



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 03 February 2009

location: council chambers

time: 5:00 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 held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 5:00pm with a break from 7:00pm to 7:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When a Special Meeting of Council is held it will usually start at 7:00pm. 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 issues 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 at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. 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 a matter raised in the business paper for the Council meeting. You must register to speak prior to 3:00pm on the day of the meeting by contacting Council. You will need to complete an application form and lodge it with the General Manager by this time, where possible. The application form is available on the Council's website, from reception, at the meeting, by contacting the Manager Corporate Services and Governance on 4560 4426 or by email at fsut@hawkesbury.nsw.gov.au.

The Mayor will invite interested persons to address the Council when the matter is being considered. Speakers have a maximum of five minutes to present their views. If there are a large number of responses in a matter, they may be asked to organise for three representatives to address the Council.

A Point of Interest

Voting on matters for consideration is operated electronically. Councillors have in front of them both a "Yes" and a "No" button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

Planning Decision

Under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a 'planning decision' 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.

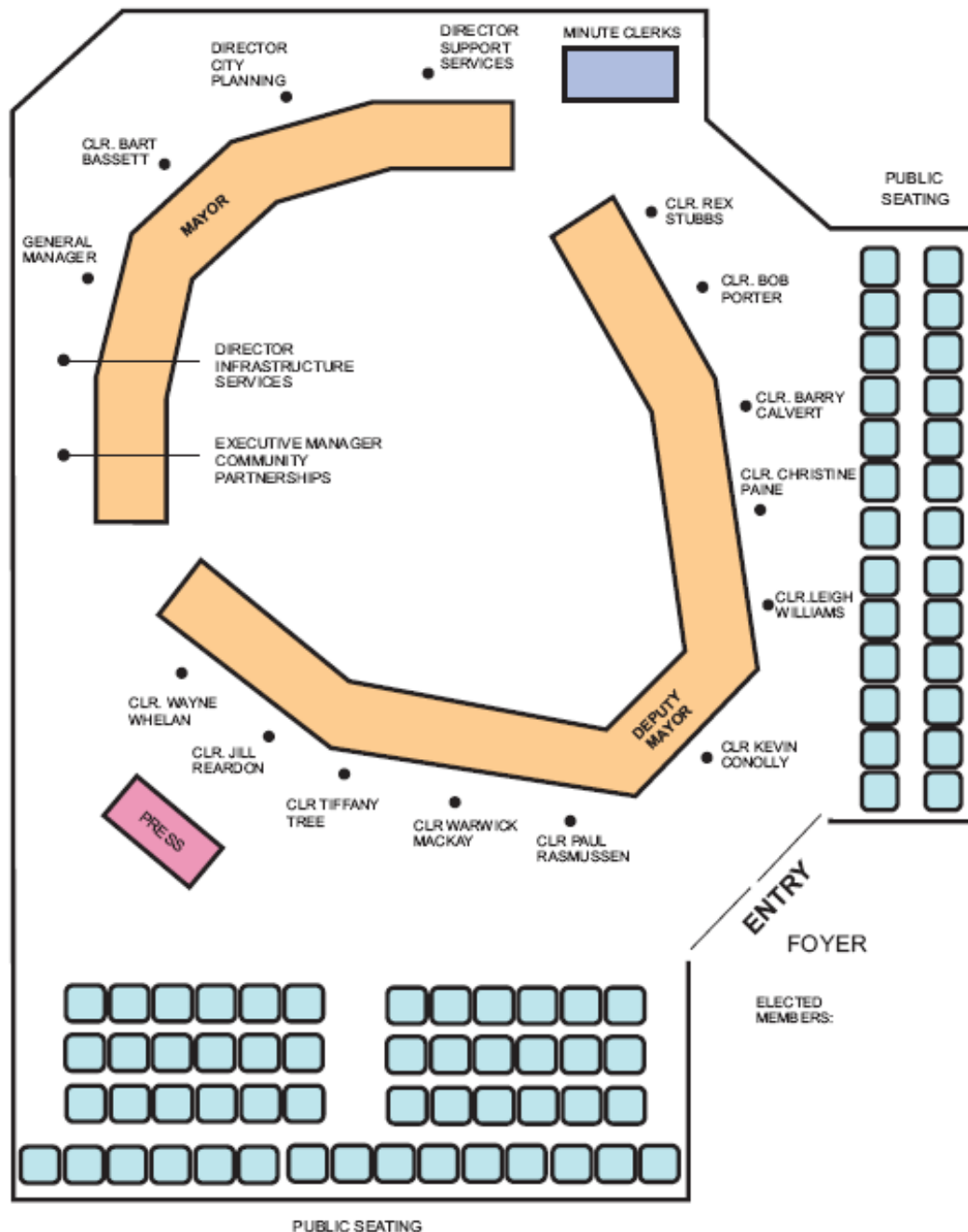
Website

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is www.hawkesbury.nsw.gov.au.

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 council chambers



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SECTION 3 - Notices of Motion

NM1 - Development at North Richmond (Peels Dairy) - (80104, 95498)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That no decision, supporting or otherwise, regarding development at North Richmond (Peels Dairy) be made until Council has completed a Hawkesbury residential strategy that fully considers the implications and requirements for future development.

BACKGROUND:

Council has commenced the process of reviewing the strategic direction for the Hawkesbury and the preparation of appropriate strategies has been generally supported. One such strategy is a residential strategy that would consider the growth and demographic changes predicted for the Hawkesbury and consider the location and servicing of a range of residential development required to cater for that growth.

Council considered a report on the criteria to be followed in the preparation of such a strategy on 8 July 2008. It would be premature to consider the rezoning and development of an individual parcel of land for a large scale development prior to the completion of that work.

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.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM2 - Exhibition Period for DA0852/08, Aged Care Facility, Grose Vale Road, North Richmond, (95498, 80104, DA0852/08)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That the exhibition period for this development application be extended until Wednesday 18 February 2009.

NOTE BY MANAGEMENT:

The exhibition period for this development application was extended due to the Christmas break from 18 December until 21 January 2009. Following requests for extension this period was extended further to 4 February 2009.

As Council is aware, under Section 82 of the Environmental Planning and Assessment Act and Clause 113 of the Environmental Planning and Assessment Regulation if a council has not determined a development application within a specified period of time from the date of lodgement it is deemed to have refused the application. As this proposal is classed as 'integrated development' the specified period of time in this case is 60 days. After this period, while it is still possible for a Council to determine the application (i.e. refuse or approve it) an applicant is able to appeal to the Land and Environment Court on the basis of a "deemed refusal" if they so wish and the Court can determine the application. The subject application was lodged with Council on 20 November 2008 and, therefore, the 60 day period has expired.

Whilst Council nominates the exhibition periods, these periods are a minimum period that an application is placed on exhibition. Council will usually accept submissions on applications beyond this time up until the report is being finalised for a Council meeting agenda (usually two weeks prior to the meeting) or a varying period if the application is being determined under delegated authority.

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.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item:1 GM - Councillor Induction Course Attendance - (79351, 105109, 79385, 112608)

REPORT:

The Department of Local Government issued Circular No. 08/22 notifying councils of Councillor Development Strategy that was being established to assist Councillors elected at the September 2008 Local Government elections. The Councillor Development Strategy was a joint initiative of the Department of Local Government (the Department) and the Local Government and Shires Associations of NSW (the Associations).

The Strategy comprises:

- A publication for prospective Councillors that includes basic information on the role and responsibilities of being a Councillor, and support available;
- A one-day seminar for Councillors and their General Managers, following the election in September 2008;
- A publication for newly elected Councillors, outlining in more detail their roles and responsibilities, support available to assist them to undertake their role, and where to find additional resources;
- A web-based information director for Councils and Councillors;
- A Practice Note to guide the development of Council-based Councillor induction and ongoing Councillor professional development programs.

Post-election One-day Seminar

Following the election, all Councillors were expected to attend a one-day seminar being held at various locations between October to December 2008. General Managers were also encouraged to attend the seminars with their Councillors. The seminars were organised and presented via a partnership arrangement between the Department, the Associations, and Local Government Managers Australia (LGMA). The seminar content was designed to be of value to both new and experienced Councillors. The focus of the seminars was on the responsibilities and relationships, the code of conduct and ethical decision-making, and meetings practice.

In accordance with the Department of Local Government Circular No. 08/55, all General Managers have been requested to report to the first Council meeting in 2009 on which seminar each Councillor attended, and any feedback from Councillors about the seminar.

In this Council's case, all Councillors at induction were requested to nominate their preferred date and location to attend the Session. As noted from Table 1 below, all Councillors and the General Manager attended one of the Councillor Information Sessions, as suggested by the Department of Local Government.

At the Councillor Information Sessions presented by the Department, all participants were asked to provide feedback by completing a course evaluation form. In order to meet the Department's request that the General Manager report all feedback received in terms of the Sessions, Council developed its own evaluation form for Councillors. Table 2 provides a summary of the evaluations received from Councillors.

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Councillor	Location	Date & Time
Bassett	Rockdale	Friday 12 December 2008 10am – 1.30pm
Calvert	Penrith	Thursday 27 November 2008 5:30 pm – 9:00 pm
Conolly	Parramatta	Thursday 13 November 2008 5:30 pm – 9:00 pm
Mackay	Penrith	Thursday 27 November 2008 5:30 pm – 9:00 pm
Paine	Penrith	Thursday 27 November 2008 5:30 pm – 9:00 pm
Porter	Penrith	Thursday 27 November 2008 5:30 pm – 9:00 pm
Rasmussen	Penrith	Thursday 27 November 2008 5:30 pm – 9:00 pm
Reardon	Penrith	Thursday 27 November 2008 5:30 pm – 9:00 pm
Stubbs	Penrith	Thursday 27 November 2008 5:30 pm – 9:00 pm
Tree	Burwood*	Thursday 9 October 2008 5:30 pm – 9:00 pm
Whelan	Parramatta	Thursday 13 November 2008 5:30 pm – 9:00 pm
Williams	Penrith	Thursday 27 November 2008 5:30 pm – 9:00 pm

*The General Manager also attended the Session at Burwood.

Table 2 – Councillor Evaluation Scores

Question	Average Score*
Content	3
Environment (location etc)	3.1
Educational Methods	3
Facilitator/Presenter	2.8
Overall Satisfaction with Session	2.5
Improve understanding of role	2.5

*Scores ranged from 5 (Excellent) to 1 (Poor).

The evaluation form also provided for Councillor comment, and some comments received included:

“Council was better and more detailed”

“Should be done in-house by external consultant/lawyer”

“One size does not fit all when it comes to Councillors and their experience”

“The information session brought me up-to-date with the new legislation”.

It should be noted that Council ran three structured in-house induction sessions for all Councillors following the election of the new Council. These sessions were supplemented with a Councillor Information Kit. The majority of respondents indicated that the Departmental-run Councillor Information Session was similar to that run in-house by Council, and therefore the Departmental sessions were not necessary.

Conformance to Strategic Plan

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

"Objective: An informed community working together through strong local and regional connections"

Funding

There were no direct seminar costs however the minor travel expenses involved are covered from within the adopted budget.

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RECOMMENDATION:

That:

1. The contents of the report be noted.
2. The Department of Local Government be advised of the Councillors attendance and feedback in regard to the Councillor Information Sessions as detailed in this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item:2 GM - Review of Delegations of Authority Under Section 377 of the Local Government Act, 1993 - (79341)

REPORT:

Under the provisions of section 380 of the Local Government Act 1993, Council is required to review its delegations of authority during the first 12 months of each term of office.

Council's general power to delegate its functions is contained within section 377 of the Local Government Act 1993 and, for the Council's information, this section is reproduced hereunder:

"(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

- *The appointment of the General Manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of a management plan under section 406*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*

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- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *a decision under section 234 to grant leave of absence to the holder of a civic office*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council."

As Council will appreciate, in order to ensure the effective operation of the organisation Council delegates authority to the General Manager, committees and other organisations for a wide range of purposes. Details of the existing ongoing delegations of authority extended by Council under section 377 of the Act are shown hereunder:

Delegated Authority to the General Manager

- "1. *Hawkesbury City Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities delegates under s 377 of the Local Government Act 1993 to the General Manager the exercise of Council's powers functions duties and authorities contained in legislation and the functions of the Council as specified in*
 - i) the Local Government Act and related Acts and*
 - ii) other Acts under which Council has powers authorities duties and functions*
2. *This delegation is subject to the following limitations*
 - i) The provisions of the Local Government Act 1993 and any legislation relevant to the delegations*
 - ii) Council may by resolution direct the General Manager in the exercise of any function herein delegated*
 - iii) The General Manager shall exercise the functions herein delegated in accordance with and subject to*
 - a) the provisions of the Local Government Act 1993 as amended*
 - b) all and every policy of the Council adopted by Resolution and current at the time of exercise of the functions herein delegated*
3. *This delegation shall commence on the date of commencement of duties as General Manager of Hawkesbury City Council and shall remain in force until specifically altered or revoked in writing."*

Delegated Authority Various Committees

1. Hawkesbury Civics & Citizenship Committee

- "(i) *to recommend to Council policies drawn up by professional staff for:*
- *the conduct of the civic and citizenship awards including eligibility criteria, nomination and assessment processes.*

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- (ii) *to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377,*
- (iii) *to determine the selection of award recipients for several awards including but not limited to; Australia Day Awards and the Sports Medal and Sports Certificate Awards ..."*

2. **Heritage Advisory Committee**

- "(i)" *to recommend to Council policies drawn up by professional staff for:*
 - *Heritage Assistance Grant Applications, review and recommendations;*
 - *Advice on long-term planning of significant heritage cemeteries;*
 - *Review of the Local Heritage Listings;*
 - *Organising Heritage Week events in the Hawkesbury LGA;*
 - *Increasing community awareness of heritage matters.*
- (ii) *To bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377;..."*

3. **Hawkesbury Community Planning Advisory Committee**

- "(i)" *to recommend to Council policies drawn up by professional staff for:*
 - *the design, implementation, monitoring and review of community plans and community planning processes to address the social; economic and environmental needs of residents;*
 - *the design, implementation, monitoring and review of strategies for improving access to services and facilities by disadvantaged groups consistent with Council's responsibilities with regard to equity and access to set down in state and federal legislation;*
 - *the implementation of Council's responsibilities under the NSW Local Government (General) Amendment (Community and Social Plans) Regulation 1998;*
- (ii) *to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377; ..."*

4. **Hawkesbury Three Town (and Angas Banks) Sewerage Advisory Committee**

- "(i)" *to recommend to Council policies drawn up by professional staff for:*
 - *meeting the objectives of the Advisory Committee*
- (ii) *To bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377. ..."*

5. **Hawkesbury Bicycle and Access Mobility Committee**

- "(i)" *to recommend to Council policies drawn up by professional staff for:*
 - *the Sub-regional Bike Plan*
 - *future Works Programs*
- (ii) *To bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377. ..."*

6. **Waste Management Advisory Committee**

- "(i)" *to recommend to Council policies drawn up by professional staff for:*
 - *waste management procedures within the Hawkesbury City local government area;*

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- *strategies to promote responsible waste disposal, waste avoidance, and waste recycling and reuse*
- (ii) *To bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377. ..."*

7. **Floodplain Risk Management Committee**

- (i) *to recommend to Council policies drawn up by professional staff for:*
 - *land use, planning and management under the EP&A Act;*
 - *evacuation strategies;*
 - *planning provisions within the Local Environment Plan;*
 - *improving public infrastructure.*
- (ii) *to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377;*

8. **General Manager's Performance Review Panel**

"Council delegate authority to the 'GM Performance Review Panel' to undertake the process required for the review of the performance of the General Manager"

9. **Hawkesbury Macquarie 2010 Committee**

- (i) *to recommend to Council a strategy drawn up by professional staff:*
 - *establishing an overall program and brand for Macquarie 2010 celebrations within the City of Hawkesbury.*
 - *developing a marketing and funding strategy to support community groups to plan and stage events, exhibitions and activities within the City of Hawkesbury which are intended to showcase the achievements and legacy of Elizabeth and Lachlan Macquarie*

In addition the Council has also appointed a number of community based management committees and has delegated authority for the care and control and management of their facilities and services to the committees under section 377 of the Act. The various facilities and services granted this general delegation of authority by Council are as follows:

1. **Child Care Centres**

Hobartville - Hobartville Long Day Pre- School Inc
Greenhills - Greenhills Child Care Centre Inc.
Glossodia - Golden Valley Learning Centre Inc.
McGraths Hill - McGraths Hill Children's Centre Inc.
North Richmond - Elizabeth Street Extended Hours Pre-School Inc
Wilberforce - Wilberforce Early Learning Centre Inc.

2. **Pre-Schools**

Richmond Pre-School Inc
Wilberforce Pre-School Inc.
Windsor Pre-School Inc.

3. **Children & Family Centres**

Bligh Park Children's Centre Management Committee
Hawkesbury Early Intervention Centre - Peppercorn Services Inc.

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4. **Community Buildings / Neighbourhood Centres & Halls**

Bilpin Hall - The Bilpin District Hall Inc
Blaxland Ridge Community Centre- Blaxland Ridge Community Centre Management Committee Inc
Bowman Cottage - Bowman Cottage Management Committee
Glossodia Community Centre - Glossodia Community & Neighbourhood Centre Inc.
Horrie Eley Hall Colo Heights - Colo Heights Neighbourhood Centre & Reserve Management Committee
McGraths Hill Community Centre - Peppercorn Services Inc.
McGraths Hill Community Garage - Peppercorn Services Inc.
Maraylya Hall - Maraylya Hall Management Committee Inc
North Richmond Community Centre - North Richmond Community Services Inc
Peppercorn Place - Peppercorn Services Inc
Richmond Band Room – Peppercorn Services Inc.
Richmond Neighbourhood Centre - Richmond Community Services Inc.
Richmond Family Centre - Peppercorn Services Inc.
St Albans School of Arts - St Albans School of Arts Management Committee
South Windsor Family Centre – Peppercorn Services Inc.
Tiningi Community/ Youth Centres & Bligh Park Neighbourhood Centre- Bligh Park Community Services Inc
Wilberforce School of Arts - Wilberforce School of Arts Inc
Yarramundi Community Centre - Yarramundi Community Centre Inc

5. **Playing Fields / Parks**

Active Playing Fields previously determined by Council - Hawkesbury Sports Council Inc
Bowen Mountain Park - Bowen Mountain Management Committee
McMahon Park - McMahon Park Management Committee
St Albans - St Albans Sport & Recreation Association

6. **Indoor Stadium & Aquatic Centre**

Young Men's Christian Association of Sydney (YMCA)

7. **Cemeteries**

Lower Portland - Lower Portland Cemetery Committee
Pitt Town - Pitt Town Cemetery Committee
St Albans - St Albans Cemetery Committee

8. **Externally Funded Services**

The following services have been delegated to the care and control of Peppercorn Services Inc.:

Hawkesbury Community Transport Service
Hawkesbury Community Medical Transport Service
Hawkesbury Youth Transport Service
Brighter Futures Early Intervention Service
Families NSW Early Intervention Service
Forgotten Valley Family Support Service
Forgotten Valley Community Development & Youth Project
Forgotten Valley Vacation Care
WYSH Project
Richmond Occasional Child Care Service
Hawkesbury Family Day Care
Peppercorn Easy Care Lawn Mowing Service
Centre Based Meals Program
Hawkesbury Community Hub

Forgotten Valley Pre-school

9. Hawkesbury Sister City Association

In respect of this Association Council has delegated authority in the following terms:

"Pursuant to the provisions of Section 377 of the Local Government Act 1993, that Council delegate authority to the Hawkesbury Sister City Association to promote, on Council's behalf, international understanding at all levels of the local community on a continuing basis with Sister Cities as determined from time to time by the Association and Council, and to develop and conduct sporting, youth, cultural and other appropriate exchange programs in association with established Sister City relationships."

10. Appointment of Conduct Reviewers Under Code of Conduct

In view of a 'regional approach' being undertaken with WSROC regarding the appointment of Conduct Reviewers under Council's Code of Conduct, the Council at its meeting of 9 September 2008 resolved:

"Pending the finalisation of arrangements in this regard, the General Manager, or Mayor in respect of a complaint against the General Manager, be given delegated authority to appoint Conduct Reviewers under Council's Code of Conduct on a 'one-off' basis if the need should arise as a result of a complaint being received under the Council's Code of Conduct that is determined as requiring referral to a Conduct Reviewer or the Conduct Review Committee, subject to the Conduct Reviewers not being from within Council's area".

As it is anticipated that this 'regional approach' will be finalised in the near future it would be appropriate for this delegation to be reaffirmed as it will effectively lapse once Council has made appointments.

As indicated at the commencement of this report it is now necessary for the Council to review these delegations of authority in accordance with section 380 of the Act. Having regard to the efficient and effective operation of the organisation, it is considered that these delegations of authority are appropriate and should now be reaffirmed by Council.

In respect of the delegation to the Hawkesbury Sister City Association it is suggested that it would be appropriate for this to be broadened to incorporate Council's City/Country Alliances that have been established since the current delegation of authority was granted. The Association's involvement in these Alliances is under discussion and would be most appropriate. An appropriate extension of the delegation has been dealt with in the recommendation.

Conformance to Strategic Plan

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

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

Funding

There are no funding implications associated with this report.

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RECOMMENDATION:

That:

1. Having reviewed the delegations of authority granted by Council, as required under the provisions of section 377 of the Local Government Act 1993, Council resolve to reaffirm and to not alter the basis of such delegations, as detailed in the report to Council on this matter, and that such delegations remain in force.
2. The authority delegated to the Hawkesbury Sister City Association be amended to provide as follows:

"Pursuant to the provisions of Section 377 of the Local Government Act 1993, that Council delegate authority to the Hawkesbury Sister City Association to promote, on Council's behalf, understanding at all levels of the local community on a continuing basis with Sister Cities and/or City/Country Alliances as determined from time to time by the Association and Council, and to develop and conduct sporting, youth, cultural and other appropriate exchange programs in association with established Sister City relationships and/or City/Country Alliances."

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 3 February 2009

Item:3 **GM - 2009 Australian International Airshow and Aerospace & Defence Exposition, 10 - 15 March 2009 in Geelong, Victoria - (79351)**

REPORT:

Council has, in the past, been involved in regional airshow promotions and associated supporting activities and as part of its support for Richmond RAAF and the potential for the future use of land surrounding the RAAF base attended the 2005 Australian International Airshow and Aerospace & Defence Exposition. This incorporated a Seminar, hosted by Griffith University's School of Aviation, which centred on the role of government and the private sector in airport servicing.

Recently, both the Mayor and General Manager have been invited to attend two NSW Regional Defence Round Table Discussions conducted by the Department of State and Regional Development (DSRD). These discussions were aimed at providing the Minister and DSRD with a good understanding of the current defence-related issues and opportunities facing organisations in regional NSW.

Attendees at these discussions included representatives from organisations such as the Australian Business Chamber, Australian Defence Information and Electronic Systems Association, Australian Industry & Defence Network NSW, Defence Materiel Organisation, Defence Support Group, Greater Western Sydney Economic Development Board, Hawkesbury City Council, Hunter Economic Development Corporation, Illawarra Regional Development Board, Northern Inland Regional Development Board, Port Stephens Council, Queanbeyan City Council, Riverina Regional Development Board, Shoalhaven City Council, Singleton Army Base and Tamworth Regional Council.

As will be noted, many of these organisations are Local Government authorities who wish to support defence facilities located in their areas and surrounding lands.

Advice has now been received that the 2009 Australian International Airshow and Aerospace & Defence Exposition will be held at Avalon, Geelong, Victoria from 10 – 15 March 2009 and will incorporate show conferences that includes a Global Business Briefing by Aerospace Australia Ltd, which presents a *“forum to hear presentations on potential business opportunities for Australian companies seeking business in the aerospace and aviation defence sector”*.

The NSW Government will have a **NSW Trade Stand** to promote the aviation sector of NSW. Trade Stands are aimed at *“showcasing aviation products, technologies and services to an informed target audience and to demonstrate a marketing presence in this vibrant and vital region”*.

It is understood that inside the NSW Trade Stand, there are a number of co-located stalls and that businesses/areas that have taken up a stall include Williamston Regional Airport (co-located with RAAF Base) and Shoalhaven City Council to promote local business and the Albatross Aviation Technology Park (tech-industrial land) adjacent to HMAS Albatross Airfield (for Navy aviation contracts).

While it is not considered that Council would be in a position to establish a stall at the Airshow it is proposed to supply a **flyer** to be displayed on the general NSW stall in support of the possible future use of land surrounding the Richmond RAAF Base as a potential future location for aviation specialisation/capability. An Appropriate entry will also be included in the DSRD aerospace capability directory. These actions would be in line with Strategy 4 and 7 of Council's recently adopted Hawkesbury Employment Lands Strategy which state as follows:

- “4 Capitalise on the LGAs strategic assets to provide high quality jobs, by considering the future of land at Clarendon for a high amenity office and business development.
- 7 Support specialized industry sectors of Agriculture and Government, Administration and Defence (Richmond RAAF).”

ORDINARY MEETING

Meeting Date: 3 February 2009

As a significant part of the Airshow is directed toward "trade" visitors in addition to providing a "flyer" and other information as referred to above it is suggested that Council could also be represented by the Mayor, nominated Councillors and General Manager, or other appropriate staff person, during part of the Airshow, as has occurred in the past, to support its case in respect of the Richmond RAAF Base and surrounding lands.

Cost of attendance at the Airshow would be approximately \$1,200.00 per delegate.

Budget for Delegates Expenses – Payments made:

- Total budget for Financial Year 2008/2009 \$40,000.00
- Expenditure to date \$17,912.00
- Budget balance as at 23/01/09 \$22,088.00

Conformance to Strategic Plan

The proposal is deemed to conform with the strategies outlined in Council's recently adopted Hawkesbury Employment Lands Strategy, as detailed previously as well as the objectives set out in Council's Strategic Plan i.e.:

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

Funding

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

RECOMMENDATION:

That the attendance of the Mayor, nominated Councillors and General Manager, or a staff person as considered appropriate by the General Manager, at the 2009 Australian International Airshow and Aerospace & Defence Exposition in support of Council's position regarding the Richmond RAAF Base and surrounding lands at a cost of approximately \$1,200.00 per delegated be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 3 February 2009

Item:4 GM - Waste 2009 Conference, 1-3 April 2009 - (79351)

REPORT:

The Waste 2009 Conference will be held 1-3 April 2009 in Coffs Harbour, NSW.

The conference program is designed around the main theme of 'innovative ideas creating practical solutions'. A diversity of issues will be covered through the inclusion of several streamed sessions focussing on topic areas and a range of key issues, including a concurrent stream on waste education.

The costs of attendance at the Waste 2009 Conference will be approximately \$1,830.00 plus travel expenses per delegate.

Budget for Delegates Expenses – Payments made

• Total budget for Financial Year 2008/2009	\$40,000.00
• Expenditure to date	\$17,912.00
• Budget balance as at 22/1/09	\$22,088.00

Conformance to Strategic Plan

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

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

Funding

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

RECOMMENDATION:

The attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the Waste 2009 Conference to be held 1-3 April 2009 at a cost of approximately \$1,830.00 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 3 February 2009

CITY PLANNING

Item:5 CP - Development Application - Three Lot Torrens Title Sub-Division, Lot 2 DP 212203, No. 220 Castlereagh Road, Richmond - (DA0318/08, 95498, 96329, 102260)

Previous Item: 208, Ordinary (21 October 2008)

REPORT:

Introduction

At the Council meeting of 21 October 2008 Council considered an assessment report for a development application (DA0318/08) for a 3 lot subdivision at 220 Castlereagh Road, Richmond. A copy of that report is attached. The resolution of the meeting of 21 October 2008 was as follows:

"That the matter be deferred and reported back to Council providing further information in relation to the location of houses, access roads, how the Department of Planning would deal with the SEPP1 objection for all the allotments, impact on escarpment and wetlands, etc."

The purpose of this report is to provide additional information in relation to the above resolution and to recommend that the application be supported.

Location of Houses

The development application is for a three lot subdivision of the subject site. The application does not include the erection of any dwellings on the proposed allotments. (Note that the existing dwelling and sheds on the subject site are located at the rear of the existing property and will be located on proposed lot 3.)

The Council resolution of 21 October, specifically the location of dwellings and access road, was discussed with the applicant. Additional information has been submitted by the applicant proposing building envelopes on the proposed allotments. The building envelopes are proposed to be located 30 metres from the side property boundaries and 15 metres from the proposed internal boundaries. The envelope on proposed Lot 3 is defined by the 20 metre contour at the rear of the site. The building envelopes are to be created on the Plan of Subdivision. A proposed condition of consent to create these envelopes is as follows:

Prior to the release of the Subdivision Certificate provision is to be made, via Section 88B of the Conveyancing Act, for the creation of building envelopes on the proposed allotments in accordance with the approved plan.

This proposed condition has been incorporated into the recommended conditions of consent for the development application.

Access Roads

The subdivision is proposing a reciprocal Right of Carriageway, located adjacent to the north-eastern property boundary, to service the three proposed allotments via the one driveway access to Castlereagh Road. The report to Council on 21 October 2008 included a proposed condition of consent to relocate this proposed access to the south-western boundary of the property due to the proximity of the slip lane for the intersection of Drift Road. Prior to the meeting of 21 October the applicant made a submission requesting that the Right of Carriageway remain in the position as proposed. The applicant reiterated this position on 5 January 2009.

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On 19 December 2008 Council received a response to the application from the RTA. In relation to the location of the access driveway, the RTA requested the following condition:

“Due to the close proximity to the slip lane into Drift Road, a consolidated access to proposed Lots 1, 2 and 3 must be provided through the relocation of the reciprocal right of carriageway and easement for services, to the south western (side) boundary of the property.”

As Castlereagh Road is an RTA controlled road, this and the other requirements of the RTA have been included in the proposed conditions of development consent.

The Council resolution of 21 October, in relation to access roads, also related to the potential for future subdivision on adjoining properties along Castlereagh Road and the potential for additional multiple access roads entering Castlereagh Road.

There is potential for approximately six properties fronting Castlereagh Road to be subdivided in a similar fashion to the subject proposal, i.e. battleaxe allotments. It should be noted that these six allotments currently have one driveway providing access to Castlereagh Road. Any future proposal for subdivision would be required to incorporate a reciprocal right of carriageway for future allotments in the same manner as the current proposal. In this regard, any future subdivision of adjoining properties, as is the case with the subject site, will only provide one access to Castlereagh Road and would result in no net increase of driveway access roads.

