



Hawkesbury City Council

general purpose committee business paper

date of meeting: 27 April 2004

location: council chambers

time: 9.00 a.m.



mission statement

“To protect and enhance the unique, historical and environmental features of the Hawkesbury Region whilst encouraging planned development and providing services appropriate to the needs of the wider community.”

How Council Operates ...

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

The twelve 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 eighteen years and over and who reside permanently in the City.

The Ordinary Meeting of Council is held on the second Tuesday of each month at 7.30pm. Two weeks before the Ordinary Meeting, the General Purpose Committee meets to consider issues in the areas of Environment, Infrastructure, and Organisation & Resources. The time of the General Purpose Committee will be advised by public notice. Both of these meetings are open to the public.

Meeting Procedure ...

The role of the General Purpose Committee Meeting is to make recommendations about issues put forward in the areas of Environment, Infrastructure and Organisation & Resources. These recommendations are then forwarded to the Ordinary Meeting of Council, two weeks later, for adoption or final decision. The Ordinary Meeting also considers other matters of general business as appropriate.

The Mayor is Chairperson of both the Ordinary and General Purpose Committee.

Public Participation ...

Members of the public can request to speak about a matter that is before the Council for consideration at the General Purpose Committee Meeting. The Mayor will invite interested persons to address the Committee when the matter is being considered and speakers have a maximum five (5) minutes to present their views.

Residents are encouraged to attend the Ordinary Meeting to observe the proceedings of the meeting from the public gallery. There will be a provision prior to the break in the meeting at around 9.15/9.30pm for members of the public to ask questions of Council.

A Point of Interest ...

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

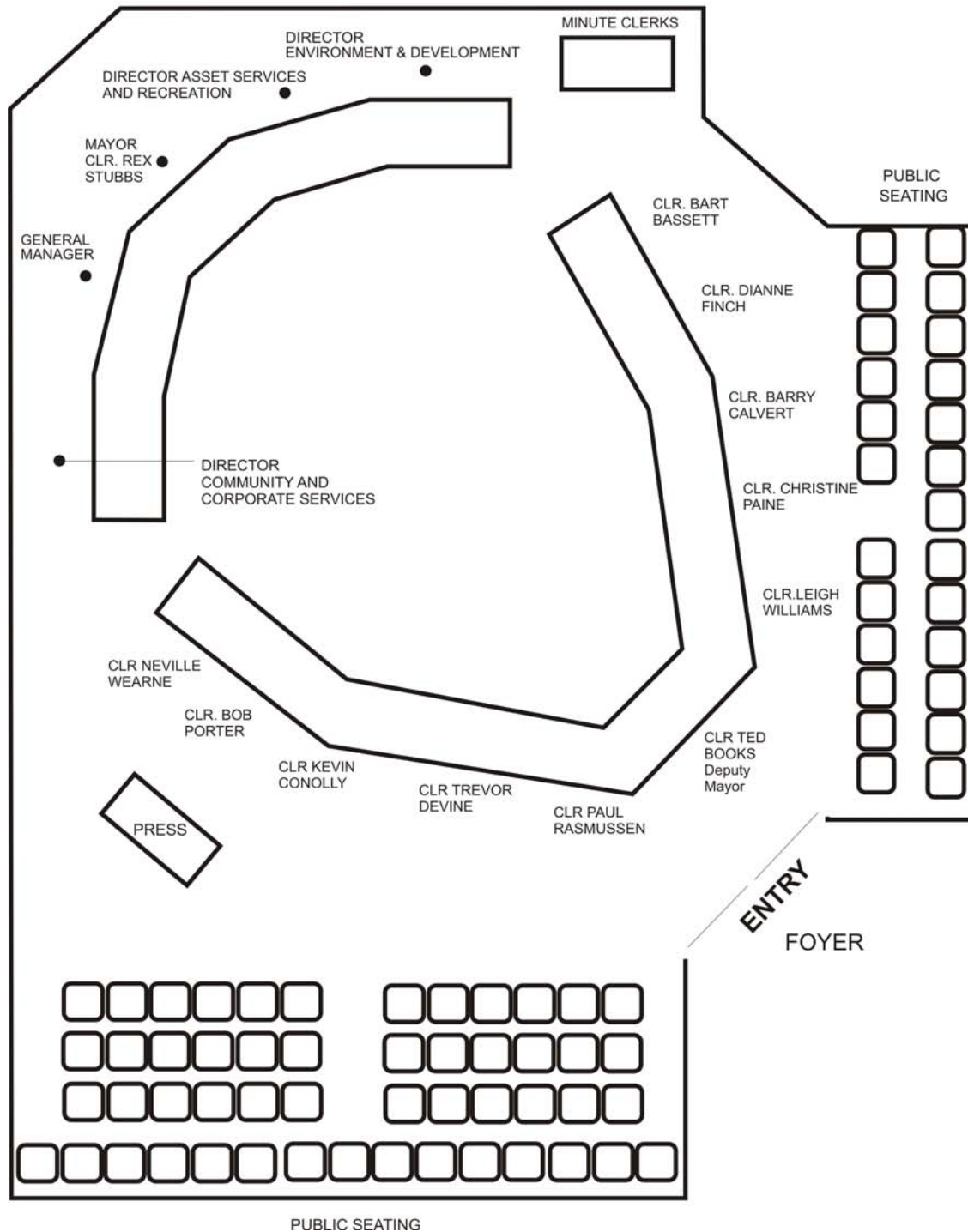
Website ...

