



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 14 October 2014

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6:30pm and are scheduled to conclude by 11pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held, it will usually also be held on a Tuesday and start at 6:30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

Members of the public can register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the relevant item is being considered. Speakers have a maximum of three minutes to present their views. The Code of Meeting Practice allows for three speakers 'For' a recommendation (i.e. in support), and three speakers 'Against' a recommendation (i.e. in opposition).

Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.

All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.

Voting

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

Planning Decision

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

Business Papers

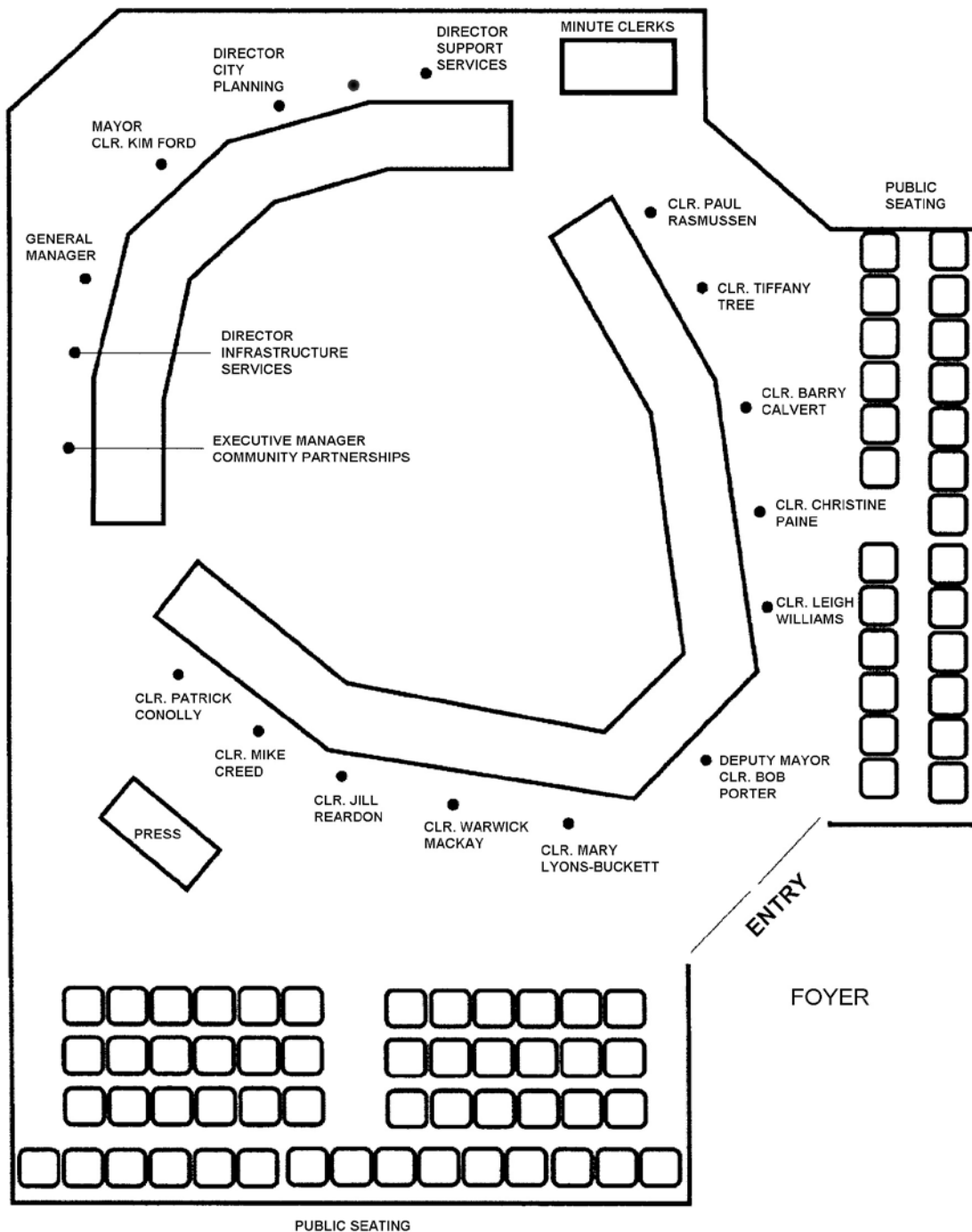
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4444.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 193 **CP - Development Report - DA0024/14 - Lot 70 DP751656 - 996-1054 West Portland Road, Lower Portland - Single storey dwelling - (95498, 124893, 124894)**

Development Information

File Number: DA0024/14
Property Address: 996-1054 West Portland Road, Lower Portland
Applicant: JJ Carden
Owner: Mr PJA Carden and Mrs JJ Carden
Proposal Details: Single Storey Dwelling
Estimated Cost: \$762,000
Zone: RU2 Rural Landscape
Date Received: 22/01/2014
Advertising: Not required to be notified

Key Issues:

- ◆ Access
- ◆ Bushfire
- ◆ Flood

Recommendation: Refusal

REPORT:

Executive Summary

The application was originally seeking approval for the construction of a single storey dwelling on Lot 70 of DP 751656 and a shed on Lot 39 of DP 751656. Following receipt of additional information on 15 September 2014 the application has now been amended to delete the shed component and the applicant is proposing to consolidate Lots 70, 128 and 148 DP 751656 and Lot 202 DP 47644, as exempt development. The total land known as 996-1054 West Portland Road, Lower Portland comprises the following lots:

- Lot 202 DP 47644
- Lot 39 DP 751656
- Lot 70 DP 751656
- Lot 128 DP 751656
- Lot 148 DP 751656
- Lot 196 DP 751656

The land currently contains a dwelling on Lot 202 and a shed/outbuilding on Lot 148.

In summary, the following matters need to be resolved before this application could be favourably considered:

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1. *Safe Flood Access* - Flood free access is not provided to the site as the access is potentially subject to regular inundation and hence does not comply with Council's Development of Flood Liable Land Policy. Whilst the applicant has proposed an emergency egress route, this proposed route is not considered satisfactory in the event of an emergency evacuation.
2. *Bushfire Access* - Bushfire access is inadequate to comply with the Planning for Bushfire Protection Guidelines 2006. Whilst some concept details are provided, the slope of the existing and proposed unsealed access track does not comply with the Guidelines and there is no satisfactory alternate emergency route proposed. The only alternate emergency access route would be via Ponderosa Drive through Lot 152 DP 751656 to comply with the Planning for Bushfire Protection Guidelines 2006. The Crown has not given consent for this required alternative access.

It is considered that these matters are pre-determinative to the granting of consent i.e. a deferred commencement consent or conditions of approval cannot be used to deal with these issues. This view is based on legal advice for similar applications. Council must first receive information for proposed works before it can consider any potential environmental impacts under Section 79C of the Environmental Planning and Assessment Act 1979. If the assessment and determination of an application does not occur in that sequence then that decision could be considered to be ultra vires (i.e. beyond the consent authority's planning power to approve).

This application has been called to Council by Councillor Williams.

The application is recommended for refusal.

Description of Proposal

The application proposes the construction of a single storey dwelling, associated waste water treatment and onsite potable water storage on Lot 70, with the subsurface disposal area for the treatment of wastewater located on Lot 39.

No riverbank structures are proposed with this application.

The proposed dwelling is comprised of two wings to be joined by a breezeway. Materials are sandstone and concrete block with colour-bond steel roofing.

The application outlines that an access track exists from West Portland Road to the lower section of the land which provides vehicle access. Thereafter the dwelling will be accessed on foot via an existing track. Vehicular access to the dwelling is not proposed. Parking for the proposed dwelling is isolated from the house on the lower section and does not include a covered area. A DCP variation has been submitted to address this non-compliance.

The subject site is flood affected and the estimated 1 in 100 year ARI flood level is approximately RL 10.8m AHD. The proposed floor level of the dwelling is to be 25.3m AHD which is above the flood level. Flood evacuation from the dwelling was originally proposed over the adjoining Lot 152 DP751656. No legal right of way or owners consent has been provided for that purpose.

The applicant now proposes a part pedestrian/part vehicular flood evacuation route from the dwelling to West Portland Road. This route is complex and is shown as Attachment 5 to this report.

Description of Site

The lots comprising 996 West Portland, as indicated above are located on the eastern side of West Portland Road. The sites adjoin the Hawkesbury Nepean River approximately 2km south of its intersection with the Colo River. Turnbull's Hill Crown Reserve abuts the site to the North.

The landholding is mostly vegetated comprising a mix of Sydney Sandstone Ridgetop Woodland and Sydney Sandstone Gully Forest both identified as Sydney Hinterland Dry Sclerophyll Forest. A cleared area is present on Lots 70 and 39 extending from the banks of the Hawkesbury Nepean approximately 230m into the landholding. A small unnamed tributary exists within this cleared area.

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The existing dwelling on Lot 202 gains access to West Portland Road through Lots 148 and 196. Lot 7016 DP 1067986 and Lot 152 DP751656 located to the west and south of the site are owned by Crown Lands.

History

- D0499/84 – Dwelling
- M0899/00 - tractor shed (< 170sqm)

Background

- 21 January 2014 Application Received.
- 20 March 2014 RFS provided conditions of approval including requirements for access to comply with the Planning for Bushfire Guidelines 2006.
- 31 March 2014 Council issued a letter to the applicant requesting further information regarding access and permissibility, the details included;

“Flood free access is not available to the site. The application does not comply with the Development of Flood Liable Land Policy. The application does not demonstrate any alternative access nor does it provide owner’s consent for access over other land as discussed in the application documentation.

Bushfire access is inadequate. The documentation included in the application does not demonstrate compliance with the New South Wales Rural Fire Services Planning for Bushfire Protection Guidelines 2006.

In particular Section 4.1.3(2) ‘Standards for Property Access’, which requires an alternative access road, and sets minimum requirement for widths, grades etc. It is also noted that part of the existing access appears to be within Crown Land and the access cannot comply with the requirements for a legally binding arrangement.

It would appear that significant works are required to upgrade the access to comply with Bushfire Protection Guidelines 2006 and these works are not shown on the application nor does the application consider the environmental impacts (e.g. flora and fauna) or demonstrate compliance with engineering requirements (grades etc.)...

The proposed shed would be on a separate lot to the dwelling and would be prohibited as it is not ‘ancillary’ to a lawful use. The shed must be located on the same lot as the proposed dwelling.”

- 1 May 2014 Applicant submitted additional information to address Council’s concerns. The additional information (including the McKinlay and Bates advice) was forwarded to the Rural Fire Service (RFS) for comment.
- 27 May 2014 Council Officers and an officer from the RFS undertook a joint inspection of the site, including the proposed access and to clarify onsite the current situation so that RFS can provide advice to Council based on the response received from the applicant.
- 11 June 2014 Councillor Williams was advised that the matters raised in Council’s letter of 31 March 2014 had not been resolved and application was likely to be recommended for refusal.
- 17 June 2014 Applicant submitted additional information to Council.
- 20 June 2014 Response received from the RFS confirmed in writing to Council that the applicant’s proposed options are “...not considered to be fire refuge areas...”

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- 15 September 2014 Applicant submitted additional information to Council, including deleting the construction of the shed on Lot 39 of DP 751656 and proposed a boundary adjustment consolidation of Lots 70, 128 and 148 of DP 751656. The purpose of the lot consolidation is to provide flood free access wholly within land owned by the applicant.

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy No 44 Koala Habitat Protection
State Environmental Planning Policy No. 55 – Remediation of Land
Sydney Regional Environmental Plan No 20 (SREP 20) - Hawkesbury Nepean River
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Hawkesbury Local Environmental Plan (HLEP) 2012
Hawkesbury Development Control Plan (HDCP) 2002
Development of Flood Liable Land Policy

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:

1. *Matters for consideration under the Crown Lands Act 1989.*

The application as submitted relied on emergency access through Crown Lands (152 DP751656). However, an amended plan had been provided on 15 September 2014 indicating that flood free access would be wholly contained within land owned by the applicant and that owners consent from Crown Lands was therefore not required.

Should the alternative access for bushfire be required Lot 152 DP751656, owners consent from Crown Lands would be required.

2. *Matters for Consideration under Section 91 of the Water Management Act 2000*

The subject site adjoins the Hawkesbury Nepean River and a small unnamed tributary dissects the site. No works are proposed within 40m of the River or of the tributary and therefore a controlled activity licence is not required to be obtained under Section 91 of the Water Management Act 2000. The application was not required to be referred to the NSW Office of Water for comment.

3. *Matters for Consideration under Section 79BA of the Environmental Planning and Assessment Act 1979*

The subject site is located on land that is identified as Bushfire Prone. The application was formally referred to the Rural Fire Service (RFS) for comment and this is discussed further in the report.

4. *Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979*

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

i. **Environmental Planning Instrument:**

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The report titled 'Flora and Fauna assessment' prepared by Edwards and Edwards has not addressed SEPP 44 or the potential for the site to be identified as 'core koala habitat.' Notwithstanding this, the report has outlined several species present on the site which are feed species listed in Schedule 2 of the SEPP, namely the Grey Gum and Swamp Mahogany. However, the additional information provided in subsequent report from Edwards and Edwards indicated that these species are not proposed to be removed as a result of the development. Given this, it is considered that the proposed development would have minimal impact on koala habitat and would be generally consistent with SEPP 44.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines a consent authority “must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”.*

A search of Council files indicated that the land has not been used for any approved activities which would render the soil contaminated to such a degree as to prevent the future development of the land. Therefore the application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

Sydney Regional Environmental Planning Policy No. 20 - Hawkesbury Nepean River

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 of SREP No. 20.

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

A BASIX Certificate has been issued for the proposed development and supports the application. A condition of consent will ensure that the development meets the necessary performance requirements as set out in the BASIX certificate, therefore complying with SEPP (BASIX 2004)

Hawkesbury Local Environmental Plan 2012

The subject land (Lot 39 and Lot 70) is zoned RU2 Rural Landscape under Hawkesbury Local Environmental Plan 2012.

The proposed development on Lot 70 is defined as ‘dwelling’ under this Plan. In accordance with this plan, a dwelling is defined as:

“a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.”

The proposed single storey dwelling is consistent with the definition of a ‘dwelling’ and is permissible with consent within the RU2 zone. Whilst a single dwelling exists on Lot 202 DP 47644, the proposed dwelling is to be located Lot 70. It is acknowledged these lots are considered in the same landholding, and the consolidation of the lots as proposed by the applicant on 15 September 2014, will retain the existing and proposed dwellings on separate titles. The proposed dwelling is considered permissible on Lot 70 (proposed Lot 12).

In the original application a shed was proposed as well as the dwelling. Under the LEP, sheds are not defined and therefore to be permissible are required to be ancillary to an approved lawful use of the site. The proposed shed was to be located on a separate lot to the dwelling (Lot 39) and would therefore be a prohibited development as it is not ancillary to a lawful use (dwelling). On 15 September 2014 the applicant withdrew this aspect and the shed no longer forms part of the development application.

Clause 6.1 – Acid Sulphate Soils

The land affected by the development falls within Class 5 as identified on the Acid Sulfate Soils Planning Map. The proposed development does not include any works as defined within this Clause and therefore no further investigations in respect to acid sulphate soils are required. The proposal is consistent with the requirements of this Clause.

Clause 6.3 – Flood Planning

This Clause relates to land at or below the flood planning level which is defined as the level of a 1:100 ARI (Average Recurrent Interval) flood event. One of the objectives of Clause 6.3 of the LEP is *"to minimise the flood risk to life and property associated with the use of land"*. Clause 6.3 of the LEP also states that consent must not be granted to development on land unless the consent authority is satisfied that the development:

"(c) incorporates appropriate measures to manage risk to life from flood", and

"(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding"

Following the Hawkesbury LEP 2012 being gazetted on 21 September 2012, the Development of Flood Liable Land Policy came into effect. An assessment of this application has been undertaken to determine if the proposed development is satisfactory in relation to Clause 6.3 of the LEP. The application is found not to satisfactorily comply with Council's Development of Flood Liable Land Policy and is therefore inconsistent with this Clause. This is discussed in more detail below.

Clause 6.4 - Terrestrial Biodiversity

The majority of the site is identified on the map as being 'Connectivity between significant vegetation' under this Clause. Three trees are proposed to be removed within the footprint of the proposed dwelling and this is considered minimal. However, the application did not provide adequate information to demonstrate the clearing associated with the access tracks would not have a significant impact. However, on 15 September 2014 additional information was submitted by the applicant to address this matter.

Clause 6.7 – Essential Services

Onsite services for potable water supply and wastewater disposal are proposed. A 'Wastewater Report' prepared by Envirotech (dated 4 November 2013) has been provided indicating a proposed onsite sewage management area of 293m² of subsurface irrigation. Electricity and telephone services would need to be extended to be able to service the proposed application and these could be provided to the site.

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

No draft Environmental Planning Instrument are applicant to the site.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

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

Part A: Chapter 3 - Notification

The application was not required to be notified to nearby and adjoining neighbours in accordance with this plan. No submissions were received.

Part C: Chapter 2 - Car Parking and Access

In accordance with this chapter, 2 covered car parking spaces are required for the development. The application proposes no formal car parking spaces for the dwelling. The applicant has indicated that a level grassed area is available for the parking of vehicles with pedestrian only access to the dwelling proposed. This is not supported.

Part C: Chapter 4 - Soil Erosion and Sediment Control

Erosion and sediment control can be enforced through conditions of consent in accordance with the provisions of this Chapter.

Part C: Chapter 5 – Bushfire Prone Land

The chapter requires consistency with the Planning for Bushfire Protection Guideline 2006. The proposed development proposes an unacceptable solution to vehicle access and does not comply with the requirements of the Planning for Bushfire Protection Guideline 2006. The proposal is therefore inconsistent with this Chapter.

Part D: Chapter 1 – Residential Development

The proposed dwelling is in a rural location. The dwelling achieves the required building height, setbacks, landscaped areas and private open space. The proposed development is unlikely to have an impact on visual or acoustic privacy given the high vegetation on the site. The proposal however, does not comply with the carparking and access requirements of this policy and this has been discussed above.

Development of Flood Liable Land Policy

Following the Hawkesbury LEP 2012 being gazetted on 21 September 2012, the Development of Flood Liable Land Policy came into effect. This application has been assessed in accordance with the provisions of the policy.

The location of the proposed dwelling is above the adopted 1 in 100 year ARI flood level. The dwelling floor level is proposed at RL25.3m AHD which is above the adopted flood planning at the locality.

The access driveway descends to an estimated level of only RL2.54m AHD where vehicle parking will be located. The estimated level in the 1:5 ARI Flood is RL 6.2m AHD. This indicates a potential for frequent inundation of the access in the event of only a minor flood. The applicant submitted statements that the area was not inundated in the recent “floods” in 2013 which reached the Windsor Bridge deck. However, it must be noted that those events were lower than the 1:5 ARI flood. The information relating to more frequent flood events is not known and has not been addressed by the applicant.

Clause 4 of the Development of Flood Liable Land Policy provides the following:

“The assessment of a development application must consider the flood liability of access to the land and, if the land is within a floodway area, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this Policy have been satisfied. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.”

Comment: The applicant has provided a proposal for establishing a perpetual right of flood free access. This amended plan provided 15 September 2014 indicates access is to be across:

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- Lot 148 DP751656
- Lot 202, DP47644
- Lot 196, DP751656

Previously the issue was raised that the access track will traverse through bushland that is an unmade and unmarked track. It is proposed that the access will travel across Lot 39 DP751656 and Lot 70 DP751656 in an area that the known 1 in 100year ARI flood level is approximately RL 10.8m AHD. The access at its lowest point is required to traverse the mapped watercourse on Lot 128 and it is uncertain if this access track can provide flood free access.

Further to this, the applicant has stated that this access is similar to Council's approval in recent years of a pedestrian evacuation path in a subdivision at Pitt Town subject to a 1 in 100 year flood. Whilst it is correct that Council has previously accepted a flood free pedestrian access, this was achieved by a legally enforceable right of way. The access was also located in an urban context where street lighting is available, access was relatively flat with a small gradual rise to the flood free area and the access is not subject to inundation at a 1 in 5 year frequency.

Consideration cannot be given for flood free pedestrian access in this instance for several reasons. The access track is unmade and is isolated from a public road with no street lighting. An adequate survey plan of the proposed track has not been provided and it is estimated that the proposed access rises to an estimated RL109m AHD which is a significant rise over an unknown distance. Given the predicted frequency of the expected flood inundation (which is different to the anecdotal information about flooding presented by the applicant), this presents a significant hazard to those needing to evacuate.

It is relevant to consider how the Land and Environment Court may view such a circumstance. For example, in *Primo Estates Pty Ltd v Wagga Wagga City Council [2005] NSWLEC 632 (18 November 2005)* the Court was asked to consider the reasonableness of the resources of the SES in the area to evacuate persons that may be isolated by flood water, in which it was concluded that it was unfair for further development to place further demand on limited resources.

"...Furthermore, in my assessment of the evidence it is reasonable to assess the evacuation arrangements within the overall Wagga Wagga flooding context. In a major flood event, approximately 1000 people may need to be evacuated from the nearby North Wagga Wagga residential area and it is likely that this could be required before GumlyGumly. Under these circumstances, where the SES resources would be strained in a major flood event, I do not consider it orderly planning to allow the development of an additional house which will place further demand on limited resources, particularly in the absence of a fail-safe evacuation plan..."

In the case of the Hawkesbury region, the frequency and evacuation numbers would be higher and the priority for the SES is more likely to be in localities where there is a greater population at risk. The suggestion by the applicants that emergency services and volunteer organisations are available to assist when they are faced with an emergency is considered to be unsupported by evidence and an unfair imposition of limited resources.

The adequacy of private evacuation plans, reliance on local SES resources and the "fail-safe" warnings in these situations have also been addressed by the Land and Environment Court (*McBurney v Penrith City Council [2014] NSWLEC 1100 [28 May 2014]*). In this case the applicant relied on existing warning systems and the local SES resources (which were limited and did not always door knock properties);

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"There was no compelling evidence presented regarding an effective early warning system that would enable residents to prepare for evacuation. Whilst there may be general radio broadcasts, I do not consider this provides adequate reliability..."

The proposed development has not provided adequate access and has not demonstrated that a satisfactory travel path to ensure the occupants do not become isolated during a flood event can be achieved. The proposed development is therefore inconsistent with this clause.

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

There has been no planning agreement or draft planning agreement entered into under Section 93F of the environmental Planning and Assessment Act, 1979.

iv. Matters prescribed by the Regulations:

Owners consent is required prior to the determination of a development application in accordance with Clause 8F(1) of the Environmental Planning and Assessment Regulation 2000. An amended plan had been provided on 15 September 2014 indicating that flood free access would be wholly contained within land owned by the applicant. However, owners consent from Crown Lands has not been provided for the alternative access route required through Lot 152 DP751656.

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

Context and Setting

The landholding has an area of approximately 22 hectares and has steep slopes in some parts of the site falling generally down to the Hawkesbury River. The design of the 3 bedroom dwelling on Lot 70 will have a limited site impact. The dwelling is designed as a low scale, single storey which will sit below the highest point of the escarpment.