Department of Planning Comments

The matter of SEPP 1 concurrence for the subject site, and adjoining sites, was discussed with representatives of the Department of Planning at a meeting held on 12 December 2008 at Council's offices. The Department representatives stated that each application for SEPP 1 concurrence would be assessed on its merits as SEPP 1 is a planning provision that only relates to a development application and is not a strategic planning tool. The Department's view was that in these cases, if Council supports the variation the Department is also likely to support the request for concurrence. However, each application will be assessed on the individual merits. Other options in relation to zone boundary movements were discussed and may be investigated in future LEP amendments.

Impact on Escarpment and Wetlands

The subject site is generally flat with the rear 70 to 100 metres of the site falling to the north-west. The existing dwelling and sheds on the site are located on the high land, approximately RL 23m, adjacent to this bank. The steepest area of the land is an embankment that falls approximately 11 metres over a distance of 75 metres. This area is not considered to be an escarpment.

The majority of the site is not affected by the 1 in 100 year flood, with only a small area of the land, approximately half way up the abovementioned embankment, affected by the 1 in 100 flood. The lowest portion of the site, adjacent to the north western rear boundary, is low lying and affected by an intermittent watercourse that flows to the north into a dam/lagoon. This low lying area is not proposed to be developed and is wholly contained, along with the existing dwelling and sheds, within the proposed Lot 3. These existing buildings are approximately 25-30 metres from the top of the bank. Should the subdivision be approved, the closest possible dwelling permitted by the subdivision would be on proposed Lot 2 and be approximately 100 – 120 metres from the embankment.

The majority of the property drains to the east and south east with the proposed additional two allotments, Lots 1 & 2, draining to Castlereagh Road. However, as the proposed allotments are 2.1ha in area it is not likely that there will be a significant change to the overall drainage pattern of the site.

The proposed subdivision will result in no change to the drainage pattern to the north-west, or low lying area of the site. The existing dwelling and sheds adjacent to this area will be retained and contained within the proposed Lot 3. The proposed Lots 1 and 2 currently drain to the south-east towards Castlereagh Road and the proposed subdivision is not expected to significantly change this drainage pattern.

ORDINARY MEETING

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Potential Landuse Conflicts

The subject site and adjoining sites are currently, or have previously been, used for agricultural purposes. The adjoining properties to the north-east and south-west, fronting Castlereagh Road, are currently zoned Rural Living and permit a similar subdivision to the current proposal of 2ha allotments. This zoning regime was introduced as part of Amendment No. 108 in August 2006 following extensive public consultation which primarily provided certainty for land owners by making the expectations for the zone clear. Whilst there may be some temporary issues in this locality during the development of these allotments, the medium to long term potential for landuse conflicts between these properties is low.

The land to the north-west (rear) of the site is zoned Mixed Agriculture and is currently used for that purpose with no current plans to change that use due to the land being flood prone. The rear lot, proposed Lot 3, closest to the Mixed Agriculture zoned land, will contain the existing dwelling and sheds and no additional dwellings. Should the application be approved, any dwelling that would be constructed on the additional allotments (Lots 1 or 2) would be a minimum of 200 or more metres from the current rear boundary of the site and the adjoining agricultural uses. Any proposed dwelling will also be approximately 11 metres higher than the adjoining land to the rear. It is considered that the potential for landuse conflicts in the medium to long term as a result of this subdivision is low.

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 advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Subject to the concurrence of the Department of Planning being obtained, authority be delegated to the General Manager to determine Development Application No. DA0318/08 for a three (3) lot Torrens Title subdivision.

ATTACHMENTS:

- AT - 1 List of likely development consent conditions.
- AT - 2 Subdivision Plan
- AT - 3 Locality Plan
- AT - 4 Council report from meeting of 21 October 2008.

ORDINARY MEETING**Meeting Date:** 3 February 2009**AT - 1 List of Likely Development Consent Conditions****ATTACHMENT 1 – List of likely Development Consent Conditions**

The following is a list of likely development consent conditions that would be imposed on the development should the Department of Planning issue concurrence to the development.

General Conditions

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent: forward

Drawing Number	Dated
07015 - DA(3)	28 February 2008

Document Number	Dated
Statement of Environmental Effects - Lot 2 DP 212203 (No. 220) Castlereagh Road Agnes Banks Proposed Three Lot Subdivision	April 2008
Wastewater Disposal Report – Report No. TFA 3187/01	3 March 2008

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.

Conditions imposed by the RTA

3. Due to the close proximity to the slip lane into Drift Road, a consolidated access to proposed Lots 1, 2 and 3 must be provided through the relocation of the reciprocal right of carriageway and easement for services, to the south western (side) boundary of the property.
4. All vehicles are to enter and exit the premises in a forward direction.
5. All works associated with the development are to be at no cost to the RTA.
6. The subject property is affected by a Road Widening Order as notified in Government Gazette No.34 dated 14/03/1969. Any new buildings or structures to be erected on the land are to be located clear of this area.

Prior to Issue of Construction Certificate

7. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

8. Construction of the accesses are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
9. Payment of a Construction certificate checking fee of \$552.00 and a Compliance Certificate inspection fee of \$1120.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2009. Fees required if an accredited certifier is used will be provided on request.

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10. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the traffic guidance scheme is to be approved by the Roads and Traffic Authority before submission to Council.

Prior to Commencement of Works

11. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
12. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
13. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
14. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
15. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
16. Any clearing of native vegetation associated with site works or associated road works shall not be undertaken prior to a flora and fauna assessment being undertaken, areas of vegetation are to be fenced off during construction and disturbed areas are to be rehabilitated and stabilised as soon as possible following construction.

During Construction

17. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
18. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
19. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
20. A pavement 4.5 m wide shall be constructed along the access strip (reciprocal right of carriageway) and across the footway to lots 2 and 3 appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section. Passing bays are to be provided at maximum 100 metre intervals.

21. A bitumen sealed rural footway crossing 6m wide shall be constructed to lots 2 & 3 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.

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22. A bitumen sealed rural footway crossing 3m wide shall be constructed to Lot 1 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
23. The site shall be secured to prevent the depositing of any unauthorised material.
24. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
25. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
26. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
27. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.

Prior to Issue of Subdivision Certificate

28. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
29. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
30. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
31. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
32. Reciprocal rights of carriageway and easements for services shall be created over the access handles to Proposed Lots 2 & 3.
33. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
34. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the plan of subdivision.
35. A soil contamination report certifying that the development area associated with Proposed Lots 2 and 3 are suitable for residential use is to be prepared and any remedial action required as a result of this investigation completed prior to issue of the linen plan of subdivision.
36. Creation of a restriction on use of land pursuant to the Section 88B of the Conveyancing Act as follows;
 - (1) All vehicular access to Proposed Lot 1, 2 and 3 is to be restricted to the Common Right of Carriageway.

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- (2) Effluent disposal undertaken on the site is to be in accordance with the recommendations contained in the following report: *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 03/03/2008, prepared by Toby Fiander

Hawkesbury City Council is to be nominated as the only authority permitted to modify vary or rescind such a restriction.

37. A Bush Fire Safety Authority issued under Section 100B of the Rural Fires Act 1997 is to be obtained for the proposed subdivision prior to the issue of the subdivision certificate.
38. *Prior to the release of the Subdivision Certificate provision is to be made, via Section 88B of the Conveyancing Act, for the creation of building envelopes on the proposed allotments in accordance with the approved plan.*

Advice to Applicant

- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** The applicant is advised to consult with the necessary energy and telecommunication suppliers regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The RTA advise that any proposed residential development on these lots should be designed such that road traffic noise from Castlereagh Road is mitigated by durable materials and complies with the requirements of Clause 102 – (impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.

ORDINARY MEETING

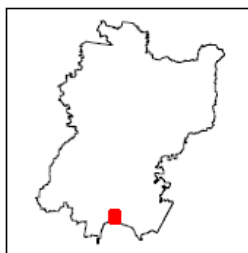
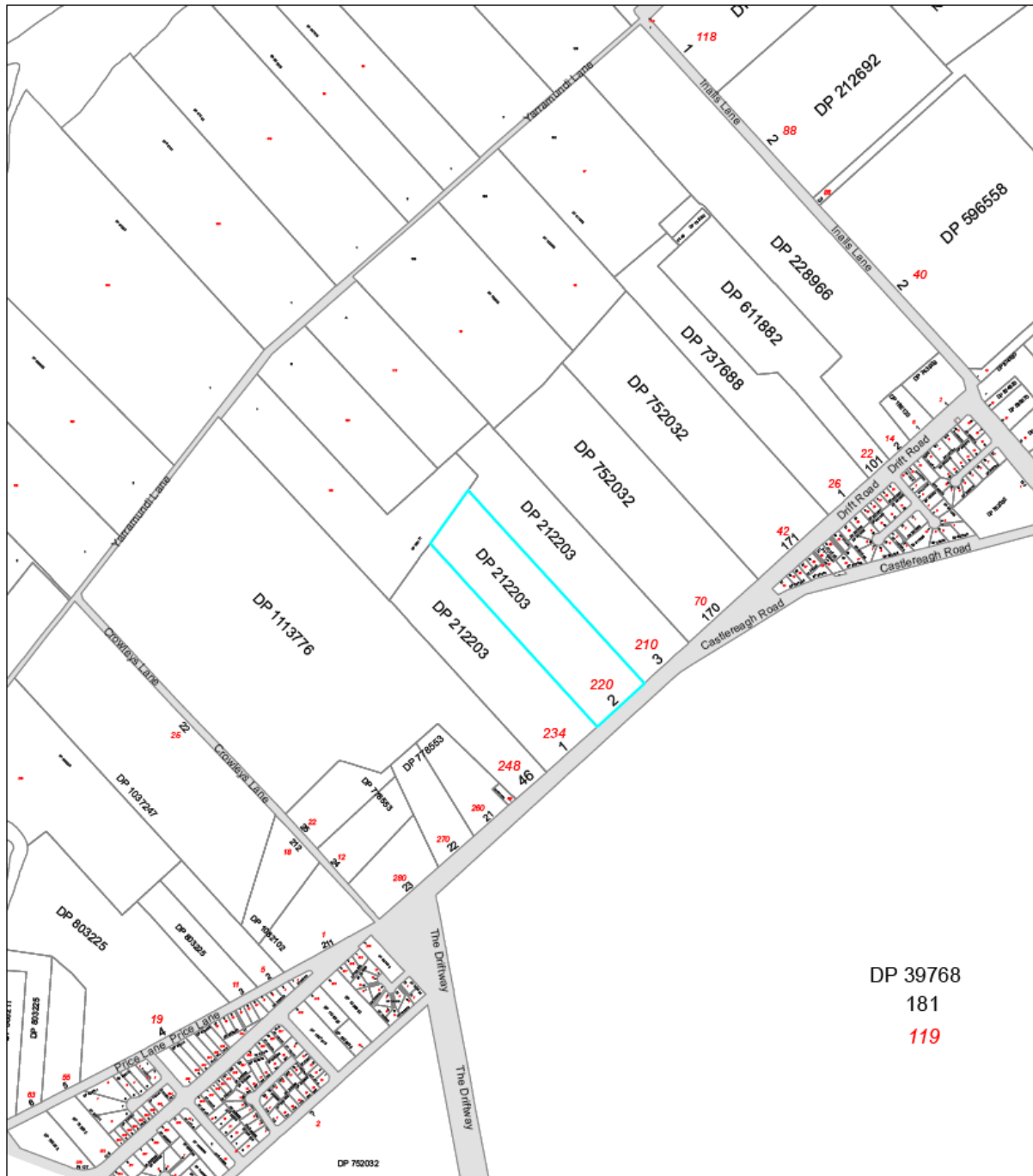
Meeting Date: 3 February 2009

AT - 2 Locality Plan



HAWKESBURY CITY COUNCIL

PO Box 146, Windsor NSW 2756
Website: www.hawkesbury.nsw.gov.au
Email: council@hawkesbury.nsw.gov.au
Hours: Monday to Friday 8.30am - 5.00pm
Phone: 02 4560 4444



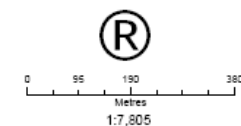
Date:

Legend

- Land Parcels
- Road Names
- Roads

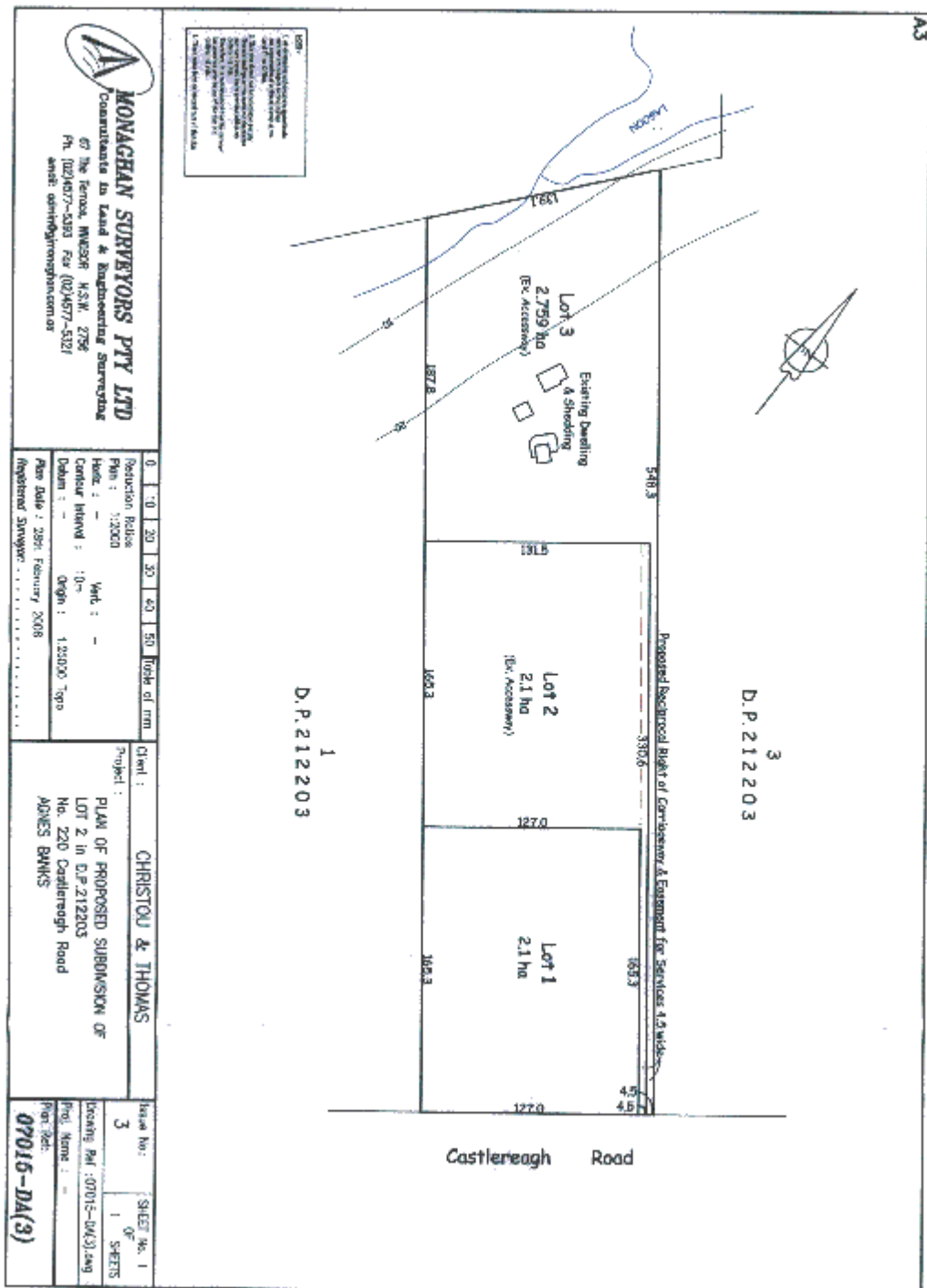
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Meeting Date: 3 February 2009

2109 Mochanghwa



Wentworth, William Lloyd

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ORDINARY MEETING**Meeting Date:** 3 February 2009**AT - 4 Council Report from Meeting of 21 October 2008**

Item: 208 CP - Development Application - Three Lot Torrens Title Sub-Division, Lot 2 DP212203 No. 220 - Castlereagh Road, Richmond - (DA0318/08, 95498, 96329, 102260)

Development Information

Applicant: Montgomery Planning Solutions
Applicants Rep: Robert Montgomery
Owner: Mr L Georos
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan 2002
Area: 7.256ha
Zone: Hawkesbury Local Environmental Plan 1989
Rural Living
Environmental Protection - Agriculture Protection (Scenic)
Advertising: 7 May 2008 to 21 May 2008
Date Received: 28 April 2008

Key Issues:

- ◆ Departure from Minimum Allotment Size
- ◆ State Environmental Planning Policy No. 1 Objection Approval

Recommendation: Approval

REPORT:**Description of Proposal**

Approval is sought for a three (3) lot Torrens Title subdivision of Lot 2 DP 212203, 220 Castlereagh Road Richmond. The proposed allotments will have the following areas:

Proposed Lot 1 – 2.1 ha
Proposed Lot 2 – 2.1 ha
Proposed Lot 3 – 2.759 ha

Access to all proposed allotments will be obtained from Castlereagh Road.

Description of the Land and its Surroundings

The existing lot has a total area of 7.257ha and is irregular in shape. The site currently contains an existing dwelling and rural shed with scattered clusters of vegetation. The land level ranges from 10m AHD to 23m AHD.

Matters for consideration under Section 79(C) of the Environmental Planning and Assessment Act 1979:

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are addressed as follows:

Section 79C "Matters for Consideration" Comments	Section 79C "Matters for Consideration" Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "HLEP 1989", SEPP 1, SEPP 44 and SREP No. 20 in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	THE PROPOSAL IS NOT INCONSISTENT WITH THE PROVISIONS OF DRAFT HAWKESBURY

ORDINARY MEETING**Meeting Date:** 3 February 2009

	LOCAL ENVIRONMENTAL PLAN AMENDMENT NO. 153.
Section 79C (1) (a)(iii) – Provisions of any development control plan	REFER TO DISCUSSION ON HAWKESBURY DCP 2002 IN THIS REPORT
Section 79C (1) (a)(iii) – Provisions of the regulations	None applicable.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed in the main body of this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality.</p>
Section 79C (1) (c) – the suitability of the site for the development	<p>Location - The site is considered able to support the proposed subdivision.</p> <p>Physical - The site has sufficient area and dimensions, has suitable road access and is relatively free from environmental constraint. Therefore, the site is considered suitable for the proposed development.</p>
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	There were no submissions made in accordance with the Act or Regs.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

SEPP No. 44 applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare.

Having regard to the requirements of SEPP No. 44 it is noted that the subdivision will not include the removal of any trees or disturbance of any natural habitats which would be considered as "core koala habitat". The subject land has already been developed and it is considered that the subdivision will not impact any potential core koala habitat areas.

Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River (No 2 - 1997)

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

Hawkesbury Local Environmental Plan 1989 (LEP)**Clause 2 - Aims, objectives etc.**

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

Clause 9A – Zone objectives

The subject land is comprised of two (2) separate zonings being partly zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map) and Rural Living (land shown hatched on the map) under the provisions of Hawkesbury Local Environmental Plan (HLEP) 1989.

Rural Living zone

The stated objectives of the Rural Living zone are detailed as follows:

- (a) *to provide primarily for a rural residential lifestyle,*

Comment: The plans submitted in conjunction with the application detail the provision of three (3) rural residential allotments. The information submitted in conjunction with the application demonstrates that the proposal is able to satisfactorily dispose of wastewater on the site and satisfies the criteria listed in Planning for Bushfire Protection 2006.

- (b) *to enable identified agricultural land uses to continue in operation,*

Comment: The proposed subdivision will have the potential to impact upon existing agricultural activities situated in the immediate area. In this regard it is noted that the subject land and that situated in the immediate area has been zoned Rural Living and the proposal is consistent with future character envisaged under this zone.

- (c) *to minimise conflict with rural living land uses,*

Comment: It is considered that the proposal will not have an adverse impact upon existing rural living land uses.

- (d) *to ensure that agricultural activity is sustainable,*

Comment: The proposal will have the effect of fragmenting the subject site reducing the capacity of the land to accommodate future agricultural activities. As previously discussed the proposal is consistent with the character envisaged in the Rural Living zone.

- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*

Comment: An appropriate condition has been included in the recommended consent requiring a suitable soil contamination report to be prepared certifying that the development areas associated with Proposed Lots 1 and 2 are suitable for residential use.

- (f) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*

Comment: It is considered that future buildings situated on Proposed Lots 1 and 2 would have minimal impact upon the existing rural landscape character.

- (f) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,*

Comment: There are no agricultural land uses proposed in conjunction with the application and as such this matter is not relevant in the consideration of the subject application.

- (h) *to ensure that development occurs in a manner:*

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- (i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
- (ii) *that satisfies best practice guidelines and best management practices,*

Comment: It is noted that the site adjoins a series of wetland areas (Yarramundi Lagoon) adjacent to its north western boundary. In this regard an assessment demonstrating the capability of the proposed allotments to accommodate an on-site wastewater disposal system has been prepared by Toby Fiander & Associates. This assessment has detailed the provision of 1250sqm disposal areas that have been sited so as to account for constraints associated with the land.

- (i) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The proposal is not considered to constitute a significant traffic generating development. Castlereagh Road is an arterial road and the application has been referred to the Roads and Traffic Authority under the requirements of the Roads Act 1993.

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

Comment: The proposal will not create significant demand for such infrastructure.

Environmental Protection - Agricultural Protection (Scenic) zone

The stated objectives of the Environmental Protection - Agricultural Protection (Scenic) zone are detailed as follows;

- (a) *to protect the agricultural potential of rural land in order to promote, preserve and encourage agricultural production,*

Comment: The subject site contains a relatively small portion of land area within the Environmental Protection - Agricultural Protection (Scenic) zone, comprising approximately 16 240sqm or 22% of total site area. It is noted that this portion of the site has an average slope of 13% which restricts its agricultural potential. Accordingly, it is considered that the proposed subdivision will not have an adverse impact on the agricultural potential of the land zoned Environmental Protection - Agricultural Protection (Scenic).

- (b) *to ensure that agricultural activities occur in a manner:*
 - (i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
 - (ii) *that satisfies best practice guidelines and best management practices,*

Comment: No significant adverse impact on water catchments, significant ecosystems or the River, or surface and groundwater quality and flows, or surface conditions is expected to occur as a result of the proposed subdivision.

- (c) *to ensure that development does not create or contribute to rural land use conflicts,*

Comment: The land that is currently adjoined by agricultural land uses and the proposal involving the subdivision of land has the potential to introduce rural land use conflicts. In this regard it is noted that the majority of land immediately adjacent to this portion of Castlereagh Road has been zoned Rural Living and accordingly the proposal is considered to be consistent with the desired future character of the area.

- (d) *to ensure that development retains or enhances existing landscape values that include a distinctly agricultural component,*

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Comment: The subdivision will change the current use of the property from agricultural to rural residential. However, it is considered that the subdivision will have minimal impact upon the existing landscape values of the locality.

- (e) *to preserve river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality,*

Comment: The proposed subdivision will not have any significant adverse impacts on river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality. No new works are proposed.

- (f) *to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance,*

Comment: The proposed subdivision will have no significant or adverse impacts on hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance.

- (g) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The proposal is not considered to constitute a significant traffic generating development. Castlereagh Road is an arterial road and the application has been referred to the Roads and Traffic Authority under the requirements of the Roads Act 1993.

- (h) *to control outdoor advertising so that it does not disfigure the rural landscape,*

Comment: The proposed subdivision does not involve outdoor advertising.

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

Comment: The proposal will not create unreasonable economic demands for the provision or extension of public amenities or services to the site.

- (j) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*

Comment: The site currently an existing dwelling and associated sheds, the proposed subdivision does not include any additional buildings.

- (k) *to encourage existing sustainable agricultural activities.*

Comment: The proposed subdivision will have the potential to impact upon existing agricultural activities in the immediate area and changes the use of the existing property to rural residential. In this regard it is noted that the land has been zoned Rural Living and the proposal is consistent with future character envisaged under this zone.

Clause 10 – Subdivision - general

The provisions of Clause 10 provide the following:

- 1) *Land to which this plan applies may be subdivided, but only with development consent.*

Comment: The applicant has applied for development consent in accordance with the provisions of this clause.

- (2) *Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries (if any) between zones as shown on the map.*

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- (3) *Notwithstanding the provisions of subclause (4), the Council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond with the boundaries between different zones as shown on the map but which, in the opinion of the Council, depart therefrom only to a minor effect.*

Comment: The boundary between the Rural Living and Environmental Protection Agriculture Protection (Scenic) zones dissects Proposed Lot 3. Approximately 1.28ha (44%) of land area in this allotment is situated within the Rural Living zone. Given that the land contains suitable area for the existing dwelling free from environmental constraint it is considered that the departure is reasonable in this instance.

- (4) *Where, on registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from that indicated on the map, land shall be deemed to be within the appropriate zone as determined by the Council.*

Comment: The proposed subdivision will provide opportunity to address the issue relating to zone and land boundaries.

Clause 11 – Rural subdivision – general provisions

Clause 11 Rural subdivision - general provisions of Hawkesbury LEP 1989 provides the following:

- (1) *In this clause:*

commencement day means the day on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) commenced.

endangered ecological community means any endangered ecological community referred to in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*.

lot averaging subdivision means a subdivision of land within the Mixed Agriculture, Rural Living or Rural Housing zones that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from:

- (a) dividing the area of the original allotment in hectares:
- (i) by 10, if the land is in the Mixed Agriculture zone, or
 - (ii) by 4, if the land is in the Rural Living zone, or
- (b) multiplying the area of the original allotment in hectares by the density control shown on the map, if the land is in the Rural Housing zone.

original allotment means an allotment in existence at the date on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) was gazetted.

regionally significant wetlands means any land shown as wetland on “the map” within the meaning of *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*.

- (2) *Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone only if the area of each of the allotments to be created is not less than:*

- (a) *if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or*
- (b) *if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.*

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Column 1	Column 2	Column 3
Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if lot averaging subdivision
<i>Mixed Agriculture (land shown hatched on the map)</i>	40 hectares	Not applicable
<i>Mixed Agriculture (other than land shown hatched on the map)</i>	10 hectares	2.5 hectares
Rural Living (land shown hatched on the map)	2 hectares	Not applicable
<i>Rural Living (other than land shown hatched on the map)</i>	4 hectares	1 hectare
<i>Rural Housing</i>	<i>Minimum lot size as shown on the map (otherwise not applicable)</i>	1,500 square metres if the density control shown on the map is 5.0 per hectare 2,400 square metres if the density control shown on the map is 3.0 per hectare 3,750 square metres if the density control shown on the map is 2.0 per hectare
Environmental Protection—Agriculture Protection (Scenic) (land shown hatched on the map)	10 hectares	Not applicable
<i>Environmental Protection—Agriculture Protection (Scenic) (other than land shown hatched on the map)</i>	40 hectares	Not applicable
<i>Environmental Protection (Wetlands) 7 (a)</i>	40 hectares	Not applicable
<i>Environmental Protection (Scenic) 7 (d)</i>	40 hectares	Not applicable
<i>Environmental Protection—Mixed Agriculture (Scenic)</i>	40 hectares	Not applicable

Comment: The proposal does not satisfy the minimum area provisions detailed above in that Proposed Lot 3, which is zoned part Rural Living and part Environmental Protection - Agriculture Protection (Scenic), is less than 10 hectares in size. In this regard it is noted that this allotment is partly zoned Rural Living.

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The applicant has submitted an objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards. An assessment of this objection is detailed later in the following section of this report.

(3) *The Council may consent to the subdivision of land to which this clause applies only if:*

(a) *there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and*

Comment: The depth to width ratio proposed in conjunction with Proposed Lots 1, 2 and 3 satisfies the criteria contained in Hawkesbury Development Control Plan 2002 requiring a minimum depth to width ratio of 1:5. In addition, the submitted plans demonstrate that the site is able to accommodate a suitable development area comprising future dwelling footprint and wastewater disposal area. Given that the land is able to accommodate the above it is considered that the allotment configuration is satisfactory.

(b) *the pattern of allotments created by the proposed subdivision and the location of any proposed buildings on those allotments will, in the opinion of the Council, minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, watercourses, agriculture and bush fire threat, and*

Comment: The information submitted in conjunction with the application details that the proposal will not have a significant impact upon the adjacent watercourse or be subject to significant bushfire threat.

(c) *the Council has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and*

Comment: An assessment demonstrating that the proposal has suitable land area and characteristics to support on-site effluent disposal has been submitted in conjunction with the application.

(d) *in the opinion of the Council, each of the allotments created contains suitable areas for a dwelling-house, an asset protection zone relating to bush fire hazard and effluent disposal.*

Comment: The information submitted in conjunction with the application demonstrates that suitable building envelopes, asset protection zones and effluent disposal areas would be able to be provided to all proposed allotments.

(4) *A subdivision of land within the Mixed Agriculture or Rural Living zone complies with this clause only if:*

(4A) *A subdivision of land within the Rural Housing zone complies with this clause if a density control is shown for the land on the map and the number of lots created does not exceed the density control for the land.*

(5) *Despite subclause (2), the Council may consent to a lot averaging subdivision of land*

Comment: The application does not constitute a lot averaging subdivision therefore the provisions of these clauses do not apply.

(6) *Consent must not be granted to a subdivision of land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*

(a) *sufficient for the erection of a dwelling-house, and*

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- (b) *at natural surface level or at a level achieved by filling carried out with the consent of the Council.*

Comment: The north western portion of the subject site is affected by the predicted 1 in 100 year flood level as it contains land situated below 17.5m AHD. The remainder of the site is situated above the predicted 1 in 100 year flood level.

- (7) *Consent must not be granted to the subdivision of land in the Rural Village or Consolidated Land Holdings zone otherwise than to effect a minor boundary adjustment of the boundary between allotments that does not create more allotments than the number before the adjustment was made.*

Comment: The subject site is not zoned Rural Village or Consolidated Land Holdings.

- (8) *Consent must not be granted to the subdivision of land within Zone No 7(e).*

Comment: The subject site is not zoned Environmental Protection No. 7(e)

- (9) *References to a number of allotments in this clause do not include allotments created for a public purpose or allotments created as neighbourhood property.*

Comment: The proposed subdivision does not involve the creation of allotments for a public purpose or as neighboring property.

