; **a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the RTA** 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;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4e. 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. 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);
- 4g. the event organiser is to notify the details of the event to the Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4h. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4i. the event organiser is to directly notify 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**;
- 4j. the event organiser is to liaise with Maximum Adventure Pty Ltd (contact number 0423 735 779) who is the event organiser of the Dirt Works 100 Kilometre Classic 2011 - St Albans event, which is being held on 1 May 2011, within the St Albans area;
- 4k. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the reduced crossing/operation of the ferries and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council**;
- 4l. the event organiser is to 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 preparing the TMP and prior to the event;
- 4m. 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>);
- 4n. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

- 4o. access is to be maintained for businesses, residents and their visitors;
- 4p. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4q. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4r. 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;
- 4s. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4t. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

Ferry Services

5. The applicant is to seek RTA approval for the reduced crossing/operation of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services. There is no objection to the reduced crossing/operation of the Lower Portland Ferry Service. Reduced crossing/operation of the ferry services - as outlined in the body of the report - is subject to the applicant complying with the following conditions, as well as any conditions imposed by the RTA:
- 5a) the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the changes in operation of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b) Advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to :
- traffic impact and delays,
 - exclusive use of Governor Phillip Reserve,
 - timings of reduced crossing/operation of ferry services,
- such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;
- 5c) signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d) safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the NSW Maritime, RTA and Hawkesbury City Council; and,
- 5e) the Transport Management Centre, Roads & Traffic Authority and Council be authorised to alter ferry reduced crossing/operation times if necessary.

APPENDICES:

AT - 1 Special Event Application - Bridge to Bridge Power Boat Time Trial Brooklyn to Windsor - (Dataworks Document No. 3679007) - *see attached*.

Item 2.5 LTC - 16 March 2011 - Late Item 2.5 - Zone One Q60 Endurance Horse Ride - May 2011 - Upper Colo Reserve (Hawkesbury) - (80245, 85005)

REPORT:

Introduction

An application has been received from Zone One of The NSW Endurance Riders' Association seeking approval (in traffic management terms) to conduct the Zone One Q60 Endurance Horse Ride on Sunday, 08 May 2011, utilising Upper Colo Reserve as a base area.

ORDINARY MEETING
Reports of Committees

The event organiser has advised the following:

Event Schedule - (Zone One Q60 Endurance Horse Ride on 08 May 2011):

- The riders will be undertaking either a single Leg or a combination of the Legs 1, 2 and 3
- Leg 1 = 45 Kilometres
- Leg 2 = 35 Kilometres
- Leg 3 = 20 Kilometres
- Duration: between 4.00am and 5.00pm
- 60 Riders and 40 Support/Helpers
- Riders travel as Single or small groups of 2 and 3
- This is a timed trial event and not a race

Route for the Rides:

Leg/Phase 1 - 45 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 left into the Wollemi National Park (Gees Arm South Trail),
- Travel along Gees Arm South Trail and through private property,
- Travel onto Upper Colo Road and along Upper Colo Road, crossing Wheeny Creek Bridge to Eternity Trail,
- Travel along Eternity Trail – Males Trail, through private property to Greenswamp,
- Travel along Greenswamp to Gees Arm South Trail,
- Travel back along Gees Arm Trail, Comleroy Road, Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

Leg/Phase 2 - 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, and turn left into Comleroy Road,
- Travel along Comleroy Road and turn right into Mountain Lagoon Road,
- Travel along Mountain Lagoon Road, and turn right into Sams Way,
- Travel along Sams Way to Gosper Ridge Trail and through the Wollemi National Park,
- Travel back along the Wollemi National Park down to Upper Colo Road 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).

Leg/Phase 3 - 20 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 to the end of Upper Colo Road and turn around at the public gate,

ORDINARY MEETING
Reports of Committees

- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

Refer to attached drawing "Event Route Plan - Zone One Q60 Endurance Horse Ride – May 2011": Attachment 1.

Where the course covers trafficable roads, the following will be in place:

- A Marshall is to be in place to stop horses crossing whilst vehicles pass,
- At any junction where horses cross or access roads that are main access gates, the Marshall is to notify Traffic of the conditions ahead,
- Signage shall be in place stating the following: Horses on Road, Horses crossing. In areas where the road narrows or is windy; Drive Slowly Horses on Road is to be provided.

Road Inventory

- Hulbert Road – Unsealed
- Colo Heights Road - Unsealed
- Upper Colo Road - Unsealed
- Comleroy Road - Unsealed
- Mountain Lagoon Road - Unsealed
- Sams Way - Unsealed
- Roads on private property and within the National Park
- 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

.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 (RTA) 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 submitted the following items in relation to the event: Attachment 2 (Dataworks Document No. 3691910);

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) - Referred to in the application as Traffic Management Plan Risk Assessment, and associated TCP;
4. Public Liability Insurance to the value of \$20,000,000, which expires on 01 January 2012.
5. Copy of correspondence forwarded to the NSW Ambulance Service, Hawkesbury Rural Fire District and SES;
6. Copy of the Resident letter;
7. Event Route Plan.

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 Suprain.

That:

ORDINARY MEETING
Reports of Committees

1. The Zone One Q60 Endurance Horse Ride event based at Upper Colo Reserve, planned for 08 May 2011 be classified as a “**Class 2**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the 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 (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is 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 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 writing and added to the TMP;
- 4c. 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;**
- 4d. 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;**
- 4e. 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);
- 4f. the event organiser is to notify the details of the event to Fire and Rescue NSW at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4g. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4h. the event organiser is to directly notify 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;**
- 4i. 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. Written approval is required from Councils' Parks and Recreation section for the use of a Council Park/Reserve; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**

- 4k. the event organiser is to 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;
- 4l. 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>);
- 4m. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

