



general
purpose
committee

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section

environment

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

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ITEM: 21 **Community Title Subdivision of Lot 2 DP235988, Lot 9 DP221443, Lot 1 DP441814, Lot 8 DP224561, Lot 1 DP553099, and Lot 1 DP 945888, Greggs Road and Patterson Lane, Kurrajong**

FILE NUMBER: DA1168/02/EVD/ENC25NAX.V06

Applicant: McKinlay Morgan & Associates Pty Ltd
Applicants Rep: Mr Brian McKinlay
Owner: G Harvey Nominees Pty Ltd
 Mr and Mrs Smith
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
 River and Foreshores Improvement Act 1948
 State Environmental Planning Policy No. 1
Area: 77.69ha
Zone: Part Rural 1(b) and Part Rural 1(c1)
Advertising: 29 November - 13 December 2002
Date Received: 24 September 2002

Key Issues: - Effluent disposal
 - Impact on flora and fauna
 - Traffic
 - Character of the area
 - Variation to minimum lot size

Action: Approval

REPORT:

Introduction

The applicant seeks approval for a two stage subdivision of Lot 2 DP235988, Lot 9 DP221443, Lot 1 DP441814, Lot 8 DP224561, Lot 1 DP553099, and Lot 1 DP 945888, Greggs Road and Patterson Lane, Kurrajong.

This matter is being reported to Council due to Council's previous decision regarding a similar subdivision of the subject land as well as the variation to the minimum lot size provisions of the Rural 1(b) and 1(c1) zones. This report will detail the proposal, the current statutory situation and provide an assessment of the application in accordance with Section 79C (1) of the Environmental Planning and Assessment Act 1979.

The Proposal

The subdivision is proposed in two stages.

Stage 1 consists of a minor boundary adjustment between Lot 1 DP 745888, 129 Bells Road and Lot 1 DP 553099, 439 Greggs Road, Kurrajong. The purpose of the boundary adjustment is essentially to provide for an increased distance of the proposed road in Stage 2 to the existing residence 129 Bells Road.

Stage 2 consists of a subdivision of Lot 2 DP235988, Lot 9 DP221443, Lot 1 DP441814, Lot 8 DP224561, and Lot 1 DP553099 to create a 15 lot community title subdivision. Fourteen lots are proposed as development lots with suitable areas for the construction of a dwelling, associated outbuildings, and on-site disposal of effluent. The remaining lot, Lot 1, is a community lot which contains the most sensitive vegetation on the subject site. Two (2) community owned centralized sewerage treatment systems are proposed to serve the lots created in Stage 2 as well as 129 Bell Road, Kurrajong.

A coloured constraints plan showing the above features will be exhibited at the General Purpose Committee Meeting.

Background

A similar proposal (MA1001/00) for the majority of the subject land was reported to and approved by Council in April 2002. The main differences between this proposal and the previous proposal are the centralized sewerage treatment systems and the significant increase in the area of the community lot.

Essentially, the purpose of this new application is to consolidate the environmentally sensitive lands into one community lot thereby providing for a single level of management, being the Community Association.

Subject Land

Properties the subject of the application are as follows:

Property	Zone	Area
Lot 1 DP 553099, 439 Greggs Road, Kurrajong	Rural 1(c1)	43.85ha
Lot 2 DP 235988, 439 Greggs Road, Kurrajong	Rural 1(b)	14.97ha
Lot 8 DP 224561, 467 Greggs Road, Kurrajong	Rural 1(b)	4452sqm
Lot 1 DP 441814, 471 Greggs Road, Kurrajong	Rural 1(b)	5362sqm
Lot 9 DP 221443, 441 Greggs Road, Kurrajong	Rural 1(b)	771sqm

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Property	Zone	Area
Lot 1 DP 945888, 129 Bells Road, Grose Vale	Rural 1(c1)	17.82ha

The site is primarily located between Greggs Road and Patterson Lane.

The proposed Stage 1 boundary adjusted allotments are:

Lot 1 - currently 129 Bells Road. Has an area of 17.81ha representing a decrease of less than 1% of the original lot.

Lot 2 - currently Lot 1 DP 553099, 439 Greggs Road, Kurrajong. Has an area of 43.59ha representing a decrease of less than 1% of the original lot.

The proposed Stage 2 allotments are:

Lot 1 - this lot is the community lot containing areas of Western Sydney Dry Rainforest and Sandstone Transitional Forest and most of the fire trail. This lot has an area of 29.83ha.

Lot 2 - faces Greggs Road and has an area of 1.07ha.

Lot 3 - faces Greggs Road and has an area of 1.04ha.