Access, Transport and Traffic

The guideline 'Development Applications on Crown Lands' published by the NSW Land and Property Management Authority, Crown Lands division states that:

"...Crown land should not be used as a means of access to freehold land..." Consent as a land owner from the Crown for development including works is a requirement under the Crown Lands Act 1989.

Originally the application relied on access through Lot 152, which is owned by Crown Lands. Owners consent had not been provided by NSW Land and Property Management Authority for such works.

An amended site plan was submitted to Council on 15 September 2014 indicating that the access be relocated from Lot 152 to be wholly within the owners land holdings of Lot 39, Lot 148 and 196. A detailed area survey has been provided for the proposed new construction works for the portion of the track on Lot 148. Information has not been provided in the form of a survey for the rest of the access track and no detail has been provided for the end of the access track on Lot 39 to the proposed dwelling location on Lot 70.

Natural Hazards - Bushfire

The NSW Rural Fire Service, Planning for Bushfire Protection Guidelines 2006 provides several considerations for development within a bushfire prone area. The applicant provided a 'Bushfire Hazard Assessment Report' prepared by an accredited bushfire consultant Dialla Design dated October 2013. This was supplemented with additional information dated 22 April 2014 and again dated 15 September 2014. The proposed development is located on land that is wholly bushfire prone and an assessment against the Planning for Bushfire Protection Guideline 2006 has been undertaken below;

Chapter 4.3.2: Specific Objectives for infill development is applicable to this application. This Chapter references the access provisions with Chapter 4.1.

Chapter 4.1: Access (2)(a) *Access to properties is provided in recognition of the risk to fire fighters and/ or evacuating occupants.*

Acceptable Solution At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road

Comment: The applicant has discussed alternative access through the Crown land on Lot 152 as a means of egress and concluded that an alternative property access is not required given the following:

"The proposed house and shed are located less than 200 metres from Ponderosa Drive which is accessible by following the existing formed earth track. The proposed house and shed are located less than 60 meters from not one but three acceptable refuges suitable for occupants and fire fighters, being;

- 1. The Hawkesbury River.*
- 2. A 15 acre clear felled, maintained and cut lawn on the base of the valley within which sits the proposed house and shed.*
- 3. A natural one metre deep spring contained in a Hawkesbury River tidal creek at the level of 1.9 metres above sea level and three metres below the surrounding clear felled flood plain.*

Hence a second access arrangement or alternative property access road is not required as its need is mitigated by the proximity to a public through road and the three refuges identified above."

The applicant would be relying on an alternative access through Lot 152. This is an unmade track and owners consent from Crown Lands has not been sought. The lack of access to the proposed dwelling and the dwelling being greater than 200m from the nearest public road, introduces additional risks to fire fighters and evacuees. Additionally, the RFS has responded to the applicant's consideration of acceptable refuges noted above and advised that such areas "...would not be considered fire refuge areas..."

The applicant has further detailed in their submission that the RFS fire boats used for fire fighting and evacuation purposes along the Hawkesbury River satisfies the need to provide an alternative access. However, in the event of a fire emergency visibility and air quality will be compromised and pose a danger to both those trying to escape the imminent danger and protect the safety of others. This is not considered a suitable alternative for Council to endorse.

Again in a case law example, this time of PGH Environmental Planning v Wollongong City Council [2009] NSWLEC 1385 (17 December 2009) the Commissioner addressed the risks to emergency services personnel:

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“...120 In accepting this evidence, as I do, I necessarily accept that there is a risk that wrong turnings will be taken, during a fire, whether by emergency services personnel who are unfamiliar with the detailed mosaic of trails or by a fleeing resident who is panicked – ...

121 I do not see how I can approve the dwelling ..., in the public interest, where the existence of this proposed residence will have significant risks to the occupants and to emergency service personnel who might need to venture into this area in fire circumstances to protect the dwelling where, if there were no dwelling, they would not be subject to that risk. That is, I wish to make it explicitly clear, I am not satisfied that the primary and secondary access routes for any residence permitted ... will not expose the occupants of that residence and emergency services personnel to unacceptable risks as a consequence of the extensive non-egress route track network leading off the primary or secondary egress routes. This risk is sufficiently contrary to the public interest, in my view, that it warrants refusal of this proposed dwelling on this ground alone....”

The applicant has not provided an adequate alternative access road or suitable justification to warrant not necessitating alternative access. Should alternative access through Lot 152 be achieved, owners consent from Crown Lands would be required and this has not been provided.

Chapter 4.1: Access (2)(b) *The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles. All weather access is provided.*

*Acceptable Solutions Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes; and
Roads do not traverse a wetland or other land potentially subject to inundation (other than a flood or storm surge).*

Comment: The cleared area on the site has the potential to be subject to tidal inundation or inundated from the small tributary located in this area. The plan provided indicates that this area would be required to be traversed when leaving the dwelling on Lot 70. The applicant has not addressed the traversing of this area and all weather access is not provided. The proposal is therefore inconsistent with this clause.

Chapter 4.1: Access (2)(c) *Road widths and design enable safe access for vehicles.*

Acceptable Solutions

- *A minimum carriageway width of four metres for rural-residential areas, rural landholdings or urban areas with a distance of greater than 70 metres from the nearest hydrant point to the most external part of a proposed building (or footprint). Note: No specific access requirements apply in an urban area where a 70 metres unobstructed path can be demonstrated between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency fire fighting vehicles (i.e. A hydrant or water supply)*
- *In forest, woodland and heath situations, rural property access roads have passing bays every 200metres that are 20 metres long by two metres wide, making trafficable width of six metres at the passing bay.*
- *A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches.*
- *Curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress.*

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- *The minimum distance between inner and outer curves is six metres.*
- *The cross fall is not more than 10 degrees.*
- *Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads. Note: Some short constrictions in the access may be accepted where they are not less than the minimum (3.5m), extended for no more than 30m and where the obstructions cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.*

Comment: The submission prepared by Dialla Design dated April 2014 states that the grade of the access does not exceed 15 degrees whereas the survey plan dated 27 November 2013 indicates that the grade is 27% which at about 15.4 degrees greater than the grade declared in the 'Bushfire Hazard Assessment Report' prepared by an accredited bushfire consultant Dialla Design dated October 2013.

The Plan of Proposed Accessway (prepared by McKinlay Morgan dated 3/9/2014) submitted to Council on 15 September 2014 indicates the existing access track traversing Lot 39, Lot 148 and Lot 196. However, this plan does not indicate adequate access to Lot 70 in which the proposed dwelling is to be located. This plan does indicate, in detail, a proposed new/relocated portion of track from West Portland Road for 168 metres until it meets the existing track. Within this 168 metres there is a 100m long stretch (CH60 to CH168.87) where the proposed slope of this new track is 19.45% which is greater than 11 degrees. This does not comply with the *Planning for Bushfire Protection Guidelines 2006* requirement for unsealed accessways to be no greater than 10 degrees.

The Bushfire Assessment Report (Bushfire Consultant dated 22 April 2014) indicates that the access requires some "tidying up" and this is reinforced in the 'Flora and Fauna assessment' prepared by Edwards and Edwards in which the consultant states that *"small scale works to reclaim the existing passing bay which whilst not in use has been left to fill with debris from the forest as it moved downslope"*. An updated flora and fauna addendum received on 15 September 2014 has satisfactorily addressed this matter.

Without accurate information to determine if the access is compliant with Planning for Bushfires 2006 or the extent of works required to bring the access into compliance, the risk to occupants and emergency services officers is unknown or unacceptable. It is likely that the full extent of the works to bring the access into compliance will require substantial construction and/or stabilisation works. Such details have not been provided to allow Council to undertake a full assessment of potential environmental impacts under 79c of the Environmental Planning and Assessment Act 1979.

Flora and Fauna

A Report titled 'Flora and Fauna assessment' prepared by Edwards and Edwards was submitted in support of the application on 15 September 2014. This Report concludes that *"alterations to existing vegetation as per the proposed works are minimal. The proposed works will be offset by continued maintenance of the vegetation communities"*.

The assessment identified that Sydney Hinterland Dry Sclerophyll Forest was present on the land. The report identifies the Sydney Hinterland Dry Sclerophyll Forest as a threatened ecological community under the Threatened Species Conservation Act, 1995. The Flora and Fauna Assessment states that a number of trees will be removed and concludes that the impact would be minimal.

Utilities

Onsite services for potable water supply and wastewater disposal are proposed. Electricity and telephone services would need to be extended to be able to service the proposed application and these could be provided to the site.

Cumulative Impact

The location of a dwelling on bushfire and flood prone land with insufficient evacuation measures would add to the burden already placed on primarily voluntary emergency services including SES and the RFS as well as the limited resources of the Police and Ambulance.

In this regard it is considered that the proposed development is not *“orderly planning to allow the development which will place further demand on limited resources”*.

c. Suitability of the site for the development:

As detailed in this report, the existing and proposed access to the dwelling site is not considered to be suitable to address the flood and bushfire risks associated with the land to enable a dwelling to be constructed. Full and detailed consideration of these risks are essential to determine if the risk to life for both the occupants and emergency personnel are acceptable. The information submitted with the application has not demonstrated that the proposed development can suitably overcome these site constraints, as such it is considered the site is unsuitable for the proposed development.

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

The application was not notified to adjacent property owners in accordance with Hawkesbury Development Control Plan.

e. The Public Interest:

The legislative and policy provisions discussed in this report regarding flooding and bushfire protection are critical to seek to protect life and property. Council needs to consider its liabilities carefully before acting contrary to those provisions and in particular before proceeding to approve a development that may override/not comply with the RFS requirements or make decisions outside Council's power. Such an approval may significantly increase risk to occupants and emergency personnel in a natural disaster emergency. In this regard approval of this application as it stands is considered to be contrary to the public interest.

Referrals

External Referrals

Rural Fire Service - The RFS provided conditions of approval on 20 March 2014. Following a joint site inspection, the RFS re-issued their conditions of approval specifically outlining compliance with the access requirements of Clause 4.1.3 of Planning for Bushfire Protection Guidelines 2006.

Internal Referrals

Development Engineer – Council's Development Engineer raised concerns over the flood free access and the inadequacy of the alternative access through Lot 152.

Financial Implications

Based on the supplied estimated value-of-works of \$762,000 a Section 94A Development Contribution of \$7620 is payable should the application be approved.

Conclusion

There has been regular correspondence and face to face discussion between the applicant, their consultants and Council and RFS officers about this proposal. The applicant has provided additional information on four occasions unfortunately, only partially addressing the critical matters, or proposing solutions that, whilst technically addressing the specific issue, would not be sustainable in the long run or in an emergency situation. It has been explained to the applicant that the outstanding matters are pre-

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determinative issues that must be addressed or the application would be recommended for refusal on those grounds.

Section 79C of the EP&A Act provides the matters which need to be considered before a development application can be determined. In this case Council is yet to receive information about satisfactory access design and its potential environmental impacts.

It should be noted that even if this proposal was considered by Council to have merit, it would not override the pre determinative legal planning matters. Planning decisions and conditions on development consents may only be imposed within the statutory powers available. The power to impose conditions is not, however, as wide as it appears, and must be interpreted in the light of Court decisions as discussed in this report.

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 DA0024/14 for a single storey dwelling at Lot 70 of DP 751656 and a shed on Lot 39 of DP 751656996 at 996 West Portland Road, Lower Portland be refused for the following reasons:

1. The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79BA and 79C of the Environmental Planning and Assessment Act, 1979. In particular, there is insufficient information in respect to clearing native vegetation, bushfire prone land and flood liable land and evacuation.
2. The proposed development is inconsistent with Clauses 6.3 and 6.4 of the Hawkesbury Local Environmental Plan 2012.
3. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan 2002, in particular Part C: Chapter 2 - Car Parking and Access and Part C: Chapter 5 – Bushfire Prone Land.
4. The existing and proposed bushfire access is inadequate to comply with the Planning for Bushfire Protection Guidelines 2006. This is in particular to, but not limited to, satisfactory grades and satisfactory alternate site access.
5. The proposed development is inconsistent with Council's Development of Flood Liable Land Policy in that adequate flood free access has not been provided.
6. The site is considered unsuitable for the proposed dwelling Lot 70 of DP 751656 given the clearing of native vegetation and the site constraints of bushfire and flooding.
7. Approval would significantly increase the risk to occupants of the site and emergency services personnel and in this regard the development is not in the general public interest.

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ATTACHMENTS:

AT - 1 AT - 1 Locality Map

AT – 2 Aerial Map

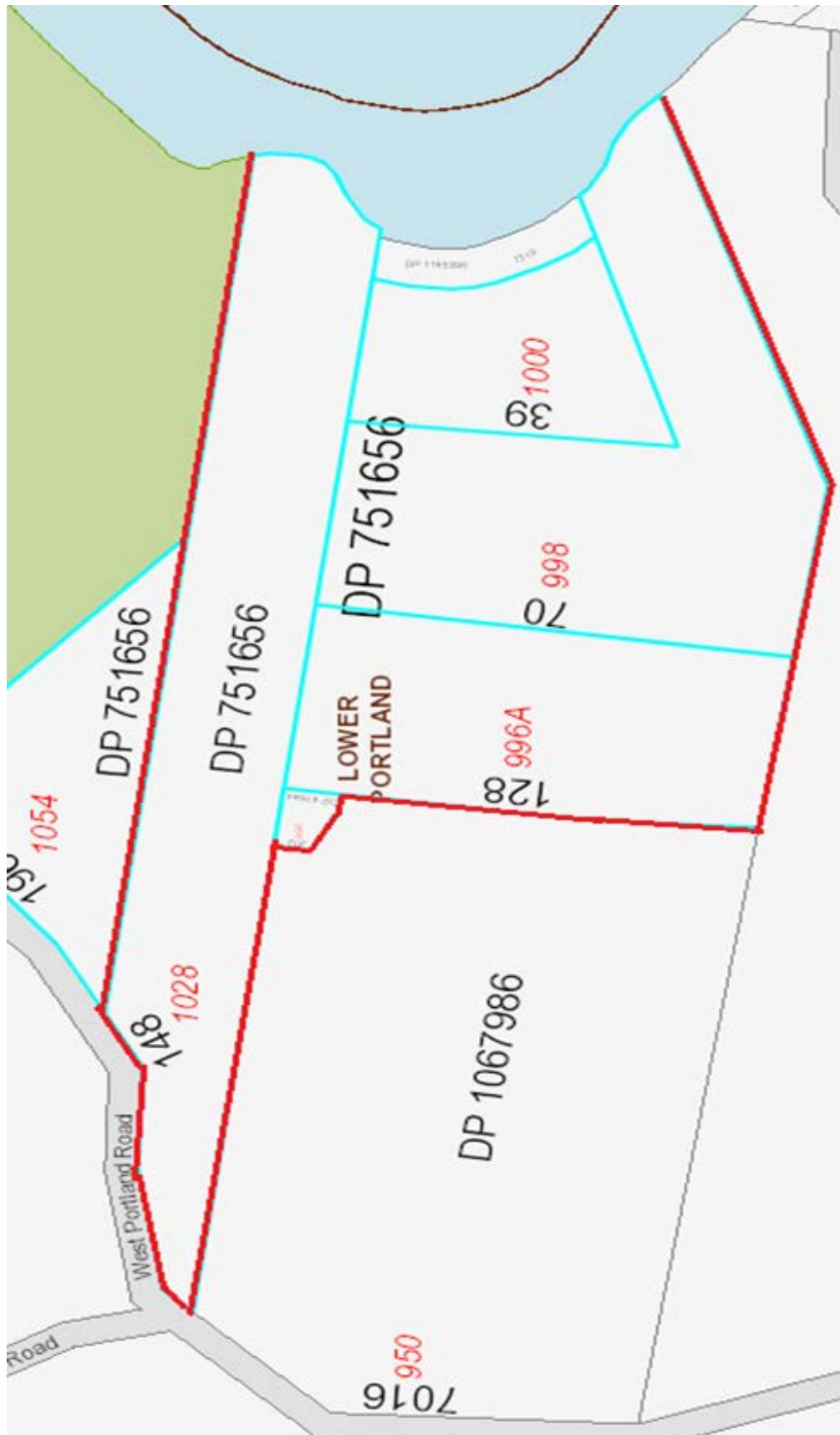
AT – 3 Flooding Map

AT – 4 Plans

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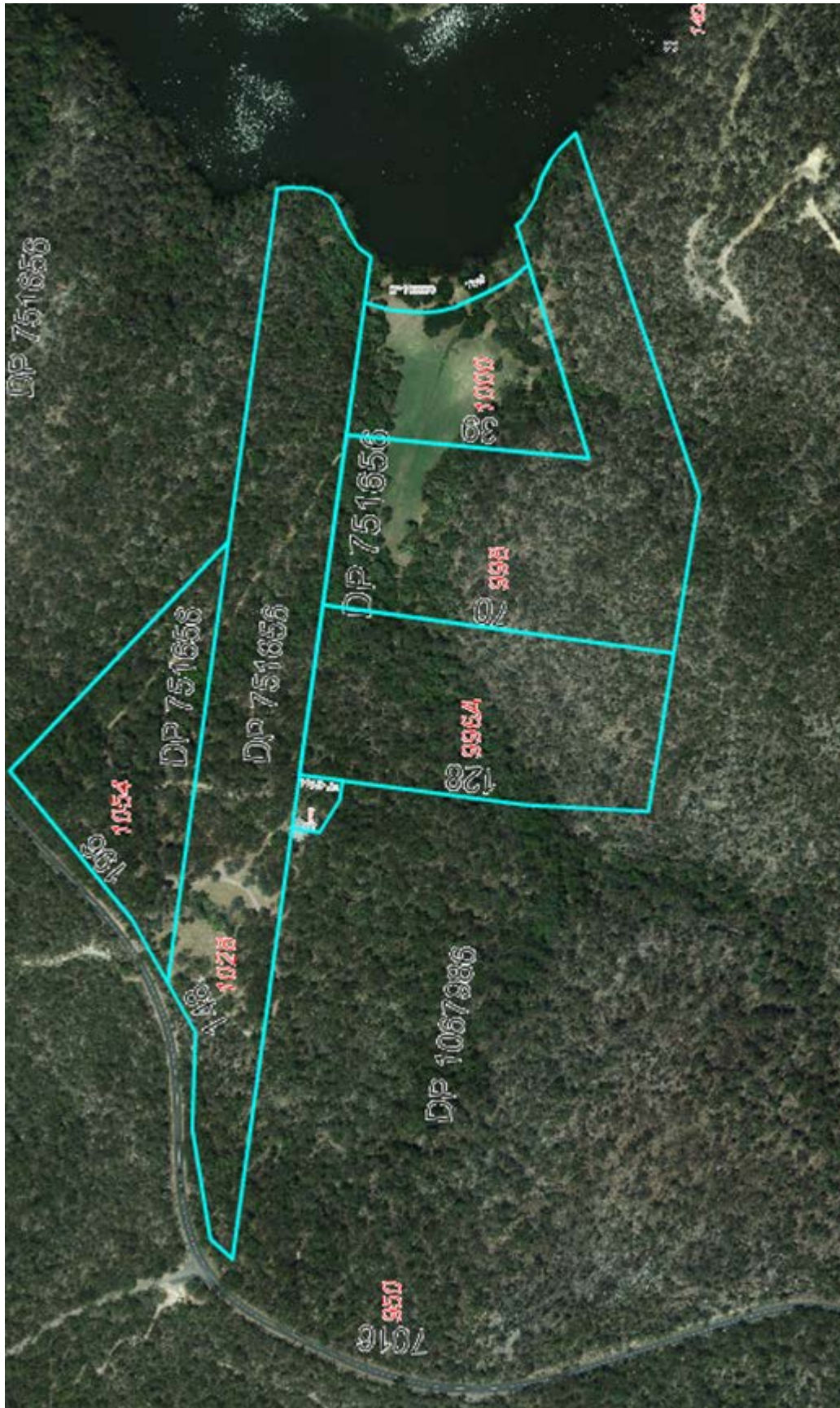
AT - 1 AT - 1 Locality Map



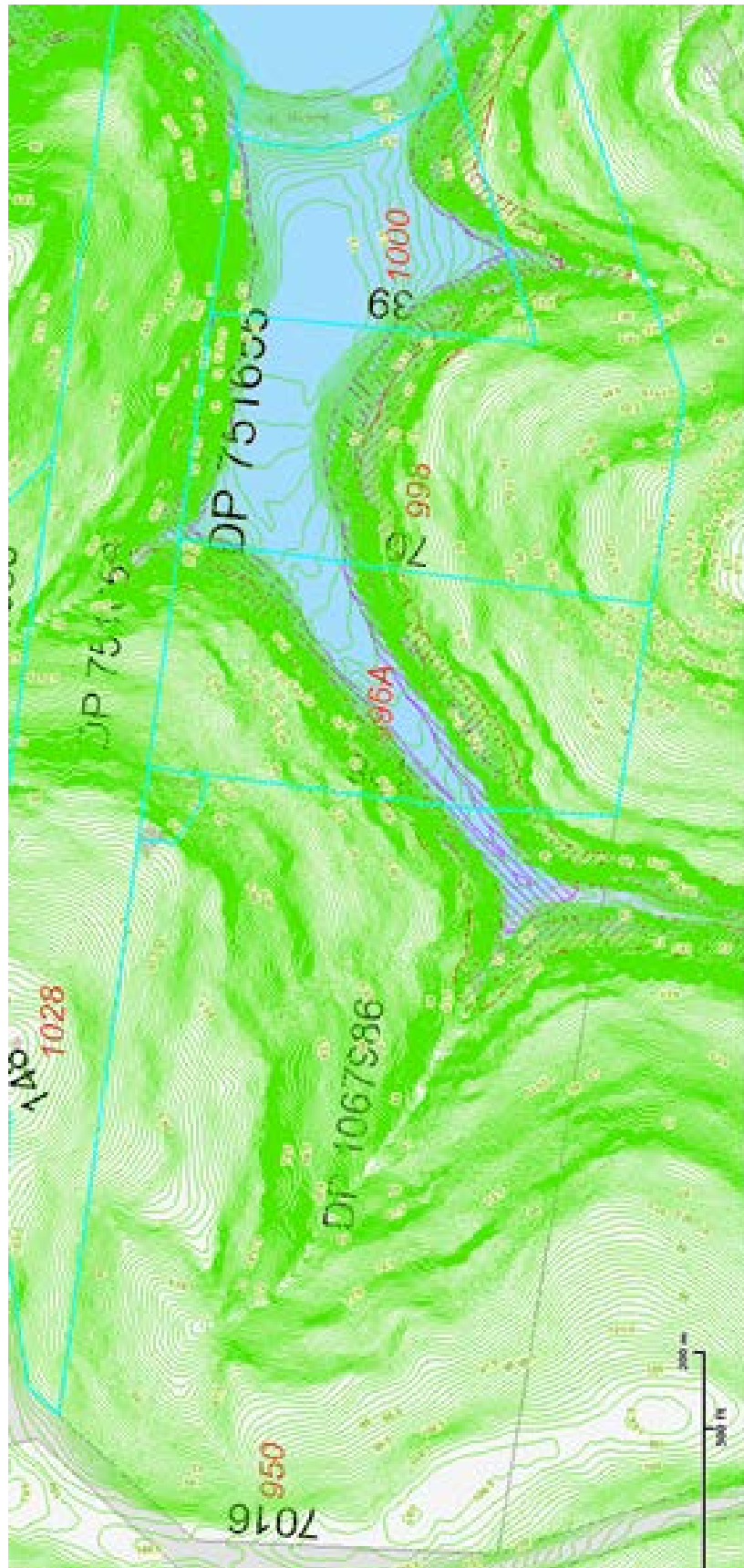
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AT – 2 Aerial Map