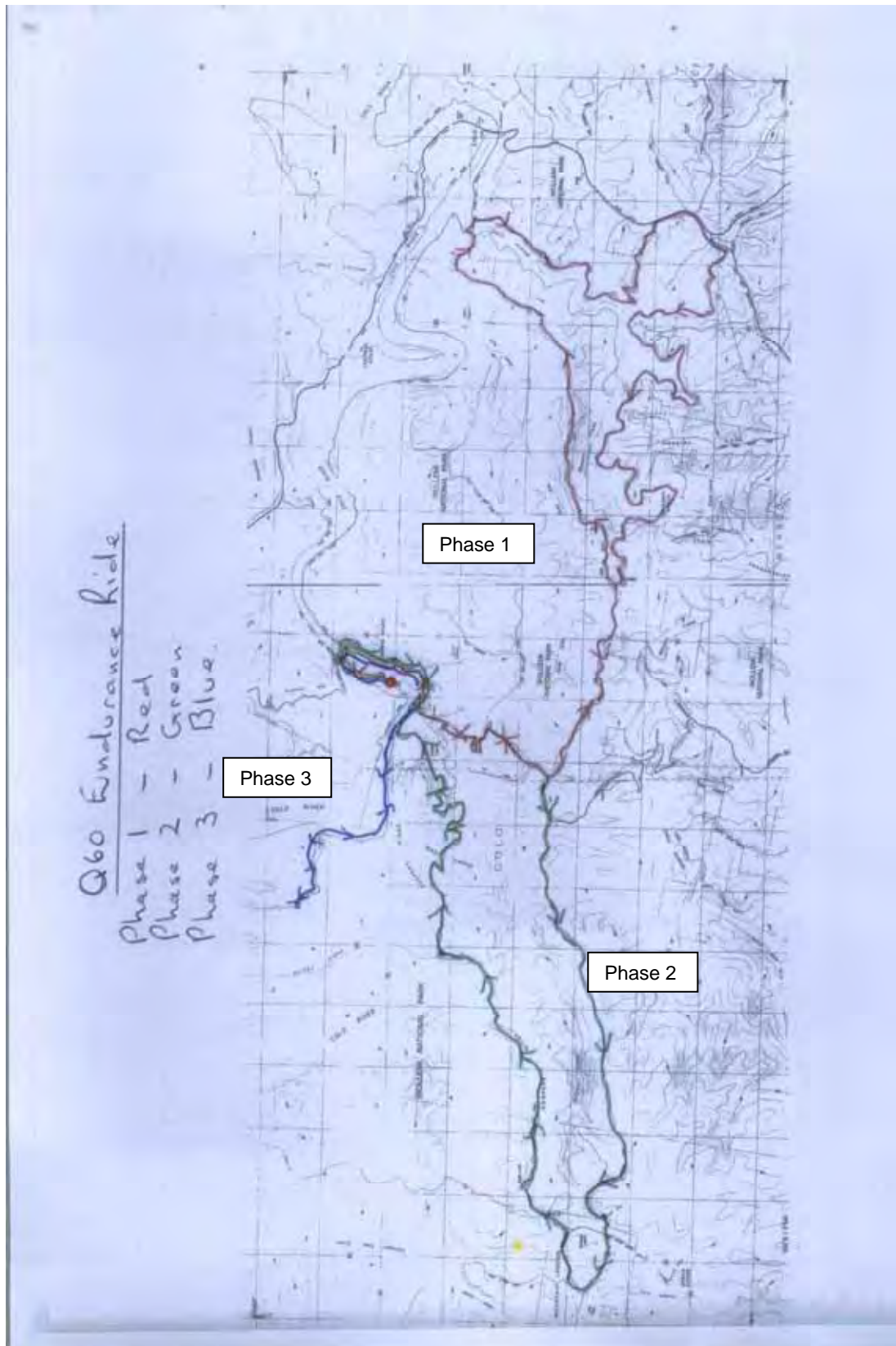
- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4q. the riders are to be made aware of and are to follow all the general road user rules whilst riding on public roads;
- 4r. 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;
- 4s. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4t. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4u. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

APPENDICES:

AT - 1 Event Route Plan - Zone One Q60 Endurance Horse Ride – May 2011.

AT - 2 Special Event Application - (Dataworks Document No 3691910) - *see attached*.

AT - 1 Event Route Plan - Zone One Q60 Endurance Horse Ride – May 2011



ORDINARY MEETING
Reports of Committees

Item 2.6 Additional Item to LTC - 16 March 2011 - Late Item 2.6 - Ride 2 Riverstone Bicycle Event - 2011 (Hawkesbury & Riverstone) - (80245, 118318)

REPORT:

The Committee members of the LTC are requested to consider the following report as an additional extra item to the LTC meeting undertaken on 16 March 2011. The application has been submitted outside of the normal LTC/Council approval process time frames. If this matter is held over to the next LTC meeting on 20 April 2011, the subsequent Council meeting on 10 May 2011 will be after the proposed event date of 01 May 2011.

Introduction:

An application has been received from the Riverstone & District Lions Club seeking approval (in traffic management terms) to conduct the 'Ride 2 Riverstone' Bicycle Event 2011 within the Oakville/Maraylya/Vineyard area on Sunday 01 May 2011, from 7.30am to 1.00pm.

The event organiser has advised the following:

- The overall event is a family oriented bicycle ride over several routes which will extend across The Hills, Blacktown and Hawkesbury Local Government Areas (LGA's);
- The component of the event within the Hawkesbury LGA is within the Oakville/Maraylya/Vineyard area;
- Unlike the event held in 2010, the 'Ride 2 Riverstone' event will be held on a separate day to the Riverstone Street parade and festival;
- The event is a Bicycle Ride and Not a Race;
- The start and finish of the event will be bounded by Park, Pitt and Market Streets, Riverstone, located within the Blacktown LGA;
- Traffic control signs will be distributed the previous day and left at secure locations along the route. The start site will be set up from 5.00am. Marshalls will put traffic control signs in place just prior to the commencement of the event;
- Sectors will be cleared as the event passes and it is proposed to have the route clear by 1.30pm. Marshalls will remove and store signage prior to leaving their point. The finish site will be cleared by 5.00pm;
- Approximately 500 riders are expected to participate;
- Riders will be able to nominate distances of 10, 30, 55, 80 & 100 Kilometres;
- The main route is approximately 53 Kilometres in length and that route will form the basis of the 55 and 100 Kilometre ride (2 laps);
- Two shorter sections within The Hills & Blacktown LGA's will comprise the 10 and 30 kilometre rides and part of the 80 kilometre ride.

The Bicycle Ride will be conducted along the following route within the Hawkesbury LGA:

- Enter Bandon Road from O'Connell Street located within the Blacktown Council Area (turn right from O'Connell Street into Bandon Road),
- Travel north along Bandon Road, across the signalised intersection of Windsor Road into Chapman Road,
- Travel along Chapman Road to Commercial Road and across into Bocks Road,
- Travel along Bocks Road and turn left into Hanckel Road for the 80 and 100 Kilometre riders, (the riders for the other routes will turn right at this point and proceed along Old Pitt Town Road and across Boundary Road into The Hills LGA),
- Travel along Hanckel Road, and then into Ogden Road and turn right into Smith Road,
- Travel along Smith Road and turn left into Saunders Road,
- Travel along Saunders Road and turn right into Old Stock Route Road,

ORDINARY MEETING

Reports of Committees

- Travel along Old Stock Route Road, turn left at the intersection of Scheyville Road (continuation of Old Stock Route Road), and turn left into Old Pitt Town Road,
- Travel along Old Pitt Town Road and turn right into Airstrip Road,
- Travel along Airstrip Road and turn right into Pitt Town Dural Road,
- Travel along Pitt Town Dural Road, turn right at the intersection with Pebbly Hill Road (continuation of Pitt Town Dural Road), and turn right into Scheyville Road,
- Travel along Scheyville Road, and turn left into Neich Road,
- Travel along Neich Road, across the intersection of Boundary Road into The Hills LGA.
- The route distance is approximately 15.5 kilometres.

Refer to Attachment 1 for Details of the Event Route

Discussion:

The event is a cross regional event as it will traverse across 3 Local Government Areas and cross/traverse a classified road. It would be appropriate to classify the event as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads & Traffic Authority (RTA) as the event may disrupt major traffic and transport systems along the specified route. Traffic volume and road width details are provided in the following table for the Hawkesbury LGA component of the route;

| Hawkesbury LGA Route - Oakville/Maraylya/Vineyard | | |
|---|---------------|------------------------------|
| Road Name | ADT (Year) | Sealed Carriageway Width (m) |
| Bandon Road | 3324 (1996) | 7.1 – 10.0 |
| Chapman Road | 1743 (1998) | 6.1 – 14.0 |
| Bocks Road | 549 (1996) | 6.1 – 6.6 |
| Hanckel Road | 1498 (2002) | 5.7 |
| Ogden Road | 190 (1999) | 7.5 |
| Smith Road | 342 (1999) | 6.1 |
| Saunders Road | 729 (1996) | 5.5 |
| Old Stock Route Road | 2335 (1996) | 5.9 – 6.7 |
| Old Pitt Town Road | 908 (2003) | 5.2 |
| Airstrip Road | Not Available | 6.4 |
| Pitt Town Dural Road | 1782 (2001) | 6.3 – 6.4 |
| Scheyville Road | 2254 (2001) | 5.9 |
| Neich Road | 882 (1996) | 6.5 |

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 submitted the following items in relation to the event: Attachment 1 (Dataworks Document No: 3704583):

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of the Special Event – Traffic,
2. Special Event Transport Management Plan Template – RTA,
3. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP).