Lot 4 - faces Greggs Road and has an area of 6750sqm.

Lots 6 to 15 - these lots will be accessed via an extension of Patterson Lane and have areas of 1.37ha to 3.15ha.

Lot 16 - accessed from Greggs Road and has an area of 4.02ha.

Note: There is no Lot 5.

Statutory Position

Hawkesbury Local Environmental Plan 1989

Clause 9, 9A and 10

The properties are zoned either Rural 1(c1) or Rural 1(b) under HLEP 1989. Subdivision of the properties is permissible subject to development consent and it is considered that the proposed subdivision achieves satisfactory compliance with the objectives of the respective zones.

Clause 10 requires that land not be subdivided unless the boundaries of allotments created correspond generally with the location of the zone boundaries. Subclause (3) however permits Council to approve a subdivision where the boundaries of allotments created do not correspond with the zone boundaries provided, in the opinion of Council, the departure from the zone boundaries will have a minor effect.

The proposed community lot, Lot 1 in stage 2, straddles land which is zoned Rural 1(b) and Rural 1(c1). The purpose of this lot is for the conservation and management of endemic flora and fauna, no development is proposed on this lot. It is therefore considered that the departure of the lot boundaries from the zone boundaries will have no detrimental effect.

Clause 11

Requires that, except for subdivision by way of boundary adjustment, land created in the Rural 1(b) zone must have an area of at least 10ha and land created in the Rural 1(c1) zone must have an area of at least 4ha. In both cases lots must have a satisfactory ratio of depth to frontage.

Lots 2, 3, 4 and 16 have areas of 1.07ha, 1.04ha, 6750sqm and 4.02ha respectively. These lots are zoned Rural 1(b) and hence are less than the minimum lot size provision.

Lots 6 to 15 are in the Rural 1(c1) zone have an area of less than 4ha.

All lots have a satisfactory depth to frontage ratio.

The applicant has submitted an objection to the minimum allotment size standards under the provisions of State Environmental Planning Policy No1 (SEPP No.1). The SEPP No. 1 submission seeks variation to the standards for the following reasons:

The reason for the variation is to allow the community lot to contain the maximum amount of sensitive vegetation units and to provide for the long-term management and conservation of this area. Provision is made for ultimate expansion of those sensitive vegetation units.

To provide for greater amenity than the existing allotment sizes (5362m², 4451.76m² and 7-7071m²) allow and to gain an environmental advantage by creating allotments that can dispose of effluent in a satisfactory manner.

The community Lot 1 will contain the maximum amount of sensitive vegetation units as the zone standards will reasonably provide.

By supporting the objection better management of this vegetation will occur and better site disposal of effluent on the proposed lots.

The size of the lots are consistent with other lots adjoining along Greggs Road.

NSWPlanning has provided its concurrence to the SEPP No.1 objection.

Clause 13 Subdivision by adjustment of boundaries

The proposed Stage 1 subdivision complies with the relevant provision of this clause.

Clause 18 Provision of water, sewerage etc service

Electricity and telephone services can be provided to the property. Water supply is to be potable and onsite disposal of waste water can be achieved.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment No 108

Under this draft the land zoned Rural 1(b) will be zoned Mixed Agriculture and the land zoned Rural 1(c1) will be zoned Rural Living.

The proposed subdivision achieves satisfactory compliance with the draft objectives of the Mixed Agriculture and Rural Living zones.

Sydney Regional Environmental Plan No. 20 (No.2 -1997)

The subject site falls within the Middle Hawkesbury Nepean River Catchment area defined by SREP No. 20 (No. 2 - 1997).

Relevant specific planning policies and recommended strategies include those relating total catchment management, environmentally sensitive areas, water quality, water quantity, flora and fauna, agriculture/aquaculture and fishing, rural residential development, and metropolitan strategy. Relevant development controls relate to filling, sewerage systems or works.

It is considered that the proposal is consistent with the aims of the plan as well as the general and specific planning policies, recommended strategies and development controls outlined in Parts 1, 2 and 3 of SREP No. 20 (No. 2).

Hawkesbury Development Control Plan

Relevant chapters of this DCP relate to Notification, Soil Erosion and Sedimentation Control, and Subdivision.

The application was publicly exhibited and 1 submission was received. Soil erosion and sedimentation controls can be adequately addressed by condition of consent. The applicant has submitted relevant information required by the Subdivision chapter. It is considered that the proposed demonstrates satisfactory compliance with the aims, objectives and rules of this chapter.

Community Consultation

The application was publicly exhibited for the period 29 November - 13 December 2002.

