



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 28 July 2009

location: council chambers

time: 5:00 p.m.



**ORDINARY MEETING****Table of Contents****Meeting Date:** 28 July 2009**TABLE OF CONTENTS**

| <b>ITEM</b>   | <b>SUBJECT</b>   | <b>PAGE</b> |
|---|--|-------------|
| <b>SECTION 4 - Reports for Determination</b>                                |  | <b>5</b>    |
| <b>CITY PLANNING</b>  |  | <b>5</b>    |
| Item:137  | CP - Development Application - Rural Shed Greater Than 170m2 - 439 Cattai Road, Cattai - (DA0857/08, 34081, 83812, 99322)  | 5           |
| Item:138  | CP - Amendment to Council Resolution 27 November 2007 - Modification to Development Consent - Shed greater than 170m2 - Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong - (MA1305/01A, 17250, 75950, 95498) | 21          |
| Item:139  | CP - Draft Hawkesbury Local Environmental Plan 1989 (Amendment 156) - Lot 1 DP 129442 and Lot 1 DP 779913 - 739 George Street, South Windsor (Windsor Baptist Church) - (85593, 95498)                               | 42          |
| Item:140  | CP - Community Sponsorship Program - 2009/2010 - Round 1 - (96328)   | 46          |
| <b>SECTION 5 - Reports of Committees</b>                                    |  | <b>53</b>   |
| ROC - Community Planning Advisory Committee Minutes - 21 May 2009 - (96737) |  | 53          |
| ROC - Hawkesbury Macquarie 2010 Committee Minutes - 9 July 2009 - (114013)  |  | 59          |
| ROC - Local Traffic Committee - 15 July 2009 - (80245)                      |  | 63          |

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 28 July 2009

ordinary

section 4

reports  
for determination

**ORDINARY MEETING**

**Meeting Date:** 28 July 2009

## ORDINARY MEETING

Meeting Date: 28 July 2009

### SECTION 4 - Reports for Determination

#### CITY PLANNING

**Item:137**                    **CP - Development Application - Rural Shed Greater Than 170m2 - 439 Cattai Road, Cattai - (DA0857/08, 34081, 83812, 99322)**

---

#### Development Information

**Applicant:** David Jones  
**Owner:** Mr HM & Mrs GA Parry-Okeden  
**Zone:** Rural Living;  
Environmental Protection - Agriculture Protection (Scenic);  
7 (a) Environmental Protection (Wetlands);  
9 (b) Proposed Road  
**Advertising:** 24 December 2008 to 21 January 2009  
**Date Received:** 21 November 2008

**Key Issues:**

- ◆ Non-compliance with Hawkesbury Local Environmental Plan – regarding use of proposed structure.
- ◆ Non-compliance with Hawkesbury Development Control Plan – regarding size and height of proposal.
- ◆ Objections received from surrounding landowners.

**Recommendation:** Refusal

---

#### REPORT:

##### Description of Proposal

The proposed development involves the construction of a shed with a floor area of approximately 330 square metres. The shed is proposed to be located 191 metres from Cattai Road and 30 metres to the closest property boundary. The height is proposed to be 6.88 metres above natural ground level.

The shed is proposed to be constructed of hardwood timber slabs with a galvanised corrugated iron roof.

The application seeks approval for a "Rural Shed" to be used for the storage of equestrian equipment, farm machinery, agricultural chemicals and other personal property of the owner. The application makes reference to storage of machinery and materials that are related to a business operated off-site, when the machinery and materials are not in use. The Statement of Environmental Effects accompanying the application states:

*"The proposed use of the shed is to store the property of the owner, including the storage of material and machinery when not in use by the owner, and related to a business operated elsewhere by the owner. The application does not seek approval for the operation of that business from the proposed shed."*

It is apparent that the owners are requesting a shed of this size to accommodate their personal equipment storage needs and machinery used on the premises as well as the warehousing of materials used in association with a business that operates off-site.

#### History

## ORDINARY MEETING

Meeting Date: 28 July 2009

The original plan submitted with this application, depicted a proposal with a floor area of 472 square metres and was proposed to be 23.2 metres from the side boundary. Council officers met with the applicant to discuss the proposal and subsequently an amended plan was submitted on 30 April 2009 for a reduced shed size, being 330 square metres.

Arising from that meeting a separate development application (DA0272/09) was lodged seeking retrospective approval for unauthorised work involving the construction of two vehicle crossings adjacent to the area zoned wetland.

On 15 July 2009, notification was received from the Land and Environment Court that the applicant has lodged an appeal against a 'deemed refusal' or actual refusal of the subject development application. The hearing date for the matter is yet to be set. A callover is listed for 10 August 2009.

### Issues Relevant to the Decision - In Point Form

- Non-compliance with Hawkesbury Local Environmental Plan – regarding use of proposed structure.
- Non-compliance with Hawkesbury Development Control Plan – regarding size and height of proposal.
- Objections received from surrounding landowners.

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

National Parks and Wildlife Act 1974  
Hawkesbury Local Environmental Plan 1989  
Sydney Regional Environmental Plan No 20  
Hawkesbury Development Control Plan

### Section 79C Matters for Consideration

In determining the application, Council is required to take into consideration the following matters:

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

##### i. Environmental Planning Instrument:

##### Sydney Regional Environmental Plan No 20

Overall, the development would appear to have an acceptable impact upon the site in terms of environmentally sensitive areas, water quality, water quantity, and flora and fauna.

The assessment of Aboriginal Cultural Heritage under SREP 20 has not been adequately addressed. The applicant has submitted an AHIMS (Aboriginal Heritage Information Management System) certificate from the Department of Environment and Climate Change (DECC) indicating that there are no known sites recorded on or near the subject location. However, this is not considered acceptable as the AHIMS Certificate only provides information on land where known sites of significance or cultural heritage have been identified and reported to DECC.

This aspect of the assessment would need to be resolved prior to approval being granted. This would occur through a site assessment being undertaken by a suitably qualified consultant consulting with the Deerubbin Local Aboriginal Land Council or the Land Council undertaking a site assessment of the land.

The applicant advises that the development does not disturb prominent or significant vegetation nor disturb the character of the Hawkesbury River.



The proposed development is consistent with the landscape character as described in the Scenic Quality Study for SREP 20. The finish of the building will be muted natural colours and is considered to have little prominence in the landscape as the siting is not visible from the river and is not located on a ridge line or prominent slope. Additional landscape screening is proposed. The development as proposed would be visible from Cattai Road and from adjoining properties, however, this is not a consideration under SREP 20. This issue is discussed later in the report.

In view of the above, it is considered that either the original or amended proposal is acceptable under SREP 20 provided there are no items of significance associated with Aboriginal Cultural Heritage.

#### Hawkesbury Local Environmental Plan 1989

The land is zoned part 7(a) Environmental Protection (Wetlands), part 9(b) Proposed Road, part Environmental Protection – Agricultural Protection (Scenic) and part Rural Living. The location of the proposed shed is in an area zoned Rural Living as is the majority of the land (including the existing dwelling). A copy of the zone map will be displayed at the meeting.

The Wetland essentially divides the lot into two usable areas for development. There is substantial area for the proposal in either part of the site, but the applicant has a preference for a location remote from the dwelling.

The application seeks development consent for a “Rural Shed”.

*A rural shed is defined as “a building or structure used for the storage of the property of the occupiers of the subject land or property associated with an agricultural use or other permissible land use conducted on the same parcel of land, but does not include a building or structure elsewhere specifically defined in this clause or a building or structure used for a purpose elsewhere specifically defined in this clause.”*

The development as a ‘rural shed’ is permissible in the Rural Living zone under Hawkesbury Local Environmental Plan 1989.

However, the applicant has indicated that the shed will be partly used as a storage area for a business operated off-site. Such a use does not fall under the definition of a rural shed and therefore the proposed structure is not considered to be a permitted use. The use of the structure for the storage of machinery and materials associated with a business undertaken off-site, more accurately reflects a business or commercial use. In this regard, the development does not comply with Clause 9 of Hawkesbury Local Environmental Plan 1989 in that the application proposes a prohibited landuse.

The size of the proposal, being either the original or the amended proposal, does not alter the permissibility of the shed use. The business or commercial use of the structure is the same regardless of the size of the structure.

**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 that apply to the land.

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

Hawkesbury Development Control Plan (HDCP) applies to the land.

The proposed shed building and landuse is inconsistent with the aims and objectives of the Rural Shed Chapter of Hawkesbury Development Control Plan. The DCP requires that rural

## ORDINARY MEETING

Meeting Date: 28 July 2009

sheds must compliment the rural character of the landscape and have minimal impact upon the scenic qualities of an area. It is considered the proposal by way of its scale, bulk and size would have a demonstrable impact upon the rural character and scenic quality of the area. The proposed shed, being approximately 330 square metres in area, has insufficient justification and is not being solely used for the agricultural or rural use of the subject land. The original proposal, being 472 square metres, would have an even greater adverse impact upon the rural character and scenic quality of the area.

The development does not comply with the provisions of the Rural Shed Chapter of Hawkesbury Development Control Plan. Specifically, the DCP seeks to limit the size of rural sheds to 170 square metres maximum and to 5 metres maximum height above natural ground level. The amended proposal is nearly double that size (330 square metres) at 160 square metres in excess of the maximum size permitted and, at 6.88m high, is 1.88 metres over the maximum height.

The applicant's justification for the increased size over and above the requirements of the DCP involve the large size of the property (approximately 36 hectares or 88 acres) and the need to store machinery and other equipment used on a working farm of this nature. The applicant states that the additional height is required in order to make the shed practical and useable. A lesser height would in the opinion of the applicant, result in an undesirable building form and would preclude the proposed activities within the shed from occurring.

Although the property is large in area, it is predominantly covered by a wetland of regional significance and it does not appear to be a working farm, as described by the applicant. The size and location of the shed with the separate access as proposed would appear to facilitate the use of the shed for business purposes. It is considered that there is insufficient justification for a shed of the size proposed and in the location proposed with separate access to the site.

The proposal does not comply with the aims and objectives of the Rural Shed Chapter of the DCP. It would be visually prominent and is not integrated into the landscape. The size and siting of rural sheds on rural properties are key design principles under section 8.1 of the DCP. Section 8.2.2 "Size" of the DCP specifically seeks to "*reduce the number of unnecessarily large sheds.*"

This proposal clearly seeks a larger shed size to accommodate a land use that is contrary to the DCP intention and the permitted land use. A smaller shed used solely for agricultural purposes would be appropriate but has not been proposed by the applicant despite lengthy discussions with the applicant.

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

There is no planning agreement in place.

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

There are no matters discernable that apply to the development or the land.

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

**Access, Transport & Traffic**

The access driveway to the shed site is proposed via a separate driveway from the access to the dwelling. Whilst this driveway is acceptable from a traffic perspective, the additional access is considered likely to be commercial in nature (associated with a prohibited landuse) and further

**ORDINARY MEETING**

**Meeting Date:** 28 July 2009

implies that the use of the shed is for a more commercial, rather than agricultural, use. It is considered a shed could reasonably be positioned near to the existing dwelling if suitably designed.

## Heritage

The land contains a heritage item of local significance – the dwelling “Ukumurra”. The application was referred to Council’s Heritage Advisor who has raised no concerns with the original or amended proposal. If a location closer to the dwelling was to be proposed, further heritage advice would be required.

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

The proposed development is not considered suitable for the site due to its size and scale as discussed elsewhere in this report.

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

Six submissions were received all objecting to the proposal. The points of concern were as follows:

- i. The size and height of the shed is excessive and unnecessary;

**Comment:** It is agreed that the size of the shed is excessive as discussed earlier in the report.

- ii. Potential for commercial activities or other non-approved uses to operate from or occur in the structure;

**Comment:** Agreed. Council has also raised this matter with the applicant as discussed earlier in the report.

- iii. The development is not in keeping with the rural character of the area due to the size and height of the proposal;

**Comment:** As discussed earlier, the size and height of the proposed development is inappropriate. However, the materials are not out of character with the rural landscape as the proposal is a shed constructed with natural materials. The size and commercial use of the shed are matters of concern as have been dealt with in the report above.

- iv. The proposal would have an unacceptable visual impact upon the scenic quality of the area;

**Comment:** Agreed. It is considered the proposal would have an unacceptable impact upon the scenic quality of the area due to its size. However, the design and choice of construction materials, gives the proposed shed some architectural merit and aesthetic benefit.

- v. The proposed access off Cattai Road is dangerous;

**Comment:** The proposed access to the shed has been altered. An existing access track to existing cattle yards in the same area of the site is proposed to be used. This is considered acceptable.

- vi. Noise of workers picking up materials, equipment and machinery and potential for operating a business from the shed;

**Comment:** The commercial use of the structure has been addressed earlier in the report.

- vii. Alternative locations for the siting of the shed exist on the land;

**Comment:** The applicant has amended slightly the proposed location of the shed to be 6.8 metres further away from the neighbours boundary. This minor relocation has not addressed the objectors concerns and does not reduce the impact of the large shed in that setting.

## ORDINARY MEETING

Meeting Date: 28 July 2009

- viii. Concern raised as to proposed storage and type of chemicals within the shed, particularly given close proximity to the wetland and potential for chemical leaks and spills;

**Comment:** The applicant advises that the intent of the shed is to provide safe and secure storage for any agricultural chemicals used on the land. It is best practice to have chemicals stored under cover. Should the application be approved, the storage of chemicals on the site can be controlled by the imposition of consent conditions.

- ix. Concern at environmental impact of washing of vehicles and animals upon the wetland;

**Comment:** See comments above.

- x. Concern at environmental impact upon land, flora and fauna as a result of the proposal.

**Comment:** The applicant has advised that one tree is proposed to be removed. Further, native trees are proposed to be planted. The existing farm use is proposed to continue. The environmental impacts from construction are limited.

### e. The Public Interest:

Approval of the development may set an undesirable precedent for similar inappropriate commercial development which would not be in the public interest. There is a reasonable expectation of the residents in the locality that a rural shed would be used for rural/agricultural purposes and not a commercial activity.

### Conclusion

It is considered that the proposal is not a landuse that can be wholly defined as a “*rural shed*”. Additionally the shed is unjustified in terms of the building size and scale. The non-compliance with the LEP and DCP provisions is considered unacceptable given the proposed use, the size and height of the shed.

### Planning Decision

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

### RECOMMENDATION:

That development application DA0857/08 for Part Lot 258 DP 752050, 439 Cattai Road, Cattai NSW 2756 for a Rural Shed be refused for the following reasons:

1. The proposed development, being used as a business/commercial use, is prohibited under Hawkesbury Local Environmental Plan 1989.
2. The proposed development is inconsistent with the requirements of the Hawkesbury Development Control Plan.
3. The proposed development will have an unacceptable impact upon the locality in terms of scale, bulk and size.
4. Approval of the development may set an undesirable precedent for similar inappropriate development which would not be in the public interest.

