



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 26 March 2013

location: council chambers

time: 6:30 p.m.





# mission statement

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



## **How Council Operates**

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

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

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6.30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held, it will usually also be held on a Tuesday and start at 6.30pm. These meetings are also open to the public.

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the items to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager by 3:00pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

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

### **Public Participation**

Members of the public can request to speak about an item raised in the business paper at the Council meeting. You must register to speak at a Council meeting. To register you must lodge an application form with Council prior to 3:00pm on the day of the meeting. The application form is available on the Council's website, from the Customer Service Unit and by contacting the Manager - Corporate Services and Governance on (02) 4560 4426 or by email at [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au).

The Mayor will invite registered persons to address the Council when the item is being considered. Speakers have a maximum of five minutes to present their views. The Code of Meeting Practice allows for three speakers on the Proponent side (i.e. in support) and three for the Respondent side (i.e. in objection). If there are a large number of speakers for one item, speakers will be asked to organise for three representatives to address the Council for either the Proponent or Respondent side (six speakers in total).

### **Voting**

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

### **Planning Decision**

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

### **Business Papers**

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

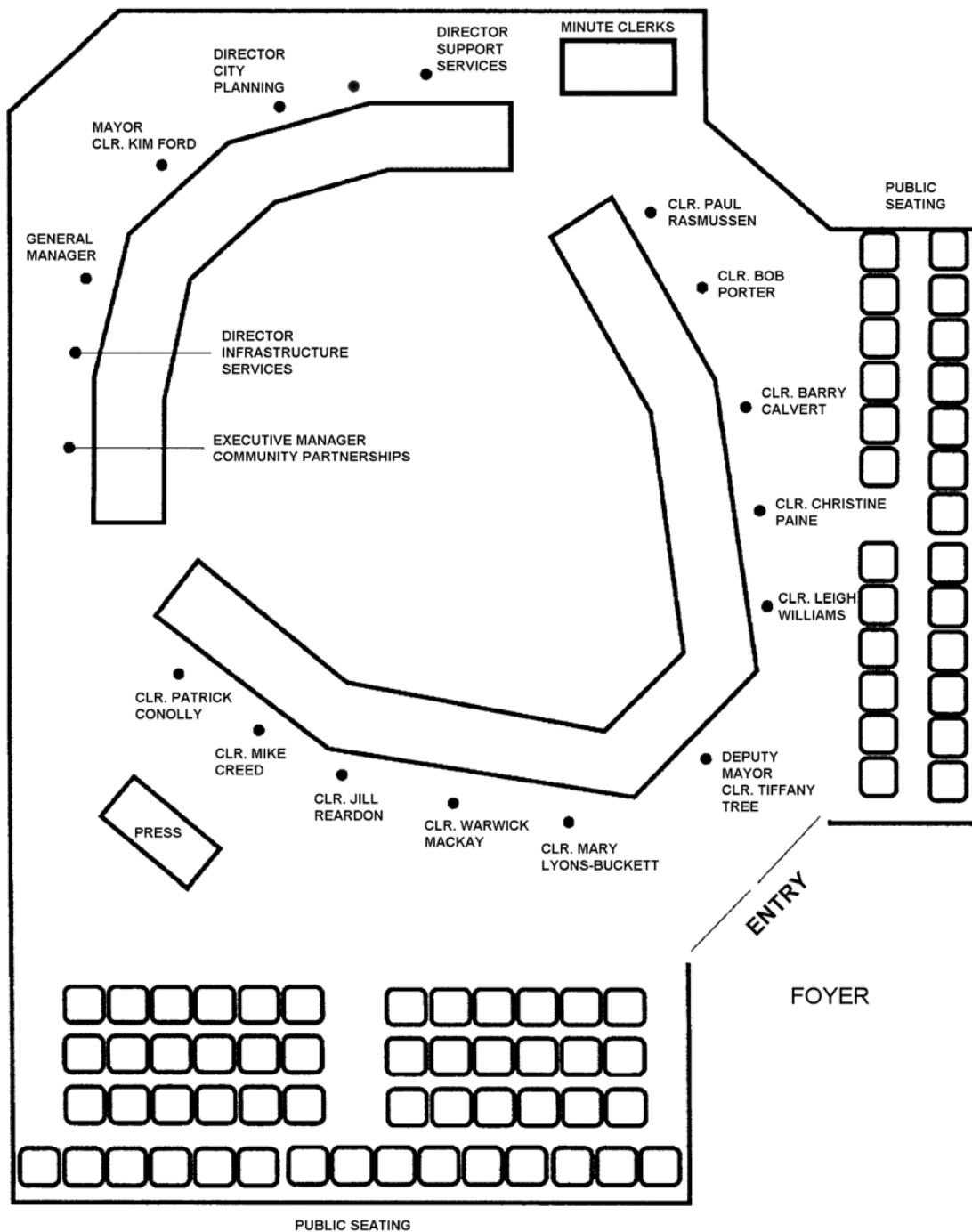
Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12 noon on the Friday before the meeting, and electronic copies are available on CD to the public after 12 noon from Council's Customer Service Unit. The business paper can also be viewed on the public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

### **Further Information**

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4426.



# Hawkesbury City Council





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confirmation of minutes



**ORDINARY MEETING**  
Confirmation of Minutes



**ORDINARY MEETING**  
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**SECTION 1 - Confirmation of Minutes**

The Minutes of the Ordinary meeting held 12 March 2013, are available and will be confirmed at the next Council meeting.



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notices of motion



**ORDINARY MEETING**

Notices of Motion



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**SECTION 3 - Notices of Motion**

**RM1 - Webcasting of Council Meetings - (79351, 80106, 125612, 80105)**

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**Submitted by:** Councillor P Rasmusen  
Councillor M Lyons-Buckett  
Councillor L Williams

**NOTICE OF MOTION:**

That Council's resolution of 12 March 2013 in respect of Item 46 concerning webcasting of Council Meetings be and is hereby rescinded.

**SUBSTANTIVE MOTION:**

That Option 3 as detailed in Item: 46 - SS - Webcasting of Council Meetings - (95496) of Council's Business Paper dated 12 March 2013 be adopted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF RESCISSION MOTION Oooo**



## ORDINARY MEETING

### Notices of Motion

#### **NM1 - Support for intended Marriage Equality Legislation in the Australian Senate - (79351, 80105)**

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**Submitted by:** Councillor L Williams

#### **NOTICE OF MOTION:**

That Council responds to both the passing of marriage equality legislation in the United Kingdom and the intended reintroduction of similar legislation in the Australian Senate by writing to all Senators and federal parliamentary party leaders urging support for the legislation on behalf of our gay and lesbian residents.

#### **BACKGROUND:**

Senator Sarah Hanson-Young will soon be re-introducing a marriage equality bill into the Australian Senate following the recent UK House of Commons passing of legislation bringing about this essential reform.

While the majority of marriages in Australia are conducted by civil celebrants Senator Hanson-Young's bill, like the British bill, also preserves churches and religious organisations' right to choose which couples they wish to marry.

I believe that if England's parliament, including conservatives, have the courage to represent their public on this issue, the question has to be asked why the Australian Parliament cannot do the same.

It is also fair to assume Premier Barry O'Farrell would be supportive of such a bill if his words in NSW parliament regarding the recent Gay and Lesbian Mardi Gras are to be believed. In answering a question about the government's commitment to the gay, lesbian and transgender community, Mr O'Farrell said, (in part):

*"...an appropriate acknowledgement of the contribution and frankly the sacrifice and hardship that gay, bisexual, lesbians, transgender and intersex people have gone through."* (SMH Friday 1 March 2013).

When the struggles of the Gay, Lesbian, Bisexual, Transgender, Intersex Community can be so recognised, in our parliament and by a conservative premier, then surely it is time for marriage equality for that community.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**



ordinary

section 4

reports  
for determination



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## ORDINARY MEETING

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### SECTION 4 - Reports for Determination

#### GENERAL MANAGER

Item: 49                      GM - National General Assembly of Local Government (79351, 82046)

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#### REPORT:

##### Executive Summary

The 2013 National General Assembly of Local Government will be held from 16 - 19 June, 2013 in Canberra.

##### Consultation

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

##### Background

The 2013 National General Assembly of Local Government will be held from 16 - 19 June, 2013 in Canberra. The theme of this year's Assembly is *Foundations for the Future: Twenty: 13.* and will bring together mayors, councillors and senior officers from councils across Australia to develop local government policy ideas, meet with key federal politicians and hear from renowned experts on the key issues affecting local government in Australia.

Cost of attendance at the 2013 National General Assembly of Local Government will be approximately \$2,200 plus travel expenses per delegate.

It should be noted that the Assembly will be held at the same time as the Extra-ordinary meeting of Council on Tuesday 18 June, 2013 when Council will consider the adoption of the Delivery Program, Operational Plan, Budget and Rates.

##### Budget for Delegate Expenses - Payments made

- |   |          |
|---|----------|
| • Total Budget for Financial Year 2012/2013 | \$44,000 |
| • Expenditure to date                       | \$24,945 |
| • Budget Balance as at 18 March 2013        | \$19,056 |

It should be noted that outstanding commitments of approximately \$14,635 in relation to attendance of Councillors at the following conferences are not reflected in the balance indicated above;

- 2013 LGMA National Congress & Business Expo to be held in May, 2013
- Waste 2013 Conference to be held in April/May, 2013
- 2013 Floodplain Management Association National Conference to be held in May, 2013

##### Conformance to Community Strategic Plan

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

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



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

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

- Work with other levels of government to ensure an equitable share of taxes.
- Have ongoing engagement and communication with our community, governments industries.

### **Financial Implications**

Funding for this proposal will be provided from the Delegates Expenses Budget.

### **RECOMMENDATION:**

The attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2013 National General Assembly of Local Government at an approximate cost of \$2,200 plus travel expenses per delegate be approved.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



CITY PLANNING

Item: 50 CP- Planning Proposal - Lots 1 and 2 DP 700263, Lot 2 DP 629053, Lot C DP 160847 and Lot F DP 164199 and Lot 3 DP 700263 120 - 188 Hawkesbury Valley Way, Clarendon - (95498)

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**REPORT:**

**Executive Summary**

Council has received a planning proposal from Urbis Pty Ltd (Urbis) on behalf of Hydrox Nominees Pty Ltd to rezone the subject site at 188 Hawkesbury Valley Way, Clarendon to B7 Business Park to allow certain commercial and light industrial uses on the subject land and also amend Schedule 1 Additional Permitted Uses (Schedule 1) of Hawkesbury Local Environmental Plan 2012 (LEP 2012) to enable bulky goods premises on the northern part on the land.

This report provides Council with an overview of the planning proposal and recommends that the planning proposal be submitted to the Department of Planning & Infrastructure (DP & I) for a gateway determination.

**Consultation**

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and associated Regulations and as specified in the "Gateway" determination. Should the planning proposal not proceed there will be no need for any further action or public consultation.

**Background**

The Hawkesbury Employment Lands Strategy 2008 (ELS) which has been prepared in line with the draft North West Subregional Strategy (NWSS) and adopted by Council in December 2008 provides a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region. The ELS states that vacant industrial employment land is often unserved, with threshold costs limiting development, or has poor access to key transport routes. In order to address these issues the ELS recommends eight strategies to service the identified properties to unlock existing supply and investigate additional industrial land supply to address future employment growth and the economic prosperity of the Hawkesbury Local Government Area (the LGA).

Strategy 4 of the recommended eight strategies applies to the subject site and is as follows:

***Strategy 4: Capitalise on the LGA's strategic assets and provide high quality jobs by considering the future of land at Clarendon for a high amenity office and business development.***

In line with the abovementioned recommended strategy, the applicant has prepared a planning proposal seeking the majority of the subject land to be zoned B7 Business Park zone.

**Subject Site and Surrounds**

The site is located on the southern side of Hawkesbury Valley Way, west of Percival Street, Clarendon. The site is bisected by the Richmond Railway Line as shown in Attachment 1 to this report.



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The subject site is legally described as Lots 1 and 2 DP 700263, Lot 2 DP 629053, Lot C DP 160847 and Lot F DP 164199, 188 Hawkesbury Valley Way and Lot 3 DP 700263 and 120 Hawkesbury Valley Way and has an area of approximately 53ha. The site is irregular in shape and bounded by Hawkesbury Valley Way to the north, Rickabys Creek to the east and south and An Early Learning Centre to the west. It has an approximately 900m wide frontage to Hawkesbury Valley Way also known as Richmond Road (see Attachment 2 to this report).

The site is currently zoned part RU4 Primary Production Small Lots and E2 Environmental Conservation under LEP 2012 (see Attachment 3). Land north of the railway line is generally cleared, with a small dam and contains the property known as 'Elfdale Stud' which consists of several dilapidated rural buildings. The land area south of the railway line is cleared, with a large dam towards the south western corner. The site is identified as flood prone and sloping south-east from Hawkesbury Valley Way towards Rickabys Creek. The site is not bushfire prone land.

According to the Minimum Lot Size Map Sheet - LSZ \_008DA of LEP 2012, minimum lot sizes 2ha, 40ha and 50ha apply to the site. The land is shown as being Agriculture Land Classification 2 and 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

2. *Arable land suitable for regular cultivation for crops but not suited to continuous cultivation. It has moderate to high suitability for agriculture, but edaphic (soil factors) or environmental constraints reduce the overall level of production and may limit the cropping phase to a rotation with sown pastures.*
3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown and other factors including climate may limit the capacity for cultivation; and soil conservation or drainage works may be required.*

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury- Nepean River (No.2 - 1997)* and is not within an area of scenic significance under this SREP.

Parts of the site are shown as either *Significant Vegetation* or *Connectivity Between Significant Vegetation* on the Terrestrial Biodiversity Map of LEP 2012. However, most of this is outside of the land proposed to be rezoned.

The site has been previously used for various uses including agriculture, farm and agricultural sheds, farm dams, farm residence, farm office, corrugated metal building and associated structures and horse racing track. The western half of the northern portion of the site was converted from cropland to grazing paddock between 1955 and 1961 and the eastern half of the northern portion is currently used as grazing paddock for cattle and horse stock.

The site is surrounded by a diverse mix of residential, commercial and industrial uses. The Richmond RAAF base is directly opposite the subject site. The other key surrounding land uses are Hawkesbury Race Course and Showground, Clarendon business Centre and Headstart Early Learning child care centre to the west, local businesses, residential and the Windsor Country Golf Club to the east and UWS Hawkesbury Campus to the south-west. The closest employment precinct is South Windsor industrial area which is located 2km south-east. North Richmond, Mulgrave, Richmond and Wilberforce employment precincts are the other main surrounding precincts.



## Planning Proposal

The planning proposal seeks to rezone the majority of the site (approximately 34 ha) from RU4 Primary Production Small Lots to B7 Business Park under LEP 2012 to allow the site to be developed as a business park. An amendment to Schedule 1 of LEP 2012 is also proposed to enable bulky goods premises on the northern part of the site. The rest of the site will remain zoned RU4 Primary Production Small Lots and E2 Environment Conservation. The proposal will enable the incorporation of a new B7 Business Park zone into HLEP 2012 and also help establish the first business park within the LGA in accordance with the recommendations of the ELS.

The existing Land Zoning Map Sheet LZN\_008DA of HLEP 2012 would need to be amended to depict part of the site as the new B7 Business Park Zone. It would also need to adopt an Additional Permitted Use Map APU\_008DA to show the area of land to which the proposed Schedule 1 Additional Permitted Uses amendment applies. Other ancillary maps of LEP 2012, such as the minimum lot size map, will also require amendment.

The planning proposal states that the proposed business park development on the site will be completed in three stages. A concept development layout plan accompanying the planning proposal shows these three different stages (see Attachment 5 to this report). These three stages are explained below:

Stage 1: Masters Store Development on the north-western corner of the site, north of Richmond Railway Line

The planning proposal indicates that approximately 3.5ha of the north-western corner of the site, north of Richmond Railway Line will be developed for a Masters Store (see Attachment 6 to this report). The proposed store will comprise approximately 11,000m<sup>2</sup> of gross floor area (GFA), which will include the main floor area for a range of home improvement products, a nursery containing landscape and garden products, a trade area for drive-thru sales of all goods, a restaurant/café and associated parking.

The majority of the floor area (approximately 70%) of the proposed Masters Store will occupy products, goods or materials that may fall within the definition of “*hardware and building supplies*” and 25% of the floor area will occupy products or materials that may fall within the definitions of “*garden centre*” and “*landscaping material supplies*” in LEP 2012. The remaining 5% of the floor area will occupy items or goods that generally fall within the definition of “*bulky goods premises*”. Loading/unloading areas will also be provided on site.

The planning proposal states that the proposed Masters Store development containing a range of bulky goods, home improvements products and materials and garden and landscaping supplies will benefit from the lands proximity to Hawkesbury Valley Way, provide a gateway for the future business park, and generate funds requires to deliver key infrastructure required to support the future development of the proposed business park land to the south of the Richmond Railway Line.

Stage 2: Development of the remainder of the proposed B7 Business Park land north of the railway line for office and bulky goods development

The remainder of the proposed B7 land north of the railway line (approximately 8.1ha) is proposed to be developed for office and bulky goods premises, restaurant and associated parking. According to the concept development layout plan, Stage 2 development will yield 10,000m<sup>2</sup> GFA of office floor space and 5,000m<sup>2</sup> GFA of bulky goods area.

Stage 3: Development of the proposed B7 land south of the railway line for a business park

The proposed B7 land south of the railway line (approximately 22.4ha) will be developed for a business park. Stage 3 will enable 90,000m<sup>2</sup> GFA for a range of office and ancillary uses. This will be the first business park in the LGA.



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As the majority of the proposed land uses involved in Stages 1 and 2 such as bulky goods premises (approximately 7200m<sup>2</sup> GFA), a nursery, hardware and building supplies and landscaping material supplies are not permitted land uses in B7 zone the Planning Proposal also seeks to amend Schedule 1 of LEP 2012 to include such uses as additional permitted land uses on the proposed B7 land north of the railway line.

### Voluntary Planning Agreement

In order to accommodate the proposed business park on the site the current access arrangement to and from the site will need to be improved and a Traffic Assessment Report accompanying the planning proposal recommends a number of traffic and access improvement measures. According to the planning proposal the landowner is committed to entering into a Voluntary Planning Agreement (VPA) with Council to secure funding for the required upgrades to facilitate the development of the site. The planning proposal proposes to upgrade access arrangements in three stages which are outlined below:

#### Stage 1:

- Construct a new roundabout to Hawkesbury Valley Way, creating the principle northern access point to the site. This will support the initial stages of development on the site, and will be aligned to the railway overpass bridge.
- Construct a road into the estate up to the rail line.
- Provide access to all required utility infrastructure (sewer, water, electricity and telecommunications).

#### Stage 2:

- Upgrade the roundabout on Hawkesbury Valley Way (if required).
- Provide a second access of Hawkesbury Valley Way at Percival Street including a secondary entrance road.

#### Stage 3:

- Construct a railway overpass bridge which will provide access to the land south of the railway line.
- Construct further access point via Racecourse Road onto Richmond Road (subject to landowner agreement).

According to the planning proposal the abovementioned road infrastructure upgrades will be delivered over a number of stages responding to development demand across the site. In order to provide sufficient level of certainty for the delivery of key infrastructure from the initial stage of the project, funds for the rail overpass bridge will be collected from the initial stage of development. A railway overpass linking the northern and southern parts of the site will be funded by Stage 2 development works and secured by the VPA and this will ensure the development of the southern part of the site as planned in Stage 3.

The following table shows the VPA funding indicative timeframes:

Development Stage	Planned Works	Funding Allocation
1 - Masters Development	<ul style="list-style-type: none"><li>• Roundabout</li><li>• Estate Road</li></ul>	10% Rail overpass funding submitted to Council
2 - Support bulky goods and office development	<ul style="list-style-type: none"><li>• Upgrade roundabout</li><li>• Second intersection and access road from Hawkesbury Valley Way</li></ul>	50% Rail overpass funding (DA stage) 100% Rail overpass funding (Occupation Certificate stage)
3 - Business Park	<ul style="list-style-type: none"><li>• Rail overpass</li></ul>	50% funding for Racecourse Road connection



Whilst there is no “in-principle” objection to entering into a VPA with the applicant for this development, the works suggested by the applicant in the planning proposal (above table) would seem to be usual development costs or works that would be the sole responsibility of the developer. This matter is discussed later in this report.

The planning proposal is supported by the following reports/studies:

*Traffic Assessment (Appendix B)*  
*Economic Impact Assessment (Appendix C)*  
*Business Park Demand Analysis ((Appendix D)*  
*Phase 1 Contamination Assessment (Appendix E)*  
*Flora and Fauna Report ((Appendix F)*  
*Utility Services Report (Appendix G)*

### **Metropolitan Plan for Sydney 2036**

The primary objective of the *Metropolitan Plan for Sydney 2036* (the Metro Plan) is to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. The Metro Plan sets five central aims to manage Sydney’s growth by enhancing the city’s livability, strengthening economic competitiveness, ensuring fairness, protecting the environment and improving governance. The Metro Plan forecasts Sydney’s population to grow by 1.7 million to almost 6 million people by 2036. In order to support this anticipated population growth the Metro Plan establishes a number objectives and actions to provide 760,000 additional jobs by 2036. The following objectives and actions are relevant to the Planning Proposal:

*Objective B1: To focus activity in accessible centres.*

The site is located between Clarendon and Windsor Railway Stations on the Western Rail Line to Richmond and it has easy access to the existing rail infrastructure and is also located close to key education, defence and cultural facilities including University of Western Sydney (Richmond campus), Richmond TAFE, RAAF Base and Hawkesbury District Hospital. The site is located on Hawkesbury Valley Way which is a major arterial road with easy access to Windsor Road which in turn provides road access to the Sydney Metropolitan Region via the Westlink M7.

The planning proposal is therefore generally consistent with this objective.

*Objective B3.1: Plan for new centres in existing urban and Greenfield release areas.*

The Metro Plan states that the appropriateness of locations for new centres will depend upon a range of factors including public transport access, proximity to good quality urban space, primary schools, residential amenity of the area, heritage significance and adaptability of existing buildings, and market demand. The planning proposal states that the site’s strategic location between the Richmond and Windsor town centres with good access to both rail and bus transport systems and educational institutions is appropriate for a new centre.

