



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 29 September 2009

location: council chambers

time: 5:00 p.m.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 198 **CP - Development Application - Multi Unit Development - Lot 1 DP 544593, 55 East Market Street and Lot 2 DP 223745 57 East Market Street, Richmond - (DA0132/09, 85405, 95498)**

Development Information

Applicant: Morabito Holdings Pty Limited
Owner: Morabito Holdings Pty Limited
Zone: Multi Unit Housing
Exhibition: 28/05/2009 - 11/06/2009
Date Received: 17 March 2009

Key Issues: ♦ Melrose Cottage retention
 ♦ Basement Car Park

Recommendation: Approval

REPORT:

Description of Proposal

The application proposes the construction of a multi-unit housing development comprising of ten x two storey town houses and basement carparking at 55-57 East Market Street Richmond.

In summary the original development proposed:

- Demolition of the existing two storey building situated on 55 East Market Street,
- Demolition of dwelling located on 57 East Market Street (Melrose Cottage),
- Removal of ten trees,
- Construction of basement car park with access from Grose Street,
- Construction of two clusters of five dwellings, and
- Associated drainage and landscaping works.

The application was amended on 6 August 2009 to include the relocation and conservation of Melrose Cottage into a communal gym facility to be provided at the rear of the block for use by the residents of the complex.

Description of the land and its surroundings

The site is approximately 400m from the commercial centre of Richmond and is surrounded by a mix of residential developments ranging from single dwelling lots to multi unit developments.

The site is a corner lot of a regular shape, with a street frontage of 48.53m along Grose Street and 49.48 along East Market Street, a depth of 78.91m and a total area of 2377.7m². The subject site is essentially level, with a slight fall towards the corner of East Market and Grose Street.

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There are two dwellings located on the subject site, one dwelling per lot, each fronting East Market Street. Vegetation is primarily located on the 57 East Market Street portion of the site surrounding the existing dwelling.

History of the application

11 May 2009	Additional information letter sent to the applicant requesting further details with regard to bin collection areas, BASIX certificate, landscaping plan and archaeological assessment. Applicant also advised that the Council has received advice from the Deerubbin Local Aboriginal Land Council that the land may have possible Aboriginal Heritage and Cultural Significance.
18 May 2009	Email received from the applicant stating that they were in the process of organising a response to the additional information letter dated 11 May 2009.
28 May 2009	Application notified.
3 June 2009	Letter received from the Deerrubbin Local Aboriginal Land Council advising the applicant that further archaeological investigation of the site is required.
26 June 2009	Additional information regarding letter dated 11 May 2009 received.
29 June 2009	Amended Landscape Plan received.
14 July 2009	Applicant provided a response to issues raised in submissions.
22 July 2009	Letter sent to applicant regarding some outstanding issues still to be addressed including future intentions for Melrose Cottage.
4 August 2009	Meeting held with the applicant regarding potential future use of Melrose Cottage. Applicant offered to retain Melrose Cottage and relocate it to the rear of the site to be used as the communal gym.
6 August 2009	Letter received by council in response to the meeting of the 4 August 2009 confirming the above commitments.
25 August 2009	Discussion with the applicant regarding outstanding information (BASIX, driveway ramp details, and landscaping details). Applicant also asked to provide details of how they propose to retain Melrose Cottage.
1 September 2009	Discussion with the applicant advising that some outstanding matters could be addressed prior to the issue of a Construction Certificate but that a recent BASIX certificate is still necessary.
1 September 2009	Plans received with amendments to driveway transitions, relocation of Melrose cottage and proposed soil depths.
16 September 2009	Valid BASIX certificate received.

Issues Relevant to the Decision

- Melrose Cottage
- Basement Car park

Council Policies, Procedures and Codes to Which the Matter Relates

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

- Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan (HLEP)1989
- Hawkesbury Development Control Plan (HDCP)
- Development Control Plan – Contaminated Land

Environmental Planning and Assessment Act 1979 (EPA Act)

Section 79C Matters for Consideration

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

a. The provisions of any:

i. Environmental Planning Instrument:

Hawkesbury Local Environmental Plan (HLEP) 1989

Clause 2 - Aims, objectives etc,

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

Clause 9 - Carrying out development

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

Clause 9A - Zone Objectives

The objectives of the Multi Unit Housing zone are:

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

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

- the proposal is consistent with the housing density of the multi unit housing zone;
- the proposal will provide additional housing in close proximity to a commercial area and public transport (approx 400m to Richmond Market Place and Richmond Railway Station);
- the design of the new buildings is all two (2) storeys and is consistent with the low scale residential character of the locality.
- there are various multi unit developments within the locality, i.e. 9-15 Grose Street and 51, East Market Street as the area is undergoing transition; and,
- the proposed development will not create unreasonable demands on the provision/extension of public amenities as services are provided to cater for the current zoning intent.

Clause 18 - Provision of water, sewerage etc. services

The subject site is serviced by a reticulated electricity, water, sewerage and telecommunications services. Written evidence that satisfactory arrangements for the provision/extension of these services is a recommended condition of consent.

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Clause 25 - Development on flood liable land

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

Clause 27 - Heritage items

The site does not contain any heritage items as listed in Schedule 1 of the HLEP 1989. There is further discussion of this aspect under the public consultation section of this report.

Clause 28 – Development within the vicinity of heritage items

The subject site does not adjoin any items of heritage significance. However the land is within 100m of 80, 82, 88 and 90 Lennox Street which have been identified as heritage items under Schedule 1 of HLEP 1989.

Council's heritage advisor has reviewed the proposal and indicated in a response dated 15 July 2009 that the proposed development "*is unlikely to cause an adverse impact on nearby heritage listed places*"

It is therefore considered that the proposal is consistent with this Clause as it will unlikely have an impact on the heritage significance or setting of any nearby heritage items.

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

The subject site is within Class 5 as shown on the Acid Sulfate Soils Planning Map and is not within 500m any other identified Class. It is considered unlikely that the extent of the proposed works would lower the water table below 1m AHD on any adjacent Class 1, 2, 3 or 4 land and therefore it is considered that no further investigation is required.

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

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

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

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

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

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

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

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

None applicable

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

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

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Part A Chapter 2 - General Information

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

Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP. Fourteen (14) submissions were received in response to the application and have been discussed in the public consultation section of this report.

Part C Chapter 1 - Landscaping

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

Part C Chapter 2 – Carparking and Access

The proposal is consistent with the requirements of this chapter at the required rate of two (2) covered spaces for each dwelling and two (2) visitors car parking. The basement parking level also accommodates storage areas and internal access to each dwelling.

