



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 31 May 2016

location: council chambers

time: 6:30 p.m.



# mission statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

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

### **Public Participation**

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

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

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

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

## **Voting**

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

## **Planning Decision**

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

## **Business Papers**

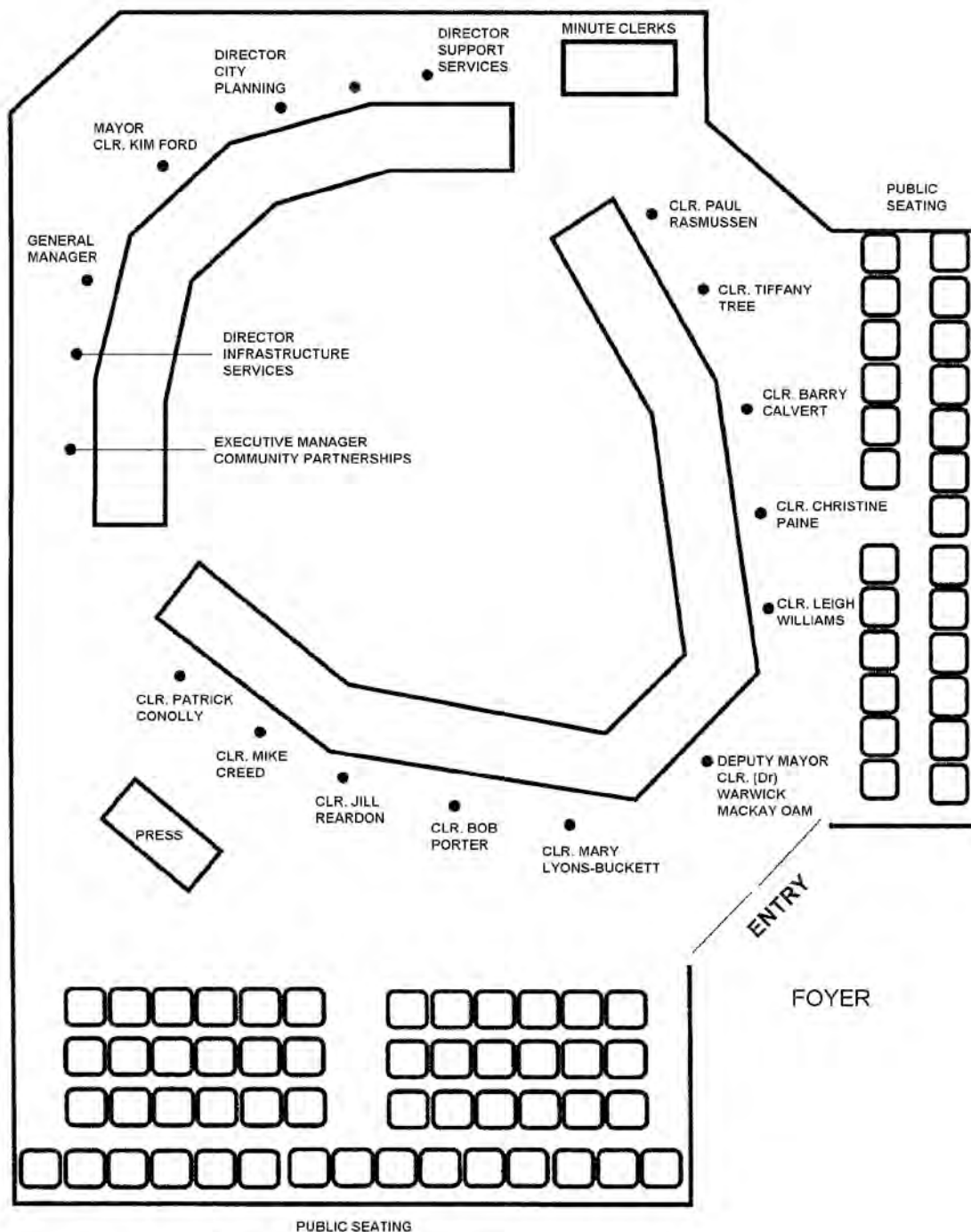
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

## **Further Information**

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

# Hawkesbury City Council





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## ORDINARY MEETING

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#### SECTION 2 - Mayoral Minutes

##### **MM1                      Merger Proposal - Hawkesbury City Council - (79351, 79353, 120428)**

**Previous Item:**        72, Extraordinary (19 April 2016)  
                              54, Extraordinary (21 March 2016)  
                              17, Extraordinary (16 February 2016)  
                              2, Extraordinary (28 January 2016)  
                              1, Extraordinary (28 January 2016)  
                              226, Extraordinary (15 December 2015)

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#### **REPORT:**

##### **Executive Summary**

This Mayoral Minute outlines the recent decision of the Minister for Local Government, The Hon. Paul Toole, MP not to proceed with the merger proposal affecting Hawkesbury City Council and part of The Hills Shire Council. The Mayoral Minute also outlines the discontinuance of legal proceedings involving Council and the merger proposal, and the next Hawkesbury City Council Local Government Election.

##### **Background**

On 12 May 2016, the Minister for Local Government, The Hon. Paul Toole, MP, advised that he had decided not to proceed with the merger proposal affecting Hawkesbury City Council and part of The Hills Shire Council. A copy of correspondence from the Minister is attached as Attachment 1 to this Mayoral Minute.

This decision was based on the recommendation of Mr Garry West, the delegate appointed by the Office of Local Government to conduct the public inquiry into the merger proposal.

Mr West concluded that the proposed merger would *'not result in efficient and effective local government'*. He provided the following reasons for his decision:

- the proposed merged council entity would not be financially sustainable and would not address the revenue shortfall which contributed to Council being assessed as 'unfit' by the Independent Pricing and Regulatory Tribunal
- there was no clear evidence that the infrastructure backlog of the proposed merged council could be funded without a reliance on rate increases
- the proposed merger would have a significant negative economic impact on the Hawkesbury, particularly in Windsor
- the lack of direct public transport links between Windsor and Baulkham Hills
- the clear evidence that Hawkesbury area is oriented towards Penrith and the Blue Mountains rather than The Hills.

He also commended Council for its service delivery processes; its well established systems for successful community engagement; and the levels of active resident participation in the provision of Council services.

He encouraged Council to build on these positive measures to strengthen community involvement in Council decision-making processes.

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Mr West's conclusion was in line with Council's assessment that the questionable financial benefits of the merger proposal would be outweighed by the adverse impact to the local economy and the community. Council believed the relative modest merger savings projected could be more effectively and efficiently achieved through the implementation of its existing Fit For The Future (FFTF) Proposal and in particular through its Regional Strategic Alliance with Blue Mountains and Penrith City Councils. Council argued that the merger proposal presented by the NSW State Government was an inferior alternative to Council remaining as a stand-alone Council and pursuing its FFTF proposal which will deliver a more advantageous outcome for residents without the adverse impacts of a forced amalgamation.

I would encourage all to view Mr West's report and the respective submissions of Hawkesbury and The Hills Shire Councils to come to their own judgment about the proposal. These can be accessed at the website: [www.strongercouncils.nsw.gov.au/proposalshawkesbury-city-and-the-hills-shire-councils/](http://www.strongercouncils.nsw.gov.au/proposalshawkesbury-city-and-the-hills-shire-councils/).

Following the advice from the Minister for Local Government that he had decided not to proceed with the proposed merger involving Hawkesbury City Council, Council's Solicitors, Pikes & Verekers Lawyers were contacted regarding the legal proceedings in the Land and Environment Court involving Council, the Minister for Local Government and Others in respect of the proposed merger, and were requested to discontinue these legal proceedings.

Pikes & Verekers Lawyers have now confirmed that Council's legal proceedings against the Minister for Local Government, in respect of the proposed merger of Hawkesbury City Council and part of The Hills Shire Council, have now been dismissed, and that each party is to bear their own costs of the proceedings.

Council also received advice on 19 May 2016, from the Minister for Local Government, the Hon. Paul Toole, MP, that the Hawkesbury City Council Election will be held on Saturday, 10 September 2016. A copy of the letter is attached as Attachment 2 to this Mayoral Minute.

My sincere thanks goes to all who fought to keep the Hawkesbury unique.

We have challenges ahead but I know that I have the commitment of both Councillors and staff to making this Council sustainable by 2019/2020 as required by the NSW State Government. It will no doubt mean that we will have to make some tough decisions but we must consider what is best for the entire Hawkesbury community both now and for future generations which will be left with the legacy of the decisions that we make in our term as Councillors. We must place the future of the Hawkesbury as our utmost priority. It is clear that we came very close to losing our Hawkesbury Local Government Area and we should use this exercise as a chance to approach the future with fresh vigour and resolution. I am sure I can count on all Councillors to participate fully in the governance processes necessary to achieve this.

I am not opposed to local government reform but I think it needs to be more than just the redrawing of lines on a map. True reform in local government requires a mature conversation and a rebalancing of the relationship between state and local government and should include a meaningful review of the funding model for local government.

The Hawkesbury and part of The Hills merger just did not make sense on many levels, be it financial, geographic or social. It is morally correct that this merger did not proceed.

We are now faced with the challenge of continuing to make this Council sustainable into the future. We will fully commit to the Regional Strategic Alliance with Penrith and Blue Mountains City Councils. Our councils are committed to working collaboratively and respectfully to deliver the productivity and efficiency outcomes expected under the Fit For The Future reform framework within an Alliance that puts the community first.

My appreciation extends to all those in our community who have recognised the importance of retaining our local government area and maintaining sole input into the future of our area. Thank you to the community for the support that they have shown Council in this process, especially those who wrote submissions, letters, organised rallies, spoke at Council Meetings and importantly attended the public inquiry to express their views. The Hawkesbury area is truly unique and I feel that the Delegate understood that and communicated it successfully to the NSW State Government.

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I would like to thank Councillors for their courage in supporting Council's resolution to stand-alone. There is no doubt that your decision to hold firm contributed to the success of the campaign. Your assistance in spending time responding to enquiries by members of the community about this issue and staffing shopping centre displays was appreciated. The decision to fund the campaign, and take the State Government on in legal action were, I believe, also key factors in the merger not proceeding.

The backing of our local State Member The Hon. Dominic Perrottet in this process was sincerely appreciated and we look forward to his ongoing support in ensuring that the Hawkesbury receives appropriate and equitable financial support from the NSW State Government.

I would like to take this opportunity to sincerely thank all staff for the commitment that they have shown to the Council of the City of Hawkesbury during this merger proposal period. The professionalism shown by our staff in the preparation of reports and submissions and the conduct of an effective anti-merger campaign highlights the quality of the human resources that we have within our Council.

We have retained our own local government area! I will be counting on the continued support of all as we move towards a new era for Hawkesbury City Council.

We face the challenges ahead with a positive outlook and a healthy amount of goodwill.

My sincere appreciation goes to you all.

#### **Conformance to the Hawkesbury Community Strategic Plan**

The proposal is consistent with the Shaping Our Future Together Directions Statement:

- Maintain its independent identity and voice through strong local government and community institutions.

#### **RECOMMENDATION:**

That the Mayoral Minute regarding the recent advice from the Minister for Local Government, the Hon. Paul Toole, MP, that he had decided not to proceed with the proposed merger of Hawkesbury City Council and part of The Hills Shire Council, be received and noted.

#### **ATTACHMENTS:**

- AT - 1** Letter dated 12 May 2016 from the Minister for Local Government, the Hon. Paul Toole, MP regarding the merger proposal.
- AT - 2** Letter received 19 May 2016 from the Minister for Local Government, the Hon. Paul Toole, MP regarding the next Hawkesbury Local Government Election.

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**AT - 1 Letter dated 12 May 2016 from the Minister for Local Government,  
the Hon. Paul Toole, MP regarding the merger proposal.**



**The Hon Paul Toole MP**  
Minister for Local Government

12 May 2016

FAO: Mayor – Please distribute immediately to all councillors

Dear Councillor

Today marks a new era for local government in NSW as I have announced my intention to create 19 new councils, including seven metropolitan and 12 regional and rural councils. I have also indicated my in principle support to create a further nine new councils, however my decision will be guided by the courts. This announcement follows consultation with the community and the local government sector.

After carefully considering the results of the council boundary review process, I have determined that your council will remain unchanged.

I would like to take this opportunity to thank you for your commitment to serving your community and for your input into the process to reform local government in this State.

For more information on today's announcement, please visit [www.strongercouncils.nsw.gov.au](http://www.strongercouncils.nsw.gov.au) or contact 02 8574 7000.

Yours sincerely

Paul Toole MP  
Minister

## ORDINARY MEETING

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**AT - 2 Letter received 19 May 2016 from the Minister for Local Government,  
the Hon. Paul Toole, MP  
regarding the next Hawkesbury Local Government Election.**



**The Hon Paul Toole MP**  
Minister for Local Government

Cr Kim Ford  
Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756

Dear Mayor,

As you are aware, I recently published two Ministerial orders delaying elections for all councils that were subject to a merger proposal that was before the NSW Boundaries Commission.

As you are also aware, the NSW Government announced the creation of 19 new councils on 12 May 2016.

I have consulted with the NSW Electoral Commissioner who has advised me that for councils where a proposed merger is not proceeding, elections can be held on 10 September 2016.

Given the importance of all councils returning to business as usual, it is my intention to revoke the order which delayed your council's election. Your council's election will go ahead on Saturday 10 September 2016. The Electoral Commission will be in touch with your council to ensure arrangements are in place to run a successful local election.

If you have any questions on this matter, please contact Corin Moffatt in my office on 02 8574 7016 or at [corin.moffatt@minister.nsw.gov.au](mailto:corin.moffatt@minister.nsw.gov.au).

Yours sincerely,

**Paul Toole**  
Minister

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GPO Box 5341, Sydney NSW 2001  
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oooO END OF REPORT Oooo

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**MM2**

**Possibility of Dividing the Hawkesbury Local Government Area into Wards -  
(79351, 79353, 120428)**

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#### **REPORT:**

As Councillors know, unlike many of the surrounding councils, the Hawkesbury Local Government Area is not divided into wards.

With the Council election due to be held on 10 September 2016, it would seem to be a logical time to investigate whether or not consideration should be given to dividing the Hawkesbury Local Government Area into wards.

I realise that there is a statutory process that must be followed, including a constitutional referendum and community consultation and in the first instance, to ensure that Council is fully informed, I am proposing that a report be provided to the next Council Meeting on this issue.

#### **RECOMMENDATION:**

That a report be provided to the next Council Meeting on the practicality of holding a constitutional referendum at the Hawkesbury City Council Election on 10 September 2016 to determine the question of whether the Hawkesbury Local Government Area should be divided into wards.

**oooO END OF MAYORAL MINUTE Oooo**



ordinary

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## ORDINARY MEETING

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### SECTION 3 - Reports for Determination

#### PLANNING DECISIONS

**Item: 90** CP - DA0284/15 - 421 Tennyson Road, Tennyson - Lot 21 DP 867467 - Construction and alterations to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery - (95498, 27305, 132573)

**Previous Item:** 56, Ordinary (12 April 2016)

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#### Development Information

**File Number:** DA0284/15  
**Property Address:** 421 Tennyson Road, Tennyson  
**Applicant:** Mr GL Jones  
**Owner:** GJ Investments Pty Ltd  
**Proposal Details:** Livestock Processing Industry and Intensive Livestock Agriculture – Construction of a shed, alterations and additions to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery  
**Estimated Cost:** \$400,000  
**Zone:** RU1 Primary Production  
**Date Received:** 15 May 2015  
**Advertising:** 3 to 19 June 2015

**Key Issues:**

- ◆ Permissibility
- ◆ Designated development
- ◆ Amenity and Environmental Impacts

**Recommendation:** Approval

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#### REPORT:

##### Executive Summary

This application seeks Council approval for the construction of a shed, alterations and additions to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery at 421 Tennyson Road, Tennyson.

The proposal involves the construction and operation of new facilities for 'Tinder Creek Ducks'. This business provides duck meat for human consumption and currently operates a poultry processing facility and hatchery at 14 Hillview Road, Kellyville, and a poultry farm at 6053 Putty Road, Mellong.

The existing facility at Kellyville is located within the North West Growth Centre and has been re-zoned for residential development. The subject application seeks the relocation of this poultry processing facility to a rural area.

A number of submissions raising concerns with respect to amenity and environment impacts, as well as animal welfare, have been received in response to the notification of this application.

The documentation supplied in support of the application, including acoustic and odour assessment reports, demonstrate that the operation of the development is unlikely to result in unacceptable amenity impacts for neighbours. Furthermore the proposed operating capacities of the poultry processing facility and hatchery do not trigger the 'designated development' provisions of the Environmental Planning and Assessment (EP&A) Regulation 2000. For these reasons the proposal is seen to be acceptable and is recommended for conditional approval.

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A report on this matter was previously considered at Council's Ordinary Meeting of 12 April 2016. At that meeting Council resolved:

*"That the matter be deferred pending a site inspection and, if permission from the owner is granted, an inspection of the current processing facility."*

In response to this resolution inspections of the subject property in Tennyson and the existing property in Kellyville were undertaken on Tuesday, 3 May 2016 as the existing site does not operate on weekends.

The inspection of the Kellyville site was attended by Councillor Williams and Council's Development Services Manager, Strategic Planning Manager and Senior Town Planner.

The inspection of the Tennyson site was attended by Councillors Reardon, Lyons-Buckett and Williams. Also in attendance were Council's Development Services Manager, Strategic Planning Manager and Senior Town Planner.

### Development Description

Pursuant to Section 78A(1) of the EP&A Act 1979 (as amended) this application seeks Council's approval for the construction and operation of a poultry processing facility and hatchery.

The proposal specifically involves:

- landfilling works to accommodate the extension of the front shed and create an earth bund
- the construction of a Colorbond Farm Building with a gross floor area of 345m<sup>2</sup> (dimensions of 23m by 15m) and a maximum height of 5.62m. This building is to operate as a hatchery
- Alterations and additions to an existing front Colorbond Farm Building resulting in a GFA of 1,385m<sup>2</sup> (dimensions of 49.5m by 28m) and a maximum height of 6.895m. This building is to be used as a poultry processing facility
- linemarking of the existing gravel car park to create 23 staff and visitor parking spaces
- the construction of waste water treatment plant (anaerobic, maturation and holding ponds) and irrigation system
- the operation of a duck processing facility and hatchery.

The proposed poultry processing facility and hatchery is to operate in conjunction with the existing poultry farm at 6053 Putty Road, Mellong. In this regard ducks that are raised offsite at 6053 Putty Road will be transported to the subject property for slaughter and processing.

The documentation supplied in support of the application indicates that the poultry processing facility may slaughter and process approximately 6,000 ducks on average per week, which translates to an average live weight of 15,000kg per week. The Applicant has advised that the processing capacity of the poultry processing facility will be limited to no more than 3,000kg of live weight per day.

The slaughter and processing of the ducks is to be undertaken wholly within the confines of the poultry processing facility building. The ducks are unloaded within the loading dock/holding area, stunned and cut for bleeding. The carcasses then proceed through a scalding, plucker and waxing machine to remove feathers. Once devoid of feathers, the ducks go through evisceration, lung removal, foot removal and are then prepared for packaging as whole birds or portions. The finished product is then placed in a freezer or coolroom awaiting dispatch. All waste product generated from this process will be contained within the building.

The poultry processing facility is to be banded to collect waste water generated in the cleaning of the building. This waste water from the cleaning only will then be transferred to a series of anaerobic, aerobic, maturation and holding ponds before dispersal via an irrigation system.

The application indicates that any waste material, such as offal and feathers, will be collected from within the building and disposed of offsite on the day of processing.

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The proposed hatchery is to be used to accommodate and incubate duck eggs. The documentation indicates that the hatchery will incubate up to 28,000 eggs at any one time. With the staggering of the egg hatching, approximately 5,700 day-old newborn ducks will generally be transported to the farm at 6053 Putty Road per week. The Applicant advises that the ducks take approximately five to six weeks to achieve 'table weight' and be fit for slaughter.

Hours of operation of 7am to 5pm are nominated for the business, although the processing of the ducks within the poultry processing facility is to occur after 9am. It should also be noted that a caretaker will supervise incubation within the hatchery and the equipment servicing the buildings will operate 24 hours a day.

### Summary Recommendation

The proposal is permissible within the RU1 Primary Production zone and the proposed capacities do not trigger the relevant designated development provisions. The application has been reviewed by Council's Environmental Health staff and with the imposition of conditions the proposal is seen to represent a satisfactory form of development within the rural context of the locality.

The development is acceptable and is recommended for conditional approval.

### Site and Locality Description

The subject property is located on the northern side of Tennyson Road and has an area of approximately 12.47ha. The site is legally known as Lot 21 in DP 867467 and contains a dwelling house, front shed and rear dam.

The property is currently used for rural residential purposes and the operation of a truck depot. It does not appear that an approval has been issued for the existing truck depot.

Surrounding development generally consists of rural residential and agricultural land. The immediate neighbours at 393, 394 and 438 Tennyson Road are used for rural residential purposes and contain dwelling houses and ancillary structures.

The property adjoins Howes Creek to the rear.

### Policies, Procedures and Codes to which the matter relates

- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry (SEPP No. 33)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water Catchment SEPP)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

### Section 79C Matters for Consideration

The modified proposal has been considered against the heads of consideration listed under Section 79C of the EP&A Act.

#### i. Environmental Planning Instruments:

##### *Hawkesbury Local Environmental Plan 2012*

The subject property is zoned RU1 Primary Production under the provisions of HLEP 2012.

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The HLEP 2012's Dictionary provides the following definitions relevant to this proposal:

**"livestock processing industry"** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

*Note. Livestock processing industries are a type of rural industry*

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

*but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.*

*Note. Intensive livestock agriculture are a type of agriculture."*

The proposed poultry processing facility involves the slaughter and processing of ducks for consumption and therefore satisfies the above definition of a 'livestock processing industry'. Livestock processing industries are a type of 'rural industry'. The proposed hatchery involves the incubation of eggs and the raising of ducks for commercial purposes and may be defined as 'intensive livestock agriculture'.

Both livestock processing industries (rural industries) and intensive livestock agriculture are a permissible use within the RU1 Primary Production zone. The Applicant has suggested that the hatchery is ancillary to the primary livestock processing industry (poultry processing facility) use however as both uses are permissible within the zone this view is of little relevance to the assessment of the application.

The proposed development satisfies the objectives of the RU1 Primary Production zone in that the uses are permissible and involve the agricultural use of the land. The property is located within a Sydney Water supply area and accordingly adequate services are available to support the development.

Acoustic, odour and waste water disposal reports have been prepared in support of the application and these reports demonstrate that the operation of the development is unlikely to result in unacceptable amenity impacts, environmental impacts or landuse conflict. The land affected by the development is identified as Class 5 Acid Sulphate Soil and the proposed works are unlikely to lower the water table.

The proposed development has been assessed against the provisions of the HLEP 2012 and has been found to be generally consistent with applicable provisions relating to permissibility, zone objectives and environmental impacts.

### **State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry**

SEPP No. 33 defines potentially hazardous and offensive industries as follows:

**"potentially hazardous industry"** means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment,

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*and includes a hazardous industry and a hazardous storage establishment.*

***potentially offensive industry*** means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment."

The supplied documentation does not indicate that the development involves the storage and/or use of dangerous goods and accordingly the proposal is not defined as a potentially hazardous industry.

By virtue of the nature of the use, the proposed development has the potential to generate noise and odour impacts. However, Council's Environmental Health Officer has reviewed the submitted acoustic and odour assessment reports and with the imposition of conditions the development is not expected to produce significant adverse impacts for the locality.

The proposal therefore satisfies the provisions of SEPP No. 33.

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

The site exceeds 1ha in area and therefore triggers the requirements of SEPP No. 44. However, the proposed building works and waste water treatment plant will not necessitate the removal of native vegetation that may be categorised as core Koala habitat. The proposal is therefore considered satisfactory having regard to the provisions of this Policy.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

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

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

An inspection of the property indicated that the property has a long history of use for rural residential purposes. The inspection further revealed that the front shed is currently being used as a truck depot, which does not appear to be authorised by Council.

Whilst the previous and existing uses are unlikely to have resulted in the contamination of the land the truck depot operations are unknown due to the fact that there is no approval in place. In this regard, a preliminary assessment of the area of operations should be required as a development consent condition in order to ensure that any fuel or oil storage/spillage areas are not contaminated or require remediation. The imposition of a condition requiring this investigation prior to any commencement of work is recommended. Should that initial assessment be clear, the property would be considered suitable for the proposed commercial use having regard to the provisions of SEPP No. 55.

### **State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

Not applicable. The Sydney Drinking Water Catchment SEPP outlines that all livestock industries within the Sydney drinking water catchment are defined as designated development and require the concurrence of the Catchment Authority.

The provisions of this Policy do not apply as the subject property is not located within this catchment.

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

The subject land falls within the boundary of SREP No. 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 No. 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The proposed hatchery would be defined as an 'intensive animal industry' for the purposes of SREP No. 20. However, the provisions of Clause 11(10) do not apply as the area that is to accommodate the hatchery is not categorised as a 'floodway'.

The proposed development is generally consistent with the aims, objectives and recommended strategies of SREP No. 20. The property is located within a rural area and with appropriate management the development will not negatively impact on environmentally sensitive areas, areas of cultural significance or the availability of rural land.

**ii. Draft Environmental Planning Instruments**

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

**iii. Development Control Plans**

***Hawkesbury Development Control Plan 2002***

An assessment of the proposed against the relevant provisions of the HDCP 2002 follows:

Part A Chapter 3: Notification of Development Applications

The notification of the application was undertaken from 3 to 19 June 2015 in accordance with Part A Chapter 3 of the HDCP 2002. A total of 29 submissions were received in response to the notification of the application. Matters raised within submissions are discussed later in this report.

Part C Chapter 2: Car Parking and Access

Part C Chapter 2 of the HDCP 2002 does not outline specific parking controls for rural industries or farms. However, based on an industrial rate and a total GFA of 1,730m<sup>2</sup> the development would require a total of 20 spaces. On account of staff numbers, floor area, hours of operation and capacities the provision of 23 spaces is seen to be acceptable for a development of this nature.

The unloading and transportation of ducks for processing will be undertaken wholly within the loading dock of the poultry processing facility building. Sufficient area within the vicinity of this building is provided to allow heavy vehicles to manoeuvre and enter and exit the site in a forward direction.

Part C Chapter 3: Signs

Not applicable. The installation of signage is not proposed with this application.

The potential installation of signage will be subject to the 'exempt development' requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or require the submission of a separate development application.

Part D Chapter 8: Farm Buildings and Outbuildings

Not applicable. The provisions of this Plan do not apply to structures associated with a rural industry or intensive livestock industry.

Regardless, the proposed poultry processing facility and hatchery buildings will satisfy the setback, height and material requirements for farm buildings. Furthermore the hatchery building satisfies the area requirements of Table 1 of Part D Chapter 8 of the HDCP 2002.



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The poultry processing facility building will exceed the maximum area allowed for farm buildings however this potential non-compliance is seen to be acceptable based on its use (Plan does not apply to Rural Industry) and the generous setbacks provided.

### **(a)(iv) Regulations**

These matters have been considered in the assessment of this application.

Part 1 Clauses 21 and 22 of Schedule 3 of the EP&A Regulation outline the circumstances where 'livestock intensive industries' and 'livestock processing industries' may be classified as designated development:

#### **"Livestock intensive industries**

- (4) *Poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers or breeders and whether as free range or shedded birds:*
- (a) *that accommodate more than 250,000 birds, or*
  - (b) *that are located:*
    - (i) *within 100 metres of a natural waterbody or wetland, or*
    - (ii) *within a drinking water catchment, or*
    - (iii) *within 500 metres of another poultry farm, or*
    - (iv) *within 500 metres of a residential zone or 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

#### **Livestock processing industries**

*Livestock processing industries (being industries for the commercial production of products derived from the slaughter of animals or the processing of skins or wool of animals):*

- (a) *that slaughter animals (including poultry) with an intended processing capacity of more than 3,000 kilograms live weight per day, or*
- (b) *..., or*
- (c) *..., or*
- (d) *that are located:*
  - (i) *within 100 metres of a natural waterbody or wetland, or*
  - (ii) *in an area of high watertable or highly permeable soils or acid sulphate, sodic or saline soils, or*
  - (iii) *on land that slopes at more than 6 degrees to the horizontal, or*
  - (iv) *within a drinking water catchment, or*
  - (v) *on a floodplain, or*
  - (vi) *within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste."*

The proposed poultry processing facility may process up to 6,000 ducks per week, which translates to live weight of 15,000kg per week. The Applicant has advised however that the processing capacity of the poultry processing facility will be limited to no more than 3,000kg of live weight per day and that processing will generally be limited to two or three days a week.

On this basis the proposal does not exceed the relevant processing capacity of 3,000kg of live weight per day and is not considered to be Designated Development.

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The other designated development considerations under the EP&A Regulation relate to location and amenity considerations. In this regard the property is not located within a drinking water catchment, flood plain or area with a high water table. Whilst the property has a fall to the rear, the area of the poultry processing facility is generally flat and earthworks are proposed to maintain this level. The land that is to accommodate the holding ponds and irrigation areas appears to have an average fall of 5%. In this regard the proposed development does not trigger the provisions of Clause 22(d)(i) to (v).

With respect to Part 1 Clause 22(d)(iv), it is noted that the property is located approximately 550m from a residential zone and 1,400m from more traditional small lot residential properties within Golden Valley Drive. However, the proposal's location within 5km of a residential zone does not automatically categorise the application as designated development; instead Council must consider the likely amenity impacts generated by the proposal.

Suitable documentation in the form of acoustic, odour and waste water reports have been provided to demonstrate that the operation of the development is unlikely to result in unacceptable amenity impacts for the neighbourhood, environmental impacts or landuse conflict.

A survey plan has also been prepared to demonstrate that the waste water treatment plant and irrigation areas will be located more than 100m from Howes Creek.

Therefore, based on the intended processing capacity and the documentation supplied, the poultry processing facility is not considered to represent Designated Development.

The proposed hatchery is to be used to incubate duck eggs and raise newborn ducks. The documentation indicates that the hatchery will incubate up to 28,000 eggs at any one time. However, this is to be staggered so that approximately 5,700 day-old newborn ducks are transported per week away from the subject site to the farm at 6053 Putty Road. Based on these numbers, as well as the associated location and amenity considerations, the hatchery is not classified as Designated Development.

### **(b) Likely Impacts of the Development (Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality)**

These matters have been considered in the assessment of this application.

The maximum hours of operation of 7am to 5pm are nominated for the business, with the processing of the ducks within the poultry processing facility nominated to occur after 9am. The supervision of the hatchery is to be undertaken by the caretaker 24 hours a day and the equipment servicing the buildings will operate continuously. In this regard the caretaker supervision between 5pm and 7am is not considered to be part of the general operating hours for the facility.

Acoustic and odour assessment reports have been submitted in support of the application demonstrating that the operation of the development is unlikely to result in unacceptable amenity impacts for neighbours. These reports indicate that the development can operate in compliance with the relevant noise and odour criteria provided a number of construction and operational measures are employed. Nominated measures to reduce amenity impacts include:

- the poultry processing facility is to incorporate acoustic wall treatment within the structure
- the unloading, handling and processing of live ducks for slaughter must be undertaken wholly within the poultry processing facility building
- the holding area/loading dock and any other areas used in the handling and slaughter of ducks must be cleaned immediately after processing
- any waste generated, such as feathers and offal, must be collected and disposed off-site after the processing of poultry. No waste is to be stored at the site overnight
- waste gut material is to be stored on ice prior to collection.

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To assist in the assessment of this application an inspection of the existing poultry processing facility at Kellyville was also undertaken. This inspection indicated that although the existing facility has reduced setbacks to neighbouring properties and that the delivery and slaughter of ducks was undertaken externally to the existing building, the facility generally operated without significant noise and odour impacts.

Council's Environmental Health Coordinator has reviewed the supplied acoustic and odour assessment reports and generally supports their conclusions and recommendations. Compliance with the recommendations of these reports may be conditioned should the application be approved.

The subject buildings are significantly setback from neighbouring dwellings and the proposed operating hours are seen to be acceptable within the context of the locality. With the imposition of conditions restricting processing capacity, and requiring compliance with the recommendations of the prepared consultancy reports, it is considered unlikely that the development will result in adverse environmental, social or economic impacts for the locality.

### (c) Suitability of the Site for Development

These matters have been considered as part of the assessment of the application.

The proposal does not trigger the 'scheduled activity' provisions of Schedule 1 of the Protection of the Environment Operations Act 1997 as the development will not accommodate more than 250,000 birds at any one time or process more than 750 tonnes of live weight per year (the poultry processing facility is to close for two weeks a year). As a result a licence from the Environmental Protection Authority is not required.

The land is not defined as flood liable land and is generally free of environmental constraint. The land is considered suitable for the proposed development.

### (d) Any Submissions

As detailed previously in this report a total of 29 submissions were received in response to the notification of the application. This number includes additional submissions received following Council's resolution of the 12 April 2016. These submissions have also been considered in the assessment of the application.

The matters raised in these submissions are summarised below in italics, followed by a response by the assessing officer.

Comment: *The proposed poultry processing facility and hatchery is inconsistent with the rural character of the area.*

Officer's response: The proposal is permissible within the RU1 Primary Production zone. In this regard Primary Production and Rural Industry uses are consistent with the intended character for this zone. As discussed previously in this report the application is supported by documentation indicating that development will be able to function without producing significant amenity and environmental impacts.

Comment: *The proposed poultry processing facility is inconsistent with the objectives of the RU1 Primary Production zone.*

Officer's response: The components of the development are permissible within the zone and the hatchery would be classified as an agricultural activity.

Supporting documentation and the comments received from Council's Environmental Health Coordinator indicate that the development will be able to function without causing significant land use conflict.

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Comment: *Other Councils do not categorise abattoirs as rural industries.*

Officer's response: The proposed poultry processing facility satisfies the HLEP 2012's (and the Standard Instrument's) definition of a livestock processing industry, which is a form of rural industry. Livestock processing industries are permissible within the RU1 Primary Production zone. In this regard the use is not defined as an abattoir.

Comment: *The development will produce adverse noise and odour impacts for the locality.*

Officer's response: These matters have been discussed previously in this report with the conclusion indicating that the impacts are not likely to be adverse to the surrounding locality.

Comment: *It is likely that the development will pollute Howes Creek.*

Officer's response: The poultry processing facility is to be bunded to collect waste water used in the cleaning of the building. This waste water will then be screened, treated and transferred to a series of anaerobic, maturation and holding ponds before dispersal via an irrigation system.

A waste water treatment report has been submitted for the proposal indicating capacity and design requirements for the waste water treatment plant to minimise environmental impacts.

Other waste from the processing of the ducks does not enter this system and is collected within the building and disposed of offsite daily.

Comment: *The prepared waste water treatment report is deficient with respect to monitoring, chemical use and the potential failure of the system.*

Officer's response: This waste water treatment report has been reviewed by Council's Tradewaste Technical Officer who has recommended the imposition of conditions regarding sampling, monitoring and reporting of the waste water treatment system against relevant environmental criteria. Contingency plans for the potential failure of the waste water treatment system and periods of high rainfall may also be incorporated into the Plan of Management.

Conditions will require Council to be informed of any pollution incident that occurs where material harm to the environment is caused or threatened.

An upgrade of the existing internal road will allow the waste water treatment plant and irrigation system to be regularly monitored.

Comment: *Tinder Creek Ducks have previously been exposed for animal cruelty and poor conditions.*

Officer's response: It is understood that Animal Liberation obtained footage relating to keeping and treatment of ducks within the existing farm at 6053 Putty Road, Mellong. As a consequence this facility was inspected by the Department of Primary Industries, the Food Authority and the RSPCA.

Discussions held with the Department of Primary Industries indicate that no action was taken with respect to the treatment and condition of the animals at this associated facility.

It should also be noted that those complaints were at another, albeit linked, facility. In this regard the operations at another facility cannot be used as a reason for the refusal of a new operation.

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Comment: *The poultry processing facility exceeds the maximum allowable size for farm buildings.*

Officer's response: The provisions of Part D Chapter 8 of the HDCP 2002 do not apply to structures of this nature.

Comment: *The local road network will be unable to handle the traffic generated by the development.*

Officer's response: Council's Development Engineer has not raised an objection to the proposal on traffic or parking grounds. Staff and heavy vehicle movements, whilst increasing the traffic movements, are unlikely to significantly impact on the operating efficiency of the local road network.

The condition of roads in this area is not a determining matter in the assessment of this application. Based on the nature of the development there is no requirement to upgrade Tennyson Road.

Comment: *The operations will use high volumes of water and it is unclear what consultation has been undertaken with Sydney Water.*

Officer's response: The notification of the application to Sydney Water was not required as a part of the development application process. The area is serviced by Sydney Water and appropriate conditions are recommended requiring approvals from Sydney Water and the obtainment of a Section 73 Certificate. That Certificate is issued by Sydney Water only when all their requirements, which may include pipe upgrades or additional on-site storage, for the development have been met.

Comment: *There is a discrepancy between water consumption at the existing Kellyville site and the proposed property.*

Officer's response: The Applicant has advised that the proposed poultry processing facility should consume less water as processing capacities will be formalised under a consent as opposed to the existing situation. Furthermore, additional water is used for cleaning at the Kellyville facility because the slaughtering takes place outside.

Comment: *The introduction of non-native birds may impact upon native bird life.*

Officer's response: The mature ducks transported to the site for slaughter and processing are to be transferred from the truck to the processing building. There should be no reason why the ducks may escape or wander outside of the processing facility.

The mature ducks are fed and raised on the associated poultry farm at Mellong and as a result there should not be food sources that may attract wild birds.

Comment: *The development may expose surrounding residents to disease and infections.*

Officer's response: Issues of biosecurity are enforced by the Department of Primary Industries. A recommended condition of consent will require the preparation of a Plan of Management for the poultry processing facility and hatchery which will be provided to Council for approval prior to the release of the Occupation Certificate. As the operations are contained within the processing building the likelihood of exposure to any part of the operation to the surrounding residents is extremely low.

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Comment: *The language used in the prepared assessment report is dismissive of the issues at hand and shows little respect for the area and its residents.*

Officer's response: The assessment report is a technical report and has been prepared based on the supplied documentation and plans, consultant reports, staff referrals and relevant planning controls.

### (e) Public Interest

The proposed development is not expected to adversely impact upon the amenity of the locality or the, surrounding environment. The proposal is permissible and its approval is seen to be in the public interest.

### Financial Implications

Council's Section 94A Development Contributions Plan requires the payment of a contribution of \$4,000 based on the supplied estimated value-of-works.

### Planning Decision

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

### RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0284/15 for the construction of a shed, alterations and additions to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery at Lot 21 DP 867467, known as 421 Tennyson Road, Tennyson, subject to the following conditions.

### General Conditions

1. The development shall take place generally in accordance with the following stamped approved plans and documentation:

Document Number	Prepared By	Dated
Drawing No. 45214 Sheet 1	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 2	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 3	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 4	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 5	RE and PA Collis Design	16 December 2014
Noise Impact Assessment Report (Reference No. 13858R2 Rev '1')	Rodney Stevens Acoustics	15 October 2015
Odour Assessment (Reference No. 5644/S24176/16)	Stephenson Environmental Management Australia	10 March 2016
Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580 Issue '2')	Aquadynamic Consultancy Services	31 March 2015

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except as modified by the conditions of this consent.

2. The processing capacity of the poultry processing facility shall be limited to no more than 3,000kg of live weight per day, 15,000kg of live weight per calendar week and 750 tonnes of live weight per calendar year.
3. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
6. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
7. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
8. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

### ***Prior to Issue of Design Compliance Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Design Compliance Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Design Compliance Certificate. The Design Compliance Certificate shall be obtained for the earthworks and the waste water treatment plant.

9. The applicant shall pay a Design Compliance Certificate Fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.
10. A contamination report shall be prepared to demonstrate that the land is suitable for the proposed livestock processing industry and intensive livestock agriculture uses. This report must be prepared by a suitably qualified person and be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
11. All earthworks on the site must comply with the following:
  - a) topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping
  - b) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of the filling works
  - c) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging or terracing shall be constructed
  - d) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 95% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified
  - e) filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

Details satisfying the above requirements are to be submitted to the Principal Certifying Authority prior to the issue of the Design Compliance Certificate.

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12. Any retaining walls having a height exceeding 600mm are required to be designed by a practicing structural engineer. The design must be submitted to the Principal Certifying Authority prior to issue of the Design Compliance Certificate.
13. The onsite waste water treatment plant shall be designed and constructed in accordance with the Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580 Issue '2') prepared by Aquadynamic Consultancy Services and dated 31 March 2015.

The waste water treatment plant and irrigation areas shall not be located within 100m of Howes Creek.

Details are to be provided in the plans and specifications for the Design Compliance Certificate.

14. The existing internal access road shall be upgraded to a 4m wide all-weather surface from the car park to the waste water treatment plant (anaerobic, aerobic, maturation and holding ponds). Details are to be provided in the plans and specifications for the Design Compliance Certificate.
15. Prior to the issue of the Design Compliance Certificate, the applicant must submit and obtain approval from the Certifying Authority for an Erosion and Sediment Control Plan (ESCP). The ESCP must be designed in accordance with Landcom's publication 'Managing Urban Stormwater – Soils and Construction (2004)' and show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage.

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

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

16. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2015 (as amended from time to time), a contribution of \$4,000 shall be paid to Hawkesbury City Council. This contribution is based on the supplied value-of-works of \$400,000.

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 2015 (as amended from time to time).

The contribution is to be paid prior to the issue of the Construction Certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

17. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
18. Hawkesbury City Council is the sewer authority for this development. As this development involves works in connection to onsite wastewater systems, a payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a Construction Certificate.
19. A Sewer Management Facility System application shall be submitted to Hawkesbury City Council. Evidence of the lodgement (or approval) of the application must be submitted to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.



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20. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.
21. The development shall be constructed in accordance with the recommendations of the Noise Impact Assessment Report (Reference No. 13858R2 Rev '1') prepared by Rodney Stevens Acoustics and dated 15 October 2015, including:
- the wall construction in the freezer, refrigeration plant and cool room areas must consist of:
    - Colorbond steel outer layer on steel frame with glasswool infill with a density of no less than 12kg/m<sup>2</sup>
    - 13mm fibre cement sheeting as internal lining
    - No less than 75mm thick Metecno coolroom panels (or equivalent)
  - walls are to be acoustically treated and constructed in accordance with Appendix D of the Noise Impact Assessment Report
  - noise sources which are continuous (always on) shall be placed away from external doorways (which could allow sound to escape).

Details are to be provided in the plans and specifications for the Construction Certificate.

22. The poultry processing facility shall be designed and constructed in accordance with the Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580 Issue '2') prepared by Aquadynamic Consultancy Services and dated 31 March 2015.

The poultry processing facility shall be bunded in accordance with the recommendations of the Onsite Wastewater Treatment and Irrigation Management Plan.

Details are to be provided in the plans and specifications for the Construction Certificate.

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

23. 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.
24. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
25. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
- 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 seven days' emergency numbers)
  - d) the name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of works.

26. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
27. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
28. 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 water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

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29. All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier.

### ***During Construction***

30. 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 and 6pm and on Saturdays between 8am and 4pm.
31. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
32. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
33. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
34. 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
  - d) all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
35. Filling shall comprise of only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to the placing of any fill on site.
36. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- a) all work shall be carried out in accordance with AS2601
  - b) adjoining owners are given 24 hours' notice, in writing, prior to commencing demolition
  - c) the site shall be secured at all times against the unauthorised entry of persons or vehicles
  - d) utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences
  - e) safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work
  - f) precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes
  - g) the structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work
  - h) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
  - i) removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia)
  - j) unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place
  - k) no material is to be burnt on site.

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37. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
38. The floor of the internal WC shall be graded and drained to an approved floor waste.
39. The facilities must be constructed to comply with Australian Standard AS 4465:2005 'Construction of Premises and Hygienic Production of Poultry Meat for Human Consumption.
40. Compliance Certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000, as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
41. The car park shall be linemarked and signposted in accordance with AS2890.1 and AS2890.2. Disabled parking shall be provided in accordance with AS2890.6:2009.
42. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering.

In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560-4565 to arrange inspections.

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

43. The applicant shall pay a Construction Compliance Certificate fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.
44. The earthworks and waste water treatment plant must be completed in accordance with the approved Design Compliance Certificate plans and to the satisfaction of the certifying authority.

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

45. A detailed Plan of Management shall be prepared for the poultry processing facility and hatchery and provided to Council for approval prior to the release of the Occupation Certificate. This plan shall be prepared in accordance with the requirements of the Department of Primary Industries and best practice guidelines such as:
  - Department of Primary Industries' 'Best Practice Management for Meat Chicken Production in NSW (Manual 2 – Meat Chicken Growing Management)
  - Animal Health Australia's 'Farm Biosecurity Manual for the Duck Meat Industry'
  - CSIRO's 'Model Code of Practice for the Welfare of Animals (Domestic Poultry, 4th Edition)'
  - Rural Industries Research and Development Corporation's 'National Environmental Management System for the Meat Chicken Industry (2003)'
  - Department of Primary Industries' 'Odour Management Options for Meat Chicken Farms (2004)'.

The plan shall address, but not limited to, the following:

- poultry numbers and densities
- processing capacities
- the management of noise, odour and dust
- deliveries, collection and transportation
- shed and equipment maintenance
- animal welfare and treatment
- farm hygiene and biosecurity
- waste management
- sampling, monitoring and reporting of the waste water treatment plant (anaerobic, aerobic, maturation and holding ponds and irrigation areas) against the relevant environmental criteria

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- contingency plans for the failure of the waste water treatment system or periods of high rainfall
- pest management
- chemical management
- environmental monitoring
- complaints handling.

The plan must specify that the processing capacity of the poultry processing facility shall be limited to no more than 3,000kg of live weight per day, 15,000kg of live weight per calendar week and 750 tonnes of live weight per calendar year.

46. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the onsite waste water management systems, is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.
47. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
48. Written clearance from the relevant electricity supply authority shall be submitted to the Principal Certifying Authority.

### ***Use of the Development***

49. Operating hours for the poultry processing facility (livestock processing industry) and hatchery (intensive livestock industry) shall be limited to the following:

Monday to Saturday: 7am to 5pm  
Sunday: Closed

The slaughter and processing of poultry shall be restricted to the hours of 9:00am to 5:00pm Monday to Saturday. Caretaker supervision for the Hatchery is permitted on a 24 hour basis.

50. The processing capacity of the poultry processing facility shall be limited to no more than 3,000kg of live weight per day, 15,000kg of live weight per calendar week and 750 tonnes of live weight per calendar year.
51. The operation of the poultry processing facility and hatchery shall be undertaken in accordance with the approved Plan of Management (as required by Condition 46 of this consent) and the requirements of the Department of Primary Industries.
52. Evidence of processing capacities for the poultry processing facility and sampling, monitoring and reporting results for the waste water treatment plant (anaerobic, aerobic, maturation and holding ponds and irrigation areas) shall be provided to Council on a six monthly basis or at the written request of Council.
53. The business must operate in accordance with the requirements of the Food Regulation 2004 under the NSW Food Act 2003 and be licensed with the NSW Food Authority.
54. The development shall operate in accordance with the recommendations of the Noise Impact Assessment Report (Reference No. 13858R2 Rev '1') prepared by Rodney Stevens Acoustics and dated 15 October 2015, including:
  - all external doors are to be fully closed during the evening and night time periods while mechanical plant and equipment are in operation
  - noise sources which are continuous (always on) shall be placed away from external doorways (which could allow sound to escape).

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55. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5 dB(A) (LAeq) above background noise levels at any property boundary in the day and evening (as defined by the NSW EPA Industrial Noise Policy).
56. Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
57. The unloading, handling and processing of live ducks for slaughter shall be undertaken wholly within the poultry processing facility building. These operations shall not be undertaken externally of the building.
58. All deliveries, loading and unloading shall be undertaken within the approved operating hours and only within the areas approved for such operations.
59. All vehicles must be loaded and unloaded entirely within the property. Vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
60. The poultry processing facility shall operate in accordance with the recommendations of the Odour Assessment (Reference No. 5644/S24176/16) prepared by Stephenson Environmental Management Australia and dated 10 March 2016 and the Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580 Issue '2') prepared by Aquadynamic Consultancy Services and dated 31 March 2015, including:
  - the holding area/loading dock and any other areas used in the handling of live ducks shall be cleaned of faeces and other waste immediately after the processing of each batch of ducks
  - waste material, such as blood, guts and feathers, is to be collected and disposed off-site immediately after the processing of poultry. No waste is to be stored overnight
  - waste gut material is to be stored on ice prior to collection to reduce odour emissions.
61. Odour mitigation measures are to be utilised to minimise the potential generation of odour from leaving the confines of the poultry processing facility and hatchery.
62. Dust mitigation measures are to be utilised to minimise the potential generation of dust, including the generation of feathers from leaving the confines of the poultry processing facility.
63. Any dead animals shall be regularly removed from the facilities in accordance with Section 3.3 of the Department of Primary Industries 'Best Practice Management for Meat Chicken Production in NSW (Manual 2 – Meat Chicken Growing Management)' to prevent odour nuisance and the spread of disease.
64. 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.
65. The processing of poultry shall cease in the event that the waste water treatment system fails.
66. 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 activities where material harm to the environment is caused or threatened.
67. The storage and handling of liquids associated with the onsite activities is to be carried out in accordance with the requirements of:
  - NSW WorkCover
  - Office of Environment and Heritage's 'Storing and Handling of Liquids: Environmental Protection Participant's Manual (2007)'.

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68. All chemicals, liquids, waste materials associated with the use of the site are to be stored within buildings, away from stormwater drains in appropriately covered and bunded areas.
69. An ongoing trapping and baiting regime for the control of rats and other pests is to be implemented and maintained.
70. Any lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed, to prevent any light spillage and nuisance onto adjoining properties.

The reasons for the imposition of these conditions are those matters specified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

### **Advisory Notes**

- \*\*\* This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.
- \*\*\* Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.
- \*\*\* The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- \*\*\* The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system. Please contact Council's Customer Service Staff to make an appointment so that Council officers may conduct your inspection.
- \*\*\* 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.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- \*\*\* The applicant is advised to consult with the relevant:
  - a) water supplier
  - b) sewer provide
  - c) electricity provider
  - d) telecommunications carrier

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

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**ATTACHMENTS:**

**AT - 1**    Locality Map

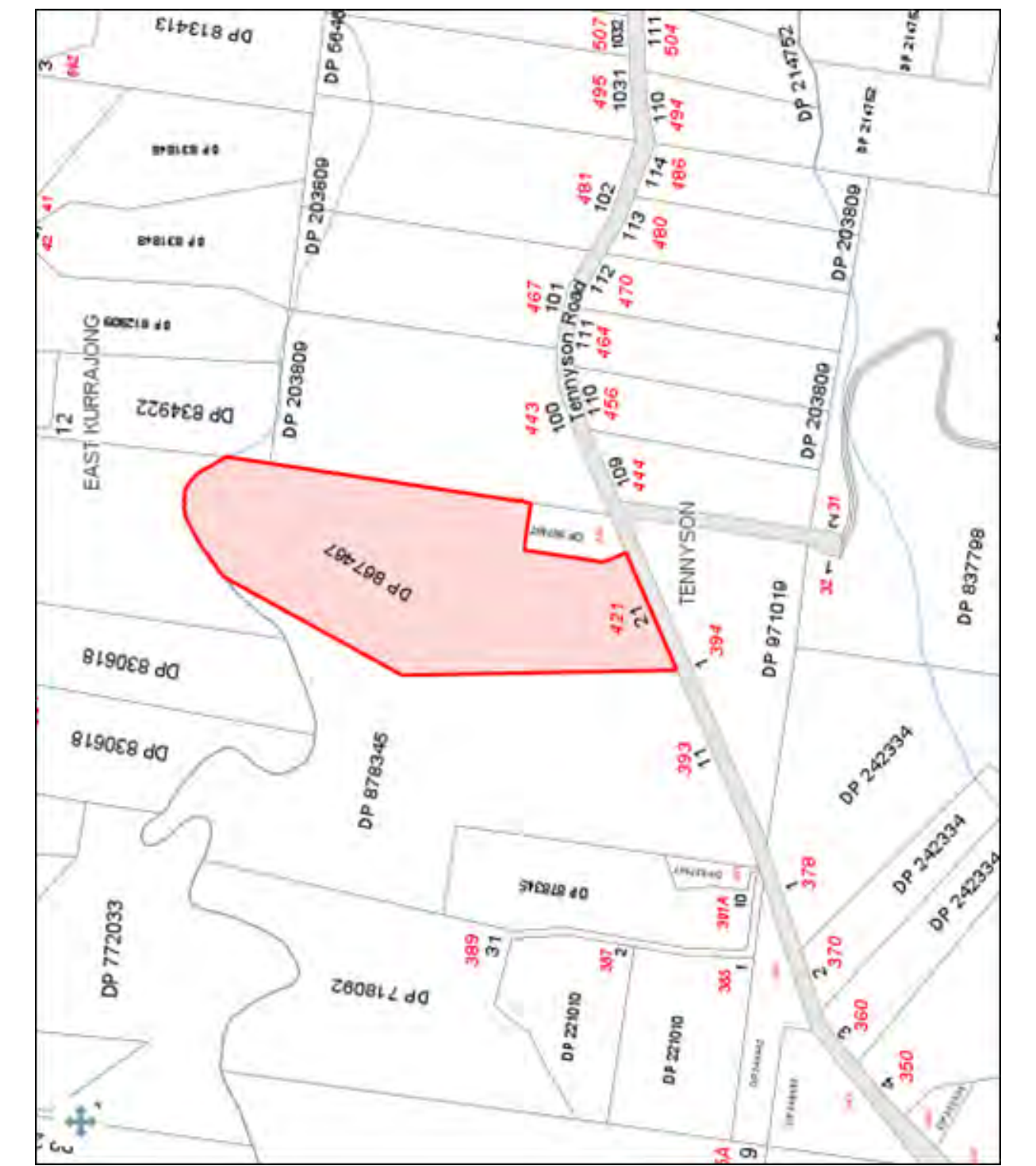
**AT - 2**    Plans of the Proposal

**ORDINARY MEETING**

**Meeting Date: 31 May 2016**

<p align="center"><b>ORDINARY MEETING</b></p> <p align="center"><b>Meeting Date: 31 May 2016</b></p>
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**AT - 1 Locality Map**

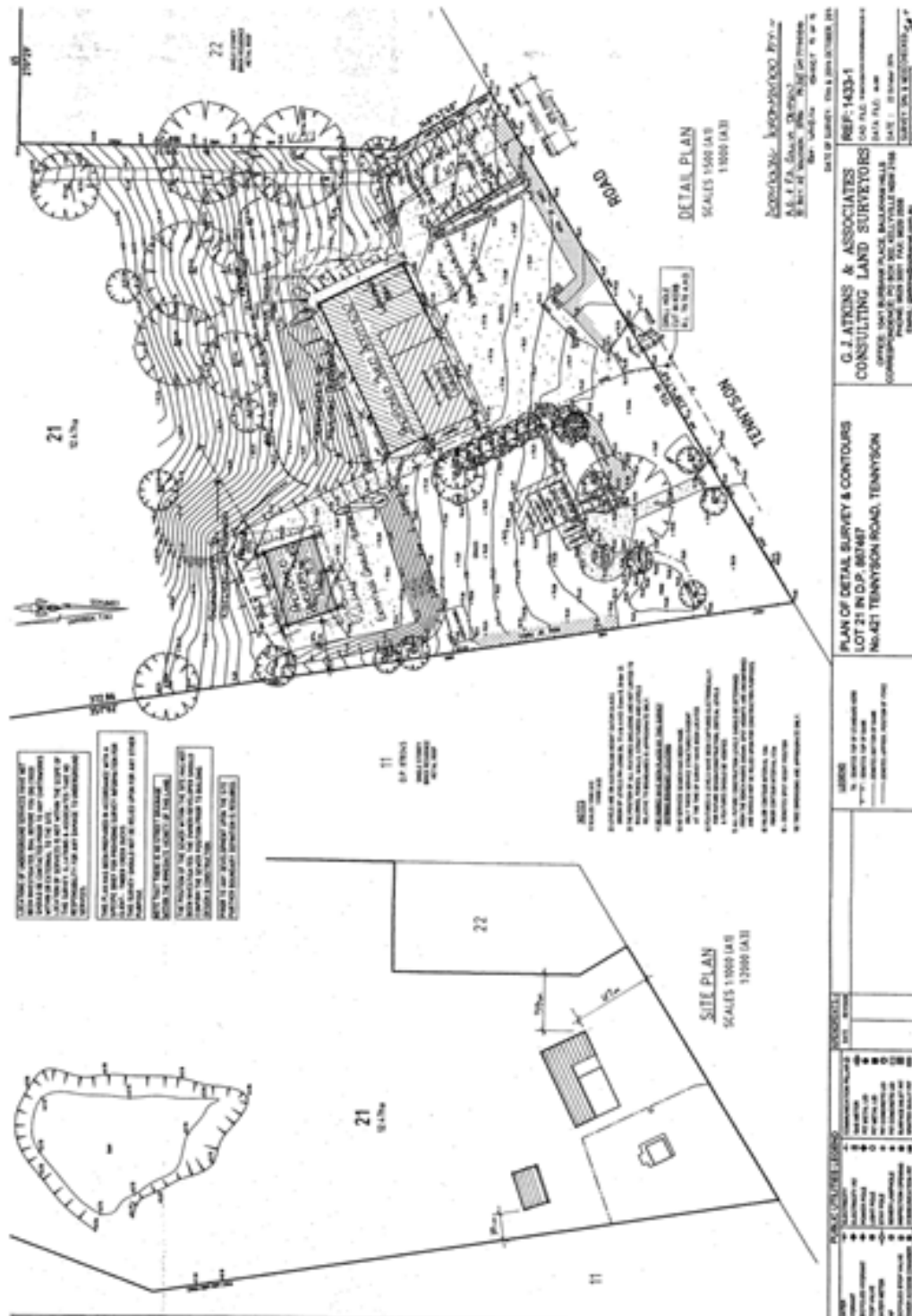




# ORDINARY MEETING

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## AT - 2 Plans of the Proposal



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## ORDINARY MEETING

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**Item: 91**                      **CP - DA0469/15 - 271 Pitt Town Bottoms Road, Pitt Town Bottoms - Lot 7 DP1079633 - Dwelling House - Demolition of existing dwelling and construction of Dwelling House with Attached Garage and Boat Shed - (95498, 88858, 9161)**

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### Development Information

**File Number:** DA0469/15  
**Property Address:** 271 Pitt Town Bottoms Road, Pitt Town Bottoms  
**Applicant:** Barbara Tarnawski Architects  
**Owner:** Mrs KW Lynch  
**Proposal Details:** Dwelling House - Demolition of existing dwelling and construction of Dwelling House with Attached Garage and Boat Shed  
**Estimated Cost:** \$850,000  
**Zone:** RU2 Rural Landscape  
**Date Received:** 28 July 2015  
**Advertising:** 10 August 2015 - 24 August 2015

**Key Issues:**

- ◆ Flood prone land
- ◆ Flood development controls
- ◆ Development of Flood Liable Land Policy

**Recommendation:** Approval

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### REPORT:

#### Executive Summary

The proposal involves the demolition of an existing dwelling and construction of a new three storey dwelling. The land is relatively low lying and subject to high hazard, mainstream flooding.

The application seeks a 50% variation to the Development of Flood Liable Land Policy (the Policy) as the minimum ground level to be built upon is 11.49m Australian Height Datum (AHD) and the policy requires the minimum ground level to be 13m AHD. The 100 year flood level is 17.3m AHD. In the 100 year flood event, both the first and second floor (habitable floor space proposed at RL14.5m and RL 17.7m respectively) will be inundated with floodwater. The ground level (proposed at RL 11.5m) contains non-habitable uses such as a garage and store rooms whereas the first and second floors contain habitable rooms.

A dwelling currently exists on the land and it may be argued the risk to life is not necessarily increased as a result of the proposal - as there is currently only one family living at the premises and at the completion of the development there will still only be one family living at the premises.

It is recommended that Council support the application in this instance.

#### Description of Proposal

This application seeks the consent of Council to demolish an existing dwelling house and construct a new dwelling house at 271 Pitt Town Bottoms Road, Pitt Town Bottoms. The new dwelling will consist of a 3 storey dwelling with a low pitched roof. The dwelling will be clad in a mixture of materials consisting of masonry, fibre cement sheeting and timber.

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The property is rectangular in shape and contains a number of outbuildings. The new building will be positioned in the same location as the existing dwelling and will have its primary view to the Hawkesbury River. Some of the existing outbuildings will be incorporated into the new dwelling by way of physical attachment.

The new dwelling will observe the same floor level as the existing residence. The ground floor will consist of garages, a pottery studio and a store room. The first floor will consist of living area, a dining room and the main bedroom. The second floor will consist of bedrooms. The lowest habitable floor level (first floor) will be at 14.5m AHD.

The entire property is flood-labile land and the property has an area of 1.08 hectares.

The surrounding land use consists of turf farms with associated outbuildings and farm sheds.

### History

The existing dwelling was approved under BA0132/98. The existing dwelling is elevated on timber poles with an open sub-floor that is used for the parking of vehicles. The lowest floor level of the current dwelling is approximately 14.5m AHD.

The ground level is approximately 11.47m AHD.

### Recommendation

Approval subject to the recommended conditions.

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

- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- State Environmental Planning Policy No. 55 - Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)
- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)
- Councils Flood Liable Land 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:

#### (a)(i) Any Environmental Planning Instrument (EPI)

##### ***State Environmental Planning Policy No. 44 – Koala Habitat***

SEPP 44 applies to the subject site as the site has an area of 1.08 hectare. The property has been previously developed for residential use. It is considered that the proposal is unlikely to impact on any core koala habitat or potential koala habitat as the land has been previously cleared and there is no shrub layer and no vegetative community of significance. The vegetation mapping indicates that the property is not considered potential or primary koala habitat.

##### ***State Environmental Planning Policy 55 - Remediation of Land***

A search of Councils' records indicated that the land has not been used for any purposes that would have contaminated the land to such a degree as to restrict the use of the land. Consequently, under Clause 7 of SEPP No. 55 Council is not prevented from granting consent to the proposal.

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

A BASIX Certificate has been issued for the proposed development and supports the application. A condition of consent will ensure that the development meets the necessary performance requirements as set out in the BASIX Certificate.

***Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River***

The proposal is not contrary to the general and specific aims, planning considerations, planning policies and recommended strategies of this plan. The site is located within a scenic corridor of local significance. The development is setback from the river and there is existing landscaping that offers some form of visual screening. 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.

***Hawkesbury Local Environmental Plan 2012***

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

The property is zoned RU2 Rural Landscape. Construction of a dwelling house is permissible in the zone. It is considered that the development as proposed is generally compliant with the objectives of the zone in that the proposal will not contribute to conflict between land uses and will support the use of the land for residential purposes.

**Clause 4.3 – Height of Buildings**

This clause stipulates that the maximum height of buildings must not exceed 10m to the ridge line. The proposed development has a maximum height of 9.95m. As the development is on farmland, the increase in height and the encroachment into the building height plane will not adversely impact upon the privacy or solar access of adjoining properties. It is considered that the development is not excessive in scale, bulk and size.

**Clause 6.1 – Acid Sulfate Soils**

The subject land has been identified as being Class 4 land on the Acid Sulfate Soils Planning Map. It is considered that the proposed development does not fall within the definition of works contained in Clause 6.1(2) and as such the proposal will not impact the watertable.

**Clause 6.3 – Flood Planning**

The land is subject to flood related development controls. The 1 in 100 year flood level is 17.3 metres AHD. The proposed development is located on land that has a natural ground level of approximately 11.5m AHD and the proposed lowest finished habitable floor level will be 14.5m. However, as discussed later in this report, the Development of Flood Liable Land Policy permits the redevelopment of this land utilising the previous floor height standard.