One submission was received from the owner of 36 Pattersons Lane. The respondent was concerned about:

- the location of stone entry wall and possible impacts arising from vehicle slowing down and speeding up through this entry
- garbage collection
- location of Patterson Road extension relative to residence
- request no change be made to exiting entry to 36 Patterson Lane
- drainage from road

Planning Assessment

The following are the relevant matters for consideration under Section 79C (1) (b), (c), (d) and (e) of the EP & A Act 1979.

Impact on the Environment

Context and setting

Generally, the proposed lots are consistent with the shape and size of the existing mix of lots which surround the development site. The proposed subdivision will not affect any historical subdivision pattern or affect significant views or vistas from heritage listed properties located to the north, west and south of the subject land. The size, shape and topography of the lots are sufficient to allow for the erection of a dwelling, associated outbuilding as well as the onsite disposal of effluent.

Surrounding properties are mainly used for rural-residential purposes. The future development of the proposed lots will not significantly impact upon the amenity presently enjoyed by surrounding neighbours.

Access, transport and traffic (raised by respondent)

The proposed vehicle accesses to the individual sites is considered satisfactory in terms of likely traffic generated by each lot, construction requirements and sight distances. The previous subdivision MA1001/00 included a report from Chris Hallam and Associates which investigated the safety of surrounding road network, primarily Pattersons Lane and the intersection of Greggs Road and Pattersons Lane. These works are currently being undertaken as the applicant has actioned the consent for MA1001/00. It is recommended that these previously identified works be required prior to be completed prior to the issuing of any subdivision certificate.

It is considered that the proposed traffic calming devices and the road extension is of sufficient distance from adjoining residences given the likely traffic volume so as not cause significant nuisance by way of noise, fumes, privacy and dust. All roads works are to be drained in accordance with the Hawkesbury Development Control Plan so as not to cause nuisance to adjoining properties.

Works within the vicinity of 36 Patterson Lane and its entrance have already been undertaken by the applicant in consultation with the owner. The owner's submission was received by Council prior to these work being undertaken. It would appear that the owners concerns regarding the any changes to the entry to 36 Patterson Lane have been resolve independently of Council.

Public Domain

Section 94 contributions are to be imposed on this development to ensure that adequate provision can be made for the provision of open space, recreational facilities and community facilities likely to be used by the future residents.

Utilities, Water, Soils, Air and Climate

Utilities such as telephone, and electricity services can be supplied to the proposed lots subject to requirements of Integral Energy and Telstra.

The applicant proposes two secondary standard centralized waste water treatment systems to serve the community title lots and 129 Bells Road, Grose Vale. In support of this proposal, the applicant has submitted waste water feasibly study prepared by Toby Fiander and Associates. The systems will collect waste water from the proposed lots, treat the waste water at one of two packaged treatment plants on either Lot 1 or Lot 15, and sub-surface irrigate the waste water at the front of Lots 6 to 15 adjacent to the road reserve. The systems will also allow for limited domestic re-use of the treated waste water eg outdoor use and toilet flushing.

The previous subdivision (MA1001/00) proposed individual systems for each allotment. The purpose of the centralized systems is to provide for better management, higher standard of treatment, domestic re-use, and to avoid irrigations area within close proximity of sensitive vegetation units.

The feasibility study has been based on a volume of waste water equivalent to a 5 person household on each lot. This is a standard figure used in most waste water feasibility studies. It does not however take into consideration the potential for the allotments to be developed for the purposes of larger households, dual occupancies, tourist facilities etc. The applicant has advised that the systems can be readily re-configured if required to allow for an 40% increase in processing capacity.

Due to the uncertainty of these types of developments occurring it is considered that the capacity of the systems and irrigation areas to cater for these development be examined as the need arises. This matter can be readily overcome by alerting potential purchases and developers, by way of the community management plan, that any development application for development which will generate more than 5 equivalent persons of waste water is to be accompanied by a feasibility study examining the capacity of the systems to cater for the increased loading.

Stage 2 Lots 2, 3 and 4 will be connected to the Kurrajong water supply, the remaining development lots will rely on potable water and treated waste water.

It is considered that the soil structure of the site, and air quality and climate of the locality is suitable for the proposed subdivision and waste water treatment systems.

Flora and fauna

Parts of the subject properties have undergone significant disturbance due to previous uses of the land and weed infestation. However, parts of the properties also contain environmentally significant tracts of native flora and fauna including Western Sydney Dry Rainforest and Shale Sandstone Transitional Forest. The applicant has submitted a number of advices from Blue Mountains Wilderness Trust (BMWT) which examine the potential impacts of the subdivision on the flora and fauna which are on the subject properties. In particular the BMWT examined the potential impacts of road construction, dwelling sites, waste water systems, fire protection zones, and future use and management of the lots.