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Suprain, seconded by Mr J Christie.

That:

ORDINARY MEETING
Reports of Committees

1. The 'Ride 2 Riverstone' Bicycle Event 2011, which is a cross regional event and will traverse across 3 Local Government Areas and cross/traverse a classified road, with the Hawkesbury LGA component being within the Oakville/Maraylya/Vineyard area, planned for Sunday 01 May 2011 (from 7.30am to 1.30pm) be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the 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 (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is 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 obtain approval from the RTA as this is a "**Class 1**" event and the event will cross/traverse along a classified road;; **a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser **is to submit a Traffic Control Plan (TCP) to Council and the RTA** 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;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4e. 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);
- 4f. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be (has been) submitted to Council;**
- 4g. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4h. the event organiser is to directly notify 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;**
- 4i. the event organiser is to obtain approval from The Hills Council and Blacktown Council for the use of their roads and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council;**
- 4j. 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;

- 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 cyclist are to be made aware of and are to follow all the general road user rules whilst cycling 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; and,
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

AT - 1 Special Event Application - (Dataworks Document No. 3704583) - *see attached*.

SECTION 3 - Reports for Information

Item 3.1 LTC - 16 March 2011- Item 3.1 - RTA Advice on Proposed Speed Limit changes to various roads in the Hawkesbury LGA - (Hawkesbury & Londonderry) - (80245, 73621)

REPORT:

Advice has been received from the Roads and Traffic Authority (RTA) indicating that a review of the existing speed limits along a number of regional and local roads in the Hawkesbury LGA have been undertaken to improve road safety. The information provided by the RTA in part is listed below (Dataworks Document No. 3676522).

ORDINARY MEETING
Reports of Committees

"The RTA has reviewed the existing speed limits on a number of regional and local roads in Hawkesbury LGA to improve road safety.

The RTA will be reducing the speed limits along:

- Grose River Road - The speed limit between Grose Vale Road, Grose Vale and Ashtons Road, Grose Wold will be reduced from 80 km/h to 70 km/h.*
- Grose Wold Road - The speed limit between 780 metres west of Avoca Road and Grose River Road, Grose Wold will be reduced from 80 km/h to 70 km/h.*
- Bells Road - The speed limit between Grose Vale Road West and Grose Vale Road East, Grose Vale will be reduced from 80 km/h to 70 km/h.*
- Westbury Road - The speed limit between Bowen Mountain Road and Grose Vale Road, Grose Vale will be reduced from 60 km/h to 50 km/h.*
- Terrace Road - The 60 km/h speed limit between 810 metres west of Wire Lane, North Richmond and 370 metres west of Cliff Road, Freemans Reach will be extended 600 metres east.*
- Creek Ridge Road - The 60 km/h speed limit between Spinks Road and 100 metres south of Spinks Road, Glossodia will be extended 370 metres south and the speed limit between 370 metres south of Jordan Avenue, Glossodia and Kurmond Road, Freemans Reach will be reduced from 80 km/h to 70 km/h.*
- East Kurrajong Road - The 60 km/h speed limit between 760 metres east of Roberts Creek Road and 180 metres west of Carinya Close, East Kurrajong will be extended 180 metres west and the 80 km/h speed limits between Comleroy Road, Kurrajong and Putty Road, East Kurrajong be reduced from 80 km/h to 70 km/h.*
- Freemans Reach Road - The 60 km/h speed limit between Hibberts Lane and 300 metres east of Hibberts Lane, Freemans Reach will be extended 1.1 kilometres east and the speed limit between Gorricks Lane and Wilberforce Road, Freemans Reach will be reduced from 80 km/h to 70 km/h.*
- Gorricks Lane - The speed limit between 330 metres south of Burgess Road and Freemans Reach Road, Freemans Reach will be reduced from 80 km/h to 70 km/h.*
- Argents Road / Salters Road - The speed limit between Singleton Road and Old Sackville Road, Wilberforce will be reduced from 80 km/h to 60 km/h.*
- Stannix Park Road - The speed limit between Singleton Road and Sackville Road, Wilberforce will be reduced from 80 km/h to 60 km/h.*

The RTA expects the new speed limit signs to be installed from Thursday 10 March 2011. Maps showing the proposed changes are attached."

The plan provided by the RTA is included in Attachment 1 - Plan of Proposed Speed Zone Changes – Hawkesbury Local Roads.

COMMITTEE RECOMMENDATION:

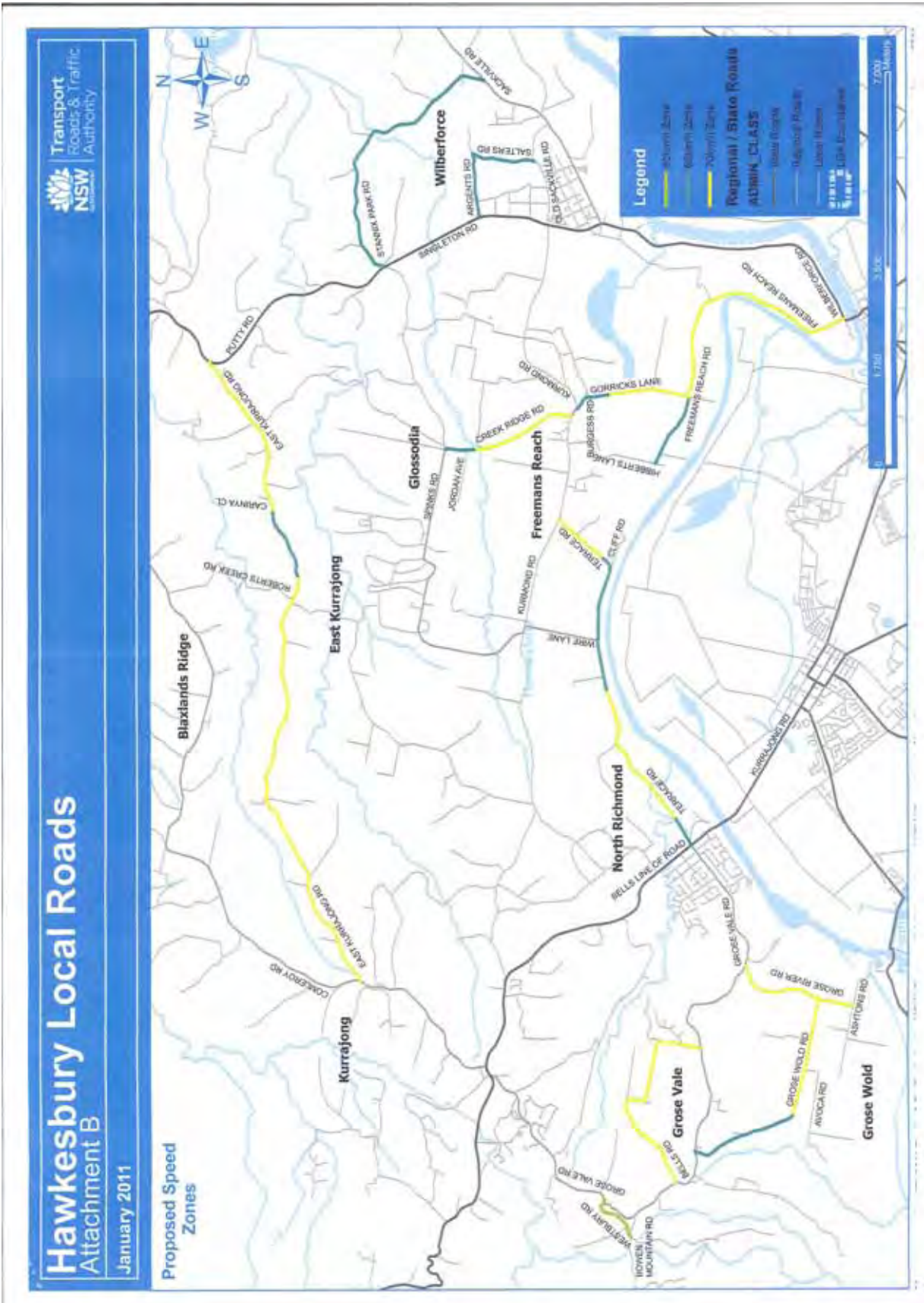
RESOLVED on the motion of Mr J Suprain, seconded by Mr J Christie.