It is considered that the proposal is acceptable in terms of flood risk to life and property and that the development will not significantly impact upon flood levels or flood behaviour in the locality.

It is further considered that the development will not result in detrimental increases in the potential flood affectation of other land or adversely affect the environment or cause avoidable erosion, siltation, the destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

It is debatable as to whether the redevelopment (at an estimated cost of \$850,000) is appropriate with regard to the social and economic costs to the community as a consequence of flooding. The land is adjacent to the Hawkesbury River and would be subject to high hazard, mainstream flooding with significant velocities and depths. In the event of a major flood it is highly likely the dwelling would be significantly damaged or lost.

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During and in the aftermath of such a natural disaster, the occupants would need to be accommodated elsewhere and this has a cost that has not been adequately considered by Council in the past. It is likely that such a cost would be borne by either the owners or State or Federal governments but there is a social and economic cost nonetheless. The clean-up operation would also have a cost and would take considerable time to complete. After that the process of re-building could then commence.

It is generally accepted that insurance companies would not cover such an event, so the cost of re-building would be borne by property owners.

Strictly speaking, it may be said that that is a property owners risk and a cost they must bear. However, in a major event the majority of the Hawkesbury community would be affected and it is this cumulative economic and social cost that needs to be considered in more detail from a policy perspective.

There is also potential that some members of the community may attempt to blame Council for permitting development on marginally affected land, thereby placing them (the landowners) in a position of having to bear this cost. This scenario must also be balanced by the option of preserving existing development rights and not 'sterilising' land due to flood affectation.

With regard to the proposal under consideration as part of this application, a dwelling currently exists on the land and the risk to life is not necessarily increased as a result of the proposal - as there is currently one family living at the premises (as opposed to a development where there is an increase in density proposed such as additional dwellings or increased density development).

In this regard, it could be argued that (at least in isolation) the impact of this proposal upon the social and economic costs to the community as a consequence of flooding is not unsustainable.

The proposed development is considered to be generally consistent with the intent of Council's *Development of Flood Liable Lands Policy*. However, the proposal is seeking a variation to the Policy in relation to the existing ground level at the site. Compliance with the Policy is discussed below.

### Clause 6.4 – Terrestrial Biodiversity

The land is identified on the *Hawkesbury Local Environmental Plan 2012 Terrestrial Biodiversity Map* as mostly being connectivity between remnant vegetation.

The land has been previously cleared and development for residential use. There will be no tree removal associated with the development or site disturbance of existing vegetation.

It is considered that there will be no significant adverse impact on existing flora and fauna or biodiversity value.

### Clause 6.7 – Essential Services

Services to the site exist and are considered to be suitable to cater for the proposal.

#### **(a)(ii) Any draft EPI that has been placed on public exhibition**

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

#### **(a)(iii) Any DCP in force**

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

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

Part C: Chapter 2 – Car Parking and Access

The proposal has provision for 5 covered car spaces. It is considered that the proposal is consistent with the car parking and access chapter of HDCP 2002.

Part C Chapter 4 – Soil Erosion and Sediment Control

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

Part C: Chapter 6 – Energy Efficiency

A BASIX certificate has been submitted with the application.

Solar access is adequate for this development and development on adjoining land.

Part C: Chapter 7 – Effluent Disposal

The application was reviewed by Council's Environmental Health Officer. There is an existing on site sewerage management facility that will need to be upgraded for the new development. The Environmental Health Officer has raised no objection to the proposal subject to the imposition of conditions.

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

A Waste Management Plan for the development has been provided.

Part C: Chapter 10 - Heritage Conservation

The property is not listed as containing an item of environmental heritage. However, it is noted that the development adjoins a heritage listed building. The application was referred to Council's Heritage Advisor and no objection was raised to the proposed development.

Part D: Chapter 1 - Residential Development

The proposed dwelling is generally consistent with the aims and objectives of this chapter and is considered satisfactory with regards to the specific provisions for residential development.

1.3 Height

HDCP 2002 (part D, Chapter 1, "residential development") stipulates that all parts of a building are to be located within the Building Height Plane. The principle behind the height plane is to protect the privacy, open space and solar access of adjoining properties.

The proposed development has a maximum height of 9.95m. The development adjoins farmland with no adjoining residences. The encroachment into the building height plane will not affect the privacy or solar access to adjoining properties.

1.4 Setbacks

HDCP 2002 requires that dwellings observe minimum setbacks to enhance the visual character and safety of the streetscape and the locality. The proposal observes the existing setbacks and will not adversely affect the existing streetscape.

1.6 Landscaped Areas

Dwelling houses are required to have a minimum landscape area of 30% under this clause. This does not include hardstand surfaces such as driveways. The property is a relatively large land holding. The proposed development will not result in a landscaped area on the site of less than 30%.

### 1.7 Private Open Space

HDCP 2002 provides that the total area of private open space for a dwelling is required to be a minimum of 20% of the site area. It is considered that the proposal will be able provide suitable private open space on the site.

### 1.9 Vehicle Access and Car Parking

HDCP 2002 requires that car parking and access be integrated safety and unobtrusively into the streetscape and landscape. It is considered that the proposal complies with this clause.

### 1.11 Visual Privacy

HDCP 2002 requires that the visual privacy or neighbouring properties be considered and any adverse impacts minimised. The proposed development adjoins agricultural land. There are no adjoining dwellings in the near vicinity of the development. It is considered that the proposal complies with this clause.

#### **(a)(iia) Any planning agreement that has been entered into, or any draft planning agreement**

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

#### **(a)(iv) Any matters prescribed by the Regulations**

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

- The National Construction Code – Building Code of Australia (BCA)
- Council's S94A Contributions Plan. It is noted that developer contribution plans are required to be levied upon this development at an amount of \$8,500.

#### **(a)(v) Any coastal zone management plan**

None applicable.

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

The development is consistent with the existing approved use of the land and appropriate within the context of the locality which is primarily rural and low density residential in character. The surrounding properties are primarily developed for rural residential use, environmental conservation, and agricultural uses.

The land has previously been developed for residential purposes. The proposed development will not result in an intensification of the use of the site.

The development is not expected to generate unreasonable amenity impacts for neighbours with regard to overshadowing, loss of privacy, or loss of views.

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

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

Whilst the land is located at a level significantly below the 1-in-100 year flood level, the development continues at the level of the existing dwelling with the exception that the open ground floor will be enclosed to provide secure covered car parking spaces. As such it is considered that there is no additional risk in comparison to the existing situation.

The subject property is not designated as 'bushfire prone land'.

The proposal is considered suitable within the context of the locality.

**(d) Any submissions**

***Hawkesbury Development Control Plan 2002***

The application was notified to adjoining property owners in accordance with the requirements of Table 3.10 of Part A Chapter 3 of the HDCP 2002. The notification period was from 10/08/2015 to 24/08/2015. No submissions were received.

**(e) The public interest**

The submitted documentation and plans indicate that the building will be used as a single dwelling house. The development is permissible within the zone and is not expected to adversely impact on the amenity of the locality or the surrounding environment. As such the approval of the application is seen to be in the public interest.

***Development of Flood Liable Land Policy***

The subject property comprises flood liable land as it is located below the predicted 1-in-100 year ARI (Average Recurrence Interval) flood level of 17.3m AHD. The area of the site that accommodates the dwelling house has an existing ground level of approximately 11.49m AHD.

Clause 3.3 of Council's Development of Flood Liable Land Policy outlines controls for development within flood liable land. Subclauses (3), (4), (5) & (9) relate to this development.

Clause 3 (3) states:

*"Notwithstanding subclauses (1), (2), (7) and (8), a building that was lawfully situated on any land at 30 June 1997 may, be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day."*

Comment: The existing dwelling was approved under BA0132/98. This Building Application was to replace an existing dwelling on the property. The Deposited Plan records indicate that there was a dwelling in existence when the property was initially registered in 1955. The property was again subdivided in 1998 creating additional lots (Lots 8 and 9). Given the approval history of the land, it is accepted that the dwelling lawfully existed and can therefore be replaced under the provisions of Clause 3 (3).

The proposal is to replace the existing dwelling with a new dwelling consisting of 3 levels. The property will be affected by the 1:20 year ARI flood event. The ground floor level will consist of garages, a storeroom and elevator shaft, all of which are considered to be non-habitable. The first floor will consist mainly of living areas and the second floor consists of bedrooms. The ground floor level containing the non-habitable rooms will be at 11.49 metres AHD, which is below the floor height standard of 12.9 metres AHD. The first floor level containing the Kitchen, Master bedroom and living areas will be at 14.50 metres AHD and the second floor level containing bedrooms will be at 17.7 metres AHD.

As a dwelling is accepted as pre-existing the "commencement day" (22 January 1999), the previous flood level for the area can be used. The previous 100 year ARI flood level for Pitt Town Bottoms Road was 16 metres AHD. The policy therefore suggests the minimum floor level for this site can be 13 metres AHD.

However, the proposed floor level of the lowest floor is approximately 11.5 metres AHD this is inconsistent with the policy by 1.5 metres. The percentage variation is 50% (1.5 metres divided by 3 metres). The policy has not previously been varied to this extent.



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The difference between the current dwelling and the proposed dwelling is that the current dwelling has an open area underneath for the passage of floodwater to pass through and the lowest floor level is approximately 14.5 metres AHD. The current proposal before Council seeks to build from ground level up, enclosing part of that structure for non-habitable uses, and does not provide for the unrestricted flow of floodwater through the site.

Clause 3.3 is silent on the description of the floor level, either being habitable or non-habitable. In this regard, the Policy does not differentiate between a floor level for habitable or non-habitable uses. Clause 3.5 of the Development of Flood Liable Land Policy may offer some guidance on this matter but it cannot, alone, be used as justification for variation to the Policy provision.

Clause 3.5 of the Development of Flood Liable Land Policy states:

*"Minor (Non Habitable )structures such as Farm Buildings ,Outbuildings ,Sheds, Garages and other Ancillary Structures may be erected on land below the 1:100ARI (average recurrent interval) flood event level. However, the assessment of a development application for such a structure must consider the likely frequency of flooding, the potential flood damage (to both the subject structure and to other surrounding property. In this regard the access to, and egress from, the land should not result in a path of travel through areas of higher flood hazard risk."*

Comment: The above Clause refers to minor (non-habitable) structures being able to be constructed below the 1:100 year ARI flood event with no reference to minimum ground levels - subject to the building being able to withstand the impact of flooding. The intent of this Clause is to permit separate outbuilding structures only to be constructed below the ground levels specified in the Policy. However, it was not necessarily intended for this provision to be applied to the non-habitable ground floor for a dwelling. In this regard the Policy is silent on that scenario.

It may be appropriate to ask the question if the words of the Clause are a reference to stand-alone structures only or if the words could be extended to include scenario for the current proposal, i.e., non-habitable ground floor below the 3.0m below the flood level. However, it is considered that as the Policy is silent on this matter, it may be an area where a review of that Policy could be considered. It is not intended to discuss the pros and cons of a Policy review in this report for dwelling construction. In this regard it is considered that a variation to the Policy for this application only be considered and that a recommendation be made in this report to bring a separate report to Council on the review the *Development of Flood Liable Land Policy*.

In this case it is recommended that the Policy be varied due to the fact that there is an existing dwelling on the site and the replacement dwelling will be in the same location and level as the existing. In the event the variation is supported, a condition of consent requiring the building be designed and certified by a qualified, practicing structural engineer as being capable of withstanding the impact of flood waters should be imposed.

Clause 3.4 of the Policy states:

*"The assessment of a development application must consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this policy have been satisfied. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue."*

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Comment: Whilst the seriousness of flooding is acknowledged and should not be understated, this particular application involves the replacement of a lawful dwelling house. If there were no dwelling on the site in the same circumstances (flood affectation) then the proposal should be considered very differently as the increased risk to life and property from the current situation would be significantly increasing.

The size of the dwelling house is being increased, however, no additional risk is being created in comparison to the existing situation as the proposal generally matches the current level of the dwelling house. The development will be constructed of flood compatible material, have concrete floors and will be used for the garaging of motor vehicles and general storage. The construction of the habitable component of the dwelling will comply with Clause 3.3 of the Development of Flood Liable Land Policy.

As the development involves a single dwelling house, it is expected that residents and visitors to the site will have a familiarity with the property and the locality. Given the site's history and the previous preparation of a flood evacuation plan for the site, it is also expected that the occupant will be aware that the land is susceptible to flooding at low levels.

It is reasonable to accept that no additional risk will be generated as the habitable floor level of the proposed dwelling will be maintained at the same level as the existing dwelling.

The property faces the Hawkesbury River and ground levels are naturally lower than that at the street frontage. In the event of flooding, there would be early warnings and possibly a visual indication that the property may be affected by rising flood waters.

The proposed dwelling is above the 1 in 5 year ARI flood event but will be affected by flood waters in the 1 in 20 year ARI event. Given the location of the dwelling facing the Hawkesbury River, visual early warning of rising waters, SES contingency plans for evacuation of properties in the Windsor and Wilberforce area, it is considered that occupants can be evacuated prior to them being isolated by flood waters.

Access to the property is via Pitt Town Bottoms Road which is also affected by flooding. Pitt Town Bottoms Road is cut at a level of 5.5 metres AHD in-between the subject land and Pitt Town Road. This low lying access is below the 1 in 2 year flood event and will also be cut from creek and stormwater overland flow following storm events.

Clause 3.9 states:

*"All proposed variations to this policy, greater than 10% are to be reported to, and determined by Council."*

Comment: The floor height standard for this area is 15.9m AHD. The Minimum ground floor level required as specified in Clause 3.3 is 12.9m AHD. The existing ground level is at 11.49m AHD. This represents a variation of 51%.

Whilst the policy has not been varied to this extent previously, in this case the variation is recommended for the reasons discussed earlier in this report.

### Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act with all matters specified under Section 79C having been taken into consideration. The existing levels of the dwelling house are to be maintained. The Heritage Advisor is also of the opinion that the proposal will not detract from the significance of the heritage item on the adjoining property.

The proposal is therefore recommended for conditional approval.

**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:

- A. A report proposing the issues for consideration of a review of the Development of Flood Liable Land Policy be made to Council in the second half of 2016. This report is not to weaken the provisions of that Policy but is to consider where the Policy could provide better clarity on the application of the provisions with that Policy.
- B. Council as the consent authority pursuant to Clause 80(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0469/15 for demolition and construction of a new dwelling on Lot 7 DP 1079633 known as 271 Pitt Town Bottoms Road, Pitt Town Bottoms 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 or in red on the plans.  
  
Plans are listed as follows:
  - Drawing No 01, 02, 03, 04, 05, and 06
  - Waste Management Plan
  - Statement of Environmental Effects
  - BASIX Certificate number 648116S.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
6. The commitments listed in the BASIX certificate for this development must be fulfilled.

**Prior to Issue of Construction Certificate**

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.

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7. 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 \$8,500.00 shall be paid to Hawkesbury City Council.

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

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

8. A Sewer Management Facility System application shall be submitted to Hawkesbury City Council. For approval. Due to the nature and limitations of the site a detailed wastewater report is required to accompany your application so that the most appropriate on-site sewage management system can be designed for the proposed development
9. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
  - a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
  - b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
  - c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
10. 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.
11. A copy of receipt of payment of Long Service levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.

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

12. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
13. Access to the existing pool (both during the course of construction and afterwards), shall be restricted to comply with the Swimming Pools Act and AS 1926.
14. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
15. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
16. 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.
17. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
18. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.

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19. 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.
20. A qualified Structural Engineer shall inspect and certify the adequacy of the existing footings/slab as being capable of supporting the anticipated loads.

### ***During Construction***

21. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
24. All necessary works shall be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
25. 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.
26. 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:
27. 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.
  - a) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - b) Builders waste must not be burnt or buried on site.
  - c) All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
28. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
  - a) adjoining owners are given 24 hours' notice, in writing, prior to commencing demolition
  - b) utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences
  - c) the site shall be secured at all times against the unauthorised entry of persons or vehicles
  - d) safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work
  - e) precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes
  - f) the structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work
  - g) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings

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- h) removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia)
- i) all work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application
- j) unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place
- k) no material is to be burnt on site.

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

30. The dwelling shall be provided with on-site, non-combustible, water storage vessels of minimum 100,000 litres capacity, which incorporates the following:

- A draw off line with a 65mm Storz fitting and metal ball valve which extends to the base of the water tank for Rural Fire Service access.
- The domestic line shall terminate so as to retain a minimum of 20,000 litres permanently in the tank.
- All tanks shall have an access hatch, minimum 800mm in diameter, to gain entry directly through the lid.
- A 3kW (5hp) petrol or diesel powered pump shall be installed and maintained.
- A 19mm hose capable of reaching the entire perimeter of the dwelling shall be provided and maintained.

The tank shall, where practical, be positioned no closer than 10 metres and no further than 20 metres from the dwelling. Adequate access to within 6 metres of the water supply for a Category 1 heavy bushfire tanker shall also be provided.

31. Council records indicate that the building site is at a level of approximately 11.49 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.

32. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering.

In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560-4565 to arrange inspections.

33. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660.1 – 2000 by a suitably qualified, licenced person. A Certificate of Compliance is to be provided to the Principal Certifying Authority and a Notice of treatment is to be provided to the metre box.

34. An automatic fire detection and alarm system shall be installed in the building in accordance with the Building Code of Australia for Class 1a structures. Alarms and detectors shall be installed by a licenced electrician and multiple alarms shall be interconnected. A Certificate of Compliance shall be provided to the Principal Certifying Authority prior to the occupation of the development.

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### ***Prior to Issue of Interim or Final Occupation Certificate***

35. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
  - b) A Certificate for glazing used in the development:
    - a. Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights, balustrades and shower screens. (Note: The certificate is required to be signed by the manufacturer and installer).
    - b. Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development. The balustrade must be designed and installed in accordance with AS/NZS 1170.1.
  - c) The type of timber installed indicating both species and durability as required by AS 1684.
  - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
  - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved
36. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an interim occupation certificate.
37. A final Survey Certificate of the building, prepared by a Registered Surveyor, showing the floor levels of each floor, to AHD levels, and position of the external walls as constructed shall be lodged with Council. Any easements must be shown on the Survey Certificate.

### ***Advisory Notes***

- \*\*\* This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from this date.
- \*\*\* The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- \*\*\* The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- \*\*\* 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.

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\*\*\* Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on Council's Application Form (refer to Council's website or customer service centre) within six (6) months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.

Note: This clause does not relate to Designated, Integrated, Crown or applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.

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

\*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

\*\*\* 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.

\*\*\* Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.

### ATTACHMENTS:

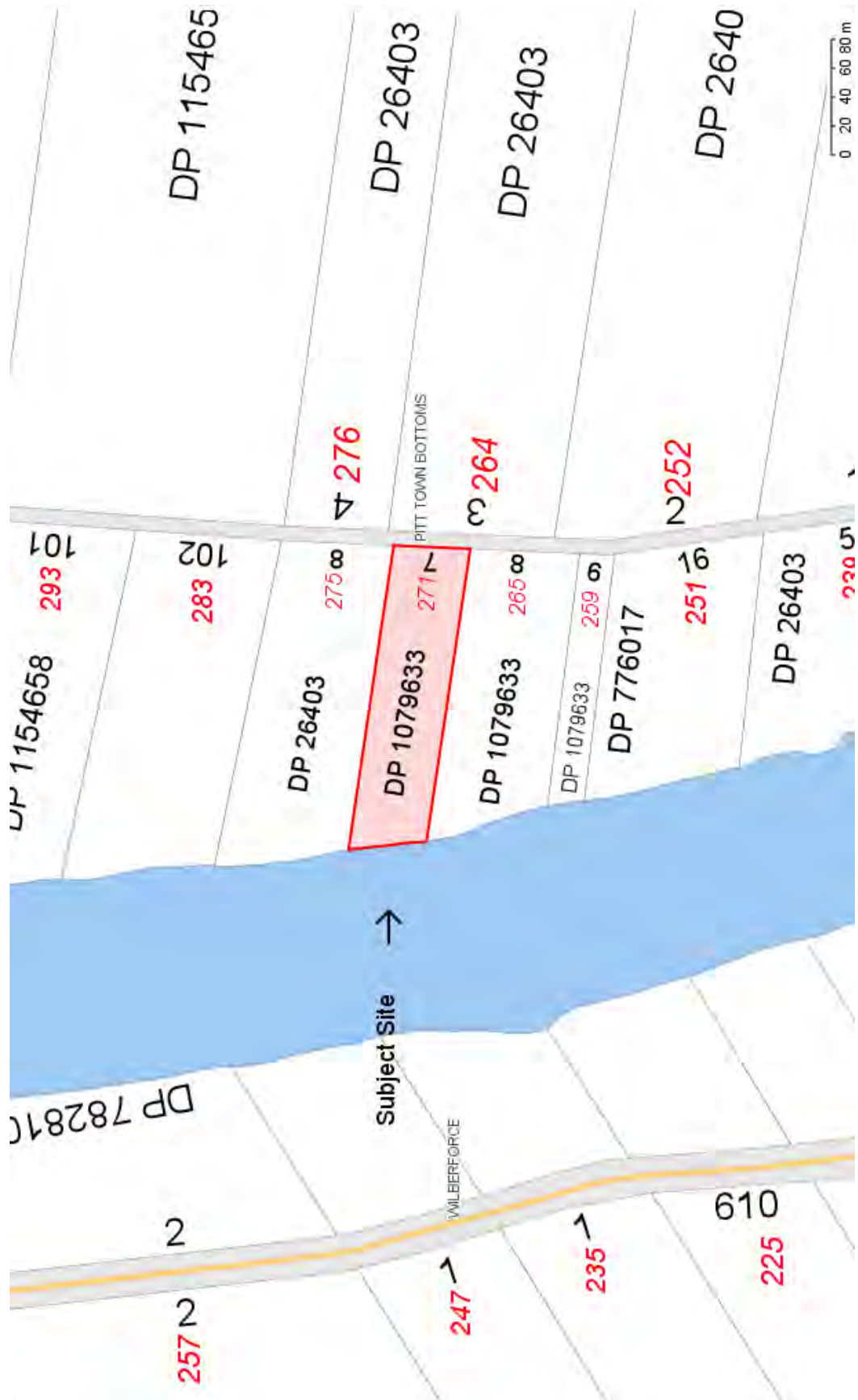
**AT - 1** Locality Plan

**AT - 2** Aerial Photograph

**AT - 3** Site Plan, Floor Plan and Elevations



AT - 1 Locality Plan



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AT - 2 Aerial Photograph



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**Architectural Drawings:**

- Site Plan:** Shows the building footprint, surrounding landscape, and a sediment control fence. Dimensions include 16,035, 66m approx, 3,400, 2,550, and 1,250. A north arrow is present.
- Section:** Shows the building's profile with a flat roof and a central tower. Dimensions include 16,035 and 66m approx.
- Plan View:** Shows the building's footprint with dimensions and a north arrow.

**Legend:**

- Sediment control fence
- sediment control fence

**Scale:** 1:1000

oooO END OF REPORT Oooo



## ORDINARY MEETING

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**Item: 92**                      **CP - DA0697/15 - 74 Bathurst Street, Pitt Town - Lot 74 DP1115117 - Four lot Torrens title subdivision - (94598, 73916, 89429, 135917, 130488)**

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### Development Information

**File Number:** DA0697/15  
**Property Address:** 74 Bathurst Street, Pitt Town  
**Applicant:** McKinlay Morgan & Associates Pty Ltd  
**Owner:** Ms LM Snowden, Mr CM Strudwick, Ms TE Teelow  
**Proposal Details:** Four lot Torrens title subdivision  
**Estimated Cost:** N/A  
**Zone:** R2 Low Density Residential under Hawkesbury Local Environmental Plan 2012  
**Date Received:** 6 November 2015  
**Advertising:** 6/11/2015 - 30/11/2015

**Key Issues:**

- ◆ Inconsistent with the aims and objectives of Hawkesbury Local Environmental Plan 2012
- ◆ Inconsistent with Hawkesbury Development Control Plan 2002
- ◆ Increased residential density on flood affected land
- ◆ Amenity impact

**Recommendation:** Refusal

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### REPORT:

The application seeks approval for a four lot Torrens title subdivision of Lot 74 DP 1115117, 74 Bathurst Street Pitt Town.

The proposal is contrary to Council's requirements relating to subdivision of flood liable land contained within Hawkesbury Development Control Plan 2002 and is inconsistent with the overall objectives of Hawkesbury Local Environmental Plan 2012. It is considered that the proposed subdivision is non-compliant with principal development controls particularly related to the flood risk to the land, increased residential density on flood affected land, compatibility of the proposed development with the constraints of the site and impacts related to amenity.

Given the extent of non-compliance, and the intent to create additional allotments that are below the 1 in 100 year flood level, it is recommended that the proposed four lot subdivision not be supported.

This application is being reported to Council at the request of Councillor Mackay.

### Description of Proposal

The application proposes the subdivision of Lot 74 DP 1115117, 74 Bathurst Street Pitt Town into four separate allotments consisting of the following:

- Lot 41 – 553m<sup>2</sup>
- Lot 42 – 1,212m<sup>2</sup> (1,113m<sup>2</sup> exclusive of access handle and right of carriageway)
- Lot 43 – 852m<sup>2</sup> (752m<sup>2</sup> exclusive of access handle and right of carriageway)
- Lot 44 – 556m<sup>2</sup>.

The existing single residence, attached carport, outbuilding, existing septic system and two concrete driveways are proposed to be demolished.

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A centrally located new access way is proposed to serve the rear two lots, lot 42 and lot 43. Lot 41 and 44 are proposed to have individual access from Bathurst Street. However, the locations of these individual accesses are proposed to be determined later, during the application stage for dwellings on these allotments.

It is noted that the front two lots will be above 1 in 100 year flood level of 17.3m AHD. However, the majority of the rear two lots will be below 1 in 100 year flood level. The land level of the rear two lots ranges from approximately 13.5m AHD to 19m AHD.

The purpose of this subdivision is to create three additional allotments for residential use. The application does not propose land filling as part of this subdivision proposal.

### Description of the Land

The subject site is located on the north-western side of Bathurst Street close to the intersection of Bathurst Street and Chatham Street. The site currently contains a single dwelling with attached garage and an existing outbuilding. The site is irregular in shape and is approximately 3,173m<sup>2</sup> in area. The site has a frontage of 42.6m to Bathurst Street with two existing vehicular crossing entrances. The site shares its western and eastern boundaries with single storey dwellings. The site is opposite the Pitt Town service station and village shops.

Part of the subject site (approximately 55%) is flood affected being at levels well below the adopted flood planning level for the area of 17.3m AHD. The site slopes from north east to south west and varies from approximately 13.5m AHD at the south western end of the lot to 20.9m AHD along the north eastern boundary.

The property is serviced by reticulated water from Sydney Water and a gravity fed sewer connected to Council's sewer main. Council's sewer main runs approximately through the middle of the property.

Attachments to this report have been provided to show an aerial photograph of the site, the subdivision plan received and a map showing the extent of the 1 in 100 year flood level.

### Background

A meeting was held with the applicant on 13 April 2016 to discuss the potential reduction in lots to exclude the rear flood affected lots. In the meeting Council raised no issue with approving the front two lots as they are above the 1:100 year flood level. The applicant's response to this meeting was to not consider any amendment to the proposal and requested that the application be determined at a Council meeting.

### Council Policies, Procedures and Codes to which the matter relates

- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)
- Hawkesbury City Council Development of Flood Liable Land Policy 2012

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

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

**a. The provisions of any:**

**i. Environmental Planning Instrument:**

***Hawkesbury Local Environmental Plan 2012 (HLEP 2012)***

The application has been assessed against the HLEP 2012 and is found to be generally inconsistent with the applicable clauses and objectives. An assessment against specific clauses is provided below:

Zone objectives and permissibility

The subject site is located within the R2 Low Density Residential zone. The proposed subdivision is a permissible form of development within the zone.

Clause 2.3(2) stipulates that Council must have regard to the zone objectives prior to the granting of development consent within that zone. Objectives of the R2 Low Density Residential zone include:

- "a) To provide for the housing needs of the community within a low density residential environment*
- b) To enable other land uses that provide facilities or services to meet the day to day needs of residents*
- c) To protect the character of traditional residential development and streetscapes*
- d) To ensure that new development retains and enhances that character;*
- e) To ensure that development is sympathetic to the natural environment and ecological processes of the area*
- f) To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale*
- g) To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the council*
- h) To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services."*

The proposed four lot subdivision in a battle axe arrangement at the site has been assessed against the objectives of the zone and is found to be generally inconsistent for the following reasons:

- the creation of new allotments on land affected by the 1 in 100 year flood event will have the potential for an increased demand for emergency services in the event of a flood
- the development is likely to result in detrimental and unreasonable negative impacts on the traditional pattern of development in the locality
- the location of the proposed building envelopes has the potential to adversely impact the privacy and amenity of adjoining properties, due to the possible need for filling to erect a dwelling or the height a dwelling would be required to be constructed to achieve the floor levels for flood liable land, and on the nature of water flows and flooding in the locality.

Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 of the HLEP 2012 states that the size of any lot resulting from a subdivision of any land shown on the Lot Size Map shall not be less than the minimum size indicated within the map.

The minimum lot size is 450m<sup>2</sup>. The application seeks approval for the creation of four lots; all are in excess of the minimum lot size requirements. The proposed lot sizes do not include the access handle area and comply with the minimum lot size expressed for the site.

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However, it is considered that the proposed subdivision fails to comply with the objective 4.1(1)(b). This objective states the following:

*"To ensure that each lot created in a subdivision contains a suitable area for the erection of a dwelling house, an appropriate asset protection zone relating to bush fire hazard and a location for on-site effluent disposal is sewerage is not available."*

The majority of the area of proposed lots 42 and 43 is below 1 in 100 year flood event (approximately 75% with the majority of the remaining 25% being a steep bank of approximately 30% slope). The proposed development fails to demonstrate that the proposed lots 42 and 43 contains a suitable area for the creation of a dwelling house and is therefore contrary to clause 4.1(1)(b) objective of the HLEP 2012.

### Clause 6.1 Acid Sulfate Soils

The subject site is located within an area identified as having Class 5 acid sulphate soils. As the development will not alter the water table and no excavation is proposed as part of the subdivision, an acid sulphate soils management plan is not required.

### Clause 6.3 Flood Planning

This Clause applies to all land at or below the flood planning level. The flood planning level identified for the site is 17.3m AHD. Submitted survey plans indicate that levels vary across the site from 13.50m AHD to 20.9m AHD and as such the Clause applies.

Objectives of the Clause 6.3(1) include:

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

Clause 6.3(3) states that development consent must not be granted to development on land to which this clause applies unless Council is satisfied that the development is:

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

The application proposes the creation of two new residential allotments (lot 42 and lot 43) on land, 75% of which is located below the predicted 1 in 100 year flood level for the locality. The entire building envelopes of proposed lots 42 and 43 are proposed to be below 1 in 100 year flood level. It is noted that no filling has been proposed as part of the subdivision. The submitted statement of environmental effects states as below;

*"both lots can easily have a single storey dwelling erected with a ground floor above the 1 in 100 flood ARI as either bearer and joist, concrete infill or with minimal site filling."*

Whilst it is acknowledged that filling could be undertaken in order to enable a dwelling to be constructed consistent with Clause 6.3, it is considered that the increase in residential density in areas affected by the 1 in 100 year flood and the potential adverse privacy and visual impacts that filling, and subsequent development, of the subject land will have on adjoining properties are significant issues.

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The development is assessed against the above matters for consideration and is found to be inconsistent in that:

- the proposal will increase the residential density in flood prone areas. Such intensification is contrary to Clause 6.3(1) objectives of the HLEP 2012 in that the risk to life and property is increased beyond that which is considered to be reasonable or acceptable for the site
- the application does not adequately demonstrate that the arrangement of future structures on proposed lots 42 and 43 will not result in detrimental increases in the potential for flood affectation attributed to surrounding properties
- the proposed lots 42 and 43 are unable to achieve a finished floor height for habitable rooms above 17.3m AHD in an acceptable manner. In this regard the future raised floor design of future dwellings on these lots has a potential to have unacceptable negative impacts on the privacy of adjoining properties and is likely to result in unacceptable bulk and overbearing impacts
- creation of two additional lots below the 100 year flood planning level is contrary to clause 6.3(3)(a) and 6.3(3)(e) of the HLEP 2012 in that the proposed development is not compatible with the flood hazard of the land and will result in unsustainable social and economic costs to the community as a consequence of flooding.

There is a potential cumulative impact associated with supporting increased residential development on flood liable land. It is considered that the increase in intensity of development of land affected by a 1 in 100 year flood does not allow for the orderly and economic development of land within the Hawkesbury or for the provision of appropriate land for residential uses. This is also evidenced by the provisions in Council's adopted Residential Land Strategy which does not consider land below the 1 in 100 year flood level as suitable for future development. This is also consistent with the advice recently obtained from the Department of Planning and Environment in regards to planning proposals for flood liable land.

### **State Environmental Planning Policy No. 55 – Remediation of Land – (SEPP No. 55)**

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

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

A review of Council records indicates the site has been used for residential purpose previously. No previous use is noted to have been in existence at the site for which contamination may be no change of use is proposed.

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

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 contained in this plan.

However, should this subdivision be approved and the additional allotments be created, future development has the real potential to be inconsistent with the scenic values and provisions of this SREP.



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

No Draft Environmental Planning Instrument that has been placed on public exhibition applies to the subject application.

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

***Hawkesbury Development Control Plan (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 this plan. Two submissions were received in response to the application and are discussed under the public submission section of this report.

Part D Chapter 1 - Residential development

Whilst the application does not propose the construction of dwellings on the site, an assessment into the requirements of this chapter has highlighted that there will be a number of issues which would affect the design of a dwelling to be constructed on the site given the location of the building envelopes, in particular to proposed lots 42 and 43. These issues specifically relate to building within the building height plane, private open space being provided at the lower part of the land which is subject to 1 in 20 year flood event, overshadowing and visual privacy for adjoining properties. Attachment 4 includes photographs of the site, with Figure 3 and 4 showing the relationship between the subject sites, and adjoining neighbours to the east and west of the property.

It is considered that the location of the proposed building envelopes would have the potential to affect the amenity and privacy of adjoining neighbouring land situated adjacent to the eastern and western property boundary. The creation of allotments of land that would likely result in future development being unable to comply with the building envelope and other standards contained in HDCP 2002 is not considered to be best practice and would be contrary to the overall objectives for residential development within this chapter.

Part D Chapter 3 - Subdivision

The development has been assessed to be inconsistent with principles and rules stipulated within the plan specifically:

- Clause 3.1 General Principles
  - Ensure all lots created are physically capable of development.

As discussed within this report, the flood affectation of the land is considered to be such that an intensification of development at the site as has been proposed is considered to be unreasonable.
- Clause 3.6 Flooding, landslip and contaminated land
  - Subdivision of flood prone land should not result in increased risk to life or property both on the subject land and adjoining land.
  - Access to the subdivision shall be located above the 1% AEP flooding level.

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The subdivision of the land will result in an increase in risk to life and property attributed to the subject site. The building envelopes at proposed lots 42 and 43 are proposed up to 3.0m below the 1 in 100 year flood level. Even if a dwelling was to be constructed consistent with Council's Flood Liable Land Policy it is considered that the risk to life would unnecessarily increase and the risk of property damage is high.

It is noted that the access to the subdivision i.e. frontage of each lot is from 19.7m AHD to 20.9m AHD which is above the 1% AEP flooding level. However, part of the access from the proposed building envelopes of the rear two lots will be below the 1% AEP flooding level.

- Rule 3.7.5 – Lot Size and Shape
  - Lots should be designed to allow the construction of a dwelling with a maximum cut or fill of 1 metre from the natural ground level.

The proposal does not satisfy this section of Hawkesbury Development Control Plan in that the building platform proposed to be constructed for the lots exceeds the maximum 1m cut or fill requirement of Rule 3.7.5 (f).

The applicant justifies this as follows:

*"As regards proposed lots 42 and 43 the 1m cut or fill requirement only applies to slab on ground construction, a bearer and joist construction is not limited by cut and fill. Furthermore the dwelling envelopes are 19.2m wide (far wider than a general residential construction and over the 19.2m width a 10m wide dwelling (being council's minimum dwelling width) as slab on ground and which is about or larger than an average residential dwelling footprint could be constructed with 1.25m of cut and 1.25m of fill, or less if split level – this is a minor deviation to the DCP and not restrictive to any type of construction."*

It is therefore noted that the design of the subdivision (in particular to lots 42 and 43) relies on possible fill in excess of 1m to create a building envelope and does not comply with this requirement.

The applicant has also made the following statement in the application as a justification for variations to Council's DCP:

*"Regardless of compliance or not, the DCP is a guide only and not a planning control and council can vary compliance with the DCP if there is a better outcome."*

Whilst it is true that the Council can vary the provisions of the DCP, the provisions in the DCP have been adopted by Council following extensive public consultation. The fact that it is not a formal statutory provision is not a relevant issue. The provisions of a DCP have always been in place to be used as a guide for applicants and to provide some certainty to the community about the development requirements. Variations to the DCP can/should only be considered when the result is a better, more desirable development outcome than one that strictly complies with the DCP.

In many cases, including the subject application, numerous variations to the DCP provisions are generally required when a development outcome is an overdevelopment or undesirable outcome. In this case the proposed variations to the DCP and Council policies would result in an undesirable and unsustainable outcome for the community.

**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:**

Not applicable.

- 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 & Setting**

The area surrounding the subject land comprises lots in varying sizes and configuration ranging from 590m<sup>2</sup> and greater. Whilst the proposed subdivision may be consistent with the lot sizes in the locality, it is considered that the specific site constraints, in particular flooding, makes the site unsuitable for further intensified development, in the form of a four lot subdivision, with two allotments below the flood level.

**Streetscape**

The development has been assessed to be incompatible with the existing and desired future character of the area and is likely to result in an undesirable precedent being set for development on flood affected land.

The local R2 Low Density Residential zone is predominantly single residences with direct frontage to the street. Battle-axe development is limited to one other allotment next to two lots from the subject site. It is noted that that development is not a recent approval subject to the current controls.

**Natural hazards**

The subject site is affected by 1 in 100 year flood which is predicted at 17.3m AHD. The proposed building envelope level for the two rear lots are below the flood level and range from 14.8m AHD to 17m AHD. Access to the lots will be above 17.3m AHD, however access to the building envelopes will be partly below 17.3m AHD. Attachment 3 of this report is a map showing the area affected by the 1 in 100 year flood event.

It is noted that the subdivision of the property will rely on possible fill to be provided to achieve a minimum ground level for the construction of a building on the rear two lots. If fill is not utilised then the proposed future dwellings would require a habitable floor level to be up to 2.5m above the existing ground level.

It should also be noted that the existing land levels are located below the 1 in 100 year flood level. It is considered that increased residential development on a property that is impacted by flooding is inappropriate as the natural hazards affecting the land cannot be adequately managed.

No flood risk assessment report has been submitted with the application to assess the impact of the proposed development on mainstream flooding and the effect of possible land filling on flood behaviour and impact on adjoining premises.

**Hawkesbury City Council Development of Flood Liable Land Policy 2012**

New development that creates new allotments should utilise the principles within the Hawkesbury Residential Land Strategy. This Strategy contains specific provisions about flood prone land that states that land "*affected by the 1:100 flood event is not considered suitable for intensification of residential development*".

The assessment of this development application has considered the relevant provisions of the Development of Flood Liable Land Policy 2012. However, this Policy is intended to deal with development on existing, approved allotments and not necessarily to enable further intensification of subdivision development on flood liable land as the Policy provisions primarily deal with building heights, flood compatible building materials and legality of building new or replacement structures in flood areas. The Policy intent was to ensure that existing allotments were not sterilised from development due to changes to flood controls over the previous years. In this regard the Policy aims to address the controls for building on existing vacant allotments or for replacing structures in flood liable areas and not to permit additional density in flood areas.

Whilst the future residential development of the land may be able to be constructed consistent with the flood requirements of Council's Flood Liable Land Policy, it should be noted that these rules are minimum requirements which aim to deal with existing lots and replacement development rather than creation of new allotments in an area subject to flooding.

There is a potential cumulative impact associated with supporting increased residential development in flood prone areas. It is considered that the increase in intensity of development of land affected by a 1 in 100 year flood does not allow for the orderly and economic development of land within the Hawkesbury or for the provision of appropriate land for residential uses.

***Flora and fauna***

The application is not likely to result in the impact of any significant flora or fauna communities within the locality.

***Cumulative impacts***

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

When assessing development of flood prone land it is accepted practice, as detailed in the NSW Floodplain Development Manual, to assess proposals on their individual merits rather than on previous or similar cases. This approach is taken due to the very different circumstances of each case of flood prone land and also, as information improves, it is not good practice to perpetuate poor or marginal decisions made in the past that did not have the benefit of up to date information.

It is considered that compliance with HLEP 2012 and HDCP 2002 is not unreasonable or unnecessary in this circumstance and that support of this development would set an undesirable precedent with respect to breaching the Council's flood related development controls.

***Social and economic impact on the locality***

It is assessed that the flood risk attributed to the site is of a nature such that the construction of four additional dwellings would be an increase in risk to life and property beyond that which is considered acceptable. Impacts associated with increased residential development on land affected by flood may have an adverse economic impact on the locality, particularly in regards to property damage and services required for evacuation in the event of a flood.

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

The proposal is inconsistent with the various planning controls affecting the site and the site is not considered suitable for a four lot subdivision due to the flood affectation of the proposed rear allotments, the location of proposed building envelopes below 1 in 100 year flood event and the extent of possible fill required to achieve a minimum building platform on the two rear lots. In this regard a two lot subdivision, excluding the two rear allotments, would be a more appropriate and sustainable outcome for the site.

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

The proposed development was placed on public exhibition from 16 November 2015 to 30 November 2015. Two submissions were received. The matters raised in these submissions are listed below:

- *Existing metal shed structure contributes to the heritage character of Pitt Town.*
- *Property is located at the busy intersection of Bathurst Street and Chatham Street. Street parking is very limited on this section of Bathurst Street.*
- *The proposed rear two lots are flood affected. Fill would be required for house platform.*
- *Excess runoff will affect the neighbours. Large absorption trenches would divert any run off onto neighbouring properties.*
- *Four additional dwellings will alter the tranquil setting viewed from neighbour's property.*

The applicant has provided a response to the issues raised by the submissions as follows:

- *the current owners have queried the previous owner (a Stubb's and a family friend) who advised that the shed was built in 1964 and the house in 1965, neither can be considered as being of heritage significance.*
- *Traffic entering can only turn left and traffic exiting can only turn left. It is likely to prevent far fewer accidents and congestion or traffic queuing behind vehicles turning right into the lots than if traffic could turn across opposing traffic.*
- *The proposed will have ample space for off street parking*
- *No filling proposed as part of the subdivision. The impact of possible filling can be better considered once a development application for a dwelling on the proposed lots is submitted,*
- *Water flows downhill and will not flow into the properties on either side*
- *Loss of views / tranquillity due to development creating lots of similar size is not an argument for refusal.*

Comment: Most of the issues raised by the submissions are supported as discussed in the previous sections of this report.

In relation to the applicant's response to the issues raised by the submissions, the following comments are provided:

Council records indicate that neither the existing outbuilding nor the subject site is listed as an item having local or state heritage significance. Council's Slab Barn Study also did not recognise this existing outbuilding as an item of heritage significance. Council therefore does not raise concern in demolishing this outbuilding.

Whilst the impact of filling can be considered in detail in future development applications for dwellings, in this case the issues are so significant that they are readily identifiable at the subdivision stage. It would be very poor planning (or other) practice to approve a subdivision that creates an allotment where it is known that future development of that allotment will likely result in adverse impacts on adjoining properties.

The proposed creation of new lots below the 1 in 100 year flood level is considered to be inappropriate on the basis that that the proposal does not comply with Councils flood related development controls contained within HLEP 2012 and HDCP 2002, and the proposal would have an adverse impact on adjoining properties in terms of amenity.

**e. The Public Interest:**

The current planning controls require subdivisions to minimise the flood risk to life and property associated with the use of land and sufficient area for the erection for a dwelling.

The development has been assessed against the applicable plans and policies and is assessed to be non-compliant with principle development controls particularly related to:

- the flood risk of the land
- compatibility of the proposed development with the constraints of the site
- impacts related to amenity.

Given the extent of non-compliance the proposed subdivision is not considered to be in the public interest and the development application is recommended for refusal for the reasons expressed in the recommendation to this report.

**Developer Contributions**

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

**Conclusion**

An assessment of the proposal has revealed that the development is inconsistent with the aims and objectives of Hawkesbury Local Environmental Plan 2012.

The proposal does not comply with the flood related development controls contained within Hawkesbury Development Control Plan 2002.

The circumstances of this application are not unique to the site and therefore approval of the proposed subdivision would most likely set an undesirable precedent when considering the subdivision of flood affected lots.

The future development of the proposed allotments building envelopes will likely have an adverse impact on neighbouring properties with respect to loss of privacy and overshadowing.

The development which comprises a four lot Torrens Title subdivision and the construction of four single dwelling houses has been assessed against the applicable plans and policies and is assessed to be non-compliant with principle development controls particularly related to:

- the flood risk of the land
- compatibility of the proposed development with the constraints of the site
- impacts related to amenity.

Given the extent of non-compliance the application is not considered to be in the public interest and is recommended for refusal for the reasons expressed within this report.

**Planning Decision**

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

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### RECOMMENDATION:

That Development Application DA0697/15 at Lot 74 DP 1115117, 74 Bathurst Street, Pitt Town for a four lot Torrens title subdivision be refused for the following reasons:

1. The proposed development does not comply with the applicable provisions within the Hawkesbury Local Environmental Plan 2012, in particular those related to development of flood liable land and amenity impacts in the locality.
2. The proposed development does not comply with the aims, objectives and rules within the Hawkesbury Development Control Plan 2002 specifically controls related to flooding and subdivision.
3. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties in terms of solar access and privacy.
4. The site is considered unsuitable for increased residential development given its flood affectation being below the 1 in 100 year flood level and the potential to increase the risk of future occupants in times of flood.
5. The proposal is considered to not be in the general public interest due to the above reasons, the objections received and the potential cumulative impact that such subdivisions will have on the social and economic costs to the community.

### ATTACHMENTS:

- AT - 1 Aerial Photograph
- AT - 2 Subdivision Plan
- AT - 3 Plan Showing 1 in 100 year flood level
- AT - 4 Site photos

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**AT - 1 Aerial Photograph**





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AT - 3 Plan Showing 1 in 100 year flood level





**AT - 4 Site photos**



**Figure 1: Bathurst Street at the front of the property**



**Figure 2: Proposed rear two lots are located below 1 in 100 year flood level**





**Figure 3: View of neighbour house along eastern boundary**



**Figure 4: View of neighbour's house along western boundary**

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 31 May 2016

**Item: 93**                      **CP - DA0730/15 - 216 Edwards Road, Richmond Lowlands - Lot 1 DP229549 - Rural Worker's Dwelling - Conversion and use of the building as a rural workers dwelling - (94598, 83531, 95411)**

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### Development Information

**File Number:** DA0730/15  
**Property Address:** 216 Edwards Road, Richmond Lowlands  
**Applicant:** David Jones Building and Landscape Design  
**Owner:** Marshall Rural Pty Ltd  
**Proposal Details:** Rural Worker's Dwelling - Conversion and use of the building as a rural workers dwelling  
**Estimated Cost:** \$5,000  
**Zone:** RU2 Rural Landscape  
**Date Received:** 19 November 2015  
**Advertising:** 27 November 2015 to 11 December 2015

**Key Issues:**                ♦ Categorisation and permissibility  
                                     ♦ Flooding

**Recommendation:** Approval

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### REPORT:

#### Executive Summary

This application seeks Council approval to use an existing building at 216 Edwards Road, Richmond Lowlands, as a rural worker's dwelling. The subject building was previously approved for use as tourist and visitor accommodation.

Documentation submitted in support of the application indicates that the proposal is permissible as a 'rural worker's dwelling' and that the building will be used to provide accommodation for up to eight workers employed in the agricultural activities undertaken onsite and at 2 Powells Lane. However, Council's records indicate that both the subject property and 2 Powells Lane are primarily used as an 'animal boarding or training establishment' and the proposed workers' accommodation will instead operate in conjunction with this use.

The development is therefore seen to be ancillary to the primary animal boarding and training establishment use as opposed a rural worker's dwelling. On this basis the development is permissible and is recommended for conditional approval.

#### Development Description

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval to convert and use the tourist and visitor accommodation building at 216 Edwards Road, Richmond Lowlands, as a rural worker's dwelling.

The subject land is known as 'Kurri Burri' and contains a heritage-listed single-storey dwelling house and a number of modern outbuildings. Together with the southern property at 2 Powells Lane, the land is used for the keeping and training of horses for polo and for agricultural purposes.

The building that is subject to this application was originally approved and constructed as a farm shed with Development Consent No. DA0081/06. This shed was to be used in association with the keeping and training of horses.

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The building was later modified by Development Consent No. DA0281/10; for use as a rural tourist facility. This consent approved three separate units at first floor level and the accommodation of up to 12 guests at any one time. A maximum length of stay of four weeks was imposed on the consent.

The current application has been submitted to allow the first floor of the building to be used for the provision of accommodation for up to eight workers employed in the agricultural and horse-related activities undertaken onsite and at 2 Powells Lane.

**Summary Recommendation**

Council's records indicate that both the subject property and 2 Powells Lane have been approved for use as an animal boarding or training establishment. The proposed workers' accommodation is to operate in conjunction with the existing animal boarding and training establishment and is seen to be ancillary to this primary use.

The development is acceptable and is therefore recommended for conditional approval.

**Development History**

The Kurri Burri property is primarily used for the keeping and training of horses for polo, although it is also used for agricultural purposes such as grazing and the production and harvesting of hay. Applications submitted to Council for 216 Edwards Road and 2 Powells Lane include:

<b>No.</b>	<b>DATE</b>	<b>PROPOSAL</b>	<b>DECISION</b>
DA0326/05	08/06/2005	Dwelling House – Alterations to the dwelling house (216 Edwards Road)	Approved
DA0471/05	12/07/2005	Dwelling House – Alterations and additions to the dwelling house (216 Edwards Road)	Approved
DA0594/05	08/03/2006	Recreational Establishment – Construction of polo fields (2 Powells Lane)	Approved
DA1141/05	02/03/2006	Dwelling House – Alterations and additions to the dwelling house (216 Edwards Road)	Approved
DA0081/06	16/05/2006	Animal Establishment – Construction of a farm shed and the operation of an animal establishment (216 Edwards Road)	Approved
DA0219/06	03/04/2006	Dwelling House – Alterations and additions to the dwelling house (216 Edwards Road)	Approved
DA0324/06	23/04/2006	Structures Ancillary to a Dwelling House – Construction of a tennis court, spa and pavilion (216 Edwards Road)	Approved
DA0086/07	22/02/2007	Structures Ancillary to a Dwelling House – Construction of a carport and shelter (216 Edwards Road)	Approved
DA0423/07	09/04/2008	Recreational Establishment – Conversion and use of a shed as a guesthouse for users of the polo field (216 Edwards Road)	Withdrawn
DA0703/07 (Consent made operational on 09/10/2008)	25/07/2008	Animal Establishment – Construction of a stables complex (stables, tack room, feed room and office), machinery shed (including staff and player facilities), vehicle shed, polo facility building, training paddock and horse walker (2 Powells Lane)	Approved
DA0116/08	11/11/2008	Rural Tourist Facility – Operation of music festival	Approved

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<b>No.</b>	<b>DATE</b>	<b>PROPOSAL</b>	<b>DECISION</b>
DA0678/08	18/09/2009	Structures Ancillary to a Dwelling House – Alterations to a deck and retaining wall associated with a boat ramp (216 Edwards Road)	Approved
DA0281/10	28/10/2010	Rural Tourist Facility – Conversion and use of a shed as a rural tourist facility	Approved
DA0415/10	05/10/2010	Farm Building – Construction of a farm building (2 Powells Lane)	Approved

The existing polo and training fields at 2 Powells Lane were originally approved by Development Consent No. DA0594/05 as a 'recreational establishment'. The use of 216 Edwards Road for the keeping and training of horses was later approved as an 'animal establishment' by Development Consent No. DA0081/06. This consent included the construction of a farm shed with a tack room, feed room and staff amenities. The approved plans and supplied documentation indicated that the paddocks on the property were to be used for the keeping and training of horses.

The construction of a large stables complex (stables, tack room, feed room and office), machinery shed, vehicle shed, polo facility building, training paddock and horse walker was approved for 2 Powells Lane by Development Consent No. DA0703/07. This consent for an animal establishment was originally issued as 'Deferred Commencement' Consent but has now been made operational. The consent has been subject to a number of modifications – the most recent of which was Development Consent No. DA0703/07E – and the majority of the works associated with this consent have now been completed, with the exception of an approved polo facilities building.

Council's records therefore indicate that an animal establishment use has been approved for both 216 Edwards Road and 2 Powells Road. The agricultural activities undertaken onsite such as fodder production and grazing may be defined as 'extensive agriculture' and did not require Council approval.

The building at 216 Edwards Road subject to this application was most recently approved for use as a 'rural tourist facility' by Development Consent No. DA0281/10. This consent approved three separate units and the accommodation of up to 12 guests at first floor level. Condition 20 of the consent permits a maximum length of stay of four weeks for guests of the facility.

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

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

**Section 79C Matters for Consideration**

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

**(a)(i) Environmental Planning Instruments*****Hawkesbury Local Environmental Plan 2012***

The property is zoned RU2 Rural Landscape under the HLEP 2012.

The HLEP 2012's Dictionary provides the following definitions that are relevant to the proposal:

*"rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.*

*animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital."*

The above definition of a rural worker's dwelling only applies to agricultural uses and rural industries. Inspections of the property indicate that the workers employed onsite are primarily associated with the training and keeping of horses, not the agricultural use of the land. As a result the proposed workers' accommodation cannot be considered as a rural worker's dwelling.

However, as detailed previously in this report, it is recognised that both 216 Edwards Roads and 2 Powells Lane have been approved and continue to operate as animal establishments, which would be equivalent to the HLEP 2012's definition of an animal boarding and training establishment.

Animal boarding and training establishments are a permissible form of development within the RU2 Rural Landscape zone.

The documentation supplied in support of the application outlines that the existing building will be used to accommodate staff involved with the existing horse breeding and polo training establishment. On this basis the use of the accommodation would be subordinate to the dominant horse breeding and training purpose.

It is therefore accepted that the proposed rural worker's dwelling is ancillary to the existing animal and boarding establishment use.

The land is not burdened by HLEP 2012-mapped wetlands and the existing structure is located in excess of 100m from the Hawkesbury River. The majority of the land is categorised as Class 5 acid sulphate soils and no earthworks are proposed that may impact upon or lower the water table.

Therefore, in summary, it is considered that the development is consistent with the provisions of the HLEP 2012.

#### **State Environmental Planning Policy No. 55 – Remediation of Land**

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

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

Council's records indicate that the land has a history of use for agricultural purposes and, more recently, as an animal boarding and training establishment. The subject building is currently approved for tourist accommodation which is equivalent to a residential use. The land is considered suitable for the proposal having regard to the provisions of SEPP No. 55.



**Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River**

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 No. 20 requires an assessment with regard to the general and specific considerations, policies and strategies set out in the Policy.

The Scenic Quality Study prepared in support of SREP No. 20 indicates that this area is of regional significance, although the study acknowledges that this section of the river has been extensively altered by agriculture.

The property is located within an established rural area and no additional structures are proposed with this application. The operation of the existing animal boarding and training facility will not be altered by this application. It is considered that the development will not significantly impact on the environment of the Hawkesbury-Nepean River in either a local or regional context.

**(a)(ii) Draft Environmental Planning Instruments**

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

**(a)(iii) Development Control Plans**

***Hawkesbury Development Control Plan 2002***

The development has been considered against the provisions of the HDCP 2002:

Part A Chapter 3: Notification

The proposal was notified in accordance with Part A Chapter 3 of the HDCP 2002. No submissions were received.

Part C Chapter 2: Car Parking and Access

The existing carport and shelter approved with Development Consent No. DA0086/07 will provide adequate covered parking for the proposed workers' accommodation.

Part C Chapter 7: Effluent Disposal

Council's Environmental Health Officer has raised no objection to the proposal subject to the imposition of conditions.

**(a)(iv) Regulations**

These matters have been considered in the assessment of this application.

The development may be conditioned to comply with the National Construction Code/Building Code of Australia (BCA). A BCA Report lodged in support of the application indicates that the structure should not be considered as a new building and accordingly the provisions of the Disability (Access to Premises – Buildings) Standards 2010 do not apply.

The payment of 94A Development Contributions are not required.

**(b) Likely Impacts of the Development (Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality)**

These matters have been considered in the assessment of this application.

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The subject property is used for the breeding, training and keeping of horses associated with the sport of polo. The proposal involves the use of an existing building for the accommodation of staff employed with this activity; the existing operations of the establishment will not be altered. On this basis it is considered that the proposed development will not have a significant adverse impact on the rural use of the land or detract from the locality's rural character.

It is considered unlikely that the development will have any adverse environmental or social impacts on the locality.

### **(c) Suitability of the Site for Development**

These matters have been considered as part of the assessment of the development application.

The 1-in-100 year flood level for the locality is approximately 17.4m AHD. The existing building is located on land having a level of approximately 14.7m AHD and therefore the property is defined as flood prone land.

The ground floor of the existing building has a level of approximately 14.8m AHD whilst the first floor has a level of 17.77m AHD.

The NSW Government Floodplain Development Manual is not to be used in respect to individual developments and is instead a guide for the development of Floodplain Risk Management Plans, which in turn provide the framework in which proposed developments can be assessed.

Clause 6.3 of the HLEP 2012 requires an assessment of flood risk. Council's Development of Flood Liable Land Policy further outlines the following controls that are relevant to this proposal:

- "1. A building shall not be erected on any land lying at a level lower than 3 metres below the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is situated, except as provided by subclauses (3) and (5).
2. Each habitable room in a building situated on any land to which this Policy applies shall have a floor level no lower than the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is located."

With a level of 14.8m AHD for the ground floor and a level of 17.77m AHD for the first floor, the proposal potentially satisfies Clauses 1 and 2 of Council's Development of Flood Liable Land Policy. In this regard it is noted that the submitted plans indicate that the ground floor layout of the building is to match that shown with Development Consent No. DA0281/10. This fails to satisfy Condition 5 of the consent which prohibited the use of the ground floor for habitable purposes (such as a shared kitchen or multi-purpose rooms containing kitchen facilities). The Applicant argues that this shared kitchen was previously approved with the Development Consent No. DA0081/06 however the most recent consent required its removal.

The imposition of a condition requiring the non-habitable use of the ground floor is recommended to satisfy the provisions of the Development of Flood Liable Lands Policy and the previous consent.

In reference to the principles of the NSW Government Floodplain Development Manual April 2005, it is considered that the subject building is located within a 'High Flood Risk Area'. This flood prone land category is of a high hazard. During a major flood event it is expected that flood waters would recede slowly, thus isolating the property for an extended period of time, most likely greater than a week.

Access to the subject property from Richmond is via Triangle or Onus Lanes, Powells Road and Edwards Road. These roads are located below the 1-in-100 year flood level, and high hazard areas exist in the vicinity, effectively cutting off the evacuation route from the subject property to flood free land within Richmond.

The use of the building to provide workers' accommodation represents something of an intensification in the use of the site, however it is comparable to the approved tourist accommodation use. As opposed to visitors to the site, permanent workers are more likely to be familiar with the area, as well as the risk and nature of flooding.

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A Flood Evacuation Plan has been developed for the property. This Plan operates in conjunction with an Early Warning System (EWS) which will be triggered at predetermined flood levels. The documentation advises that *"the EWS will operate in conjunction with an education program for the owners, residents, workers and guests of Kurri Burri (and) appropriate signage in key locations on the property... The provision of the Flood Evacuation Plan will reduce the flood risk to the farmhouse and the proposed rural workers dwelling by providing a managed approach to removing people from the property and securing plant, machinery and materials in a safe manner before the flood inundates the farmhouse and rural workers dwelling"*.

Given the nature and scale of use of the property, as well as the effective warning time for a flood (in excess of 24 hours), it is considered likely that the evacuation of the property of personnel may be achieved prior to being cut off by flood waters. The existing structure satisfies Council's Development of Flood Liable Land Policy and the proposal does not significantly increase flood risks in comparison to past approvals.

The development is considered suitable within the context of the locality.

### **(d) Any Submissions**

The proposal was notified in accordance with Part A Chapter 3 of the HDCP 2002 from 27 November to 11 December 2015. No submissions were received.

Internal referral comments are discussed further in this report.

### **(e) Public Interest**

The matter of public interest has been taken into consideration in the assessment of the application.

The development is to provide accommodation for workers of the horse training and polo facility. By virtue of this association the proposed accommodation is seen to be ancillary to the existing animal boarding and training establishment.

The development is not expected to adversely impact upon the amenity of the locality or the surrounding environment and as such the approval of the application is seen to be in the public interest.

### **Internal Referrals**

Building – Council's Building Coordinator has raised no objection to the proposal subject to the imposition of conditions.

The Building Coordinator has advised that the first floor workers' accommodation would be categorised as a Class 2 building and that the fire separation between the ground and first floor levels may be inadequate. An upgrading of the building will likely be required.

Environmental Health – The Environmental Health Officer has raised no objection to the proposal subject to the imposition of conditions.

The submitted documentation indicates that the building is connected to an existing aerated wastewater treatment system however there is no current licence for this system. A new licence will need to be obtained from Council for this system.

### **External Referrals**

Not applicable. The proposal is not defined as 'integrated development' and external referrals are not required.

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### Financial Implications

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

### Planning Decision

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

### RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0703/15 for ancillary workers' accommodation on Lot 1 in DP 229549, known as 216 Edwards Road, Richmond Lowlands, subject to the following conditions:

Development Description: Animal Boarding and Training Establishment – Conversion and use of the tourist and visitor accommodation portion of the building as workers' accommodation ancillary to the Animal Boarding and Training Establishment.

### General Conditions

1. The development shall take place in accordance with the following approved plans and documentation:
  - Drawing No. 481/1 'Site Plan' prepared by David Jones Building and Landscape Design and dated September 2015;
  - Drawing No. 481/2 'Floor Plans' prepared by David Jones Building and Landscape Design and dated September 2015;
  - Drawing No. 481/3 'Elevations and Section A-A' prepared by David Jones Building and Landscape Design and dated September 2015;
  - Drawing No. 481/4 'Existing Carport Plan' prepared by David Jones Building and Landscape Design and dated September 2015;
  - BASIX Certificate No. 243854S prepared by David Jones Building and Landscape Design and dated 17 April 2009; and
  - 'Flood Evacuation Plan for Kurri Burri' prepared by Stefani Group and dated January 2010

... except as modified by these further conditions.

Note: The ground floor rooms shall not be used for habitable purposes. As such kitchens or dining rooms must not be installed or remain in this area.

2. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
3. The first floor workers' accommodation shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development is to comply with the National Construction Code/Building Code of Australia (BCA).

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5. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate.

A registration fee applies.

6. Hawkesbury City Council is the sewer authority for this development. Council is the approving authority for all sewer works.

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

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.

7. Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.

Payments can be made at Long Service Payments Corporation offices or most Councils.

8. A report from a suitably qualified and experienced fire engineer shall be provided to the Principal Certifying Authority with recommendations for the upgrading work to the existing building to ensure there is adequate provision for fire safety to the occupants of the building.
9. The ground floor kitchen and kitchenettes are to be deleted from the plans for the Construction Certificate and are not to be located on this level. The ground floor rooms are to be used for non-habitable purposes only.
10. The 'Flood Evacuation Plan for Kurri Burri' prepared by Stefani Group and dated January 2010 shall be updated to include reference to the ancillary workers' accommodation building. The amended plans shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

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

11. 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.
12. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
13. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - a) Unauthorised access to the site is prohibited.
  - b) The owner of the site.
  - c) The person/company carrying out the site works and telephone number (including 24 hour seven days' emergency numbers).
  - d) The name and contact number of the Principal Certifying Authority.
14. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such facility shall be located wholly within the property boundary.