**ORDINARY MEETING**

**Meeting Date:** 28 July 2009

**ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Aerial Photograph
- AT - 3** Site Plan – Original Proposal
- AT - 4** Floor Plan and Elevations – Original Proposal
- AT - 5** Proposed Internal Floor Layout – Original Proposal
- AT - 6** Site Plan – Amended Proposal
- AT - 7** Floor Plan and Elevations – Amended Proposal
- AT - 8** Proposed Internal Floor Layout – Amended Proposal

**Meeting Date:** 28 July 2009

[illegible]



**ORDINARY MEETING**

**Meeting Date: 28 July 2009**

**AT - 2 Aerial Photograph**

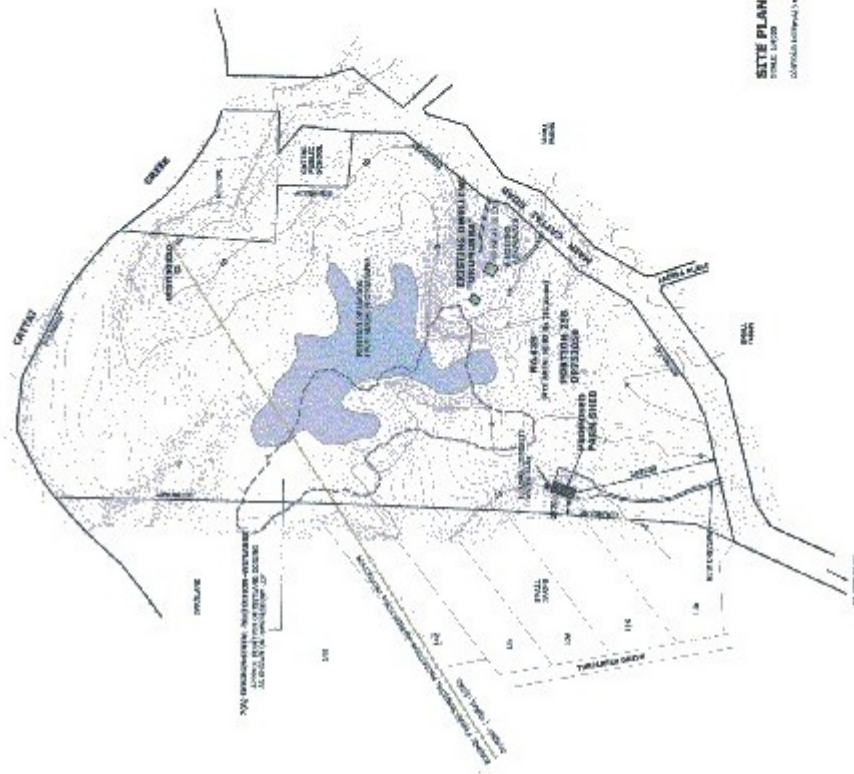




# ORDINARY MEETING

Meeting Date: 28 July 2009

## AT - 3 Site Plan – Original Proposal



SCANNED



**SITE PLAN, SITE ANALYSIS PLAN**  
DATE: 10/10/08  
SCALE: 1"=100'

**PROPOSED FARM SHED**  
**at 439 MAIN CATTAL ROAD, CATTAL**  
for Mr & Mrs PARRY-DEEDEN

PAUL W. HALL & ASSOCIATES  
1000 10th Street, NW  
Tulsa, Oklahoma 74103  
Tel: 918-486-1111 Fax: 918-486-1112

**Meeting Date:** 28 July 2009

[illegible]

**Meeting Date:** 28 July 2009

The floor plan is a rectangular building measuring 100' by 100'. It is divided into several functional areas:

- Top Left (Veranda):** A small rectangular area at the top left corner.
- Top Right (Store Room):** A large rectangular area at the top right, containing a dashed box labeled "FARM CHEMICALS" and another labeled "FERTILISERS & SEED".
- Middle Left (Tool Shed):** A large rectangular area in the middle left, containing a dashed box labeled "HAND TOOLS" and another labeled "BENCH".
- Middle Right (Access & Equipment):** A large rectangular area in the middle right, containing a dashed box labeled "ACCESS" and another labeled "TRACTOR IMPLEMENTS" (listing: PLOUGH, HARROW, TRAILER, DISC, SUBSOILER).
- Bottom Left (Veranda):** A small rectangular area at the bottom left corner.
- Bottom Right (Farm Shed):** A large rectangular area at the bottom right, containing a dashed box labeled "FARM SHED" (listing: TIMBER STORAGE, FENCING MATERIALS) and another labeled "CAR SPACE".
- Far Left (Veranda):** A small rectangular area at the far left corner.
- Far Right (Access & Equipment):** A large rectangular area at the far right, containing a dashed box labeled "ACCESS" and another labeled "HORSE TRAILER".
- Far Bottom Left (Equestrian Equipment):** A small rectangular area at the far bottom left corner.
- Far Bottom Right (Horse Float):** A small rectangular area at the far bottom right corner.

## PLAN

## SHED CONFIGURATION

DATE: NOVEMBER 2008  
NOT TO SCALE

**PROPOSED FARM SHED**  
at 439 MAIN CATTAL ROAD, CATTAL  
for Mr & Mrs PARRY-OKEDEN

DAVID JONES BUILDING & LANDSCAPE DESIGN  
PO BOX 13 KURRAJONG 2758  
TEL 02-45731792 0415-224109 FAX 02-4573 2001

**Meeting Date:** 28 July 2009

**PLAN, ELEVATIONS, SECTION**

**PROPOSED FARM SHED**  
 AT 439 MAIN CATTAL ROAD, CATTAL  
 FOR MR & MRS PARRY-ORDEEN

**SECTION A-A**  
 SCALE 1:100

**WEST ELEVATION**  
 SCALE 1:100

**SOUTH ELEVATION**  
 SCALE 1:100

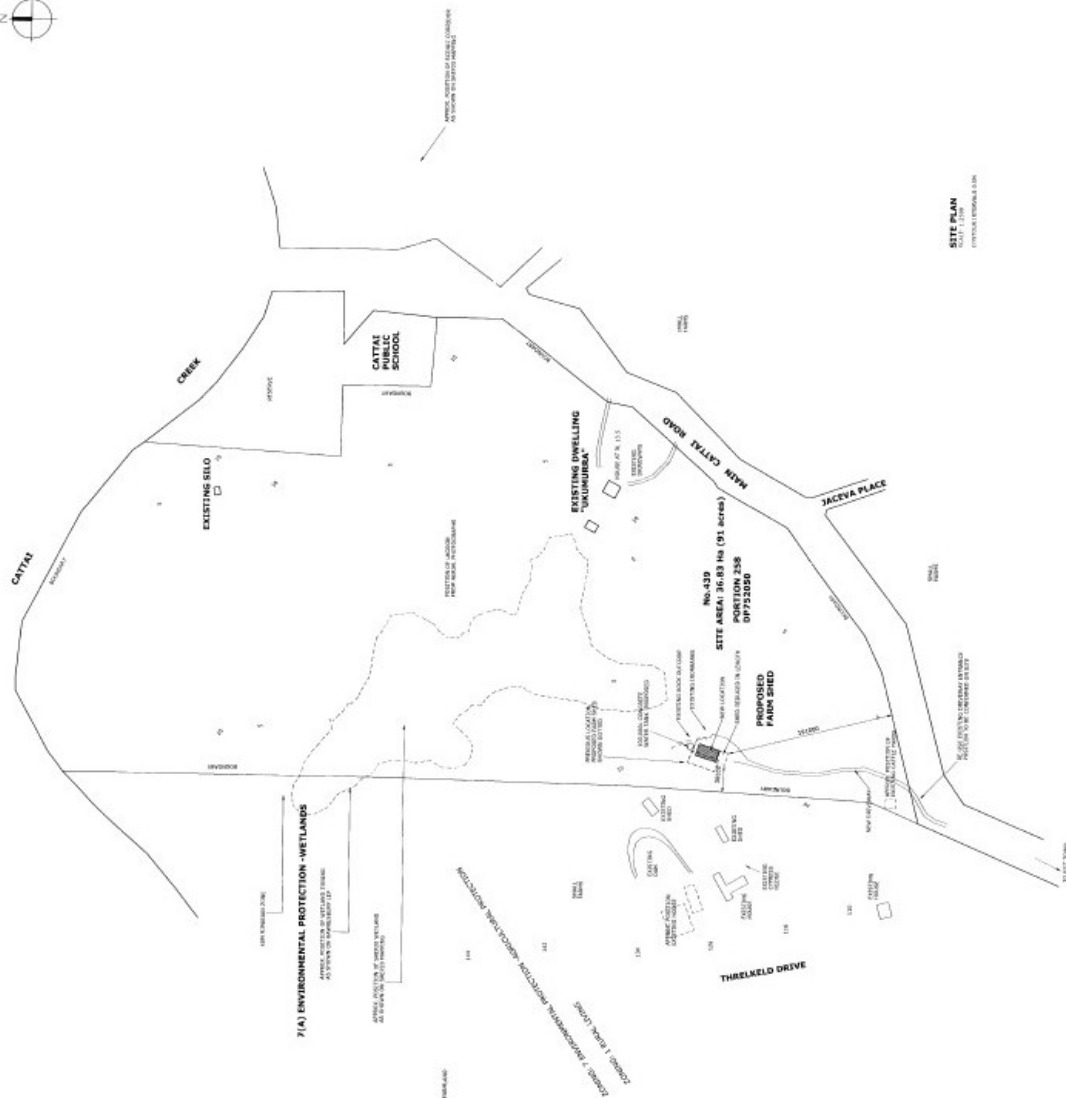
**NORTH ELEVATION**  
 SCALE 1:100

**EAST ELEVATION**  
 SCALE 1:100

**PLAN**  
 SCALE 1:100

**ASSUMPTIONS**  
 1. MATERIALS AND FINISHES TO BE SUPPLIED BY OTHERS, WITH EXCEPTED MATERIALS TO BE SUPPLIED BY OTHERS.  
 2. THE SHED IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING REGULATIONS.  
 3. THE SHED IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING REGULATIONS.

**Meeting Date:** 28 July 2009



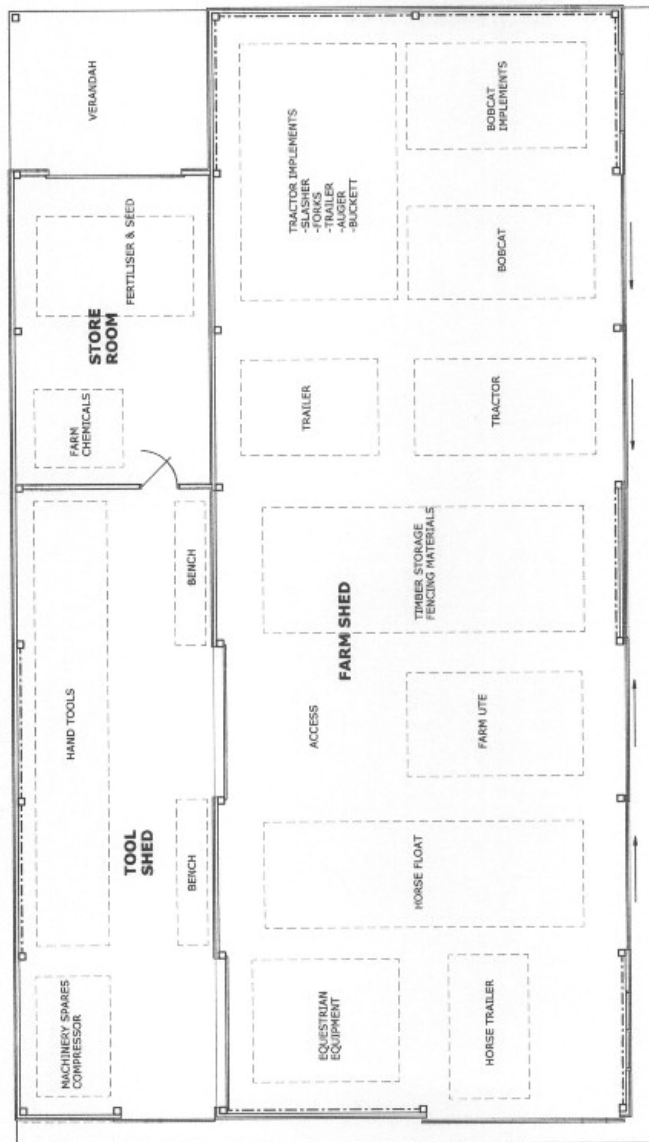
**SITE PLAN**  
SCALE: 1/2"=1'-0"

[illegible]

# ORDINARY MEETING

Meeting Date: 28 July 2009

## AT - 8 Proposed Internal Floor Layout – Amended Proposal



**REVISED PLAN**  
PROPOSED CONFIGURATION OF FARM SHED

### SHED CONFIGURATION

**PROPOSED FARM SHED**  
at 439 MAIN CATTAL ROAD, CATTAL  
for Mr & Mrs PARRY-OKEDEN

DAVID JONES BUILDING & LANDSCAPE DESIGN  
111 BURSA LANE 2758  
TEL 02-45731792 0415-224109 FAX 02-4573 0001

DATE: APRIL 2008  
NOT TO SCALE  
DWG. No.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 28 July 2009

**Item:138**            **CP - Amendment to Council Resolution 27 November 2007 - Modification to Development Consent - Shed greater than 170m2 - Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong - (MA1305/01A, 17250, 75950, 95498)**

**Previous Item:**        256, Ordinary (27 November 2007)

---

### REPORT:

#### Introduction

At Council's Ordinary Meeting of 12 November 2002 Council granted development consent (MA 1305/01) for the erection of a rural shed on Lot 1 DP 733243, No.457 East Kurrajong Road, East Kurrajong.

A Construction Certificate was issued on 15 May 2003 by a Private Certifier.

The shed was not constructed in accordance with the approved Development Consent plans.

In October 2006 an application to modify development consent under Section 96 of the Environmental Planning and Assessment Act, 1979 was received by Council. This application sought approval for some of the modified works in relation to the construction of the shed. The Section 96 application was refused by Council on 27 November 2007 (See Attachment 1 attached).

The Council resolution included the requirement that:

*"A Demolition Order be issued on the parts of the existing development that do not comply with the development consent conditions issued for DA1035/01 (MA 1305/01), on 11 December 2002."*

A Notice of Intent to Serve an Order under the Environmental Planning and Assessment Act, 1979, dated 24 January 2008 required the owners to:

*"Remove all unapproved building works and reinstate the shed in accordance with the stamped approved plans dated 11.12.2002 and sheets 1 to 5 inclusive in accordance with development MA 1305/01."*

In seeking to pursue compliance with the Order, Council received legal advice in respect to the terms of the Notice of Intent. The legal advice highlights that the final Order should provide itemised and specific terms to ensure it is able to be robustly defended in the Land and Environment Court (if necessary).

The matter is being reported to Council to seek an amendment to the section of the Motion relating to the demolition. This will enable a detailed final Order to be issued.

#### Background

The Council Resolution of the 27 November 2007 states:

- "1.    *The application to amend the development consent for the erection of a shed at Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong be refused for the following reasons:*
  - (a)    *The proposed modification will have an adverse impact on the neighbouring property in terms of amenity and privacy.*
  - (b)    *The proposed modification will have an unacceptable impact on the visual quality of the area.*

## ORDINARY MEETING

Meeting Date: 28 July 2009

- (c) *The proposed modification is inconsistent with the aims and objectives of the Hawkesbury Development Control Plan.*
  - (d) *The proposed modification does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D Chapter 8 - Rural Sheds.*
  - (e) *Approval of the modified development would not be in the public interest.*
2. *A Demolition Order be issued on the parts of the existing development that do not comply with the development consent conditions issued for DA 1035/01, on 11 December 2002.*
3. *Staff investigate whether there is a need to lodge a formal complaint about the Private Certifier with the Department of Planning."*

In accordance with the above resolution:

1. The refusal Notice was issued 6 December 2007.
2. A Notice of Intent to Serve an Order under the Environmental Planning and Assessment Act 1979, dated 24 January 2008, was duly served on the owners of 457 East Kurrajong Road, East Kurrajong, to remove all unapproved building works and reinstate the shed in accordance with the stamped approved plans dated 11 December 2002 and development consent MA1305/01.
3. With respect to the Private Certifier, a formal complaint was lodged with the Department of Infrastructure, Planning and Natural Resources (DIPNR) on 4 November 2003. Council is not privy to the outcome of the DIPNR (now called the Department of Planning) investigations and decisions.

### Discussion

The development remains inconsistent with the conditions of the development consent in the following manner:

- The northern end of the shed is enclosed (not an awning area as approved)
- The colour of the shed is 'cream' and not the approved 'rivergum' colour
- An additional awning has been constructed on the front (eastern) elevation of the shed
- Landscaping has not been completed

Works can be easily carried out to the building to render the shed compliant with the Development Consent, except in relation to the cut and fill. Alterations to the cut and fill component of the development would require the removal of the shed in order to carry out works and this is not practicable.