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

Further Information ...

A guide to Council Meetings brochure is available. If you require further information about meetings of Council, please contact the Administration Manager on telephone 02 4560 4426.

council chambers



GENERAL PURPOSE COMMITTEE

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AGENDA

- **APOLOGIES.**
- **CONFIRMATION OF MINUTES.**
- **MAYORAL MINUTES.**
- **SECTION 1 - ENVIRONMENT.**
- **SECTION 2 - INFRASTRUCTURE.**
- **SECTION 3 - ORGANISATION AND RESOURCES**
- **NEXT MEETING.**

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ITEM: 19 **ENV A - Proposed Shopping Centre Complex and Road Works,
Johnston Street, Windsor (known as Hollands Paddock) - (DA0098/04)**

Previous Item: 81, Special (20 May 2003)
192, Special (18 November 2003)
32, 32 and 34, Special (19 March 2004)

Applicant:	Leffler Simes Pty Ltd Architects
Applicants Rep:	Mr Walter Kullen
Owner:	Pirasta Pty Limited
Stat. Provisions:	Hawkesbury Local Environmental Plan 1989 Draft Amendment 130 - Multi Unit Housing Draft Amendment 141 - Acid Sulphate Soils
Area:	1.17ha excluding Council Owned Lands
Zone:	Part Business General 3(a), Part Special Use 5(a), Part Open Space 6(a), Part Residential 2(a)
Advertising:	10 February 2004 to 26 February 2004
Date Received:	9 February 2004
Key Issues:	◆ SEPP No. 1 Objection, Flooding, Traffic, Heritage, Access over public land.
Action:	Deferred Commencement Consent.

Description of the Site and its Locality

The site is irregular in shape and has an approximate area of 1.17ha (excluding Council owned lands). It achieves a maximum elevation of about 17 (seventeen) metres AHD in the far north-eastern corner and about 16 (sixteen) metres AHD in the south-eastern and north-western corners and then drops steeply to a minimum elevation of about 12 (twelve) metres AHD in the centre and on the northern boundary of the site. It forms a natural basin on the floodplain, which transports and stores flood water for the Hawkesbury-Nepean River Catchment. The River in this locality, under certain flood events, functions in conjunction with the South Creek Catchment, as a flood way ,when flood waters meet at a near by low point in George Street. The River is about 120 (one hundred and twenty) metres north of the main site (closest point). The 1:100 year flood level for the area affects the site, which is 17.3 (seventeen point three) metres AHD.

Principal frontages for the site are George Street and Howe Park. The site is also visible from the secondary frontages of Johnston and New Streets.