SEPP No. 1 Objection to Clause 11 of Hawkesbury Local Environmental Plan 1989

The proposed subdivision does not satisfy the minimum allotment size provisions of 10 ha in relation to land zoned Environmental Protection - Agriculture Protection (Scenic) contained in Clause 11 of Hawkesbury Local Environmental Plan 1989. In regard to the non compliance with this development standard the applicant has submitted an objection under the provisions of SEPP No. 1 – Development Standards.

The following comments have been prepared by the applicant having regard to whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

1. *Approximately 85% of the subject land is zoned Rural Living, which permits a minimum allotment size of 2 hectares.*
2. *A small portion at the rear of the land, which is not suitable for building or intensive agriculture due to the slope of the land is zoned Environmental Protection - Agriculture Protection (Scenic).*
3. *The split zoning is illustrated in the following extract from the Hawkesbury LEP Map.*
4. *Proposed Lot 3 (split zoning) has an established dwelling and outbuildings located within the flat area of the property which is zoned Rural Living. No dwellings or buildings will be erected within the Environmental Protection - Agriculture Protection (Scenic) zone.*
5. *The proposed lots comply with the requirements of the subdivision chapter of Hawkesbury Development Control Plan.*
6. *The site plan and effluent disposal report demonstrate that there is sufficient room for the erection of a dwelling and effluent disposal, with sufficient flexibility for orientation and design, within each allotment.*
7. *The proposal will not create any land use conflict within the zone.*

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8. *It is submitted that the departure from the development standard in this instance is a technical non-compliance only, as the zone boundary does not exactly follow property boundaries in this location.*

Comment: Clause 11 of Hawkesbury Local Environmental Plan requires that allotments have a minimum area of 2 ha within the Rural Living zone and 10 ha within the Environmental Protection - Agriculture Protection (Scenic) zone. It is noted that the land is capable of providing suitable development areas on all of the proposed allotments and the issue of non-compliance with the minimum allotment size criteria is the result of the zone boundary not corresponding with the property boundaries.

It is considered that in the circumstances of the case the departure to the minimum allotment size criteria contained in Hawkesbury Local Environmental Plan 1989 is acceptable and accordingly it is considered appropriate to support the variation sought under the provisions of SEPP No. 1 in this instance.

NSW Department of Planning

As the departure to the minimum allotment size criteria contained in Clause 11 of Hawkesbury Local Environmental Plan 1989 exceeded 10% the Development Application and accompanying objection lodged pursuant to State Environmental Planning Policy No. 1 – Development Standards was forwarded to the NSW Department of Planning for the concurrence of the Director-General pursuant to the provisions of Section 79B of the Environmental Planning and Assessment Act, 1979.

The Department have not provided a response to date however verbal advice has been received stating that processing of this application would be deferred until such time as Council has made its determination.

Clause 18 – Provision of water, sewerage etc. services

A report titled *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 3 March 2008 has been prepared by Toby Fiander. This report examines the feasibility of wastewater disposal for the subject proposal having regard to environmental constraints associated with the site and the adjacent watercourse.

The report provides that the site is capable of being subdivided and it is feasible to satisfactorily dispose of wastewater generated on the new proposed allotments without damage to adjoining land or nearby watercourse.

The subject site is serviced by a reticulated water supply. Electricity and telephone services are available.

Clause 21 – Danger of bushfire

The south eastern portion of the subject site (area adjacent to Castlereagh Road) has been mapped as Bushfire Prone Buffer on the Statutory Bushfire Prone Land Map. A bushfire hazard report titled *“Rural Bushfire Assessment”* prepared by Monaghan Surveyors Pty Limited was submitted in conjunction with the application detailing the bushfire threat associated with the subject site.

This report identifies that the proposed allotments generally comply with the provisions of Planning for Bushfire Protection 2006 and that any future dwelling could be constructed on the vacant land.

It is considered that the application is satisfactory having regard to the provisions of Clause 21 of Hawkesbury LEP 1989.

Clause 25 – Development of flood liable land

The majority of the subject land, with the exception of the north western portion of the site, is situated above the predicted 1 in 100 year flood level for the area.

Clause 37A – Development on Land Identified on Acid Sulfate Soils Planning Map

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The subject land has been identified as containing Class 4 and Class 5 land on the Acid Sulfate Soils Planning Map. It is considered that the works associated with the proposed subdivision will not impact the watertable.

Hawkesbury Development Control Plan 2002

Part A, Chapter 1 - Purpose and Aims

The proposed development is considered to be consistent with the general aims and objectives of Hawkesbury Development Control Plan 2002.

Part A, Chapter 2 – General Information

It is considered that sufficient information has been submitted with the application for Council to assess the application.

Part A, Chapter 3 - Notification

The application was notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002. The notification period extended from 07 May 2008 to 21 May 2008. In response to this notification no written submissions were received.

Part C, Chapter 2 - Carparking and Access

Dwelling houses having a GFA in excess of 85qm are required to provide two (2) car parking spaces. It is noted that the existing car parking arrangements associated with the existing dwelling situated on Proposed Lot 3 are not proposed to be altered.

The application details that Proposed Lot 1 will have direct access to Castlereagh Road, while Lots 2 and 3 will each have a 4.5m Reciprocal Right of Carriageway and Easement for Services located running alongside north eastern (side) boundary of the land.

It is considered undesirable to place an additional access point adjacent to the existing driveway on the adjoining property situated in close proximity to the slip lane into Drift Road. It has been noted that vehicles turning into Drift Road have a tendency to move towards the shoulder before the actual start of the slip lane.

There is sealed shoulder approx 2-3 metres wide along the frontage of the property, which allows for vehicles to have a reasonably good site distance without the removal of additional vegetation at the site frontage.

In this instance it is considered appropriate that a consolidated access be provided for all three proposed allotments. Given the close proximity to the slip lane for left turn vehicle movements into Drift Road and the impact upon existing vegetation situated within the road reserve adjacent to the proposed access location a condition has been included in the recommended consent requiring the relocation of the reciprocal right of carriageway and easement for services to the south western (side) boundary of the land.

Part D, Chapter 3 - Subdivision

Part D, Chapter 3 of the Hawkesbury Development Control Plan 2002 includes provisions relating to rural and rural-residential subdivision.

Visual Amenity

Given that the proposal involves subdivision of land situated within an existing rural context it is considered that there would be minimal impact upon the existing visual quality of the area.

Heritage

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There are no heritage items that have been identified on the subject or adjacent land.

Utility Services

The site benefits from appropriate services that will be able to be provided to all proposed allotments.

Flooding, Landslip and Contaminated Land

The majority of the subject land, with the exception of the north western portion of the site, is situated above the predicted 1 in 100 year flood level for the area. The site is not situated on land that has been identified as having a landslip risk. An assessment demonstrating the suitability of the land to accommodate residential development will be required to be prepared prior to the issue of the linen plan of subdivision.

Rural and Rural-Residential Subdivision

Part D, Chapter 3 of the Hawkesbury Development Control Plan 2002 includes provisions relating to rural and rural-residential subdivision. Clause 3.8.1 of Development Control Plan 2002 provides the following rules in relation to rural lot size and shape:

- a) *The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.*

Comment: The allotment area proposed in conjunction with Lot 3 does not accord with the minimum provisions contained in Hawkesbury LEP 1989. The applicant submitted a SEPP 1 Objection relating to the proposed variation that is discussed separately in this report.

- b) *Lots should be able to accommodate a building envelope of 2000sqm with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes would contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.*

Comment: The proposal is able to satisfy the building envelope requirements detailed above.

- c) *In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.*

Comment: The area calculations detailed on the submitted plans exclude the area of the battle axe handle.

- d) *The width to depth ratio of allotments should not exceed 1:5.*

Comment: The width to depth ratio of the proposed development is described as follows:

Proposed Lot	Width to Depth Ratio
1	1:1.3
2	1:1.3
3	1:1.5

- e) *Lot layout shall consider the location, the watercourse vegetation and other environmental features.*

Comment: The subject land has minimal environmental constraints and the information submitted in conjunction with the application demonstrates that the land is capable of accommodating rural residential uses with appropriate zones for wastewater disposal and asset protection.

Bushfire Assessment

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The provisions of Section 100B of the Rural Fires Act 1997 provide that a Bush Fire Safety Authority is required for a subdivision of bush fire prone land that could accommodate a residential or rural residential land use.

The south eastern portion of the subject land is partly mapped as Bush Fire Prone Buffer on the Bush Fire Hazard Mapping prepared by the NSW Rural Fire Service. The land is zoned part Rural Living and part Environmental Protection - Agriculture Protection (Scenic) under the provisions of Hawkesbury Local Environmental Plan 1989. Clause 9 of this instrument provides that dwelling-houses constitute a permissible land use within this zone subject to development consent.

Given that the applicant has not nominated that the application be processed as an Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act a condition requiring the applicant to obtain a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997 has been included in the recommendation.

Roads and Traffic Authority

As Castlereagh Road is a classified road the application was referred to the Roads and Traffic Authority for concurrence in accordance with the provisions of Section 138 - Works and Structures under the Roads Act 1993. To date no correspondence has been received from the Roads and Traffic Authority and accordingly a condition has been included requiring any conditions/comments be incorporated in the consent.

Conclusion

The application has been considered having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979; Hawkesbury Local Environmental Plan 1989; Hawkesbury Development Control Plan 2002 and other relevant codes and policies. As detailed within the main body of the report the departure to the minimum allotment size provisions is reasonable in this instance and the State Environmental Planning Policy No. 1 objection is supported. Based upon the above it is considered that the proposal represents a satisfactory form of development and is recommended for consent.

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 advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Subject to the concurrence of the Department of Planning being obtained, authority be delegated to the General Manager to determine Development Application No. DA0318/08 for a three (3) lot Torrens Title subdivision.

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ATTACHMENTS:

AT - 1 List of likely development consent conditions.

AT - 2 Locality Plan

AT - 3 Subdivision Plan

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The following is a list of likely development consent conditions that would be imposed on the development should the Department of Planning issue concurrence to the development. It should be noted that Council will also consider any conditions/requirements from the Roads and Traffic Authority and incorporate these as conditions of consent.

General Conditions

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent: forward

Drawing Number	Dated
07015 - DA(3)	28 February 2008

Document Number	Dated
Statement of Environmental Effects - Lot 2 DP 212203 (No. 220) Castlereagh Road Agnes Banks Proposed Three Lot Subdivision	April 2008
Wastewater Disposal Report – Report No. TFA 3187/01	3 March 2008

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The access arrangements associated with the site involving the Reciprocal Right of Carriageway and Easement for Services are to be relocated to the south western (side) boundary of the site.

Prior to Issue of Construction Certificate

4. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

5. Construction of the accesses are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
6. Payment of a Construction certificate checking fee of \$552.00 and a Compliance Certificate inspection fee of \$1120.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2009. Fees required if an accredited certifier is used will be provided on request.
7. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the traffic guidance scheme is to be approved by the Roads and Traffic Authority before submission to Council.

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Prior to Commencement of Works

8. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
9. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
10. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
11. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
12. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
13. Any clearing of native vegetation associated with site works or associated road works shall not be undertaken prior to a flora and fauna assessment being undertaken, areas of vegetation are to be fenced off during construction and disturbed areas are to be rehabilitated and stabilised as soon as possible following construction.

During Construction

14. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
15. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
16. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
17. A pavement 4.5 m wide shall be constructed along the access strip (reciprocal right of carriageway) and across the footway to lots 2 and 3 appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section. Passing bays are to be provided at maximum 100 metre intervals.

18. A bitumen sealed rural footway crossing 6m wide shall be constructed to lots 2 & 3 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
19. A bitumen sealed rural footway crossing 3m wide shall be constructed to Lot 1 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
20. The site shall be secured to prevent the depositing of any unauthorised material.

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21. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
24. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.

Prior to Issue of Subdivision Certificate

25. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
26. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
27. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
28. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
29. Reciprocal rights of carriageway and easements for services shall be created over the access handles to Proposed Lots 2 & 3.
30. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
31. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the plan of subdivision.
32. A soil contamination report certifying that the development area associated with Proposed Lots 2 and 3 are suitable for residential use is to be prepared and any remedial action required as a result of this investigation completed prior to issue of the linen plan of subdivision.
33. Creation of a restriction on use of land pursuant to the Section 88B of the Conveyancing Act as follows;
 - (1) All vehicular access to Proposed Lot 1, 2 and 3 is to be restricted to the Common Right of Carriageway.
 - (2) Effluent disposal undertaken on the site is to be in accordance with the recommendations contained in the following report: *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 03/03/2008, prepared by Toby Fiander

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Hawkesbury City Council is to be nominated as the only authority permitted to modify vary or rescind such a restriction.

34. A Bush Fire Safety Authority issued under Section 100B of the Rural Fires Act 1997 is to be obtained for the proposed subdivision prior to the issue of the subdivision certificate.

Advice to Applicant

- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** The applicant is advised to consult with the necessary energy and telecommunication suppliers regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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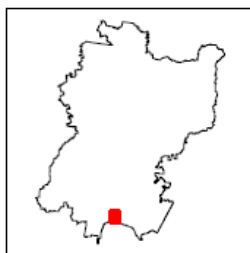
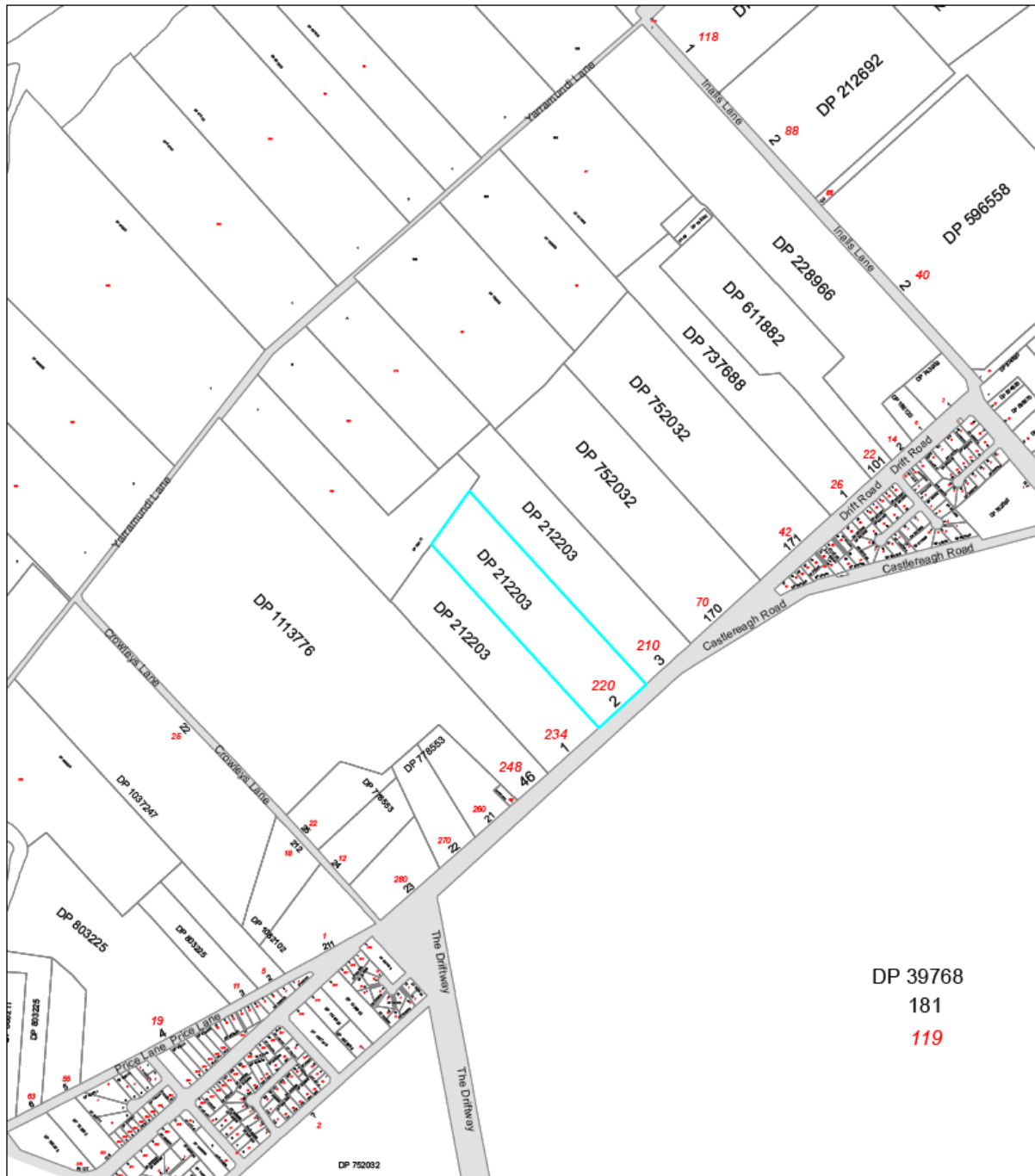
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AT - 2 Locality Plan



HAWKESBURY CITY COUNCIL

PO Box 146, Windsor NSW 2756
Website: www.hawkesbury.nsw.gov.au
Email: council@hawkesbury.nsw.gov.au
Hours: Monday to Friday 8.30am - 5.00pm
Phone: 02 4560 4444



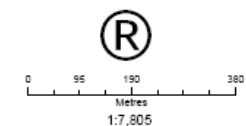
Date:

Legend

- Land Parcels
- Road Names
- Roads

This map cannot be reproduced without the permission of Hawkesbury City Council
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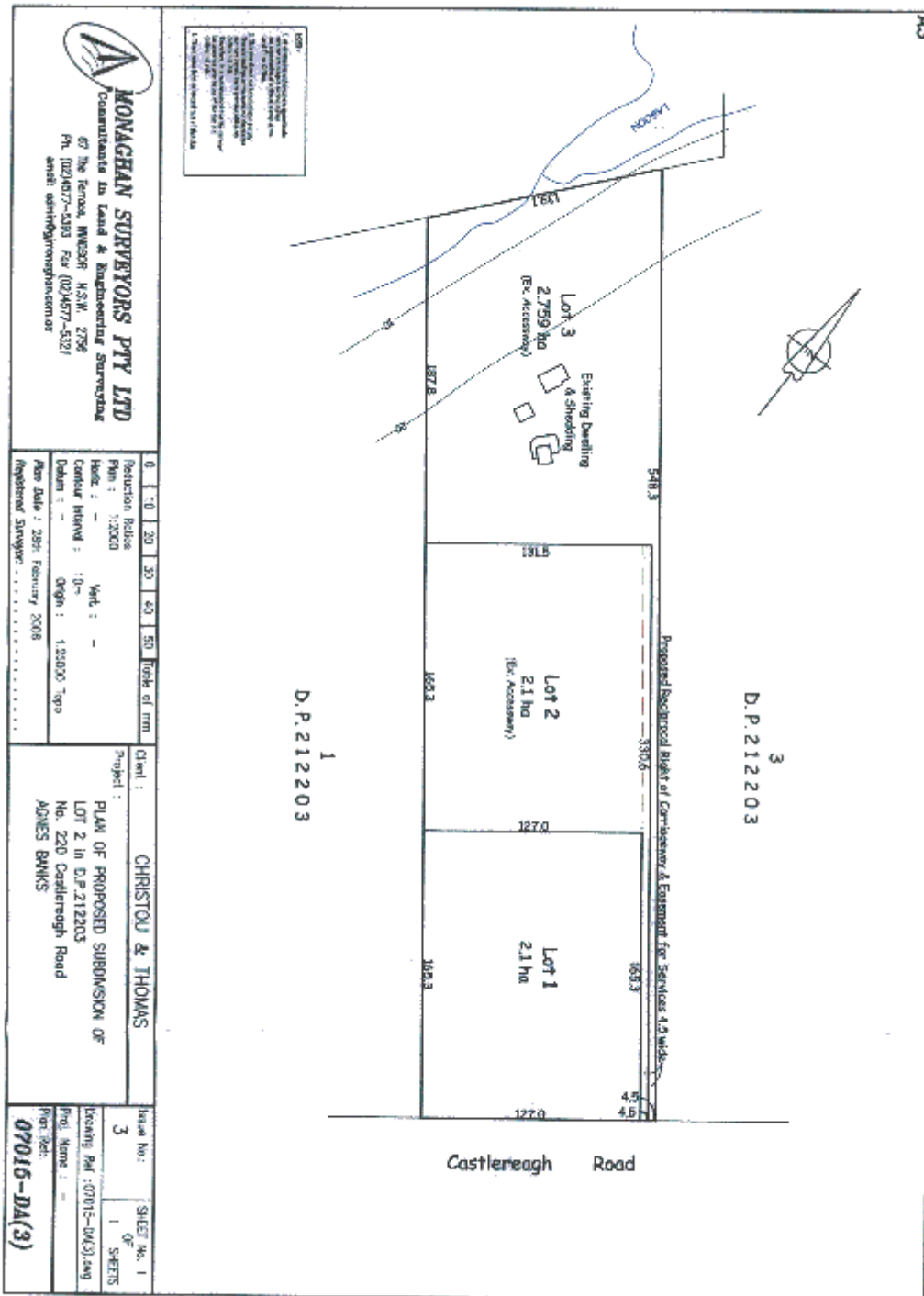
The scale displayed is approximate only. Hawkesbury City Council does not accept responsibility for any errors or omissions. The assets shown on this map indicate the presence and general location only. Its accuracy or completeness is not guaranteed. Caution must be used as a guide. A survey map is required for more accuracy.



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AT - 3 Subdivision Plan



oooO END OF REPORT Oooo

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Item:6 CP - Development Application - Rural Shed - 269 Grono Farm Road, Wilberforce - (DA0406/08, 18449, 18450, 95498)

Previous Item: 229, Ordinary (11 November 2008)

REPORT:

Background

At the meeting of 11 November 2008 Council considered a development assessment report for the retrospective approval of a rural shed at 269 Grono Farm Road, Wilberforce. A copy of that report is attached. The resolution of the 11 November meeting was as follows:

That the matter be deferred to enable:

- 1. A site inspection be carried out.*
- 2. A further report to Council on matters raised by Mr Trevor Devine, respondent.*

A site inspection was carried out on Tuesday 2 December 2008 and was attended by the property owners, Mr & Mrs Mackay, the owner's consultant Mr Falson, the Mayor Cllr B Bassett and Cllrs Paine, Rasmussen, Reardon and Whelan and Council's Director City Planning.

The purpose of this report is to address part two of the resolution of 11 November 2008 and recommend that the application be determined by Council.

Issues raised by Mr Trevor Devine, respondent at meeting of 11 November 2008

- 1. The report to Council on 11 November did not deal with the number of retrospective approvals relating to the land.*

Comment

The report to Council on 11 November 2008 contained all the relevant background to the site (relating to structures on the site) as follows;

BA981/91	Rural shed (not constructed)
MA190/98	Rural Shed (constructed)
DA224/06	Retrospective approval for alteration to existing shed and stables.

The structure, the subject of the application, was constructed approximately eight years ago.

Another matter relating to filling on the site was subject to a previous compliance investigation. However, that matter has been finalised and is not relevant to this current application.

The respondent's comments imply that there have been multiple retrospective applications on the site. As seen from above there has only been one retrospective development application for structures on the subject site. That application was DA224/06 to regularise additions and alterations to existing shed as approved by MA190/98. It should also be noted that a Section 96 application to DA224/06, also proposed an amendment to the development consent. However, that Section 96 amendment application was refused by Council at the meeting of 29 May 2007

- 2. There is now approximately 1000m² of shed floor area on the site.*

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Comment

A check of the approved plans for sheds on the subject site indicates that the shed area approved by DA224/06 totals 750m². The shed, the subject of this application, has a total area of 93m². This makes a total shed area on the site of 843m².

The Hawkesbury Development Control Plan 2006 (DCP) Part D 8.2.2 sets out the controls for the size of rural sheds. The DCP sets an upper limit of 170m² for sheds in Rural Living Zones and permits larger sheds in other rural zones subject to justification provided by the applicant. The subject site is zoned Environment Protection – Agriculture Protection and not Rural Living. Under the provisions of the Hawkesbury LEP 1987 larger sheds are permitted on the subject land when justified.

The applicant has provided justification for the sheds previously approved by DA 224/06 and these are not relevant to the current application. The current application, for the retrospective approval of a 93m² shed, has stated that the *“size of the shed is commensurate with the existing use of the property and the requirement to house equipment associated with the agricultural and equestrian use of it.”* It is considered that the applicant has justified the amount of shed area that is on the site, via the two applications mentioned above, and that justification satisfies the requirements of the DCP.

3. *DCP “Rules” state that the shed should be no closer to the road than the existing dwelling. This shed is not consistent with DCP “Rules”.*

Comment

This matter was addressed on page 2 of the previous Council report on this matter (see attached report). It is true that the “rules” of the DCP state that sheds should be no closer to the road than the existing dwelling on the site. However, the “rules” in the DCP are expressed as a “deemed to comply” provision for ease of reference to the controls in the DCP.

The structure of the DCP is such that the “Rules” must be consistent with the “Aims” and “Objectives” of the relevant sections of the DCP. It is generally understood that the “Rules” in the DCP, whilst satisfying the majority of development scenarios, cannot be expected to be a “one size fits all” control. In the cases where the “Rules” do not, or cannot be met, and the circumstances support a variation, each application is assessed on the individual merits and any variation must comply with the “Aims” and “Objectives” of the relevant section of the DCP.

In this case the aims of the “Siting” section of the DCP are to ensure that *“sheds shall not be visually prominent or intrude into the skyline”* and *“The siting of the rural shed will be chosen to minimise unnecessary disturbance to the natural environment.”*

The subject shed is approximately 190 metres from the Grono Farm road frontage and is partially screened by established vegetation and is not visually prominent. It is considered that the existing shed complies with the aims and objectives of the DCP. Relocation of the shed is likely to have a detrimental impact on the natural environment and would be inconsistent with the DCP provisions.

4. *Respondent’s real estate experience says that when a Foxtel receiver and TV aerial are on a shed it is “worth a look”.*

Comment

This comment relates to the shed approved under the provisions of DA224/06 and is not relevant to the current application.

It is assumed, from listening to the taped transcript of the Council meeting of 11 November 2008, that the respondent’s comment implies that the other shed is being used for habitable purposes. An investigation of the matter indicates that the receiver and aerial are being used for a purpose that is not inconsistent with the approval relating to DA224/06 and the shed is not used for habitable purposes.

5. *It is questionable if the requirements of DA224/06 have been totally complied with.*

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Comment

There is no question that the conditions of approval relating to DA 224/06 have been complied with. This fact was verified to the adjoining owner, and the respondent, in writing by Council on 23 October 2007. Again this comment has no relevance to the current application.

6. *Previous approvals should be complied with prior to Council considering any further approvals.*

Comment

The provisions of the Environmental Planning and Assessment Act 1979 are clear in relation to Council's responsibilities in relation to assessment and determination of development applications. The provisions of the Act are also clear in relation to powers granted to Council for enforcement of development consent conditions. However, the Act does not make provisions for the withholding of the determination of a development application due to non-compliance or otherwise of another unrelated development applications. The withholding of determination of a development application could only be justified if the previous development consent was a prerequisite of the later, e.g., the first required construction of access to the site prior to building.

7. *A 2.4 metre high lattice fence is constructed on the site and whilst one "couldn't describe this lattice fence as a rural fence it never the less is a dividing fence and permitted under the DCP".*

Comment

This comment has no relevance to the current application for a shed and the fence is approximately 150 metres southeast of the subject shed. It should also be noted that there is no definition of "Rural Fence" in the Hawkesbury Planning Controls.

The fence referred to was the subject of an investigation by Council staff in February 2008. The fence height and construction was deemed to be "exempt development" and the adjoining owner was notified of this by letter on 26 February 2008.

8. *Fence was erected without consultation with the adjoining neighbour.*

Comment

This comment has no relevance to the current application for a shed. The erection of fencing between property owners is not a matter that Council is involved with. Also see comments in 7 above.

9. *If the DCP is relied upon for the fence then the DCP should be considered in relation to any other structures on the site.*

Comment

The DCP has been used to assess the application for the subject shed. The shed is considered to be satisfactory in relation to the provisions of the DCP and has been recommended for approval.

10. *The shed should be relocated.*

Comment

See comments in relation to 3. above. As with all development applications, the assessment of the application by Council is to consider the shed and location as proposed. The determination of a development application should not be approved with a condition to substantially relocate the structure as that would be an invalid condition.

Conclusion

The purpose of this report was to address the matters raised by the respondent, Mr Devine, at the Council meeting of 11 November 2008. As discussed previously in this report, many of the issues raised are either not relevant to this current application or have been assessed against the provisions of the DCP and found to be acceptable. As a result, the application is recommended for approval subject to conditions.

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Planning Decision

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

RECOMMENDATION:

That development application DA0406/08 at 269 Grono Farm Road, Wilberforce for retrospective approval for the use of the structure as a rural shed be approved subject to the following conditions:

General Conditions

1. The development shall be in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions
2. The development shall comply with the provisions of the Building Code of Australia at all times.
3. Submission of an application under Section 149(D) (Building Certificate) for the structure within 60 days from the date of this consent.

Use of the Development

4. No internal or external alterations shall be carried out without prior approval of Council.
5. The rural shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

Advisory Notes

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

ATTACHMENTS:

AT - 1 Council Report from 11 November 2008

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AT - 1 Council Report from 11 November 2008

Item: 229 CP Development Application - Rural Shed - 269 Grono Farm Road, Wilberforce - DA0406/08, 18449, 18450, 95498)

Development Information

Applicant: Dr W & Mrs A MacKay
Owner: Dr W & Mrs A MacKay
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 11.2ha
Zone: Environmental Protection - Agricultural Protection (Scenic)
Advertising: Not required under Notification Chapter of the DCP
Date Received: 27 May 2008

Key Issues: ♦ Retrospective approval

Recommendation: Approval

REPORT:

Description of Proposal

The application seeks approval for a retrospective use of an existing structure as a rural shed. The structure is 12.37m x 7.5m (93sqm) and has a height of 3.076 to 3.6 metres. The structure is located approximately 190 metres from Grono Farm Road and 30 metres from the northern property boundary.

A photo of the structure and aerial photo is on display in the Council Chambers.

The structure is used to store various equipment and materials associated with the farming and equestrian activities on the site.

The application was called to Council by former Councillor Devine.

Recommendation

Approval with conditions

History

BA981/91 Rural shed (not constructed)
MA190/98 Rural Shed (constructed)
DA224/06 Retrospective approval for alteration to existing shed and stables.

The structure, the subject of the application, was constructed approximately eight years ago.