BMWT's advice concludes that, subject to appropriate controls enforced on the construction of the subdivision and on the future owners of the lots by way a community management plan, the proposal will not significantly effect threatened or endangered flora and fauna, ecological communities or critical habitat as listed under the Threatened Species Conservation Act 1995.

As per BMWT's recommendation, the applicant advises that a plan of management is to be developed as part of the subdivision to ensure protection and maintenance of the Western Sydney Dry Rainforest and Shale Sandstone Transitional Forest, riparian zones, creeks/watercourses/dams. The plan of management will include matters such as establishing buffer zones from sensitive vegetation units, restrictions on clearing, grazing, and fencing within sensitive vegetation units, requirements for weed removal and control, as well as revegetation of disturbed areas.

The major difference between this application and the previous application is the substantial increase in the size of the community lot, i.e increased from 4ha to 29.83ha. This will allow all of the ecologically significant vegetation on the site to be managed and revegetated by the Community Association. The applicant also proposes the construction of a feral proof 1.8m high fence around the community lot and the re-introduction of fauna species no longer inhabiting the area.

Waste, Energy, Noise and vibration, Construction (raised by respondent)

Council garbage collection waste services can be provided to the site. The design of the subdivision achieves satisfactory performance in terms of energy efficiency. The subdivision will not create offensive noise pollution or vibration. Works required for the construction of the subdivision are not expected to unreasonably impact upon surrounding neighbours and will be controlled by way of conditions of consent relating to drainage, erosion and sedimentation control, hours of construction, waste management etc.

Natural and Technological Hazards

The subject site is within a major bush fire risk area and partly within a low and high bushfire hazard area. The plan of subdivision proposes a series of fire protection zones and fire trails.

The application has been referred to NSW RFS for consideration. The NSW RFS have provided

Council with their general terms of approval and advised that they would issue a Bush Fire Safety Authority in respect of the application.

It is concluded that the nature of bushfire risk does not make the site unsuitable for the proposed subdivision.

The site has previously been used for primarily stock grazing activities. Various examinations of the site has not found any evidence of land contamination.

Social and economic impact in the locality

No significant change in the social structure of the immediate area is anticipated as a result of this development and no significant negative social impact is anticipated. It is considered that the proposed subdivision will have a positive economic impact for the Hawkesbury, in particular Kurrajong village.

Site design and internal design

The design and proposed environmental constraints of the subdivision are sensitive to the site's attributes (i.e size, shape, slope, flora and fauna, watercourses), surrounding built environment, and the existing and future amenity of neighbours.

Cumulative impacts

The proposed subdivision is compatible with the surrounding landuses and built environment. Subject to the proposed road and intersection improvements and environmental constraints to be imposed on the subdivision, it is considered that no significant negative cumulative impact will arise as a result of the subdivision.

Suitability of the site for the development

The constraints of surrounding landuses do not make this development prohibitive. The proposed subdivision will not lead to unmanageable transport demands. Subject to the proposed intersection improvements access to the proposed lots is satisfactory. Adequate services and utilities are available to the site. There are no known hazardous landuses/activities nearby. Ambient noise levels are suitable for the subdivision. The site is not critical to the water cycle of the catchment. The subdivision will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

The area's air quality and microclimate are adequate for the proposed subdivision. Recreational opportunities and public spaces will be available to the likely future occupiers of the lots. The site attributes such as size, shape, slope are conducive to the subdivision.

It is therefore concluded that the site is suitable for the proposed subdivision.

General Terms of Approval from Approval Bodies / Concurrence Authorities

The DLWC and NSW RFS have provided Council with their General Terms of Approval for inclusion in any consent issued by Council.

NSWPlanning has provided their concurrence to the applicant's SEPP No. 1 objection.

Public Submissions

The matters raised by the respondents have been addressed in the above report.

Public Interest

Based on the above assessment of the application it is concluded that the proposed development will be in the public interest

It is recommended that the proposed development be approved.

RECOMMENDATION:

That:

- A. Council support the applicant's objection under State Environmental Planning Policy No.1 to the provisions of Clause 11 (2).
- B. The application be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with the application and any supportive documentation, except as otherwise provided by the conditions of this consent.
2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979.
3. No excavation or site works shall be commenced prior to the issue of the Construction Certificate.
4. Compliance with Department of Land and Water Conservation's General Terms of Approval dated 6 November 2002 and NSW Rural Fire Services letter dated 31 January 2003.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.