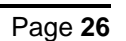


AT – 3 Flooding Map



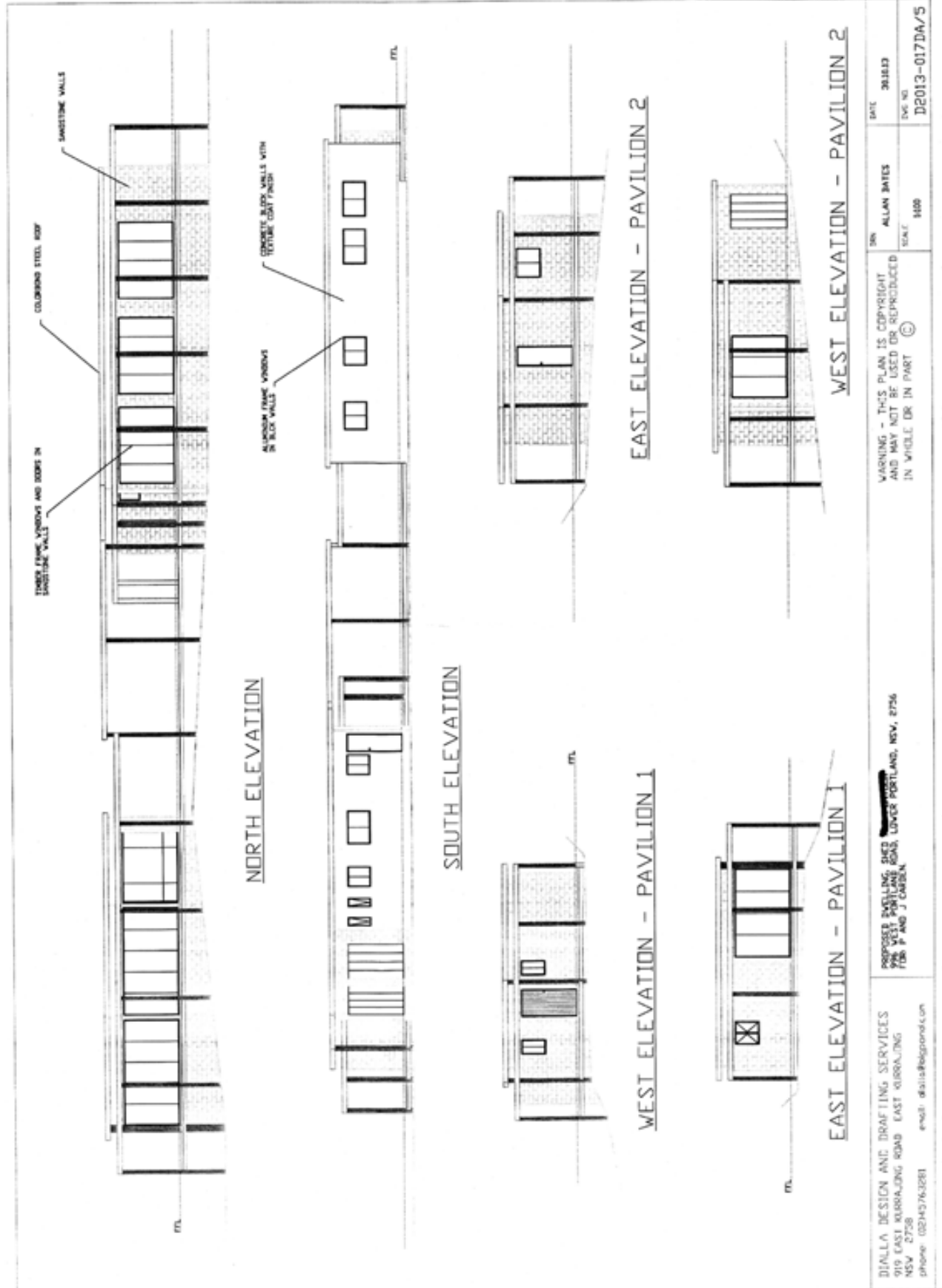
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Item: 194 **CP - Development Report - DA0481/13 - Lot 44 DP738540 - 5 New Street, Windsor - Multi Dwelling Housing - (95498, 8743, 114919)**

Development Information

File Number: DA0481/13
Property Address: 5 New Street, Windsor
Applicant: Mr C Boulos
Owner: Mr H Boulos
Proposal Details: Multi Dwelling Housing – Construction of a multi dwelling housing development consisting of six townhouses
Estimated Cost: \$1,380,000
Zone: R3 Medium Density Residential
Date Received: 6 September 2013
Advertising: 20 September to 4 October 2013

Key Issues:

- ◆ Demolition of Existing dwelling house
- ◆ Communal open space

Recommendation: Approval

REPORT:

Executive Summary

This application seeks the consent of Council to construct a multi dwelling housing development at 5 New Street, Windsor. The multi dwelling housing development is to consist of six attached townhouses over a basement carpark.

The proposal fails to comply with Council's communal open space controls. However, given the number of dwellings and the site's close proximity to the Windsor Town Centre this non-compliance is not seen to be grounds for refusal. On balance, the proposal is acceptable and is recommended for conditional approval.

It should be noted that the application originally included the demolition of a single-storey Federation, timber dwelling house to accommodate the development. This dwelling house was not heritage-listed but along with its neighbours contributed significantly to the streetscape.

Council staff sought to retain the dwelling house and incorporate it into the development however the applicant was unsupportive of this approach. Accordingly the Applicant recently elected to demolish the dwelling house as 'complying development' with a private certifier issuing the approval.

Key Issues

- Demolition of existing dwelling house
- Communal open space

Development Description

Pursuant to Section 78A (1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for the construction of a multi dwelling housing development.

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The development is to consist of six two-storey townhouses over a basement car park. Each of the dwellings are to contain four bedrooms, with Dwelling 1 having a floor area of 165m², Dwelling 6 having a floor area of 142m² and the remaining dwellings having floor areas of 147m².

The basement carpark is accessible via a central driveway and is to provide fourteen parking spaces.

Site and Locality Description

The subject property is located on the western side of New Street, bound by George Street to the south and The Terrace to the north. The property has a site area of approximately 1,163m² and, with the recent removal of a dwelling house, is currently vacant.

The western side of New Street generally consists of single-storey dwelling houses, although a former school hall and townhouses exist at 7 and 9 New Street respectively. The eastern side of the street consists of commercial development – the Macquarie Plaza shopping centre – and some remnant dwelling houses.

Development History

A brief timeline for the development is included below:

- A pre-lodgement meeting was held with Council staff on 4 April 2013. At this time the Applicant was directed to arrange a meeting with Council's Heritage Advisor.
- Council's Heritage Advisor and Senior Town Planner met with the Applicant's draftsman on 12 April 2013. The conservation and adaptive re-use of the dwelling house was recommended.
- The application was lodged on 6 September and notified from 20 September to 4 October 2013.
- Additional information and amended plans were requested of the Applicant on 17 February 2014. At this time Council requested a redesign of the development to retain the existing dwelling house. A follow-up letter was sent 29 May 2014.
- Additional information was received from the Applicant on 26 June 2014. The Applicant advised that he did not wish to retain the dwelling house.
- Council engaged the services of an Urban Designer to examine options for the retention of the dwelling house. Sketch plans for the retention of the dwelling were provided by the Urban Designer on the 15 and 18 August 2014. A number of discussions were subsequently held with the Applicant regarding alternative schemes.
- A Complying Development Certificate (CDCPC1147/14) for the demolition of the dwelling house was issued by Urban City Consulting on 27 August 2014.

The dwelling house that was formerly located on the property consisted of a timber cottage that dated from the Federation period. The property was not identified as a local or state heritage item nor is it located within a conservation area.

The property was recommended for heritage listing on three separate occasions; namely in the Heritage Study of the North Western Sector of Sydney in 1984 and 1986, as well as the Heritage Study of the Shire of Hawkesbury in 1987. However, the inclusion of the property as a heritage item did not progress.

During the assessment of this current application, Council staff formed the view that although the property was not heritage-listed, the dwelling house was of heritage significance and should be retained. With its neighbours at 1, 3 and 7 New Street, the dwelling house was seen to contribute to the streetscape and character of the locality.

As outlined above, Council staff made a number of attempts to negotiate the retention of the dwelling house however ultimately these attempts were unsuccessful. On 27 August 2014 a private certifier issued a Complying Development Certificate under Part 7 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and the dwelling house was recently demolished.

Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 2012 (HELP 2012)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 79C Matters for Consideration

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

(a)(ii) Environmental Planning Instruments

Hawkesbury Local Environmental Plan 2012

The subject site is zoned R3 Medium Density Residential zone under the HLEP 2012.

The HLEP 2012's Dictionary provides the following definition for 'multi dwelling housing':

"multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building."

The proposed townhouse development satisfies the above definition of multi dwelling housing. In this regard the development does not constitute a residential flat building and each of the six dwellings is provided with direct ground floor access.

Multi dwelling housing is permissible within the R3 Medium Density Residential zone.

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To provide a wide range of housing choices in close proximity to commercial centres and railway stations.*
- *To ensure that development is sympathetic to the natural amenity and ecological processes of the area.*
- *To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.*

The townhouse development will expand housing choice within an existing residential area close to facilities, infrastructure and services. The proposal represents an efficient use of land and will increase housing density in an appropriate location. The proposal is seen to satisfy the objectives of the R3 Medium Density Residential zone on the basis that the development is permissible within the zone, is located within an established residential area and is located in close proximity to the Windsor Town Centre and public transport.

Clause 4.3(2) of the HLEP 2012 establishes a maximum height of 10m for the site. With a total (ridge) height of approximately 7.9m, the proposed townhouse satisfies this development standard.

As detailed previously, the subject property is not heritage-listed or located within a conservation area.

The HLEP 2012 does not contain a specific clause relating to a development's impact on adjoining heritage items or the streetscape; however this issue has been considered in terms of a merit-based assessment. In this regard it should be noted that the property adjoins the former St Matthews School Hall at 7 New Street, and is within the general vicinity of a number of heritage items and traditional buildings.

The proposed townhouse development is to be setback further than the school hall's front building line, complies with Council's building height controls and neutral colours and materials are to be used. The heritage impact statement prepared in support of the application accurately notes that the *"heritage significance of the former St Matthew's School lies in its purpose and does not depend on its setting which has already changed over time"*. For these reasons it is considered that the proposal will not significantly impact upon the significance of the adjoining heritage item, heritage items within the general vicinity or the evolving streetscape.

The heritage impact statement further states that the site has low archaeological potential and it is unlikely that any remains would be significant enough to be considered relics as defined under the Heritage Act 1977.

The proposed development is permissible and is seen to satisfy the provisions of the HLEP 2012.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines a consent authority "must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose".*

The subject property has long been used for residential purposes and there is no evidence to suggest that the site is contaminated. On this basis the remediation of the site is not required.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

Not applicable. The basement carpark protrudes less than 1.2m above the natural ground level and accordingly the proposal is not defined as a 'residential flat building' for the purposes of this Policy.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The proposed development is generally consistent with the aims, objectives and recommended strategies of SREP No. 20. The proposed development is located within an established residential area and will not negatively impact on environmentally sensitive areas, areas of cultural significance or the availability of rural land.

(a)(ii) Draft Environmental Planning Instruments

Not applicable.

(a)(iii) Development Control Plans

Hawkesbury Development Control Plan 2002

Part A Chapter 3 – Notification

The proposal was notified in accordance with Part A Chapter 3 of the HDCP 2002. The submission received is discussed later in this report.

Part C Chapter 2 – Car Parking and Access

Table 2.5.1 of Part C, Chapter 2 of the HDCP 2002 establishes the following parking controls for townhouses:

- Two spaces per large dwelling (areas of more than 85m²); and
- One visitor space per five dwellings or part thereof.

Based on the townhouse consisting of a total of six dwellings, the provision of fourteen parking spaces are required under Part C, Chapter 2 of the HDCP 2002. The proposed development is to provide these fourteen spaces, thereby satisfying the numerical controls of the HDCP 2002.

Part D Chapter 1 – Residential Development

The HDCP 2002 requires a 7.5m building setback from the street for residential development. The townhouse development provides an 8.5m setback to New Street, which is compliant with the HDCP 2002 and is also consistent with the neighbouring buildings and development patterns within the street.

The townhouse development satisfies the Building Height Plane requirements of the Plan, with the proposal complies with the ceiling and ridge height controls of Section 1.3 of Part D Chapter 1 of the HDCP 2002.

The development does extend across much of the property's length however this site coverage is consistent with properties within its immediate vicinity such as 7 and 9 New Street and 10 and 10A Catherine Street. Furthermore the proposal satisfies the HDCP 2012's landscaping controls and is articulated to break-up its length.

The proposal does fail to comply with Section 1.8 of Part D Chapter 1 of the HDCP 2002 in that it does not provide communal open space. The HDCP 2002 does not provide minimum requirements for this communal open space but stipulates it must be provided where there are more than five (5) dwellings.

The proposal's non-compliance with this control is recognised however this is not seen to warrant the refusal of this application in this instance. Each of the dwellings are provided with ground floor courtyards that exceed the minimum requirements for individual private open space and are provided with good solar access. The property is located in close proximity to the Windsor Town Centre, and the development would be well serviced by public parks and recreation areas. Given the minor nature of the non-compliance the proposal is therefore seen to be acceptable.

On balance the proposal is acceptable and generally satisfies the provisions of the HDCP 2002.

(a)(iii) Planning Agreements

There are no planning agreements applicable to the proposed development.

(a)(iv) Matters Prescribed by the Regulations

These matters have been considered in the assessment of this application.

Should the application be supported conditions will be imposed requiring compliance with the Building Code of Australia (BCA) and the payment of Section 94A Contributions.

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

These matters have been considered in the assessment of this development application.

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The development's overall length and site coverage is consistent with properties within its immediate vicinity.

The first floor levels of the townhouses generally consist of bedrooms, with their windows setback a minimum of 6m from the northern boundary with 3 New Street. On this basis the development is not expected to generate unreasonable privacy impacts for this neighbour. The setback of the first floor level also acts to reduce overshadowing impacts to the southern neighbour.

It is considered unlikely that the proposed development will have any adverse environmental or social impacts on the locality.

(c) Suitability of the site for the development

These matters have been considered in the assessment of this development application.

The subject property has levels ranging from approximately 18.5m AHD to 21m AHD. The adopted 1-in-100 year flood level for the area is 17.3m AHD and as such the property is not defined as flood liable land.

The habitable floor levels of the development are to be located above the adopted 1-in-100 year flood level so as to satisfy Clause 3.2 of Council's Development of Flood Liable Land Policy.

The land is vacant and is generally free of constraint. The property is not subject to aircraft noise, acid sulphate soils or bushfire controls and is located immediately adjacent to the Windsor Town Centre. The proposed development is therefore considered suitable within the context of the locality.

(d) Submissions

The application was publicly exhibited in accordance with Part A, Chapter 3 of the HDCP 2002 between 20 September to 4 October 2013. One (1) submission was received from a nearby property owner. The matters raised in this submission are detailed below in italics, followed by a response by the assessing officer:

The existing Federation dwelling house is of heritage significance and should be retained.

Officer's comment: As detailed previously in this report, the now former dwelling house was not heritage-listed and was demolished as complying development.

An engineer's report should be provided for the dwelling house to determine its structural adequacy.

Officer's comment: The retention of the dwelling house was sought by Council staff however the Applicant elected to demolish the building legally as complying development.

A heritage impact statement should be required for the development.

Officer comment: A heritage impact statement was requested of and provided by the Applicant. This statement was used in the assessment of this application

(e) The Public Interest

The proposal represents a permissible form of development within the zone and is comparable to other development within the street. The proposal is consistent with the objectives of the R3 Medium Density Residential zone and its approval is therefore seen to be in the public's interest.

Referrals

Engineering

Council's Development Engineer has raised no objection to the proposal subject to the imposition of conditions.

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Building

The Building and Development Officer has raised no objection to the proposal. The townhouse dwellings will be defined as Class 2 buildings under the BCA whilst the carpark will be a Class 7A building.

Infrastructure

Council's Tradewaste Technical Officer has raised no objection to the proposal. A sewer headworks contribution of \$38,263.92 is payable based on the addition of six townhouses and a credit for the dwelling house.

External

Not applicable. The proposal is not defined as 'integrated development', nor does it require the concurrence of external agencies.

Financial Implications

Based on the supplied estimated value-of-works of \$1,380,000 a Section 94A Development Contribution of \$13,800 would be payable. An appropriate condition has been included in the recommended conditions of this report.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposed development is permissible and is compatible with the character of the locality. The proposal is therefore recommended for conditional approval.

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 Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0481/13 for the construction of a multi dwelling housing development on Lot 44 DP: 738540, known as 5 New Street, Windsor, subject to the following conditions:

Conditions

General Conditions

1. The development shall take place generally in accordance with the following plans, specifications and accompanying documentation submitted with the application:
 - Drawing No. 35113 Sheet 1 prepared by RE & PA Collis and dated 31 January 2013;
 - Drawing No. 35113 Sheet 2 prepared by RE & PA Collis and dated 31 January 2013;
 - Drawing No. 91415:E:1 Sheet 1 prepared by McKinlay Morgan and dated 23 August 2013;
 - Landscape Concept Plan Sheet 1 prepared by Blackwell Landscapes and dated 16 August 2013;

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- Landscape Concept Plan Sheet 2 prepared by Blackwell Landscapes and dated 16 August 2013;
- Landscape Concept Plan Sheet 3 prepared by Blackwell Landscapes and dated 16 August 2013;
- BASIX Certificate No. 488215M prepared by Mr M Brightwell and dated 20 June 2013;
- Colour Schedule prepared by RE & PA Collis and dated 26 June 2014

except as modified by these further conditions.

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
5. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
6. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

The applicant must consult with the Waste Management Branch regarding any possible new work or upgrades to the existing Council sewer mains related to this application.

Prior to Issue of Construction Certificate

7. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$13,800 shall be paid to Hawkesbury City Council. This fee is based on the supplied value-of-works of \$1,380,000.

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

The contribution is to be paid prior to the issue of the Construction Certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

8. The payment of a contribution of \$38,263.92 towards sewer headworks is required prior to the release of the Construction Certificate. This contribution will remain fixed until 30 June 2015 after which time it will be recalculated at the rate applicable at the time of payment.
9. Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.
10. A design compliance certificate for the on-site stormwater detention system is to be obtained from Council or a suitably qualified accredited certifier. Fees apply.
11. A Traffic Guidance Scheme prepared in accordance with AS1742.3: 2002 by an appropriately qualified person shall be submitted to Council.

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12. The applicant must submit a copy of approved plans associated with the 'Major/Minor Sewer Works' application to the Principal Certifying Authority (PCA) whether it is Hawkesbury City Council's Building and Development Branch or a Private Certifier. This plan must be marked with a green stamp (Sewer Works Approved for Design Only), signed and dated.
13. 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) 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.

14. Dilapidation Reports on the current structural condition of the existing buildings at 3 and 7 New Street must be prepared by a practicing structural engineer. The applicable Dilapidation Reports must be completed and submitted to the owners of these properties and to Council prior to the commencement of any excavation or construction works.

At the completion of the works, a second Dilapidation Report recording the structural condition of the buildings must be prepared. This second Report must also be submitted to the owners of the adjoining properties and to Council.

Prior to Commencement of Works

15. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation 2000.
16. The applicant shall advise Council of the name, address and contact number of the Principal Certifying Authority (PCA) in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
17. 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 (PCA).
18. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority (PCA) prior to commencement of works.
19. A qualified Structural Engineer's design for all reinforced concrete, structural steel and retaining walls shall be provided to the Principal Certifying Authority (PCA) prior to any works commencing on site.
20. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Any such facilities shall be located wholly within the property boundary.
21. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
22. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

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23. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au.

During Construction

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.
25. The site shall be secured at all times during excavation and construction against the unauthorised entry of persons or vehicles.
26. The site shall be kept clean and tidy during construction and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during excavation and construction:
- a) The site shall be secured to prevent the depositing of any unauthorised material.
 - b) Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
 - c) All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
 - d) Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised.
 - e) Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
 - f) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - g) Building operations shall be undertaken only within the site.
27. If an excavation associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- a) must preserve and protect the building from damage; and
 - b) if necessary, must underpin and support the building in an approved manner; and
 - c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected.

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

28. The development shall be set out by a Registered Surveyor. To ensure that the location of the building satisfies the provisions of the approval, separate check survey certificates, for the basement works and the ground floor level, shall be submitted to the Principal Certifying Authority (PCA), prior to construction works proceeding past those points, indicating the:

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- a) location of the building with respect to the boundaries of the site;
 - b) level of the floors in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum); and
 - c) site coverage of the buildings on the site.
29. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical Stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority (PCA).
30. The development shall be treated for termites in accordance with the Building Code of Australia (BCA) and AS3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations and joints between slabs.

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

31. Inspections and Compliance Certificates for sewer works can only be conducted and issued by Hawkesbury City Council.
- In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560 4565 to arrange inspections. Fees apply and must be paid prior to inspection.
 - In the case of any sewer work constructed under a 'Major/Minor Sewer Works' application, the inspection must be conducted by Hawkesbury City Council's Waste Management Branch. A compliance certificate will not be issued until Works As Executed information has been received, assessed and approved by the Waste Management Branch. Council's Waste Management Branch may be contacted on (02) 4560 4444 to arrange inspections.
 - In the case of major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Hawkesbury City Council's Waste Management Branch.

In all cases inspections must be conducted on the exposed pipes prior to any backfilling this includes poured concrete slabs or concrete encasement.

A statutory declaration will not be accepted in lieu of the inspection as compliance.

32. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.

The design of the car park shall comply with the relevant requirements of Hawkesbury City Council Development Control Plan 2002 and AS2890.1 2004, as applicable.

Visitor Space No. 13 shall be provided as a disabled parking space in accordance with AS2890.6:2009.

33. Landscaping shall be completed as shown on the approved landscaping plans.
34. The development shall be completed in accordance with the submitted Colour Schedule prepared by RE & PA Collis and dated 26 June 2014
35. New timber boundary fences shall be provided. Fencing behind the building line shall be limited to a height of 1.8m.

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36. All necessary works shall be carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
37. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels.
38. A 6m wide heavy duty layback and footway vehicular crossing shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E – Civil Works Specification.

Prior to works commencing the applicant shall consult with Council's Construction and Maintenance Section regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.

39. The existing redundant layback crossing shall be removed and replaced with concrete kerb and gutter, concrete footway and restored nature strip.
40. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan – Appendix E Civil Works Specification.