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan 20
Hawkesbury Development Control Plan

Section 79C Matters for Consideration

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

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Issue	Comments (in point form)
Any Environmental Planning Instrument (EPI)	<ul style="list-style-type: none">• Proposal is permissible in the zone• Proposal is consistent with relevant EPI's
Any draft EPI that has been placed on public exhibition	<ul style="list-style-type: none">• Consistent
Any DCP in force	<ul style="list-style-type: none">• Consistent and complies with the rules set out in the Rural Shed Chapter of the Hawkesbury DCP except for the siting (See comments below)
Any matters prescribed by the Regulations	<ul style="list-style-type: none">• Consistent
Likely impacts, including environmental, on both natural and built environments and the social and economic impacts of the locality	<ul style="list-style-type: none">• Minimal impact on the natural and built environments
The suitability of the site	<ul style="list-style-type: none">• Site is suitable for the proposed development
Any submissions (see attached scheduled for details)	<ul style="list-style-type: none">• Not applicable as notification not required
The public interest	<ul style="list-style-type: none">• Approval would be consistent with the public interest

Rural Shed Chapter of the DCP

The structure complies with the rules contained in the Rural shed chapter except for siting. The rule does not permit sheds to be erected in front of the dwelling on the property. The shed is located approximately 190 metres from Grono Farm Road and is located in front of the dwelling as shown on the site plan (AT2).

The aims and objective of this rule is to:

- Integrate rural sheds with the landscape so that they compliment the rural character of an area and are not visually dominant.
- Preserve the natural environment.
- Sheds shall not be visually prominent or intrude into the skyline
- The siting of the rural shed will be chosen to minimise unnecessary disturbance to the natural environment.

While the shed is located in front of the dwelling house, it is setback a considerable distance from Grono Farm Road and the nearest property boundary and will meet the aims and objectives of this rule. The location will have no impact on the natural environment. In this case the variation is supported.

Conclusion

The development is consistent with the rules of the Rural Shed chapter of the Hawkesbury DCP. The structure is relatively small and has no significant impact on the natural or man made environment. The matter of the works being undertaken without any formal approval will be considered in accordance with Council's Enforcement Policy.

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

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matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That development application DA0406/08 at 269 Grono Farm Road, Wilberforce for Retrospective approval for the use of the structure as a rural shed be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions
2. The development shall comply with the provisions of the Building Code of Australia at all times.
3. Submission of an application under Section 149(D) (Building Certificate) for the structure within 60 days from the date of this consent.

Use of the Development

4. No internal or external alterations shall be carried out without prior approval of Council.
5. The rural shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

Advisory Notes

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

ATTACHMENTS:

AT - 1 Locality Plan

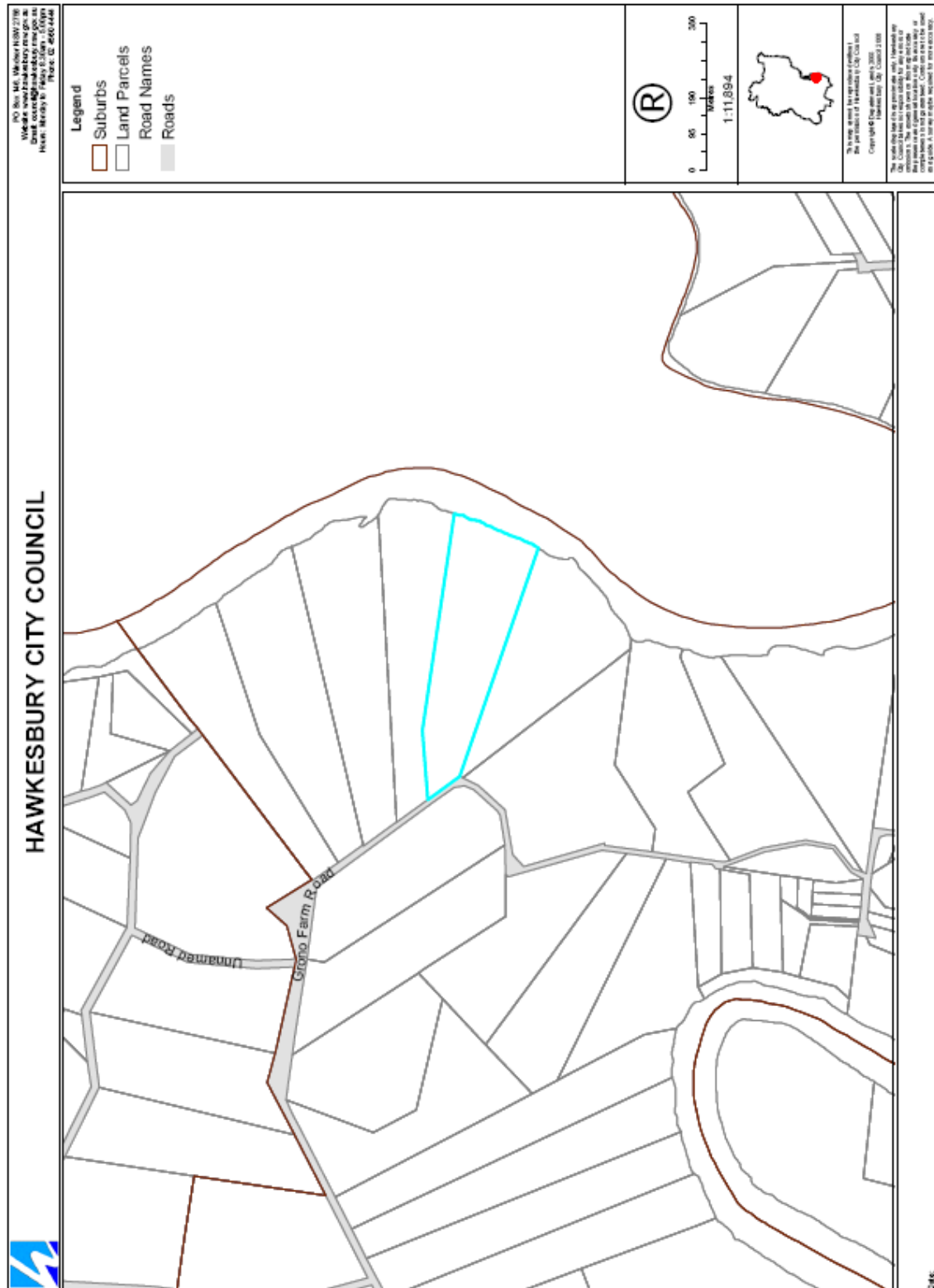
AT - 2 Site Plan

AT - 3 Floor Plan / Elevations

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AT - 1 Locality Plan



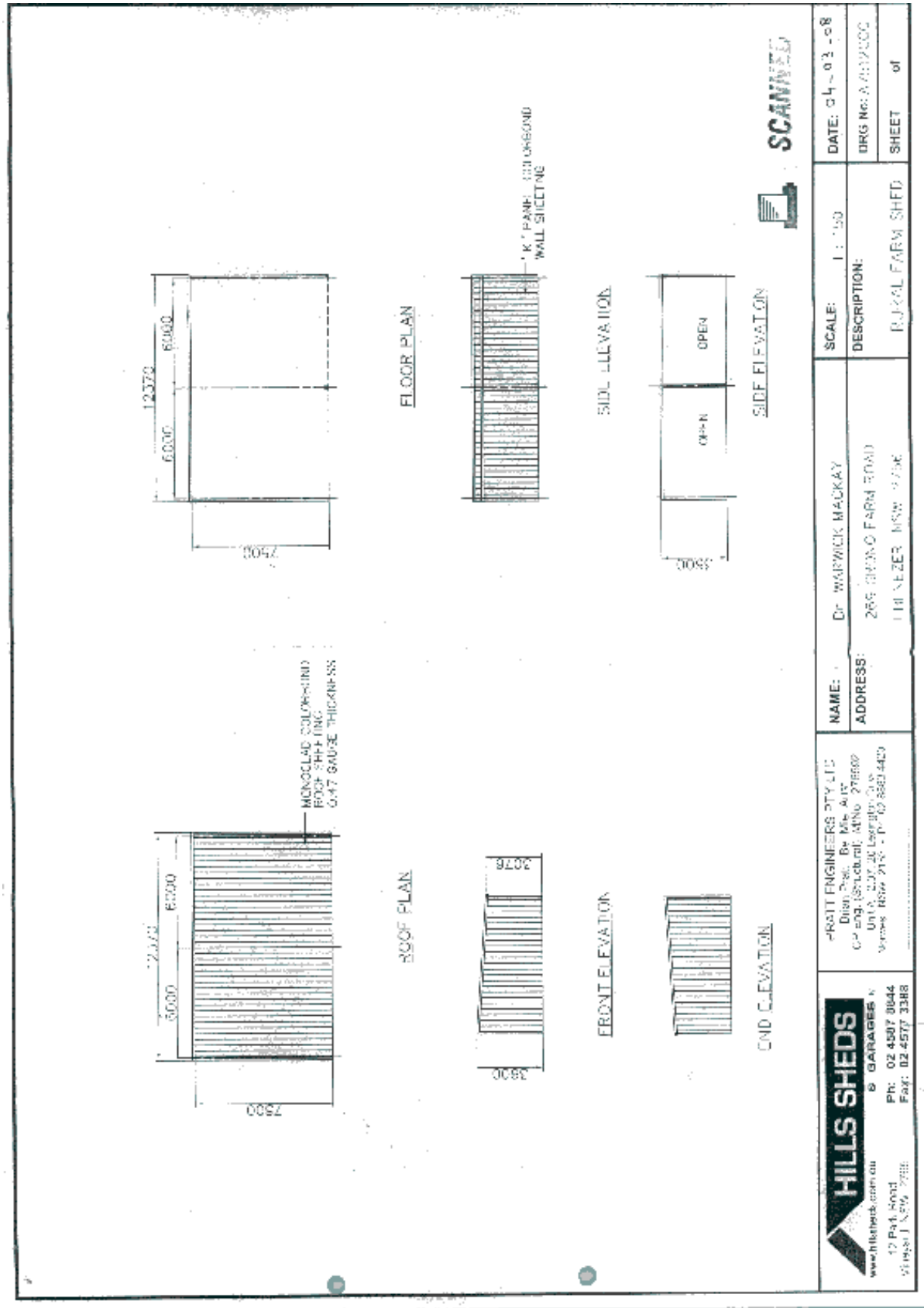
Meeting Date: 3 February 2009

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ORDINARY MEETING

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AT - 3 Floor Plan / Elevations



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ORDINARY MEETING

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Item:7 **CP - Development Application - Shop - Extension and Use of Existing Building for Sale of Fruit and Vegetables, Associated Car Parking and Landscape Area - 570 Bells Line of Road, Kurmond - (DA0730/07, 95498, 35270, 35269)**

Development Information

Applicant: Francesco Agostino
Owner: Mr F Agostino & Mrs C Agostino
Stat. Provisions: Hawkesbury LEP 1989
Area: 2.024ha
Zone: Rural Living
Advertising: 20 December 2007 to 10 January 2008
Date Received: 30 October 2007

Key Issues: ♦ Permissibility of Use
 ♦ Existing Use Rights
 ♦ Access, Traffic and Parking

Recommendation: Refusal

REPORT:

Description of Proposal

The application seeks approval for alterations/additions and use of an existing building for the sale of fruit and vegetables associated car parking and landscaped area. The existing building is situated on the south western corner of the subject land being positioned approximately 2.5 metres from the front boundary to Bells Line of Road and maintaining a variable setback to the western (side) boundary of 1.25 to 4.00 metres.

The principal works associated with the proposal are detailed as follows:

- (a) demolition of the eastern wall and extension of the building 5.62 metres to the east;
- (b) removal of existing window, door and associated stairway within northern elevation;
- (c) new covered verandah to the southern and part eastern side of the building;
- (d) new metal sheet roofing to the building;
- (e) new external wall cladding to the building;
- (f) replacement of windows within the southern and western elevations;
- (g) provision of disabled toilet facilities at the eastern end of the building;
- (h) creation of internal wall opening to northern room;
- (i) provision of file storage, plant and amenities rooms at sub floor level;
- (j) new stair access to sub floor level;
- (k) demolition of existing building and associated carport situated centrally along the site frontage;
- (l) construction of eight (8) car parking spaces inclusive of one (1) disabled space.

The proposed internal configuration of the shop is to consist of fruit and vegetable display areas, fruit bins, refrigerated display, checkouts, preparation area, cool room and loading area.

The existing building has a floor area of 162.9 sqm and the building as proposed is to comprise 215.7 sqm of floor area.

The application has been submitted on the assumption that the former land use of the property was operating under existing use provisions as defined by the Environmental Planning and Assessment Act, 1979.

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History

A search of Council's records has provided documentation of the following approvals issued in respect to the subject land:

68A/920/71	Shed	
68A/568/72	Subdivision	
68A/208/73	Cool room	
68A/730/73	Dwelling	
D0445/83 and D0446/83	Dwelling and Machinery Shed	20 October 1983
DA0161/84	Dwelling	20 June 1984

Existing Use Provisions

In order to assist in the determination of the existence or otherwise of existing use provisions associated with the subject site the information submitted in conjunction with the application was forwarded to Pike Pike & Fenwick Lawyers to provide advice in this regard.

An initial assessment of the documentation submitted with the application found that the applicant had failed to demonstrate that the site benefited from existing use provisions. In this regard a summary of this advice provided that:

We suggest the Applicant clarify how the commencement of the current light industrial use was lawful as prima facie, at the time such change of use occurred in 1976, it would appear that development consent would have been needed.

In order for the premises to benefit from existing use rights, the Applicant has essentially to prove that:

- (a) The current use commenced lawfully, either prior to the commencement of planning controls in the area or alternatively pursuant to a development consent after planning controls were imposed; and*
- (b) It was lawfully continuing as at the date at which rezoning was effected so as to make the use prohibited; and*
- (c) It is still lawfully continuing as at to date.*

In order to assist in the determination of the existence or otherwise of existing use provisions associated with the site, Council's lawyers were instructed to correspond directly with the applicant in order to seek clarification of the basis upon which it relies upon the legality of the establishment of a light industrial use on the property.

Urbis, on behalf of the applicant, responded to correspondence sent by Council's lawyers on 30 June 2008 providing the following information:

The previous submission (Supplementary Letter to Council 28 March 2008) to Hawkesbury Council confirms a commercial use on the site, prior to the establishment of any formal planning controls within the Local Government Area. The following reasons confirm that a commercial activity has always been present onsite:

- Our previous submission (28 March 2008) demonstrated that a commercial use, being a fruit and vegetable premise, was established lawfully;*

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- *The change from a fruit and vegetable shop to a rocking horse stud business has always been consistent with a commercial use, as a commercial use on the site has not ceased in operation;*
- *A light (home) industrial use only came about as Council were of the opinion that the manufacture of rocking horses was a light (home) industrial use, and therefore existing use rights was being claimed on that basis. However, even so, pursuant to the Environmental Planning and Assessment Regulation 2000, Par 5 Existing Uses, Clause 41(1) (f) an existing use may:*
- *If it is a light industrial use - be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).*
- *We understand Council's records of the site prior to 1985 have been lost. Therefore, the weighting of our claim to existing use rights is on the basis of business records and Council Rates and Charges Notices that prove a continuing commercial use on the site.*
- *Business receipts and Council Rates and Charges Notices accompanying the previous Rohan Dickson and Associates (RDA) report dated October 2007, supports the claim that this premise has been operating as a commercial premise, selling items in addition to rocking horses even to Council. Council has also maintained a business account with the subject shop.*
- *Further to the above we wish to highlight that in reference to a recent Rates and Charges Notice, Council places the subject site within the Rating Category of Business - Commercial Premises and Sub Category Business General,. We acknowledge that this recognition by-no means constitutes land use consent for commercial activity on the subject site, however it does suggest Council are aware of such activity being carried out.*

We respectfully request confirmation by Pike, Pike and Fenwick on behalf of Hawkesbury Council that existing use rights are applicable to the site, for a commercial use was established lawfully on the site, has not ceased in operation and is currently being proposed.

Pikes Lawyers considered the additional information and the following advice was provided in correspondence dated 7 July 2008:

The letter is not particularly helpful, nor persuasive on the matter of concern to us. Despite our request, the applicant's representative has been unable to provide any evidence of lawful commencement of the rocking horse business beyond the following assertions:

- *Our previous submission (28 March 2008) demonstrated that a commercial use, being a fruit and vegetable premise, was established lawfully;*

[In fact, no evidence of any such approval has been provided to us.]

- *The change from a fruit and vegetable shop to a rocking horse stud business has always been consistent with a commercial use, as a commercial use on the site has not ceased in operation;*

[No evidence of any approval for change of use has been provided.]

As far as we can see from the material provided to us:

At the time the rocking horse business is said to have commenced, the premises was zoned "Non-urban B2" under IDO3. Under IDO 3, the only uses permissible without consent were

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agriculture other than pig keeping or poultry farming, dwelling houses and forestry. Home industries were permissible but only with consent.

The extracts from Council records which they have provided to us suggest that no approval had been obtained and that the rocking horse business operated unlawfully. Quotations from these records are set out hereunder.

- *Note from Council's "Main Roads Patrol" dated 14 February 1981 which says:*

"Patrol east on Bells Line of Road to Kurmond where premises designated as 'The Rocking Horse Stud' were observed.

Wooden toys, largely rocking horses were displayed on the road reserve and upon investigation the interior of the structure (originally constructed as a packing shed/machinery shed with no previous history of use as a roadside stall) was fitted up as a shop and workroom.

...

The wife of the proprietor was called from the adjoining dwelling and upon the being advised that the activity was one that was prohibited within the zone admitted that a servant of Colo Shire Council had previously warned that the activity had no consent of Council and was a use that was prohibited within the zone."

- *Note from Council's "Main Roads Patrol" dated 28 February 1981 which states:*

"'Rocking Horse Stud' spoke to Mr & Mrs Wells. They admitted that no permission had been granted for display and sale of the toys. Mr Wells said that they could not stop selling as they were committed to buy property and income necessary for bank.

Advised Mr & Mrs Wells of provisions of Interim Development Order and requested them to cease use. Mr Wells stated that he had been advised that by an officer of Colo Shire that the manufacture of toys was permitted. I advised that perhaps the manufacture may be permissible under certain conditions. However, even if that was the case, and I doubted it, certainly the display and sale was prohibited."

- *Although it is said that Council's records for the period have been lost, we have been shown a file note from Garry McCully dated 9 March 1981 which says:*

"I would consider that the situation is that the manufacture that is taking place within the premises is a use that Council could approve as a change of use from that previously existing..."

The onus of proof in relation to the various elements that go to establishing an existing use rests with the applicant who asserts such use.

In this instance, little is provided by the applicant in the way of such evidence. In so far as documentary materials exist, they seem to suggest that there was no lawfully approved use.

It is said that Council records cannot be found but one would have expected records of any such approval to be in the hands of the former operators and yet no such documentation has been forthcoming.

The applicant has not to date established existing use rights herein.

Correspondence forwarded to Urbis on 22 September 2008 from Pike Pike and Fenwick Lawyers detailed that the proposal has failed to demonstrate that the property benefits from an established existing use. In particular it has been highlighted that:

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1. *The assertion that the commercial use was lawfully established has not been proven.*
2. *At the time the rocking horse business is said to have commenced, the premises was zoned "Non-urban B2" under IDO 3. Under IDO 3, the only uses permissible without consent were agriculture other than pig keeping or poultry farming, dwelling houses and forestry. Home industries were permissible however only with development consent. No evidence of any approval for the rocking horse business has been provided or is available.*

Given that the applicant has failed to establish the existence of a lawful existing use on the subject land Council is unable to favourably consider the subject development application proposing extension and use of an existing building as a shop given that a *shop* constitutes a prohibited land use within the Rural Living zone.

Issues Relevant to the Decision - In Point Form

- Existing Use Rights Provisions
- Prohibited Land Use
- Traffic Implications
- Amenity Impact

Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 1989
- Sydney Regional Environmental Plan No 20
- Hawkesbury Development Control Plan

Section 79C Matters for Consideration

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

Issue	Comments (in point form)
Any Environmental Planning Instrument (EPI)	<ul style="list-style-type: none">• The proposed <i>shop</i> constitutes a prohibited land use within the Rural Living zone.• The use is inconsistent with the objectives of the Rural Living zone.• Refer discussion on HLEP 1989 and SREP No. 20 in this report
Any draft EPI that has been placed on public exhibition	<ul style="list-style-type: none">• There are no draft environmental planning instruments that apply to the subject site
Any DCP in force	<ul style="list-style-type: none">• Refer to discussion on Hawkesbury DCP 2002 in this report
Any matters prescribed by the Regulations	<ul style="list-style-type: none">• None applicable
Likely impacts, including environmental, on both natural and built environments and the social and economic impacts of the locality	<ul style="list-style-type: none">• The environmental impacts of the proposed development on the natural and built environment are addressed in the main body of this report.

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Issue	Comments (in point form)
	<ul style="list-style-type: none">• The proposed development will have a detrimental economic impact on established commercial centres in the locality.
The suitability of the site	<ul style="list-style-type: none">• The site is not considered suitable for the proposed development given that access is proposed directly off a main arterial road and limited sight distance is available.
Any submissions (see attached scheduled for details)	<ul style="list-style-type: none">• Six (6) submissions have been received and are addressed separately in this report.
The public interest	<ul style="list-style-type: none">• Approval of the application would not be in the public interest.

Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River (No 2 - 1997)

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

Hawkesbury Local Environmental Plan 1989**Clause 2 - Aims, objectives etc**

The general aims, objectives etc. of Hawkesbury Local Environmental Plan 1989 are detailed as follows:

- (a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury;*

Comment: The application seeks approval to undertake a retail land use on land that has not been specifically zoned for this purpose. Given the above it is considered that the proposal will have a detrimental impact on established commercial centres and does not promote the orderly and economic development of land.

- (b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;*

Comment: The subject site is not considered appropriate having regard to its location to provide for a proposed retail premises given that access is proposed directly from an arterial road and the existing road alignment does not provide for suitable sight distance requirements prescribed by the Roads and Traffic Authority.

- (c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways;*

Comment: It is considered that the proposal will not preserve or maintain the rural character of the area and has the potential to detract from the existing environment given the nature of signage associated with fruit and vegetable retail establishments situated on arterial roadways.

- (d) *to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations; and*

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Comment: The proposed works are not proposed on or adjacent to any identified heritage items or within a heritage conservation area.

- (e) *to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City*

Comment: The proposed development does not involve housing development.

Clause 6 - Adoption of 1980 Model Provisions

Hawkesbury Local Environmental Plan 1989 has adopted a number of definitions contained in the Environmental Planning and Assessment Model Provisions 1980. The proposed development is defined as a *shop* as detailed in Part 2 - Definitions. The following definition is provided in this part:

“shop” means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause;

Clause 9 - Carrying out of development

The subject site is zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989. Shops are uses that constitute prohibited development within the Rural Living zone.

Clause 9A - Zone objectives

The objectives of the Rural Living zone are described as follows:

- (a) *to provide primarily for a rural residential lifestyle,*

Comment: The application seeks consent to undertake a retail use on the subject land. This activity will not promote the preservation of the rural residential character of the area resulting in the degradation of the rural residential lifestyle.

- (b) *to enable identified agricultural land uses to continue in operation,*

Comment: The proposal will not have any significant impact upon agricultural land uses situated in the immediate area.

- (c) *to minimise conflict with rural living land uses,*

Comment: It is considered that the proposal is inconsistent with rural living land uses in that it will contribute to additional traffic movements and noise associated with the site.

- (d) *to ensure that agricultural activity is sustainable,*

Comment: The application does not seek an agricultural use of the land.

- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*

Comment: The application does not involve use of the land for rural residential purposes.

- (f) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*

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Comment: It is considered that the proposal will not assist in the preservation of the rural landscape character of the area given that it is proposed to extend an existing building that currently is situated on a nominal setback to the Bells Line of Road (front) boundary of the site. The extension in association with provision of covered verandah forward of the existing building will contribute to increasing the dominance of the structure.

- (g) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,*

Comment: The application does not seek an agricultural use of the land.

- (h) *to ensure that development occurs in a manner:*
 - (i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
 - (ii) *that satisfies best practice guidelines and best management practices,*

Comment: It is considered that the proposal would not have a significant adverse impact having regard to water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands.

- (i) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The application is contrary to this requirement as it does propose the creation of a traffic generating development having direct access from Bells Line of Road.

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

Comment: The subject land benefits from town water however no reticulated sewer is available to the site. It is not envisaged that the proposal would contribute to significant demand for the provision or extension of services.

Clause 18 - Provision of water, sewerage etc. services

The subject site benefits from a reticulated water, electricity and telephone services. It is noted that wastewater disposal is required to be undertaken on the subject land. No information has been submitted with the application detailing the capacity of the site to accommodate the additional volume of wastewater anticipated to be generated in conjunction with the proposed development.

Given the issues associated with the application this additional information was not sought from the applicant.

Clause 22 - Development fronting a main or arterial road

The provisions of Clause 22(1) of Hawkesbury Local Environmental Plan 1989 provide that development should have regard to the following principles:

- (a) *Development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing scenic character of the locality.*
- (b) *Development should not generate significant additional traffic or create or increase ribbon development directly along a main or arterial road, relative to the capacity and safety of the road.*
- (c) *Any building should be sited and designed to be of an appropriate scale, so as to maintain the character of the area, to minimise disturbance to the landscape, not to*

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- intrude into the skyline and to maintain an overall pattern of building development that is consistent with the character of the area.*
- (d) *Any building should be set back, from the nearest alignment of the main or arterial road, the distance to be determined by the Council having regard to:*
- (i) the nature, scale and function of the building,*
 - (ii) the maximisation of sight distances for drivers, including visibility of points of access,*
 - (iii) the minimisation of distractions to drivers, and*
 - (iv) any possible need to alter the road alignment in the future.*

As detailed in the report it is considered that the proposal has not satisfied the principles listed above.

In addition to the above, Clause 22(2) of Hawkesbury Local Environmental Plan 1989 provides that Council shall not grant consent to the carrying out of shops within land zoned Rural Living which has direct access to a main or arterial road.

Car parking and Access

The proposal development is defined as a *shop* and access is obtained directly from an arterial road (Bells Line of Road). Thompson Stanbury Associates having regard to the current operation of the site undertook a traffic assessment. This assessment describes the existing car parking arrangements associated with the subject site as follows:

The building is set-back from the Bells Line of Road pavement by approximately 15m. The land between the Bells Line of Road pavement and the building forms an informal unsealed parking area servicing the retail use providing approximate dimensions of 15m x 60m. No formal ingress or egress driveways provide connectivity between the Old Bells Line of Road pavement and the frontage parking area.

Whilst it is acknowledged that the plans submitted in conjunction with the application provide for an onsite car parking area it is anticipated that the current usage of the road reserve for car parking purposes will continue given its location immediately adjacent to the retail premises.

The road conditions and traffic flows adjoining the site are described as follows:

Bells Line of Road forms a State Road function under the care and control of the Roads & Traffic Authority providing an east-west arterial function between North Richmond and Lithgow. Immediately adjoining the subject site, Bells Line of Road forms a 9m wide pavement providing one through lane of traffic in each direction with directional lanes being separated by a double barrier centre line. Marked edge lines delineate the edge of pavement whilst unsealed shoulders are provided along both carriageway alignments. Traffic flow is governed by a sign posted speed limit of 60km/h.

The horizontal alignment of Bells Line of Road in the immediate vicinity of the subject site is variable somewhat restricting sight distance to and from abutting land-uses. In this regard, a "Concealed Driveway Ahead" sign is provided for eastbound traffic approximately 200m to the west of the subject site suggesting that the current limited sight conditions are acknowledged by the Roads & Traffic Authority.

Directional traffic volumes within Bells Line of Road is tidal during peak periods with eastbound traffic flow dominating during the morning peak and westbound traffic flow dominating during the evening peak. Recent (2008) traffic surveys undertaken on behalf of this Practice at the junction of Bells Line of Road and Comleroy Road to the west of the site indicate following peak hour traffic flows in the vicinity of the site:

- Eastbound morning peak hour volumes = 631 vehicles;*
- Westbound morning peak hour volumes = 241 vehicles;*

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- *Eastbound evening peak hour volumes = 379 vehicles; and*
- *Westbound evening peak hour volumes = 510 vehicles.*

Having regard to the road characteristics in the immediate vicinity of the site and the usage of the road reserve Thompson Stanbury Associates provide the following commentary:

Lack of Formal Access Driveways

The lack of formal site ingress and egress driveways servicing the site results in vehicles accessing and exiting the site at random locations along the entire site frontage. The anomaly in having undefined access locations can lead to conflict between entering and exiting vehicles. In addition, this deficiency in not having defined access locations can lead to confusion for the driver of vehicles trailing vehicles decelerating within Bells Line of Road wishing to access to the site.

Restricted Sight Distance

The inconsistent horizontal alignment of Bells Line of Road results in somewhat limited sight distance between the subject site and Bells Line of Road. In particular, this variable alignment in conjunction with dense vegetation along the northern road reservation to the west of the site severely restricts sight distance between vehicles entering / exiting the site and eastbound Bells Line of Road traffic flow.

The Roads & Traffic Authority specify a Safe Intersection Sight Distance of 105m for roads with traffic flow governed with a speed limit of 60km/h. Observations have indicated that it is unlikely that 105m of clear sight distance is provided from the site frontage to the west along Bells Line of Road.

Access Treatment

The extent of eastbound traffic volumes along Bells Line of Road is sufficient enough to suggest that there is a reasonable probability that vehicles accessing the site from the westbound carriageway may be delayed. The pavement width of Bells Line of Road is not sufficient to allow trailing westbound vehicles to safely pass a stationary vehicle waiting to turn right into the subject site.

It is current Roads & Traffic Authority policy that such traffic generating developments such as that proposed should at minimum provide a Type "BAR" (Basic Right Turn) intersection treatment in accordance with Figure 4.8.23 of the Authority's Road Design Guide to ensure that there is no unreasonable conflict between westbound Bells Line of Road traffic and vehicles accessing the site.

Passenger Vehicle Parking

Passenger vehicles currently park within the informal and unsealed site frontage apron. There is no linemarking or signposting delineating this parking function such that vehicles park at a variety of angles along the front of the building. This informal arrangement reduces the efficiency of the parking area in terms of parking capacity but also reduces the safety in terms of vehicle to vehicle conflicts and vehicle to pedestrian conflicts.

Given that it is likely that car parking would continue to occur within the road reserve area adjacent to the site this would further exacerbate the issue of available sight distances for vehicles exiting the designated on-site car parking area.