5. The submission of engineering designs and calculations covering all works required by this consent.
6. The submission of a satisfactory soil and water management plan (SWMP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
7. Submission of proof of the payment of the Building Industry Long Service Levy where the value of civil works exceeds \$25,000.00.
8. Submission to and approval by Hawkesbury City Council of an "Application to Install a Sewage Management Facility" for the proposed sewage management facilities.

Prior to Commencement of Works

9. Submission to Hawkesbury City Council of any necessary approvals/authorities required by NSW Fisheries, Department of Land and Water Conservation and NSW Rural Fire Service
10. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved ESCP or SWMP. In the absence of any approved plan the work is to be in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation.

Note: Measures may include the installation of geofabric fencing, staked straw bale walls located on the contour down-slope of the construction, sediment detention basins, earthen contour banks and the like. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.

11. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
12. The applicant shall advise Council of the name, address and contract number of the principle certifier, in accordance with Section 81A 4(b) of the Environmental Planning and Assessment Act, 1997.

During Construction

13. All work must be carried out in accordance with the provisions of the Hawkesbury Development Control Plan - Appendix E.
14. 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.
15. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include, but are not limited to, water, sewerage, drainage, power, communication, footways, kerb and gutter.

Prior to Issue of Subdivision Certificate for the Boundary Adjustment

16. A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principle Certifying Authority prior to release of the linen plan/occupation of development.

17. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
18. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
19. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
20. Payment of a linen release fee of \$206.60. This amount is valid until 30 June 2003.

Prior to Issue of Subdivision Certificate for the Community Title Subdivision

21. A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principle Certifying Authority prior to release of the linen plan/occupation of development.

22. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
23. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
24. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a)	Open Space and Recreation	\$18,893.00
(b)	Community Facilities	\$26,720.00

The above contributions have been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for 3 (three) months.

25. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
26. Payment of a linen release fee of \$878.05. This amount is valid until 30 June 2003.
27. The submission of all necessary restriction as to users, covenant 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 and other documentation submitted with the application. The restriction as to users, covenants and community management plan are to alert owners that any development application for development which will generate more than 5 equivalent persons of waste water is to be accompanied by a feasibility study examining the capacity of the sewage management facilities to cater for the increased loading.

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28. The dedication and full construction of the new roads including pathways and the drainage thereof in accordance with the Hawkesbury Development Control Plan.
29. 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 or any other building.
30. The completion of all intersection works as proposed in Traffic Impact Assessment of Proposed Subdivision, Greggs Road and Pattersons Lane, Kurrajong, dated December 2000 prepared by Christopher Hallam & Associated Pty Ltd and works within Patterson Lane identified in letter from McKinlay Morgan & Associates Pty Ltd dated 2 April 2002, except as amended by works proposed in plan prepared by McKinlay Morgan & Associates Pty Ltd titled "Plan of Proposed Intersection Upgrade, Grose Vale Road and Patterson Lane", plan number 89617 E 10 dated 8 August 2002. Note the extension to Patterson Lane is to be dedicated as a public road and is not to be gated.
31. All works identified in the advices from Blue Mountains Wilderness Trust and the management plans for the fencing of Lot 1 are to be completed.
32. All works for the installation of the proposed sewage management systems are to be completed and a works as executed plan submitted to Hawkesbury City Council.

ATTACHMENTS:

- AT-1** Locality Plan
- AT-2** Plan of Existing Lots
- AT-3** Plan of Proposed Subdivision

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Locality Plan

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Plan of Existing Lots

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Plan of Proposed Subdivision

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Meeting Date: 25 March, 2003

Item: 22

ITEM: 22 **Modification to Proposed Library, Gallery, Commercial Premises and Cafe - 320 George Street, Windsor**

FILE NUMBER: 1592/01//ENC25NAX.V01

Applicant: Hawkesbury City Council
Applicants Rep: N/A
Owner: Hawkesbury City Council
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1.253 Ha
Zone: 3(a) Business General
Advertising: Not required Section 96(1A)
Date Received: 10 March 2003

Key Issues: - Section 96(1A)

Action: Approval

REPORT:

Introduction

The application seeks approval under Section 96 of the Environmental Planning and Assessment Act to amend Development Consent 1592/01 for the construction of the Library and Gallery building. This report details the proposed modifications and recommends approval. Plans will be displayed at the meeting..

A detailed assessment of the application, in accordance with Section 79C(1) of the Environmental Planning and Assessment Act is attached to the file. The modification is being reported to Council as the original application was approved by Council (Policy PEA 00712).

Background

26/11/02 - Report to GPC Meeting on the Development Application.

