



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 08 April 2008

location: council chambers

time: 5:00 p.m.



**ORDINARY MEETING****Table of Contents****Meeting Date:** 8 April 2008**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: 61	CP - Rural Tourist Facility - Lot 22 DP 1008088, 404 Grono Farm Road, Wilberforce - (DA0803/07, 107814, 96329, 95498)	5
Item: 62	CP - Two Lot Subdivision - Lot 3 DP749638, 476 Springwood Road, Yarramundi - (DA0885/07, 27695, 102260)	16
Item: 63	CP - Modification to Development Consent - Two Storey Dwelling - Lot 25 DP 742749, 17 North Street, Windsor - (DA0602/07, BA0007/73, 4791, 102200, 96329, 95498)	26
	<b>SECTION 5 - Reports of Committees</b>	<b>41</b>
	ROC - Local Traffic Committee - 19 March 2008 - (80245)	41

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 8 April 2008

ordinary

section 4

reports  
for determination

**ORDINARY MEETING**

**Meeting Date:** 8 April 2008

## ORDINARY MEETING

Meeting Date: 8 April 2008

### SECTION 4 - Reports for Determination

#### CITY PLANNING

Item: 61                      CP - Rural Tourist Facility - Lot 22 DP 1008088, 404 Grono Farm Road,  
Wilberforce - (DA0803/07, 107814, 96329, 95498)

---

#### Development Information

**Applicant:** Lakemont Pty Ltd  
**Owner:** Lakemont Pty Ltd  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan  
**Area:** 10.630 H  
**Zone:** Environmental Protection - Agriculture Protection (Scenic) under Hawkesbury Local  
Environment Plan 1989  
**Advertising:** 12-27 December 2007 (Five submissions received)  
**Date Received:** 21 November 2007  
  
**Key Issues:**                ♦ Development scale  
                                 ♦ Signage  
  
**Recommendation:** Approval

---

#### REPORT:

##### Introduction

The application seeks approval for a rural tourist facility on Lot 22 DP 1008088, 404 Grono Farm Road, Wilberforce.

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

##### The Proposal

The application seeks approval for the erection of two attached single storey cabins on the subject land.

One cabin will contain one bedroom and the other will have two bedrooms, together with a kitchen, bathroom and dining/living room facilities. The cabins will be used for tourist accommodation.

The external colourbond walls of the proposed cabin building will be off -white in colour and the metal roof will be blue/grey in colour.

An identification sign, providing the name of the rural tourist facility, will be provided near the entrance to the site, and will have maximum dimensions of 300mm by 600mm.

##### Statutory Situation

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

a)     the provisions of:

## ORDINARY MEETING

Meeting Date: 8 April 2008

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

**Hawkesbury Local Environmental Plan 1989.**

An assessment against the relevant clauses of Hawkesbury Local Environmental Plan 1989 follows:

The subject land is within the Environmental Protection - Agriculture Protection (Scenic) zone. The proposed development is best defined as 'rural tourist facilities' and is permissible with development consent.

The proposal is considered to be consistent with Hawkesbury Local Environmental Plan 1989, including the Environmental Protection - Agriculture Protection (Scenic) zone objectives.

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

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

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

The subject land has been used for grazing and the growing of oats and lucerne within the past seven years. The application advises that there was up to 25 head of cattle on the property and that they were never drenched on the property. No chemicals were used, with the exception of round-up for trees.

Given the above, it is considered that there have been no activities carried out on the property within this timeframe which would render the soil contaminated to such a degree as to cause harm. It is further considered that a preliminary site investigation is not warranted. The application is consistent with the provisions of State Environmental Planning Policy No. 55.

**State Environmental Planning Policy No. 64 – Advertising and Signage**

The application includes the erection of a sign near the entrance to the site. SEPP No. 64 prohibits signs within Rural zones unless the signs are defined as 'building identification' signs or 'business identification' signs. Any consent can be conditioned to restrict the proposed sign to a 'building identification' sign or 'business identification' sign.

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

There are no draft planning instruments that are relevant to the proposed development.

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

***Hawkesbury Development Control Plan.***

The proposal complies with the relevant Chapters contained within the Hawkesbury Development Control Plan.

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

Conditions can be imposed to ensure that all development is in accordance with the Building Code of Australia.

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



## ORDINARY MEETING

Meeting Date: 8 April 2008

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

### Context And Setting

The locality is predominantly used for rural residential purposes. The proposed development is consistent with this character and with adjoining landuses.

The proposal will have no unreasonable impacts on adjoining properties in terms of overshadowing, loss of privacy or views and vistas. Existing vegetation provides screening between the development and adjoining properties.

The proposed development is in keeping with the existing development in the locality in terms of scale, design and character. The external colours of the cabin building are in keeping with the existing dwelling house on the land. This is considered satisfactory given its limited visibility from the river.

### Effluent Disposal

The land will be subject to onsite collection of water and disposal of effluent. An *'Effluent Disposal Feasibility Study'* Report, prepared by Barker Ryan Consulting P/L, was submitted in support of the application and satisfactorily demonstrates that on site disposal of wastewater, appropriate to the site, can be achieved for the development.

### Natural Hazards

The subject land is located within an area of both major and insignificant bush fire risk. Approval for the proposal has been granted by NSW Rural Fire Services, subject to conditions. The building site is located above the 1 in 100 year flood level of 16.9mAHD, and the proposed development is consistent with Clause 25 of Hawkesbury Local Environmental Plan 1989 which provide development controls for development on flood liable land.

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

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

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

Following notification of the development from 12 December 2007 to 27 December 2007, five (5) submission were received. The matters raised in these submissions are addressed below:

- (a) Increased traffic/condition of Grono Farm Road
- (b) Provision of water, sewage and electricity
- (c) Flood and evacuation
- (d) Expansion of the development in the future/caravan park/water ski park/motor cycle riding
- (e) Noise from water ski boats/additional vehicles entering the property
- (f) Dust from the access driveway
- (g) Safety and security

### Applicants Response

*"As noted previously, it would appear that the main concern raised is a fear that the proposal is the first stage of a much more substantial development and that it is ultimately proposed to become a*

## ORDINARY MEETING

Meeting Date: 8 April 2008

*"water ski park". As we have indicated previously, the proposed development involves the construction of only (2) two small attached single storey holiday cabins. There is no proposal to provide any further tourist accommodation on the site and accordingly the very small scale of the development renders those concerns unfounded.*

*Similarly, the concerns regarding traffic generation, noise and the potential for anti-social behaviour from patrons of a much larger tourist facility are not applicable or relevant to the proposed development which is deliberately very low scale in nature and intensity.... "*

Given the scale of the development it is estimated that the proposed development would generate approximately 2 additional vehicles to the site. It is considered that this increase will have no significant adverse impact on the locality in terms of traffic generation, noise or road condition. The access driveway to the property will be required to be upgraded to an all weather seal to prevent dust nuisance.

The satisfactory provision of water and electricity to the development can be clarified through conditions of consent. On site effluent disposal is suitable for the development.

The development site is located above the 1 in 100 year flood level, however the locality readily becomes isolated in times of flooding. It will be a requirement of any consent that a Flood Evacuation Plan be prepared for the development.

'Rural tourist facilities' are low scale by definition, and in comparison with 'tourist facilities'. 'Tourist facilities', which include such uses as caravans parks/water ski parks, are prohibited within the locality due to its zoning of Environmental Protection - Agriculture Protection (Scenic).

It is considered that the development may generate a maximum of two additional boats on the river at any one time. Noise generated from boats is regulated under the Protection of the Environment Operations Act.

It is considered that the proposed development will have a negligible impact on safety and security within the locality.

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

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

### **Conclusion**

The proposed development is consistent with Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan. It is considered that the proposal is low scale and will have no adverse impact on the natural or built environment. Matters raised in the submissions do not warrant refusal of the proposed development.

### **RECOMMENDATION:**

That the application for a rural tourist facility on Lot 22 DP 1008088, No. 404 Grono Farm Road, Wilberforce be approved subject to the following conditions:

#### **NSW Rural Fire Service Conditions**

##### ***Water and Utilities***

1. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
2. In recognition that an unreliable reticulated water supply exists, a 10000 litre dedicated water supply tank (non flammable or shielded from the threat) shall be provided.

## ORDINARY MEETING

Meeting Date: 8 April 2008

### ***Evacuation and Emergency Management***

3. The development of an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation.

### **Hawkesbury City Council Conditions**

#### ***General***

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
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, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire fighting facilities.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. Only one (1) sign is permitted on the property. This proposed advertising sign shall comply with the provisions of State Environmental Planning Policy No. 64 in respect to 'building identification' sign or 'business identification' sign. The sign shall have maximum dimensions of 300mm by 600mm and a maximum height above natural ground level of 2.5m, and shall be located within the property boundaries.

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

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

## ORDINARY MEETING

Meeting Date: 8 April 2008

12. Payment of a Construction Certificate checking fee of \$267.00 and a Compliance Certificate inspection fee of \$541.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2008. Fees required if an Accredited Certifier is used will be provided on request.

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

13. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
14. A Sewer Management Facility System application shall be submitted to and approved, in writing, by Council prior to the facility construction works commencing.
15. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
16. 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.
17. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
18. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
19. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
20. 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.
21. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

### ***During Construction***

22. The development shall be completed in accordance with the approved colours and finishes and shall not be altered without the prior written approval from Council.
23. Any water tanks or other ancillary structures shall be finished in colours and materials to match those of the approved development.
24. No trees are to be removed without the written approval of Council.
25. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.

## ORDINARY MEETING

Meeting Date: 8 April 2008

26. 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.
27. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c. Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
28. All roofwater shall be drained to the water storage vessel/s.
29. 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.
30. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
31. Two (2) off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, and located adjacent to the cabins.
32. Removal of the existing layback crossing and construction of a new layback 6 metres wide to provide suitable access to the site.
33. A bitumen sealed rural footway crossing 6m wide shall be constructed to the development in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

### ***Prior to Issue of a Final Occupation Certificate***

34. Compliance with all conditions of this development consent.
35. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
36. 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.
37. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.