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Formed vehicle access to the site is from New and Johnston Streets, via Council owned land. The site consists of commercial buildings fronting George Street, disused water treatment plant structures on Johnston Street and a large bitumen sealed area. There are a few mature trees on the north-western boundary and adjacent to No.23-27 Johnston Street.

Adjacent uses/zones to the site are:

- (a) North - residential and business;
- (b) East - business;
- (c) South - business and residential; and
- (d) West - residential and recreational.

The site is located in a transitional area between the business land uses that front George Street and the residential and recreational land uses that are focused on The Terrace and the River. Within the immediate locality of the site are eight heritage items, and in conjunction with the street layout, they form part of the historical and streetscape character of the Town.

Background

- (a) Owners consent - Council owned lands

The application, while it primarily involves private land, includes Council owned land as access is proposed over this land. Council, on 11 December 2001, considered a report on a request from the applicant for Council's consent as owner of lands that provide access to the site for a similar development application. In that report, Council's Solicitor had advised that Council should not unreasonably withhold its consent as owner to allow the application to be lodged and assessed to determine the appropriateness of the proposal. Council's owner's consent has been given to the current proposal in light of the above and Council's resolution of 11 June 2002.

- (b) DA1228/02 - Application for Shopping Centre and Roadworks and DA 0098/04 - Application for Shopping Centre and Roadworks

On 3 October 2002, the applicant lodged DA1228/02 for a Shopping Centre on the same site. On 20 May 2003 Council resolved to refuse the application for the following reasons:

1. *Council not make available land to provide access to the development proposed in DA 1228/02 being part of Lot 3 DP759095 (part of Howe Park necessary to widen Johnston Street) and Lot 30 and Pt Lot 31 New Street.*
2. *The SEPP 1 objection is not supported to vary the process of Cl. 25(2) of HLEP 1989.*
3. *DA 1228/02 be refused for the following reasons:*
 - (a) *It does not comply with Cl. 25(2) of LEP1989;*
 - (b) *There is no appropriate access available to the site;*
 - (c) *It has an adverse noise impact on the adjacent properties;*
 - (d) *There is a severe loss of amenity on the adjacent properties;*
 - (e) *The impact on the adjacent heritage items is too severe;*
 - (f) *Not in the public interest;*

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- (g) *The proposal represents an over-development of the site;*
- (h) *The proposal will have an unacceptable impact on the economic viability of Windsor and South Windsor; and*
- (i) *The impact on the development by flood waters is unacceptable.*

On 17 September 2003, the applicant requested a Review of Determination of DA1228/02 under Section 82 A of the EP&A Act. On 9 December 2003 Council resolved not to reconsider its decision of 20 May 2003.

DA0098/04 and DA1228/02 may appear to be the same applications but in fact are different, irrespective of the degree of the variations. Therefore, the full assessment process must be completed for DA0098/04. For reference, the difference between the 2 (two) applications are listed below.

- (i) The recessing of the supermarket loading dock is further into the supermarket space (in response to noise);
- (ii) The building is setback 1 (one) metre from The Terrace side of No. 17 Johnston Street and is to be subdivided, by way of a boundary adjustment, so it may be included in the property of No. 17 Johnston Street (response to access). An offer to cover costs of constructing a driveway has been made by the applicant;
- (iii) The removal of the access way/point through the basement car park to no. 17 Johnston Street (response to access);
- (iv) Minor amendments to the loading dock, near No. 17 and No. 19 Johnston Street (improve landscaping buffer via planter boxes and reduce building bulk);
- (v) Clarification of façade treatment to the basement car park in the south-western corner of the building;
- (vi) Reduction in the width of the pedestrian ramp, to be used as an emergency link (flood free route), on the New Street side of the building and simplification of the façade of the building in this location;
- (vii) Relocation of the 2 (two) sets of amenities to inside the building, 1 (one) from the western exterior and 1 (one) from the eastern interior (in response to matters raised by the Police);
- (viii) A reduction in floor area from 9,435 (nine thousand, four hundred and thirty five) to 9,270 (nine thousand, two hundred and seventy) square metres (supermarket of 3,600 (three thousand and six hundred square metres to remains); and
- (ix) Relocation of the plant room to the roof of the southern boundary, eastern corner.

c) Owners consent - No. 17 Johnston Street

The EP&A Act requires the consent/approval of both parties to effect a boundary adjustment. The boundary adjustment is Complying Development under Hawkesbury LEP, and would need to be completed separately by both parties.