That the information be received.

APPENDICES:

AT - 1 Plan of Proposed Speed Zone Changes –Hawkesbury Local Roads.

AT - 1 Plan of Proposed Speed Zone Changes – Hawkesbury Local Roads



ORDINARY MEETING

Reports of Committees

Item 3.2 LTC - 16 March 2011 - Item 3.2 - RTA Advice on School Zone Flashing Lights for Kurrajong North Public School, Grose View Public School and Ebenezer Public School - (Hawkesbury & Londonderry) - (80245, 73621)

Previous Item: Item 3.1, LTC (22 November 2006)
Item 3.1, LTC (21 March 2007)
Item 4.2, LTC (20 February 2008)
Item 4.2, LTC (16 July 2008)
Item 3.1, LTC (14 January 2009)
Item 3.1, LTC (21 October 2009)
Item 3.1, LTC (17 November 2010)
Item 3.1, LTC (19 January 2011)

REPORT:

Advice has been received from the Roads and Traffic Authority (RTA) indicating that School Zone Flashing Lights are to be installed within the vicinity of Kurrajong North Public School, Grose View Public School and Ebenezer Public School. The information provided by the RTA in part is listed below (Dataworks Document No. 3684139).

"The Roads and Traffic Authority (RTA) is pleased to advise that the school zone(s) covering the following school(s) within your LGA have been included as one of the next 124 school zone sites to receive school zone flashing lights.

- *Bells Line Of Road at Kurrajong North Public School*
- *Grose Wold Road at Grose View Public School*
- *Sackville Road at Ebenezer Public School*

This project aims to alert motorists of the speed restriction around schools to improve safety for school children.

It is not possible to provide you with a date for the installation of the lights, however, it is expected that all school zone sites in this roll out will be completed by June 2011."

Further to the information provided by the RTA, the following schools within the Hawkesbury Local Government Area have School Zone Flashing Lights:

1. Pitt Town Public School at Buckingham Street,
2. Cattai Public School at Cattai Road,
3. Bilpin Public School at Bells Line of Road,
4. Colo Heights Public School at Putty Road
5. Richmond High School at Lennox Street
6. Colo High School at Bells Line of Road,
7. Arndell Anglican College at Wolseley Road,
8. Oakville Public School at Oakville Road,
9. Richmond Public School at Windsor Street,
10. Kurmond Road at Hawkesbury High School,
11. Bells Line of Road at Kurmond Public School,
12. Grose Vale Road at Richmond North Public School,
13. Castlereagh Road at Richmond High School,
14. Mulgrave Road at Windsor High School.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Suprain.

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 4 - General Business

Item 4.1 LTC – 16 March 2011 – QWN 4.1 – Provision of Bus Stop in the vicinity of No. 19/19A College Street, Richmond for Bus Route 675

REPORT:

Ms Jodie Edmonds advised the committee that following the approval from Transport NSW to re-route the bus service '675' down Bourke and College Street, Richmond and following consultation with the residence at the corner of Bourke Street and College Street, a bus stop has been installed in Bourke Street.

Westbus propose that for convenience of the residence in College Street and to improve the '675' service, that a bus stop also be installed at College Street, adjacent to Nos.19/19A and adjacent to the vacant lot on the opposite side of the road in College Street.

This also follows suggestions made by the RTA representative at the LTC meeting on 17 November 2010 that the provision of a bus Stop along the Route in College Street will improve access to the service.

The provision of the Bus Stop in the vicinity of No.s 19/19A College Street was discussed by the committee and it was suggested that Westbus should undertake public consultation along both sides of College Street between Paget Street and Moray Street and in particular the owner/occupiers of Nos. 19/19A College Street. The result of the public consultation is to be reported back to a meeting of the LTC when available for further consideration of the Bus Stop.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Mr J Suprain.

That:

1. The information be received.
2. Westbus to undertake public consultation, along both sides of College Street between Paget Street and Moray Street and in particular the owner/occupiers of Nos. 19/19A College Street. The result of the public consultation is to be reported back to a meeting of the LTC when the results are available for further consideration of the Bus Stop.

ORDINARY MEETING
Reports of Committees

Item 4.2 LTC – 16 March 2011 – QWN 4.2 – Alterations to existing Bus Zone times at Francis Street, St Monica's Primary School, Richmond

Previous Item: Item 4.2, LTC 17 November 2010

REPORT:

Ms Jodie Edmunds advised the Committee that Westbus have reviewed the arrival times during the morning and afternoon peaks of designated school services that utilise the Francis Street Bus Zone servicing St Monica's Primary School, Richmond. The current Bus Zone times on Francis Street are 8.30am to 9.30am and 2.30pm to 3.30pm. It is requested that these times be changed to 8.00am to 9.00am and 2.30pm to 4.00pm.

The bus zone is located on the southern side of Francis Street, west of the pedestrian crossing adjacent to St Monica's Primary School, Richmond.

The Committee supported the alterations to the bus zone times as requested by Westbus and requested that Westbus notify St Monica's Primary School of these proposed changes.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Mr J Suprain.

That:

1. The information be received
2. The Bus Zones times for the bus zone located on the southern side of Francis Street, west of the pedestrian crossing adjacent to St Monica's Primary School, Richmond, be amended to 8.00am to 9.00am and 2.30pm to 4.00pm.
3. Westbus to notify St Monica's Primary School of these proposed changes.

Item 4.3 LTC – 16 March 2011 – QWN 4.3 – Extension of the recently relocated bus zone on Francis Street at St Monica's Primary School, Richmond

REPORT:

Ms Jodie Edmunds advised the Committee that the recently relocated bus zone on the southern side of Francis Street, west of the pedestrian crossing adjacent to St Monica's Primary School needs to be extended by approximately 7.0 metres in a westerly direction.

Currently buses are experiencing difficulties where there have been a number of instances in which bus drivers are unable to pull in and out of the bus zone due to vehicles parking in the allocated parking spaces in front of the bus zone. (Please see attached).

The Committee supported the alterations to the bus zone length as requested by Westbus and requested that Westbus notify St Monica's Primary School of these proposed changes.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Snr Constable B Phillips

That:

1. That the information be received.
2. The recently relocated Bus Zone on the southern side of Francis Street, west of the pedestrian crossing adjacent to St Monica's Primary School be extended by 7m in a westerly direction.
3. Westbus to notify St Monica's Primary School of these proposed changes.

APPENDICES:

AT - 1 Images of Proposed Extension.

AT 1 – Images of proposed extension





Item 4.4 LTC – 16 March 2011 – QWN 4.4 – Driver Safety Workshop – 25 March 2011

REPORT:

Documentation was tabled (*DataWorks Doc 3702795*) regarding a Learner Driver Workshop being conducted by Hawkesbury City Council's Community Safety Coordinator on Friday 25 March 2011 between 6 and 8pm at the Deerubbin Centre, Tebbutt Room, 300 George Street Windsor.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr R Williams, MP, seconded by Snr Constable B Phillips

That the information be received.