Part C Chapter 4 - Erosion and Sediment

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

Part C Chapter 6 – Energy Efficiency

The proposal is consistent with this chapter as:

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

Part D Chapter 1 - Residential Chapter

The following table provides an assessment of the proposed development against the requirements for residential development:

Element	Rules	Provides	Complies
Height	(a) New buildings are to be constructed within the Building Height Plane for the relevant residential use. (Refer to Table 1). The Building Height Plane is to be adjusted for sloping sites to follow the natural ground level.		Yes
	(b) Building to the side and back boundary within the Building Height Plane is permitted where: <ul style="list-style-type: none">o It can be shown that the building to the boundary doesn't reduce the privacy of neighboring dwellings and their private open space and does not reduce their existing solar access; ando The continuous length of the boundary walls is not more than 10m or is a maximum of 50% of the boundary length; whichever is the shorter.		N/A
	(c) Exemptions to the Building Height Plane may be granted in the following circumstances: <ul style="list-style-type: none">• Single dwellings proposed on flood prone land;• Single dwellings proposed on lots with a		N/A

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Element	Rules	Provides	Complies
	<p>frontage of less than 14m at the building line; and</p> <ul style="list-style-type: none"> Chimneys, satellite dishes and aerals <p>Applicants seeking an exemption to the Building Height Plane must demonstrate clearly why the compliance is unreasonable.</p>		
Setbacks	<p>(a) For sites fronting main or arterial roads, buildings are to be set 10 metres back from the front boundary unless there are exceptional physical circumstances. The 10m setback commences after any road widening which may affect the subject land.</p> <p>(b) For sites fronting a local road buildings are to be set 7.5m back from the front boundary. In areas where there is prior development the established pattern is to be regarded as the standard setback.</p> <p>(c) For battleaxe blocks the general setback from the rear boundary of the property in front is to be 6 metres.</p> <p>(d) For the minor frontage on corner blocks, the minimum building setback is to be 2 metres.</p>	<p>7.5m to 6m setback provided on Grose Street. Considered to be consistent with the existing street setback.</p> <p>Minimum Street setback along East Market 4m. Development exceeds required minimum.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
Landscaped Areas	<p>(a) All forms of residential development are to contain pervious soft landscaped areas to a total of 30% of the total site area. This may be calculated by adding together soft landscaped areas of private and common open space.</p> <p>Development proposals, where required, are to indicate the proportion of the total site area that is:</p> <ul style="list-style-type: none"> total "soft" landscaped area; total ground level private open space; and total common open space 	<p>Development exceeds 30% requirement.</p> <p>715.17m² Minimum required landscaping based on total site area of 2383.9 m². Development provides 1202.8 m² of soft landscaping.</p>	<p>Yes</p>
Private Open Space	<p>(a) Single dwelling houses and multi unit housing are to provide at least one area of private open space for each dwelling.</p> <p>(b) The total of private open space at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must:</p> <ul style="list-style-type: none"> be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10; not be comprised of any area with a dimension less than 4 metres; and be exclusive of clothes drying areas, driveways, car parking and other utility areas. <p>(c) Private open space shall not be located in the front boundary setback.</p> <p>(d) Any above ground level balcony or rooftop area designed for private open space must have</p>	<p>Provided.</p> <p>Sufficient Private Open Space (POS) has been provided for each dwelling</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

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Element	Rules	Provides	Complies
	minimum area of 10 square meters with a minimum dimension of 2 metres. This area is not included in the calculation for the provision of total private open space.		
Common Use Open Space	(a) For development proposals that contain 5 or more units common use open space is encouraged. Concessions may be given where it is demonstrated that sufficient useable private open space has been provided.	The development provides suitable useable POS for each dwelling in accordance of HDCP 2002. An additional 138.83m ² has been dedicated to common use open space in front of the proposed communal gym.	Yes
	(b) The communal open space should generally have access only from within the site.	Suitable fencing has been proposed surrounding the development. Access to this space has been provided via the proposed internal footpath. There is no alternative access to communal open space.	Yes
	(c) Common open space for multi-unit housing developments should be accessible from all dwellings within the development. Surveillance of this space should be possible from at least 2 dwellings.	Internal pathway to provide access to common open space. Suitable surveillance of common open space from Units 1 and 6	Yes
	(d) Any proposed communal recreational facilities must be designed and located to avoid nuisance or danger to neighbours, residents and visitors.	Communal recreational facilities provided for the development include a landscaped garden area and a gym. The applicant has indicated that the use of the gym will be limited to the hours of 6:00am to 7:00pm 7 days a week to control any potential noise impacts on any neighboring properties.	Yes
Access and Parking	(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them.	Provided	Yes
	(b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metre above the driveway.		Yes
	(c) All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion.		Yes
	(d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.		Yes
	(e) Garages and carports must not visually dominate the street façade, should occupy less than 50% of the building facade and must be compatible with the building design.	Basement car park proposed.	Yes

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Element	Rules	Provides	Complies
Visual Amenity	(a) Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP.	Visual amenity adequate.	Yes
	(b) Where there is no alternative to a window, it should be screened.	Visual amenity adequate.	Yes
Acoustic Privacy	(a) Acoustic privacy is to be considered at the design stage.		Yes
	(b) Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows.		Yes
	(c) A distance of at least 3 metres should separate openings of adjacent dwellings.		Yes
External Noise and Vibration	(a) A noise and vibration assessment must be undertaken by a suitably qualified noise consultant for any proposed residential development other than a single dwelling house located within 100 metres of the railway line or within Australian Noise Exposure Forecast (ANEF) 25 or greater.	Noise and vibration assessment not required. Site located further than 100m from the railway line not within an identified ANEF Noise Contour.	N/A
	(b) Proposals must comply with the current Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance and incorporate appropriate mitigation measures.	No significant negative impact foreseen based on the above.	N/A
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road.	Satisfactory.	Yes
	(b) Barriers to prevent movement between internal roof spaces of adjoining dwellings are required.		Yes
	(c) Elements to be incorporated in site and building design and include:		Yes
	<ul style="list-style-type: none"> doorway/entry safety and surveillance to and from the footpath illumination of public spaces including all pedestrian paths, shared areas, parking areas and building entries to the relevant Australian Standard. Visibility to the street from the front of the development Restricted access to the rear of the site. 	Lighting details were not provided but can be conditioned.	To be conditioned
			Yes
Cables	(a) The design, location and construction of utility services must satisfactorily meet the requirements of both the relevant servicing authority and Council.	Details were not provided but can be conditioned	To be conditioned
Recycling, garbage and mail	(a) Collection areas must be integrated into the overall site and building design.	The application was modified to integrate the storage area into the design and enable level access for residents.	Yes
Fencing and	(a) Front fences where not screening private open	1m high front solid fences	Yes

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Element	Rules	Provides	Complies
Retaining Walls	<p>space walls are to be a maximum height of 1.2m if solid.</p> <p>(b) Solid front fences may be 1.8m high and articulated if:</p> <ul style="list-style-type: none"> the main private open space is in the front of the building façade; the site is located on a main or arterial road; the site is not located within an established heritage character; the length is limited to 75% of the frontage where private open space fronts the street and some surveillance is maintained from the front dwelling; and fences do not exceed 10m in length without some articulation or detailing to provide visual interest. <p>(c) The integration of trees and natural ground vegetation with the fence line is desirable.</p> <p>(d) The setback of the fence will be used for landscaping.</p> <p>(e) Solid fences are to be 1 metre from the front boundary.</p> <p>(f) Retaining walls shall:</p> <ul style="list-style-type: none"> not be taller than 500mm; not cut through roots of any tree to be retained. 	proposed on front boundaries.	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

Development Control Plan – Contaminated Land

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

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

Not applicable

v. Matters prescribed by the Regulations:

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

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

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

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

There are no known hazardous landuses/activities nearby.

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

The proposal is compatible with the residential character of the locality. Adjoining landuses are single dwelling houses. The proposal is compatible with the existing residential use of the locality. A two storey multi unit development is located south of the property on East Market Street fronting Brentwood Avenue.

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

Access, Transport and Traffic

The proposal has been reviewed by Councils subdivision engineer and it is considered that the traffic generated by the proposal will have no significant impact on traffic movements within the locality. The access to the basement car park from Grose Street is acceptable given that:

- It is anticipated that traffic volumes along Grose Street are less than the traffic volumes along East Market Street which would reduce the potential for on street queuing on a more frequently used road; and,
- Grose Street connects to Lennox Street which will provide for an additional route to and from the development.