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

38. No internal or external alterations shall be carried out without prior written approval of Council.
39. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
40. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior written approval from Council.

## ORDINARY MEETING

Meeting Date: 8 April 2008

41. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
42. The cabins shall not be used for permanent occupation as a residence.
43. The cabins shall only be used for short term tourist accommodation with a maximum of three weeks in any one period.
44. A copy of the guest register is to be provided to Council Officers every six (6) months commencing from the date of the issue of any occupation certificate for the use as rural tourist facility.

### **Advisory**

- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- \*\*\* Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- \*\*\* The applicant is advised to consult with:
  - (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (b) 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.

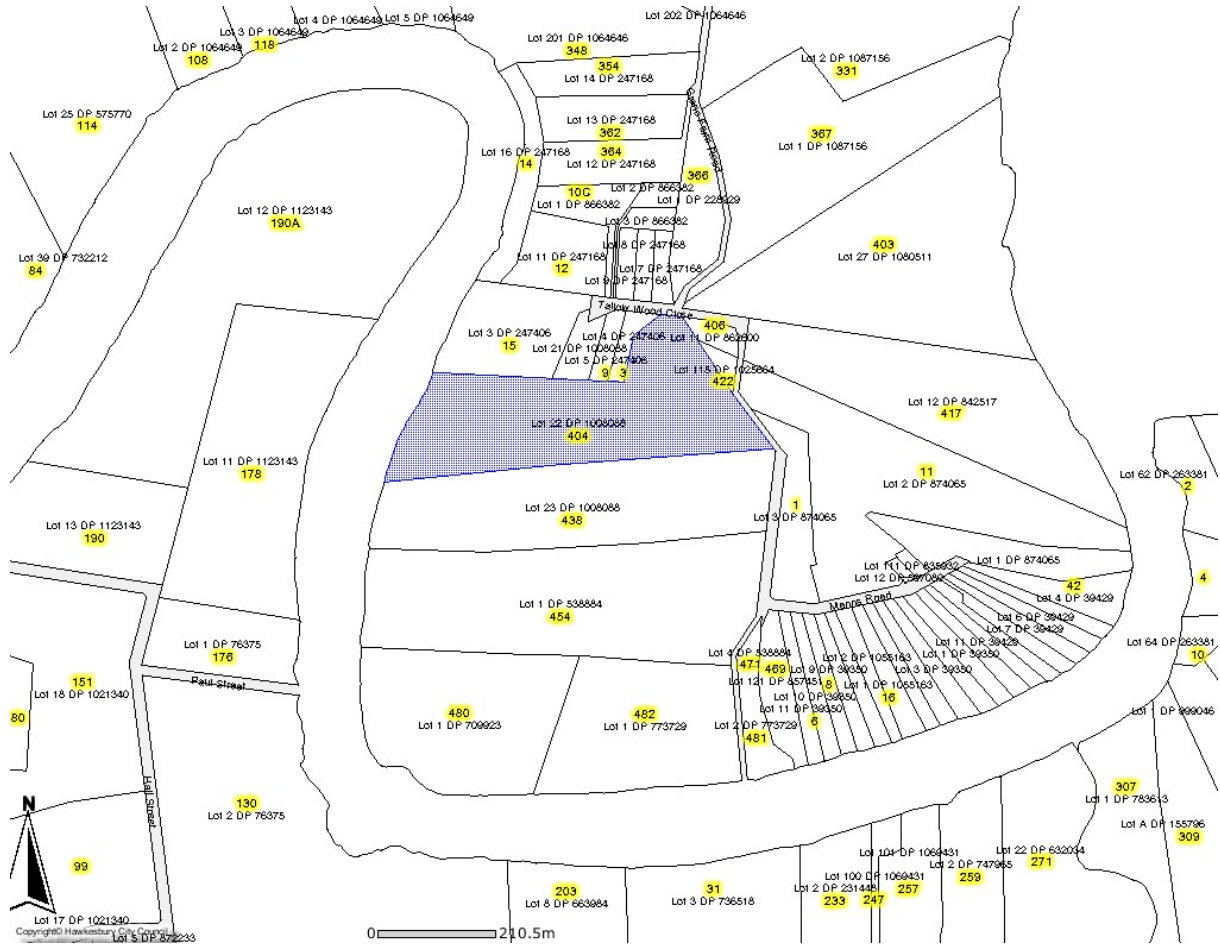
### **ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Elevations

# ORDINARY MEETING

Meeting Date: 8 April 2008

## AT - 1 Locality Plan



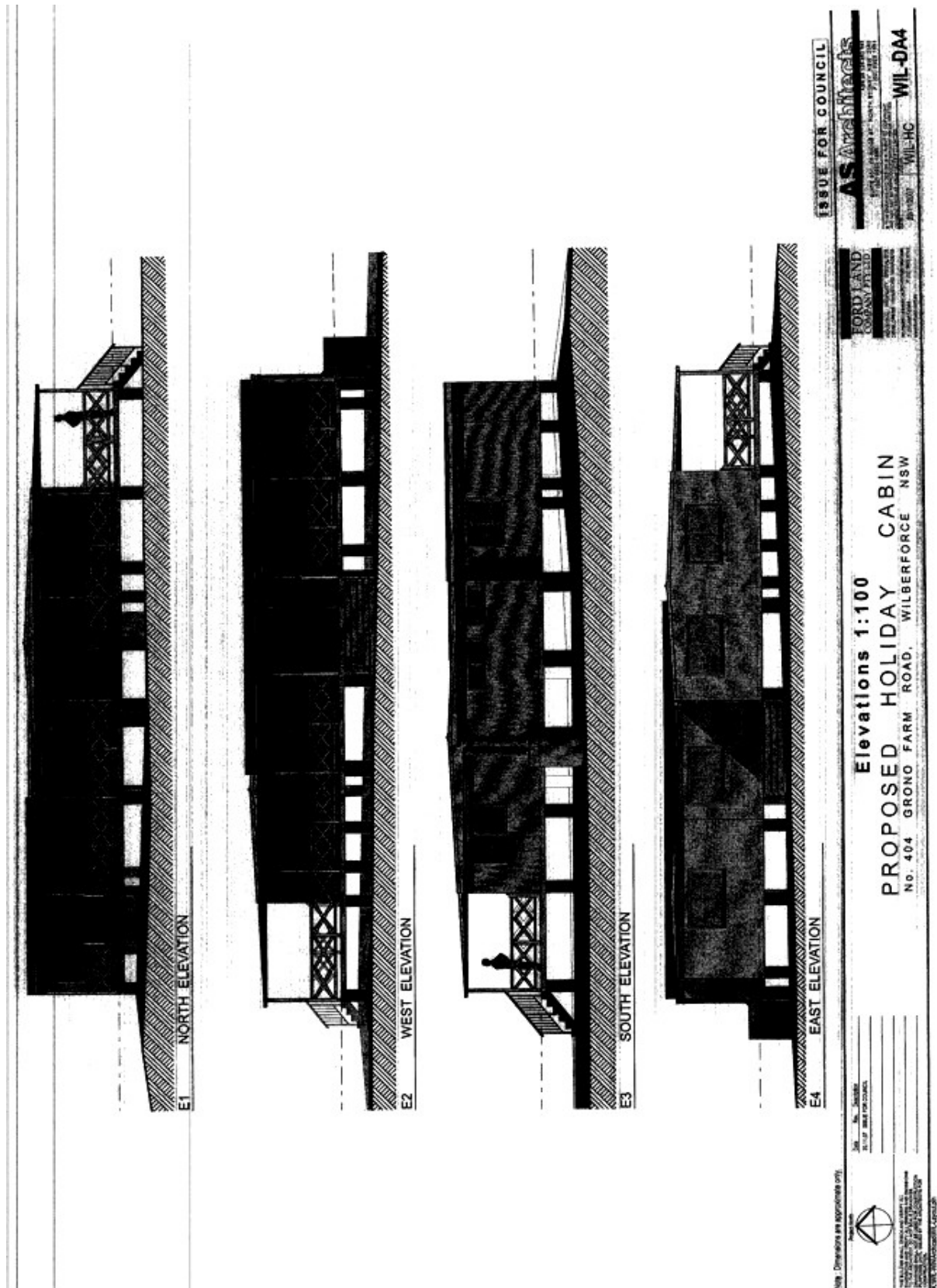




ORDINARY MEETING

Meeting Date: 8 April 2008

AT - 3 Elevations



oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 8 April 2008

**Item: 62**                      **CP - Two Lot Subdivision - Lot 3 DP749638, 476 Springwood Road, Yarramundi - (DA0885/07, 27695, 102260)**

---

### Development Information

**Applicant:**                      Montgomery Planning Solutions  
**Applicants Rep:**              Robert Montgomery  
**Owner:**                         Mrs D Williams  
**Stat. Provisions:**              Hawkesbury Local Environmental Plan 1989  
   State Environmental Planning Policy No. 1  
**Area:**                             2.130H  
**Zone:**                             Mixed Agriculture under Hawkesbury Local Environmental Plan 1989  
**Advertising:**                  21 December 2007 to 16 January 2008  
**Date Received:**                14 December 2007

**Key Issues:**                    ♦ Permissibility

**Recommendation:**        Refusal

---

### REPORT:

#### Introduction

The application seeks approval for a two lot subdivision of Lot 3 DP 749638, 476 Springwood Road, Yarramundi.

