



H a w k e s b u r y C i t y C o u n c i l

ordinary
meeting
business
paper
supplementary

date of meeting: 9 April 2002

location: Council Chambers

time: 7.00pm

ORDINARY MEETING

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RAAF Base Impact Study

At the most recent meeting of the Economic Development Advisory Committee (HEDAC) concerns were raised regarding the Department of Defence RAAF Impact Study for Richmond. These concerns were due to a perceived lack of consultation with key stakeholders in the performance of the Department of Defence RAAF Base Impact Study.

Following Stage One of HEDAC's Aerospace and Defence Industry Cluster Study, Stage Two which would include a marketing, attraction and distribution strategy was deferred pending the outcome of the Department of Defence Impact Study.

As a result the General Manager and myself met with a delegation of HEDAC on 18 March 2002 and subsequently a meeting was organised with Mr Wayne Gregson of PriceWaterhouseCoopers and Council's Acting Manager of Administration (Economic Development Officer). Mr Gregson is a consultant involved in the Department of Defence Richmond RAAF Base Impact Study.

I am pleased to inform the Council that Mr Gregson gave his commitment to accountability and consultation prior to the draft report being presented to the Department of Defence. Mr Gregson advised that consultation with key stakeholders had been initiated and would continue.

An invitation was extended for Mr Gregson to attend the next HEDAC meeting scheduled for Thursday, 9 May 2002 to inform the Committee as to the status of this report.

I recommend that this information be received.

oooO END OF MAYORAL MINUTES Oooo



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ITEM: 27 Representation on Hawkesbury Leisure Centres Inc. Board**FILE NUMBER:** GM001/023/CSV/ORD09LBX.C08

REPORT:

Hawkesbury Leisure Centres Inc. (HLC) have advised Council that new representation on their Board is required due to the resignations of Mr John Lipczynski and Mrs Dianne Tait.

At the HLC Inc. Board meeting of 4 April 2002 formal nominations were put forward for:

- Mr Pat Clerke
- Mr Stuart Lowe

Mr Clerke is a 70 year old resident of Richmond who has been a member of the Rotary Club for over 30 years. Mr Clerke has also been a member of several other district committees over the years. Mr Clerke is semi-retired and has been a sole trader running his own real estate business successfully since 1958. His areas of expertise include building, pool building, real estate, retail and coach management in the Hawkesbury area.

Mr Lowe joined the Hawkesbury Sports Council in September 1993 and is the current Treasurer of Hawkesbury Sports Council Inc, a position he has held since being elected in 1994.

Mr Lowe has been nominated by Hawkesbury Sports Council Inc. to replace Dianne Tait as a community representative as he is a dedicated contributing member of the Sports Council and is held in high regard by the Committee.

The acceptance of two new members to the Board will maintain the membership level of seven, represented by:

- 2 Council representatives (Councillor Conolly and Councillor Calvert)
- 1 Council staff member (Director Community and Corporate Services)
- 4 Community Representatives (W McKay, S Machon, P Clerke and S Lowe)

It was resolved by HLC Inc. on 4 April 2002, to support the two nominations of Mr Clerke and Mr Lowe. It is recommended that these nominations be approved. Further, it is acknowledged that the HLC Inc. Board moved to extend its appreciation for the time, effort and contribution of Mr Lipczynski and Mrs Tait.

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RECOMMENDATION:

That:

1. Council approve the nominations of Mr Clerke and Mr Lowe to the Hawkesbury Leisure Centres Inc. Board.
2. A letter of appreciation be forwarded to Mr Lipczynski and Mrs Tait for their contribution and service to Hawkesbury Leisure Centres Inc.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 28 **Request to Modify Development Consent - Lot 12 DP834771, No. 99
Gadds Lane, Kurmond**

FILE NUMBER: DA154/95/EVD/ORD09LCX.V07

PREVIOUS ITEM: 4, GPC Section 1 - Environment (29.01.2002)

PREVIOUS ITEM: 26, GPC Section 1 - Environment (26.03.2002)

REPORT:

Council has received correspondence from the applicant which amends the proposed request for modification of development consent DA154/95. A copy of the letter is attached. The amendment advises that the applicant now seeks Condition 13. to be modified to permit operating hours for Fridays, Saturdays and Sundays (if prior to a public holiday) up to 10.30pm during Spring and Summer and up to 8.30pm during Autumn and Winter. The applicant also advises that the proposed modification of Condition 16. is withdrawn.