Utilities

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

Soils

Erosion and sedimentation controls will be utilised during construction.

Waste

The site is to be kept tidy and maintained to the satisfaction of Council during the construction period.

Natural Hazards

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

Safety, Security and Crime

The design of the development achieves satisfactory performance for safety, security and crime prevention. Arrangements for safety and security are considered adequate. Conditions of consent will require driveways, pedestrian pathways and communal open space areas to be suitably illuminated and installed in a manner which would avoid intrusion onto adjacent residential properties.

The application proposes 1m high masonry wall to fence the units from both East Market and Grose Street. A 1m wide landscape strip has been provided in front of the wall to provide for the planting of vegetation to discourage vandalism, graffiti, etc.

Construction

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

Cumulative Impact

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

c. Suitability of the site for the development:

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

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

Deerubbin Local Aboriginal Land Council

On the 31 March 2009 a submission was received from the Deerubbin Local Aboriginal Land Council advising council that an Aboriginal Cultural Heritage assessment should be undertaken on the subject site prior to the issue of any consent to evaluate the likely impact the development may have on the aboriginal cultural heritage of the land.

Comment: The applicant arranged the Deerubbin Local Aboriginal Land Council to conduct an Aboriginal Cultural Heritage Assessment. The following advice was provided:-

"although our representatives findings were, that no Aboriginal cultural materials (in the form of stone artefacts, for example) had been located during this walkover of the study area, nevertheless Deerubbin Local Aboriginal Land Council, recommends, that, the area be further investigated, particularly in light of the fact that previous archaeological work and subsequent (archaeological) investigations (present site of Richmond Market Place 1996) of land within close proximity to the study area led to several Aboriginal sites being found and salvaged."

Conclusion: The applicant has commissioned *Streat Archaeological services* to carry out an Aboriginal archaeological assessment of the site prior to the commencement of works being undertaken. Suitable conditions have been included in the recommendations of this report ensuring that an Aboriginal archaeological assessment is completed by appropriately qualified consultant prior to any works commencing. The consultant will also be required to record and oversee all works associated with the excavation.

Public Consultation

The application was publicly notified to adjoining owners from 28 May 2009 until 11 June 2009. Thirteen (13) submissions, all raising objections were received. The issues raised in these submissions are identified and considered below:

Privacy and Security

- The existing 1.5m boundary fences will allow for the new occupants to look into adjoining properties.
- Two storey buildings will overlook adjoining properties from bedrooms and balconies.

Comment: The existing fence will be required to be replaced as part of the development. A suitable condition has been included as part of the conditions recommended in this report requiring a fence height of 1.8m

Windows at the first floor of the units are associated with bedrooms or bathrooms. It is understood that the number of units and the number of windows along the north eastern and south western elevations, results in a strong perception of overlooking. However, given the frequency and nature of use of these rooms it is considered that there will be no unreasonable impacts on the adjoining properties in terms of loss of privacy. The windows are all located a distance of 6.34m from the northern side boundary and 5.98m on the western boundary which is consistent with distances for a two storey dwelling.

Landscaping

- Proposed liquid amber trees have the potential to develop extensive root systems and may interfere with adjoining buildings.

Comment: The applicant has provided an amended landscape plan proposing a more appropriate tree species by replacing the liquid amber trees with native frangipani trees.

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Traffic

- Increased number of vehicles
- Visitors to the dwellings will be forced onto the street
- Two visitors spaces are not enough
- Pedestrian safety due to the additional number of vehicles
- Traffic noise would increase

Comment: The proposal is considered acceptable having regard to the following;

- Carparking for both the residents and visitors has been provided in accordance of Hawkesbury DCP,
- The entrance to the basement car park is on the Grose Street frontage in order to reduce potential traffic conflicts on the busier East Market Street,
- The driveway entrance is located approximately 45m from the Grose Street and East Market Street intersection which will allow for suitable space for vehicles to enter the Grose Street without having a significant impact on the traffic flows of East Market Street.

Demolition of Melrose Cottage

- Heritage significance of existing cottage
- Melrose cottage previously listed as local heritage item in Hawkesbury Local Environmental Plan 1989
- Existing iron roofing tiles are extremely rare in Australian building history

Comment: The existing cottage is not listed as a Heritage Item under Schedule 1 of Hawkesbury Local Environmental Plan 1989. It is acknowledged that the subject building had previously been listed. However, research into the history of this listing revealed that the cottage was incorrectly listed in June 2000 under Amendment 97 of HLEP 1989. This matter was rectified in 2002 under Amendment 135 which removed this item from Schedule 1 of HLEP 1989.

Even though the building is not listed as a heritage item the application was referred to Councils Heritage Advisor for comment to consider its potential for listing.

An assessment of the proposal revealed that the building appeared to be constructed in the early 20th Century and that the iron tile roof would likely date back to the late 1850s. It was suggested that if the development was approved in its current form it would be essential that the roofing tiles be salvaged given that there are no other examples of these tiles known to exist in the district and that there are very few examples of this material being used in construction from this period in NSW.

Following discussions with the applicant in respect to the above it was suggested that the applicant look towards retaining the iron roof tiles. A meeting with the applicant, on 4 August 2009 resulted in a commitment from the applicant and owner to relocate the existing cottage onsite and use it as the proposed communal gym.

Council's Heritage Advisor has been consulted about the amended proposal and considers that the retention and relocation of the cottage to be an acceptable and far more desirable outcome than the demolition of this cottage as previously proposed. Details of what portion of the building would be retained, how it will be retained and how it will be positioned onsite will be required to be formalised as part of the conditions recommended in this report.

Heritage significance of existing vegetation

- Existing cottage is surrounded by culturally significant vegetation that adds to the properties heritage significance

Comment: While it is acknowledged that the existing garden is well established and relates to the context of the existing cottage, HLEP 1989 does not list the subject site or any vegetation on the subject site as historically significant.

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It is noted that the concept landscape plan provided with the application incorporates the existing vegetation located along the Grose Street and East Market Street frontages, including the large maple tree located in front of the existing cottage.

Context

- Ten units are too many for the subject site
- Units are inconsistent with the feel of the area
- The erection of two storey buildings would depreciate the value of single storey buildings within the locality.

Comment: It is considered that the proposal is consistent with the context and setting of the locality as discussed in the report above. There is no evidence that the construction of two storey dwellings will “depreciate the value of single storey buildings” as it is not an unreasonable assumption that a dwelling can be two stories in height. Furthermore the proposal is consistent with the relevant planning controls affecting the site with regard to:

- HLEP 1989, as the proposal seeks to consolidate housing densities within the multi unit housing zone; and,
- Hawkesbury DCP, as the proposed buildings fit within the 10m maximum building height for residential development by providing a maximum building height of 7.23m above the existing ground level.

Archaeological potential

- Based on history of site there may be early European or Aboriginal relics/artefacts located onsite.

Comment: The Aboriginal and European heritage aspects have been addressed earlier in this report.

Noise

- Gym and communal recreation areas operating into the evening
- Noise emitting from gym and communal areas
- Air conditioning units

Comment: The applicant has indicated that the proposed gym will only be used by the residents of the development and will be limited to the hours of 6:00am to 7:00pm, 7 days a week. It is considered that these times are acceptable and are unlikely to have an adverse impact on the surrounding properties in terms of noise amenity.