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### ***During Construction***

15. 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.
16. 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 onsite.
  - d) All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
17. Compliance certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 and as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.

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

18. An approval to operate the on-site septic system must be obtained from the Environment and Regulatory Services Department of Hawkesbury City Council. The approval to operate is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.
19. Evidence shall be provided that the Flood Evacuation Plan and Early Warning System have been implemented/installed in accordance with the 'Flood Evacuation Plan for Kurri Burri' prepared by Stefani Group and dated January 2010. With respect to the workers accommodation building this shall include:
  - a) Flood warning signs of durable material shall be permanently fixed in prominent locations internally and externally of the workers' accommodation. The signs shall advise occupants that the site may subject to inundation during times of flood.
  - b) The evacuation procedures shall be permanently fixed in a prominent location(s) within the building and maintained at all times.
20. A Final Fire Safety Certificate shall be provided to the Principal Certifying Authority for all new or augmented fire safety measures prior to the issue of an Interim or Final Occupation Certificate.
21. A statement or other suitable evidence shall be submitted to the Principal Certifying Authority certifying that all commitments made on the BASIX Certificate have been implemented and installed as approved.

### ***Use of the Development***

22. The ancillary workers' accommodation shall only be used to accommodate people employed/associated with the animal boarding and training establishment at 216 Edwards Road and 2 Powells Lane.

Should the properties at 216 Edwards Road and 2 Powells Lane cease being used as an animal boarding and training establishment, the use of the subject building to provide accommodation for workers or any other person must also cease and the building is to be rendered uninhabitable.

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23. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- a) been assessed by a properly qualified person, and
  - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

The reasons for the imposition of these conditions are those matters specified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

### **Advisory Notes**

- \*\*\* This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from this date.
- \*\*\* The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- \*\*\* The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- \*\*\* The owner shall enter into a Service Contract with a suitably qualified service operative for the servicing of the aerated wastewater treatment system (15NR Econocycle) at quarterly intervals, and a copy of the Service Record Sheet shall be forwarded by the owner to Council after each service. Copies of recent service report sheets are required to be submitted to Council also.
- \*\*\* 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.
- \*\*\* Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on Council's Application Form (refer to Council's website or customer service centre) within six months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.
- Note: This clause does not relate to Designated, Integrated or Crown Development, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.
- \*\*\* If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

**ORDINARY MEETING**

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**ATTACHMENTS:**

**AT - 1**    Locality Plan

**AT - 2**    Plan of the Proposal



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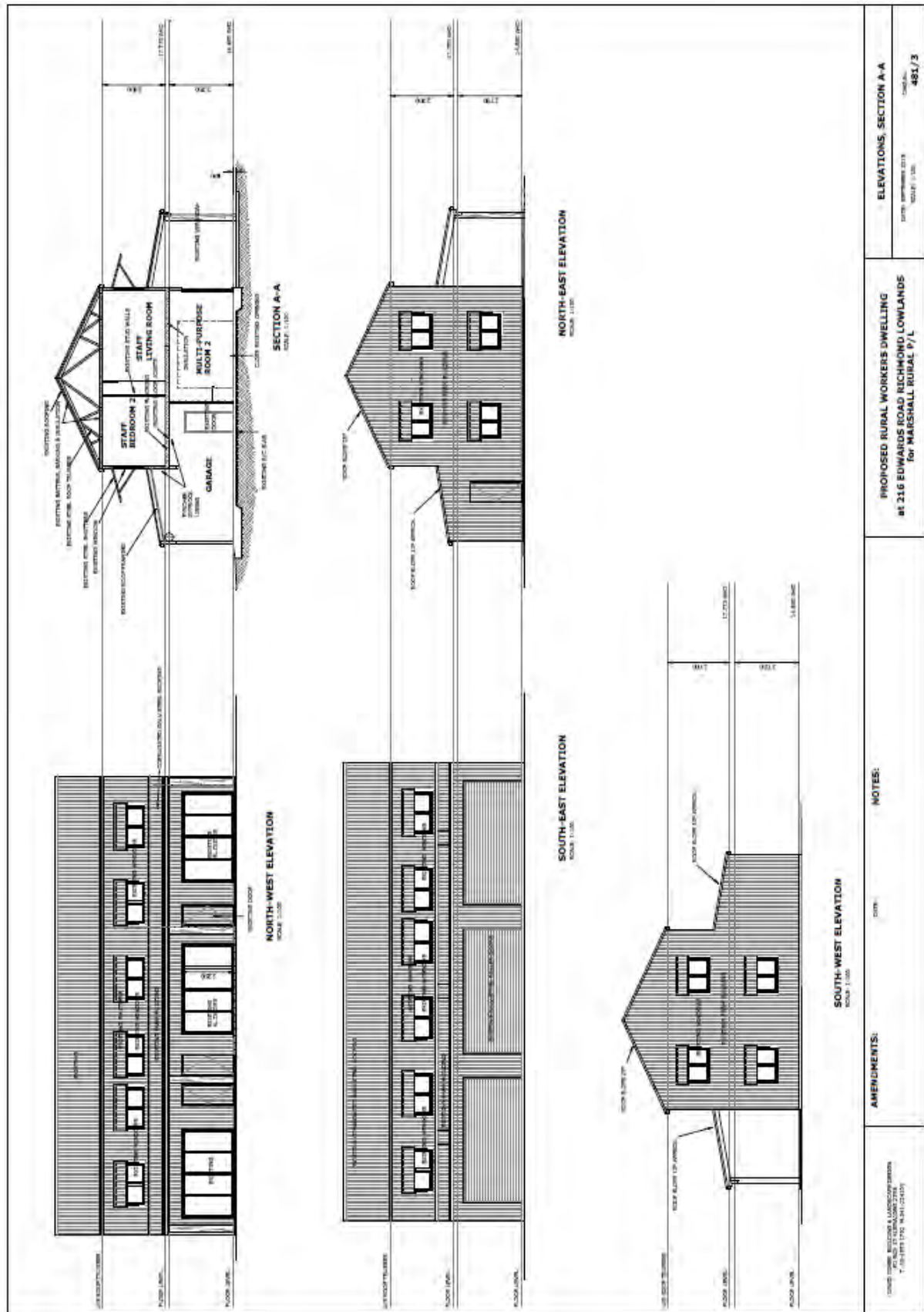
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# ORDINARY MEETING

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PROPOSED RURAL WORKERS DWELLING  
216 EDWARDS ROAD RICHMOND LOWLANDS

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## ORDINARY MEETING

Meeting Date: 31 May 2016

**Item: 94**                      **CP - DA0830/15 - 67 Kurrajong Road, Kurrajong - Lot 1 DP1185012 - Subdivision of one lot into 52 lots - (94598, 135051)**

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### Development Information

**File Number:** DA0830/15  
**Property Address:** 67 Kurrajong Road, Kurrajong  
**Applicant:** PRJM Associates Pty Ltd  
**Owner:** PRJM Associates Pty Ltd  
**Proposal Details:** Subdivision of one lot into 52 lots  
**Estimated Cost:** \$4,350,000  
**Zone:** R2 Low Density Residential  
**Date Received:** 23 December 2015  
**Advertising:** 8 January 2016 to 5 February 2016

**Key Issues:**

- ◆ Flora and Fauna
- ◆ Suitability of proposed sewerage system
- ◆ Compliance with relevant planning controls
- ◆ Amenity of the location

**Recommendation:** Refusal

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### REPORT:

#### Executive Summary

This application seeks approval for a 52 lot subdivision of land at 67 Kurrajong Road, Kurrajong.

It is proposed that native vegetation on the land would be removed, a new road would be constructed and that all 50 residential allotments would be connected to a sewerage system that relies on a pump out tanker transporting sewage from the site to a sewerage treatment plant.

An assessment of the application has been undertaken and it is recommended that the proposal not be supported as the proposed method of sewage disposal is considered to be unsuitable and that the development would have an adverse impact on native vegetation and the amenity of the locality. Furthermore the proposal is inconsistent with the relevant planning controls applying to the development, in particular Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River, Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.

A total of 58 submissions have been received as a result of the notification of the application and raise objection to the proposal based on issues relating to flora and fauna, traffic, amenity of the locality and suitability of services. The issues raised in the submissions have confirmed that the proposal would have an unacceptable impact on the surrounding locality.

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

#### Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for a 52 lot subdivision of Lot 1 in Deposited Plan 1185012, No. 67 Kurrajong Road, Kurrajong ("the land").

The proposed subdivision involves the construction of a new road, stormwater drainage system and installation of a sewage holding tank. Two lots would be used for services and the remaining 50 lots would be used for residential development.

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Native vegetation on the land will be removed as part of the proposal and the application states that the proposed sewerage system is a short to medium term measure until a reticulated sewerage service is available in the locality.

The application is supported by the following documentation:

- Statement of Environmental Effects, 22 December 2015, prepared by Nexus Environmental Planning Pty Ltd
- Bushfire Risk Assessment, 12 December 2015, prepared by Bushfire Planning Services
- Flora and Fauna assessment, REF: A15066, December 2015, prepared by Travers Bushfire and Ecology
- Environmental Site Assessment, September 2015, prepared by C.M. Jewell & Associates Pty Ltd.
- Traffic Assessment Report, 17 December 2015, prepared by Positive Traffic Pty Ltd
- Concept Stormwater Management Assessment, December 2015, prepared by Martens Consulting Engineers.

### Site Description and History

Prior to July 2015, the site was Crown Land owned and managed, known as Lot 63 in DP14736 and was created for future public requirements.

On 23 December 1992, the NSW Department of Housing lodged Development Application No. SA00032/93 proposing to subdivide the land into 19 residential lots. It was proposed that each lot would total 1500 square metres in area and be supported by individual onsite effluent disposal systems. The minimum allotment size for the locality was 4000 square metres and the application requested a variation to this standard on the basis that onsite effluent disposal could be provided for each lot. The proposed lot sizes were not supported on the basis Council's 'Urban Capability of Kurrajong Village' study identified that new lots in this land should be connected to an aerated effluent disposal system as opposed to a trench effluent system proposed. On 21 December 1994, the application was withdrawn due to the service arrangement issues and a previous Aboriginal Land Claim.

The land is now in private ownership, has a total area of 3.23 hectares and slopes towards Kurrajong Road. The land has direct access to Kurrajong Road, surrounds three residential lots along Kurrajong Road and shares property boundaries with 13 residential lots.

The land is irregular in shape, vacant (with the exception of general fencing and minor structures associated with adjoining residential lots), intersected by an access track, covered in dense vegetation and does not have access to reticulated sewer.

This application has been lodged at the same time as Development Application No. DA0831/15, which proposes an eight lot subdivision of the subject land including land clearing. The proposed eight lot subdivision does not involve the construction of a road and proposed lots would be serviced by individual onsite effluent disposal systems. Development Application No. DA0831/15 does not relate to this current application and has been assessed separately of this application and is the subject of a separate report on this Council meeting agenda.

### The Locality

The area is characterised by rural and residential land uses with the majority of land uses surrounding the site being used for residential purposes. Residential properties surrounding the site range from medium sized residential lots with a minimum land area of 714.5 square metres to larger residential lots with a land area of approximately two hectares.

Little Wheeny Creek is approximately 60 metres North West (downstream) of the land as shown in Attachment 1 to this report.

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### History of the application

- 23 December 2015 Development Application DA0830/15 for a fifty two lot subdivision submitted to Hawkesbury City Council (Council).
- 29 December 2015 Application called to Council meeting for determination along with DA0831/15.
- 8 January 2016 Application notified to all adjoining and nearby affected property owners from 8 January 2016 to 5 February 2016. Respondents requested additional time to submit responses and exhibition period extended to 12 February 2016. In response 58 submissions received following the notification of the application.
- 19 January 2016 Applicant advised the proposal is inconsistent with regard to the requirements of Clause 4.1D of LEP 2012.
- 28 January 2016 Applicant responded to Council's letter of 19 January 2016 confirming that they dispute the fact that the proposal does not comply with LEP 2012.
- 17 March 2016 Class 1 appeal was lodged with the Land and Environment Court against the deemed refusal of the application.

### Issues Relevant to the Decision

- Flora and fauna
- Suitability of proposed sewerage system
- Compliance with relevant planning controls
- Amenity of the locality

### Recommendation

Refusal

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

- Section 5A of the Environmental Planning and Assessment Act 1979 (EPAA 1979)
- State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)

### Matters for Consideration under Section 5A of the Environmental Planning and Assessment Act 1979

Approvals under Section 5A of the EPAA 1979 are required where development has the potential to have a significant effect on threatened species, populations or ecological communities, or their habitats.

The proposal would result in the removal and disturbance of all native vegetation occupying the land.

The flora and fauna assessment report submitted with the application has been reviewed by Council's Land Management Officer who has confirmed that suitable potential habitat has been identified for 22 threatened species. Consequently the proposal to remove or modify all vegetation on site is considered a significant impact and it would be expected that a Species Impact Statement be submitted for all potentially occurring threatened species.

If the proposal is found to have significant effect under the EPAA the development is required to obtain approvals under Section 5A of the EPAA. It is considered that the current proposal cannot be evaluated as having no significant effect as the development would result in the removal or modification of all vegetation onsite.

The flora and fauna assessment report further fails to consider a number of impacts such as soil mobilisation, increase in run-off from impermeable surfaces and the potential impact on nearby watercourses such as Little Wheeny Creek.

**Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979**

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

**a. The provisions of any**

**i. Environmental Planning Instrument**

***State Environmental Planning Policy No 44—Koala Habitat Protection***

SEPP No. 44 applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

The flora and fauna assessment report submitted has considered SEPP 44 and identifies that one koala food tree species (Forest Red Gum) was recorded in the study area and comprises of less than 15% of the total trees present. Consequently the land is not identified as being potential koala habitat the proposal is considered satisfactory having regard to this policy.

***State Environmental Planning Policy No. 55 – Remediation of Land***

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

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

The site has historically been vacant with native vegetation currently occupying the majority of the land. Minor dumping of waste and building materials including asbestos has been identified in the environmental site assessment submitted with the application. The report identifies that the risks associated with dumped waste are low and could be appropriately managed as part of general site preparation and clearing for the proposed development.

There is no evidence to suggest that the land has been used for any purpose that would prevent the subdivision on the basis of potential land contamination as suitable remediation works could be undertaken in accordance with the recommendations of the submitted environmental site assessment. The land is therefore considered suitable for the proposed residential subdivision with regard to the provisions of SEPP No. 55.



**Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River**

The aim of this plan is to protect the environment of the Hawkesbury-Nepean river system by ensuring potential impacts of future land uses are considered in a regional context. An assessment of the subdivision has identified that the proposal has not adequately considered all impacts associated with the proposal.

The specific planning policies and recommended strategies relevant to the proposal are contained under Clause 6 subclause (6) and are listed as follows:

**"(6) Flora and fauna**

***Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.***

***Strategies, generally:***

- (a) *Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.*
- (b) *Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.*
- (c) *Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.*
- (d) *Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.*
- (e) *Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.*
- (f) *Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.*
- (g) *Consider the need to control access to flora and fauna habitat areas.*
- (h) *Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds."*

The application proposes the removal of all native vegetation on site and will disrupt existing and potential flora and fauna corridors within the locality and over the land. The application does not propose to offset any flora and fauna impacts associated with the proposed land clearing. Furthermore the flora and fauna assessment report submitted does not consider drainage impacts downstream that would be associated with the increase in hardstand surfaces.

Whilst an Onsite Stormwater Detention (OSD) drainage system has been proposed it is noted that Proposed Lots 27, 28, 29, 30 and 31 would bypass OSD storage and drain directly to the Kurrajong Road drainage system and any overflow from the proposed system will change the quality and quantity of water leaving the site during a rain event.

The proposal does not provide for the management of flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced, nor does it comply with the strategies contained in Clause (6) subclause (6) (a) - (h) listed above.

The Development controls relevant to the proposal are contained under Clause 11 subclause (17) and relevantly states:

**"(17) Sewerage systems or works**

**Definition:**

*Development for the purpose of any sewerage system or work which stores, treats or disposes of sewage (including domestic on-site disposal systems that are ancillary to development which requires consent) but not including a public utility undertaking.*

**Consent required.**

**Additional matters for consideration by the consent authority:**

- (a) *Whether the proposed development will be capable of connection to a Sydney Water Corporation Limited or council sewerage system either now or in the future.*
- (b) *The suitability of the site for on-site disposal of effluent or sludge and the ability of the sewerage systems or works to operate over the long-term without causing significant adverse effects on adjoining property.*
- ....
- (g) *The need for ongoing monitoring of the system or work."*

The development application is unable to satisfactorily address whether the proposed sewerage system would be capable of connection to a Sydney Water Corporation Limited or Council sewerage system either now or in the future as required to be considered under Clause 11 subclause (17)(a) of SREP 20.

Currently there are no plans from Council or Sydney Water to provide a reticulated sewerage system to the locality as discussed further in this report.

The proposed sewerage system is not considered to be acceptable in terms of impacts of odour, noise, frequency of use, disposal capacity, ongoing costs, management and monitoring.

Consequently the proposal is not considered appropriate having regard to Clause 11 subclause (17) (b) and (d) of SREP 20 as the proposal is unlikely to be able to be operated in the long-term without causing significant adverse effects on adjoining properties.

**Hawkesbury Local Environmental Plan 2012**

The proposal is contrary to LEP 2012. An assessment of the proposed development against the relevant provisions of this plan follows:

Clause 1.2 Aims of Plan

The relevant aims of the plan include:

- "(a) *to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury,*
- ....
- (c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- ....
- (d) *to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,*
- ...."

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The development application is inconsistent with aims (a), (c) and (d) contained above because:

1. The proposed fifty lots rely on a temporary sewage pump out system until reticulated sewerage system is available and this will not provide for the orderly and economic development and conservation of land in the Hawkesbury.
2. The costs in running the sewer, stormwater and water systems proposed will be imposed on the future property owners until services in the area are upgraded. This is contrary to the orderly and economic development of the land by proposing temporary arrangements for services, particularly in respect to sewage.
3. The proposal will result in the significant disturbance of native vegetation on site and impact the overall natural beauty of the surrounding locality.
4. The proposal does not encourage ecologically sustainable development as it will not contribute to protecting or enhancing the natural environment of the Hawkesbury.

### Clause 1.4 Definitions

This clause identifies the dictionary at the end of LEP 2012 which defines words and expressions for the purposes of this Plan. The following definition is specific to the proposal:

***"sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:*

- (a) pipelines and tunnels, and*
- (b) pumping stations, and*
- (c) dosing facilities, and*
- (d) odour control works, and*
- (e) sewage overflow structures, and*
- (f) vent stacks.?*

### Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned R2 Low Density Residential.

### Clause 2.3 Zone objectives and Land Use Table

This clause outlines that the consent authority must have regard to the objectives for development within a zone when determining a development application. The objectives of the R2 Low Density Residential zone are as follows:

- "- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To protect the character of traditional residential development and streetscapes.*
- To ensure that new development retains and enhances that character.*
- To ensure that development is sympathetic to the natural environment and ecological processes of the area.*
- To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.*
- To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.*
- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services."*

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The subdivision is inconsistent with the zone objectives of the R2 Low Density Residential zone of LEP 2012 in that:

1. The proposed sewerage system is not considered to be a suitable method of waste disposal for the day to day needs of residents and will put unreasonable demands on the management of sewage. The application does not specify details in respect to how the proposed system would be managed, operated and maintained or whether a treatment facility has the capacity to accept the stored effluent. It is not known if the lots would form part of a Torrens title subdivision or Community title subdivision and who will inherit and manage the costs associated with servicing the lots.
2. The number of lots, size of lots and works associated with the proposal do not fit in with the traditional residential development and streetscapes of Kurrajong and will have an adverse impact on the appearance of the character of the locality.
3. The proposal would result in the loss of native vegetation and the disruption of the natural environment and ecological processes of the area.
4. Council is not satisfied that the proposed sewage system is suitable for the locality. It will place unreasonable demands for the extension of services. It is not guaranteed that the lots would be able to be connected to any future reticulated sewerage system as there are currently no plans to service this area.

### Clause 4.1 Minimum subdivision lot size

This clause permits subdivision of the land provided that the new lots created are not less than the minimum subdivision lot size shown on the Lot Size Map.

The Lot Size Map identifies that a minimum lot size of 450 square metres applies to the land and that the land is located within "Area A" and edged heavy blue. Area A refers to Clause 4.1D (1) of the LEP 2012.

The proposal does not comply with the development standards regarding the minimum subdivision lot size requirements of Clause 4.1 as discussed below.

### Clause 4.1D Exceptions to minimum subdivision lot size for certain land

Subclause (1) provides an exception to the minimum lot size for certain land. The relevant section of this clause is stated as follows:

- "(1) Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land that is identified as "Area A" and edged heavy blue on the Lot Size Map if:*
- (a) arrangements satisfactory to the consent authority have not been made before the application is determined to ensure that each lot created by the subdivision will be serviced by a reticulated sewerage system from the date it is created, and*
  - (b) the area of any lot created by the subdivision that contains or is to contain a dwelling house is less than 4,000 square metres."*

The development application does not demonstrate compliance with Clause 4.1D subclause (1) (a) and (b) of LEP 2012 in that:

1. The proposed sewerage system consists of connecting all the proposed lots to one single holding tank where sewage would be collected and transported by road to a sewage treatment plant.
2. Council is the consent authority for the development and the sewer authority for the area and it is considered that the proposed system is not a satisfactory arrangement to service the proposed lots due to the issues concerning transportation of sewage from the site.

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3. A system that relies on the transportation of sewage via road will have an adverse impact on the locality in terms of traffic, noise, odour and general management issues on both the residents and surrounding residential properties.
4. Council's sewerage treatment plants are not set up to collect untreated sewage as described in the statement of environmental effects or have the capacity to collect sullage that would be generated from an additional 50 residential lots associated with this application.
5. The proposed system is not considered to be a reticulated sewerage system for the purposes of the LEP.
6. The definition of sewage reticulation system applies to the proposal and specifies that it 'means a building or place used for the collection and transfer of sewage to a sewage treatment plant'.

The current proposal does not propose to directly transfer sewage from a building or place to a sewage treatment plant. The proposed system relies on a pump out tanker collecting sewage from the proposed collection tank and transferring sewage to a treatment plant.

### Clause 5.10 Heritage conservation

The application does not make an assessment in respect to potential impacts the proposal would have on the nearby locally listed heritage item, Number I357 (Goldfinders - Former inn), 164 Old Bells Line of Road listed under this plan.

The proposal would have an impact on the appearance of the locality by proposing a subdivision pattern that is out of context with the locality and involves the removal of native vegetation located on the site. It is considered that this has the potential to change the context of the locality. Accordingly it is considered appropriate under clause 5.10 (5) that the application should be accompanied by a report which considers the potential impacts the proposal may have on the setting of the listed heritage item located within 100m of the subject site.

### Clause 6.1 – Acid sulfate soils

The land affected by the development falls within Class 5 as identified on the Acid Sulfate Soils Planning Map. The works proposed are unlikely to lower the water table and no further investigations in respect to acid sulfate soils are required under subclause (6). The proposal is consistent with the requirements of this Clause.

### Clause 6.4 Terrestrial biodiversity

The objectives of this clause are to protect native flora and fauna and encourage the conservation and recovery of native flora and fauna of land identified on the Terrestrial Biodiversity Map. The Terrestrial Biodiversity Map identifies that the site is largely covered in significant vegetation and is shown in Attachment 4 of this report.

The most relevant section of Clause 6.4 of this plan is subclause (4) and is listed as follows:

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

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact."*

An assessment of the proposal reveals that the development has not been designed in a manner that protects existing vegetation onsite as prescribed under this clause.

The proposed lot size and layouts have given no regard to protecting the most significant native vegetation onsite or designing the proposal in a manner that enhances or mitigates any impacts associated with the subdivision.

#### Clause 6.7 – Essential Services

This clause specifies that development consent must not be granted unless the consent authority is satisfied that appropriate essential services are available or adequate arrangements can be made available to the proposed development. Clause 6.7 reads as follows:

*"6.7 Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable road access."*

The development does not comply with this Clause and should be refused as it is considered that the proposal does not provide for adequate arrangements for sewer, stormwater, drainage and road access as discussed in this report.

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

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

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

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

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

#### Part A Chapter 3 – Notification

The application was notified to all adjoining and nearby affected property owners from 8 January 2016 to 5 February 2016. Respondents requested additional time to submit responses and accordingly the exhibition period was extended to 12 February 2016.

In response, 58 submissions were received following the notification of the application and issues that were raised have been discussed under the public submissions section of this report below.

#### Part C Chapter 7 – Effluent disposal

The proposed sewerage system is not considered an acceptable type of sewerage system under the DCP. Section 7.4 of this chapter specifies that 'subdivision of unsewered land that will rely on tanker removal of septic tank effluent will not be approved.'

Part D Chapter 3 – Subdivision

The proposal is considered contrary to the following parts of the subdivision chapter:

- Section 3.2 specifies that vegetation should be retained where it forms a link between other bushland areas and that all subdivision proposals should be designed to minimise fragmentation of bushland. The development would result in the loss of all potential and existing vegetation corridors on site and the proposal is inconsistent with the aims, objectives and rules of this section.
  - Section 3.3 aims to retain the landscape characteristics of the locality or region. The proposal fails to do this by proposing the removal of vegetation on the land.
  - Section 3.4 requires the subdivisions to be designed to minimise impacts on heritage items of adjoining lands. The proposal to remove native vegetation and increase housing densities will have an impact on the context of the locality. No heritage impact assessment has been submitted as required under this section.
  - Section 3.7.2 of the subdivision chapter of DCP 2002 specifies that a turning area should be provided where vehicles would have to reverse more than 50 metres to enter and exit the site in a forward direction. The accessway to proposed lots 42, 43, 44 and 45 from the proposed road does not meet this requirement.
  - Section 3.7.5 specifies that vegetation which adds to the visual amenity of a locality and/or which is environmentally significant should be conserved in the design of the subdivision proposal. Removal of all vegetation on the site and proposed lot sizes will significantly impact the overall appearance of the locality and traditional residential character of the locality.
  - Section 3.7.5 specifies that a water management plan should be prepared for subdivision proposals comprising of 5 or more lots with the aim to maximize the quality of any water leaving the site. The details provided in respect to stormwater disposal are considered appropriate for development in a built up residential area however the application proposes a system that will connect into a semi-rural area and no assessment in respect to flora and fauna impacts has been provided. It would be expected that stormwater treatment would have to be modified to ensure that downstream water quality and quantity leaving the site does not impact downstream flora and fauna communities.
- 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**

N/A

v. **Matters prescribed by the Regulations**

The EP&A Regulation 2000 outlines that the development is to be levied against Council's S94A Development Contributions Plan (where applicable). Should the proposal be supported a 1% levy based on the estimated cost of the development would be required to be paid under Council's S94A Development Contributions Plan 2015.

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

The proposal would result in the disruption of native vegetation located on the site and proposes a sewerage system that relies on transporting sewerage from the site via pump out tanker. The likely impacts in respect of flora and fauna and amenity of the locality are not considered to be acceptable and the proposal should not be supported. The following likely impacts of the development are considered below.

**Amenity**

The proposed sewerage system and visual appearance of development are expected to have an impact on the amenity of the locality.

The proposed sewerage system has been designed based on a rate of three people per dwelling however Council's Sewerage Management Facility team have identified that it would be more appropriate to estimate a minimum of five people per dwelling on the basis that the proposed lots could support four bedroom dwellings with a maximum of five to six persons per dwelling.

Based on an estimated number of 250 people and proposal to have grey water and black water entering the system it would be expected that the holding tank would need to be pumped out at least once every two days. In emptying the holding tank it would be required that a minimum of 2 trucks would be required given that the large sullage tanks have a 30,000L capacity.

The pumping of sewage from the land will be regular (approximately 1 to 2 trucks every second day) and will have an odour impact on the residents of the development and surrounding locality.

Current sewage pumping activities for residential properties in Kurrajong occur on a fortnightly basis with trucks servicing each individual lot along the local street network. This activity generates offensive odour impacts when sewer gases are displaced and vented during the pumping process. Furthermore odour lingers in the area once the trucks have passed and if it is windy odour spreads throughout the locality.

The proposed system will be used much more frequently than what is currently occurring in the locality and would be restricted to one point unlike a regular street service. This system would intensify odour and traffic impacts associated with the locality due to number of times sewage is required to be pumped out. Furthermore it is pointed out that the location of the service lot is directly adjacent to existing and proposed lots and that the impacts on having a service truck visit the site frequently is considered to result in an unacceptable amenity impact.

The proposal is considered to be out of character with surrounding development and will have an adverse impact on the visual appearance of the locality. In this regard, adjoining properties are significantly larger than the proposed lot size and lots are covered/ surrounded by native vegetation.

**Flora and fauna**

The land has revegetated naturally over time and it has been proven to be a good example of the recovery of local native flora, fauna and their habitats. This habitat is proposed to be removed and modified to support the proposed subdivision.

The flora and fauna assessment report submitted confirms vegetation on the land indicates a strong resemblance of two endangered ecological communities, being the Shale Sandstone Transition Forrest and Sydney Turpentine-Ironbark Forest.

Whilst it is acknowledged that the vegetation onsite has regrown over time the vegetation present is clearly native to the locality and the proposal will adversely disturb the potential for full rehabilitation or protection of the vegetation communities present on the land.

The proposal will have an impact of an estimated 2.13ha of native vegetation and loss of connectivity for birds and mammals within the locality. No measures to protect or enhance vegetation have been proposed and the proposal will have an adverse impact on flora and fauna communities contrary to the relevant planning controls applying to the land.

**Services**

The development application has been unable to demonstrate that the lots would provide appropriate and convenient access to services such as sewer, stormwater, water and commercial areas/facilities.



**Sewer**

The application proposes sewage from fifty residential lots to be transported from the land via a tanker to a sewage treatment plant as a short to medium term solution until reticulated sewerage is provided to the locality. This system is not considered acceptable as it will rely on the use of a pump out tanker to service the proposed lots and this service arrangement will impact the locality in terms of odour, noise and traffic.

Council's Sewerage Management Officers have confirmed that there is no capacity within Council's sewerage treatment plants to service the number of lots proposed. This would rely on the operator finding an alternative service provider further complicating the serviceability of the proposed lots.

Sydney Water in their letter dated 27 January 2016 confirmed that there are no plans to extend the wastewater system to this area.

Consequently the development application cannot guarantee that the proposed system could be operated without having any significant adverse impacts on the locality long term as there are no plans to provide a reticulated sewer system to the area in the short to medium term.

Furthermore if the vehicular access to the site is not available to the locality due to isolation of flooding of the river the risk of the system not being able to be serviced would be high putting further, unacceptable strain on how the proposed system could operate.

**Stormwater**

Council's development engineers have reviewed the onsite stormwater detention plan and indicated that the specialised design of a communal underground concrete system is not preferred due to the associated operation and maintenance costs for a system that feeds into a largely undeveloped rural area. The land is within a semi-developed residential area and proposes a stormwater detention system that is generally connected to residential development in built up areas.

It would typically be expected that stormwater systems in semi-developed areas be designed to have open detention basins or swales that would place a lesser burden on operating costs/management, whether it be a private system or Council asset. Furthermore five of the proposed lots would bypass the proposed system and be directed into the street.

**Water**

The proposal would put pressure on water services in the locality. Sydney Water has confirmed in their letter dated 27 January 2016 that substantial water amplifications and a contribution to the future expansion of the North Richmond Water filtration Plant would be required. No specific details in respect to this matter have been provided with the application.

**Commercial areas/facilities**

The application proposes a lot density greater than what currently exists in the surrounding area and the proposed lots are not considered to be conveniently accessible to recreational areas, commercial areas or facilities.

The outer edge of the site is approximately 550m from the nearest commercial area of Kurrajong Village with no formal pedestrian footpath in place. Access along the road has a slope that ranges from 6% to 30% and pedestrian traffic on the road would not be safe or convenient. This will ultimately increase the reliance on vehicular traffic and further increase the number of dwellings in an area that does not have convenient pedestrian access to local facilities.

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

The site is not considered suitable for the development as the land is covered in native vegetation and the land has no access to a reticulated sewerage system. The proposal to remove native vegetation will have an adverse impact on flora and fauna communities present on the site and the sewerage system proposed is not considered satisfactory by Council.

The proposal to remove native vegetation and install a temporary sewerage management facility to support smaller sized lots is contrary to what is envisaged under the objectives and rules of planning controls relevant to the proposal.

Furthermore, the proposal is contrary to Hawkesbury Residential Land Strategy 2011 which identifies that residential growth should be investigated in areas closer to Hawkesbury's main commercial centers. Kurrajong is not identified as a main commercial area and would fall within to the group of rural villages which should:

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

Additionally development within and adjacent to rural villages must:

- be able to have onsite sewerage disposal
- cluster around or on the periphery of villages
- cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius)
- address environmental constraints with minimal environmental impacts
- only occur within the capacity of the rural village.

The current proposal is not considered to be sustainable development when considering the future residential development needs of the Hawkesbury or creation of sustainable communities consistent with Hawkesbury Council's Residential Land Strategy.

Furthermore, insufficient information has been submitted to consider the impacts the development would have on the surrounding locality with respect to heritage, traffic and flora and fauna. In particular:

- the traffic assessment report does not assess details in respect to traffic impacts associated with the proposed sewerage pump out tanker and its associated impacts such as servicing, manoeuvring and frequency of traffic movements
- the traffic assessment report does not consider kerb-side waste collection. The number of waste bins, length of access ways and space available along the proposed road has not been considered. Particularly in respect to proposed lots 11, 12, 42, 43, 44, 45, 49 and 50
- the flora and fauna report submitted does not consider impacts in respect to increased flows of stormwater from the site entering downstream watercourses and vegetation communities
- no information has been submitted in respect to how the proposed sewerage system has been designed to manage any potential risks or issues associated with a sewerage system that relies on the transport of sewage from the site via road. Particularly in respect to overflow, increase in demand, potential system failures and the possibility of the site being prevented from being serviced in the event of the site being isolated due to bushfire or flooding of the Hawkesbury River.

**d. Any submissions made in accordance with the Act or the Regulations:*****New South Wales Rural Fire Service (RFS)***

The development requires a bushfire safety authority to be issued under section 100B of the Rural Fires Act 1997. The application was referred to the RFS as integrated development under section 91 of the Environmental Planning and Assessment Act 1979.

In their letter of 29 January 2016, the RFS issued a bushfire safety authority subject to conditions.

It is however noted that the application proposes to modify and remove all vegetation onsite and this is not supported.

### **Sydney Water**

The application was referred to Sydney water concerning connection to water service and sewage. In their letter dated 27 January 2016 Sydney Water provided the following comments for consideration:

#### **"Water**

- *The proposed subdivision is contained within the Kurrajong water supply zone. There are approximately 850 lots currently connected to the system. In addition to normal demand from these properties, the water supply is used as a tanker filling point during dry periods for a number of properties outside the zone without a water supply.*
- *The current supply system has historically been put under strain by the existing demands during dry periods. Any new development would require substantial water amplifications to the existing water supply zone as well as a contribution to the future expansion of the North Richmond Water Filtration Plant to maintain supply.*

#### **Wastewater**

- *This development area is not serviced by a Sydney Water wastewater system. As per our 2014 Growth Servicing Plan, Sydney Water does not currently have plans to extend the wastewater system to this area.*
- *The developer is required to contact the local council regarding on-site management system requirements."*

As previously discussed the proposed sewage management system is not considered to be acceptable to Council as the consent authority for the development and onsite sewerage works.

The proposal to install sewerage infrastructure requires approval under the Water Industry Competition Act 2006. No application has been lodged for the subject development and it cannot be guaranteed that a sewerage system of this nature would be approved by the Independent Pricing and Regulatory Tribunal of New South Wales.

Furthermore, it is noted that no specific details have been submitted showing how the development could provide substantial water amplifications to the existing water supply network to address the requirements of Sydney Water.

### **Public Submissions**

The proposal was notified in accordance with the HDCP 2002. In response 58 submissions have been received as a result of the notification of the application and raise objection to the proposal based on the matters summarised below:

- the removal of native vegetation would adversely impact on flora and fauna communities on and surrounding the land
- the proposal will impact downstream watercourses as a result of the increase in hardstand areas and water entering Wheeny Creek
- the proposed sewerage system has the potential to fail and will impact downstream properties and the environment
- the proposed sewerage system will result in greater odour impacts than what is currently experienced in the Kurrajong locality given that there is no reticulated sewerage system available
- the proposal would put a strain on town water services in the locality
- insufficient information in respect to traffic impacts has been provided and the increase in residential properties will compound traffic matters which currently exist in the locality
- local roads cannot cope with increase in traffic demand due to their current condition
- trucks servicing the site will have unacceptable impacts in terms of noise and traffic

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- the subdivision would have more people in a bushfire affected area and impact potential evacuation of the locality
- the proposed lot sizes are inconsistent with surrounding lot sizes and will significantly change the character of the Kurrjaong area
- the proposal does not comply with the LEP definitions with respect to reticulated sewerage system or the requirements of sewerage systems in the DCP
- the proposal will impact property values surrounding the land
- the proposal will have an impact on the heritage significance of the Goldfinders Inn by surrounding it with a more intensive residential area
- supporting the proposal would set an undesirable precedent in the locality and result in a cumulative impact when considering subdivision proposals that rely on a pump out tank service.

The issues raised in the submissions received have supported that the development would have an unacceptable impact on the surrounding locality, particularly in respect to flora and fauna, amenity and suitability of services. The issues raised in these responses are consistent with the matters required to be considered when assessing an application for subdivision as discussed previously in this report. It is considered that the application is unable to appropriately address these matters.

### **e. The Public Interest**

The proposal would result in residential development that has not been designed in accordance with SREP 20, LEP 2012 and DCP 2002. These planning instruments require subdivisions to be designed in a manner that is to the satisfaction of Council's sewerage requirements and seek to protect or minimise impacts on any native vegetation.

The issues raised as a result of the notification of the application have been assessed and it is considered that the justification provided to support the proposal does not warrant support of the variation to the development controls that apply to the land.

The design of the proposal and interpretation of Clause 4.1D(1) of LEP 2012 would set an undesirable precedent in allowing lots below the minimum lot size requirement which do not provide onsite effluent disposal and rely on being connected to a sewerage system dependent on a tanker pump out system. This has the potential to put a strain on the existing pump out service in the area and result in unacceptable impacts on the locality.

On this basis the proposed development is contrary to the public interest.

### **Conclusion**

An assessment of the proposal against the matters of consideration of Section 79(c) of the Environmental Planning and Assessment Act has revealed that the proposed development is inconsistent with the relevant planning instruments and development control plans that apply to the land.

It is recommended that the application be refused on the matters identified under the recommendation section of this report.

### **Planning Decision**

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

## ORDINARY MEETING

Meeting Date: 31 May 2016

### RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 refuse Development Application No. DA0830/15 for Subdivision of one lot into 52 lots at Lot 1 DP 1185012, 67 Kurrajong Road, Kurrajong for the following reasons:

1. The application has been unable to demonstrate that the development is consistent with the matters of consideration and requirements of Section 5A of the Environmental Planning and Assessment Act 1979, Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River (No 2 - 1997), Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.
  - a) The removal or modification of all native vegetation on site is considered significant and a species impact statement is required to be prepared for all potentially occurring threatened species to determine if approval is required for the development under Section 5A of the Environmental Planning and Assessment Act 1979.
  - b) The proposal does not comply with the overall aims of Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River, nor has the application satisfactorily addressed the specific planning policies and recommended strategies of Clause 6 and the matters for consideration for development controls contained under Clause 11 subclause (17) of this plan.
  - c) The proposal is contrary to the aims, objectives of the R2 Low density zone and requirements of Hawkesbury Local Environmental Plan 2012. In particular Clause 4.1 Minimum subdivision lot size, Clause 4.1D Exceptions to minimum subdivision lot size for certain land, Clause 5.10 Heritage conservation, Clause 6.4 Terrestrial biodiversity and Clause 6.7 Essential services.
  - d) The proposal is contrary to the aims and requirements of Hawkesbury Development Control Plan 2002. In particular, the rules for subdivision contained in Part C Chapter 7 – Effluent disposal and Part D Chapter 3 – Subdivision.
2. The proposal would have an adverse impact on the flora and fauna communities located on the land and within the surrounding locality.
3. The development application has been unable to demonstrate that the lots would provide appropriate and convenient access to services such as sewer, stormwater, water and commercial areas.
4. The proposal is contrary to the public interest as the subdivision would have an adverse impact on the amenity of the neighbourhood in respect to character, odour, traffic and flora and fauna.
5. Insufficient information has been submitted to consider the impacts the development would have on the surrounding locality with respect to heritage, traffic and native vegetation communities.
6. Approval of the proposal will create an undesirable precedent for similar inappropriate development in the area.

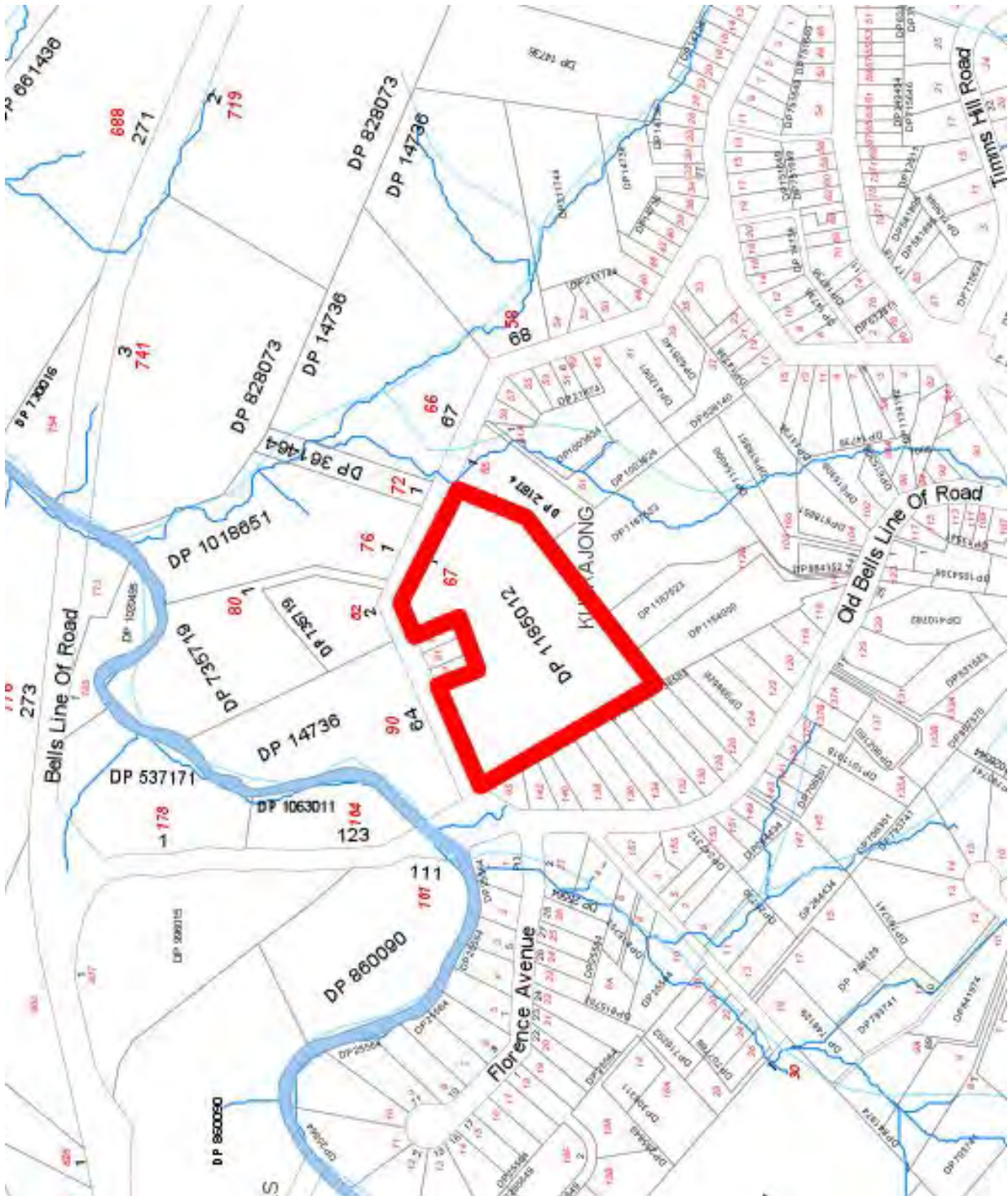
### ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Aerial Photograph
- AT - 3 Plan of the Proposal
- AT - 4 LEP 2012 Terrestrial Biodiversity Map (extract)

ORDINARY MEETING

Meeting Date: 31 May 2016

AT - 1 Locality Plan





ORDINARY MEETING

Meeting Date: 31 May 2016

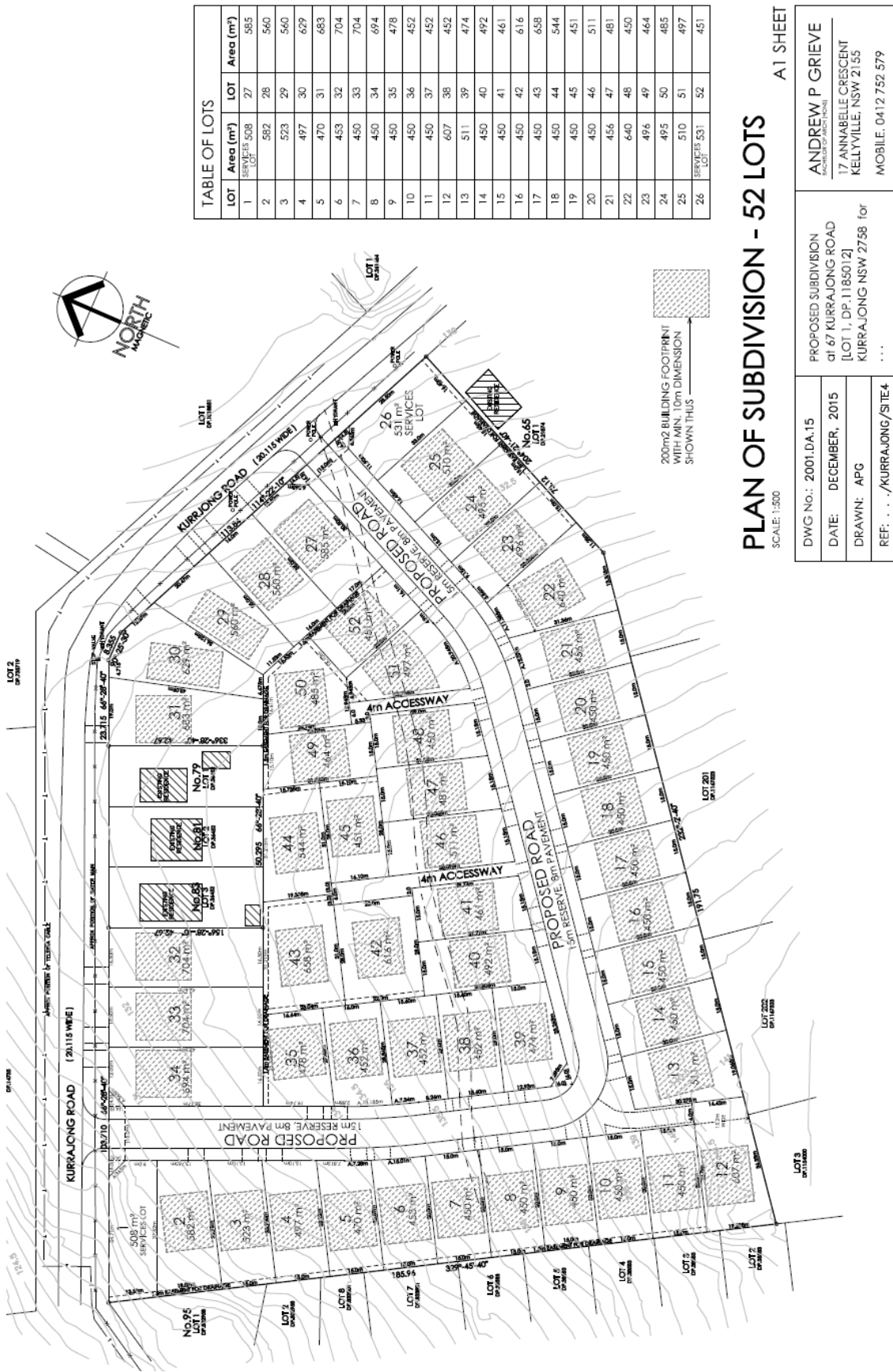
AT - 2 Aerial Photograph



# ORDINARY MEETING

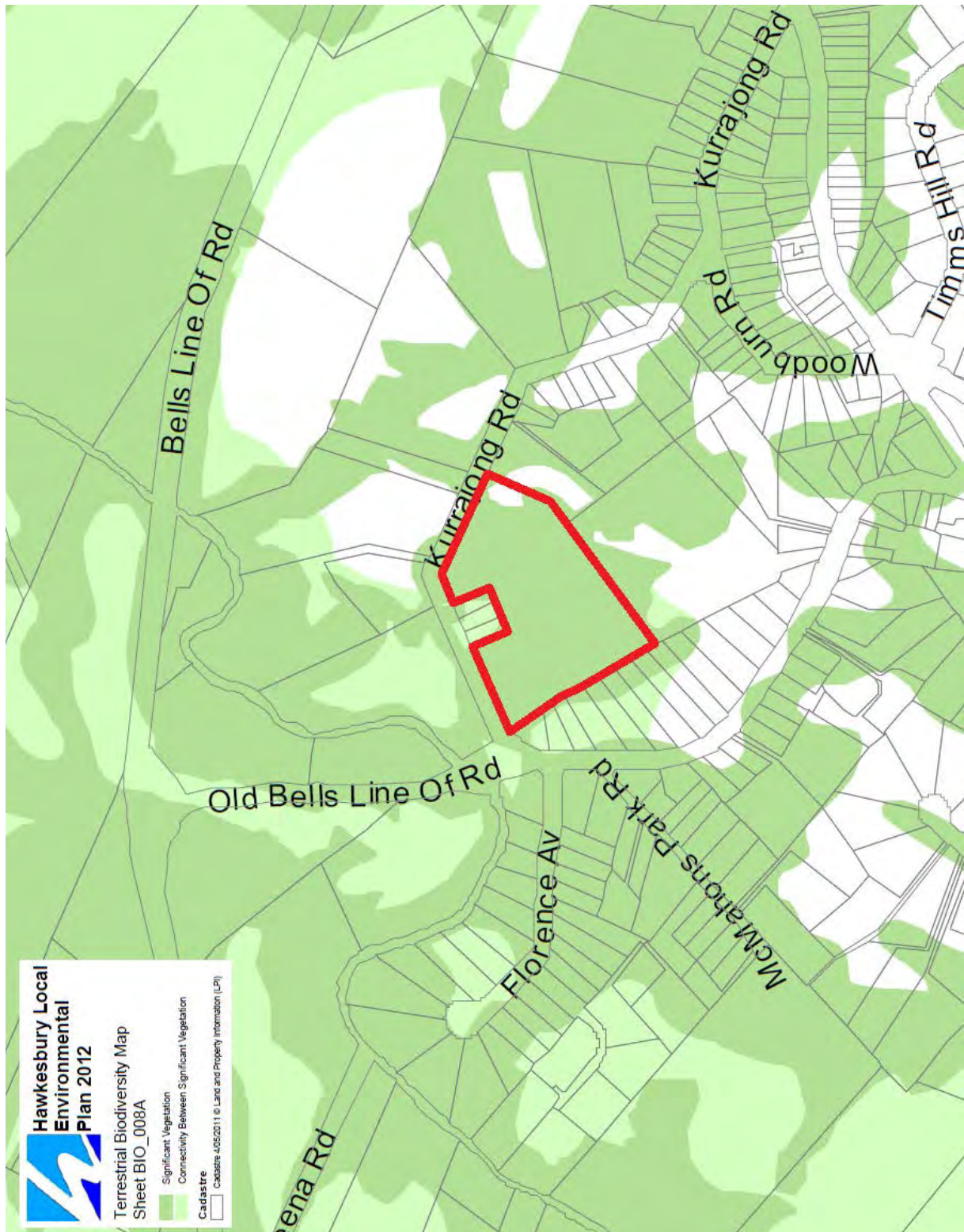
Meeting Date: 31 May 2016

## AT - 3 Plan of the Proposal





**AT - 4 LEP 2012 Terrestrial Biodiversity Map (extract)**



oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 31 May 2016

**Item: 95**                      **CP - DA0831/15 - 67 Kurrajong Road, Kurrajong - Lot 1 DP1185012 - Subdivision of one lot into eight lots - (94598, 135051)**

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### Development Information

**File Number:** DA0831/15  
**Property Address:** 67 Kurrajong Road, Kurrajong  
**Applicant:** PRJM Associates Pty Ltd  
**Owner:** PRJM Associates Pty Ltd  
**Proposal Details:** Subdivision of one lot into eight lots  
**Estimated Cost:** \$480,000  
**Zone:** R2 Low density Residential  
**Date Received:** 23 December 2015  
**Advertising:** 8 January 2016 to 5 February 2016

**Key Issues:**

- ◆ Flora and fauna
- ◆ Compliance with relevant planning controls
- ◆ Amenity of the locality

**Recommendation:** Refusal

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### REPORT:

#### Executive Summary

This application seeks approval for an eight lot residential subdivision of land at 67 Kurrajong Road, Kurrajong.

It is proposed that native vegetation on the land would be removed, two new access driveways would be constructed with access to Kurrajong Road and the proposed lots would be supported by their own individual onsite effluent disposal system.

An assessment of the application has been undertaken and it is recommended that the proposal not be supported as the proposal would have an adverse impact on native vegetation and the amenity of the locality. Furthermore the proposal is inconsistent with the relevant planning controls applying to the development, in particular Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River, Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.

A total of 12 submissions have been received as a result of the notification of the application raising objection to the proposal based on issues relating to flora and fauna, traffic, amenity of the locality and suitability of services. The issues raised in the submissions have confirmed that the proposal would have an unacceptable impact on the surrounding locality.

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

#### Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for an eight lot subdivision of Lot 1 in Deposited Plan 1185012, No. 67 Kurrajong Road, Kurrajong ("the land").

The proposed subdivision involves the removal of native vegetation, construction of four new access driveways and the establishment of building envelopes including onsite effluent disposal areas.

## ORDINARY MEETING

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The application is supported by the following documentation:

- Statement of Environmental Effects, 22 December 2015, prepared by Nexus Environmental Planning Pty Ltd
- Bushfire Risk Assessment, 21 December 2015, prepared by Bushfire Planning Services
- Flora and Fauna assessment, REF: A15066, December 2015, prepared by Travers Bushfire and Ecology
- Environmental Site Assessment, September 2015, prepared by C.M. Jewell & Associates Pty Ltd.
- Traffic Assessment Report, 14 December 2015, prepared by Positive Traffic Pty Ltd.
- Investigation and Assessment for Onsite Effluent Management Report, December 2015, prepared by Blue Mountains Geological and Environmental Services Pty Ltd.

### Site Description and History

Prior to July 2015, the site was Crown Land owned and managed, known as Lot 63 in DP14736 and was created for future public requirements.

On 23 December 1992, the NSW Department of Housing lodged Development Application No. SA00032/93 proposing to subdivide the land into 19 residential lots. It was proposed that each lot would total 1500 square metres in area and be supported by individual onsite effluent disposal systems. The minimum allotment size for the locality was 4000 square metres and the application requested a variation to this standard on the basis that onsite effluent disposal could be provided for each lot. The proposed lot sizes were not supported on the basis Council's 'Urban Capability of Kurrajong Village' study identified that new lots in this land should be connected to an aerated effluent disposal system as opposed to a trench effluent system proposed. On 21 December 1994, the application was withdrawn due to the service arrangement issues and a previous Aboriginal Land Claim.

The land is now in private ownership, has a total area of 3.23 hectares and slopes towards Kurrajong Road. The land has direct access to Kurrajong Road, surrounds three residential lots along Kurrajong Road and shares property boundaries with 13 residential lots.

The land is irregular in shape, vacant (with the exception of general fencing and minor structures associated with adjoining residential lots), intersected by an access track, covered in dense vegetation and does not have access to reticulated sewer.

This application has been lodged at the same time as Development Application No. DA0830/15 which proposes a 52 lot subdivision of the land. The 52 lot subdivision relies on the installation of a pump out tanker sewerage system and construction of a new road. Development Application No. DA0830/15 does not relate to this current application and has been assessed separately of this application and is the subject of a separate report on this Council meeting agenda.

### The Locality

The area is characterised by rural and residential land uses with the majority of land uses surrounding the site being used for residential purposes. Residential properties surrounding the site range from medium sized residential lots with a minimum land area of 714.5 square metres to larger residential lots with a land area of approximately 2 hectares.

Little Wheeny Creek is approximately 60 meters North West (downstream) of the land as shown in Attachment 1.

### History of the application

23 December 2015     Development Application DA0831/15 for an 8 lot subdivision submitted to Hawkesbury City Council (Council).

29 December 2015     Application called to Council meeting for determination along with DA0830/15.

## ORDINARY MEETING

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- 8 January 2016      Application notified to all adjoining and nearby affected property owners from 8 January 2016 to 5 February 2016. Respondents requested additional time to submit responses and exhibition period extended to 12 February 2016. In response 12 submissions received following the notification of the application.
- 17 March 2016      Class 1 appeal was lodged with the Land and Environment Court against the deemed refusal of the application.

### Issues Relevant to the Decision

- Flora and fauna
- Compliance with relevant planning controls
- Amenity of the locality

### Recommendation

Refusal

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

- Section 5A of the Environmental Planning and Assessment Act 1979 (EPAA 1979)
- State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)

### Matters for Consideration under Section 5A of the Environmental Planning and Assessment Act 1979

Approvals under Section 5A of the EPAA 1979 are required where development has the potential to have a significant effect on threatened species, populations or ecological communities, or their habitats.

The proposal would result in the removal and disturbance of all native vegetation currently located on the subject land.

The flora and fauna assessment report submitted with the application has been reviewed by Council's Land Management Officer who has confirmed that suitable potential habitat has been identified for 22 threatened species. Consequently the proposal to remove or modify all vegetation on site would be considered a significant impact and it would be expected that a Species Impact Statement be submitted for all potentially occurring threatened species.

If the proposal is found to have significant effect under the EPAA the development is required to obtain approvals under Section 5A of the EPAA. It is considered that the current proposal cannot be evaluated as having no significant effect as the development would result in the removal or modification of all vegetation onsite.

The flora and fauna assessment report further fails to consider a number of impacts such as soil mobilisation, increase in run-off from impermeable surfaces and the potential impact on nearby watercourses such as Little Wheeny Creek.

### Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979

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

a. The provisions of any

i. Environmental Planning Instrument

***State Environmental Planning Policy No 44—Koala Habitat Protection***

SEPP No. 44 applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

The flora and fauna assessment report submitted has considered SEPP 44 and identifies that one koala food tree species (Forest Red Gum) was recorded in the study area and comprises of less than 15% of the total trees present. Consequently the land is not identified as being potential koala habitat the proposal is considered satisfactory having regard to this policy.

***State Environmental Planning Policy No. 55 – Remediation of Land***

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

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

The site has been historically vacant with native vegetation currently occupying the majority of the site. Minor dumping of waste and building materials including asbestos has been identified in the environmental site assessment submitted with the application. The report identifies that the risks associated with the dumped waste are low and could be appropriately managed as part of general site preparation and clearing for the proposed development.

There is no evidence to suggest that the land has been used for any purpose that would prevent the subdivision on the basis of potential land contamination as suitable remediation works could be undertaken in accordance with the recommendations of the submitted environmental site assessment. The land is therefore considered suitable for the proposed rural residential subdivision with regard to the provisions of SEPP No. 55.

***Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River***

The aim of this plan is to protect the environment of the Hawkesbury-Nepean river system by ensuring potential impacts of future land uses are considered in a regional context. An assessment of the subdivision has identified that the proposal has not adequately considered all impacts associated with the proposal.

The specific planning policies and recommended strategies relevant to the proposal are contained under Clause 6 subclause (6) and are listed as follows:

***"(6) Flora and fauna***

***Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.***

**Strategies, generally:**

- (a) *Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.*
- (b) *Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.*
- (c) *Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.*
- (d) *Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.*
- (e) *Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.*
- (f) *Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.*
- (g) *Consider the need to control access to flora and fauna habitat areas.*
- (h) *Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds."*

The application proposes the removal of all native vegetation on site and will disrupt existing and potential flora and fauna corridors within the locality and over the land. The application does not propose to offset any flora and fauna impacts associated with the proposed land clearing.

The proposal does not provide for the management of flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced, nor does it comply with the strategies contained in Clause (6) subclause (6) (a) - (h) listed above.

**Hawkesbury Local Environmental Plan 2012**

The proposal is contrary to LEP 2012. An assessment of the proposed development against the relevant provisions of this plan follows:

Clause 1.2 Aims of Plan

The relevant aims of the plan include:

- "(a) *to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury,*  
....
- (c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*  
....
- (d) *to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,*  
...."

The development application is inconsistent with aims (a), (c) and (d) contained above in that:

1. the proposal will result in the significant disturbance of native vegetation on site and impact the overall natural landscape setting of the surrounding locality
2. removal of native vegetation without protecting the natural environment does not provide for the orderly and economic development and conservation of land in the Hawkesbury
3. the proposal does not encourage ecologically sustainable development as it will not contribute to protecting or enhancing the natural environment of the Hawkesbury.

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### Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned R2 Low Density Residential.

### Clause 2.3 Zone objectives and Land Use Table

This clause outlines that the consent authority must have regard to the objectives for development within a zone when determining a development application. The objectives of the R2 Low Density Residential zone are as follows:

- "- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect the character of traditional residential development and streetscapes.
- To ensure that new development retains and enhances that character.
- To ensure that development is sympathetic to the natural environment and ecological processes of the area.
- To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.
- To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.
- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services."

The subdivision is inconsistent with the zone objectives of the R2 Low Density Residential zone of LEP 2012 in that:

1. the proposal would result in the significant loss of native vegetation and disrupt the natural environment and ecological processes of the area
2. the proposal to remove and modify all native vegetation on the land will have a significant impact on the traditional residential development and streetscapes of Kurrajong and will have an adverse impact on the appearance of the character of the locality.

### Clause 4.1 Minimum subdivision lot size

This clause permits subdivision of the land provided that the new lots created are not less than the minimum subdivision lot size shown on the Lot Size Map.

The Lot Size Map identifies that a minimum lot size of 450 square metres applies to the land and that the land is located within "Area A' and edged heavy blue. Area A refers to Clause 4.1D (1) of the LEP 2012.

Clause 4.1 subclause (3A) refers to the calculation of minimum allotment size and relevantly states:

*"(3A) If a lot in a following zone is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size:*

- (a) ....*
- (b) Zone R2 Low Density Residential,*
- (c) ...."*

The proposal does not comply with the development standards regarding the minimum subdivision lot size requirements of Clause 4.1 given that the proposal has included the access handles as part of the calculation of the lot size for lots 1, 4, 5 and 8.

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### Clause 4.1D Exceptions to minimum subdivision lot size for certain land

Subclause (1) provides an exception to the minimum lot size for certain land. The relevant section of this clause is stated as follows:

- "(1) Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land that is identified as "Area A" and edged heavy blue on the Lot Size Map if:*
- (a) arrangements satisfactory to the consent authority have not been made before the application is determined to ensure that each lot created by the subdivision will be serviced by a reticulated sewerage system from the date it is created, and*
  - (b) the area of any lot created by the subdivision that contains or is to contain a dwelling house is less than 4,000 square metres."*

The application proposes that the lots would be serviced by individual onsite effluent disposal systems, will not be connected to a reticulated sewerage system and would meet the minimum subdivision lot size of 4,000 square metres.