The correspondence does not address the concerns raised in previous reports concerning noise, traffic, effluent disposal and amenity of the potentially affected residents.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

AT-1 Letter from Mr Radanovic

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Letter from Mr Radanovic

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ITEM: 29 **9 (nine) Lot Community Title Subdivision of Lot 13 DP872372, 83 Willow Glen Road and Lot 1 DP558418, 24A Westbury Road, Kurrajong**

FILE NUMBER: MA1380/01/EVD/ORD09LCX.V09

PREVIOUS ITEM: 20, GPC Section 1 - Environment (26.03.2002)

REPORT:**ADDITIONAL INFORMATION**

The General Purpose Committee requested further information regarding:

- the sealing of Willow Glen Road; and
- development controls for Lots 4 and 5.

On 5 April 2002 an on site meeting was held with the respondents and other residents of Willow Glen Road to discuss the above matters.

Sealing of Willow Glen Road

The following subdivisions in Willow Glen Road are relevant to this discussion.

Subdivision Number	Type of Subdivision	Road construction requirement	Status
SA 161/93	Two stage 4 lot subdivision over Nos 48 and 69 Willow Glen Road and 24A Westbury Road. Stage 1 created 1 lot. Stage 2 created 3 lots.	Initially entire length of Willow Glen Road required to be sealed and drained. Consent later modified. Stage 1 no works required. Stage 2 required 350m from western end of Willow Glen being sealed and drained.	Stage 1 registered. Stage 2 not commenced.
SA115/95	Two stage 8 lot subdivision over Nos 48 and 83 Willow Glen Road. Stage 1 was a boundary adjustment between 48 and 83.	Stage 1 no works required.	Stage 1 registered.

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Subdivision Number	Type of Subdivision	Road construction requirement	Status
	Stage 2 was a 7 lot subdivision of 83 Willow Glen Road.	Stage 2 required 440m from western end of Willow Glen to be sealed and drained as well as the upgrading of the bridge.	Stage 2 not commenced.
SA215/99	Two lot subdivision of No 69 Willow Glen Road.	No works required.	Not registered.

At present 7 (seven) residences (including two on the subject site) use Willow Glen Road for vehicle access. SA215/99 has the potential to create 1 (one) additional allotment.

The proposed subdivision will create an additional 6 (six) dwelling entitlements, representing an increase of 46% on the current number of dwellings and 43% after a dwelling is erected on the additional lot to be created by SA213/99.

The report to the General Purpose Committee identified the present limitations of the road with respect to its narrow width, pavement and steepness for the existing and future residents and also noted that Council's garbage trucks do not traverse the road and that some of the existing residents had experienced problems with building supply delivery trucks being unwilling to traverse the road. In response, Condition 27. proposed that the entire length of Willow Glen Road be widened and sealed.

The applicant argues that this condition is unreasonable given the number of existing dwellings and the previous conditions of SA161/93 and SA115/95. In reply, the applicant has provided the attached plan of road improvements.

In summary, the plan provides for approximately 350m of bitumen seal with table drains and drainage works in a continuous length from west of the bridge, around the two sharp corners and up the steepest section of Willow Glen Road. This is from points C to D on the plan. The remaining sections, A to C and D to E, of the road are to have a 5 - 5.5m wide gravel pavement with a combination of shoulders and passing bays or table drains.

The applicant advises:

The ability to achieve a more desirable width [from A to B] is affected by the location of utility services and the present road reserve width of only 10 metres, with a cross fall of say 3 metres between boundaries.

The proposal would therefore be more consistent with previous conditions of consent, maintain the rural character of the road, provide for reconstruction where benefits can occur due to the steep grades and the ability to reduce erosion and control stormwater.