The Metro Plan identifies centres hierarchy and the criteria required for different types of centres. The Planning Proposal does not identify the proposed centre type (e.g. neighbourhood centre, small village centre or a village centre). However the proposed location is considered appropriate for a new Business Park centre, rather than a retail/bulky goods retail centre, given the good access to the Western Rail Line, regional road transport network, Richmond TAFE, University of Western Sydney (Richmond Campus), RAAF Base and Hawkesbury District Hospital.

It is therefore considered the planning proposal could be generally consistent with this objective.

*Objective E1: To ensure adequate land supply for economic activity, investment and jobs in the right locations*



The planning proposal states that the site has been identified in the ELS and forms part of a strategically important precinct which provides adequate land area to boost economic activities and investments. Stage 1 development of part of the site as a Masters Store would likely create 130 - 150 operational jobs and 180 jobs during the construction period.

It is correct that the land has been identified in the ELS for consideration; the Strategy identifies this site for “*high amenity and business development*” and is considered as a “strategic asset” for the provision of high quality jobs. In this regard the proposal for a Business Park development would be consistent with this objective, but the inclusion of a significant amount of retail uses would not be consistent. An amended planning proposal removing the bulky goods uses would be consistent with this objective.

*Objective E2: To focus Sydney’s economic growth and renewal, employment and education in centres*

The Metro Plan seeks to cluster employment and education. The Planning Proposal states that the location of the site adjacent to Richmond TAFE, UWS Campus and RAAF Base will enable to cluster employment and education in a new centre.

The planning proposal is consistent with this objective.

*Objective E4: To provide a broad range of local employment types in dispersed location*

The Metro Plan states that dispersed locations are still recognised as an important source of jobs and approximately 30% of all jobs will occur in dispersed locations, which includes local centres, trades and construction. The planning proposal states that the proposed business park will provide significant local employment opportunities.

The planning proposal is consistent with this objective.

The Metro Plan identifies the following criteria for business park locations:

- Access to public transport corridors (preferably rail)
- Links to freight corridors and major transport nodes
- Land area (50ha - 180ha) to allow expansion to accommodate 8,000 - 40,000 employees
- Proximity to workforce (within 30minutes commute)
- Business parks should have a relationship to adjoining economic infrastructure e.g. hospitals, universities, educational facilities, research institutes or clusters of knowledge-based activity

As identified in the ELS, given the site’s good access to Richmond Railway Line and major transport nodes, proximity to UWS (Richmond Campus), Richmond TAFE, Hawkesbury District Hospital and local workforce and 34ha of land area which would be able to yield approximately 100,000m<sup>2</sup> business park floor area, the proposed location generally satisfies the business park criteria identified in the Metro Plan.

An amended planning proposal removing the bulky goods retail component would therefore be generally consistent with the Metro Plan.

### **Draft North West Sub Regional Strategy**

The draft North West Sub Regional Strategy (dNWSS) provides a direction for local councils in preparing Local Environmental Plans (LEP). A general direction is to provide sufficient zoned and serviced employment land to meet the employment capacity targets within their local government areas. The Strategy identifies 3,000 new jobs target for Hawkesbury Local Government Area by 2036, and Council is required to plan for sufficient land and infrastructure to achieve this target.

The planning proposal enabling increased employment opportunities on the land is considered generally consistent with the dNWSS.



**Section 117 Directions (Ministerial Directions)**

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. A summary of the key Section 117 Directions follows:

*Direction 1.1 Business and Industrial Zones*

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

One of the recommended strategies in the ELS is to capitalise on the LGA's strategic assets to provide high quality jobs, by considering the future of land at Clarendon for a high amenity office and business development. According to the planning proposal the proposed development of the site for a business park will yield approximately 100,000m<sup>2</sup> of employment land. The planning proposal will enable economical development of the land with good access to public infrastructure and services for a range of office and business uses to boost economic, business and employment activities in the locality and help improve the viability of the planned centre. However, as identified in the ELS and to be consistent with (b) above, it is important to protect land in business and industrial zones from other uses that are more appropriately located in other centres. In this case the proposal for bulky goods retailing on the site that is identified for a Business Park development in the long term would not be consistent with this Direction.

It is therefore considered that an amended planning proposal, removing the bulky goods retailing component, would be consistent with this Direction.

*Direction 1.2 Rural Zones*

The objective of this direction is:

*To protect the agricultural production value of existing rural land.*

The planning proposal is inconsistent with part of this Direction. However, given the suitability of the strategically located site for a commercial development as recommended in the ELS and development of the land for commercial uses which are consistent with the surrounding non-agricultural land uses provide more community benefits than the use of land for agricultural purposes, the inconsistency with this Direction is justified.

*Direction 1.3 Mining, Petroleum Production and Extractive Industries*

The objective of this Direction is:

*To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.*

This may require consultation with the NSW Industry and Investment.

*Direction 2.1 Environmental Protection Zones*

The objective of this Direction is:

*To protect and conserve environmentally sensitive areas.*



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The part of the site zoned E2 Environmental Conservation is not subject of the proposed rezoning and will be maintained for environmental protection purposes. Therefore the Planning Proposal is consistent with this Direction.

### *Direction 2.3 Heritage Conservation*

The objective of this Direction is:

*To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*

One of the subject properties being Lots 2 and 3 DP 700263 contains a local heritage item known as "Prestonville". The planning proposal indicates that further conservation of this rural building on site is not worthy because of its deteriorated condition. A heritage assessment has not been included to support this claim and the DP&I will consider this matter as part of their "gateway determination" and if required can request a heritage assessment for consideration of this matter.

### *Direction 3.4 Integrated Land Use and Transport*

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) *Improving access to housing, jobs and services by walking, cycling and public transport,*
- (b) *Increasing the choice of available transport and reducing dependence on cars,*
- (c) *Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,*
- (d) *Supporting the efficient and viable operation of public transport services, and*
- (e) *Providing for the efficient movement of freight.*

The planning proposal will enable development of approximately 34ha of serviced land with good access to public infrastructure and services including access to both rail and bus transport systems and improved local business/retail activities and employment opportunities within a reasonable walking distance from surrounding residential areas thereby minimising likely travel demand and distance for shopping and employment activities. The likely increased working population as a result of the future development of the land for commercial purposes would support the efficient and viable operation of the existing public rail and bus transport services in the area. It is therefore considered that the planning proposal is generally consistent with this Direction.

### *Direction 3.5 Development Near Licensed Aerodromes*

The objectives of this Direction are:

- (a) *To ensure the effective and safe operation of aerodromes, and*
- (b) *To ensure that their operation is not compromised by development that constitutes an*
- (c) *To ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

This Direction states that a planning proposal must not rezone land:

- (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or
- (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.

The site is affected by aircraft noise from Richmond RAAF base, and its flight paths. Of the area to be rezoned the Australian Noise Exposure Forecast (ANEF) contour levels are typically



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- 25 - 35 for land north of the railway line
- 20 - 25 for land south of the railway line

The planning proposal is inconsistent with this Direction. The planning proposal will be referred to the Department of Defence for consideration.

### *Direction 4.1 Acid Sulfate Soils*

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The area of land proposed for rezoning within the subject site is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps. The DP&I will consider this as part of their "gateway determination" and if required can request further information/consideration of this matter.

### *Direction 4.3 Flood Prone Land*

The objectives of this Direction are:

- (a) *To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) *To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

This Direction states that:

- Planning proposals must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).
- A planning proposal must not rezone land within the flood planning areas from special use, special purpose, recreation, rural or environmental protection zones to a residential, business, industrial, special use or special purpose zone.
- A planning proposal must not contain provisions that apply to the flood planning areas which:
  - (a) Permit development in floodway areas,
  - (b) Permit development that will result in significant flood impacts to other properties,
  - (c) Permit a significant increase in the development of that land,
  - (d) Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
  - (e) Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway or high hazard areas), roads or exempt development.

The flood planning area for the site consists of those parts of the site that are below 17.4m AHD. The height of the land proposed to be rezoned varies from approximately 18m to the north of the site to approximately 11m to the south. Therefore the planning proposal is consistent within this Direction.



The Hawkesbury Floodplain Risk Management Study and Plan divides flood prone land up into five flood risk categories ie., Extreme, High, Medium, Low and Very Low and suggests that commercial and industrial development is suitable in all but the Extreme Flood Risk area. The Extreme Flood Risk area is defined as all land below the 1 in 20 year flood event level, which for the subject site is 13.8m AHD. It is therefore recommend that the proposed zone boundary be generally based on the 1 in 20 year flood line. Attachment 4 shows a revised proposed zone map with the zone boundary being based on the 13.5m AHD contour.

It is anticipated that due to the flood affectation of the land the planning proposal will be referred to the Office of Environment and Heritage and the State Emergency Service for consideration.

*Direction 6.1 Approval and Referral Requirements*

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

This planning proposal is consistent with this Direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

*Direction 6.3 Site Specific Provisions*

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls.

The planning proposal seeks to amend Schedule 1 of HLEP 2012 to enable bulky goods premises on the northern part of the site and the consistency of this proposal with other Directions has been mentioned previously in this report. The applicant claims this Schedule 1 amendment is primarily to make viable the proposed Stage 3 development of the business park on the southern part of the site and fund the recommended traffic /access improvement measures within and adjacent to the site to support the business park on the land.

Whilst this is understood, the Schedule 1 amendment is not consistent with the Council's ELS, parts of the Metropolitan Strategy and several 117 Directions. If the planning proposal is to proceed with the proposed amendment to Schedule 1 further discussions with need to be held with DP&I regarding the appropriateness of such an amendment to the LEP.

*Direction 7.1 Implementation of the Metropolitan Strategy*

Requires planning proposals to be consistent with the NSW Government's Metropolitan Strategy City of Cities, A Plan for Sydney's Future.

The Section 117 directions do allow for planning proposals to be inconsistent with the directions. In general terms a planning proposal may be inconsistent with a direction only if the DP&I is satisfied that the proposal is:

- (a) justified by a strategy which:
  - gives consideration to the objectives of the direction, and
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - is approved by the Director-General of the DP&I, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or



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(d) is of minor significance.

**State Environmental Planning Policies**

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPPs) as summarised in the following table.

<b>SEPP</b>	<b>Comment</b>
SEPP 1 – Development Standards	The planning proposal does not include provisions that contradict or hinder the application of the SEPP.
SEPP 55 – Remediation of Land	It is proposed that detailed contamination investigations will be undertaken in accordance with the provisions of SEPP 55 prior to any future development application being submitted.
SEPP 64 – Advertising and Signage	The planning proposal does not include provisions that contradict or hinder the application of the SEPP. Consultation may be required with RMS.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal does not include provisions that contradict or hinder the application of the SEPP.
SREP No. 9 – Extractive Industry	The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposed development restrict the obtaining of deposits of extractive material from such land.
REP No. 20 Hawkesbury – Nepean River (No. 2 – 1997)	<p>The aim of SREP No 20 (No. 2 – 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, strategies listed in the Action Plan of the Hawkesbury- Nepean Environmental Planning Strategy, the feasibility of alternatives and consideration of specific matters such as total catchment management, cultural heritage, environmentally sensitive areas, water quality, water quantity, flora and fauna, urban development, agriculture, and metropolitan strategy.</p> <p>At present it is considered that the planning proposal achieves satisfactory compliance with the provisions of SREP No 20 (No. 2 – 1997). Further detailed consideration of these matters can be addressed at the development application stage.</p>



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SEPP	Comment
SEPP – Infrastructure 2007	<p>The aim of this policy is to facilitate the effective delivery of infrastructure across the State.</p> <p>Given the nature and the scale of the development and the site location, the proposal falls under the category of Traffic Generating Development identified in Schedule 3 of the SEPP. In accordance with Clause 104 of the SEPP the proposed development will need to be referred to RMS at development application stage for consideration. The planning proposal recognises this requirement.</p>

### Hawkesbury Employment Lands Strategy 2008

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy (ELS). The purpose of the strategy is to provide a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region. The ELS recommended Council to pursue the identified eight strategies to address the economic prosperity of the Hawkesbury LGA, and Strategy No. 4 is directly relevant to the planning proposal. An extract of Strategy No. 4 is as follows:

***Strategy 4: Capitalise on the LGA's strategic assets and provide high quality jobs by considering the future of land at Clarendon for a high amenity office and business development.***

*"Investigation of an office, research and higher technology development, in a location with access to these assets and which also capitalises on existing public transport infrastructure, should be undertaken. A suitable investigation area would be the rural lands at Clarendon. Implementation will require dialogue with adjoining land owners including the Hawkesbury Race Club, Richmond Royal Australian Air Force (RAAF) and the University of Western Sydney (UWS), Hawkesbury. Such development might also partly accommodate industrial land and business floor space demand.*

***However, retail uses should not be the dominant or primary use in a development and should be limited to minor (service) or ancillary to the primary uses of such a business park."***

The planning proposal seeks to develop the site for a new business park comprising approximately 120,000m<sup>2</sup> GFA. This floor area includes a Masters Store comprising 11,000 GFA, bulky goods premises approximately 7200m<sup>2</sup> and a 300m<sup>2</sup> fast food restaurant totalling approximately 20,000m<sup>2</sup> retail floor area on site. In accordance with Strategy No.4 the proposed retail use is considered excessive for this locality.

The proposed Masters Store includes home improvement products, a nursery for landscape, garden products and restaurant/café, and all of these retail products/services fall under following the definitions included in LEP 2012:

***garden centre*** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.



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**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

The above defined land uses are generally permitted with consent in B7 Business Park zones and as such an amendment to Schedule 1 of LEP 2012 to include the proposed Masters Store is not required. The ELS has clearly identified this land for “high amenity and business development” and states that “*Development of a business park at this location may take many years*”. In this regard there is a need to be consistent, in the longer term, with the application of the ELS for this site so that the site does not simply become a secondary retail/industrial area which does not meet the vision of the ELS.

Therefore it is considered appropriate to limit the planning proposal’s scope only to rezone the proposed area to B7 Business Park to allow development of the site for a new business park and the proposed Masters store to minimise possible domination of retail activities on the land in line with Strategy 4 of the Hawkesbury Employment Land Strategy.

### Hawkesbury Local Environmental Plan 2012

The subject land is currently zoned part RU4 and part E2 Environmental Conservation under LEP 2012. The planning proposal seeks to rezone the majority of the subject land to B7 Business Park and amend Schedule 1 Additional Permitted Uses of LEP 2012 to allow the proposed bulky good premises on the northern part of the site. Currently there are no business parks within the Hawkesbury LGA, and as such a B7 Business Park zone is not included in LEP 2012. Therefore the planning proposal proposes to include the following new B7 Business Park zone in LEP 2012. Staff comment is also provided in response.

#### **Zone B7 Business Park**

##### **1 Objectives of zone**

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

##### Staff response

The proposed objectives are consistent with the DP&I mandated objectives of the B7 zone.

##### **2 Permitted without consent**

*Nil.*

##### Staff response

Agreed.

##### **3 Permitted with Consent**

*Business premises; Child care centres; Food and drink premises; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Respite day care centres;*



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*Restaurants or cafes; Roads; Rural supplies; Takeaway food and drink premises Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4*

### Staff response

*Restaurants or cafes and Takeaway food and drink premises need not be listed as they are included in the definition of Food and drink premises.*

## **4 Prohibited**

*Agriculture; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Industries; Information and educational facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Resource recovery facilities; Retail premises; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Wharf or boating facilities*

### Staff response

In order to be consistent with existing zones in the LEP 2012, the drafting rules of the DP&I's Standard Instrument and better achieve the ELS for **high amenity office and business development** it is recommended that the following land uses be added to the list of prohibited development:

*Airports, Amusement Centres, Carparks, Correctional centres, Entertainment Facilities, Home based child cares, Port facilities, Restricted premises, Rural industries, Rural supplies, Service stations, Storage premises, Timber yards, Transport depots, Truck Depots, Waste or resource transfer stations, and Water supply systems..*

## **Site Contamination**

Clause 6 of *State Environmental Planning Policy No 55 - Remediation of Land* requires consideration of contamination issues when assessing planning proposals.

A Phase 1 Contamination Assessment Report prepared by Geo-Logix Pty Ltd has been provided in support of the planning proposal. The assessment indicates that the site has not been identified as a contaminated land under Section 58 of the *Contaminated Land Management Act 1997* or listed on NSW Contaminated Sites Notified to NSW OEH as of 8 June 2012. However as the site has a history of agricultural land uses potential contamination issues include:

- Wide spread application of pesticides - the eastern half of the northern portion of the site and the southern portion of the site continued to be agricultural cropland until approximately 1982. There is a potential for pesticide and heavy metal contamination to shallow soils from these historical cropping activities. Past and present horticultural activities may result in chemical residues in the soil including Organochlorine Pesticides (OCPs) and heavy metals.
- Potential exists for localised pesticide, petroleum, Polycyclic Aromatic Hydrocarbons (PAHs), metals, and Volatile Organic Compounds (VOCs) contamination to soils in the vicinity of the former farming sheds originating from machinery storage and maintenance activities in the northern corner of the site.



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- Given the age of current and former structures observed in historical aerial photographs the potential for the presence of hazardous building materials (asbestos and lead based paint) exists in the northwest corner of the site and the northern central area of the site in the area of the former building structures.
- Farm dams have in the past been used for dumping waste, in particular building materials. Potential exists for waste materials to exist in the former farm dams on the site.
- Unauthorised waste storage on Lot 2 DP 700263 has been documented by Hawkesbury City Council in 2010. Potential contaminants are hazardous building materials including asbestos and lead based paints.

The report concludes that there have been activities occurring onsite which may have resulted in contamination of the land. However, at present this issue has not been investigated in detail by the applicant or by Council. Therefore it is considered that a detailed contamination assessment will need be undertaken at development application stage in order for Council to be assured that the land is suitable for any proposed future use.

### Traffic and Access

The applicant has provided a traffic assessment report prepared by Colston Budd Hunt and Kafes Pty Ltd that considers potential impacts of the development on the existing local and regional road network. The report indicates that traffic generated by the proposed development will have its maximum impact during weekday afternoons and Saturday peak periods when it combines with commuter and other traffic.

Based on the RMS traffic surveys of home improvement centres at Bankstown and Minchinbury, the report forecasts the following two-way peak hour traffic generations for the proposed Masters home improvement centre:

- weekday afternoon peak hour - some 270 vehicles, and
- weekend peak hour - some 680 vehicles.

The report estimates the following traffic generations for the proposed bulky goods uses with an area of 7,200m<sup>2</sup>.

- weekday afternoon peak hour - some 70 vehicles, and
- weekend peak hour - some 160 vehicles.

Using the two-way peak hour traffic generation rates for industrial and employment development specified in the RMS *"Guide to Traffic Generating Developments"* the report forecasts 500 to 1,100 vehicles per hour during weekday peak periods for the proposed 100,000m<sup>2</sup> industrial/employment uses. The traffic report estimates 100 vehicles per hour two-way at peak times for the fast food outlet within the proposed development, and reveals that weekend traffic generation of the business park would be lower and it would be around 30% of the weekday generation.

Therefore the total estimated traffic generation of the proposed development in the traffic report is as follows:

- weekday afternoon - 950 to 1,550 vehicles per hour two-way, and
- weekend - 1,100 to 1,300 vehicles per hour two-way.

The report recommends that Hawkesbury Valley Way would need to be upgraded to four lanes along the site frontage to accommodate these additional traffic flows generated by the proposed development in addition to the following access arrangements and road works:

- Two main access points to the site from Hawkesbury Valley Way: one in approximately the centre of the Hawkesbury Valley Way frontage and the other opposite Percival Street.



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- Third access point with a left in/left out access arrangement near the western end of the site via Racecourse Road.
- Construction of two lane roundabout to control the major access points from Hawkesbury Valley Way.
- Construction of a railway overpass and an underpass to link north and south parts of the site.
- Internal access road network to accommodate semi trailers and rigid trucks

The traffic report states the proposed access arrangement off Hawkesbury Valley Way has been supported in principle by RMS.

As the site is bisected by the Western Railway Line (Richmond to Chatswood via the City) and is located within a short walking distance to the Clarendon Station the site has ready access to trains. Also Westbus Services operate along Hawkesbury Valley Way and Percival Street. The report also indicates that there will also be opportunities, in association with later stages of the development for buses to run through the site on the new internal road network connecting Hawkesbury Valley Way to Racecourse Road.

The report states that on-site parking including bicycles parking will be provided in accordance with Council and RMS requirements.

It is considered that the construction of the proposed traffic and access improvement measures recommended in the Traffic Assessment report would help accommodate increased traffic volume generated by the proposed development and minimise any adverse impacts of the proposed development on the traffic network in the area.

### **Economic Impact**

An Economic Impact Assessment statement prepared by Urbis Pty Ltd accompanies the planning proposal. This assessment assesses the potential competitive trading impacts of a new Masters home improvement store which is a joint venture between Woolworths Limited and Lowes Companies on the subject land (assumed to commence trading in 2015) and considers the potential market demand for additional bulky goods retailing at the site in the longer term. The Masters store will focus on providing hardware and garden supplies, as well as a smaller component of home improvement products. According to the statement the forecasted turnover from Masters store at Clarendon is \$22.5m in its full year of trading, based on a reduced size store format of 10,000m<sup>2</sup>.

The economic impact assessment states that the introduction of a new Masters home improvement store into the market at 2015 will have some limited trading impacts on home improvement precincts competing within the same markets. The following conclusions have drawn in the assessment:

- The average impact of the development on the turnover of competing precincts that will be around - 3.1% relative to what stores would have achieved in 2016.
- This -3.1% impact is the one-off impact on home improvement sales that centres would otherwise have captured in 2016 should the Masters store not be developed. Growth within the domestic Home Improvement market in the Main Trade Area (MTA) between 2012 and 2016 will generate an additional \$12.2m, with an additional \$16.7m growth between 2016 and 2021 which would absorb the impact of the proposed Masters store. This would exclude growth within the Trades Sector, which would contribute further to demand for Home Improvement products, particularly if house building within the MTA increases as forecast.
- Overall, the increase in home improvement spending between 2012 and 2021 exceeds the projected turnover of the new Masters store in its first year of trading which indicates that there is strong demand for a development of this type within the MTA, and that initial trading impacts can be mitigated over time.