If there was a breach of the operating hours that resulted in offensive noise emitted it would be controlled under the Protection of the Operations Act and via the conditions of development consent.

Excavation and demolition works

- Existing buildings to be demolished contain asbestos.
- Excavation may cause damage to neighbouring properties/buildings
- Drainage during works

Comment: Adequate measures can be provided during the construction phase to prevent any negative impacts arising from the associated works. Suitable conditions addressing these matters have been included in the recommendation of this report.

Overshadowing

- The proposal will overshadow adjoining residencies

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Comment: It is considered that the development will not negatively impact on any adjoining properties with respect to overshadowing. The shadow diagrams provided with the application show that the shadow cast from the proposed buildings on adjoining properties is minimal and consistent with the provisions of HDCP 2002.

Conclusion

The matters raised in the submissions have been considered by Council, the applicant and owner. The modifications to the application respond positively to the key concerns raised.

e. The Public Interest:

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

- The proposal is consistent with the objectives and requirements of HLEP 1989, SREP No. 20 and SEPP 2004(BASIX);
- The proposal complies with the objectives and requirements of the HDCP 2002;
- The proposed development is not expected to adversely impact on the amenity of the locality or the surrounding environment; and,
- The modified application seeks to retain Melrose Cottage and provide for its adaptive re-use.

Conclusion:

The assessment has identified various concerns regarding:

- The future of Melrose Cottage,
- The increased in number of dwellings on the subject site
- Impacts on the locality in terms of traffic access and visitor parking

On balance this proposal is considered to be satisfactory, subject to the implementation of conditions outlined in the recommendation to this report.

Developer Contributions

Under Council's S. 94A Contribution Plan the contribution payable is calculated at the rate of 1% the total cost of the development. Based on the applicant's estimated cost of \$1 800 000 the following developer contributions apply to this development - \$18 000.00. Accordingly, a condition of consent is recommended.

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 DA0132/09 at Lot 1 DP 544593, 55 East Market Street and Lot 2 DP 223745, 57 East Market Street, Richmond NSW 2753 for Multi Unit Development - ten x two storey town houses be approved subject to the following conditions:

General Conditions

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

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

Prior to Issue of Construction Certificate

9. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$ 18 000.00 shall be paid to Hawkesbury City Council.

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

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

10. A landscape plan for the entire site, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority for approval.

The landscape plan shall detail the soil depths required for the necessary landscaping to be planted on top of the proposed basement.

11. Construction of the road, access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
12. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

13. Payment of a Construction Certificate checking fee and a Compliance Certificate inspection fee in accordance of Councils fees and charges when submitting Civil Engineering Plans for approval. Fees required if an Accredited Certifier is used will be provided on request.
14. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (2002) by an appropriately qualified person shall be submitted to Council.
15. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
16. Details of any fill material removed or imported to the site shall be submitted to Council. Details to include quantities, borrow sites or disposal sites.

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17. Amended plans detailing the portion of the existing cottage to be retained and details of the new location shall be submitted and approved by Hawkesbury City Council prior to any works on the cottage.
18. A report from a practicing structural engineer shall be submitted to Council to confirm that Melrose Cottage can be retained, supported and not undermined by the proposed relocation. Details of where the cottage will be temporary positioned during the excavation of the site shall be submitted and approved by Council.

Note:

A separate development application may be required to be submitted and approved if the building was to be positioned on a different property from which this consent is granted.

Prior to Commencement of Works

19. Prior to its repositioning, colour photographs of all elevations of the existing cottage located on 55 East Market Street shall be submitted to Council. The photographs shall be labelled and cross referenced to a base plan drawn to scale.
20. An Aboriginal archaeological assessment shall be completed by appropriately qualified consultant prior to any works commencing. Details are to be provided to Council prior to commencement of works.
21. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
22. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
23. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
24. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
25. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
26. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
27. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
28. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
29. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

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The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate; or
 - If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.
30. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
- (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
31. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
32. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
33. Off street parking associated with the proposed development, including driveway widths, aisle widths, grades parking bay dimensions, sight distance requirements and turning paths are to be in accordance with AS 2890.1-2004 and Council's Development Control Plan and AS2890.2 - 2002 for loading areas as appropriate.

During Construction

34. The site shall be secured to prevent the depositing of any unauthorised material.
35. An appropriately qualified European Archaeological consultant and an Aboriginal archaeological consultant shall monitor any physical works associated with the relocation, demolition or excavation of any structures on the subject site and the movement of the existing cottage. Should any relic or artefact be found during the construction works, all work on the site is to cease and the Principal Certifying Authority and Council are to be notified of the find. Work on the site is not to recommence until approval from Council is obtained.
36. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
37. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.

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

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

- a) commencement of work ;
- b) piers;
- c) steel reinforcement prior to pouring concrete;
- d) external sewer or stormwater lines, prior to backfilling;

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- e) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - f) wet area flashing, after the installation of bath and shower fixtures
 - g) prior to occupation of the building
41. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

43. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
44. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
45. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
46. Vehicle entrances and exits shall be clearly signposted including house number and shall be visible from both the street and site at all times.
47. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted
48. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
49. All work shall be completed in accordance with the BASIX Certificate and supporting ABSA Certificates in accordance with the requirements of the NSW Department of Planning. Evidence must be submitted to the certifying authority prior to the issue of the occupation certificate.
50. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.

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51. New boundary fences shall be provided at the developer's expense prior to the issue of an occupation certificate. Fencing behind the building line shall be a height of 1.8m.
52. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
53. Concrete path paving 1.2m wide shall be constructed along the road frontage to the development. The remaining footway area shall be formed in earth and planted with grass.
54. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
55. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
56. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
57. A heavy duty layback and footway vehicular crossing 6.5m wide shall be constructed to the proposed driveway. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
58. All services or suitable conduits shall be placed prior to concrete pouring.
59. All driveways, pedestrian pathways and communal open space areas shall be suitably illuminated in accordance of the relevant Australian Standard.
60. All internal and external lighting shall be installed in a manner that would avoid intrusion onto adjacent residential properties.

Prior to Issue of the Occupation Certificate

61. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
 - a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - b) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
 - c) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
62. A report from an appropriately qualified Structural Engineer shall be provided to the Principal Certifying Authority demonstrating that the relocated cottage is structurally adequate for its intended use.
63. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
64. Compliance with all conditions of this development consent.

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65. Registration of a plan of survey consolidating the site into a single allotment. Documentary evidence to be submitted prior to release of any occupation certificate.
66. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
67. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
68. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
69. The owner shall enter a positive covenant with Council which provides the following:
 - a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
 - c) Council only will be entitled to release or modify the Covenant.All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
70. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
71. Works-As-Executed drawings for the One Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
 - a) Invert levels of tanks, pits and pipes
 - b) Surface levels of pits and surrounding ground levels
 - c) Levels of surrounding kerb
 - d) Floor levels of buildings
 - e) Top of kerb levels at the front of the lot; and
 - f) Extent of inundation
72. Dedication of a 4m x 4m splay corner at the intersection of Grose and East Market Streets (At no cost to Council) shall be provided.

Use of the Development

73. No internal or external alterations shall be carried out without prior approval of Council.
74. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person, and

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- b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
- 75. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
- 76. The gym shall only be used by the residents of the development and be limited to the hours of 6:00am to 7:00pm, Monday to Sunday.