Condition 6 of the consent required that the shed be moved further away from the boundary of the adjoining property and as close to the dam as possible. The shed has been located in accordance with the directive of Condition 6, thereby resulting in some uncertainty as to the approved finished floor level and the extent of the cut and fill permitted.

Whilst action in respect to the amount of cut and fill may not be advisable with respect to the issuing of an order, it remains that the amount of fill used (approximately 1.3m) is inconsistent with the requirements of Hawkesbury Development Control Plan, which only permits a maximum of 900mm fill. However, the imposition of Condition 6 effectively deemed the cut and fill to be a variation of the Development Control Plan.

The aim of issuing an Order is to make the shed compliant with the conditions of the Development Consent. This is achieved by issuing an Order No. 15 under Section 121B of the Environmental Planning and Assessment Act, 1979.



## ORDINARY MEETING

Meeting Date: 28 July 2009

The wording of the existing Notice of Intent does not clearly identify what works have been carried out without approval and what works are required to be undertaken in order to achieve compliance with the development consent.

It is therefore suggested that Point 2 of Council's Resolution of 27 November 2007 be amended in the following manner:

- "2. *An Order under Section 121B of the Environmental Planning and Assessment Act, 1979 be issued requiring the removal of all unauthorised building works, except in relation to the cut and fill, and the carrying out of works in accordance with the stamped approved plans dated 11.12.2002, Sheets 1 to 5 inclusive in accordance with Development Consent MA 1305/01.*"

### Conclusion

It is considered prudent to modify the resolution and Order as suggested by Council's legal advisors. A minor amendment to the Council Resolution of 27 November 2007 will enable Council to issue the appropriate orders to ensure that the development for a rural shed on 457 East Kurrajong Road, East Kurrajong is compliant with its Development Consent MA1305/01.

### 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. Part 2 only of the Council's Resolution of 27 November 2007 (Minute No. 431) regarding the erection of a shed at Lot 1, DP 733243, 457 East Kurrajong Road, East Kurrajong be amended by deleting that part and replacing it with the following:

"2. *An Order under Section 121B of the Environmental Planning and Assessment Act, 1979 be issued requiring the removal of all unauthorised building works, except in relation to the cut and fill, and the carrying out of works in accordance with the stamped approved plans dated 11.12.2002, Sheets 1 to 5 inclusive in accordance with Development Consent MA1305/01.*"
2. All other parts of the Council's Resolution of 27 November 2007 (Minute No. 431) in this regard to remain unchanged.

### ATTACHMENTS:

- AT - 1** Council Report - Ordinary Meeting 27 November 2007
- AT - 2** Council Resolution - Ordinary Meeting 27 November 2007

## ORDINARY MEETING

Meeting Date: 28 July 2009

### AT - 1 Council Report - Ordinary Meeting 27 November 2007

**ITEM: 256 CP - Amendment to Council Resolution 27 November 2007 - Modification to Development Consent - Shed greater than 170m<sup>2</sup> - Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong - (MA1305/01A, 17250, 75950, 95498)**

---

#### Development Information

**Applicant:** Robert George Hromek  
Melissa Maree Langham  
**Owner:** Mr RG Hromek & Ms MM Langham  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan  
**Area:** 4.100H  
**Zone:** Rural Living under Hawkesbury Local Environmental Plan 1989  
**Advertising:** 17 October 2006 to 2 November 2006  
One submission received  
**Date Received:** 18 September 2006  
**Key Issues:**

- ◆ Non compliance with Development Consent
- ◆ Non compliance with Hawkesbury Development
- ◆ Visual impact
- ◆ Privacy

**Recommendation:** Approval

---

#### REPORT:

##### Introduction

This application seeks to modify Development Consent MA1305/01, which gave approval for the construction of a rural shed on the subject land.

The application is being reported to Council in accordance with the Council resolution regarding retrospective approvals.

Photographs of the existing shed will be displayed on the noticeboard at the Meeting.

##### Background

At the General Purpose Committee Meeting of 22 October 2002, Council considered an application seeking approval for a rural shed at 457 East Kurrajong Road, East Kurrajong. The proposed shed was to have an enclosed floor area of 216m<sup>2</sup> (18m by 12m), a 6m wide side awning and a 3m wide awning along the front elevation. Including the awnings, the shed would have a building footprint of 24m by 15m. The proposed shed was to have a maximum height of 5m. The report to Council recommended that the application be refused, as the proposed shed did not comply with the requirements of Hawkesbury Development Control Plan and would have an adverse impact on neighbouring properties. At this meeting Council resolved:

*"that a meeting be arranged between the applicant and staff before the Ordinary meeting (12/11/02) to discuss a reduction in size and to explore options for location of the shed on the property."*

A meeting between the applicants and Council Officers took place on 28 October 2002. Following this discussion, the applicants submitted amended plans which:

## ORDINARY MEETING

Meeting Date: 28 July 2009

- Reduced the size of the proposed shed to 144m<sup>2</sup> with a side awning 72m<sup>2</sup> in size. The dimensions of the shed and awning are 12m by 12m and 6m by 12m respectively;
- Relocated the shed to have a setback of 10m from the shared boundary with the Thompson property;
- Reduced the amount of cut to 1.3m, and included 300mm of fill.

These amended plans were approved at Councils Ordinary Meeting of 12 November 2002.

The owners engaged a Private Certifier in respect to the issue of a construction certificate and compliance certificates. During construction a number of complaints were received in respect to non compliance with conditions of consent and the approved plans. These non compliances included:

- Construction works were carried out outside of the approved hours
- Erosion and sedimentation control not in place;
- The cut and fill area larger than approved and the depth of fill approximately 1.3m;
- The northern end of the shed is enclosed (not an awning area as approved);
- The colour of the shed is 'cream', and not the approved 'rivergum' colour
- An additional awning has been constructed on the front (eastern) elevation of the shed.

Following correspondence between Council and the owners, a S.96 application (the subject application) was submitted in respect to the enclosed northern elevation of the shed and the inclusion of a 3m awning along the eastern elevation. This application does not seek approval for, and has not addressed, the other non compliances listed above.

### **Statutory Framework - Unlawful Structures**

The Environmental Planning and Assessment Act 1979 does not make provisions for development consent to be granted retrospectively, but under section 109A of the Act there is a distinction between the *unlawful erection of a structure* and the *unlawful use of land or a structure*. Section 109A reads:

1. (a) *the use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:*
  - (b) *the granting of development consent to that use.*

Therefore, the application is required to be considered on its merits and should the use of the structure be deemed consistent with relevant planning controls then an application for a Building Certificate is required to be submitted to Council.

As previously mentioned, the Act does not provide for retrospective approval for unlawful structures but a person may obtain a Section 149A Building Certificate from Council. The certificate differs from a development consent or building approval for a structure, in that it confers certain forms of legal immunity on the structure (Section 149E of the Act) rather than granting consent for the structure. It is important to note that the Section 149A certificate does not make an unlawful structure lawful, but simply makes it immune from certain types of legal action for a period of seven years from the date of issue.

### **The Proposal**

The Section 96 modification seeks approval for works which have already been carried out, and include:

1. Front awning, along the eastern elevation, 3m wide and 18m long;
2. Enclosure of awning on the northern side of the shed;

### **Statutory Situation**

#### **Assessment Of Section 96(2)**

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

## ORDINARY MEETING

Meeting Date: 28 July 2009

### S.96(2)

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

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

*Comment:* It is considered that the development as modified is substantially the same as the approved development, albeit a modified enclosed size.

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

*Comment:* No approvals are required by a Minister, public authority or approval body.

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

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

*Comment:* The application was notified in accordance with Hawkesbury Development Control Plan.

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

*Comment:* One submission was received. The matters raised in this submission are addressed further in this Report.

### S.96(3)

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

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

### S.96(4)

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

*Comment:* The application is for the modification of development consent MA 1305/01.

### s.96(5)

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

## ORDINARY MEETING

Meeting Date: 28 July 2009

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

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

#### Environmental Planning and Assessment Act 1979 and Regulations 2000

##### a) the provisions of:

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

The relevant environmental planning instruments are:

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

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

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

##### Clause 5 - Definitions

The proposed modified development is defined as 'rural shed', which means:

*"a building or structure used for the storage of the property of the occupiers of the subject land or property associated with an agricultural use or other permissible land use conducted on the same parcel of land, but does not include a building or structure elsewhere specifically defined in this clause or a building or structure used for a purpose elsewhere specifically defined in this clause."*

##### Clause 9 - Carrying out development

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

'Rural shed' is permissible within the Rural Living zone.

##### Clause 9A - Zone objectives

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

The objectives of the Rural Living zone are:

- (a) to provide primarily for a rural residential lifestyle,
- (b) to enable identified agricultural land uses to continue in operation,
- (c) to minimise conflict with rural living land uses,
- (d) to ensure that agricultural activity is sustainable,
- (e) to provide for rural residential development on former agricultural land if the land has been remediated,
- (f) to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,
- (g) to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflicts with other land uses in the locality,
- (h) to ensure that development occurs in a manner:
  - i. 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 streams and wetlands, and
  - ii. that satisfies best practice guidelines and best management practices,
- (i) to prevent the establishment of traffic generating development along main and arterial roads,

## ORDINARY MEETING

Meeting Date: 28 July 2009

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

It is considered that the proposed modified development is not inconsistent with the above objectives.

### **Specific Provisions of HLEP 1989**

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

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

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

### **Conclusion**

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

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

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

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

There are no relevant draft environmental planning instruments that affect the proposed modified development.

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

### **Hawkesbury Development Control Plan**

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

#### **General Information Chapter**

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

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

#### **Notification Chapter**

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

*Comment:* The application was notified as per the requirements of this Chapter. As a result, one (1) submission was received. The matters raised in this submission are discussed below.

**ORDINARY MEETING****Meeting Date:** 28 July 2009**Rural Sheds Chapter**

The aim of this Chapter is to enable the erection of sheds on rural properties in a manner, which compliments the rural character of the landscape and has minimal impact on the scenic qualities of an area and to provide design principles for the construction of these buildings.

The following is an assessment of the proposed modified shed against these design principles:

| Design Principles  | The Proposal   | Compliance   |
|--|--|--|
| <b>Siting</b><br>Cut and fill shall be limited to 2m of cut and 900mm of fill        | Development Consent MA 1305/01 approved 1.3m cut and 300mm fill as per stamped approved plan sheet 2 of 5. | No<br>The shed has been built on a level platform constructed using approximately 1.3m fill.   |
| Sheds shall be located no closer to the road than the existing dwelling house.       | The shed will be located further from the road than the proposed dwelling house                            | Yes  |
| Sheds are not to be erected on land which has a slope in excess of 10%               | The slope of the site is 10.9%   | In the assessment of the original application, the variation to the slope requirement was supported for the following reasons: <ul style="list-style-type: none"> <li>the variation is of a minor nature;</li> <li>the use of 1.3m of cut and 300mm of fill to create a level building platform is consistent with the requirements of the DCP;</li> <li>the location of the proposed shed is considered appropriate as: <ul style="list-style-type: none"> <li>it provides a satisfactory setback from the boundary of 453 East Kurrajong Road to minimise any impacts in terms of privacy, overshadowing and loss of views;</li> <li>minimal cut and fill and land disturbance is required;</li> <li>the removal of native vegetation will not be required.</li> </ul> </li> </ul> |
| The erection of rural sheds should involve minimal disturbance to native vegetation. | The proposal will not involve disturbance to native vegetation.  | Yes  |
| <b>Size</b><br>The maximum size of sheds in  | The proposed modified shed   | No   |

# ORDINARY MEETING

Meeting Date: 28 July 2009

| Design Principles   | The Proposal  | Compliance                       |
|---|---|----------------------------------|
| <p>the 1(c) and 1(c1) areas (includes Rural Living Zone) shall not exceed 150m<sup>2</sup>. The cumulative total of all outbuildings shall not exceed 150m<sup>2</sup> on any one property in these zones.</p> <p>In zones 1(a), 1(b), 7(d), 7(d1), 7(e), the applicant will need to justify the size of any shed exceeding 150m<sup>2</sup> in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.</p>   | <p>has an enclosed area of approximately 216m<sup>2</sup>.</p> <p>The land is zoned Rural Living.</p> | N/A                              |
| <p><b>Height</b></p> <p>The total height of a rural shed erected in Rural 1(c) and 1(c1) zones (includes Rural Living Zone) shall be no more than 5m or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less.</p> <p>In other zones the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development.</p> <p>The total height of 'barn style' sheds may exceed 5m based on individual merit.</p> | <p>The total height of the shed is 5m</p>   | <p>Yes</p> <p>N/A</p> <p>N/A</p> |
| <p><b>Form</b></p> <p>Rural sheds with standard roof form will be limited to rectangular shapes.</p> <p>Sheds of other roof forms, for example barn style, will be encouraged.</p>  | <p>The shed has dimensions of 12m by 18m.</p>   | <p>Yes</p> <p>N/A</p>            |
| <p><b>Colour</b></p> <p>The colour of a rural shed will match or blend in with those of existing buildings.</p> <p>On vacant land the colour for</p>  | <p>Development Consent MA 1305/01 approved:</p> <p>Walls - 'rivergum'</p> <p>Doors - Beige</p>        | No                               |



## ORDINARY MEETING

**Meeting Date:** 28 July 2009

| Design Principles  | The Proposal  | Compliance  |
|--|---|---|
| rural sheds shall be taken from the natural environment.   | Roof - Beige<br><br>as per stamped approved plan sheet 3 of 5.  |   |
| <p><b>Type of Building Materials</b><br/>Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective.</p> <p>The use of corrugated iron will be considered subject to the size, height, design and location of the rural shed.</p> <p>Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.</p> | The building materials are new and are repainted.   | <p>No<br/>The roof is zincalume</p> <p>N/A</p> <p>N/A</p> |
| <p><b>Landscaping</b><br/>Plantings are to be a mix of trees, shrubs and ground cover.</p> <p>Trees shall include species that at maturity have a height above the ridgeline of the shed.</p> <p>Shrub mass shall provide adequate screening.</p> <p>Plants endemic to the area are to be chosen.</p>  | Landscaping plan approved with issue of the Construction Certificate. Landscaping has not been fully carried out. | No  |

### Size

**Enclosing of the 6m by 12m awning area on the northern side of the shed.**

#### **Applicants justification:**

1. *Environmental impact on the rest of the shed. Natural elements like wind, rain and debris can enter the entire shed from these openings. The entire security of the shed is compromised from these openings. The structural stability of the shed is compromised by wind being able to pressurise the structure.*
2. *There is no impact on any surrounding properties as the changes to be made are on the backside of the structure. It would be visually no different to the neighbours.*
3. *By closing in these walls the shed would comply with the councils DCP in visual aspects. (The current DCP does not allow for sheds that are built like a square. This change would enhance the shed visual appearance from the premises.*
4. *There are several shed structures in close vicinity that are much larger.*
5. *The current DCP allows sheds up to 170 square metres.*

## ORDINARY MEETING

Meeting Date: 28 July 2009

6. *The current shed size is 144 square metres.*
7. *The changes would be more aligned with the current shed DCP in terms of rectangular appearance.*
8. *The shed has been cut into the ground to reduce any potential impact to neighbours.*
9. *Comprehensive landscaping has been approved to address screening of the entire structure.*
10. *The structure itself is set back from the road over 50 metres.*
11. *The original D.A. allowed for the back of the shed to closed and this was agreed by council before the original approval.*

*Comment:* The approved shed comprised of a 12m by 12m enclosed area with an adjoining 6m wide awning. If constructed to the approved plans, wind, rain and debris could not affect the enclosed area of the shed through this awning. Likewise, it is considered that the awning does not compromise the security of the enclosed shed area. As the approved shed included an awning area, the design should have incorporated measures to ensure structural stability.

The enclosing of the awning area has resulted in a shed 216m<sup>2</sup> in size, with dimensions of 18m by 12m.

It is considered that the enclosed awning area has no adverse impact on adjoining properties in terms of the existing scenic quality or overshadowing of the building, due to distance from the dwelling house on the property to the west and due to the orientation of the enclosed area in respect to the property to the south.