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- With the exception of the McGrath's Hill Precinct, no precinct is forecast to exceed a 5% impact which demonstrates that the impacts are within a manageable range and the Masters development should not affect the ongoing viability of these precincts.
- Whilst the impacts on McGrath's Hill Precinct are expected to be higher (-13.9%) it is not considered that this is likely to affect the long term viability of the precinct. In the case of McGrath's Hill, a high proportion of the projected \$9.5m impacts are likely to be directed towards a single operator, the existing Bunnings store, as Bunnings is obviously the main direct competitor to Masters. In terms of impacts on the McGrath's Hill Precinct as a whole it is considered that there are likely to be a number of factors which will contribute to its ongoing viability beyond 2016, which include:
  - McGrath's Hill will continue to draw a substantial proportion of its trade from lands to the south (e.g. Mulgrave, Vineyard, Riverstone, Box Hill) which are beyond the MTA for the proposed Masters store at Clarendon. It is unlikely that future residents from these areas will drive past McGrath's Hill to shop at Clarendon, therefore this is a relatively secure and growing market.
  - Vineyard, Riverstone and Box Hill are within the North West Growth Centre and will experience major residential and commercial development beyond 2016 (approximately 21,500 dwellings and 62,000 new residents in North West Growth Centre area). This level of house building will generate significant sustained demand for hardware and home improvement products from the residential and trader sectors.
  - Existing retailers are not passive participants, but rather will play a major role in the eventual impact which they will experience. In this instance, and based on the experience elsewhere in Australia, Bunnings and other key competitors will adapt their strategy and marketing to position against increased competition in the marketplace, ultimately benefiting consumers through increased price competitiveness.
- The projected impacts on Richmond Town Centre include a proportion directed to the home improvement component of Big W which is trading strongly and is part of the Woolworths umbrella of companies and is therefore unlikely to be substantially affected.
- Impacts on town centres in general are limited, reflecting the small component of home improvement retailing within each, and the fact these centres will also benefit from growth in the broader Food and Non Food retail spending categories.
- As the trades sector is forecast to account for 20% or \$4.5m of the new store turnover, the total loss of trade from all home improvement precincts/centres is expected to be in the order of -\$1m. This would be dispersed across a broad range of hardware and home improvement retailers throughout the area and the likely impact would be very minimal. It is assumed trades sales will be no higher than 20% given the presence of a number of trades related uses within the MTA which will also compete within this market.

### Staff Comment

The planning proposal states that the Masters Store will comprise of approximately 11,000m<sup>2</sup> GFA but it is noted that the likely impact of the proposed Masters store at Clarendon on the existing hardware and home improvement products precincts/businesses within the MTA has been assessed using 10,000 GFA instead of 11,000 GFA. Therefore the likely impact may be higher than forecasted in this economic impact assessment statement.

### Business Park Demand Assessment

The Demand Assessment prepared by Urbis Pty Ltd accompanying the Planning Proposal states that the development of a business park could potentially be a longer term development. Overall in the short to medium term there is a significant amount of supply proposed within neighbouring LGAs and precincts including (but not limited to) Norwest, Sydney Business Park (Marsden Park), Riverstone and Box Hill.



Accordingly, it is considered that these precincts will draw a large number of commercial tenants based on being well located and supported by other uses such as residential and retail as part of the masterplan.

The assessment concludes that on balance, any development on the site related to business park uses is likely to be a longer term prospect, with the specific level being difficult to quantify based on the timeframe involved. On this basis and having regard to the demographics and proposed floor space supply for the region, it is considered that a business park use on the site could be supported in the longer term, subject to securing interest from emerging businesses.

### **Flora and Fauna**

The planning proposal is accompanied by an Ecological Constraints Assessment Report (ECA report) prepared by Travers bushfire & ecology (see Appendix F of the Planning Proposal). The ECA report provides the following information on flora and fauna within and adjacent to the site.

#### *Flora*

- Some locally/regionally significant shrubs and vines are present within the site but these species do not offer any particular constraints to development.
- No state and national listed threatened flora species were observed during surveys undertaken.

Three listed endangered ecological communities (EECs), Cumberland Plain Woodland, River Flat Eucalypt Forest on Coastal Floodplains and Freshwater Wetlands are present on the perimeter of the site. Cumberland Plain Woodland occurs on the western boundary of the site and occupies an area of approximately 0.42ha. Although this area may be less flood affected, it may need to be retained undeveloped to allow the restoration of Cumberland Plain Woodland which has critically endangered status. The River-Flat Eucalypt Forest and Freshwater Wetlands are on flood constrained land which could only be used as recreational or open space.

Along Rickabys Creek there is some remnant vegetation, although it is mostly on the Golf Course side of the creek. There is an area of Freshwater Wetlands off Rickabys Creek along the southern site perimeter in association with a small inlet off the creek and an adjacent small patch of sedges in a damp swale approximately 1.05ha in size.

- There is one known endangered population within the Hawkesbury LGA, *Keraudrenia corollata*. This species occurs well to the north or north-west of the site but not within the site. Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest which is endangered species at national level occurs over an estimated area of 0.47ha adjacent to the western site boundary.
- One Koala feed tree species, Forest Red Gum (*Eucalyptus tereticornis*), is present on the site however the study area is not classified under SEPP44 as 'potential Koala habitat'.

#### *Fauna*

- Two state listed threatened fauna species, Eastern Bentwing-bat (*Miniopterus orianae oceansis*) and Large-footed Myotis (*Myotis macropus*) are present within the site. However there are no endangered fauna populations or nationally listed threatened species within the site.
- The White-bellied Sea Eagle (*Haliaeetus leucogaster*) which is a nationally protected migratory species has been recorded in-flight over the site but is not nesting within the study area. However these species may use the site, particularly Rickabys Creek and the large dams for foraging. Open water areas should be protected for this species and restoration of waterside vegetation would be an added benefit to them.
- The Cattle Egret has also been spotted during surveys however this species is unlikely to constrain the proposed development.



Although a large area of the site is free of any significant stand of vegetation, the site contains some state listed EECs, areas of remnant vegetation and threatened fauna species. Given the presence of these significant flora and fauna species within the site, any future development would require preparation of a flora and fauna report in accordance with Section 5A of the *Environmental Planning and Assessment Act, 1979*. This will enable Council to determine the likely impact of the future development of the site on the existing vegetation.

### **Infrastructure Services**

The planning proposal is also accompanied by an Infrastructure Due Diligence (IDD) report prepared by Mott MacDonald. The report states that the site has ready access to water and where required the existing water supply can be extended or upgraded to meet the future additional demand as the Sydney Water main has sufficient capacity.

The site has access to the existing sewer system which currently serves existing residential properties to the north-west of the site. Preliminary informal discussions with Council staff have indicated that the existing waste water reticulation system would be able to serve the proposed development on the site. Further advice on the system has been sought from Council to design a suitable sewerage layout/system for the development.

- The existing electricity supply network is available in the vicinity of the site. Endeavour Energy has indicated that as the required load for the proposed development is greater than 200A/Phase, a padmount substation will be required for the proposed Masters store. A further discussion with Endeavour Energy will be needed to confirm servicing requirements for the future development of the business park precinct to the south of the Richmond Railway Line and also the offices and bulky goods store to the north of the railway line.
- Telecommunication and gas services are also readily available for the site. Currently there are no plans for gas reticulation as part of the proposed development.
- It is suggested that consultation with RailCorp will need to be undertaken to determine any likely impacts on the existing railway line and design and construct the proposed overpass over the railway line connecting northern and southern parts of the site.

According to the IDD report the site has easy access to all required infrastructure to accommodate the proposed development on the site.

### **Flooding**

Flood affectation of the property has been previously discussed in Section 117 Directions section of this report and accordingly an amended zone map is proposed in Attachment 4.

Future development of the site will be subject to the Clause 6.3 Flood Planning of HLEP 2012 and Council's Development of Flood Liable Land Policy.

### **Voluntary Planning Agreement**

Whilst there is no "in-principle" objection to entering into a VPA with the applicant for this development, the works suggested by the applicant in the planning proposal (outlined previously in this report) would seem to be usual development costs or works that would be the sole responsibility of the developer. In this regard, certain access and traffic improvements measures proposed under the VPA in the planning proposal may not be possible or appropriate to consider as VPA items. In addition to the items/measures proposed under the VPA, the Traffic Assessment Report recommends to upgrade Hawkesbury Valley Way to four lanes along the site frontage. However, a funding source or mechanism for this proposed upgrade has not been identified in the planning proposal. Should Council support this proposal and the Department of Planning and Infrastructure determine that the planning proposal is to proceed, Council should commence Voluntary Planning Agreement negotiations with the applicant, landowner and any other relevant stakeholders.



**Conformance to Community Strategic Plan**

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

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.
- Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times.

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

- Implement Employment Lands Strategy.

The planning proposal will enable increased business/commercial activities on the land and boost the Hawkesbury LGA's economic activities and employment opportunities, and therefore it will be an appropriate tool in the implementation of the Directions and Strategies contained in the Community Strategic Plan.

**Conclusion**

The above assessment reveals that the planning proposal to rezone part of the land to B7 Business Park has merit and it is worthy of supporting of the proposal mainly due to the following:

- The proposal's consistency with the Sydney Metropolitan Strategy, draft North West Sub-regional Strategy, Hawkesbury Employment Land Strategy (December 2008) and other relevant statutory framework.
- Its likely ability to help achieve the target of 3,000 new jobs by 2031 set for the Hawkesbury LGA.
- The potential to create employment opportunities in close proximity to the North West Growth Centre which will accommodate 70,000 new dwellings for approximately 200,000 people.
- Increased economic activity within the LGA.
- Its location within a reasonable walking distance to Clarendon Railway Station.
- There is sufficient infrastructure to facilitate the development.
- Access to relatively cheap land, good quality local labour force and amenity.
- Increased viability of the public transport system, in particular, railway system.
- Convenient access to regional network including M2 and M7 Motorways that links Sydney and the surrounds.
- Proximity to knowledge based activities such as UWS Hawkesbury Campus and Hawkesbury District Hospital
- Size and location of the site with 900m street frontage enabling easy and convenient access to and from the site.
- The site has limited environmental constraints.
- Economical and orderly development on the land.



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The proposed retail uses are excessive and inconsistent with the recommended Strategy 4 of LES and therefore the proposed amendment to Schedule 1 of LEP 2012 to permit 'bulky goods premises' is not supported.

### Financial Implications

The applicant has paid the planning proposal application fees required by Council's Fees & Charges for the preparation of a local environmental plan.

### Planning Decision

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

### RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for the rezoning of part of the subject site shown in Attachment 4 - Proposed Zoning Map to this report from RU4 Primary Production Small Lots to B7 Business Park under Hawkesbury Local Environmental Plan 2012.
2. The proposal to amend Schedule 1, Additional Permitted Uses to permit Bulky Goods Retailing is not supported.
3. In accordance with Part 1 of this resolution a planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence:
  - (a) Voluntary Planning Agreement negotiations with the applicant, landowner and any other relevant stakeholders.
  - (b) Consultation on the planning proposal with the community and the relevant public authorities in accordance with the Gateway Determination and the Environmental Planning and assessment Act, 1979.



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**ATTACHMENTS:**

- AT - 1**    Location Map
- AT - 2**    Subject Site
- AT - 3**    Current Zoning - Subject Site and the Surrounds
- AT - 4**    Proposed B7 Business Park Zoning of the Site
- AT - 5**    Concept Layout Plan – Staged Development
- AT - 6**    Concept Layout Plan – Master Store

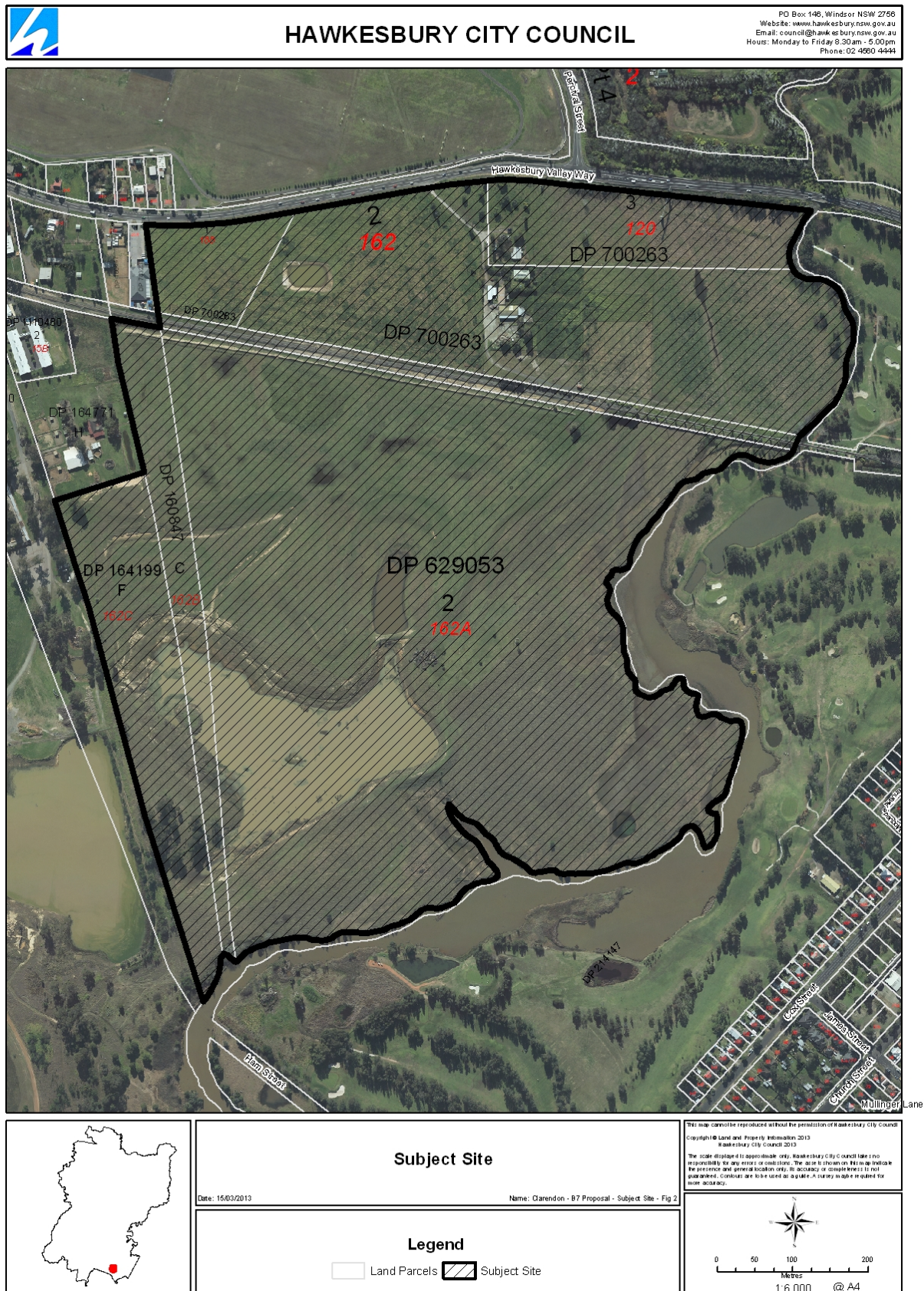






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**AT - 2 Subject Site**





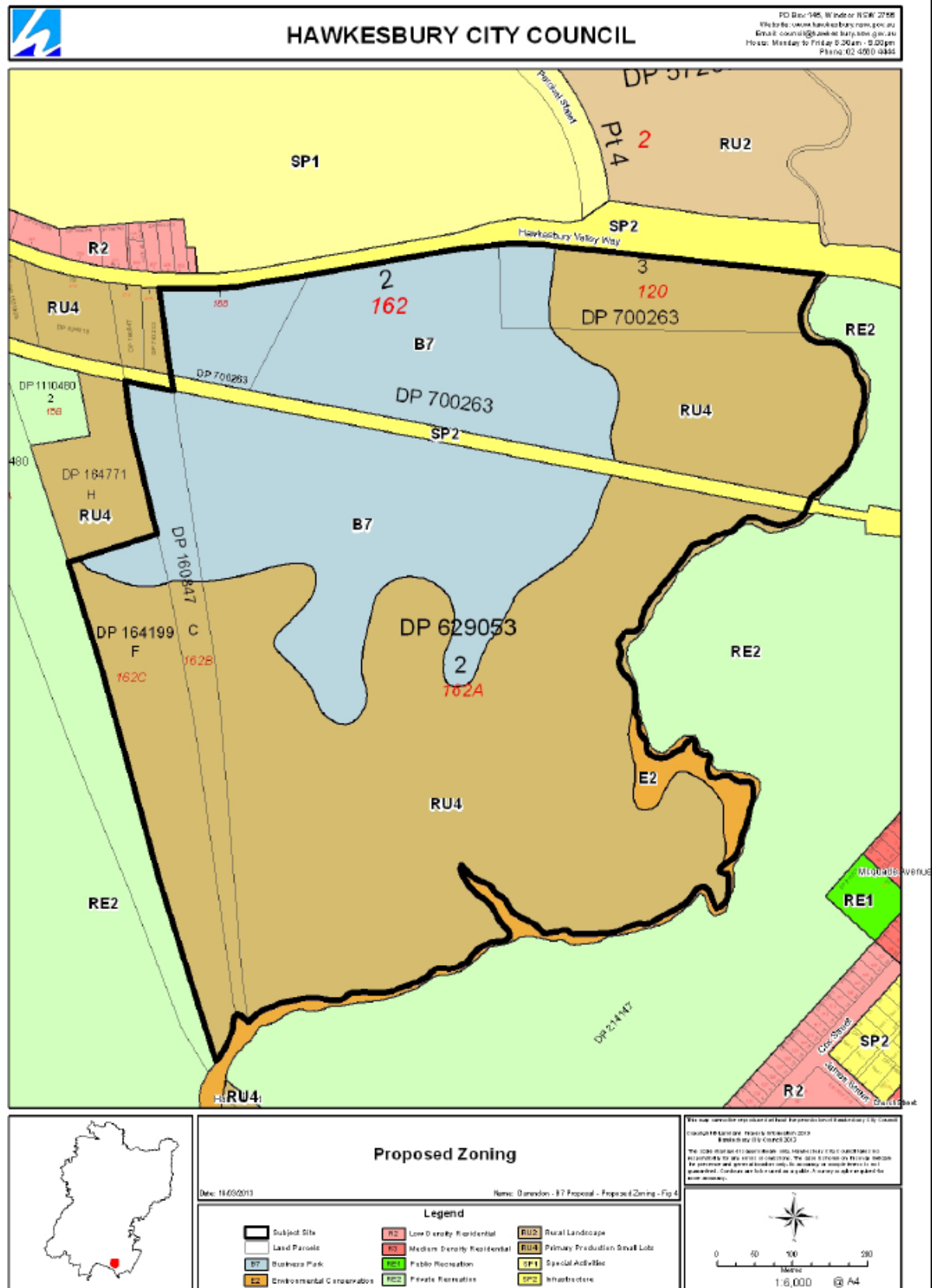




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## AT - 4 Proposed B7 Business Park Zoning of the Site





**AT - 5 Concept Layout Plan - Staged Development**

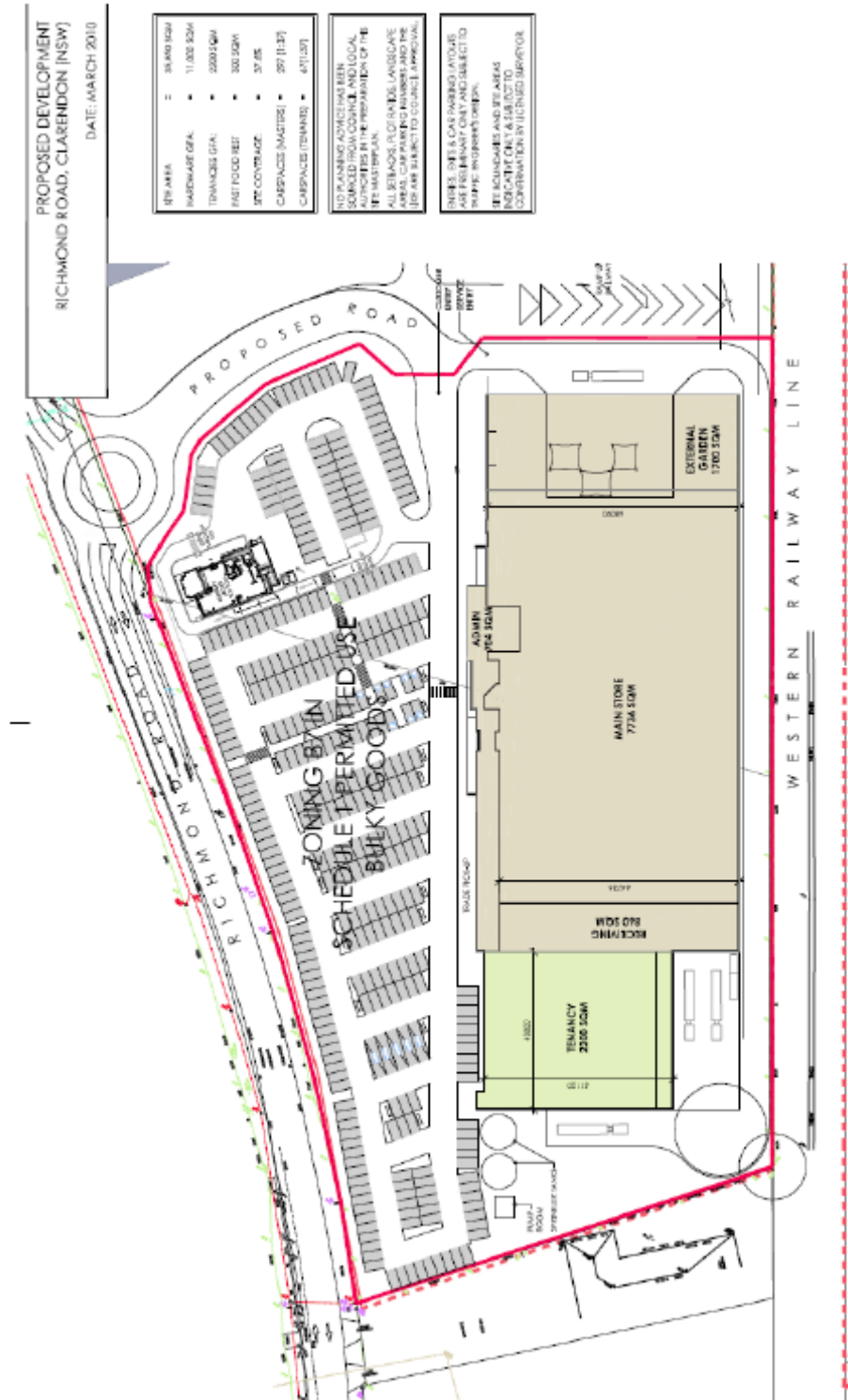




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## AT - 6 Concept Layout Plan – Master Store



oooO END OF REPORT Oooo



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**Item: 51**                      **CP - Planning Proposal - Amendment to Hawkesbury Local Environmental Plan 2012 - 396 Bells Line of Road, Kurmond - (95498)**

**Previous Item:**            10, Ordinary (5 February 2013)

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### REPORT:

#### Executive Summary

This report discusses a planning proposal which seeks to amend Hawkesbury Local Environmental Plan 2012 (LEP 2012) in order to permit the subdivision of 396 Bells Line of Road, Kurmond into approximately 27 lots with a minimum lot size of not less than 4,000m<sup>2</sup>.