Community Consultation

The application was publicly exhibited and adjoining landowners, landowners in the locality and persons who made submissions to DA1228/02 were notified of the development in accordance with the Notification Chapter of Hawkesbury Development Control Plan. As a result of the public exhibition process, 67 (sixty seven) submissions were received being 17 (seventeen) in support and 51 (fifty one) objections to the shopping centre. Submission ranged from simple to detailed comments, with expert advice submitted by some objectors. These submissions include some from people who have a direct and indirect link to the town i.e. live in town, work in town, visit town from within the LGA and outside etc. The issues of concern raised by respondents after reviewing the documents included:

1. Council's interest in the application;
2. Howe Park and Community Land;
3. Access to adjacent properties;
4. Planning procedure - 5(a) zoned land;
5. Stormwater;
6. Flooding and the SEPP No. 1 Objection;
7. Heritage and Archaeology;
8. Traffic, Truck Movement and Parking;
9. SREP 20 - Hawkesbury Nepean River;
10. SREP 55 - Contamination;
11. Town Character and Vision and Tourism;
12. Pollution and Hours of Operation;
13. Near by residential uses;
14. Business impact;
15. Strategic Planning and Windsor Masterplan;
16. Due process in assessing the application;
17. Safety; and
18. Inconsistencies in application details.

Comments on these issues are identified within the Planning Assessment.

Local Government Act Matters

(a) Road works, vehicle access to site and classification of Council owned lands

The land in Howe Park, which is required for road works and the Laneway are classified Community. Cl. 47F(2) - Dedication of Community Land as Public Road, of the LG Act, outlines the limited circumstances under, which community land may be dedicated for public roads being:

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- (a) *a dedication of land for the purpose of widening an existing public road, or*
- (b) *a dedication by the plan of management applying to the land, in respect of existing roads, or*
- (c) *a dedication of land for the purpose of a road that is the subject of an order under Division 1 of Part 5 of the Roads Act 1993.*

The applicant proposes that Council make use of Cl. 47F(2)(a). Advice from Council's Solicitors is that Council has the ability to dedicate the required lands as public road which would provide the required access for the shopping centre.

Council, on 4 November 2003, resolved to prepare a local environmental plan to reclassify the Laneway from Community to Operational Land, with the intention of dedicating it as a road. The reclassification will need to occur to enable the roadworks to take place before other works could commence.

Part Lot 30 and Lot 31, 10 New Street are classified Operational and are not dedicated as a road. This land parcel could be leased, sold, or dedicated as road for the application to proceed.

Whatever option Council decides to pursue in determining the road works and use of Howe Park, the application cannot proceed until the LG Act decision-making matters and processes have been completed.

(b) Emergency Pathway

Lot 1 DP550135, Johnston Street is unzoned and 1 (one) of the pedestrian ramps for the evacuation route would be on it. It was dedicated as road for the purpose of pathway and is an open road. Council may consent to any structure on this land that facilitates the use of the pathway.

As an emergency access, the pathway must be provided at the 1:100 flood level of 17.3 (seventeen point three) metres.

(c) Works in Howe Park - Girl Guide Hall and Other Works

The existing Girl Guide Hall is located too close to the boundary of the site and would be adversely affected during construction and by the operation of the shopping centre. Its use would be compromised and alternative accommodation arrangements are required at the applicant's expense.

The Plan of Management (POM) for Howe Park would need to be in place before Council could make any decision on the replacement of the existing Girl Guide Hall, as a result of the development. The POM would need to cover all proposed works in Howe Park.

(d) Access Over Lands - Council and Private Owned

A number of properties on the block bounded by Johnston Street, George Street, New Street and The Terrace use access over the site. Legal opinion obtain about No. 17 Johnston Street, which has no access to the street, indicates that Council has no liability to provided access. Access over private lands is a private matter between landowners.