Prior to Issue of the Occupation Certificate

41. A Compliance Certificate from Hawkesbury City Council's Waste Management Branch confirming sewer works constructed under a Major/Minor Sewer Works application must be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Interim or Final Occupation Certificate.
42. A compliance certificate from Hawkesbury City Council's Building & Development Branch confirming completion of internal and external drainage must be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Interim or Final Occupation Certificate.
43. The owner shall enter a positive covenant with Council which provides the following:
 - a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - b) The liability under the Covenant will jointly and severally bind the registered proprietors of the development, and
 - c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

44. Works-As-Executed drawings for the On-Site Detention Stormwater System, which indicate the following, shall be submitted to and approved by Council:
 - a) Invert levels of tanks, pits and pipes,
 - b) Surface levels of pits and surrounding ground levels,
 - c) Levels of surrounding kerb,
 - d) Floor levels of buildings,
 - e) Top of kerb levels at the front of the lot, and
 - f) Extent of inundation.

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45. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
46. A report by the Design Engineer shall be submitted stating the conformance or otherwise of the On Site Detention (OSD) system in relation to the approved design.
47. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
 - a) The type and method of termite treatment (complying with AS3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - b) Glazing materials installed in the building in accordance with AS1288 'Glass in Buildings - Selection and Installation'.
 - c) The type of timber installed indicating both species and durability as required by AS1684.
 - d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS3786 and be connected to the consumer mains power where supplied to the building.
 - e) A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
48. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
49. 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 (PCA) prior to the release of the occupation certificate.
50. Written clearance from an electricity supply authority shall be submitted to the Principal Certifying Authority (PCA) prior to the release of the occupation certificate.

Use of the Development

51. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person, and
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

The reason for the imposition of these conditions are those matters specified under Section 79C of the Environmental Planning and Assessment Act 1979.

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Advisory Notes

- *** This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five (5) years from the date endorsed on this consent.
- *** 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.
- *** Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on Council's Application Form (refer to Council's website or customer service centre) within six (6) months after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.

NOTE: This clause does not relate to Designated, Integrated or Crown Development, applications determined by the Joint Regional Planning Panel or applications previously considered under Section 82A of the Environmental Planning and Assessment Act 1979.

- *** If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between the neighbours. You are advised that the consent given to undertake work in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

ATTACHMENTS:

- AT - 1 Attachment 1 – Locality Map
- AT - 2 Aerial Map
- AT - 3 Plans of the Proposal

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This is a detailed street map of a residential area in Windsor, showing numerous properties with their respective addresses and street names. The map includes streets like New Street, Catherine Street, and The Terrace. A specific property at 44 New Street is highlighted with a red grid pattern.

Key features of the map include:

- Streets:** New Street, Catherine Street, The Terrace, Little Church Street, James Russell Chase, Upper Lane, and George Street.
- Properties:** Numerous properties are labeled with their addresses, such as DP 1038364, DP 1038363, DP 1038362, DP 1038361, DP 1038360, DP 1038359, DP 1038358, DP 1038357, DP 1038356, DP 1038355, DP 1038354, DP 1038353, DP 1038352, DP 1038351, DP 1038350, DP 1038349, DP 1038348, DP 1038347, DP 1038346, DP 1038345, DP 1038344, DP 1038343, DP 1038342, DP 1038341, DP 1038340, DP 1038339, DP 1038338, DP 1038337, DP 1038336, DP 1038335, DP 1038334, DP 1038333, DP 1038332, DP 1038331, DP 1038330, DP 1038329, DP 1038328, DP 1038327, DP 1038326, DP 1038325, DP 1038324, DP 1038323, DP 1038322, DP 1038321, DP 1038320, DP 1038319, DP 1038318, DP 1038317, DP 1038316, DP 1038315, DP 1038314, DP 1038313, DP 1038312, DP 1038311, DP 1038310, DP 1038309, DP 1038308, DP 1038307, DP 1038306, DP 1038305, DP 1038304, DP 1038303, DP 1038302, DP 1038301, DP 1038300, DP 1038299, DP 1038298, DP 1038297, DP 1038296, DP 1038295, DP 1038294, DP 1038293, DP 1038292, DP 1038291, DP 1038290, DP 1038289, DP 1038288, DP 1038287, DP 1038286, DP 1038285, DP 1038284, DP 1038283, DP 1038282, DP 1038281, DP 1038280, DP 1038279, DP 1038278, DP 1038277, DP 1038276, DP 1038275, DP 1038274, DP 1038273, DP 1038272, DP 1038271, DP 1038270, DP 1038269, DP 1038268, DP 1038267, DP 1038266, DP 1038265, DP 1038264, DP 1038263, DP 1038262, DP 1038261, DP 1038260, DP 1038259, DP 1038258, DP 1038257, DP 1038256, DP 1038255, DP 1038254, DP 1038253, DP 1038252, DP 1038251, DP 1038250, DP 1038249, DP 1038248, DP 1038247, DP 1038246, DP 1038245, DP 1038244, DP 1038243, DP 1038242, DP 1038241, DP 1038240, DP 1038239, DP 1038238, DP 1038237, DP 1038236, DP 1038235, DP 1038234, DP 1038233, DP 1038232, DP 1038231, DP 1038230, DP 1038229, DP 1038228, DP 1038227, DP 1038226, DP 1038225, DP 1038224, DP 1038223, DP 1038222, DP 1038221, DP 1038220, DP 1038219, DP 1038218, DP 1038217, DP 1038216, DP 1038215, DP 1038214, DP 1038213, DP 1038212, DP 1038211, DP 1038210, DP 1038209, DP 1038208, DP 1038207, DP 1038206, DP 1038205, DP 1038204, DP 1038203, DP 1038202, DP 1038201, DP 1038200, DP 1038199, DP 1038198, DP 1038197, DP 1038196, DP 1038195, DP 1038194, DP 1038193, DP 1038192, DP 1038191, DP 1038190, DP 1038189, DP 1038188, DP 1038187, DP 1038186, DP 1038185, DP 1038184, DP 1038183, DP 1038182, DP 1038181, DP 1038180, DP 1038179, DP 1038178, DP 1038177, DP 1038176, DP 1038175, DP 1038174, DP 1038173, DP 1038172, DP 1038171, DP 1038170, DP 1038169, DP 1038168, DP 1038167, DP 1038166, DP 1038165, DP 1038164, DP 1038163, DP 1038162, DP 1038161, DP 1038160, DP 1038159, DP 1038158, DP 1038157, DP 1038156, DP 1038155, DP 1038154, DP 1038153, DP 1038152, DP 1038151, DP 1038150, DP 1038149, DP 1038148, DP 1038147, DP 1038146, DP 1038145, DP 1038144, DP 1038143, DP 1038142, DP 1038141, DP 1038140, DP 1038139, DP 1038138, DP 1038137, DP 1038136, DP 1038135, DP 1038134, DP 1038133, DP 1038132, DP 1038131, DP 1038130, DP 1038129, DP 1038128, DP 1038127, DP 1038126, DP 1038125, DP 1038124, DP 1038123, DP 1038122, DP 1038121, DP 1038120, DP 1038119, DP 1038118, DP 1038117, DP 1038116, DP 1038115, DP 1038114, DP 1038113, DP 1038112, DP 1038111, DP 1038110, DP 1038109, DP 1038108, DP 1038107, DP 1038106, DP 1038105, DP 1038104, DP 1038103, DP 1038102, DP 1038101, DP 1038100, DP 1038099, DP 1038098, DP 1038097, DP 1038096, DP 1038095, DP 1038094, DP 1038093, DP 1038092, DP 1038091, DP 1038090, DP 1038089, DP 1038088, DP 1038087, DP 1038086, DP 1038085, DP 1038084, DP 1038083, DP 1038082, DP 1038081, DP 1038080, DP 1038079, DP 1038078, DP 1038077, DP 1038076, DP 1038075, DP 1038074, DP 1038073, DP 1038072, DP 1038071, DP 1038070, DP 1038069, DP 1038068, DP 1038067, DP 1038066, DP 1038065, DP 1038064, DP 1038063, DP 1038062, DP 1038061, DP 1038060, DP 1038059, DP 1038058, DP 1038057, DP 1038056, DP 1038055, DP 1038054, DP 1038053, DP 1038052, DP 1038051, DP 1038050, DP 1038049, DP 1038048, DP 1038047, DP 1038046, DP 1038045, DP 1038044, DP 1038043, DP 1038042, DP 1038041, DP 1038040, DP 1038039, DP 1038038, DP 1038037, DP 1038036, DP 1038035, DP 1038034, DP 1038033, DP 1038032, DP 1038031, DP 1038030, DP 1038029, DP 1038028, DP 1038027, DP 1038026, DP 1038025, DP 1038024, DP 1038023, DP 1038022, DP 1038021, DP 1038020, DP 1038019, DP 1038018, DP 1038017, DP 1038016, DP 1038015, DP 1038014, DP 1038013, DP 1038012, DP 1038011, DP 1038010, DP 1038009, DP 1038008, DP 1038007, DP 1038006, DP 1038005, DP 1038004, DP 1038003, DP 1038002, DP 1038001, DP 1038000, DP 1037999, DP 1037998, DP 1037997, DP 1037996, DP 1037995, DP 1037994, DP 1037993, DP 1037992, DP 1037991, DP 1037990, DP 1037989, DP 1037988, DP 1037987, DP 1037986, DP 1037985, DP 1037984, DP 1037983, DP 1037982, DP 1037981, DP 1037980, DP 1037979, DP 1037978, DP 1037977, DP 1037976, DP 1037975, DP 103797

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AT - 2 Aerial Map



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Item: 195 **CP - Development Report - DA0573/13 - Lot 3 DP238218 - 5 Macquarie Road, Wilberforce - Two lot subdivision and demolition of existing awning - (95498, 21260)**

Development Information

File Number: DA0573/13
Property Address: 5 Macquarie Road, Wilberforce
Applicant: Mr RJ Cox, Jnr
Owner: Mr RJ Cox, Jnr
Proposal Details: Proposed two lot subdivision and demolition of existing awning
Estimated Cost: \$5000
Zone: R2 Low Density Residential
Date Received: 25 October 2013
Advertising: 30 October 2013 - 13 November 2013

Key Issues:

- ◆ Lot size
- ◆ Wilberforce Subdivision and Development Policy

Recommendation: Refusal

REPORT:

Executive summary

The application seeks approval for a two lot Torrens title subdivision and demolition of an existing awning at 5 Macquarie Road, Wilberforce known as Lot 3 within DP 238218. The site currently comprises one allotment containing a single residential dwelling with attached carport, rear shed buildings, and above ground pool. The dwelling is located to the south-east of the site, fronting Macquarie Road.

Following a detailed assessment of the application it is recommended that the proposal not be supported as the development does not comply with the overall objectives of R2 Low Density Residential zone in relation to residential character. The proposal is also inconsistent with the *Wilberforce Subdivision and Development Policy* in relation to character, proposed allotment sizes and allocation of sewer capacity criteria.

The application is being reported to Council for determination as the application involves a variation of 25% to the minimum allotment size requirement within Council's Wilberforce Subdivision and Development Policy.

Description of Proposal

The application proposes a two lot Torrens Title Subdivision of Lot 3 in DP 238218, 5 Macquarie Road, Wilberforce. It is proposed that the existing allotment would be subdivided as follows:

- Proposed lot 42 would contain the existing dwelling located on 5 Macquarie Road, and have a total area of 563m². The existing awning is proposed to be removed.
- Proposed lot 41 would be located to the rear (north-west) of Lot 42 and is proposed to have access to Macquarie Road via a 4.4 metre wide handle along the eastern boundary of the site to Macquarie Road. Lot 41 is proposed to have a total area of 814m².

The application is supported by a Statement of Environmental Effects dated October 2013, prepared by Urban Consulting Pty Ltd which includes subdivision and concept drainage plans.

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30 October 2013	Application received by Council
30 October 2013 – 13 November 2013	Application placed on notification

The subject site is situated on the northern side of Macquarie Road, between Hanover Street and Castlereagh Road and has a total area of 1372m². The site contains a single storey residential dwelling with an attached carport, above ground pool and various small sheds at the rear.

- *To protect the character of traditional residential development and streetscapes,*
- *To ensure that new development retains and enhances that character.*

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A more detailed analysis of the proposed subdivision with regard to context and lot size is provided below under the heading Wilberforce Subdivision and Development Policy.

Clause 4.1 Minimum Subdivision Lot Size

The lot size map indicates a minimum allotment size of 450sqm for the land and as such the proposal complies, numerically, with the minimum lot size expressed for the site within Part 4 of the HLEP 2012. Further, the proposed lot, known as lot 41 contains a suitable area for the erection of a dwelling and as discussed below is proposed to be connected to a reticulated sewage system.

Clause 4.1D Exceptions to minimum subdivision lot size for certain land

The subject site is located within an area identified as "Area A" within Council's Minimum Subdivision Lot Size Map. Clause 4.1D states the following:

"Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land that is identified as "Area A" and edged heavy blue on the Lot Size Map if:

- a) arrangements satisfactory to the consent authority have not been made before the application is determined to ensure that each lot created by the subdivision will be serviced by a reticulated sewerage system from the date it is created, and*
- b) the area of any lot created by the subdivision that contains or is to contain a dwelling house is less than 4,000 square metres."*

The proposed has been assessed to satisfy part (a) of Clause 4.1D and thus is not required to satisfy part (b) for the following reasons.

- Proposed lot 42 is currently connected to a reticulated sewage system, and
- Proposed lot 41 will be connected to this same sewage system.
- It seems that adequate capacity may be found to exist within the applicable sewage system attributed to the site, however, the application has not provided evidence of this.

Availability of connection to reticulated sewage system is discussed further under Wilberforce Subdivision and Development Policy below.

Clause 5.9 Preservation of Trees or Vegetation

The proposal does not include removal of any significant vegetation at the site and complies with the objectives of Clause 5.9 of the HLEP in that the development will not detrimentally impact on existing levels of amenity or biodiversity.

Clause 6.4 Terrestrial Biodiversity

The proposal has been assessed against the matters for consideration under Clause 6.4 of Part 6 – Terrestrial Biodiversity. It is considered that the future erection of a dwelling on proposed lot 41 would be unlikely to significantly impact the ecological value of vegetation on the land or in the locality.

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

There are no draft environmental planning instruments that directly relate to the land or the specified development.

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

Hawkesbury Development Control Plan (HDCP) 2002

An assessment of the proposal against the relevant provisions of this plan follows:

Part A, Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP 2002. No submissions were received as a result of the notification.

Part D, Chapter 3 – Subdivision

The proposal is generally in accordance with the principles and requirements of this clause. The proposed lots would be able to suitably accommodate both the existing dwelling on the land and a new dwelling on the proposed additional lot without impacting any significant bushland or flora and fauna habitat. Further, the proposed lots would provide sufficient space onsite for residential development in accordance with the residential development requirements of Hawkesbury Development Control Plan 2002, Part D Chapter 1.

Lot 41 will continue to be accessed via a vehicular driveway located along the western boundary of the site. Access to lot 41 is proposed to be provided along the eastern boundary of the site, via a 4.4 metre wide access handle to Macquarie Road.

The proposal would not result in the loss of parking available to the existing dwelling fronting Macquarie Road and there is sufficient space available on proposed lot 41 to the rear, to provide for the parking of vehicles on that site. The introduction of a second vehicle crossover along the Macquarie Road frontage is considered to be unacceptable as the addition of battle-axe driveways along the street frontage would significantly adversely impact on the streetscape in the locality.

A 1 metre setback has been proposed along the adjoining boundary with 7 Macquarie Road to the east providing adequate space for landscaping and proposed drainage connections. Access to the proposed two lots is considered to be satisfactory.

However, the development, whilst complying with the minimum lot size requirements within the HLEP 2012, being a battle-axe style subdivision may adversely impact upon the visual amenity of the surrounding residential area in relation to character and streetscape. This is primarily due to the potential significant increase in vehicle driveways should this style of battle-axe development be permitted in Wilberforce. One of the aims of the Wilberforce Subdivision and Development Policy was to address this character impact and not only deal with the sewer connection allocations. Due to the shape and size of a large proportion of the properties in Wilberforce (similar to the subject property), there is significant potential for the streetscape character to be eroded and dominated by battle-axe allotment driveways.

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

No planning agreement has been entering into with regard to the subject site.

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

The Environmental Planning and Assessment Regulation 2000 stipulates that the proposal may be levied against Council's Section 94A Development Contributions Plan. As the estimated cost of development is below \$100,000 the development is not subject to contributions under the Plan.

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

It is considered unlikely that the proposed development would have any adverse environmental impacts on the locality. The subdivision would allow for the suitable residential development of the land without fragmenting any existing bushland. However, the proposed development does have the potential to adversely impact on the overall character of the streetscape in Wilberforce, when considered as part of a cumulative impact. The site is located in close proximity to services such as transport and a local school. Further, the application is supported by sufficient information to demonstrate that the proposed lots are able to be serviced with regard to electricity and telecommunications.

c. Suitability of the site for the development:

The land is not affected by bushfire, landslip or flooding and the information provided suggests that the land has not been used for any purposes that would raise any issues in terms of land contamination.

The application has been assessed against Council's LEP controls including those related to minimum lot size. The proposal also complies with the 450sqm minimum lot size as stipulated within the HLEP and as discussed below.

Whilst the individual sewer connection to this development may be feasible, it is considered that the approach developed via Council's Wilberforce Subdivision and Development Policy should be followed to ensure the orderly planning and development of the locality.

A summary of the suitability of the site for the development has been undertaken within this report and it is considered that the proposal is generally consistent with the planning controls which relate to the land. An assessment of the proposal in relation to the Wilberforce Subdivision and Development Policy has been undertaken as follows:

Wilberforce Subdivision and Development Policy

This policy was adopted by Council on 31 July 2012 in order to provide a guide to decision making on applications in the residential zoned area of Wilberforce village covered by the Priority Sewerage Program (PSP).

Council prepared this policy to ensure that new allotments to be covered by the PSP take into consideration the limited capacity of the system and also to ensure that the character of the existing Wilberforce Streetscape is retained. This policy provides criteria within Clause 9 of the Policy, to be used when assessing development applications for subdivision and residential development proposals submitted to Council:

- a) *Available capacity, based on the number of subdivision approvals that have proceeded to Subdivision Certificate stage and other approvals beyond a single dwelling on a single allotment, is to be recorded and considered upon lodgement of any new applications. In this regard, a tally is to be kept by Council and approvals are not to result in an allocation over 100 ET in the area covered by the PSP.*

Comment: At the time of writing this report Council's records indicate that approximately 11 additional lots have been created within the Wilberforce village. Council has not approved more than 100 additional lots or approvals beyond a single dwelling within the Wilberforce village. Whilst the proposal is not technically contrary to this rule, the Policy has other aims as follows:

- Ensure development decisions do not prejudice the orderly and economic use of scarce resources.
- Seek to avoid a "first-in-first served" allocation and instead enable development (including subdivision) to occur in a fair and equitable way.

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The proposed development is premised on the matter that there is sufficient sewer connections in Wilberforce because Council has not yet approved more than 100 additional Equivalent Tenements (additional dwellings or allotments) since the commencement of the PSP. However, the application has ignored the above aims of the Policy in that approval of the development will "*prejudice the orderly and economic use of scarce resources*" (sewer connection) and it is using the argument of '*first-in-first served*'. For these reasons the proposed development is contrary to this Policy.

- b) *Lot size - new lots to be created in the housing zone are to have a minimum area of 750m², in those areas not affected by the 1 in 100 year flood, or 1.1ha, in areas affected by the 1 in 100 year flood, as shown in Appendix A. Allotments in areas affected by the 1 in 100 year flood must have a building platform, suitable for the construction of a dwelling, at a level equal to or greater than the 1 in 100 year flood. This building platform must be either naturally occurring or may be obtained by filling, via a separate development approval, with a maximum fill depth of 1m.*

Comment: The subject site is above the 1 in 100 year flood level. The application proposes the creation of two lots: lot 41 and lot 42 which contains an existing dwelling. Although lot 41 complies with the 750sqm minimum as prescribed by the policy, lot 42 which contains the existing dwelling, falls below the minimum and is proposed to be 563m² in total. The applicant has requested a variation to the minimum allotment size based on the merits of the proposal for this lot.

With regard to lot size an assessment of the character of the local area including existing subdivision and patterns of development, has been undertaken to determine the context, appropriateness and likely impact of the proposed development.

Site context and comparative lot size

The subject site is located on the northern side of Macquarie Road in Wilberforce and is located on a block bounded by Macquarie Road to the south, Hanover Street to the west, Castlereagh Road to the east and Clergy Road to the north. A total of 31 lots populate this block with lot size varying from approximately 851m² to 2675m². Smaller lots are primarily located along Hanover Street and Castlereagh Road with slightly deeper lots located along Macquarie Road. Larger lots with depths averaging 100 metres front Clergy Road to the north.

The subject site has a lot depth of 68.9 metres which is one of four lots (numbers 1, 3 and 7 Macquarie Road) fronting Macquarie Road with similar depth and is one of the deeper lots located within the block. The subject site is one of three lots fronting Macquarie Road with similar proportions.

The rear boundary of the subject site is shared by properties fronting Clergy Road to the north. Properties 2 to 12 have been subdivided in similar fashion to the proposed creating 5 battle-axe lots, with access to Clergy Road. These lots are compliant with the minimum lot size required under the Wilberforce Subdivision and Development Policy. Whilst it could be argued that these developments have had the effect of disrupting the traditional pattern of development attributed to the greater Wilberforce area, in that they are battle-axe developments with no direct street frontage, there are a limited number of these originally sized allotments that can be developed. Should Council consent to allowing smaller allotments, such as the subject application, there are significantly more of these allotments that have a much greater potential to adversely impact the streetscape and character than the few properties in Clergy Road.

Summary

Had the lots fronting Clergy Street been amalgamated prior to subdivision a more economic and rational development of these lots may have been the result. However, the existing situation is such that the subject application will not significantly alter the potential maximum yield, beyond that which has already occurred.

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- c) *Residential development in excess of a single dwelling house (for the purposes of secondary dwellings, dual occupancies, seniors housing and for community purposes (if permitted by the relevant zoning or Legislation)) is encouraged within the 800m radius from existing community facilities, i.e. shops.*

Comment: The application does not involve residential development of the type outlined above. Therefore this clause does not apply to the development.

- d) *Development applications lodged with Council prior to 15 February 2011 (as listed in the Council report dated 15 February 2011 and any subsequent related motions of Council) will not be subjected to this Policy.*

Comment: The application was lodged after 15 February 2011 and as such this provision is not applicable to this application.

Based on the assessment above, it is recommended that the subdivision not be supported. It is noted that lot 42, which would be created, as a result of the subdivision application, does not comply with the minimum allotment size requirement within the Wilberforce Subdivision and Development Policy.

The applicant has argued that Council has already varied the Policy for a 2 lot into 3 lot subdivision on the corner of Turnbull and Coburg Roads, Wilberforce. That subdivision created an additional allotment that had a full frontage to Coburg Road whilst the existing properties retained the same frontage to Turnbull Road. In this regard the minor variation, two lots at 609m² and 633m² containing the original dwellings, did not result in the creation of any battle-axe allotments or driveways that would adversely impact the streetscape in the area.