As mentioned above lots 1, 4, 5 and 8 do not meet the minimum allotment size provision and propose the following lot sizes (excluding access handles):

- Lot 1 – 3784.64m<sup>2</sup> (handle 329.36m<sup>2</sup>) 5.4% variation to standard
- Lot 4 – 3682.64m<sup>2</sup> (handle 329.36m<sup>2</sup>) 7.9% variation to standard
- Lot 5 – 3736.92m<sup>2</sup> (handle 267.08m<sup>2</sup>) 6.6% variation to standard
- Lot 8 – 3753.92m<sup>2</sup> (handle 267.08m<sup>2</sup>) 6.2% variation to standard

The variations to the minimum allotment size requirement are not supported as the application was not accompanied by a justification under Clause 4.6 as to why the variation to the above development standard should be supported.

### Clause 4.6 Exceptions to development standards

The subdivision relies on the development meeting the minimum lot size development standards by calculating the access handles associated with the proposal. The total land area occupied by access handles is 1192.88 square metres.

The proposal is not considered satisfactory having regard to the following requirements of this clause:

- "(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard."*



## ORDINARY MEETING

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- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (c) *the concurrence of the Secretary has been obtained."*

The application is not supported by a written request demonstrating that compliance with the development standard is unreasonable or unnecessary, nor has the application highlighted that there are any sufficient environmental planning grounds to justify contravening the standard. It would be expected that a variation to the standard would typically be favorably considered in instances where a proposal requires flexibility to design the proposed development around factors such as suitability of building envelopes, protection of native vegetation or bushfire matters. However, those factors are not relevant to this application.

### Clause 5.10 Heritage conservation

The proposal is within proximity of nearby locally listed heritage item, Number I357 (Goldfinders (Former inn), 164 Old Bells Line of Road listed under this plan.

It is unlikely that the subdivision pattern would have an impact on the setting of the nearby heritage item as the proposal is generally consistent with the surrounding pattern of development. It is however considered that the removal of native vegetation would change the appearance of the locality. In order to mitigate this it would be expected that any subdivision would be designed to retain as much vegetation on site as possible to fit in with the context of the locality.

### Clause 6.1 – Acid sulfate soils

The land affected by the development falls within Class 5 as identified on the Acid Sulfate Soils Planning Map. The works proposed are unlikely to lower the water table and no further investigations in respect to acid sulfate soils are required under subclause (6). The proposal is consistent with the requirements of this Clause.

### Clause 6.4 Terrestrial biodiversity

The objectives of this clause are to protect native flora and fauna and encourage the conservation and recovery of native flora and fauna of land identified on the Terrestrial Biodiversity Map. The Terrestrial Biodiversity Map identifies that the site is largely covered in significant vegetation and is shown in Attachment 4 of this report.

The most relevant section of Clause 6.4 of this plan is subclause (4) and is listed as follows:

- "(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact."*

An assessment of the proposal reveals that the development has not been designed in a manner that protects existing vegetation onsite as prescribed under this clause.

The proposed lot size and layouts have given no regard to protecting the most significant native vegetation onsite or designing the proposal in a manner that enhances or mitigates any impacts associated with the subdivision. The application is unable to demonstrate that the proposal is acceptable under this clause in that the subdivision relies on the removal of all vegetation in order to support associated effluent disposal areas and bushfire protection zones.

#### Clause 6.7 – Essential Services

This clause specifies that development consent must not be granted unless the consent authority is satisfied that appropriate essential services are available or adequate arrangements can be made available to the proposed development.

The minimum lot size is considered large enough to allow lots to be designed in a manner that ensures that suitable services would be provided. It is however noted that effluent disposal areas are not supported on the basis that they have not been designed in a manner that aims to protect native vegetation on the land.

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

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

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

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

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

#### Part A Chapter 3 – Notification

The application was notified to all adjoining and nearby affected property owners from 8 January 2016 to 5 February 2016. Respondents requested additional time to submit responses and accordingly the exhibition period was extended to 12 February 2016.

In response, 12 submissions were received following the notification of the application and the issues that were raised have been discussed under the public submissions section of this report below.

#### Part C Chapter 7 – Effluent disposal

Council's Sewerage Management Facility team have reviewed the proposal confirming that technically there may be suitable space available on the land for onsite effluent disposal. It is however noted that the effluent disposal report relies on removal of all native vegetation on the land and this is not supported. Should the proposal be supported it would be expected that effluent disposal areas be specified in locations that would ensure the protection of important native vegetation located on the land.

#### Part D Chapter 3 – Subdivision

The proposal has been assessed against the following parts of the subdivision chapter:

- Section 3.2 specifies that vegetation should be retained where it forms a link between other bushland areas and that all subdivision proposals should be designed to minimise fragmentation of bushland. The development would result in the loss of all potential and existing vegetation corridors on site and the proposal is inconsistent with the aims, objectives and rules of this section.
- Section 3.2 further specifies that degraded areas of the land are required to be rehabilitated as part of the subdivision.

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- Section 3.3 aims to retain the landscape characteristics of the locality or region. The proposal fails to do this by proposing the removal of all significant vegetation on the land.
  - Section 3.4 requires the subdivisions to be designed to minimise impacts on heritage items of adjoining lands. The proposal to remove native vegetation will have an impact on the context of the locality. No heritage impact assessment has been submitted as required under this section.
  - Section 3.7.5 specifies that vegetation which adds to the visual amenity of a locality and/or which is environmentally significant should be conserved in the design of the subdivision proposal. Removal of all vegetation on the site will significantly impact the overall appearance of the locality and traditional residential character of the locality.
  - The lot size of proposed lots 1, 4, 5 and 8 have been calculated contrary to the rules of Section 3.7.5 of the DCP 2002 which require an area of an allotment effected by a right of carriage way to be excluded.
- 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**

N/A

v. **Matters prescribed by the Regulations**

The EP&A Regulation 2000 outlines that the development is to be levied against Council's S94A Development Contributions Plan (where applicable). Should the proposal be supported a 1% levy based on the estimated cost of the development would be required to be paid under Council's S94A Development Contributions Plan 2015.

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

The proposal relies on establishing effluent disposal areas and bushfire protection areas on land that would be cleared to support the proposal. This will have an adverse impact on existing significant flora and fauna and the overall amenity of the locality.

The land has revegetated naturally over time and it has been proven to be a good example of the recovery of local native flora, fauna and their habitats. This habitat is proposed to be removed and modified to support the proposed subdivision.

The flora and fauna assessment report submitted confirms vegetation on the land indicates a strong resemblance of two endangered ecological communities, being the Shale Sandstone Transition Forrest and Sydney Turpentine-Ironbark Forest.

Whilst it is acknowledged that the vegetation onsite has regrown over time the vegetation present is clearly native to the locality and the proposal will adversely disturb the potential for full rehabilitation or protection of the vegetation communities present on the land.

The proposal will have an impact of an estimated 2.13ha of native vegetation and loss of connectivity for birds and mammals within the locality. No measures to protect or enhance vegetation have been proposed and the proposal will have an adverse impact on flora and fauna communities contrary to the relevant planning controls applying to the land.

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

The site is not considered suitable for the development as the land is covered in native vegetation and the proposed subdivision pattern has not given any consideration to designing the proposal in a manner that seeks to protect or improve existing native vegetated areas.

This could be achieved by having a suitably experienced ecologist identify important native vegetated areas of the land and redesigning the subdivision layout around these areas and specifying the best location for building envelopes, bushfire asset protection zones, access ways and effluent disposal areas. Furthermore any impacts associated with the removal of native vegetation could be offset or minimised by preparing and implementing a vegetation management plan relating to the constraints associated with the site.

It is further noted that the proposal is contrary to Hawkesbury Residential Land Strategy 2011 which identifies that residential growth should protect scenic landscape and natural areas, and address environmental constraints with minimal environmental impacts.

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

***New South Wales Rural Fire Service (RFS)***

The development requires a bushfire safety authority to be issued under section 100B of the Rural Fires Act 1997. The application was referred to the RFS as integrated development under section 91 of the Environmental Planning and Assessment Act 1979.

In their letter of 29 January 2016 the RFS issued a bushfire safety authority subject to conditions.

It is however noted that the application proposes to modify and remove all vegetation onsite and this is not supported.

***Sydney Water***

The application was referred to Sydney Water concerning connection to water service and sewage. In their letter dated 27 January 2016 Sydney Water advised that any development to provide water relies on water supply upgrades to the existing system and Council to consider sewerage disposal. It is noted that the lots could rely on onsite rainwater collection and that effluent disposal could be appropriately designed based on the proposed lot sizes.

***Public Submissions***

The proposal was notified in accordance with the HDCP 2002. In response 12 submissions have been received as a result of the notification of the application, it is noted that a total of 58 submissions were received in respect to DA0830/15 with the majority of these submissions identifying that the eight lot subdivision proposed as part of this application is preferred against the 52 lot subdivision proposed under DA0830/15.

The issues raising objection to the current proposal have been summarised below:

- the removal of native vegetation would adversely impact on flora and fauna communities on and surrounding the land
- the proposal will impact downstream watercourses and quality of water entering Wheeny Creek
- land is more suited to 6 or 7 lot subdivision which could retain vegetation
- removal of vegetation will change appearance of the locality
- the proposed lot sizes are inconsistent with surrounding lot sizes and will significantly change the character of the Kurrjaong area
- the proposal will impact property values surrounding the land
- the proposal would rely on rainwater collection and tanker trucks would need to regularly service the proposed lots
- increased effluent disposal run off into watercourses
- local roads cannot cope with increase in traffic demand due to their current condition
- the subdivision would have more people in a bushfire affected area and impact potential evacuation of the locality
- land contamination issues with respect to previous dumping activities.

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The issues raised in the submissions received have supported that the development would have an unacceptable impact on the surrounding locality, particularly in respect to flora and fauna, and amenity of the locality. The issues raised in these responses are consistent with the matters required to be considered when assessing an application for subdivision as discussed previously in this report. It is considered that the application is unable to appropriately address these matters.

Issues raised in respect to services could be addressed via conditions of consent, however issues concerning flora and fauna would require a redesign of the proposed subdivision so as to satisfactorily address the issues highlighted in this assessment report. It would be expected that any subdivision of the land identify the most significant vegetation onsite and identify building envelopes (including bushfire protection zones, driveways and effluent disposal areas) clear of significant vegetation. Further any vegetation removal could be offset or enhanced by establishing a vegetation management plan for the site.

### **e. The Public Interest**

The proposal would result in residential development that has not been designed in accordance with SREP 20, LEP 2012 and DCP 2002. These planning instruments require subdivisions to be designed in a manner that seeks to protect or minimise impacts on any native vegetation.

The issues raised as a result of the notification of the application have been assessed and it is considered that the justification provided to support the proposal does not warrant support of the variation to the development controls that apply to the land.

On this basis the proposed development is considered contrary to the public interest.

### **Conclusion**

An assessment of the proposal against the matters of consideration of Section 79(c) of the Environmental Planning and Assessment Act has revealed that the development is inconsistent with the relevant planning instruments and development control plans that apply to the land.

It is recommended that the application be refused on the matters identified under the recommendation section of this report.

### **Planning Decision**

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

## ORDINARY MEETING

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### RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1) (b) of the Environmental Planning and Assessment Act 1979 refuse Development Application No. DA0831/15 for Subdivision of one lot into eight lots at Lot 1 DP 1185012, 67 Kurrajong Road, Kurrajong for the following reasons:

1. The application has been unable to demonstrate that the development is consistent with the matters of consideration and requirements of Section 5A of the Environmental Planning and Assessment Act 1979, Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River (No 2 - 1997), Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.
  - a) The removal or modification of all native vegetation on site is considered significant and a species impact statement is required to be prepared for all potentially occurring threatened species to determine if approval is required for the development under Section 5A of the Environmental Planning and Assessment Act 1979.
  - b) The proposal does not comply with the overall aims of Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River, nor has the application satisfactorily addressed the specific planning policies and recommended strategies of Clause 6.
  - c) The proposal is contrary to the aims, objectives of the R2 Low density zone and requirements of Hawkesbury Local Environmental Plan 2012. In particular Clause 4.1 Minimum subdivision lot size, Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 6.4 Terrestrial biodiversity.
  - d) The proposal is contrary to the aims and requirements of Hawkesbury Development Control Plan 2002. In particular the rules for subdivision contained in Part C Chapter 7 – Effluent disposal and Part D Chapter 3 – Subdivision.
2. The proposal would have an adverse impact on the flora and fauna communities located on the land and within the surrounding locality.
3. The proposal is contrary to the public interest as the subdivision would have an adverse impact on the amenity of the neighbourhood in respect to character and flora and fauna.
4. Insufficient information has been submitted to consider the impacts the development would have on the surrounding locality with respect native vegetation communities.
5. Approval of the proposal will create an undesirable precedent for similar inappropriate development in the area.

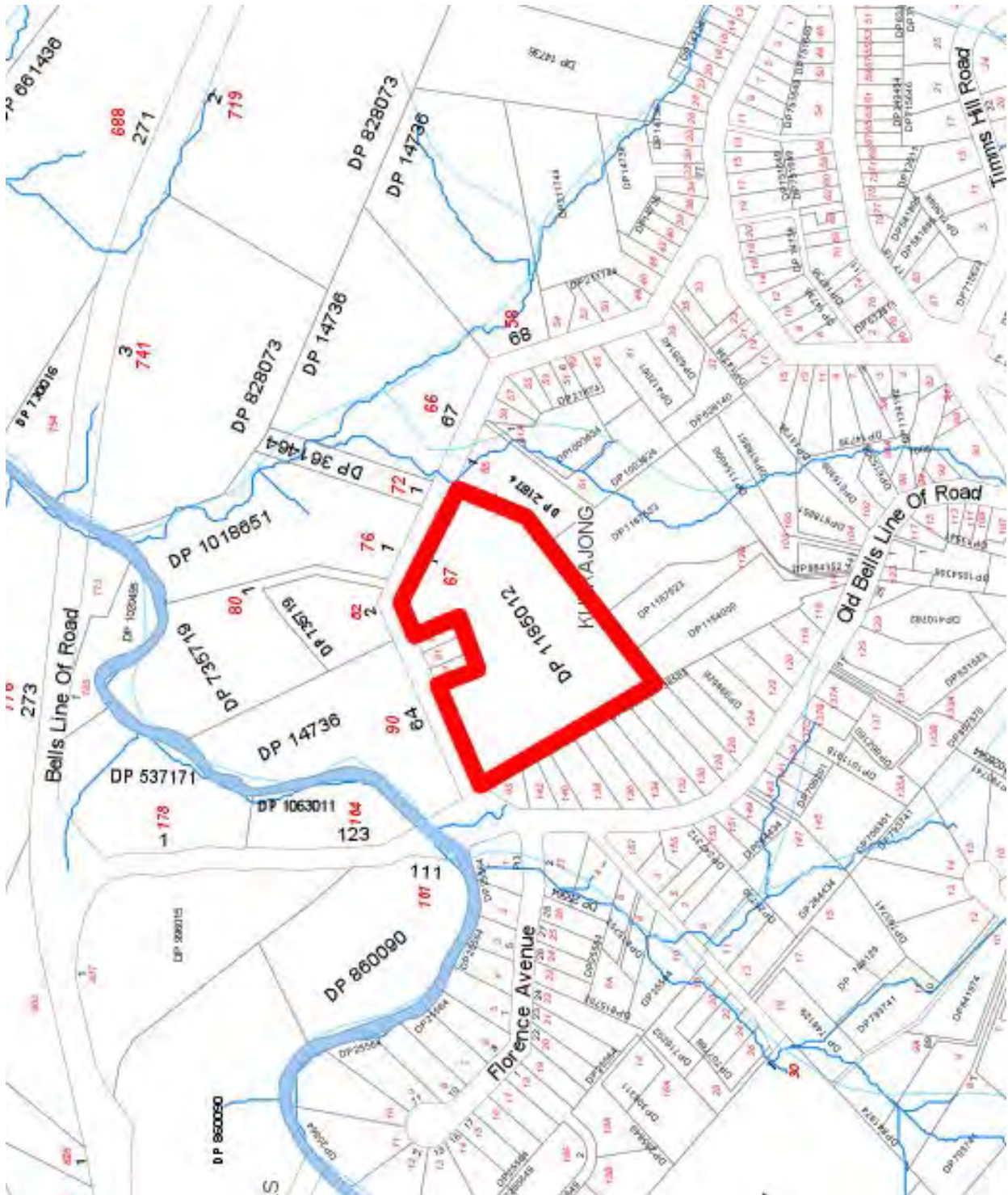
### ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Aerial Photograph
- AT - 3** Plan of the Proposal
- AT - 4** LEP 2012 Terrestrial Biodiversity Map (extract)

ORDINARY MEETING

Meeting Date: 31 May 2016

AT - 1 Locality Plan





**Meeting Date:** 31 May 2016

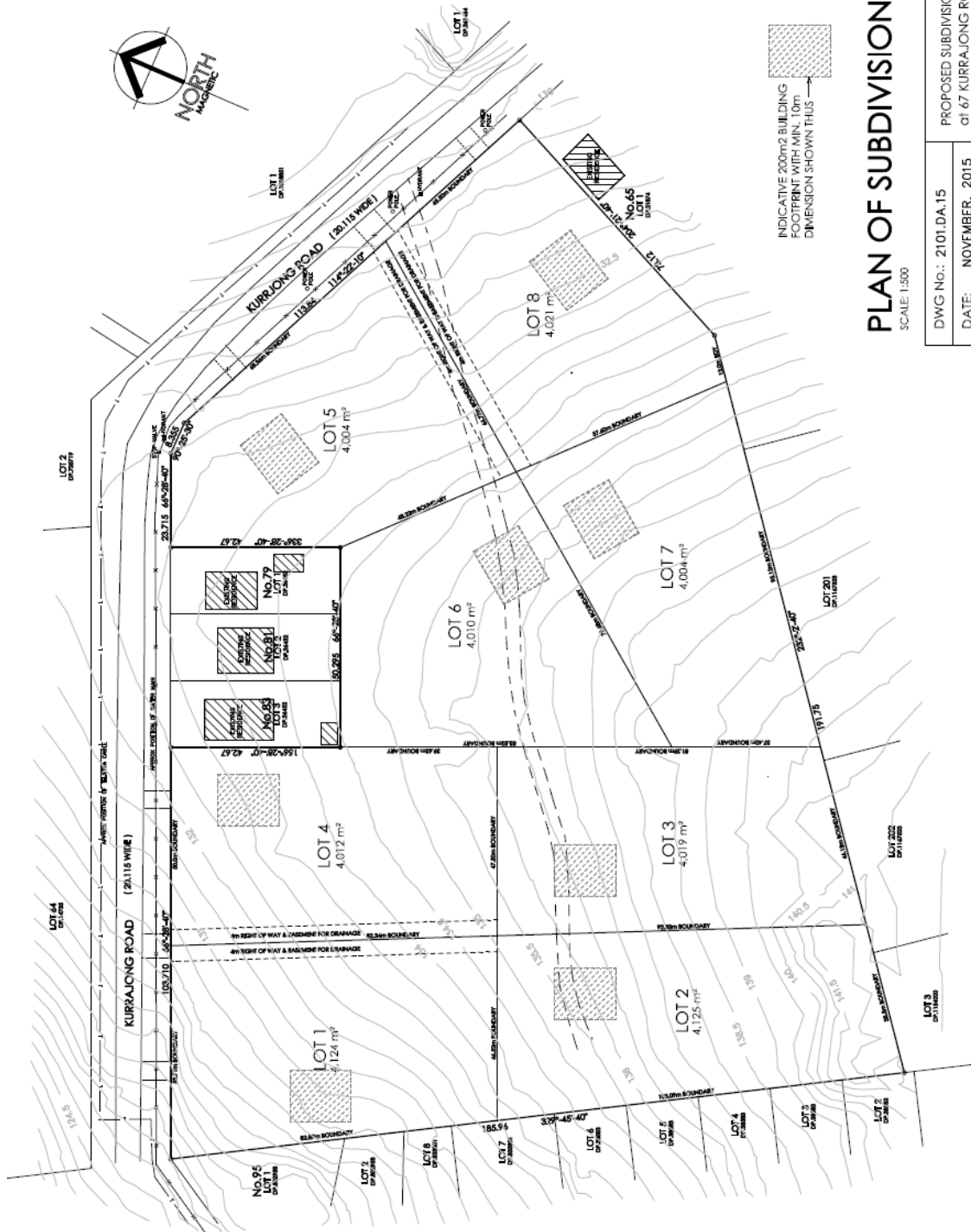
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# ORDINARY MEETING

Meeting Date: 31 May 2016

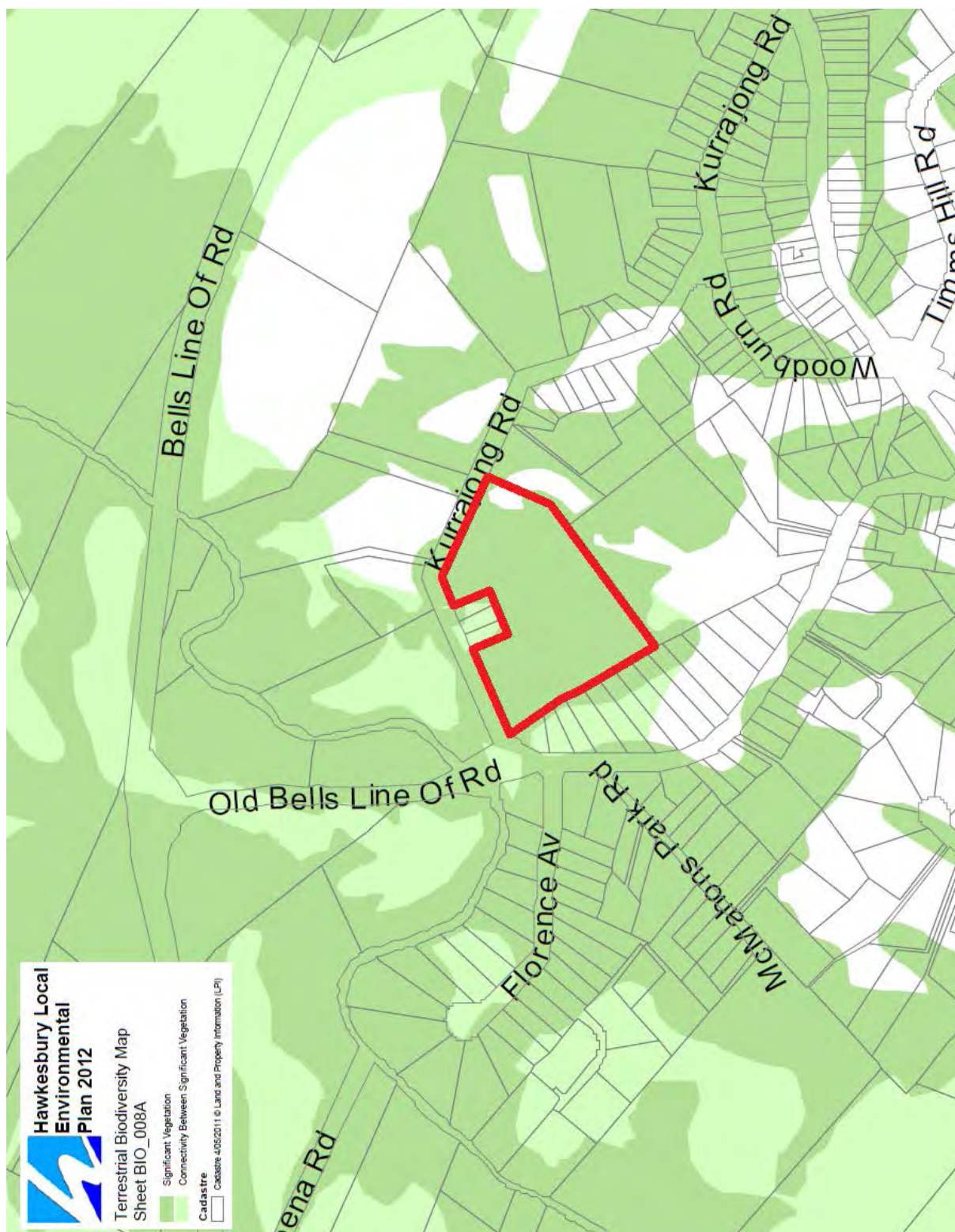
## AT - 3 Plan of the Proposal



A1 SHEET

DWG NO.: 2101.DA.15	PROPOSED SUBDIVISION
DATE: NOVEMBER, 2015	of 67 KURRAJONG ROAD
DRAWN: APG	[LOT 1, DP:1185012]
REF: .../KURRAJONG/BL0T	KURRAJONG NSW 2758 for
	...
	ANDREW P GRIEVE
	17 ANNABELLE CRESCENT
	KELLYVILLE, NSW 2155
	MOBILE: 0412 752 579

**AT - 4 LEP 2012 Terrestrial Biodiversity Map (extract)**



oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 31 May 2016

Item: 96

### CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 452 Greggs Road, Kurrajong - (95498, 124414)

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<b>Applicant Name:</b>	Glenn Falson Urban and Rural Planning Consultant
<b>Planning Proposal No:</b>	LEP004/16
<b>Property Address:</b>	452 Greggs Road, Kurrajong
<b>Owner/s:</b>	NS Hatherly
<b>Date Received:</b>	3 February 2016
<b>Current Minimum Lot Size:</b>	10 Hectares
<b>Proposed Minimum Lot Size:</b>	4,000m <sup>2</sup>
<b>Current Zone:</b>	RU1 Primary Production
<b>Site Area:</b>	8,359m <sup>2</sup>
<b>Recommendation:</b>	Council support the preparation of a planning proposal to enable the subdivision of the subject site into large residential lots with a minimum lot size of not less than 4,000m <sup>2</sup> .

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## REPORT:

### Executive Summary

Council has received a planning proposal from Glenn Falson Urban and Rural Planning Consultant (the applicant) which seeks to amend the *Hawkesbury Local Environmental Plan 2012* (the LEP) to enable potential subdivision of Lot E DP 373372, 452 Greggs Road, Kurrajong (the subject site) into two large residential lots with a minimum lot size of not less than 4,000m<sup>2</sup>.

This report provides Council with an overview of the planning proposal and recommends that the planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

### Consultation

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

### Planning Proposal

The planning proposal seeks an amendment to the LEP in order to permit the subdivision of the site into two lots with a minimum lot size of not less than 4,000m<sup>2</sup>.

The planning proposal aims to achieve the above proposed outcome by amending the Minimum Lot Size Map (Map Identification No. 3800\_COM\_LSZ\_008A\_040\_20150707) of the LEP alone or amending both the Lot Size Map and the Land Zoning Map of the LEP. The applicant presumes that Council will insert an appropriate provision in the LEP to limit the maximum lot yield of the subdivision of the site consistent with the planning proposal to allow the site to be subdivided into two large residential lots.

A concept plan for the proposed two lot subdivision is attached to the planning proposal, which is for discussion purposes only in relation to the potential yield of the site, and does not form part of the planning proposal. This concept plan shows two large residential lots that are identified as Proposed Lots 11 and 12 with each containing an existing dwelling.



### Subject Site and Surrounds

The subject site is legally described as Lot E DP 373372, 452 Greggs Road, Kurrajong. It is located approximately one kilometre south of the Kurrajong Neighbourhood Centre as shown in Figure 1.

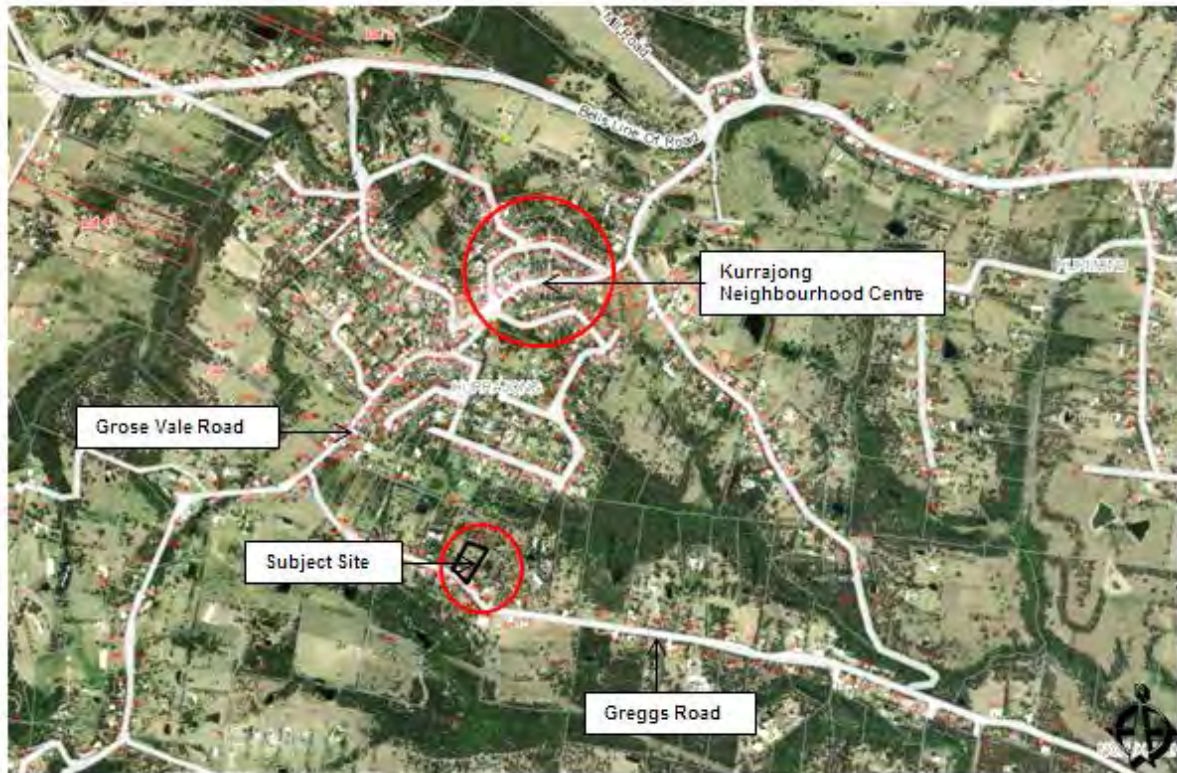


Figure 1: Site Location

The site is also located within the Kurmond Kurrajong Investigation Area as shown in Figure 2.

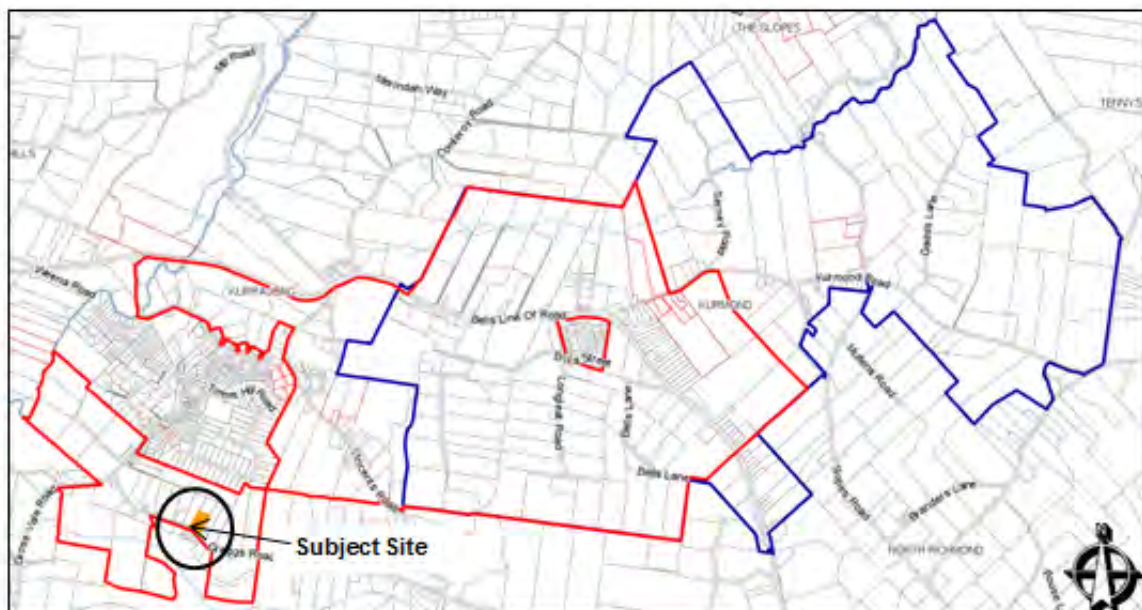


Figure 2: Site Location within Kurmond Kurrajong Investigation Area

The subject site has an area of 8,359m<sup>2</sup> and is almost a trapezium in shape with an approximate frontage of 70m to Greggs Road as shown in Figure 3 below.



**Figure 3: Subject Site**

The subject site is currently accessed via Greggs Road which is connected to Grose Vale Road.

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

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

The whole subject site is shown as being within Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP. Acid Sulfate Soil Classification 5 represents a relatively low chance of acid sulphate soils being present on the site.

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

The subject site contains two dwellings and two outbuildings. According to the applicant one of the dwellings is approximately 90 years old with historical significance. The old dwelling has been used as a studio and for storage purposes associated with use of the new dwelling. When a new dwelling was approved ten years ago there was a condition imposed requiring the conversion of the old house uninhabitable and use for storage purposes.

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

The subject site has been identified as having 'connectivity between remnant vegetation and endangered ecological community' on the Terrestrial Biodiversity Map. Existing vegetation on the subject site is predominantly located along the site boundaries and between the two existing dwellings.

The subject site falls within the Colo River Catchment Area of Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997).

Based on Council's slope mapping, the entire site area, other than a small area of land near the middle of the north-eastern boundary and the north-western corner has a slope less than 15%.

Properties in the immediate vicinity of the subject site are zoned RU1 Primary Production under the LEP. The immediate locality is predominantly zoned RU1 Primary Production. The current minimum lot sizes applicable for the subdivision of the surrounding properties are generally in the range of 450m<sup>2</sup> to 10ha.

The immediate locality is characterised by a mix of lot sizes with varying frontages, shapes and areas.

Smaller lots are located immediately opposite and adjacent in Grose Vale Road, and to the north in Robertson Street. Larger lots are generally located to the east and further south. The immediate surrounding area of the site is predominantly characterised by rural residential development.

### **Applicant's Justification of Proposal**

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

- *The proposed subdivision is consistent with the Hawkesbury Residential Land Strategy (HRLS).*
- *The site has the necessary attributes for large lot residential development consistent with the findings of the HRLS.*
- *The subject site is located within the Kurmond/Kurrajong Investigation Area and is included in an investigation area map prepared by Council.*
- *The preliminary site investigations reveal that the site is capable of subdivision into two lots that would be consistent with other lands in the vicinity, and would form an appropriate component of village expansion at Kurrajong.*
- *The proposed lot sizes are capable of containing an on-site wastewater disposal system and matters relating to vegetation and bushfire management.*
- *Water, electricity, telephone, garbage and recycling facilities are currently available to the site.*

### **'A Plan for Growing Sydney' (the Sydney Metropolitan Strategy), Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy**

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

These two documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular rural residential planning proposal at Kurrajong. Notwithstanding this the applicant has provided an assessment of the planning proposal against these two documents and concludes that the proposal is consistent with these strategies. Given the location of the proposed development, i.e. on the western side of Hawkesbury River, and on the fringe of the Kurrajong Neighbourhood Centre, and the unsuitability of the development of the site for increased residential densities it is considered that the proposal demonstrates satisfactory compliance with these strategies.

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

The HRLS contains the following commentary and criteria regarding large lot residential / rural residential development:

***“2.10 Strategy for Rural Village Development***

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

*Future development in rural villages should be of low density and large lot dwellings, which focus on proximity to centres and services and facilities. Rural village development should also minimise impacts on agricultural land, protect scenic landscape and natural areas, and occur within servicing limits or constraints.”*

The planning proposal can be considered as a rural residential development on the fringe of the Kurrajong Neighbourhood Centre.

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

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

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

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

For the purposes of this planning proposal, the relevant criteria for rural residential development, as stated in Section 6.5 of the HRLS, are that it be large lot residential dwellings, and:

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

However, it should be noted that the criteria above relating to the “1km radius” has been superseded by the mapping and work in the Kurmond Kurrajong Investigation Area previously mentioned in this report (See Figure 2).

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



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As a result of perceived confusion with the HRLS criteria above, Council resolved on 24 June 2014, in part, the following:

*"That:*

- 1. The areas identified in the Hawkesbury Residential Land Strategy for large lot residential investigation be mapped to align with cadastral boundaries and form an addendum to that Strategy.*
- 2. The investigation area for Kurmond identified by Council on 5 February 2013 be reviewed and be the first area to have a development/structure plan (as described in the report) prepared."*

On 31 March 2015 Council considered a report on the Kurrajong/Kurmond Investigation area that proposed the definition of that investigation area, and resolved the following:

*"That Council adopt the investigation area as attached to this report to enable structure planning and development contributions planning for the purposes of large lot residential / rural - residential development within Kurmond and Kurrajong."*

The adopted investigation area from that resolution is shown in Figure 2 of this report. In this regard the subject site is located within this investigation area.

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

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

On 30 August 2011, Council adopted the following Policy:

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

*Note 1:*

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

*Note 2:*

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

Compliance with the HRLS has been discussed previously in this report. Compliance with Council's Community Strategic Plan (CSP) is also discussed later in this report.

### **Council Policy - Our City Our Future Rural Rezonings Policy**

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



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

The Policy is repeated below with responses provided by the applicant and officer comments provided where relevant.

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

Applicants Response The land is within an area identified within the HRLS as having urban potential. Fragmentation of the land is envisaged by this subsequent strategy.

Officer comment In this regard this part of the Policy has been superseded by the Hawkesbury Residential Land Strategy.

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

Applicants Response The proposal is consistent with this principle.

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

Applicants Response The site does not front a main road.

Officer comment Greggs Road is not a classified main road.

- d) No subdivision along ridgelines or escapements.

Applicants Response The site is not on a ridgeline or in escapement area.

Officer comment This part of the Policy has been superseded by the Hawkesbury Residential Land Strategy.

- e) Where on-site effluent disposal is proposed, lots are to have an area of at least one (1) hectare unless the effectiveness of a smaller area can be demonstrated by geotechnical investigation.

Applicants Response The lots will vary in size down to a minimum of approximately 4,200m<sup>2</sup>. This is the size of allotment that is indicated generally by Council as being the minimum to contain on-site effluent disposal in later studies (e.g. Kurrajong Heights, Wilberforce and within the LEP generally).

Officer Comments The planning proposal is not accompanied by a wastewater feasibility assessment report demonstrating that the proposed lot sizes have the capacity to accommodate on-site sewerage management (OSSM) system.

The DP&E generally considers this being one of the main constraints to overall development yield as part of their "Gateway" determination and if required can request further information/consideration of this matter.

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

Applicants Response The subdivision does not propose removal of any substantial vegetation. Some under scrubbing may be required to create adequate bushfire asset protection zones. This type of property maintenance, normally takes place irrespective of a subdivision proposal.

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

Applicants Response The rezoning process has altered since this policy was adopted by Council, with The Gateway process determining whether further studies are required. It is noted that Council has embarked on preparing a S94 plan which will apply to this planning proposal if finalised by the time of completion of the proposal. Otherwise a Voluntary Planning Agreement can be entered into so that an amount approximating to what might be levied under a S94 plan can be provided for roads and other community infrastructure.

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

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

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

Applicants Response The planning proposal is for a "normal" Torrens Title subdivision. Due to the size of the site and the proposed lot layout there is no significant advantage to having a Community Title subdivision.

Officer comments The Terrestrial Biodiversity Map of the LEP identifies the whole site area as 'connectivity between remnant vegetation and endangered ecological community with conservation significance'. According to Council vegetation mapping the site contains Shale Sandstone Transition Forest with conservation significance.

The planning proposal is not accompanied by a flora and fauna survey assessment report. A detailed flora and fauna assessment report would help determine the area suitable for development as well as an area to be identified as a Community Title lot to ensure environmental features are preserved and appropriate access arrangements. This could be determined during the post "Gateway" determination period and upon the receipt of a flora and fauna assessment report from the applicant if it is required by the DP&E.

### Section 117 Directions

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

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making
- implementation of a plan for growing Sydney.

Section 117 Directions are issued by the Minister for Planning and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal.

However, all these Directions permit variations subject to meeting certain criteria as referred to in the last part of this section of the report. The principal criterion for variation to a Section 117 Direction is consistency with an adopted Local or Regional Strategy. A summary of the key Section 117 Directions relevant to the planning proposal is provided below:

*Direction 1.2 Rural Zones*

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

The applicant states that the planning proposal would either amend the Lot Size Map alone or both the Lot Size Map and the zoning of the site. Rezoning of the site to a different zone (other than RU1) is not considered appropriate which is discussed in a subsequent section of the report. Therefore, the planning proposal seeks an amendment to Lot Size Map of the LEP only, and it does not contain provisions to increase the permissible density of land. It is therefore considered that the planning proposal is consistent with this Direction.

*Direction 1.3 Mining, Petroleum Production and Extractive Industries*

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

Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, the Department of Industry would be consulted seeking comments on this matter in accordance with the Direction 1.3(4).

*Direction 3.4 Integrating Land Use and Transport*

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

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

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

*Direction 4.1 Acid Sulfate Soils*

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E.

The subject site is identified as containing "Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the LEP which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

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This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act. An acid sulfate soil study has not been included in the planning proposal but the DP&E will consider this as part of their "Gateway" determination, and if required can request further information/consideration of this matter.

### *Direction 4.4 Planning for Bushfire Protection*

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

### *Direction 6.1 Approval and Referral Requirements*

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

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

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

### *Direction 6.3 Site Specific Provisions*

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal proposes an amendment to the Lot Size Map of the LEP only. It is therefore considered that the proposed amendment is consistent with this Direction.

*Direction 7.1 Implementation of 'A Plan for Growing Sydney'*

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

'A Plan for Growing Sydney' is one of the key matters taken into consideration in the early part of the assessment of the planning proposal, an assessment of which establishes that the planning proposal is consistent with this Plan.

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

- a) justified by a strategy which:
  - gives consideration to the objectives of the Direction, and
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - is approved by the Director-General of the DP&I, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- d) is of minor significance.

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

**State Environmental Planning Policies**

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

*State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)*

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

The applicant states that:

*The land has not been used for any intensive agricultural use or any other use that would suggest that remediation is required. There is no obvious evidence of surface or groundwater pollution.*

*It is not believed that any geotechnical investigations need to be carried out at this stage for the planning proposal to proceed'. Investigations could take place if required at the time of the hydraulic assessment for effluent disposal.*

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Council records do not show any past approvals or the use of the subject site for agricultural purposes or any other activities identified in Table 1 - 'Some Activities that may cause contamination of Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land, agricultural activities' that may cause contamination.

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

### *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)*

The primary aims of SREP 9 are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP, nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

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

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

Specifically the SREP encourages Council to consider the following:

- *rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);*
- *develop in accordance with the land capability of the site and do not cause land degradation;*
- *the impact of the development and the cumulative environmental impact of other development proposals on the catchment;*
- *quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;*
- *consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;*
- *consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;*
- *minimise or eliminate point source and diffuse source pollution by the use of best management practices;*
- *site and orientate development appropriately to ensure bank stability;*
- *protect the habitat of native aquatic plants;*
- *locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;*

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- *consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;*
- *conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;*
- *minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;*
- *consider the impact on ecological processes, such as waste assimilation and nutrient cycling;*
- *consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;*
- *consider the need to control access to flora and fauna habitat areas;*
- *give priority to agricultural production in rural zones;*
- *protect agricultural sustainability from the adverse impacts of other forms of proposed development;*
- *consider the ability of the site to sustain over the long term the development concerned;*
- *maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;*
- *consider any adverse environmental impacts of infrastructure associated with the development concerned.*

The site falls within the Colo River Catchment Area of Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997).

It is considered that future rural dwellings on the planned additional lots on an approved subdivision will comply with the relevant provisions of SREP No 20 or be able to appropriately minimise its impacts.

### **Hawkesbury Local Environmental Plan 2012**

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

The planning proposal seeks to amend Lot Size Map (Map Identification No. 3800\_COM\_LSZ\_008A\_040\_20150707) of the LEP to specify a 4,000m<sup>2</sup> minimum lot size for the subject site (see Attachment 1 of this Report) which is to allow subdivision of the land into two large residential lots. Given a mix of surrounding lot sizes ranging from approximately 750m<sup>2</sup> to 10ha and the proximity to the Kurrajong Neighbourhood Centre, the planning proposal seeking an amendment to the Lot Size Map of the LEP to enable the subdivision of the subject site into two large residential lots with a minimum lot size of not less than 4,000m<sup>2</sup> is considered appropriate. However, this report does not propose to endorse any subdivision plan submitted in support of the planning proposal, hence it is not considered appropriate to support an amendment to the Lot Size Map of the LEP as proposed.

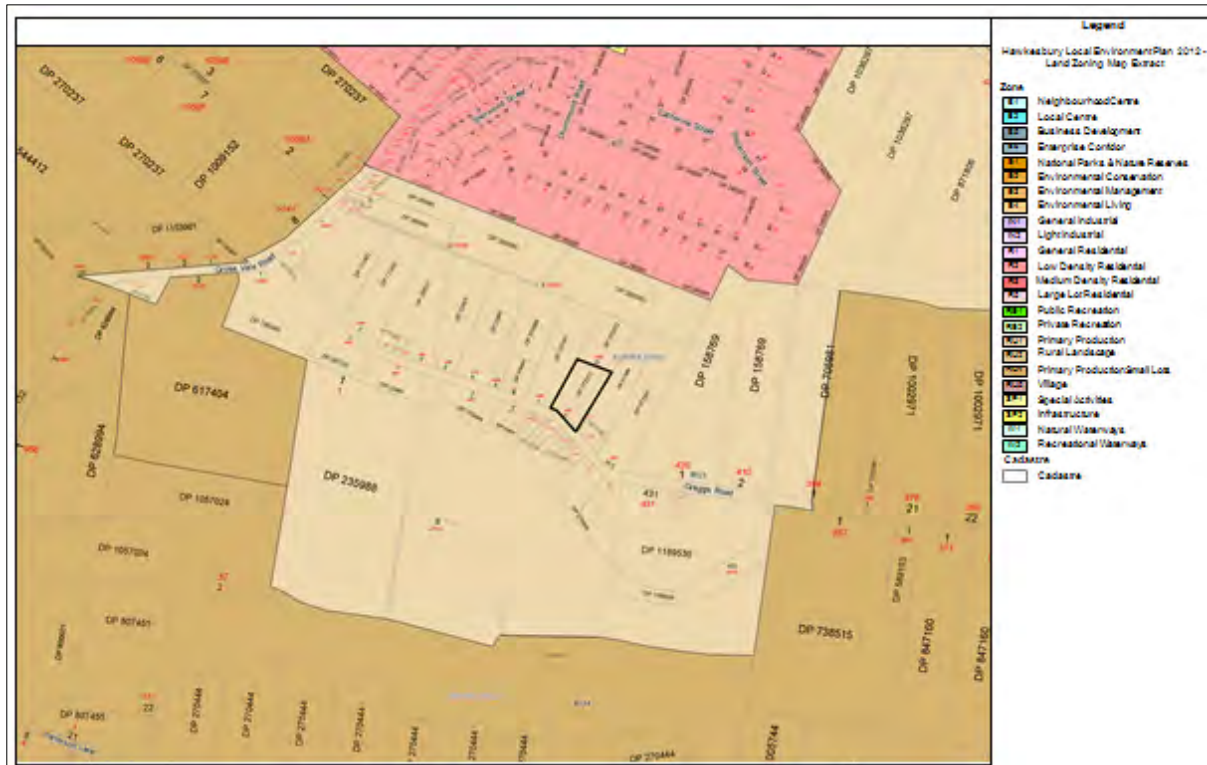
As an alternative, the applicant also suggests to amend both the Lot Size Map and Land Zoning Map of the LEP indicating that it may be appropriate to amend the zoning of the site to reflect the future use of the site for large lot residential purposes.

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As shown in Figure 4 below, the properties in the immediate vicinity are zoned RU1 Primary Production under the LEP.

Given the predominant zoning of the immediate vicinity is RU1 Primary Production, it is not considered appropriate to amend the zoning of the site to a different zone such as R5 Large Lot Residential that will not only create a zoning anomaly in the locality, but is also inconsistent with Direction 1.2 - Rural Zones. It is therefore recommended that the existing RU1 zoning of the subject site remains unchanged.



**Figure 4 - Existing Zoning of the Subject Site and Surrounds**

The applicant presumes that Council insert an appropriate provision in the LEP to limit the maximum lot yield of the subdivision of the site consistent with the planning proposal to allow the site to be subdivided into two large rural residential lots. The DP&E will ultimately decide on the type of amendment to the LEP, however it is understood that at present the DP & E's preferred option is to amend the Lot Size Map of the LEP and not the inclusion of a clause or a provision in the LEP to limit the number of lots of subdivision of the land. It is therefore recommended that Council support the preparation of a planning proposal to amend the Lot Size Map of the LEP to allow development of the subject site for rural residential development with minimum lot size of not less than 4,000m<sup>2</sup>.

### Topography

The subject site has an elevation of approximately 143.5m AHD towards Greggs Road and then falls away gently in a north-easterly direction to approximately 118m towards the rear of the property. Based on Council's slope mapping, the entire site area other than a small area of land near the middle of the north-eastern boundary and the north-western corner has a slope less than 15% as shown in Figure 5 below.



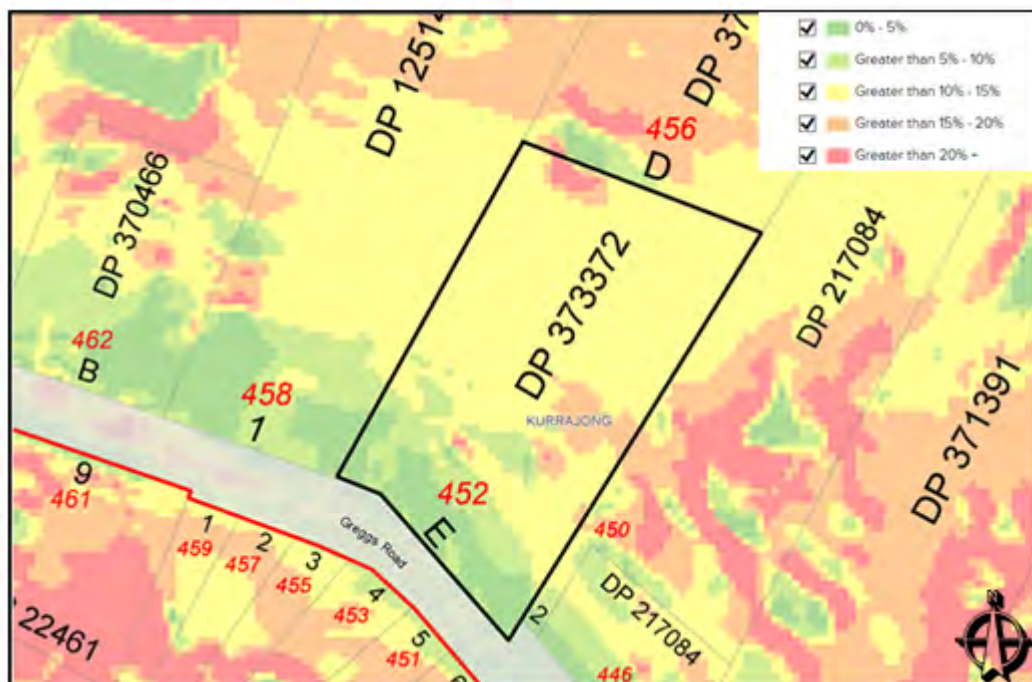


Figure 5 - Existing Slopes of the Subject Site

The HRLS recognises slopes greater than 15% act as a constraint to development, and future subdivision of the site for large rural residential lots would need to be limited to that area of land having a slope less than 15%. Given this criteria, there is no significant slope constraint impounding upon the subdivision of the subject site into two lots.

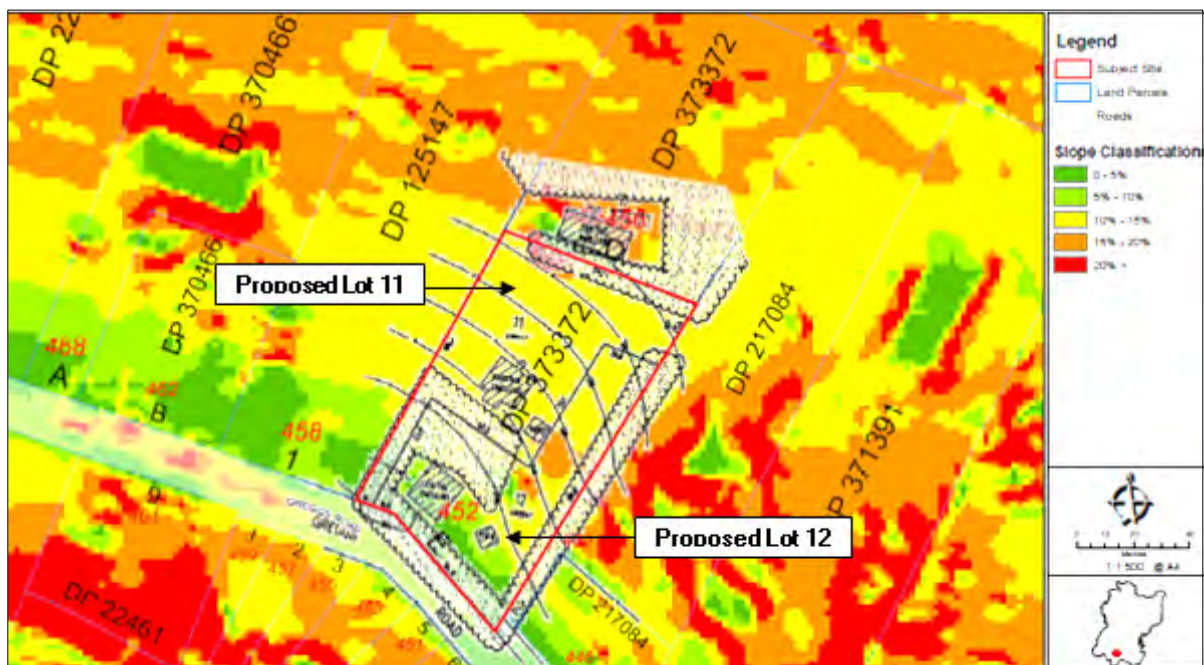


Figure 6 - Slope Analysis (Lot Layout Not Adopted)

As shown in Figure 6 above, Proposed Lot 11 has a fairly large developable area less than 15% in slope towards the rear of the subject site, whilst Proposed Lot 12 also has sufficient land area towards Greggs Road. As shown in Figure 6, the existing dwellings are entirely within the slopes less than 15%.

It is therefore considered that some form of dwelling, and an appropriate on-site sewage management (OSSM) system on the proposed lots could be accommodated within the area where slopes are less than 15%. Should Council resolve to proceed with the planning proposal and receive a Gateway determination advising to proceed with the planning proposal from DP&E, a preliminary wastewater feasibility assessment and a flora and fauna assessment need to be undertaken to demonstrate that the proposed lots are capable and have adequate developable areas to accommodate appropriate building footprints and OSSM system with no significant impact on the existing vegetation.

However, the DP&E will be able to consider this matter as part of their "Gateway" determination.

### Ecology

The planning proposal is not accompanied by a flora and fauna survey and assessment report, and the applicant provides the following information on flora and fauna on the site.

*The site is included in the Terrestrial Biodiversity Map within Council's LEP2012. The map indicates that all of the site is classified as 'significant vegetation' and however, an inspection of the aerial photo of the site reveals that not all of the 'significant vegetation' has a continuous canopy and comprises areas of scattered shade trees, and that there 'are significant areas of gardens and grass areas.*

The Terrestrial Biodiversity Map of the LEP identifies the whole site area as 'connectivity between remnant vegetation and endangered ecological community' as shown in Figure 7 below.



**Figure 7: Extract of LEP's Terrestrial Biodiversity Map**

Council vegetation mapping records approximately 85% of the subject site as containing Shale Sandstone Transition Forest (Low Sandstone Influence) which is a sub-set of Cumberland Plain Woodland which is a critically Endangered Ecological Community (EEC) under the NSW *Threatened Species Conservation Act 1995* as shown in Figure 8 below.





Figure 8: Extract of LEP's Vegetation Mapping

However, as shown in Figure 9 below the existing vegetation occupies most of the lengths of the boundaries and between the two existing dwellings. Approximately 3,400m<sup>2</sup> land area of the subject site behind the old dwelling and an area of land approximately 1,500m<sup>2</sup> between the two existing dwellings extending up to Greggs Road are open grass land with a few clusters of trees and some scattered trees.



Figure 9: Aerial View Showing Existing Vegetation



An aerial view of the site which is superimposed onto the subdivision concept plan (Not Adopted) in Figure 10 indicates that the proposed lots have some areas of land free of any significant vegetation.



**Figure 10: Subdivision Concept Plan Overlaying on Existing Vegetation  
(Not for Determination)**

Given the planning proposal does not seek to amend Clause 6.4 Terrestrial Biodiversity of the LEP or the associated map layer, a detailed consideration of any future development of the land can occur at development application stage should a plan be made relating to this planning proposal.

Given the presence of significant vegetation on the site, a flora and fauna assessment report needs to be prepared and submitted by a suitably qualified and experienced consultant. This can be undertaken at the post “Gateway” determination stage prior to the commencement of the government agency consultation. However, the DP&E will be able to consider this matter as part of their “Gateway” determination.

### **Access and Transport**

The subject site is accessed via Greggs Road which is connected to Grose Vale Road to the north-west. Public transport is limited to the Westbus Route 680 service between Richmond and Bowen Mountain and the Route 682 service along Bells Line of Road between Richmond and Kurrajong. The Route 682 service operates every 30 minutes during peak periods. Given the limited frequency of services, future occupants of the proposed subdivision will most likely rely upon private vehicles for travel and transportation purposes.

The planning proposal is not supported by a traffic impact statement and the cumulative impact of similar proposals that may occur in the future has not been taken into consideration by the planning proposal. It is considered that this is a matter for Council and Roads and Maritime Services (RMS) to address with the outcome being incorporated into relevant planning proposals.

In recent reports to Council dealing with other planning proposals within the vicinity of Kurmond and Kurrajong it has been noted that Council has received petitions from residents west of the Hawkesbury River concerned about rezoning of land for residential purposes in the absence of required infrastructure upgrades.

To address this it has been recommended (and subsequently adopted by Council) that Council commence the preparation of a Section 94 Contributions Plan for the land within the vicinity of Kurmond and Kurrajong to ensure that all proposed developments in the locality contribute the required infrastructure, specially road upgrade and provision, in the locality. Alternatively, applicants and Council can commence Voluntary Planning Agreement negotiations to address this issue. It is considered that it is a fundamental matter to be dealt with by Council prior to the finalisation of any planning proposals in the locality as the cumulative impact of these types of development could be unacceptable if no required improvements are made.

### **Bushfire Hazard**

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

The planning proposal is not accompanied by a bushfire assessment report. Given the site is identified as bushfire prone, the planning proposal will be referred to the NSW Rural Fire Service (RFS) for comments should Council resolve to proceed with the planning proposal and receive a "Gateway" determination advising to proceed with the planning proposal from DP&E.

### **Agricultural Land Classification**

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

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

Given the proximity of the subject site to surrounding rural residential properties, and its size and proximity to the Kurrajong Neighbourhood Centre, it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

### **Character**

The applicant states that:

*There would be some change to the landscape of the site and surroundings if the subdivision were to proceed. However, given that the site is close to the residential area of Kurrajong and given small lot development is also near to the site, the proposed subdivision would not be distinguishable in this overall context.*

The immediate locality is characterised by a mix of lot sizes with varying frontages, shapes and areas.

Smaller lots are located immediately opposite and adjacent in Grose Vale Road and to the north in Robertson Street. Larger lots are generally located to the east and further south as indicated in Figure 11.

The predominant land use character in the immediate vicinity is rural residential as highlighted in Figure 12 below.

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Given the predominant rural residential character of the immediate vicinity, a mix of lot sizes ranging from approximately 750m<sup>2</sup> to 10ha in the immediate vicinity and the proximity to the Kurrajong Neighbourhood Centre, the intended outcome of the planning proposal to subdivide the land into large residential lots with minimum lot sizes of 4,000m<sup>2</sup> is not inconsistent with the existing character of the locality. Given two dwellings are currently occupying the site there will be no real change to the existing character.



Figure 11: Current Lot Configuration in the Locality



Figure 12: Existing Character of the Locality



**Services**

The applicant has stated that the site has access to electricity, telecommunication, garbage and recycling services, and additionally that:

*The land has reticulated water but no sewer. Houses in this area usually rely on roof water catchment and sometimes supplemented by town water and also bore water or dams for non-potable supply. Effluent disposal would be by on-site treatment and each lot is of sufficient size to dispose of on-site effluent. It is not known at this early stage whether there will be additional water supply through Sydney Water reticulation however such is not required and a subdivision as proposed could exist satisfactorily without further reticulated water.*

The planning proposal is not accompanied by a wastewater feasibility assessment report or any other relevant statement or study demonstrating that the proposed lots will be able to accommodate an on-site sewage system without affecting the existing vegetation and required asset protection zone. The development of the subject site will need to rely upon on-site sewage systems. Therefore, a detailed soil assessment will need to be undertaken at the subdivision application stage to confirm the exact sizing and location of the effluent disposal areas. However, the DP&E will consider this as part of their "Gateway" determination.

**Heritage**

The site is not identified as a heritage item/property in Schedule 5 Environmental Heritage of LEP 2012 or located within a conservation area and also not subject to any heritage order or identified as a heritage item.

The applicant states that the old dwelling has been built around late 1920's by Donald McAlister Greg who was one of the original orchardists in Kurrajong. The McAlister house still stands as an evidence of the type of dwelling of the period, being one of the first slab dwellings in the locality. According to a former Council's Heritage Advisor, the old dwelling appears to have a reasonable case for listing the item, the physical evidence exhibited by the building is not clear and it would be prudent to undertake a detailed heritage assessment of the site and the building. However, this issue could be considered separately at a later stage.

**Section 94 Contributions or a Voluntary Planning Agreement**

The planning proposal should be covered by a Section 94 Developer Contributions Plan (S94 Plan) or a Voluntary Planning Agreement (VPA) prior to completion. The current Hawkesbury Section 94 Plan does not apply to residential development in Kurrajong. If the planning proposal is to proceed further, a draft VPA or an addition to the current S94 Plan to support the required infrastructure upgrade in the locality to support the development would need to be prepared by the applicant in consultation with Council.

**Conformance to the Hawkesbury Community Strategic Plan**

The proposal is considered to be consistent with the Looking after People and Place Directions statement, and specifically:

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

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### Conclusion

It is considered that some form of residential development on the subject site is appropriate and feasible. It is therefore recommended that Council support and submit the planning proposal to the DP&E for a 'Gateway' determination.

### Financial Implications

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

If the planning proposal is to proceed further, a draft VPA or S94 Plan to support the required infrastructure upgrade in the locality to support the development would need to be prepared by the applicant in consultation with Council.

### Planning Decision

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

### RECOMMENDATION:

That:

1. Council support the planning proposal for Lot E DP 373372, 452 Greggs Road, Kurrajong to allow development of the land for a large lot rural residential development with a minimum lot size of not less than 4,000m<sup>2</sup>.
2. The planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be provided if Council is satisfied that satisfactory progress has been made towards resolving infrastructure provision for this planning proposal by way of either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement,.