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Hawkesbury Development Control Plan 2002

Landscaping

A concept landscape strategy for the site has been developed by the applicant being detailed on the site plan submitted in conjunction with the application. The proposal involves the provision of landscape treatment along the frontage of the site adjacent to the proposed car parking and associated manoeuvring area.

Car Parking

Clause 2.5.2 in Part C of Hawkesbury Development Control Plan 2002 requires the following on site parking provision in conjunction with commercial premises and shops:

Commercial Premises and Shops: 1 space per 30 sq metres of GFA

The following table details the existing and proposed floor areas associated with centre:

	Area (sqm)	Required (spaces)	Provided (spaces)
Proposal	189.3	7	8

As detailed above, the proposal satisfies the car parking provisions contained in Hawkesbury Development Control Plan 2002.

Access

No information regarding the numbers, types and frequency of vehicles anticipated to service the site have been provided with the application in order to enable a detailed assessment of the adequacy of the access arrangements associated with the proposal.

The submitted plans provide a driveway, scaling at 5 metres wide at the boundary, being used for entry to the new car parking and delivery area. This width is not adequate to cater for the turning paths associated with a medium rigid vehicle as shown on the plan.

In addition, no works outside of the property are shown on the plans, but the need for this is alluded to in the planning report submitted by the applicant. This report provides that:

A slip lane, feeding into a dedicated parking area (via the existing vehicular crossing) is considered to be a valid design response, one which will meet the zone objective (i) is met (BHF Report 2007).

A concept plan of all works proposed within the Bells Line of Road road reserve, inclusive of any slip lane, would be required to be prepared for the consideration by the RTA and Council. The entrance to the site and travel paths to the loading area would be required to be designed in accordance with the requirements of AS2890.2 2002 for the largest vehicle required to service the site. In addition, all on-site car parking areas would be required to meet the requirements of AS2890.1 2004.

Given the issues associated with the application additional information having regard to access and car parking details were not sought from the applicant.

Signage

Hawkesbury Development Control Plan 2002 provides that advertising signs are discouraged in rural zones. The application has not included any details relating to signage to be provided in conjunction with the proposed use. Notwithstanding the above it is noted that a significant number of signage structures have been erected to date in association with the existing unauthorised use of the site for the sale of fruit and vegetables.

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The proliferation of these structures has adversely impacted upon the visual character of the area and contributed to the reduction in traffic safety along Bells Line of Road.

Notification

The application was notified as detailed in Chapter 3 of Hawkesbury Development Control Plan. In response six submissions were received by Council raising objection to the proposal with the matters raised being detailed as follows:

1. Increased noise disturbance due to long trading hours associated with the operation of the premises and deliveries during early morning and throughout the day.

Comment: It is considered that the proposal would result in additional noise disturbance to adjacent properties and represents a use that is not consistent with the objectives associated with the Rural Living zone.

2. Loss of privacy

Comment: The increased patronage associated with the proposed usage of the site for retail sale of fruit and vegetables has the potential to reduce the level of amenity. Accordingly, the issue of impact upon amenity of adjoining properties is considered a matter that has been given determining weight.

3. Proliferation of signs on the roadway and fixed on trees.

Comment: As is the case at present the current unauthorised use of the premises for the retail sale of fruit and vegetables has resulted in a significant amount of advertising signage being placed within the road reserve and on trees in the immediate area. This signage has had the effect of detracting from the overall visual character of the area and has the potential to adversely impact upon traffic safety and flows along the existing arterial road.

4. Odour issues associated with decomposing waste generated by the premises.

Comment: This is a matter that can be addressed through appropriate conditions if the application was to be considered for approval.

5. Car parking within the road reserve will continue causing nuisance to neighbouring properties.

Comment: As detailed in the main body of this report it is considered that the current usage of the road reserve to provide for car parking associated with the proposal would continue to occur creating traffic safety concerns for neighbouring property owners using their driveways to access or leave their properties.

6. The site is situated on a bend and the proposal would cause traffic safety concerns.

Comment: The traffic assessment undertaken in conjunction with the assessment of the application has highlighted issues relating to traffic safety associated with the subject site. It is considered that the location of the proposed retail shop is unsatisfactory given the road conditions immediately adjacent to the site as detailed in the report.

7. Applicant was informed at time of purchase of the property that it was not a registered business and would not be able to be turned into a fruit shop.

Comment: Correspondence was forwarded to the applicant on 10 September 2003 advising that there was insufficient information provided to determine whether or not the subject property benefited from 'existing use rights' provisions under the Environmental Planning and Assessment Act, 1979. In addition, information was provided that a cursory search of Council

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records was undertaken and that development consent for the manufacture and sale of toys from the premises had never been obtained.

8. A retail area exists 300 metres away with existing car parking and business zoned land. Approval of the proposal would result in a ribbon-effect of shops along Bells Line of Road.

Comment: It is considered inappropriate to establish a retail premises on the subject site as detailed in this report. The proposal has the potential to promote further ribbon development that will contribute to an adverse impact upon the immediate area.

9. The proposal is not acceptable in the Rural Living zone.

Comment: The proposal, being defined as a shop, is a prohibited land use within the Rural Living zone and does not satisfy the objectives contained in Hawkesbury Local Environmental Plan 1989.

10. Increased likelihood of insect and vermin infestation.

Comment: The issue of insect and vermin infestation is a matter that could be addressed through appropriate waste management strategies and conditions should the proposal be deemed an acceptable form of development.

12. Additional litter would detract from the existing environment.

Comment: It is noted that an increased incidence of litter has a negative impact upon the overall amenity of the area. Given that the majority of such waste material would be discarded within the road reserve this would place additional burden upon Council/RTA resources.

Conclusion

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979; Sydney Regional Environmental Plan No. 20; Hawkesbury Local Environmental Plan 1989; Hawkesbury Development Control Plan 2002 and other relevant codes and policies.

The subject site does not benefit from existing use rights provisions under the Environmental Planning and Assessment Act and accordingly the proposed expansion and use of the premises as a shop constitutes a prohibited land use within the Rural Living zone.

The proposal is not consistent with the stated objectives of the Rural Living zone in that it does not provide a positive contribution to the rural residential character of the area, the extensions will increase the dominance of the existing structure given the nominal setback to the Bells Line of Road boundary and it establishes a traffic generating development having direct access to Bells Line of Road. The location of the proposed retail shop is unsatisfactory given the road conditions situated in the vicinity of the subject site resulting in traffic safety concerns.

The proposal represents an unsatisfactory form of development that will contribute to an adverse economic impact upon existing commercial centres and will promote further ribbon development along Bells Line of Road.

Accordingly, the application is recommended for refusal for the reasons contained in the recommendation.

Planning Decision

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

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RECOMMENDATION:

That Development Application No. DA0730/07 at Lot 9 DP 613649, 570 Bells Line Of Road Kurmond for a shop - extension and use of existing building for the sale of fruit and vegetables, associated car parking and landscaped area be refused for the reasons detailed as follows:

Reason for Refusal

1. Pursuant to the provisions of Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal constitutes a “shop” being a prohibited land use in the Rural Living Zone under the provisions of Clause 9 - Carrying Out of Development of Hawkesbury Local Environmental Plan 1989.
2. Pursuant to the provisions of Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal is inconsistent with the stated objectives contained in Clause 9A of Hawkesbury Local Environmental Plan 1989 in respect of the Rural Living Zone in that:
 - (a) the development does not provide primarily for a rural residential land use;
 - (b) the development will create conflict with existing rural living land uses;
 - (c) the development will not assist in the preservation of the rural landscape character of the area and
 - (d) the development involves the creation of a traffic generating development having direct access to an arterial road.
3. Pursuant to the provisions of Section 79C (a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal is inconsistent with the provisions of Clause 22 Development Fronting a Main or Arterial Road of Hawkesbury Local Environmental Plan 1989 in that it involves direct access to an arterial road and has not satisfactorily addressed the issue of traffic safety.
4. Pursuant to the provisions of Section 79C (b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended, the proposal would reduce the amenity of the area in that it will contribute to additional noise disturbance to neighbouring properties.
5. Pursuant to the provisions of Section 79C (b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended, the proposal would contribute to an adverse economic impact upon existing commercial centres in the area and would promote further ribbon development along Bells Line of Road.
6. Pursuant to the provisions of Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979, as amended, the proposal is not considered to be in the public interest

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Proposed Site Plan

AT - 3 Proposed Floor Plan

AT - 4 Elevations

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note

to replace 1231(c)(1) income with 1231(c)(2) loss realized at the same time. The Service ruled that the loss realized on the sale of the property to the partnership would be treated as a capital loss for purposes of the loss limitation rules.

Subject to variation between tubed and flared joints

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[illegible]

_____ would benefit from this course

_____ has not benefited from this course

biochemical and clinical studies

bracketing and anchoring

— x-axis (miles) (km)

— *State Educational Board*
(1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2

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revision table

C **Chowdhury, P. D.**

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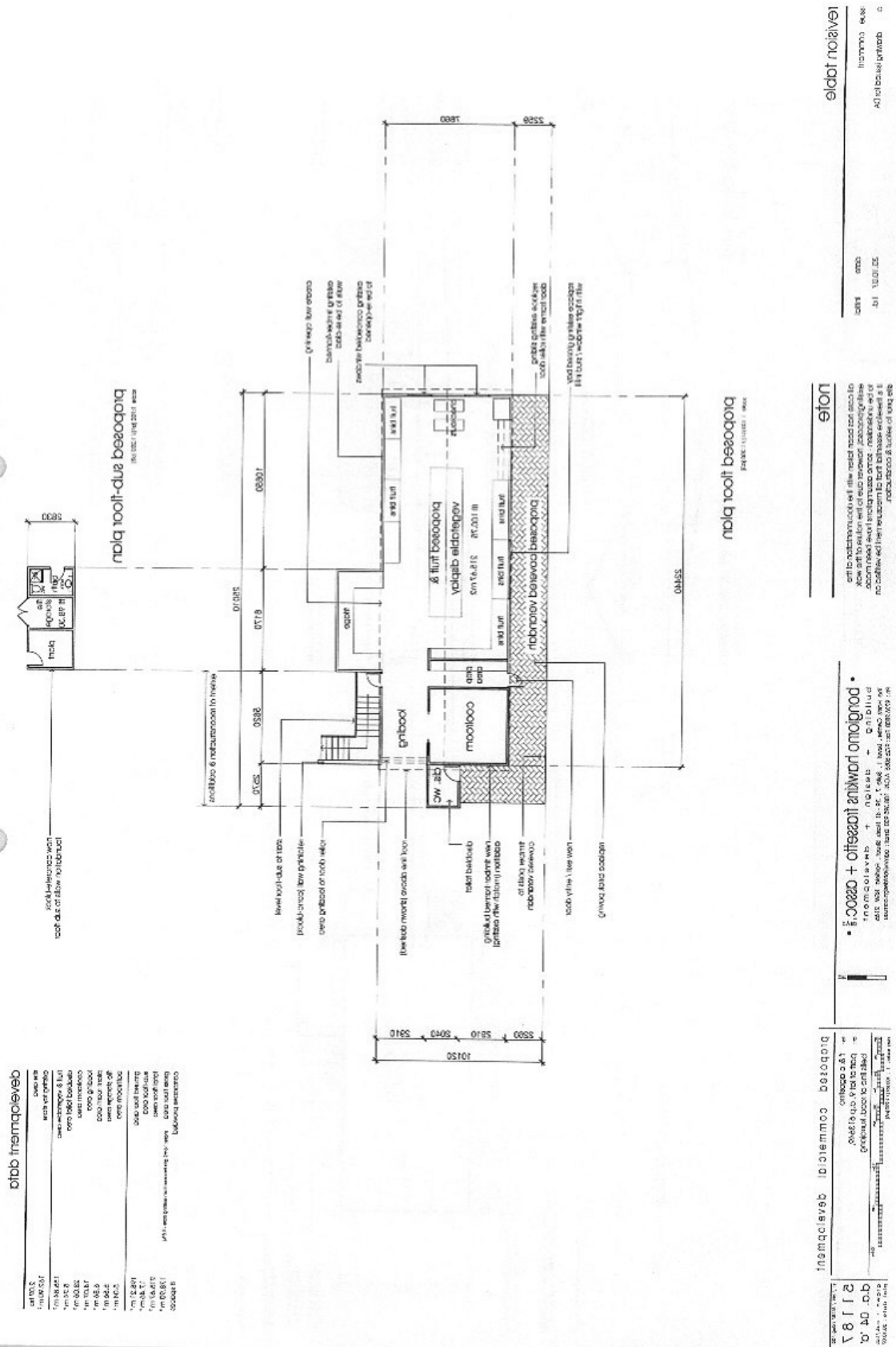
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AT - 3 Proposed Floor Plan



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Item:8 CP - Hawkesbury Development Control Plan - Pitt Town Chapter - (95498)

Previous Item: 154, Ordinary (29 July 2008)

REPORT:

Introduction

The purpose of the report is to advise Council of the issues raised during the public exhibition of the draft Hawkesbury Development Control Plan (DCP) Pitt Town chapter and to recommend that the amended DCP chapter be adopted.

Background

A rezoning proposal for land at Pitt Town was approved by the NSW State Government on 10 July 2008, under Part 3A of the *Environmental Planning and Assessment Act 1979* and subsequently *State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008* (SEPP) was gazetted on 18 July 2008 to make necessary changes to the *Hawkesbury Local Environmental Plan 1989* (HLEP).

The Part 3A approval and SEPP amendment had implications for Council's Development Control Plan and accordingly on 29 July 2008 Council resolved as follows:

Part E, Chapter 4 (Pitt Town) of the Hawkesbury Development Control Plan be amended to incorporate the approved Part 3A Concept Plan, the requirements contained within the Director General's Environmental Assessment report and SEPP (Major Projects)(Pitt Town) amendments and the draft DCP changes be placed on public exhibition.

A revised chapter was prepared by Council staff and placed on public exhibition for the period Friday 14 November 2008 - Monday 15 December 2008. Notices of the exhibition were placed in the Hawkesbury Courier on 13 and 20 November 2008. Relevant information was available for inspection at Council's Administration Building and on Council's website.

Submissions

Four (4) submissions were received as a result of the exhibition of the draft chapter. These submissions are discussed below:

Submission from L Johnston

Comment

Open space to the north of Hall Street along the northern side and north eastern side of the proposed subdivision is not marked as per legend on Masterplan.

Response

The Masterplan referred to is that approved by the Minister for Planning as part of the Concept Approval under Part 3A of the *Environmental Planning and Assessment Act 1979*.

It is appropriate that the northern and north-eastern portions of "Open Space" shown in the Masterplan are also shown in the relevant figures of the proposed DCP chapter.

Recommendation

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That the northern and north-eastern portions of "Open Space" shown in the Masterplan also shown in the relevant figures of the proposed DCP chapter.

Comment

Figure E4.5 shows the section of Bathurst Street to be widened, but as there are two existing 4000sq. m blocks, one on the corner of Buckingham Street and the other in Bathurst Street with homes thereon, a 5 metre service road and 10 metre verge could not be constructed within the area as noted.

Response

The minimum lot size for lots to be created in this area is 1000m². The 2 properties in question, being 4000m² each, have subdivision potential. It is appropriate that the road widening and service road provision be required if these properties are subdivided in the future.

Recommendation

No change to the proposed chapter.

Comment

The 10 metre verge to be provided on the southern side of Bootles Lane to incorporate the existing windbreak trees could raise a problem in that the windbreak trees along Bootles Lane from Bathurst Street for approximately 200 metres are planted closer to the carriageway than those planted further down Bottles Lane. Therefore this does not leave enough width for the 4 metre footway to be constructed. The kerb already constructed further down on the southern side of Bootles Lane, opposite the new subdivision, is in line with the trees closer to Bootles Lane.

Response

Retention of the existing windbreak in the existing street reservation is a requirement of the Part 3A approval. Whilst the windbreak is important to maintain, the individual trees are not the important feature. Some of these trees could be removed and replanted in the appropriate position providing the windbreak as a whole is maintained.

Recommendation

No change to the proposed chapter as this matter can be addressed, if required, in a relevant development application, i.e. the application would not seek to remove the windbreak but modify the location slightly to accommodate the required roadworks. This would then still be consistent with the Part 3A Concept Plan and DCP objectives

Comment

At the present time there are no local cycle paths in Bathurst Street as shown in Figure 4.2

Response

The cycle path is part of the Regional Bike Plan.

Recommendation

No change to the proposed chapter.

Comment

The area in Figure E4.11 for the community centre and school site appears to be incorrect. The site for the community centre and adjacent road design differ with the Masterplan.

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Response

The Masterplan is inconsistent with the areas shown for the school, community facility and road in the Department of Planning's approved SEPP and Section 94 Contribution Plan maps.

The Part 3A approval states that the development shall be generally consistent with . . . the Masterplan. The provisions of the SEPP and Section 94 plan would prevail in terms of this inconsistency.

Recommendation

No change to the proposed chapter.

Submission from Tim Elliot

Comment

The development area has grown in size, lots sizes have shrunk, there is no room for the river walk, riparian area, bbq area, playing field or boat ramp, all promised by the developer and council previously.

Response

The amendments to the DCP, including the increased development area and reduced lot sizes, are required in order for the DCP to be consistent with the Department of Planning's Part 3A approval and SEPP.

The Part 3A approval and/or the Council's Section 94 Contributions Plan 2008 (which was prepared and approved by the Department of Planning) defines and makes allowance for the riverside open space and public facilities and services. Accordingly, these items need not be identified in the DCP.

Recommendation

No change to the proposed chapter.

Comment

Any land that has been sand mined is not suitable for subdivision due to drainage problems and therefore the rezoning should be removed from 70 Wells Street and adjoining properties. The swamp on the lot to the north east of 70 Wells Street should be left alone with no extra stormwater from housing directed into it.

Response

On 1 November 2005 Council considered a request from Mr Elliot to remove his land (70 Wells Street) from HLEP 1989 - Amendment 145 and the associated Water Management Plan. Council resolved not to remove the land from Amendment 145, however did resolve to remove the land from the DCP and Water Management Plan.

The draft DCP shows 70 Wells Street as being affected by the provisions of the DCP as well as a wetland for stormwater. It is recommended that the chapter be amended to exclude 70 Wells Street, Pitt Town from its provisions.

Recommendation

That, where relevant, the proposed chapter be amended to exclude 70 Wells Street, Pitt Town from its provisions.

Comment

It is misleading to call any roads in the development area flood evacuation routes. They are roads that are part of the development and are the responsibility of the developers and they should fund total cost.

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It seems unviable to suggest Wells Street be extended as an evacuation route. The present road narrows to service three (3) properties, which would not be sufficient for such a large number of cars in an emergency. There is also a house at the end blocking the way for continuation. It would be unviable to extend Wells Street through 70 Wells Street because of excessive slope and poor drainage. A wider road should go through the middle of Precinct D.

Road upgrades do not provide flood free access from Windsor Road, nor do they guarantee access in a major flood. Concern regarding number of people, pets and livestock to be evacuated and resources required by State Emergency Service (SES) to coordinate and implement evacuation.

Access roads in the development area are quite narrow, narrow roads have caused accidents, prevented garbage, utility and emergency services entering.

No detail of the upgrade of the intersection of Bathurst Street and Chatham Street.

Response

Necessary road improvements will be provided/funded by all development either directly through conditions of development consent or indirectly through developer contributions.

The road layout is indicative and can be re-routed to avoid 70 Wells Street and existing dwellings. To avoid any doubt it is recommended that the chapter be amended to exclude 70 Wells Street, Pitt Town from its provisions

The flood evacuation route does not head directly to Windsor Road along Pitt Town Road however it heads generally easterly along Mitchell Place and Pitt Town Dural Road whereby evacuees will be able the access Windsor Road at Boundary Road or beyond.

The capacity of the evacuation routes and the resources required by the SES is a matter dealt with at the Part 3A approval and SEPP amendment stage. The resources required by the SES are a matter for the SES.

Road widths are appropriate for their intended function and usage.

The upgrading of the Bathurst Street and Chatham Street intersection is a matter for the Roads and Traffic Authority. Funding for the works is identified in the Section 94 plan.

Recommendation

That, where relevant, the proposed chapter be amended to exclude 70 Wells Street, Pitt Town from its provisions.

Comment

Holding dam sites are located on flood affected land. When this area is covered with houses vast amounts of water will not soak into the soil but will be directed towards holding ponds causing local flooding much quicker than has been experienced before, with the potential to be more damaging to property and life.

Response

Connell Wagner Pty Ltd was commissioned by Council during the Amendment 145 process to prepare a Water Management Plan. This plan has been adopted by Council and the indicative locations of the wetlands are to be shown in the chapter.

Recommendation

No change to the proposed chapter other than the previously mentioned removal of 70 Wells Street from the chapter.

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Comment

A wildlife corridor should be established from Bona Vista to Long Neck Lagoon thus allowing ample space for flora and fauna to move safely. The suggested corridor is 200m wide with a 50m wide stormwater canal either side. It would keep the area more rural, keep stormwater drainage on those properties that wish to develop and do something for the environment. At a later date a small hydroelectric generator could be connected to the end of the canals and the three (3) wetlands.

Response

Mr Elliot has submitted a concept plan of the corridor. From his property it extends easterly through to Cattai Road and then arcs north-westerly through Precincts E and F and terminates at the northern most wetland. The length of the proposed corridor is approximately 2.4km long with an area of approximately 72ha.

Such a corridor would represent a substantial departure from the currently adopted Water Management Plan, SEPP/LEP, and the exhibited draft DCP chapter. In the absence of further detailed investigation of the need and design of a corridor it would be premature to include the corridor in the DCP.

There are a number of ways wildlife corridors can be accommodated, eg, using road reserves, encouraging particular vegetation to be planted on public and private lands, specialised fencing designs etc. It is recommended that the provision of wildlife corridors in Precincts E and F be considered at a later date when development of the precincts is more immanent and certain.

Recommendation

No change to the proposed chapter at this stage, however, the provision of wildlife corridors in Precincts E and F be considered at a later date when development of the precincts is more immanent and certain.

Submission from Pitt Town Residents Group

Comment

The DCP should adhere to principles set out in Hawkesbury Local Environmental Plan 1989 - Amendment 145 which was the result of extensive independent studies and submission by all state government departments. What is the justification for subsequent amendments to the DCP?

Changes to setback and building footprints, together with a dramatic reduction in block sizes through out all precincts within the development area will not maintain the rural character of the area nor will any future dwellings be able to identify with the rural setting.

Unsupportive of the extension of the original development area, and requests Council provide evidence that these areas are suitable and sustainable for this additional development.

The disregard for heritage values as evidence by the inclusion of Blighton in Precinct G and H are particularly unsupported.

Response

The amendments to the DCP are required in order for the DCP to be consistent with the Department of Planning's Part 3A approval and SEPP. The Part 3A approval and SEPP supersede the provisions of Amendment 145. The permitted lot sizes, extension of the development area and the inclusion of Blighton and Precincts G and H were amended by the Part 3A Approval and are not within Council's control to amend via the LEP or DCP.

The Part 3A approval contains conditions which deal with maintaining the heritage significance of the Blighton precinct.

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Recommendation

No change to the proposed chapter.

Comment

Insufficient land set aside within Pitt Town to meet the needs of existing population including the additional people from this development. The area originally promised as river side park has been greatly reduced with no defined public facilities or time frame for completion.

Can Council confirm that community facilities and recreation areas have been expanded in proportion to the additional lot numbers?

Response

The provision of public amenities and services is identified in Council's Section 94 Contributions Plan 2008 which was prepared and approved by the Department of Planning.

Community facilities and recreation areas have been proportionally increased from that proposed with Amendment 145 to that which is currently permissible.

Recommendation

No change to the proposed chapter.

Comment

With reference to Table E4.1, we note 3 different sub zonings for precinct A, with different lot sizes. We believe this should be clarified by numbering the precincts A1, A2 and A3 respectively.

In the existing housing areas of Amelia Grove, Johnston and Hawkesbury Streets it is unclear what densities and development restrictions apply. The colour code used on Fig 4.3 does not indicate this.

Response

Re-numbering of A to A1, A2 and A3 can be readily incorporated into Table E4.1 and Figure 4.3

The legend in Figure 4.3 does show the colour code for the Amelia Grove, Johnston and Hawkesbury Streets area however the resolution of the figure (and other figures in the chapter) can be improved.

Recommendation

That re-numbering of A to A1, A2 and A3 be incorporated into Table E4.1 and Figure 4.3 and the resolution of all figures throughout the chapter be improved.

Comment

In Fig 4.4, no existing significant vegetation is shown within Precinct D. What is the reason for this omission?

Will previous unauthorised clearing of vegetation within precincts A, B, F and E be required to be replanted, as in at least one instance these included wind break trees?

How are the environment protection measures indicated in 4.10 of this Plan being applied to the construction works currently being carried out on Bona Vista protected vegetation areas?

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Response

There has been no change to Fig 4.4 in precinct D in the draft DCP as there was no significant vegetation shown in Precinct D in the current DCP chapter.

Previous clearing of vegetation in Precincts A, B, F and E is not a matter for the DCP and are or have been subject to separate action of Council.

Environmental protection measures for the development currently underway are included in the respective consent conditions. The works for the sewer pump station currently under construction in Bootles Lane did not require development consent. However, these works were the subject of a Review of Environmental Factors under the provisions of Part 5 of the Environmental Planning and Assessment Act 1979

Recommendation

No change to the proposed DCP chapter.

Comment

Why does Bathurst Street have 9 metre carriageway and a 2 metre bike lane whereas Bootles Lane will have an 11 metre carriageway? Would it not be better to have the Bathurst Street bike lane as part of the 4 metre wide footway?

Response

Where possible it is preferable to separate cycleways from footways. Road widths were determined by way of Council resolution on 15 November 2005. These widths do not require amendment as a result of the Part 3A approval.

Recommendation

No change to the proposed chapter.

Comment

Considering that the building heights have been increased to 18.7m AHD in Precinct E and F, would it now be appropriate to raise all future building heights to this level? Should the minimum height of the flood evacuation route be also raised to this level for similar reasons?

Response

The proposed building height of 18.7m AHD is a recommendation of the Part 3A approval and only applies to the northern parts of Precincts E and F. All other Precincts are either wholly or have sufficient land above 18.7m AHD to cater for future buildings.

The Part 3A approval does not require the route to be raised. The SES have previously advised Council that the route does not need to be raised.

Recommendation

No change to the proposed chapter.

Comment

Fig 4.2 appears to show wetlands in areas previously deemed by Council to be unsuitable. Most outer wetland areas are in areas not environmentally investigated and outside the boundary of the Urban Investigation Area

There is a disturbing lack of details regarding the location(s) and routes for utility services.

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Response

With the exception of the wetland adjacent to 70 Wells Street, all wetlands are shown as per the Water Management Plan prepared by Connell Wagner Pty Ltd and adopted by Council as part of investigations for Amendment 145. The wetland adjacent to 70 Wells Street is to be amended to be consistent with the Water Management Plan. The locations and size of the wetland are indicative with specific details to be determined at the time development plans/applications for precincts are proposed or received.

The general rules for utilities are found in Section 4.13.2 Rules of the chapter. The exact location and route for utilities services need not be identified in a DCP. Given the likely timeframe of development, possible changes in technology/utility provision, and the number of authorities involved, it is appropriate that the location and routes for utilities be determined at development application and/or construction stage.

Recommendation

No change to the proposed chapter.

Submission from Johnson Property Group (JPG)

Comment

"Suggest including a note that the Pitt Town Chapter takes precedence over the Council wide DCP where variance occurs."

Response

There are a number of controls that have been introduced via the Part 3A Approval or that are specific to the Pitt Town locality that are different to some of the other provisions of the Council wide DCP, particularly relating to building setbacks, heights and design. As such it is unlikely that the DCP can predict all of the scenarios where those provisions may be inconsistent with the remainder of the DCP.

Recommendation

That a Clause be included into Section 4.1 stating that this chapter prevails over the remainder of the DCP where there is an inconsistency for Pitt Town.

Comment

"Sec 4.1.1 – This statement will be confusing for allotment owners wishing to lodge a dwelling DA."

Response

The Clause in 4.1.1 is included to remind applicants that the provisions of the Part 3A Approval will apply to all aspects of future development in the relevant areas of Pitt Town. Whilst this Clause relates primarily to subdivision applications, the Clause may also be required for some of the subsequent development applications. Applicants should contact Council officers prior to lodging any development applications and the provisions of this Clause can be addressed at this time.

Recommendation

No change to the proposed chapter.

Comment

"Suggest replace all references to "rural" with "semi rural."

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Response

Whilst there is no doubt that Pitt Town is a village and the intention is to keep a rural character to the village, the development as approved in the Part 3A Approval will introduce an element of semi urban character to the village. The change from rural village to semi rural village throughout the chapter is appropriate given the existing approvals relating to Pitt Town.

Recommendation

Change the references to character throughout the chapter from “rural” to “semi rural”.

Comment

“Can the DCP reference the Architectural and Landscape Design Guidelines” prepared for Pitt Town.

Response

Conditions of approval listed in the Part 3A Concept Approval required Design Guidelines to be prepared by the applicant in conjunction with Council and the Department of Planning. This condition was included following a meeting with the Planning Minister in July 2008 and the Guidelines were to be completed by August 2008. Meetings have been held between Council Officers, the applicant and representatives of the Department of Planning and JPG have prepared Design Guidelines for different Precincts within the JPG controlled lands.

The Design Guidelines are lengthy documents that deal with building facades, colours, landscaping, fencing, driveway treatments, letterbox materials and location and a number of other fine details of the development of dwellings in the locality. The details in the Guidelines are well beyond the details that Council would normally include in DCP provisions for single dwellings. As such, it was agreed at the first meeting between Council officers, the applicant and the Department, that the principle details of the Guidelines (setbacks, heights, garage widths & setbacks, solar access, open space, etc) would be included in the DCP and the finer details (letterbox materials and locations, colour and material finishes, etc) would be enforced via a “design panel” of the developer as properties are sold.

Recommendation

References to the Design Guidelines are included in the DCP as required by the Part 3A Concept Approval, but are not adopted by Council as part of the DCP.

Comment

Suggest that a Clause be included that the DCP and development is to comply with the Part 3A Concept Approval.

Response

The approval of the Part 3A Concept for Pitt Town was the impetus for amending the DCP chapter for Pitt Town.

Recommendation

Reference to the Part 3A Concept Plan Approval and conditions is included in the proposed DCP chapter.

Comment

Request that the open space areas adjacent to the river be included in Figure E4.1 – Development Area.