The development is not consistent with the overall objectives of this Policy and the proposal as a whole has the potential to adversely impact the local area by setting precedence for the variation of the Policy.

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

No submissions were received with regard to the proposal.

e. The Public Interest:

An assessment of the proposal against the relevant planning instruments and policies including the Hawkesbury Local Environmental Plan 2012 and the Wilberforce Subdivision and Development Policy has been undertaken as set out in the report above. As the application is inconsistent with Councils Policy, it is not in the general public interest.

Internal Referrals

The application was referred to Council's Senior Subdivision and Development Engineer and no objection to the proposal was raised. The internal referral acknowledges letters dated 29 January 2013 signed by the owners of adjacent properties (7 Macquarie Road and 8A and 10A Clergy Street) permitting use of the easement running along the northern boundary of the subject site and recommends standard conditions of consent.

Conclusion

The environmental impacts anticipated as a result of the proposal are those relating to minimum allotment size, and residential amenity. The management and rationalisation of these impacts has been addressed within the information submitted with the application and in the report above.

The variation request to the Wilberforce Subdivision and Development Policy has been investigated and is not considered worthy of support given the circumstances of this case.

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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 DA0573/13 concerning Lot 3 in DP 238218 at 5 Macquarie Road, Wilberforce for a two lot Torrens title subdivision and demolition of an awning be refused for the following reasons:

1. The proposed development is inconsistent with the R2 Low Density Residential Zone in that the layout and design of the subdivision does not retain or enhance the character of the streetscape in Wilberforce.
2. The proposed development is inconsistent with the objectives, lot size and capacity allocation criteria of Council’s Wilberforce Subdivision and Development Policy.
3. The variation of the Wilberforce Subdivision and Development Policy would set an undesirable precedent and not be in the general public interest.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Aerial Photo

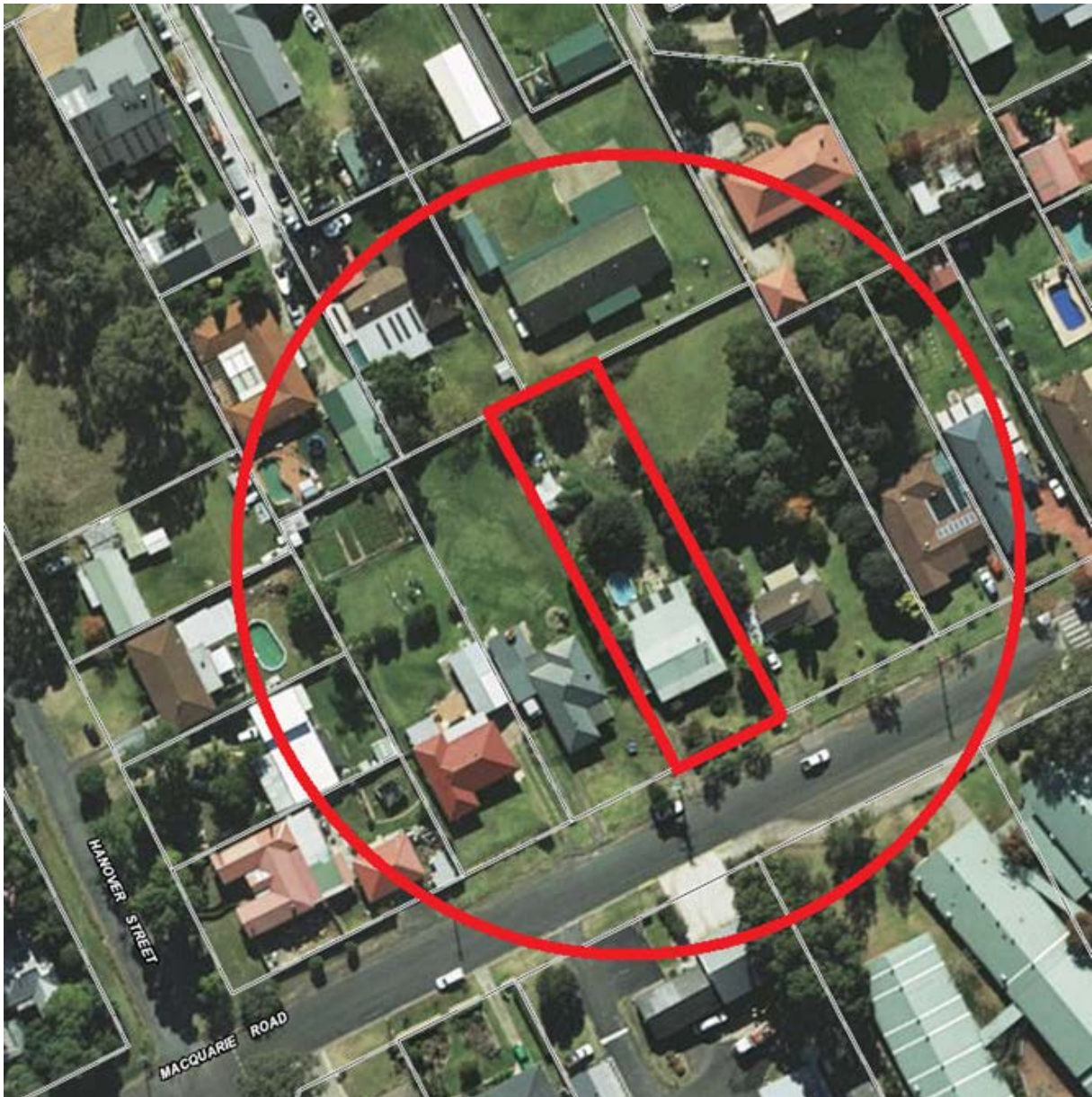
AT - 3 Subdivision Plan

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AT - 2 Aerial Photo



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Item: 196 **CP - Development Report - DA0466/14 - Lot 2 DP6655 - 33 Old Bells Line of Road, Kurrajong - Subdivision - Community Title - Staged community title subdivision - (95498, 102260, 22180)**

Previous Item: 179 (Ordinary, 30 September 2014)

Development Information

File Number: DA0466/14
Property Address: 33 Old Bells Line Of Road, Kurrajong
Applicant: Montgomery Planning Solutions
Owner: Timedes Pty Limited
Proposal Details: Subdivision - Community Title - Staged community title subdivision to create 23 residential lots and one community lot
Estimated Cost: \$750,000
Zone: R2 Low Density Residential
Date Received: 18/07/2014
Advertising: First notification: 24/07/2014 to 8/08/2014
 Second notification: 13/08/2014 - 27/08/2014, extended to 8/09/2014

Key Issues: ♦ Effluent disposal
 ♦ Visual impact
 ♦ Character of the locality

Recommendation: Approval subject to conditions

REPORT:

Executive summary

The application seeks approval for a staged community title subdivision to create 23 residential lots and one community lot.

The assessment of the proposal highlights the following relevant issues for consideration in the determination of the application:

- Sewer disposal
- Character of the locality
- Visual impact

The application was advertised from 24 July 2014 to 8 September 2014. 13 objections, including one petition with 10 signatures and three submissions in support were received. The following concerns were raised in submissions, however do not warrant refusal of the proposal as discussed further in this report:

- Traffic
- Site constraints
- Amenity of the locality
- Adequacy of information submitted with the Development Application

This Report concludes that the proposed development is satisfactory, subject to conditions recommended within the Report.

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A Class 1 appeal to the Land and Environment Court was received at Council on 19 September 2014 for a deemed refusal of this application. This does not prevent Council from determining this application at this meeting. Should the recommendation of this report, that the application be approved, be accepted this determination would assist in dealing with this appeal in a cost effective and timely manner.

The application is being reported to Council for determination at the request of the Mayor, Councillor Ford.

Description of Proposal

The application proposes the subdivision of Lot 2 in DP 6655, 33 Old Bells Line of Road, Kurrajong into 23 residential lots. It is proposed that the lot would be subdivided via way of community title subdivision in the following two stages:

Stage 1

The first stage involves the creation of 17 residential lots (Lots 2 to 18). It is proposed that a public road and two private access ways would be constructed to service proposed lots 2 to 17 which vary in size from 552m² to 1352m². Lot 18 will gain access from Robertson Street and will have a total area of 8712m². A landscaping buffer would be created along the Old Bells Line of Road frontage.

Stage 2

The second stage involves the further subdivision of Lot 18 which is proposed to be created as part of stage one. This lot would be subdivided into seven residential allotments ranging in size from 947m² to 1388m². In order to provide access to the proposed lots it is proposed that Robertson Street would be extended and a private access way would be constructed to service lots 19 to 24 and lot 25 would gain access directly from Vincents Road.

As part of the development it is proposed that the lots would be serviced by a privately operated and independently licenced sewerage treatment system located on Lot 1 DP 270827, No. 21 Vincents Road Kurrajong.

Background

The proposed subdivision was previously approved via Deferred Commencement Consent DA0181/12 on 16 January 2013. An operational consent notice was not issued by Council within 12 months of issue of the Deferred Commencement consent and this consent is now considered by Council to have lapsed. The applicant is appealing against the deemed state of satisfaction about the deferred commencement conditions. (Note: This appeal regarding the Deferred Commencement conditions is a separate appeal to the previously mentioned Class 1 appeal regarding a Deemed Refusal of the application).

Council received the Class 1 appeal against the deemed refusal of the Deferred Commencement conditions on 3 May 2014. As part of the Land and Environment Court's Section 34 Conciliation Conference held 14 July 2014, it was agreed that the Applicant make a fresh development application for the same subdivision (as approved by DA0181/12) for Council to consider and determine.

If development consent is granted for the new application, a requirement for the surrendering of DA0181/12, technically still valid due to the current legal appeal on foot would be imposed via conditions of consent.

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)
State Environmental Planning Policy No. 55 – Remediation of Land
Sydney Regional Environmental Plan No 20 (SREP20) Hawkesbury Nepean River
Hawkesbury Local Environmental Plan (LEP) 2012
Hawkesbury Development Control Plan (HDCP) 2002

Section 79C Matters for Consideration

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

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

i. **Environmental Planning Instrument:**

State Environmental Planning Policy No. 44 - Koala Habitat Protection

State Planning Policy No. 44 - Koala Habitat applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

Circular No. B35 was issued by the former Department of Planning (DIPNR) on 22 March 1995. The purpose of the Circular was to provide information relating to the implementation of SEPP 44 and to provide the Guidelines made by the Director for the purposes of the SEPP. Section 1.5 of the Circular states, inter alia, that:

"In relation to affected DAs it is the intention of the policy that investigations for "potential" and "core" koala habitats be limited to those areas in which it is proposed to disturb habitat".

The proposed development does not require the removal of native vegetation and will therefore not disturb habitat areas within the site. Consequently, the subject land is not considered to be 'potential koala habitat' or 'core koala habitat' as defined by this Plan.

State Environmental Planning Policy No. 55 – Remediation of Land

A search of Council files indicated that the land has not been used for any activities which would render the soil contaminated to such a degree as to cause harm and prevent the future development of the land. Therefore, the application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

State Environmental Planning Policy (Infrastructure) 2007

The application proposes that the lots would be connected to a privately operated and independently licenced sewerage management facility located on Lot 1 in DP 270827 No. 21 Vincent Road Kurrajong. The existing sewer system has been approved by Council (via a Section 68 approval) and is installed to service the seniors housing development approved on the land.

The sewer management facility is located on land that is zoned RU1 Primary Production under Hawkesbury Local Environmental Plan 2012.

Clause 106 of this Policy permits development for the purposes of a sewerage treatment plant in the RU1 Primary Production zone where it is carried out by or on behalf of a public authority or any person licensed under the Water Industry Competition (WIC) Act 2006 without consent. Therefore, the design and construction of the sewer management facility on 21 Vincents Road does not require the consent of Council or considerations of its impacts as these matters are determined by the Independent Pricing and Regulatory Tribunal (IPART) as part of the licencing requirements under the WIC Act.

However, pipelines are required under Vincents Road and through the proposed lots to convey sewerage to the management facility located on 21 Vincents Road. Vincents Road and No. 33 Old Bells Line of Road, Kurrajong are zoned R2 Low Density Residential. As the R2 zone is not a prescribed zone under Clause 105 of State Environmental Planning Policy (Infrastructure) 2007, the pipe work associated with the proposed sewerage reticulation of this land requires development consent.

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The application proposes that the developer will obtain a license under the Water Industry Competition Act 2006 to have the existing sewer treatment system service the proposed lots. A condition has been included in the recommended consent ensuring that the developer obtains a licence under the Water Industry Competition Act 2006 to service the proposed lots prior to the issue of any construction certificate.

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

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context." SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

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 or specific aims, planning considerations, planning policies, recommended strategies and development controls.

Hawkesbury Local Environmental Plan 2012

An assessment of the proposed development against the relevant provisions of Hawkesbury Local Environmental Plan 2012 follows:

Clause 1.2 Aim of Plan

The proposed development is considered to be consistent with the aims of the Plan as outlined in Clause 1.2 of HLEP 2012.

Clause 2.2 Zoning of land to which Plan applies

Property No. 33 Old Bells Line of Road, Kurrajong is zoned R2 Low Density Residential.

Property No. 21 Vincents Road, Kurrajong is zoned RU1 Primary Production.

Clause 2.3 Zone objectives and Land Use Table

Subclause (2) requires in the determination of a development application that regard is given to the objectives of the zone. The zone objectives of the R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect the character of traditional residential development and streetscapes.
- To ensure that new development retains and enhances that character.
- To ensure that development is sympathetic to the natural environment and ecological processes of the area.
- To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale.
- To ensure that water supply and sewage disposal on each resultant lot of a subdivision is provided to the satisfaction of the Council.
- To ensure that development does not create unreasonable demands for the provision or extension of public amenities or services.

The proposed subdivision is consistent with the overall objectives of the R2 Low Density Residential zone in that the proposal would provide additional opportunities for low density housing within the

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locality. It is considered that the proposed subdivision and future development of lots for residential purposes will have no adverse impact on the existing character of the locality and the streetscape or the natural environment as discussed further in this Report. Water supply and sewage disposal can be satisfactorily provided to the proposed subdivision. For these reasons, the proposed development is considered to be consistent with the relevant objectives of the R2 Low Density Residential zone.

Clause 2.6 Subdivision – consent requirements

This Clause permits subdivision of the land with development consent.

Clause 4.1AA Minimum subdivision lot size for community title schemes

The Lot Size Map in LEP 2012 provides a minimum allotment size of 450m² for the land to be subdivided. The resultant lots from the proposed subdivision are consistent with the minimum lot size requirements of the LEP as shown in the following table:

Stage 1		Stage 2	
Proposed Lot	Area (m ²)	Proposed Lot	Area (m ²)
1	Community Lot (access way & landscaping)	19	1011
2	847	20	947
3	872	21	1132
4	959	22	1382
5	578	23	1285
6	552	24	1083
7	950	25	1388
8	744		
9	648		
10	695		
11	1231		
12	809		
13	809		
14	809		
15	809		
16	809		
17	1352		
18 (Subdivided in Stage 2)	8712		

Clause 4.1D Exceptions to minimum subdivision lot size for certain land

- (1) *Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land that is identified as “Area A” and edged heavy blue on the Lot Size Map if:*
- (a) *arrangements satisfactory to the consent authority have not been made before the application is determined to ensure that each lot created by the subdivision will be serviced by a reticulated sewerage system from the date it is created, and*

- (b) *the area of any lot created by the subdivision that contains or is to contain a dwelling house is less than 4,000 square metres.*

The land is located within "Area A" edged heavy blue on the Lot Size Map. It is proposed that the constructed sewage treatment plant located on 21 Vincents Road will be licensed under the Water Industry Competition Act, 2006 and that sewage from the development of the proposed lots will be reticulated to this system. An application for this license is currently being considered by IPART. A condition has been included in the recommendation to this Report ensuring that the developer obtains a licence under the WIC Act 2006 to service the proposed lots prior to the issue of any construction certificate and the carrying out of the subdivision

Clause 6.1 Acid sulfate soils

The subject land is within Class 5 as shown on the Acid Sulfate Soils Map. The subject land is not within 500m of land within another Class, and therefore there are no further requirements in respect to acid sulfate soil management for the proposed development.

Clause 6.4 Terrestrial biodiversity

The land is identified as containing 'Significant vegetation' and 'Connectivity between significant vegetation' on the Terrestrial Biodiversity Map. The land contains a number of scattered trees, both native and exotic species. The land is managed pasture land with exotic grass species and therefore the trees do not form a vegetation community of biodiversity significance. The proposed subdivision requires the removal of approximately 6 trees, and the proposed development is considered to be consistent with this Clause. It is anticipated that trees may be removed with the future development of the lots for the construction of dwellings. Consideration of the siting of future dwelling houses and the removal of trees will be undertaken at the time of assessment of the development applications for those dwellings.

Clause 6.7 Essential services

Water and sewerage services are capable of being provided. The sewer servicing has been explained above. Written evidence from Sydney Water has been obtained by the applicant that, subject to the specified Sydney Water conditions, potable water can be supplied to the proposed development and a Section 73 Certificate will be issued certifying same from Sydney Water. In this regard the proposed development is not expected to have unreasonable impacts on the provision or extension of public amenities or services. Written evidence has been provided that satisfactory arrangements for the provision of electricity are in place. This will also be ensured through conditions of consent.

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

There are no draft environmental planning instruments that directly relate to the land or the specified development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 2 - General Information

The application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

The application was notified in accordance with HDCP 2002. Sixteen (16) submissions were received as a result of the notification of the development and the issues raised are discussed under the submissions section of this report.

Part C Chapter 1 - Landscaping

The application does not propose the removal of vegetation, apart from the 6 trees for the construction of the road, as a result of the subdivision. Future dwelling houses can be sited so as to minimise the removal of mature trees. It is noted that a landscaping strip along the Old Bells Line of Road frontage has been proposed in order to provide a buffer between the residential lots and the street. However, it is considered that a landscape buffer area also be provided along Vincents Road to mitigate the visual impacts of the subdivision and future residential development in terms of streetscape appearance and amenity of the locality.

A landscape plan for the landscaping buffer areas will be required prior to the issue of any construction certificate. It is considered that the proposal is consistent with the overall aims and objectives of this chapter.

Part C Chapter 2 – Car parking and Access

It is considered that the accessways proposed to service the lots in stage 1 and 2 provide sufficient space for vehicles to enter and exit the lots in a forward direction.

Part C Chapter 4 - Erosion and Sediment

Erosion and sediment control would be enforced via conditions of consent.

Part C Chapter 6 – Energy efficiency

The proposed lots are of a size that is greater than the minimum allotment size of 450m². It is considered that the size of the lots would provide better opportunity for the erection of a dwelling with suitable solar access to windows and private open space.

Part C Chapter 7 – Effluent disposal

Sewage generated from development of the proposed lots will be reticulated to a treatment disposal facility located on Lot 1 in DP 270827, No. 21 Vincents Road Kurrajong. The installation of this system has been approved by Council for use by the Seniors Living development located on this land.

The developer will be required to obtain a licence under the Water Industry Competition Act 2006 to operate the sewerage management plant. In this regard an application would be required to be submitted to and approved by IPART. The applicant has advised that this licence has been lodged and is close to being finalised and issued. IPART, as part of their licensing, assess the environmental impacts of sewerage disposal to the system, and the sustainability and economic viability of the system in perpetuity.

Once a licence has been granted for the sewerage treatment plant the developer would be able to connect each new lot to a reticulated sewer system.

Part D Chapter 1 - Residential Development

Each lot proposed provides sufficient space and dimensions to enable the residential development of the land that is consistent with the rules of this chapter. It is considered that the development of the lots would be consistent with the surrounding residential development of the area which consists of a variety of housing styles.

Part D Chapter 2 - Subdivision

The proposal is consistent with the rules in respect to flora and fauna and visual amenity. It is proposed that the majority of the existing mature vegetation on the site will be retained and the applicant has been able to demonstrate that each of the lots will be able to accommodate a suitable building envelope based on the sloping nature of the land.

The proposal is not within the vicinity of any heritage items and the application has demonstrated that suitable services can be provided to the proposed lots.

In accordance with the landslip rules of this plan a geotechnical assessment report has been submitted demonstrating that the slope of the land is suitable for the erection of dwelling houses. The report identifies that the geological makeup of the site has a low to medium risk of experiencing instability. As is usual for subdivisions of this type, additional, detailed geotechnical advice will be required in relation to the design and construction of dwellings on each lot and this will be considered as part of the applications for those dwellings.

Access is considered to be generally in accordance with the residential local street design requirements.

Stormwater from the site will be discharged via a proposed new accessway to Old Bells Line of Road, Vincents Road and Robertson Street. Councils Subdivision Engineer has reviewed the concept stormwater plan and recommended that the inter allotment drainage be separated from the road drainage in order to minimise any possible impacts from stormwater runoff.

The proposal is consistent with the lot size, shape, solar access and orientation rules of this chapter. The proposed lots would provide suitable space for the construction of a dwelling based on the topography of the land.

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

There has been no planning agreement or draft planning agreement entered into under Section 93F of the environmental Planning and Assessment Act, 1979.

v. Matters prescribed by the Regulations:

The Environmental Planning and Assessment Regulation 2000 requires that the proposal be levied against Councils Section 94A Development Contributions Plan. In this respect Hawkesbury City Councils Section 94A Development Contributions Plan 2006 would require a 1% levy to be paid for the development based on an estimated development cost of \$750,000. A condition of consent ensuring that the proposal be levied against Councils development contributions plan has been recommended in this regard.

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

An assessment into the relevant matters relating to the proposal has been undertaken below.

Context

The surrounding locality is used for a combination of residential and rural residential purposes. Whilst the character of the existing lot would change, the property is zoned for low density housing and the applicant has been able to demonstrate that the lots could be developed in accordance with Councils requirements for residential development. The proposed lot sizes are generally consistent with existing residentially zoned properties in the vicinity. Further, the proposed lots and future development of them for residential uses is considered to be compatible with the existing residential character of adjoining residential areas. It is considered that the proposal would not result in any adverse visual impacts that would be otherwise expected with the general residential development of the land subject to the following:

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- Buffer plantings and fencing controls being established along the Vincent Road frontage;
- A requirement that the future dwellings to be located on Lots 2 and 7 are to be orientated towards Old Bells Line of Road so as to provide a street presentation to this Road. Vehicular access being obtained to and from these lots via the new public road.
- Any fencing along Vincents Road and Old Bells Line of Road is to be decorative and constructed of masonry and timber.

Flora and Fauna

As previously detailed in this report the application does not propose the removal of any significant vegetation as a result of the proposed subdivision. It is unlikely that the future development of the lots would have a significant adverse impact on threatened species, populations, endangered ecological communities, or their habitats.

Waste

Sufficient information has been provided in respect to the provision of sewer services to demonstrate that the developer could obtain a licence under the Water Industry Competition Act 2006 to operate the sewerage management plant. Appropriate conditions having regard to this aspect of the development have been included in the Recommendation to this Report.

Traffic

As discussed under the HDCP assessment section of this report, the access proposed to service the lots is suitable. It is unlikely that the proposed lots would have an adverse impact on the traffic of the locality as the access to service the proposed lots would not generate queuing along Old Bells Line of Road, Vincents Road or Robertson Street.