It is recommended that Council support the preparation of a planning proposal to allow development of the land primarily for large lot residential development.

#### Consultation

The planning proposal has not yet been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and associated Regulations and as specified in the "Gateway" determination.

#### Background

This planning proposal was briefly discussed in a report to Council on 5 February 2013. The purpose of the 5 February 2013 report was to advise Council of large lot residential / rural residential development related planning proposals and enquiries that Council staff have received in response to the Hawkesbury Residential Land Strategy, advise Council of recent advice from Department of Planning and Infrastructure (DP&I) to consider these proposals in a holistic strategic manner, and recommend that Council adopt an investigation area within the vicinity of the Kurmond village for the purposes of large lot residential / rural - residential development so that the cumulative impact of current and future planning proposals in the vicinity of Kurmond could be considered and addressed. That report did not propose a significant delay in the processing of any of those planning proposals.

In response Council resolved as follows:

1. *Council carry out investigations within the area on the map entitled "Kurmond Village large lot residential/rural-residential Investigation Area". These investigations are to determine the suitability of the identified lands for large lot residential and/or rural residential development and are to be funded by planning proposal application fees.*
2. *Investigations already undertaken by applicants for Planning Proposals within the Kurmond area be utilised by Council as a basis for their further investigations as appropriate.*
3. *The applicants be consulted by Council with a view of assisting the investigations where appropriate.*
4. *Council resolve to carry out similar investigations for other rural villages within the LGA which would meet the criteria of the Hawkesbury Residential Land Strategy.*
5. *The planning proposals for 1411 Kurmond Road and 396 Bells Line of Road, Kurmond be reported to the Ordinary Meeting as soon as practical.*



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6. *The planning proposal for 1442 and 1442A Kurmond Road, Kurmond be reported to Council as soon as practical after the receipt of additional information.*
7. *Council consider any new planning proposals on their merit and compliance with the relevant criteria of the Hawkesbury Residential Land Strategy, unless and until the strategy is changed by Council.*

In accordance with Part 5 of the above resolution, the subject planning proposal is being reported to Council.

Throughout this report comment is made regarding the need for additional information to be provided by the applicant either prior to referring the planning proposal to the DP&I for a gateway determination or after the gateway determination. The applicant has not been requested to provide such information as it is considered that either the information is not necessary at this stage or because of the potential for the existing applications to be considered collectively as outlined in the report to Council of 5 February 2013.

### Planning Proposal

The applicant Montgomery Planning Solutions (MPS) seeks an amendment to Hawkesbury Local Environmental Plan 2012 (LEP 2012) in order to permit the subdivision of 396 Bells Line of Road, Kurmond into approximately 27 lots with a minimum lot size of not less than 4,000m<sup>2</sup>.

MPS propose the following amendment to LEP 2012, either:

1. Amend LEP 2012 Lot Size Map Sheet LSZ\_008AA to fix the minimum lot size for the land at 4,000m<sup>2</sup>.
- or
2. Add the following entry to the table to Schedule 1 - Additional permitted uses of LEP 2012

Lot Description	Address	Additional permitted use	Conditions
Lot 2 DP 607906	396 Bells Line of Road, Kurmond	Subdivision	Minimum lot size 4,000m <sup>2</sup>

A concept plan of the proposal subdivision is attached to this report.

### Subject Site and Surrounds

The site has an area of 13.07ha, is generally rectangular in shape with a width of approximately 250m and a depth of approximately 570m. The site is orientated north-east to south-west and has a frontage of approximately 88m to Bells Line of Road, Kurmond.

The land falls from Bells Line of Road, with an elevation of approximately 94m AHD, to a minor watercourse running north-west to south-east through the centre of the property at approximately 58m AHD. The land then rises to a level of approximately 85m AHD in the northern corner. The majority of the land has a slope of less than 15% however there are some areas towards Bells Line of Road and in the rear half of the site that have slopes in excess of 15%.

Most of the site consists of scattered vegetation including Shale Sandstone Transition Forest (an endangered ecological community) and regenerating Acacia Scrub. A dwelling is located near Bells Line of Road with two dams located behind.



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All the land is shown as being bushfire prone on the NSW Rural Fire Service's Bushfire Prone Land Map. The front third of the property is predominantly bushfire vegetation category 2 with the balance of the property being predominantly bushfire vegetation category 1.

The land is shown as being within Acid Sulfate Soil Classification 5. This represents a relatively low chance of acid sulphate soils being present on the site.

The land is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

*Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown and other factors including climate may limit the capacity for cultivation; and soil conservation or drainage works may be required.*

The land is zoned RU1 Primary Production and SP2 Infrastructure - Classified Road under LEP 2012 with the SP2 zoned land consisting of a narrow strip of land approximately 3.3m wide immediately adjacent to Bells Line of Road. This narrow strip is also shown on the Land Reservation Acquisition Map of LEP 2012. The current minimum lot size for subdivision of the RU1 Primary Production land is 10ha.

A small portion of land towards the front of the property and approximately the rear two thirds of the property is shown as either *Significant Vegetation* or *Connectivity Between Significant Vegetation* on the Terrestrial Biodiversity Map of LEP 2012.

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)* and is not within an area of scenic significance under this SREP.

Land to the north-west along Bells Line of Road up to Kurmond Road comprises a number of large residential lots, generally in the order of 1500m<sup>2</sup> to 8200m<sup>2</sup>. Land to the south-east along Bells Line of Road comprises a number of residential lots of approximately 2,000m<sup>2</sup> in area. The land between the south-western boundary and Bells Line of Road is 9,242m<sup>2</sup> and is occupied by the former Kurmond Bar and Grill. The remainder of the land is surrounded by rural-residential lots ranging in size from approximately 2.5ha to 10ha. Land on the opposite side of Bells Line of Road comprises rural-residential lots ranging in size from approximately 8,000m<sup>2</sup> to 8ha.

### Applicant's Justification of Proposal

MPS has provided the following reasons in support of the planning proposal:

*It is considered that the land is unsuitable for intensive agriculture due to the close proximity of residential development along Bells Line of Road and the relatively small lot size in terms of agricultural production.*

*Most of the lots in this locality are well below the minimum lot size. The lots which do not meet the minimum lot size . . . are not large enough to support viable agriculture or to provide sufficient buffers between agricultural and residential uses.*

*Providing additional land for housing in this location is logical and represents "the promotion and coordination of the orderly and economic use and development of land" as stated in the Objects of the Environmental Planning and Assessment Act, 1979.*

*The proposal satisfies the criteria for rural village expansion as contained within the Hawkesbury Residential Land Strategy.*

*The land has the appropriate physical characteristics to support large lot residential development as proposed.*



*The proposed rezoning will make use of existing infrastructure, therefore no additional infrastructure is required.*

*There will be no adverse environmental or visual impact as a consequence of development of the land. The proposal effectively represents infill development.*

*The proposal represents a suitable expansion of the existing Kurmond village.*

*The proposal is consistent with all State, Regional and Local Strategies, including the Hawkesbury Residential Land Strategy.*

### **Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy**

The NSW Government's Metropolitan Strategy and Draft North West Subregional Strategy establish the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

These two documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular rural-residential planning proposal at Kurmond. Notwithstanding this MPS have provided an assessment of the planning proposal against these two documents and concludes that the proposal is consistent with these strategies. Taking into consideration the location of the proposed development i.e. on the western side of Hawkesbury River and on the fringe of Kurmond Village, and the unsuitability of the site to provide for an increased density of housing development beyond what is proposed it is considered that the proposal demonstrates satisfactory compliance with these strategies.

The Hawkesbury Residential Land Strategy (HRLS) is, in part, a response to the above mentioned State strategies and seeks to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government's strategies.

The proposal can be described as a rural residential / large lot residential development on the fringe of the Kurmond village.

The HRLS states that the future role of rural residential development is as follows:

*Rural residential developments have historically been a popular lifestyle choice within Hawkesbury LGA. However, rural residential development has a number of issues associated with it including:*

- *Impacts on road networks;*
- *Servicing and infrastructure;*
- *Access to facilities and services;*
- *Access to transport and services;*
- *Maintaining the rural landscape; and*
- *Impacts on existing agricultural operations.*

*Whilst this Strategy acknowledges rural residential dwellings are a part of the Hawkesbury residential fabric, rural residential dwellings will play a lesser role in accommodating the future population. As such, future rural development should be low density and large lot residential dwellings.*

For the purposes of this proposal, the relevant criteria for rural residential development are that it be large lot residential dwellings and:

- be able to have onsite sewerage disposal;
- cluster around or on the periphery of villages;



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- cluster around villages with services that meeting existing neighbourhood criteria services as a minimum (within a 1km radius);
- address environmental constraints and have minimal impact on the environment;
- within the capacity of the rural village

MPS have provided a preliminary assessment of site soils that conclude the site soils are suitable for on-site wastewater treatment. This advice is preliminary only and no assessment has been undertaken regarding the likely land area required for irrigation of wastewater.

The site is on the periphery of the Kurmond village centre.

Relevant environmental constraints are discussed in later sections of this report.

### **Council Policy - Rezoning of Land for Residential Purposes - Infrastructure Issues**

On 30 August 2011 Council adopted the following Policy:

*That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.*

#### **Note 1:**

*In relation to the term "adequately considered the existing infrastructure" above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.*

#### **Note 2:**

*The requirements of the term "appropriate provision for the required infrastructure" are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011.*

In response to this Policy MPS state:

*It is submitted that the Planning Proposal is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan. The proposal also satisfies the sustainability criteria contained with the Hawkesbury residential Land Strategy.*

It is considered that the proposal has not adequately addressed the "Rezoning Land for Residential Purposes – Infrastructure Issues" in that the proposed development would increase the cumulative impact on the existing road system and no mitigation measures are proposed in this application. This issue is discussed later in this report.

Compliance with the HRLS has been discussed above. Compliance with CSP will be discussed later in this report.

### **Council Policy - Our City Our Future Rural Rezonings Policy**

This Policy was adopted by Council on 16 May 1998 and had its origin in the Our City Our Future study of the early 1990s.



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Since the time of adoption this Policy has essentially been superseded by subsequent amendments to Hawkesbury Local Environmental Plan 1989, NSW Draft North West Subregional Strategy, the Hawkesbury Residential Land Strategy, the Hawkesbury Community Strategic Plan, the commencement of LEP 2012, and the DP&I's gateway system for dealing with planning proposals.

The Policy is repeated below with responses provided by MPS. Where appropriate additional staff responses are provided.

- a. *Fragmentation of the land is to be minimised.*

MPS response

*It is considered that the proposal minimises fragmentation of rural land by creating mostly 4,000m<sup>2</sup> residential lots, allowing for an acceptable increase in population, while not fragmenting larger viable agricultural lots.*

- b. *Consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages*

MPS response

*It is submitted that the proposal is within a location which has access to services and facilities and is contiguous with residential lots associated with Kurmond Village.*

*This policy statement has been adopted by the Hawkesbury Residential Lands Strategy in Section 6.5 - Rural Village Criteria:*

*Cluster around or on the periphery of villages*

*Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1km radius)*

- c. *No subdivisions along main road and any subdivision to be effectively screened from minor roads*

MPS response

*The subject land has frontage to a main road, however access to all proposed allotments will be via an internal road which intersects with Bells Line of Road. The land falls away from Bells Line of Road which means that the proposed subdivision will not be readily visible from the main road.*

Staff response

The proposed access to Bells Line of Road is a matter for the Roads and Maritime Service (RMS). It is anticipated that the planning proposal will be referred to RMS for comment.

- d. *No subdivision along ridgelines or escarpments*

MPS response

*Bells Line of Road follows a minor ridgeline or saddle. The land which is proposed to be subdivided falls away from Bells Line of Road to a minor creek and then rises up to a height which is some 12 metres lower than Bells Line of Road at a horizontal distance of some 580 metres. It is therefore submitted that the proposal is consistent with this statement.*

- e. *where on site effluent disposal is proposed, lots are to have an area of at least 1 (one) hectare unless the effectiveness of a smaller area can be demonstrated by geotechnical investigation.*



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### MPS response

*This policy statement has been adopted by the Hawkesbury Residential Land Strategy in Section 6.5 Rural Village Criteria:*

*Be able to have onsite sewerage disposal.*

*The size of the proposed lots is 4,000m<sup>2</sup>. A preliminary geotechnical investigation was carried out by Australian Wetlands Consulting Pty Ltd, which confirms that the land is suitable for on-site effluent disposal. It is submitted that the Planning proposal is consistent with this policy statement.*

### Staff response

Whilst the preliminary geotechnical investigation confirms that the soil on the property is suitable for on-site effluent disposal the report does not state the likely minimum area of land required for irrigation of wastewater. Taking into consideration existing systems within the locality and previous assessments provided by various waste water consultants it is expected that the irrigation area for a typical aerated waste water treatment system on this property would be approximately 800m<sup>2</sup> to 1200m<sup>2</sup> with the potential need for an alternate disposal area of the same size. In this regard the submitted concept subdivision layout plan should not be endorsed as part of the planning proposal and should be considered as part of a future development application.

- f. *The existing proportion of tree coverage on any site is to be retained or enhanced.*

### MPS response

*The Planning Proposal will have minimal impact on tree coverage, as the land is cleared grazing paddocks with scattered trees. Additional planting as part of the subdivision works will enhance the overall tree coverage of the land.*

### Staff response

Whilst the property may be used for grazing purposes Council's vegetation mapping and aerial photographs show significant tree coverage over the site. The proposed subdivision and resultant development of the new properties, will result in a reduction of tree coverage due to the area of land required to be cleared, in whole or in part, for the purposes of the internal road, driveways, dwellings and associated ancillary structures, effluent disposal areas, and bushfire related asset protection zones.

- g. *Any rezoning proposals are to require the preparation of Environmental Studies and Section 94 Contributions Plans at the applicant's expense.*

### MPS response

*It is submitted that an environmental study is not required, as sufficient information is provided with the Planning Proposal. Whether or not a Section 94 contributions plan is required for the proposal is a matter for Council decision.*

### Staff response

Taking into consideration the scale of the development it is considered that an environmental study is not required. However, this will be a matter for the DP&I to advise Council on as a result of their gateway process.

The need for a Section 94 Contribution Plan or a Voluntary Planning Agreement can be further discussed with the MPS if this planning proposal is to proceed.



- h. *Community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.*

MPS response

*The form of title of subdivisions is more appropriate for discussion in the lead up to a development application, once the Planning Proposal has progress to the final stage.*

**Section 117 Directions**

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. A summary of the key Section 117 Directions follows:

*Direction 1.2 Rural Zones*

Planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

*Direction 1.3 Mining, Petroleum Production and Extractive Industries*

Requires consultation with NSW Industry and Investment.

*Direction 3.1 Residential Zones*

Planning proposals must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and
- reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

Furthermore a planning proposal must contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

*Direction 3.4 Integrating Land Use and Transport*

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for planning and development (DUAP 2001)

In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 "Accessible Development" principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

The document is very much centres based and not readily applicable to consideration of a rural-residential planning proposal. The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed Council seek guidance from the DP&I via the "gateway" process, regarding the applicability of this document.



*Direction 4.1 Acid Sulfate Soils*

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The subject site is identified as "Class 5" (less constrained) on the Acid Sulphate Soils Planning Maps. The DP&I will consider this as part of their "gateway determination" and if required can request further information/consideration of this matter.

*Direction 4.4 Planning for Bushfire Protection*

Requires consultation with the NSW Rural Fire Service, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

*Direction 6.1 Approval and Referral Requirements*

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. It is considered that the planning proposal is consistent with this Direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

*Direction 6.2 Reserving Land for Public Purposes*

Due to the existing SP2 Infrastructure - Classified Road zone and Land Acquisition Map affectation the planning proposal may require referral to RMS.

*Direction 6.3 Site Specific Provisions*

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes as one option amendment Schedule 1 of HLEP 2012 to enable the proposed subdivision. This option is to be discussed with DP&I.

*Direction 7.1 Implementation of the Metropolitan Strategy*

Requires planning proposals to be consistent with the NSW Government's Metropolitan Strategy City of Cities, A Plan for Sydney's Future.

The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&I is satisfied that the proposal is:

- (a) justified by a strategy which:
  - gives consideration to the objectives of the Direction, and
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - is approved by the Director-General of the DP&I, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this Direction, or
- (d) is of minor significance.



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The HRLS has been prepared with consideration given to the various policies and strategies of the NSW Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

### State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy No. 55 Remediation of Land*, *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* and *Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (No.2 - 1997)*.

SEPP 55 requires consideration as to whether or not land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

MPS advise that the:

*land has been used for agriculture in the form of animal grazing for many years. However, there is no evidence to suggest that any activities have occurred on the land which would give rise to contamination. In terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP. Any future development application for subdivision may then require further investigation.*

If the planning proposal is to proceed further consideration of potential contamination can be dealt with after DP&I's gateway determination.

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

The aim of SREP No 20 (No. 2 - 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural-residential development and the metropolitan strategy.

Specifically the SREP encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);
- develop in accordance with the land capability of the site and do not cause land degradation;
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment;
- quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters;
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;



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- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;
- when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan;
- minimise or eliminate point source and diffuse source pollution by the use of best management practices;
- site and orientate development appropriately to ensure bank stability;
- protect the habitat of native aquatic plants;
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling;
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;
- consider the need to control access to flora and fauna habitat areas;
- give priority to agricultural production in rural zones;
- protect agricultural sustainability from the adverse impacts of other forms of proposed development;
- consider the ability of the site to sustain over the long term the development concerned;
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

It is considered that some form of rural residential development on the subject land has the potential to either satisfy the relevant provisions SREP No 20 or be able to appropriately minimise its impacts.

### Character of the Area

The area surrounding the site contains a mix of lot sizes and in particular there are a number of relatively small rural-residential lots to the north-west and south-east fronting Bells Line of Road. The proposed lots are of similar size to these existing properties.



The existing small rural-residential lots in the vicinity are typically in close proximity to the Bells Line of Road ridgeline or other local road with a larger rural-residential/rural lot behind as the land form falls away from the ridge/local road. The proposal, being a subdivision of the entire property both towards Bells Line of Road and then down into a valley and beyond is not consistent with this existing character. However, the location is an area in transition and if the broader area is to be developed in accordance with the HRLS for large lot residential / rural-residential development, over time land beyond the immediate road frontage will be developed.

### **Topography**

The land falls from Bells Line of Road, with an elevation of approximately 94m AHD, to a minor watercourse running north-west to south-east through the centre of the property at approximately 58m AHD. The land then rises to a level of approximately 85m AHD in the northern corner. The majority of the land has a slope of less than 15% however there are some areas towards Bells Line of Road and in the rear half of the land that have slopes in excess of 15%. The steeper lands are generally found on proposed lots 6-8, 10-13, 16-21, and 25-27.

The HRLS recognises slopes greater than 15% act as a constraint to development.

The steeper sloping part of the land will, to varying degrees, act as a constraint for the location and type of dwelling, outbuilding, effluent disposal system, and driveways for the above mentioned lots. One way of minimising these constraints would be to reconsider the concept subdivision and possibly increase the minimum lot size in order to avoid as much as practicable development of the steeper sloping land. It is recommended that this be further explored, particularly at the DA stage, with MPS upon receipt of additional information relating to on site waste water irrigation and flora and fauna impacts.

### **Public transport, Traffic generation and Access**

Public transport is limited to the Westbus Route 682 service along Bells Line of Road between Richmond and Kurrajong. The service operates every 30 minutes during peak period. The closest bus stop is located near the Kurmond Post Office. Given the limited frequency of service and the location of the bus stop it is anticipated that the occupants of the proposed subdivision will be private vehicle dependent.

The planning proposal is supported by a traffic impact statement. The statement considers existing traffic conditions and the likely traffic to be generated by the proposed development. The assessment forecasts that the proposed development would generate 27 vehicle movements in the morning and afternoon peak hour and concludes this will be a minor increase in traffic. The assessment proposes localised road widening on the north-eastern side of Bells Line of Road and the provision of a channelised right turn lane at the proposed access to the subdivision to enable north-west bound vehicles to pass decelerating and stationary vehicles turning right into the access road.

The assessment notes the existing traffic congestion problems at North Richmond, in particular, at the intersection of Grose Vale Road/Bells Line of Road/Terrace Road and suggests that the projected additional peak hour vehicle trips generated by this development will not have any noticeable impacts on existing traffic conditions.

Bells Line of Road is an RMS road hence it is anticipated that the planning proposal will be referred to RMS for consideration of the proposed access, intersection treatment and impact on regional road network.

The cumulative impact of similar proposals that may occur in the future has not been considered in the planning proposal. It is considered that this is a matter for Council and the RMS to address with the outcome being incorporated into affected planning proposals.



Council has received petitions from residents west of the Hawkesbury River concerned about rezoning of land for residential purposes in the absence of necessary infrastructure upgrades. To address this it is recommended that Council commence the preparation of a Section 94 Contributions Plan for the land within the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure, especially road upgrade and provision, in the locality. Alternatively the applicant and Council can commence Voluntary Planning Agreement negotiations to address this issue. It is considered this will be a fundamental matter to be dealt with by Council prior to the finalisation of any planning proposals in the locality as the cumulative impact of these types of development will be unacceptable if no traffic improvements are made.