10/12/02 - Council resolved to approve the application subject to conditions.

The Proposal

The modification to the approved development involves the following:-

1. Minor alterations to the approved building footprint.
2. Minor alterations to boundary setbacks.
3. Reconfiguration of sprinkler valve/hydrant pump room at basement level.

4. Addition of roof plant rooms and walkway to roof.
5. Addition to plant room in basement level.
6. Reconfiguration of basement carpark layout to provide 90 spaces.
7. Revision of entry foyer and external stairs at basement level.
8. Reconfiguration of main stairs and lift lobby on each level.
9. Minor alterations to rooms and terraces adjoining the lift lobby as a result of changes caused by Item 8.
10. Minor internal layout changes.

The applicant's Architect has indicated with respect to Items 1-10, the following:-

"Items 1,2, 3 and 4 are a result of the rationalisation of the structural system and the service requirements and are of a minor nature, with no impact on the nature of the development.

Item 5 is a result of further investigation into the power requirements of the entire site. The inclusion of the plant room will ensure an efficient and economical way to provide power to the old hospital building, as well as the new development. It's basement location means there will be no impact on the external appearance of the proposed building.

Item 6 will allow one additional undercover parking space and eliminate the stacked parking that was included in the original proposal.

Items 7, 8 and 9 are the result of improved pedestrian flow through the site from George Street entry. Rotating the lift and stairs through 45° enhances the links between the building's entries and the foyer and also the links between areas within the building. The reconfiguration results in a slightly altered (and improved) elevation to George Street and a more enticing pedestrian entry.

Item 10 contains minor internal partition layouts due to further development of the design brief and will have no effect on the nature of the proposed development.

All the above items are of a minor nature and the development will remain substantially the same as the development originally approved."

Notification

The Hawkesbury Development Control Plan, under the Notification Chapter, does not require modifications under Section 96(1A) to be notified. As a result the application was not notified.

Planning Assessment

The following are the relevant matters for consideration under Section 79C(1) of the Environmental Planning and Assessment Act.

Section 96(1A) Modification of Consents

Section 96(1A) relates to modifications involving minimal environmental impact. The Act allows Council to modify the consent if:

“(a) It is satisfied that the proposed modifications is of minimal environmental impact.”

Comment:

The proposed modifications to the building footprint slightly reduces the area of the footprint compared to the approved development. The other alterations relate to internal adjustments and reconfigurations. The elevations have also been altered to a minor extent in line with the internal adjustments.

The modifications do not increase the scale or size of the development as approved and it is considered that the modification will have no more environmental impact on the locality than that which was approved.

“(b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent, as originally granted, was modified (if at all) under this section.”

Comment:

Assessment of the proposed modified plans against the approved plans has revealed that the elevations and footprint are considered as substantially the same development as that approved by the development consent.

“(c) It has notified the application, in accordance with:

- i) The regulations, if the regulations so require; or*
- ii) A Development Control Plan if the consent authority is a Council that has made a Development Control Plan under Section 72 that requires the notification or advertising of applications for modification of a development consent.”*

Comment:

The regulations do not require the notification or advertising of the modification. The Notification Chapter of the Hawkesbury Development Control Plan does not require the notification of Section 96(1A) applications.

“(d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the Development Control Plan, a the case may be.”

Comment:

The application does not require notification under the Hawkesbury Development Control Plan.

Context and Setting

The modified plans do not substantially alter the scale, size or appearance of the approved development. The modified plans continue to compliment the significance and setting of the heritage item on this site by providing suitably located and compatible new buildings in terms of scale, bulk, height and setbacks.

Car Parking

The approved carparking layout was based on AS2890.1. The modified plans are also based on the requirements contained in AS2890.1.

Independent Review

This Report has been reviewed by John Mullane of Mullane Planning Services. Mr Mullane is satisfied with the report and the recommendation.

Conclusion

The modification as proposed can be considered under Section 96(1A) of the Environmental Planning and Assessment Act. The modified plans provide changes that are considered to have no greater environmental impact than that which has been approved and are substantially the same development.

RECOMMENDATION:

1. That Development Consent 1592/01 be amended as follows:-

Condition 1 now to read:

“To confirm and clarify the forms of this approval, the development shall take place in accordance with the plans submitted and amended by the Section 96(1A) application and modified by these further conditions.”