While it is acknowledged that the development of the lots would generate increased traffic along local roads as a result of the construction of future dwellings this impact would be a minor, short term disturbance to local traffic. Once the lots have been developed the traffic generated by the proposal is not likely to adversely impact local residential traffic movements.

Natural Hazards

The land is subject to bushfire and the applicant has been able to demonstrate that the lots could be developed in conjunction with the NSW Rural Fire Service guidelines.

The application is supported by a geotechnical assessment report which details that the steeper parts of the site would have a medium risk of experiencing instability. The report suggests that cut and fill on the steeper slopes be restricted to a maximum depth of 2m and that the lots be developed in accordance with the recommendations made in this Geotechnical Report. Conditions consistent with the above recommendations have been included as part of the recommended conditions of consent.

Water

A drainage concept plan has been prepared and submitted with the application, and is considered satisfactory in demonstrating that the proposed subdivision can be suitably drained.

A copy of the Notice of Requirements for the issue of a Section 73 Certificate from Sydney Water for the supply of potable water has been provided by the applicant. These requirements must be met by the applicant prior to final certification (via the issue of a Section 73 Certificate) by Sydney Water. A consent condition is included in the recommendation that the Section 73 Certificate be obtained prior to the release of the Subdivision Certificate from Council.

The requirements indicate that a private main is to be connected to the Sydney Water mains and the proposed allotments will connect to that private main. In this regard there is no requirement for the installation of tanks or any mention of flow restrictions for the development. However, the Notice does not detail the water requirements for fire fighting. In light of this a consent condition is proposed that, if required, any water tanks required for the development must be located underground in common areas of the Community Title subdivision and that the maintenance of those tanks is the responsibility of the Owners Corporation. Details of this would be required with the application for a construction certificate.

Economic Impact on the Locality

It is considered that the proposed development would have a positive impact on the economy of the locality. The proposal would result in an increase of residential development within close proximity to Kurrajong Village and provide the opportunity of additional residential lots within the Kurrajong area.

Cumulative Impacts

It is unlikely that there would be any adverse cumulative impacts associated with supporting the proposed subdivision as the application has demonstrated that the proposed lots would be able to be appropriately developed in accordance with Council's Local Environmental Plan and Development Control Plan.

c. Suitability of the site for the development:

The area is characterised by predominantly residential land uses and it is considered that the size and shape of the proposed allotments can support future dwellings compatible with the existing character of the locality. The design of the development will ensure that no unreasonable impacts on the amenity of the adjoining properties and the natural environment will result from the future development of the lots.

Adequate access is available to the site and the proposed use will not generate unmanageable traffic demand for the existing road network. Utilities such as sewer, water, electricity and telephone are available to the site.

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

The bushfire and land slip affectation of the land is not considered to be prohibitive to the subdivision or future development of the lots.

For these reasons, it is considered that the subject land is suitable for the proposal.

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

NSW Rural Fire Service

The application was referred to the NSW Rural Fire Service as the development requires approval under section 100B of the 'Rural Fires Act 1997'.

On 29 August 2014, the NSW Rural Fire Service issued their General Terms of Approval subject to conditions. The conditions attached to the General Terms of Approval have been included in the Recommendation to this Report.

Sydney Water

The Application was referred to Sydney Water for comment. In their response of 15 August 2014, Sydney Water advised that the developer is to obtain a Section 73 Certificate under the Sydney Water Act 1994. Details of their response to the applicant have been addressed previously in this report. Appropriate conditions have been included in this regard.

Public Submissions

The application was publicly notified from 24 July 2014 to 8 September 2014. Sixteen submissions were received in response to the notification of the proposal. Three of those submissions were in support of the proposal and thirteen, including one petition containing ten signatures, objected to the application. The submissions were referred to the applicant for comment and their response, and a copy of all the submissions, have been distributed to Councillors under separate cover. The submissions objecting to the proposal raised the following matters:

Traffic

- Increase in vehicles along Robertson Road and in the village
- Road safety on Old Bells Line of Road
- Increased traffic through North Richmond

Comment: As previously discussed in the report the traffic impacts associated with the construction/development of the lots would be short term only. Once the lots have been developed the traffic generated by the proposal is considered to be low. It is unlikely that the traffic of the surrounding residential locality or village would be significantly impacted as a result of the proposal. It is considered that the development would not significantly impact the existing traffic congestion which exists through North Richmond. Furthermore it is noted that this area has been zoned for residential development for in excess of 25 years (only delayed due to sewer servicing) and access to the lots is generally in accordance with Councils DCP requirements for road construction.

Site constraints

- Slope of the lots is not acceptable
- Stormwater runoff
- Water supply
- Garbage Collection
- Sewerage disposal

Comment: Sufficient information has been submitted with the application, as discussed previously in this report, in order to determine that the issues raised above could be appropriately managed without having an unreasonable impact on the surrounding locality. It should be noted that there are a number of conditions recommended in the consent to ensure more specific details be provided during the course of the subdivision both prior to the issue of any construction certificate and prior to the issue of any subdivision certificate.

It is further reiterated that the licensing of the sewerage system and provision of the water supply system to the development is under the authority of external agencies. However, the certification of the development by those Authorities will be required by Council to ensure that there are satisfactory arrangements for the servicing of the site.

Amenity of the locality

- Negative impact on the character and streetscape
- Visual impact on the locality
- Site is highly visible from the road and adjoining properties
- Tree removal

Comment: As discussed in the report above it is recognised that the development of the lots would be significantly different from what currently exists on the site, however the proposal is consistent with the overall objectives of the zone and Council's requirements for residential development. Whilst the proposal would be visible from the road and adjoining properties the lots would eventually form part of the overall residential context of the locality with the construction of new dwellings and the establishment of landscaping. It is considered that the visual appearance of the development would not result in any adverse impacts other than what would be expected with the typical residential development of the land subject to the conditions contained within the Recommendation to this Report.

Application has not provided appropriate information

- Owners consent and address not provided
- A site analysis plan not provided
- Geotechnical report not current
- Easements for reticulation of sewer and water not shown
- Does not identify all properties
- No certifying authority appointed
- Application has not stated the legal relationship the site has to the property across the road which would support the effluent disposal system.

Comment: Owners consent has been provided for all land involved in this development. As detailed previously in this report

- The site information submitted with the application is suitable for assessment;
- The geotechnical report is sufficient for the assessment of the subdivision as additional details will be required as part of the design of foundations for individual dwellings as part of those applications;
- Easements will be required to be shown and created on the subdivision plan as part of the issue of the subdivision certificate;
- All properties applicable to the application have been identified;
- A certifying authority is not required to be identified with the development application;
- The legal relationship with the sewer facility will be addressed via the issue of the Water Industry Competition Act licence by IPART. A condition requiring this is proposed as part of the recommendation.

It is considered that adequate information has been provided with the application to determine the likely impacts of the proposal on the built and natural environment.

The submissions received in favour of the development supported the creation of new residential lots within the locality as they would provide additional opportunities for housing within Kurrajong and increase the economic activity of the area.

e. The Public Interest:

Support of the subdivision is consistent with the public interest as the proposal would encourage the use of the land for residential purposes. It is considered that the matters raised as a result of the neighbour notification process have been adequately addressed as part of the assessment of this proposal and do not warrant refusal of the application.

Conclusion:

The proposed development is consistent with the relevant provisions of Hawkesbury Local Environmental Plan 2012, Sydney Regional Environmental Plan No. 20, State Environmental Planning Policies No. 44 and 55, and Hawkesbury Development Control Plan.

It is considered that the proposal will have no significant adverse impact on the locality, subject to the implementation of conditions outlined in the recommendation section of this report.

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:

It is recommended that development application DA0466/14 at Lot 2 DP 6655, 33 Old Bells Line of Road, Kurrajong and Lot 1 DP 270827, No. 21 Vincents Road, Kurrajong for Residential Subdivision – 23 lots in two stages be approved subject to the following conditions:

New South Wales Rural Fire Service Conditions**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. The proposed private access ways shall comply with the following conditions:
 - a) Access to a development comprising more than three dwellings shall comply with the width specification of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
 - b) Road(s) shall be two wheel drive, all weather roads.
 - c) All roads should be through roads. Dead end roads are not recommended, but if unavoidable, dead end roads are not more than 200 metres in length, incorporate a 12 metre outer radius turning circle, are clearly signposted as dead end and direct traffic away from the hazard.

Hawkesbury City Council General Conditions

5. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
6. Should there be a requirement for the construction of water balance tanks to meet the requirements for obtaining a Section 73 Certificate from Sydney Water, or to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006', those tanks are to be constructed underground in an area of common property and not on private or public land. The maintenance of those tanks is to be the responsibility of the applicant/owners corporation in perpetuity.

Design and construction details of these tanks, if required, are to be submitted with the application for a construction certificate to the Principle Certifying Authority.

7. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
8. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
9. Vegetation, apart from that shown on the stamped approved plan, shall not be removed from the site without Council approval.

Stage 1 Subdivision

Prior to Issue of Construction Certificate

10. Prior to the issue of any construction certificate or the commencement of any works documentary evidence shall be provided to the Principal Certifying Authority confirming that all the proposed allotments will be connected to a reticulated sewer system which has been licensed under the Water Industry Competition Act 2006.
11. 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) 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.
12. Construction of the road, access and drainage, are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.

All civil construction works required by this consent shall be designed in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
13. Prior to the Issue of the Construction Certificate, the proponent of the development is to enter into an agreement with Hawkesbury City Council ensuring that the proponent is and remains responsible for the upkeep of their infrastructure within Council's road and liable for any rectification works required as a result of the installation of such infrastructure in perpetuity.
14. Prior to the Issue of the Construction Certificate a landscape plan suitable for construction shall be submitted to and approved by the Director City Planning or an Accredited Certifier in relation to the landscape buffer areas. Landscaping shall include a mixture of trees, shrubs and groundcovers and shall retain existing trees within this area.

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The landscape plan is to make provision for the inclusion of proposed fencing designs and landscape buffers along Old Bells Line of Road as shown on the approved plan and along the Vincents Road boundary to a minimum width of two (2) metres. The plan is also to make provision for the maintenance of those landscape buffers and fencing in that the applicant and/or owner's corporation will be responsible for the maintenance of this landscaping and fencing at no cost to Council.

15. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council.
16. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$7,500 shall be paid to Hawkesbury City Council.

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

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

17. Under the provision of the Roads Act all works within the existing road reserve are to be approved and inspected by Hawkesbury City Council. Fees apply and will be provided on request.
18. Development Consent DA0181/12 shall be surrendered in accordance with Clause 97 of the Environmental Planning and Assessment Regulations 2000 prior to the issue of any construction certificate.

Prior to commencement of works

19. 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.
20. 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.
21. A 'Road Opening Permit' shall be obtained from Hawkesbury City Council Asset and Maintenance Section prior to the commencement of works within the Vincents Road. Fees apply.
22. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any construction waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
23. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
24. 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.
25. 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).

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- d) The name and contact number of the Principal Certifying Authority.
- 26. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

During Construction

- 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.
- 28. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
- 29. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- 30. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 31. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 32. Inspections and Compliance Certificates for sewer works can only be conducted and issued by a public authority or any person licensed under the Water Industry Competition Act 2006.
- 33. Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.
- 34. The topsoil shall be stripped and stockpiled and used to cover the earthworks.
- 35. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stone flagging or terracing shall be constructed.
- 36. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
- 37. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 38. 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.

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39. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
40. Street lighting in accordance with the current relevant Australian Standard is to be installed in the new public road.
41. Landscaping shall be completed in accordance with the approved landscape plan.

Prior to Issue of Subdivision Certificate

42. 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.
43. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
44. Written clearance from an Electricity Provider shall be submitted to the Principal Certifying Authority.
45. Written confirmation from an authorised sewer authority that reticulated sewerage is available to all lots within the subdivision (with the exception of the community lot).
46. A works as executed plan shall be submitted to Council on completion of works.
47. All new roads, including pathways and drainage, shall be dedicated to Council.
48. A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling.
49. A plan, plus four copies, of subdivision prepared to the requirements of the Land and Property Information that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
50. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
 - a) Any dwellings to be located on Lots 2 and 7 are to be orientated towards Old Bells Line of Road so as to provide a street presentation to this Road.
 - b) Vehicular access to and from Lots 2 and 7 are to be via the new public road.
 - c) Any fencing along Vincents Road and Old Bells Line of Road is to be decorative and constructed of masonry and timber and consistent with the approved landscaping plan.

Stage 2

Prior to Issue of a Construction Certificate

51. Prior to the issue of any construction certificate for stage two documentary evidence is to be submitted to the Principal Certifying Authority confirming registration of the subdivision plan with Land and Property Information that creates lot 18 on the stamped plans.
52. Documentary evidence shall be provided to the Principal Certifying Authority confirming that all the lots would be connected to a reticulated sewer system which has been licensed under the Water Industry Competition Act 2006.
53. Documentary evidence shall be provided to the Principal Certifying Authority confirming that the turning area at the end of Robertson Street complies with the requirements of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

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54. 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) 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.

55. Construction of the road, access and drainage, are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.

All civil construction works required by this consent shall be designed in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

56. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council.

Prior to commencement of works

57. 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.
58. 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.
59. A waste management plan shall be submitted to and approved by Hawkesbury City Council. The plan shall address any construction waste. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
60. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
61. 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.
62. 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.
63. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

During Construction

64. 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.

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65. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
66. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
67. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
68. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
69. Inspections and Compliance Certificates for sewer works can only be conducted and issued by a public authority or any person licensed under the Water Industry Competition Act 2006.
70. Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.
71. The topsoil shall be stripped and stockpiled and used to cover the earthworks.
72. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stone flagging or terracing shall be constructed.
73. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
74. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
75. 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.
76. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.

Prior to Issue of Subdivision Certificate

77. 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.
78. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation for water supply.
79. Written clearance from an Electricity Provider shall be submitted to the Principal Certifying Authority.

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80. Written confirmation from an authorised sewer authority that reticulated sewerage is available to all lots within the subdivision (with the exception of the community lot).
81. A works as executed plan shall be submitted to Council on completion of works.
82. All new roads, including pathways and drainage, shall be dedicated to Council.
83. A plan, plus four copies, of subdivision prepared to the requirements of the Land and Property Information that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
84. A Management Statement complying with Schedule III of the Community Land Development Act, 1989 shall be lodged with and approved by Council. This statement is to include a provision that Lot 1 is not to be used for the purpose of erecting a dwelling.
85. A plan, plus four copies, of subdivision prepared to the requirements of the Land Titles Office that also provides for any necessary easements for drainage and sewer shall be submitted to Council.
86. Creation of a restriction on use of land, pursuant to Section 88B of the Conveyancing Act stating that any fencing along Vincents Road and Old Bells Line of Road is to be decorative and constructed of masonry and timber and consistent with the approved landscaping plan.
87. The nature strip adjacent to the turning area at the end of Robertson Street to be dedicated as public road is to have a nature strip width of 3.5m.

Advisory Notes

*** 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

*** The applicant is advised to consult with the relevant:

- water and sewer provider
- electricity provider
- natural gas provider
- telecommunications carrier
- road authority

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.

*** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

*** The applicant 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.

*** As a consequence of the development the proposed road would be required to be formally named. For details with regards to the naming of the laneway it is advised that you contact Councils Infrastructure Services Department for further information.

ORDINARY MEETING

Meeting Date: 14 October 2014

ATTACHMENTS:

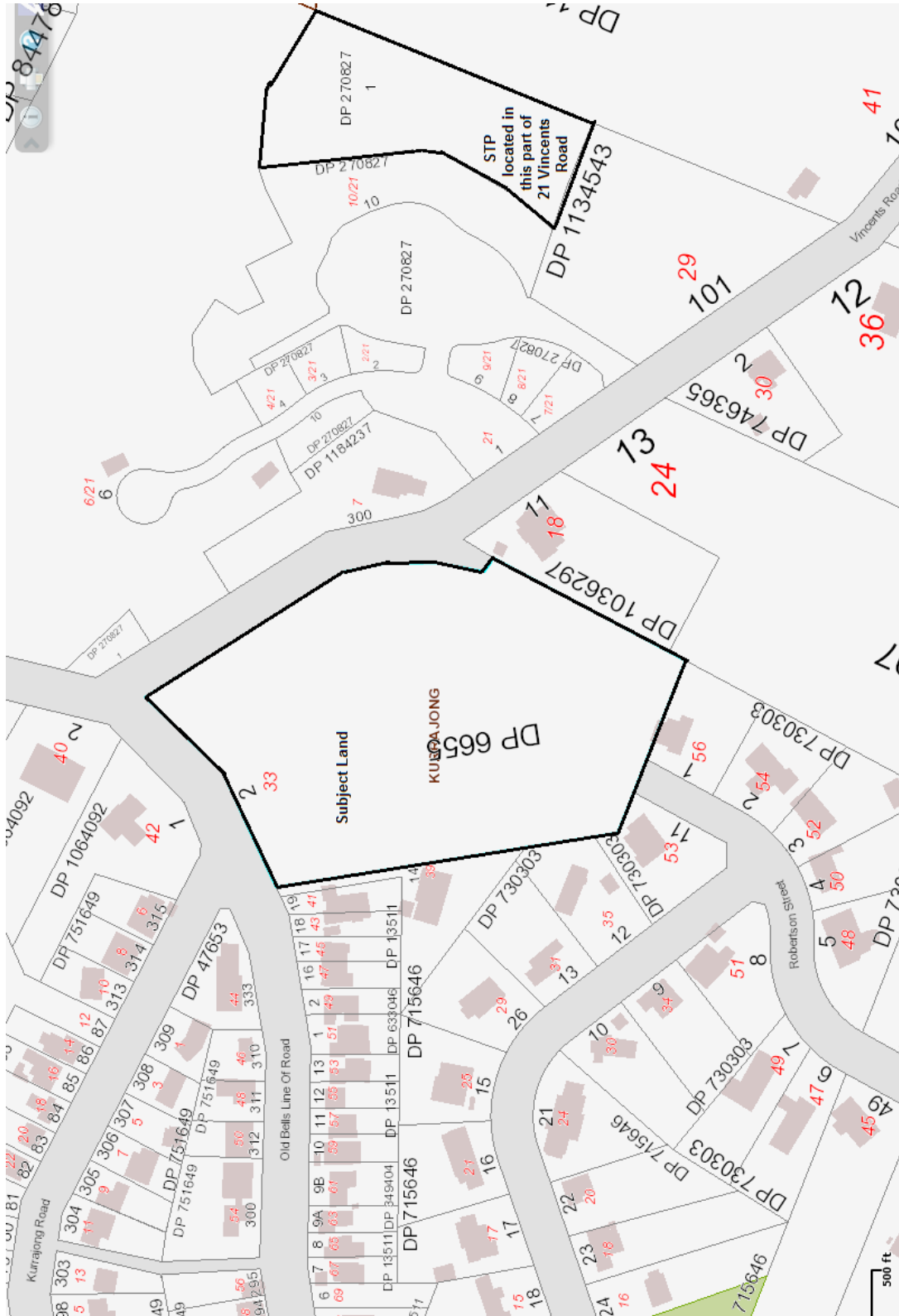
AT - 1 Locality Plan and Aerial Photograph

AT - 2 Subdivision Plan – Stage 1

AT - 3 Subdivision Plan – Stage 2

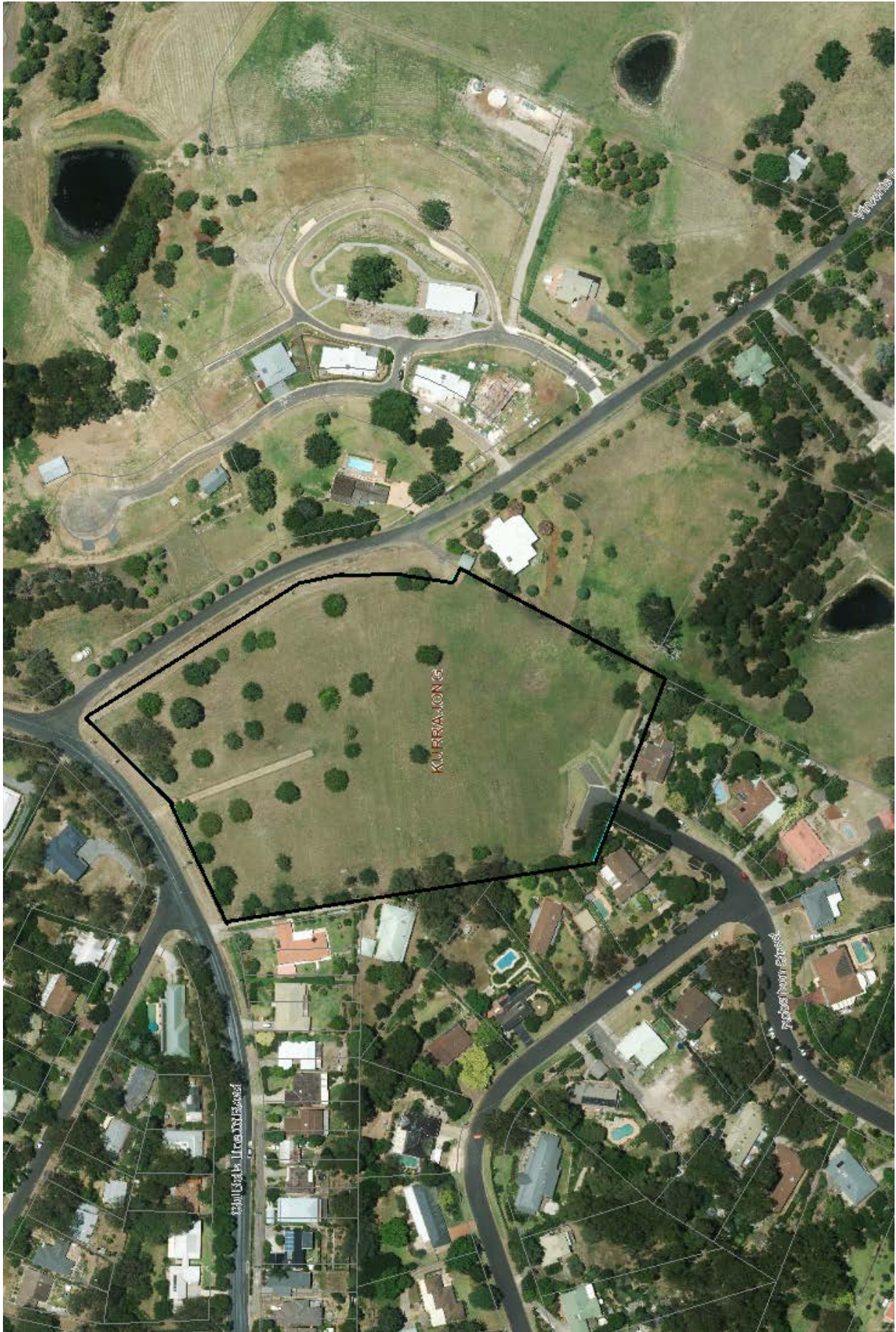
Meeting Date: 14 October 2014

Lot 1 DP 270827, No. 21 Vincents Road Kurrajong



ORDINARY MEETING

Meeting Date: 14 October 2014



Meeting Date: 14 October 2014

[illegible]

INFRASTRUCTURE SERVICES

Item: 197 **IS - Road Naming Proposal Redbank Development North Richmond - (95495, 79346)**

REPORT:

Executive Summary

The future subdivision at North Richmond known as Redbank consisting of Lot 74 DP 1187236, will involve the creation of a number of new public roads.