### ATTACHMENTS:

AT - 1 Proposed Minimum Lot Size Map



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## AT - 1 Proposed Minimum Lot Size Map



## ORDINARY MEETING

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**Item: 97**                      **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - Sydney Polo Club - Various properties Richmond Lowlands and Richmond - (95498, 124414)**

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**File Number:** LEP006/15  
**Property Address:** Various properties Richmond Lowlands and Richmond  
**Applicant:** Basscave Pty Limited  
**Owner:** Basscave Pty Limited, Mr R and Mrs F Muscat, Mandalup Investments Pty Limited, Ms S G Magnusson  
**Date Received:** 11 September 2015, additional information received 27 April 2016 and 19 May 2016  
**Current Zone:** Part RU2 Rural Landscape, Part E2 Environmental Conservation, and Part W1 Natural Waterways  
**Site Area:** Approximately 216 hectares (ha)  
**Recommendation:** Council support an amended planning proposal and submit to the Department of Planning and Environment

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### REPORT:

#### Executive Summary

This report discusses a planning proposal which seeks to amend the Hawkesbury Local Environmental Plan 2012 (the LEP) in order to allow for a range of additional uses on land known as the Sydney Polo Club, and some immediately adjoining land. The planning proposal also seeks to increase the permissible height on two allotments on the site from 10 metres to 13 metres.

It is recommended that Council support the preparation of a planning proposal to allow the additional uses on the identified properties within this report.

#### Consultation

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

#### The Planning Proposal

Basscave Pty Limited (the applicant) seeks to amend *Schedule 1 Additional permitted uses* and the *Additional Permitted Uses Map* of the LEP to allow for a range of additional uses on the land generally known as the Sydney Polo Club, and some immediately adjoining land. The applicant also seeks to increase the permissible height on two allotments on the subject site from 10 metres to 13 metres. The applicant has engaged JBA Urban Planning Consultants Pty Ltd (JBA) to prepare a planning proposal on their behalf.

The lands subject to the planning proposal are shown in Figure 1 below.

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Figure 1: Subject Site

The proposed uses proposed by the applicant to be included in *Schedule 1 Additional permitted uses* as permissible with consent are shown in Table 1 below. Included in this table is a description and justification of the proposed use provided by JBA. Following Table 1 are the uses as defined by the LEP.

Table 1: Proposed uses

Proposed Use	JBA's description and justification of proposed use
Advertisement and Advertising Structure	Signage on the site is likely to be required to promote the use of the site for polo/recreation purposes.
Car Park	At this stage it is envisaged that all car parking provided on site will be ancillary to the polo/recreation use. However, as car parks are separately defined in the Dictionary it has been included in the list of additional permitted uses in the unlikely event that car parking is considered a separate use.
Eco-tourist facilities	This is considered an appropriate use for the site. Notably, Council's Housekeeping LEP seeks to include 'eco-tourist facilities' as a permissible use in the RU2 zone. Therefore, the inclusion of this use as a permissible use on the site is consistent with Council's broader strategic planning policy direction.
Food and Drink Premises, Kiosk, Shop	Introduction of these land uses would allow for a small café, a small shop selling polo goods or the like to be provided on the site as ancillary uses to the polo club.

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Proposed Use	JBA's description and justification of proposed use
Function centres	Function centres are considered an appropriate use for the site having regard to its strategic location along the Hawkesbury River and its existing natural setting. It has also historically been used for function centres although these consents are no longer active. Council's Housekeeping LEP proposes to make function centres a permissible use in the RU2 zone. Therefore, the inclusion of this use as a permissible use on the site is consistent with Council's broader strategic planning policy direction.
Industrial retail outlet	To ensure that a future boutique micro-brewery is able to retail to the public it is proposed to add 'industrial retail outlet' as a permissible use on the site. This is considered an appropriate use on the site as it will support both the rural and tourism industries in the area.
Light Industry	The production of craft beer in a small boutique brewery would be classified as a light industry use.
Market	This is considered an appropriate use on the site. It will support the tourism industry in the area, and allow for the sale of locally grown/produced food products. There are no immediate plans to seek consent for this use. However, it is envisaged that markets on the site could occur approximately once a month, and be predominantly limited to the sale of local produce. No markets would be held on weekends when major polo events are held.
Medical centre	This will facilitate the provision of counselling services by registered health care professionals using horses as part of the therapy session. This is considered an appropriate use having regard to the rural nature of the location.
Recreation facility (major) and Recreation facility (outdoor)	Regular polo events are proposed to be held each week on the site. This will generally consist of a weekday game with practices on weekends. Given the limited nature of these regular events and the limited number of players (four) per polo team, it is considered that these regular events are best described as 'recreation facility (outdoor)'. Approximately once a year it is proposed to hold a major polo tournament on the site over the weekend (i.e. Saturday and Sunday). These events are expected to attract a maximum of 2,500 patrons spread out over the weekend with staggered attendance throughout both days. Given the scale of this irregular event it may fall within the land use definition of "recreation facility (major)". This land use will also facilitate the Polo World Cup event in 2017.
Sewage reticulation system, sewerage system, sewage treatment plant, water supply system	This infrastructure may be required for servicing the site, although it may be possible to undertake such works under <i>State Environmental Planning Policy (Infrastructure) 2007</i> (SEPP Infrastructure), it is proposed to include these works as additional permitted uses on the site to ensure that Basscave have a range of legitimate planning options to deliver infrastructure works on the site.
Veterinary hospital	This is considered an appropriate use in the RU2 zone and will allow for the appropriate care of animals on the site and within the broader LGA. Notably, this use is permissible with consent in all other rural zones in the Hawkesbury LGA including RU1 Primary Production, RU4 Primary Production Small Lots, and RU5 Village. No specific location on the site has been identified for this use and it is not proposed that an application be lodged for this use at this stage. However, it is considered that this is an appropriate and desirable use to support the efficient and ongoing operation of the site for horse-related activities.

Definitions of land uses within the LEP.

**advertisement** has the same meaning as in the Act.

**Note.** The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note.** The term is defined as a structure used or to be used principally for the display of an advertisement.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. Clause 5.4 of LEP 2012 limits the gross floor area of a kiosk to 25 square metres.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.

Note. Clause 5.4 of LEP 2012 limits the retail floor area of an industrial retail outlet to 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or 400m<sup>2</sup>, whichever is the lesser.

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**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**sewerage system** means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).



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**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

To give effect to the planning proposal, JBA have requested the following amendments be made to the LEP:

1. Include the following additional clause in Schedule 1 of the LEP

**20 Use of certain land at Ridges Lane, Triangle Lane, Cornwells Lane, Powells Lane and Old Kurrajong Road, Richmond**

- (1) *This clause applies to land zoned RU2 Rural Landscape at Ridges Lane, Triangle Lane, Cornwells Lane, Powells Lane, Old Kurrajong Road and Edwards Road, Richmond being part of Lot 1 and 2 DP206104, Lot 1 DP70128, Lot 25 DP1100252, Lot 25 DP663770, Lot 27 DP566434, Lot 1 and 2 DP1168610, Lot 1 DP659412, Lot 1 DP972649, Lot 1 DP120794, Lot 1 – 3 DP997087, Lot 1 DP797310, Lot 1 DP77207, Lot 1 DP997086, Lot 4 and 5 DP112860, Lot A DP365391, Lot 128 and 129 DP1151145, Lot A and B DP89087, identified as area '7' on the Additional Permitted Uses Map.*
  - (2) *Development for the purposes of advertisement, advertising structure, car park, food and drink premises, eco-tourist facilities, function centres, industrial retail outlet, light industry, kiosk, market, medical centre, recreation facility (major), recreation facility (outdoor), sewage reticulation system, sewage system, sewage treatment plant, shop, veterinary hospital, water supply system is permitted with consent.*
2. Amend the Additional Permitted Uses Map of LEP to include the parts of the site that are zoned RU2 Rural Landscape as shown in the figure below.

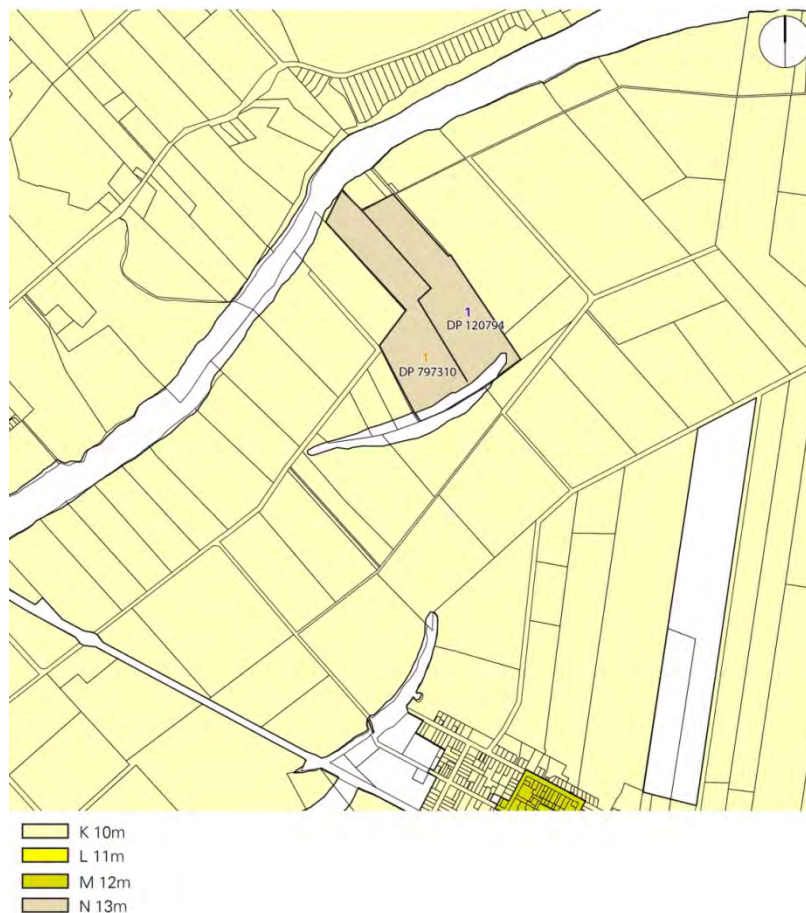


Source: JBA Planning Proposal

**Figure 2: Proposed amendment to Additional Permitted Uses Map**



3. Amend the Height of Buildings Map to allow development to a height of 13m on Lot 1 DP 797310 and Lot 1 DP 120794 as shown in the figure below. This amendment is sort to allow for a proposed "Hall of Fame Function Centre".



Source: JBA Planning Proposal

**Figure 3: Proposed amendment to Height of Buildings Map**

JBA state that the proposed amendment to the LEP *will enable the future development and future use of the site for polo facilities, function centre uses, low-scale eco-tourist facilities, therapy sessions using horses, veterinary services, markets, a micro-brewery and a range of supporting uses consistent with the RU2 zone objectives. It will also strengthen the existing polo industry in the locality, and allow the site to attract increased visitors and investment to the Hawkesbury LGA. Importantly, it will allow for the delivery of infrastructure to support the Polo World Cup event in October 2017 including the Hall of Fame.*

Details of the proposed Polo World Cup, Hall of Fame Function Centre, and future use of the site are provided in Attachment 1 of this report. However, in summary these developments consist of the following:

#### ***Polo World Cup 2017***

This event is proposed to be held over nine days in October 2017 with 3,000 to 10,000 people expected to attend each day depending on the type of match / teams playing.

For up to three months prior to the event it is proposed that temporary stables will be provided for up to 360 horses on site as well as temporary residential accommodation for up to ten trainers and vets.

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Permanent and temporary structures proposed include polo fields, Hall of Fame (expected to accommodate up to 1,000 guests at any one time), helipad, car parking areas (total capacity approximately 1,910 spaces), horse training and stabling areas, exhibition and hospitality areas, an event promotions area, and toilets.

### **Hall of Fame Function Centre**

This is proposed to be a new function centre on the Sydney Polo Club site. The proposed function centre is to be known as the "Hall of Fame" and is to be the primary function space for the Polo World Cup event in 2017. Following the event, it is proposed that the building will continue to be used for the purposes of a function centre for events, including (but not limited to) weddings, corporate events, exhibitions, and conventions.

The Hall of Fame building is proposed to be located on the western side of the main polo field (Field 1), on the border of Lot 1 in DP 797310 and Lot 1 in DP 120794. This location currently includes an existing spectator mound with a maximum crest level of about 16m AHD.

The building is proposed to be constructed as a two level function space able to accommodate up to 1,000 guests at any one time, with vehicular access being provided off Ridges Lane. The first floor level is proposed to be at 17.4 m AHD and would include members' lounge, bars, kitchen, and meeting room. The ground floor level is proposed to be at 12.4 m AHD and would provide for uses such as parking, waste collection, and corporate boxes. It is also proposed that additional seating be provided on outdoor terraces.

Due to the proposed first floor level being located at or above the 1 in 100 year flood level and the slope of the mound, the Hall of Fame will exceed the current maximum LEP height of 10 metres applicable to the site.

### **Future use of the site**

It is proposed that the site be used for regular polo events, function centre, restaurant and micro-brewery, markets, eco-tourist facility, and equine therapy sessions.

It is important to note that the planning proposal only seeks to make these uses permissible on the site subject to development consent. Should the planning proposal proceed it will not provide the actual development consents to enable the proposed uses, which will be obtained via the submission of subsequent development applications to Council. Through the development application process Council will have the opportunity to consider in greater detail such matters as flood affectation, traffic, noise and visual impacts.

Furthermore, the DP&E *A guide to preparing planning proposal* states:

*A planning proposal relates only to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application.*

and

*An amendment to an LEP is a stand-alone component of the development process. The RPA [Relevant Planning Authority] and the community must be confident that the proposed planning controls suggested by the planning proposal are acceptable as an outcome appropriate in that location, regardless of the subsequent approval or refusal of any future development application.*

### **The Subject Site and Surrounds**

The site has an area of approximately 216 ha, comprises 24 allotments at Edwards Road and Ridges, Cornwells, Triangle, and Powells Lanes, Richmond Lowlands and Old Kurrajong Road, Richmond and has a frontage of approximately 2.4km to the Hawkesbury River.

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The majority of the site is currently used for agricultural (grazing) purposes and polo facilities. Two function centres were located on land owned by Basscave Pty Limited although the consents for these function centres are no longer active. Three tourist cabins are located in the south-western section of the site on land owned by Mandalup Investments Pty Limited, and a turf farming operation in the centre of the site on land owned by Mr R and Mrs F Muscat.

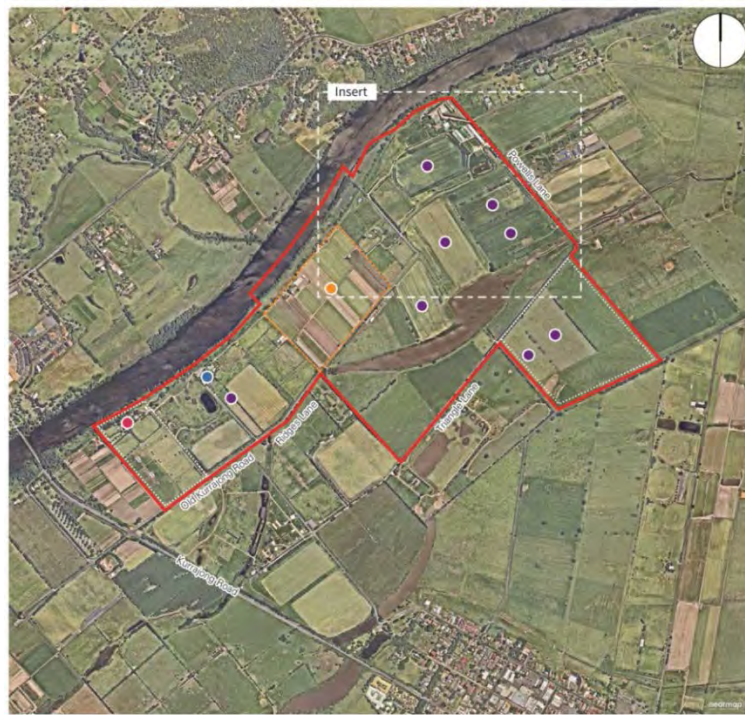
The individual allotments and their current uses are shown in Table 2 and Figure 4 below.

**Table 2: Land and current development/ uses**

Road Frontage/Access	Lot	DP	Development/Use
<b>Owner: Basscave Pty Limited</b>			
Powells Lane	1	70128	Grazing pasture, wetland, polo field
	25	1100252	Grazing pasture, animal training yards, wetland
	25	663770	Polo fields, grazing pasture, dam, stables, machinery shed, dwelling, farm buildings, former function centre
Ridges Lane	27	566434	Dwelling, former function centre, farm buildings, grazing pasture, animal yards
	2	1168610	Dwelling, farm buildings, equine training facilities, polo fields
	1	659412	Grazing pasture, polo field
	1	972649	Grazing pasture
	1	120794	Polo fields, farm buildings, wetland
	1	997087	Grazing land, farm buildings, wetland
	2	997087	Grazing land, farm buildings, wetland
	3	997087	Grazing land, farm buildings, wetland
	1	797310	Grazing land, polo field, wetland
Triangle Lane	1	77207	Grazing pasture, farm building, wetland
	1	997086	Grazing pasture, wetland, polo field, farm buildings, animal yards
Cornwells Land	4	1120860	Polo field
	5	1120860	Polo field, dam
Edwards Road	A	365391	Dwelling/farm office, shed
<b>Owner: Ms S G Magnusson</b>			
Ridges Lane	1	1168610	Polo field, farm
<b>Owner: Mr R and Mrs F Muscat</b>			
Ridges Lane	128	1151145	Turf farm, dwelling, farm buildings
	129	1151145	Turf Farm, dwelling, farm buildings
<b>Owner: Mandalup Investments Pty Limited</b>			
Old Kurrajong Road	A	89087	Dwelling, polo fields, horse yards, various farm buildings
	B	89087	Dwelling, tourist cabins, polo fields, horse yards, various farm buildings
	1	206104	Dam, polo field, farm buildings
	2	206104	Polo field, horse yards, horse training, farm buildings

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- The Site
- Polo Fields
- Turf Farm
- Dwelling
- Rural Tourist Facility



- Site Boundary
- Polo Fields
- Dwelling
- ① Polo Barn Function Centre
- ② Polo Barn Function Centre Parking
- ③ Sunnybrook Barn Function Centre
- ④ Sunnybrook Barn Function Centre Parking
- ⑤ Grandstand
- ⑥ Arena 1
- ⑦ Arena 2
- ⑧ Stable
- ⑨ Amenities Block

Source: JBA Planning Proposal

Figure 4: Aerial photo of subject site showing various land uses

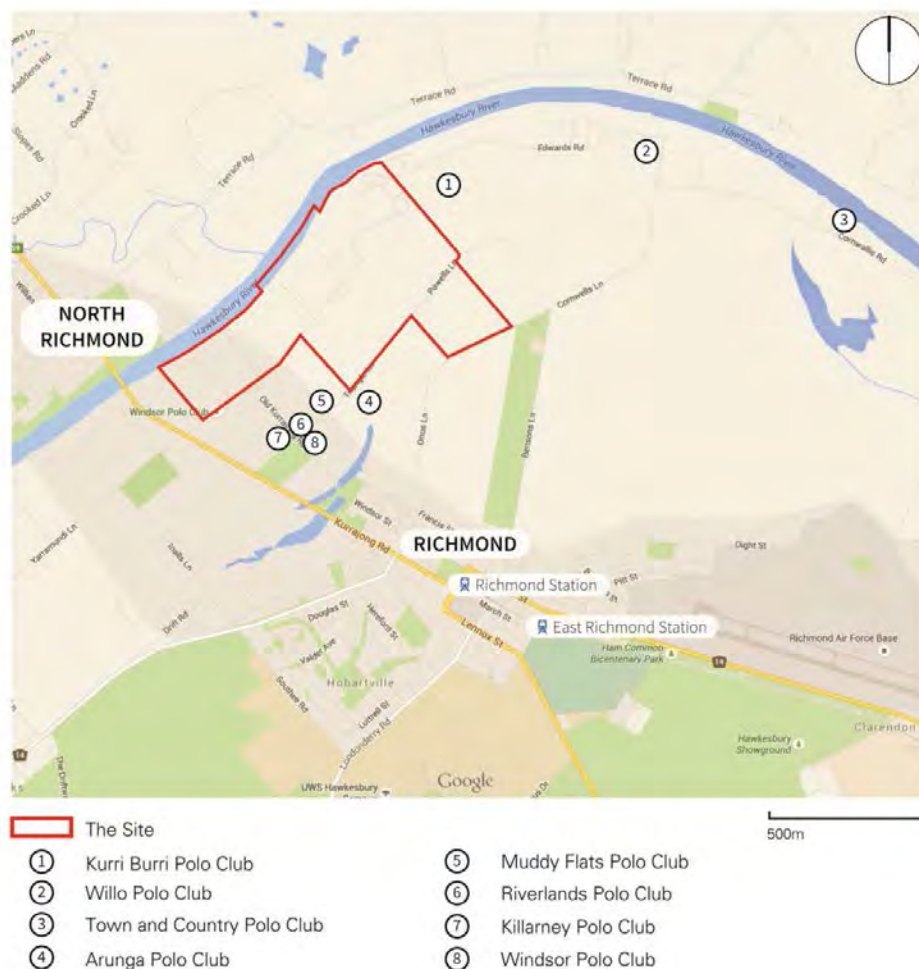


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The surrounding area is made up of a mix of agricultural uses, including turf farms and grazing land. Rural - Residential properties are located to the south and west of the site. Opposite the site, on the northern side the Hawkesbury River are a number of Rural - Residential and large-lot residential properties. In addition, the following polo clubs/facilities are located nearby:

- Kurri Burri Polo Club, 226 Edwards Road
- Windsor Polo Club, Lot 303 Old Kurrajong Road
- Killarney Polo Club, Old Kurrajong Road
- Riverland Polo Club, Old Kurrajong Road
- Muddy Flats Polo Club, Triangle Lane
- Willo Polo, 2 Edwards Road
- Arunga Polo Club, 42 Triangle Lane
- Town and Country Polo Club, 508 Cornwallis Street.



Source: JBA Planning Proposal

Figure 5: Surrounding polo clubs/facilities

The site is predominantly zoned RU2 Rural Landscape with relatively small parts being zoned E2 Environmental Conservation, and W1 Natural Waterway. The zoning of the land is shown in Figure 6 below. The amendments to the LEP sought by the planning proposal only relate to that part of the site that is zoned RU2 Rural Landscape.



**Figure 6: Extract from LEP 2012 Land Zone Map**

The objectives of the RU2 Rural Landscape are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses in the zone and land uses in adjoining zones.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive component.*

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- *To preserve the areas and other features of scenic quality.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

Land uses currently permitted with consent in this zone include:

*Agriculture; Animal boarding or training establishments; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Charter and tourism boating facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Helipads; Home-based child care; Home industries; Jetties; Landscaping material supplies; Moorings; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Water recreation structures; Water storage facilities*

Other relevant matters of the LEP include:

- parts of the site are subject to tidal inundation hence, where relevant, *Clause 5.7 Development below mean high water mark* will apply to future development on the site.
- a *heritage* listed property (Lots 1 and 2 DP 229549, 216 Edwards Road, also known as Kurri Burri) is located immediately to the north-east of the site hence, where relevant, *Clause 5.10 Heritage conservation* will apply to future development on the site.
- the site is shown as being predominantly within Acid Sulfate Soil Classifications 4 and 5, with a *relatively* small area, generally corresponding to the W1 zoned land, being within Acid Sulfate Soil Classifications 1 hence *Clause 6.1 Acid Sulfate Soils* will apply to future development on the site.
- the site is entirely inundated by flood waters during a 1 in 100 year flood event hence *Clause 6.3 Flood planning* will apply to future development on the site as well as Council's Development of Flood Liable Land Policy.
- the site is partly affected by the Terrestrial Biodiversity Map, mainly along the site frontage to Hawkesbury River and the wetland and it's surrounds hence, where relevant, *Clause 6.4 Terrestrial Biodiversity* will apply to future development on the site.
- a small portion of land in the south-west part of the site falls within the 20 - 25 ANEF 2014 contour area hence, where relevant, *Clause 6.6 Development in areas subject to aircraft noise* will apply to future development on the site.

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)* and is within an area of Regional scenic significance under this SREP. The site also contains a wetland identified by this SREP.

The site is within Landscape Unit 3.4.1 Yarramundi Weir to South Creek Junction of the *Hawkesbury - Nepean Scenic Quality Study*, Department of Planning and Urban Affairs, 1996. This study summarises the landscape character of this area as follows:

*A broad and nearly flat valley floor extensively altered by agriculture and settlement. An intensively farmed agricultural environment dominated by crop lands and rural industry. The major cultural elements are agricultural rather than ornamental, with a strict division of settled land from rural land.*



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The study describes the capacity of the farming lands for increased settlement and usage density as low and states that the visual sensitivity of the general area is high because of the heritage value of the landscape. The study recommends that the open agricultural character of the flats be retained by discouraging subdivisions and rural/industrial operations.

The *Significant Wetlands of the Hawkesbury - Nepean River Valley*, Department of Planning, 1994, describes the wetland on the site as being an open herb swamp with waterbird value.

The site is shown as containing Agriculture Land Classifications 1, 2 and 8 prepared by the former NSW Department of Agriculture. The majority of the site is class 1 (Arable land suitable for intensive cultivation) with land in the vicinity of the wetland, and to the south of the wetland being class 2 (Arable land suitable for regular cultivation). The river-front land is class 8 (water).

Most of the site is within an "identified resource area" (construction sand and gravel) as defined by the NSW Department of Industry.

Land generally consisting of the wetland and immediate surrounds is shown as an area of "extensive salinity hazard", whilst the balance of the site is shown as an area of "localised salinity hazard".

### **Council's Notice of Motion of 3 February 2015**

At Council's Ordinary Meeting on 3 February 2015, Council resolved the following Notice of Motion:

1. Council *reaffirm its continued support of the emerging polo and related support industries in the Richmond Lowlands.*
2. Council *indicate to all stakeholders and the community its unambiguous willingness to work closely and cooperatively with all relevant property owners to resolve quickly and expeditiously current planning provisions and conflict issues, including commencement of a review of the rezoning provisions, relating to permissible land use activities associated with the industry.*

### **Relationship of this planning proposal to Council's General Amendments planning proposal**

On 31 March 2015 Council considered a report regarding a suite of proposed amendments to LEP 2012. Included in these amendments were recommendations to:

- permit *function centres* in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village and E4 Environmental Living zones.
- permit *eco-tourist facilities* with consent in the following zones - RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, E3 Environmental Management, E4 Environmental Living.

Council resolved, inter alia, that a planning proposal (including the above mentioned amendments) be prepared and forwarded to the Department of Planning and Environment (DP&E) for a Gateway determination.

A planning proposal was subsequently prepared and forwarded to the DP&E on 31 July 2015. Included in the planning proposal were the following explanations for the proposed changes to the permissibility of *function centres* and *eco-tourist facilities*:

*Function centres are not permitted in the RU1, RU2, RU4, RU5 and E4 zones because at the time of drafting LEP 2012 function centres were a new land use within the standard instrument and they were considered to be outside the scope of the like for like conversion of LEP 1989 land uses to LEP 2012 land uses. LEP 2012 does however permit the similar land use of restaurants in the RU1, RU2, RU4, RU5 and E4 zones.*

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*Council has become aware of circumstances whereby existing restaurants are being used for hosting functions such as wedding receptions. Due to the above mentioned prohibition Council is not able to consider the use of restaurants for the purposes of hosting functions.*

*In order to resolve this matter it is proposed that function centres be permitted in the RU1, RU2, RU4, RU5 and E4 zones.*

and

*During the preparation of LEP 2012 Council did not have opportunity to consider eco-tourist facilities as this land use was added to the standard instrument after Council forwarded the draft of LEP 2012 to the DP&E for finalisation and gazettal.*

*As a result an anomaly currently exists in the LEP 2012 whereby in the RU1, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones tourist and visitor accommodation is permitted with consent however eco-tourist facilities are prohibited.*

*It is proposed that eco-tourist facilities be made permissible with consent in the above mentioned zones and, due to their likely lesser environmental impact than tourist and visitor accommodation, they also be made permissible with consent in the RU2 zone.*

A Gateway determination was issued by DP&E on 19 February 2016 raising no objection to the proposed *function centre* and *eco-tourist facility* amendments. At the time of preparing this report the General Amendments planning proposal had been referred to various public authorities for comment.

Thus, it is important to note that the two additional permitted uses of *function centres* and *eco-tourist facilities* sort by the applicant is consistent with what Council is seeking to achieve via the General Amendments planning proposal.

### **A Plan for Growing Sydney and Draft North West Subregional Strategy**

*A Plan for Growing Sydney* was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area (SMA). It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

*A Plan for Growing Sydney* contains the following Vision for Sydney:

- A strong global city, a great place to live.

The Vision is supported by following four goals and three principles:

- Goal 1: A competitive economy with world-class services and transport
- Goal 2: A city of housing choice with homes that meet our needs and lifestyles
- Goal 3: A great place to live with communities that are strong, healthy and well connected
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources
- Principle 1: Increasing housing choice around all centres through urban renewal in established areas
- Principle 2: Stronger economic development in strategic centres and transport gateways
- Principle 3: Connecting centres with a networked transport system

*A Plan for Growing Sydney* divides Sydney into six subregions: Central; West Central; West; North; South West; and South. The Hawkesbury LGA is in the West subregion with the Penrith and Blue Mountains LGAs.

The Draft North West Subregional Planning Strategy (the Strategy) was released by the NSW Government in December 2007. The Strategy covers the LGAs of The Hills, Blacktown, Blue Mountains, Hawkesbury and Penrith and sets broad directions for additional dwelling and employment growth.

The Strategy's Key Directions are:

- plan to meet employment and housing capacity targets
- develop Penrith as a Regional City
- strengthen the role of centres
- improve access to, from and within the subregion
- protect rural and resource lands
- promote the environmental and scenic qualities of the region
- improve access to open space and recreation opportunities

The Strategy was never finalised and is currently under review.

These two documents have a high level metropolitan and regional focus, and for the most part are not readily applicable to this planning proposal. Notwithstanding this JBA have provided an assessment of the planning proposal against these two documents and concludes that the planning proposal is consistent with these documents. JBA's assessment is provided in Attachment 2 of this report.

In summary JBA claim that the planning proposal is consistent with the objectives of the "Metropolitan Rural Area" of the Plan because the proposed uses will provide recreational activities that are compatible with the surrounding environment and are not likely to adversely affect the objectives of any future strategic framework for the region. Furthermore, JBA claim the proposed uses will promote the polo industry and tourism in Sydney's north-western region and make it easier for the growing population in the north-west to access recreational facilities in the Richmond Lowlands.

JBA claim that the planning proposal is consistent with the following directions of the Strategy:

- promote the environmental and scenic qualities of the Region
- improve access to open space and recreation opportunities

because the proposed uses will support the environmental and scenic qualities of the Hawkesbury River and allow for the provision of tourism and recreational facilities.

### **Hawkesbury Community Strategic Plan and the Hawkesbury Employment Land Strategy**

The Hawkesbury Community Strategic Plan (CSP) is a high level plan that outlines the key community aspirations and sets the essential direction for future Council activities and decision making. This Plan is divided into five themes and incorporates the NSW Division of Local Government's (DLG) social, economic, environmental and governance strategic principles. Each of the five themes are supported with a vision statement, directions, strategies, goals and measures, to assist Council and the community to achieve its objectives.

The Hawkesbury Employment Land Strategy (ELS) reviewed employment and employment lands in the Hawkesbury LGA and considered the then State Policy context, economic trends and drivers, employment profiles, the character of existing employment precincts and the demand and supply issues for employment lands. It also recommended a number of short and long term strategies to address the economic prosperity of the Hawkesbury LGA to the year 2031.

JBA have provided an assessment of the planning proposal against the CSP and ELS. JBA's assessment is provided in Attachment 2 of this report.

In summary JBA's responses to the CSP and ELS are:

- the planning proposal will facilitate the achievement of relevant goals by supporting the ongoing development of a sustainable polo industry in Richmond with supporting eco- tourist accommodation and function centre facilities to promote the tourism industry in the area. This will provide increased employment and economic development in the Hawkesbury LGA. It will also provide a means to balance the recreational, ecological and employment activities of the area through facilitating recreational facilities in a suitable and compatible location.
- whilst the ELS examines employment lands within the Hawkesbury LGA, and not rural lands, it does state that accommodation land uses could be appropriately located on rural and environmental protection lands and recommends future strategic actions. The ELS recognises that the agricultural industry sector plays a significant employment role in the LGA, and that cafes, accommodation and restaurants are important in supporting local jobs in the tourism industry. The planning proposal seeks to include a range of compatible uses on the site that will support the tourism industry.

### **Section 117 Directions**

Section 117 Directions are issued by the Minister for Planning and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&E is satisfied that the proposal is:

- a) justified by a strategy which:
  - gives consideration to the objectives of the Direction
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites)
  - is approved by the Director-General of the Department of Planning, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the Direction, or
- c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of the Direction, or
- d) is of minor significance.

JBA have provided an assessment of the planning proposal against relevant Section 117 Directions, and this assessment is provided in Attachment 2 of this report. In summary JBA conclude that the planning proposal is consistent with relevant Section 117 Directions.

JBA's assessment includes consideration of *Direction 3.5 Development Near Licenced Aerodromes*. This is not necessary as RAAF Base Richmond is not a licenced aerodrome. Notwithstanding this it is envisaged that if the planning proposal proceeds it will be referred to the Department of Defence for comment.

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JBA's assessment does not include consideration of *Direction 5.10 Implementation of Regional Plans*. The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. This direction was added to the S117 Directions on 14 April 2016 and for the purposes of this direction *A Plan for Growing Sydney* is the relevant Regional Plan. JBA have provided an assessment of planning proposal with respect to *A Plan for Growing Sydney*, which is provided in Attachment 2 of this report.

*Direction 6.3 Site Specific Provisions* states, inter alia:

*A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*

- (a) *allow that land use to be carried out in the zone the land is situated on, or*
- (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

JBA state that the planning proposal is consistent with this direction because it seeks to amend the LEP, to allow additional permitted uses to be carried out on the site, by adding an additional provision in Schedule 1 and no additional development standards are proposed in relation to these additional land uses.

The need for additional development standards in relation to some of the proposed land uses is discussed later in this report.

### **State Environmental Planning Policies and Regional Environmental Plans**

The State Environmental Planning Policies and Regional Environmental Plans of most relevance are *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*, *State Environmental Planning Policy No. 44 – Koala Habitat Protection*, *State Environmental Planning Policy No. 55 - Remediation of Land*, and *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

JBA have provided an assessment of the planning proposal against the above mentioned SEPPs and SREP No. 20 (No.2 - 1997). This assessment is provided in Attachment 2 of this report.

JBA's assessment is summarised below.

#### ***State Environmental Planning Policy No. 19 – Bushland in Urban Areas***

The planning proposal is consistent with the objectives of the SEPP. The proposed uses are compatible with the natural setting of the site and will integrate within its landscaped setting. No significant building footprints will be facilitated by the planning proposal and the majority of the site will be retained as part of the vegetated landscape. No changes to the E2 Environmental Conservation zone on the site are being sought and the proposed LEP amendments will not have any unacceptable impact on the natural ecological value of the site.

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

There is no evidence of a local koala population in the locality and potential feed trees at the site are sparse, and surrounded by pasture.

**State Environmental Planning Policy No. 55 - Remediation of Land**

The site has a number of identified contamination risks resulting from the past agricultural and quarry uses of the site, above ground storage of fuels, landfill from unknown sources as well as stockpiling and storage of waste on the site. Notwithstanding these risks are acceptably low to permit the changes to the site permissible uses as proposed, particularly given that the proposal does not seek to make permissible any sensitive land uses such as residential, schools or a child care facility. Where contamination has been identified it is likely to be of a type and extent that can be readily remediated to allow any of the proposed additional uses to proceed. Subsequent development applications should fully assess localised contamination and address any identified issues. This should involve the preparation of a detailed site investigation including the undertaking of intrusive soil sampling.

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

The planning proposal proposes additional uses on the site that are complementary to the rural/flood prone nature of the site and are of minimal environmental impact. These uses will be subject to future development applications and will need to consider and protect the environment of the Hawkesbury-Nepean River system.

**Flood affectation of the site**

The majority of the site varies in height from approximately 9.0m AHD and 16.5m AHD. The higher ground is generally located adjacent and parallel to the Hawkesbury River. From this higher ground the land either generally falls gently to the east (i.e. within the vicinity of the wetland) or steeply to the Hawkesbury River. As mentioned earlier in this report the site is entirely inundated by flood waters during a 1 in 100 year flood event hence *Clause 6.3 Flood planning* of the LEP will apply to future development on the site as well as Council's Development of Flood Prone Land Policy.

Clause 6.3 of the LEP is as follows:

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

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

**(2) This clause applies to land at or below the flood planning level.****(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:**

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

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

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

The figures below show the estimated extent of the 1 in 5 year, 1 in 20 year, 1 in 50 year, and 1 in 100 year flood events.

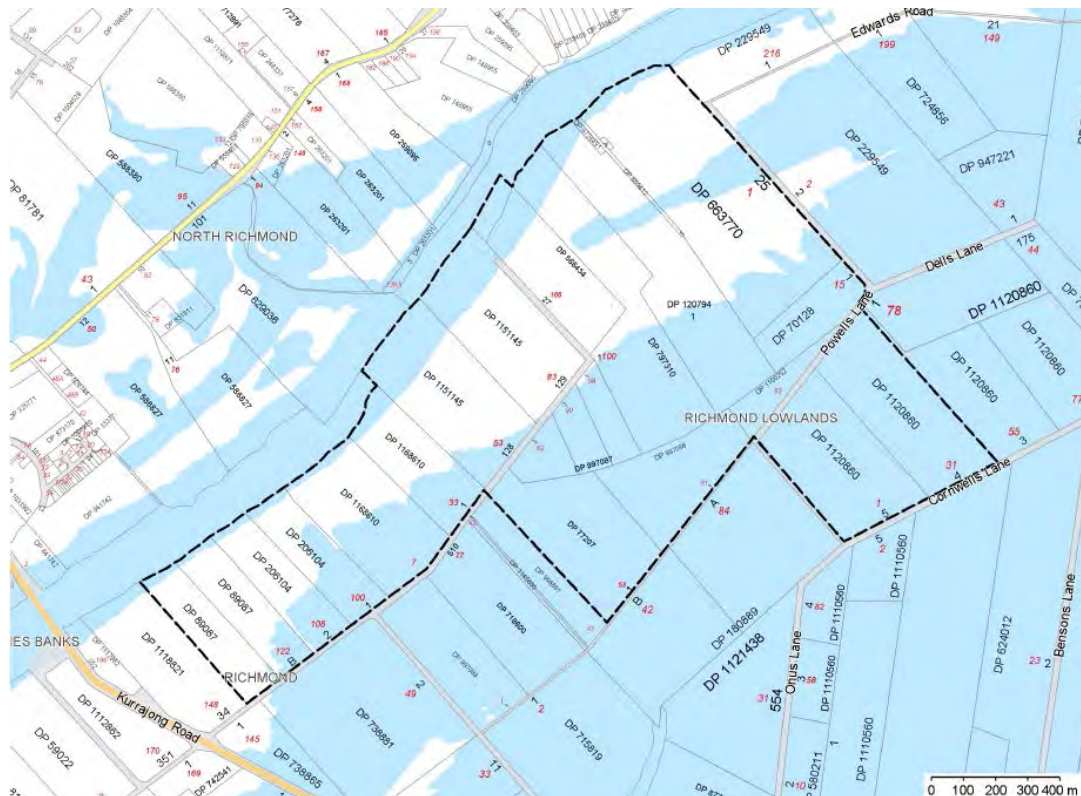


Figure 7: Estimated extent of 1 in 5 year flood



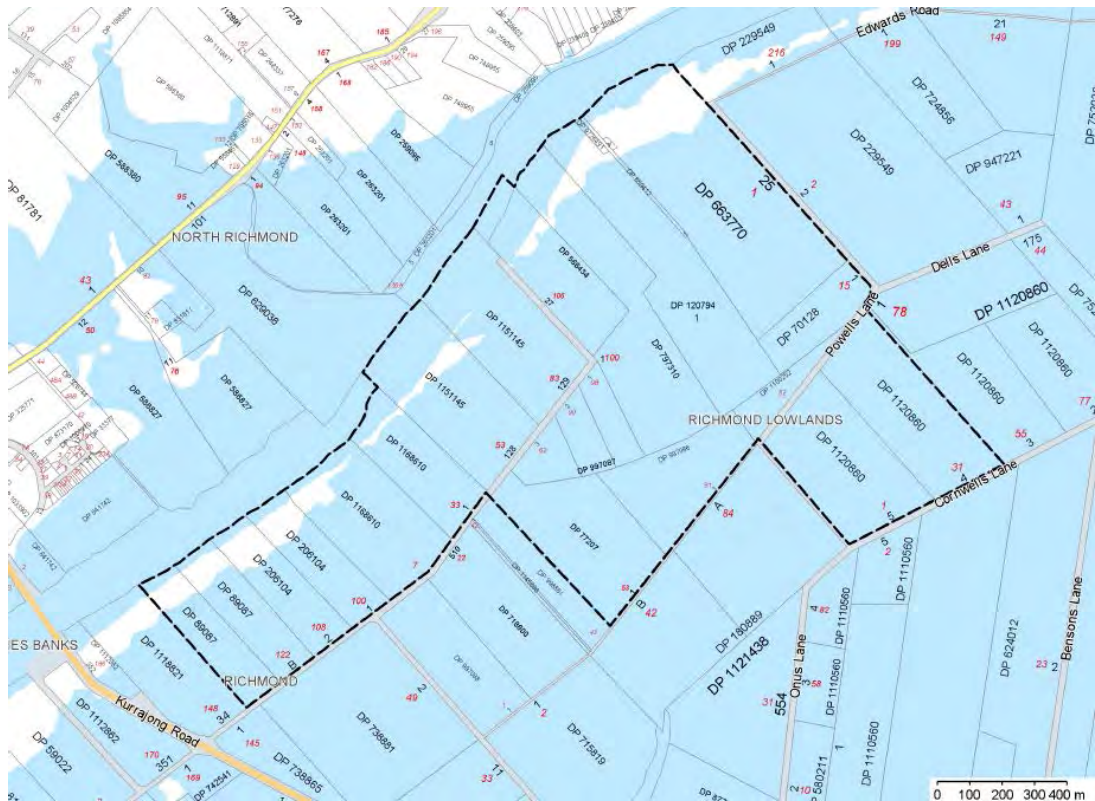


Figure 8: Estimated extent of 1 in 20 year flood

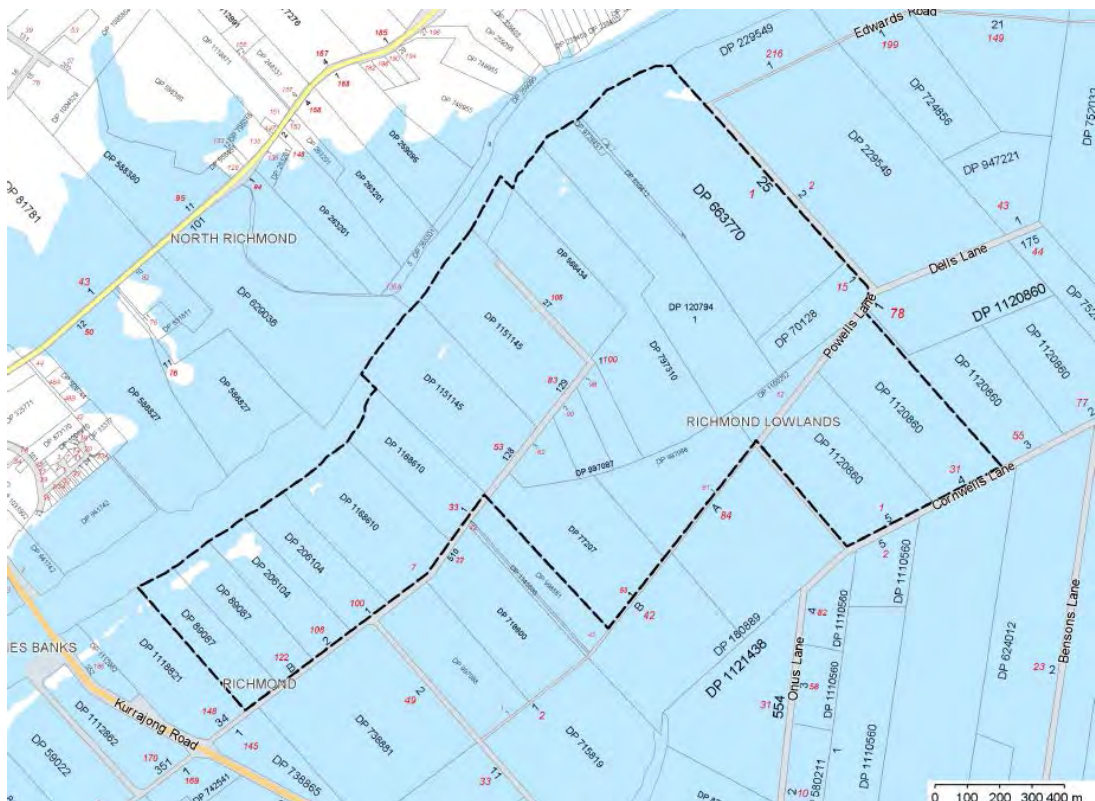


Figure 9: Estimated extent of 1 in 50 year flood



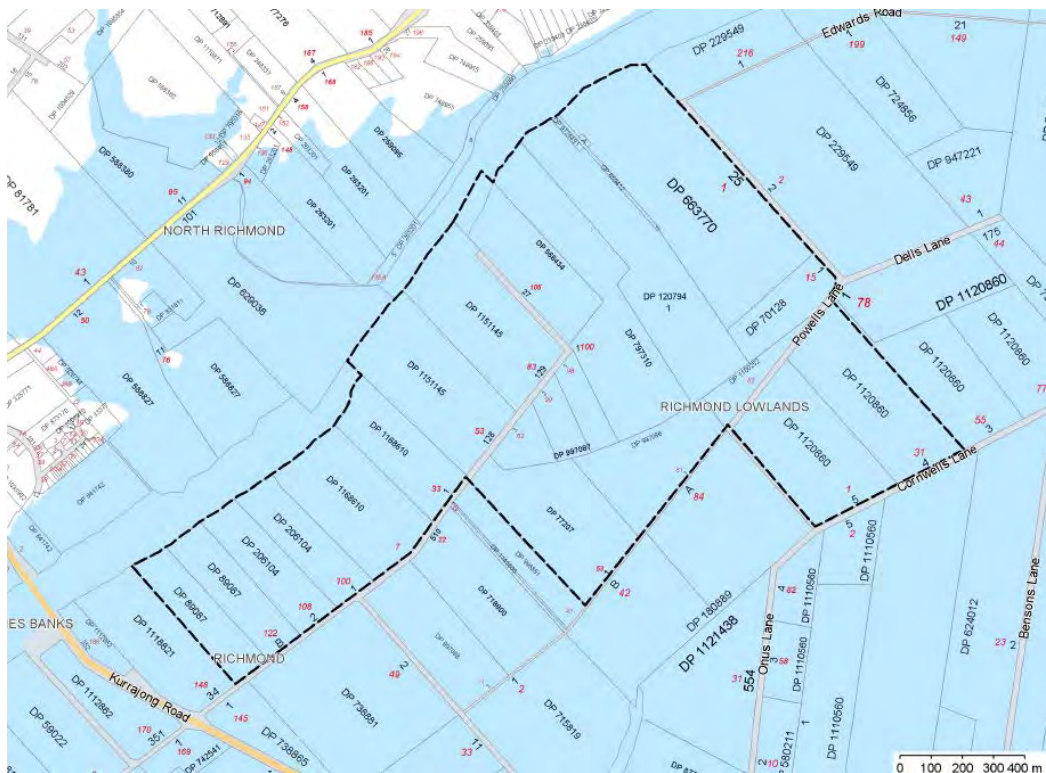


Figure 10: Estimated extent of 1 in 100 year flood

The *Hawkesbury Floodplain Risk Management Study & Plan* shows the site being substantially within an "Extreme" flood risk area (generally those parts of the site below the 1 in 20 year flood event) with the balance of the site being within a "High" flood risk area (generally those parts of the site between the 1 in 20 year flood event and the 1 in 100 year flood event). This is shown in Figure 11 below.

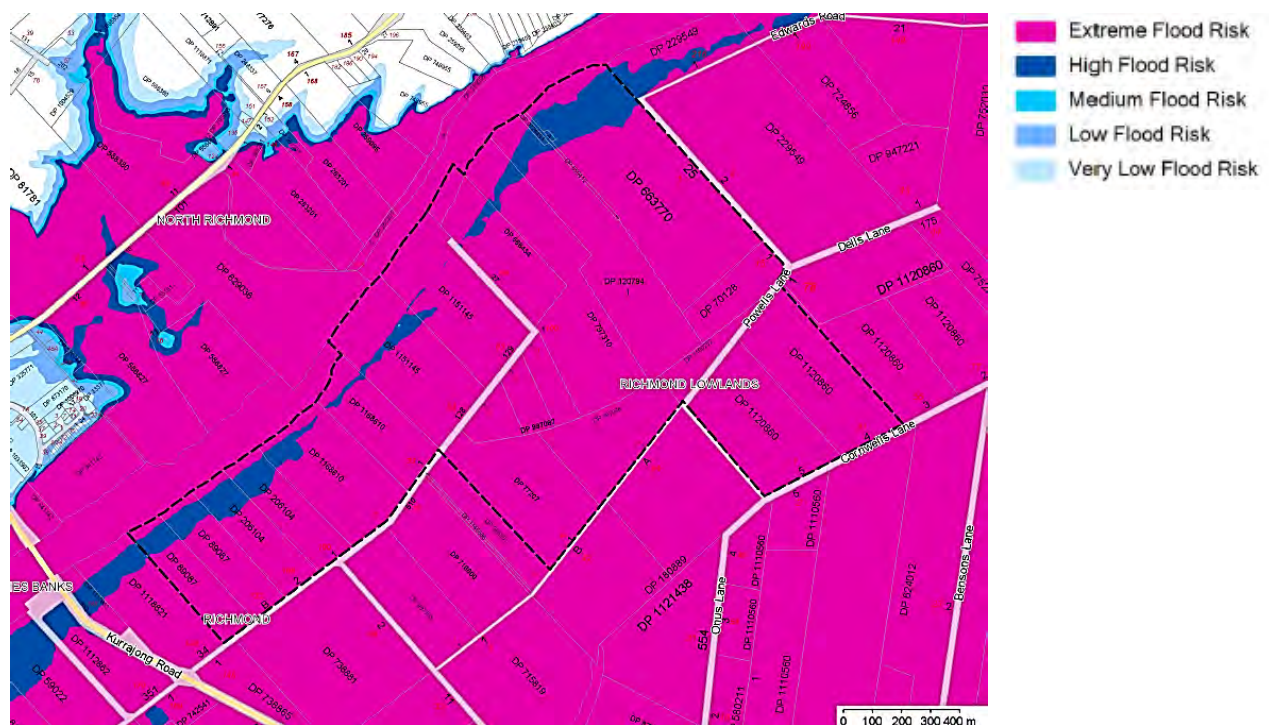


Figure 11: Flood risk categorisation of the site

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The planning proposal is accompanied by a flooding related assessment of the site undertaken by BG&E Pty Limited (BG&E).

This assessment states:

- During a 100 year ARI flood the depth of inundation across the site would range from approximately 1m (high land along the river) to 8m (near the low lying wetland). During the Probable Maximum Flood (PMF), the lower areas of the site are shown to experience flooding up to 17m above natural surface.
- Flood risk for the majority of the site is classified as being 'extreme'. This category applies to those areas inundated by a 20 year ARI event (5% or greater chance of flooding each year) with a surface level less than 15.4m AHD. These areas are expected to experience severe erosion to foundations of buildings and collapse of building structures are likely. Ameliorative measures such as filling are unlikely to be acceptable.
- Areas along the river which are not expected to be inundated during the 20 year ARI flood are classified as 'high' flood risk (surface level greater than 15.4m AHD). These areas have a very high chance of flood damage to most building structures without substantial modifications and other planning controls.
- Flood hazard within the project site during the 100 year ARI event varies from 'high' to 'extreme', with low lying areas showing a greater level of hazard due to increased depths of flooding. The *Floodplain Development Manual* defines 'high' hazard (and greater) as "possible danger to personal safety; evacuation by trucks difficult; able-bodied adults would have difficulty in wading to safety; potential for significant structural damage to buildings".
- Flooding of the site during a 100 year ARI event is expected to commence approximately 40 hours following the onset of rainfall within the catchment, with the site being inundated for several days. During the PMF, water levels will rise much more rapidly, with flooding expected to occur across the site after approximately 15 hours.

In response to the site's flood affectation and flood risk, JBA make the following statements:

- Detailed flood assessments will accompany all future applications for development on the site. Design development has already commenced for the Hall of Fame function centre. Preliminary discussions with Council have been undertaken to determine appropriate finished floor levels having regard to flood constraints. The application for the Hall of Fame will be accompanied by a detailed flood risk assessment and preliminary flood evacuation management plan.
- Flood prone land is a valuable resource and should not be sterilised unnecessarily precluding its development.
- Any additional floor space will be able to be located above the flood planning level.
- Any future buildings or new structures will be minor and are not expected to result in any adverse impacts to flood behaviour.
- Existing development and the development facilitated by the planning proposal will not result in development within the Hawkesbury River or loss of flood storage.
- The site is already partially developed and further development is not anticipated to result in an increase in flood levels.

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- The planning proposal will be referred to the State Emergency Services (SES) for comment following Gateway Determination and prior to community consultation occurring and any response received from the SES regarding evacuation infrastructure can be taken into account.

As can be seen in objective (a) of Clause 6.3, minimising the flood risk to life and property is a primary consideration.

It is noted that the proposed additional uses are non-residential in nature. Furthermore, subject to confirmation from the SES, it is considered that there should be sufficient warning time of floods to allow for the cancellation of polo events, function centre and tourist bookings, market days, medical and veterinary appointments prior to persons arriving at the site. If so, it is expected that the risk to life as a result of the proposed additional uses would be relatively low and could be appropriately managed through a site or use specific flood response and evacuation plan.

In terms of minimising risk to property and minimising the associated cost of flood damages, given the significant height and velocity of flood events the site can experience, it is recommended that the size of some of the proposed additional uses be restricted. This is further discussed later in this report.

### Road Access and Traffic Generation

Old Kurrajong Road/Ridges Lane are the primary road accesses to the site. Old Kurrajong Road is a two-way road with a 2-lane, 6 metre wide carriageway. Ridges Lane is a two-way road with a 2-lane, 5 metre wide carriageway. Both roads carry relatively low volumes of vehicular traffic and are used by pedestrians, cyclists and horses.

Old Kurrajong Road connects with Kurrajong Road / Bells Line of Road (a State road) to the south-west of the site. Kurrajong Road / Bells Line of Road is the main connector road from Windsor to North Richmond and areas further to the east and west.

The planning proposal is accompanied by a Transport Impact Assessment prepared by GTA Consultants (GTA).

GTA's assessment considered the likely additional traffic generated by the proposed additional uses in light of the surrounding intersections (in particular the Kurrajong Road and Old Kurrajong Road, and Old Kurrajong Road and Ridges Lane intersections), the findings and recommendations of the *Richmond Bridge and the approaches Congestion Study*, and the impact of the North Richmond "Redbank" at North Richmond development and proposed secondary route between Richmond and North Richmond via a proposed bridge through Navua and Yarrumundi Reserves.

GTA advise that of the proposed additional permitted uses, the main traffic generating uses are the function centres and the annual major polo event (the Gold Cup). The other proposed uses are likely to be low traffic generators and would generally operate outside the site and the road network peak periods.

GTA's assessment included the results of a traffic survey undertaken at the most recent Gold Cup event held on 17 and 18 October 2015. GTA summarised the key findings of the survey as follows:

- *There were 1,186 and 2,615 daily vehicle movements along Ridges Lane on the Saturday and Sunday of the event weekend respectively. This is compared to 171 and 154 daily vehicle movements on a typical Saturday and Sunday respectively.*
- *2,135 spectators attended the event on the Sunday via the main entry, including 1,909 that arrived by private vehicle and 226 by van and/ or bus.*
- *There was a combined average occupancy of 1.9 people per car and 27 people per van / bus.*

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- *20% of vehicles arrived in the peak vehicle arrival period (11:00am to 12:00pm), which included 274 vehicle movements, 80% inbound, 20% outbound.*
- *The peak spectator arrival period occurred later (12:00pm to 1:00pm), influenced by more bus arrivals during this period.*
- *The overall peak hour for vehicle movements occurred in the afternoon (4:45pm to 5:45pm), with 353 vehicle movements, 8% inbound and 92% outbound.*
- *The peak spectator departure period occurred slightly later (5:00pm to 6:00pm), again influenced by more bus departures around 6:00pm.*

Based on their assessment GTA concluded as follows:

- *Car parking associated with the uses would be accommodated on-site in the vicinity of each use.*
- *Under typical operation, the site is expected to generate approximately 20 vehicle movements in any peak hour.*
- *The key traffic generating uses are expected to be the function centres and the annual polo event.*
- *Based on the 2015 Gold Cup event, the site is expected to generate between 275 and 350 vehicle movements in any peak hour.*
- *A Special Event TMP should be prepared for the annual polo event to manage traffic, pedestrians and parking on the event day.*
- *Traffic generation associated with two simultaneous functions, such as weddings are expected to generate a combined 150 vehicle movements during any peak hour.*
- *There is adequate capacity in the surrounding road network to cater for typical operations plus the additional traffic associated with the two simultaneous functions.*

GTA's report and the associated traffic modelling do not adequately establish the travel paths into and out of the site. Whilst GTA's report makes references to the inadequacies in respect of turning movements at the intersection of Kurrajong Road and Old Kurrajong Road, the report does not go far enough as to determine what safety impacts there will be at the intersection of Kurrajong Road and Old Kurrajong Road.

GTA's report does not adequately address the impacts of the increase in traffic within the Richmond Lowlands on the current road environment and in particular the existing road seal widths and overall road safety. Further consideration is required of what is an acceptable environmental traffic loading within the Richmond Lowlands.

Concern is also raised regarding the modelling of the function centre uses as GTA have based their modelling on 200 persons per event with a fortnightly frequency. The planning proposal however states that the proposed new function centre would have a capacity of up to 1,000 people.

If the planning proposal is to proceed it will be referred to the Roads and Maritime Service (RMS) for comment and the traffic impacts of the proposed additional uses can be further discussed with the applicant and assessed by Council.

Given the volume of traffic movements likely to be generated by the proposed polo and function centres uses it is expected that future development applications will also be referred to the RMS under the provisions of SEPP (Infrastructure) 2007.

**Services**

The planning proposal is accompanied by a services statement prepared by BG&E.

That statement advises:

***Sewer reticulation***

The site falls within Sydney Water's area. The site is not connected to Sydney Water's sewer network. The existing buildings are currently serviced by several types of on-site treatment systems. The older buildings are serviced by septic tanks whilst the newer buildings are treated by Envirocycles.

Due to the large distance to the nearest Sydney Water main and the high cost associated with a sewer main extension and possible upgrade of existing Sydney Water infrastructure to accommodate the development, it is recommended that the development implement similar on-site treatment of sewage.

***Water reticulation***

The site falls within Sydney Water's area for water supply. Sydney Water potable water mains exist in Old Kurrajong Road, Ridges Lane and Cornwells Lane. Although there are Sydney Water mains located within the bounds of the site, the existing buildings are currently supplied with water by various other means. Stock supply is taken directly from the Hawkesbury River and distributed via irrigation lines from a pumping system. Toilet water is supplied from tanks that are filled with water directly from the river. Potable water for staff is supplied by rainwater tanks and bottled water is used for clients and events. Depending on future proposals for the site an extension of the Sydney Water main to service the existing and any proposed dwelling could be considered. This could be in the form of a private water main which should be cost effective.

***Electricity***

The site is currently supplied with electricity by Endeavour Energy via overhead power lines. Depending on the planned future electrical demands for the site it may be necessary to upgrade electrical assets related to the site.

***Telecommunications***

This site is currently serviced by existing Telstra infrastructure. There is no Optus or NBN present in the site. Telstra services the site from the south west via Old Kurrajong Road and Ridges Lane. Cables are also present in Edwards Road to the northwest of the site. Given the proposed plans for the site it is anticipated that the current Telstra infrastructure will be adequate. Visitors to the site will likely bring their own mobile phones which will not impact on the requirement for fixed services.

***Gas***

The site currently has no connection to Jemena's gas reticulation network. As there is no gas infrastructure within a reasonable proximity to the site, it is suggested that it would be unfeasible to supply the site with gas from Jemena's supply. Should gas supply be required, bottled gas is recommended.

Clause 6.7 of the LEP states:

***6.7 Essential services***

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- (a) *the supply of water,*

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- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

With the exception of sewage and possibly road access (discussed above), it is considered that the existing services at the site are either adequate or can be readily upgraded to support the future development of the site for the proposed additional uses.

In addition to Clause 6.7, Council is also required to consider at development application stage, the following provisions of Section 11(17) of SREP No. 20 (No. 2 - 1997).

- (a) *Whether the proposed development will be capable of connection to a Sydney Water Corporation Limited or council sewerage system either now or in the future.*
- (b) *The suitability of the site for on-site disposal of effluent or sludge and the ability of the sewerage systems or works to operate over the long-term without causing significant adverse effects on adjoining property.*
- (c) *The likely effect of any on-site disposal area required by the proposed development on:*
  - *any water bodies in the vicinity (including dams, streams and rivers), or*
  - *any mapped wetlands, or*
  - *any groundwater, or*
  - *the floodplain.*
- (d) *The scope for recycling and reusing effluent or sludge on the site.*
- (e) *The adequacy of wet weather storage and the wet weather treatment capacity (if relevant) of the proposed sewerage system or works.*
- (f) *Downstream effects of direct discharge of effluent to watercourses.*
- (g) *The need for ongoing monitoring of the system or work.*

With respect to the possibility of connecting to Sydney Water's sewer network JBA state:

*The nearest sewer connection is located on Francis Street near the intersection with Old Kurrajong Road. Connecting to this network would require connection piping some 2km long and is likely to be cost prohibitive. Details for on-site effluent disposal will be provided with all future applications. In particular, a detailed assessment of this aspect of the proposal is being carried out for the proposed Hall of Fame function centre and will be submitted with the application.*

JBA were requested to provide details regarding the cost of extending and upgrading Sydney Water's infrastructure as well as an assessment regarding the suitability of the land to cater for on-site effluent disposal. JBA have not provided these details, therefore at this stage it is not possible to determine if on-site effluent disposal is a suitable option for the site, or if the cost of extending and upgrading Sydney Water's infrastructure is prohibitive.



Clause 6.7 of the LEP and Section 11(17) of SREP No. 20 (No. 2 - 1997) provide suitable statutory provisions to enable consideration of this matter at development application stage, therefore it is considered that the proposed amendments to the LEP do not need augmentation or amendment in relation to the provision of sewerage systems to the site or proposed developments. However, the collection and treatment of waste water generated by the proposed land uses will require careful consideration by Council at development application stage.

### **Economic Impacts and Benefits**

Future developments as proposed by the additional uses will generate increased economic activity in the locality and increased employment opportunities.

Specifically, JBA state:

- the polo operation will attract increased visitors to the area, particularly during major events. This will support increased economic activity within the tourism industry in the locality including accommodation and restaurants, and will also support surrounding service and retail industries (e.g. hairdressers and clothing stores). It will also support horse-related industries such as vets and horse trainers.
- the future function centre use on the site will also support the tourism economy in the area as well as supporting industries (e.g. flowers, catering etc.). The ability to provide additional eco-tourist accommodation on the site will not only support the ongoing function centre and polo facility uses on the site, but will also benefit the broader community.
- the concept of providing a local market on the site will also provide an opportunity for local traders to sell their goods.
- the proposed additional permitted uses are consistent with the employment characteristics of the area and will further support the equestrian and agriculture industries in the area. Functions and polo events also generate a number of hospitality related jobs.