The proposed modified shed is not inconsistent with the aims and objectives of Clause 8.2.2. Size of the Erection of Rural Sheds Chapter of the Development Control Plan, as the structure is not considered to be visually dominating in the landscape and the size is appropriate in relation to its predominantly residential use, and the size of the property.

### **Additional 3m awning along front (eastern) elevation**

#### ***Applicants Justification:***

1. *In its original state the shed did not allow for any protection to the contents inside the shed while the roller doors are raised.*
2. *The 3 metre awning gives the contents of the shed protection from the elements.*
3. *There is no impact on any surrounding properties as the changes to be made are screened by native vegetation, heavily landscaped raised mound and a colour bond fence.*
4. *The addition does not compromise any visual aspect for the neighbours.*
5. *The change would make the shed structure more visually appealing from the front view and would add substantial character to the building.*
6. *The contents would be protected from the environmental elements.*
7. *The current DCP allows for awnings to be build under the conforming development scheme of up to 40 squares the awning proposed is 54 square metres.*

*Comment:* It is considered that the proposed awning along the eastern elevation of the shed has no adverse visual impact on the locality.

### **Additional Non Compliances**

In respect to the construction of the existing shed, it is noted that:

## ORDINARY MEETING

Meeting Date: 28 July 2009

- The shed has been built on a level platform constructed using approximately 1.3m fill.
- The colour of the shed is 'cream', and the roof is 'zincalume'.
- The landscaping has not been fully carried out.

The major concern with the initial application was the location of the shed adjacent to the rear boundary of an adjoining property and the resulting loss of visual and acoustic privacy, and loss of scenic amenity. At this time, the applicant argued that the building platform would be constructed by 1.3m of cut and 300mm of fill, thereby resulting in the shed sitting lower in the landscape and allowing a view from the adjoining residence over the top of the shed. By using less cut and more fill, more of the shed is visible when viewed from the adjoining property.

The 'cream' colour of the shed is considered satisfactory, however, the roof is zincalume and therefore reflective. It is considered reasonable to require the roof to be painted to match the existing shed and reduce its reflectivity.

Only a small amount of landscaping has been carried out. It is considered that the completion of the landscaping would assist in reducing the existing impacts of the shed in respect privacy and visual amenity.

The applicant has provided no justification for these non compliances.

### iv) any matters prescribed by the regulations

A Condition that the development is carried out in accordance with the Building Code of Australia was imposed on the original consent.

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

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

#### Context And Setting

Surrounding development consists predominantly of rural residential uses.

The scale and design of the proposed amended building is typical of rural sheds in the locality. Surrounding properties will not be further impacted upon in terms of sunlight access, overshadowing, loss of visual and acoustic privacy, loss of views and vistas as the result on the modification. The impacts of the existing shed on the adjoining property to the south, in terms of loss of privacy and views, could be mitigated, with the completion of the landscaping.

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

There are no constraints from surrounding landuses that would make this development prohibitive.

The proposed development will not lead to unmanageable transport demands. Access to the site is satisfactory for the intended use.

Adequate services and utilities are available to the site.

There are no known hazardous landuses/activities nearby.

Ambient noise levels are suitable for the development.

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

## ORDINARY MEETING

Meeting Date: 28 July 2009

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

The land is flood free and the area has an extreme bushfire risk. These affectations are no prohibitive to the proposed modified development.

It is therefore concluded that the site is suitable for the proposed development as modified.

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

Following notification of the s.96 application, one submission was received. The matters raised in this submission are addressed as follows:

#### **No Power to Consent**

*"It is our client's first submission that the council does not have the power to approve the modification application. The reasons for the council declining to approve the shed originally proposed by the applicants (at the meeting on 22 October 2002) were clearly set out in the report considered by the Council at that meeting. The reasons that led the Council to conclude (at the meeting on 12 November 2002) that an amended development should be approved are clearly set out in the report considered at that meeting.*

*The approval of the purported section 96 application would in fact amount to the approval by the Council of a development which is not substantially the same development as that which was approved. The reasons for that conclusion are as follows:*

- *the modifications now proposed to the development consent will result in a shed which does not comply with the DCP;*
- *the Council's concerns in relation to the bulk and presentation of the original shed will not be satisfied by the proposed amended shed;*
- *the proposed amended shed will not incorporate the awning that the council specifically required (at the northern end of the structure) before the development consent was granted; and*
- *the council's concerns regarding the visual impact of the shed, which led it to decline to consent to the original proposal, will not be addressed by the proposed modified shed, specifically in relation to the colour of the structure and the amount of cut that has been used."*

**Comment:** The modified development can be assessed under s.96 of the Environmental Planning and Assessment Act 1979, and is considered to be substantially the same development. Whilst the modified shed will not comply with the requirements of the Shed Chapter of Hawkesbury Development Control Plan in respect to size, the variation is considered to be consistent with the aims and objectives of this Chapter as previously discussed and therefore can be supported.

#### **Contrary to the Public Interest**

*"The Council gave the original development application very detailed consideration. Two reports were prepared, and lengthy discussions took place between the Council and the applicants.*

*The initial application was amended, and this first amended application was the subject of the report considered at the meeting on 22 October 2002. When the matter was deferred to allow for discussions, the application was amended for a second time. It was this second amended application that was the subject of the development consent.*

*In our client's submission it is contrary to the public interest to be permitted to construct a shed which does not comply with the development consent, where that consent was arrived at after detailed consideration by the Council, and to secure, via a section 96 application, the approval of that which the Council originally declined to approve. Such a course brings the planning process into disrepute, and leads to the conclusion by the public that the Council's planning processes cannot be relied upon."*

**Comment:** Noted.

## ORDINARY MEETING

Meeting Date: 28 July 2009

### Breach of the DCP

*"The DCP has been adopted by the Council as a principal control in relation to development within its local government area. The proposed modified development does not comply with the DCP.*

*The applicants appear to have dealt with this matter by simply asserting that the shed does comply. We are not aware of any justification for the non-compliance in the material that has been submitted by the applicants to the Council.*

*In the absence of any justification for the proposed non-compliance, the Council should maintain its standard and decline to approve a shed which significantly exceeds the maximum area requirement of the DCP, both in relation to the shed itself and in relation to the entire property."*

#### Comment:

The applicant has provided justification for the modification, and the variations from the Development Control Plan are supported as discussed above.

### The Mistake in the Construction Certificate Documentation

*"In the handwritten letter dated 18 September 2006, Mr Hromek contends that there was a mistake in the construction certificate documentation which "referred to the awning being open at both.....east and west elevation. On the D.A. approved plan the west elevation was not specified as being open."*

*It is difficult to understand this submission, given the clear differentiation in the Council report, considered at the meeting on 12 November 2002, between the 18 metre x 6 metre shed and the 12 metre x 6 metre awning. The Council was clearly informed that it was dealing with two distinct parts of the overall structure, one of which was enclosed and one of which was open. It is difficult to understand how Council's requirement for an awning at the northern end of the structure could be satisfied by enclosing the entire western elevation of the awning, and the entire northern elevation of the awning and by incorporating a doorway in the otherwise enclosed eastern elevation, with the latter being constructed with a doorway".*

Comment: Noted.

### Description of Development

*"The SEE describes the modification application as relating to "Alterations to Existing Shed". The paragraph that follows the headings to the SEE describes the modifications sought as:*

*".... Seeking to get approval for the following changes to the existing building."*

*It is very difficult to understand the description of the modifications that then follows. However, we are instructed that all of the modification for which the applicants now seek approval have already been incorporated in the structure."*

Comment: Noted

### Conclusion

The proposed modification is consistent with the provisions of Hawkesbury Local Environmental Plan 1989 and the aims and objectives of the Rural Sheds Chapter of Hawkesbury Development Control Plan. It is considered that the modified shed will have no increased impacts on surrounding properties or the locality in general, subject to the completion of landscaping and the painting of the shed roof.

The action required should Council not support this S.96 application includes the issue of Orders to demolish the existing shed, remove additional fill deposited on the site and erect a shed of size and colour as approved in the original development approval. Should the unauthorised works be found to be the fault of the Private Certifier, Council would also be required to lodge a formal complaint to the Department of Planning.

**ORDINARY MEETING**

**Meeting Date:** 28 July 2009

**RECOMMENDATION:**

That Development Consent DA 1305/01 be amended in the following manner:

Condition 1 be amended to read:

1. To confirm and clarify the terms of this approval, the development shall take place in accordance with the plans submitted with s.96 Modification Application MA 1305/01A excepting as modified by these further conditions.

Insert new condition:

- 18a. The approved landscaping shall be completed within two months of the approval date of this S.96 modification application.

Insert new condition:

- 18b. The external roof of the shed shall be painted to match the existing colour of the shed walls within two (2) months of the approval date of this s.96 modification application.

**ATTACHMENTS:**

**AT-1** Locality Plan

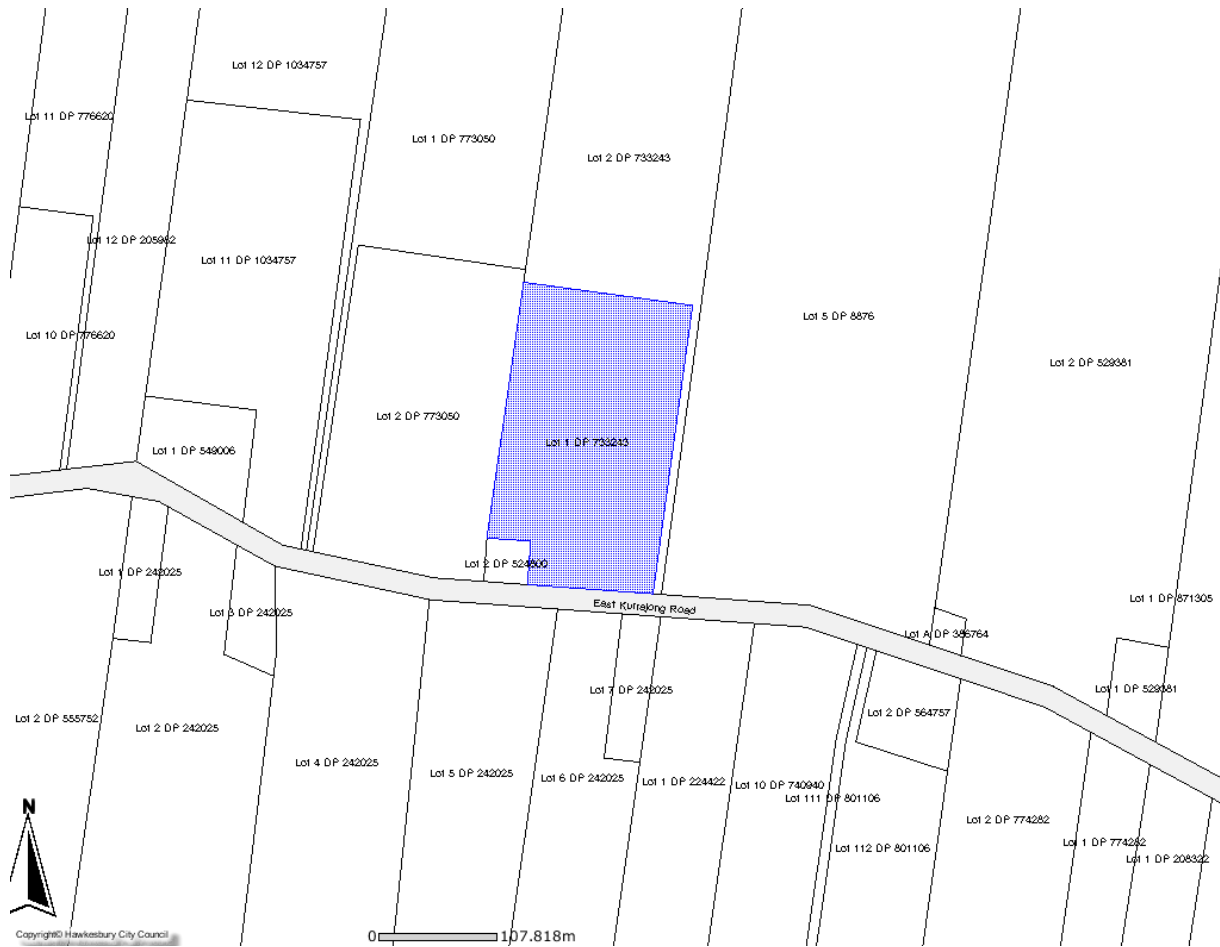
**AT-2** Site Plan

**AT-3** Elevation Plan

## ORDINARY MEETING

Meeting Date: 28 July 2009

### AT-1 Locality Plan



**Meeting Date:** 28 July 2009





## ORDINARY MEETING

Meeting Date: 28 July 2009

### AT - 2 Council Resolution - Ordinary Meeting 27 November 2007

**ITEM: 256 CP - Amendment to Council Resolution 27 November 2007 - Modification to Development Consent - Shed greater than 170m2 - Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong - (MA1305/01A, 17250, 75950, 95498)**

---

Mr Robert Hromek, proponent, addressed Council.  
Ms Tanya Clifton and Mr Colin Clifton, respondents, addressed Council.

#### **MOTION:**

RESOLVED on the motion of Councillor Devine, seconded by Councillor Porter.

#### ***Refer to RESOLUTION***

An AMENDMENT was moved by Councillor Calvert, seconded by Councillor Rasmussen.

That Council encourage the applicant and the adjoining neighbours to engage in mediation talks within 21 days with a view to resolving this matter and if these talks are unsuccessful the following action be taken.

1. The application to amend the development consent for the erection of a shed at Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong be refused for the following reasons:
  - (a) The proposed modification will have an adverse impact on the neighbouring property in terms of amenity and privacy.
  - (b) The proposed modification will have an unacceptable impact on the visual quality on the area.
  - (c) The proposed modification is inconsistent with the aims and objectives of the Hawkesbury Development Control Plan.
  - (d) The proposed modification does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D Chapter 8 - Rural Sheds.
  - (e) Approval of the modified development would not be in the public interest.
2. A Demolition Order be issued on the parts of the existing development that do not comply with the development consent conditions issued for DA1035/01, on 11 December 2002.
3. Staff investigate whether there is a need to lodge a formal complaint about the Private Certifier with the Department of Planning.

The amendment was lost.

The motion was put and carried

#### **431 RESOLUTION:**

RESOLVED on the motion of Councillor Devine, seconded by Councillor Porter

That:

1. The application to amend the development consent for the erection of a shed at Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong be refused for the following reasons:

## ORDINARY MEETING

Meeting Date: 28 July 2009

- (a) The proposed modification will have an adverse impact on the neighbouring property in terms of amenity and privacy.
  - (b) The proposed modification will have an unacceptable impact on the visual quality on the area.
  - (c) The proposed modification is inconsistent with the aims and objectives of the Hawkesbury Development Control Plan.
  - (d) The proposed modification does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D Chapter 8 - Rural Sheds.
  - (e) Approval of the modified development would not be in the public interest.
- 2. A Demolition Order be issued on the parts of the existing development that do not comply with the development consent conditions issued for DA1035/01, on 11 December 2002.
  - 3. Staff investigate whether there is a need to lodge a formal complaint about the Private Certifier with the Department of Planning.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 28 July 2009

**Item:139**                    **CP - Draft Hawkesbury Local Environmental Plan 1989 (Amendment 156) - Lot 1 DP 129442 and Lot 1 DP 779913 - 739 George Street, South Windsor (Windsor Baptist Church) - (85593, 95498)**

**Previous Item:**            240, Ordinary (25 November 2008)  
                                 104, Ordinary (27 May 2008)

---

### REPORT:

#### Background

Council at its Ordinary Meeting held on 25 November 2008, resolved to prepare a draft Local Environmental Plan to rezone Lot 1 DP 129442 and Lot 1 DP 779913, 739 George Street, South Windsor to a SP3 Tourist zone. This resolution was in response to a rezoning application prepared on behalf of the Winten Property Group and the land owners, the Baptist Church of NSW Property Trust. The rezoning application contained a concept plan showing the potential for the following uses on the site:

- Service station
- Day Care Centre
- Motel
- Two Fast food restaurants
- Family restaurant
- Car Wash
- Garden Supplies
- Associated carpark and internal road

Council staff subsequently wrote to the Department of Planning advising of Council's intention to prepare the draft LEP (known as draft Amendment 156).