### **Services**

Reticulated water, power and telecommunication services are available for connection to the land.

MPS have provided preliminary advice stating that the soils on the land are suitable for on-site effluent disposal, however, the type, size and location of proposed systems requires further consideration. It is recommended that this be further discussed with MPS prior to the matter being forwarded to DP&I for a gateway determination as this may affect the proposed minimum lot size and require the planning proposal to be amended.

### **Ecology**

As stated previously Council's vegetation mapping and aerial photographs show significant tree coverage over the site with a small portion of land towards the front of the property and approximately the rear two thirds of the property is shown as either *Significant Vegetation* or *Connectivity Between Significant Vegetation* on the Terrestrial Biodiversity Map of LEP 2012.

Council's mapping indicates that the significant vegetation includes Shale Sandstone Transition Forest an endangered ecological community. Due to the presence of this endangered ecological community the DP&I guidelines for preparing planning proposals require the submission of a assessment of significance under Section 5A of the *Environmental Planning and Assessment Act 1979*. MPS have not provided such an assessment with the planning proposal and at present MPS have not been requested to provide such an assessment. If the planning proposal is to proceed the assessment will be needed prior to forwarding the matter to DP&I for a gateway determination.

MPS however have provided a general comment stating that the area identified as significant vegetation is concentrated within a riparian corridor along the minor watercourse running through the middle of the site and that the area identified as connectivity between significant vegetation is slashed pasture with scattered trees, comprising a number of dead trees and mostly immature trees. Further MPS claim that there is no native ground cover or shrub layer and no continuous canopy and it is unclear how the land provides any real connectivity between significant vegetation other than via the riparian corridor. MPS conclude that the proposal will have no adverse impact on threatened species populations or ecological communities.

Whilst the effect of proposal development is best assessed by a suitably qualified and experienced flora and fauna consultant the following observations are made about Shale Sandstone Transition Forest and connectivity between significant vegetation.

The main threat to Shale Sandstone Transition Forest is further clearing for urban/rural development and the subsequent impacts from fragmentation. The vegetation on the subject property contains a natural drainage line and represents significant connectivity between "Regional Core Vegetation" located to the south-east and north-west. It is listed under Hawkesbury Council's Conservation Significance Assessment as "S1 - Support for Core". This means the vegetation corridor connects significant remnant vegetation and that connectivity provides opportunities for species to move, interact, adapt and evolve. Rivers and creeks are commonly the main remaining linkages in urban areas, and therefore are important components of a habitat network at local and regional scales.



Consideration will need to be given to the impacts of the proposed development on the downstream catchment and, where possible, retention of natural drainage corridors with vegetated buffer zones at least 30m wide should be provided. This will assist in maintenance of the natural drainage function, stream habitat, wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.

### **Bushfire hazard**

The planning proposal is supported by a preliminary bush fire hazard assessment that concludes that whilst there would be bushfire related consent conditions at both subdivision and dwelling construction phases of the development none of these should ultimately be overly restrictive or prohibit development approval by bushfire regulatory provisions. The assessment states that the proposed subdivision will require that the entire site where not built upon to be maintained to the requirements of an inner protection area of an asset protection zone and maintained to this standard for the lifetime of the development.

Standards for an inner protection area include a tree canopy cover of less than 15% and the tree canopy should be located greater than 2 metres from any part of the roofline of a dwelling. Trees should have lower limbs removed up to a height of 2 metres above the ground. Ground fuels such as fallen leaves, twigs (less than 6mm in diameter) and branches should be removed on a regular basis, and grass needs to be kept closely mown and where possible green. The recommendations of the bushfire assessment will be to be considered in the flora and fauna assessment.

If the planning proposal is to proceed it will be referred to the NSW Rural Fire Service (RFS), being the responsible authority of bushfire protection, for comment.

### **Agricultural Land Classification**

The site consists of Class 3 agricultural land which is described as follows:

*Class 3 - Moderately productive lands suited to improved pasture and to cropping within a pasture rotation. The overall level of production is moderate as a result of edaphic or environmental constraints. Erosion hazard or soil structural breakdown limit the frequency of ground disturbance, and conservation or drainage works may be required.*

Given the proximity of the site to surrounding rural-residential properties and the size and slope of the site it is considered that it is unlikely the site could be used for a substantial or sustainable agricultural enterprise.

### **Compliance with DP&I Guidelines for Preparing Planning Proposals**

Excluding some minor errors and certain additional information mentioned previously in this report, the planning proposal is generally consistent with the requirements of DP&I guidelines published in 2009. At the time of MPS submitting the planning proposal DP&I issued new guidelines in October 2012. As a result the planning proposal will require minor amendment to satisfy the new guidelines prior to forwarding the matter to the DP&I. If the planning proposal is to proceed these amendments can be dealt with by MPS and Council staff.

### **Conformance to Community Strategic Plan**

MPS state that the following provisions of the CSP are of most relevance to the planning proposal.

### **Looking after people and place**

*Vision: In 2030 we want the Hawkesbury to be a place where we have: A community in which the area's character is preserved and lifestyle choices are provided with sustainable planned, well serviced development, within strongly connected, safe and friendly neighbourhoods.*



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### Directions:

- *Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.*
- *Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.*
- *Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.*
- *Have development on both sides of the river supported by appropriate physical and community infrastructure.*
- *Have friendly neighbourhoods, connected communities, and supported households and families*
- *Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways*

### Goals:

- *Maintain and foster the rural character of villages within the Hawkesbury.*
- *Accommodate at least 5,000 new dwellings to provide a range of housing options (including rural residential) for diverse population groups whilst minimising environmental footprint.*
- *Towns and villages to be vibrant places that people choose to live in and visit.*
- *Plan, provide and advocate for a range of community, cultural, recreational, sporting, health and education services and facilities to meet the needs of residents and visitors.*

### Caring for Our Environment

*Vision: In 2030 we want the Hawkesbury to be a place where we have: A community dedicated to minimising its ecological footprint, enjoying a clean river and an environment that is nurtured, healthy, protected and provides opportunities for its sustainable use.*

### Directions:

- *Be a place where we value, protect, and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.*
- *To look after our cultural and environmental assets for future generations so that they too can enjoy and benefit from a clean river and natural eco-systems, rural and cultural landscape.*
- *Take active steps to encourage lifestyle choices that minimise our ecological footprint.*
- *Work with our communities and businesses to use our resources in a sustainable way and employ practices and technologies that are in harmony with our natural environment.*

### Goals:

- *Balance the needs of our ecology, recreational and commercial activities.*
- *Sustainable use of potable and recycled water*



- *Reduce greenhouse gas emissions*

### **Linking the Hawkesbury**

#### **Directions:**

- *Have a comprehensive system of transport connections which link people and products across the Hawkesbury and with surrounding regions*
- *Be linked by accessible, viable public transport, cycleways and pathways to the major growth and commercial centres within and beyond the Hawkesbury.*
- *Have a comprehensive system of well maintained local and regional roads to serve the needs of the community.*
- *Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses.*

#### **Goals:**

- *An efficient transport network that links the Hawkesbury internally and to regional growth centres.*

### **Supporting Business and Local Jobs**

*Vision: In 2030 we want the Hawkesbury to be a place where we have: New and existing industries which provide opportunities for a range of local employment and training options, complemented by thriving town centres.*

#### **Directions**

- *Help create thriving town centres, each with its own character that attracts residents, visitors and businesses.*

#### **Goals:**

- *Increased patronage of local businesses and attract new residents and visitors.*

### **Shaping Our Future Together**

*Vision: In 2030 we want the Hawkesbury to be a place where we have: An independent, strong and engaged community, with a respected leadership which provides for the future needs of its people in a sustainable and financially responsible manner.*

#### **Directions**

- *A balanced set of decisions that integrate jobs, housing, infrastructure, heritage, and environment that incorporates sustainability principles.*

#### **Goals**

- *Work together with the community to achieve a balanced set of decisions that integrate jobs, housing, infrastructure, heritage and environment.*
- *Council demonstrates leadership by implementing sustainability principles.*

In response to these provisions of the CSP, MPS claim that:

*The planning proposal will assist in the achievement of some of the above mentioned Direction and Goals, particularly in terms of the dwelling house target, increased patronage of local business and attracting new residents to the Hawkesbury*



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The further consideration of matters pertaining to on site waste water irrigation, flora and fauna impacts, Section 94 contributions/voluntary planning agreement, and referral to government agencies such as the RMS and RFS as previously identified in this report will enable further consideration of the planning proposal with respect to the above mentioned provisions of the CSP.

### Financial Implications

MPS has paid the fees required by Council's fees and charges for the preparation of a local environmental plan.

### Conclusion

It is considered that some form of large lot residential development on the subject site is appropriate and feasible and it is recommended that Council support amending LEP 2012 to allow the subject land to be developed for large lot residential development.

This report identifies certain matters such as on site waste water irrigation, flora and fauna impacts, avoidance of steep sloping land, and compliance with DP&I guidelines that need to be addressed prior to forwarding the proposal to the DP&I for a gateway determination.

It is also recommended that if the DP&I determines that the planning proposal is to proceed, Council commence the preparation of a Section 94 Contributions Plan for the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure, especially road upgrade and provision, in the locality. Alternatively the applicant and Council can commence Voluntary Planning Agreement negotiations to address this issue.

### Planning Decision

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

### RECOMMENDATION:

That:

1. Council support the preparation of a Planning Proposal for the land comprising of Lot 2 DP 607906, 396 Bells Line of Road, Kurmond to allow development of the land primarily for large lot residential development.
2. The concept plan titled "Concept Layout over Lot 2 in DP 607906 at Bells Line of Road, Kurmond L.G.A Hawkesbury", prepared by North Western Surveys and dated 10/10/2012 attached to this report be adopted for the purposes of preparing the planning proposal only and the proposed allotment layout not be adopted until finalised as part of the development application process.
3. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.
4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence the preparation of a Section 94 Contributions Plan for the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure,



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especially road upgrade and provision, in the locality. Alternatively the applicant and Council can commence Voluntary Planning Agreement negotiations to address this issue.

6. The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal.

### **ATTACHMENTS:**

**AT - 1** Locality Plan

**AT - 2** Aerial Photo of Site

**AT - 3** Concept Plan of Proposed Subdivision



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**HAWKESBURY CITY COUNCIL**

PG Box 148, Windsor NSW 2137  
Website: www.hawkesbury.nsw.gov.au  
Email: council@hawkesbury.nsw.gov.au  
Hours: Monday to Friday 9:30am - 5:30pm  
Phone: 02 4568 5444

**Legend**

- Playgrounds
- Bus Shelters
- Bushfire Stations
- Halls - Community Centres
- Public Toilets
- Train Stations
- Rail Line
- Parks & Reserves
- Road Names
- Suburbs
- Land Parcels
- Creeks/Rivers/Lines
- Creeks & Rivers

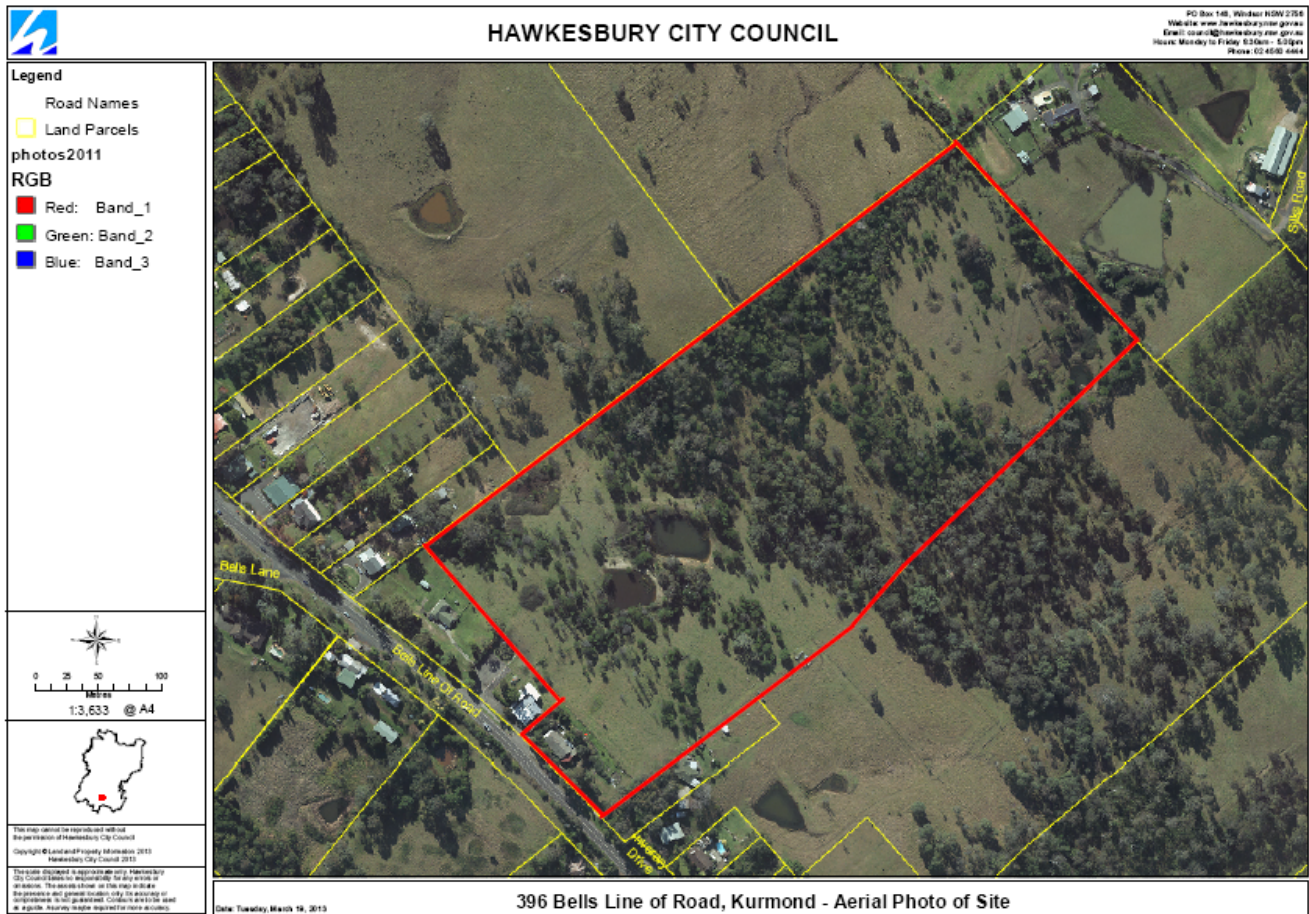
**396 Bells Line of Road, Kurmond - Locality Plan**

Date: Tuesday, March 19, 2013



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**AT - 2 Aerial Photo of Site**

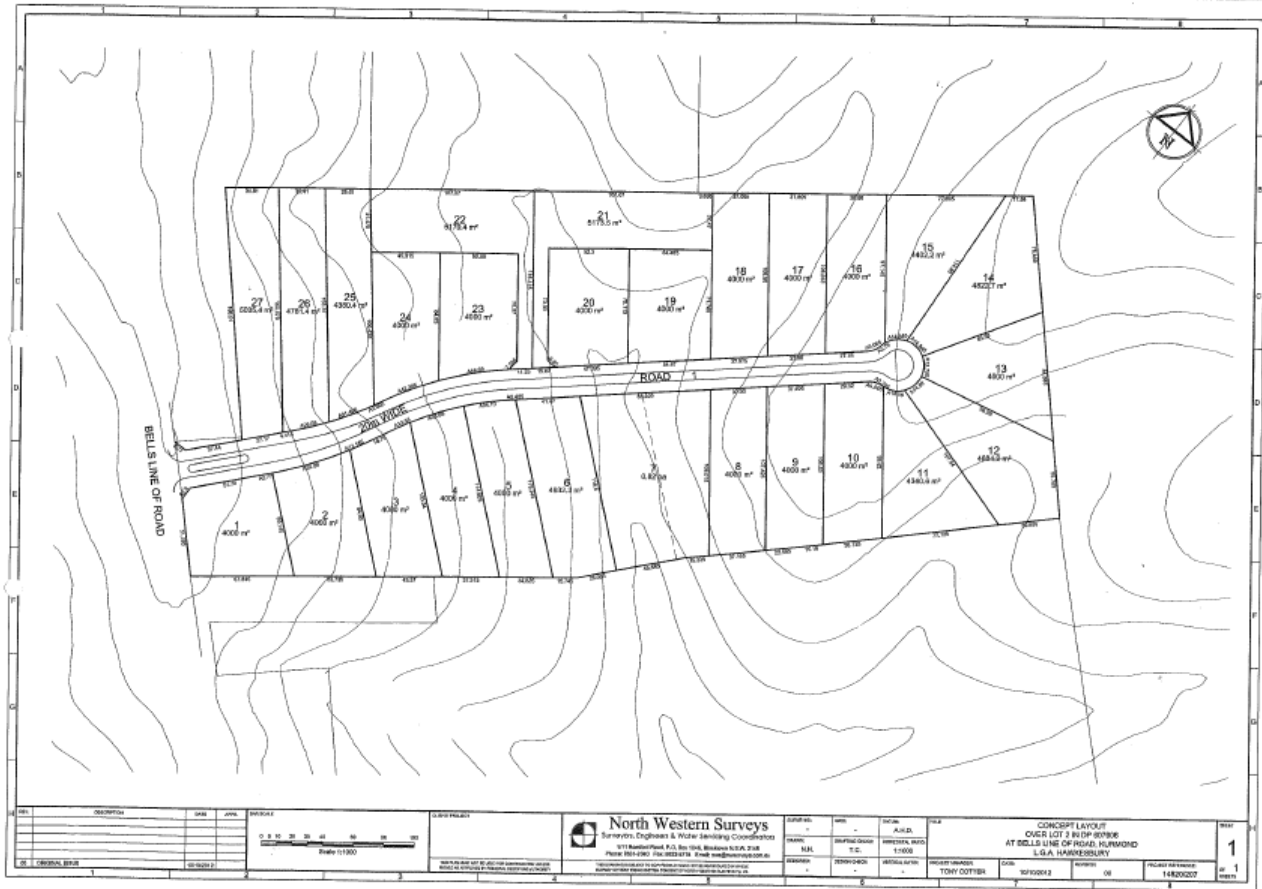




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## AT - 3 Concept Plan of Proposed Subdivision



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**Item: 52**                      **CP - Community Sponsorship Program - 2012/2013 - Round 3 - (96328, 95498)**

**Previous Item:**            153, Ordinary (31 July 2012)  
                                 219: Ordinary (11 December 2012)

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### REPORT:

#### Executive Summary

This report has been prepared to advise Council of applications for financial assistance to be determined under Round 3 of the 2012/2013 Community Sponsorship Program. The report lists the applications received, the proposed level of financial assistance, and those that will require the execution of Council's standard Sponsorship Agreement.

#### Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Applications for Community Sponsorship can be received by Council at any time and are reported to Council up to four times a year. Information about the Community Sponsorship Program is placed on Council's website.

#### Background

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

The CSP provides the opportunity for community groups and individuals to seek assistance from Council. The CSP currently provides for five categories of assistance:

- Minor assistance (MA) - up to \$500
- Event Sponsorship (ES) - for up to 3 years
- Seeding Grants (SG) - for community based programs
- Access to Community Facilities (ACF) - to subsidise the cost of hire of community facilities
- Improvements to Council Facility (ICF) - reimbursement of DA fees for renovations and additions to Council owned buildings or facilities.

The adopted budget for 2012/2013 includes an allocation of \$66,147 for the CSP. At its Ordinary Meeting of 31 July 2012 Council approved applications under Round 1 of the Community Sponsorship 2012/2013 Program. Applications under Round 2 were approved by Council on 11 December 2012.

#### Community Sponsorship Program 2012/2013

Total allocation for Financial Year 2012/2013	\$66,147
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##### Expenditure to date:

Allocated to Hawkesbury Eisteddfod	\$20,180
Approved under Round 1 (24 applicants)	\$31,720
Approved under Round 2 (16 applicants)	\$ 4,765
Total	\$56,665
Balance remaining	\$ 9,482



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### Community Sponsorship Program (2012/2013) - Round 3

In accordance with Council's Community Sponsorship Policy, applications for community sponsorship were called for and closed on 1 March 2013. 11 applications were received. Table 1 summarises the applications received and the proposed level of financial assistance to be provided.

	Applicant	Type	Proposal	Amount requested	Amount proposed
1	Koori Kids	MA	NAIDOC Week initiatives – annual statewide colouring competition	450	Nil
2	John Byrnes	MA	Hire of a hall to undertake research into indigenous history	50	Nil
3	Rotary Club of Windsor	SG	Replace plaques on picket fence in McQuade Park	1637	819
4	Hawkesbury Woodcraft Co-op Limited	SG	Purchase of woodworking equipment for use by club members in club facility in Wilberforce	2195	2195
5	Wilberforce Pre-school Kindergarten	ICF	Reimbursement of DA fees for ancillary storage shed to Council owned property	645	645
6	Glossodia Public School	CF	Hire of Windsor Function Centre for annual presentation night.	352	352
7	Blaxland Ridge Rural Fire Service	SG	Contribution to publication of fire brigade history	2000	2000
8	St Albans Volunteer Bushfire Brigade	SG	Purchase of air-conditioner for St. Albans Fire Station	3000	Nil
9	Special Olympics NSW	ES	Special Olympic Event with portion of funds to be donated to Bryson Anderson Appeal.	3000	Nil
10	Hawkesbury Skills Inc	SG	Refurbishment of roof gutters and fencing 23 Bosworth St Richmond	3000	3000
11	Hawkesbury & District Basketball Association	MA	Primary Schools Sport Association Gala Day	500	500
12	Jaycee McLaughlin	MA	Representative Karate	100	100
13	Jordan McLaughlin	MA	Representative Karate	100	100
<b>TOTAL</b>					<b>9711</b>

MA= Minor Assistance ES = 3 Year Event Sponsorship SG = Program + Activity Seeding Grant CF = Access to Community Facilities ICF=Improvement to Community facilities

**Table 1 – Requests for financial assistance Round 2 of 2011/2012 Community Sponsorship Program**

All the applications were assessed against the applicable criteria outlined in Council's Community Sponsorship Program. These reflect the provisions of Council's adopted Community Sponsorship policy and the amounts recommended for approval are consistent with the policy.