Condition 27. and the applicant's plan for road improvements were discussed at the on-site meeting with the residents. The main concerns raised by the residents related to increase in traffic, nuisance caused by dust from the existing gravel pavement, lack of garbage service, and use of the road by trucks. The general consensus of the residents was that sealing of the road would alleviate these problems.

The main issue for Council to consider is whether or not the subdivision generates the need for upgrading and to what standard. The future land uses of the lots to be created will be predominantly rural-residential, which according to the applicant's information submitted with the development application, will create an additional 60 (sixty) vehicle trips per day. In addition to these movements there are also the less frequent movements of garbage trucks and building supply trucks. It is considered that the road in its present form is not an adequate standard or width to cater for these movements and that any consent should contain conditions for the upgrading of the road. In this case it is considered that a minimum of a sealed pavement over the entire length of Willow Glen Road of sufficient width to allow access by cars and trucks to each lot, is required.

How much the developer contributes to this upgrading and to what standard is a question of "reasonableness". Specifically, are these works reasonably required by the subdivision. To answer this, Council must consider whether or not the subdivision relies on the road and the extent of the increased wear and tear over the entire length of the road caused by the subdivision. This concept was established by the High Court of Australia in *"Shire of Cardwell -v- King Ranch"* and by the Land and Environment Court in *"Attard -v- Blue Mountains City Council"*.

In both these cases, both courts found it was reasonable for the Council to impose conditions involving the sealing of roads where there is a "real" connection between the upgrading of the roads and demands arising from the development applications.

Clearly the road is necessary for the subdivision as there is no alternative access to the lots. The fact that there are other properties and residents in Willow Glen Road is not relevant as, without provision for an adequately constructed road, the subdivision application must fail. Further, there can be no doubt that the subdivision will significantly increase wear and tear over the entire length of Willow Glen Road.

The applicant, at the site meeting on 5 April 2002, suggested that the cost difference between providing a gravelled pavement and a sealed pavement, as shown on the attached plan, would be in the order of \$100,000.00 (one hundred thousand dollars) i.e. \$16,667.00 (sixteen thousand six hundred and sixty seven dollars) per additional dwelling in the subdivision. Council staff have however assessed the additional cost as being in the order of \$40,000.00 (forty thousand dollars) i.e. \$6,667.00 (six thousand six hundred and sixty seven dollars) per additional dwelling. This is an estimate only based on the assumption that no additional earthworks are required, changing the gravelled pavement to a sealed pavement, and that 200mm of densely graded base would be sufficient. This represents an addition cost of the likely sale price of each lot, the addition cost of approximately \$10,000.00 (ten thousand dollars) per extra dwelling.

Development controls for Lots 4 and 5

The applicant proposed the following controls:

Height of Buildings - Single storey when viewed from Horans Lane

Colour and Materials - to be non-reflective and non-obtrusive

No water tank in excess of 10,000 litres shall be above ground

All house service lines for electricity and telephone shall be underground

No excavation for building purposes shall be greater than 900mm in height

Any farm sheds erected shall be no greater in height than the residence.

In addition to these controls, the application proposes a restriction as to user requiring the provision of landscaping on the western and eastern side of the ridge which traverse Lots 4 and 5. This is shown on the attached plan.

These controls were discussed with the relevant respondents with agreement being reached that these controls were appropriate provided there was ongoing maintenance of the proposed landscaping.

Recommendation

That the recommendation contained in the General Purpose Committee Meeting Business Paper be adopted with conditions 1., 26. and 27. being amended as follows:

1. *To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans prepared by McKinlay Morgan & Associates Pty Ltd, titled "Constraints Plan of Proposed Subdivision of Lot 13 DP 872372 and Lot 1 DP554418 at Kurrajong", dated 19 March 2002; letters from McKinlay Morgan & Associates Pty Ltd dated 2 April 2002 and accompanying plans numbered 88554 & 88554:LL:8 and any supportive documentation, except as otherwise provided by the conditions of this consent.*
26. *The submission of all necessary restriction as to users, covenants and community management plan for approval of Hawkesbury City Council covering the constraints plan and recommendations contained in flora and fauna reports, effluent disposal reports, letter from McKinlay Morgan & Associates Pty Ltd dated 2 April 2002, Plan No. 88554:LL:8, management of the landscape zone and other documentation submitted with the application.*