The Department of Planning responded on the 11 March 2009 stating that the draft LEP is not supported by the Department and that Council should take a strategic look at the SP3 zone and identify city wide opportunities for the implementation of this zone.

#### SP3 Tourist Zone

The Department of Planning has recently prepared a draft LEP Practice Note to guide Councils in regard to adopting Tourism zones in the Standard Instrument. It is clear from the draft Practice Note that Council would need to commission a tourism strategy to identify tourism sites and location of tourism facilities. (Council resolved on 10 March 2009 to prepare a Tourism Strategy for the Hawkesbury Local Government Area.) Part of this exercise would entail examination of the different land uses that would be suited for identified tourism sites and facilities. This strategic exercise has been identified in Council's recently released draft "Community Strategic Plan Shaping our Future" (refer to page 10 of the draft Community Strategic Plan). The strategic exercise will need to be funded and involve a large degree of consultation. It is estimated that the tourism strategy would be developed over a period of approximately 12 months and would incorporate the findings of the Hawkesbury Employment Lands Strategy which has identified some gateway sites.

This time frame is likely to be problematic for the owners of the subject land.

#### Alternative Approach

It should be remembered that the subject land has an existing zone of "Special Uses 5(a) - Church" under the provisions of HLEP 1989. Council will be aware that a new LEP is being prepared in accordance with the Department of Planning's Standard Instrument and that the new LEP is to be, as much as possible, a

## ORDINARY MEETING

Meeting Date: 28 July 2009

conversion of the existing LEPs provisions into the format required by the Standard Instrument. As part of this conversion process the subject land is proposed to be zoned as "SP2 - Church". A principal reason for adopting this SP2 zone was to preserve the owner's right to develop their land for Senior's Living purposes. Since the preparation of the draft Standard Instrument LEP the owners have indicated that they do not wish to proceed with their Seniors Living development.

The Department of Planning has also recently provided comments on Council's draft Standard Instrument LEP and one of the changes requested by the Department relates to the application of SP1 and SP2 zones. The LEP Practice Note (PN 08-002) that deals with infrastructure in LEPs recommends that where practicable the number of SP zones should be limited and in the conversion process Special Use zones should take on the same zoning as the adjoining or surrounding zone. In this particular case the current adjoining zone is Rural Living which will go to RU4 Rural Small Holdings.

Based on the latest advice from the Department of Planning the permitted land uses in the draft RU4 Rural Small Holdings zone are as follows:

*"Animal Boarding and Training Establishments; Aquaculture; Boarding Houses; Business Identification Signs; Cemetery; Child Care Centres; Community Facilities; Dual Occupancies (Attached); Dwelling Houses; Educational Establishments; Entertainment Facilities; Environmental Facilities; Extensive Agriculture (within an area mapped as Environmental Constraint Area); Farm Buildings; Farm Stay Accommodation; Flood Mitigation Works; Food and Drink Premises; Health Consulting Rooms; Home Based Child Care; Home Industries; Horticulture; Hospitals; Intensive Livestock Agriculture; Intensive Plant Agriculture; Landscape and Garden Supplies; Places of Public Worship; Public Administration Buildings; Recreation Areas; Recreation Facilities (indoor); Recreation Facilities (outdoor); Registered Clubs; Roads; Roadside Stalls; Rural Supplies; Tourist and Visitor Accommodation; Veterinary Hospitals; Waterbodies (artificial)."*

Apart from service stations all of the land uses listed in the rezoning application are permissible in the RU4 zone. The service station use on the subject land could be made permissible as an addition to Schedule 1 of the draft Standard Instrument. Schedule 1 allows additional uses that are otherwise prohibited in a zone.

It should be noted that the Department has previously advised Council that the inclusion of matters into Schedule 1 should be limited and therefore it is not known at this stage if the Department of Planning would allow this matter to be included in Schedule 1.

### Conclusion

Based on recent advice from the Department of Planning regarding the proposed rezoning of the subject land and the more general advice regarding the draft Standard Instrument LEP it would appear the most expedient way to progress this rezoning would be to rezone the land Rural Living/RU4 Rural Small Holding (depending on further instruction from the Department of Planning regarding which zone to use) and include an enabling clause in the current HLEP 1989 to allow service stations on the land with this enabling clause then being included in Schedule 1 of the Standard Instrument LEP.

So as not to incur any further unnecessary delay it is recommended that draft Amendment 156 be progressed separately to the draft Standard Instrument. However, if it is deemed timely and appropriate to do so Amendment 156 would be incorporated into the draft Standard Instrument prior to gazettal.

### Conformance to Strategic Plan

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

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

## ORDINARY MEETING

Meeting Date: 28 July 2009

### Funding

There are no funding implications.

### Planning Decision

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

### RECOMMENDATION:

That:

1. Council's Resolution of 25 November 2008 (Minute No. 392) to rezone Lot 1 DP 129442 and Lot 1 DP 779913, 739 George Street, South Windsor, to SP3 Tourist Zone not proceed.
2. Hawkesbury Local Environmental Plan 1989 be amended (known as Amendment 156) by rezoning Lot 1 DP129442 and Lot 1 DP 779913, 739 George Street, South Windsor to Rural Living or RU4 Rural Small Holding (depending on further instruction from the Department of Planning regarding which zone to use) and that an enabling clause be inserted in the appropriate location of the LEP to allow service stations as a permissible use, with consent, on the subject land.
3. Draft Amendment 156 be progressed separately to the draft Standard Instrument. However, if it is deemed timely and appropriate to do so it is to be incorporated into the draft Standard Instrument prior to gazettal.
4. The applicant/owner of the subject land is to develop a draft site specific Development Control Plan for the site, at their own expense, in conjunction with Council staff and to the satisfaction of Council. The Development Control Plan is to be adopted by Council prior to the finalisation of the rezoning.
5. Safe pedestrian access across George Street, South Windsor, is also to be provided in the Development Control Plan.

### ATTACHMENTS:

**AT - 1** Letter from Department of Planning dated 11 March 2009.

ORDINARY MEETING

Meeting Date: 28 July 2009

**AT - 1 Letter from Department of Planning dated 11 March 2009**



NSW GOVERNMENT  
Department of Planning

Hawkesbury City Council

17 MAR 2009

Office of the Director-General

Contact: Felicity Moylan  
Phone: (02) 9228 6111  
Fax: (02) 9228 6177  
Email: Felicity.Moylan@planning.nsw.gov.au  
Postal: GPO Box 39 Sydney NSW 2001

Mr Peter Jackson  
General Manager  
Hawkesbury Council  
PO Box 146  
WINDSOR NSW 2756

Our ref: P09/00083  
Your ref: LEP Amendment No. 156

Dear Mr Jackson

**Re: Section 54(4) Notification – Hawkesbury Local Environmental Plan 156**

I am writing in response to your Council's letter dated 30 January 2009 advising, under section 54(4) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') to rezone land at 739 George Street, Windsor from 5(a) (special uses "A") (Church) to SP3 Tourist for generally non-retail, tourist development.

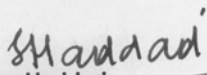
The proposed draft amendment is not supported by the Department at this stage due to the following concerns:

- Council has not provided a draft instrument for this proposed rezoning, and it remains unclear what specific uses are proposed to be made permissible for the site within the SP3 zone. However, the uses proposed for the site by the proponent (i.e. fast food restaurants, motel, service station, car wash, garden supplies) are better located within an established retail centre;
- The draft LEP may potentially result in an isolated retail precinct with no guarantee that tourist uses such as a motel will be built; and
- Council's vision for the 'gateway' site appears to be contrary to the vision held by the current land owners and potential developers.

Rather than concentrate on a spot rezoning for the subject site, Council should develop appropriate zoning provisions for the SP3 Tourist zone across the entire LGA, identifying various localities suited to the SP3 zone. This strategic work should then be incorporated into Council's comprehensive LEP.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely

  
Sam Haddad  
Director-General

11/3/2009.



**SCANNED**

oooO END OF REPORT Oooo

**ORDINARY MEETING****Meeting Date: 28 July 2009****Item:140****CP - Community Sponsorship Program - 2009/2010 - Round 1 - (96328)****REPORT:**

This report has been prepared to advise Council of applications for financial assistance to be determined under Round 1 of the Community Sponsorship Program for 2009/2010.

**Background**

On 13 March 2007 Council resolved to adopt a Sponsorship Policy, prepared in accordance with the guidelines issued by the Independent Commission Against Corruption. Criteria and administrative arrangements for the Community Sponsorship Program (CSP) were subsequently developed with implementation commencing in 2007/2008.

The adopted budget for 2009/2010 includes an allocation of \$60,770 for the CSP. Pursuant to Council's resolution of 29 April 2008, \$18,540 of this amount has been set aside as a contribution to the staging of the Hawkesbury City Eisteddfod.

**Community Sponsorship Program (2009/2010)**

In accordance with Council's Community Sponsorship Policy applications for community sponsorship under Round 1 of the Community Sponsorship Program 2009/2010 were called in late May and closed on June 26, 2009. 17 applications were received. In addition to these applications, a further 9 applications representing various years of approved three and five-year sponsorship events (approved in 2007/2008 and 2008/2009) have been included for Council's determination.

In total 26 applications have been presented for Council's consideration under Round 1 of the 2009/2010 CSP. Table 1 summarises the applications received and the proposed level of financial assistance.

| Applicant                                | Type <sup>(1)</sup> | Proposal  | Recom. Amount |
|--|---------------------|---|---------------|
| 1. Kurrajong Anglican Church             | ES                  | Staging of Carols in the Park in Memorial Park, Kurrajong | 500           |
| 2. Rotary club of Richmond               | ES                  | Staging of Carols by Candlelight in Richmond Park         | 1,500         |
| 3. Hawkesbury City Eisteddfod Society    | ES                  | Staging of Hawkesbury City Eisteddfod                     | 18,540        |
| 4. St Albans Folk Festival               | ES                  | Staging of Folk Festival                                  | 3,000         |
| 5. The Kurrajong Scarecrow Festival      | ES                  | Staging of annual Scarecrow Festival                      | 3,500         |
| 6. Henry Doubleday Research Assoc        | ES                  | Staging of annual Earthcare Fair Festival                 | 1,000         |
| 7. Greater Western Sydney Bands Inc      | ES                  | Staging of annual Jazz aVienne Festival                   | 2,000         |
| 8. Hawkesbury Community Hub              | ES                  | Staging of annual Community Bush Dance                    | 2,000         |
| 9. Cancer Council NSW                    | ES                  | Hawkesbury Relay for Life                                 | 3,000         |
| 10. Hawkesbury Valley Philatelic Society | CF                  | Hire of Richmond Literary Institute                       | 83            |
| 11. Older Mens Network Inc               | MA                  | Hire of Marquee for Hawkesbury Blokes Army                | 500           |
| 12. Kurrajong Public School P&C          | MA                  | Sponsorship of Spring Fair                                | 200           |
| 13. New Haven Farm Home                  | MA                  | Reimbursement of Waste Management Facility fees           | 500           |
| 14. New Haven Farm Home                  | MA                  | Reimbursement of SMF inspection fees                      | nil           |
| 15. Mark Ryan                            | MA                  | Representative Volleyball                                 | 100           |
| 16. Hawkesbury District Baseball Club    | MA                  | Representative Baseball                                   | 100           |
| 17. Sydney Blues Festival                | 3Y                  | Sponsorship of festival                                   | nil           |
| 18. Sydney Blues Festival                | CF                  | Hire of Windsor Function centre for festival              | nil           |
| 19. Hawkesbury Community Outreach Serv.  | CF                  | Hire of halls for preschool                               | nil           |
| 20. Hawkesbury Untamed Musos             | CF                  | Hire of Windsor Function Centre for debut concert         | 416           |
| 21. Hawkesbury Untamed Musos             | MA                  | Expansion of Community Choir                              | 500           |
| 22. Windsor Softball Club Inc            | MA                  | Purchase of softball equipment                            | 500           |
| 23. Tania Ham                            | MA                  | Dance troupe visit to Thailand                            | nil           |
| 24. Hawkesbury Community College         | MA                  | Hire of North Richmond Community College                  | nil           |
| 25. Hawkesbury Mens Shed Inc.            | MA                  | Equipment for Indian Myna traps and bird habitat boxes    | 500           |



## ORDINARY MEETING

Meeting Date: 28 July 2009

|  |    |   |        |
|--|----|---|--------|
| 26. Rainforest Network + Bushcare Groups | MA | Reimbursement of Waste Management Facility Fees | 500    |
|  |    | TOTAL   | 38,939 |

(1) MA = Minor Assistance ES = 3 Year Event Sponsorship SG = Seeding Grant CF = Access to Community Facilities ICF= Improvement to Community Facilities

Table 1 – Requests for financial assistance Round 1 of 2009/2010 Community Sponsorship Program

The applications received were assessed against the applicable criteria outlined in the CSP. This criteria reflects the provisions of Council's adopted Sponsorship Policy and the amounts recommended for approval are consistent with the policy. A more complete summary of the assessment of applications against the CSP appended to this report (Attachment 1).

There are sufficient funds to cover the total recommended amount of \$38,939 for Round 1 of the 2009/2010 Community Sponsorship Program leaving a balance of \$21,831 for allocation in further rounds. As reported elsewhere in the Business Paper, it is proposed that \$10,000 of the balance of remaining CSP funds be allocated to facilitate the establishment of an additional sponsorship category within the Community Sponsorship Program to facilitate the provision of financial assistance to community groups seeking to hold events and activities in conjunction with Hawkesbury Macquarie 2010 Celebrations. If approved by Council, the balance of CSP for the remainder of the 2009/2010 year would be reduced to \$11,831.

### Financial Support for Bush Regeneration Groups and Indian Myna Trapping

The applications received under Round 1 of the CSP include provision for \$500 to be allocated to support Council approved bushcare and bush regeneration groups (including the Hawkesbury Rainforest Network). The purpose of these funds is to meet the costs associated with the disposal of green waste at Council's Waste Management Facility by these groups when they are undertaking authorised bush regeneration works on Council owned properties and reserves. This provision has been made in response to a Notice of Motion considered by Council at its Ordinary Meeting held on 14 July, 2009. It should be noted that Council's Sponsorship Program was developed to support such worthwhile community projects and Council staff have endeavoured to advise community groups of funding available under Council's Community Sponsorship Program.

If approved, \$500 funds will be transferred to the bushcare program within the Parks component of Council's budget. Administrative arrangements will then be made with Council's Waste Management Facility to enable approved bushcare and bush regeneration groups (including the Hawkesbury Rainforest Network) to dispose of green waste at no charge to these groups. An initial amount of \$500 has been allocated (as this is the maximum amount provided under the Minor Assistance Program). If required, additional sponsorship can be provided in subsequent rounds of the CSP.

In response to questions raised by Councillors regarding Council support for Indian Myna trapping programs, Council staff have liaised with the Hawkesbury Mens Shed Inc. to invite them to submit an application for sponsorship for this project. An application was subsequently received and has been included in this report.

### Conformance to Strategic Plan

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

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

### Funding

Funding allocations recommended in this report are available within current budget provisions.

## **ORDINARY MEETING**

**Meeting Date:** 28 July 2009

### **RECOMMENDATION:**

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations and individuals listed, and at the level recommended in Table 1 of this report.
2. Note that the required Sponsorship Agreements for Applications 1 through 9 have been previously executed to provide for the continuation of funding for these proposals.