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

#### Property Background

- 08.06.1990      Amendment No. 1 to Hawkesbury Local Environmental Plan 1989 was gazetted to permit the subdivision known as Nepean Park at Yarramundi.
- 14.05.1993      Property bought by Grant Williams and Danielle Williams.
- 20.02.1997      Mr & Mrs Williams were notified of the subdivision application for Nepean Park (SA 156/96-1)
- 27.07.2000      Mr & Mrs Williams attended a Development Advisory Panel to discuss the subdivision potential of the property, and were advised that support of subdivision or rezoning was unlikely.
- 09.08.2000      Letter confirming non support of subdivision and rezoning.  
*"It is also unlikely that a "spot rezoning" to allow subdivision as you proposed at the meeting would be supported as it would not consider the broader implications; set undesirable precedents; create inconsistencies in Council's planning strategies and studies undertaken by Council."*
- 02.01.2001      Letter from Mr Falson, acting on behalf of Mr & Mrs Williams, in respect to the subdivision of the land.
- 21.05.2001      Response to Mr Falsons letter. Also advised that a preliminary assessment as to the feasibility of rezoning the property is being carried out.

## ORDINARY MEETING

Meeting Date: 8 April 2008

- June 2001      Submission of a Wastewater Feasibility Study for a four lot subdivision. Site Inspection carried out by Manager Environment and Development.
- 11.07.2001      Letter to Mr & Mrs Williams advising "*any support for a change in the zoning of the property would be based on a sewer connection to the adjoining Nepean Park Sewerage System*" and should they wish to pursue the matter a formal request for rezoning be submitted.
- Late 2001      Report on the matter called to Council by Councillor Rasmussen.
- 28.05.2002      Report to Council Meeting. Matter deferred pending site inspection.
- 25.06.2002      Reported back to Council.  
Resolution by Recision Motion: "*That Council not resolve to support the amendment of the Local Environmental Plan to permit subdivision of the Yarramundi Plan outside the provisions of the LEP*"
- 09.09.2002      Letter advising Mr & Mrs Williams of Council resolution.
- 29/5/2007      In relation to a report on the progress of the conversion of the LEP to the standard Template, Council, in part, made the following resolution:
- "The land adjoining Nepean Park (Springwood Road, Yarramundi) owned by Mrs Williams be subject to a further report to Council following the release of the State Government Subregional Strategy."*
- The intent of the above resolution is to address the issues of the subject site in a strategic manner in the context of the Subregional Strategy. A report on preliminary issues to the preparation of a residential strategy for the Hawkesbury is expected to be reported to Council in the near future.

### The Proposal

The application seeks approval for a two lot subdivision of Lot 3 DP 749638, 476 Springwood Road, Yarramundi. The subject land is 2.13 hectares in size and contains an existing dwelling house. The proposed lots will have the following attributes:

Proposed Lot 1 - will have an area of 1.05 hectares and will contain the existing dwelling house;

Proposed Lot 2 - will have an area of 1.08 hectares and will contain the existing dam.

### Statutory Situation

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

##### a) the provisions of:

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

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

An assessment against the relevant clauses of Hawkesbury Local Environmental Plan 1989 follows:

The subject land is zoned Mixed Agriculture. Subdivision of the land within the Mixed Agriculture zone is permissible only if the area of each of the allotments to be created is not less than 10 hectares (if the subdivision is not a lot averaging subdivision).

## ORDINARY MEETING

Meeting Date: 8 April 2008

The proposed subdivision is not a lot averaging subdivision. Proposed Lot 1 will have an area of 1.05 hectares and Proposed Lot 2 will have an area of 1.08 hectares. These allotment sizes are inconsistent with the requirements of the Local Environmental Plan.

An objection under State Environmental Planning Policy No. 1 (SEPP 1) was submitted in support of the variation from the minimum lot size requirement. This is discussed below.

The objectives of the Mixed Agriculture zone are:

- (a) *to encourage existing sustainable agricultural activities,*
- (b) *to ensure that development does not create or contribute to rural land use conflicts,*
- (c) *to encourage agricultural activities that do not rely on highly fertile land,*
- (d) *to prevent fragmentation of agricultural land,*
- (e) *to ensure that agricultural activities occur 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,*
- (f) *to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in area already cleared of vegetation,*
- (g) *to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*
- (h) *to prevent the establishment of traffic generating development along main and arterial roads,*
- (i) *to control outdoor advertising so that it does not disfigure the rural landscape,*
- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

### State Environmental Planning Policy No. 1 - Development Standard

An objection under State Environmental Planning Policy No. 1 was lodged in respect to the variation from the minimum allotment size requirement of Hawkesbury Local Environmental Plan 1989.

The Objection under State Environmental Planning Policy No. 1, submitted with the development application states:

#### Grounds for Objection

1. *The land is 2.13ha in area. It is surrounded by the Nepean Park Estate, which comprises some 100 rural residential lots ranging in size from 3,000m<sup>2</sup> to 6,000m<sup>2</sup> and yet has the same Mixed Agricultural zoning as the subject land.*
2. *As demonstrated in the aerial view, the rural amenity of the land has clearly been removed as a result of the adjoining residential development.*
3. *The proposed allotments will be in context and character with the surrounding allotments. This is demonstrated by the aerial view.*
4. *The land is not large enough to have any potential for viable agriculture. Also the close proximity to residences would preclude any intensive agriculture on the land.*
5. *The proposed lots comply with the requirements of the subdivision chapter of Hawkesbury Development Control Plan.*
6. *The site plan and effluent disposal report demonstrate that there is sufficient room for the erection of a dwelling and effluent disposal, with sufficient flexibility for orientation and design of a dwelling.*

7. *The proposal will not create any land use conflict within the zone.*
8. *It is submitted that the proposal will create no additional impact, given that all surrounding properties are developed for residential dwellings.*

#### **Land and Environment Court Planning Principle**

In a recent Land and Environment Court hearing *Wehbe v Pittwater Council* [2007] NSWLEC 827 - 21 December 2007, CJ Preston provided principles by which to assess an objection made under State Environmental Planning Policy No. 1.

The Chief Judge suggests that support of an Objection be based on the following:

- (a) That the objection is well founded
- (b) That the granting of consent is consistent with the aims of SEPP 1
- (c) That the matters identified in Clause 8 to SEPP 1 are satisfied:
  - i. Whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and
  - ii. The public benefit of maintaining the planning control adopted by the environmental planning instrument.

The aim of SEPP No. 1 is to *"provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a)(i) and (ii) of the Act."*

The Chief Judge further identified ways in which it can be demonstrated that strict compliance with a standard would be unnecessary and unreasonable:

1. *"The objectives of the development standard are achieved notwithstanding non-compliance with the standard."*
2. *Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
3. *Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
4. *Establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
5. *Establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary"*

#### **Assessment of applicants SEPP 1 Objection**

The main objective of the standard is to conserve larger parcels of rural land to preserve the potential for the land to be used for agricultural purposes, especially those uses which require larger areas. In turn, the larger lot sizes ensure that conflicts between agricultural activities and other types of development are minimised. This was reinforced with the preparation of the Hawkesbury Sustainable Agriculture Development Strategy and the subsequent gazettal

## ORDINARY MEETING

Meeting Date: 8 April 2008

of Amendment No. 108 to Hawkesbury Local Environmental Plan 1989, and is particularly reflected within objectives (b), (c) (d) and (g) of the Mixed Agriculture zone.

The SEPP 1 objection attempts to demonstrate that the objective of the standard is not relevant to the development by asserting that the land is not of sufficient size for viable agriculture, and that, due to its proximity to the dwelling houses within Nepean Park, intensive agriculture would be prevented. The applicant provides further advice in this respect, stating that *"the land is mapped as Class 4 agricultural land in the Agricultural Land Classification Atlas. Class 4 is described as:*

*"Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints."*

This is not considered valid as the size of the land, its location and classification does not prevent its use for grazing, hydroponics, orcharding and the like. The location of land in respect to proximity of residences does not automatically prohibit the development of the land for agriculture or intensive agriculture. Additional factors include the set out of the development, the inclusion of buffer areas and landscaping, and the management practices of the activity. For example, hydroponically grown produce within glass houses/shade structures would have minimal impacts on adjoining properties with respect to odours, spray drift, dust, water run off etc.

Further, the SEPP 1 objection does not demonstrate that development that complies with the development standard would be unreasonable or unnecessary. The Chief Judges determination identified that *"such a consideration is relevant in determining whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case."* The retention of the existing lot at 2.13 hectares is not considered to be unnecessary or unreasonable given that this land area would allow for agricultural uses with increased flexibility in design, thereby ensuring compliance with planning controls and minimising adverse environmental impacts/land use conflicts.

Should the current owner not pursue agricultural activities on the land, it does not follow that the land is appropriate for subdivision.

The Chief Judge also advised that:

*"The requirement that the consent authority form the opinion that granting consent to the development application is consistent with the aims of SEPP 1 makes it relevant to consider whether consent to the particular development application encourages what may be summarised as considered and planned development" or conversely may hinder a strategic approach to planning and development"*

As Council is aware, subdivision of rural lands has been extensively examined in previous years through the Hawkesbury Sustainable Agricultural Development Strategy (HSADS) and the subsequent gazettal of Amendment 108 in August 2006. The aim of these strategies was to retain existing agricultural activities as well as to encourage new activities within appropriate zones. The Strategy did not recommend changes to zone boundaries nor minimum allotment sizes for subdivision.

Similarly, Council will recall that the draft North West Subregional Strategy contained a number of actions relevant to the Hawkesbury. The most relevant being the action to prepare a residential strategy. Given the above issues and the Council resolution of 29 May 2007, it is more appropriate to address the issue of land in proximity to existing estates in a strategic context via the residential strategy rather than via the provisions of SEPP 1.

*"An objection cannot be used as a means to effect general planning changes throughout a local government area"*

## ORDINARY MEETING

Meeting Date: 8 April 2008

The proposed subdivision is likely to set a precedent for other properties to be subdivided in the locality, which would greatly undermine the purpose of the standard. This is evidenced by the fact that Council has independently received a submission representing a number of properties fronting Hillcrest and Springwood Roads (adjoining the southern boundary of the Nepean Park Estate) expressing the desire to subdivide their properties into some 21 additional allotments. The submission attempts to justify this proposed subdivision/rezoning on the basis of the proximity of the land to the existing Nepean Park Estate. This separate submission indicates the real potential of a SEPP 1 matter setting an undesirable precedent.