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### Applications not recommended for funding

**Application 1** - Koori Kids (amount requested \$450). The applicant is not a local organisation and receives funding from the Federal Department of Education, Employment and Workplace Relations (DEEWR). The funding requested is for a state-wide colouring-in competition to be held during NAIDOC Week. Council remits \$4,000 annually to Merana Aboriginal Community Association for the Hawkesbury Inc.(Merana) to support NAIDOC Week celebrations in the Hawkesbury.

**Application 2** - John Byrnes (amount requested \$50). The applicant wishes to hire a hall to interview (and record) Aboriginal elders to further his investigations into the origins of the naming of Blacktown Road at Freemans Reach, as well as Aboriginal use of silcrete deposits in the Hawkesbury. It is proposed that the applicant be advised to consult with Merana in the first instance to ensure that the proposal is culturally appropriate and has the support of Merana after which it can be resubmitted for determination.

**Application 8** - St Albans Volunteer Bushfire Brigade (amount requested \$3,000). The applicant is seeking funds to install an air conditioner unit to the St Albans Fire Station. Council's 2012/2013 adopted financial estimates included a sum of \$985,000 to fund RFS operations based on a budget bid submitted by the RFS covering both operational costs and capital expenditure items. These funds are centrally provided to the Hawkesbury Rural Fire Service headquarters and are used to support the operations of Volunteer Bushfire Brigades across the Hawkesbury. The application has not been recommended for funding as the application seeks funds for an expense which should be covered by the existing RFS allocation and included in the annual RFS bid. It should be noted that Council has also received an application for \$2,000 to contribute to the publication of a history of the Blaxlands Ridge Rural Fire Service. This application has been recommended for funding on the basis that the proposed activity - the researching and printing of a historical document - would fall outside the scope of the annual RFS bid.

**Application 9** - Special Olympics NSW (amount requested \$3000). The applicant proposes to stage a 'Special Olympics' branded event at Colo Soccer Football Club grounds at Inalls Lane, Richmond on 30 March 2013. The event is to named the "Bryson Anderson Memorial Football Gala Day" which some of the funds raised donated to Anderson family and the balance going to the Special Olympics. The application is not recommended for funding as Council has contributed \$5,000 to the Bryson Anderson Appeal and it would appear that the primary purpose of the event is to introduce 'Special Olympics' into the Hawkesbury. Council may wish to consider providing financial assistance towards the Special Olympics via a 3 year event sponsorship agreement and it is proposed that the applicant be advised to resubmit an application along these lines.

### Applications recommended for partial funding

**Application 3** - Rotary Club of Windsor (amount requested \$1,637, amount recommended \$819) Applicant seeks funding to replace plaques that were originally placed on the picket fence enclosing the oval at McQuade Park. It is recommended that 50% of the requested amount be funded as Council has spent funds in refurbishing and repainting the fence and the plaques were originally installed as part of fundraising activity sponsored by the Rotary Club.

Should the recommended allocations be adopted by Council, funds for the 2012/2013 Community Sponsorship Program will be exhausted (there will be a negligible over expenditure of \$229).

As the budget for the 2012/2013 Community Sponsorship Program has been exhausted, any further applications under the Program will be carried forward and reported to Council in Round 1 of the 2013/2014 program following the adoption of Council's 2013/2014 Budget.

### Conformance to Community Strategic Plan

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

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



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- Develop and implement a community partnership and participation program

It will also contribute to the Goal within the *Shaping our Future Together* element within the Community Strategic Plan:

- Support community initiatives and volunteers

and assist Council to achieve the following CSP measure:

- Level of support to community organisations

### Financial Implications

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

### RECOMMENDATION:

That Council:

1. Approve payments under Section 356 Financial assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 3, 4, 5, 7 and 10 identified in Table 1 of this report.

### ATTACHMENTS:

There are no supporting documents within this report.

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**INFRASTRUCTURE SERVICES**

**Item: 53                    IS - Roadside Vegetation Management Plan - (95495, 79354)**

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**REPORT:**

**Executive Summary**

A Roadside Vegetation Management Plan (RVMP) was prepared in 2009/2010. The aim of the Plan was to identify best practices for preserving biodiversity within Council's roadside corridors. The Plan provides broad management guidelines to those working in road reserves, such as road construction and maintenance activities, to ensure minimal impact on the biodiversity of roadsides.

Whilst this document is an operational plan and does not require adoption by Council, more recent specific grant programs have emerged which have required the adoption of a Policy document, such as an adopted Roadside Vegetation Management Plan.

It is recommended that the Hawkesbury City Council Roadside Vegetation Management Plan (August 2010) be adopted to increase opportunities to access funding for roadside vegetation improvement projects.

**Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy as the Plan does not affect residents directly and pertains only to Council road reserves.

**Background**

Eco Logical Australia was engaged to prepare a Roadside Vegetation Management Plan (RVMP) for the Hawkesbury local government area in 2009/2010. The RVMP aims to provide a strategy for biodiversity management along rural roads in the Hawkesbury which contributes to the improved protection and management of natural assets within the roadside environment.

The development of the RVMP involved an analysis of existing information for the road network and included Hawkesbury local government area vegetation mapping, threatened species records, land ownership, geology and soils mapping. The analysis identified priority roads to be surveyed during the roadside vegetation surveys and grouped roads into one of three classes: high, medium or low conservation priority. A total of 364 km of roads were surveyed, including all high priority roads, 18 medium priority roads and 11 low priority roads. These results have been mapped in a series of map books and identify the condition of the roads assessed as determined through the surveys.

The surveys recorded a total of 364 plant species; including 244 native species, three of which are listed under the NSW *Threatened Species Act 1972* and two of these are listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. A total of 83 introduced species of flora were observed, of which 14 are listed as Noxious Weeds under the NSW *Noxious Weeds Act 1993*. In addition, five of these weed species are 'Weeds of National Significance (WoNS)'.

As part of the RVMP, a roadside signage strategy has been developed to identify high priority and some medium priority conservation areas. This enables work crews to take precautions in areas of high and medium conservation priority areas so as to have minimal impact on native vegetation within roadsides. A fact sheet has been developed to further educate Council staff and community members about the importance of roadside vegetation.



## ORDINARY MEETING

Meeting Date: 26 March 2013

Whilst this document is an operational plan and does not require adoption by Council, more recent specific grant programs have emerged which have required the adoption of a Policy document, such as an adopted Roadside Vegetation Management Plan. It is therefore recommended that the Hawkesbury City Council Roadside Vegetation Management Plan (August 2010) be adopted to enable eligibility for future grant funding opportunities.

### Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment CSP Theme Directions statement;

- Be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
- To look after our cultural and environmental assets for future generations so they too can enjoy and benefit from a clean river and natural ecosystems, rural and cultural landscape.

and is also consistent with Caring for Our Environment strategy in the Community Strategic Plan being:

- Facilitate ecologically sustainable development through the retention and long term management of natural assets

### Financial Implications

Although there are no direct funding implications as a result of Plan adoption, various funding programs may be accessed to implement vegetation management works.

Funding is available through the Roadside Vegetation Implementation Project with the Local Government Shires Association. Any project undertaken through this funding requires a commitment to maintenance which should be no different to current roadside maintenance costs.

Additional funding for implementing the RVMP may be sought from the Hawkesbury-Nepean Catchment Management Authority.

### RECOMMENDATION:

That the Hawkesbury City Council Roadside Vegetation Management Plan (August 2010) be adopted.

### ATTACHMENTS:

- AT - 1** Hawkesbury City Council Roadside Vegetation Management Plan including maps (August 2010)  
- *(to be distributed under separate cover)*

oooO END OF REPORT Oooo



**SUPPORT SERVICES**

**Item: 54                      SS - Monthly Investments Report - February 2013 - (96332, 95496)**

**REPORT:**

**Executive Summary**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$36.85 million in investments at 28 February 2013.

It is recommended that this report be received and noted.

**Consultation**

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

**Background**

The following table indicates that Council held \$36.85 million in investments as at 28 February 2013. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
<b>On Call</b>								
ANZ	A1+	AA-	28-Feb-13		4.35%	3,200,000	8.68%	
CBA	A1+	AA-	28-Feb-13		3.30%	1,400,000	3.83%	
<b>Total On-call Investments</b>								<b>4,600,000</b>
<b>Term Investments</b>								
ANZ	A1+	AA-	24-Oct-12	23-Oct-13	4.62%	1,000,000	2.71%	
ANZ	A1+	AA-	20-Nov-12	17-Apr-13	4.65%	1,000,000	2.71%	
ANZ	A1+	AA-	07-Nov-12	24-Apr-13	4.70%	1,000,000	2.71%	
ANZ	A1+	AA-	07-Nov-12	24-Apr-13	4.70%	1,000,000	2.71%	
ANZ	A1+	AA-	07-Nov-12	22-May-13	4.70%	2,000,000	5.43%	
ANZ	A1+	AA-	05-Dec-12	04-Jun-13	4.65%	1,000,000	2.71%	
Bankwest	A1+	AA-	21-Mar-12	20-Mar-13	5.90%	500,000	1.36%	



# ORDINARY MEETING

Meeting Date: 26 March 2013

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
CUA	A-2	BBB	06-Feb-13	15-Jan-14	6.05%	250,000	0.68%	
NAB	A1+	AA-	25-Jul-12	24-Jul-13	4.92%	1,000,000	2.71%	
NAB	A1+	AA-	20-Nov-12	08-May-13	4.65%	2,000,000	5.43%	
NAB	A1+	AA-	20-Nov-12	15-May-13	4.65%	1,000,000	2.71%	
NAB	A1+	AA-	05-Dec-12	04-Jun-13	4.65%	2,500,000	6.78%	
NAB	A1+	AA-	30-Jan-13	19-Dec-13	4.43%	1,500,000	4.07%	
NAB	A1+	AA-	16-Jan-13	15-Jan-14	4.43%	1,000,000	2.71%	
NAB	A1+	AA-	30-Jan-13	29-Jan-14	4.42%	2,000,000	5.43%	
NAB	A1+	AA-	06-Feb-13	05-Feb-14	4.35%	2,000,000	5.43%	
St George	A1+	AA-	15-Aug-12	21-Aug-13	5.15%	2,000,000	5.43%	
St George	A1+	AA-	22-Aug-12	18-Sept-13	5.16%	2,000,000	5.43%	
St George	A1+	AA-	22-Aug-12	16-Oct-13	5.16%	1,500,000	4.07%	
Westpac	A1+	AA-	05-Sep-12	04-Mar-13	5.05%	2,500,000	6.78%	
Westpac	A1+	AA-	26-Sep-12	20-Mar-13	5.00%	1,000,000	2.71%	
Westpac	A1+	AA-	10-Oct-12	08-Apr-13	4.80%	1,000,000	2.71%	
Westpac	A1+	AA-	20-Feb-13	19-Feb-14	4.30%	1,500,000	4.07%	
<b>Total Term Investments</b>								<b>32,250,000</b>
<b>TOTAL INVESTMENT AS AT 28 FEBRUARY 2013</b>								<b>36,850,000</b>

## Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	4,600,000	4.03%	Reserve Bank Cash Reference Rate	3.00%	1.03%
Term Deposit	32,250,000	4.76%	UBS 90 Day Bank Bill Rate	2.95%	1.81%
<b>Total</b>	<b>36,850,000</b>	<b>4.67%</b>			

## Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	7,562,291
External Restrictions - Other	4,528,979
Internal Restrictions	14,357,229
Unrestricted	10,401,501
<b>Total</b>	<b>36,850,000</b>

Funds subject to external restrictions cannot be utilised for any purpose other than that specified, in line with legislative requirements. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Stormwater Management and Grants.



## ORDINARY MEETING

Meeting Date: 26 March 2013

Internal restrictions refer to funds allocated through a Council Resolution for specific purposes, or to meet future known expenses. Whilst it would 'technically' be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended, nor would it be 'good business practice'. Internally restricted funds include funds relating to Tip Remediation, Plant Replacement, Risk Management and Election.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

### ***Investment Commentary***

The investment portfolio increased by \$0.85 million for the month of February 2013. During February 2013, income was received totalling \$6.57 million, including rate payments amounting to \$4.10 million, while payments to suppliers and staff costs amounted to \$5.13 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

As at 28 February 2013, Council has invested \$6.0 million with second tier financial institutions, that are wholly owned subsidiaries of major trading banks, and \$0.25 million invested with a second tier institution that is not a wholly owned subsidiary of a major Australian trading bank, with the remaining funds being invested with first tier institutions. Council's adopted Investment Policy allows Council to invest funds with second tier Authorised Deposit-taking Institutions that are wholly owned subsidiaries of major Australian trading banks, subject to conditions stipulated in the Policy. Investments in second tier financial institutions, that are not wholly owned subsidiaries of major trading banks, are limited to the amount guaranteed under the Financial Claims Scheme (FCS) for Authorised Deposit-taking Institutions (ADIs), in line with Council's Investment Policy.

The FCS protects depositors by guaranteeing deposits (up to the cap) held in ADIs incorporated in Australia, and allows quick access to deposits if an ADI becomes insolvent. A permanent guarantee cap, per account holder, per ADI, of \$250,000, has been in place since 1 February 2012.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 26 June 2012.

### ***Investment Certification***

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

### **Conformance to Community Strategic Plan**

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

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

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

- Maintain and review a sustainable long term financial framework.

### **Financial Implications**

Funds have been invested with the aim of achieving budgeted income in 2012/2013.



**ORDINARY MEETING**

**Meeting Date:** 26 March 2013

**RECOMMENDATION:**

The report regarding the monthly investments for February 2013 be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



## ORDINARY MEETING

Meeting Date: 26 March 2013

### CONFIDENTIAL REPORTS

Item: 55                    GM - Property Matter - Acquisition of Land at Pitt Town - (79351)  
CONFIDENTIAL

Previous Item:            127 (Ordinary, 12 July 2012)

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#### Reason for Confidentiality

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

*Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the sale and/or purchase of property by the Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*



**ORDINARY MEETING**

**Meeting Date:** 26 March 2013



ordinary

section 5

reports  
of committees



**ORDINARY MEETING**  
Reports of Committees



**SECTION 5 - Reports of Committees**

**ROC - Heritage Advisory Committee Minutes - 21 February 2013 - (80242)**

The meeting commenced at 5:18pm on Thursday, 21 February 2013.

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**Present:** Mr John Miller  
Mr Glenn Falson  
Councillor Patrick Conolly  
Ms Michelle Nichols  
Mr Jonathan Auld  
Ms Janice Hart  
Ms Judith Newland  
Ms Carol Roberts

**Apologies:** Professor Ian Jack

**In Attendance:** Mr Matthew Owens  
Mrs Shari Hussein  
Ms Robyn Kozjak

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**REPORT:**

Mr Owens opened the meeting, advising the Committee of the requirement for an election of Chairperson and Deputy Chairperson.

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

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Mr Matthew Owens called for nominations for the position of Chairperson. One nomination was received, being:

Professor Ian Jack	Nominated by Jonathan Auld (in Professor Jack's absence) Seconded by Mr John Miller
--------------------	--

**MOTION:**

RESOLVED on the motion of Mr Jonathan Auld, seconded by Mr John Miller

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Chairperson of the Heritage Advisory Committee for the 2012/2013 term of the Committee be carried out.



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

Mr Matthew Owens declared Professor Ian Jack elected as the Chairperson of the Heritage Advisory Committee for the 2012/2013 term of the Committee (subject to his acceptance).

Mr Matthew Owens called for nominations for the position of Deputy Chairperson. One nomination was received, being:

Mr Jonathan Auld	Nominated by Ms Michelle Nichols
	Seconded by Ms Judy Newland

**MOTION:**

RESOLVED on the motion of Ms Michelle Nichols, seconded by Ms Judy Newland

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That an election for the position of Deputy Chairperson of the Heritage Advisory Committee for the 2012/2013 term of the Committee be carried out.

Mr Matthew Owens declared Mr Jonathan Auld the Deputy Chairperson of the Heritage Advisory Committee for the 2012/2013 term of the Committee.

*Mr Owens handed the meeting over to the Chair.*

The Chair welcomed the Committee and invited all attendees to introduce themselves.

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Ms Michelle Nichols and seconded by Ms Janice Hart that the Minutes of the Heritage Advisory Committee held on 9 August 2012, be confirmed.

**BUSINESS ARISING**

- Mr Miller enquired as to the status of the proposed State Listing of Yobarnie and Nevallan Keyline Farms. Mr Owens responded the nomination for State Listing was ratified by the Heritage Council in November and the recommendation had been sent to the Minister. Mr Owens added Council was reviewing a rezoning proposal for the same site, and a Sub-committee had been formed by the Heritage Council to investigate the development proposal for the site.
- Ms Nichols provided an update on the Working Party for Cemeteries discussion paper, advising she had completed a listing of all cemeteries and was in the progress of preparing a full report, which, upon completion, would be distributed to members at a future HAC meeting.
- Ms Roberts made further reference to the Keyline Farms, and asked Mr Owens if she could be provided with a copy of the planning proposal previously distributed to the Committee. Mr Owens responded the Conservation Management Plan originally submitted was currently being amended, and once completed would be forwarded to the Heritage Council for endorsement. Mr Owens advised once the ratified document had been provided to Council, he would arrange distribution to members.



# ORDINARY MEETING

## Reports of Committees

### Attendance Register of Heritage Advisory Committee

Member	21.02.13				
Mr Glenn Falson	✓				
Ms Janice Hart	✓				
Mr John Miller	✓				
Professor Ian Jack	A				
Ms Carol Roberts	✓				
Mr Jonathan Auld	✓				
Ms Michelle Nichols	✓				
Ms Judith Newland	✓				

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



**SECTION 3 - Reports for Determination**

**2. ITEM: 2 Developing an Education and Awareness Campaign**

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**DISCUSSION:**

- Mrs Hussein made reference to the (previous) Committee's desire to see more heritage information provided on Council's website. Mrs Hussein reported she had procured the services of a planning student who had assisted in gathering and uploading information to the website. Mrs Hussein sought guidance from the Committee in relation to prioritising topics for inclusion on the website. Ms Nichols made reference to a Thematic History Study prepared some time ago by Helen Proudfoot and suggested that information would be beneficial to place on Council's website. Other suggestions included archaeological and slab barn studies.
- Mr Auld commented on the length of the URL on Council's website, suggesting a sub domain be created.

**RECOMMENDATION TO COMMITTEE:**

That the information be received and considered by the Committee.

**MOTION:**

RESOLVED on the motion of Mr Glenn Falson, seconded by Ms Michelle Nichols.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That the information be received and considered by the Committee.

**SECTION 4 - Reports for Information**

**ITEM: 3 Draft Hawkesbury Community Strategic Plan 2013 - 2032**

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**DISCUSSION:**

Mr Owens advised the Draft Hawkesbury Community Strategic Plan 2013-2032 had been included as a standard item in all Council Committees and advised members of the various methods of making a submission, should they wish to do so.

**RECOMMENDATION TO COMMITTEE:**

That the information contained in this report be received.

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Mr Glenn Falson.

***Refer to COMMITTEE RECOMMENDATION***



**COMMITTEE RECOMMENDATION:**

That the information contained in this report be received.

**ITEM: 4      Role of the Heritage Advisory Committee and Adopted 3 Year Heritage Strategy**

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**DISCUSSION:**

- Mr Owens referred to the objectives in Part 3 of the Constitution, advising the Committee those objectives set the terms of reference for the Committee, which was essentially to promote heritage.
- Mrs Hussein referred to the 3 Year Heritage Strategy and asked members if they wished to continue working on the previously agreed priorities for 2012. Mrs Hussein advised she would bring back to the Committee an adjusted strategy and priorities for 2013 and invited members to provide feedback via email in this regard.
- Mr Auld referred to the wording "Heritage Week" in the Constitution, advising that event was now called "Heritage Festival". Mr Owens suggested the wording be changed to "relevant events" to cover future name changes of events.

**RECOMMENDATION TO COMMITTEE:**

That the information regarding the role of the Heritage Advisory Committee and 3 year Heritage Strategy be received.

**MOTION:**

RESOLVED on the motion of Mr John Miller, seconded by Councillor Conolly.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**

That the information regarding the role of the Heritage Advisory Committee and 3 year Heritage Strategy be received.

**SECTION 5 - General Business**

- Bi-Centenary of Crossing of Blue Mountains  
  
Mr Miller tabled a document containing draft wording relating to a proposal to erect a memorial plinth in recognition of the outstanding contribution made by William Evans and William Cox to the development of Australia. Mr Miller reported he had liaised with the Director of Infrastructure Services regarding the plaque and asked for members input on the proposed wording and most suitable site.

**MOTION:**

RESOLVED on the motion of Councillor Conolly, seconded by Ms Janice Hart.

*Refer to COMMITTEE RECOMMENDATION*

**COMMITTEE RECOMMENDATION:**



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

That the Heritage Advisory Committee request a plaque with suitable wording based on the information presented in the tabled report, be brought to the attention of the Cultural Services Manager and the Director Infrastructure Services for their consideration, with input from the Heritage Advisory Committee.

- **Code of Conduct**

The current Code of Conduct was distributed to members. Mr Owens advised an updated version of the document was imminent and would be distributed in due course.

- Mr Miller suggested a staff member be appointed as a representative to attend the Blue Mountains Crossing Committee meetings, reporting he been requested to attend the meetings on behalf of the Mayor. Mr Miller added the meetings were held every two months on a Friday afternoon at various venues including Lithgow, Katoomba, Penrith and Lawson. Mr Owens responded the matter had been previously raised with the General Manager and unfortunately staff resources did not extend to providing a representative to attend those meetings. Councillor Conolly advised he would investigate the possibility of his attending the meetings.
- Ms Nichols added the State Library had contacted Council's library seeking participation in a travelling exhibition relating to the crossing of the Blue Mountains and were investigating feasible dates for 2014.
- It was advised Ms Whiteley from Cultural Services had reported the Visitors Information Centre has had many enquiries about walking tours in the area. Ms Nichols added Cultural Services have created a suite of heritage walks and Macquarie driving tours and invited members to contribute ideas / assistance for other walking tours.
- Mr Owens referred to tentative future meeting dates set for the Heritage Advisory Committee and members subsequently agreed to meet on 9 May 2013.
- Mrs Hussein invited feedback (by 28 March) on the Draft Education and Awareness Plan, to be reported at the next meeting on 9 May 2013. Mrs Hussein also advised the 3 Year Strategy and the one year plan would be reported to the next meeting.
- Ms Nichols made reference to the (previous) Committee's work on the Macquarie Plans and its formation of a separate Sub-committee to enable the project to progress. Ms Nichols suggested a similar structure be formed to progress projects. Mr Owens concurred with Ms Nichols suggestion.