### **ATTACHMENTS:**

**AT - 1** Assessment of Applications under Round 1 Community Sponsorship Program 2009/2010

# ORDINARY MEETING

Meeting Date: 28 July 2009

## AT - 1 Assessment of Applications under Round 1 Community Sponsorship Program 2009/2010 (cont'd next page)

| Applicant                             | Sponsorship Type (1) | Description   | Assessment Criteria |  |                          |                                    |                            |                         |                        |   |   |               | Amount requested (or previously approved for ES Sponsorship) | Amount recommended  | Comments |
|---------------------------------------|----------------------|---|---------------------|--|--------------------------|------------------------------------|----------------------------|-------------------------|------------------------|---|---|---------------|--|---|----------|
|                                       |                      |   | Local service       | Not-for-profit or funded by State/Federal Agency | Co-contribution provided | Reflects agreed community priority | Meets sponsorship criteria | Financially sustainable | Documentation provided |   |   |               |  |   |          |
| 1. Kurrarajong Anglican Church        | ES                   | Staging of Carols in the Park in Memorial Park, Kurrarajong | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 500           | 500  | Continuation of funding for Year 3 of approved 3 Year Event sponsorship agreement               |          |
| 2. Rotary club of Richmond            | ES                   | Staging of Carols by Candlelight in Richmond Park           | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 1500          | 1500   | Continuation of funding for Year 3 of approved 3 Year Event sponsorship agreement               |          |
| 3. Hawkesbury City Eisteddfod Society | ES                   | Staging of Hawkesbury City Eisteddfod                       | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 18000         | 18000  | Continuation of funding for Year 2 of approved 5 Year Event sponsorship agreement               |          |
| 4. St Albans Folk Festival            | ES                   | Staging of Folk Festival                                    | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 3000          | 3000   | Continuation of funding for Year 2 of approved 3 Year Event sponsorship agreement               |          |
| 5. The Kurrarajong Scarecrow Festival | ES                   | Staging of annual Scarecrow Festival                        | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 3500          | 3500   | Continuation of funding for Year 2 of approved 3 Year Event sponsorship agreement               |          |
| 6. Henry Doubleday Research Assoc     | ES                   | Staging of annual Earthcare Fair Festival                   | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 1000          | 1000   | Continuation of funding for Year 2 of approved 3 Year Event sponsorship agreement               |          |
| 7. Greater Western Sydney Bands Inc   | ES                   | Staging of annual Jazz a Vienne Festival                    | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 2000          | 2000   | Continuation of funding for Year 2 of approved 3 Year Event sponsorship agreement               |          |
| 8. Hawkesbury Community Hub           | ES                   | Staging of annual Community Bush Dance                      | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 2000          | 2000   | Continuation of funding for Year 2 of approved 3 Year Event sponsorship agreement               |          |
| 9. Cancer Council NSW                 | ES                   | Hawkesbury Relay for Life                                   | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 3000          | 3000   | Continuation of funding for Year 2 of approved 3 Year Event sponsorship agreement               |          |
| 10. Hawkesbury Valley Philatelic Soc. | CF                   | Hire of Richmond Literary Institute for a 1 Day Stamp Show  | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 165           | 83   | Requests for Access to Community Facilities funds are provided on a matching basis (50:50)      |          |
| 11. Older men's Network Inc           | MA                   | Hire of marquee for Hawkesbury Blokes Day                   | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 500           | 500  | Maximum funding under Minor Assistance category. 2 <sup>nd</sup> Application for this activity. |          |
| 12. Kurrarajong Public School P&C     | MA                   | Donation to biennial Spring Fair                            | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | not specified | 200  | Represents Bronze Level sponsorship of the event  |          |
| 13. New Haven Farm Home               | MA                   | Tip fees for excess refuse located on farm property         | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | not specified | 500  | Maximum funding under Minor Assistance category   |          |
| 14. New Haven Farm Home               | MA                   | Reimbursement of SMF Approval to Operate Inspection fees    | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | 320           | nil  | Recurrent expense – falls outside of Sponsorship Program (MA) category.                         |          |
| 15. Mark Ryan                         | MA                   | Combined Schools TransTasman Volleyball Tournament          | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | not specified | 100  | Meets requirements for Minor Assistance category  |          |
| 16. Hawkesbury District Baseball Club | MA                   | Club member participating in Baseball Tournament in USA     | ✓                   | ✓  | ✓                        | ✓                                  | ✓                          | ✓                       | ✓                      | ✓ | ✓ | not specified | 100  | Meets requirements for Minor Assistance category  |          |



# ORDINARY MEETING

Meeting Date: 28 July 2009

## Cont'd from previous page - Assessment of Applications under Round 1 Community Sponsorship Program 2009/2010

|  |    |   |   |   |   |   |   |   |   |   |   |               |        |  |
|--|----|---|---|---|---|---|---|---|---|---|---|---------------|--------|--|
| 17. Sydney Blues Festival                  | 3Y | First year of Sydney Blues Festival   | ✓ | ? | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | 5000          | nil    | Appears to be a commercial venture/business partnership – ineligible for community sponsorship       |
| 18. Sydney Blues Festival                  | CF | Hire of Windsor Function Centre as a venue for the Sydney Blues Festival        | ✓ | ? | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | 413           | nil    | As Above   |
| 19. Hawkesbury Community Outreach Services | CF | Hire of Blaxlands Ridge, Colo Heights and Bilpin Halls for preschool activities | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | 500           | Nil    | Applicant seeking funding for annual rental costs – service funded by DoCS to operate                |
| 20. Hawkesbury Untamed Musos               | CF | Hire of Windsor Function Centre   | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | 831           | 416    | Policy allows for dollar for dollar funding  |
| 21. Hawkesbury Untamed Musos               | SG | Salary for Piano accompanist + advertising                                      | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | 3250          | 500    | Application seeks funding for weekly salary and advertising.   |
| 22. Windsor Softball Club Inc              | MA | Purchase of sporting equipment  | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | not specified | 500    | Meets all requirements for Minor Assistance category   |
| 23. Tania Ham                              | MA | Dance troupe visit to Thailand  | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | not specified | nil    | A dance troupe from a commercial dance studio (SMARTSteppers Talent Studio)                          |
| 24. Hawkesbury Community College           | CF | Hire of North Richmond Community Centre   | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | not specified | nil    | NSW Department of Education and Training funded service  |
| 25. Hawkesbury Mens Shed Inc               | MA | Indian Myna Trapping Project  | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | 500           | 500    | Meets requirements for Minor Assistance category. Refer to additional information in Council Report. |
| 26. Rainforest Network + Bushcare Groups   | MA | Payment of waste fees for disposal of green waste                               | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | 500           | 500    | Meets requirements for Minor Assistance category. Refer to additional information in Council Report  |
|  |    | TOTAL   |   |   |   |   |   |   |   |   |   |               | 38,939 |  |

(1) MA = Minor Assistance ES = 3 Year Event Sponsorship SG = Seeding Grant CF = Access to Community Facilities ICF = Improvement to Community Facilities

oooO END OF REPORT Oooo

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Community Planning Advisory Committee Minutes - 21 May 2009 - (96737)**

The meeting commenced at 9.30am.

---

|                        |  |   |
|------------------------|--|---|
| <b>Present:</b>        | Councillor (Dr) Rex Stubbs OAM<br>Ms Vickie Shackley<br>Mr Chris McAlpine<br>Mr Matt Thorp | Deputy Chair<br>Community Representative<br>Community Representative<br>Nth Richmond Community Centre |
| <b>Apologies:</b>      | Councillor Barry Calvert<br>Mr Nick Sabel<br>Ms Karen Carter<br>Mr Matt Owens              | Chair<br>Wentworth Community Housing<br>Merana Aboriginal Community Assn<br>Hawkesbury City Council   |
| <b>In Attendance:</b>  | Mr Michael Laing<br>Ms Robyn Kozjak (Minute Secretary)                                     | Hawkesbury City Council<br>Hawkesbury City Council  |
| <b>Non Attendance:</b> | Ms Virginia Kruse<br>Ms Vesna Kapetanovic<br>Ms Sharon Payne                               | Community Member<br>NSW Dept of Community Services<br>Women's Cottage                                 |

---

**REPORT:**

**RESOLVED** on the motion of Ms Vickie Shackley and seconded by Mr Chris McAlpine that the apologies be accepted.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Ms Vickie Shackley and seconded by Mr Chris McAlpine that the Minutes of the Community Planning Advisory Committee held on the 6 November 2008, be confirmed.

## Attendance Register of Community Planning Advisory Committee

| Member                           | 21.05.09 |  |  |  |  |
|----------------------------------|----------|--|--|--|--|
| Councillor Barry Calvert - Chair | A        |  |  |  |  |
| Councillor (Dr) Rex Stubbs OAM   | ✓        |  |  |  |  |
| Ms Vickie Shackley               | ✓        |  |  |  |  |
| Mr Nick Sabel                    | A        |  |  |  |  |
| Mr Chris McAlpine                | ✓        |  |  |  |  |
| Ms Vesna Kapetanovic             | X        |  |  |  |  |
| Mr Matt Thorp                    | ✓        |  |  |  |  |
| Ms Karen Carter                  | A        |  |  |  |  |
| Ms Sharon Payne                  | X        |  |  |  |  |
| Ms Virginia Kruse                | X        |  |  |  |  |

**Key:** A = Formal Apology    ✓ = Present    X = Absent - no apology



**SECTION 3 - Reports for Determination**

**Item: 1 Election of Chairperson and Deputy Chairperson**

---

**DISCUSSION:**

- It was agreed in the absence of Councillor Calvert, the election of Chairperson be deferred.

**MOTION:**

RESOLVED on the motion of Ms Vickie Shackley, seconded by Mr Chris McAlpine.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the election of Chairperson be deferred until such time as Councillor Calvert is in a position to attend.

**SECTION 4 - Reports for Information**

**Item: 2 Concerns about the Future of the Western Sydney Area Assistance Scheme (WSAAS) - February 2009 Update**

---

**DISCUSSION:**

- Mr Laing referred to his attendance at a recent meeting of Western Sydney regional managers and senior staff across the community services and advised although there would be no increase in the \$10 million funding allocated many years back (now worth less than half and no return to "pick up"), a recommendation for funding of no less than 3 years was strongly supported. Mr Laing advised it was envisaged rounds would commence in September 2009.
- It was further advised some discussion arose relating to the proposal to expand the WSAAS to Western NSW, however, no extra funding would be forthcoming.
- It was advised the WSAAS would turn 30 this year and the Western Sydney Community Forum had considered holding a function to celebrate the occasion.

**MOTION:**

RESOLVED on the motion of Mr Chris McAlpine, seconded by Mr Matt Thorp.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The information be received.
2. The Committee supports the proposal to celebrate the 30 year history of the WSAAS by bringing together representatives of all organisations funded by WSAAS over the past 30 years.

**SECTION 5 - General Business**

**Item 3: Community Strategic Plan**

---

- Mr Laing distributed copies of the Community Strategic Plan to members of the Committee and advised the CSP was currently on exhibition. Mr Laing advised of the options in place for feedback and invited submissions from the Committee (to be brought back to Mr Laing by end of June).
- Details of proposed forums were provided to the Committee as follows:

|                              |  |
|------------------------------|--|
| Friday 26 June (day)         | North Richmond Community Centre<br>33 William Street, North Richmond)          |
| Saturday 27 June (afternoon) | Tiningi Community and Youth Centre<br>139 Colonial Drive, Bligh Park           |
| Monday 29 June (evening)     | Windsor Library - Tebbutt Room<br>Deerubbin Centre, 300 George Street, Windsor |

- Mr Laing reported on the release of the Department of Local Government's Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009 and the Local Government (General) Amendment (Planning and Reporting) Regulation 2009 for public consultation.

Mr Laing advised the Draft Bill and Regulations required Council to have a four-year delivery program detailing activities to be undertaken by the council to achieve the objectives established by its Community Strategic Plan. Mr Laing invited submissions from the Committee and provided details of the closing dates for submissions as follows:

- Draft Bill and Regulation - **5.00 pm, Friday, 12 June 2009**
- Draft Guidelines and Manual – **5.00 pm, Friday, 3 July 2009**

Mr Laing advised if the Committee had concerns about the Bill and Regulations, those concerns should be sent to him prior to Friday 5 June.

**MOTION:**

RESOLVED on the motion of Mr Chris McAlpine, seconded by Mr Matt Thorp.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The Committee submit their comments on the Community Strategic Plan to staff for collation.
2. The Committee submit their comments on the Department of Local Government's Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009 and the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, to staff for collation.

**Item 4: Comment/feedback on the report “Young People - Community participation and Civic Leadership”**

---

**DISCUSSION:**

- Mr Laing confirmed the matter had been reported to Council and Council had endorsed the eight recommendations contained in the *Young People – Community Participation and Civic Leadership* Report.
- Reference was made to point 2.8 of the above document (referring to development of a user friendly guide) and query was raised if this is being followed through. Mr Laing advised he would ascertain how these recommendations would be picked up or actioned.

**Item 5: Transport Issues (continuing discussion)**

---

**DISCUSSION:**

Reference was made to:

- A submission previously made by Council to the Ministry of Transport concerning proposed changes to bus services in the region. It was acknowledged unfortunately the "changes" resulted in an overall reduction in bus services to the area.
- An issue raised previously relating to the proposed cycleway between Richmond and Windsor and it was confirmed construction of the cycleway was in progress.
- A proposal to upgrade Windsor bus interchange. Query was raised if bicycle lockers would be installed at Windsor station. The Committee raised further concern relating to bicycle lockers at Richmond and queried if they would be retained. Mr Laing suggested these matters be addressed in the Bicycle and Access Mobility Committee.

**MOTION:**

RESOLVED on the motion of Mr Chris McAlpine, seconded by Ms Vickie Shackley.

***Refer to COMMITTEE RECOMMENDATION***

**ORDINARY MEETING**  
Reports of Committees

**COMMITTEE RECOMMENDATION:**

That the Committee ask Council to write to State Rail to investigate the possibility of installing bicycle lockers at Windsor Station and retain lockers at Richmond stations.

**Item 6: Presentation on the Local Government Affordable Housing Kit**

---

**MOTION:**

RESOLVED on the motion of Mr Matt Thorp, seconded by Mr Chris McAlpine.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That:

1. The matter be deferred until Mr Sabel is in attendance.
2. The report entitled "Models of Sustainable and Affordable Housing for Local Government: Project Report" be included in the next CPAC meeting agenda for discussion.

**Item 7: Code of Conduct**

---

The Code of conduct was distributed and received by the Committee.

The meeting closed at 10.20am.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Hawkesbury Macquarie 2010 Committee Minutes - 9 July 2009 - (114013)**

The meeting commenced at 9.05am in the Council Chambers, Hawkesbury City Council.

---

|                       |  |  |
|-----------------------|--|--|
| <b>Present:</b>       | Councillor Rex Stubbs OAM<br>Anthony Miller<br>Carol Edds<br>Dudley Mercer<br>Esther Perry<br>Frank Holland<br>Gai Timmerman<br>Judith Dimitrov<br>Judy Newland<br>Keri Whiteley<br>Max Jarman | Chair, Councillor Representative<br>Community Representative<br>Community Representative<br>Community Representative<br>Hawkesbury City Council<br>Community Representative<br>Community Representative<br>Community Representative<br>Community Representative<br>Hawkesbury City Council<br>Community Representative |
| <b>Apologies:</b>     | John Miller<br>Sonia Porter<br>Colin Mitchell<br>Jan Barkley Jack  | Community Representative<br>Hawkesbury City Council<br>Community Representative<br>Community Representative  |
| <b>In Attendance:</b> | Joseph Litwin<br>Kaylene Kelland   | Hawkesbury City Council<br>Hawkesbury City Council   |

---

**REPORT:**

**RESOLVED** on the motion of Judy Newland and seconded by Frank Holland that the apologies be accepted.

**SECTION 1 - CONFIRMATION OF MINUTES**

**1. Confirmation of Minutes**

**RESOLVED** on the motion of Tony Miller seconded by Max Jarman that the Minutes of the Hawkesbury Macquarie 2010 Committee held on 11 June 2009 be confirmed

**2. Matters arising from Previous Minutes**

There were no matters arising.