Should Council seek to pursue an alternate arrangement for its rural lands this should be done at the strategic level and not in an adhoc manner such as the proposed subdivision.

In view of the above, the objection made under SEPP 1 is not supported.

### Referral to the Department of Planning

Clause 7 to State Environmental Planning Policy No. 1 requires the concurrence of the Director, Department of Planning. Correspondence with the Department of Planning was as follows:

14.12.2007 Application referred to the Department of Planning. The letter to the Department was as follows:

*"Council received a development application on 14/12/2007 for a two lot subdivision at the above address.*

*The enclosed application is referred to you for consideration as to whether or not to grant concurrence in accordance with the provisions of State Environmental Planning Policy No.1 - Development Standards."*

08.01.2008 Copy of locality map showing lot sizes and a copy of Council officers letter to the applicant faxed to Department of Planning at their request. Telephone discussion with Department officer shortly after explaining that matter has been called to Council.

12.02.2008 Letter received from Department of Planning advising that *the Director-General does not grant concurrence to the approval of the proposed subdivision, for the following reasons:*

*The minimum lot size permissible for subdivision in zone Mixed Agriculture of the Hawkesbury Local Environmental Plan (LEP) 1989 is 10ha. The subject proposal seeks a significant reduction in the permitted lot size under the development standard for the Mixed Agriculture Zone.*

*The granting of concurrence to the subject development application would set a precedent for other subdivision applications in the vicinity. This precedent and its impact will undermine the objectives of the zone and the Hawkesbury LEP 1989.*

*In this light it is considered that there is a public benefit in maintaining the development standard in the environmental planning instrument.*

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

There are no draft environmental planning instruments relevant to this application.

## ORDINARY MEETING

Meeting Date: 8 April 2008

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

The Hawkesbury Development Control Plan applies to the proposal. The proposed development is generally consistent with the relevant Chapters of this Plan.

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

There are no relevant prescribed matters.

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

**Cumulative Impact**

It is considered that the proposed development will set an undesirable precedent with respect to the subdivision and fragmentation of agricultural land. This opinion is supported by the correspondence from adjoining property owners in Hillcrest and Springwood Roads (mentioned previously in this report).

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

The site is considered unsuitable for subdivision.

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

The application was notified for the period 21/12/2007 to 16/01/2008. One submission was received from the Nepean Park Community Association DP 270191.

The submission raised concern with respect to current and future access to the subject land via a right of carriageway over land associated with Nepean Park; the main issues being its condition and future maintenance.

**e) the public interest**

In view of the above, it is considered that approval of the development is not in the public interest.

### Conclusion

It is noted that Amendment No. 1 to Hawkesbury Local Environmental Plan 1989 provided for the subsequent approval of the Nepean Park subdivision. This amendment was gazetted in June 1990. Since this time there have been several amendments reflecting better land use practices in relation to the City's rural lands, including Amendment 108.

The current proposal is not consistent with the minimum allotment size requirement for subdivision of Hawkesbury Local Environmental Plan 1989. The application fails to demonstrate that strict compliance with the minimum lot size requirement is unreasonable or unnecessary and therefore the objection under SEPP No. 1 cannot be supported. The circumstances of this application are not unique to the site and therefore the proposed subdivision will result in an undesirable precedent.

In addition, the Department of Planning does not grant their concurrence to the approval of the subdivision. As a result Council can not grant consent to this application under the provisions of SEPP 1,

Therefore the application is recommended for refusal.

### RECOMMENDATION:

That the application for a two lot subdivision of Lot 3 DP 749638, 476 Springwood Road, Yarramundi be refused for the following reasons:



## **ORDINARY MEETING**

**Meeting Date:** 8 April 2008

1. The proposed development is prohibited under the provision of Hawkesbury Local Environmental Plan 1989.
2. The proposed development is prohibited under Clause 7 of State Environmental Planning Policy No. 1 in that the Director-General of the Department of Planning has not granted concurrence to the proposed subdivision,
3. The approval of the proposed development will set an undesirable precedent, and is therefore not in the public interest.

### **ATTACHMENTS:**

**AT - 1** Locality Plan

**AT - 2** Subdivision Plan

## ORDINARY MEETING

Meeting Date: 8 April 2008

### AT - 1 Locality Plan



**Meeting Date:** 8 April 2008

[illegible]

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 8 April 2008

**Item: 63**      **CP - Modification to Development Consent - Two Storey Dwelling - Lot 25 DP 742749, 17 North Street, Windsor - (DA0602/07, BA0007/73, 4791, 102200, 96329, 95498)**

---

### Development Information

**Applicant:** N Billyard  
**Owner:** Mr AF James  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
**Area:** 1,366 sqm  
**Zone:** Environmental Protection Mixed Agriculture  
**Advertising:** 9 November 2007 to 23 November 2007  
**Date Received:** 2 October 2007

**Key Issues:**

- ◆ Substantial Commencement of Building Approval
- ◆ Loss of views/overshadowing

**Recommendation:** Approval

---

### REPORT:

This application was reported to the Council meeting of 26 February 2008 where Council resolved the following:

*"That this matter be deferred pending a further report to Council regarding details associated with the previous appeal to the Land and Environment Court."*

At that meeting other matters regarding this property were also requested to be addressed in this report, including; does the property benefit from a Right of Way at the rear; liability issues if this application was approved; original approved plans containing approval stamp.

The above matters have been added to the following report in the appropriate sections.

### Introduction

The applicant seeks to modify BA0007/73 under Section 96 of the EPA Act. Details of the modification are outlined in the report. The application is being reported to Council given the age of the building consent and the previous history of the site.

However, it should be noted that the current application is to modify the approval granted in 1973. The issue of permissibility of the original development, ie, whether a dwelling should be approved on the site, is beyond the scope of the current application.

### Background

The site has an extensive history of various individual applications for the construction of a two storey dwelling on this property. The following is a brief History:

1973 Building application BA0007/73 approved for a dwelling. There are no current plans however Council's Building register indicates that an approval was issued.

1974 Amended plans submitted by Huxley homes and approved by Council.

## ORDINARY MEETING

Meeting Date: 8 April 2008

- 1975 Footings were constructed for a dwelling associated with BA0007/73 (no further works were completed).
- 1990 Application to fill lots 2, 3 and 25. Approved lots 2 and 3, refused lot 25
- 1996 New development application for a two storey dwelling was refused by Council.
- 2001 Development application lodged for a two storey dwelling. The application was refused and the applicant appealed, in 2002, against Council's decision in the Land and Environment Court. The appeal was dismissed on the grounds that the development was not permissible under the provisions of Clause 25 of the Hawkesbury LEP 1989.
- 2006 A development application was lodged for a two storey dwelling and subsequently withdrawn.

### Details of 2002 Land and Environment Court appeal

In August 2002 the applicant appealed to the Land and Environment Court against the refusal by Council of a development application (DA0266/01) to erect a two storey dwelling, with a third level in the roof. The reasons for the Council refusal were as follows:

1. The proposed development is inconsistent with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
2. The proposed development will have an adverse impact on the neighbouring property in terms of privacy and access to sunlight.
3. The proposed development is unacceptable in terms of bulk and design.
4. Approval of the proposed development is not in the public interest, as there is not an acceptable evacuation route in times of flood.

However, at the commencement of the hearing, the Council's legal representative argued that the proposal was not permissible. As such, the Court dealt with the permissibility issue first.

The permissibility issue related to Clause 25 of the Hawkesbury LEP 1989, specifically Clause 25(8) which states the following:

*"Notwithstanding subclauses (2) and (3), a dwelling or other building may, with the consent of the council, be erected on an area of land which has a level not less than 3 metres below the floor height standard for the land immediately before the commencement day. However, the council shall not grant consent for development pursuant to this subclause after 30 June 2002."*

As the Court hearing was after the above date (30 June 2002) the Senior Commissioner, Dr John Roseth, stated the following:

*"I do not think that the date in cl25(8) (or any other date in a planning instrument) is a development standard. The Court does not have the power to vary it."*

As a result of this the Court deemed that the proposal was not permissible due to the "sunset" provisions in Clause 25(8) of the LEP 1989, ie, approval not possible after 30 June 2002. As such, the appeal was dismissed and the merit issues were not addressed by the Court.

The details of DA0266/01 and the matters considered by the Land and Environment Court are not relevant to the current application to modify the 1973 approval for the following reasons:

- The Hawkesbury LEP 1989 and Clause 25 were not in force when the application, the subject of the current modification assessment report, was approved, ie, in 1973,
- The current application is for the modification of a previous approval. A Section 96 application can only address and assess the matters that are relevant to the proposal. In this case the design and

## ORDINARY MEETING

Meeting Date: 8 April 2008

layout of the dwelling are proposed to be changed. It is not possible for the Section 96 application to "revisit" the original approval and 'redetermine' that application.

### Description of Proposal

The Development Application involves a Section 96 application to amend the original design approved under BA0007/73.

The property is rectangular in shape and is located on the corner of Palmer Street and North Street. The front elevation of the dwelling will face Palmer Street.

The footings currently on the site were constructed in 1975 and the applicant has submitted a copy of the original Huxley Homes building plans that align with the footings on the site. These plans were obtained from the firm *Kneebone, Beretta & Hall Pty Ltd, Consulting Structural & Civil Engineers*. This firm had inspected pier holes, trenches and reinforcing steel for the footings on the site on 18/8/75, 19/8/75, 20/8/75 and 21/8/75. A copy of the certification letter, dated 4 September 1975, and the engineering design for the footings on the site (which match the Huxley Homes plans) have also been submitted with the current application. These documents verify that the footings were constructed in accordance with the plan. Whilst a copy of the actual stamped approved building plans cannot be located, the documents submitted with the application seem to indicate that there was an approval in place and the footings located on the site were constructed lawfully.