Item 4.5 LTC – 16 March 2011 – QWN 4.5 – Changes to Special Events minimum time frames

REPORT:

Mr C Amit advised the committee that at present an event organiser planning to hold a special event has to submit an applicant to Hawkesbury City Council (HCC) six (6) months prior to the proposed event date.

Conditions relating to the Application procedure and approval process are outlined in the 'Traffic Management for Special Events Information Package' issued by Council and the RTA. The conditions within the Information Package were resolved by Council on 10 May 2005.

Section 1 & 2 of the "special event - Traffic – application procedure" contained within the 'Information Package', lists the specific details relating to the minimum time frames for submitting an application and the associated late fee;

1. *An event organiser planning to hold a special event has to submit an application to Hawkesbury City Council **six** months prior to the proposed event date. Hawkesbury City Council through the Local Traffic Committee will assess traffic aspects of the special event.*
2. *The following application fees apply for special events:*
 - (a) *No application fee is applicable;*
 - (b) *A late application fee of **\$110 (2010/2011)** for the applications received by Council not prior to six months from the event date but at least **45 days** prior to the event date;*
 - (c) *Application received by Council less than **45 days** from the event date will not be processed and will be rejected. This is due to inadequate time for assessment.*

Condition 2(c) implies that if an application is submitted within 45 days of the event date it will not be processed and the application will be rejected. When the Information Package was first released in 2005, the 45 days was the minimum time possible on the provision that the application was submitted in time for the matter to be reported to both the LTC and a Council meeting. In recent times the 45 days has not been a suitable time frame to assess and prepare a report to LTC ensuring that there is a corresponding Council meeting prior to the event date.

There has also been an increasing number of event organisers ignoring the minimum six (6) months application time and submitting their applications closer to the 45 day cut-off time. This has resulted in a very short time being available to assess and prepare reports to the LTC and unfortunately there have been a few applications being submitted concurrently.

Mr C Amit proposed to the committee that the 45 day minimum time frame be extended to **three (3) months** and accordingly amend Section 2(b) and 2(c) of the "special event - Traffic – application

ORDINARY MEETING
Reports of Committees

procedure". In addition it was requested that Section 1 be provided with additional wording to reflect the minimum acceptable time frame of **three (3) months**.

Both the RTA and Police supported this change of minimum time frame from 45 days to three (3) months as this will provide their organisations with sufficient time to also process their respective items within the application.

The committee agreed to amend Section 1, 2(b) and 2(c) of the "special event - Traffic – application procedure" from 45 days to three (3) months as listed below:

Proposed changes (*in italics*):

1. An event organiser planning to hold a special event has to submit an application to Hawkesbury City Council **six (6) months** prior to the proposed event date. Hawkesbury City Council through the Local Traffic Committee will assess traffic aspects of the special event. *Applications received by Council less than **three (3) months** from the event date will not be processed and will be rejected. This is due to inadequate time for assessment*
2. The following application fees apply for special events:
 - (a) No application fee is applicable;
 - (b) A late application fee of **\$110 (2010/2011)** for the applications received by Council not prior to six months from the event date but at least **three (3) months** ~~(45 days)~~ prior to the event date;
 - (c) Application received by Council less than **three (3) months** ~~(45 days)~~ from the event date will not be processed and will be rejected. This is due to inadequate time for assessment

The committee were advised that the proposed changes will be effective from 1 July 2011. All known event organisers will be notified in writing of the upcoming changes effective from 1 July 2011. The notifications will commence during April/May 2011.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr R Williams, MP, seconded by Mr J Suprain

That:

1. The information be received.
2. That Section 1 & 2 of the "special event - Traffic – application procedure" contained within the 'Traffic Management for Special Events Information Package' be updated in July 2011 to indicate that any application received by Council less than **three (3) months** from the event date will not be processed and will be rejected.
3. That the proposed changes be effective from 1 July 2011.
4. All known event organisers will be advised in writing of the upcoming changes effective from 1 July 2011.

SECTION 5 - Next Meeting

ORDINARY MEETING
Reports of Committees

The next Local Traffic Committee meeting will be held on 20 April 2011 at 3.00pm in the Large Committee Rooms.

The meeting terminated at 4:30pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Community Planning Advisory Committee Minutes - 17 March 2011 - (96737)

The meeting commenced at 9.34am.

| | | |
|------------------------|--|--|
| Present: | Councillor Barry Calvert Councillor Kim Ford Ms Vickie Shackley Mr Chris McAlpine | Chair (re-elected this meeting) Deputy Chair (elected this meeting) Community Representative Community Representative |
| Apologies: | Mr Nick Sabel | Wentworth Community Housing |
| In Attendance: | Mr Michael Laing Ms Meagan Ang Ms Robyn Kozjak (Minute Secretary) | Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council |
| Non Attendance: | Behiye Yusuf | Metrowest Nepean Network Office DoCS |

REPORT:

The Chair acknowledged and introduced Councillor Kim Ford as a new member of the Committee.

RESOLVED on the motion of Ms Vickie Shackley and seconded by Mr Chris McAlpine that the apology be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Vickie Shackley and seconded by Mr Chris McAlpine that the Minutes of the Community Planning Committee held on the 5 August 2010, be confirmed.

ORDINARY MEETING

Reports of Committees

Attendance Register of Community Planning Advisory Committee

| Member | 20.05.10 | 05.08.10 | 17.03.11 | |
|----------------------------------|----------|----------|----------|--|
| Councillor Barry Calvert - Chair | ✓ | ✓ | ✓ | |
| Councillor Kim Ford | N/A | N/A | ✓ | |
| Ms Vickie Shackley | ✓ | ✓ | ✓ | |
| Mr Nick Sabel | ✓ | A | A | |
| Mr Chris McAlpine | ✓ | ✓ | ✓ | |
| Ms Behiye Yusuf | ✓ | ✓ | X | |
| Mr Matt Thorp | X | A | Resigned | |

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 3 - Reports for Determination

Item: 1 Election of Chairperson and Deputy Chairperson

DISCUSSION:

The Chair moved for a Suspension of Standing Orders to allow for the election of Chairperson and Deputy Chairperson.

Mr Laing called for nominations for the position of Chairperson and Councillor Calvert was nominated.

The Motion was passed by a vote by a show of hands and Mr Laing declared Councillor Calvert elected as the Chairperson of the Community Planning Advisory Committee for the 2011/2012 term of the Committee.

Mr Laing called for nominations for the position of Deputy Chairperson and Councillor Ford was nominated.

The Motion was passed by a vote by a show of hands and Mr Laing declared Councillor Ford elected as the Deputy Chairperson of the Community Planning Advisory Committee for the 2011/2012 term of the Committee.

RECOMMENDATION TO COMMITTEE:

That an election for the position of Chairperson and Deputy Chairperson of the Hawkesbury Community Planning Advisory Committee for the 2011/2012 term of the Committee be carried out.

MOTION:

RESOLVED on the motion of Mr Chris McAlpine, seconded by Ms Vickie Shackley

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That an election for the position of Chairperson and Deputy Chairperson for the 2011/2012 term of the Committee be carried out.

Mr Laing declared Councillor Calvert elected as Chairperson and Councillor Ford elected as the Deputy Chairperson of the Community Planning Advisory Committee for the 2011/2012 term of the Committee.

Standing Orders were assumed - Councillor Calvert assumed the Chair.