### **Flora and Fauna Impacts**

The planning proposal is accompanied by an *Ecological Constraints and Opportunities Analysis* prepared by Cumberland Ecology (CE). The purpose of the analysis was to assess the potential impacts of the proposed development on flora and fauna, particularly threatened species, populations and communities.

CE analysis notes that:

- the majority of the site comprised exotic, planted native and non-native to NSW plants and does not pose significant ecological constraints for development, as it is highly modified and includes residential dwellings, sealed roads, ancillary structure for polo club and accommodation facilities, cultivated areas and grassed land for polo activities and/or car park.
- no remnant native vegetation is present across the site. There are a few mature trees which appear to be planted rather than remnant from the original vegetation communities. Most planted trees, shrubs and grassed areas across the site are a result of agricultural and rural land use, including residential dwellings.
- historically, quarry activities occurred on land along the northern boundary of the site with frontage to the Hawkesbury River. Therefore, the trees, groundcover and shrubs along this area comprise regrowth vegetation which is currently infested with weeds, some of which are listed noxious weeds within the Hawkesbury Council's area.
- the planning proposal for the site applies only to land zoned RU2. It is not expected the planning proposal would affect the wetland. It is noted that the proposed Hall of Fame building is proposed to be located in land immediately to the north of the wetland, potentially in a

portion of the area identified as 'Connectivity between Significant Vegetation' which is an important 'buffer' zone to be managed to ensure future connectivity of subsurface water movement to/from the billabong.

- freshwater wetlands are listed as an endangered ecological community under the *Threatened Species Conservation Act 1995* (TSC Act). Most of the freshwater wetlands in the Hawkesbury River floodplain have been subject to a long history of human-induced impacts since 1787. Most of the wetland habitat associated to freshwater bodies in the floodplain has been lost to past clearing, agricultural land uses, weed invasion, hydrological modification, filling and waste dumping, erosion and siltation, road construction and urban development.

The findings of the CE analysis can be summarised as follows:

- no endangered species, populations or ecological vegetation communities were found within the portion of the site proposed for rezoning. The wetland is a listed endangered ecological community under the TSC Act.
- one threatened flora species, *Eucalyptus scoparia* (Wallangarra White Gum), was found within the site. *Eucalyptus scoparia* is listed as Endangered under the TSC Act and Vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). However, this species is also commonly planted as a landscape tree and is not within its natural distribution as it is not endemic to the Sydney Metropolitan region.
- no threatened fauna species were recorded within the site during the site visit. An assessment of the likelihood of threatened fauna species occurring on the site concluded that 21 threatened species of birds and eight threatened species of mammals have the potential to occur within the site. Most of these species would use the wetland and/or the land on the northern boundary of the site with frontage to the Hawkesbury River.
- the 2.4km frontage to the Hawkesbury River is an area of regional and state significance with regards to revegetation given the recreational, environmental and economic values and services the Hawkesbury River provides to the Hawkesbury - Nepean Catchment area.

The recommendations and conclusions of CE's analysis are:

1. The billabong [wetland] shows differing levels of erosion of its southern bank, whereas the northern bank is in general level with the adjacent land. It is recommended a wetlands and dams plan of management would prove an opportunity to enhance the value of the aquatic environment (e.g. dams, billabong and river frontage) as habitat for fauna (e.g. native fish, amphibians and insects). The following measures are recommended to rehabilitate aquatic habitat condition:
  - erosion prevention measures in the billabong and along the subject site's frontage with the Hawkesbury River;
  - stabilization of the southern bank of the billabong;
  - revegetation of riparian, wetland and dam vegetation to improve aquatic environment condition and enhance habitat for waterbirds, fishing bats, amphibians and insects;
2. Several noxious weeds were observed across the subject site, in particular along the margin with the Hawkesbury River. It is recommended a vegetation management plan is put in place to manage and control weeds within the subject site.

It is considered that these matters can be dealt with by the owners of the site or required by way of condition of future development consents. These matters are not something that need be dealt with or referred to in the proposed amendment to the LEP.

**Acid Sulfate Soils, Land Contamination and Salinity**

The planning proposal is accompanied by a *Preliminary Site Investigation and Preliminary Acid Sulfate Soils Assessment* prepared by Martens Consulting Engineers (Martens).

Martens assessment notes that the site has been used for rural purposes since at least 1955 and has the following potential contamination sources:

- past dwelling construction and maintenance have the potential to have introduced contaminants in the form of asbestos (as a construction material), pesticides (pest control) and heavy metals (paints, pest control);
- sheds and former sheds may currently or previously have stored fuel, oils or other chemicals, leading to hydrocarbon and other contamination. Lead based paints or potential asbestos containing material (PACM) in the form of fibrous cement sheeting containing asbestos may have been used during construction. The sheds may have been treated with pesticides and heavy metals for pest control;
- aerial photographs indicate much of the site may have been used for intensive agricultural uses including market gardens, orchards or turf farm. Organophosphate and organochloride pesticides and heavy metals may have been used for pest control;
- former quarry operations may have introduced localised contamination of hydrocarbons or heavy metals to the site soils and potentially other contaminants if filling from offsite sources was part of remediation;
- several above ground storage tanks (AST) were observed containing known (diesel and unleaded) and unknown content may have introduced contaminants to the soil. Bunding of two of the three ASTs mitigates this risk significantly;
- localised areas of site fill hence there is the potential for contaminants if fill was sourced from offsite;
- waste stockpiles may have introduced heavy metals, hydrocarbons, organophosphate and organochloride pesticides, and asbestos;
- farm dams may have accumulated contaminants from surrounding land uses.

Martens note that the site has a number of identified contamination risks, however other than minor localised areas of concern the risks associated with land use is generally low or medium. Martens also note that the planning proposal does not seek to make permissible any sensitive land uses such as residential, schools or child care facilities. Martens conclude that the identified risk of contamination is considered to be acceptably low to permit the proposed additional uses, subsequent applications for development should fully assess localised contamination and address any identified issues, and where contamination is identified it is likely to be of a type and extent that can be readily remediated to allow any of the proposed additional permissible uses to proceed.

Martens assessment of acid sulphate soils concluded that the site conditions are compatible with the proposed additional uses, and that the presence of acid sulphate soils can be readily managed via future development applications, and the preparation of acid sulphate soils assessments and management plans.

As noted earlier in this report the land generally consisting of the wetland and immediate surrounds is shown as an area of "extensive salinity hazard" and the balance of the site is shown as an area of "localised salinity hazard". It is expected that this hazard can be readily managed via future development applications with either the submission of a salinity management plan as part of the development application, or requiring the preparation of same prior to the issuing of a construction certificate.

**ANEF affectation**

The site is located approximately 2km to the north-west of the RAAF Base Richmond. Parts of Lot 2 DP 206104 and Lots A and B DP 88087 are within the 20 – 25 ANEF 2014 contour area. As a result, the provisions of Clause 6.6 and AS 2021 - 2000 *Acoustics - Aircraft noise intrusion - Building siting and construction* will apply to development of the land so affected. This affectation is considered to be a minor constraint to the future development of the site as it is anticipated that the relevant provisions of AS 2021 - 2000 can be readily taken into account as part of any future development application.

**Agricultural Land Classification**

The site is shown as containing Agriculture Land Classifications 1, 2 and 8 prepared by the former NSW Department of Agriculture. The definition of these classes is provided below.

*Class 1 - Arable land suitable for intensive cultivation where constraints to sustained high levels of agricultural production are minor or absent.*

*Class 2 - Arable land suitable for regular cultivation for crops but not suited to continuous cultivation. It has moderate to high suitability for agriculture, but edaphic (soil factors) or environmental constraints reduce the overall level of production and may limit the cropping phase to a rotation with sown pastures.*

*Class 8 - Water*

It is considered that the characteristics of Class 1 and 2 will not significantly constrain or limit the proposed additional uses. Furthermore it is noted that the Sydney Polo Club site is one of a cluster of existing polo facilities in the Richmond Lowlands / Richmond area and hence the operators of these facilities must consider the land as being suitable for polo and related uses.

**Aboriginal and Non-Aboriginal Heritage**

The planning proposal is accompanied by heritage advice provided by GML Heritage (GML).

GML undertook a study of the site to identify whether or not the site possesses or has the potential to possess Aboriginal heritage sites, places, objects and/or values.

As part of the study, GML searched the AHIMS database and found that the site currently has no registered Aboriginal sites. Outside of the site, the search identified 18 recorded Aboriginal sites which comprised 11 stone artefact based sites (open camp sites), four axe grinding grooves, one shelter with art and one open camp site/quarry/scarred tree.

GML notes a site located 3.5km north-west of the site provides evidence of raw stone extraction, knapping and artefact utilisation. The quarry site is significant as a local source of stone material for artefact manufacture, evidenced by the cluster of "open camp sites" surrounding it. Materials from the quarry site could have been transported to the site.

GML's review of the landscape of the site found that it has a low potential for Aboriginal objects because there are no specific landforms or places which may have been the focus for Aboriginal activities which could have resulted in the creation of Aboriginal objects and because the site has been subject to significant and repeated ploughing, cropping, part use as a turf farm, development of the Polo Club and general landscaping over the last 60 years. Hence, if Aboriginal objects were present they would most likely be in a disturbed context.

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GML recommend that the planning proposal could proceed without the need for an Aboriginal Heritage Impact Permit (AHIP) and recommended that the best practice aboriginal heritage approach should be undertaken prior to future development including:

- determining the footprint and associated impacts possible for area of development, including works and laydown areas.
- engaging the Local Aboriginal Land Council and an Aboriginal Archaeologist to inspect the footprint to confirm the absence of Aboriginal objects and potential Aboriginal cultural heritage.
- if no Aboriginal objects or potential for Aboriginal cultural heritage are present, and the potential of the zone subject to development does not hold Aboriginal archaeological potential, the proposed development could proceed with caution.
- should Aboriginal objects and/or an area with the potential for Aboriginal objects be identified, the proponent must apply the OEH 2010 Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW. Should one or more Aboriginal objects be identified the proponent should ideally modify the proposal footprint to avoid harm (e.g. conservation of the Aboriginal objects, and thus Aboriginal heritage values). If harm is to occur to an Aboriginal object, then the proponent must seek an AHIP before harm occurs. Aboriginal heritage mitigation, such as test and/or salvage excavation may be required to mitigate against harm.

GML also undertook a site inspection to confirm the existence of two items of non-Aboriginal heritage, being a farm building and fence, listed in Schedule 1 of SREP No. 20 (No.2 -1997) as follows:

*Farm building and fence, part D.P. 62095, Edwards Road, corner of Powells Lane, Richmond Lowlands.*

GML recorded a farm building constructed c1900-1910s on the site and noted it appears to be heavily altered and in dilapidated condition. GML's advice also notes the presence of a timber fence near the farm building; however it is unclear whether this is the fence identified as part of the SREP No. 20 (No.2 -1997) listing or a modern addition. The planning proposal does not seek the demolition of any existing buildings or structures on the site. Should a development application for development within the immediate vicinity of these potential heritage items be made, a detailed heritage assessment will be carried out.

### **Bushfire Hazard**

A relatively small part of the site along the frontage to the Hawkesbury River is mapped as being "bushfire prone land". It is considered that this affectation is a minor constraint and that future developments on the site could comply with the provisions of Planning for Bushfire Protection 2006.

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

### **Recommendations regarding scale of proposed development**

As stated previously in this report, DP&E's *A guide to preparing planning proposal* states:

*A planning proposal relates only to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application.*

and

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*An amendment to an LEP is a stand-alone component of the development process. The RPA [Relevant Planning Authority] and the community must be confident that the proposed planning controls suggested by the planning proposal are acceptable as an outcome appropriate in that location, regardless of the subsequent approval or refusal of any future development application.*

This report has also referred to the site's flood affectation, it's location within an area of Regional scenic significance under this SREP No. 20 (No.2 - 1997) and objectives of the RU2 Rural Landscape zone such as:

- *To maintain the rural landscape character of the land.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

Some of the proposed land uses are currently broadly defined within the LEP and if allowed in an unrestricted manner could result in a range of unsuitable or unacceptable land uses not envisaged by the planning proposal or anticipated by Council. Examples of such definitions are listed below:

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**sewerage system** means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

Whilst JBA's planning proposal states that the actual proposed uses are either related to polo or of a minor nature, the unrestricted addition of these land uses as permissible developments on the site could result in Council receiving Development Applications for much larger developments and developments unrelated to polo that would be in conflict with the objectives of the zone, the nature of flooding, and the scenic quality of the area.

To address this and to give greater certainty as to the outcome of the planning proposal it is recommended that some of the proposed additional land uses be restricted as follows:

**recreation facilities (major) and recreation facilities (outdoor)** for the purposes of polo and equine related activities and events only

The reason for these proposed restrictions is to not permit other uses within these definitions such as theme parks, sports stadiums, showgrounds, racecourses, motor racing tracks, go-kart tracks, rifle ranges.

**Light industry** – not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m<sup>2</sup>

and

**Medical centre** – the gross floor area of any medical centre being not more than 300m<sup>2</sup>

and

**Shop** – not more than one shop and with the gross floor area of the shop being not more than 200m<sup>2</sup>

The reason for these proposed restrictions is to limit the number of buildings and also their size. 1000m<sup>2</sup> is considered to be a sufficient gross floor area to accommodate the proposed micro-brewery. The proposed limitation of the shop to 200m<sup>2</sup> is consistent with the current provision in the LEP relating to the size of neighbourhood shops.



**Car parks, sewage reticulation systems, sewerage systems, sewage treatment plants, and water supply systems** provided these uses are ancillary to the other permitted uses on the site.

The reason for these proposed restrictions is to ensure that such infrastructure is ancillary to other permitted uses of the land and not a stand-alone development.

Therefore it is recommended that JBA's proposed amendment to Schedule 1 of the LEP be re-drafted as follows:

**20 Use of certain land at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond**

1. *This clause applies to land zoned RU2 Rural Landscape at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond being Lots 1 and 2 DP 206104, Lot 1 DP 70128, Lot 25 DP 1100252, Lot 25 DP 663770, Lot 27 DP 566434, Lots 1 and 2 DP 1168610, Lot 1 DP 659412, Lot 1 DP 972649, Lot 1 DP 120794, Lots 1 – 3 DP 997087, Lot 1 DP 797310, Lot 1 DP 77207, Lot 1 DP 997086, Lots 4 and 5 DP 1120860, Lot A DP 365391, Lots 128 and 129 DP 1151145, and Lots A and B DP 89087, identified as area '7' on the Additional Permitted Uses Map.'*
2. *Development for the following purposes are permitted with consent:*
  - a) *advertisements, advertising structures, eco-tourist facilities, food and drink premises, function centres, kiosks, industrial retail outlets, markets, veterinary hospitals*
  - b) *recreation facilities (major) and recreation facilities (outdoor) for the purposes of polo and equine related activities and events only*
  - c) *not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m<sup>2</sup>*
  - d) *medical centre and with the gross floor area of any medical centre being not more than 300m<sup>2</sup>*
  - e) *not more than one shop and with the gross floor area of the shop being not more than 200m<sup>2</sup>*
  - f) *car parks, sewage reticulation systems, sewerage systems, sewage treatment plants, and water supply systems provided these uses are ancillary to the other permitted uses on the site*

It is noted that above mentioned restrictions would appear to be inconsistent with the Section 117 Direction 6.3 which states that additional uses should be allowed without imposing any development standards or requirements in addition to those already contained in the LEP. It is considered that the proposed restrictions are reasonable and necessary given the objectives of the RU2 zone, and the location and characteristics of the site. Furthermore, the DP&E have previously allowed restrictions on certain developments within Schedule 1 of the LEP (Items 17, 18 and 19) by way of the inclusion of maximum land area and maximum gross floor areas provisions. It will be a matter for the DP&E to determine if this inconsistency is justifiable.

It is not proposed to restrict the number or size of **eco-tourist facilities** or **function centres** on the site as this would be inconsistent with Council's General Amendments planning proposal which proposes to allow these uses without LEP restriction, by way of a development standard in the RU2 Rural Landscape zone, but still require development consent.

### **Conformance to the Hawkesbury Community Strategic Plan**

The following provisions of the CSP are of most relevance to the planning proposal:

#### ***"Supporting Business and Local Jobs"***

##### **Directions**

1. Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region
2. Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times
3. Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

### **Financial Implications**

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

### **Conclusion**

The planning proposal seeks to amend the LEP to allow for a range of additional permitted uses on the site which will support its use for polo facilities and function centres, as well as allow for the addition of eco-tourist facilities and other uses. The planning proposal also seeks to increase the maximum height limit on the part of the site on which the proposed Hall of Fame is to be located so that all habitable floor areas in this main function centre can be located above the 1 in 100 year flood level.

The proposed amendments will support the polo and equine industry in the locality, will have positive economic and social impacts for the LGA and broader region, are consistent with Council's policy to support the polo industry and are consistent with Council's General Amendments planning proposal to allow *function centres* and *eco-tourist facilities* in the RU2 zone.

Some of the proposed additional uses are proposed to be restricted in size or extent of use. These restrictions are recommended in order to ensure that those uses are related to and support the polo and equine industry in the locality.

### **Planning Decision**

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

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### RECOMMENDATION:

That:

1. Council support the preparation of an amended planning proposal to permit additional uses of certain land at Cornwells Lane, Edwards Road, Powells Lane, Ridges Lane, and Triangle Lane, Richmond Lowlands and Old Kurrajong Road, Richmond, being Lots 1 and 2 DP 206104, Lot 1 DP 70128, Lot 25 DP 1100252, Lot 25 DP 663770, Lot 27 DP 566434, Lots 1 and 2 DP 1168610, Lot 1 DP 659412, Lot 1 DP 972649, Lot 1 DP 120794, Lots 1 – 3 DP 997087, Lot 1 DP 797310, Lot 1 DP 77207, Lot 1 DP 997086, Lots 4 and 5 DP 1120860, Lot A DP 365391, Lots 128 and 129 DP 1151145, and Lots A and B DP 89087; under the provisions of Schedule 1 of the Hawkesbury Local Environmental Plan 2012, for the following purposes are permitted with consent:
  - a) advertisements, advertising structures, eco-tourist facilities, food and drink premises, function centres, kiosks, industrial retail outlets, markets, veterinary hospitals
  - b) recreation facilities (major) and recreation facilities (outdoor) for the purposes of polo and equine related activities and events only
  - c) not more than one light industry for the purposes of a micro-brewery and with the gross floor area of the light industry being not more than 1000m<sup>2</sup>
  - d) medical centre with the gross floor area of any medical centre being not more than 300m<sup>2</sup>
  - e) not more than one shop and with the gross floor area of the shop being not more than 200m<sup>2</sup>
  - f) car parks, sewage reticulation systems, sewerage systems, sewage treatment plants , and water supply systems provided these uses are ancillary to the other permitted uses on the site.
2. The amended planning proposal be forwarded to the Department of Planning and Environment for a "Gateway" determination.

### ATTACHMENTS:

- AT - 1** Section 4 of JBA's Planning Proposal - Details of the Proposed Development
- AT - 2** Section 7 of JBA's Planning Proposal - Assessment with respect to A Plan for Growing Sydney, the North West Region Draft Subregional Strategy, the Hawkesbury Employment Lands Strategy, the Hawkesbury Community Strategic Plan, relevant Section 117 Directions, and relevant State Environmental Planning Policies.

**AT - 1 Section 4 of JBA's planning proposal - Details of the Proposed Development**

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## 4.0 Proposed Development

This Updated Planning Proposal will support and facilitate the future use of the site for polo facilities, function centres, eco-tourist facilities and a variety of other compatible uses. The Updated Planning Proposal seeks to amend Hawkesbury LEP 2012 to permit a 13 metre height limit over the portion of the site on which the Hall of Fame is proposed to be located and to include the following as additional permitted uses in the RU2-zoned portion of the site:

**Table 4 – Proposed additional uses for the site**

Use	Details
Advertisement and Advertising Structure	Signage on the site is likely to be required to promote the use of the site for polo/recreation purposes.
Car Park	At this stage it is envisaged that all carparking provided on site will be ancillary to the Polo/recreation use. However as carparks are separately defined in the Dictionary it has been included in the list of additional permitted uses in the unlikely event that car parking is considered a separate use.
Eco-tourist facilities	This is considered an appropriate use for the site. Notably, Council's Housekeeping LEP seeks to include 'eco-tourist facilities' as a permissible use in the RU2 zone. Therefore, the inclusion of this use as a permissible use on the site is consistent with Council's broader strategic planning policy direction.
Food and Drink Premises, Kiosk, shop	Introduction of these land uses would allow for a small café, a small shop selling polo goods or the like to be provided on the site as ancillary uses to the polo club.
Function centres	Function centres are considered an appropriate use for the site having regard to its strategic location along the Hawkesbury River and its existing natural setting. It has also historically been used for function centres although these consents are no longer active. Council's Housekeeping LEP proposes to make function centres a permissible use in the RU2 zone. Therefore, the inclusion of this use as a permissible use on the site is consistent with Council's broader strategic planning policy direction. A detailed application for the Hall of Fame function centre is currently being prepared (further detail is provided in Section 4.2 below).
Industrial retail outlet	To ensure that a future boutique micro-brewery is able to retail to the public it is proposed to add 'industrial retail outlet' as a permissible use on the site under the current Updated Planning Proposal. This is considered an appropriate use on the site as it will support both the rural and tourism industries in the area.
Light Industry	The production of craft beer in a small boutique brewery would be classified as a light industry use.
Market	This is considered an appropriate use on the site. It will support the tourism industry in the area, and allow for the sale of locally grown/produced food products. There are no immediate plans to seek consent for this use. However, it is envisaged that markets on the site could occur approximately once a month, and be predominantly limited to the sale of local produce. No markets would be held on weekends when major polo events are held.
Medical centre	This will facilitate the provision of counselling services by registered health care professionals using horses as part of the therapy session. This is considered an appropriate use having regard to the rural nature of the location.
Recreation facility (major) & Recreation facility (outdoor)	Regular polo events are proposed to be held each week on the site. This will generally consist of a weekday game with practices on weekends. Given the limited nature of these regular events and the limited number of players (four) per polo team, it is considered that these regular events are best described as 'recreation facility (outdoor)'. Approximately once a year it is proposed to hold a major polo tournament on the site over the weekend (ie. Saturday and Sunday). These events are expected to attract a maximum of 2,500 patrons spread out over the weekend with staggered attendance throughout both days. Given the scale of this irregular event it may fall within the land use definition for 'recreation facility (major)'. This land use will also facilitate the Polo World Cup event in 2017 (further detail is provided in Section 4.1 below).

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Use	Details
Sewage reticulation system, sewage system, sewage treatment plant, water supply system	These infrastructure may be required for servicing the site. As set out in Section 3.3.1, although it may be possible to undertake such works under <i>State Environmental Planning Policy (Infrastructure) 2007</i> (SEPP Infrastructure), it is proposed to include these works as additional permitted uses on the site in the Updated Planning Proposal to ensure that Basscave have a range of legitimate planning options to deliver infrastructure works on the site.
Veterinary hospital	This is considered an appropriate use in the RU2 zone and will allow for the appropriate care of animals on the site and within the broader LGA. Notably, this use is permissible with consent in all other rural zones in the Hawkesbury LGA including RU1 Primary Production, RU4 Primary Production Small Lots, and RU5 Village. No specific location on the site has been identified for this use and it is not proposed that an application be lodged for this use at this stage. However, it is considered that this is an appropriate and desirable use to support the efficient and ongoing operation of the site for horse-related activities.

### 4.1 Polo World Cup Event 2017

This Updated Planning Proposal will facilitate the development and use of the Sydney Polo Club site for the Polo World Cup event, as well as allow for its future use for polo events and functions.

#### 4.1.1 Duration of event & expected attendance

The event will be held over a nine day period. The first day of play will commence on a Saturday and the last day (the final) will be the following Sunday. There will be six days of polo matches with the following expected attendance on each day:

- Saturday – 5,000 to 8,000 people;
- Sunday - 5,000 to 8,000 people;
- Tuesday - 3,000 to 5,000 people;
- Wednesday - 3,000 to 5,000 people;
- Saturday - 5,000 to 8,000 people; and
- Sunday (Final) - 7,000 to 10,000 people.

In addition, up to three months prior to the event, temporary stables will be provided for up to 360 horses on site, as well as temporary residential accommodation for up to ten trainers and vets.

#### 4.1.2 Infrastructure for Event

The following permanent and temporary structures are proposed to be constructed on the site to support the event and are shown in Figure 17 below

- **Polo Fields** – three existing Polo Fields will be maintained and improved for the event as follows:
  - Field 1 (International Field) - where the main polo matches are played including finals;
  - Field 2 (Supremo Field); and
  - Field 3 (Practice Field).

Each polo field will have a number of associated permanent and temporary fixtures including:

- Scoreboards;
  - Grandstands;
  - Horse and player shelters; and
  - Horse ambulance areas.
- **Hall of Fame** – this will be the primary function space for the event and will be located to the west of Field 1. It will be constructed as a two level function space able to accommodate up

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to 1,000 guests at any one time, and will be accessed via the primary vehicle entry to the site off Ridges Lane. Further detail is provided in **Section 4.2** below.

- **Helipad** – a helipad will be located to the immediate north-west of the Hall of Fame.
- **Four car parking areas** – there will be four separate car parking areas:
  - General car park - approximately 1050 spaces;
  - VIP car park – approximately 500 spaces;
  - Staff car park – approximately 180 spaces; and
  - Official and competitor car park – approximately 180 spaces.
- **Horse training and stabling areas** – a horse training and stabling area will be located in the south-east corner of the site and will accommodate approximately 360 horse stalls, horse exercise areas and temporary accommodation for horse trainers, vets and groomsman. There will also be an indoor practice area in the existing stables area to the east of Field 2.
- **Exhibition and hospitality areas** including:
  - An equine trade exhibition area;
  - Hospitality area;
  - Exhibition stands;
  - Merchandise area;
  - Gourmet village;
  - Champagne village;
  - Children’s village;
  - Corporate area; and
  - Car boot picnic area.
- **An event promotions area** will be located in the existing Polo Barn in the north-eastern corner of the site and in the immediately surrounding area.
- **Toilets** – a number of portable toilets will be brought on to the site for the event.

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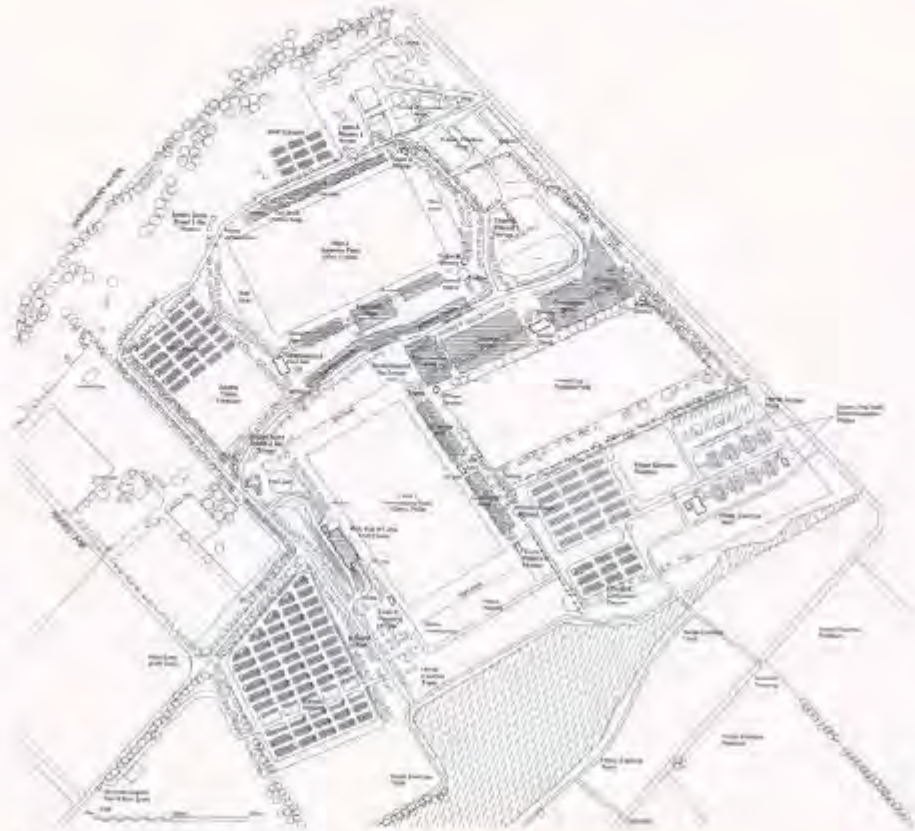


Figure 17 - Polo World Cup Event Layout  
Source: DDC Architects

## 4.2 Hall of Fame Function Centre

The Updated Planning Proposal will facilitate the development of a new function centre on the Sydney Polo Club site. The proposed function centre is known as the Hall of Fame and will be the primary function space for the Polo World Cup event in 2017. Following the event, the building will continue to be used for the purposes of a function centre for events, including (but not limited to):

- Weddings;
- Corporate events;
- Exhibitions; and
- Conventions.

The Hall of Fame building will be situated on the western side of the main polo field (Field 1) of the Sydney Polo Club (see Figure 18 below). It will be located on the border of two allotments legally described as Lot 1 in DP 797310 and Lot 1 in DP 120794.



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Figure 18 – Hall of Fame location plan

Source: JBA

The building will be constructed as a two level function space able to accommodate up to 1,000 guests at any one time, and will be accessed via the primary vehicle entry to the site off Ridges Lane.

The first floor level is proposed to be at 17.4 m AHD (which is consistent with the 1 in 100 year flood level) and would include habitable uses (members' lounge, bars, kitchen, meeting room). Some filling is proposed to raise a portion of the building footprint to this level, but this will take advantage of an existing spectator mound with a maximum crest level of about 16.0 m AHD.

The ground floor level is proposed to be at 12.4 m AHD and would provide for non-habitable uses (including parking, waste collection, corporate boxes). Additional seating would be provided on outdoor terraces. This is shown in Figure 19 below.

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Figure 19 – Hall of Fame southern elevation  
Source: DDC Architects

Due to the requirement that the first floor level be located at or above the 1 in 100 year flood level and the slope of the mound, the Hall of Fame will exceed the maximum LEP height of 10 metres applicable to the site. This Updated Planning Proposal requests that the height on the allotments on which the Hall of Fame is to be located be increased to 13 metres.

Detailed plans and consultants reports are currently being prepared for the Hall of Fame. It is proposed to lodge an application for the Hall of Fame as soon as a Gateway Determination is issued for this Updated Planning Proposal so that the Updated Planning Proposal and development application for the Hall of Fame can be placed on public exhibition concurrently.

Photomontages for the Hall of Fame are provided at Figures 20 to 24 below.



Hall of Fame  
Source: DDC Architects

Figure 20 –



Figure 21 – Hall of Fame  
Source: DDC Architects



Figure 22 – Hall of Fame  
Source: DDC Architects

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Figure 23 – Hall of Fame

Source: DDC Architects



Figure 24 – Hall of Fame

Source: DDC Architects

### 4.3 Future use of the site

It is intended that the site also be used for a range of other activities with the following approximate parameters:

- **Regular polo events** - regular polo games and practices will continue to be held on the site on weekends and during the week. These regular events will only attract a small group of players and spectators. A Gold Cup event will be held on the site once a year over a single weekend which is expected to attract approximately 2,500 people.
- **Function centre, restaurant and micro-brewery** – in addition to the Hall of Fame function centre, consideration is also being given to lodging applications in the future for the use of the Polo Barn and Sunnybrook Barn as either small function centres, a restaurant and/or an associated boutique micro-brewery with an associated retail frontage.

No specific plans have yet been established for markets or an eco-tourist facility on the site. However, it is considered that such a use would be complementary to the rural nature of the site. It is also intended that equine therapy sessions be able to be held on the site.

**AT - 2 Section 7 of JBA's Planning Proposal - Assessment with respect to**  
**A Plan for Growing Sydney, the North West Region Draft Subregional Strategy,**  
**the Hawkesbury Employment Lands Strategy, the Hawkesbury Community Strategic Plan,**  
**relevant Section 117 Directions, and relevant State Environmental Planning Policies**

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## 7.0 Justification for the objectives and outcomes and the provisions and process for their implementation: Strategic & Statutory Framework

### 7.1.1 Metropolitan Strategy

In December 2014, the State Government released the final draft of the Metropolitan Strategy - A Plan for Growing Sydney - which will guide land use planning decisions in Metropolitan Sydney for the next 20 years. The Metropolitan Strategy is the foundation for achieving subregional outcomes in relation to:

- the economy and employment;
- housing supply and affordability; and
- environment and resources.

The site is located within a 'Metropolitan Rural Area' and its location within the context of the Metropolitan Strategy is shown at Figure 30 below.



Figure 30 - Metropolitan Strategy Extract  
Source: A Plan for Growing Sydney

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Action 4.1.2 of the Metropolitan Strategy is to prepare a strategic framework for the Metropolitan Rural Area to enhance and protect its broad range of environmental economic and social assets. The proposed uses included in the Updated Planning Proposal are consistent with the objectives of the Metropolitan Rural Area in that they will provide recreational activities that are compatible with the surrounding environment. As such, the Updated Planning Proposal is not likely to adversely affect the objectives of any future strategic framework for the region.

Of most relevance to this Updated Planning Proposal is the vision the Metropolitan Strategy has for recreation and tourism in Western Sydney. The Plan notes that it *"aims to further raise living standards and improve wellbeing to create strong, inclusive communities. Growing communities will ... find it easy to get to services, the arts, cultural and recreational activities"*.

The proposed additional uses will promote the polo industry and tourism in Sydney's north-western region and make it easier for the growing population in the north-west to access recreational facilities in the Richmond Lowlands.

While not all Priorities are relevant for the Updated Planning Proposal for the site, it is considered that the Updated Planning Proposal responds to many of the Metropolitan Strategy's priorities for the Hawkesbury area and the West Subregion as detailed in Table 7 below:

Table 7 – Planning Proposal's consistency with the Metropolitan Strategy's priorities for the West Subregion

Priorities for West Subregion	How addressed in Planning Proposal
<b>A competitive economy</b>	
Leverage investment and economic development opportunities arising from the development of Badgerys Creek Airport.	The delivery of a new airport in the south-western region of Sydney will enhance tourism connections to the Hawkesbury LGA. It is important that the region capitalise on these increased tourism opportunities. It is considered that the site is well placed to provide additional eco-tourist accommodation and services to support the Hawkesbury tourism industry particularly that associated with the peri-urban rural area of high scenic quality and the polo operations. The Updated Planning Proposal will facilitate opportunities to strengthen the recreational and eco-tourism industries in western Sydney, which will encourage a mix of supporting uses in the historic town centres in the surrounding area.
Improve transport connections to eastern Sydney to capitalise on the subregion's increasing role in Sydney's manufacturing, construction and wholesaler logistics industries in the Western Sydney Employment Area.	It is not considered that this aim directly relates to the site. However, improved transport connections to eastern Sydney will facilitate and support the growth of the polo industry in western Sydney by making it easier to access the region. Notably, the site is located in relatively close proximity to a train station and has good access to the surrounding road network.
Support and develop the visitor economy to maintain the role of the Greater Blue Mountains World Heritage Area as a nationally significant tourism destination, and the subregion's role as a visitor gateway to regional NSW.	The Updated Planning Proposal is consistent with this aim. It seeks to enhance and facilitate the growth of the visitor economy to the Hawkesbury area through promoting recreational tourism and supporting uses that will secure the polo industry in the Richmond Lowlands and attract visitors into the region.
Protect infrastructure of metropolitan significance including freight corridors, Sydney's drinking water supply catchment and the Warragamba Pipelines.	The Updated Planning Proposal is consistent with this aim as it will ensure compatible land uses are located along the foreshore areas of the Hawkesbury River to protect Sydney's water supply catchment.
Improve transport connections to provide better access between centres in the subregion and centres in other subregions, particularly in the North West Growth Centre, and with regional NSW (including freight connections).	It is not considered that this aim directly relates to the site. However, improved access between centres and subregions, including regional NSW, will support increased accessibility for visitors to the subregion to attend polo activities and associated tourism attractors proposed on the site. Notably, the site is located in relatively close proximity to existing centres.



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Priorities for West Subregion	How addressed in Planning Proposal
Provide planning support in the investigation and potential delivery of the Outer Sydney Orbital transport corridor and the Bells Line of Road – Castlereagh Connection transport corridor.	Through the development of the Bells Line of Road – Castlereagh Connection transport corridor investigation area as shown at Figure 27 above, the site will benefit from better connections with the polo industry in Regional NSW, including Regional Centres such as Mudgee, Wellington and Forbes. The Updated Planning Proposal will facilitate the development of recreational facilities and supporting uses which will encourage cross-tourism between these centres which will make use of the new transport corridor.
Work with council to identify and protect strategically important industrial zoned land.	The Updated Planning Proposal will ensure that recreation facilities and tourism related uses are located in strategically appropriate locations, which will protect existing industrial areas in the Subregion.
Identify further opportunities to strengthen investment for employment growth in Western Sydney, including targeting overseas investors and incentives for businesses.	According to the ABS, horse riding/equestrian/polo operations account for 0.8% of 'Persons Participating in Sport and Physical Recreation' in Australia in 2013-14 <sup>24</sup> . Whilst this is a relatively small percentage, the Australian Polo Association notes that in 'the past three years polo has enjoyed strong growth in player numbers' <sup>25</sup> . A significant portion of polo operations are located in the Hawkesbury region and it is considered that the site is ideally located to support a growth in the polo industry in this location which will have additional economic benefits for the region. In addition 'Accommodation & Food Services' and 'Arts & Recreation' accounts for 5.1%, and 1.6% (respectively) of employment in the Hawkesbury LGA <sup>26</sup> . Anecdotally, there is a lack of appropriate tourist accommodation in the Hawkesbury region which, if addressed, could result in significant growth in this market sector. The Updated Planning Proposal will strengthen the tourism, hospitality and polo industry in Western Sydney by improving and legitimising the existing polo and function facilities on the site and providing additional tourist accommodation.
Accelerate housing supply, choice and affordability and build great places to live	
Work with councils to identify suitable locations for housing intensification and urban renewal, including employment agglomerations – particularly around established and new centres and along key public transport corridors including the Western Line and the Blue Mountains Line.	It is not considered that this aim directly relates to the site. However locating recreational facilities and tourism related uses in strategically appropriate locations will ensure that areas suitable for housing are protected for future residential development.
Enable the transition of land uses at Penrith Lakes through long-term strategic planning.	This site-specific priority is not considered to directly relate to the site.
Protect the natural environment and promote its sustainability and resilience	
Protect and maintain the high social, economic and environmental value of the Hawkesbury-Nepean River and its aquatic habitats, and the World Heritage-listed Blue Mountains National Park, and continue to protect and implement the plans for the Cumberland Conservation Corridor.	The Updated Planning Proposal will protect the Hawkesbury River by facilitating the use and development of the site for appropriate low-impact uses.
Work with councils to improve the health of the South Creek sub-catchment of the Hawkesbury-Nepean Catchment.	The proposed uses under the Updated Planning Proposal are considered compatible with the site's location adjoining the Hawkesbury River. No detrimental impacts to the health of the catchment is expected to occur as a result of the additional proposed uses.

<sup>24</sup> Australian Bureau of Statistics 2015, *Participation in Sport and Physical Recreation, Australia, 2013-14*.

<sup>25</sup> Australian Polo Federation Ltd 2014, *President's report 2014*.

<sup>26</sup> Australian Bureau of Statistics, 2014, *Hawkesbury (C/LGA)*

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Priorities for West Subregion	How addressed in Planning Proposal
Work with councils to implement the Greater Sydney Local Land Services State Strategic Plan to guide natural resource management.	The State Strategic Plan is intended to set the vision, priorities and strategy to guide positive economic, social and environmental outcomes for the State. This document has not yet been prepared. Despite this, it is considered that the Updated Planning Proposal is consistent with this Priority as the proposed land uses are compatible with the environmental management controls and guidelines applicable to the site.
Work with councils to implement the Cumberland Plain Recovery Plan (CPRP).	The CPRP identifies the lands on the Cumberland Plain Woodland that could most effectively be managed for threatened biodiversity. The site does not include any land that is identified as having priority conservation lands within the CPRP, and any potential uses within the vicinity of the wetlands on the site will be subject to a future DA which will assess the impact on the ecological values of the wetlands. It is thus considered that the Updated Planning Proposal is consistent with this Priority.
Promote early strategic consideration of bushfires, flooding and heatwaves in relation to future development in the subregion.	The Flood Study at <b>Appendix B</b> , provides an assessment of the proposed uses against the flood modelling for the site and proposes appropriate flood management for the site. The Updated Planning Proposal has been prepared having consideration to the bushfire and flood constraints on the site, and is considered to be consistent with these two Priorities.
Work with councils to address flood and emergency management issues when planning for growth in the Hawkesbury-Nepean Valley.	

### 7.1.2 North West Region Draft Subregional Strategy

The *North West Region Draft Subregional Strategy* (Draft Subregional Strategy) was released in December 2007 and precedes the gazettal of Hawkesbury LEP 2012 which commenced on 21 September 2012. The Draft Subregional Strategy has never been finalised and is expected to be replaced when new subregional strategies are released later this year.

Relevant key directions for the site and the Updated Planning Proposal include:

- Promote the environmental and scenic qualities of the Region:
  - Manage the impacts of tourism on the natural environment; and
  - Protect and manage regionally significant open space, bushland and foreshore reserves.
- Improve access to open space and recreation opportunities.

The Updated Planning Proposal is consistent with these aims as the proposed additional uses will support the environmental and scenic qualities of the Hawkesbury River. While the site is not regionally significant open space or foreshore reserve, the proposed uses will ensure any future uses are compatible with the nature of the site while also allowing the region to provide tourism and recreational facilities.

### 7.1.3 Hawkesbury Employment Lands Strategy

Adopted by Council in 2008, the Hawkesbury Employment Lands Strategy outlines the planning framework to support and enhance the economic competitiveness of the Hawkesbury LGA. Whilst the Strategy examines employment lands within the Hawkesbury LGA, and not rural lands, it does state that accommodation land uses could be appropriately located on rural and environmental protection lands and recommends future strategic actions. The Updated Planning Proposal is consistent with this policy position.

The Strategy recognises that the agricultural industry sector plays a significant employment role in the LGA, and that cafes, accommodation and restaurants are important in supporting local jobs in the tourism industry. The Updated Planning Proposal seeks to include a range of compatible uses on the site that will support the tourism industry.



#### 7.1.4 Hawkesbury Community Strategic Plan

The Hawkesbury Community Strategic Plan (HCSP) is a high level plan which provides the community's aims and outlines the direction for Council's future activities and decision making.

The following goals are relevant for the Updated Planning Proposal:

- Looking after people and place:
  - 3 Viable tourism economy
- Caring for our environment:
  - 2 Balance the needs of our ecology, recreational and commercial activities
- Supporting business and local jobs:
  - 1 Increased level of GDP from tourism
  - 2 Improve tourism facilities in the Hawkesbury

The Updated Planning Proposal will facilitate the above goals by supporting the ongoing development of a sustainable polo industry in Richmond with supporting eco- tourist accommodation and function centre facilities to promote the tourism industry in the area. This will provide increased employment and economic development in the Hawkesbury LGA. It will also provide a means to balance the recreational, ecological and employment activities of the area through facilitating recreational facilities in a suitable and compatible location.

### 7.2 National, State & Regional Planning and Environmental Controls

This section summarises the Updated Planning Proposal's consistency with relevant National, State and Regional statutory policies. Updated

#### 7.2.1 Environmental Planning & Assessment Act 1979

Ministerial directions under Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) set out a range of matters to be considered when preparing an amendment to a LEP. The Section 117 Directions relevant to the Updated Planning Proposal are as follows:

##### Direction 1.2 Rural Zones

This direction applies to rural zoned land. The objective of this direction is *'to protect the agricultural production value of rural land'*.

This Direction states that a Planning Proposal must:

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

The Updated Planning Proposal will not rezone the site from a rural zone, but allow a number of additional permitted uses for the site that are considered compatible with the locality and zone objectives. Further, the development facilitated by this Updated Planning Proposal will not increase the permissible density of land within the rural zone.

##### Direction 1.3 Mining, Petroleum Production and Extractive Industries

This Direction seeks to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. It applies where a Planning Proposal would:

- prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials; or

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- Restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

This Updated Planning Proposal does not seek to prohibit mining activity. However, the intention of the Updated Planning Proposal is to allow for the development of the site for polo activities, function centres and a range of other compatible uses which will capitalise on the Hawkesbury regions natural beauty and ability to attract a range of tourists and visitors.

Direction 1.3 requires the relevant planning authority (RPA) – which in this case is likely to be Council – to consult with the Director-General of the Department of Primary Industries (DPI) to identify any:

- resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance; and
- existing mines, petroleum production operations or extractive industries occurring in the area subject to the Updated Planning Proposal.

Where a Planning Proposal may create land use conflicts with potential mining activities, the RPA must provide the Director-General of DPI with a copy of the Planning Proposal, and allow the Director-General of DPI a 40-day period to make a submission. A copy of this submission (together with any supporting material) must be provided to the Department prior to undertaking community consultation for the Planning Proposal.

The development footprint of the uses facilitated by this Updated Planning Proposal will be minimal when considered in the context of the overall site area. Therefore, the Updated Planning Proposal will not necessarily preclude the site's use for mining in the future. Mining activity is, in any case, not the desired future use for the site having regard to its natural attributes and the presence of an E2 Environmental Conservation Zone on the site.

Furthermore, there are no known mining activities taking place within the immediate vicinity of the site.

Nevertheless, to ensure this Direction is appropriately addressed, it is proposed to consult with the Director-General of the DPI once a Gateway Determination has been issued for this Updated Planning Proposal.

A full list of the public authorities which are proposed to be consulted under Section 56(2)(d) of the EP&A Act following Gateway Determination - in order to comply with all relevant Section 117 Directions – is included at Section 9.1 below.

### Direction 2.1 Environment Protection Zones

This Direction requires as follows:

- A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

The wetland area of the site is zoned E2 Environmental Conservation, and is identified as environmentally significant land. The Updated Planning Proposal does not seek to remove or amend this zone or provisions of the LEP which relate to wetland and environmental protection.

An Ecological Constraints and Opportunities Ecological Constraints and Opportunities Analysis is provided at Appendix A which confirms that the Updated Planning Proposal will have no unacceptable environmental impacts.

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### Direction 2.3 – Heritage Conservation

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

The Hawkesbury LEP contains Clause 5.10 – Heritage Conservation which seeks to conserve and protect items of environmental heritage which are listed in Schedule 5 of the LEP. This Updated Planning Proposal does not seek to make any changes to this clause or remove any items from the list of heritage items in Schedule 5 of the LEP.

It also does not involve any works which would affect the existing potential heritage items located on the site and listed under *Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River* (SREP 20) or seek changes to any listed items under SREP 20 (see **Section 7.2.4** below). It is therefore considered that the Updated Planning Proposal is consistent with this direction.

An assessment of the Updated Planning Proposal in terms of its potential impacts on potential Aboriginal and non-Aboriginal heritage items on the site and its vicinity is provided at **Section 8.4** below and at **Appendices F and G**.

### Direction 3.5 – Development near Licenced Aerodromes

The site is located approximately 2km to the north-west of the RAAF Base Richmond and consequently this direction applies. The proposal remains consistent with the objectives and outcomes of this Direction in that it does not propose:

- a significant change in the maximum height limit applying to the site nor does it propose any buildings which would penetrate the Obstacle Limitation Surface (OLS) applying to the aerodrome; and
- does not seek to permit any additional uses which are not supported in the particular ANEF contour in which the site is located.

### Direction 4.1 Acid Sulfate Soils

This Direction applies to land identified as having acid sulfate soils. The objective of this Direction is *'to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils'*.

Martens Consulting Engineers (Martens) has undertaken a Preliminary Site Assessment and Preliminary Acid Sulfate Soils Assessment (provided at **Appendix E**).

This assessment has revealed that the site contains various geomorphic parameters which indicate that acid sulfate soils are likely to be present on the site. These include:

- Holocene sediments;
- Coastal wetland; backwater swamps; waterlogged or scaled areas;
- Interdune swales or coastal sand dunes; and
- Deep older (Pleistocene) estuarine sediments.

Martens consider that the likely presence of acid sulfate soils on site can be readily managed by future development proposals and is not an impediment to the proposed land use changes in the Updated Planning Proposal. They recommend where future development proposals will require excavation to greater than 2 metres (Class 4 land) or will likely result in groundwater lowering below 1metre AHD (Class 5 land), that acid sulfate soils assessment and management plans be prepared.

### Direction 4.2 – Mine Subsidence and Unstable Land

We are of the understanding that the site is not located in a mine subsidence area nor on land identified as unstable under any relevant study. Consequently this Direction does not apply to the site.

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### Direction 4.3 Flood Prone Land

This Direction applies to land identified as flood prone. The objectives of this Direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The Direction applies a number of requirements to Planning Proposal relating to flood prone land. A Flood Study prepared by BG&E is included at **Appendix B** which confirms that the Updated Planning Proposal is consistent with the relevant requirements of the Direction for the following reasons:

- The Updated Planning Proposal recognises that flood prone land is a valuable resource and should not be sterilised unnecessarily precluding its development;
- Any additional floor space will be able to be located above the flood planning level;
- The rural zoning is not proposed to be changed;
- Any future buildings or new structures will be minor and are not expected to result in any adverse impacts to flood behaviour;
- Existing development and the development facilitated the Updated Planning Proposal will not result in development within the Hawkesbury River or loss of flood storage; and
- The site is already partially developed and further development is not anticipated to result in an increase in flood levels.

### Direction 4.4 Planning for Bushfire Protection

This Direction applies where a relevant planning authority (RPA) prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land. This Direction is relevant to the Updated Planning Proposal as a small portion of the site (along its northern edge) is identified as being bush fire prone (refer **Section 2.6** above).

The following provisions outlined in **Table 8** apply under this Direction:

**Table 8 – Planning Proposal's Consistency with Direction 4.4 Planning for Bushfire Protection**

Provision	Planning Proposal's Compliance
(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,	It is expected that Council will act as RPA for the Updated Planning Proposal and will consult with the Commissioner of the NSW Rural Fire Service once a Gateway Determination has been issued for the Updated Planning Proposal.
(5) A planning proposal must:	
(a) have regard to Planning for Bushfire Protection 2006,	
(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and	
(c) ensure that bushfire hazard reduction is not prohibited within the APZ.	
(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:	The Updated Planning Proposal seeks to allow additional permitted uses on the rural zoned site. It is considered that future development on the site facilitated by the Updated Planning Proposal will be able to incorporate appropriate bushfire protection measures, particularly as
(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:	
(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and	
(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,	
(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire	

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Provision	Planning Proposal's Compliance
Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,	no additional residential development is envisaged. Furthermore, only the northern edge of the site is identified as bushfire prone which can be easily addressed through appropriate mitigation measures.
(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,	
(d) contain provisions for adequate water supply for firefighting purposes,	
(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,	
(f) introduce controls on the placement of combustible materials in the Inner Protection Area.	

### Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The Direction states that a Planning Proposal that will amend another EPI in order to allow a particular development proposal to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

The Updated Planning Proposal is consistent with this Direction as it seeks to amend the LEP, to allow additional permitted uses to be carried out on the site, by adding an additional provision in Schedule 1. No additional development standards are proposed in relation to these additional land uses.

### Direction 7.1 - Implementation of the Metropolitan Strategy

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. As detailed in Section 7.1.1 above, the Updated Planning Proposal is consistent with the Metropolitan Strategy.

### 7.2.2 Water Management Act 2000

The *Water Management Act 2000* (WM Act) provides for the sustainable and integrated management of water resources of the State. In accordance with the WM Act, any development within 40 metres of a waterway must be referred to the NSW Office of Water for concurrence. These provisions will apply to a future DAs lodged on the site and will be considered as part of the assessment process. It is expected that appropriate measures can be implemented to ensure no adverse impact on water quality within the adjoining Hawkesbury River, or on the wetland located on the site, will occur as a result of the development of recreation or tourism related uses.

### 7.2.3 NSW Threatened Species Conservation Act 1995, NSW Fisheries Management Act & Commonwealth Environment Protection and Biodiversity Conservation Act 1999

Cumberland Ecology has undertaken an Ecological Constraints and Opportunities Analysis for the site (see **Appendix A**) to assess the potential impacts of the proposed development on flora and fauna, particularly threatened species, populations and communities that are listed under the following pieces of legislation:

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- *NSW Threatened Species Conservation Act 1995* (TSC Act);
- *NSW Fisheries Management Act 1994* (FM Act); and
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The findings of the study are summarised below:

- No endangered species, populations or ecological vegetation communities were found within the portion of the site proposed for rezoning. However, it is noted that a freshwater wetland which is zoned E2 Environmental Conservation (i.e. the billabong) is a listed endangered ecological community under the TSC Act
- One threatened flora species, *Eucalyptus scoparia* (Wallangarra White Gum), was found within the subject site. *Eucalyptus scoparia* is listed as Endangered under the TSC Act and Vulnerable under the EPBC Act. However, this species is also commonly planted as a landscape tree and is not within its natural distribution as it is not endemic to the Sydney Metropolitan region.
- No threatened fauna species were recorded within the subject site during the site visit. An assessment of the likelihood of threatened fauna species occurring on the site concluded that 21 threatened species of birds and eight threatened species of mammals have the potential to occur within the subject site. Most of these species would use the billabong and/or the land on the northern boundary of the subject site with frontage to the Hawkesbury River.
- The 2.4km frontage to the Hawkesbury River is area of regional and state significance with regards to revegetation given the recreational, environmental and economical values and services the Hawkesbury River provides to the Hawkesbury – Nepean Catchment area. Cumberland Ecology recommend that a Management Plan is put in place which has an objective to enhance the environmental value of the northern portion of the site with frontage to the Hawkesbury River and wetland. It is proposed that this recommendation be applied when an application is made for development on the site in the vicinity of the Hawkesbury River or wetland area.

### 7.2.4 State Environmental Planning Policies

The assessment of the Updated Planning Proposal against the relevant State Environmental Planning Policies (SEPPs) is set out below.

#### SEPP 19 – Bushland in Urban Areas

Clause 10 of this SEPP requires the Council to have regard to the aims of the SEPP when preparing a draft LEP for any land to which the SEPP applies, other than rural land. It also requires Council to give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

While the Bushland SEPP provisions are unlikely to apply as the site is currently used for rural purposes and is zoned as such, for completeness we have undertaken the assessment in the event that it is taken to be applicable.

The general aims of the SEPP are to protect and preserve bushland within the urban areas referenced in Schedule 1 of the SEPP (which includes the part of Hawkesbury in which the site is located) because of:

- (a) its value to the community as part of the natural heritage,
- (b) its aesthetic value, and
- (c) its value as a recreational, educational and scientific resource.

The specific aims of the SEPP are:

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Objectives	Compliance
(a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,	Vegetation identified on the site will not be affected by the Planning Proposal. Refer to Appendix A.
(b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,	No bushland will be removed from the site. No significant building footprints will be facilitated by the PP and the majority of the landscape will be retained as part of the vegetated landscape.
(c) to protect rare and endangered flora and fauna species,	Management measures will be implemented at the DA stage to better manage flora and fauna on the site.
(d) to protect habitats for native flora and fauna,	See comment above.
(e) to protect wildlife corridors and vegetation links with other nearby bushland,	The proposal retains areas which contain significant vegetation.
(f) to protect bushland as a natural stabiliser of the soil surface,	Noted.
(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape	Noted.
(h) to protect significant geological features,	N/A
(i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,	Existing water features and drainage lines are not affected by the PP.
(j) to protect archaeological relics,	Refer to the archaeological assessment prepared by GML at Appendix
(k) to protect the recreational potential of bushland,	The PP seeks to enhance the recreational value of the site.
(l) to protect the educational potential of bushland,	Noted.
(m) to maintain bushland in locations which are readily accessible to the community, and	Noted.
(n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.	Noted.

The Updated Planning Proposal is consistent with the objectives of the SEPP. The uses proposed to be included as additional permitted uses are compatible with the natural setting of the site and will integrate within its landscaped setting. No significant building footprints will be facilitated by the Updated Planning Proposal and the majority of the site will be retained as part of the vegetated landscape. No changes to the E2 Environmental Conservation zone on the site are being sought.

An Ecological Constraints and Opportunities Analysis (see **Appendix A**) has been prepared for the Updated Planning Proposal which finds that the proposed LEP amendments will not have any unacceptable impact on the natural ecological value of the site.

### SEPP No 44 - Koala Habitat Protection

The Hawkesbury LGA is identified as a LGA with the potential for providing koala habitat.

The policy aims to encourage the proper conservation and management of areas that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline.

The site is unlikely to support koalas due to the nature of the site as cleared grazing land. There is no evidence of a local koala population in the locality and potential feed trees at the site are sparse, and surrounded by pasture. Potential impacts on koala habitats can be addressed should a DA which involves significant vegetation clearing be lodged for the site.

This is addressed in detail in the Ecological Constraints and Opportunities Analysis (see **Appendix A**).



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**SEPP No 55 – Remediation of land**

Clause 6 of SEPP 55 states that a planning authority, when preparing an EPI, must not permit a change of use on land identified in subclause 6(4) of the SEPP unless the planning authority has considered:

- whether the land is contaminated; and
- if the land is contaminated, whether it is suitable for the purpose for which it is proposed to be zoned; and
- whether remediation of the land is required to make it suitable for its proposed use.

The following types of land in **Table 9** are identified in subclause 6(4):

**Table 9 – Types of land for which potential contamination must be considered**

Relevant type under subclause 6(4) of SEPP 55	Relevant to site
Land that is within an investigation area.	The site is not in an investigation area.
Land on which development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines is being, or is known to have been, carried out.	<p>Table 1 of the Contaminated Land Planning Guidelines sets out the following activities that may cause contamination:</p> <ul style="list-style-type: none"> <li>▪ acid/alkali plant and formulation</li> <li>▪ agricultural/horticultural activities</li> <li>▪ airports</li> <li>▪ asbestos production and disposal</li> <li>▪ chemicals manufacture and formulation</li> <li>▪ defence works</li> <li>▪ drum re-conditioning works</li> <li>▪ dry cleaning establishments</li> <li>▪ electrical manufacturing (transformers)</li> <li>▪ electroplating and heat treatment premises</li> <li>▪ engine works</li> <li>▪ explosives industry</li> <li>▪ gas works</li> <li>▪ iron and steel works</li> <li>▪ landfill sites</li> <li>▪ metal treatment</li> <li>▪ mining and extractive industries</li> <li>▪ oil production and storage</li> <li>▪ paint formulation and manufacture</li> <li>▪ pesticide manufacture and formulation</li> <li>▪ power stations</li> <li>▪ railway yards</li> <li>▪ scrap yards</li> <li>▪ service stations</li> <li>▪ sheep and cattle dips</li> <li>▪ smelting and refining</li> <li>▪ tanning and associated trades</li> <li>▪ waste storage and treatment</li> <li>▪ wood preservation</li> </ul> <p>The site has been used for agricultural activities in the past and is currently used for agricultural purposes. As eco-tourist facilities are proposed as an additional permitted use on the site, a Preliminary Site Investigation has been prepared in support of the Updated Planning Proposal (see <b>Appendix E</b>). Its findings are set out below.</p>
<p>To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital:</p> <ul style="list-style-type: none"> <li>▪ in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines has been carried out, and</li> <li>▪ on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</li> </ul>	<p>The Updated Planning Proposal seeks to add 'recreation facility (major)' and 'recreation facility (outdoor)' as additional permitted uses on the site. Therefore, a Preliminary Site Investigation has been prepared in support of the Updated Planning Proposal (see <b>Appendix E</b>). Its findings are set out below.</p>

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Martens has undertaken a Preliminary Site Investigation (Appendix E) to determine whether or not the site is or can be made suitable for the proposed additional permissible uses on the site.

The assessment involved a review of the site's history and a walk over inspection. It found that the site has a number of identified contamination risks resulting from the past agricultural and quarry uses of the site, above ground storage of fuels, landfill from unknown sources as well as stockpiling and storage of waste on the site. Notwithstanding this, Martens considers that these risks are acceptably low to permit the changes to the site permissible uses as proposed by the Updated Planning Proposal, particularly given that the proposal does not seek to make permissible any sensitive land uses such as residential, schools or a child care facility. Where contamination is identified Martens are of the opinion that it is likely to be of a type and extent that can be readily remediated to allow any of the proposed additional permissible uses to proceed.

Martens recommends that subsequent applications for development should fully assess localised contamination and address any identified issues. This should involve the preparation of a detailed site investigation including the undertaking of intrusive soil sampling. This will be undertaken for the proposed Hall of Fame DA as well as any future applications for the site.

### SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. It also requires certain large-scale or traffic-generating DAs to be submitted to the Road and Maritime Services (RMS). The Infrastructure SEPP will continue to apply to the land following its rezoning. Future development will need to be assessed in accordance with the SEPP, where relevant. The Updated Planning Proposal does not necessarily need to be referred to the RMS as no specific development consent is being sought for traffic generating development as identified under Schedule 3 of the SEPP. However, as the intention of the Updated Planning Proposal is to facilitate the site's use for major polo events which will attract more than 200 vehicle movements, it is considered appropriate to consult with the RMS as part of the consultation with relevant public authorities following Gateway Determination and prior to community consultation (see Section 9.1 below). Further detail on the traffic impacts of the Updated Planning Proposal is provided in Section 8.2.

### SREP No. 20 – Hawkesbury – Nepean River

The aim of SREP 20 is to protect the environmental of the Hawkesbury Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The Updated Planning Proposal proposes to permit additional uses on the site which are complementary to the rural/flood prone nature of the site and are of minimal environmental impact. Future development will be subject of future applications for the use or construction on the site and will need to consider and protect the environmental of the Hawkesbury-Nepean River system.

Part 2 of the SREP provides general planning considerations, specific policies and recommended strategies. Table 10 below outlines the specific policies which are relevant to the Updated Planning Proposal.