Response

This comment is similar to other submissions received following exhibition of the draft DCP Chapter.

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Recommendation

Figure E4.1 be amended to include the open space areas adjacent to the river into the development area covered by the DCP.

Comment

Suggest that the reference in Section 4.5.1 "Most lots are oriented on a North South alignment" be deleted.

Response

The Part 3A Concept Approval has changed the number and size of allotments permitted in Pitt Town. If this provision remains in the DCP it would have the potential to significantly restrict flexibility in the design of subdivision layout and dwelling designs on those allotments. The primary reason for the inclusion of the provision in the DCP originally was an attempt to provide good solar access. The removal of this provision would require the inclusion of additional solar access provisions.

Recommendation

The provision "Most lots are oriented on a North South alignment" be removed from Section 4.5.1 and additional provisions relating to provision of solar access into proposed dwelling living rooms and private open space be included in relevant areas of the DCP chapter.

Comment

Figure E4.2 – Development Plan. "Request that recognition of open space to river foreshore and boat launch area is added to the development plan."

Response

The development of the open space and boat launch area is included in the Part 3A Concept Plan approval and associated documentation. The development of these facilities is a requirement of that approval and the details of those areas can, as envisaged in the Concept Approval, be addressed in the preparation and assessment of the Project Approval (development application) for those areas. The Concept Approval is referenced in the proposed DCP chapter and there is no need to include these provisions into the DCP.

Recommendation

That the DCP development plan not be amended.

Comment

The statement "lot design must retain historic tree plantings and fence lines as shown in the Pitt Town Development Plan" contradicts the approved concept plans, particularly for Cleary where some of the existing tree lines traverse through the middle of allotments.

Response

It is true that the plans accompanying the Concept Approval show that the tree lines in the Cleary property will traverse the middle of the allotments. (It should be noted that whilst the tree lines have some historical significance, they are not historically listed in any planning Instruments). Condition B3 of the Concept Approval sets the maximum number of allotments permitted in each of the nominated precincts and also states that the lot layouts (submitted with the Major Project application) are "indicative only". This condition has been discussed with officers of the Major Project branch of the Department of Planning who assessed the application. The intent of the condition was to set the maximum number of allotments whilst providing some flexibility in the approval so that the lot layout can be amended via the Project Approval (issued by

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Council) without the need to amend the Concept Approval (issued by the Minister). In this sense there may be some limited scope to vary the layout to retain certain features, if possible.

Recommendation

That the wording in Section 4.5.2 be amended to require the retention of historic tree lines in precincts A1, A2, A3, b, C and E and in the remaining precincts where possible. The Rules also be amended to ensure that the "Statement of Commitments" and approval conditions in the Concept Plan Approval are taken into consideration with all applications.

Comment

"Table E4.1. Please review the minimum lot frontage widths to ensure compliance with the approved Part 3A Concept Plan."

Response

The minimum allotment frontages contained in the existing Table E4.1 were originally imposed prior to the Concept plan approval and related principally to larger allotments. The Concept Plan approval has introduced different allotment sizes and the frontages require review. It is also considered that the allotment frontages currently included in the DCP may be overly restrictive and could have the effect of limiting flexibility in the design of allotments and dwellings.

Recommendation

That the allotment frontages in Table E4.1 be amended to better reflect the widths included in the Part 3A Concept Plan.

Comment

"Sec 4.6.3. (b) No service road is required. Please refer to Fernadell Master Plan."

Response

Section 4.6.3 provides for the allotments fronting Bathurst Street to have access to the east only, i.e., no direct access to Bathurst St, either via a service road or frontage to a local road to the east. The Fernadell Master Plan included in the Concept Plan provided for a local road to the east and not a service road. Given that the existing provision is specific as to the intent and provides flexibility in the allotment design and is not contrary to the Concept Plan, it is not recommended that this provision be changed.

Recommendation

That the provisions in Section 4.6.3 not be changed.

Comment

"Sec 4.6.4. Delete reference to Cumberland Plain Woodland. Suggest changing to landscaped area with endemic native species to allow flexibility for the rehabilitation landscaping in this zone."

Response

The area referred to is remnant Cumberland Plain Woodland and the reference in the DCP is the most appropriate term to use. The intention of using this term is so that it reflects what is on site now and that it is the intention to rehabilitate that area to Cumberland Plain Woodland.

Recommendation

That the term Cumberland Plain Woodland remain unchanged.

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Comment

"Sec 4.9.3. b) Delete the reference to "landscape to be prepared by Council". Suggest landscape to be prepared for the park."

Response

This Clause refers to the landscaping of the Bona Vista park surrounding the existing homestead. As the area is to be dedicated to Council by the developer and the Works in Kind Agreement includes the developer undertaking embellishment works in this area, it is appropriate to change this reference.

Recommendation

That the reference "to be prepared by Council" in section 4.9.3 be changed to "to be prepared by the developer".

Comment

Sec 4.10.2. Requires significant trees to be retained where possible. Submission states that "trees cannot be retained on lots unless they are at least 15m away from the building zone".

Response

It is agreed that it is difficult to retain trees on private property when the trees are close to structures. It seems that it may be the intent of the submission to have the DCP changed to relax tree removal during the subdivision stage. This is a matter that can be assessed on an individual merit basis with subdivision applications.

Recommendation

That Section 4.10.2 not be changed in this case.

Comment

Suggest that references to retention of historic lot boundaries in section 4.11 be changed to "where possible" rather than "must".

Response

This suggestion relates to provisions that are restated for each precinct in the DCP. Given that the Concept Plan approval has changed the circumstances since this provision was introduced, the introduction of more flexibility is warranted in this case.

Recommendation

That the term "where possible" be incorporated into the "Rules" of section 4.11 to enable some flexibility in the development so that it can conform to the Concept Plan Approval.

Comment

"Suggest increase in site coverage on 550 and 650 square metre lots to 60%."

Response

The existing DCP had the maximum site coverage for buildings set at 50%. However, it should also be noted that the existing DCP did not contemplate allotments smaller than 750 square metres. The issue of site coverage was reviewed in relation to the Concept Plan approval provisions and the provisions of the NSW Housing Code. The NSW Housing Code (the subject of a separate report on this agenda) is set to

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commence on 27 February 2009 and sets Complying Development provisions for single dwellings. These provisions relate to setbacks, heights, private open space, site coverage, etc.

It was considered that as the Pitt Town chapter of Council's DCP was being reviewed it would be prudent to make, where possible, the DCP provisions consistent with those of the NSW Housing Code. In this regard, the site coverage provisions in the NSW Housing Code are set at 50%. This will result in Complying Development applications being determined with lower site coverage than permitted in the DCP. This means that if an applicant wishes to have greater site coverage than 50%, a Development Application is required and the provisions of the Pitt Town Chapter of the DCP will apply allowing a more detailed merit assessment of the application to take place.

Recommendation

That the site coverage provisions be amended to 60% for 550 and 650 square metre allotments.

Comment

The submission has made very detailed comments on the rear, side and secondary road frontage setbacks that were proposed in the draft DCP chapter that was placed on exhibition. The submission requested, in some cases, significant reductions in the proposed setback provisions. The most significant change suggested related to the proposed provision for a four metre setback on one side boundary for 50% of the building envelope length.

Response

The objectives of the setbacks proposed in the exhibition draft of the DCP chapter were to enable some building separation, reduce the potential for overshadowing and to enable appropriate solar access to the dwellings and the private open space.

The issue of setbacks was discussed with the author of the submission, home builders and purchasers of the proposed allotment. These discussions were also assessed against the lot layout plans and provisions of the Concept Plan approval as well as the provisions of the NSW Housing Code.

The proposed setbacks have been reviewed with the intention of maintaining the objectives of solar access to dwellings and open space, overshadowing and private open space, the building designs submitted to Council with development applications (currently being assessed at Council) and the NSW Housing Code. The proposed variations to the setbacks can be summarized as follows:

Side Setbacks

The proposed 900mm on one side and 1.8 to 4m setback on the other side requirement has been amended to 1.3m minimum on both sides. This has been changed due to the potential for significant restriction on building design (and the corresponding increase in costs) that this proposed setback provision would have. These setbacks were also set prior to obtaining full lot design information from the Part 3A Concept approval that indicated the width and depths of the proposed lots.

However, it should be noted that the changes to the side setbacks has also resulted in the introduction of increased solar access provisions relating to solar access to habitable living rooms of dwellings (not bedrooms) and private open space dimensions and solar access to those areas.

Front and rear boundary setbacks

These setbacks have been amended to provide more consistent streetscapes where lot sizes vary in the same street. The setbacks were also reduced in the northern precincts to enable dwellings to be built towards the front of allotments in the flood free area, reducing the need for filling of allotments in these precincts.

Secondary Street frontage setbacks

Some minor changes have been made to these proposed setbacks to ensure consistency in streetscape and to provide more usable area when consideration is given to proposed lot layouts.

All the building setbacks reviewed have had consideration to the provisions of the NSW Housing Code and not all changes requested in the submission have been included. The Code sets the provisions for Complying Development in NSW and will override the provisions of any DCP provisions. The NSW Housing Code provisions are considered reasonable in most cases and making the Council DCP consistent with that Code will reduce applicant confusion and assist in the timely processing of applications for residential development.

Recommendation

That the revised setback provisions be adopted in the DCP chapter.

Staff suggested amendments to chapter

Throughout chapter - Corrections to various typographical errors have been made.

Section 4.4.2 Rule a). Change to "must comply with" to "must be substantially in accordance with". This amendment is recommended to avoid any possible inconsistency with the Part 3A approval, slight road layout variations and amendments to stormwater wetland locations and sizes that may arise as a result of further investigations associated with development of later precincts. The current wording of "must comply with" is considered to be too restrictive.

Section 4.6.8 Rule a), Section 4.6.9 Rule a), Section 4.6.10 Rule a). Change "must be provided in accordance with" to "must be provided substantially in accordance with". This amendment is recommended for the reasons mentioned above.

Section 4.12.2 Rule a). Change "The sites shown as stormwater basins on the Pitt Town Development Plan Figure E4.2 are to be set aside for stormwater management plan purposes" to "The sites shown as stormwater basins on the Pitt Town Development Plan Figure E4.2 or as shown on a subsequent Council approved/adopted stormwater management plan are to be set aside for stormwater management plan purposes". This amendment is recommended to allow for amendments to stormwater wetland locations and sizes that may arise as a result of further investigations associated with development of later precincts. The current wording is considered to be too restrictive.

Section 4.12.2 Rule c). Change "must be consistent with" to "must be substantially consistent with". This amendment is recommended for the reasons mentioned above.

Section 4.14.2 Rule b). Add at end "Garages must not occupy more than 50% of the building frontage". This rule is consistent with Section 1.9 Rule (e) of the Residential Development chapter of the DCP.

Summary of the Amendments to the draft Pitt Town DCP

The following list contains a summary of proposed amendments to the draft Pitt Town DCP, listed in order of subject as they appear in the DCP:

Section 4.1- Introduction

- Inclusion of clarification that this Chapter prevails over other parts of the DCP in relation to Pitt Town.
- Inclusion that the provisions of the Part 3A Concept Plan Approval must also be considered in relation to development at Pitt Town.

Section 4.2 - Desired Character

- Reference to "rural village" changed to "semi rural village" to reflect the development permitted by the Part 3A Concept Plan Approval. This change made in other sections of DCP where reference is made to rural village.

Section 4.3 - General Aims

- Changes as per Section 4.3.

Section 4.4.2 - Rules

- Inclusion of words “substantially in accordance with” to ensure consistency with Part 3A Approval.

Section 4.5.1 - Lot Design

- Deleted requirement that lots must be north south alignment and included additional solar design requirements.

Section 4.5.2 - Lot Design Rules

- Inclusion that the “Statement of Commitments” attached to the Part 3A Approval must be considered with all applications.
- Variation to wording regarding compliance to historic tree plantings and fence lines to ensure consistency with Part 3A Approval.
- Variation to minimum lot frontage requirements to ensure consistency with Part 3A Approval.

Section 4.6.2 - Street Design Rules

- Include words “substantially in accordance” to ensure consistency with Part 3A Approval.

Section 4.9.3 - Public Open Space and Recreation, “Bona Vista” Park Rules

- Changed requirement for Council to prepare landscape plan to “developer” to prepare, to make consistent with Section 94 Plan and Works in Kind Agreement.

Section 4.11.2 - Heritage Conservation Rules

- Inclusion of words “where possible” to ensure consistency with Part 3A Approval.

Section 4.12 - Stormwater Management Rules

- Inclusion of words “substantially consistent” to enable consistency with Part 3A Approval.

Section 4.14 - Building Envelopes

- Substantial changes made to front, side, rear and secondary street setback provisions to enable controls for lots smaller than 750 square metres to be incorporated and to enable compliance with Part 3A Approval.
- Addition of limitation of garages to be no more than 50% of building frontage.
- Minor change to maximum site coverage for 550 and 650 square metre lots.
- Inclusion of additional solar access provisions for habitable rooms and private open space. Diagram illustrating concept also included.
- Include explanation of “secondary street frontage”.

Section 4.15.2 - Building Design Rules

- Inclusion of solar access provision for habitable rooms.
- Include reference to “Design Guidelines” prepared as a requirement of the Part 3A Approval. (Note: These not adopted as part of DCP.)

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General Changes

- Figures showing "Development Area" modified to include open space areas adjacent to river.
- Some changes to Figure and Table numbers and referencing throughout the document.
- Other minor typographical changes made.

Conformance to Strategic Plan

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

"Establish processes and develop flexible plans that will enable the City to respond to change."

Funding

Funding is available within the current budget.

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. The attached version of the Pitt Town DCP be adopted.
2. The Pitt Town chapter be made effective in accordance with clause 21(4) of the Environmental Planning and Assessment Regulations.

ATTACHMENTS:

AT - 1 Pitt Town DCP - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

Item:9 CP - New South Wales Housing Code - (95498)

REPORT:

This report has been prepared to advise Council of the commencement of the State Environmental Planning Policy (Exempt and Complying Codes) 2008 ("the SEPP") and the NSW Housing Code (the Code).

Background

The NSW Government has undertaken a program of planning reforms to streamline the decision making processes for development in NSW. In November 2007 the Department of Planning (DoP) released a Discussion Paper on the reform of the NSW planning system. Council considered a report in relation to this matter in March 2008 and a submission on the discussion paper was forwarded to the DoP.

In May 2008 the draft Codes for residential and commercial development were released for public comment. At its Ordinary Meeting on 24 June 2008, Council resolved to make a detailed submission on the draft Code to the DoP for their consideration.

On 12 December 2007, the NSW Government gazetted the SEPP and released the first stage of the Code relating to housing. The NSW Government has advised future codes will be created for other types of residential development as well as commercial and industrial development.

Introduction

The Code and the SEPP come into effect on 27 February 2009 and apply to all councils in NSW. The provisions apply to Complying Development applications for housing and ancillary development on all residential lots greater than 450sqm with some exclusions for sensitive areas.

The principle behind the SEPP and the Code is to gain consistency across councils for Complying Development controls in NSW. Council's submission to the DoP on the draft Code supported the Code on the provision that the rights of the community and Council were not eroded.

Over the last few years the DoP has conducted an extensive public consultation with councils and the community as part of the preparation of the SEPP and the Code. The final version of the Code responds to the major concerns raised in Hawkesbury Council's submission. The implications of broader changes made to the Code, following public exhibition, are also outlined in this report.

What is exempt development and complying development?

In 1998 changes made to the NSW Environmental Planning and Assessment Act, 1979 ("the Act") introduced two new categories of development assessment "exempt development" and "complying development". The changes also introduced private certification of some development approvals.

Exempt development is minor development that does not require any approval from Council. The Code outlines how 41 types of minor developments can proceed as exempt development without planning approval.

Complying development is for routine, low scale development that does require Council (or private certifier) approval subject to set development controls and standards. The Code categorises the following as *complying development*: single storey and two storey dwelling houses on residential lots with an area of 450 sqm and greater, home extensions and other ancillary development, such as swimming pools.

A Complying Development Certificate (CDC) eliminates the need to obtain a Development Application (DA) and Construction Certificate (CC) for building work. However, Council can only approve complying

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development if it meets all the specified controls and standards, i.e., there is no merit assessment in Complying Development applications. If development does not fully meet all the controls and standards it is required to follow the standard DA process.

Residential Privacy and Amenity

The Code allows houses and minor development to proceed without the need to lodge a DA (but approval via a Complying Development Certificate is still required), but at the same time protecting neighbour's rights. The Code provides standard provisions to protect privacy and amenity via controls on maximum building height, bulk and scale; minimum front, side and rear setbacks; and site coverage. If a proposal cannot meet the complying development controls a standard DA is required and Council's provisions need to be met.

How the Code Applies to Different Zones

Development Type	Standard Template Zone Description	Hawkesbury LEP Equivalent zoning*
New Single Storey and Two Storey Dwelling Houses	R1 - General Residential	MU - Multi-unit Housing (with cross hatching)
	R2 - Low Density Residential	H - Housing
	R3 - Medium Density Residential	MU - Multi-unit Housing
	R4 - High Density Residential	No equivalent zone in Hawkesbury LEP
Alterations and Additions or New Ancillary Development	R1 - General Residential	MU - Multi-unit Housing (with cross hatching)
	R2 - Low Density Residential	H - Housing
	R3 - Medium Density Residential	MU - Multi-unit Housing
	R4 - High Density Residential	No equivalent zone in Hawkesbury LEP
	R5 - Large Lot Residential in a rural setting	MA - Mixed Agriculture (at Nepean Park) RL - Rural Living (at Windsor Downs) RH - Rural Housing (at Pitt Town) 7D - 7(d) Environmental Protection (Scenic)(at the Islands)
	RU1 - Primary Production	MA - Mixed Agriculture
	RU2 - Rural Landscape	7D - 7(d) Environmental Protection (Scenic) EPA - Environmental Protection - Agriculture Protection (Scenic) EPM - Environmental Protection - Mixed Agriculture (Scenic)
	RU 3 - Forestry	No equivalent zone in Hawkesbury LEP
	RU 4 - Rural Small Holdings	RL - Rural Living (excluding Windsor Downs) CL - Consolidated Land Holdings
	RU 5 - Village	RV - Rural Village

*NOTES: The NSW Housing Code provisions do not apply to all zones and do not override covenants.

How the Code Applies to Different Lots

The Code seeks to encourage more minor development to occur as either 'exempt' or 'complying' on smaller residential lots sizes. The SEPP divides residential lots into 4 types based on lot size as follows:

Type A	450 - 599 sqm and minimum primary road frontage of 12m wide
Type B	600 - 899sqm and minimum primary road frontage of 12m wide
Type C	900 - 1499sqm and minimum primary road frontage of 15m wide
Type D	>1500sqm and minimum primary road frontage of 18m wide

Table 1 - Lot Types

Transition Provisions

A comparison of the Code and Council's current provisions for Exempt and Complying Development indicates that there are many similarities and only relatively minor differences. The provisions allow a 12 month transition period applying only where there are differences between the Code and the Council code i.e.:

1. If the Code covers the same development type listed in the Council code then the Code prevails.
2. If a development is listed as exempt development in the NSW Housing Code, and complying development in Council's code, then until the end of February 2010 the homeowner can use either the Code or the Council Code. After that date, only the Code will apply.
3. If the development is listed as complying development the NSW Housing Code, and exempt development in Council's code, then the Council code does not apply.

Local Exclusions

The Code identifies exclusions for a general range of environmentally sensitive areas (such as state conservation areas, bushfire prone land, protection areas and the like). Should it be necessary, Council would need to separately seek formal approval from the DoP for matters specific to the Hawkesbury area to be listed as exclusions to the SEPP.

Heritage

Exempt development and complying development provisions under the Code do not apply to:

1. State heritage listed items on the State heritage register under the Heritage Act 1977.
2. Draft or existing local heritage items.
3. Land subject to an interim heritage order under the Heritage Act 1977.
4. Land within a draft or existing heritage conservation area.
5. Land within 100 metres or within a world heritage area.
6. Land within aquatic reserves and marine parks.
7. Additional local exclusions can be nominated to the DoP by Council. If a local exclusion is approved, some aspects of the Code will not apply to the area identified for local exclusion.

For example, demolition of a listed heritage house or a house within a heritage conservation area still requires a DA.

Local Variations

Council can apply to the DoP to seek a local variation to specific Code standards. The Code allows for local variations for the following development controls:

- Front setbacks
- Side setbacks on lots 900sqm or greater
- Percentage of landscaped area

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Conclusion

The NSW Housing Code is part of a range of planning reforms that seek to increase the uptake of complying development and in turn result in faster approval times for minor development. A state-wide code also provides consistency for applicants, councils and the community in implementing the development controls.

The SEPP requires the NSW Government to review the provisions of the Code after its first year of implementation. A further report to Council will be provided if there are significant relevant changes to the Code at that time.

Conformance to Strategic Plan

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

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

Funding

N/A

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 the information about the commencement of the State Environmental Planning Policy (Exempt and Complying Codes) 2008 and the NSW Housing Code be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item:10 **CP - Acceptance of Funding Variation for Peppercorn Home Maintenance Service – Department of Ageing Disability and Home Care (DADHC) - (17249)**

Previous Item: 153, Ordinary (29 July 2008)

REPORT:

This report has been prepared to seek Council's approval to execute a variation to an existing funding agreement with the Department of Ageing Disability & Home Care (DADHC) for additional funds for a Peppercorn Home Maintenance - Lawn Mowing Service.

Background:

In 2006, as part of the Home and Community Care (HACC) planning process, a need to establish a lawn mowing service for the HACC target group was identified as a district priority (the HACC target group includes frail older people and younger people with a disability & their cares). The need for this service was raised as a priority during regional planning sessions. A joint Nepean Area survey was conducted to validate the need for this service and the outcome was sent to DADHC as a priority for regional funding.

In November 2007, Hawkesbury City Council (through Peppercorn Services Inc) participated in an open tender for the provision of this Service. The tender was designed to establish an integrated lawn mowing service across the Nepean Local Planning Area (NLPA) of Penrith, Hawkesbury & Blue Mountains.

In June 2008 Council received written advice that its tender bid was successful. Although the original tender was for the Nepean LPA the funding documents only identify the Hawkesbury and Penrith areas. DADHC advised at the time that funding for the Blue Mountains area would be assigned once the lawn mowing service had been established in the Hawkesbury and Penrith areas. An initial amount of \$63,154 was allocated to establish the lawn mowing service in the Penrith & Hawkesbury Local Government Areas.

Current Situation:

In December 2008 Hawkesbury City Council received written advice that an additional amount of \$82,252 had been allocated to the lawn mowing service. \$40,000 of this amount was to extend the service to the Blue Mountains, with the remaining \$42,252 to expand services in the Hawkesbury and Penrith.

Conformance to Strategic Plan

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

"Work in partnership with Community and Government to implement plans to meet the social, health, safety, leisure and cultural needs of the City."

Funding

Funding for the Peppercorn Home Maintenance - Lawn Mowing Service is 100% derived from external grants - there is no requirement for a Council contribution.

RECOMMENDATION:

That Authority be given to execute, under the Seal of Council, a variation to the funding agreement with the Department of Ageing Disability and Home Care to accept additional recurrent funds of \$82,252 for the Peppercorn Home Maintenance - Lawn Mowing Service.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item:11 **IS - Section 64 Contribution - Pitt Town Development - (79357)**

Previous Item: 226, Ordinary (21 October 2008)

REPORT:

At the Ordinary Meeting of 21 October 2008 Council was presented with a report regarding contributions under Section 64 of the Local Government Act - Pitt Town Development - For Sewerage Infrastructure where it was resolved:

"That the Section 64 Contribution plan for the provision of reticulated sewerage services within the defined Pitt Town development area be placed on public exhibition for a period of 28 days."

Further to this resolution the Section 64 Contribution Plan for Pitt Town – For Sewerage Infrastructure was placed on public exhibition from 6 November 2008 to 5 December 2008.

During the period of exhibition one submission was received on behalf of the Pitt Town Residents Group.

The following is a summary of the key comments received in the submission and the relevant response.

Point 1:

This current plan is based on the assumption that part of the existing effluent from South Windsor and Windsor will be diverted from McGraths Hill STP to the South Windsor STP.

Nowhere in the October 2008 Supplementary report does it mention the December 2007 Council resolution to provide a report on a proposal to provide additional capacity at McGraths Hill STP and including the implementation of a water recycling scheme back to Pitt Town.

Response:

The Johnson Property Group proposed a number of options to service the proposed development at Pitt Town with sewerage infrastructure. These options were purely conceptual at that stage and modifications including the location of the pump station and rising main were subject to change.

These options included:

- 1) Upgrade the existing McGraths Hill Sewage Treatment Plant to take all the effluent from the proposed development.
- 2) Pipe the effluent from the proposed development site to the South Windsor Sewage Treatment Plant and upgrade the South Windsor Sewage Treatment Plant to cater for additional flow.
- 3) Upgrade the McGraths Hill Sewage Treatment Plant with a separate treatment process and return the treated effluent to Pitt Town via a dual reticulation system for treated effluent reuse.
- 4) Divert flow from the McGraths Hill Sewage Treatment Plant to the South Windsor Sewage Treatment Plant to provide capacity to allow influent to be received at the McGraths Hill Sewage Treatment Plant from the proposed Pitt Town Development site (i.e. Divert Pump Station C and Rising main C from the McGraths Hill Sewage Treatment Plant to the South Windsor Sewage Treatment Plant and upgrade the South Windsor Sewage Treatment Plant to cater for greater inflow).

Each option was assessed on its merits and Option 4 was deemed to be the most cost effective and environmentally sound option. In relation to Option 3, being the dual reticulation system for treated effluent reuse, this option was not commercially viable, as it would impose a financial burden on the Pitt Town

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residents utilising the reuse scheme. Those residents would have had to provide on going funding for the continual operation and maintenance of the scheme.

Further the effluent volumes generated by the proposed Pitt Town development could not have been utilised in its entirety as required to achieve nil discharge.

Point 2:

The option of additional capacity at McGraths Hill STP and water recycling scheme was conditional on there being no additional effluent discharge into South Creek.

Yet the currently exhibited plan to divert flows to South Windsor will result in additional discharges into South Creek.

Why is Council prepared to allow these additional discharges from the South Windsor STP but not from McGraths Hill STP?

Would it have not made better sense to expand capacity at McGraths Hill where treated effluent is discharged through a forestry plantation, wetland system and pasture irrigation system?

Response:

Option 3 required zero additional discharge from the McGraths Hill STP in order to promote reuse within the proposed Pitt Town development and reduce pollutants to South Creek, however as previously stated the volumes generated by the proposed development could not be fully utilised and as such there would have been additional discharge into South Creek

It should also be noted that the existing treated effluent currently being discharged from the McGraths Hill facility is not fully utilised within the wetlands and effluent reuse site.

Point 3:

Of the 21 plus million dollars shown as the total infrastructure and associated costs for the Pitt Town proposal, over 10 million dollars of that amount will be spent on transferring effluent flows to South Windsor STP.

Surely it would make both environmental and fiscal sense to spend this money to at least provide additional capacity at McGraths Hill as well as possibly providing the recycling system proposal back to Pitt Town?

Response:

This has been covered in previous responses.

Point 4:

Is it appropriate for Council to accept and endorse this exhibition plan when certain items are only estimated costs?

Is there the possibility for future cost blow-outs? And if so, what procedure will Council employ to insulate the community from bearing the effect of any future cost over runs?

Response:

At this stage it is only possible to determine the S.64 contributions on the basis of estimated costs, as there is still a considerable amount of work to be done to provide the sewerage infrastructure for the entire development. The S. 64 plan is created to ensure that the cost of providing the sewerage infrastructure is attributed to the developers of the land.

Point 5:

The PTRG was of the understanding that the current contribution per lot was calculated on the number of additional new lots, not the total number of lots that would eventuate when existing lots were included.

Is the figure of \$22,640.00 per lot correct or not?

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Response:

The Pitt Town Section 64 Contribution Plan for Sewerage Infrastructure states that the contribution per lot is based on the total cost of infrastructure divided by the total number of developable lots benefiting from this infrastructure. That is \$21,349,000.00 divided by 943 lots (50 existing lots to be subdivided into an additional 893 lots).

$$= \frac{\$21,349,000.00}{943} = \$22,640.00 \text{ per lot}$$

Point 6:

The PTRG were also of the understanding that the additional Sewerage Pump Station would not be located in the protected vegetation and wildlife corridor area SE corner of the Bona Vista precinct. Previous plans have indicated the position to be either within the unmade road corridor of Bootles Lane, Mitchell Place or the Northern unmade section of Hawkesbury Road.

When and by whom was the relocation decided and for what reasons?

Response:

Initially, a number of options were proposed to service the future development at Pitt Town with Sewerage Infrastructure and these options were outlined previously.

Each option was assessed on its merits, including the option to locate the pumping station at the south east corner of the Bona Vista property. A review of environmental factors was prepared for this site and was subsequently approved.

Point 7:

As there is no detail of the carrier mains shown throughout the development, will it now mean that some of the individual lots will be required to operate an individual pressure pump system for their effluent disposal?

What are the implications of this for the existing home owners in the NW sector? And for the general population of Pitt Town currently not on a sewer system, and who might have thought they could be connected as a result of the development proposal?

Response:

The current proposal includes a low pressure sewer system to service properties larger than 2000sqm on the northern fringe of the proposed Pitt Town development site. Provision of sewerage infrastructure to the "Vermont" area will be investigated in the future however that investigation is not relevant to the contribution plan currently under consideration.

Point 8:

The exhibited plan indicates that construction will extend into 2009. Is this timeline still realistic, given we are almost at the end of 2008?

Will any development be permitted prior to completion of these works? If permitted, how many lots will that involve?

Response:

It is proposed that the construction of the necessary sewerage infrastructure will be completed by late 2009.

Within this time frame 80 lots can be connected and pumped to the McGraths Hill Sewage Treatment Plant once the pump station and the rising main to the McGraths Hill Sewage Treatment Plant is completed.

Prior to further lots being developed, completion of the construction of the new Pump Station C and Rising main C, located in Windsor, to divert flow from the McGraths Hill Sewage Treatment Plant to the South Windsor Sewage Treatment Plant will be required.

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Conformance to Strategic Plan

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

"Strategic Direction: Establish a framework to define and equitably manage the infrastructure demands of the City."

Funding

Funding will be provided through contributions in accordance with the S.64 plan.

RECOMMENDATION:

That the Section 64 Contribution plan for the provision of reticulated sewerage services within the defined Pitt Town development area be adopted.