Planning Assessment

The application has been assessed against the heads of consideration under Section 79C of the EP&A Act and having regard to those matters, the following issues are identified for further consideration.

Statutory Provisions

1. Hawkesbury Local Environmental Plan

(a) Land use table and Zone objectives (Clause 9 & 9A)

The site is partly zoned Residential 2(a), Business General 3(a), Special Uses 5(a)-Water Treatment Plant and "unzoned" under Hawkesbury LEP.

The main part of the site (Hollands Paddock) is zoned 3(a) Business General and 5(a) Special Uses -Water Treatment Plant. The proposed development is defined as a "shop" which is permissible with development consent. The objectives of the Business General 3(a) zone are:

- "(a) to promote the development and expansion of business activities to meet the optimum employment and social needs of the City of Hawkesbury;*
- (b) to promote non-commercial development within the zone where such development is compatible with the commercial character of the locality;*
- (c) to ensure that there is adequate provision for car parking facilities within the zone;*
- (d) to minimise conflicts between pedestrians and vehicular movement systems within the zone; and*
- (e) to preserve the historic character of the City of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts."*

The relevant objective of the Special Uses 5(a) zone that applies to the site is to recognise the existing public land, being the Water Treatment Plan, and to enable its continued operation, growth and expansion. Clause 31 - Acquisition and use of reserved land under Hawkesbury LEP applies which provides special provisions for the land which enables:

Clause 31(5) *the interim use of the land for any purpose until the land is acquired by the public authority.*

Public Exhibition-Issue 4 submissions:

- The use of the 5(a) land is inconsistent with zone objectives; and
- It is not appropriate to rely on Cl. 31(5) to permit the development, as an interim use.

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- If the land is surplus to need, then it should be assessed and rezoned to determine the most suitable land use. Council has previously undertaken 16 (sixteen) rezonings for 5(a) lands in the Local Government Act, which are surplus to need and this process should be the same for this land. The use of the land should be determined by the planning process, not the development process.

One of the ramps for the emergency pathway is located on land zone Residential 2(a) in New Street. The overall objective of the zone is to provide housing and other developments that are compatible with the character of the living area and which has a domestic scale.

Amendment 130 (Multi Unit Housing) applies to the subject residential land in New Street. Under this draft amendment only a single storey house would be permitted on the land.

Amendment No 141 (Acid Sulphate Soils) to Hawkesbury LEP applies to the site and aims to minimise the impact of development on the disturbance of acid sulphate soils. The site is Class 5 on the Acid Sulphate Soils Planning Maps and is within 500 (five hundred) metres of a higher order class. Consent is required for works including the disturbance of more than 1 (one) tonne of soils, foundations and works likely to lower the water table. The applicant needs to complete an assessment of the development in accordance with the Acid Sulphate Soils Assessment Guidelines.

Comment

It would be preferable for the land zoned 5(a) to have been rezoned prior to its sale, given the sale is a clear indication that Sydney Water no longer needs the land and to ensure a prospective purchaser may use the land for any intended use. It is practise for government authorities to formally request the rezoning of such lands, when it is known that land is not required for a public purpose, which did not occur in this case.

The appropriate use and zoning of the 5(a) land is fundamental to the development proceeding. If Council decides to support the application it is recommended that Council resolve to rezone the land. The intent of Cl. 31(5) is to provide for intervening uses, which implies a temporary use in nature. However, it is considered that Council can use Cl.31(5) to approve the development, as there is no qualification on the time associated with the interim use.

The ramp on the 2(a) land forms part of a pathway, which would provide emergency access. The ramp does not provide general entry to the building. As the only function of this pathway is to provide a flood evacuation route for neighbouring residents, it is permissible.

(b) Provision of water, sewerage etc. services (Clause 18)

The development would not have an adverse affect on the local sewerage system. Works will need to be undertaken to Council standards and access to sewer lines from adjacent properties will need to be maintained.