An application has been received from the developer of the site requesting that the first stage of road naming be commenced for these future roads. The first stage is to seek public consultation. The developer has supplied a list of names for the Redbank development and the names have been based around the theme of Heritage, Water Conservation, Farming, Flora and Fauna and the Vista of the site.

The report recommends that public consultation be sought on the list of supplied street names.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy.

It is proposed that Council undertake the following community engagement process in compliance with Council's Policy, New South Wales Roads Act 1993, New South Wales Roads Regulation 2008 and the New South Wales Road Naming Policy. The consultation required is for a period of 28 days and involves the following:

- Advertisement in Local Press
- Advertisement on Council's web page
- Correspondence addressed to various service organisations.

Background

The future subdivision at North Richmond known as Redbank consisting of Lot 74 DP 1187236, will involve the creation of a number of new public roads. Potentially 50 to 60 roads may require naming.

The developer of the site has submitted an application requesting that the first stage of road naming be commenced for the future roads. The developer has supplied a list of road names that have been themed around the development precincts. These precincts have been based around the theme of Heritage, Water Conservation, Farming, Flora and Fauna and the Vista of the site.

In order for the first stage of road naming to occur, which is to seek public consultation on the proposed names, Council staff have reviewed and vetted the submitted listing, provided by the developer, to ensure that all names provided meet the guidelines and principles as set out in the New South Wales Road Naming Policy. Where names have not met the guidelines and principles, other suggestions for alternative names have been provided by Council staff. Approximately 100 names are detailed in the list attached to this report.

The aim is to have an approved register of road names available for use which will assist in making the road naming process more efficient. It is envisaged that as a road is created the developer will be able to select a name contained within the list that has undergone the first stage of the Road Naming process. The list of names suggested is lengthier than that which would be required, in order to ensure that sufficient choice exists in the consultation process.

ORDINARY MEETING

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The list of attached names conform to the guidelines and principles of the New South Wales Road Naming Policy and it is recommended that public comment now be sought under the requirements of the Roads Act, 1993, for these names.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction Statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

The current fee of \$727.25 per street as listed in Council's Operational Plan will be applied for each road created, which covers Council's administration and advertising costs.

RECOMMENDATION:

That:

1. In accordance with the requirements of the Roads Act, 1993, the list of road names attached as Attachment 1 to the report, be publically advertised for a period of 28 days, seeking comment and submissions.
2. The matter be reported back to Council following the public exhibition process, with a view to adopting an approved listing of street names for future use.

ATTACHMENTS:

AT - 1 List of Proposed Names

AT - 2 Redbank Master Plan

ORDINARY MEETING

Meeting Date: 14 October 2014

AT 1 – List of Proposed Names

PRECINCT: Yobarnie Rise - Themed around the early settlement pioneers.	
Name	Explanation
Nagle	Note correct spelling is NAGLE not Nagal. Jacob Nagle (1761–1841) was a sailor that arrived on the First Fleet and travelled with Governor Phillip's party which explored the Hawkesbury River. His biography is located at http://adb.anu.edu.au/biography/nagle-jacob-13125
Jamison	Thomas Jamison (c.1753-1811) He was appointed surgeon's mate of the Sirius, and arrived on the First Fleet in 1788. His biography is located at http://adb.anu.edu.au/biography/jamison-thomas-2269
Tench	Watkin Tench (1758?-1833), officer of marines and explorer. He was a captain-lieutenant of the marine detachment and arrived with the First Fleet in 1788. He is renowned for discovering the Nepean River and tracing it to the Hawkesbury. His biography is located at http://adb.anu.edu.au/biography/tench-watkin-2719
Southwell	Daniel Southwell (1764?-1797), naval officer and diarist, arrived on the First Fleet in 1788. His biography is located at http://adb.anu.edu.au/biography/southwell-daniel-2682
Collins	David Collins (1756-1810), deputy judge advocate and lieutenant-governor and arrived on the First Fleet in 1788. Collins published a lengthy 2 volumed description of the colony called "Account of the English Colony in NSW" His biography is located at http://adb.anu.edu.au/biography/collins-david-1912
Hoddle	Robert Hoddle (1794-1881), surveyor, arrived in NSW in 1823. He was appointed Sir Thomas Brisbane (Governor of NSW) as assistant surveyor under the surveyor-general, John Oxley. He surveyed Bell's line of road over the Blue Mountains in 1823. More info http://adb.anu.edu.au/biography/hoddle-robert-2190
Stapylton	Granville William Chetwynd Stapylton, (1800–1840) surveyor and explorer. Appointed assistant surveyor in New South Wales in 1828. More details http://adb.anu.edu.au/biography/stapylton-granville-william-chetwynd-2693
Felton	Felton Mathew, born in England, arrived in New South Wales in 1829 to take up a position as Assistant Surveyor of Roads and Bridges. He resided in Windsor but spent most of his time attending to his field work. He kept a series of diaries.
PRECINCT: Southern Heights - A theme of the bird life that can be found on the site.	
Name	Explanation
Kookaburra	Birdlife that has been found on the site.
Lorikeet	Birdlife that has been found on the site.
Rosella	Birdlife that has been found on the site.
Pelican	Birdlife that has been found on the site.
Pardalote	Birdlife that has been found on the site.
Cormorant	Birdlife that has been found on the site.
PRECINCT: The Promenade - A theme of the flora & fauna that can be found on the site.	
Name	Explanation
Bursaria	<i>Bursaris spinosa</i> (Blackthorn) a shrub layer located on site. Refer to page 84 of the Conservation Management Plan for the site.
Myrtle	<i>Backhousia myrtifolia</i> . Refer to page 84 of the Conservation Management Plan for the site.
Native	As in flora and fauna that is native to the area.
Peppermint	Open Forest Native - Narrow leaved Peppermint (<i>Eucalyptus radiata</i>)

ORDINARY MEETING

Meeting Date: 14 October 2014

PRECINCT: The Promenade - A theme of the flora & fauna that can be found on the site.	
Name	Explanation
Braken	<i>Pteridium esculentum</i> a fern found on site. Refer to page 84 of the Conservation Management Plan for the site.
Mallows	Mallows (<i>Modiola caroliniana</i> , <i>Malva parviflora</i>) a pasture grass found on site. Refer to page 5 of the Conservation Management Plan for the site.
PRECINCT: Mountain View - A theme of mountains as the views are orientated towards the foothills of the Blue Mountains.	
Name	Explanation
Summit	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
Peak	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
Plateau	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
Highland	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
Elevation	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
Mantle	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
Gorge	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
Altitude	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
Range	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
Pinnacle	As per the precinct theme of mountains as the views are orientated towards the foothills of the Blue Mountains.
PRECINCT: Central Park - A theme around the open space corridor and dam system which these blocks are orientated towards.	
Name	Explanation
Cascade	As per the precinct theme around the open space corridor and dam system which these blocks are orientated towards.
Terrain	As per the precinct theme around the open space corridor and dam system which these blocks are orientated towards.
Fairway	As per the precinct theme around the open space corridor and dam system which these blocks are orientated towards.
Basin	As per the precinct theme around the open space corridor and dam system which these blocks are orientated towards.
Sprinkler	As per the precinct theme around the open space corridor and dam system which these blocks are orientated towards.
Reservoir	As per the precinct theme around the open space corridor and dam system which these blocks are orientated towards.

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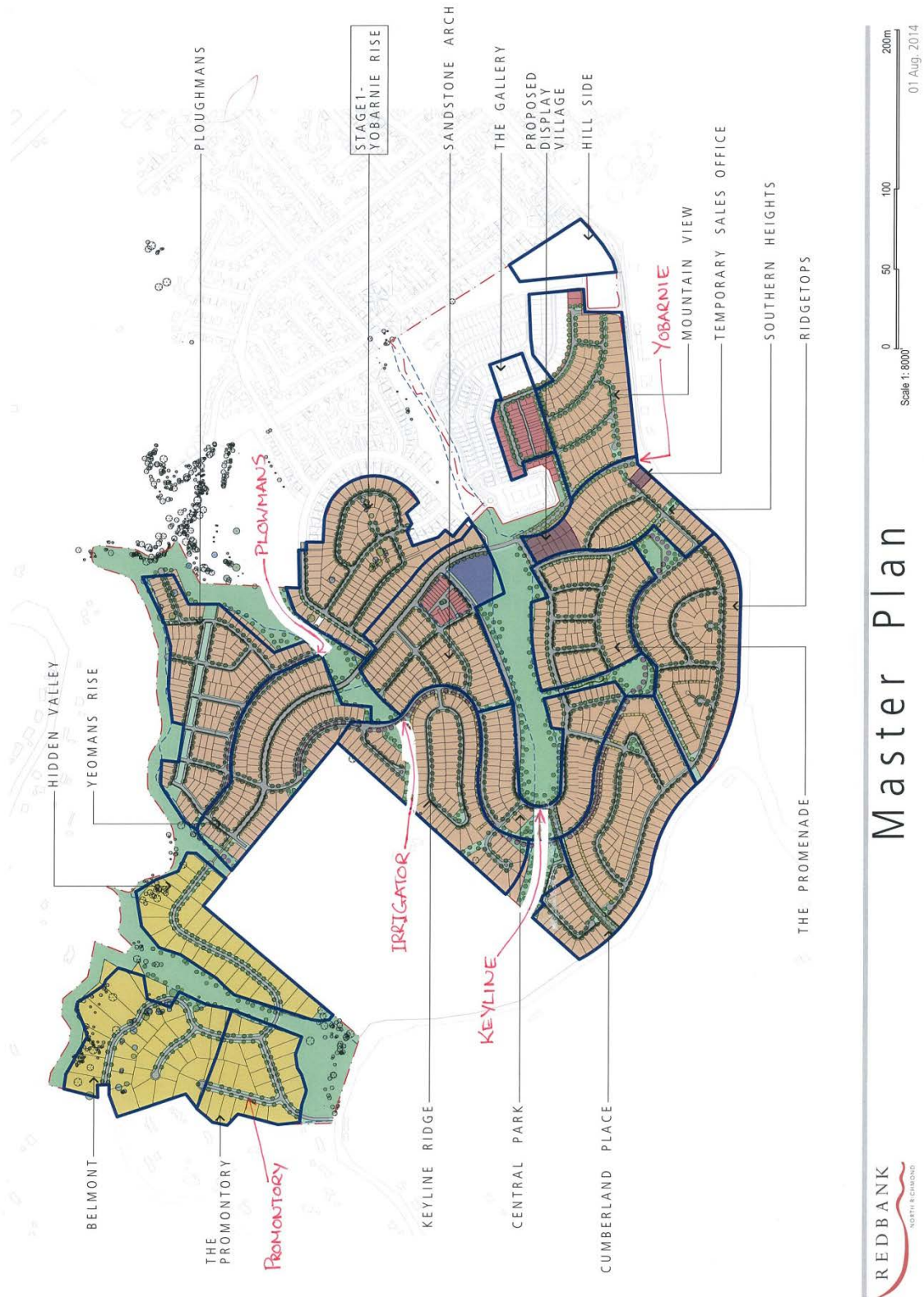
Meeting Date: 14 October 2014

PRECINCT: Keyline Ridge - A theme around the Keyline water management system on the site.	
Name	Explanation
Contour	As per the precinct theme around Keyline water management system on site.
Swale	As per the precinct theme around Keyline water management system on site.
Gravity	As per the precinct theme around Keyline water management system on site.
Flow	As per the precinct theme around Keyline water management system on site.
PRECINCT: Yeomans Rise - A theme of farming.	
Name	Explanation
Harvest	As per the precinct theme of farming.
Pasture	As per the precinct theme of farming.
Grazier	As per the precinct theme of farming.
Dairy	As per the precinct theme of farming.
PRECINCT: Belmont/ Promontory/ Hidden Valley - A theme of exclusivity/special/views.	
Name	Explanation
Scenic	As per the precinct theme of exclusivity/special/views
Whisper	As per the precinct theme of exclusivity/special/views
Observation	As per the precinct theme of exclusivity/special/views
Serenity	As per the precinct theme of exclusivity/special/views
Majestic	As per the precinct theme of exclusivity/special/views
PRECINCT: Sandstone Arch - A theme around the central shopping precinct.	
Name	Explanation
Middle	As per the theme around the central shopping precinct.
Central	As per the theme around the central shopping precinct.
Village	As per the theme around the central shopping precinct.
Township	As per the theme around the central shopping precinct.
PRECINCT: Ploughmans - A theme that is quintessential to the immediate area.	
Name	Explanation
Pansy	The name of the train that used the old rail line from Richmond to Kurrajong.
Flannery	The Richmond to Kurrajong railway was open by the Hon. M. M. Flannery. Minister for Works and Railways
Platypus	Mammal found in Redbank Creek - As noted by HEN (Hawkesbury Environment Network)
Plains	Plains - from floodplains mentioned in the Conservation Management Plan refer to page 49.
Yabby	Yabbies are commonly found in creeks and dams etc. and most likely present in Redbank Creek.
Riparian	Riparian zones mentioned throughout the Conservation Management Plan.
Blady	Thomas Blady early land grants in the vicinity of the site according to the Parish Map of Kurrajong County Cook
Harrington	William Harrington early land grants in the vicinity of the site according to the Parish Map of Kurrajong County Cook
Dalton	John Dalton early land grants in the vicinity of the site according to the Parish Map of Kurrajong County Cook

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PRECINCT: Ridgetops - A theme around mountains.	
Name	Explanation
Climbers	As per the precinct theme of mountains.
Saddle	As per the precinct theme of mountains.
Bail	As per the precinct theme of mountains.
Belay	As per the precinct theme of mountains.
Ascend	As per the precinct theme of mountains.
Explorer	As per the precinct theme of mountains.
PRECINCT: Cumberland Place - A theme around Cumberland Forest found in the area.	
Name	Explanation
Indigo	As per the theme around Cumberland Forest bushland found in the area.
Botany	As per the theme around Cumberland Forest bushland found in the area.
Trunk	As per the theme around Cumberland Forest bushland found in the area.
Lumber	As per the theme around Cumberland Forest bushland found in the area.
Shrub	As per the theme around Cumberland Forest bushland found in the area.
Evergreen	As per the theme around Cumberland Forest bushland found in the area.
Names for the main streets that will traverse through a few of the precincts	
Name	Explanation
Yobarnie	The name of the property. Was a combination of names Yeomans and Barnes. Refer to page 27 of the Conservation Management Plan for the site.
Keyline	The name of the technique to improve agricultural lands based on the natural topography to increase productivity of soil and improve water supplies. The site has been State Heritage listed for the Keyline's. Refer to Conservation Management Plan for the site.
Irrigator	In keeping with the theme of Keyline farming
Promontory	A raised mass of land area overlooking the site.
Ploughmans	Ploughs were an important piece of equipment used for the cultivation of Keyline.

AT 2 – Redbank Master Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 October 2014

SUPPORT SERVICES

Item: 198 **SS - General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2014 - (96332, 95496)**

REPORT:

Executive Summary

Section 413(1) of the Local Government Act, 1993 (the Act) requires that *“a council must prepare financial reports for each year, and must refer them for audit as soon as practicable.”* The unaudited Annual Financial Statements for 2013/2014 have been completed and are ready for audit.

The purpose of this report is to refer the General Purpose Financial Statements and Special Purpose Financial Statements (Financial Statements) for the financial year 2013/2014, to audit.

Consultation

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

Background

Section 413(1) of the Act requires that *“a council must prepare financial reports for each year, and must refer them for audit as soon as practicable.”* Section 416(1) of the Act requires a council's financial reports for a year to be prepared and audited within four months after the end of the year concerned.

The attached unaudited Financial Statements for the year ended 30 June 2014 (Attachment 1) have been completed and are ready for audit.

Statements by Councillors and Management on Council's Financial Statements in the prescribed format must be signed to refer the Financial Statements to audit.

Clause 215(1) of the Local Government (General) Regulation 2005 (Regulation) determines the format of the Statement by Councillors and Management. The Statement must:

- a) Be made by resolution of Council; and
- b) Be signed by:
 - (i) the Mayor, and
 - (ii) at least one other member of the Council, and
 - (iii) the Responsible Accounting Officer, and
 - (iv) the General Manager

Clause 215(2) of the Regulation also requires that the Statement must indicate:

- a) Whether or not Council's annual financial reports have been drawn up in accordance with:
 - The Local Government Act, 1993 and the Regulation made there under
 - The Australian Accounting Standards and Professional Pronouncements
 - The Local Government Code of Accounting Practice and Financial Reporting
- b) Whether or not those reports present fairly the Council's financial position and operating result for the year;

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- c) Whether or not those reports are in accordance with the Council's accounting and other records; and
- d) Whether or not the signatories know of anything that would make those reports false or misleading in any way.

Council's Financial Statements have been prepared in accordance with the requirements detailed in Clause 215(2) (a) to (c) of the Regulation, as outlined above. Council's Chief Financial Officer, as the Responsible Accounting Officer, considers that these Financial Statements fairly present Council's financial position.

The Financial Statements are prepared by Council staff and comply with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting. The Statements are required to be audited by an independent auditor, and lodged with the Office of Local Government before 7 November 2014.

The Financial Statements for the year ended 30 June 2014 were presented to Council's Audit Committee meeting held on 8 October 2014.

The table below provides a summary of the key results. These figures are draft and are subject to audit adjustments.

Item	2013/2014	2012/2013
Income from continuing operations (including Capital Grants and Contributions)	\$83.0m	\$76.0m
Capital Grants and Contributions	\$18.4m	\$14.4m
Expenses from continuing operations	\$68.4m	\$64.7m
Net Operating result (before Capital Grants and Contributions)	(\$3.7m)	(\$3.1m)
Total Assets	\$882.2m	\$860.1m
Total Equity	\$855.6m	\$834.3m
Cash and Investments	\$43.2m	\$44.5m
Unrestricted Current ratio	3.95:1	4.59:1
Rates, Annual Charges, Interest and Extra Charges Outstanding Ratio	5.82%	6.40%

A copy of the audited Financial Statements for the year ended 30 June 2014 will be submitted for adoption at the Council Meeting on 11 November 2014. A detailed explanation on these key results will be included in the Financial Statements presented at that meeting. At that meeting, a presentation relating to the Financial Statements will be given by Council's External Auditors, PricewaterhouseCoopers.

This report recommends that Council refer the unaudited Financial Statements for audit, by completing the attached Statements by Councillors and Management (Attachment 2).

Conformance to the Hawkesbury Community Strategic Plan

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

- have transparent, accountable and respected leadership and an engaged community

Funding

There are no financial implications applicable to this report.

ORDINARY MEETING

Meeting Date: 14 October 2014

RECOMMENDATION:

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
 - a) Council's Annual Financial Statements for 2013/2014 have been drawn up in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulation made there under;
 - The Australian Accounting Standards and Professional Pronouncements; and
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - b) The Statements present fairly the Council's financial position and operating result for the year.
 - c) The Statements are in accordance with the Council's accounting and other records.
 - d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the "Statements by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its External Auditors, PricewaterhouseCoopers, at a Council Meeting following the completion of the audit.

ATTACHMENTS:

- AT - 1** General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2014 (*distributed under separate cover*).
- AT – 2** Statements by Councillors and Management on the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2014.

ORDINARY MEETING

Meeting Date: 14 October 2014

Attachment 2: Statements by the Councillors and Management on the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2014.

Hawkesbury City Council

General Purpose Financial Statements
for the financial year ended 30 June 2014

Statement by Councillors and Management
made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulation made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Financial Statements:

- present fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render the Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 14 October 2014.

Councillor Kim Ford, Mayor

Councillor Bob Porter, Deputy Mayor

Peter Jackson, General Manager

Emma Galea, Responsible Accounting Officer

ORDINARY MEETING

Meeting Date: 14 October 2014

Hawkesbury City Council

Special Purpose Financial Statements

for the financial year ended 30 June 2014

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*.
- The Division of Local Government guidelines *"Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality"*.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines – *"Best Practice Management of Water and Sewerage"*.

To the best of our knowledge and belief, these Financial Statements:

- Present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 14 October 2014.

Councillor Kim Ford, Mayor

Councillor Bob Porter, Deputy Mayor

Peter Jackson, General Manager

Emma Galea, Responsible Accounting Officer

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 October 2014

Item: 199 SS - Access to Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)

REPORT:

Executive Summary

At its meeting of 9 September 2014, Council resolved for a report to come back to Council regarding the Pecuniary Interests Returns being made available on Council's website.

This report outlines details in regard to the lodgement of Pecuniary Interest Returns by Councillors and Designated Persons and access to these Returns, including whether the Returns should be made available on Council's website.

Consultation

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

Background

Council at its meeting held on 9 September 2014, resolved, in part, as follows:

"That:

- 2. A report come back to Council regarding the Pecuniary Interests Returns being made available on Council's website."*

Councillors and Designated Persons within Council complete Pecuniary Interest Returns on election as a Councillor and on commencement at Council, respectively, and then on an annual basis.

The Local Government Act, 1993 (the Act) details the statutory requirements in respect of the lodgement of Disclosures of Pecuniary Interests and Other Matters Returns by Councillors and Council staff.

Sections 444 and 445 of the Act require both councillors and designated persons to submit written Pecuniary Interest and Other Matters Returns. Section 441 of the Act outlines who are designated persons and is as follows:

"441 Who are "designated persons"?

For the purposes of this Chapter, designated persons are:

- the general manager*
- other senior staff of the council*
- a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest*

ORDINARY MEETING

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- *a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest."*

Currently Council has 12 Councillors and 98 designated persons who are required to complete and lodge Pecuniary Interest and Other Matters Returns, being a total of 110 Returns per annum.

Section 449 of the Act outlines when councillors and designated persons must complete and lodge Pecuniary Interest and Other Matters Returns. Every completed and lodged Return is reported to Council at the first meeting after the respective three month period allowed for completion and lodgement of the Returns, in accordance with Sections 449 and 450A of the Act.

Pecuniary Interest and Other Matters Returns require individuals to list their property address and nature of their interest in it; sources of income and employers; income from any Trusts; descriptions of any gifts and whom they were received from; details of contributions to travel; interests and positions in Corporations, Trade Unions, and Professional or Business Associations; details of any personal debts; dispositions of property and any discretionary disclosures.

Section 450A of the Act requires the General Manager to keep a Register of Returns under Section 449 of the Act.

All completed and lodged Pecuniary Interest and Other Matters Returns are kept in Registers in accordance with Section 450A of the Act. The Registers are available for inspection by anyone wishing to view them. Currently Council requires an access form to be completed for record keeping and assessment purposes prior to anyone viewing the Returns in the Registers.

From 1 January 2013 through to the time of preparing this report, the Register of Pecuniary Interest and Other Matters Returns have been inspected on four occasions.

Council's current practices are in line with the guidance offered by the Department of Local Government's Pecuniary Interest Guidelines of 2006:

"The register is an important public record. Councils must make it available for inspection to any member of the public upon request during ordinary office hours. Copies of the returns may also be provided to members of the public either free of charge or with the payment of a reasonable copying charge (s.12B)."