ATTACHMENTS:

AT - 1 Map Showing Pitt Town Defined Development Area

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AT - 1 Map Showing Pitt Town Defined Development Area



oooO END OF REPORT Oooo

Item:12 IS - Proposed Additional Street Lighting for William Street and Elizabeth Street - Cul-de-sacs, North Richmond - (79346)

REPORT:

Community representation has been received requesting additional street lighting in the vicinity of the cul-de-sacs in both William Street and Elizabeth Street, North Richmond.

As part of the initial investigation process, comments were sought from residents within the affected streets. Generally street lights are provided on every second power pole and in particular at intersections and the end of a cul-de-sac. Originally street lights would have been provided at the ends of the cul-de-sacs if power poles were in place. In this instance due to the ends of both cul-de-sacs abutting Redbank Creek and not being residential properties, power poles were not required.

The final position for the proposed lights in the cul-de-sacs would be subject to a detailed design by a certified lighting designer. Commissioning of the detailed design is subject to the lighting proposal being accepted by the property owners and the project being given approval by Council.

There are 13 residential properties (some medium density) within the survey area that are within proximity of the two cul-de-sacs. A survey of these property owners and residents, by way of a questionnaire, was undertaken to ascertain community support for the proposed additional street lighting. A total of 16 questionnaires were returned with all 16 in support of the additional lighting.

Comments received to **support** the additional street lighting were as follows:

- Due to the increasing occurrences of arson in the street and in the vicinity, a street light in these two cul-de-sacs would be a great advantage.
- In the interests of public safety, these lights would be a definite advantage.
- During the past years, there have been numerous acts of arson and vandalism committed against buildings, property and vehicles situated in the vicinity of the cul-de-sac. Police and Fire Brigade have always attended. The cul-de-sac area being pitch black contributes to the criminal acts.
- Lots of bins and cars burnt in William Street. Better lighting will help.
- Desperate need of lighting. It will help light up the street for traffic. It will also deter vandals. It is a 'Must'.
- We believe additional lighting in the William Street cul-de-sac would deter the anti-social behaviour that often takes place (i.e. bin burning, egg throwing etc) and deter the suspicious vehicles that park at night sometimes. Also difficult to see the road and parked vehicles especially for visitors and emergency services.
- People head down the street and drink alcohol in their cars in the cover of darkness.

The results of the survey indicate that there is a strong majority in support of the proposed installation of additional street lighting in the vicinity of the 2 cul-de-sacs.

The attached plan "Existing Street Lighting at William Street and Elizabeth Street, North Richmond" indicates the existing location of power poles both with and without lights. Position of the proposed lighting at the 2 cul-de-sacs is subject to a detailed design.

Conformance to Strategic Plan

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

"Objective: Strategic Direction: Establish a framework to define and equitably manage the infrastructure demands of the City."

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Funding

Funding is available from the current Street Lighting budget.

RECOMMENDATION:

That, due to strong community support, additional street lighting be provided in the vicinity of the cul-de-sacs in both William Street and Elizabeth Street, North Richmond.

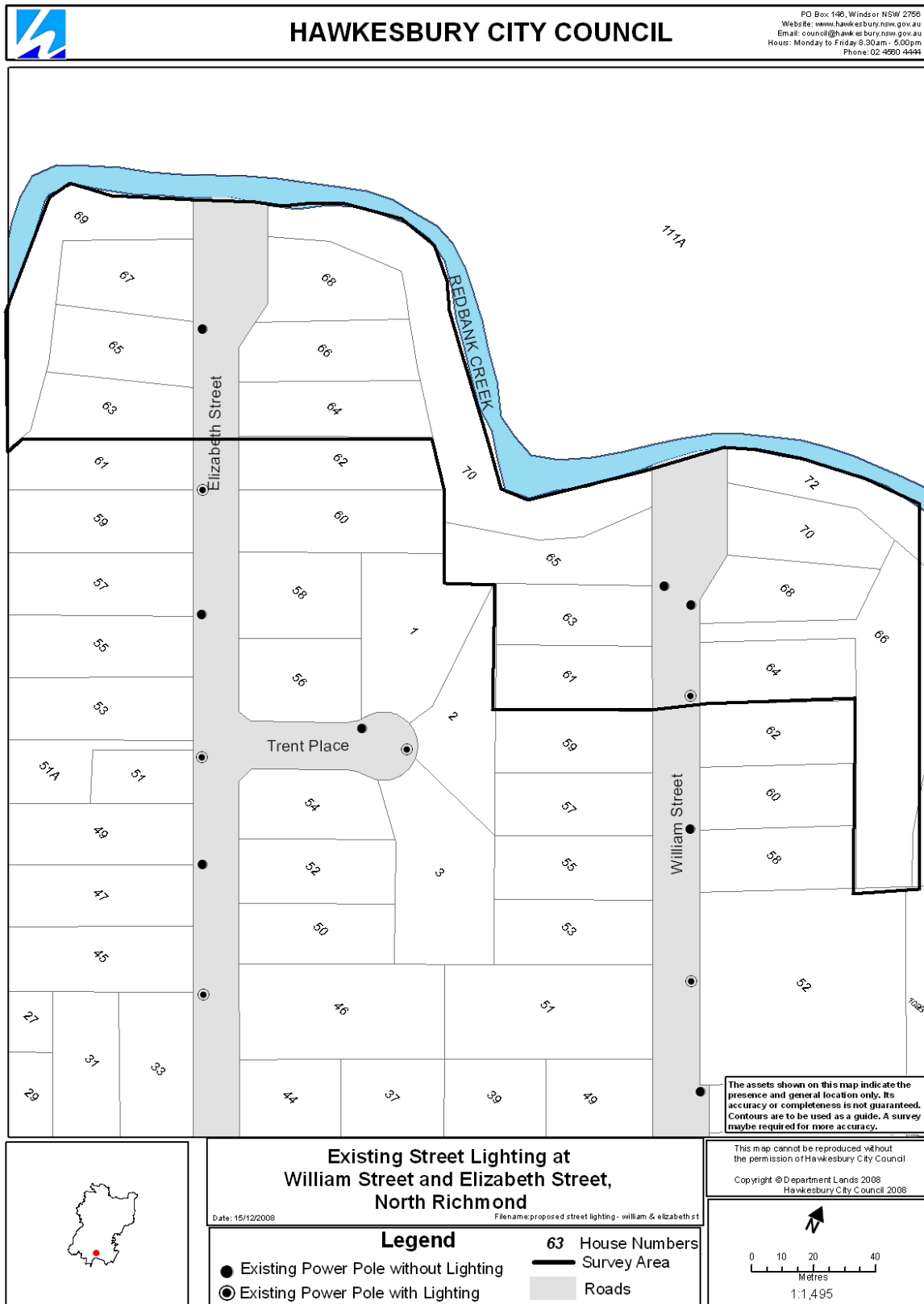
ATTACHMENTS:

AT - 1 Existing Street Lighting at William Street and Elizabeth Street, North Richmond.

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AT - 1 Existing Street Lighting at William Street and Elizabeth Street, North Richmond



oooO END OF REPORT Oooo

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Item:13 IS - Earth Hour - 28 March 2009 - (95494)

REPORT:

Earth Hour, which will be held on 28 March 2009, is an event held in an effort to raise awareness of practical solutions to climate change. Electricity for homes and workplaces currently accounts for one third of Australia's greenhouse gas emissions, and consumption is growing rapidly. Using energy more efficiently and developing sustainable sources of power are environmental and economic imperatives.

In looking for short term energy savings for Earth Hour, it is envisaged that many participants will also identify practical and permanent changes to save electricity and reduce their energy costs. The event will also raise awareness of the range of programs available to homes and businesses to help increase their energy efficiency.

It is to be noted that at all times during Earth Hour security measures will not be compromised as essential lighting around public amenities/facilities and public services will be maintained.

Residents and businesses will be encouraged to participate in Earth Hour and will be notified by way of Media Release, Mayoral Column and inclusion in the "What's On" Guide.

Conformance to Strategic Plan

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

"Objective: A network of towns, villages and rural localities connected by well-maintained public and private infrastructure, which supports the social and economic development of the City."

"Strategic Direction: Promote environmental awareness and encourage community participation in management of natural, cultural and heritage assets."

Funding

Nil impact on current funding.

RECOMMENDATION:

That:

1. Council participate in Earth Hour by switching off all non-essential lighting for one hour at 8.30pm on Saturday, 28 March 2009.
2. Residents and businesses be encouraged to participate in Earth Hour through appropriate media channels.
3. On an ongoing basis, Council participate in and promote Earth Hour initiatives in the future.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item:14 **IS - Proposed Removal of Payphones within Hawkesbury Local Government Area - (95494; 105667)**

Previous Item: 274, Ordinary (27 November 2007)
 166, Ordinary (28 August 2007)

REPORT:

Correspondence has been received from Telstra Consumer Marketing & Channels advising that it is undertaking a Payphone Review of the Hawkesbury LGA.

Council may recall that a previous report was considered on 28 August 2007 in relation to the proposed removal of two payphones located in East Market Street, near Brentwood Avenue, Richmond and Brabyn Street, near George Street, Windsor. Following the resolution that Council not support the removal of any payphones located in the Hawkesbury Local Government Area, and a subsequent resolution of 27 November 2007 that the support of both the Federal and State Members and the new Federal Minister for Communications be sought with a view to retaining these payphones, Telstra proceeded with the removal of both payphones.

Telstra has advised that as part of the review the following has been considered:

- Changing Payphone cabinet types to reduce vandalism;
- Making some payphones cashless to improve serviceability;
- Providing specialist technical support for payphones with excessive faults histories;
- Reviewing DDA (expand) site requirements;
- Removing under utilised payphones (while maintaining Universal Service Obligations); and
- Reducing the number of payphones at some multiple sites if necessary.

Telstra has further advised that the overall objective of the review was to make sure the Hawkesbury area will have sufficient payphones to meet the community's future needs, whilst also balancing Telstra business requirements.

The results of the Payphone Review have now been finalised and have been submitted to Council for comment. Submissions are invited prior to 27 February 2009 and are to address relevant local factors, such as evidence of the need for a payphone in this location, the social-demography of the community in which the payphone is located and evidence of groups in the community that rely on the payphone.

A list of the proposed payphones to be removed is provided below, including relevant factors to assist in the deliberations to either support or object to the removal of each individual payphone specified.

1. 35 Bells Line of Road, Cnr Grose Vale Road, North Richmond

This payphone is located outside of the main shopping village and opposite the Caltex Service Station. This payphone is located in an area that is frequented by residents, is likely to be used by shoppers, and the nearest alternative is located approximately 300m away adjacent to the Bells Line of Road access to the shopping centre. It should also be noted that this payphone is one of only two payphones servicing North Richmond, and its removal could result in the service being non-existent in this area in the event the remaining payphone is either vandalised, or out of service due to service faults etc. It would be considered appropriate not to support its removal.

2. 45 Collith Avenue, Cnr Rifle Range Road, South Windsor

This payphone is located adjacent to Bede Polding College and approximately 250m from Chisholm Catholic Primary School. The nearest alternative is approximately 1km away at the Bligh Park Shopping

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Centre. With the majority of its users considered to be students from both schools, and possibly students from surrounding schools given that Bede Polding College is a bus changeover, it would seem significant that this payphone be retained.

3. *33 Pitt Street, near Bowman Street, Richmond*

This payphone is located outside a local take away shop, and the nearest payphone is approximately 1km away. This area is largely populated by elderly residents who may or may not have access to alternate forms of communication. There are also a significant number of RAAF personnel who travel past this location on bicycles to access their place of work with potential to require this service.

4. *1826 Putty Road, Central Colo*

This payphone is located outside a service station, which is now closed. The nearest alternate payphone is located approximately 15km away at Colo Heights or 18km away at Wilberforce. This region is not well serviced by mobile phone coverage and the nearest reception areas are at Blaxlands Ridge or Wilberforce, a minimum, distance of 6km. This payphone is considered an essential in times of emergency for residents; emergency services agencies, motorists and users of the nearby Colo River.

5. *246 Windsor Road, near Cnr Groves Avenue, Vineyard*

This payphone is located in the vicinity of MacDonalds and the new KFC restaurants, within the commercial/industrial area. Although the nearest alternate payphone is located approximately 1.2km away within the McGraths Hills residential area, it would not be easy to be located by motorists on Windsor Road who may be in need of emergency services, and the area being not far from Windsor High School is frequented on a regular basis by students who may also need to contact parents/carers.

6. *1 Grand Flaneur Avenue, near William Cox Drive, Hobartville*

This payphone is located within a residential area, and is reasonably proximate to the payphone at 122 Lennox Street. Notwithstanding, it should be appreciated that not all households can afford to have a fixed line to their property and may rely on this service.

7. *122 Lennox Street, Richmond*

This payphone is located opposite Richmond High School, in front of a take-away shop. This service is considered to be in a centralised location for students and residents within the Castlereagh Road and surrounding area, and in particular would service residents in the vicinity of Grand Flaneur Avenue should the payphone in that area be removed.

8. *500 Bells Line of Road, Berambing*

This payphone is located on a main road in the vicinity of the picnic area, which is just outside the Hawkesbury LGA. However, given the proposed removal of this payphone would affect the entire Berambing community, it would seem appropriate to provide comment.

The nearest alternate payphone is located approximately 10km away at Bilpin. Given that Berambing is an isolated area, and is not fully serviced by mobile phone coverage, this payphone could be seen as critical in the event of an emergency and the removal of this payphone would leave the Berambing community unserved.

9. *735 George Street, South Windsor*

This payphone is located outside the service station, in between Colonial Drive and Richmond Road. Given that the Bligh Park community is serviced by a payphone located at the Bligh Park Shopping Centre, and the payphone is away from the more populated areas, it would be appropriate to not object to its removal.

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10. 1 Shepherds Road, near Creek Ridge Road, Glossodia

This payphone is located in the vicinity of the service station and Glossodia Park. Whilst it would be an advantage to retain the payphone along this section of road, it is an area that receives mobile phone coverage and both townships of Freemans Reach and Glossodia are serviced by alternate payphones.

11. 135 Pebbly Road, near Millers Road, Maraylya

Whilst this payphone is located in an area which apparently doesn't receive much usage, it is in a rural area with limited to nil mobile phone coverage. It would seem significant to retain this service, in particular for use during emergency situations, such as bushfires, car accidents etc. The nearest alternate payphone is located approximately 400m away.

12. 33 Harris Street, Windsor

This payphone services the community surrounding Fairey Road and James Meehan Street, its nearest alternate payphone is located approximately 1.4km away. Given that this payphone is located in the vicinity of the park and playground and is the only payphone within this locality in times of emergency, and not all residences would have access to a fixed line to their property, it would be considered appropriate not to support the removal of the payphone.

13. 489 George Street, near Argyle Street, South Windsor

This payphone is located along the shopping precinct in South Windsor, and is currently one of three payphones at this location. It would appear reasonable not to object to the removal of the payphone at this location.

14. 126 George Street, near Kable Street, Windsor

This payphone is located outside Loder House within the Windsor Mall. This is a highly trafficked area, and as this is one of only two payphones at this location it is considered that its removal would have an adverse impact on the community and visitors to the area.

15. 288 Windsor Street, Richmond

This payphone is located in the main street outside the post office and is currently one of two payphones at this location. It would appear reasonable not to object to the removal of the payphone at this location.

Conformance to Strategic Plan

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

"Objective: A network of towns, villages and rural localities connected by well-maintained public and private infrastructure"

Funding

Nil impact on currently funding.

RECOMMENDATION:

That a submission be forwarded to Telstra in relation to the proposed removal of payphones within the Hawkesbury LGA as outlined within the report.

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ATTACHMENTS:

- AT - 1** Telstra Payphone Review – Proposed Removal of Payphones – Locality Maps - *(To Be Displayed in Council Chambers at Meeting)*

oooO END OF REPORT Oooo

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SUPPORT SERVICES**Item:15 SS - Monthly Investments Report - November 2008 - (96332, 95496)****REPORT:**

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 Regulations and the Council's Investment Policy.

The following table lists the investment portfolio held by Council at 30 November 2008 in a form compliant with legislative and policy requirements.

All investments 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.

November 2008

The following table indicates that Council held \$37.5 million in investments as at 30 November 2008. 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 and the credit rating of the investments, are provided below.

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Rating	Total \$
On Call						
CBA	30-Nov-08		5.25%	5,550,000	A1+	5,550,000
Term Investments						
ANZ	25-Sep-08	24-Dec-08	7.95%	3,000,000	A1+	
ANZ	20-Nov-08	20-Jan-09	5.35%	3,000,000	A1+	
ANZ	24-Nov-08	23-Feb-09	5.50%	3,000,000	A1+	
Bankwest	29-May-08	1-Dec-08	8.43%	3,500,000	A1+	
NAB	29-May-08	29-May-09	8.39%	3,500,000	A1+	
NAB	25-Sep-08	25-Mar-09	8.00%	5,500,000	A1+	
Westpac	30-Sep-08	26-Feb-09	7.60%	2,000,000	A1+	
Westpac	20-Nov-08	20-Feb-09	6.00%	3,000,000	A1+	
Westpac	20-Nov-08	24-Mar-09	6.00%	3,000,000	A1+	
CBA – CPI Linked Note	04-Apr-07	04-Apr-12	0.00%	500,000	A1+	
CBA – Equity Linked Note	05-Dec-07	05-Jun-09	0.00%	2,000,000	A1+	32,000,000

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TOTAL INVESTMENT AS AT 30 NOVEMBER 2008						37,550,000
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Total Investment As At 30 November 2008

Bench Mark - November 2008 - Cash Rate 5.25%

Actual - November 2008 6.38%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	5,550,000	5.25%	0.00%	External Restrictions -S94	7,195,465
Term Deposit	32,000,000	6.58%	1.33%	External Restrictions - Other	9,906,176
				Internal Restrictions	14,144,198
				Unrestricted	6,304,161
	37,550,000	6.38%	1.13%	Total	37,550,000

The various sources of the restricted funds referred to in the above table are as follows:

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

Waste Management
Sewerage
Unexpended Grants
Stormwater Management

Internal Restrictions (reserve details below)

Employees Leave Entitlements
Election
Information Technology
Plant Replacement
Infrastructure
Property Development (currently negative balance)
Risk Management
Heritage
Sullage
Tip Remediation

With regard to the above details, those funds subject to external restrictions, **cannot** be utilised for any purpose other than that specified.

In respect of funds subject to internal restrictions, whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless of a temporary internal loan basis, would not be recommended nor would it be “good business practice”, as these funds have been allocated for specific purposes (information technology, plant replacement, risk management, etc.) or to meet future known expenses that should be provided for on an ongoing basis (employee leave entitlements, election, etc.)

Funds referred to as “unrestricted” are, effectively, Council’s daily operational funding for purposes such as the payment of salaries and wages, various works proposed or in progress as adopted in Council’s budget, daily operational expenses, etc. These “unrestricted” funds could only be utilised for other purposes by the reduction of a corresponding amount from a service or provision already included within Council’s adopted budget. The level of these funds also vary depending upon the business cycle in areas such as the payment of creditors, receipt of rate payments, capital works and/or purchases, etc.

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Investment Commentary

The investment portfolio increased by \$1m for the month. The increase was due to additional income over expenditure for the November period. During November, various income was received totalling \$6.6m, including rate payments amounting to \$2.7m, while payments to suppliers and staff costs amounted to \$5.1m.

The investment portfolio is diversified across a number of investment types. This includes term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio has been reviewed and rebalanced in favour of investments not subject to share market volatility. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

Conformance to Strategic Plan

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

"Objective: Maximise return on Council's investment portfolio"

Funding

Funds have been invested with the aim of achieving budgeted income in 2008/2009.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 3 February 2009****Item:16****SS - Monthly Investments Report - December 2008 - (96332, 95496)****REPORT:**

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 Regulations and the Council's Investment Policy.

The following table lists the investment portfolio held by Council at 31 December 2008 in a form compliant with legislative and policy requirements.

All investments 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.

December 2008

The following table indicates that Council held \$37.2 million in investments as at 31 December 2008. 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, and the credit rating of the investments, are provided below.

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Rating	Total \$
On Call						
CBA	31-Dec-08		4.20%	8,210,000	A1+	8,210,000
Term Investments						
ANZ	20-Nov-08	20-Jan-09	5.35%	3,000,000	A1+	
ANZ	24-Dec-08	24-Mar-09	5.50%	1,000,000	A1+	
ANZ	24-Nov-08	23-Feb-09	5.50%	3,000,000	A1+	
CBA – CPI Linked Note	04-Apr-07	04-Apr-12	0.00%	500,000	A1+	
CBA – Equity Linked Note	05-Dec-07	05-Jun-09	0.00%	2,000,000	A1+	
NAB	29-May-08	29-May-09	8.39%	3,500,000	A1+	
NAB	25-Sep-08	25-Mar-09	8.00%	5,500,000	A1+	
Westpac	30-Sep-08	26-Feb-09	7.60%	2,000,000	A1+	
Westpac	20-Nov-08	20-Feb-09	6.00%	3,000,000	A1+	
Westpac	20-Nov-08	24-Mar-09	6.00%	3,000,000	A1+	
Westpac	01-Dec-08	02-Mar-09	5.50%	2,500,000	A1+	29,000,000
TOTAL INVESTMENT AS AT 31 DECEMBER 2008						37,210,000

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TOTAL INVESTMENT AS AT 31 DECEMBER 2008

Bench Mark - December 2008 - Cash Rate 4.25%

Actual - December 2008 5.67%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	8,210,000	4.20%	-0.05%	External Restrictions -S94	7,181,556
Term Deposit	29,000,000	6.08%	0.41%	External Restrictions - Other	9,848,551
				Internal Restrictions	13,498,171
				Unrestricted	6,681,722
	37,210,000	5.67%	1.42%	Total	37,210,000

The various sources of the restricted funds referred to in the above table are as follows:

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

Waste Management
Sewerage
Unexpended Grants
Stormwater Management

Internal Restrictions (reserve details below)

Employees Leave Entitlements
Election
Information Technology
Plant Replacement
Infrastructure
Property Development (currently negative balance)
Risk Management
Heritage
Sullage
Tip Remediation

With regard to the above details those funds subject to external restrictions **cannot** be utilised for any purpose other than that specified.

In respect of funds subject to internal restrictions, whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless of a temporary internal loan basis, would not be recommended nor would it be “good business practice”, as these funds have been allocated for specific purposes (information technology, plant replacement, risk management, etc.), or to meet future known expenses that should be provided for on an ongoing basis (employee leave entitlements, election, etc.)

Funds referred to as “unrestricted” are, effectively, Council’s daily operational funding for purposes such as the payment of salaries and wages, various works proposed or in progress as adopted in Council’s budget, daily operational expenses, etc. These “unrestricted” funds could only be utilised for other purposes by the reduction of a corresponding amount from a service or provision already included within Council’s adopted budget. The level of these funds also vary depending upon the business cycle in areas such as the payment of creditors, receipt of rate payments, capital works and/or purchases, etc.

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Investment Commentary

The investment portfolio decreased by \$0.3m for the month. The decrease was due to additional expenditure over income for the December period. During December, various income was received totalling \$5m, including rate payments amounting to \$2.8m, while payments to suppliers and staff costs amounted to \$5.7m.

The investment portfolio is diversified across a number of investment types. This includes term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio has been reviewed and rebalanced in favour of investments not subject to share market volatility. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

Conformance to Strategic Plan

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

"Objective: Maximise return on Council's investment portfolio"

Funding

Funds have been invested with the aim of achieving budgeted income in 2008/2009.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item:17**SS - Government Guarantee on Council's Investment Funds - (95496)****REPORT:**

The purpose of this report is to update Council on recent changes in respect of Council's investment funds and to confirm Council's investment strategy. In particular, The Australian Government has put in place guarantee arrangements for deposits and wholesale funding of eligible authorised deposit-taking institutions (ADIs).

Up until 2007, Council had over 80 percent of its investment portfolio in Managed Funds. In late 2007 and throughout 2008, Council rebalanced its investment portfolio away from Managed Funds towards investments that were capital protected. As at December 2008, 100 percent of the portfolio was invested with major Australian banks and is capital protected. By restructuring the investment portfolio, interest earnings have been above benchmark. Without restructuring, Council's returns on investment would have been materially below benchmark, and would have placed Council in severe budget difficulty.

Council will recall events of 2007, where Michael Cole was commissioned to undertake a review of NSW Councils' investments (the Cole report) to clarify the exposure of NSW Councils to any losses from investments in collateralised debt obligations (CDOs) and similar products.

A CDO is a debt security or bundle of different debt securities backed by loans (e.g. mortgages) or bonds. These loans or bonds pay investors from the cash flows they generate. Some CDOs are backed by assets that include US sub-prime mortgages.

Sub-prime mortgages are similar to "low-doc" or even "no-doc" loans in Australia – they are mortgages given to people who do not qualify for standard loans because of their credit history or financial circumstances. In the US there were loans issued for more than the value of the property (up to 120%), and the borrowers were required to pay a higher than normal interest rate for these sub-prime loans. The number of sub-prime defaulters in the US is at an all time high, estimated at up to 10% of the US mortgage market.

Sub-prime mortgage companies package up the sub-prime loans and sell them as bonds to investors (e.g. fund managers and banks). These investments were appealing to investors because of higher returns compared to other bonds backed by standard mortgages.

Many Councils invested in CDOs, which were rated highly by internationally recognised rating agencies such as Standard & Poors. These CDO investments met the criteria of their investment policies, policies that were based on Department of Local Government (DLG) guidelines. Councils were attracted to the higher returns, returns that were anchored by high ratings.

Council had no direct CDO investments in its portfolio. Council's exposure to CDOs was limited to a Managed Fund called Perpetual Credit Income Fund, which had approximately 2% - 3% of its assets exposed to the US sub-prime mortgage market. This exposure affected interest earnings by less than \$5,000 in total.

In 2007 the US problems were also having an effect on the Australian share market, which underwent a severe and protracted correction through to 2008. Council reacted in a timely fashion and rebalanced the investment portfolio away from Managed Funds towards investments that were capital protected. New investments in Managed Funds by councils are now forbidden under amendments to the Ministerial Investment Order, as these products provide an incentive to pursue higher returns through investments that may involve greater risks, including the risk of making capital losses.

The Cole report made a number of recommendations, all of which were adopted by the NSW Government. The Cole report recommendations included:

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- amendments to the Ministerial Investment Order;
- grandfathering existing investments that were excluded from the new Ministerial Investment Order;
- excluding the manufacturers and distributors of investment products from acting as investment advisors to councils;
- suspending investments with specific credit ratings until December 2009;
- ensuring councils are more fully aware of their obligations under the *Local Government Act 1993* and the *Trustee Act 1925*; and
- issuing investment policy guidelines for councils.

In May 2008 Council appointed Spectra Financial Services Pty Ltd (Spectra) as its independent financial advisor for investments. Spectra holds an Australian Financial Services licence to advise in respect of wholesale products, and was recommended by Council's auditor – Dennis Banicevic of PricewaterhouseCoopers. Spectra have been advising Council on its investment strategy, and the relationship is proving to be invaluable to Council.

In August 2008, the Minister for Local Government issued a revised Ministerial Investment Order, which incorporated the Cole report recommendations. The revised Order included the following changes:

- including both principal and investment income in the definition of investment instruments.
- the removal of securities investments (e.g. Managed Funds) with specific credit ratings.
- the removal of the purchase of land as a form of investment – note, this removal does not preclude a council from acquiring land for the purpose of exercising any of its functions under s186(1) of the *Local Government Act 1993*.
- restricting mortgages over land to first mortgages with a loan to value ratio of no greater than 60%.
- excluding subordinated debt obligations.
- transitional arrangements regarding existing investments (grandfathering provisions).

At the time of issuing the revised Ministerial Investment Order, the DLG stated it was preparing guidelines aimed at assisting councils in developing a comprehensive investment policy. The guidelines are to include issues raised in the Cole report relating to conflicts of interest, such as product manufacturers and distributors being appointed as investment advisors, and the fiduciary responsibilities of councils in relation to investment activities. To date the DLG has not issued these new guidelines.

Upon the DLG issuing updated investment policy guidelines, it is intended to update Council's investment policy, which will also incorporate the new Ministerial Investment Order and the recommendations adopted from this report. Council adopted its current investment policy on 27 November 2007.

In October 2008, the Australian Government announced guarantee arrangements (the Guarantee Scheme) for deposits and wholesale funding of eligible ADIs. The arrangements are designed to promote financial system stability in Australia, by supporting confidence and assisting ADIs to continue to access funding. The Guarantee Scheme is designed to ensure the continued flow of credit throughout the economy at a time of heightened turbulence in international capital markets. The Guarantee Scheme is also designed to ensure that Australian banking institutions are not placed at a disadvantage compared to their international competitors that can access similar government guarantees on bank debt.

The Guarantee Scheme will operate for a period of three years, upon which time the Government will review the position.

The Guarantee Scheme applies to:

- all authorised ADIs incorporated in Australia – that is Australian owned banks, Australian ADI subsidiaries of foreign banks, credit unions and building societies, and foreign branches of eligible ADIs but not their foreign subsidiaries.
- deposits held by all types of legal entities in Australia and do not distinguish between deposits held by retail clients and those held by wholesale clients.

The Guarantee Scheme does not apply to:

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- deposits held in branches of foreign banks in Australia.
- cash management trusts whether operated by an ADI or not.
- market linked investment products such as share portfolios or Managed Funds.
- retirement income products including annuities.

Under the Guarantee Scheme, eligible ADIs can obtain guarantees for deposit balances totalling over \$1 million per customer and for wholesale funding liabilities. Access to the Guarantee Scheme is voluntary. Separate arrangements apply for deposit balances totalling up to and including \$1 million per customer per institution. Such deposits are guaranteed by the Australian Government under the Financial Claims Scheme and this guarantee is free.

Under the Guarantee Scheme, institutions are required to use the following fee schedule when calculating fees:

Standard & Poors long term rating of ADI	Fee (in basis points per annum)
AAA to AA-	70
A+ to A-	100
BBB+ and below and unrated	150

Following the formal commencement of the Guarantee Scheme on 28 November 2008, Council sought to guarantee as much of its investment portfolio as possible, without breaking any of the existing term deposits. Council optionally guaranteed \$19.7 million of its investment portfolio. If Council were to optionally guarantee the entire investment portfolio as per the December 2008 investment report, after taking into account the free guarantee portion, the cost to Council in guarantee fees would be excess of \$200,000 per annum.