The impact of the development on the capacity of the stormwater system in conjunction with flooding, which is addressed in the next section, have been considered and it will be better to allow the site to free drain to the River than to provide on-site detention; the applicant's design only addresses drainage of the site and does not cater for all properties that drain over the site. The

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applicant's design has not taken into account that the stormwater outlet in the River is close to water level and will be blocked regularly by frequent flood events below the 1:100 year event, which mean the pit will back up and surcharge.

(c) Development of flood liable land (Clause 25)

In this Clause the relevant provisions that apply to the development are:

- Cl.25(2) *A building shall not be erected on any land lying at a level lower than 3 (three) metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by sub-Clause (4), (6) and (8) [not relevant].*
- Cl. 25(5) *The Council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this Clause have been satisfied.*
- Cl. 25(7) *Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.*

The 1:100 year flood level for the area is 17.3 (seventeen point three) metres and the minimum level at which a building can be erected is 14.3 (fourteen point three) metres. The applicant has submitted a SEPP No. 1 objection to Cl. 25(2) to enable the erection of the building below 14.3 (fourteen point three) metres.

Public Exhibition - Issue 6 submissions include:

- The site is a floodway and is a natural basin safety-valve for the River during floods. As a result the development is inappropriate;
- Earthworks associated with the development will change the ability of the site to function in its role as a floodway and storage basin remain a flood storage area. It will increase the impact of flooding in the locality and will lead to other environmental impacts like heavy metals in various stages getting directly into the River;
- No development should be approved that raises any question of risk to life, which is why development standards are set in Hawkesbury LEP; and
- Cumulative impacts of development in the River's catchment are having an even greater impact on the River's function. Capacity levels are being approached and this development would have a significant impact.

The application provides information which includes the following:

- The site performs a dual role on the floodplain being a storage area for "localised" events and as part of the floodplain for larger event, as floodway between the River and South Creek Catchments (low point or sag in catchments is in George Street in front of site at AHD 14.7m). The 2 (two) catchments merge for floods greater than about the 1:50 year events making it a flow path for floodwaters;

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- Based on the minimum finished floor level of the car park (RL 11.5metres), floodwaters from an event just over the 1:5 year flood level (AHD 11.1m) will commence to enter the car park and will rise until it is inundated at the 1:10 year flood level at 12.3m (twelve point three) metres. For larger events, water would rise in the car park and eventually reach the level of the sag point in George Street, which would be achieved for an event just below the 1:50 flood level (15.7 metres). Waters would enter George Street via easements on either side of Macquarie Plaza, on the corner of George Street and New Streets.
- The two catchments merge at about 15.7 metres and as that the majority of the development floor level is above 17.5 metres (200mm above the 1:100 flood level of 17.3 metres), the building will not displace or have a significant effect on floodplain storage. It goes on to state that:
- There will be some impact on stormwater drainage as a result of the development, as 1 (one) of the 3 (three) overland flow paths that currently link the 2 (two) floodplains through the Colonial Arcade, would be closed off.
- It is proposed to maintain flow capacity by providing a connection between the car park and George Street, to function as a surcharge pit in the event of a major flow the direction of the River.

Council Staff Advise:

- A stormwater drainage concept plan will need to be provided to show how the 2 (two) catchments can be satisfactorily isolated both structurally and hydraulically for all events other than during cross catchment flooding. The concept plan will need to show provisional arrangements for stormwater internal and external to the site which will need to be designed in accordance with Hawkesbury DCP for major drainage systems;
- A large structure located in the flow path of water between 2 (two) interacting catchments would result in some differential in water levels and, therefore, exacerbate local flooding of adjacent lands. However, the development would not significant impact on the overall floodplain storage capacity of either catchment;
- The preparation of a formal Flood Plan, which would be prepared during the detailed design phase of the project needs to be prepared and implemented by Centre Management as recommended by the applicant is support in the information;

Comment

Much debate has surrounded the interpretation of Cl. 25(2) and whether it is a prohibition on development or a development standard as defined in the EP&A Act.

Cl. 25(2) as a prohibition was raised by respondents to the Public Exhibition (Issue 7) and legal advice on the matter formed part of a submission. Council obtained legal advice from Senior Counsel on the matter to advise on the interpretation of Cl. 25(2). Senior Counsel advises that Cl. 25(2) is a development standard, as it does not prevent the erection of a building but seeks to regulate the level at which a building is erected (standard). Council may consider the

development subject to a SEPP No. 1 objection to the development standard (i.e. 14.3m). The SEPP No. 1 objection is considered below.