As such, the applicant can continue with construction in accordance with the original approved plans as they have established substantial, physical commencement by constructing the footings on site.

The applicant would now like to modify the design to incorporate changes in architectural design, energy efficiency and to address issues raised in the previous unsuccessful applications.

The Modifications involves:

- A slight reduction in the roof height of the plans approved for Huxley Homes and a major reduction in roof height of the unsuccessful application in 2001.
- Reduction in the number of first floor windows facing the adjoining property and obscure glass blocks have been incorporated in the design to address issues of privacy. The building will be constructed on the original footings and occupies the original approved footprint.
- Internal modifications to the floor plan.

Plans of the original approved dwelling and amendments are available in the Council Chambers. The approximate level of the existing footings is 12.5m AHD.

### Current Approval

It has been satisfactorily established that building approval was issued in 1973 for a dwelling and the plans were amended in 1974. Although the Council file is no longer available, a copy of the two storey dwelling plan prepared by Huxley Homes is available on the current Council file and it corresponds to the footing plan which were constructed in 1975. These plans were provided by the engineering firm *Kneebone, Beretta & Hall Pty Ltd, Consulting Structural & Civil Engineers*. This information is confirmed in Council's Building Register for 1973-1974.

As this dwelling is an existing approval and has established a physical commencement of that approval, the approval is current. Although the flood controls have now changed (currently 17.3m AHD at Windsor for 1 in 100 year level. At the time of the original approval the flood level was 12.2m AHD). The relevant provisions at the time of the original approval are relevant to this application and the existing controls contained in the Hawkesbury LEP 1989 and the current DCP do not apply from a Statutory viewpoint. As such, liability to Council for dealing with this current modification is no different to any liability that currently

## ORDINARY MEETING

Meeting Date: 8 April 2008

exists for the existing dwellings that surround the site. However, this liability would change if this was a new application where an approval did not already exist.

At the meeting of 26 February 2008 a question arose regarding whether the site had the benefit of a 'Right of Way' over adjoining properties for the purpose of flood evacuation. A title search was undertaken for the property on 20 March 2008 which shows that the property has a qualified title (old system property) and does not indicate any 'Right of Way' appurtenant to the site.

### Public Consultation

The application was placed on public notification and two submissions were received from the owners of 17 and 19 North Street, Windsor.

The submissions raised the following matters:

#### 1. *Overshadowing*

Shadow diagrams were provided with the application. The adjoining property (19 North Street) will be affected by morning shadow (9am) that will fall partly on their dwelling and on their detached garage. It is considered that the amount and extent of shadowing by the amended proposal will be acceptable as there is no increase in the shadow impact when compared to the 1973 approved plans by Huxley Homes which can be completed at any time. It should be noted that the proposed amended plans would actually reduce the impact on overshadowing the adjoining property due to the reduced height (approximately 400mm lower roof ridge line) of the amended design.

#### 2. *Loss of views & depreciation in land value.*

The dwelling on the adjoining property (No. 19) is a single storey with a two storey addition that appears to have been constructed at a later date. The dwelling faces south towards North Street and the addition faces east towards Palmer Street. There will be some loss of view towards Palmer Street. However, it should not be assumed that the adjoining property has a right to a view over an adjoining property, particularly when there is an existing approval for a dwelling on that property. It is considered that the amended plans are in keeping with the original development and would offer a reduced impact than the original plans by Huxley Homes. There will be less impact on privacy as the number of windows to the South West elevation on the first floor have been reduced and the first floor patio has been provided with a timber screen.

There has been no evidence to support a claim of depreciation in land value.

### Assessment of Section 96

#### Section 96 (2)

The amended plans are considered to be substantially the same development approved by Council in 1973. The amended plans occupy generally the same foot print as the approved plans proposed by Huxley Homes in 1973. The development is two storey in nature with an enclosed sub floor and habitable rooms upstairs.

The development has a similar roof design (with a lower roof pitch), floor area and layout to the approved plans prepared by Huxley Homes in 1973. Modifications to the external appearance relate to window location, which include glass bricks or obscured glass, and are generally cosmetic.

The application can be considered under Section 96 of the EPA Act.

### Planning Assessment

#### a) The provisions of:

- i) any environmental planning instrument (ie LEPS, REPS & SEPPs).

## ORDINARY MEETING

Meeting Date: 8 April 2008

The subject property is zoned Housing under Hawkesbury Local Environmental Plan 1989.

The Planning Instruments which are considered to control development on the site are:  
Sydney regional Environmental Planning Policy 20.

Hawkesbury City Council Local Environmental Plan 1989. (HLEP)

**Comment:** The proposed amendment is not inconsistent with the relevant Planning Instruments. It should also be noted that the provisions of these instruments, in relation to permissibility, do not apply to this current S96 application.

- 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 EPI's that affect the land or the proposal.

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

The proposed amended development is considered to be consistent with the provisions contained in the Residential Chapter of the Hawkesbury Development Control Plan.

- iv) any matters prescribed by the regulations.

There are no matters discernable that are prescribed by the Regulations that affect the amended development.

- b) The likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality (Refer to list of potential matters as a guide. Additional matters may be relevant and should be included).**

The amended development is not considered to be out of character with the surrounding landscape and it is unlikely that the amended development will have any adverse environmental impact on the locality.

- c) The suitability of the site for the development.**

The site is suitable for the existing development approval to be amended.

- d) Any submissions made in accordance with the EPA Act or Regulations.**

See the "Public Consultation" section in this report.

- e) The public interest.**

The matter is not considered to be contrary to the general public interest as it has been established that the previous approval from 1973 has been commenced and the current proposal is to amend that existing approval.

### Conclusion

The site has the benefit of an approval for a two storey dwelling which has satisfactorily established physical commencement. The amended plans are substantially the same development as the previous approval.

The amended plans have attempted to reduce the potential impact on the adjoining property in terms of overlooking and loss of views.



## ORDINARY MEETING

Meeting Date: 8 April 2008

The amended plans demonstrate satisfactory compliance with the relevant provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no additional environmental impact when compared to the approved plan.

Due to the original building application approval conditions not being available, the age of the approval, and the changed inspection requirements since the original approval was issued, an updated set of approval conditions are proposed with this Section 96 approval.

### RECOMMENDATION:

That the Section 96 modification Application DA0602/07 for Lot 25 DP 742749, 17 North Street, Windsor, be approved subject to the following conditions:

#### *General*

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia at all times.
5. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
6. 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.

#### *Prior to Commence of Work*

7. The wind classification for the site has been assessed as Minimum W3N. This classification should be referred to your glazing supplier, frame manufacturer and building contractor to enable the appropriate frame, glazing, bracing and tie downs to be designed. A copy of the designs and glazing certificate are to be provided to the Principal Certifying Authority.
8. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
9. 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.
10. 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.
11. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.

## ORDINARY MEETING

Meeting Date: 8 April 2008

12. 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.
13. 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.
14. 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.
15. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

### ***During Construction***

16. Exterior surfaces of the proposed structure shall be painted or treated with an earth toned non-reflective material.
17. 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.
18. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
19. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the following components of construction:
  - (a) internal sewer or stormwater lines prior to covering;
  - (b) steel reinforcement prior to pouring concrete;
  - (c) external sewer or stormwater lines, prior to backfilling;
  - (d) the first storey floor joists, prior to the fixing of any flooring material;
  - (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;

## ORDINARY MEETING

Meeting Date: 8 April 2008

- (f) wet area flashing, after the installation of bath and shower fixtures;
  - (g) on completion of the works;
20. All roofwater shall be drained to the street gutter. Where a ferrule has been provided in the kerb, such drainage shall be connected to it. Drainage across the footpath shall be 100mm sewer grade pipe.
21. Council records indicate that the building site is at a level of approximately 12.3 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling, deteriorating or affecting the structural integrity of the building.
22. A registered surveyor's certificate indicating that the level of the top of the concrete slab formwork/floor joists for the lowest habitable floor is at or above 16 metres Australian Height Datum shall be obtained prior to placement of concrete.
- Alternatively, a defined bench mark AHD level shall be identified by survey report on a fixed location immediately adjacent to the building (eg. top of concrete strip footing, top of poured concrete pier).
- The surveyor's certificate shall be provided to both Hawkesbury City Council and the Accredited Certifier (if not HCC) prior to any structure being erected on the concrete.
23. 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.
24. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.

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

25. 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) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
  - (c) The type of timber installed indicating both species and durability as required by AS 1684.
  - (d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.

**ORDINARY MEETING**

**Meeting Date:** 8 April 2008

- (e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
- 26. Construction of any sewer works are not to commence until three copies of the sewer plans along with a Minor Sewer plans along with a Minor Sewer Works application are submitted to the Branch Manager of Water and Waste Management for assessment and approval.

**ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Site Plan and Elevations
- AT - 3** Original Huxley Plans

## ORDINARY MEETING

Meeting Date: 8 April 2008

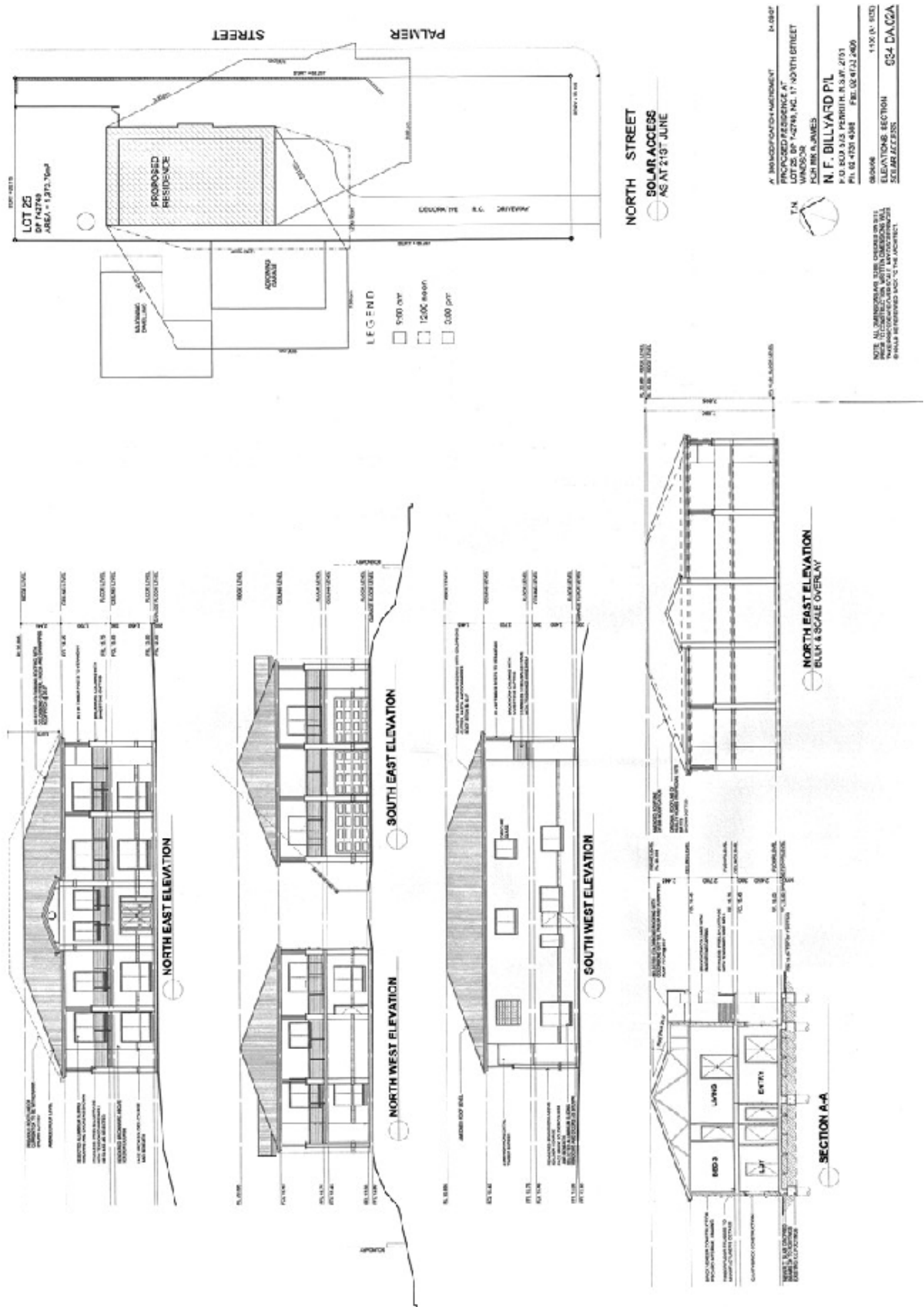
### AT - 1 Locality Plan



# ORDINARY MEETING

Meeting Date: 8 April 2008

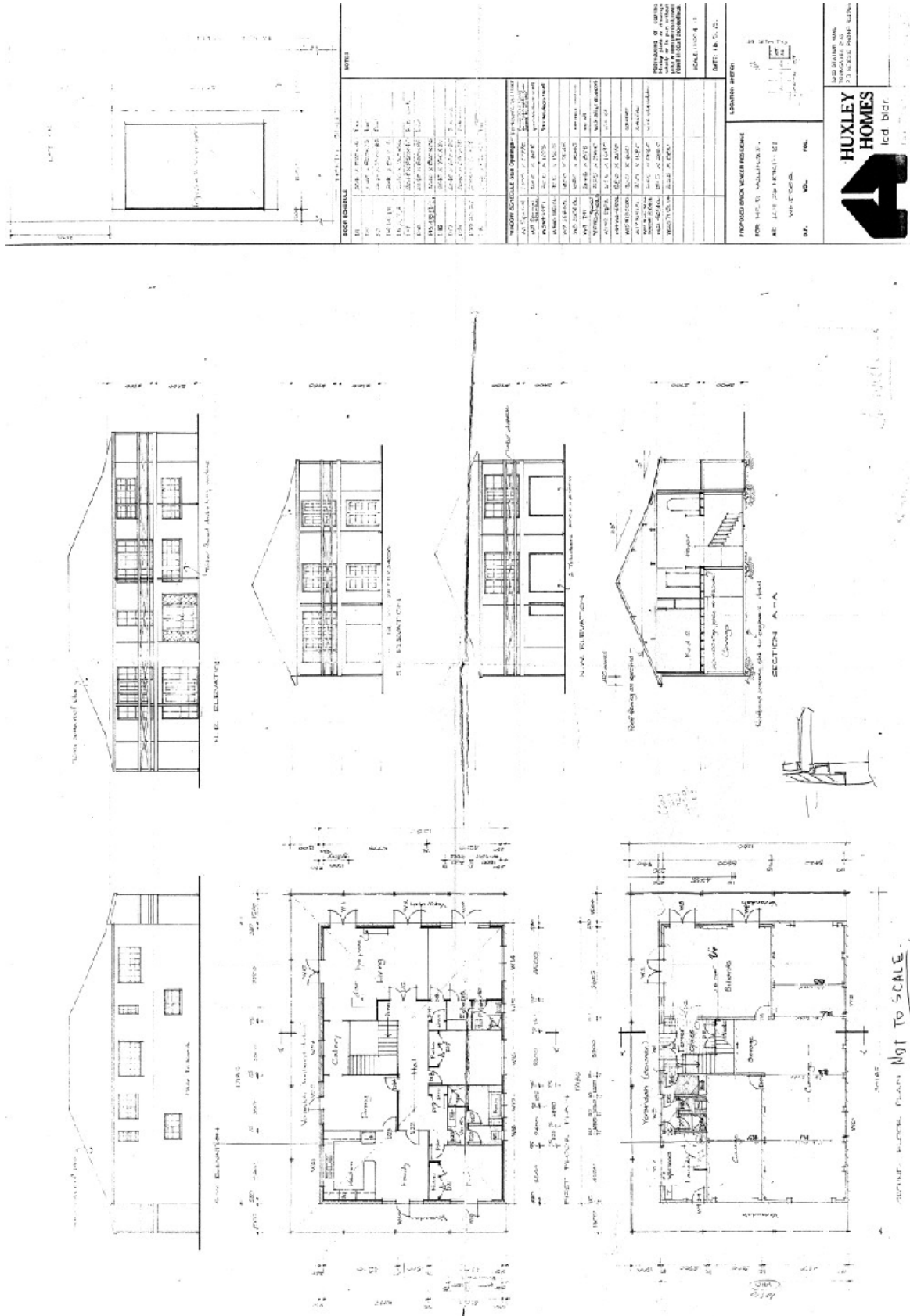
## AT - 2 Site Plan and Elevations



# ORDINARY MEETING

Meeting Date: 8 April 2008

## AT - 3 Original Huxley Plans



0000 END OF REPORT 0000

**ORDINARY MEETING**

**Meeting Date:** 8 April 2008



ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Local Traffic Committee - 19 March 2008 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 19 March 2008, commencing at 3.00pm.

**ATTENDANCE**

**Present:** Councillor B Bassett (Chairman)  
Mr J Suprain, Roads and Traffic Authority  
Snr Constable B McClifty, NSW Police Service  
Mr R Williams, MP (Hawkesbury)  
Mr J Christie, Officer of Messrs A Shearan, (Londonderry) and J Aquilina, (Riverstone), Members of Parliament

**Apologies:** Mr R Elson, Department of Transport

**In Attendance:** Mr C Amit, Manager, Design & Mapping Services  
Mr T Shepherd, Administrative Officer, Infrastructure Services

---

**SECTION 1 - Minutes**

**Item 1.1 Minutes of Previous Meeting**

The Minutes of the meeting held on 20 February 2008 were confirmed.

**Item 1.2 Business Arising**

Nil Business Arising.

**SECTION 2 - Reports for Determination**

**Item 2.1 LTC - 19 March 2008 - Item 2.1 - Bridge to Bridge Power Boat Race Brooklyn to Windsor (Hawkesbury, Londonderry & Riverstone) - (80245, 73829)**

---

**REPORT:**

**Introduction**

An application has been received from the Upper Hawkesbury Power Boat Club, seeking approval to conduct the Bridge to Bridge Power Boat Race from Brooklyn to Windsor on 4 May 2008 between the hours of 8.00am and 5.00pm. This event is an annual boat racing event along the Hawkesbury River between Brooklyn Bridge and Windsor Bridge.

The Upper Hawkesbury Power Boat Club has informed the following in respect of this event:

- i) This boat race is from Brooklyn to Windsor via the Hawkesbury River.

**ORDINARY MEETING**  
Reports of Committees

- ii) There is a Test and Tune day on 3 May 2008 - Dry Boat Inspections.
- iii) The Club is expecting approximately 120 participants/boats to compete in the event.
- iv) There will be 20 groups consisting of 6 participants/boats each.
- v) This annual event has been held for over seventy years and the club is expecting approximately 2500 spectators (1000 vehicles) on the day of the event, at Governor Phillip Reserve.
- vi) The vehicles of the spectators have not disrupted the traffic movements on the surrounding road network in the past and the same is expected this year
- vii) The vehicles of the spectators will be parked in the car park next to Governor Phillip Reserve. There are more than adequate parking spaces available for off-street parking.

The event organiser has submitted the following items in relation to this event: Appendix 1 (Document Nos. 2723920 and 2723926):

- i) Details of the Special Event - Traffic template;
- ii) Copy of the submission to the NSW Police Service.
- iii) Public Liability Insurance Policy to the value of \$10,000,000 although a policy to the value of \$20,000,000 is required.