The meeting closed at 6:49pm.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**  
Reports of Committees

**ROC - Local Traffic Committee - 11 March 2013 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Monday, 11 March 2013, commencing at 3:00pm.

**ATTENDANCE**

<b>Present:</b>	Councillor Kim Ford (Chairman) Mr Richard McHenery, Roads and Maritime Services Snr Constable Debbie Byrnes, NSW Police Force
<b>Apologies:</b>	Mr Bart Bassett, MP (Londonderry) Mr Kevin Conolly, MP (Riverstone) Mr Ray Williams, MP (Hawkesbury) Snr Constable Romelda McInerny, NSW Police Force Ms Jill Lewis, NSW Taxi Council Ms Jodie Edmunds, Westbus Mr Carlos DeSousa, Hawkesbury Valley Bus Service Ms Laurel Tweedie, Administrative Officer, Infrastructure Services
<b>In Attendance:</b>	Mr C Amit, Manager, Design & Mapping Services Ms J Wong, Community Safety Coordinator

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The Chairman tendered an apology on behalf of Mr Kevin Conolly (Riverstone), advising that Mr Kevin Conolly (Riverstone), concurred with recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on his behalf.

**SECTION 1 - Minutes**

**Item 1.1 Confirmation of Minutes**

The Committee resolved on the Motion of Senior Constable Debbie Byrnes, seconded by Councillor Kim Ford, that the minutes of the previous meeting held on 11 February 2013 be confirmed.

**Item 1.2 Business Arising**

There was no business arising from the previous minutes.



**SECTION 2 - Reports for Determination**

**Item 2.1      LTC - 11 March 2013 - Item 2.1 - Hawkesbury Triathlon Club Races, July 2013 - July 2014 - (Riverstone & Londonderry) - (80245, 89093)**

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**REPORT:**

**Introduction:**

An application has been received from the Hawkesbury Triathlon Club seeking approval (in traffic management terms) to conduct Triathlon and Duathlon races generally on the last Sunday of each month from July 2013 to June 2014, utilising Deerubbin Park, Cornwallis, as a base area.

The event organiser has advised;

- The Triathlon and Duathlon Club races involve Swimming, Cycling and Running,
- The event has been held for the past 17 years,
- Maximum of 60 participants are expected,
- Approximately 20 spectators are expected,
- Event Schedule:

**2013**

Sunday July 28, 2013 Duathlon 8.00 - 11.00am  
Sunday August 25, 2013 Duathlon 8.00 - 11.00am  
Sunday September 29, 2013 Triathlon 7.00 - 10.00am  
Sunday October 27, 2013 Triathlon 7.00 - 10.00am  
Sunday November 24, 2013 Triathlon 7.00 - 10.00am  
Sunday December 15, 2013 Triathlon 7.00 - 10.00am

**2014**

Sunday January 19, 2014 Triathlon 7.00 - 10.00am  
Sunday February 23, 2014 Triathlon 7.00 - 10.00am  
Sunday March 30, 2014 Triathlon 7.00 - 10.00am  
Sunday April 27, 2014 Duathlon 8.00 - 11.00am  
Sunday May 25, 2014 Duathlon 8.00 - 11.00am  
Sunday June 29, 2014 Duathlon 8.00 - 11.00am

- Event Description:

Triathlon

Swim: 750 -Three laps within the Hawkesbury River

Cycle: 20km -Two laps of the following route;

Start in the vicinity of Deerubbin Park, Cornwallis,

Along Cornwallis Road

Turning left into Cupitts Lane

Turning left into Percival Street Turning left into Hawkesbury Valley Way - RMS road (Formerly Richmond Road)

Turning left into Moses Street

Turning left into Greenway Crescent and back to Deerubbin Park

Run: 5km - Four laps (within Deerubbin Park and Cornwallis Road)



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

Duathlon

Run: 2.5km - Two laps (within Deerubbin Park and Cornwallis Road)

Cycle: 20km - Similar to Triathlon

Run: 5km - Similar to Triathlon

- No road closures are required,
- Road Marshalls will be positioned along the route,
- Approval for the use of Deerubbin Park has been provided by the Hawkesbury Sports Council Inc.

Refer to Attachment 1: Event Route Plan – Hawkesbury Triathlon Club Races 2013-2014.

**Discussion:**

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact minor traffic and transport systems and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document No: 4292371):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Club Race Dates 2013/2014 and Event Route Plan for the 2013/2014 events,
5. Copy of the Advertisement to be placed in the Hawkesbury Courier and Hawkesbury Gazette – example used from the November 2012 event.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr Richard McHenery seconded by Snr Constable Debbie Byrnes.

Support for Recommendation - Unanimous.

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury Triathlon and Duathlon Races event, utilising Deerubbin Park, Cornwallis, as a base area planned for;

**2013**

Sunday July 28, 2013 Duathlon 8.00 - 11.00am



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

Sunday August 25, 2013 Duathlon 8.00 - 11.00am  
Sunday September 29, 2013 Triathlon 7.00 - 10.00am  
Sunday October 27, 2013 Triathlon 7.00 - 10.00 am  
Sunday November 24, 2013 Triathlon 7.00 - 10.00 am  
Sunday December 15, 2013 Triathlon 7.00 - 10.00 am

**2014**

Sunday January 19, 2014 Triathlon 7.00 - 10.00am  
Sunday February 23, 2014 Triathlon 7.00 - 10.00am  
Sunday March 30, 2014 Triathlon 7.00 - 10.00am  
Sunday April 27, 2014 Duathlon 8.00 - 11.00am  
Sunday May 25, 2014 Duathlon 8.00 - 11.00am  
Sunday June 29, 2014 Duathlon 8.00 - 11.00am

be classified as a “**Class 2**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation’s web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route / site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Roads and Maritime Services - RMS (formerly RTA) as the event will traverse across Rickaby’s Creek Bridge along Hawkesbury Valley Way; **a copy of the Roads and Maritime Services - RMS (formerly RTA) approval to be submitted to Council;**



## ORDINARY MEETING

### Reports of Committees

- 4e. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. as the event will traverse across Rickaby's Creek Bridge located along Hawkesbury Valley Way, which is under the care and control of the Roads and Maritime Services - RMS (formerly RTA), the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$20,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activity**;
- 4g. As the event will traverse public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with the associated fee, to occupy the road.
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council**;
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4j. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc for the use of Deerubbin Park; **a copy of the correspondence to be submitted to Council**;
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council** (indicating the advertising medium);
- 4l. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4m. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4o. the event organiser is to **submit the completed " Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council**;

#### During the event:

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);



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

- 4s. the runners and cyclist are to be made aware of and are to follow all the general road user rules whilst running and cycling on public roads;
- 4t. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4u. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4v. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

**APPENDICES:**

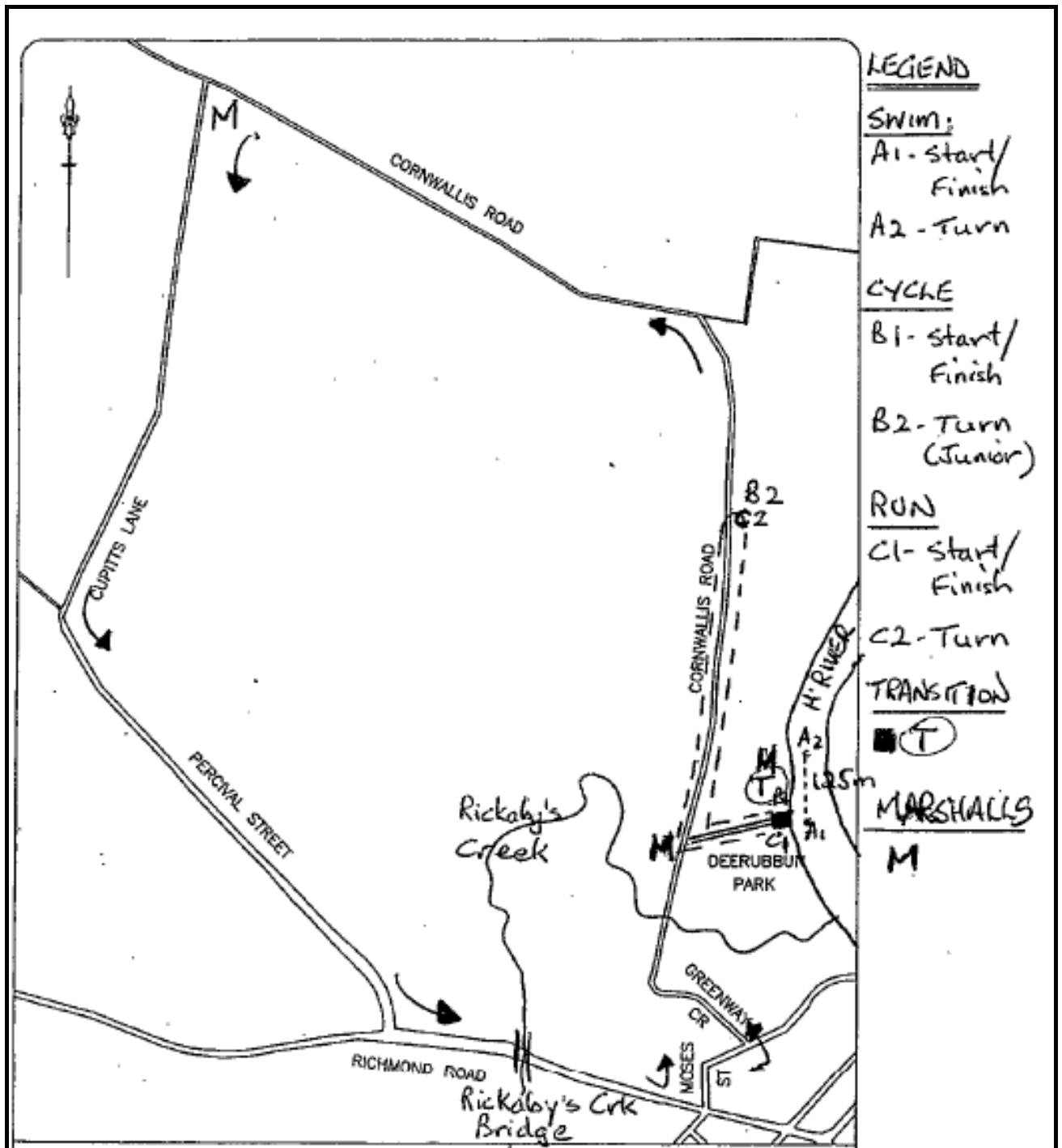
**AT 1** Event Route Plan – Hawkesbury Triathlon Club Races 2013-2014.

**AT 2** Special Event Application - (ECM Document No. 4292371) - *see attached*



ORDINARY MEETING  
Reports of Committees

AT – 1 Event Route Plan – Hawkesbury Triathlon Club Races 2013-2014





**Item 2.2      LTC - 11 March 2013 - Item 2.2 - Ride 2 Riverstone Bicycle Event - 2013 (Hawkesbury & Riverstone) - (80245, 118318)**

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**REPORT:**

**Introduction:**

An application has been received from the Riverstone & District Lions Club seeking approval (in traffic management terms) to conduct the 'Ride 2 Riverstone' Bicycle Event 2013, in part, within the Oakville/Maraylya/Vineyard area on Sunday 05 May 2013, from 7.30am to 1.00pm.

The event organiser has advised:

- The event has been held annually since 2010.
- The overall event is a family oriented bicycle ride for charity, over several routes which will extend across The Hills, Blacktown and Hawkesbury Local Government Areas (LGA's);
- An alternative date is proposed for Sunday, 19 May 2013;
- The component of the event within the Hawkesbury LGA is within the Oakville/Maraylya/Vineyard area;
- The event is a Bicycle Ride and Not a Race;
- The start and finish of the event will be bounded by Park, Pitt, George and Market Streets, Riverstone, located within the Blacktown LGA;
- Traffic control signs will be distributed the previous day and left at secure locations along the route. The start site will be set up from 5.00am on the event day. Marshalls will put traffic control signs in place just prior to the commencement of the event;
- Marshalls will not be permitted to control the movement of motorised traffic. Their role will be to advise cyclists of the presence of approaching traffic.
- Marshalls will be deployed at each intersection identified as posing a perceived risk to a riders safety and supervise the movements of the cyclists at those intersections and also provide a visual link between cyclists and other traffic;
- Sectors will be cleared as the event passes and it is proposed to have the route clear by 1.30pm. The finish site will be cleared by 5.00pm;
- The event will attract very low levels of spectators as it is being held on semi-rural roads;
- Approximately 500 riders are expected to participate;
- Riders will be able to nominate distances of 30, 55, 80 & 100 Kilometres;
- The 4 different ride distances are within the one event. The routes have been planned to ensure that it traverses areas of relatively low traffic flow;
- The main route is approximately 55 Kilometres in length (across the 3 LGA's) and that route will form the basis of the 4 rides, with additional loops of the route utilised for the 80 and 100 Kilometre rides (2 laps);



## ORDINARY MEETING

### Reports of Committees

- All roads along the route within the Hawkesbury LGA are sealed, with the exception of Cusack Road which is predominantly unsealed with short sections at its intersection with Midson Road and Boundary Road being sealed.
- Road Closures are not required in the Hawkesbury Area.
- The Bicycle Ride will be conducted along the following route within the Hawkesbury LGA:
  - Enter Bandon Road from O'Connell Street located within the Blacktown Council Area (turn right from O'Connell Street into Bandon Road),
  - Travel north along Bandon Road, across the signalised intersection of Windsor Road into Chapman Road,
  - Travel along Chapman Road to Commercial Road and across into Bocks Road,
  - Travel along Bocks Road and turn left into Hanckel Road for the 55, 80 and 100 Kilometre riders, *(the riders for the 30 Kilometre route will turn right at this point and proceed - overall distance of approximately 800 metres - along Hanckel Road towards Old Pitt Town Road, turn right at Old Pitt Town Road and travel along Old Pitt Town Road and across Boundary Road into The Hills LGA section of Old Pitt Town Road),*
  - Travel along Hanckel Road, and then into Ogden Road and turn right into Smith Road,
  - Travel along Smith Road and turn left into Saunders Road,
  - Travel along Saunders Road and turn right into Old Stock Route Road,
  - Travel along Old Stock Route Road, turn left at the intersection of Scheyville Road (continuation of Old Stock Route Road), and turn left into Old Pitt Town Road,
  - Travel along Old Pitt Town Road and turn right into Airstrip Road,
  - Travel along Airstrip Road and turn right into Pitt Town Dural Road,
  - Travel along Pitt Town Dural Road, turn right at the intersection with Pebbly Hill Road (continuation of Pitt Town Dural Road), and turn right into Scheyville Road,
  - Travel along Scheyville Road, and turn left into Dormitory Hill Road,
  - Travel along Dormitory Hill Road and turn left into Midson Road,
  - Travel along Midson Road and turn right into Cusack Road
  - Travel along Cusack Road, across the intersection of Boundary Road into Maguires Road located in The Hills LGA.
  - The route distance within the Hawkesbury LGA is approximately 18 Kilometres.
  - For the 100 kilometre ride, the riders will re-enter the Hawkesbury LGA (overall distance of approximately 3.3 Kilometres) from the Hills LGA via Old Pitt Town Road, across Boundary Road, travel along Old Pitt Town Road and turn right into Midson Road.
  - Travel along Midson Road, past Dormitory Hill Road and turn right into Cusack Road,
  - Travel along Cusack Road, across the intersection of Boundary Road into Maguires Road located in The Hills LGA.

Refer to Attachments 1 to 5 for Details of the Event Route.

#### Discussion:

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



## ORDINARY MEETING

### Reports of Committees

Hawkesbury LGA Route - Oakville/Maraylya/Vineyard			
Road Name	Speed Limit (kph)	ADT (Year)	Sealed Carriageway Width (m)
Bandon Road	60	3324 (1996)	7.1 – 10.0
Chapman Road	60	1743 (1998)	6.1 – 14.0
Bocks Road	70	549 (1996)	6.1 – 6.6
Hanckel Road	60 & 70	1498 (2002)	5.7
Ogden Road	60 & 70	190 (1999)	7.5
Smith Road	70	342 (1999)	6.1
Saunders Road	70	729 (1996)	5.5
Old Stock Route Road	70	2335 (1996)	5.9 – 6.7
Old Pitt Town Road	70	908 (2003)	5.2
Airstrip Road	70	Not Available	6.4
Pitt Town Dural Road	70	1782 (2001)	6.3 – 6.4
Scheyville Road	70	2254 (2001)	5.9
Dormitory Hill Road	70	Not Available	5.5
Midson Road	70	418 (1998)	5.4
Cusack Road ( <i>mainly unsealed, with both ends sealed at its intersections</i> )	70	71 (2010)	9.5 (87 m Sealed / 470 m Unsealed)
Boundary Road	80	3121 (2008)	6.2 – 6.4

The event organiser should assess the risk and address the suitability of the route as part of the risk assessment considering the speed limit, road width, pavement surface, number of bicycles, traffic volume and bicycles travelling close to the edge of the sealed travelling lane.

The event organiser has submitted the following items in relation to the event: Attachment 5 (ECM Document Nos. 4319161 & 4319449:

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP), from the 2012 event which includes the dates for the 2013 event.
5. Public Liability Insurance Policy which expires on 01 September 2013.
6. Copy of approval letter from Blacktown City Council.

#### COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Debbie Byrnes, seconded by Councillor Kim Ford.

Support for Recommendation - Unanimous



That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The 'Ride 2 Riverstone' Bicycle Event 2013, which is a cross regional event and will traverse across 3 Local Government Areas and cross/traverse a classified road, with the Hawkesbury LGA component being within the Oakville/Maraylya/Vineyard area, planned for Sunday 05 May 2013 (alternative date 19 May 2013) be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route / site as part of the risk assessment considering the possible risks for all participants (in particular the section of Cusack Road which is unsealed – an alternate route may need to be sought based on the condition of the pavement surface on the day of the event);. 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;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to **obtain** approval from the Transport Management Centre – TMC as this is a "Class 1" event and the event will cross/traverse along a classified road; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**



## ORDINARY MEETING

### Reports of Committees

- 4e. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. As the event will traverse public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with the associated fee, to occupy the road.
- 4g. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4h. the event organiser is to obtain approval from The Hills Council for the use of their roads and obtain any other necessary approvals from The Hills Council. It is noted that approval has been granted by Blacktown City Council to undertake the event in its Local Government Area; **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to **submit** the completed " Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council;**

#### **During the event:**

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. the cyclist are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;



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

- 4r. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4t. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4u. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

**APPENDICES:**

**AT - 1** Ride 2 Riverstone – Event Overview Route Plan.

**AT - 2** Ride 2 Riverstone - 30 Kilometre Route Plan.

**AT - 3** Ride 2 Riverstone - 55 Kilometre Route Plan.

**AT - 4** Ride 2 Riverstone - 80 Kilometre Route Plan.

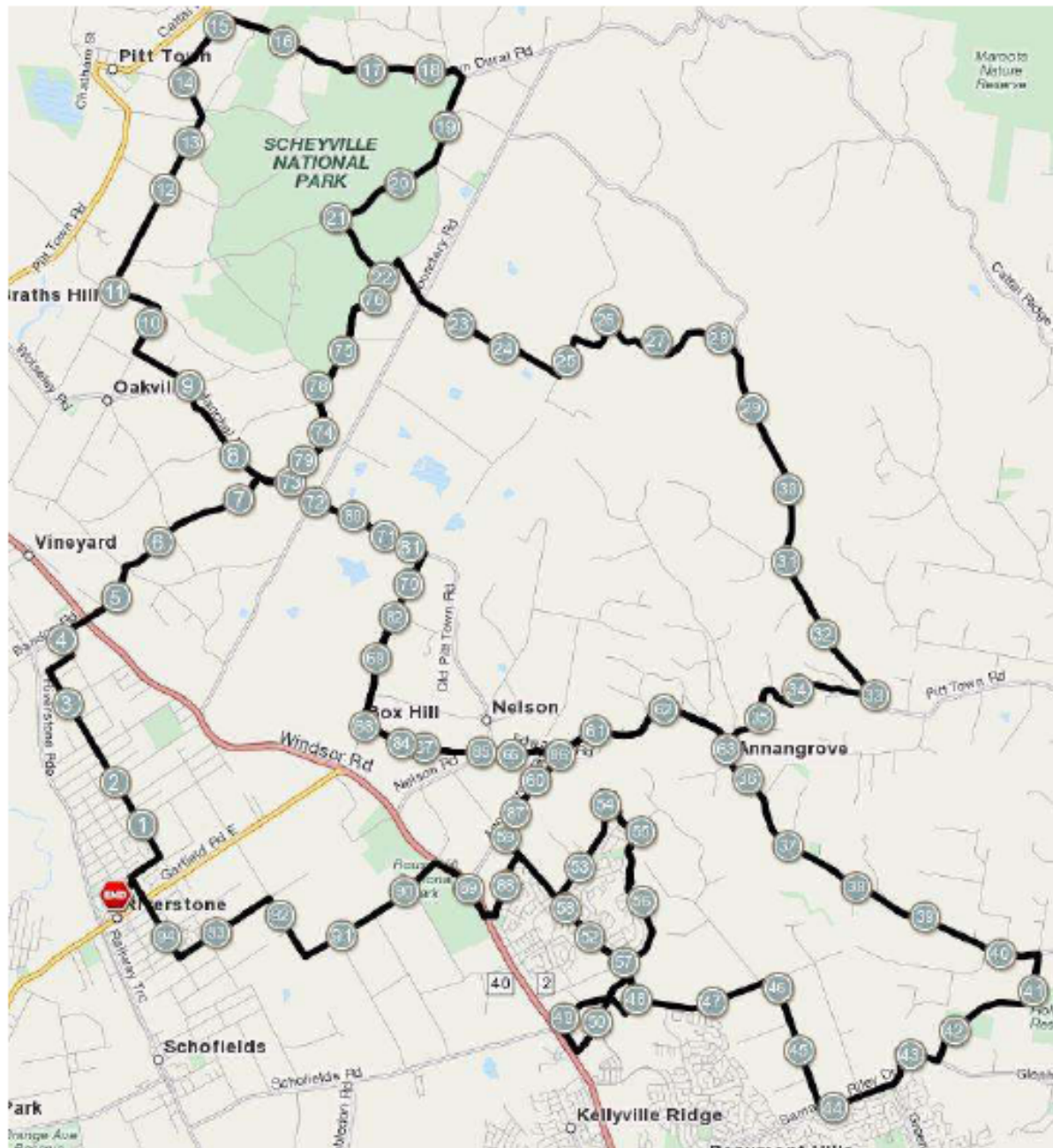
**AT - 5** Ride 2 Riverstone - 100 Kilometre Route Plan.