The Flood Plan should be undertaken as even a 1:5 flood level, which is a regular event, would affect the operation of the shopping centre. It will assist centre management in their management of tenants, especially those that will have shops situated below 17.3 (seventeen point three) metres. It is considered that the development will achieve satisfactory compliance with the aim of Cl. 25(5), which is to achieve a certain level of safety for access and isolation.

(c1) SEPP No. 1 Objection - Assessment

The applicant objects to the development standard of Cl. 25(2) being a building may be erected up to 3 (three) metres below the 1:100 flood level for the area being 17.3 (seventeen point three) metres. As such a building can only be erected at a minimum height of 14.3 (fourteen point three) metres or greater. The justification by the applicant in summary is:

- (i) That adherence to the development standard is not more important in planning terms than the development itself which should be allowed to proceed because:
 - (a) The object of the EP&A Act, being Cl. 5(a)(i) and Cl. 5(a)(ii) are pursued by the development. Non-compliance with the development standard will not raise any matters of significance for State or for regional planning, (other than the positive achievement of the introduction of a facility that will reinforce the commercial centre status of the Windsor Town);
 - (b) The standard in Cl. 25 is likely to have been introduced to minimise flood damage costs both on the subject development and on the community and to minimise human risk;
 - (c) The development will not exacerbate flooding in adjacent areas and will not increase the overall flood risk to Windsor. Any costs of flooding on the development is minimal. Compliance with the development standard is unreasonable and unnecessary in the circumstances and the objective of control. The applicant's flood reports found that the development is acceptable in terms of potential flood impacts as:
 - *"The proposed floor level of the supermarket and adjacent areas is 200mm above the 1:100 flood planning level and hence the building will not displace flood plain storage;*
 - *The car park beneath is open to flood waters;*
 - *Flow velocities in the area are low, consequently the development will not have an adverse impact on local flooding patterns, and risk to life and limb will be small;*
 - *The car park, switch rooms and substation are able to be built from flood-compatible materials. Similarly that part of the trading floor area that is flood-*

liable in order to have the appropriate relationship with the street, can be constructed of flood compatible materials;

- *There is over a day's warning time available of the arrival of floodwaters, therefore the affected specialty stores have adequate time to relocate stock to their flood-free mezzanine areas;*
- *With the flood warning time available, there is ample time also for the removal of vehicles from the car park and people from the area generally;*
- *The development in the form will provide the residents and workforce to the east, a flood-free evacuation route thorough the centre and wet to New Street.*

Comment

Council assumes the Director-General's concurrence under SEPP No. 1 for determining this type of Objection. The Department of Infrastructure, Planning and Natural Resources (Department) provides Guidelines for examining SEPP No. 1 objections. Development standards are often general numeric tools used to achieve the underlying planning objective.

Assessment of SEPP No. 1 Objection

(i) State and Regional Planning Objectives

There are no specific State and regional planning policy objectives (except SREP 20) that directly apply to the land and there are no specific planning standards notified to Council by the Department. Section 5(a)(i) of the EP&A Act provides general planing objectives and deals in part with the proper management, development and conservation of resources, including water and towns for the social and economic welfare of the community and a better environment.

The applicant contends that the proposal fulfills those objectives. Given there are no direct State Policies to the contrary the statement is accepted.

(ii) Local Planning Objectives

The 5 (five) local planning objectives for the 3(a) Business General zone under Hawkesbury LEP are outlined in Section 1(a) of this report.

It is considered that the development meets the zone objectives.

(iii) Underling objective of the standard

Cl. 25(2) applies to all land in Hawkesbury that is flood liable. It provides opportunity for the erection of a building on natural ground level, which is situated below the 1:100 planning standard. The standard sets the desired minimum level at which a building may be erected reflecting the height differential between the construction level and floor level at or above the 1:100 flood level and the scale of development to limit the unreasonable filling of land "to build up" to the standard to minimise risk to life and property and to enable evacuation and access for emergency services etc.