Advisory Notes

- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** Separate Council approval would be required if Strata subdivision of the proposal is intended.

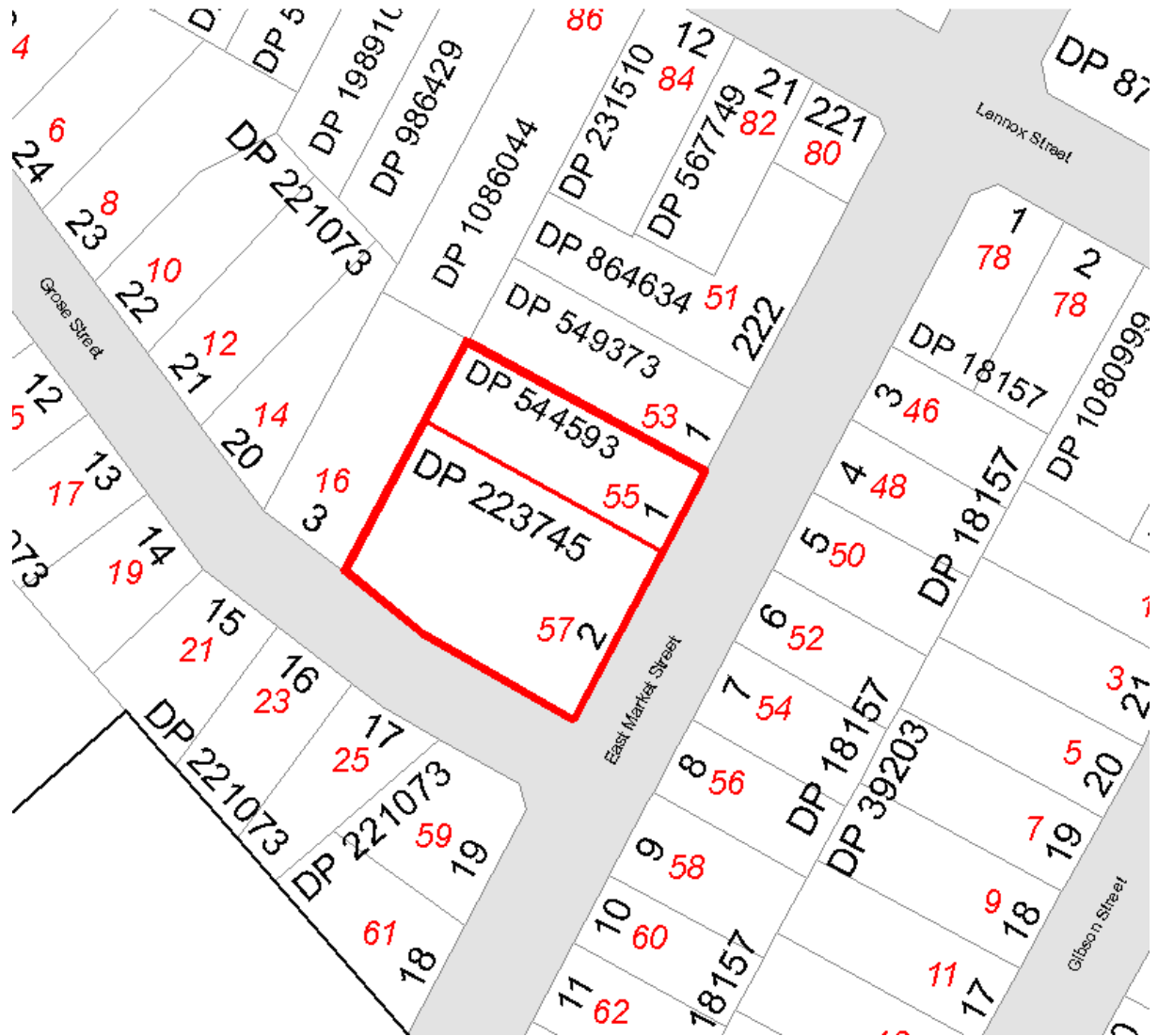
ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Aerial Photography
- AT - 3** Site Plan
- AT - 4** Elevation/Section Plans
- AT - 5** Site Inspection Photos

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AT - 1 Locality Plan



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AT - 2 Aerial Photography



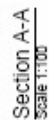
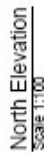
AT - 3 **Site Plan**



NOT FOR CONSTRUCTION. COUNCIL APPROVAL ONLY.

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NOT FOR CONSTRUCTION. COUNCIL APPROVAL ONLY

AT - 5 Site Inspection Photos



Site



Existing Cottage to be retained

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View of East Market Street towards the South



View of East Market Street towards the North

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 205 IS - St Albans Park, St Albans Master Plan - (95495, 79354)

REPORT:

A Master Plan for the continuing management of St Albans Park, St Albans has been prepared.

As part of the community consultation process, a community meeting/workshop was held on 9 May 2009. Notice was given by letterbox drop to the community and advice to other key stakeholders. Attendance to the meeting was high with 18 residents present, including representation from the MacDonald Valley Association.

The Master Plan for St Albans Park, St Albans was placed on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Following the public exhibition period, 2 written submissions and 1 verbal submission were received.

The submissions received and comments (in italics) are as follows:

- Discouraging of the parallel parking in front of the pub due to safety issues.
This is a current parking arrangement and is considered suitable.
- Having a grassy slope to the river for better access.
*This would require the removal of a current re-vegetation site and is **not** recommended.*
- No built structures to the river as they will not withstand flooding and will be a waste of money.
Pathways are to be constructed at the top of bank.
- No angle parking as this will create too much activity with vehicles on the road.
It has been identified the road widths are not suitable and would require significant loss to the park, this concept will not proceed.
- Increase removal of Jacaranda trees to better manage seed bank: prune two best specimens to gain enhanced shape and retain these for "heritage value".
It was identified in the public consultation process that the removal of the Jacarandas is to be restricted to the river side of the park and the remainder to remain.
- Remove camphor laurels on the road side line of trees.
This can be considered as part of Council ongoing maintenance program.
- Rationalise signage.
Signage will be updated as part of the development of the reserve.

It is considered that the majority of these issues have been resolved within the Master Plan, and the remaining will be considered as part of Council's General Park Maintenance Program.

Conformance to Strategic Plan

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

" Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

Future improvements to the Reserve are proposed to be funded from the Park Improvement Program, Section 94 funds and Grants depending upon availability of funding.