Table 10 – Specific planning policies and recommended strategies

Planning Policies and strategies	Compliance
(1) Total catchment management	
<i>Policy: Total catchment management is to be integrated with environmental planning for the catchment.</i>	
<i>Strategies:</i>	
(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.	No adverse environmental effects on downstream LGAs are expected from the Updated Planning Proposal. Appropriate water quality measures can be applied to any future DA for the site.
(b) Consider the impact of the development concerned on the catchment.	The Updated Planning Proposal will not impact the catchment in that the proposed potential uses on the site are considered

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Planning Policies and strategies	Compliance
	compatible with the rural nature of the area and any future development will be subject to DAs for the use or development on the site.
(c) Consider the cumulative environmental impact of development proposals on the catchment.	Cumulatively the land drains to a system of wetlands located on or nearby the site. The wetlands then drain to the Hawkesbury via minor watercourses which enter the river downstream. The site is large enough that appropriate buffers can be provided to the wetlands and the river foreshore to prevent any cumulatively adverse impacts on the catchment.
(2) Environmentally sensitive areas	
<i>Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.</i>	
<i>Strategies:</i>	
(a) Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted so that attached aquatic plant beds are replaced and water quality and faunal habitats improved.	N/A
(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.	It is considered that the proposal will not cause adverse impacts on the River as the proposed uses are compatible with the rural nature of the area. Future development will require a DA for the various uses which will detail any water quality measures that may need to be put in place.
(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916 and conservation area sub-catchments in order to protect water quality and biodiversity.	There is no land within the area that is reserved or dedicated under these Acts or that would be impacted by the proposal.
(d) Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.	The wetland on the site will not be impacted by this application. It will continue to be conserved into the future.
(e) Consider the need to include buffer zones (such as adequate fire radiation zones) for proposals on land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916.	N/A
(f) Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974.	N/A
(g) Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils.	The proposal will facilitate a range of sustainable land uses which will ensure appropriate environmental management strategies are in place. Impact on the water table or acid sulfate soils is unlikely as minimal excavation works are necessary for the proposed uses.
(h) New development in conservation area sub-catchments should be located in areas that are already cleared.	The site of the Updated Planning Proposal is predominantly cleared.
(3) Water quality	
<i>Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.</i>	
Given the location of the along the Hawkesbury River and also the presence of the wetland on the site the issue of water quality is relevant. However we consider it relevant to address the issue of water quality at	

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the DA stage when the actual future use of the land is known and tailored management plans can be prepared.	
(4) Water quantity Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.	
Again this issue is relevant to the site but is better addressed at the DA stage where the detailed design of developments and operation of the land is defined and known.	
(5) Cultural heritage Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.	
Strategies	
(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.	The proposal does not affect the status of the heritage items nominated on the site.
(b) Protect Aboriginal sites and places of significance.	Management measures have been recommended to ensure that this occurs, refer <b>Appendix G</b> .
(c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.	Refer to <b>Appendix G</b> .
(d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river.	
(5) Flora and fauna Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.	
Strategies for wetlands:	
(j) Maintain the ability of wetlands to improve the quality of water entering the river through the filtering of sediments and the absorption of nutrients.	The wetlands, soils and river banks of the site will not be impacted as a result of the additional permitted uses on the site. The Updated Planning Proposal only applies to RU2 Rural Landscape zoned land on the site, with the E2 Environmental Conservation portion of the site remaining unchanged.
(j) Maintain the ability of wetlands to stabilise soils and reduce bank erosion.	Each of the additional permitted uses will require development approval from Council prior to development through which impacts on the wetlands can be assessed at the project application stage of the approvals process.
(k) Maintain the ability of wetlands to reduce the impact of flooding downstream through the retention of floodwaters.	The Flood Study at <b>Appendix B</b> outlines that the proposed additional permitted uses on the site are unlikely to impact flood behaviour and floodwater retention.
(l) Maintain a variety of wetland flora and fauna species in the region and consider the scarcity of particular species on a national basis.	The proposed additional permitted uses are unlikely to impact the ecology found on the site. The site is largely cleared and any impacts on specific species will be assessed at the development application stage.
(m) Encourage the appropriate management of wetlands, including monitoring and weed control.	The land drains to a system of wetlands located within the land and on nearby land. The wetlands drain to the Hawkesbury River via a minor watercourse which enters the river downstream of the subject land. There is adequate land available to establish future development in accordance with the SREP to accommodate suitable buffers and stormwater management areas and to maintain and enhance the wetland.
(n) Provide opportunities for recreation, scientific research and education where they are compatible with the conservation of wetlands.	The proposed additional permitted uses are considered compatible with the neighbouring E2 Environmental Conservation zone wetland areas and will not impact conservation efforts in this portion of the site.

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(c) Consider the need to protect and improve the quality and quantity of surface water and groundwater entering wetlands by controlling development in the catchment of wetlands.	Proposed additional permitted uses in the catchment of the wetland areas are unlikely to impact quality and quantity of surface water and groundwater entering the wetland. Any impacts on water quality will be assessed at the DA stage.
(c) Consider the desirability of protecting any wetlands of local significance which are not included on the map.	The wetlands on the site are already suitably zoned E2 Environmental Conservation.
(q) Consider the desirability of protecting or, if necessary, actively managing, constructed wetlands if they have significant conservation values or make a significant contribution to improvements in water quality.	
(7) Riverine scenic quality Policy: The scenic quality of the riverine corridor must be protected.	
Strategies:	
(a) Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.	The Updated Planning Proposal relates to predominantly cleared land, however any future development will require Council approval which would need to seek consent for the removal of any vegetation.
(b) Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.	The site is within Landscape Unit 3.4.1 Yarumundi Weir to South Creek Junction of the Scenic Quality Study. The Landscape Character for this Landscape Unit is: <i>A broad and nearly flat valley floor extensively altered by agriculture and settlement. An intensely farmed agricultural environment dominated by crop lands and rural industry. The major cultural elements are agricultural rather than ornamental, with a strict division of settled land from rural land.</i> Development facilitated by this Updated Planning Proposal is consistent with this landscape character and will not impact the scenic qualities of the character.
(c) Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.	The Updated Planning Proposal seeks to permit a range of additional land uses on the site. Any future development will still require Council approval which would need to be assessed against this requirement.
(d) Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.	The Updated Planning Proposal seeks to permit a range of additional land uses on the site. Any future development will still require Council approval which would need to be assessed against this requirement.
(e) Consider the need for controls or conditions to protect those scenic areas.	The Updated Planning Proposal seeks to permit a range of additional land uses on the site. The controls under Part 6 of the existing LEP satisfactorily control development to protect scenic and ecological areas of significance. These controls are not proposed to be amended under this Updated Planning Proposal.
(f) Consider opportunities to improve riverine scenic quality.	
(8) Agriculture/aquaculture and fishing Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.	
Strategies:	

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Planning Policies and strategies	Compliance
(a) Give priority to agricultural production in rural zones.	The proposed additional uses are consistent with the objectives of the RU2 Rural Landscape zone with the additional permitted uses facilitating the long term retention of the agricultural use by enabling uses directly related to that use. For example, the recreational use of polo events is related to the principal rural land use.
(b) Ensure zone objectives and minimum lot sizes support the continued agricultural use of Class 1, 2 and 3 Agricultural Land (as defined in the Department of Agriculture's Agricultural Land Classification Atlas) and of any other rural land that is currently sustaining agricultural production.	No changes are proposed to minimum lot sizes or zone objectives.
(c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts.	Uses on and surrounding the site include recreation (polo fields), grazing, turf farming and tourism related uses. These uses are compatible with the proposed additional permitted uses on the site.
(d) Protect agricultural sustainability from the adverse impacts of other forms of proposed development.	The proposed additional permitted uses are not expected to impact on agricultural sustainability.
(e) Consider the ability of the site to sustain over the long term the development concerned.	The proposed additional permitted uses are expected to be sustained into the future with the polo and related uses increasing across the Windsor/Richmond area.
(f) Consider the likely effect of the development concerned on fish breeding grounds, nursery areas, commercial and recreational fishing areas and oyster farming.	The proposed additional permitted uses are not expected to impact fishing or fish breeding grounds.
(9) Rural residential development Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna). N/A – no subdivision or residential development is proposed.	
(10) Urban development Policy: All potential adverse environmental impacts of urban development must be assessed and controlled. N/A – no subdivision or residential development is proposed.	
(11) Recreation and tourism Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected.	
<b>Strategies</b>	
(a) Provide a wide range of recreational opportunities along the river which are consistent with conserving the river's natural values and character.	The purpose of this Updated Planning Proposal is to facilitate the recreational opportunities arising from the land uses as well as facilitate tourism opportunities related to both that land use as well as the scenic quality of the riverine corridor.
(b) Plan and manage recreational and tourist developments, and associated access points, cycle ways and footpaths, so as to minimise any adverse environmental impacts on the river. Locate them where river banks are stable, away from river shallows, major beds of attached aquatic plants or fish breeding areas, where the proposed activities do not conflict with surrounding recreational activities and where significant flora and fauna habitats will not be adversely affected. The upgrading of existing public access to the river is to be preferred over the creation of new access points.	The proposed additional permitted uses will not impact access to or environmental impacts on the River. Future development will require development assessment by Council at which time an environmental assessment of proposed development will be undertaken.
(c) Minimise conflicts between recreational uses.	The proposed additional uses are compatible with the existing surrounding development.

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(d) Consider the availability of, or need to provide, land for vehicle parking and for suitable access (including access for cars and buses), for boat service areas and for water, electricity and sewage disposal.	As detailed in the Traffic Assessment at <b>Appendix C</b> , no additional parking areas are required for the additional permitted uses.
(e) Consider the environmental impact of ancillary services for recreation and tourist developments, such as amenities blocks and vehicle parking.	Ancillary services are not expected to cause environmental impact.
(f) Consider the visual impact of development on the surrounding area.	Some of the proposed additional permitted use are already occurring on the site or in the surrounding area and do not require the development of bulky or substantial buildings. No adverse visual impacts are expected to result from the Updated Planning Proposal.
(12) Metropolitan strategy Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy. The Metropolitan Strategy has been considered at <b>Section 7.1.1</b> of this report.	
Schedule 1 - Items of non-Aboriginal Heritage <ul style="list-style-type: none"> <li>Farm building and fence, part D.P. 62095, Edwards Road, corner of Powells Lane, Richmond Lowlands</li> </ul>	A site visit was undertaken by GML Heritage to determine whether or not these items still exist on the site. Their report is provided at <b>Appendix F</b> and is summarised at <b>Section 8.4.1</b> of this report.

oooO END OF REPORT Oooo



## ORDINARY MEETING

Meeting Date: 31 May 2016

### GENERAL MANAGER

**Item: 98**                      **GM - 2016 Hawkesbury Local Business Awards - (79351, 80198)**

**Previous Item:**        77, Ordinary (26 May 2015)  
                              101, Ordinary (24 June 2014)  
                              65, Ordinary (30 April 2013)

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#### **REPORT:**

##### **Executive Summary**

Council has been approached by Precedent Productions Pty Ltd seeking renewal of sponsorship of the 2016 Local Business Awards (Awards) to be held in the Hawkesbury area. Precedent Productions manages about 21 Local Business Awards programs throughout the Sydney, Hunter and Illawarra regions.

The Hawkesbury 2016 Local Business Awards will be launched during the week of Monday, 27 June 2016 and the Awards night will be held on Wednesday, 7 September, 2016. The Awards Program will mainly be active during July and August in the Hawkesbury area, when nominations are made and assessment takes place.

Council has been a sponsor of the Awards in the past and needs to consider whether it wishes to be a sponsor of the 2016 Awards. It is considered that the Awards are one way in which Council can support and encourage the local business community.

##### **Consultation**

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

##### **Background**

Council has been a sponsor of the Awards for some time now, being a major sponsor of the Awards Program from 2004 to 2008 and from 2010 to 2015.

Council has received correspondence dated 13 April 2016 from Precedent Productions seeking renewal of sponsorship of the 2016 Hawkesbury Local Business Awards. A copy of this letter is included as Attachment 1 to this report. Evaluation of the 2015 Awards Program indicates that some 539 businesses were registered to participate; 7,782 nominations for the businesses were received; 184 businesses were finalists; and the Awards were presented across 30 business categories. The presentation evening attracted 478 patrons, and would be the largest gathering of Hawkesbury businesses at any one event in a year.

Precedent Productions has invited Council to be a sponsor of the Awards and has suggested that Council continues to be a major sponsor of the event at \$5,000 (plus GST). Funds have been allocated in the 2015/2016 Operational Plan to sponsor the Awards, at the suggested level.

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Details about the Awards Program include:

- The Award Region is determined by the Hawkesbury Courier's distribution boundary and not the local government area boundary.
- The Award Program will run over the months of July, August and early September for 10 weeks.
- The Award's night (presentation) will be held at the Windsor Function Centre, on Wednesday, 7 September, 2016.
- Entry into the Awards is by customer nomination of a business or business self-nomination.
- Customer nominated businesses are shortlisted to finalists across a range of categories (approximately 28), based on votes received. Finalists participate in a judging process, including assessment by judges, including 'mystery shopper' visits and/ or interviews.
- Self-nominated businesses are evaluated by judges.
- The judging process is based on customer experience, including business appearance and presentation; the range of products and/or services; value for money; and customer service.
- Weekly promotion of the Awards will be by the Awards media partner – The Hawkesbury Courier (Hawkesbury Newspapers).
- Awards will be presented for Business of the Year, Youth Business Person of the Year, Business Person of the Year (from the business category winner), and Business Longevity (a business operating for some time).
- Award winners receive trophies, media coverage and other gifts.

It is considered that Council should continue its support of the Awards in 2016, as it is of value to the business community and provides an opportunity for the business community to recognise business success, achievement and leadership on an annual basis. The Awards can also be a promotions and advertisement strategy for local business. Therefore, the Awards are an important way in which Council can support business and local jobs. The Awards presentation night has been consistently well patronised over the years.

It is also considered that the Awards is a way in which to help achieve a good business relationship between the program organiser, the business community and Council, as there is an aim to grow the Awards through a collaborative approach. The business groups have helped the program organiser over the last few years to review awards categories, business status and event management e.g. procedures, website content, and presentation venue arrangements. The partnership is in line with strategies in the Hawkesbury Community Strategic Plan.

### **Conformance to the Hawkesbury Community Strategic Plan**

The proposal is consistent with the Supporting Business and Local Jobs Statement:

- Help create thriving town centres, each with their own character, that attract residents, visitors and businesses.

### **Financial Implications**

Sponsorship costs will be met from the adopted 2015/2016 Operational Plan within Service 140 - Strategic Activities.

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**RECOMMENDATION:**

That:

1. Council sponsor the 2016 Local Business Awards to the value of \$5,000 (excluding GST).
2. A Sponsorship Agreement be entered into with Precedent Productions Pty Ltd for the 2016 Local Business Awards.

**ATTACHMENTS:**

- AT - 1** Precedent Productions Pty Ltd's letter dated 13 April 2016 to Council seeking sponsorship of the 2016 Hawkesbury Local Business Awards.

**ORDINARY MEETING**

**Meeting Date: 31 May 2016**

**AT - 1 Precedent Productions Pty Ltd's letter dated 13 April 2016 to Council seeking sponsorship of the 2016 Hawkesbury Local Business Awards.**



13 April 2016

Fiona Mann  
Strategic Planner - Strategic Activities  
Hawkesbury City Council  
366 George Street  
Windsor NSW 2756



Dear Fiona Mann,

**2016 Hawkesbury Local Business Awards**

Precedent Productions once again invites Hawkesbury City Council to give consideration in sponsoring the Hawkesbury Local Business Awards.

Nominations for the 2016 Hawkesbury program will open on Monday, 27th June with the Presentation Evening taking place on Wednesday, 7th September at Windsor Function Centre.

To confirm Hawkesbury City Council's sponsorship, please sign the Sponsorship Agreement on the following page and email

We look forward to working with you on this prestigious awards program.

Yours sincerely

Steve Loe  
Managing Director

**ORDINARY MEETING**

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**2016 LOCAL BUSINESS AWARDS SPONSORSHIP AGREEMENT**

**PROGRAM** Hawkesbury  
**SPONSOR LEVEL** Major  
**AMOUNT** \$5,000 plus GST

**Program Details**

Nominations Open Monday, 27th June  
Presentation Night Wednesday, 7th September  
Venue Windsor Function Centre

**Sponsor Details**

Company Name Hawkesbury City Council  
Contact Person Fiona Mann  
Phone  
Email

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I confirm that the details in the Agreement are correct and that I am authorised to enter into an agreement on behalf of Hawkesbury City Council.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name in Full: \_\_\_\_\_

Authorised on behalf of Precedent Productions

Signed: \_\_\_\_\_ Date: 13 April 2016  
Steve Loe, Managing Director

**PLEASE SIGN AND RETURN TO PRECEDENT PRODUCTIONS**  
[steveloe@precedent.net](mailto:steveloe@precedent.net) or FAX (02) 8577 5066

## ORDINARY MEETING

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### 2016 Major Sponsor Coverage

#### Finalists and Winners Lists

Access to Finalists and Winners lists

#### Electronic Media

Sponsors highlighted on website  
Hyperlink to sponsor's landing page  
One e-newsletter sponsor profile

#### Local Newspaper Coverage

Pre-program Teaser Ads - appears two weeks prior to launch  
Logo in launch advertisement  
Logo in Winners Feature advertisement  
Mentioned in editorials throughout 12 week program

#### Facebook Campaign

Sponsor logos on winners' announcement page  
Dedicated posts as provided by sponsor  
Sponsor logos appear on nominations close graphic  
Share any important posts on request

#### Sponsor Logo

Newspaper coupon  
Printed coupon pads distributed to businesses  
Finalist Certificates  
Finalist Information Sheets  
Invitations  
Presentation Evening Program

#### Presentation Evening

30 second Audio Visual Commercial  
Sponsor logo appearing on Large Screen  
Speaking opportunities  
Presentation of 3-6 categories  
Six Complimentary Tickets  
Sponsor logo on Winners Posters  
Promotional material at event  
Signage in venue (provided by sponsor)

oooO END OF REPORT Oooo

**Item: 99****GM - Hawkesbury City Council - Local Government Election - (79351)**

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**REPORT:****Executive Summary**

On 19 May 2016, Council received correspondence from the Minister for Local Government, The Hon Paul Toole MP, advising that for councils where a proposed merger is not proceeding, the local government election will be held on Saturday, 10 September 2016.

In accordance with this advice, the local government election for the Hawkesbury City Council local government area will be held on Saturday, 10 September 2016.

The purpose of this report is to advise Council in regard to the general conduct of the election and the legislative requirements applicable to the period leading to the election.

**Consultation**

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

**Background**

On 19 May 2016, Council received correspondence from the Minister for Local Government, The Hon Paul Toole, MP advising that for councils where a proposed merger is not proceeding, the local government election will be held on Saturday, 10 September 2016.

As the proposed merger between Hawkesbury City Council and part of The Hills Shire Council is now not proceeding, the local government election for the Hawkesbury City Council local government area will be held on Saturday, 10 September 2016.

At its Ordinary meeting on 29 October 2013, Council resolved to enter into a contract with the NSW Electoral Commission for the administration of all elections, Council polls and constitutional referenda. In accordance with this resolution, a contract between Hawkesbury City Council and the NSW Electoral Commission has been entered into. This Contract will apply to the conduct of the election to be held on Saturday, 10 September 2016.

Council is required to liaise with the NSW Electoral Commission in regard to the various processes associated with the conduct of the election. Accordingly, staff are currently engaged in discussions with the NSW Electoral Commission to fulfil the requirements of the Contract and to ensure the smooth and efficient running of this election.

It is important that Council is aware of its responsibilities during what is referred to as the "caretaker period" in the lead-up to the election. Clause 393B of the Local Government (General) Regulation 2005 stipulates the requirements relating to the exercise of council functions during the caretaker period, being the period of four weeks preceding the date of the election: Clause 393B of the Regulation is as follows:

*"393B Exercise of council functions during caretaker period*

- (1) *The following functions of a council must not be exercised by the council, or the general manager or any other delegate of the council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee), during a caretaker period:*
  - (a) *entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger),*



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- (b) *determining a controversial development application, except where:*
- (i) *a failure to make such a determination would give rise to a deemed refusal under section 82 of the Environmental Planning and Assessment Act 1979, or*
  - (ii) *such a deemed refusal arose before the commencement of the caretaker period,*
- (c) *the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than:*
- (i) *an appointment of a person to act as general manager under section 336 (1) of the Act, or*
  - (ii) *a temporary appointment of a person as general manager under section 351 (1) of the Act.*
- (2) *Despite subclause (1), such a function may be exercised in a particular case with the consent of the Minister.*
- (3) *In this clause:*

*"caretaker period" means the period of 4 weeks preceding the date of an ordinary election.*

*"controversial development application" means a development application under the Environmental Planning and Assessment Act 1979 for which at least 25 persons have made submissions under section 79 (5) of that Act by way of objection."*

In accordance with this Clause, in respect of the coming election, the "caretaker period" commences on Friday, 12 August 2016.

### Conformance to the Hawkesbury 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 the nominated strategy in the CSP, being:

- Have ongoing engagement and communication with our community, governments and industry.

### Financial Implications

There are no financial implications arising from this report.

**ORDINARY MEETING**

**Meeting Date:** 31 May 2016

**RECOMMENDATION:**

That the report regarding the Hawkesbury City Council Local Government Election be received and noted.

**ATTACHMENTS:**

**AT - 1** Letter received 19 May 2016, from the Minister for Local Government, the Hon. Paul Toole, MP regarding the next Hawkesbury Local Government Election.

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**AT - 1 Letter received 19 May 2016, from the Minister for Local Government, the Hon. Paul Toole, MP regarding the next Hawkesbury Local Government Election.**



**The Hon Paul Toole MP**  
Minister for Local Government

Cr Kim Ford  
Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756

Dear Mayor,

As you are aware, I recently published two Ministerial orders delaying elections for all councils that were subject to a merger proposal that was before the NSW Boundaries Commission.

As you are also aware, the NSW Government announced the creation of 19 new councils on 12 May 2016.

I have consulted with the NSW Electoral Commissioner who has advised me that for councils where a proposed merger is not proceeding, elections can be held on 10 September 2016.

Given the importance of all councils returning to business as usual, it is my intention to revoke the order which delayed your council's election. Your council's election will go ahead on Saturday 10 September 2016. The Electoral Commission will be in touch with your council to ensure arrangements are in place to run a successful local election.

If you have any questions on this matter, please contact Corin Moffatt in my office on 02 8574 7016 or at [corin.moffatt@minister.nsw.gov.au](mailto:corin.moffatt@minister.nsw.gov.au).

Yours sincerely,

**Paul Toole**  
Minister

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GPO Box 5341, Sydney NSW 2001  
Phone: (61 2) 8574 7000 Fax: (61 2) 9339 5552 Email: [office@toole.minister.nsw.gov.au](mailto:office@toole.minister.nsw.gov.au)

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 31 May 2016

**Item: 100**                      **GM - Sister City Program Policy - Student Exchange Donation, Kyotamba 2008 - (73610, 79351, 100474, 83530)**

**Previous Item:**            47, Ordinary (31 March 2015)  
                                 86, Ordinary (13 May 2014)  
                                 94, Ordinary (28 May 2013)

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### REPORT:

#### Executive Summary

The purpose of the report is to inform Council that the Hawkesbury Sister City Association (Association) has selected the Hawkesbury students to be part of the 2016 student exchange program to Council's sister cities of Kyotamba, (Kyoto) Japan and Temple City, (California) USA as part of the annual student exchange program.

The student exchange program, which is part of Council's Sister City and Country Alliance Program Policy, provides for 12 students to visit the sister cities, being up to six students to each of Kyotamba and Temple City. The Association has selected 11 students for this year's program.

It has been the practice of Council throughout the operation of the Sister City Program to make a donation of \$500 to each student visiting a sister city to help with travel and daily costs while overseas. The donation has been included in this year's Operational Plan and is recommended for payment.

#### Consultation

The issues raised in this report cover matters which do not require consideration under Council's Community Engagement Policy.

#### Background

The sister city relationship with Kyotamba and Temple City provides for culture, sport and youth exchanges between our areas. The program includes Council's activities with the sister cities, such as civic-cultural exchanges, and Association activities (program partners) with counterpart international sister city associations, like cultural and youth exchanges.

Council's Sister City and City-Country Alliance Program Policy (the Policy) delegates authority to the Association to undertake appropriate exchange programs on Council's behalf with Council's two sister cities. The Policy requires Council and the Association to sign a sponsorship agreement in accordance with the Sponsorship Policy. The Sponsorship Policy also requires all requests for Section 356 financial assistance to be reported to Council for determination.

A key activity of the Association is the annual student exchange program. This program provides the opportunity for up to 12 high school students to take part in exchange visits to Council's two international sister cities. Students stay with host sister city families and the visits are coordinated with counterpart sister city associations in each country. In reply, students from Temple City and Kyotamba also visit the Hawkesbury as part of their annual student exchange programs.

The Association undertakes an application and selection process and it is noted that parents and guardians primarily fund the student travel costs. Students have been selected on the basis of being a resident of the Hawkesbury area or attending a Hawkesbury area school or a selective school outside the area in accordance with the Policy.

## ORDINARY MEETING

Meeting Date: 31 May 2016

The students selected by the Association to take part in this year's program are:

a) Hawkesbury students to visit Kyotamba:

- |    |                |  |
|----|----------------|--|
| 1. | Ms C. Bennett  | of Kurmond. Colo High School.                |
| 2. | Ms O. Richards | of North Richmond. Bede Polding High School. |
| 3. | Mr C. Collier  | of Glossodia. Hawkesbury High School.        |
| 4. | Ms C. Kelly    | of Bowen Mountain. Colo High School.         |
| 5. | Ms H. Binskin  | of Wilberforce. Bede Polding High School.    |

b) Hawkesbury students to visit Temple City:

- |    |                 |   |
|----|-----------------|---|
| 1. | Ms B. Harris    | of Kurrajong. Colo High School.                 |
| 2. | Ms M. Barbeitos | of Cumberland Reach. Hawkesbury High School.    |
| 3. | Ms T. Foster    | of Bowen Mountain. Colo High School.            |
| 4. | Ms S. Turner    | of Kurmond. Colo High School.                   |
| 5. | Mr D. Ryan      | of Windsor. Hurlstone Agricultural High School. |
| 6. | Ms L. Holman    | of Richmond. Arndell Anglican College.          |

Both the Kyotamba and Temple City students will undertake their student exchange to the Hawkesbury during July/ August, 2016 and the visits will overlap. The Association advises that both sets of international students will arrive on 26 July, 2016. The Hawkesbury students will undertake their student exchange in September/ October, 2016.

It has been the practice of Council throughout the operation of the Sister City Program to make a donation of \$500 to each student visiting a sister city to help with travel and daily costs while overseas. The donation has been included in this year's Operational Plan and is recommended for payment.

### Conformance to Community Strategic Plan

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

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

and is also consistent with a nominated strategy in the CSP being:

- Achieve community respect through good corporate governance and community leadership and engagement.

### Financial Implications

All costs will be met from the adopted 2015/2016 Operational Plan.

## ORDINARY MEETING

Meeting Date: 31 May 2016

### RECOMMENDATION:

That:

1. Under the provisions of Section 356 of the Local Government Act, 1993, and in accordance with Council's Sister City Program Policy, Council donate \$500 to each of the following students participating in the 2016 student exchange program visit to Kyotamba and Temple City being:
  - a) Ms C. Bennett
  - b) Ms O. Richards
  - c) Mr C. Collier
  - d) Ms C. Kelly
  - e) Ms H. Binskin
  - f) Ms B. Harris
  - g) Ms M. Barbeitos
  - h) Ms T. Foster
  - i) Ms S. Turner
  - j) Mr D. Ryan
  - k) Ms L. Holman
2. The Hawkesbury Sister City Association be requested to address issues surrounding the 2011 disasters in Japan, with parents and guardians of students travelling to Kyotamba, utilising Federal Government travel advice.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 31 May 2016

### INFRASTRUCTURE SERVICES

**Item: 101**                      **IS - Extension of Approval for Markets at Governor Phillip Reserve and Richmond Park - (95495, 79354, 127235, 129069, 75504)**

**Previous Item:**            68, Ordinary (11 March 2014)  
                                 282, Ordinary (27 August 2013)

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#### **REPORT:**

##### **Executive Summary**

Council has previously approved applications from Richmond Fresh Food Markets, Eclectic Markets and Events and the Rotary Club of Richmond to hold markets in Richmond Park, Governor Phillip Reserve and McQuade Park respectively, until June 2016.

All three markets have expressed interest in extending their approvals for another year. Each of the markets have been popular and caused minimal impact on the parks.

It is recommended that approvals for all three markets be extended until 30 June 2017.

##### **Consultation**

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

##### **Background**

Council previously approved applications by Richmond Fresh Food to hold weekly Saturday growers markets at Richmond Park, Eclectic Markets and Events to hold monthly Saturday markets at Governor Phillip Reserve, Windsor and the Rotary Club of Richmond to hold monthly Markets at McQuade Park, Windsor. All three approvals were for a period up to 30 June 2016.

Eclectic Markets and Events have since sold their markets and name to AMA Event Management. All three markets have expressed interest in extending their approvals for another year. Each market has been popular and caused minimal impact on the parks.

Richmond Fresh Food Markets have further requested that they have a fee cap placed on their markets to bring them in line with fees for the markets at Governor Phillip Reserve. The fees and charges for markets at Richmond is \$29 per stall and they request that this be capped at \$600 (\$29 per stall up to a maximum of \$600). The Eclectic markets pay \$600 per market and the Rotary Club of Richmond pay \$10 per stall (as a community organisation).

The Richmond Park and the Governor Phillip Reserve markets are commercial entities. Richmond Fresh Food were initially charged \$600 per market however when starting out they did not have many stalls which made the markets unviable. Following requests, this was reduced to a per stall fee to help the market become established. The Richmond markets have now grown to a point where the previously agreed fee per stall is resulting in higher charges than originally set by Council. Rather than providing a capped fee as requested it is recommended that the previous fixed fee of \$600 per market will bring them back into line with those held at Governor Phillip Park. It is recommended that the \$600 fee per market be reinstated for 2016/2017 financial year.



## ORDINARY MEETING

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Whilst it can be argued that there is a public benefit with both the activation of the parks and the provision of a goods and services, this needs to be weighed against any private gains that may accrue to an operator/commercial entity. Should the markets grow too big, the parks are subject to greater risk of damage. It is further recommended that the Richmond markets be limited to a set area as shown on the attached plan to minimise conflict with other park users.

In regard to the allocation of times, the current arrangements allow for variations to avoid conflicts with other events and users and this can be managed at an administrative level. This would also include granting approvals for holding of twilight markets at specific times.

It is recommended that approval for all three markets to use Council's parks as detailed in this report be extended until 30 June 2017.

### Conformance to the Hawkesbury Community Strategic Plan

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

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

and is also consistent with the nominated strategy in the CSP being:

- Differentiate, brand and promote the Hawkesbury as a tourism destination

### Financial Implications

No significant financial implications arise from these requests.

### RECOMMENDATION:

That:

1. Richmond Fresh Food be given approval to hold a weekly growers market on Saturdays at Richmond Park within the area identified in the plan attached as Attachment 1 to this report for a period up to 30 June 2017.
2. AMA Event Management, trading as Eclectic Markets and Events, be given approval to hold a monthly market at Governor Phillip Park within the area identified in the plan as attached as Attachment 2 to this report, for a period up to 30 June 2017.
3. Rotary Club of Richmond be given approval to hold a monthly market at McQuade Park for a period up to 30 June 2017.
4. The General Manager be given authority to negotiate additional markets, if required by each applicant.
5. The approvals be subject to the following:
  - a) Council's general park conditions.
  - b) Council's fees and charges.
  - c) The Richmond Park and Windsor Foreshore Plans of Management.
  - d) Satisfactory management of conflict with other users.
  - e) Council reserve the right to suspend the use where conflicts of use arise.
6. The Richmond Fresh Food Markets and AMA Event Management, trading as Eclectic Markets and Events be charged \$600 per market at Richmond Park and Governor Phillip Park respectively in 2016/2017.

**ORDINARY MEETING**

**Meeting Date:** 31 May 2016

**ATTACHMENTS:**

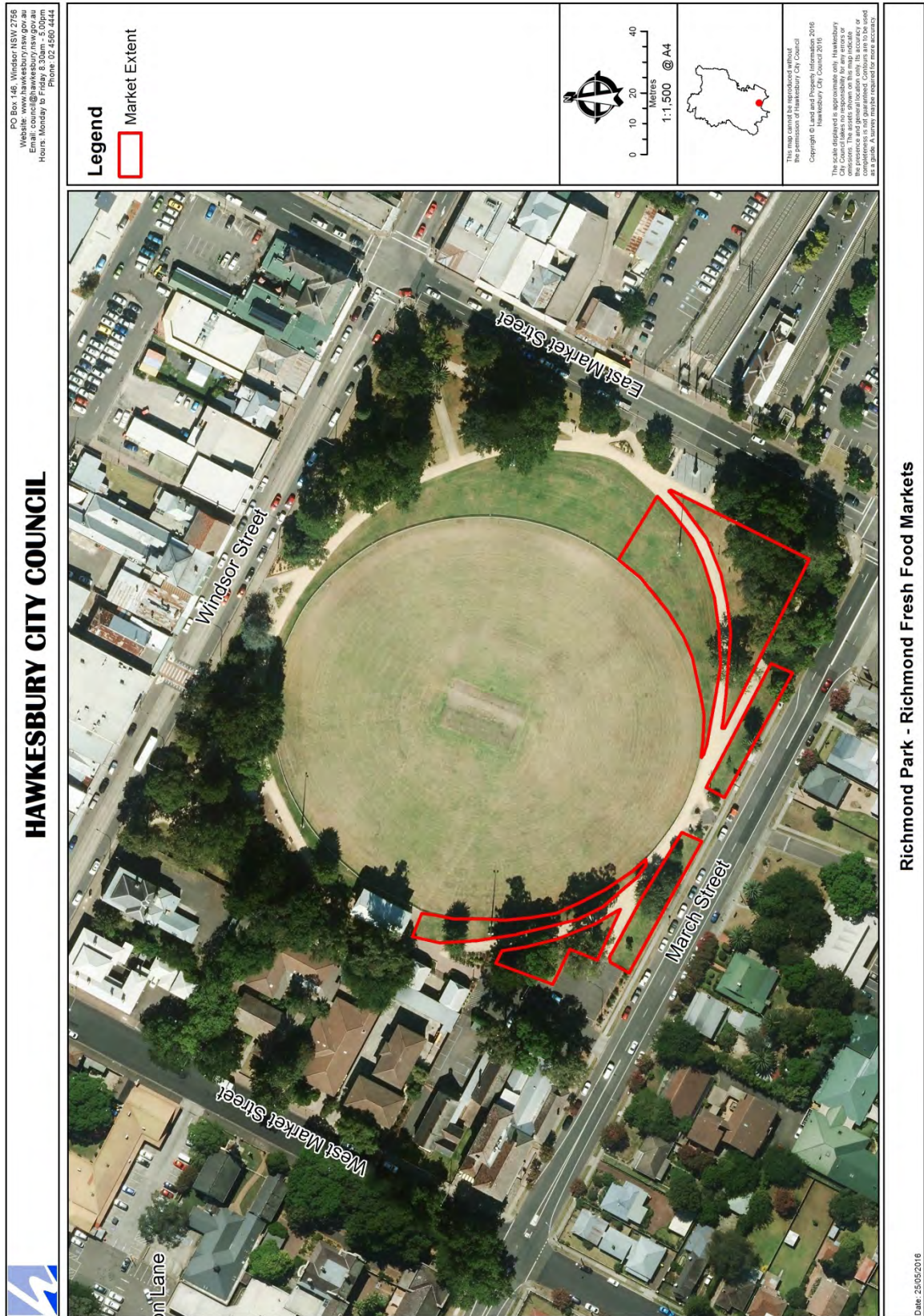
**AT - 1** Richmond Park Plan

**AT - 2** Governor Phillip Reserve Plan

# ORDINARY MEETING

Meeting Date: 31 May 2016

## AT - 1 Richmond Park Plan





AT - 2 Governor Phillip Reserve Plan



oooO END OF REPORT Oooo

**ORDINARY MEETING**

Meeting Date: 31 May 2016

**SUPPORT SERVICES****Item: 102****SS - Monthly Investments Report - April 2016 - (95496, 96332)****REPORT:****Executive Summary**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$42 million in investments at 30 April 2016.

It is recommended that this report be received and noted.

**Consultation**

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

**Background**

The following table indicates that Council held \$42 million in investments as at 30 April 2016. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
<b>On Call</b>								
CBA	A1+	AA-			1.75%	1,000,000	2.38%	
<b>Total On-call Investments</b>								<b>1,000,000</b>
<b>Term Investments</b>								
ANZ	A1+	AA-	18-Nov-15	18-May-16	3.00%	500,000	1.19%	
ANZ	A1+	AA-	18-Nov-15	18-May-16	3.00%	1,000,000	2.38%	
ANZ	A1+	AA-	18-Nov-15	08-Jun-16	3.00%	2,000,000	4.76%	
ANZ	A1+	AA-	19-Aug-15	15-Jun-16	2.95%	2,000,000	4.76%	
ANZ	A1+	AA-	19-Aug-15	17-Aug-16	2.95%	2,000,000	4.76%	
ANZ	A1+	AA-	02-Mar-16	07-Sep-16	2.95%	2,500,000	5.95%	
ANZ	A1+	AA-	24-Feb-16	14-Sep-16	3.05%	1,000,000	2.38%	
ANZ	A1+	AA-	24-Feb-16	14-Sep-16	3.05%	2,500,000	5.95%	
ANZ	A1+	AA-	02-Mar-16	21-Sep-16	2.95%	2,500,000	5.95%	
Bankwest	A1+	AA-	02-Dec-15	04-May-16	3.00%	2,500,000	5.95%	
NAB	A1+	AA-	06-May-15	04-May-16	2.93%	2,000,000	4.76%	
NAB	A1+	AA-	22-Dec-15	15-Jun-16	3.04%	1,000,000	2.38%	
NAB	A1+	AA-	08-Jul-15	06-Jul-16	3.00%	2,000,000	4.76%	
NAB	A1+	AA-	13-Jan-16	20-Jul-16	3.10%	1,000,000	2.38%	
NAB	A1+	AA-	27-Jan-16	03-Aug-16	3.00%	1,500,000	3.57%	
NAB	A1+	AA-	17-Feb-16	17-Aug-16	3.00%	1,000,000	2.38%	

# ORDINARY MEETING

Meeting Date: 31 May 2016

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	16-Mar-16	08-Feb-17	3.09%	2,000,000	4.76%	
NAB	A1+	AA-	27-Apr-16	30-Mar-17	3.10%	1,000,000	2.38%	
NAB	A1+	AA-	27-Apr-16	27-Apr-17	3.10%	2,000,000	4.76%	
Westpac	A1+	AA-	04-Nov-15	15-Jun-16	2.85%	1,000,000	2.38%	
Westpac	A1+	AA-	04-Feb-16	28-Sep-16	3.00%	1,000,000	2.38%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.38%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.38%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,000,000	2.38%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,500,000	3.57%	
Westpac	A1+	AA-	10-Dec-15	14-Dec-16	3.00%	1,000,000	2.38%	
Westpac	A1+	AA-	30-Mar-16	30-Mar-17	3.10%	500,000	1.19%	
Westpac	A1+	AA-	06-Apr-16	14-Apr-17	3.10%	1,000,000	2.38%	
<b>Total Term Investments</b>								<b>41,000,000</b>
<b>TOTAL INVESTMENT AS AT 30 April 2016</b>								<b>42,000,000</b>

## Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	1,000,000	1.75%	Reserve Bank Cash Reference Rate	2.00%	-0.25%
Term Deposit	41,000,000	3.01%	UBS 90 Day Bank Bill Rate	2.15%	0.86%
<b>Total</b>	<b>42,000,000</b>	<b>2.98%</b>			

## Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	7,160,381
External Restrictions - Other	3,161,035
Internal Restrictions	20,457,152
Unrestricted	11,221,432
<b>Total</b>	<b>42,000,000</b>

Unrestricted funds, whilst not subject to a restriction for a specific purpose, are fully committed to fund operational and capital expenditure in line with Council's adopted Operational Plan. As there are timing differences between the accounting for income and expenditure in line with the Plan, and the corresponding impact on Council's cash funds, a sufficient level of funds is required to be kept at all times to ensure Council's commitments are met in a timely manner. Council's cash management processes are based on maintaining sufficient cash levels to enable commitments to be met when due, while at the same time ensuring investment returns are maximised through term investments where possible.

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions, cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

## ORDINARY MEETING

Meeting Date: 31 May 2016

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Elections.

### ***Investment Commentary***

The investment portfolio decreased by \$1.70 million for the month of April 2016. During April 2016, income was received totalling \$3.10 million, including rate payments amounting to \$1.30 million, while payments to suppliers and staff costs amounted to \$6.20 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over the period during which the program of works is being delivered. The loan funds have been placed in term deposits, with interest earned on unexpended invested loan funds being restricted to be used for works relating to the LIRS Program projects.

As at 30 April 2016, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 30 June 2015.

### ***Investment Certification***

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

### **Conformance to the Hawkesbury Community Strategic Plan**

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

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

### **Financial Implications**

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2015/2016 Adopted Operational Plan.

### **RECOMMENDATION:**

The report regarding the monthly investments for April 2016 be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo



## ORDINARY MEETING

Meeting Date: 31 May 2016

**Item: 103**                      **SS - Local Government NSW - Request for Contribution to Legal Costs - Bathurst Regional Council - (95496, 112608, 81376)**

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### REPORT:

#### Executive Summary

Correspondence has been received from Local Government NSW (LGNSW) dated 6 May 2016 requesting financial assistance towards legal costs, incurred by Bathurst Regional Council, in a matter before the NSW Court of Appeal.

This report recommends that Council contribute the amount of \$1,119.37 towards the legal costs that have been incurred by Bathurst Regional Council in regard to this matter.

#### Consultation

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

#### Background

A letter dated 6 May 2016 has been received from LGNSW requesting financial assistance towards legal costs incurred by Bathurst Regional Council, in a matter before the NSW Court of Appeal. The letter states, in part, as follows:

*"The Local Government New South Wales (LGNSW) Board approved an application made by Bathurst Regional Council for legal assistance under the LGNSW Legal Assistance Policy & Guidelines in August 2015. The matter has now been resolved in the courts. The LGNSW Board considered the matter to be of importance to local government throughout the State, as the proceedings related to the ability of councils to enter into contracts that include fees for services.*

*"Bathurst Regional Council defended the matter before the NSW Court of Appeal. The proceedings challenged Council's jurisdiction to fix fees for services under long term contracts. The NSW Court of Appeal found against Bathurst Regional Council, identifying that:*

*'even when the local Government Act confers a power in terms upon councils to reach an agreement or arrangement with a landowner, the price it can charge for work performed by it remains subject to Part 10 of Chapter 15. To that extent at least, the 'general power to contract' cannot permit a Council to escape the statutory restrictions upon it'.*

*"LGNSW is considering the implications of this decision for NSW councils, and is likely to seek feedback from councils in the future to enable the issue to be adequately addressed in the next phase of the review of the Local Government Act 1993."*

It is noted that the LGNSW Board approved the application to assist Bathurst Regional Council as it complied with the provisions of the Legal Assistance Policy, and have apportioned the amount of \$1,119.37 to Hawkesbury City Council. LGNSW advises the matter is of importance to all councils as it related to the ability of councils to enter into contracts that include fees for services.

It is a longstanding convention for Council to assist other councils with contributions to legal costs, where LGNSW approved an application for such assistance. In this way, councils support other councils, and the awareness of legal precedent is available for the benefit of all councils.

## **ORDINARY MEETING**

**Meeting Date:** 31 May 2016

### **Conformance to the Hawkesbury Community Strategic Plan**

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

- The Council have transparent, accountable and respected leadership and an engaged community.

### **Financial Implications**

Funding is available in Service Account 142 - Legal Services in the 2015/2016 Adopted Operational Plan for a contribution of \$1,119.37.

### **RECOMMENDATION:**

That Council contribute the amount of \$1,119.37, as outlined in the correspondence dated 6 May 2016 from Local Government NSW, towards legal costs incurred by Bathurst Regional Council, in a matter before the NSW Court of Appeal regarding the ability of councils to enter into contracts that include fees for services.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 31 May 2016

**Item: 104**                      **SS - March 2016 Quarterly Budget Review Statement - (95496, 96332)**

**Previous Item:**            83, Extraordinary (23 June 2015)

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### REPORT:

#### Executive Summary

Within two months of the end of each quarter, Council is required to review its progress in achieving the financial objectives set out in its Operational Plan. This report and the relevant attachment provide information on Council's financial performance and financial position for the third quarter of the 2015/2016 financial year, and the resulting financial position including the Budget variations proposed.

The Quarterly Budget Review Statement - March 2016 (QBRS) recommends a number of variations that result in a balanced budgeted position being maintained.

#### Consultation

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

#### Background

Council adopted its Operational Plan for 2015/2016 on 23 June 2015.

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the Council a Budget Review Statement within two months after the end of each quarter (except the June quarter).

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010, and is attached as Attachment 1 to this report.

#### Financial Position

Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of income and expenditure for the year to be prepared by reference to the estimate of income and expenditure set out in the Operational Plan for the year.

The QBRS recommends Budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains a satisfactory short term financial position for Council. The Responsible Accounting Officer Statement is included in the attachment to this report.

The report and attachment provide details on the major Budget variations proposed in this QBRS and provide a list of variations requested.

The more significant items of the March 2016 QBRS include:

#### Favourable Adjustments

- ***Development Income – Net Favourable Variance \$101K***

In line with income received for applications to vary Council's LEP, a favourable variance of \$156K is included, as the rate of applications has increased since the Original Budget was developed. This increased activity has resulted in the redirection of resources to meet the associated increase in workload. As a result, the swimming pool inspection program has been impaired, resulting in an income shortfall of \$24K.

## ORDINARY MEETING

Meeting Date: 31 May 2016

An unfavourable trend has been observed in both Section 603 Certificate income and Complying Development Certificate income, requiring variations of \$15K and \$16K, respectively. These adjustments, resulting in a net increase in income of \$101K relating to Development Income, are included in this QBRS.

- **General Rates Income – Favourable Variance \$44K**

A favourable adjustment of \$44K has been included in this QBRS in relation to general rates income. The amount budgeted for rates income for 2015/2016 was based on the number of properties and associated land values at the time the Original Budget was being developed. This variance has resulted from the generation of additional rateable assessments, as a result of subdivisions and new development since that time.

- **Vehicle Changeover Costs – Net Favourable Variance \$44K**

In line with sales income received and purchase prices paid for leaseback vehicles and public works plant, a net favourable variance of \$44K is included in this QBRS.

### Unfavourable Adjustments

- **Workers Compensation – Unfavourable Variance \$89K**

As a result of several claims requiring surgery, an unfavourable variance of \$89K is included in this QBRS. As at the end of the reporting period, \$205K had been expended against a FY Budget of \$171K. This variance is to cover both this over-expenditure and for claims forecasted for the remainder of the financial year.

- **Regulatory Services Income – Net Unfavourable Variance \$104K**

Included in this QBRS is a net unfavourable variance of \$53K in relation to car-parking fines, mainly due to reduced activity resulting from the redirection of staff to compliance activities (i.e. illegal dumping). As a result of this redirection, an additional \$29K over the amount budgeted was received from infringement penalties issued.

In line with the trend observed for inspection of Sewerage Management Facilities, the income budget associated with these inspections has been reduced by \$55K, having achieved \$100K as at the end of the reporting period, as against \$139K projected for the same period. This downturn is also attributed to the redirection of staff towards compliance activities.

A net unfavourable variance of \$25K is incorporated in this QBRS in relation to Animal Control. Due to an increased focus on returning companion animals to their owners, animal sales are less than estimated, with the projected income being \$32K less than the Original Budget. This is partly offset with an increase in fines, being \$7K over the FY Budget as at the end of the reporting period.

### Other Adjustments

A number of cost neutral adjustments involving unbudgeted income and/or expenditure have been included in this QBRS.

- **Capital Drainage Works**

While undertaking the Hawkesbury/Johnson Street Drainage Project, unidentified utilities were encountered, which required the scope of works to be increased, resulting in an additional \$50K being required to complete the project. The additional works are funded from the kerb, guttering and drainage maintenance budget.

## ORDINARY MEETING

Meeting Date: 31 May 2016

In order to minimise pavement reconstruction required due to the works required as part of the Chapel Street Drainage Project, an additional \$24K of works were undertaken. A redirection of funds from the Road Rehabilitation – Various Location Project is included in this QBRS, to fund the additional amount required.

- ***Childcare Centre and Oasis Aquatic and Leisure Centre Refurbishment Works***

Council conducted a tender process for Section 94 works to be completed at Wilberforce Long Day Care Centre, Windsor Preschool, McGraths Hill Child Care Centre and the Oasis Aquatic and Leisure Centre. Due to requirements under respective Development Applications, the total contract costs as determined via the tender process exceeded funding available for these projects by \$73K. It is proposed that this additional cost be funded from: savings achieved in Security Panel Upgrade (\$23K) and Depot Plant Shelter (\$17K) projects; deferral of the St Albans Septic Tank Replacement project (not required at this stage) of \$20K; and deferral of North Richmond Neighbourhood Centre project, (future upgrades scheduled for 2018) of \$13K.

- ***Removal of Playground Equipment***

On 8 December 2015, Council resolved to remove playground equipment at Birk Place, Bligh Park; Ian Street, Glossodia; and Mitchell Drive, Glossodia; due to issues regarding safety standards. Included in this QBRS, is the \$11K required to undertake this work, with the budget reallocated from infrastructure upgrades funding.

- ***Grants – Additional works and programs totalling \$1.1M***

A number of adjustments relating to grant funding successfully secured by Council, are included in this QBRS. These adjustments have a nil effect on the Budget position, as amounts included for income have a corresponding amount for expenditure. The securing of grant funding assists Council to undertake works otherwise not funded through Council's available funds.

The major adjustments relating to grant funding are outlined below:

- *Replacement of West Portland Road Bridge* – Council has received advice from the Department of Infrastructure and Regional Development that \$920K will be received for the replacement of West Portland Road Bridge, as part of the Bridges Renewal Program – Round Two.
- *Public Library Infrastructure* – Council has received grant funding of \$129K from State Library NSW to update the Regional Library's layout, customer service points and furniture, as part of Council's Library Reinvigoration– from Collection to People Focus Project.
- *Southern Phone Company Community Funding Grants* – Included in this QBRS is grant funding of \$25K from Southern Phone Company, which was allocated to seven local community groups within the Hawkesbury Local Government Area.

- ***Reserve Funded Adjustments***

The following adjustments are within internally or externally restricted funds, and consequently have nil impact on Council's overall position:

- *Section 94A Reserve* – the FY Budget was increased by \$222K, in line with total developer contributions received as at the end of the reporting period.
- *Section 64 Reserve* – In line with S64 Contributions received, an adjustment of \$38K is included in this QBRS.
- *Local Infrastructure Renewal Scheme (LIRS) Reserve* – In order to match grant funding for the West Portland Road Bridge project, a timing adjustment has been included in the QBRS, bringing forward \$153K to 2015/2016.

## ORDINARY MEETING

Meeting Date: 31 May 2016

- *Bligh Park Reserve* – Landscape embellishments within Bligh Park, totalling \$162K has been included in this QBRs.
- *Energy Efficiency Reserve* – An amount of \$67K is included in this QBRs for energy efficiency works at Wilberforce Long Day Care Centre, Windsor Pre-school and Oasis Aquatic and Leisure Centre, which complements works already scheduled as part of the Section 94 works program for 2015/2016.
- *Contingency Reserve* – In line with a Council Resolution made on 28 January 2016, an amount of \$12K has been included in this QBRs, for an information campaign regarding the Hawkesbury and The Hills (part) Merger Proposal.
- *Heritage Reserve* – In order to participate in Colonial Heritage Mobile App Project, Council resolved to allocate \$5K to this project, to be funded from the Heritage Reserve. Adjustments for this allocation have been made as part of this QBRs.
- *Domestic Waste Management Reserve* – Due to increased usage of both recycling and garden organics collection services, in conjunction with the impact of quarterly indexation, a net unfavourable variance of \$245K has been incorporated in this QBRs.
- *Waste Management Facility Reserve* – It has been determined that the current landfill cell has sufficient capacity to continue service provision, and that construction of a new landfill cell could be deferred. In accordance with this determination, \$1.5M has been removed from the 2015/2016 Budget. The \$103K budget for the hire of an external tipper has also been removed, having been replaced by internal plant available.
- *Sewerage Reserves* – Unfavourable variances are included in this QBRs for emergency or unforeseen works relating to Sewerage assets and operations. This includes \$24K relating to legal costs associated with a sewerage sludge spill, \$77K for the upgrade of computer systems and hardware, \$130K for additional desludging, \$74K for reactive capital works, and \$448K in relation to reactive operational works. Some of the reactive works relate to lightning strikes and unforeseen noise abatement intervention was also required. These variations are in line with projected end of year expenditure.

Also included, is a favourable variance of \$30K due to lower plant replacement costs than projected. To align the 2015/2016 Budget with anticipated project timing in relation to the Upgrade of Pump Station C, \$1.9M has been deferred to 2016/2017.

In light of the adjustments above, a net adjustment of \$33K to reduce interest income relating to sewerage reserves is also included in this QBRs.

The QBRs includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.

### Conformance to the Hawkesbury Community Strategic Plan

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

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

### Funding Implications

Funding and budget impacts have been specified within this report and attachment.

**ORDINARY MEETING**

**Meeting Date:** 31 May 2016

**RECOMMENDATION:**

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – March 2016 be adopted.

**ATTACHMENTS:**

**AT - 1** The Quarterly Budget Review Statement – March 2016 - *(Distributed under separate cover)*

**oooO END OF REPORT Oooo**



## ORDINARY MEETING

Meeting Date: 31 May 2016

Item: 105                      SS - Pecuniary Interest Returns - Designated Persons - (96596, 96333)

### REPORT:

#### Executive Summary

The Local Government Act 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding two Returns recently lodged with the General Manager by Designated Persons. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

#### Consultation

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

#### Background

Section 450A of the Local Government Act 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1.    *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*
2.    *Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:*
  - (a)    *In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
  - (b)    *In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
  - (c)    *In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting as outlined in subsections (a), (b) and (c).

With regard to Section 450(2)(a), the following Section 449(1) Returns have been lodged:

Position	Return Date	Date Lodged
Environmental Health Officer	22 February 2016	19 May 2016
Environmental Health Officer	22 February 2016	25 February 2016

The above Designated Persons have lodged their Section 449(1) Returns prior to the due date (being three months after the Return Date), as required by the Act for the receipt of the Returns.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Returns are available for inspection if requested.

## **ORDINARY MEETING**

**Meeting Date:** 31 May 2016

### **Conformance to the Hawkesbury 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.

### **Financial Implications**

No financial implications applicable to this report.

### **RECOMMENDATION:**

That the information be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 31 May 2016

**Item: 106**                      **SS - Review of Council's Investment Policy and Appointment of Investment Advisor - (95496, 96332)**

**Previous Item:**            94, Ordinary (30 June 2015)

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### REPORT:

#### Executive Summary

Council's current Investment Policy was adopted by Council at the meeting of 30 June 2015. The Investment Policy is to be reviewed at least once a year, or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of the Policy. Any amendment to the Investment Policy must be by way of Council resolution.

The Investment Policy, adopted on 30 June 2015, has been reviewed to ensure applicable legislative changes are taken into account and addressed if necessary. There are no amendments recommended to the current Investment Policy as a result of legislative changes.

This report is being submitted to satisfy the requirements of the then Division of Local Government (DLG) Guidelines, issued in May 2010, with regard to the annual review of Council's Investment Policy. Also, in line with the DLG Guidelines, Council's approval is sought to appoint Council's Independent Investment Advisor.

This report recommends that the Investment Policy be adopted and that Spectra Financial Services Pty Ltd be appointed as Council's Independent Investment Advisor.

#### Consultation

The Policy which is the subject of this report is being reported to Council in accordance with legislative requirements. The report recommends no changes to the Investment Policy adopted on 30 June 2015. Under these circumstances it is considered that public consultation is not required.

#### Background

On 25 May 2010, the then Division of Local Government (DLG) issued Investment Policy Guidelines to assist councils with the preparation of an Investment Policy and the prudent and appropriate management of Council's surplus funds. The Guidelines, issued under Section 23A of the Local Government Act 1993 (the Act), apply to all general purpose and special purpose councils in New South Wales. On 17 February 2011, Circular No.11-01 was issued by the DLG, advising that a revised Investment Order pursuant to Section 625 of the Local Government Act 1993 had been issued.

Council's current Investment Policy, adopted 30 June 2015, is in line with the Guidelines and the subsequent legislative changes referred to above. As at the time of preparing this report, there were no relevant legislative changes since the adoption of the current Investment Policy on 30 June 2015.

The proposed Policy is in line with the legislative requirements above.

**Investment Policy**

The purpose of the Investment Policy is to establish the guidelines that Council adopts in investing funds surplus to cash flow requirements. The objectives of this Policy are:

1. To comply with the legislative requirements and regulations relevant to the management of Council's investments;
2. To maximise returns to Council consistent with all requirements of the Policy.
3. To preserve the capital of the investment portfolio. Investments are to be placed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters;
4. To ensure the investment portfolio has sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment;
5. To establish a framework for monitoring the investments. The investment portfolio is expected to achieve a predetermined market average rate of return that takes into account Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles; and
6. To confirm delegations and other relevant governance matters in relation to Council's investments.

Under Council's Investment Policy all investments are made in accordance with:

- The Local Government Act 1993 - Section 625
- The Local Government (General) Regulation 2005 – Clause 212
- The Local Government Act 1993 - Order (of the Minister) dated 12 January 2011 and gazetted 11 February 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
- The Local Government Code of Accounting Practice and Financial Reporting
- Office of Local Government Circulars
- Australian Accounting Standards
- Council resolutions.

A permanent guarantee cap, per account holder, per Authorised Deposit Taking Institution (ADI), of \$250,000, has been in place since 1 February 2012. The Financial Claims Scheme (FCS) protects depositors by guaranteeing deposits (up to the cap) held in ADIs incorporated in Australia, and allows quick access to deposits if an ADI becomes insolvent. Council's current Investment Policy, Clause 7, stipulates what constitutes approved investments. This Clause also specifies the limits applicable to investments with ADIs which are not major trading Australian Banks or a wholly owned subsidiary thereof. The current Policy allows investments with ADIs falling within this category up to the limit covered by the FCS. It is proposed that the Policy remains unchanged with regards to this matter.

The Draft Investment Policy is attached as Attachment 1 to this report.

The attached Investment Policy provides a framework within which investment decisions are made. Permitted investments, risk management, diversification, term, and liquidity considerations are addressed within the attached Policy. The requirements regarding measurement, benchmarking, reporting and reviewing of Council's Investments are also addressed.

## ORDINARY MEETING

Meeting Date: 31 May 2016

Council's Independent Investment Advisor, Spectra Financial Services Pty Ltd., has reviewed and endorsed the attached Investment Policy. Written confirmation dated 24 May 2016, has been received and is, in part, as follows:

*"I have reviewed the draft Investment Policy that is proposed to be adopted by Council at its May 31<sup>st</sup> meeting and confirm that it accords with current Office of Local Government Guidelines and that it is an appropriate policy for Council's use.*

*In our view, the policy is consistent with the conservative approach required for the stewardship of the restricted and unrestricted reserve monies council is responsible for."*

### **Appointment of Investment Advisor**

Council appointed its current Investment Advisor, Spectra Financial Services Pty Ltd at its meeting on 30 June 2015.

Spectra Financial Services Pty Ltd. representatives meet with Council senior staff on a regular basis to review and discuss Council's investment portfolio, as well as provide advice on the strategy for future investments. Spectra Financial Services Pty Ltd. have been of great assistance to Council's staff in ensuring that Council's investments are compliant with relevant legislation and Policy at all times, whilst achieving an appropriate balance between risk and return when placing investments.

Council has been provided with the relevant documentation with regard to the Advisor's licensing requirements and independence requirements.

Spectra Financial Services Pty Ltd was granted the Australian Financial Services Licence (AFS Licence) on 10 March 2004 by ASIC. The licence is current as of May 2016, and will be the licence Council's advisor will be operating under.

In May 2016, Spectra Financial Services Pty Ltd also provided Council with a written confirmation stating that they remain totally independent of any product provider and financial institution or any other party or arrangement that could potentially lead to a loss of its independency or a conflict of interest.

It is recommended that for the financial year ending 30 June 2017, Spectra Financial Services Pty Ltd is appointed as Council's Investment Advisor.

### **Conformance to the Hawkesbury Community Strategic Plan**

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

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

and is also consistent with the nominated strategies in the CSP being:

- Improve financial sustainability
- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations.

### **Financial Implications**

The appointment of an Independent Investment Advisor for the financial year ending 30 June 2017 would be funded from the Financial Services Budget in the 2016/2017 Operational Plan.

**ORDINARY MEETING**

**Meeting Date:** 31 May 2016

**RECOMMENDATION:**

That Council:

1. Adopt the Investment Policy attached as Attachment 1 to the report.
2. Appoint Spectra Financial Services Pty Ltd. as its Independent Investment Advisor for the financial year ending 30 June 2017.

**ATTACHMENTS:**

**AT - 1** Draft Investment Policy - (*Distributed Under Separate Cover*)

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 31 May 2016

ordinary

section 4

reports  
of committees



**ORDINARY MEETING**  
**Reports of Committees**

**ORDINARY MEETING**  
**Reports of Committees**

**SECTION 4 - Reports of Committees**

**ROC**                      **Hawkesbury Civic and Citizenship Committee - 6 April 2016 - (79351, 96972)**

The meeting commenced at 6:30pm in Council's Large Committee Room.

- Present:**                      Councillor Kim Ford (Mayor)  
                                      Councillor (Dr) Warwick Mackay OAM  
                                      Mr Barry Adams, Community representative  
                                      Miss Elizabeth Hitches, Community representative  
                                      Windsor RSL representative  
                                      Professor Ian Jack, Historical Society Representative - (Cultural Heritage Award Only)
- Apologies:**                Councillor Mike Creed JP  
                                      Mr David Bertenshaw (Hawkesbury Sports Council representative)  
                                      Mr Greg Thompson (Richmond Club representative)
- In Attendance:**          Ms Sonia Porter - Corporate Communication Manager  
                                      Ms Jillian Bentham - Events and Community Engagement Coordinator

**RESOLVED** on the motion of Mr Tony Jeffcott and seconded by Miss Elizabeth Hitches that the apologies be accepted.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr Barry Adams and seconded by Miss Elizabeth Hitches that the Minutes of the Hawkesbury Civic and Citizenship Committee Meeting held on Wednesday, 15 February 2016, be confirmed.

**Attendance Register of Hawkesbury Civic and Citizenship Committee**

Member	3/12/2014	15/4/2015	9/12/2015	15/2/2016	6/4/2016
Councillor Kim Ford	✓	✓	✓	✓	✓
Councillor Warwick Mackay OAM	✓	✓	✓	✓	✓
Councillor Mike Creed	A	✓	✓	A	A
Mr Barry Adams	✓	✓	✓	✓	✓
Mr David Bertenshaw	✓	✓	✓	✓	A
Miss Elizabeth Hitches	N/A	N/A	✓	✓	A
Richmond Club Representative	✓	✓	A	A	A
Windsor RSL Representative	N/A	N/A	N/A	N/A	✓
Historical Society Representative – Ian Jack (Cultural Heritage Award Only)	✓	N/A	✓	N/A	N/A

**Key:**    **A** = Formal Apology    ✓ = Present    x = Absent - no apology

**SECTION 2 - Reports for Determination**

**Item 1:                   Determination of 2016 Hawkesbury Sports Awards Winners - (96972)**

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**MOTION:**

RESOLVED on the motion of Miss Elizabeth Hitches and seconded by Mr Barry Adams.

***Refer to COMMITTEE RESOLUTION***

**COMMITTEE RESOLUTION:**

RESOLVED on the motion of Miss Elizabeth Hitches and seconded by Mr Barry Adams.

That Sarah Jordan be awarded 2016 Sports Person of the Year.

**MOTION:**

RESOLVED on the motion of Mr Tony Jeffcott and seconded by Mr Barry Adams.

***Refer to COMMITTEE RESOLUTION***

**COMMITTEE RESOLUTION:**

RESOLVED on the motion of Mr Tony Jeffcott and seconded by Mr Barry Adams.

That:

1.     Ashleigh Hill be awarded 2016 Junior Sports Person of the Year.
2.     Frederick Peters be awarded an encouragement award.

**MOTION:**

RESOLVED on the motion of Mr Barry Adams and seconded by Mr Tony Jeffcott.

***Refer to COMMITTEE RESOLUTION***

**COMMITTEE RESOLUTION:**

RESOLVED on the motion of Mr Barry Adams and seconded by Mr Tony Jeffcott.

That Sandy Freeman be awarded 2016 All Abilities Sports Person of the Year.

**ORDINARY MEETING**  
**Reports of Committees**

**MOTION:**

RESOLVED on the motion of Miss Elizabeth Hitches and seconded by Mr Tony Jeffcott.

***Refer to COMMITTEE RESOLUTION***

**COMMITTEE RESOLUTION:**

RESOLVED on the motion of Miss Elizabeth Hitches and seconded by Mr Tony Jeffcott.

That KSTP National Tumbling Team be awarded 2016 Team of the Year.

**MOTION:**

RESOLVED on the motion of Mr Barry Adams and seconded by Miss Elizabeth Hitches.

***Refer to COMMITTEE RESOLUTION***

**COMMITTEE RESOLUTION:**

RESOLVED on the motion of Mr Barry Adams and seconded by Miss Elizabeth Hitches.

That Donna Keith be awarded 2016 Official of the Year.