SECTION 4 - Reports for Information

Item: 2 Hawkesbury Resident's Panel Update and Information on the 2009 Community Survey Package for Council Branch Managers

DISCUSSION:

ORDINARY MEETING

Reports of Committees

- Mr Laing reported a further Community Survey would be conducted in 2011 and in this regard the Committee expressed an interest in becoming more involved in the Survey and sought to provide comments on same. The Committee put forth suggested questions to be used in the Survey in relation to food security, affordable housing and social capital. Mr Laing reported he would bring the (draft) questions back to the Committee at the next meeting in June for discussion.
- Mr Laing reported he had invited Ms Toni Ambrose (from the Residents Panel), to attend the current CPAC meeting, however had not had any feedback from her regarding her availability to attend. Mr Laing reported he would follow up Ms Ambrose with a telephone call and invite her to the next meeting to observe a CPAC meeting in progress.
- Reference was made to the resignation of Mr Matt Thorpe of the North Richmond Community Services, due to his relocating to another area. The Committee agreed it was important to promptly fill this position to enable the voice of youth to be heard.
- Mr Laing reported staff were in the process of reviewing the Committee, the details of which would be reported at the next CPAC meeting in June. Mr Laing advised it was proposed the Constitution would be updated to reflect some of the key strategies around the Community Strategic Plan, reporting it was envisaged the 'revamped' Committee would be more task-oriented, with a focus as a Human Services Group which would work with a key representative from each of the existing community networks to develop necessary plans and strategies (eg a Youth Strategy).

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Chris McAlpine seconded by Ms Vickie Shackley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That this Committee:

1. Aims to be involved in the construction of the next Community Survey as much as possible.
2. Has the ability to forward recommendations to the Residents Panel.

Item: 3 CPAC Review of the Community Builders Funding Scheme

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Chris McAlpine, seconded by Ms Vickie Shackley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That Council send correspondence to relevant Members of Parliament asking that they revert to the previous system of using Local Ranking Committees and making it mandatory to speak with the CPO to use that resource.

Item: 4 Food Security in the Hawkesbury - Council & Community Initiatives

DISCUSSION:

- Mr Laing advised the *Living Sustainably in the Hawkesbury Guide* was now up and running on Council's website. The Guide had been developed and designed to help Hawkesbury residents take action to live more sustainably at home and in the community. Query was raised if specific data could be collected from the website and it was advised the amount of total 'hits' to the website was being recorded, however was not broken down to collect specific data. Mr Laing reported he would liaise with the web designers to ascertain if specific data could be captured.
- Mr Laing further reported the new website was being advertised through various forums and schools and Mr McAlpine suggested the Community Newsletter would be an appropriate avenue for promoting the website.
- Ms Ang (Board member of Peppercorn Services) referred to the works in progress at the Hawkesbury Community Nursery, advising Peppercorn was successful in securing a grant to undertake capital works at the Nursery. Ms Ang advised the works included a commercial grade kitchen and pizza oven, attracting much interest from various community groups planning to hold various events at the Nursery. The Chair expressed interest in taking a tour of the Nursery and suggested the Committee hold the next CPAC meeting at that venue. Ms Ang advised she would investigate the availability of the Nursery meeting room for 16 June 2011.
- The Chair invited suggestions as to how the Committee could persuade the community to become more involved in terms of food security and particularly ways to entice young people to become involved in growing and eating fresh foods. Mr McAlpine subsequently tabled information on biodegradable packets of vegetable seeds, an initiative wherein the packet is planted directly into the garden. The Chair noted and agreed such initiative would be an excellent vehicle for getting people involved in growing their own food. Ms Ang reported she was to attend an event at the Community Nursery during Seniors Week and suggested the seeds would be an ideal way to tie in with educating seniors in creating eco sustainable gardens. Concern was raised regarding funding to obtain the seeds may be an issue and Mr Laing advised he would investigate the feasibility and report back to the Committee.
- Ms Ang reported she had spoken with HILLSIP (Hills Schools Industry Partnership Inc) some time ago to explore opportunities for them to facilitate access by students to the Man Made Meals site at the Community Nursery to assist with garden design and construction, however Peppercorn (responsible for the operation of programmed activities on site) chose not to explore this further. The Chair asked Ms Ang if she could provide more information on HILLSIP and Ms Ang responded she would report back to the Committee with further information.

ORDINARY MEETING

Reports of Committees

- Ms Ang advised she had been approached by the Executive Manager, Community Partnerships to represent Council on the Healthy Futures Steering Committee to advise the Committee of partnership and funding opportunities. Ms Ang advised to date no further information nor invitation to participate had been received and the Chair subsequently asked Ms Ang if she could follow up and report back to the Committee.
- Ms Ang advised Ms Amy Bond was now on board at Council as Youth Participation Officer and was working toward planning events for the Youth Summit 2012.
- The Chair addressed Ms Ang, noting Youth Week will commence on 1 April, and asked if it was possible for members of the Committee, either as a whole or individually, to be invited to a Youth Week event to meet with youths for the purposes of gathering relevant information and reporting findings back to the Committee. Ms Ang reported she would pursue and report back to the Committee.

RECOMMENDATION TO COMMITTEE

That the information be received.

MOTION:

RESOLVED on the motion of Mr Chris McAlpine, seconded by Ms Meagan Ang.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That information relating to the *Living Sustainably in the Hawkesbury Guide* on Council's website be included in the Community Newsletter with the next round of rate notices.

SECTION 5 - General Business

Verbal update on Housing/Homelessness issues - Mr Michal Laing

- Mr Laing tabled an article from the Sydney Morning Herald, which featured Homelessness in the Hawkesbury area.
- Mr Laing tabled literature from "Housing First Review", which included reports from Dr Tsemberis and Rosanne Haggerty, key champions in the Housing First Approach in Australia.
- It was agreed the issue of homelessness was an all-of-government and community responsibility and the Chair invited suggestions as to how Council could address the issue in the long term and how to provide resources to youth (and others) at risk. It was suggested schools be targeted as an avenue to educate young people on options available. Mr Laing advised he would report back to the Committee on the progress of the research undertaken by the four Nepean/Blacktown Taskforce Councils working in partnership with the UWS on homelessness in the region.
- Mr McAlpine referred to the Minutes of the Ordinary Council Meeting on 1 February, 2011 re fireworks displays and raised concern for the safety of the community, reporting he believed the fireworks displayed last year at Bligh Park posed a danger to the community. Issues of concern included traffic, noise, pollution and animal welfare. The Chair referred to the Resolution in the Minute item, advising Mr McAlpine that future fireworks displays would not proceed unless the licensee had been able to resolve any objections raised by Council/Council staff and had met all conditions set for the event.

No further action as resolved at the meeting.

ORDINARY MEETING
Reports of Committees

The meeting closed at 11.12am.

oooO END OF REPORT Oooo

ORDINARY MEETING

Reports of Committees

ROC - Waste Management Advisory Committee - 30 March 2011 - (95249)

Minutes of the Meeting of the Waste Management Advisory Committee held in Council Committee Rooms, Windsor, on Wednesday, 30 March 2011, commencing at 4.00pm.

ATTENDANCE

| | | |
|-----------------|-----------------------------|------------------------------|
| Present: | Councillor Bob Porter | Hawkesbury City Council |
| | Councillor Christine Paine | Hawkesbury City Council |
| | Councillor Jill Reardon | Hawkesbury City Council |
| | Councillor Leigh Williams | Hawkesbury City Council |
| | Ass Prof. Basant Maheshwari | University of Western Sydney |
| | Mr William Sneddon | Community Member |
| | Mr Geoff Bessell | Community Member |

Apologies: Nil

| | | |
|-----------------------|---------------------------------|-------------------------|
| In Attendance: | Mr Peter Jackson | Hawkesbury City Council |
| | Mr Chris Daley | Hawkesbury City Council |
| | Mr Matthew Owens | Hawkesbury City Council |
| | Mr Ramiz Younan | Hawkesbury City Council |
| | Ms Dianne Tierney | Hawkesbury City Council |
| | Mr Matthew Collins | Hawkesbury City Council |
| | Ms Joanne Wilbow - Minute taker | Hawkesbury City Council |

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Paine and seconded by Councillor Porter that the Minutes of the Waste Management Advisory Committee held on the 31 March 2010, be confirmed.