**SECTION 2 - REPORTS FOR DETERMINATION**

**Item 14 – Hawkesbury Macquarie 2010 Committee Membership**

---

**DISCUSSION:**

- Mr. Litwin advised Committee members that the report had been prepared to clarify a process for the nomination and selection of casual vacancies for the Committee. There was some discussion as to the size of the committee and whether there was a requirement for a set number of committee

**ORDINARY MEETING**  
**Reports of Committees**

members to be appointed. Mr. Litwin confirmed that the constitution provided for the Committee to fill vacant positions without reference to Council.

- It was agreed that nominations for committee members should be forwarded to the chair (through Mr. Litwin). Nominations would be reported to the Committee for determination and a Macquarie 2010 information package would be forwarded to nominees to ensure that prospective committee members were aware of the role and functions of the Committee.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The information be received.
2. The Committee ask Council to advertise vacant community representative positions in the relevant newspapers.
3. The Committee seek nominations for vacancies for community representation and endorse nominations at a Committee meeting. If the Committee is in agreement with the nomination, the representative can attend the next meeting of the Committee.
4. Newly elected community representatives to receive the following information prior to attending a Committee Meeting:
  - Hawkesbury Macquarie 2010 Committee Constitution
  - Code of Conduct for Council Committees
  - Previous minutes and reports of Hawkesbury Macquarie 2010 Committee

**MOTION:**

**RESOLVED** on the motion of Carol Edds and seconded by Gai Timmerman.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

1. That nominations for prospective community representatives to fill casual vacancies on the Committee be forwarded in writing to the Chair.
2. Information regarding the role and functions of the Hawkesbury Macquarie 2010 Committee be forwarded to nominees.
3. Nominations to be reported to the Committee at the next scheduled Committee meeting after a nomination had been received (provided that the nomination has been received prior to the deadline for the preparation of Committee Business Papers)
4. Nominees can be invited to Committee meeting (in an observer capacity) at which their nomination is to be considered.

**Item 15 –The City of Hawkesbury Macquarie 2010 Bicentenary Program**

**DISCUSSION:**

- Ms Whiteley provided an update to the Committee on the current program of events noting that there were 25 registered activities/events.

**ORDINARY MEETING**  
**Reports of Committees**

- Clarification was sought as to whether there was a process for determining which events or activities the Governor should be invited to. It was agreed that while organisations and community groups were entitled to invite the Governor to individual events, that it would be appropriate to invite the Governor to key events and that where possible these events should be staged on the same day.

**RECOMMENDATION TO COMMITTEE:**

1. That the information be received

**MOTION:**

**RESOLVED** on the motion of Tony Miller and seconded by Judy Newland.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

1. The Information be received.
2. The Programming Working Party be requested to provide some clarification to the Committee on which functions the Governor has or should be invited.

**Item 16 – Hawkesbury City Council Community Report**

---

**DISCUSSION:**

- Ms. Perry advised the Committee that information regarding Macquarie 2010 Committee and Celebrations had been included in the 2009 Community report to be distributed to all ratepayers.

**RECOMMENDATION TO COMMITTEE:**

1. That the information be received

**MOTION:**

**RESOLVED** on the motion of Frank Holland and seconded by Judy Newland.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

That the Information be received.

**Item 17 – Commercial Logo Usage and Corporate Sponsorship.**

---

**DISCUSSION:**

- Mr Holland advised the Committee of discussion he had held with the Richmond Club in relation to that organisation willingness to provide 'benefactor sponsorship'. There was some discussion as to appropriate mechanisms by which such arrangements could best be pursued.
- In response to various questions, Mr. Litwin advised the Committee of the requirements of Council's Sponsorship Policy and the need for Council to ensure that any sponsorship arrangements involving Council were negotiated without the perception of a conflict of interest – particularly where Council

**ORDINARY MEETING**  
**Reports of Committees**

may be involved in determining development applications or other business with a prospective sponsor.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

**RESOLVED** on the motion of Tony Miller and seconded by Frank Holland.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

1. The Committee provide in principle support for the Sponsorship and Grants Working Party to pursue 'benefactor sponsorship'.
2. The Sponsorship and Grants Working Party meet with Mr. Litwin to discuss appropriate mechanisms for securing benefactor sponsorship.
3. A report on options be presented to the next meeting.

**SECTION 3 – REPORTS OF WORKING PARTY MEETINGS**

**ROWP – Hawkesbury Macquarie 2010 Programming Working Party.**

Nil Report. Information provided in Item 15 within Business Paper.

**ROWP – Hawkesbury Macquarie 2010 Branding and Marketing Working Party.**

Nil Report. Committee advised that Working party awaiting confirmation of Macquarie 2010 logo being developed by state committee.

**ROWP – Hawkesbury Macquarie 2010 Event Support Working Party.**

Nil report. Ms Perry advised committee of options for approaching event support. It was agreed that the most appropriate approach would be to survey community groups staging events to identify their specific training and support needs. It was agreed that when applications were called for the proposed Hawkesbury Macquarie 2010 Seed Funding Program, that the application form to include questions on event support requirements.

**ROWP – Hawkesbury Macquarie 2010 Sponsorship and Grants Working Party.**

Nil Report. Information discussed in Item 17 within Business Paper.

**GENERAL BUSINESS**

- Ms. Perry advised the committee of discussions held with editors of local papers and specifically the Hawkesbury Way as to the most appropriate strategies for Macquarie 2010 publicity.

**NEXT MEETING** – to be held at 9.00 am on Thursday 13 August 2009, in the Council Chambers Hawkesbury City Council, 366 George St. WINDSOR.

The Meeting Closed at 10.17 am.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**  
**Reports of Committees**

**ROC - Local Traffic Committee - 15 July 2009 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 15 July 2009, commencing at 3:00pm.

**ATTENDANCE**

|                       |   |
|-----------------------|---|
| <b>Present:</b>       | Councillor B Bassett (Chairman)<br>Mr J Suprain, Roads and Traffic Authority<br>Snr Constable M Simmons, NSW Police Service<br>A/Sgt T Costello, NSW Police Service |
| <b>Apologies:</b>     | Mr R Williams, MP, (Hawkesbury)<br>Mr J Christie, Officers of Messrs A Shearan, MP,(Londonderry) and J Aquilina, MP,<br>(Riverstone)                                |
| <b>In Attendance:</b> | Mr C Amit, Manager, Design & Mapping Services<br>Ms D Oakes, Community Safety Coordinator<br>Ms B James, Administrative Officer, Infrastructure Services            |

---

**SECTION 1 – Minutes**

The Chairman tendered an apology on behalf of Mr R Williams MP and Mr J Christie, advising that they both concurred with the recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on their behalf.

**Item 1.1          Minutes of Previous Meeting**

The Minutes of the meeting held on 17 June 2009 were confirmed.

**Item 1.2          Business Arising**

**SECTION 2 - Reports for Determination**

**Item 2.1          LTC - 15 July 2009 - Item 2.1 - The Windsor UHPBC Spectacular 2009 - (Hawkesbury, Londonderry & Riverstone) - (80245, 73829)**

---

**REPORT:**

**Introduction:**

An application has been received from the Upper Hawkesbury Power Boat Club (UHPBC) seeking approval to conduct the Windsor UHPBC Spectacular 2009 on Saturday, 19 and Sunday, 20 September 2009.

The event is a circuit boat race on the Hawkesbury River, adjacent to Governor Phillip Reserve with various categories of boats. The circuit is generally along the straight section of the River between the Windsor Bridge and South Creek.

**Event Details:**

**Start and Finish Times:**

- 19 September 2009: 9.00 am - 5:00pm
- 20 September 2009: 9.00am - 5:00pm

**Set Up and Pack Down Times:**

- 19 September 2009: 7.00 am - 7:00pm
- 20 September 2009: 7.00am - 7:00pm

Council resolved to grant the exclusive use of Governor Phillip Reserve for this event on 10 March 2009.

**Traffic Management Issues;**

The event organiser has provided the following information regarding the event:

i) Affected Streets are:

George Street, Windsor: between Bridge Street and Palmer Street from around 7:00am on 19 September 2009, and 7:00am on 20 September 2009,

Arndell Street, Windsor: the full length from around 7:00am on 19 September 2009, and 7:00am on 20 September 2009,

Palmer Street, Windsor: the full length from around 7:00am on 19 September 2009, and 7:00am on 20 September 2009,

North Street/Court Street, Windsor: the full length from around 7:00am on 19 September 2009, and 7:00am on 20 September 2009,

- ii) The effect on traffic is not expected to be significant.
- iii) It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- iv) As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- v) Expecting approximately 8000 to 10,000 spectators across the 2 days.
- vi) Parking will be at Governor Phillip Reserve with additional parking available off street utilising vacant land adjacent to Governor Phillip Reserve. Parking is available for approximately 4000 vehicles.
- vii) The number of competitors expected is approximately 120 for the event. There will be 6 boats per group competing, per race, in various categories, with up to 20 groups competing.

The event organiser has submitted the following items in relation to the event: Appendix 1 (Dataworks Document No: 3111652):

- i) Details of the Special Event - Traffic template,
- ii) RTA - Special Event Transport Management Plan Template,
- iii) Copies of correspondence forwarded to the NSW Ambulance Service, NSW Police Service, SES, Windsor Fire Brigade and Richmond Fire Brigade,
- iv) Course Map/Plan

## **Discussion**

### **Traffic Issues**

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

### **RECOMMENDATION:**

RESOLVED on the motion of Councillor B Bassett, seconded by Sgt T Costello.

That

1. The Windsor UHPBC Spectacular 2009 event planned for Saturday, 19 and Sunday, 20 September 2009, be classified as a **"Class 1"** special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

#### **Prior to the event:**

- 4a. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as this is a **"Class 1" event; a copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4e. the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council;**
- 4f. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);

**ORDINARY MEETING**  
**Reports of Committees**

- 4g. the event organiser is to notify the details of the event to the Rural Fire Service at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4h. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4i. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4j. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4k. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4l. access is to be maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4o. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4p. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4q. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity.

**APPENDICES:**

**AT - 1** Special Event Application - (Dataworks Document No. 3111652) - *see attached*.

**Item 2.2      LTC - 15 July 2009 - Item 2.2 - Application for Final Approval: Bicycle Racing Events for 2009 - East Kurrajong (Hawkesbury) - (80245, 82935)**

**Previous Item:**        2.3, Local Traffic Committee (15 October 2008)

---

**REPORT:**

**Introduction:**

An application to undertake an Amateur Bicycle Racing Event in East Kurrajong on Sunday 2 August 2009 by the Parramatta Cycling Club was reported to the Local Traffic Committee on 15 October 2008. The recommendations of the Local Traffic Committee, as part of the Initial Approval, were adopted by Council on 11 November 2008 as follows:

*"That:*

1.    *The Bicycle Racing Event planned for Sunday, 2 August 2009 by the Parramatta Cycling Club along the East Kurrajong Route, be classified as a **"Class 1"** special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.*
2.    *The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.*
3.    *It is strongly recommended that the event organiser become familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.*
4.    *No objection be held to this event subject to compliance with the following conditions:*

**Prior to the event:**

- 4a.    *the event organiser is to obtain approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;***
- 4b.    *The event organiser is to obtain approval from the RTA as this is a **"Class 1"** event which traverses along a classified road; **a copy of the RTA approval to be submitted to Council;***
- 4c.    *the event organiser **is to submit a Transport Management Plan (TMP) for the entire route, incorporating the submitted Traffic Control Plan (TCP), to Council and the RTA for acknowledgement;***
- 4d.    *the event organiser is to **submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and the RTA as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;***
- 4e.    *the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact / delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);*
- 4f.    *the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;***

- 4g. *the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event, 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;***
- 4h. *the event organiser is to assess the risk, and address the suitability of the entire route as part of the risk assessment considering the possible risks for all participants; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;*
- 4i. *the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);*
- 4j. *the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;*

**During the event:**

- 4k. *access is to be maintained for businesses, residents and their visitors;*
- 4l. *all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;*
- 4m. *the cyclists are to be made aware of, and are to follow all the general road user rules whilst cycling on public roads;*
- 4n. *in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;*
- 4o. *the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,*
- 4p. *all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity."*

**Discussion:**

The event organiser has submitted information in order to obtain **Final Approval** for the event. Refer to Appendix 1.

Condition 4 (a): Compliant,  
Condition 4 (b): Not yet Compliant – Application with RTA,  
Condition 4 (c): Compliant,  
Condition 4 (d): Compliant.  
Condition 4 (e): Compliant,  
Condition 4 (f): Not yet Compliant, Copy of letter to Rural Fire Service and SES is required  
Condition 4 (g): Not yet Compliant, Copy of letter to Taxi Council only has been provided,  
Condition 4 (h): Compliant,  
Condition 4 (i): Compliant,  
Condition 4 (j): Compliant.

**RECOMMENDATION:**

RESOLVED on the motion of Councillor B Bassett, seconded by Mr J Suprain.

That no objection be held to the Bicycle Racing Event planned for Sunday, 2 August 2009 by the Parramatta Cycling Club along the East Kurrajong Route.

Final Approval be granted subject to compliance with the following conditions:

**Prior to the event**

- a) the event organiser is to obtain approval from the RTA as this is a "**Class 1**" event which traverses along a classified road; **a copy of the application to the RTA has been submitted to Council;**
- b) the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact / delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council;**
- c) the event organiser is to notify the details of the event to the Rural Fire Service and SES, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- d) the event organiser is to directly notify relevant bus companies and tourist bus operators operating in the area and all the residences and businesses which may be affected by 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;**

**During the event:**

- e) access is to be maintained for businesses, residents and their visitors;
- f) all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- g) the cyclists are to be made aware of, and are to follow all the general road user rules whilst cycling on public roads;
- h) in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- i) the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- j) all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity.

**APPENDICES:**

There are no supporting documents for this report.

**AT - 1** Special Event Application for Final Approval, (Dataworks Document. No. 3115457) - see *attached*.

**ORDINARY MEETING**  
**Reports of Committees**

**Item 2.3     LTC - 15 July 2009 - Item 2.3 - Proposed Timed No Stopping Zone in Valder Avenue, Hobartville - Hobartville Public School (Londonderry) - (80245, 1925)**

**Previous Item:**        Item 4.3 - Local Traffic Committee (19 March 1999)

---

**REPORT:**

**Introduction**

Representation has been received from the Principal of Hobartville Public School (Dataworks Document No. 3093440) requesting a review of the existing Children's Crossing in Valder Avenue and the potential options for improving the safety of children in the vicinity of the School. A site meeting was undertaken on 4 June 2009 between Council staff, and representatives from the School, P&C and Department of Education.

The School is bounded by Valder Avenue, Catchpole Avenue and Powell Street. The speed limit in this area is 50kph with a School Zone operating during the times of 8.00am to 9.30am and 2.30pm to 4.00pm on school days. A Children's Crossing is provided in Valder Avenue, with a Pedestrian Crossing (Wombat) in Powell Street. There are parking restriction in the vicinity of both crossing points.

It was agreed at the site meeting that the position of the Children's Crossing could not be relocated, which is in its current position as a result of the Crossing point being refurbished in 1999, and included the construction of pram ramps and the upgrading of the adjacent regulatory signage. Additional signage is required on the approaches to the Children's Crossing in Valder Avenue including 'Children' (W6-3) and 'Crossing Ahead' (W8-22). These signs are to be placed within 80 to 120 metres from the Children's Crossing, ensuring clear visibility of the new signs.

There are parking restrictions on both sides of Valder Avenue in the vicinity of the Children's Crossing and the School frontage with the exception of a 30 metre length of 'Unrestricted Parking' between the Children's Crossing and Catchpole Avenue, which allows for all day parking adjacent to the school frontage. It is proposed to provide a timed 'No Stopping' zone during the morning and afternoon school peak period to improve the visibility of the children crossing at the Children's Crossing to motorists and vice versa.

A draft plan was provide to the School Principal to present to the P&C meeting undertaken on 17 June 2009. Correspondence has been received from the School Principal (Dataworks Document No. 3133658) advising that the proposed timed 'No Stopping' zone has been supported by the P&C.