**Discussion**

Even though this event will be held along the Hawkesbury River and within the Governor Phillip Reserve, this event and the spectators travelling to the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street and in particular the local roads such as George Street and Court Street as well as the Ferry services. It would be appropriate to classify this 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.

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

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

It is noted that the event organiser has lodged an application seeking approval to conduct the event with the NSW Police Service. A Transport Management Plan (TMP) and an associated Traffic Control Plan (TCP) should be submitted to Council and the RTA for acknowledgement as this is a **Class 1** event.

The Upper Hawkesbury Power Boat Club has made application under separate cover to Councils' Parks and Recreation section for exclusive use of Governor Philip Reserve, and this was approved by Council at its meeting of 11 March 2008.

**RECOMMENDATION:**

That:

1. The Bridge to Bridge Power Boat Race from Brooklyn to Windsor event planned for 6 May 2008 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 which 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 obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- 4b. The event organiser obtains approval from the RTA as this is a "**Class 1**" event; **a copy of the RTA approval be submitted to Council;**
- 4c. the event organiser **submitting 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 required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4d. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy to cover **both on-road and off-road activity;**
- 4e. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- 4f. the event organiser advertising the event in the local press stating the entire route/extent of the event and the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4g. the event organiser notifying the details of the event to the NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence be submitted to Council**
- 4h. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; **a copy of the correspondence be submitted to Council**
- 4i. the event organiser advising all adjoining Councils such as Gosford, Baulkham Hills, Hornsby of this event and in particular the ferry closures and obtaining any necessary approvals from these Councils;

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

- 4j. the applicant contacting Hawkesbury City Council's Construction and Maintenance Section and the Ferry Operator, three weeks prior to the event with regard to changes in the operation of Lower Portland Ferry service maintained by Hawkesbury City Council;
- 4k. the event organiser assessing the risk and addressing 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;
- 4l. the event organiser carrying 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 designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4m. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

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

**Ferry Services:**

- 5. That the applicant seek RTA approval for reduced crossing/operation of Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services. There is no objection to the reduced crossing/operation of Lower Portland Ferry Service. Reduced crossing/operation of the ferry services is subject to the applicant complying with the following conditions, as well as any conditions imposed by the RTA:
  - 5a) Advertising of the proposed event being undertaken at the expense of the event organiser in both Sydney and local newspapers, two weeks prior to the event, in relation to :
    - traffic impact and delays,
    - exclusive use of Governor Phillip Reserve,
    - timings of suspension of ferry services,such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;
  - 5b) signs be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on

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

all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;

- 5c) safety precautions are to be established in the TMP and are to be placed at all ferry locations, such to include a boat and crew downstream from each ferry with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and ferry vessel, such procedures are to be implemented to the satisfaction of the Waterways Authority, RTA and Hawkesbury City Council; and,
- 5d) the Transport Management Centre, Roads & Traffic Authority and Council be authorised to alter ferry suspension/operation times if necessary.

**APPENDICES:**

**AT - 1** Special Event Application - Bridge to Bridge Power Boat Race Brooklyn to Windsor - (Dataworks Document Nos. 2723920 and 2723926) - *see attached*.

**Item 2.2** **LTC - 19 March 2008 - Item 2.2 - Zone One Q60 Endurance Horse Ride July 2008 - Upper Colo Reserve (Hawkesbury)- (80245, 85005)**

---

**REPORT:**

**Introduction**

An application has been received from Zone One Of The NSW Endurance Riders' Associations to conduct a Zone One Q60 Endurance Horse Ride on 20 July 2008, utilising Upper Colo Reserve as a base area. The event organiser has advised the following:

Event Schedule: (Zone One Q60 Endurance Horse Ride on 20 July 2008): The riders will be undertaking either a single Leg or a combination of the Legs 1,2 and 3.

- Leg 1 = 45 Kilometres
- Leg 2 = 35 Kilometres
- Leg 3 = 20 Kilometres
- Duration: between 5.00am and 4.00pm.
- 80 Riders and 40 Support.
- Riders travel as Single or small groups of 2 and 3.

Refer to attached drawing "Zone One Q60 Endurance Horse Ride - July 2008 -TR002/08": Appendix 1

Route for the Rides:

Leg 1 - 45 Kilometres

- Start Upper Colo Reserve(Ride Base) cross the Colo River and travel along Upper Colo Road, Under Singleton Road and into Lower Colo Road,
- Travel along Lower Colo Road and turn around before West Portland Road,
- Travel back along Lower Colo Road, under Singleton Road and into Upper Colo Road,
- Travel along Upper Colo Road to Wheeny Creek Valley,
- Turn left and Travel through the Wollemi National Park and turn right into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction,

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

- Cross the Colo River into the Upper Colo Reserve (Ride Base).

**Legs 2 - 35 Kilometres**

- Start Upper Colo Reserve(Ride Base) cross the Colo River and travel along Upper Colo Road,
- Turn left and travel through the Wollemi National Park to Mountain Lagoon,
- Travel along Sams Way and turn left into Mountain Lagoon Road,
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction,
- Cross the Colo River into the Upper Colo Reserve (Ride Base).

**Leg 3 - 20 Kilometres**

- Start Upper Colo Reserve(Ride Base) cross the Colo River, turn right and travel along Upper Colo Road in a westerly direction,
- Travel to the end of Upper Colo Road and turn around at the public gate,
- Travel back along Upper Colo Road to the junction with Comleroy Road,
- Turn left and Cross the Colo River into the Upper Colo Reserve (Ride Base).

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

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

**Road Inventory**

Upper Colo Road - Sealed and Unsealed

Comleroy Road - Unsealed

Mountain Lagoon Road - Unsealed

Sams Way - Unsealed

Roads on private property and within the National Park

**Route Diversion**

In the event of bad weather or a flood, riders will use the Timber Bridge to cross the Colo River and travel along Hulbert Road.

**Discussion**

It would be appropriate to classify this event as "Class 2" special events under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority as this event may impact minor traffic and transport systems and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document No. 2721075)

1. Details of the Special Event - Traffic, Template;
2. Transport Management Plan (TMP) - Referred to in the application as Traffic Management Plan Risk Assessment -, and associated TCP;
3. The Public Liability Insurance to the value of \$20,000,000. .

**Reserve Matters:**

The event organiser has made application with Councils Parks and Recreation Section to utilise Upper Colo Reserve as the Base Area as well as for Camping purposes.



**RECOMMENDATION:**

That:

1. The Zone One Q60 Endurance Horse Ride event based at Upper Colo Reserve, planned for 20 July 2008 be classified as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which 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:**

- a. the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- b. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- c. the event organiser obtaining the relevant approval from the Department of Natural Resources to cross the Colo River; **A copy of this approval be submitted to Council;**
- d. the event organiser advertising the event in the local press stating the entire route/extent of the event and the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- e. the event organiser notifying the details of the event to the NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence be submitted to Council**
- f. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; **a copy of the correspondence be submitted to Council**
- g. the event organiser obtaining approval from the National Parks and Wildlife Service (Department of Environment and Conservation) for the use of Wollemi National Park;
- h. the event organiser obtaining approval from the NSW Department of Lands for the use of any Crown Road or Crown Land;
- i. the event organiser carrying 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 designing and implementing 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>);
- j. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- k. access being maintained for businesses, residents and their visitors;
- l. a clear passageway of at least 4 metres in width being maintained at all times for emergency vehicles;
- m. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- n. the riders are aware of and are following all the general road user rules whilst riding on public roads;
- o. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
- p. the competitors and participants be advised of the traffic control and other arrangements in place, prior to the commencement of the event;
- q. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity; and
- r. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a Water Cart for the duration of the event. Method of watering and frequency is to be addressed and outlined in writing and added to the TMP.