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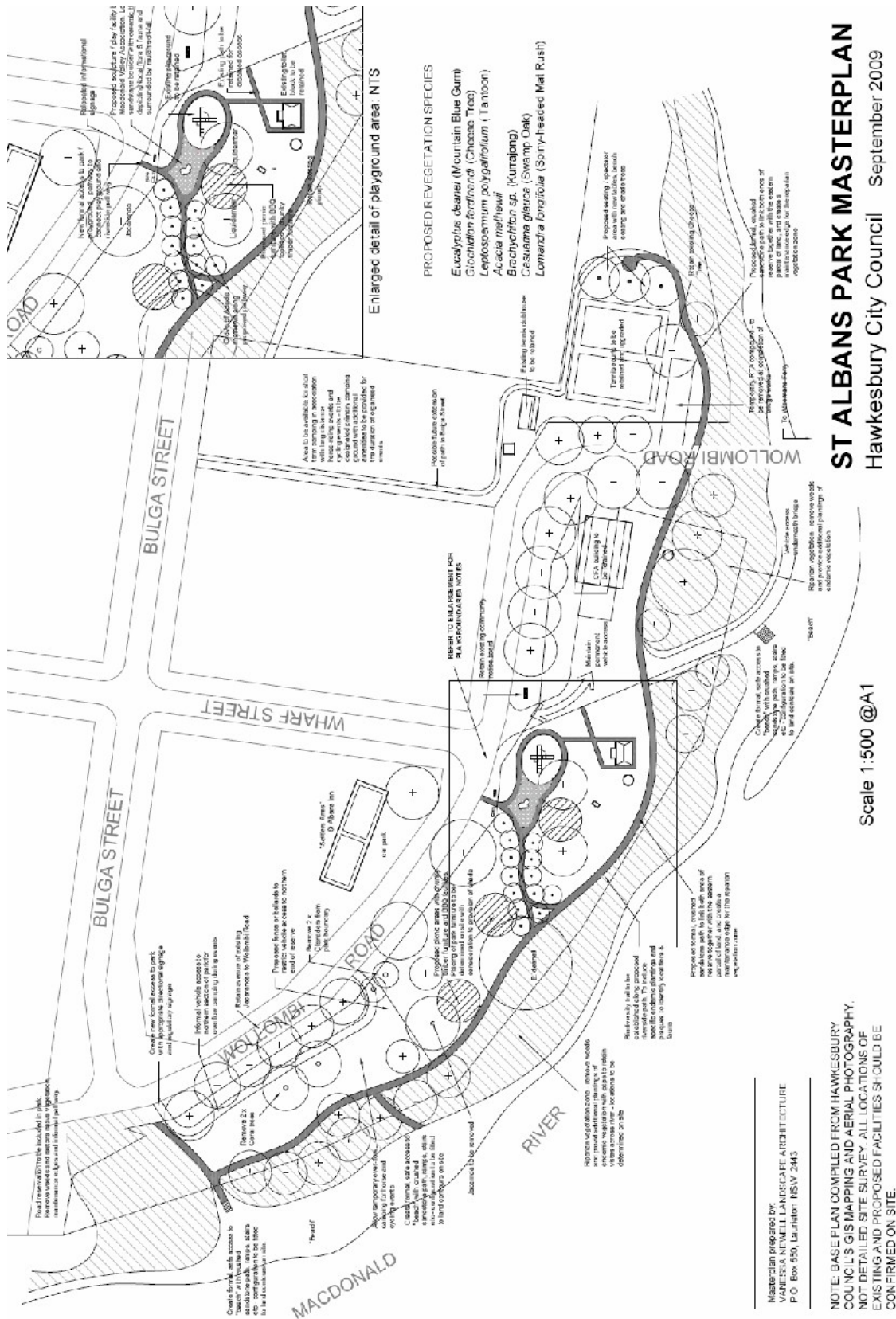
RECOMMENDATION:

That the St Albans Park, St Albans Master Plan be adopted.

ATTACHMENTS:

AT - 1 Master Plan for St Albans Park, St Albans

AT - 1 Master Plan for St Albans Park, St Albans



0000 END OF REPORT 0000

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Item: 207 **IS - Windsor Foreshore Parks Plan of Management - (95495, 79354)**

Previous Item: 118, Ordinary (30 June 2009)

REPORT:

A Plan of Management (POM) and Master Plans for the continuing management of the Windsor Foreshore Parks, Windsor, inclusive of Deerubbin Park, Howe Park, Holland's Paddock, Thompson Square, Macquarie Park, Windsor Wharf Reserve and Governor Phillip Reserve, has been prepared. This Plan will supersede all existing Plans of Management for these sites.

As part of the community consultation process, a community meeting/workshop was held on 17 November 2008. Residents were notified by way of advertisements in the local paper and correspondence to other key stakeholders. Attendance at the meeting was high with over 15 residents, Councillors and representatives of the local indigenous community present.

The Draft Plan of Management and Master Plans for Windsor Foreshore Parks, Windsor is now complete and has been placed on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions. In addition, copies of the draft plans were sent to the Department of Planning, Metropolitan Greenspace Program and the Department of Lands as sections of the plans cover Crown Lands.

Following the public exhibition period, Council has received one submission relating to the Plan of Management and Master Plan.

The submission has identified the following items for consideration:

1. *A rotunda be erected in Thompson Square opposite the Macquarie Arms Hotel to replace the original from the late 1800's.*

Following a review of images and further investigation a rotunda existed circa 1890 but had disappeared by the early 1900's, surviving no more than 20 years. Currently the Anchor monument is located within this area and would require relocation prior to any erection of a rotunda.

As identified within Item 12 of the POM, the re-design of Thompson Square has allowed for the development of a paved observation area towards the river, which could function as a stage and given the slope of the site would allow the area to be used as an amphitheatre. Should the POM be adopted as is, then the installation of a rotunda would not be considered necessary.

2. *Pathway to be extended between the boating clubhouse and the boat ramp.*

It is agreed that the extension of the pathway is appropriate and will be addressed in the Master Plan.

3. *The provision of bus parking at Holland's Paddock for tourist.*

It is recognised the provision of bus parking is limited within the Windsor business area. This has been considered as part of the Master Plan options for Thompson Square and the Windsor Wharf area.

Given that the majority of tourist activities occur within the Thompson Square, Windsor Mall and Wharf areas, it is considered that the proposed bus parking located within the vicinity of Thompson Square and the Windsor Wharf would be adequate by providing access to these main areas.

In addition to the submission above, correspondence has been received from an adjoining land owner to Holland's Paddock seeking the purchase of part of Lot 50 in DP1073306, Hollands Paddock. The area of approximately 65sqm proposed to be rezoned and reclassified, is shown on the attached plan. The parcel of land is landlocked by the adjoining landowners, and due to its location is deemed to be of limited use to

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the community. The site is currently in a very poor state being overgrown with weeds, and given the limited access available staff are unable to provide proper maintenance of the site.

The parcel is currently zoned 6(a) Open Space and classified as community land, and under the Local Government Act is unable to be sold. Given that this parcel of land has no potential for expansion or contribution to the overall amenity of Holland's Paddock it is recommended that the parcel be re-classified to Operational, with a view to enabling the portion to be sold to the adjacent land owner.

It should be noted that Council is currently processing a rezoning application (Amendment No. 154) for the adjoining properties in New Street to Business General 3(a) (or B2 Local Centre in the Standard Instrument). It would be prudent for Council to resolve to rezone the subject part of Lot 50 to Business General 3(a) to ensure consistency with the adjoining existing and proposed zoning.

It should be noted that there is significant investment in a number of projects currently underway as part of the Capital Works Program including the development of the regional play space in Macquarie Park, and the re-design and development of the Windsor Wharf with Council seeking additional funding through NSW Maritime.

Each of these projects comply with the draft Plans of Management and Master Plans and will provide key focal points for future development of the foreshore parks and opportunities to seek State and Federal funding.

Conformance to Strategic Plan

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

"Objective: Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

It is proposed to fund future improvements to the Reserve from the Park Improvement Program, Section 94 funds and Grants depending upon availability of funding.

RECOMMENDATION:

That:

1. Part Lot 50, DP 1073306, Hollands Paddock, as shown on the map attached to this report, be reclassified from Community Land to Operational Land and a Planning Proposal be prepared to rezone the land to General Business 3(a).
2. The Plan of Management and Master Plans for the Windsor Foreshore Parks, Windsor, inclusive of Deerubbin Park, Howe Park, Holland's Paddock, Thompson Square, Macquarie Park, Windsor Wharf Reserve and Governor Phillip Reserve be adopted.