The proposed timed 'No Stopping' zone will be from "8.00am to 9.30am and 2.30pm to 3.30pm – School Days". - as per Drawing No. TR004/09. The existing parking zone caters for approximately 4-5 vehicles and will be available for vehicles to utilise outside of the restricted times.

It is also to provide 10.0 metre 'No Stopping' zones at the North-East and North-West corners of the Catchpole Avenue and Valder Avenue intersection, which will match the existing 'No Stopping' zones on the South-East and South-West corners to improve visibility at the intersection. - as per Drawing No. TR004/09



**RECOMMENDATION:**

RESOLVED on the motion of Councillor B Bassett, seconded by Sgt T Costello.

That

1. the existing 'Unrestricted Parking' Zone (approximately 30.0 metres in length) located on the eastern side of Valder Avenue, between the Children's Crossing and Catchpole Avenue be replaced with a timed 'No Stopping' zone to operate within the time frame of "8.00am – 9.30am and 2.30pm - 3.30pm - School Days", as per Drawing No. TR004/09.,
2. Additional signage be provided on each approach to the Children's Crossing in Valder Avenue which includes 'Children' (W6-3) and 'Crossing Ahead' (W8-22). These signs are to be placed within 80 to 120 metres from the Children's Crossing, ensuring clear visibility of the new signs.
3. 10.0 metre 'No Stopping' zones be provided at the North-East and North-West corners of the Catchpole Avenue and Valder Avenue intersection, as per Drawing No. TR004/09.

**APPENDICES:**

There are no supporting documents for this report.

**AT - 1** Drawing No: TR004/09 – Proposed No Stopping Zone in Valder Avenue, Hobartville – Hobartville Public School

## Reports of Committees

**PROPOSED NO STOPPING ZONE**  
8.00AM-9.30AM & 2.30PM-3.30PM  
SCHOOL DAYS  
(BETWEEN POINTS 'A' AND 'B'=30m)  
EXISTING UNRESTRICTED PARKING

**HOBARTVILLE PUBLIC SCHOOL**

**PROPOSED NO STOPPING ZONE IN VALDER AVE.**

**HOBARTVILLE PUBLIC SCHOOL**

|           |                     |              |
|-----------|---------------------|--------------|
| JUNE 2009 | DRAWING No.TR004/09 | NOT TO SCALE |
|-----------|---------------------|--------------|

**Hawkesbury City Council**

**SECTION 3 - Reports for Information**

- Item 3.1     LTC - 15 July 2009 - Item 3.1 - RTA Advice on Proposed Speed Limit Sign Posting of 50kph on side streets off Bells Line of Road, Kurrajong to LGA Boundary- (Londonderry & Hawkesbury) - (80245, 80761, 73625)**
- 

**REPORT:**

Advice has been received from the Roads and Traffic Authority (Dataworks Document No. 3131407) indicating that 50kph Speed Limit signposting of side streets off Bells Line of Road between the Darling Causeway and Kurrajong will be undertaken to confirm the 50kph default urban speed limit. The sign posting will be undertaken along most of the local roads along this length

**RECOMMENDATION:**

RESOLVED on the motion of Councillor B Bassett, seconded by Sgt T Costello.

That the information be received

**APPENDICES:**

There are no supporting documents for this report.

- Item 3.2     LTC - 15 July 2009 - Item 3.2 - RTA Advice on Proposed changes to Traffic Flow at the intersection of Macquarie Street and Brabyn Street, Windsor - (Riverstone) - (80245, 80761, 73625)**

**Previous Item:**        4.1, Local Traffic Committee (17 January 2007)  
                              4.2, Local Traffic Committee (21 March 2007)  
                              4.2, Local Traffic Committee (18 July 2007)

---

**REPORT:**

Advice has been received from the Roads and Traffic Authority - Appendix 1 (Dataworks Document No. 3131953) indicating changes to the traffic flow at the intersection of Macquarie Street (RTA) and Brabyn Street (HCC), Windsor.

Details provided by the RTA are listed below;

*"The RTA is changing the traffic flow at the intersection of Macquarie and Brabyn streets, Windsor.*

*The changes, which will improve safety, form part of the flood evacuation route for Windsor. The flood evacuation route incorporates 2.6 kilometres of two lane road and a 1.5 kilometre bridge across South Creek. The changes to traffic flow maximise the effectiveness of the flood evacuation route.*

*From 10 August 2009, motorists will be unable to*

- *Turn right from Macquarie Street (north) to Brabyn Street (west)*
- *Turn right from Brabyn Street (west) to Macquarie Street.*

*Alternate routes for motorists are via Hawkesbury Valley Way and George Street.*

*The RTA considered a number of options for this intersection, following a traffic study. The other options included installing traffic lights, providing a roundabout, and banning other traffic movements.*

*The effectiveness of this option will be monitored for two years, with further safety measures considered if accidents are not reduced.*

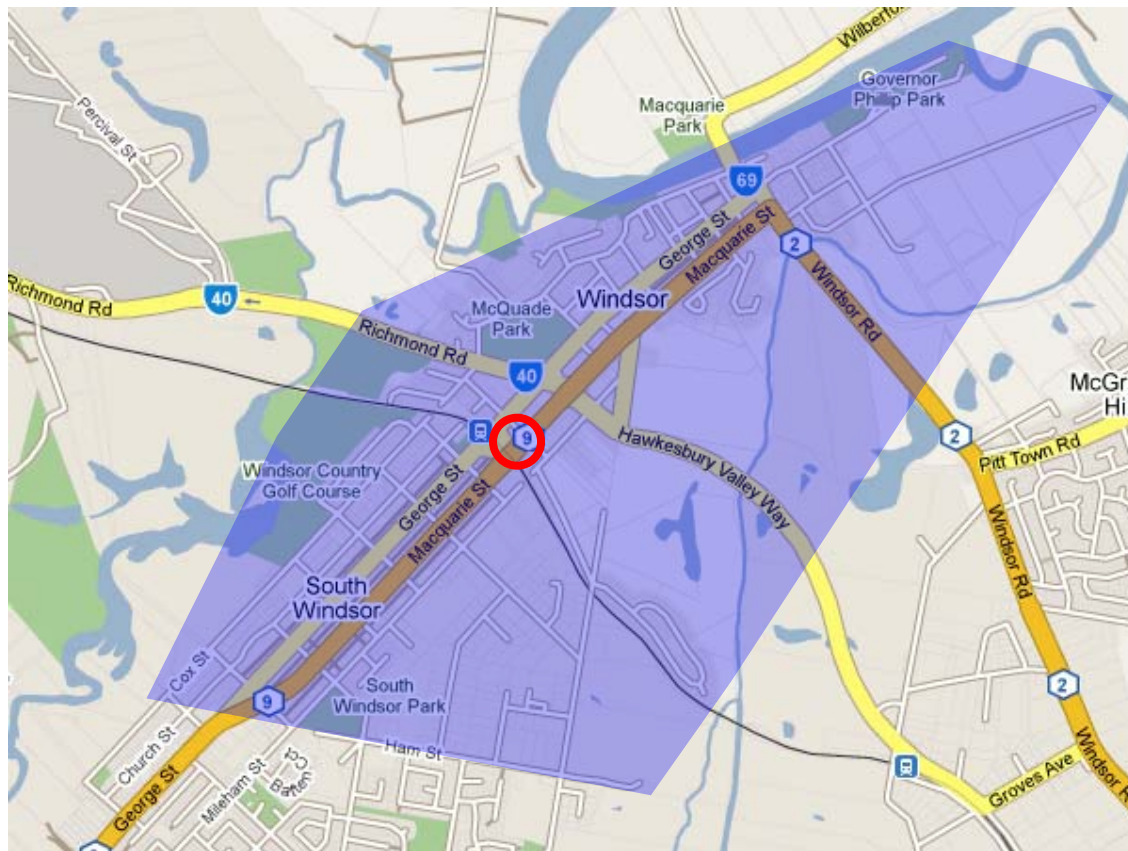
*The RTA apologises for any inconvenience and appreciates the patience of motorists.*

*If you have any questions about these changes, please contact the RTA Project Manager, Thev Theivendran on 9352 9552 or visit the RTA website at [www.rta.nsw.gov.au](http://www.rta.nsw.gov.au)"*

The following information was provided by the RTA in relation to its Schedule for notification:

- *Letter to residents, businesses, stakeholders; week commencing Monday 6 July*
- *Advertisement*
  - *Hawkesbury Gazette (weekly, Wednesday) Wednesday 8 July*
  - *Hawkesbury Courier (weekly, Thursday) Thursday 9 July*
- *Community notice boards - week commencing Monday 6 July*
  - *Library*
  - *Council*
  - *Community centre*
  - *Shopping centre*

*Extent Map for notifications/ mail out:*



Providing a treatment at this intersection has been an ongoing issue between various stakeholders, Council and the RTA as a result of the Windsor Flood Evacuation Route/Hawkesbury Valley Way (HVW) being constructed. With the closure of the Forbes/Mileham Street intersection, through traffic is precluded on Mileham Street by the installation of a median island at Forbes Street/HVW, with 'Left Turn Only' on each approach to Forbes Street/HVW.

Traffic from the industrial estate south of HVW along Mileham Street wanting to head North, have to turn right out of Brabyn Street into Macquarie Street. The right turn from HVW into Macquarie Street for vehicles heading North is banned. In the past this manoeuvre was undertaken at the signalised intersection of Day Street and Macquarie Street. Alternatively these vehicles follow the 'Rat-run' of Mileham Street, left into HVW, across Macquarie Street, turn right at George Street and then connecting to Macquarie Street via streets such as Dight and Christie.

The preferred option by Council is for Traffic Signals to be provided at this intersection. The signals would provide for better control at the intersection and potentially reduce the number of crashes between through movements along Macquarie Street and Brabyn Street ( 35 crashes; January 2001 – March 2007). The performance of this intersection would improve whilst reducing the delay of the vehicles exiting Brabyn Street. As outlined in the report prepared by the RTA consultant - Appendix 2 (Dataworks Document No. 3131238), the proposed changes to traffic flow by the RTA for Brabyn/Macquarie Street does not cater for the manoeuvre which lead to the fatal accident on 6 March 2003 - right turn out of Brabyn Street (East) and straight along Macquarie Street (South) as well as the delays for vehicles turning out of Brabyn Street (5-6 minutes).

The provision of Traffic Signals at the intersection of Brabyn Street and Macquarie Street has been discussed previously at Local Traffic Committee meetings with correspondence forwarded to the RTA outlining the recommendations of the Committee. The following information is provided as background;

1. Local Traffic Committee (17 January 2007):

*Council is in receipt of representations received from businesses in Mileham Street, south of Forbes Street/HVW regarding the intersection of Mileham Street at Forbes Street/HVW.*

*Following recommendation by its Local Traffic Committee, Council, at its meeting held on 30 January 2007 «Salutation» resolved that;*

*“further discussions be undertaken with the RTA in support of traffic lights at the intersection of Brabyn Street and Macquarie Street, Windsor”*

2. Local Traffic Committee (21 March 2007):

*The RTA gave an oral report regarding permanent closure of Mileham Street, Windsor, to through traffic at its intersection with Forbes Street on 30 March 2007 as part of construction of the Windsor Flood Evacuation Route and tabled Plan No. CW Project No. 562C.15.CH Drawing No. SK146 Rev A dated 19 March 2007 (Dataworks Doc.No. 2458065) depicting altered parking restrictions at the intersection of Argyle/Macquarie Streets, South Windsor to facilitate movement of detoured vehicles resulting from that closure.*

Salient Points:

- 1. With closure of the Forbes/Mileham Streets intersection, through traffic is precluded on Mileham Street by installation of a transverse median island at Forbes Street, with 'Left Turn Only' on each approach to Forbes Street;*
- 2. Traffic exiting the industrial area on Mileham Street between Forbes Street and Fairey Road would be detoured via Mileham Street, Fairey Road (utilising the railway crossing), Argyle Street, thence Macquarie Street;*
- 3. Dedication right turn phase governing Argyle/northbound Macquarie Street manoeuvre to be installed;*
- 4. Extension of "No Stopping" zones on Argyle and Macquarie Streets, timed/untimed, as indicated on attached copy of plan; and,*
- 5. Consultation to be undertaken by the Authority with affected property owners.*

Discussion Points:

- 1. Having regard to travelling distances/times envisaged under this proposal, heavy vehicles are more likely to present at the Brabyn/Macquarie Streets intersection;*
- 2. As distinct from existing traffic movements, whereby heavy vehicles servicing the industrial area undertake northbound movement via signalised intersection at Day/Macquarie Streets, and given the traffic volumes on Macquarie Street, the prospect of the majority of heavy vehicles attempting to traverse the uncontrolled intersection of Brabyn/Macquarie Streets was undesirable;*
- 3. Not all heavy/high vehicles are able to clear the railway bridge spanning Macquarie Street between Bell and Brabyn Streets; and,*
- 4. The issue of heavy vehicles exiting the industrial area proceeding northbound on Mileham Street, westbound on Forbes Street/Richmond Road, northbound on George Street, thence Dight Street was traversed*

*Following recommendation by the local Traffic Committee, Council at its meeting held on 24 April, 2007 resolved:*

**ORDINARY MEETING**  
**Reports of Committees**

*"That this matter be referred to the Project Manager, Windsor Flood Evacuation Route for further investigation of alternate high vehicle detour with a view to installation of traffic signals at the intersection of Brabyn/Macquarie Streets, Windsor"*

The RTA have advised that the traffic flow changes to be implemented from 10 August 2009 at the intersection of Brabyn Street and Macquarie Street will be monitored for two years, with further safety measures considered if accidents are not reduced. Notwithstanding this, further correspondence needs to be forwarded to the RTA, objecting to the proposed changes and requesting that the Authority re-consider providing traffic lights at the intersection of Brabyn Street and Macquarie Street, Windsor.

**RECOMMENDATION:**

RESOLVED on the motion of Councillor B Bassett, seconded by Sgt T Costello.

That

1. the information be received,
2. correspondence be forwarded to the RTA requesting that the Authority re-consider providing;
  - a) Traffic lights at the intersection of Brabyn Street and Macquarie Street, Windsor
  - b) The right turn from Hawkesbury Valley Way into Macquarie Street for vehicles heading North along Macquarie Street

**APPENDICES:**

**AT - 1** RTA Public Consultation Documents - (Dataworks Document No. 3131953) - *see attached*

**AT - 2** Final Draft Report: Macquarie Street and Brabyn Street Intersection, Post opening Traffic assessment, roads and Traffic Authority (3 June 2009, reference 652C, Revision 2); prepared by Aurecon Australia Pty Ltd: (Dataworks Document No. 3131238) - *see attached*

**SECTION 4 - General Business**

**Item 4.1 LTC – 15 July 2009 - Item 4.1 QWN - Traffic Safety – Painted Island in Groves Avenue, Mulgrave opposite Industry Road on the approach to the Traffic Lights at Windsor Road**

---

Snr Constable M Simmons

**REPORT:**

Advised that vehicles turning right into the McDonalds/ KFC driveway are in danger of a collision with vehicles travelling north along Groves Avenue towards the traffic lights. Vehicles approaching the traffic lights are travelling in the kerb side lane (western side) and over the painted traffic island to enable them to access the Kerb lane at the traffic lights.

**ORDINARY MEETING**  
**Reports of Committees**

This manoeuvre is dangerous for those vehicles turning across the on coming traffic to access the driveway, as vehicles are not expected to be travelling along the Kerb lane.

The existing line marking arrangements in Groves Avenue, between Windsor Road and Hannabus Place needs to be reviewed by the RTA.

**RECOMMENDATION:**

That the matter be referred to the RTA

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday 19 August 2009 at 3.00pm in the Large Committee Room.

The meeting terminated at 3:45pm.

**oooO END OF REPORT Oooo**





ordinary  
meeting

end of  
business  
paper

This business paper has  
been produced  
electronically to reduce  
costs, improve efficiency  
and reduce the use of  
paper. Internal control  
systems ensure it is an  
accurate reproduction of  
Council's official copy of  
the business paper.