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 22 Oooo

ITEM: 23 Heritage Advisory Committee Meeting with Real Estate Agents to Discuss General Heritage Issues in Hawkesbury**FILE NUMBER:** GH020/003//ENC25NBX.V04

REPORT:

On 10 September 2002, Council considered a report on a proposal to increase the awareness of real estate agents about heritage listed properties and older buildings in Hawkesbury to ensure the right information is conveyed to prospective purchasers. It was resolved that Council convene a meeting of the Heritage Advisory Committee, real estate agents, the Heritage Advisor and Council planning officers to discuss heritage issues generally and the merits of a letter to be forwarded to real estate agents on the matter.

The subject meeting was held as part of the Heritage Advisory Committee meeting of 13 March 2002. The delay in the meeting was in part due to the 2002/2003 holiday period and unforeseen commitments of the Heritage Advisor.

On 13 March 2003 the meeting of the Heritage Advisory Committee (Committee), real estate agents, the Heritage Advisor and Council's planning officers was held to discuss general heritage issues in Hawkesbury to achieve Council's resolution of 10 September 2002. Invitations were sent to a total of 43 real estate agents in the local area. Four real estate agents attended the meeting being:

1. Pat Clerk;
2. Trevor Devine;
3. Rowan Harrison; and
4. Stuart Pascoe.

Council representatives raised the following heritage matters including:

- The role of the Committee;
- The role of the Heritage Advisor;
- The Committee's concerns about development expectations of some purchasers of heritage items;
- The role of the community in identifying local heritage items and what makes Hawkesbury the place it is;
- The role of real estate agents in conveying information about heritage items in the sales process;
- The role of Council and an applicant in the heritage development assessment process, including the use of skilled consultants;
- Funding opportunities for conservation works to heritage items; and
- Heritage legislation.

The real estate agents raised a range of views on heritage issues, including:

- The heritage provisions encourage the decline of heritage items and don't encourage owners to spend money on these properties. The provisions should be relaxed so that old buildings can co-exist with new buildings, so owners have the opportunity to utilise land within the curtilage of a heritage item to offset costs and so owners can better use adjacent lands.
- It is easier to market and sell older properties and not all people who buy heritage items are looking at the short-term development potential of these properties. There needs to be more emphasise on heritage and less on developments that are driven by the bottom line;
- Why is not the Committee involved in the assessment of development application (or a similar panel of appropriate people)?;
- The cost of insuring heritage items is more and will increase (but requires further assessment and clarification); and
- Real estate agents would like to be advised of new heritage items scheduled in Hawkesbury Local Environmental Plan.

Further details about the matters raised will be provided in the Minutes for the Committee meeting.

There was a range of matters discussed at the meeting, which highlights the complexity of issues involved in the conservation and management of heritage items and which influence the decision making processes of heritage items owners and purchasers. These issues include planning, commercial, development and maintenance decisions. More often than not it is the planning and development assessment processes which Council is involved in, that are seen as the greatest obstacles to the use and change in use of heritage items. However, in many cases the decision to buy a heritage item and associated expectations are not consistent with heritage objectives, practice and the provisions of Hawkesbury Local Environmental Plan.

The awareness of the community, which includes the real estate agents and heritage item owners, about heritage needs to be improved so a balance between conservation and development is achieved, conflicts in the development assessment process are minimised and expectations are realistic etc. More awareness would also help people understand the importance of Hawkesbury as a heritage place and why people are attracted to the area. It could also distinguish the difference between heritage and other matters that are often included under the umbrella of heritage like rural and urban design and compatible land uses.

The Heritage Communication Plan that is currently being prepared as the "business plan" for the Committee incorporates an education strategy. Strategies will include targeting real estate agents and producing documents that provide details about how to conserve, manage and develop heritage items and properties within the vicinity of a heritage item and legislation.

Since the Heritage Communication Plan will target real estate agents it is recommended that Council not proceed with sending the letter to real estate agents. Although attendance was disappointing, overall the Committee's meeting with the real estate agents was a positive initiative.

RECOMMENDATION:

That:

1. The information about the Heritage Advisory Committee meeting with real estate agents be received.
2. Council not proceed with sending the letter to the real estate agents as they will be targeted as part of the Heritage Communication Plan.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 23 Oooo

ITEM: 24 Heritage Week 2003 - Program of Events**FILE NUMBER:** GH020/003/CSV/ENC25NCX.V03

REPORT:

As an annual event, the National Trust of Australia hosts the Heritage Festival in which the heritage of our State is showcased through events run by the National Trust, local councils, schools, and community and business groups. The Heritage Festival, which is also known as Heritage Week, is from Saturday 5 April to Sunday 13 April 2003 this year and the theme is "Freshwater-Water, Waves and Wanderings."