Whilst it is possible for Council staff to place any document/s on its website, the information circulated to Councillors and Designated Persons when completing their initial Return, or subsequent annual Returns, does not state that the Returns will be placed on Council's website. Further, the Privacy and Personal Information Protection Act 1998 (PPIP Act) and Council's Privacy Management Plan are very specific in regard to Public Registers (including the Pecuniary Interest Returns Register) and access to the information contained in those registers.

Council's Privacy Management Plan is based on the NSW Division of Local Government's Model Privacy Management Plan for Local Government (January 2013), and provides guidance on this matter, being:

"that the primary purpose of the Pecuniary Interest Register is to determine whether or not a Councillor or member of a Council Committee has a pecuniary interest in any matter with which council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose."

Clause 2 of Council's Privacy Management Plan specifically states that 'Members of the public may enquire only in accordance with the primary purpose of any of the Public Registers'. Also outlined in the Plan, the Privacy Code of Practice for Local Government has the effect of modifying Part 6 of the PIPP Act,

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Meeting Date: 14 October 2014

meaning Council can refuse an applicant access to the Pecuniary Interest and Other Matters Register if the stated purpose for access does not comply with the purpose of the Register.

Clause 57 of the PIPP Act provides very stringent controls over the disclosure of personal information contained in the Public Register:

"57 Disclosure of personal information contained in public registers

- (1) The public sector agency responsible for keeping a public register must not disclose any personal information kept in the register unless the agency is satisfied that it is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.*
- (2) In order to enable the responsible agency to comply with subsection (1), the agency may require any person who applies to inspect personal information contained in the public register to give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection."*

There is a significant amount of personal information contained in Pecuniary Interest and Other Matters Returns and Council's current practices have been in place for a substantial time, i.e. the keeping of the Register and assessing whether access is in line with the above legislation. Access on Councils' website would not meet the legislative requirement as Council would not be in a position to assess an access application as required.

In addition, concerns have been raised regarding the heightened lack of privacy should Pecuniary Interest and Other Matters Returns were to be placed on Council's website with personal addresses, details and signatures, etc. available worldwide, as opposed to the existing Register which Council holds control over access.

Councillors or Designated Persons could direct anyone to inspect their individual completed Returns in the Register or provide copies themselves should they wish. However, placing Returns in general on Council's website would be contrary to Section 57 of the PIPP Act and Council's Privacy Management Plan.

Accordingly, it is recommended that the Pecuniary Interest and Other Matters Returns not be placed on Council's website.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information be received and noted and that in view of the information contained in the report, Pecuniary Interest and Other Matters returns of Councillors and Designated Persons not be made available on Council's website.

ORDINARY MEETING

Meeting Date: 14 October 2014

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 October 2014

Item: 200

SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)

REPORT:

Executive Summary

The Local Government Act, 1993 (the Act) details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding Returns recently lodged with the General Manager by Councillors and Designated Persons. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

Consultation

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

Background

Section 450A of the 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:

- "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 subsections (a), (b) and (c).

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With regard to Section 450(2)(b), the following Section 449(3) Returns have been lodged:

Councillor	Return Period	Date Lodged
Clr Barry Calvert	01/07/2013 - 30/06/2014	16/09/2014
Clr Patrick Conolly	01/07/2013 - 30/06/2014	08/07/2014
Clr Mike Creed	01/07/2013 - 30/06/2014	26/09/2014
Clr Kim Ford	01/07/2013 - 30/06/2014	30/07/2014
Clr Mary Lyons-Buckett	01/07/2013 - 30/06/2014	08/07/2014
Clr Warwick Mackay	01/07/2013 - 30/06/2014	01/09/2014
Clr Christine Paine	01/07/2013 - 30/06/2014	26/08/2014
Clr Robert Porter	01/07/2013 - 30/06/2014	08/07/2014
Clr Paul Rasmussen	01/07/2013 - 30/06/2014	29/07/2014
Clr Jill Reardon	01/07/2013 - 30/06/2014	29/07/2014
Clr Tiffany Tree	01/07/2013 - 30/06/2014	16/09/2014
Clr Leigh Williams	01/07/2013 - 30/06/2014	08/07/2014

Position	Return Period	Date Lodged
General Manager	01/07/2013 - 30/06/2014	11/07/2014
Human Resources Manager	01/07/2013 - 30/06/2014	11/07/2014
Human Resources Officer	01/07/2013 - 30/06/2014	19/08/2014
Corporate Communication Manager	01/07/2013 - 30/06/2014	05/08/2014
Manager Risk Management	01/07/2013 - 30/06/2014	11/07/2014
Senior Strategic Planner	01/07/2013 - 30/06/2014	18/07/2014
Internal Auditor	01/07/2013 - 30/06/2014	10/07/2014
Director City Planning	01/07/2013 - 30/06/2014	11/07/2014
Planning Manager	01/07/2013 - 30/06/2014	18/07/2014
Strategic Planning Coordinator	01/07/2013 - 30/06/2014	21/07/2014
Senior Strategic Planner	01/07/2013 - 30/06/2014	14/08/2014
Senior Strategic Planner	01/07/2013 - 30/06/2014	11/07/2014
Senior Strategic Planner	01/07/2013 - 30/06/2014	07/08/2014
Senior Strategic Planner	01/07/2013 - 30/06/2014	07/08/2014
Subdivision and Development Engineer	01/07/2013 - 30/06/2014	14/07/2014
Subdivision and Development Engineer	01/07/2013 - 30/06/2014	20/08/2014
Town Planning Coordinator	01/07/2013 - 30/06/2014	11/08/2014
Senior Town Planner	01/07/2013 - 30/06/2014	15/08/2014
Senior Town Planner	01/07/2013 - 30/06/2014	28/07/2014
Town Planner	01/07/2013 - 30/06/2014	14/07/2014

ORDINARY MEETING**Meeting Date:** 14 October 2014

Position	Return Period	Date Lodged
Town Planner	01/07/2013 - 30/06/2014	20/08/2014
Town Planner	19/06/2014 – 30/06/2014	07/08/2014
Town Planner	27/06/2014 – 30/06/2014	07/08/2014
Building and Development Coordinator	01/07/2013 - 30/06/2014	16/09/2014
Building and Development Officer	23/04/2014 - 30/06/2014	22/07/2014
Senior Building Surveyor	01/07/2013 - 30/06/2014	15/08/2014
Senior Building and Development Officer	01/07/2013 - 30/06/2014	25/07/2014
Executive Manager - Community Partnerships	01/07/2013 - 30/06/2014	07/08/2014
Customer Services Manager	01/07/2013 - 30/06/2014	30/07/2014
Community Program Coordinator	01/07/2013 - 30/06/2014	11/08/2014
Manager Regulatory Services	01/07/2013 - 30/06/2014	29/07/2014
Environmental Health Coordinator	01/07/2013 - 30/06/2014	08/08/2014
Environmental Health Officer	01/07/2013 - 30/06/2014	13/08/2014
Environmental Health Officer	01/07/2013 - 30/06/2014	07/08/2014
Environmental Health Officer	01/07/2013 - 30/06/2014	08/08/2014
Sewerage Management Facility Coordinator	01/07/2013 - 30/06/2014	05/08/2014
Sewerage Management Facility - Technical Officer	09/07/2013 - 30/06/2014	06/08/2014
Sewerage Management Facility - Technical Officer	01/07/2013 - 30/06/2014	05/08/2014
Companion Animals Team Leader	01/07/2013 - 30/06/2014	17/07/2014
Companion Animals Controller	01/07/2013 - 30/06/2014	25/07/2014
Companion Animals Controller	01/07/2013 - 30/06/2014	25/07/2014
Administration Officer	01/07/2013 - 30/06/2014	17/07/2014
Compliance and Enforcement Coordinator	01/07/2013 - 30/06/2014	11/08/2014
Compliance and Enforcement Officer	01/07/2013 - 30/06/2014	14/07/2014
Compliance and Enforcement Officer	01/07/2013 - 30/06/2014	21/07/2014
Compliance and Enforcement Officer	01/07/2013 - 30/06/2014	22/07/2014
Parking Patrol Officer	01/07/2013 - 30/06/2014	14/07/2014
Parking Patrol Officer	01/07/2013 - 30/06/2014	18/08/2014
Parking Patrol Officer	01/07/2013 - 30/06/2014	18/08/2014
Parking Patrol Officer	01/07/2013 - 30/06/2014	17/07/2014
Director Infrastructure Services	01/07/2013 - 30/06/2014	05/08/2014
Manager Building and Associated Services	01/07/2013 - 30/06/2014	04/09/2014
Building Services Coordinator	01/07/2013 - 30/06/2014	07/08/2014

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Position	Return Period	Date Lodged
Building Services Officer	01/07/2013 - 30/06/2014	07/08/2014
Building Services Officer	01/07/2013 - 30/06/2014	07/08/2014
Building Services Control Officer	27/05/2014 - 30/06/2014	07/08/2014
Manager Construction and Maintenance	01/07/2013 - 30/06/2014	29/07/2014
Construction / Maintenance Engineer	01/07/2013 - 30/06/2014	19/08/2014
Asset Management System Engineer	01/07/2013 - 30/06/2014	22/07/2014
Manager Parks and Recreation	01/07/2013 - 30/06/2014	11/08/2014
Land Management Officer	01/07/2013 - 30/06/2014	17/07/2014
Project Officer	01/07/2013 - 30/06/2014	16/07/2014
Parks Foreman	01/07/2013 - 30/06/2014	10/09/2014
Swimming Pool Superintendent	01/07/2013 - 30/06/2014	14/08/2014
Manager Water and Waste Management	01/07/2013 - 30/06/2014	15/07/2014
Waste Management Officer	01/07/2013 - 30/06/2014	29/08/2014
Wastewater Maintenance/Project Engineer	01/07/2013 - 30/06/2014	15/08/2014
Waste Management Coordinator	01/07/2013 - 30/06/2014	11/07/2014
Manager Design and Mapping Services	01/07/2013 - 30/06/2014	14/07/2014
Design Engineer	01/07/2013 - 30/06/2014	14/08/2014
Project Engineer	01/07/2013 - 30/06/2014	14/07/2014
Design Investigation Coordinator	01/07/2013 - 30/06/2014	20/07/2014
GIS Coordinator	01/07/2013 - 30/06/2014	28/07/2014
Director Support Services	01/07/2013 - 30/06/2014	14/07/2014
Manager Corporate Services and Governance	01/07/2013 - 30/06/2014	11/07/2014
Senior Property Officer	01/07/2013 - 30/06/2014	10/07/2014
Property Officer	01/07/2013 - 30/06/2014	12/08/2014
Property Officer	01/07/2013 - 30/06/2014	10/07/2014
Print Room Coordinator	01/07/2013 - 30/06/2014	14/07/2014
Chief Financial Officer	01/07/2013 - 30/06/2014	15/08/2014
Senior Management Accountant	01/07/2013 - 30/06/2014	21/07/2014
Financial Accountant	01/07/2013 - 30/06/2014	29/08/2014
Rates Team Leader	01/07/2013 - 30/06/2014	14/07/2014
Supply Coordinator	01/07/2013 - 30/06/2014	28/07/2014
Administration Officer (Purchasing)	01/07/2013 - 30/06/2014	15/07/2014
Administration Officer (Purchasing)	01/07/2013 - 30/06/2014	17/07/2014
Information Services Manager	01/07/2013 - 30/06/2014	15/07/2014
Senior Network Administrator	07/01/2014 - 30/06/2014	14/07/2014

ORDINARY MEETING**Meeting Date:** 14 October 2014

Position	Return Period	Date Lodged
Corporate Systems and Database Administrator	01/07/2013 - 30/06/2014	18/08/2014
Manager Cultural Services	01/07/2013 - 30/06/2014	16/07/2014
Information and Lending Services Librarian	01/07/2013 - 30/06/2014	23/07/2014
Local Studies and Outreach Librarian	01/07/2013 - 30/06/2014	23/07/2014
Museum and Gallery Director	01/07/2013 - 30/06/2014	12/08/2014
Museum and Gallery Director (Maternity Relief)	01/07/2013 - 30/06/2014	30/07/2014
Visitor Information Centre Coordinator	01/07/2013 - 30/06/2014	20/08/2014

All the above Councillors and Designated Persons have lodged their Section 449(3) Returns prior to the due date of 30 September 2014, as required by the Act for the receipt of the Returns.

The above details are now tabled in accordance with Sections 450A(2)(b) of the Act, and the abovementioned Returns are available for inspection if requested and subject to the provisions of the Privacy and Personal Information Protection Act 1998.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

No financial implications applicable to this report.

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: 14 October 2014

Item: 201 **SS - Hawkesbury Access and Inclusion Plan 2014-2017 - (95496, 96328)**

Previous Item: 134, Ordinary (29 July 2014)
 61, Ordinary (25 March 2014)
 35, Ordinary (13 March 2012)
 266, Ordinary (29 November 2011)
 87, Ordinary (10 May 2011)

REPORT:

Executive Summary

This report has been prepared following the public exhibition of the Draft Hawkesbury Access and Inclusion Plan 2014-2017. The report recommends that Council adopt the Plan. The report also outlines the proposed framework for the implementation of the Plan.

Consultation

The Report advises Council of the outcome of the exhibition of a draft planning document which was placed on public exhibition for a period of 30 days in accordance with the requirements of Council's Community Engagement Policy.

Background

In May 2011, Council endorsed proposed terms of reference (TOR) for the preparation of a Disability Action Plan (subsequently renamed as the Hawkesbury Access and Inclusion Plan).

To complete the preparation of the draft Access and Inclusion Plan, the Access and Inclusion Advisory Committee (AIAC) implemented a consultation strategy which incorporated an on-line access and inclusion survey and stakeholder workshops.

A Draft Access and Inclusion Plan was subsequently prepared and considered at the June 2014 meeting of the Access and Inclusion Advisory Committee with the Committee resolving to request that Council place the Draft Plan on public exhibition.

The Draft Plan was reported to the Council Meeting on 29 July 2014. At that meeting, Council resolved to place the Draft Hawkesbury Access and Inclusion Plan 2014-2017 on public exhibition for a minimum of 28 days.

Public Exhibition of Draft Hawkesbury Access and Inclusion Plan 2014-2017

The Draft Hawkesbury Access and Inclusion Plan 2014-2017 was placed on public exhibition between 21 August 2014 and 19 September 2014. No submissions were received in response to the public exhibition of the Draft Plan. It is therefore proposed that Council adopt the Hawkesbury Access and Inclusion Plan 2014-2017 as attached to this report as Attachment 1.

The Hawkesbury Access and Inclusion Plan 2014-2017 identifies 26 actions which were derived from the key issues suggestions raised during the community consultations. For each of these actions, the Plan identifies what has been done to date in response to the issue, what is planned to be undertaken over the next three years, and what the longer-term objective should be in relation to the issue. The Plan identifies the following the key focus areas for action over the coming three years.

- *An accessible built environment* - creating accessible, people friendly and welcoming public places and making it easier for people to get to the places they want to go using safe and connected pathways, road networks and public and community transport.

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- *Participation in community life* - removing the barriers and constraints that prevent people from accessing the services and facilities they need and making sure that people can have their say on the issues that affect them.
- *An informed and aware community* - making it easy for people to find out about services and facilities and how to use them and building a community that understands the importance of creating an accessible built environment and an inclusive civil society.
- *Employment and learning* – working together so that people, regardless of their personal circumstances, can participate in learning throughout their lives and gain the skills and knowledge they need to find and maintain employment.
- *Doing business with Council* - making sure that people can have confidence in their dealings with Council and with Council staff.

Implementation of the Hawkesbury Access and Inclusion Plan 2014-2017

The Hawkesbury Access and Inclusion Plan 2014-2017 does not list individuals who will be responsible for delivering on the actions within the Plan. This is a conscious approach as achieving an accessible built environment and an inclusive community is a complex and challenging undertaking. Networks and partnership between agencies will be integral to achieving the actions and objectives within the Plan. To this end, the Plan proposes that Council commission the Access and Inclusion Committee to oversee and report on the implementation of the Plan.

Under this framework the Committee will liaise and consult with Council staff and stakeholders about each of the actions within the Plan and how they can best be achieved. In doing this, the Committee may be required to prepare advice for Council's consideration or request that Council staff undertake the necessary steps to complete an action. To track progress in the implementation of the Plan, it is proposed that the Committee, in conjunction with Council staff, prepare an annual progress report to be reported to Council.

The first task of the Access and Inclusion Committee will be to prioritise the actions within the Plan for progressive implementation over the life of the Plan.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After people and Place Theme

- Have friendly neighbourhoods, connected communities, and supported households and families
- and is also consistent with the nominated strategy in the Hawkesbury Community Strategic Plan being:
- Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations.

Financial Implications

There are no direct financial implications arising out of this report. Implementing the Plan will require the allocation of staff hours and resources which will be negotiated in conjunction with the normal development of Council work plans and within Council's budget planning processes.

RECOMMENDATION:

That Council:

ORDINARY MEETING

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1. Adopt the Hawkesbury Access and Inclusion Plan 2014-2017 attached as Attachment 1 to the report.
2. Delegate to the Access and Inclusion Committee the responsibility for coordinating and reporting on the implementation of the Hawkesbury Access and Inclusion Plan 2014-2017.

ATTACHMENTS:

AT - 1 Hawkesbury Access and Inclusion Plan 2014-2017 (*Distributed under separate cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 October 2014

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM1 WSROC Policy Position Adoption - (79351, 105109, 125610)

Submitted by: Councillor Conolly

NOTICE OF MOTION:

That following a policy position being adopted at a meeting of WSROC, a report be brought to Council including the policy position taken and whether our delegates were supportive of the position.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

REPORT:

Questions - 30 September 2014

#	Councillor	Question	Response
1	Rasmussen	Enquired if the details of the scheduled meeting between the Mayor and community members of Mt Irvine Road could be provided.	The Director Infrastructure Services advised that no meeting has been scheduled, however Council officers have had ongoing discussions relating to the securing of the Bowen Creek Bridge for safety purposes. Council representatives will attend any future meeting/discussions.
2	Rasmussen	Enquired if there is an outcome of the review of the planning proposal at 1059A Grose Vale Road, Kurrajong (DA0233/14).	The Director City Planning advised that to date no determination has been made by the Department of Planning and Environment. Councillors will be advised when a decision has been made by the Department.
3	Calvert	Enquired if the Member for Macquarie has replied to the request to meet and discuss the financial assistance grants.	The Director Support Services advised that correspondence has been received from the Federal Member for Macquarie, Louise Markus MP regarding financial assistance grants and advising that she was unable to attend the Councillor Briefing Session. A copy of this correspondence was forwarded to all Councillors on 12 September 2014.
4	Calvert	Enquired if the issue regarding blocked drains at 72 Tyne Crescent, North Richmond, caused by tree roots from Council trees is the responsibility of Council or the resident.	The Director Infrastructure Services advised that this matter was being investigated.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
5	Calvert	Requested further information on the number of dwellings in North Richmond that sit outside the 600m radius as stated in the Residential Land Strategy, namely, how does Council justify that approximately 965 residentially zoned properties are outside this radius-catchment distance and what processes are in place to inform Councillors if standards are exceeded.	The Director City Planning advised that the 600m radius stated in the Residential Land Strategy is identified as a reasonable walking distance from the centre of the settlement and is not a standard that is imposed to retain development. This radius is identified as a strategic direction that recommends additional development density should be focused within 600m of the centre of the settlement. The development controls or standards are located in the Local Environment Plan and shown on the zoning maps within that Plan.
6	Calvert	Requested further information regarding the town boundary maps, asking if Council has any older maps that would indicate how the boundaries have changed over time and how are residents able to access these maps.	The Director City Planning advised that there are no specific "town boundary maps" apart from those previously stated in the response to questions dated 9 September 2014. Council holds historical zoning maps for the Local Government Area that are available to residents upon formal request. These maps may take a number of days to research and some notice and details to the requirements should be submitted with that request.
7	Paine	Requested to be provided with the number of new houses that have been built over past two years.	The Director City Planning advised that the total number of dwellings approved by Council over the last two years between 1 October 2012 and 1 October 2014 is approximately 390. This includes multi-unit dwellings and approximately 30 independent living dwellings in the seniors housing development in North Richmond.
8	Paine	Enquired as to the legal costs to Council for the past 12 months.	The Director Support Services advised that the total legal expenditure by Council for the 2013/2014 financial year was \$301,017 (excluding GST). This expenditure was for various legal matters including Land and Environment Court proceedings, code of conduct matters, regulatory issues, leasing of Council property and general legal advice. Also, during the 2013/2014 financial year, Council was awarded costs in the total amount of \$99,487 (excluding GST) in regard to previous legal matters.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
9	Paine	Enquired if the contaminated fill that has been identified on Creek Ridge Road, Glossodia for removal is to occur as required.	The Director City Planning advised that if contaminated fill is identified, Council's compliance staff utilise the appropriate regulatory process to ensure that the contaminated fill is removed or remediated in accordance with a report by a qualified hygienist.
10	Paine	Requested a determination on if a quarter fee payment for enviro-cycle inspection and a yearly fee for Council to inspect the same at a property in Bowan Mountain is 'double-dipping'.	The Director City Planning advised that on-site effluent disposal systems are required to be maintained by the occupant in accordance with manufacturer's instructions. Under the provisions of the Local Government Act, Council is required to inspect and licence these systems. The inspection regime is undertaken on an assessment of the risk the system poses to the environment. In this regard the annual licence inspection and maintenance fees are not 'double dipping'.
11	Williams	Enquired if the rubbish along King Road, Wilberforce near Old Sackville Road and Coburg Road could be removed.	The Director Infrastructure Services advised that instructions have been issued for the removal of the rubbish.
12	Williams	Enquired if there are any regulations relating to 'spite' planting of trees that overshadow a neighbouring property.	The Director City Planning advised that there are development controls relating to the erection of a building to minimise adverse impacts on neighbours via overshadowing, however, there are no specific controls relating to trees overshadowing.
13	Mackay	Enquired if the unnamed lane near Grono Farm Road and Ebenezer Wharf Road, Wilberforce could be resurfaced.	The Director Infrastructure Services advised that instructions have been issued for maintenance.
14	Reardon	Asked if staff could be thanked for the prompt clean-up of graffiti in Kurrajong last week.	The Director Infrastructure Services advised that thanks would be passed on to relevant staff.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 202 GM - Legal Matter - Redbank at North Richmond - (79351) CONFIDENTIAL

Previous Item: NM, Extraordinary (9 September 2014)
 188, Ordinary (30 September 2014)

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)(g) of the Act as it relates to legal matters concerning Council's potential legal position in relation to the development referred to as Redbank at North Richmond and the information is regarded as matters concerning potential litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 203 CP - Expressions of Interest - Glossodia Community Reference Group for Jacaranda Ponds Development - (95498) CONFIDENTIAL

Previous Item: 2, Ordinary (29 July 2014)
1, Ordinary (4 February 2014)

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)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 204 SS - Property Matter - Lease to Darith Buth and Mary Leang - Shop 11, Wilberforce Shopping Centre - (120564, 112106, 95496) CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS



ordinary
meeting

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