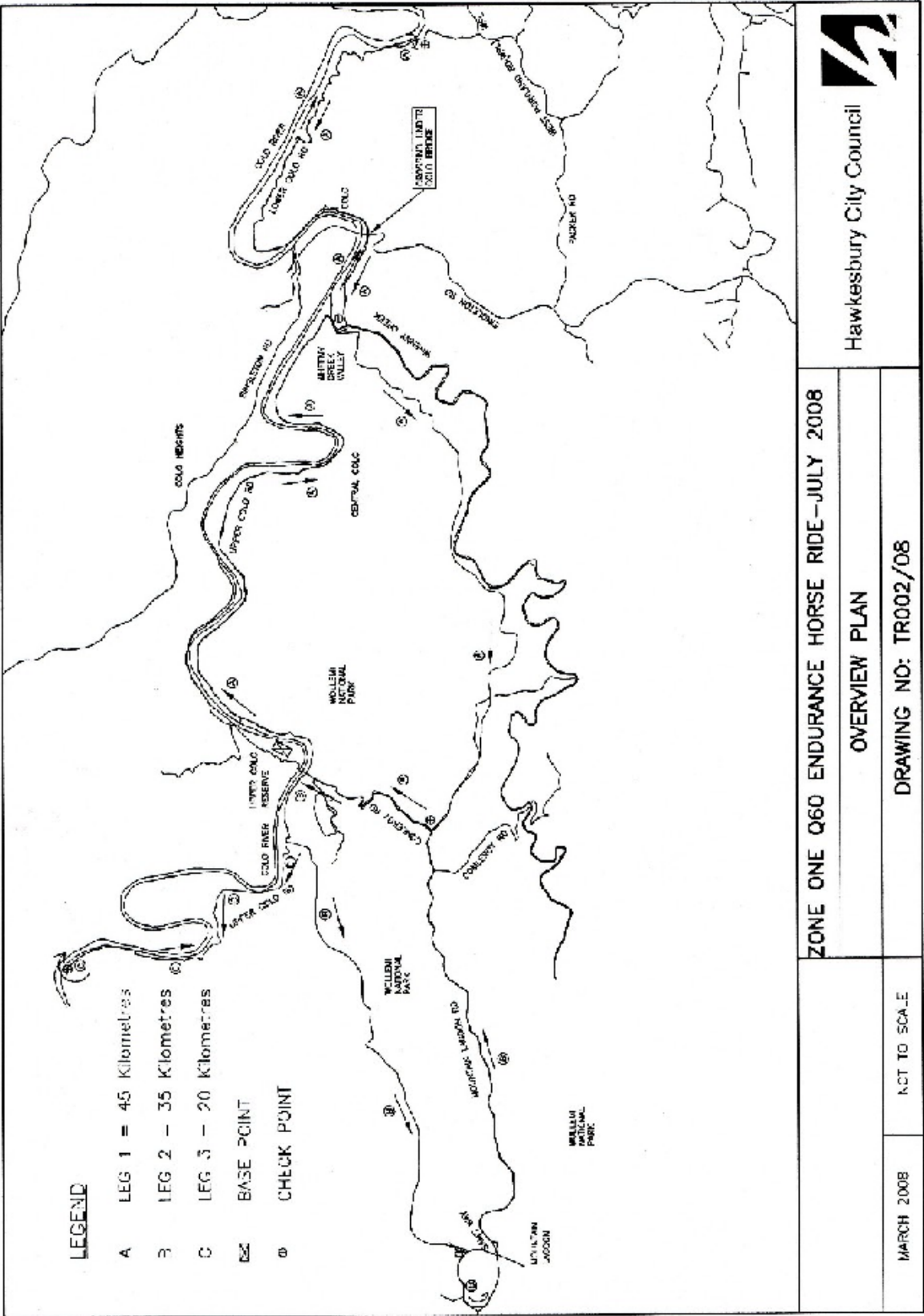
**APPENDICES:**

**AT - 1** Zone One Q60 Endurance Horse Ride - Drawing No: TR002/08.

**AT - 2** Special Event Application - (Dataworks Document No.2721075) - *see attached.*

<p align="center"><b>ORDINARY MEETING</b></p> <p align="center">Reports of Committees</p>
---

**AT - 1**    Zone One Q60 Endurance Horse Ride - Drawing No: TR002/08



**Item 2.3      LTC - 19 March 2008 - Item 2.3 - Proposed Extension to School Bus Zone in Golden Valley Drive, Glossodia - Glossodia Public School (Hawkesbury) - (80245, 74308)**

---

**REPORT:****Introduction**

Representation has been received from the Principal of Glossodia Public School (Dataworks Document No. 2723497) requesting that the existing School Bus Zone in Golden Valley Drive, in the vicinity of the school, be extended to facilitate an additional bus. This bus has been parking behind the Glossodia Shopping Centre which has a gate linking to the school car park. This situation causes congestion within the school carpark and is also considered unsafe for the children. Currently the existing School Bus Zone facilitates 3 buses.

**Discussion**

The current regulatory speed limit on Golden Valley Drive in the vicinity of the school is 50 kph with the School Zone of 40kph operating during the times of 8.00am to 9.30am and 2.30pm to 4.00pm. This road is a local road. Parallel parking is permitted on both sides of the road except on some sections where there are parking restriction signs.

The existing School Bus Zone operates within the time frame of "8.30am - 9.30am and 3.00pm - 4.00pm - School Days" and is located on the western side of Golden Valley Drive, in the vicinity of the school, and is approximately 60.0 metres long. The existing School Bus Zone is indented from the general Kerb and Gutter alignment in the Street. This total length of 60.0 metres includes the kerb and gutter tapers in and out of the Bus Bay. Effectively 3 buses are capable of Standing within this zone allowing for minimum draw in and draw out lengths as well as minimum gap separation for independent operation.

To provide for the additional bus, the existing School Bus Zone will need to be extended in a northerly direction, and within the general Kerb and Gutter alignment, by 16.5 metres which conforms with the current Standard for an end block Bus Zone catering for a 'Design Bus' of 12.5 metres. Currently the section of roadside north of the existing School Bus Zone allows for all day parking. Effectively 2-3 car parking space will be lost, however there is sufficient kerb side parking for parents in Golden Valley Drive and the surrounding streets.

These changes have been supported in writing by the School Principal who has also received support from the Bus company.

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



**RECOMMENDATION:**

That the existing School Bus Zone (approximately 60.0 metres in length) located on the western side of Golden Valley Drive in the vicinity of Glossodia Public School and operating within the time frame of "8.30am - 9.30am and 3.00pm - 4.00pm - School Days", be extended in a northerly direction for a distance of 16.5 metres.

**APPENDICES:**

There are no supporting documents for this report.

**Item 2.4      LTC - 19 March 2008 - Item 2.4 - Application for Final Approval: Hawkesbury Show 2008 - Hawkesbury Showground - (Londonderry) - (80245, 74207, 74282)**

**Previous Item:**      2.3, Local Traffic Committee (16 January 2008)

---

**REPORT:**

**Introduction**

An application by the Hawkesbury District Agricultural Association was reported to the Local Traffic Committee on 16 January 2008, to undertake the Hawkesbury Show 2008 on 11,12 and 13 April 2008 within the Hawkesbury Showground, Clarendon. The recommendation of the Local Traffic Committee, as part of the Initial Approval, was adopted by Council on 5 February 2008 and is listed below:

*That:*

1. *The Hawkesbury Show 2008 planned for 11,12 & 13 April 2008, within the Hawkesbury Showground, Clarendon, be classified as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.*
2. *The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.*
3. *It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package which 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 **submitting a Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) to Council** for acknowledgement **and to the RTA for** authorisation as the event may impact on Richmond Road. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;*
- 4b. *the event organiser **submitting 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 an interested parties on the Policy** and that Policy to cover **both on-road and off-road activity**;*
- 4c. *the event organiser advertising the event in the local press stating the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);*
- 4d. *the event organiser notifying the details of the event to the NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence be submitted to Council***
- 4e. *the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of*

*the event; a copy of the correspondence be submitted to Council*

- 4f. *the event organiser carrying 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 designing and implementing 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>);*
- 4g. *the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;*

**During the event:**

- 4h. *access being maintained for businesses, residents and their visitors;*
- 4i. *a clear passageway of at least 4 metres in width being maintained at all times for emergency vehicles;*
- 4j. *all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;*
- 4k. *in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;*
- 4l. *all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity*

**Discussion**

The event organiser has submitted information in order to obtain **Final Approval**. Refer to Appendix 1 (Dataworks Document No. 2735555 ).

Condition 4 (a): To be Complied. RTA authorisation required as this is a Class 1 Event

Condition 4 (b): Complied.

Condition 4 (c): Complied.

Condition 4 (d): To be Complied. Copy of correspondence has not been submitted.

Condition 4 (e): To be Complied. Copy of the letter to the Residents/Businesses has been submitted only.

Condition 4 (f): Complied, as contained within the TMP and TCP

Condition 4 (g): Complied.

**RECOMMENDATION:**

That no objection be held to The Hawkesbury Show 2008 planned for 11,12 & 13 April 2008 as previously listed in the Initial Approval. Final Approval is granted subject to compliance with the following conditions:

**Prior to the event**

- a) the event organiser obtaining authorisation from the RTA as this is a **Class I. Traffic Management Plan (TMP) and the associated Traffic Control Plan (TCP) has been submitted to RTA** for authorisation as this event may impact traffic on Richmond Road;
- b) **a copy of the correspondence** sent to the NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES **to be submitted to Council;**
- c) the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at

least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; a copy of the correspondence to the Residents/Businesses has been submitted only, **a copy of the remaining correspondence to be submitted to Council**

**During the event**

- d) access being maintained for businesses, residents and their visitors;
- e) a clear passageway of at least 4 metres in width being maintained at all times for emergency vehicles;
- f) all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- g) in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
- h) all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity.

**APPENDICES:**

- AT - 1** Final Approval Special Event Application - Hawkesbury Show 2008 (Dataworks Document No. 2735555 ) - *see attached*.

**SECTION 3 - Reports for Information**

Nil Reports for Information.

**SECTION 4 - General Business**

- Item 4.1**      **LTC - 19 March 2007 - Item 4.1 QWN - Boundary/Old Pitt Town Roads, Oakville - Accident History - (80245, 99035)**

---

Mr R Williams

**REPORT:**

Advised of on-going incidence of traffic accidents at the intersection of Boundary/Old Pitt Town Roads, Oakville, with 17 serious accidents and 1 fatal accident in the last 6 years.



**RECOMMENDATION:**

As one axis of the intersection is located within the Baulkham Hills Local Government Area, that discussions be initiated with Baulkham Hills Shire Council with a view to total intersection treatment and subsequent joint application for Black Spot Programme funding.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.2      LTC - 19 March 2007 - Item 4.2 QWN - Bells Line of Road/Old Bells Line of Road - Sight Distance - (80245; 11721)**

---

Mr J Christie

**REPORT:**

Advised of restricted sight distance at the intersection of Bells Line of Road/Old Bells Line of Road, Kurrajong, upon existing Old Bells Line of Road, due to encroaching vegetation.

Mr J Suprain advised that the matter would be referred to the Maintenance Section, Roads and Traffic Authority, for appropriate works.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.3      LTC - 21 March 2007 - Item 4.3 QWN - Kurrajong/Old Kurrajong Roads/Yarramundi Land, Richmond - Traffic Delays - (80245; 90479)**

---

Councillor B Bassett

**REPORT:**

Advised of continuing afternoon traffic delays extending up to 2.5 hours on Kurrajong Road, Richmond, generated by traffic entering from Yarramundi Lane.

**RECOMMENDATION:**

That joint inspection be undertaken by Council and the Roads and Traffic Authority to further investigate the matter with a view to resolution as soon as possible.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Wednesday, 16 April 2008 at 3.00pm in the Large Committee Rooms.

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.