In December 2008, specific advice was sought from Council's independent advisor (Spectra) in relation to our investment strategy, in light of the Guarantee Scheme. Spectra advised, that for the tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), they see no issue for Council to invest with these tier one banks above \$1 million on an unguaranteed basis. Spectra note the Government has made it very clear that the very last institution to lose depositors' money will be the tier one major Australian banks.

Further, Spectra advised that investments in other eligible ADIs should be limited to \$1 million for each institution, so as to get the benefit of the Government guarantee without cost. Spectra advised to invest in those institutions with the strongest capital and liquidity ratios, and in accordance with Council's investment policy.

In January 2009, Council has invested \$3 million with separate 2nd tier financial institutions. The investment of \$1 million with three 2nd tier banks is entirely covered by the free Government Guarantee Scheme and is in accordance with the revised Ministerial Investment Order and Councils investment policy.

The advice received from Council's independent investment advisor (Spectra) is in accordance with the views of Council's Chief Financial Officer, complies with the revised Ministerial Investment Order and Councils investment policy, and is recommended as a reasonably conservative and sensible way forward.

Conformance to Strategic Plan

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

"Objective: Maximise return on Council's investment portfolio"

Funding

Funding and budget impacts have been specified within this report.

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RECOMMENDATION:

That:

1. In respect of Council funds invested with acknowledged tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), that Council accept the coverage available, without cost, from the Federal Government's "Guarantee Scheme", and not optionally guarantee additional funds.
2. Council's investments in other banking institutions, not referred to in 1 above, and authorised under the current Ministerial Investment Order and Council's Investment Policy, be limited to an amount equivalent to the level of funds that receive coverage under the Federal Government's "Guarantee Scheme" without additional cost to Council.
3. All investments be made in accordance with Council's investment policy.
4. Council receive a further report updating Council's Investment Policy following the release of new investment guidelines by the Department of Local Government.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item:18 SS - Pecuniary Interest Returns - (79337, 95496)

REPORT:

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

"450A Register and tabling of returns:

1. *The general manager must keep a register of returns required to be lodged with the general manager under section 449.*
2. *Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:*
 - (a) *in the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
 - (b) *in the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
 - (c) *in the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons in accordance with Section 449 of the Act is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons under Section 449 of the Act must be tabled at a Council Meeting as outlined in Sections 450A(2)(a), (b) and (c) above.

With regard to Section 450A(2)(a), the following Section 449(1) Returns have been lodged:-

Councillor	Return Date	Date Lodged
Warwick Mackay	23/09/2008	25/09/2008
Jill Reardon	23/09/2008	09/10/2008
Tiffany Tree	23/09/2008	09/12/2008
Wayne Whelan	23/09/2008	02/11/2008

The Returns have been lodged prior to the due dates for the receipt of the Returns, being three months after the return dates.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act and the Returns are available for inspection if requested.

Conformance to Strategic Plan

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

"Objective: An informed community working together through strong local and regional connections"

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Funding

Not applicable.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Meeting Date: 3 February 2009

CONFIDENTIAL REPORTS

Item:19 **IS - Tender No.00609 - Lump Sum Tenders for Sewer Main Relining - (95494, 79357)**

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 tenders for the supply of goods and/or services to 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

section 5

reports
of committees

ORDINARY MEETING
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ORDINARY MEETING
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SECTION 5 - Reports of Committees

ROC - Community Planning Advisory Committee Minutes - 6 November 2008 - (96737)

The meeting commenced at 9:35am in Council Chambers.

Present:	Councillor Barry Calvert Councillor (Dr) Rex Stubbs OAM Ms Vickie Shackley Mr Nick Sabel Mr Chris McAlpine Ms Vesna Kapetanovic	Chair Deputy Chair Community Representative Wentworth Community Housing Community Representative NSW Dept of Community Services
Apologies:	Mr Matt Thorp Ms Karen Carter Ms Sigrid Wilson	Nth Richmond Community Centre Merana Aboriginal Community Assn Community Representative
In Attendance:	Mr Michael Laing Matthew Owens Ms Robyn Kozjak (Minute taker)	Hawkesbury City Council Hawkesbury City Council

REPORT:

The Chair opened the meeting by welcoming the Committee to the first Community Planning Advisory Committee meeting following the Council elections. Discussion subsequently arose re the progress of the Expressions of Interest for nomination for membership to the Committee:

- Mr Laing advised the closing date for Expressions of Interest was 7 November 2008 and further advised nominations received would be put to Council for consideration.
- Enquiry was raised if sufficient nominations have been received. It was suggested if members were aware of any persons who may be interested in joining the Committee, to have them submit an Expression of Interest. It was further suggested inter-agencies could also be approached in this regard.

Apologies were received from Mr Matt Thorp, Ms Karen Carter and Ms Sigrid Wilson.

RESOLVED on the motion of Councillor Stubbs and seconded by Mr Nick Sabel that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Stubbs and seconded by Mr Nick Sabel that the Minutes of the Community Planning Advisory Committee held on the 28 August 2008, be confirmed.

SECTION 3 - Reports for Determination

Item: 1 Western Sydney Area Assistance Scheme (WSAAS) - 2007/2008 AAS Announcement and Local Ranking Committee Nominations

DISCUSSION:

- Discussion arose and nominations sought relating to the two vacancies for community representatives to join the Local Ranking Committee.
- Mr Chris McAlpine and Ms Vesna Kapetanovic subsequently expressed their interest in being nominated to join the Local Ranking Committee.
- Reference was made to Ms Kapetanovic's membership with CPAC as a DOC's representative and query was raised re the possibility of a conflict of interest in this regard. Staff subsequently advised this issue would be investigated and reported back to the Committee.

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Mr Chris McAlpine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Committee appoint Community Representatives to the Hawkesbury Local Ranking Committee.
2. The Committee make recommendations and call for nominations, for an independent Chairperson.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr McAlpine, seconded by Ms Kapetanovic

That:

1. Mr Patrick Smith, independent Chairman of the Local Ranking Committee, be invited to take on the role of independent Chairperson for a further term. In the event Mr Smith does not wish to take continue this role, staff to take appropriate action to seek a nominee for the role of independent Chairperson.
2. Mr Chris McAlpine be nominated as a community representative to join the Local Ranking Committee.
3. Ms Vesna Kapetanovic be nominated as a community representative to join the Local Ranking Committee.
4. In relation to 3 above, staff investigate the possibility of any conflict of interest pertaining to Ms Kapetanovic's membership on the Committee as a representative of the NSW Department of Community Services.

Item: 2 Concerns about the Future of the Western Sydney Area Assistance Scheme (WSAAS) - November 2008 Update.

DISCUSSION:

- Discussion arose and concern was raised regarding the reduction of funding under the WSAAS scheme.
- Mr Laing advised to date he had not received a response from WSROC regarding the outcome of their meeting with the Minister for Community Services. Mr Laing further advised he would follow up WSROC in this regard.
- The Committee determined it was essential further advocacy work be followed up with the new Minister for Community Services.

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Mr Chris McAlpine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Council's concerns be raised again through WSROC, the NSW Minister for Community Services, the Hon Linda Burney MP, the Minister for Western Sydney and Minister for Housing, Mr David Borger MP, the Hon Alan Shearan MP and the Hon John Aquilina MP about the continuing decline of the Western Sydney Area Assistance Scheme and its administration.
3. Staff approach WSROC to propose to the Government how the WSAAS scheme should be run and what outcomes it should be achieving.

SECTION 5 - General Business

Item 3: Presentation from Mr Nick Sabel of Wentworth Community Housing - Affordable Housing initiatives

Prior to the commencement of Mr Sabel's presentation, enquiry was raised as to the status of this Council in relation to an Affordable Housing policy.

Mr Owens advised whilst an Affordable Housing policy had not been commenced, a Community Strategic Plan (CSP) was currently being prepared which encompasses many areas including housing issues. Mr Owens advised the CSP was to be workshopped further and was expected to be completed in the new year.

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- Mr Sabel proceeded to advise the Committee that Wentworth Community Housing had united with four other Community Housing Providers to form Blue CHP - a not-for-profit affordable housing development and asset management company. Mr Sabel advised the company would enable the member organisations to pursue appropriate housing development and acquisition opportunities and enable the financing of affordable housing projects from government funding, private lending institutions and donations of cash, land and services. It was reported Blue CHP has been recognised by the State Government as a growth provider.
- Mr Sabel further advised it was envisaged an affordable housing model would be developed in due course and proposed to Council. Various suggestions were subsequently put forth as to how Council could assist with affordable housing, eg discounted planning fees or land being made available for affordable housing projects, deferred payment etc. It was agreed to raise this issue at the next briefing session with Councillors and in due course, CPAC members and developers could come together to further discuss.
- It was suggested the Committee examine the NSW Local Government Housing Kit (available on the *Centre for Affordable Housing* website) as it contains information to assist Councils understand housing needs and issues in their region. It was subsequently determined a representative from the Centre for Affordable Housing be invited to the next CPAC meeting to discuss the Kit.

MOTION:

RESOLVED on the motion of Councillor Stubbs, seconded by Mr Nick Sabel.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That a representative from the Centre for Affordable Housing be invited to attend the next meeting to discuss the Local Government Housing Kit.

The Chair thanked Mr Sabel for his presentation.

GENERAL BUSINESS

- Mr Laing referred to the recent announcement from the State Government re the scrapping of the proposed North-West Sydney rail link and suggested the next meeting should include recommendations the Committee could make due to the loss of infrastructure. The Committee agreed that the transport issues combined with the loss of school subsidies would have quite a significant impact on the Hawkesbury community and should be included in the next meeting agenda of the CPAC.
- Councillor Calvert referred to an item reported to Council on 21 October 2008 which included a research report entitled "Young People - Community Participation and Civic Leadership". Councillor Calvert suggested the report, prepared by Hawkesbury Youth Interagency, be included in the next CPAC meeting agenda for consideration.
- Ms Shackley tabled a brochure from the NSW Ministry of Transport proposing route changes to bus services in the Hawkesbury. Ms Shackley raised concern the proposal severely reduces and deletes some services in the Hawkesbury area. It was subsequently suggested Ms Shackley write to the Gazette on a personal basis to address concerns and submit comments.

ORDINARY MEETING
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- Discussion was raised in relation to meeting dates for 2009 and it was resolved the Committee would meet quarterly on the third Thursday of the month. The following dates were confirmed:
 - 19 February
 - 21 May
 - 20 August
 - 19 November

The meeting closed at 11.07am.

oooO END OF REPORT Oooo

ORDINARY MEETING
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ROC - Local Traffic Committee - 14 January 2009 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Tuesday, 3 February 2009, commencing at 3.00pm.

ATTENDANCE

Present:	Councillor B Bassett (Chairman) Councillor T Tree (Alternate Chairperson) Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP Mr R Williams, MP (Hawkesbury)
Apologies:	Mr R Elson, Department of Transport Mr J Suprain, Roads and Traffic Authority Sgt A Palmowski, NSW Police Service
In Attendance:	Mr C Amit, Manager, Design & Mapping Services Ms D Oakes, Community Safety Officer

SECTION 1 - Minutes

Item 1.1 Minutes of Previous Meeting

The Minutes of the meeting held on 19 November 2008 were confirmed.

Item 1.2 Business Arising

Item 1.2.1 LTC - 14 January 2009 - Item 1.2.1 - Proposed Taxi Zones, George Street, South Windsor (Riverstone) - (80245, 111781)

Previous Item: Item 2.1, Local Traffic Committee (19 November 2008)

REPORT:

Mr C Amit advised that Council at its meeting on 9 December 2008 requested that this matter be referred back to the Committee for further consideration.

The western side was originally considered appropriate as it provided protection for passengers from the weather during pick-up and set-down.

It is proposed that the Taxi Zone be located on the eastern side of George Street, south of the pedestrian crossing adjacent to the existing vacant land at No's 510 – 512.

RECOMMENDATION:

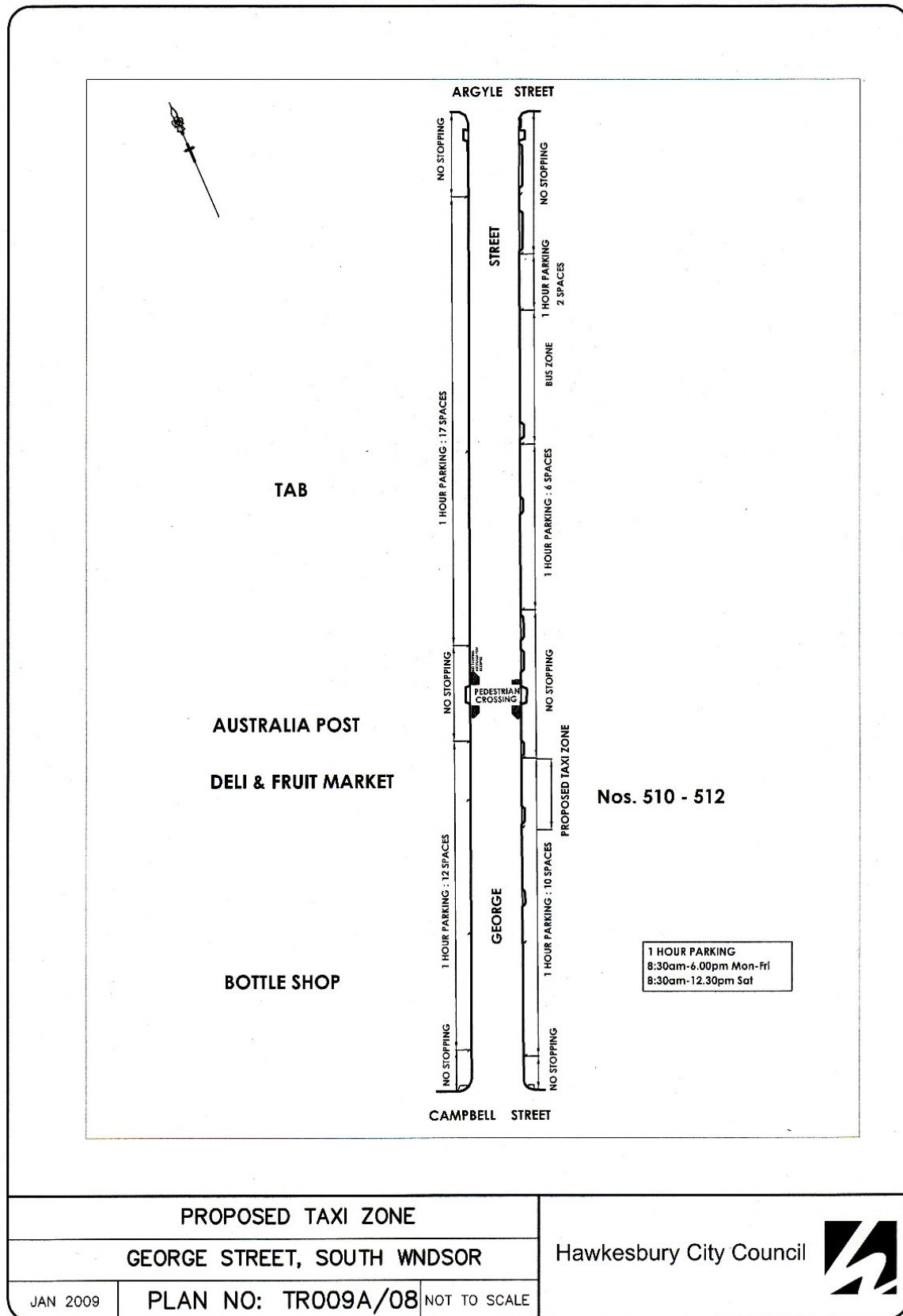
That a 12.5m taxi zone be provided in George Street, South Windsor, on the eastern side between the pedestrian crossing and Campbell Street, adjacent to the existing vacant land at No's 510 – 512, in accordance with the amended drawing TR009A/08.

APPENDICES:

AT - 1 Proposed Taxi Zone - George Street, South Windsor – Drawing No. TR009A/08.

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AT - 1 Proposed Taxi Zone - George Street, South Windsor – Drawing No. TR009A/08.



SECTION 2 - Reports for Determination**Item 2.1 LTC - 14 January 2009 - Item 2.1 - Zone One Q60 Training Horse Ride 2009 - Upper Colo Reserve (Hawkesbury) - (80245, 85005)****REPORT:****Introduction:**

An application has been received from Zone One Of The NSW Endurance Riders' Association to conduct a Zone One Q60 Training Horse Ride on 15 March 2009, utilising Upper Colo Reserve as a base area.

Event Schedule: (Zone One Q60 Training Horse Ride on 15 March 2009):

- Ride A: 35 Kilometres - Training Ride
- Ride B: 20.6 Kilometres - Social Ride
- Duration: between 8.00am and 2.00pm.
- Approximately 60 Participants.
- Riders travel as Single or small groups of 2, 3 and 4.

Refer to attached drawing "Zone One Q60 Training Horse Ride 2009 - TR010/08": Appendix 1

The event organiser advises that the Colo River will not be crossed as part of the route and instead, riders will use the Timber Bridge along Colo Heights Road to cross the Colo River.

Route for the Rides:**Training Ride - 35 Kilometres**

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
- Travel along Upper Colo Road, past Comleroy Road, and turn left into the Wollemi National Park,
- Travel through the Wollemi National Park to Mountain Lagoon, and turn left into Sams Way,
- Travel along Sams Way and turn left into Mountain Lagoon Road,
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction, and turn right into Upper Colo Road,
- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

Social Ride - 20.6 Kilometres

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
- Travel along Upper Colo Road, and turn left into Comleroy Road,
- Travel along Comleroy Road and turn right into Mountain Lagoon Road,
- Travel along Mountain Lagoon Road to the Check Point and turn around.
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction, and turn right into Upper Colo Road,

- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

Road Inventory

Hulbert Road – Unsealed
Colo Heights Road - Unsealed
Upper Colo Road - Unsealed
Comleroy Road - Unsealed
Mountain Lagoon Road - Unsealed
Sams Way - Unsealed

Discussion:

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

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document No. 2934319)

1. Details of the Special Event - Traffic, Template;
2. Transport Management Plan (TMP) for the 2008 Event- Referred to in the application as Traffic Management Plan Risk Assessment -, and associated TCP for the 2008 Event;
3. Risk Management Plan,
4. Copy of correspondence forwarded to the NSW Police Service;
5. Copy of the Resident letter and Advertisement, inviting participants, from the 2008 Event;
6. The Public Liability Insurance to the value of \$20,000,000, which expired 1 January 2009.

Reserve Matters:

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

RECOMMENDATION:

That:

1. The Zone One Q60 Training Horse Ride 2009, based at Upper Colo Reserve, planned for 15 March 2009, be classified as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- 4a. the event organiser is to obtain approval to conduct this event, from the NSW Police Service;
a copy of the Police Service approval to be submitted to Council;
- 4b. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route**

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incorporating a Traffic Control Plan (TCP) to Council and the RTA for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;

- 4c. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4d. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4e. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road, the event organiser is to obtain the relevant approval to conduct this event from NSW Maritime; **A copy of this approval to be submitted to Council**;
- 4f. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road, the event organiser is to obtain the relevant approval from the Department of Natural Resources to cross the Colo River; **A copy of this approval to be submitted to Council**;
- 4g. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4h. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 4i. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**
- 4j. the event organiser is to obtain approval from the National Parks and Wildlife Service (Department of Environment and Conservation) for the use of Wollemi National Park;
- 4k. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4l. the event organiser is to submit the completed "Special Event - Traffic Final Approval" form to Council;

During the event:

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network are to hold

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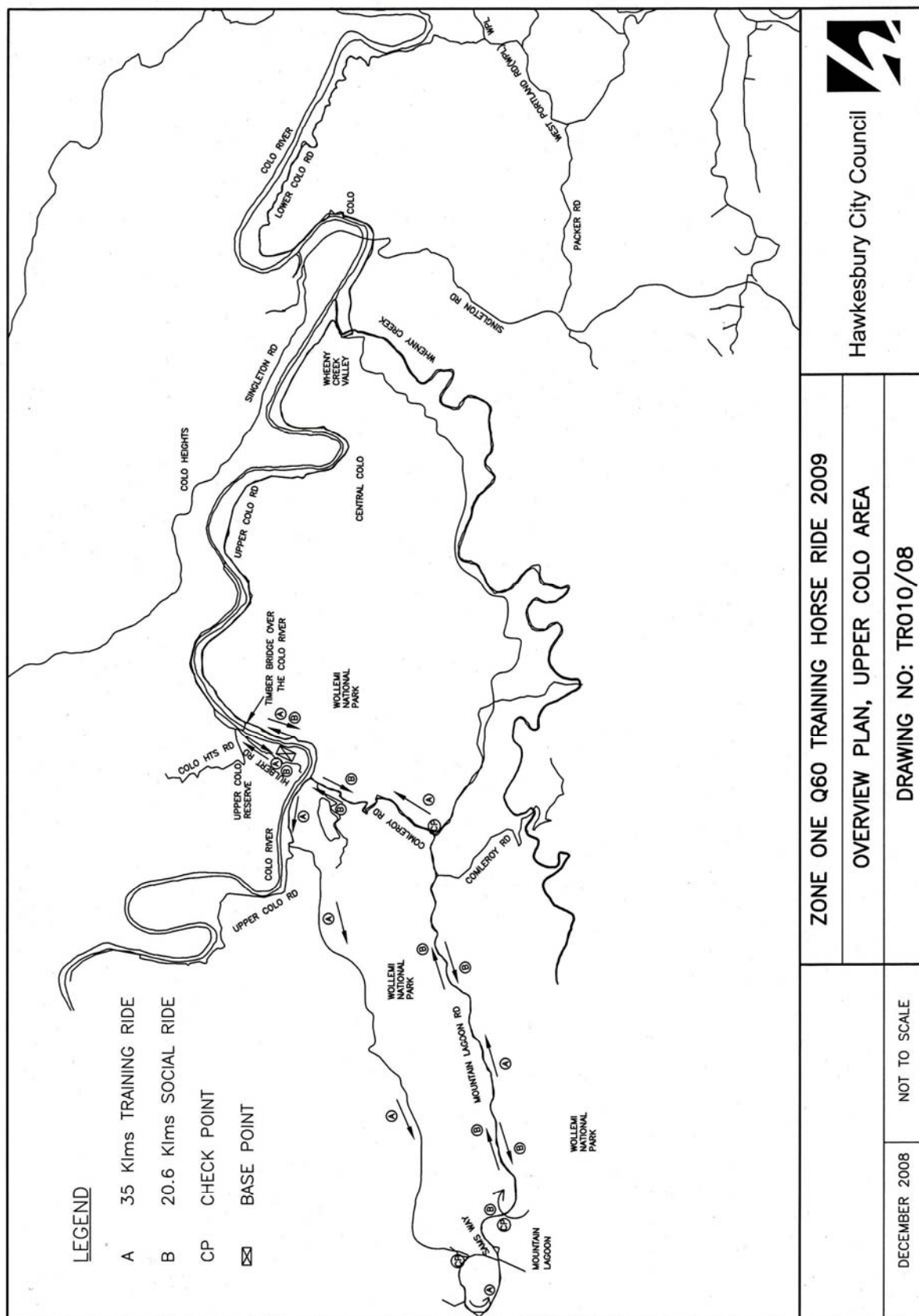
- appropriate certification as required by the RTA;
- 4p. the riders are to be made aware of, and are to follow all the general road user rules whilst riding on public roads;
 - 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
 - 4r. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
 - 4s. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity; and,
 - 4t. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

APPENDICES:

AT - 1 Zone One Q60 Training Horse Ride 2009- Drawing No: TR010/08.

AT - 2 Special Event Application - (Dataworks Document No. 2934319) - *see attached*.

AT - 1 Zone One Q60 Training Horse Ride 2009 - Drawing No: TR010/08



SECTION 3 - Reports for Information

Item 3.1 LTC - 14 January 2009 - Item 3.1 - Response by RTA to Windsor Public School - School Zone Alert System - (Riverstone) - (80245, 73932)

Previous Item: Item 4.2, LTC (16 July 2008)

REPORT:

At the Local Traffic Meeting on 16 July 2008, Councillor Basset advised that there have been representations received regarding traffic conditions on George Street, Windsor in the vicinity of Windsor Public School, specifically relating to excessive speed of vehicles, and enquired as to whether School Zone flashing lights were to be installed at that location.

Mr C Amit advised that traffic counts were to be conducted at this location, covering speed and volume of vehicles, with data to be submitted to the Roads and Traffic Authority in support of representations to the Authority for installation of School Zone flashing lights.

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 29 July 2008 resolved the following:

"That:

- 1. Upon completion of traffic counts, application be forwarded to the Roads and Traffic Authority for installation of School Zone flashing lights; and*
- 2. the Roads and Traffic Authority be requested to install School Zone flashing lights at other schools located on high volume traffic routes including classified Main Roads.*

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 2928312) advising:

"I refer to your correspondence dated 26 September 2008 regarding the installation of flashing lights on George Street, Windsor.

On 26 September 2007, Premier Morris Iemma announced a \$46.5 million four-year program to further enhance the safety of students in school zones.

Flashing light technology and electronic alert systems will be installed in a further 400 school zones, comprising the rollout of 100 systems a year over the next four years.

This new technology is reliable, highly visible and doing a good job slowing people down in school zones.

The four-year school zone safety program will be funded by revenue from speed cameras installed in school zones.

The vast majority of motorists are doing the right thing in school zones, but it is important that motorists get the message that speeding through a school zone is dangerous and reckless behaviour.

School zones are there to keep our children safe. There is no excuse for speeding, especially through a school zone.

School zones are being selected for the new technology rollout based on safety criteria including traffic and pedestrian volumes, crash history and crash risk. The roll-out of the first 100 sites in 2008 has almost been completed.

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Your interest in having flashing lights located at Windsor Public School has been noted and will be considered in the four year program.

It is important to note that flashing lights are just one component in improving school road safety. Other measures are also being looked at, such as pedestrian overbridges, marked foot crossings, wombat crossings, pedestrian refuges, traffic signal-controlled pedestrian crossings or fencing which separates children from traffic and guides children towards a safer crossing facility.

Should you have and further queries regarding this matter, please do not hesitate to contact RTA's School Projects Officer, Jon Gayland, on 8849 2175."

Further to the information above, the RTA advise that the following schools within the Hawkesbury Local Government Area have School Zone flashing lights:

1. Pitt Town Public School,
2. Cattai Public School,
3. Bilpin Public School,
4. Colo Heights Public School,
5. Richmond High School to be installed in early 2009.

RECOMMENDATION:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

Item 3.2 LTC - 14 January 2009 - Item 3.2 - Response by RTA to Speed Limit Signage - Park Road and Railway Road North, Mulgrave; Drift Road, Richmond and Springwood Road, Agnes Banks - (Riverstone & Londonderry) - (80245, 73932)

Previous Item: Item 4.1, 4.2 & 4.3, LTC (20 August 2008)

REPORT:

At the Local Traffic Meeting on 20 August 2008, Acting Sergeant M Zemaitis requested that speed limit signs and pavement markings be upgraded at the following locations:

1. Item 4.1: Park Road and Railway Road North (between Groves Avenue and Park Road),
2. Item 4.2: Drift Road, at its entrance off Castlereagh Road and that the size of the existing 50kph signs (mid block) be upgraded.
3. Item 4.3: Springwood Road, just east of the Yarramundi Bridge.

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 9 September 2008 resolved for each separate item:

"That the matter be referred to the Roads and Traffic Authority":

Correspondence has been received from the Roads and Traffic Authority (Dataworks Doc. No. 2937222) advising:

"Thank you for your letter dated 15 October 2008 requesting additional speed zone signage on the subject roads within the Hawkesbury LGA.

The RTA's Speed Management Unit has reviewed the signage on each road and will arrange for appropriate signage to be installed as soon as practicable.

Speed zone signage was installed on Railway Road North in June 2008. The RTA will arrange for this signage to be replaced. Additional signage will also be installed on Park Road in line with existing '50' pavement numerals.

'50' signs will be installed on Drift Road, Richmond close to its intersection with Castlereagh Road and existing signage will be upgraded.

An additional '60' speed limit sign will be installed for traffic heading east on springwood road near Yarramundi Bridge.

If you have any queries please contact me (Peter Carruthers) on 8849 2216."

RECOMMENDATION:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 4 - General Business

Item 4.1 LTC - 14 January 2009 - QWN 4.1 - No Right Turn at East Market & March Streets, Richmond - (80245)

Mr John Christie

REPORT:

Advised that motorists are turning right from East Market Street into March Street (east bound) against the 'No Right Turn' sign.

Requested that the NSW Police Service monitor this illegal and unsafe practice and take any necessary action. It is also noted that this intersection is currently under review by the RTA for traffic management.

RECOMMENDATION:

That the matter be referred to the NSW Police Service.

APPENDICES:

There are no supporting documents for this report.

Item 4.2 LTC - 14 January 2009 - QWN 4.2 - Hobartville Public School - Request for School Crossing Supervisor - (80245)

Councillor Tiffany Tree

REPORT:

Advised that Hobartville Public School have applied for a School Crossing Supervisor with the RTA but have not been successful.

Mr J Christie advised that he would follow this matter up with Mr A Shearan, MP.

RECOMMENDATION:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

Item 4.3 LTC - 14 January 2009 - QWN 4.3 - Pedestrian and Access Mobility Plan (PAMP) - (80245)

Denise Oakes

REPORT:

Advised that the consultants brief for the Pedestrian and Access Mobility Plan is nearing completion and will be reported to the January Bicycle and Access Mobility Committee. The brief will cover the PAMP as well as a review of the existing Bike Plan.

RECOMMENDATION:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

Item 4.4 LTC - 14 January 2009 - QWN 4.4 – Traffic Issues in Richmond and North Richmond - Minister for Roads Response Letter - (80245)

Councillor Bart Bassett

REPORT:

Advised that correspondence has been received from the Minister for Roads, Mr Michael Daley, MP, (Dataworks Doc No.2970553) advising of various issues being investigated related to traffic issues in the Hawkesbury LGA by the RTA.

The Chairman requested that correspondence be forwarded to the Minister to ascertain what is the RTA's timing on the following matters:

- i) Intersection of Kurrajong Road and Old Kurrajong Road traffic flow counts and modelling to determine an appropriate treatment for this intersection;
- ii) Assessing of the intersections of Kurrajong Road, Bosworth Street and March Street; and Bells Line of Road, Grose Vale Road and Terrace Road.

RECOMMENDATION:

That the matter be referred to the Minister for Roads.

APPENDICES:

There are no supporting documents for this report.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Wednesday, 18 February 2009 at 3.00pm in the Large Committee Room.

The meeting terminated at 3.50pm.

oooO END OF REPORT Oooo



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meeting

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paper

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