It was noted that within the Confirmation of Minutes section, the date of the previous meeting is incorrect and should be amended from 28 April 2010 to 31 March 2010.

Election of Chairperson and Deputy Chairperson

Mr Jackson acted as Returning Officer and conducted the election of Chairperson and Deputy Chairperson.

Nominations were called for the election of Chairperson and one nomination from Councillor Paine was received for Councillor Porter. Councillor Porter was subsequently elected as Chair.

Nominations were called for the election of Deputy Chairperson and one nomination from Councillor Porter was received for Councillor Paine. Councillor Paine was subsequently elected as Deputy Chair.

Councillor Porter assumed the Chair.

RECOMMENDATION TO COMMITTEE:

That an election for the position of Chairperson and Deputy Chairperson of the Waste Management Advisory Committee for the 2010/2011 term of the Committee be carried out.

MOTION:

RESOLVED on the motion of Mr Geoff Bessell seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Councillor Porter assume the position of Chairperson for the Waste Management Advisory Committee.
2. Councillor Paine assume the position of Deputy Chairperson for the Waste Management Advisory Committee.

SECTION 3 - Reports for Determination

Item: 1 Council's Waste Management Facility - Status of Leased Area

DISCUSSION:

- Concern was raised as to the length of time required to undertake the process involved the purchase of the existing site, and acquire Crown Land. Mr Jackson suggested within the vicinity of 2 years would appear a reasonable timeframe, and gave an example of a similar undertaking. In terms of the Business Case and Legal Advice, a 3 month timeframe would seem achievable.
- Councillor Porter requested the Committee to meet on a more regular basis, to enable progress on items within this term of Council.
- Mr Younan advised that the purchase of the site would increase the life expectancy of the facility, which is currently 8 – 10 years at the existing rate of landfill. The purchase will add approximately 6 additional cells, which would add an estimated 25-30 years lifespan of the facility.

RECOMMENDATION TO COMMITTEE:

That:

1. A business case be developed to determine whether a positive outcome could be achieved for Council through the purchase of the existing leased site and/or an additional area of land adjacent to the site to allow continued use as a waste facility.
2. Legal advice be sought regarding Councils ability to acquire Crown land for the purpose of waste disposal.

MOTION:

RESOLVED on the motion of Councillor Reardon, seconded by Mr Geoff Bessell.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. A business case be developed within 3 months to determine whether a positive outcome could be achieved for Council through the purchase of the existing leased site and/or an additional area of land adjacent to the site to allow continued use as a waste facility.
2. Legal advice be sought regarding Councils ability to acquire Crown land for the purpose of waste disposal.
3. A report outlining the business case and legal advice be submitted to the next meeting of the Committee.

SECTION 4 - Reports for Information

Item: 2 Beneficial Use of Methane Gas - Feasibility Study

DISCUSSION:

- Mr Younan explained the various methods accepted by DECCW in relation to greenhouse gas emissions. It was advised that DECCW have revised 'Method 1' calculations, which has subsequently reduced the waste facilities emissions.
- Mr Younan advised that the Waste Facility is currently well below the threshold of 25,000 tonnes of CO₂e, based on DECCW's approved Method 1 calculation, at 16,000 tonnes.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION

RESOLVED on the motion of Councillor Paine, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 3 Landfill Waste Classification Audit

DISCUSSION:

- The Committee was advised that the cost of the Audit would be in the vicinity of \$50,000. The budget has been provided from within the Waste and Sustainability Improvement Program (WASIP) payments, and not from within Council's budget.
- The process involved in the Audit was outlined, being a 14 day assessment period assessing each load in terms of the content, and identifying streams of waste needing consideration when determining as suitable AWT. Mr Collins advised that an Audit has been undertaken previously on residential waste and recycling, however, this will also target waste received directly at the tipface.
- Mr Owens outlined that as part of the Strategic Waste Action Plan and WASIP payments, a new position has been funded, Waste Education Officer, which will be commencing employment with Council on 4 April 2011. An outline of the Officer's job description was provided, and it was agreed that regular progress reports by this Officer would be beneficial to the Committee.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION

RESOLVED on the motion of Councillor Reardon, seconded by Mr Geoff Bessell.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 4 Alternate Waste Treatment Feasibility Study

DISCUSSION

- Concern was raised as to the timeframe involved in identifying a suitable option, and the overall costs associated with AWT options. It was advised that this study can only be undertaken following the Classification Audit, to identify the various waste streams and quantities being received at the Waste Facility.
- Ms Tierney advised that it is fortunate that Council has had time to evaluate various AWT's prior to implementing a facility, and has resulted in large capital expenditure being avoided.
- Discussion was had as to various AWT's, in particular reference to the Anaeco System resulting in 25-30% residual and the Plasma Arc System producing as low as 10% residual.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION

RESOLVED on the motion of Councillor Reardon, seconded by Mr William Sneddon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 5 Tenders for the Hire of Plant at the Hawkesbury City Waste Management Facility

DISCUSSION:

- The Committee was advised that there had been a large amount of tenders received, and staff are currently assessing them.
- Discussion was had in relation to the tender for a night cover at the waste facility. It was advised that a generic specification is being prepared and is expected to go out to tender within the next 3 months. It was outlined that a night cover would take approximately 150mm height off the tipface per day, and expected upfront and ongoing costs were discussed.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

4.55pm Councillor Williams arrived at the meeting.

SECTION 5 - General Business

- Councillor Porter raised concern as to the development of a drop off area, and moved that works start immediately to have a drop off area at the Waste Facility, to include concrete and recyclable sorting.
- Councillor Porter believes the Facility can be competitive in the marketplace, in terms of selling the recycled products. Mr Daley advised that the prime issue with this arrangement is quality control of the product, and it was noted that research would need to be undertaken to determine the products end use and suitable marketing.

MOTION

ORDINARY MEETING
Reports of Committees

RESOLVED on the motion of Councillor Porter, seconded by Councillor Williams.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That a report be submitted to the Committee in relation to the development of a modified drop off centre, including the amendment of the existing Development Application, and Business Case for the Committee's further consideration.

- Mr Owens advised that the tender for the collection of greenwaste is currently on exhibition
- Councillor Williams expressed concern for the Waste Facility not accepting paint waste, except for on nominated collection days. Mr Collins advised that the Facility is not licensed to stockpile paint, and it has been determined that due to the costs involved the licence is not a viable option.
- Discussion was raised in relation to scavenging at the tip site. Mr Younan advised that scavenging is prohibited following a Risk Assessment of the activity, indicating the OH&S risk is too large for Council to endorse. Mr Jackson advised that as the site falls under our ownership, Workcover determines the responsibility of all people on the site to be under our care and control. This activity would also affect Councils liability in regards to self-insurance.

The next meeting of the Waste Management Advisory Committee will be held at 4pm, Wednesday, 29 June 2011.