ATTACHMENTS:

AT - 1 Proposed Area to be Rezoned and Reclassified.

AT - 2 Windsor Foreshore Parks, Windsor, Draft Plan of Management (*Distributed under separate cover*)

ORDINARY MEETING

Meeting Date: 29 September 2009

AT - 1 Proposed Area to be Rezoned and Reclassified



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 - Heritage Advisory Committee Minutes - 10 September 2009 - (80242, 95498)

The meeting commenced at 5.05pm in Council Chambers.

Present:	Mr Graham Edds Professor Ian Jack Councillor Jill Reardon Mr Jonathan Auld Ms Michelle Nichols Ms Danielle Wheeler	Chair Deputy Chair Hawkesbury City Council Community Member Community Member Community Member
Apologies:	Ms Deborah Hallam Ms Jan Barkley Jack Mr Donald Ellsmore	Community Member Community Member Heritage Advisor
In Attendance:	Mr Matthew Owens Ms Shari Hussein Ms Robyn Kozjak	Hawkesbury City Council Hawkesbury City Council Minute Secretary
Non Attendance:	Ms Virginia Kruse	Community Member

REPORT:

The Chair noted the absence of Ms Virginia Kruse and raised concern she was yet to attend a meeting of the HAC. It was also noted an apology had not been received from Ms Kruse and it was suggested as a courtesy a reminder be forwarded to Ms Kruse advising of meeting protocol.

RESOLVED on the motion of Councillor Reardon and seconded by Ms Michelle Nichols that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Reardon and seconded by Mr Jonathan Auld that the Minutes of the Heritage Advisory Committee held on the 18 June, 2009, be confirmed.

ORDINARY MEETING
Reports of Committees

Attendance Register of Heritage Advisory Committee

Member	26/03/09	18/06/09	10/09/09
Councillor Jill Reardon– (HCC)	✓	✓	✓
Mr Graham Edds	✓	✓	✓
Ms Deborah Hallam	✓	✓	A
Professor Ian Jack	✓	✓	✓
Ms Jan Barkley Jack	✓	✓	A
Ms Virginia Kruse	X	A	X
Mr Jonathan Auld	✓	✓	✓
Ms Michelle Nichols	✓	✓	✓
Ms Danielle Wheeler	✓	✓	✓
Mr Donald Ellsmore	✓	✓	A

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

SECTION 4 - Reports for Information

Item: 1 Yeomans Keyline Dam System - Peels Dairy

DISCUSSION:

- The consensus of the Committee was that the keyline dam system was an item of significance and additional investigation of the site is required. The Committee also expressed their desire to be consulted (by the Department of Planning) in any consideration of development applications or rezoning processes on the subject property.

Ms Danielle Wheeler arrived at the meeting at 5.27pm.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. This Committee's position on the future of Yobarnie / Peels Dairy be conveyed to the North Richmond and District Community Action Association.

MOTION:

RESOLVED on the motion of Professor Ian Jack, seconded by Mr Jonathan Auld.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Heritage Advisory Committee respond to the North Richmond and Districts Community Action Association Inc. as follows:

1. The Heritage Advisory Committee express its support for further investigation of the social, cultural, scientific and economic significance of the Keyline Dam system and that the developer be asked to undertake further investigations of the Yeoman's site.
2. The Keyline Dam system be included in future consideration for heritage listing by Hawkesbury City Council if the future studies confirm that the site is eligible to be listed at either the State or Local level.
3. A further report be provided to the Heritage Committee if future development proposals are lodged with Hawkesbury City Council or the Department of Planning to enable the Committee to further consider the significance of the Keyline Dam system.

Item: 2 Council Resolutions relating to Heritage Items and the LEP

DISCUSSION:

- Mr Owens made reference to an investigation undertaken by staff (as requested by the Committee) of Council resolutions from 1995 to date, for the purposes of identifying heritage items removed from Council's LEP.

Thanks was subsequently extended to staff for documenting the findings of the investigation.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Professor Ian Jack, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

CHANGE TO ORDER OF BUSINESS

The Chair referred to the succeeding item on the agenda - Item 3 - NSW Heritage Grant - Slab Barn Study which comprised a presentation to the Committee by himself and Ms Carol Edds. The Chair subsequently declared an interest in the item and the Deputy Chair assumed the Chair.

It was suggested it may be appropriate the presentation be put back to the end of the agenda and the Committee's consent was sought. The Committee concurred and Mr Edds resumed the Chair.

SECTION 5 - General Business

Item: 4 Windsor Inventory Sheets

- The Chair advised the Committee had met (informally) to examine the Windsor inventory sheets and it was noted the number of listings had increased substantially from the original LEP.
- Discussion arose relating to the interwar style (1920's, 1930's) properties in The Terrace and the Committee recommended these properties be gathered together as a group listing, rather than be identified as individual listings.
- The Committee sought additional information and assistance in identifying potential listings and advised it would be useful to have a register of items currently listed. Mr Owens agreed and suggested further assistance could be provided by extracting information from Council's spatial mapping system which included all heritage listed properties in the LEP.
- It was resolved the Committee would reconvene (informally) with the additional information on Monday 19 October @ 4.00pm in the Library.

ORDINARY MEETING
Reports of Committees

- Mr Owens made reference to the informal meetings organised by the Committee and recommended one person be assigned as a point of contact for enquiries regarding those meetings. Ms Nichols volunteered for this role.

Item: 5 Seminar Series

- Ms Nicholls tabled a report from the Macquarie 2010 Celebrations Project Team from their meeting of 25 June, 2009. The report outlined several events discussed at the meeting and concern was raised time constraints would prevent the project team participating in all events. Discussion arose and consequently the Committee resolved upon participating in the events *Seminar, Cemeteries / Churches - Bus Tour and School Participation*.
- The Committee further discussed options to enlist speakers for those events and resolved to approach the 2010 Committee to offer their assistance if required, in relation to providing speakers.

Ms Carol Edds proposed a representative from the Committee be invited to attend, as an observer, the next meeting of the Hawkesbury Macquarie 2010 Committee on Thursday 17 September.

MOTION:

RESOLVED on the motion of Councillor Reardon, seconded by Ms Danielle Wheeler.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Project Team:

1. Proceed with the development and implementation of the items *Seminar, Cemeteries / Churches - Bus Tour and School Participation*.
2. Approach relevant external speakers (if required) to engage their interest in participating at the events.
3. Make enquiries as to appropriate localities / venue hire for those events.

Item: 6 Receipt of Grant of Funds

Mr Owens advised of funding under the Local Government Heritage Management Program from the Department on a dollar for dollar basis as follows:

- Up to \$7,000 to engage a Heritage Advisor to assist Council with its heritage management responsibilities; and
- Up to \$8,500 to establish a local heritage fund and provide incentive funding for small heritage projects for places listed on the heritage schedule of the LEP.
- Ms Nicholls raised concern library staff were often contacted by customers wishing to get in touch with Council's Heritage Advisor, Mr Donald Ellsmore and clarification was sought as to whom these

ORDINARY MEETING
Reports of Committees

enquiries should be referred to. It was advised enquiries relating to heritage advisory should be referred to either Mr Richard Nej or Ms Shari Hussein.

Item: 7 Community Strategic Plan

Mr Owens provided an update to the Committee on the status of the draft Community Strategic Plan. It was reported approximately 96 individual submissions and 58 submissions were received from the public forums. Mr Owens advised it was envisaged the CSP would be reported to Council on 29 September 2009.