The Heritage Advisory Committee and the heritage and historical groups of Hawkesbury have organised a number of events based around the theme of "Freshwater-Water, Waves and Wanderings" to celebrate the heritage of the Hawkesbury area as part of Heritage Week. This is an initiative of the Committee to co-ordinate Heritage Week activities, to provide a centralised marketing opportunity for interested groups and to establish better working relationships. The events focus on life on and near watercourses with an emphasis on the Hawkesbury River. The events are:

1. **Hawkesbury Riverboat Collection Display.** All week at the Hawkesbury Regional Museum. (Hawkesbury Regional Museum)
2. **Hawkesbury Waterways Photographic Display.** All week at Hawkesbury City Council Library. (Council)
3. **Historical Walk - Peninsula Area of Windsor.** A tour of early cottages, the Old Gaol, Courthouse, drains and bridges between the river and South Creek. Includes a visit to an art gallery and Devonshire tea in a slab barn. Sunday 6 April 2003, 1p.m. (Hawkesbury Historical Society)
4. **Hawkesbury Waterways Seminar.** Guest speakers to present talks about the social history of the rivers of Hawkesbury. Wednesday 9 April 2003, 10a.m. to 3p.m. (Council)
5. **Hawkesbury River History Tour.** An inspection of heritage properties and early farms between Freemans and Wilberforce Reaches of Hawkesbury River first by car and then by riverboat. Sunday 13 April 2003, 10a.m. to 3p.m. (Hawkesbury Branch National Trust)
6. **"Wet Your Whistle" Wine & Cheese Gathering.** Discuss the Heritage Week theme and talks by heritage expert Dr Donald Ellsmore on "Hawkesbury's Riverboats" and a member of the Darug People on "The importance of the River to the Darug people". Sunday 13 April 2003, 3p.m. onward. (Joint event of all heritage and historical organisation in Hawkesbury)

Council has produced a flyer to market the above events which has been distributed to the historical and heritage organisations of Hawkesbury, the tourist centre, owners of heritage items, other standard mailing

lists, the main street co-ordinator, Councillors and senior Council officers. The events will also be advertised in the local newspapers through Council's Public Notice section and as a feature article in the weeks leading up to Heritage Week 2003. Importantly, the feature article will be marketed with heritage related business advertisements around the article.

A further report on Heritage Week 2003 will be provided after the week to provide details on attendance and outcomes. Council's participation in annual heritage week activities is a strategy included in the Heritage Communication Plan and will importantly be an opportunity to better promote the heritage values of Hawkesbury and establish networks.

RECOMMENDATION:

That the information regarding Heritage Week 2003 be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 24 Oooo

ITEM: 25 Community Engagement in the New South Wales Planning System**FILE NUMBER:** 79326/EVD/ENC25NCX.V05

REPORT:

On 3 March 2003, the Deputy Premier and Minister for Planning, the Hon Dr Andrew Refshauge, MP, launched the PlanningNSW Community Engagement Handbook and website, www.iplan.nsw.gov.au/engagement/.

The handbook and website have been designed to assist in greater community engagement in the planning and development system, one of the key principles of planFIRST. The handbook is intended as a source of reference for anyone keen to improve the quality of community engagement in the NSW planning and development system and is adaptable for use at state, regional or local level.

The handbook defines community engagement as follows:

“Community engagement broadly captures public processes in which the general public and other interested parties are invited to contribute to particular proposals or policy changes. Community engagement has the potential to go beyond merely making information available or gathering opinions or attitudes. It entails a more active exchange of information and viewpoints between the sponsoring organisation and the public, however the public is defined.”

The International Association for Public Participation (IAP2) is one of the partners involved in developing the handbook and website. IAP2 provides the following categories of engagement aimed at increasing the level of public impact. The handbook recognises however that local government commonly clusters the techniques of engagement into four categories, i.e.,

- information giving
- information seeking
- information sharing and
- participatory decision making

ENVIRONMENT

Meeting Date: 25 March, 2003

Item: 25

Increasing Level of Public Impact

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Objective	Objective	Objective	Objective	Objective
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, or solutions	To obtain public feedback on analysis, alternatives, or decisions	To work directly with the public throughout the process to ensure that public and private concerns are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To place final decision making in the hands of the public
Promise to the public	Promise to the public	Promise to the public	Promise to the public	Promise to the public
We will keep you informed	We will keep you informed, listen to and acknowledge your concerns and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible	To place final decision making in the hands of the public

Source: IAP2 International Association for Public Participation

The handbook contains detailed chapters on opportunities for community engagement, five step planning cycle and community engagement techniques and tools. The handbook also provides some case studies and best practice examples.

Council has been using these community engagement principles in recent projects including Mainstreet and Hawkesbury Our Future.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 25 Oooo