The meeting terminated at 5.20pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

REPORT:

Questions - 29 March 2011

| # | Councillor | Question | Response |
|---|------------|--|---|
| 1 | Reardon | Enquired if Council was able to do anything about the rat problem being experience in the carpark between the Museum and the Macquarie Arms Hotel. | Director City Planning advised that the Windsor Business Group recently wrote to Council about this matter. Options are currently being investigated in relation to a baiting program, pest eradication program and waste storage and removal education for building occupiers amongst other approaches. A response will be sent to the Windsor Business Group following this investigation. |
| 2 | Ford | Enquired to what action had been taken in relation to the damaged footpath outside 9 Bourke Street, Richmond. | Director Infrastructure Services advised that repairs will be carried out to the affected area. |
| 3 | Ford | Enquired to what happened with the Overgrown Land Notice that was placed on the old bus depot on Scheyville Road, Oakville. | Director City Planning advised that a letter to clear the site of overgrown vegetation was sent on 9 February 2011. An inspection of the site (2 Scheyville Rd Scheyville) was conducted on 28 February 2011 which revealed that the works requested had been completed satisfactorily and no further action was required. |
| 4 | Ford | Enquired as to what Council's policy was on political signs during elections. | Director City Planning advised that Council does not have a formal Policy in relation to this matter. However, Clause 33 (2) of the State Environmental Planning Policy 64 - Advertising and Signage states the following: (2) Electoral matter relating to Federal, State or local government elections. The display of any poster that contains electoral matter in relation to an election is exempt development if the poster: (a) is no larger than 8,000 square centimetres, and (b) is displayed by or on behalf of a candidate at the election or the party (if any) of any such candidate, and (c) is displayed in accordance with any requirements of the Act under which the election is held, and (d) is displayed only during the |

ORDINARY MEETING

Questions for Next Meeting

| # | Councillor | Question | Response |
|---|------------|--|--|
| | | | <p>relevant period.</p> <p>(3) In subclause (2): Election means an election held under the Commonwealth Electoral Act 1918 of the Commonwealth, the Parliamentary Electorates and Elections Act 1912 or the Local Government Act 1993:</p> <p>Electoral matter means:</p> <p>(a) any matter that is intended or calculated or likely to affect (or is capable of affecting) the result of an election or that is intended or calculated or likely to influence (or is capable of influencing) an elector in relation to the casting of his or her vote at an election, and</p> <p>(b) the picture of a candidate at an election, along with the candidate's name and the name of the party (if any) of any such candidate.</p> <p>Relevant period, in relation to an election, means the period comprising the following:</p> <p>(a) the period of 5 weeks immediately preceding the day on which the election is held,</p> <p>(b) the election day,</p> <p>(c) the period of 1 week immediately following the election day.</p> <p>The above Policy applies to Council and where these signs are displayed on private property in accordance with the SEPP, no action is taken by Council staff. The display of signage in a public place, including parks, footpaths, roadways, etc, is not supported as the display in these locations can be a trip or traffic hazard that may create a liability for Council. In these cases the person is requested to remove the signs from public areas or the signs are removed by staff and then the owner can collect the signs from Council. It is attempted to apply this approach to all candidates equally so that there is no perception of bias towards any particular candidate or Party.</p> <p>Where signs are located on power poles they are reported to Integral Energy for appropriate attention by that organisation.</p> |
| 5 | Paine | Enquired if Council could investigate the Taxi Rank in South Windsor that is in front of | Director Infrastructure Services advised that while resources are not generally sufficient to undertake mowing of footpaths, as it is a |

ORDINARY MEETING

Questions for Next Meeting

| # | Councillor | Question | Response |
|----|------------|--|---|
| | | a vacant block, which was overgrown and a mess. Council has, in the past, cleaned it up, but it needs to be made more serviceable for its users including having a seat installed. | nominated taxi zone, arrangements have been made to have the area maintained. |
| 6 | Paine | Advised that the MacDonald Valley Sports Association has written to Council and enquired if Council could investigate resurfacing their tennis courts that fell in disrepair a few years ago. | Director Infrastructure Services advised that the matter is being investigated. |
| 7 | Paine | Enquired as to the grading that was meant to occur on Upper Colo Road when graders and equipment were there around two weeks ago. She advised a letter from Mrs Ward had been received advising that the grading had not occurred and asked if she could be copied in on any correspondence. | Director Infrastructure Services advised that grading commenced in Comleroy Road, adjacent to Upper Colo Road. The equipment was then relocated to undertake urgent work on other roads in the area prior to returning to complete Upper Colo Road. |
| 8 | Calvert | Enquired to his previous request regarding the electricity costs for the Council's Administration building and other major Council buildings with a view to introducing Solar Electricity and asked for this information to be distributed to him. | Director Infrastructure Services advised that this matter is being investigated and the advice will be forwarded as soon as possible. |
| 9 | Calvert | Enquired about the dog friendly park that was going to be built over the river, but was delayed to fit in with the Parks Management Plan and requested an update on the matter. | Director Infrastructure Services advised that the Management Plans will be reported to Council at its meeting of 10 May 2011. It is anticipated that a report regarding dog off leash areas will be reported to the same meeting. |
| 10 | Calvert | Advised that an e-mail had been received from a resident in Bligh Park advising of a drain in Colonial Reserve on the corner of Mary Place and Guardian Crescent that is totally blocked and a tree growing out of it and asked for it to be investigated. | Director Infrastructure Services advised that an inspection has been carried out which indicates that a pipe may be blocked and arrangements have been made to have the matter rectified. |
| 11 | Calvert | Enquired if Council had a policy in relation to our contractors who employ sub-contractors. He has been made aware that some of Council's contractors are not necessarily paying their sub- | Director Infrastructure Services advised that it is a requirement for a contractor to declare relevant sub contractors have been paid prior to payment being made to the contractor. There has been a recent dispute between a contractor and sub contractor in relation to a |

ORDINARY MEETING**Questions for Next Meeting**

| # | Councillor | Question | Response |
|----|------------|---|---|
| | | contractors. | payment. As contractor declarations have been received in relation to this dispute, legal advice received indicates Council has little liability in the matter. |
| 12 | Porter | Enquired if Council could notify NSW Maritime on the decision of Item 56 and ask if they could have some input into the resolution of that item. | Director City Planning advised that NSW Maritime have been contacted for assistance and input into resolution of this matter. |
| 13 | Bassett | Enquired if Council's Compliance Officers reported road conditions back to Council's Infrastructure Services Directorate and if so how many times would that have happened in the previous six months. | Director City Planning advised that there is no formal reporting arrangements in this regard. However, should one of the Officers notice a situation that may be dangerous to the public, the site is reported to Infrastructure Services and appropriate measures are taken to make the site safe in the short term. |
| 14 | Bassett | Enquired as to investigations into increasing the turning lane at the property that displays the political signs on the corner of Castlereagh Road and Kurrajong Road. It has been advised that there was an issue with trucks turning left to go up the mountains and that there was little room for pedestrians. Council was going to investigate after the Mobility Plan was completed, which it has been and enquired how to move forward on the matter of increasing the turning lane. | Director Infrastructure Services advised that this matter was forwarded to the RTA who have responded to the effect that vehicles are able to utilise the inside lane to make a left turn if necessary and are able to negotiate this intersection safely on that basis. |
| 15 | Reardon | Enquired about the badly blocked drain on the corner of Windsor Street at the Royal Hotel and asked if it could be investigated. | Director Infrastructure Services advised that the drainage pits at this location surcharge during periods of heavy rain due to leaf litter from the park and footpath washing onto the grated inlets. Although the gutters are swept each night in this area, if heavy rainfall occurs during an afternoon, particularly in autumn, build up of leaf litter will occur. |

ATTACHMENTS:

There are no supporting documents for this report.

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ORDINARY MEETING

Questions for Next Meeting



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meeting

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