**MOTION:**

RESOLVED on the motion of Mr Tony Jeffcott and seconded by Mr Barry Adams.

***Refer to COMMITTEE RESOLUTION***

**COMMITTEE RESOLUTION:**

RESOLVED on the motion of Mr Tony Jeffcott and seconded by Mr Barry Adams.

That Clarence Rodrigues be awarded 2016 Coach of the Year.

**MOTION:**

RESOLVED on the motion of Miss Elizabeth Hitches and seconded by Mr Barry Adams.

***Refer to COMMITTEE RESOLUTION***

**COMMITTEE RESOLUTION:**

RESOLVED on the motion of Miss Elizabeth Hitches and seconded by Mr Barry Adams.

That Aaron Donaldson be awarded a Sporting Excellence Medallion.

**ORDINARY MEETING**  
**Reports of Committees**

**MOTION:**

RESOLVED on the motion of Mr Tony Jeffcott and seconded by Miss Elizabeth Hitches.

***Refer to COMMITTEE RESOLUTION***

**COMMITTEE RESOLUTION:**

RESOLVED on the motion of Mr Tony Jeffcott and seconded by Miss Elizabeth Hitches

That Jaime Cruickshank, Helen Palmer and Kerry Wagner be awarded a Service to Sport Medallion.

**SECTION 3 - Reports for Information**

Nil

**SECTION 4 - General Business**

**Item 1:                   2016 Hawkesbury Sports Awards Presentation**

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**DISCUSSION:**

- Council staff advised preparation was underway for the 2016 Hawkesbury Sports Awards Presentation to be held on Friday, 13 May 2016 at Windsor RSL Club.
- Council staff requested feedback on the order of proceedings for the presentation dinner. The Committee agreed to distributing the presentation of awards throughout the evening and between service of meals. The Committee also felt it would be appropriate to present awards in the reverse order to that presented in the business paper.
- Guest speaker, MC and music options were discussed. Council staff will make further enquiries regarding obtaining a guest speaker/MC. Committee members suggested contacting Liz Ellis.
- The Committee expressed the importance of having a photographer for the Presentation Dinner.
- The Committee requested Council staff utilise audio visual equipment at the RSL to run a slideshow using images supplied with nominations to acknowledge all nominees at the Dinner. Council staff will also arrange for all nominees to receive a letter acknowledging their nomination in the awards.
- The Committee requested recipients receive a medal, congratulatory letter from the Mayor and a certificate.

**SECTION 5 - Next Meeting**

To be advised.

The meeting terminated at 7:55pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**Reports of Committees**

**ROC**                      **Floodplain Risk Management Advisory Committee - 14 April 2016 - (95498, 86589)**

The meeting commenced at 3:59pm in Council Chambers.

- Present:**                      Councillor Bob Porter, Chairperson  
Mr Les Sheather, Deputy Chairperson  
Councillor Mary Lyons-Buckett, Hawkesbury City Council  
Councillor Jill Reardon, Hawkesbury City Council  
Mr Trevor Devine, Community Representative  
Mr Kevin Jones, SES  
Mr Geoffrey Bessell, Community Representative
- Apologies:**                      Mr Ted Books OAM, Community Representative  
Mr Damian Moon, Community Representative  
Councillor Kim Ford, Hawkesbury City Council  
Councillor (Dr) Warwick Mackay OAM, Hawkesbury City Council  
Mr Peter Cinque OAM, SES  
Snr Inspector Robert Bowman, Department of Primary Industries  
Mr Harry Panagopoulos, Office of Environment and Heritage
- In Attendance:**                      Mr Matthew Owens, Hawkesbury City Council  
Mr Philip Pleffer, Hawkesbury City Council  
Mr Chris Amit, Hawkesbury City Council  
Mr Andrew Kearns, Hawkesbury City Council  
Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

**REPORT:**

**RESOLVED** on the motion of Councillor Reardon and seconded by Mr Bessell that the apologies be accepted.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Councillor Reardon and seconded by Mr Sheather that the Minutes of the Floodplain Risk Management Advisory Committee held on 18 February 2016, be confirmed.

**Attendance Register of Floodplain Risk Management Advisory Committee**

Member	03.12.15	18.02.16	14.04.16		
Councillor Bob Porter - Chairperson	✓	✓	✓		
Mr Les Sheather - Deputy Chairperson	✓	✓	✓		
Councillor Kim Ford	✓	A	A		
Councillor Mary Lyons-Buckett	✓	A	✓		
Councillor Jill Reardon	✓	✓	✓		
Councillor (Dr) Warwick Mackay OAM	✓	✓	A		
Mr Peter Cinque OAM - (SES Sydney Western Division)	A	X	A		
Mr Harry Panagopoulos - (Office of Environment and Heritage)	✓	✓	A		
Ms Kirstan Smeicher - (Dept of Defence)	A	X	X		
Snr Inspector Robert Bowman - (Industry & Investment NSW) - Primary Industries	A	X	A		
Mr Kevin Jones - (SES Headquarters)	✓	A	✓		
Mr Geoffrey Bessell - (Community Member)	A	A	✓		
Mr Damian Moon - (Community Member)	A	✓	A		
Mr Trevor Devine - (Community Member)	✓	✓	✓		
Mr Ted Books OAM - (Community Member)	✓	A	A		

**Key:**                      A = Formal Apology

✓ = Present

X = Absent - no apology

**SECTION 3 - Reports for Determination**

**ITEM: 1                    FRMAC - Declarations of Interest - (86589)**

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**RECOMMENDATION TO COMMITTEE:**

That:

1.     General disclosures of interest listed in this report be received.
2.     Other specific disclosures of interest be declared if deemed appropriate.

**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Mr Devine.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1.     General disclosures of interest listed in this report be received.
2.     Other specific disclosures of interest be declared if deemed appropriate.

**SECTION 4 - Reports for Information**

**ITEM: 2                    FRMAC - Update on Floodplain Management Grants Program - (86589)**

**Previous Item:**     2, FRMAC (18 February 2016)

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*Mr Kearns, Manager Strategic Planning, introduced himself to the Committee.*

**DISCUSSION:**

- Mr Devine asked what steps would be taken once houses were identified as suitable for raising.

Mr Owens responded the Office of Environment and Heritage would be approached as that organisation offers a grant scheme for Voluntary House Raising.

- Mr Devine raised concern many home owners of affected properties may not be in a position to make a financial contribution.
- Mr Sheather asked if the raising of houses would alter insurance policies.

Mr Owens advised that some insurance companies have advised that with detailed information from Council, insurance premiums can be tailored to individual allotments so if a house was raised and its flooding frequency reduced, the insurance premiums would be reduced.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Lyons-Buckett.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the information be received.

**SECTION 5 - General Business**

- The Chair made reference to the new local Member for Hawkesbury (Dominic Perrottet MP) and advised he believed it imperative that he be made aware of the various issues brought to this Committee.
- The Chair referred to the pending report being prepared by the Taskforce and raised concern the Minister had referred to Sackville Gorge as being 100km long, and the Chair believed it was less than 1/2km. The Chair made reference to the Brisbane floods, advising the Brisbane River was previously dredged for 100 years for navigation and mitigation and dredging had now recommenced and the Wivenhoe Dam used for mitigation. The Chair added Warragamba Dam was intended to be used for flood mitigation and suggested that the local Member and the Premier be advised of those facts.
- Mr Devine asked if any steps had been taken to correct the perception of the Taskforce that the gorge was 100km long.

Mr Owens responded that issue had been raised and advised hundreds of experts were involved in preparing the Taskforce report, and those experts had access to topographic maps, satellite imagery etc.

- The Committee generally agreed there appeared to be an anomaly in relation to the definition of the Sackville gorge and its length and sought clarification as to how the Taskforce reached the conclusion the gorge was 100km long.
- The Chair offered to take Mr Perrottet on his boat from Windsor to Wisemans Ferry to show him, firsthand, the choking points of the navigable channel, and added the channel at the present time was less than 100m wide.



**ORDINARY MEETING**  
**Reports of Committees**

**MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Mr Devine.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The Committee invite Dominic Perrottet MP - Member for Hawkesbury, to accompany the Chair, Harry Panagopoulos and one other Committee member, on a boat tour down the Hawkesbury River (Windsor to Wisemans Ferry), to examine the impacts of flooding of the river.
2. Staff write to the Taskforce to ascertain the criteria used in its reference to Sackville Gorge being 100km in length.
- Mr Owens advised the Committee that a number of planning proposals had been refused at the Gateway by the Department of Planning and Environment until such time as the Taskforce Report and NSW Cabinet endorsed actions have been released and regional flood evacuation issues were adequately addressed.

The meeting closed at 5pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**Reports of Committees**

**ROC Sustainability Advisory Committee - 18 April 2016 - (126363)**

The meeting commenced at 5pm in Council Chambers.

<b>Present:</b>	Councillor Mary Lyons-Buckett, Chairperson Mr John Street, Deputy Chairperson Councillor Leigh Williams, Hawkesbury City Council Ms Jean Downie, Community Member Ms Jen Dollin, University of Western Sydney
<b>Apologies:</b>	Ms Vickii Lett, Community Member Ms Janice Bagot, Office of Environment and Heritage
<b>In Attendance:</b>	Mr Matthew Owens, Hawkesbury City Council Ms Suzanne Stuart, Hawkesbury City Council Mr Andrew Kearns, Hawkesbury City Council Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

**REPORT:**

*The Chair opened the meeting and introduced Mr Andrew Kearns, Manager Strategic Planning, to the Committee.*

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr Street and seconded by Ms Downie that the Minutes of the Sustainability Advisory Committee held on the 19 October 2015, be confirmed.

**Attendance Register of Sustainability Advisory Committee**

Member	19.10.15	18.04.16		
Councillor Mary Lyons-Buckett	✓	✓		
Councillor Leigh Williams	A	✓		
Ms Jean Downie	✓	✓		
Ms Jen Dollin	A	✓		
Ms Vickii Lett	✓	A		
Mr John Street	✓	✓		
Ms Janice Bagot	X	A		

**Key:**      A = Formal Apology                  ✓ = Present                  X = Absent - no apology

**BUSINESS ARISING FROM PREVIOUS MINUTES**

- Mr Street referred to discussion at the last meeting in relation to Council's ability to map and monitor koala movements in the Hawkesbury and to the advice that staff attendance would be considered at a Southern Highlands meeting for further consideration.

## ORDINARY MEETING

### Reports of Committees

Ms Stuart advised she was not aware of any further invitation to attend those meetings and advised a response in relation to koala matters had been produced at the back of the business paper, in general business.

- Councillor Williams raised further discussion in relation to procuring more sustainable vehicles for Council's staff.
- Mr Street asked if the Committee could make recommendation to Council to consider the use of more economic and fuel efficient vehicles for Council staff.

Mr Owens responded the fleet was reviewed each year and due to the merger proposal a review had not taken place this year as Council was not permitted to commit to undertake certain matters at the present time. Mr Owens added the matter of Council's fleet for the Mayor and contract staff was not a policy matter, but an employment contract matter.

### SECTION 4 - Reports for Information

#### Item: 1                      SAC - Community Education Projects - (126363)

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#### DISCUSSION:

- Discussion arose regarding agricultural food production and identification of key agricultural lands in the Hawkesbury and Ms Dollin suggested Hawkesbury Harvest be approached as a starting point to ascertain what data was available.
- Ms Dollin advised she had a meeting scheduled with the Office of Environment and Heritage (OEH) and suggested she speak with that authority to discuss ways the Committee could work more collaboratively and share information. The Committee agreed and Ms Dollin advised she would raise the Committee's issues with the OEH with the goal of ascertaining other sources of funding opportunities. Ms Dollin advised she would report back to the Committee once information became available.

Ms Dollin added Professor Phil O'Neil from Western Sydney University had been involved with the Feeding Sydney project and suggested the Professor would be a valuable contact.

- Mr Street referred to the Committee's Constitution and noted the membership clause which provided for a representative from the Department Primary Industries (DPI). Mr Street noted the Committee had no representation from the DPI and stated the Committee would benefit from input from the DPI as that organisation was the relevant authority in relation to agriculture in the area.

Mr Owens noted the DPI had been invited to undertake membership of the Committee, however no nomination was received from the DPI.

- Ms Stuart advised she had undertaken a number of discussions with Andrew Docking from the DPI regarding gathering data in relation to agricultural uses and advised that compiling the data was complex.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Mr Street seconded by Ms Dollin.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the:

1. Information be received.
2. Committee supports the six options for promoting and educating the community on Council's sustainability projects as outlined in the report, and requests those options be pursued prior to the next meeting.
3. Council be congratulated for promoting its sustainability and community education projects as a regular feature in the Community Newsletter.

**SECTION 5 - General Business**

The Committee raised further queries and discussion in relation to the following *Questions from Previous Meeting* (as listed in the SAC Business Paper).

**Q 1 Koala Mapping**

To be further followed up with Ms Lett at the next meeting (absent from this meeting).

- It was advised Council had submitted a letter of support to National Parks & Wildlife Service in March 2016 for the *Save Our Species* grant application. An acknowledgement of that correspondence was yet to be received.
- It was advised HCC staff would set up online koala tools including a koala tab on the Hawkesbury City Council website and a link to *Science for Wildlife* website to record koala sightings in the Hawkesbury.

**Q 2 RID Squad**

- Mr Street asked why other Councils found it cost effective to enlist assistance from the RID Squad and Hawkesbury Council did not.

Mr Owens responded it was logistically difficult due to the Hawkesbury LGA being so large and more resources were required to pursue convictions (e.g. travelling etc.).

- It was advised HCC staff would provide information on the number of fines from the illegal dumping blitz recently conducted by Council.

**Q 3 Earthcare Centre**

- Ms Dollin confirmed the Centre had been given 12 months stay on the premises on the proviso that the review at the end of the 12 months was favourable.

**ORDINARY MEETING**  
**Reports of Committees**

**Q 4 Weed Infestation Putty Road**

To be further followed up with Ms Lett at the next meeting (absent from this meeting).

**Other General Business:**

- The Chair referred to an email sent to the Committee by Mr Kearns advising the NSW Government was inviting comments for a Discussion Paper in relation to proposed initiatives to enhance and conserve marine biodiversity in the Hawkesbury Shelf Marine Bioregion. The Chair noted submissions were open until 24 April 2016.

Discussion arose as to whether individual submissions or a collective submission by the Committee (or Council) would be more appropriate.

- Mr Street asked if the actions identified in the Upper Hawkesbury Coastal Zone Management Plan (CZMP), previously workshopped by Ms Stuart, may be useful in making a submission.

Ms Stuart advised 39 actions came out of the CZMP and advised the information in that Plan was quite specific and detailed, being at a local level, and added it would be beneficial for the (Marine) Authority to be made aware of Council's CZMP.

Ms Stuart advised she would follow up with the Lower Hawkesbury Estuary Management Committee (Hornsby Shire Council), in relation to its Lower Hawkesbury CZMP, to ascertain if that Council was considering putting forward a submission.

**MOTION:**

RESOLVED on the motion of Ms Dollin, seconded by Mr Street.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. Hornsby Shire Council be contacted to ascertain if it was considering putting forward a submission in relation to the Hawkesbury Shelf Marine Bioregion discussion paper.
2. The Marine Estate Management Authority be informed this Council had previously prepared, adopted and was implementing the Upper Hawkesbury River Estuary Coastal Zone Management Plan.

The meeting closed at 6:24pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
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**ROC                      Local Traffic Committee - 9 May 2016 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 9 May 2016, commencing at 3pm.

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<b>Present:</b>	Councillor Kim Ford (Chairman) Snr Constable Rob Wright, NSW Police Force Ms Robyn Preston, Office of Member for Hawkesbury Mr James Suprain, Roads and Maritime Services Mr Steve Grady, Busways
<b>Apologies:</b>	Inspector Ian Woodward, NSW Police Force Ms Jill Lewis, NSW Taxi Council
<b>In Attendance:</b>	Mr Chris Amit, Manager Design and Mapping Services Ms Judy Wong, Community Safety Co-ordinator Ms Sophie Barrett, Special Events Co-ordinator Ms Cathy Mills, Personal Assistant, Infrastructure Services Mr Ralph Harlander, Taxi Driver, Local Taxi Company Representative

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RESOLVED on the motion of Snr Constable Rob Wright, seconded by Mr James Suprain that the apologies be accepted.

**SECTION 1 - Minutes**

**Item 1.1              Confirmation of Minutes**

The Committee resolved on the motion of Mr James Suprain, seconded by Mr Christopher Amit that the minutes from the previous meeting held on Monday, 14 March 2016 be confirmed.

**Item 1.2              Business Arising**

There was no Business Arising.

**SECTION 2 - Reports for Determination**

**Item: 2.1              LTC - Bridge to Bridge Water Ski Classic, 2016 - (Hawkesbury) - (80245, 74204)**

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**REPORT:**

**Introduction**

An application has been received from the NSW Water Ski Federation Ltd, seeking approval (in traffic management terms) to conduct the Bridge to Bridge Water Ski Classic on Saturday, 26 and Sunday, 27 November 2016.

**ORDINARY MEETING**  
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The event organiser has advised:

- The Bridge to Bridge Water Ski Classic is an annual water ski racing event along the Hawkesbury River extending from Dangar Island, Brooklyn to Governor Phillip Park, Windsor.
- This annual event has been held for over 50 years and is a regular feature of the local community calendar in the Hawkesbury area.
- Event Schedule:
  - Saturday, 26 November 2016: 7am – 5pm.
  - Starting at Sackville Ski Gardens and finishing at Governor Phillip Park, Windsor.
  - Sunday, 27 November 2016: 7am – 5pm.
  - Starting at Danger Island Brooklyn and finishing at Governor Phillip Park, Windsor.
- The suspension of ferry services, controlled by the Roads and Maritime Services - RMS (formerly RTA) and Council, is required on Sunday, 27 November 2016:
  - Wisemans Ferry (RMS): 9am to 10:30am and 11:30am to 1pm
  - Webbs Creek Ferry (RMS): 9am to 10:30am and 11:30am to 1pm
  - Lower Portland Ferry (HCC): 9am to 1:30pm
  - Sackville Ferry (RMS): 9am to 1:30pm.
- The suspension of the ferry services is required for safety reasons. Emergency vehicles will be allowed access at all times. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all.
- The number of participants expected is approximately 600 for the event, which includes 150 to 200 boats as in previous years.
- There will be approximately 2,000 spectators for the event at the finish venue in Windsor.
- Parking will be at Governor Phillip Park with additional parking available off street utilising vacant land adjacent to Governor Phillip Park.
- There will be an increase to traffic flow on roads surrounding Governor Phillip Park; however the effect on traffic is not expected to be significant.
- It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road, but historically there have been no issues with traffic in these areas.
- Road closures are not required other than the closure of the approach roads to the four ferries along the Hawkesbury River.
- Advance warning with VMS will be located at:
  - Windsor Road, north of McGraths Road
  - Macquarie Street between Christie Street and Suffolk Street
  - Wilberforce Road at Freemans Reach Road.

## Discussion

The event organiser is seeking Council and Roads and Maritime Services - RMS (formerly RTA) approval for the suspension of the following Ferry Services on Sunday, 27 November 2016:

- Wisemans Ferry (RMS): 9am to 10:30am and 11:30am to 1pm
- Webbs Creek Ferry (RMS): 9am to 10:30am and 11:30am to 1pm
- Lower Portland Ferry (HCC): 9am to 1:30pm
- Sackville Ferry (RMS): 9am to 1:30pm.

The total suspension of the ferries will enable a free flow of competitors across the ferry crossings. The four ferries will be suspended generally between 9am to 1:30pm with the exception of Wisemans Ferry and Webbs Creek Ferry. Due to the close proximity of these two ferries to each other and their position along the reach of the River, they can be managed in a manner that will allow for their operation between 10:30am and 11:30am.

Ferry operations are not affected on Saturday, 26 November 2016, as Wiseman Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens.

Emergency vehicles will be allowed access onto the ferries. Safety vessels with crew will be placed downstream from each ferry with suitable equipment to indicate to competitors that a ferry may be operating and with communication between the boat and the ferry vessel.

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 Roads and Maritime Services - RMS (formerly RTA).

The event will be held principally along the Hawkesbury River with the event organiser requesting exclusive use of the River from the Roads and Maritime Services - RMS (formerly NSW Maritime). The spectators travelling to the event, and in particular to Governor Phillip Park, may impact heavily on the state road network along Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street. Furthermore the suspension of the Ferry services and subsequent road closures leading to the ferries (three RMS Ferries and one HCC Ferry) will have an impact on the adjacent road network in the vicinity of the ferries. The suspension of the RMS ferries is affectively closing 3 State roads. It would be appropriate to classify the event as a **“Class 1”** special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

As the event is classified as a **“Class 1”** event, approval is to be sought directly by the event organiser for any alterations to the operation of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry services from the Transport Management Centre (TMC).

The Transport Management Plan (TMP) and the associated Traffic Control Plans (TCP) are to be submitted to the Transport Management Centre (TMC) for authorisation due to the road closures resulting from the suspension of the HCC and RMS ferries.

The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document Set ID No: 5367636):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval - Application - Checklist
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS)
4. Transport Management Plan (TMP) with a Traffic Control Plan (TCP) dated 2012
5. Site Plan and VMS Location Plan.



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Council resolved to grant the exclusive use of Governor Phillip Park for the event at its meeting on 02 February 2016.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bridge to Bridge Water Ski Classic 2016 event planned for Saturday 26 and Sunday, 27 November 2016 by the NSW Water Ski Federation Ltd, be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "**Class 1**" event and the road closures resulting from the suspension of the HCC and RMS ferries; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**

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- 4e. the event organiser is to **submit Traffic Control Plans (TCP)** which need to include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions **to Council and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000** noting **Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council**;
- 4i. the event organiser is to obtain 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 advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council**;
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4l. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4o. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council**;

#### **During the event:**

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;

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- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route ( including the road closure points for the Ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

#### **Ferry Services**

- 5. The applicant is to seek approval relating to the RMS ferries from the Transport Management Centre (TMC), for the suspension of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services, due to the event being classified as a Class 1 event. There is no objection to the suspension of the Lower Portland Ferry Service.

Suspension of the ferry services on Sunday, 27 November 2016 as listed below:

- Wisemans Ferry (RMS): 9am to 10:30am and 11:30am to 1pm
- Webbs Creek Ferry (RMS): 9am to 10:30am and 11:30am to 1pm
- Lower Portland Ferry (HCC): 9am to 1:30pm
- Sackville Ferry (RMS): 9am to 1:30pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Transport Management Centre (TMC):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b. advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to
  - traffic impact and delays
  - exclusive use of Governor Phillip Park
  - timings of suspension/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 outlined in the TMP are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,

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- 5e. the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension/operation times if necessary.

**APPENDICES:**

**AT - 1** Special Event Application - (ECM Document Set ID No.5367636) - *see attached*

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr James Suprain, seconded by Snr Constable Rob Wright.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bridge to Bridge Water Ski Classic 2016 event planned for Saturday 26 and Sunday, 27 November 2016 by the NSW Water Ski Federation Ltd, be classified as a **"Class 1"** special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);

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- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "Class 1" event and the road closures resulting from the suspension of the HCC and RMS ferries; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit Traffic Control Plans (TCP)** which need to include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions **to Council and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000 noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain 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 advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4l. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**

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- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4o. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

#### **During the event:**

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route ( including the road closure points for the Ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

#### **Ferry Services**

5. The applicant is to seek approval relating to the RMS ferries from the Transport Management Centre (TMC), for the suspension of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services, due to the event being classified as a Class 1 event. There is no objection to the suspension of the Lower Portland Ferry Service.

Suspension of the ferry services on Sunday, 27 November 2016 as listed below:

- Wisemans Ferry (RMS): 9am to 10:30am and 11:30am to 1pm
- Webbs Creek Ferry (RMS): 9am to 10:30am and 11:30am to 1pm
- Lower Portland Ferry (HCC): 9am to 1:30pm
- Sackville Ferry (RMS): 9am to 1:30pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Transport Management Centre (TMC):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council

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- 5b. advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
- traffic impact and delays,
  - exclusive use of Governor Phillip Park,
  - timings of suspension/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 outlined in the TMP are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,
- 5e. the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension/operation times if necessary.

**Item: 2.2      LTC - Parking Review Response to Notice of Motion for Windsor-Richmond and Question Without Notice for Fitzgerald Street, Windsor - (Hawkesbury) - (80245, 79351, 105109, 80105)**

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**REPORT:**

The following matter has been raised by Council resolution relating to parking issues in the Windsor and Richmond area.

- That Council carry out investigations to improve the availability of parking in Windsor and Richmond CBDs including the following:
  - Use of line marking of parking spaces (such as that opposite the Macquarie Arms in George Street, Windsor from The Bridge Cafe to Baker Street).
  - Survey the CBD areas for unused laybacks where driveways are no longer used and the street can be line marked for additional parking.
  - Survey both towns for possible additional parking spaces, such as laybacks wider than required (e.g. Macquarie Arms car park entrance and exit in Baker Street) and line mark to allow sufficient width only for safe ingress and egress.
  - Use landscaping or islands to increase numbers of parking spaces (similar to Kable Street at the Mall)
- Council also sought advice by way of question, and noted that the fire station in Fitzgerald Street has moved and enquired if Council could conduct a review of restricted vehicular parking around the location.

#### Marking of Parking Spaces:

The provision of on-street parking bay delineation was considered in the Windsor Town Traffic Study (July 2011). The recommendation from that Study was that individual delineation of parallel parking spaces not be undertaken. The following comments were made in the Study:

- *"In a street such as George Street, with a total carriageway width of approximately 10.0m, under the relevant Australian Standard, a mid-block parallel parking space would take up 6.6m of kerb length. Many cars will park in less length. While in angle parking situations, marked parking bays are appropriate, with parallel kerbside parking, marked bays tend to reduce the number of cars that can be parked. While marked bays might assist individual drivers manoeuvre into and out of spaces, when the main objective is to maximize the number of parking spaces, the individual delineation of parallel parking spaces is not recommended."*

The existing line marking of parking spaces opposite the Macquarie Arms Hotel in George Street, Windsor, is an isolated occurrence. The line marking was initially undertaken to indicate where the driveways were and since that time additional lines have been added to indicate potential parking spaces. The spacing of the parking spaces do not conform to the current standards and it is proposed to have the lines removed.

As indicated in the previous Traffic Study undertaken, greater efficiencies can be obtained by not having spaces marked for parallel parking.

#### Unused Laybacks:

The survey of kerb lines in relation to unused laybacks and the like has not yielded any additional parking spaces. In accordance with the Australian Road Rule (ARR) No. 198 *"a driver must not stop on or across a driveway or other way of access for vehicles travelling to or from adjacent land"*. This rule only applies where there is a formed driveway that provides access from the road into the adjacent property.

There are minimal unused laybacks in the commercial areas, where the property line fence is either a fence/brick wall or there is a bollard that restricts vehicular access. These laybacks do not provide access to these properties. On this basis, a vehicle is allowed to park across the unused layback in accordance with ARR No. 198.

Whilst unused laybacks could be removed to avoid confusion, this is often not practicable. In George Street Windsor as an example, the kerb line consists of heritage sandstone and it is not considered appropriate to reinstate the sandstone layback to kerb and gutter.

#### Laybacks in Baker Street, Windsor:

Survey indicated that generally the layback widths are in keeping with the requirements to allow for safe manoeuvring in and out of properties. Due to the movement of traffic within the commercial area the driveways at times appear to be wider however this is required to ensure that vehicles are not restricted with access due to vehicles parking too close to the access points.

In relation to the entry and exit laybacks at the Baker Street, Windsor Car Park, changing the width of the entry layback will not result in additional parking as this section of kerb is within a No Stopping zone that provides for safe sight distance for vehicles exiting the car park.

#### Kerb Islands:

There are no potential parking space gains available that have not been realised already. The majority of Pedestrian Crossings already have kerb side islands both to ensure safety at the site as well as ensuring efficiencies within the kerb space.



One site that is currently under review is the pedestrian crossing in West Market Street and Windsor Street, Richmond. It is proposed to reduce the crossing width from four lanes to two lanes. However due to the nature of the site being at an intersection, the potential of kerb side parking gain is not expected.

Fitzgerald Street, Windsor:

An investigation of Fitzgerald Street, Windsor in the vicinity of Union Lane and George Street has indicated that there is a No Stopping zone across the frontage to the Fire Station at No. 19. The opposite side of the road consists primarily of a No Stopping zone with a 7 metre No Parking zone adjacent to the Medical Centre at No. 10. The kerb line across the Fire Station primarily consists of laybacks with a three metre section of Kerb and Gutter between the main two driveways. It is not possible at this stage to change the available parking due to the driveway arrangements as these driveways provide access to the site.

Should the site in future be redeveloped and the access points changed, there may be potential kerb side parking, although the manoeuvring of Buses from the adjacent Bus Zone will need to be taken into account.

Fitzgerald Street between Macquarie Street and Union Lane is limited to some on-street parking and the Bus Zone on one side of the road only. This is mainly due to the road width which is in the order of eight metres. Parking on one side of the road allows for the free flow and safe passage of pedestrian and vehicular traffic. This section of Fitzgerald Street contains two pedestrian crossings, access to the public car park and the side street of Pulsford Lane.

Fitzgerald Street between Union Lane and The Terrace has less pedestrian movement and allows for on-street parking on both sides of the road. Parking on both sides of the road reduces the available travelling width of roadway for vehicles and only allows one vehicle at a time to pass through the parked vehicles. Removing of parking from one side of the road will improve the free flow of traffic but in turn may lead to the increase in travel speed (narrow road leads to a reduction in travel speed).

The parking arrangements along Fitzgerald Street between Macquarie Street and The Terrace are considered satisfactory and no changes are proposed at this stage.

Summary:

The provision of on-street parking bay delineation for parallel parking should not be undertaken and the existing marked bays in George Street, Windsor, opposite the Macquarie Arms Hotel should be removed.

The unused laybacks not providing access to a property should remain in place as they are not reducing the available parking capacity, and it is permissible to park at these locations in accordance with ARR No. 198.

The existing layback widths at the Baker Street car park should remain as any reduction will not increase parking capacity.

There are no potential sites to provide kerb islands to increase the available on-street parking yield with the exception of the site at West Market Street, Richmond, which is to be reviewed in the future.

No changes are proposed to the parking arrangements along Fitzgerald Street between Macquarie Street and The Terrace, Windsor.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The information as contained in this report be noted and received.
2. The existing marked Parking Spaces along George Street, Windsor, opposite the Macquarie Arms Hotel be removed.
3. That on-street parking bay delineation not be implemented and any future opportunities to improve the available parking in the commercial areas of Windsor and Richmond be taken as they arise.
4. The existing parking restrictions in Fitzgerald Street, Windsor between Macquarie Street and The Terrace be retained and the parking arrangements in the vicinity No 19 Fitzgerald Street be reviewed should the site be redeveloped.

**APPENDICES:**

There are no supporting documents for this report.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Snr Constable Rob Wright, seconded by Mr James Suprain.

Support for the Recommendation:          Unanimous support

That:

1. The information as contained in this report be noted and received.
2. The existing marked Parking Spaces along George Street, Windsor, opposite the Macquarie Arms Hotel be removed.
3. That on-street parking bay delineation not be implemented and any future opportunities to improve the available parking in the commercial areas of Windsor and Richmond be taken as they arise.
4. The existing parking restrictions in Fitzgerald Street, Windsor between Macquarie Street and The Terrace be retained and the parking arrangements in the vicinity No 19 Fitzgerald Street be reviewed should the site be redeveloped.

**Item: 2.3          LTC - Sids Stampede 2016 - Windsor (Hawkesbury) - (80245, 125210, 79749, 106039)**

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**REPORT:**

An application has been received seeking approval (in traffic management terms) to conduct the Sids Stampede 2016 - Windsor, on Sunday, 4 September 2016.

The event organiser has advised;

- This is a running (fun run) event and community fair to raise funds for the Westmead Children's Hospital Sids and Sleep Apnoea Department;

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- This is the fifth year the event is being run – the original event was undertaken in 2012;
- Approximately 650 participants are expected for the event;
- Approximately 650 spectators are expected;
- The event will be conducted between 5:30am and 10:30am;
- Participants will arrive at McQuade Park between 6am and 7am;
- Participants vehicles will be parked either on adjacent streets or in McQuade Park and enter the Park via the driveway in Moses Street;
- The start of the event will be in Greenway Crescent approximately 100 metres down from Moses Street. The finish point for the event will be within Howe Park. The finish point in Howe Park will be accessed via Deerubbin Park, with the access point to Deerubbin Park located along Cornwallis Road, approximately 350 metres from Greenway Crescent;
- Details of the roads to be utilised as part of the course:
  - McQuade Park to Greenway Crescent (across Moses Street) = 100 metres,
  - Greenway Crescent from Moses Street to Cornwallis Road = 400 metres,
  - Cornwallis Road from Greenway Crescent to Cornwells Lane = 6,600 metres,
  - Cornwells Lane from Cornwallis Road to Onus/Powells Lane = 2,200 metres,
  - Powells Lane from Cornwells/Onus Lane for a distance of 1,450 metres (turn around point).
- There will be four stages to the event consisting of a 21.1 kilometres run, 10 kilometre run, 5 kilometre run and a 5 kilometre walk;
- Details of each Stage is as follows:
  - Stage 1 = 21.1 kilometre run will commence at 6:30am and will proceed along Greenway Crescent, Cornwallis Road, Cornwells Lane and Powells Lane to the turn-around point. Proceed back along Powells Lane, Cornwells Lane and Cornwallis Road to the access point to Deerubbin Park. Enter the Park and proceed through the Park along the pedestrian bridge over Rickabys Creek to the finish line at Howe Park.
  - Stage 2 = 10 kilometre run will commence at 7am and will proceed along Greenway Crescent and for a distance of 4.7 kilometres along Cornwallis Road. Turn around and proceed back along Cornwallis Road to the access point to Deerubbin Park. Enter the Park and proceed through the Park along the pedestrian bridge over Rickabys Creek to the finish line at Howe Park.
  - Stage 3 = 5 kilometre run will commence at 7:30am and will proceed along Greenway Crescent and for a distance of 2.2 kilometres along Cornwallis Road. Turn around and proceed back along Cornwallis Road to the access point to Deerubbin Park. Enter the Park and proceed through the Park along the pedestrian bridge over Rickabys Creek to the finish line at Howe Park.
  - Stage 4 = 5 kilometre walk will commence at 8:30am. This group will do the same circuit as the 5 kilometre run – Stage 3.
- The first stage will start at 6:30am with all four stages completed and the roads reopened by 10.30am – (details of proposed road closures are outlined below);
- The safety of the event will be improved with the removal of through traffic along the course;

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- The following Road Closures are proposed;
  - Moses Street is only closed at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
  - Greenway Crescent between Moses Street and Cornwallis Road.
  - Cornwallis Road between Greenway Crescent and Cornwells Lane; which includes its intersections with Cordners Lane and Cupitts Lane.
  - Cornwells Lane between Cornwallis Road and Onus/Powells Lane; which includes its intersection with Bensons Lane.
  - Powells Lane from Cornwells/Onus Lane for a distance of 1.45 kilometres; which includes its intersections with Triangle Lane and Dells Lane.
  - Road Closures will be between 5:30am and 10:30am.
- Authorised Traffic Controllers will be used to close off Moses Street at Greenway Crescent before the start of the event; and at all road closure points along the course, with motorists directed around the site.
- Vehicles within the road closures will need to leave the area by 5:30am;
- All residents will be given notice in the preceding two weeks prior to the event to enable vehicles needing to leave the area to be done so by 5:30am;
- Consultation has been undertaken with adjoining property owners along the proposed route and proposed road closures;
- The majority of residents have responded in a positive manner and are supportive of the event. Not all residents have responded;

Details of the Event Route Plan, Road Closure, Start and Finish Points and the Event Layout Plan for McQuade Park are contained in Attachments 1, 2 and 3.

**Discussion:**

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact minor traffic and transport systems, which includes the proposed road closures, and there may be a low scale disruption to the non-event community.

The following Road Closures are proposed for Sunday 4, September 2016, between 5:30am and 10:30am;

- Moses Street is only closed at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
- Greenway Crescent between Moses Street and Cornwallis Road.
- Cornwallis Road between Greenway Crescent and Cornwells Lane; which includes its intersections with Cordners Lane and Cupitts Lane.
- Cornwells Lane between Cornwallis Road and Onus/Powells Lane; which includes its intersection with Bensons Lane.
- Powells Lane from Cornwells/Onus Lane for a distance of 1.45 kilometres; which includes its intersections with Triangle Lane and Dells Lane.
- There are approximately 90 properties along the proposed route. The majority of the properties are rural properties with residential properties mainly along Greenway Crescent.
- The majority of adjoining property owners have been consulted and are supportive of the event in a similar manner to the 2015 event.
- The majority of roads proposed to be closed for the event are generally in the Cornwallis/Richmond Lowlands area and have low traffic volumes.

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Speed limits, traffic volume and road width details are provided in the following table;

Road Name	Speed Limit (km/h)	Max ADT Recorded (Year)	Sealed Carriageway Width (m)
Cornwallis Road	80	Data not available	4.2 to 6.2 and 5.5 at Bridge over Cooley Creek
Cornwells Lane	80	104 (2008)	5.0 – 5.6
Greenway Crescent	50	470 (1997)	7.8 and 5.5 at Bridge over Rickabys Creek
Moses Street	50	1024 (1990)	16.0
Powells Lane	80	Data not available	5.5 – 6.3

The event organiser has submitted the following items in relation to the event: Attachment 4 (ECM Document Set ID No: 5378466):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval - Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP). The TCPs do not provide clarity or specific details in relation to all road closure points and traffic diversion routes,
5. Event Route and Layout Plan,
6. Copy of Resident Poll for the proposed road closures.

The Transport Management Plan (TMP) and the associated Traffic Control Plans (TCP) are to be submitted to the Transport Management Centre (TMC) for authorisation due to the proposed road closures.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Sids Stampede 2016 – Windsor, event planned for Sunday, 4 September 2016 between 5:30am and 10:30am be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.

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4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
- Road Closure; Moses Street, Windsor, only at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
  - Road Closure; Greenway Crescent, Windsor, between Moses Street and Cornwallis Road.
  - Road Closure; Cornwallis Road, Windsor/Cornwallis, between Greenway Crescent and Cornwells Lane; which includes its intersections with Cordners Lane and Cupitts Lane.
  - Road Closure; Cornwells Lane, Richmond Lowlands, between Cornwallis Road and Onus/Powells Lane; which includes its intersection with Bensons Lane.
  - Road Closure; Powells Lane, Richmond Lowlands, from Cornwells/Onus Lane for a distance of 1.45 kilometres; which includes its intersections with Triangle Lane and Dells Lane.
  - Road Closures only permitted for Sunday, 4 September 2016, between 5:30am and 10:30am.
  - No other road closures are permitted.

and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the **Transport Management Centre – TMC** as road closures are proposed; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**

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- 4e. the event organiser is to **submit a Traffic Control Plan (TCP) for the entire route** which needs to include details such as the specific position of barriers, signs etc, required for the proposed road closures and traffic diversions **to Council, the Roads and Maritime Services - RMS and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4g. as the event involves the closure and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Howe Park and McQuade Park;
- 4i. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc. for the use of their section of McQuade Park and Deerubbin Park; **a copy of the correspondence to be submitted to Council**;
- 4j. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closures, detour routes 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);
- 4k. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4l. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4n. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council**;

#### During the event:

- 4o. access is to be maintained for businesses, residents and their visitors;
- 4p. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;

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- 4q. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be made aware of and are to follow all the general road user rules whilst participating on public roads;
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4u. 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** Sids Stampede 2016, Windsor - Event Route Plan and Start and Finish Points
- AT – 2** Sids Stampede 2016, Windsor - Event Route and Road Closure Plan
- AT – 3** Sids Stampede 2016, Windsor - Event Layout Plan for McQuade Park.
- AT – 4** Special Event Application - (ECM Document Set ID No: 5378466) - *see attached*



AT – 1 SIDS Stampede 2016, Windsor - Event Route Plan and Start and Finish Points







AT – 3 SIDS Stampede 2016, Windsor - Event Layout Plan for McQuade Park



**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr James Suprain, seconded by Snr Constable Rob Wright.

Support for the Recommendation:            Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Sids Stampede 2016 – Windsor, event planned for Sunday, 4 September 2016 between 5:30am and 10:30am be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
  - Road Closure; Moses Street, Windsor, only at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
  - Road Closure; Greenway Crescent, Windsor, between Moses Street and Cornwallis Road.
  - Road Closure; Cornwallis Road, Windsor/Cornwallis, between Greenway Crescent and Cornwells Lane; which includes its intersections with Cordners Lane and Cupitts Lane.
  - Road Closure; Cornwells Lane, Richmond Lowlands, between Cornwallis Road and Onus/Powells Lane; which includes its intersection with Bensons Lane.
  - Road Closure; Powells Lane, Richmond Lowlands, from Cornwells/Onus Lane for a distance of 1.45 kilometres; which includes its intersections with Triangle Lane and Dells Lane.
  - Road Closures only permitted for Sunday, 4 September 2016, between 5:30am and 10:30am.
  - No other road closures are permitted.

and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the **Transport Management Centre – TMC** as road closures are proposed; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Traffic Control Plan (TCP) for the entire route** which needs to include details such as the specific position of barriers, signs etc, required for the proposed road closures and traffic diversions **to Council, the Roads and Maritime Services - RMS and the Transport Management Centre (TMC)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. as the event involves the closure and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Howe Park and McQuade Park;
- 4i. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc. for the use of their section of McQuade Park and Deerubbin Park; **a copy of the correspondence to be submitted to Council;**
- 4j. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);

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- 4k. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4l. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closures, detour routes and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

**During the event:**

- 4o. access is to be maintained for businesses, residents and their visitors;
- 4p. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4q. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be made aware of and are to follow all the general road user rules whilst participating on public roads;
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4u. 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.

**SECTION 3 - Reports for Information**

**Item: 3.1      LTC - RMS Advice on Installation of an Additional School Zone - Pitt Town Public School - (80245, 73621, 36556)**

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**REPORT:**

Advice has been received from RMS indicating that an additional 40km/h School Zone for Pitt Town Public School on Fernadell Drive, Pitt Town has been installed effective 7 April 2016. The information provided by RMS in part is listed below (ECM Document Set ID No. 5380111).

***"Work to install a 40km/h school zone for Pitt Town Public School on Fernadell Drive, Pitt Town on Thursday 7 April 2016***

***The NSW Government is funding this essential work to improve the safety of school students in the area.***

*Roads and Maritime Services will carry out the work, which involves:*

- Installing a new 105 metre long 40 km/h school zone on Fernadell Drive 10 metres east of Pastoral Street and 33 metres west of Oak Street to cover the new rear entrance to the school.
- Upgrading existing school zone signs and linemarking to ensure the speed limit is clearly displayed to all motorists.

*The 40 km/h school zone on Fernadell Drive will improve the safety of the students using the new rear access point and provide motorists with advance warning of the school.*

*The 40 km/h school on Fernadell Drive is in addition to the existing school zones and will be operational from **Friday 7 April.**"*

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Ms Robyn Preston, seconded by Mr James Suprain.

Support for the Recommendation:      Unanimous support

That the information be received.

**SECTION 4 - General Business**

**Item: 4.1      LTC - Hawkesbury High School - Installation of Temporary Bus Zone and No Stopping Zone - (Hawkesbury) - (80245, 73621, 125358)**

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**REPORT:**

Mr Steve Grady from Busways raised the matter of proposed works at Hawkesbury High School including a new covered bus shelter which requires the provision of a temporary School Bus Zone along Hibberts Lane, Freemans Reach, to ensure the safety of school students. The existing School Bus Zone is located on the eastern side of Hibberts Lane adjacent to the School boundary.

The temporary School Bus Zone will be positioned approximately 27 metres north of the existing School staff car park entrance for a distance of 50 metres in a northerly direction. To ensure efficient and safe manoeuvring of the buses, a School No Stopping zone is to be provided from the southern end of the new temporary School Bus Zone for an approximate distance of 40 metres to connect with the existing School Bus Zone further south. The existing School Bus Zone will remain in place during the proposed works for the purpose of buses turning around.

The temporary School Bus Zone and School No Stopping zone will operate during the School Zone times of 8am to 9:30am and 2:30pm to 4pm. Outside of these times vehicles can park along the kerb side.

Busways has advised the School and Contractor that a minimum of 14 days notification is required prior to the temporary zone being implemented, as this information has to be forwarded on to Transport for NSW. Installation and removal of the temporary zones will be undertaken by the Contractor for the School and at their cost.

The Committee agreed to the provision of the temporary School Bus Zone and School No Stopping zone.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Snr Constable Rob Wright, seconded by Councillor Kim Ford.

Support for Recommendation: Unanimous Support

That the following be undertaken along the eastern side of Hibberts Lane, Freemans Reach, adjacent to the boundary of Hawkesbury High School:

1. A temporary School Bus Zone will be positioned approximately 27 metres north of the existing School staff car park entrance for a distance of 50 metres in a northerly direction.
2. A temporary School No Stopping zone be provided from the southern end of the temporary School Bus Zone for an approximate distance of 40 metres to connect with the existing School Bus Zone.
3. The temporary zones to operate during the School Zone times of 8am to 9:30am and 2:30pm to 4pm school days.
4. The existing School Bus Zone will remain in place during the proposed works.
5. The implementation and costs associated with the installation and removal of signage to be the responsibility of Hawkesbury High School and the School inform Council and Busways a minimum of 14 days prior to the installation and removal of the temporary zones.

**APPENDICES:**

**AT - 1      Hawkesbury High School Temporary School Bus Zone**



AT - 1 Hawkesbury High School Temporary School Bus Zone



**Item: 4.2      LTC - RMS Pedestrian Safety Infrastructure Around Schools Grant - (Hawkesbury) - (80245, 73621)**

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**REPORT:**

Ms Judy Wong, Community Safety Co-ordinator, provided an update regarding the Roads and Maritime Services Pedestrian Safety Infrastructure Around Schools grant. The State Government announced in February 2015 that there would be a \$5 million commitment to improve pedestrian infrastructure around schools. Roads and Maritime Services (RMS) is seeking assistance from all Councils in developing and delivering this important Pedestrian Safety Program to protect our most vulnerable road users.

The new program is expected to be completed by June 2018. The program will focus on improving pedestrian safety through the provision of non-signalised pedestrian crossing facilities on local and regional roads, both within school zones or on main routes to schools.

Funding is available for around 100 locations across the state over a three year period and each site is eligible to receive up to \$50,000 for pedestrian infrastructure from the eligible treatment options listed above. The proposed facilities will only be approved on local and regional roads that are under the care and control of council.

Council has provided submissions for ten sites with the four sites listed below requiring wombat crossings where pedestrian crossings currently exist.

1. Richmond High School – Lennox Street near West Market Street, Richmond
2. Richmond High School – Lennox Street near Castlereagh Road, Richmond
3. Bede Polding College - Rifle Range Road near Sirius Road, Bligh Park
4. Chisholm Catholic College and Bede Polding College - Rifle Range Road near Collith Avenue, Bligh Park

RMS requires that the four sites listed be considered by the Local Traffic Committee.

The existing pedestrian crossings at these sites is across four lanes. To improve safety at these locations, it is proposed to convert these pedestrian crossings to the Wombat style crossing which has kerb islands. The Wombat Crossing reduces the crossing distance for pedestrians from four lanes to two lanes.

The Committee supported the proposal to convert the standard pedestrian crossings to Wombat Crossings at the four sites nominated.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Ms Robyn Preston, seconded by Snr Constable Robert Wright.

Support for Recommendation: Unanimous Support

The Committee supports the conversion of four pedestrian crossings to wombat crossings at the following sites:

1. Richmond High School – Lennox Street near West Market Street, Richmond.
2. Richmond High School – Lennox Street near Castlereagh Road, Richmond.
3. Bede Polding College - Rifle Range Road near Sirius Road, Bligh Park.
4. Chisholm Catholic College and Bede Polding College - Rifle Range Road near Collith Avenue, Bligh Park.

**APPENDICES:**

There are no supporting documents for this report.

**ORDINARY MEETING**  
**Reports of Committees**

**Item: 4.3      LTC - Intersection of Chapel Street and Kurrajong Road, Richmond - (Hawkesbury) - (80245, 73621, 79958)**

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**REPORT:**

Ms Robyn Preston, representing the State Members office, raised the matter of the intersection of Chapel Street and Kurrajong Road, Richmond and the issues residents from the retirement village (based in Chapel Street) are having when trying to negotiate entering the intersection. Ms Preston would like Roads and Maritime Services (RMS) to consider treating the intersection with a seagull treatment.

Mr James Suprain advised the Committee that RMS works are currently occurring at various intersections between Richmond and North Richmond, including Bosworth and March Streets, Richmond. The extent of the works at the Bosworth Street intersection will not extend to the intersection of Chapel Street and Kurrajong Road. These works will extend approximately mid block with minimal change in the vicinity of Chapel Street. Providing signals at the intersection of Chapel Street in the current environment may cause traffic movement issues affecting the current modelling for Bosworth Street. Mr Suprain indicated that RMS can investigate the proposal suggested by Ms Preston as it is part of their road network corridor.

Discussions have recently occurred between Council, RMS and Mr John Miller regarding this intersection upgrade. This intersection is part of a long term strategy for RMS to eventually provide four traffic lanes between Richmond and North Richmond. Part of this long term strategy would provide traffic lights at the intersection of Chapel Street and Kurrajong Road, Richmond.

The Committee agreed that the intersection should be reviewed by RMS as it is part of their corridor study. Therefore Ms Preston will write to RMS on behalf of the State Member regarding a proposal for the intersection treatment and request RMS to investigate the technical merits of providing of a seagull treatment or an alternative.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Ms Robyn Preston, seconded by Councillor Kim Ford.

Support for Recommendation: Unanimous Support

That the State Member writes to RMS regarding the intersection improvement option for a seagull treatment or alternative, at the intersection of Chapel Street and Kurrajong Road, Richmond and for RMS to investigate and advise accordingly.

**APPENDICES:**

There are no supporting documents for this report.

**Item: 4.4      LTC - Proposed No Stopping Zone Extension in George Street at Hawkesbury Valley Way, Windsor - (Hawkesbury) - (80245, 73621)**

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**REPORT:**

Mr C Amit advised the Committee that there have been requests to extend the No Stopping zone on the north-western side of George Street along its southern approach to its signalised intersection with Hawkesbury Valley Way (HWV), Windsor. The issue at hand is that if a vehicle is parked along this kerb side it reduces the effective capacity at the intersection from two lanes to one lane and thus creating a long queue of traffic during the morning and afternoon peak.



**ORDINARY MEETING**  
**Reports of Committees**

Generally the phasing of the traffic lights provides more green time for vehicles travelling 'south' along George Street than for those travelling 'north'. The northern leg of George Street has a dedicated green arrow to turn right, however the southern leg does not have a green arrow and this traffic has to filter to turn right. Should a vehicle be parked along the kerb side, the traffic can only use the centre lane which is held up by vehicles trying to turn right through the green filter phase. The traffic flow along George Street in a northerly direction is either accessing the business district of Windsor or turning right or left at HVW.

RMS has previously reviewed the traffic light phasing and has advised Council that there are signal function limitations at this location mainly due to the major traffic flow along HVW. RMS do not have any short term plans to change the available green time for the southern leg of George Street or provide the right turn green arrow.

Mr C Amit proposed that the No Stopping zone on the southern leg of George Street (north-western side adjacent to Nos. 385 to 391) be extended by a further 40 metres and the new zone to possibly operate during the morning and afternoon peak as a minimum. This should provide intersection capacity along the kerb side for vehicles travelling straight or turning left while vehicles are waiting to turn right through the filter phase. The extension of the zone will result in the removal of only three parking spaces due to the driveway entrances to the adjoining property. Approximately 50% of the 40 metre section of kerb is made up of driveway laybacks.

Mr J Suprain (RMS) advised the Committee that it would be better to make the No Stopping zone a full time zone as this would illuminate any confusion for drivers that park along this section of road during the day. Furthermore the full time No Stopping zone will improve the functionality of the signalised intersection.

The Committee agreed to the implementation of the proposed 40 metre No Stopping zone to operate on a full time basis, taking into account that RMS do not have short term plans to change the traffic light phasing or provide a right turn green arrow for the southern leg of George Street into HVW.

The Committee agreed that the loss of three parking spaces was not considered to have an adverse effect on the existing street parking given that the existing street parking in this vicinity is underutilised.



**ORDINARY MEETING**  
**Reports of Committees**

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Snr Constable Robert Wright, seconded by Councillor Kim Ford.

Support for Recommendation: Unanimous Support

That the existing No Stopping zone on the north-western side of George Street, Windsor (adjacent to Nos. 385 to 391), at its intersection with Hawkesbury Valley Way and along its southern leg be extended by a distance of 40 metres in a south-westerly direction.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Monday, 20 June 2016 at 3pm in the Large Committee Room.

The meeting terminated at 4:35pm.

**oooO END OF REPORT Oooo**

ordinary

section 5

notices of motion

**ORDINARY MEETING**

Notices of Motion

## ORDINARY MEETING

### Notices of Motion

#### SECTION 5 - Notices of Motion

##### **NM1                      Permissibility of Detached Dual Occupancy - (79351, 105109, 90477)**

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**Submitted by:** Councillor Porter

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

That:

1. The Acting General Manager expedite a request for a review of the Gateway Determination for the "*Hawkesbury Local Environmental Plan 2012 General Amendments*" planning proposal (Department Ref: PP\_2015\_HAWKE\_007-00 (15/12048) and Council Ref: LEP003/15) in relation to the Council resolution of the Ordinary Meeting, 9 December 2014 and include in that request all the relevant information to the NSW Department of Planning and Environment on detached dual occupancy in rural zones within the Hawkesbury LGA. This will include:
  - a) the report and resolution of 9 December 2014
  - b) the letter dated 21 August 2015 from Ms Maree Abood on behalf of the Chairman of Hawkesbury Nepean Floodplain Taskforce
  - c) the letter dated 19 February 2016 from the Department of Planning and Environment to Hawkesbury City Council.
2. Should the review required by point 1 above not be determined by 31 July 2016, a planning proposal be prepared as resolved by Council on 9 December 2014, amending the Hawkesbury Local Environmental Plan 2012 to permit Detached Dual Occupancy and Secondary Dwellings in all rural zones and E3 and E4 Environmental Zones and it be forwarded to the Department of Planning and Environment to obtain a Gateway Determination.
3. Council staff pursue the action required by point 2 above as a priority planning proposal and be completed and forwarded to the Department of Planning and Environment no later than Monday, 22 August 2016.

**oooO END OF NOTICE OF MOTION Oooo**



**ORDINARY MEETING**

**Notices of Motion**

**NM2**

**Council Merger Proposal Acknowledgements - (79351, 105109, 80105)**

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**Submitted by:** Councillor Williams

**NOTICE OF MOTION:**

That Council:

1. Acknowledge the hard work and excellent submission by Council staff to the Delegate of the Boundaries Commission against forced amalgamation. The submission was well received and portrayed Council in the very best light.
2. Also acknowledges and thanks the many community members and groups who spoke out against amalgamation in such a unified and dignified manner. Submissions were well researched, covered a very wide range of community views and showed just how passionate our community is. They did us proud.

**oooO END OF NOTICE OF MOTION Oooo**

**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillor Questions from Previous Meetings and Responses - (79351)**

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**REPORT:**

**Questions - 12 April 2016**

#	Councillor	Question	Response
5	Porter	Could we get the report tabled that came from the taskforce that's doing the recommendation of the State Government about flood mitigation. I believe that they put in a recommendation in the report on the detached dual occupancy in the Hawkesbury. Can we get a copy of that tabled to Council.	<p>The Director City Planning indicated that staff have been advised (verbally) that the final report of the Hawkesbury-Nepean Valley Flood Management Review Taskforce has been submitted to the NSW Cabinet for consideration. As the report is "Cabinet in confidence" a copy of that report has not been made available. When the report is publically available a copy will be forwarded to each Councillor.</p> <p>However, on 24 February 2016 Council received the Gateway Determination for the General Amendments planning proposal with associated documentation (a copy of all those documents was previously forwarded to all Councillors). Within that documentation a letter dated 21 August 2015, from Infrastructure NSW, was included. That letter provided some advice from the Independent Chair of the Taskforce relating to the planning proposal to permit Detached Dual Occupancy development in all rural zones and the E2 &amp; E3 zones. A copy of that letter is attached as Attachment 1 to this response.</p>

**ORDINARY MEETING**  
Questions for Next Meeting

**Questions - 10 May 2016**

#	Councillor	Question	Response
1	Reardon	Requested that the gutters opposite the service station on the corner of Grose Vale Road and Grose Wold Road, be attended to, as they are washed out.	The Director Infrastructure Services advised that instructions had been given for repairs to be carried out.
2	Lyons-Buckett	Requested that investigations be undertaken to determine if the Hawkesbury Oasis Aquatic and Leisure Centre outdoor pool can be used when the indoor pool is closed.	The Acting Director Support Services advised that it is not safe to open the outdoor pool at short notice when the indoor pool is required to be closed. During closure periods, the chemical treatment applied to the outdoor pool is not to swimming standard and barriers placed around the pool are not readily removable. It would also be difficult to staff the outdoor pool appropriately at such short notice.
3	Williams	Enquired if the requested review of parking in Windsor and Richmond is under way and when it is to be brought to Council.	The Director Infrastructure Services advised that the review had been completed and was reported to the Local Traffic Committee on 9 May 2016 and the Report of Committee is included in the Council Business Paper of 31 May 2016.
4	Paine	Requested that the Local Traffic Committee install a stop sign at the corner of Fitzgerald Street and The Terrace, Windsor.	The Director Infrastructure Services advised that the request would be referred to the Local Traffic Committee.
5	Paine	Enquired if the planned pedestrian crossing, that crosses The Terrace from Kable Street is to be installed.	The Director Infrastructure Services advised that there are no plans to install a pedestrian crossing at this location.
6	Paine	Enquired how many Westpool meetings Councillor Creed has attended in past the 12 months.	The Acting General Manager advised that there have been five Westpool meetings in the last 12 months. Councillor Creed has attended one of these meetings and tendered apologies for four meetings.
7	Williams	Enquired if repairs could be made to the damaged brickwork arising from an accident involving a bus at the Fitzgerald Street and The Terrace intersection.	The Director Infrastructure Services advised that the repairs, which have been approved from Council's insurer, have now commenced.

**ORDINARY MEETING****Questions for Next Meeting**

#	Councillor	Question	Response
8	Mackay	Enquired if a review of the parking signs along Argyle Street and Mullinger Lane, South Windsor could be made, to improve awareness of statutory parking restrictions.	The Director Infrastructure Services advised that a review had been carried out and No Stopping zone signs would be installed as soon as possible.
9	Mackay	Requested that the bags of refuse that have been left along the Bells Line of Road, Kurrajong Heights be collected .	The Director Infrastructure Services advised that instructions had been issued for the material to be removed.

**ATTACHMENTS:**

- AT 1** Letter from Infrastructure NSW to the Department of Planning dated 21 August 2015 regarding general amendments to the Hawkesbury LEP

**ORDINARY MEETING**  
Questions for Next Meeting

**AT 1 - Letter from Infrastructure NSW to the Department of Planning dated 21 August 2015  
regarding general amendments to the Hawkesbury LEP**



21 August 2015

Dr Liz Develin  
Deputy Secretary  
The Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

PO Box 4220  
Royal Exchange NSW 1225  
P+612 8016 0100  
Email@insw.com  
www.insw.com

Dear Dr Develin,

Thank you for the opportunity to comment on the Hawkesbury City Council Planning Proposal for General Amendments to Hawkesbury Local Environmental Plan (LEP) 2012 (Planning Proposal).

The Hawkesbury-Nepean Flood Management Taskforce is currently progressing the recommendations of the 2013 Hawkesbury-Nepean Valley Flood Management Review with the aim of improving the community's resilience to flood risk in the Hawkesbury-Nepean Valley (the Valley). The Hawkesbury City Council local government area (LGA) boundaries fall within the Valley. Some areas of the LGA are liable to riverine flooding from the Hawkesbury-Nepean River and are below the maximum flood level.

The Planning Proposal includes a proposed amendment (Item 3.3) to permit secondary dwellings and dual occupancies (detached) within all rural zones and E3 and E4 environmental zones subject to the Hawkesbury Local Environmental Plan 2012. The Taskforce recommends that consideration of this proposal be deferred pending the completion of the current phase of Taskforce work. The reasons for this recommendation are outlined below.

The 1997 *Achieving a Hawkesbury-Nepean Floodplain Management Strategy* and the Hawkesbury City Council's 2012 *Hawkesbury-Nepean Floodplain Risk Management Study and Plan* identified flood evacuation constraints in the Valley. Work completed by the Taskforce supports the identification of flood evacuation constraints in the Valley. Consequently, the need to improve the capacity of road infrastructure to provide adequate evacuation capacity is a key consideration for the Taskforce.

Currently, the time to safely evacuate the Windsor-Richmond population exceeds the Bureau of Meteorology forecasting horizon because of the extreme flood depths and rates of rise, increasing population and large number of low points in flood evacuation roads. The Planning Proposal acknowledges that 'emergency management and flood evacuation are significant issues in the Hawkesbury'. However, any further rezonings would further exacerbate the evacuation capacity issue.

Proposals for additional development located below the probable maximum flood level require assessment of the cumulative impacts of the proposals on evacuation capacity now and following future growth. This assessment may identify the need for additional investment in evacuation infrastructure. It is important that this additional investment be quantified and suitable resources be allocated it. If this does not occur, there an increased risk to life if the increased development is not

**ORDINARY MEETING**  
Questions for Next Meeting

matched with supporting evacuation infrastructure. This requires a regional approach to the assessment of the impact of development on evacuation capacity. The Taskforce is developing a process to understand and manage these cumulative impacts which will be considered by government towards the end of 2015.

Therefore, it is recommended that consideration of current planning proposals be deferred until the implications of its cumulative impacts on evacuation planning can be determined in light of the recommendations to be made by government.

If you have any questions please do not hesitate to contact Maree Abood at [maree.abood@insw.com](mailto:maree.abood@insw.com) (phone: 02-8016-0167).

Yours sincerely

Maree Abood on behalf of  
Mark Bethwaite AM  
Independent Chair  
Hawkesbury-Nepean Valley  
Flood Management Taskforce

oooO END OF REPORT Oooo

**ORDINARY MEETING**

Questions for Next Meeting

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**CONFIDENTIAL REPORTS**

**MM3**                      **Position of General Manager - (79351, 79353, 120428)    CONFIDENTIAL**

**Previous Item:**            73, Extraordinary (19 April 2016)

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*



**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 107**                      **IS - Land Acquisition - Road Relocation - Parts 629, 669, 713 and 783 Upper Macdonald Road, St Albans - (95495, 75183, 125802, 27078, 27079)**  
**CONFIDENTIAL**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the acquisition of property by the 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**  
**CONFIDENTIAL REPORTS**

Item: 108

IS - Tender No. 00971 - Construction of West Portland Road Bridge, Lower  
Portland - (95495, 79344) **CONFIDENTIAL**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 109**                      **IS - Tender No. 00974 - Collection, Transportation and Disposal of Biosolids from South Windsor and McGraths Hill Sewage Treatment Plants - (95495, 112179) CONFIDENTIAL**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

Item: 110

**IS - Tender No. 00975 - Overhaul of the Lower Portland Ferry - (95495, 79344)**  
**CONFIDENTIAL**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

**Item: 111**                      **IS - Tender No. 00976 - Building Management Systems Upgrade - Various Sites**  
**- (95495, 79340)    CONFIDENTIAL**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

**ORDINARY MEETING**  
**CONFIDENTIAL REPORTS**

Item: 112

IS - Tender No. 00977 - Additions and Refurbishment to Blaxlands Ridge Rural  
Fire Service Shed - (95495, 79340) **CONFIDENTIAL**

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**Reason for Confidentiality**

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*



ordinary  
meeting

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