Item: 8 Correspondence from Cabonne Council re Bi-Centenary of Crossing of Blue Mountains

Mr Owens tabled correspondence from Cabonne Council seeking the Committee's advice on any proposals by the Blue Mountains Council and the community to celebrate the bi-centenary of Blaxland, Wentworth and Lawson's crossing of the Blue Mountains.

Mr Owens reported, to date, this Council had not been informed of any proposals from other Councils relating to the forthcoming anniversary of the Blue Mountains crossing. Discussion subsequently arose and the Committee expressed an interest to be kept informed of any proposals other Councils may be considering to celebrate the bi-centenary of the crossing of the Blue Mountains. Mr Owens advised he would respond to Cabonne Council to thank them for bringing this event to the attention of the Committee and to inform them of the Committee's recommendation. Mr Owens further reported he would request future correspondence in this regard be marked to the attention of Ms Fiona Mann (General Manager's Unit -Strategic Activities) in accordance with the city-country alliance with Cabonne Council.

Mr Graham Edds declared an interest in the succeeding matter as he was the recipient of the brief to undertake the Rural Barns Study.

Item: 3 NSW Heritage Grant - Slab Barn Study

Professor Jack assumed the Chair.

A photographic and verbal presentation was conducted by Mr Graham Edds and Ms Carol Edds. Mr Edds advised 140 barns had been identified in the Hawkesbury area - approximately 80 of which had been investigated to date (areas covered include Wilberforce, Pitt Town, Windsor, Scheyville, Ebenezer and Richmond).

Points for consideration:

- Funding - "emergency" funding no longer available. Barns listed on the State Heritage register eligible for funding in next round 2011-2013.
- Education - (maintenance / stabilisation of structures) - often only minor maintenance required to negate need for large-scale repair down the track (eg bracing to reinforce structure, removal of vines etc). Owners to be educated to proactively search for termite activity and obtain appropriate advice from pest experts.

ORDINARY MEETING
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- Insurance - failure to insure barns / lack of knowledge that repairs may be undertaken for storm damage through insurance cover.
- OHS issues - high rooves, sheets lifting off etc.

Ms Edds advised a full report of the findings would be provided at the conclusion of the study.

Professor Jack thanked the Edds for delivering their presentation.

RECOMMENDATION TO COMMITTEE:

That:

1. Graham Edds and Carol Edds provide the Committee with a short verbal and photographic presentation of the initial study findings to date.
2. The information be received.
3. A further report to the Committee will be provided at the conclusion of the study.

MOTION:

RESOLVED on the motion of Councillor Reardon, seconded by Ms Michelle Nichols.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Graham Edds and Carol Edds provide the Committee with a short verbal and photographic presentation of the initial study findings to date.
2. The information be received.
3. A further report to the Committee will be provided at the conclusion of the study.

TABLED CORRESPONDENCE

Report of Project Team Meeting from 25 June 2009

Macquarie 2020 Celebrations

Report from the Macquarie 2010 Celebrations
Meeting 25th June 2009 – Hawkesbury Library

Attended by: Ian Jack, Donald Ellsmore, Jill Reardon & Michelle Nichols

- The main purpose of the Heritage Advisory Committee holding an event/event(s) would be to educate the community about Macquarie's contribution.
- Ensure that the four Macquarie towns in the Hawkesbury LGA are represented.
- Event to be planned for History Week 2010. History Week 2010 is planned between 4th to 12th September. The theme has been confirmed as *"Faces in the Street"* website states *"Join us in History Week 2010 for a walk down the streets of the past & into the lives of those you pass. Explore the biographies of our leaders, those who shaped our world and the ordinary worlds of lesser known identities"* www.historycouncilnsw.org.au/events/history-week

The following events were discussed:

SEMINAR

A scholarly (academic) presentation. Theme to concentrate on Macquarie's governorship, including town planning. Speakers could be James Broadbent and Ian Jack in conjunction with Helen Proudfoot. The Macquarie portrait controversy could be discussed. Could be held at the Court House or St. Matthew's Anglican Church, Windsor.

INTERPRETING MACQUARIE'S LEGACY

A social event aimed at families. Concentrated in Richmond with a focus on Richmond Park. Richmond Park (where a sausage sizzle and family entertainment may occur) Walks to Bowman Cottage, St. Peter's Anglican Church and Cemetery. Speakers at specific locations could be Graham Edds, Pamela Hubert and Donald Ellsmore

FLOODING & MANAGING THE LANDSCAPE

This theme is well illustrated at Pitt Town, looking from the 1867 marker in the grounds of the Anglican church on Bathurst Street over the very early grants along the Bottoms. Blighton Arms (Macquarie period) is close by in the grounds of Mulgrave Place. The Anglican church hall could be suitable location. Speakers include Jan Barkley-Jack and Michelle Nichols

CEMETERIES/CHURCHES - BUS TOUR

A bus tour to the four early cemeteries and churches of Wilberforce, Windsor, Richmond and Castlereagh. To be held on a weekday. There could be separate speakers for each of the four cemeteries, the Wilberforce schoolhouse and the three churches. Those who have done detailed relevant work include: Jan Barkley-Jack, Cathy McHardy, Ian Jack, Michelle Nichols & Jonathan Auld. Someone from either Penrith Council or Castlereagh Friends could be organized for Castlereagh.

SCHOOL PARTICIPATION

Involvement of schools, particularly local High Schools on a Macquarie interpretation theme. Projects could be in a form that could result with publication in the Hawkesbury Historical Society Journal and relate to the particular Macquarie themes. The possibility of student art works on a Macquarie theme, leading to an exhibition in the Cultural Precinct. (Needs to be confirmed with Gallery Staff.) It was recalled that Jan Barkley-Jack had already formed a group of interested teachers or ex-teachers in relation to student visits to the Regional Museum for archaeological and historical purposes.

ORDINARY MEETING
Reports of Committees

Correspondence from Cabonne Council dated 24 August 2009

re Bi-Centenary of Crossing of Blue Mountains



Phone: 63923246

Fax: 63923260

Contact: H Nicholls

Date: 24 August 2009

THE GENERAL MANAGER
POST OFFICE BOX 17
MOLONG 2866

Website: www.cabonne.nsw.gov.au

Email: council@cabonne.nsw.gov.au

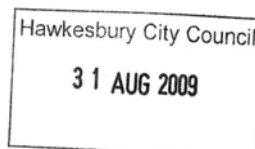
Our Ref: hn:lc

Doc ID:

Your Ref:

ABN: 41992 919 200

The General Manager
Hawkesbury City Council
366 George Street
Windsor 2756



Dear Sir/Madam

RE: BI-CENTENARY OF CROSSING OF BLUE MOUNTAINS

Cabonne Council's Heritage Committee has noted the forthcoming anniversary of the crossing of the Blue Mountains by explorers Blaxland, Wentworth and Lawson. The Committee is seeking information as to any proposals by the Blue Mountains Council and the community to acknowledge and celebrate the occasion. The Cabonne Heritage Committee is interested in acknowledging the bi-centenary in association with programs that may be proposed by your Council.

Your advice on this matter would be appreciated by the committee members.

Should you have any further enquiries in regards to this matter, please contact Mrs Heather Nicholls, Director of Environmental Services on 63923246.

Yours faithfully

H J Nicholls

DIRECTOR OF ENVIRONMENTAL SERVICES



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