**AT - 6** Special Event Application - (ECM Document Nos. 4319161 & 4319449) - *see attached*.



**AT - 1 Ride 2 Riverstone – Event Overview Route Plan**

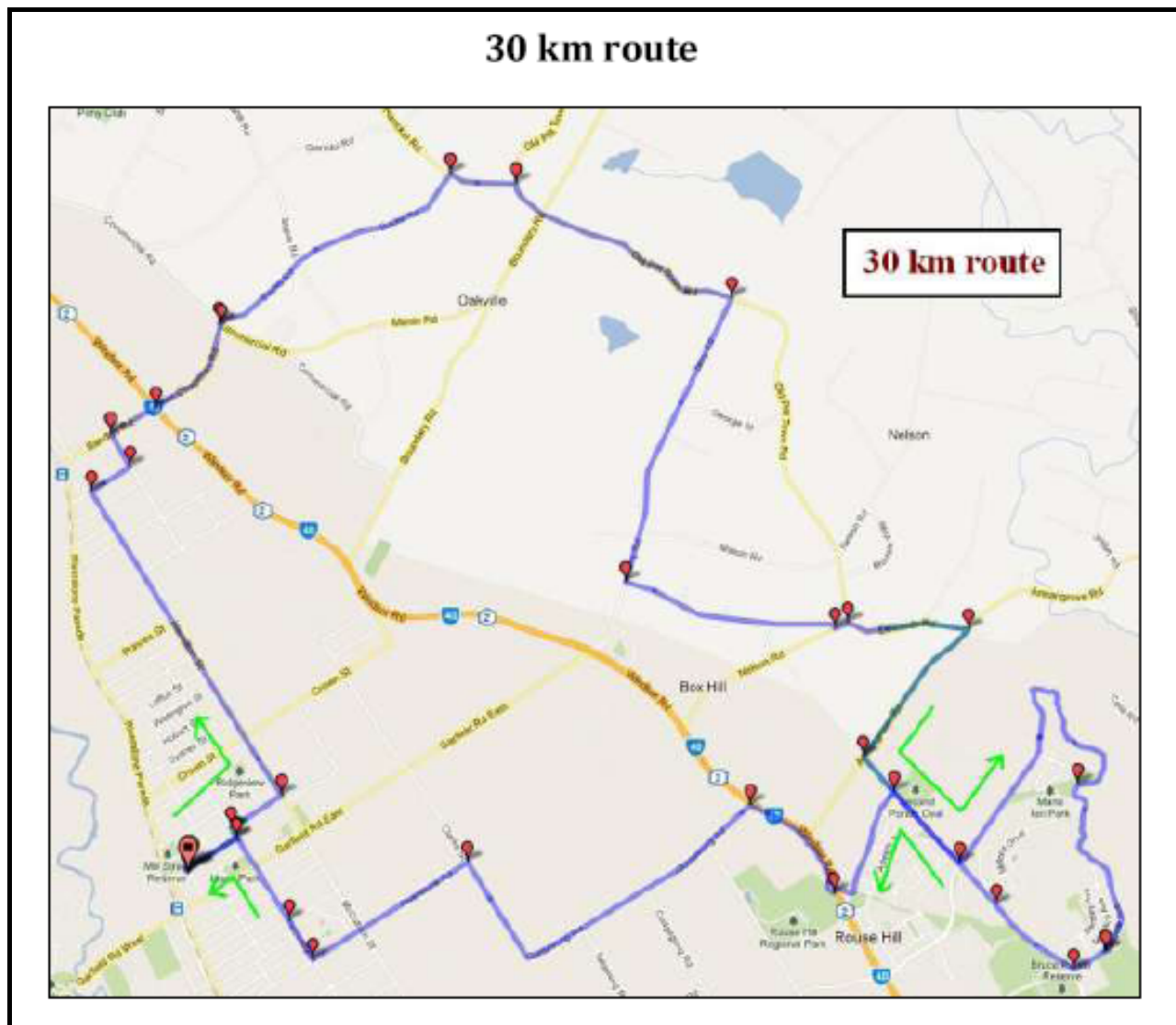
**Event overview – All roads used**



Note: Section around Rouse Hill Town Centre (Numbers 49 & 50 in above map) not in use this year. Riders will continue along Withers Rd – from number 48 to 57.

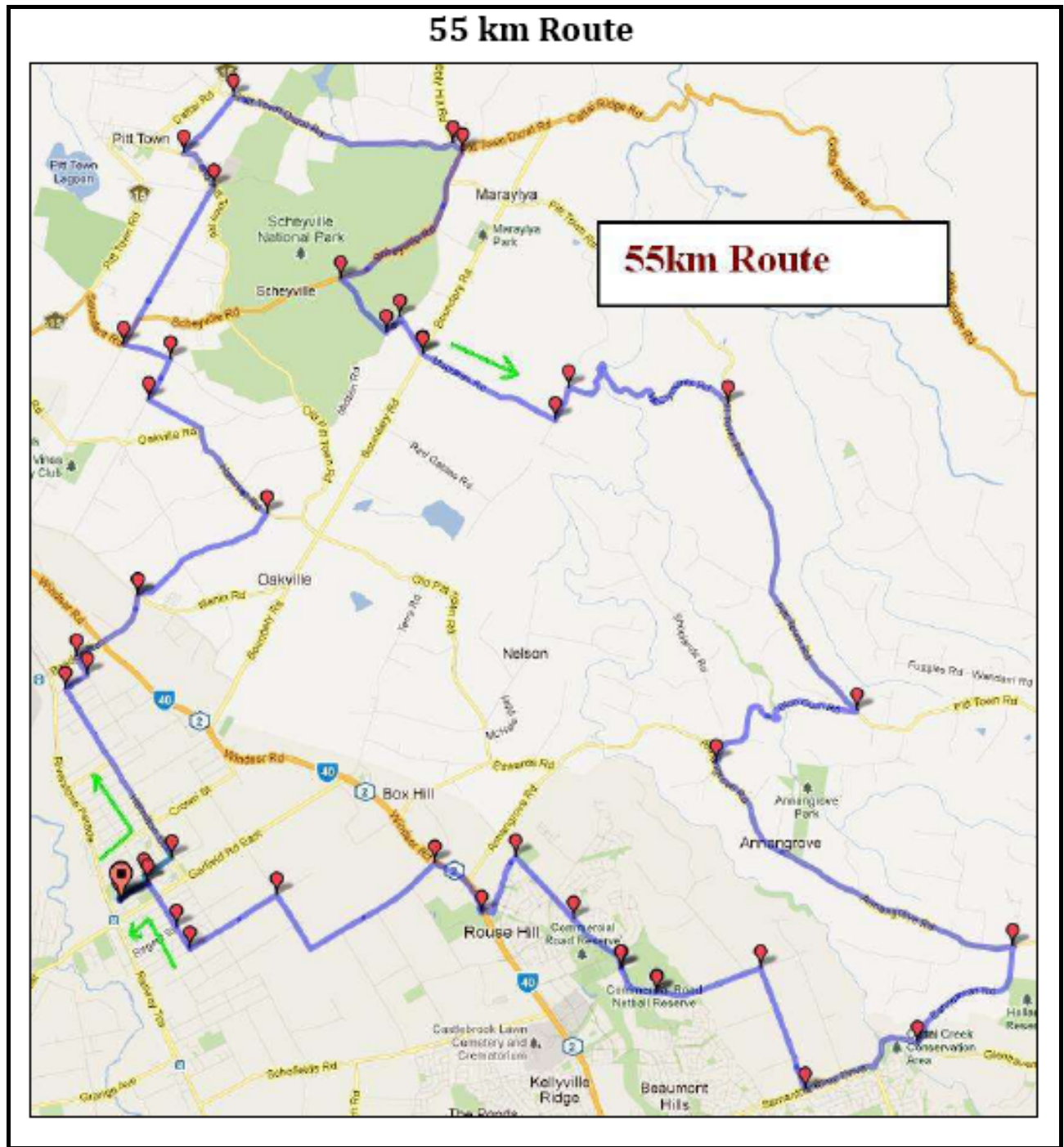


AT - 2 Ride 2 Riverstone - 30 Kilometre Route Plan.



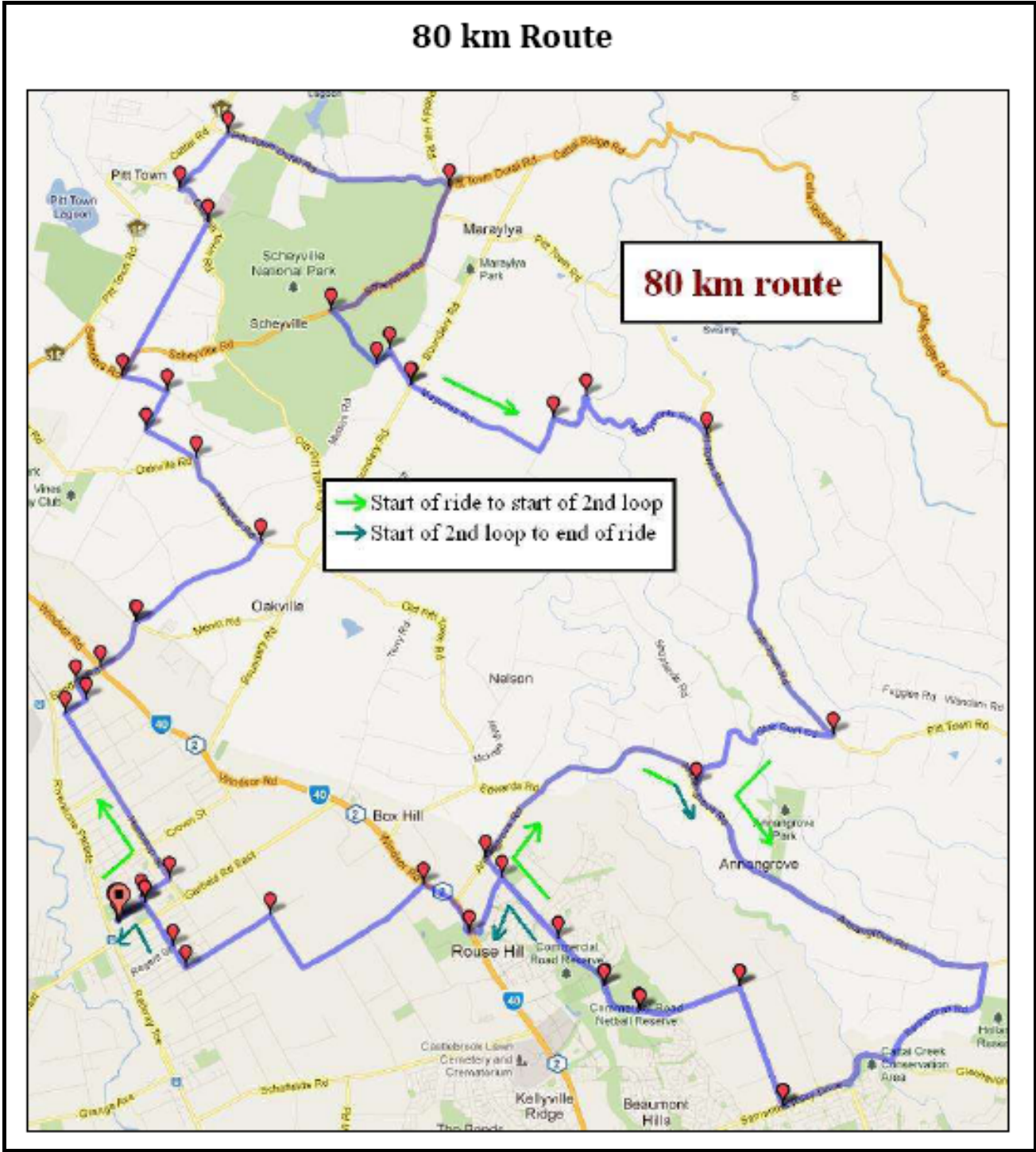


AT - 3 Ride 2 Riverstone - 55 Kilometre Route Plan.



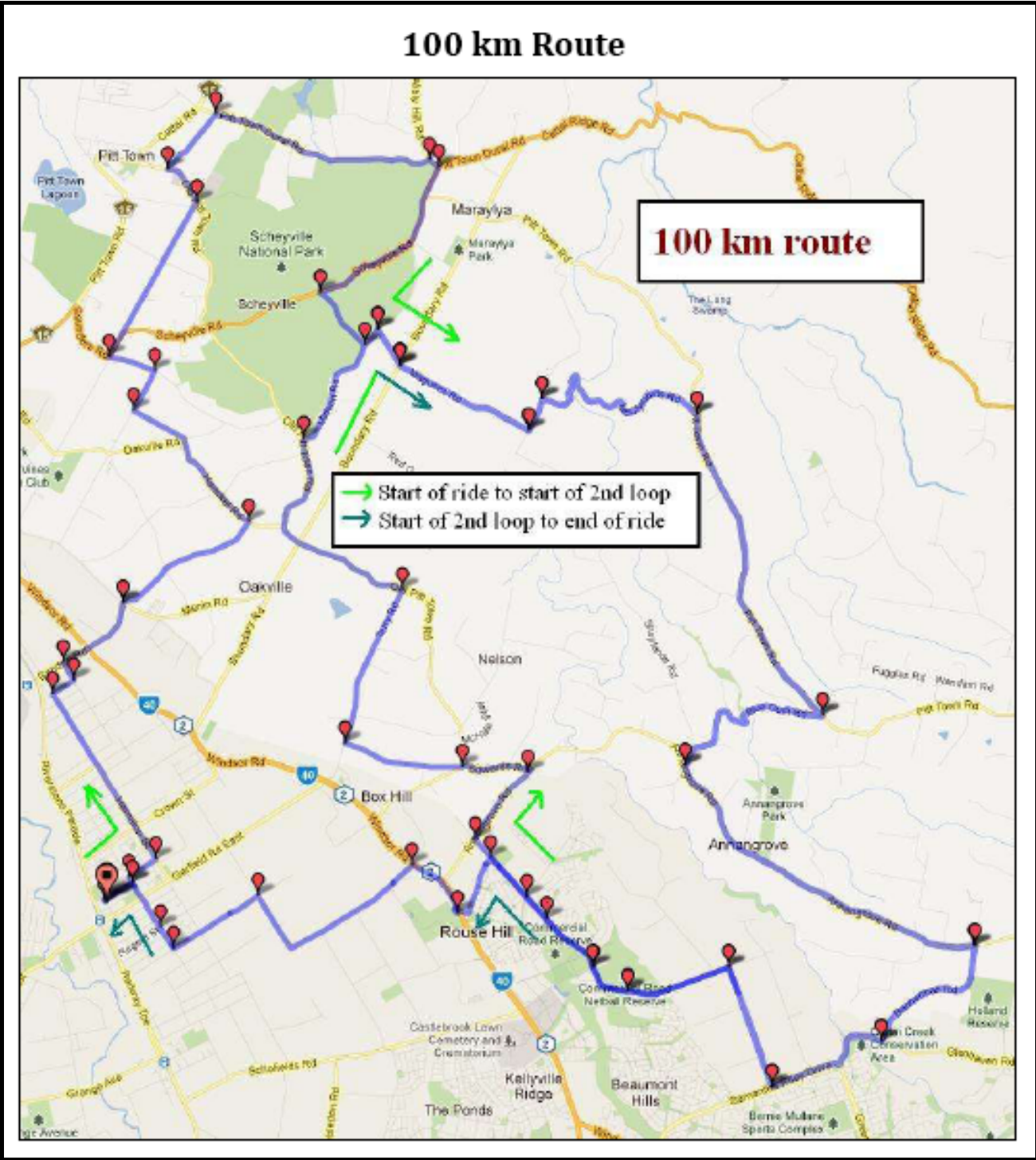


## AT - 4 Ride 2 Riverstone - 80 Kilometre Route Plan.





## AT - 5 Ride 2 Riverstone - 100 Kilometre Route Plan.





### **SECTION 3 - Reports for Information**

There were no reports for information.

### **SECTION 4 - General Business**

**Item 4.1      LTC - 11 March 2013 - Item 4.1 - Speed limit changes to George Street, Windsor and South Windsor, (Riverstone) - (80245, 123265)**

**REPORT:**

Mr Richard McHenery advised the Committee that a speed limit review has been conducted by the Roads and Maritime Services (RMS) on George Street between Macquarie Street, South Windsor and Hawkesbury Valley Way, Windsor.

As a result of the review, the speed limit will be reduced from 60 km/h to 50 km/h on:

- George Street between Macquarie Street and 120m south west of Campbell Street, South Windsor, and
- George Street between 108m north east of Argyle St, South Windsor and Hawkesbury Valley Way, Windsor.

The 40 km/h High Pedestrian Activity Area will be retained in the South Windsor town centre.

It is expected that the speed limit signs will be installed on George Street, South Windsor/Windsor from 21 March 2013 – weather permitting.

Senior Constable Debbie Byrne advised the committee that the NSW Police have been advised of the proposed changes and wanted to acknowledge and thank the RMS Speed Management Officer Ms Ashley Ahern for the communication with the NSW Police on this and other speed related matters.

**COMMITTEE RECOMMENDATION:**

Resolved on the motion of Senior Constable Debbie Byrnes, seconded by Councillor Kim Ford

Support for recommendation - Unanimous

That the information be received.

**APPENDICES:**

**AT – 1    Speed Limit Changes – George Street, South Windsor - RMS – Attachment A**



**AT – 1 Speed Limit Changes – George Street, South Windsor - RMS – Attachment A**





**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on 8 April 2013 at 3:00pm in the Large Committee Room.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**  
Questions for Next Meeting

**QUESTIONS FOR NEXT MEETING**

**Councillors Questions from Previous Meetings and Responses - (79351)**

**REPORT:**

**Questions – 12 March 2013**

#	Councillor	Question	Response
1	Creed	Asked when the report on second dwellings would be brought to Council.	The Director City Planning advised that when the report on this matter was considered by Council it was resolved to have a Councillor Briefing Session to consider the matter. It is anticipated that the matter will be considered in April.
2	Reardon	Asked what the status of the request to have the parking time in Moses Street increased to a two hour limit.	<p>The Director Infrastructure Services advised that staff have commenced a review of the existing parking arrangements in both Tebbutt Street and Moses Street as part of the formal process for consideration by the Local Traffic Committee.</p> <p>There are currently no restrictions in Tebbutt Street outside of the bus zone and No Stopping zones in the vicinity of the St Matthews Primary School. The parking in Moses Street is a combination of unrestricted (kerbside parking adjacent to St Matthews Anglican) and restricted parking (90 degree angle parking adjacent to McQuade Park).</p> <p>Public consultation will be undertaken shortly with a view to increasing the time restriction of the 90 degree parking to enable extended and balanced use by both church and park patrons.</p>
3	Lyons-Buckett	Requested a letter of congratulations be sent to Melissa Wolfshoerndl who received a highly commended award for the 2013 Young Women of the West Award in recognition of her youth and community work with Hawkesbury Community Outreach Services Inc.	The General Manager advised that an appropriate letter of congratulations has been sent.



**ORDINARY MEETING**  
Questions for Next Meeting

#	Councillor	Question	Response
4	Lyons-Buckett	Asked if the Mayor could write a letter to the organiser of The Latin Festival which was held on Sunday 10 March 2013, in relation to his absence.	<p>The General Manager advised that in the middle of 2012 the Mayor received a letter from the event organiser about a proposal for this event with a response being sent on his behalf expressing support for the event and providing information to assist.</p> <p>Earlier this year the Mayor received an invitation to the event and on 12 February 2013 an email response was sent on his behalf extending his apologies as he was unable to attend the event and extending best wishes for its success. An email in response was received from the event organiser on the same day expressing regret that the Mayor could not attend and, as such, a letter in relation to the Mayor not being able to attend the event is not considered necessary.</p> <p>It is understood that other councillors were in attendance and it is assumed that this is as a result of invitations being forwarded directly to them.</p>
5	Williams	Requested Council staff to investigate if the second quarry on Bull Ridge Road is complying with the DA conditions.	The Director City Planning advised that Council's Compliance Officers have been instructed to review the consent conditions and investigate the operations to review compliance
6	Williams	Asked if Council staff could speak to the residents of 821 Putty Road regarding the mess that has accumulated on the property.	The Director City Planning advised that the matter will be investigated.
7	Williams	Asked when the bus shelter at Wilberforce would be reconstructed.	The Director Infrastructure Services advised that instructions have been issued for replacement of the shelter, with a seat to be placed at the 'stop' as an interim measure.
8	Porter	Asked if Council could investigate the boat ramp at Windsor regarding possible restrictions that would be suitable to prevent its use by wake board boats when the river has a run in it.	The Director Infrastructure Services advised that an examination of options to limit use of the ramp would be undertaken.



**ORDINARY MEETING**  
Questions for Next Meeting

#	Councillor	Question	Response
9	Rasmussen	Asked if there is some means which Council can alert residents when Yarramundi Bridge is closed.	The Director Infrastructure Services advised that a request has been forwarded to the Roads and Maritime Services (RMS), being the roads authority, seeking improvements in the reporting of flood events, including on the RMS Live Traffic Website.
10	Rasmussen	Asked when the TMAP study of North Richmond will be released.	The Director City Planning advised that staff are still working with the applicant and the consultants to finalise the TMAP and when finalised it will be released in association with other documents for the proposal.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**





ordinary  
meeting

end of  
business  
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