27. *The construction of the road, passing bays, shoulders and drainage works as shown on Plan No. 88554. All areas shown as being "upgraded gravelled formation" are to be provided with a sealed pavement in accordance with the Hawkesbury Development Control Plan.*

The following conditions be added to the consent:

- 11a. *Submission of detailed landscaping plan for the proposed landscaping zone shown on Plan No. 88554:LL:8 for Council approval. The landscaping plan is to be prepared by a suitably qualified landscape architect and is to consist of species endemic to the area and to include provisions for establishment, planting and maintenance of the landscaping zone.*
37. *All landscaping required by the landscaping plan required by condition 11a is to be completed.*

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

- AT-1** Plan of Willow Glen Road
AT-2 Landscape plan

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Willow Glen Road Plan

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Landscape Plan

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ORDINARY MEETING

Reports of Committees

Legal Consultative Committee - 2 April 2002

PRESENT: Councillor R P Stubbs, Mayor, Councillor K F Conolly, Councillor LF Sheather and Councillor G Gilling

Also Present: Mr Garry McCully, General Manager and Mr Malcolm Ryan, Director Environment and Development

Apologies: Councillor B Calvert

RESOLVED on the motion of Councillor Conolly and seconded by Councillor Gilling that the apology be accepted.

The meeting commenced at 6.30 pm

1. State Environmental Planning Policy No.1 and Residential Flat Development

The Committee discussed subdivisions within the City. The Director Environment and Development advised that there is no distinction in the Local Environmental Plan between the different types of subdivision, that is, conventional Torrens Title (also known as freehold subdivision), Community Title or Strata Title. Therefore, all subdivisions must meet the same minimal allotment size.

It was also advised that the residential Development Control Plan allows for multi-unit housing within 2(a) zoned lands and that it is possible to have two dwellings on a lot less than 450sqm or, maybe, three dwellings on a lot less than 900sqm, subject to design. It is usual to allow the subdivision of these multi-unit housing buildings once they are constructed. Given the provisions of Hawkesbury Local Environmental Plan 1989, there is no other way to subdivide multi-unit housing where the units are less than the allotment size unless State Environmental Planning Policy No.1 is used.

Most Local Environmental Plans have exemptions for the subdivision of approved multi-unit housing, however, Hawkesbury LEP does not have these provisions. The assumption made is the minimum lot size is set to assume the single dwelling can be constructed on it without much design effort. Where, however, it is proposed to build more than a single dwelling, the Development Control Plan sets specific guidelines in terms of private open space, maximum site coverage, heights, etc. Once this test is passed, most Councils do not then impede its subdivision.

The purpose of the current policy is to allow the subsequent subdivision of multi-unit housing to proceed without further reference to Council, if development consent is issued for the construction in the first place, and that the subdivision does not proceed until the building is completed.

RECOMMENDED on the motion of Councillor Conolly seconded by Councillor Gilling that the current policy continue, ie, applications received before 17 December 2001 be assessed against the old Development Control Plans that applied prior to that date.

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2. Windsor Downs - Section 88B Instrument

The Committee discussed the legalities of Section 88B Instruments, as a result of submissions received for a development application received by Council for a truck depot at No.66 Canoona Avenue, Windsor Downs.

Under Clause 34(1) of Hawkesbury Local Environmental Plan 1989, *“for the purpose of enabling development to be carried out in accordance with this plan ... or in accordance with a consent granted under the Act, the operation of any covenant, agreement or instrument imposing restrictions on the development, to the extent necessary to serve that purpose, shall not apply to the development”*.

RECOMMENDED on the motion of Councillor Sheather and Councillor Gilling that Council be advised that it is not a party to the Section 88B instrument at Windsor Downs and development applications will be assessed against the Local Environmental Plan only.

oooO END OF REPORT Oooo



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