The broader issues of scale and bulk will be discussed later in the report. The clause seeks to exclude development from flood liable land and to keep the scale of buildings down. The applicant argues that given the design of the building and its location, the scale is not overpowering.

(iv) Likelihood of similar applications

A significant amount of land in Hawkesbury is flood affected which can only be developed under the provision of Cl. 25(2). While a similar commercial development is unlikely that would seek variation to the 14.3m standard, it is likely that a number of residential and rural-residential developments would seek variation to the 14.3m standard. However, it is considered that the risk associated with commercial development is much less than for residential.

Conclusion

The applicant's SEPP No. 1 objection has been examined and is considered to be satisfactory.

(d) Development in the vicinity of heritage items (Clause 28)

Council must consider the impact of a development in the vicinity of a heritage item in terms of its impact on the heritage items significances and its setting. There are eight heritage items located adjacent to the site or within the immediate vicinity including:

1. No's 199-201 George Street, corner Johnston Street, (Item 197-Local);
2. Royal Exchange Hotel, No. 205-209 George Street (Item 199-Local);
3. Shop No. 226-228 George Street (Item 200-Local);
4. No. 242 George Street (Item 201-Local);
5. Former Inn, No 265 George Street, corner New Street (Item 202-Local);
6. No. 23-27 Johnston Street (Item 238-Local and State);
7. No. 1 New Street (Item 251-Local); and
8. Anglican Church Hall, No 7 New Street (Item 252-Local).

These properties represent architecture from the Georgian and early and late Victorian periods and reflect building styles in the evolution of the Town. There are later buildings styles in the Town as well but most of these have little architectural merit.

The applicant states the development will not have a negative impact on the heritage items in the vicinity of the site, stating:

- (a) The shopping centre is compatible, apart from localised impact to the rear of The Terraces the development has few impacts on the heritage values of the commercial precinct; has moderately beneficial impacts on George St, being designed as a series of buildings/bays consistent with the historic building pattern; has neutral impacts on the streetscape values of New Street and Johnston Street by virtue of being set back from the street alignment and into the natural hollow of the site.

The significance of The Terraces is its streetscape contribution to Johnston Street which won't be affected as the development is recessive in location, character and expression. Sufficient visual separation exists because of the lot boundary/curtilage and the maturity of

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trees on the boundary. The impact of the existing driveway is mitigated by planting an avenue of trees and screen fencing to reinforce existing landscaping. Secondary values of setting are only informal views of The Terraces from the car park and for The Terraces users and the effect on significance is negligible.

- (b) The removal of the open air car park which is an expansive intrusion in that part of Town is a positive impact in terms of landscape and townscape values;
- (c) Local impacts on views to and from Howe Park are mitigated by the proposal to mound and plant Howe Park to overcome impacts. There is no demonstrated archaeological potential for the site;
- (d) The water treatment plant is of low significance and does not justify listing on the basis it is interconnected to the earlier (significant) Windsor Water Supply Scheme infrastructure. It is independent of the earlier scheme and is not rare, as there were 25 other schemes taken over by Sydney Water. It should only be photographically recorded before demolition; and
- (e) The development makes use of the natural depression of the site to limit heritage impact; incorporates measures in the design and construction to effectively mitigate potential heritage impacts on the surrounding streetscape, public lands and near by heritage items and respects the historical character of Windsor at streetscape and planning levels and is a suitable use of the site meeting community needs.

Public Exhibition - Issue 7 submissions

- Large developments, like one roof retail centres, won't contribute and conserve the heritage and historical character of Town as they dominate nearby heritage buildings and increase heavy vehicles usage on the roads for which they were not designed for and lead to multiplier effects of damage to heritage buildings ie. cracks;
- Aboriginal heritage and potential archaeological significance needs to be taken into account upfront in any application in this historically important Town. Reporting and digs need to be mandatory if Council is serious about maintaining the integrity of the Town;
- The community does not consider the Heritage Impact Statement/Heritage Report of the applicant as being a complete and objective document. It only considers five (5) heritage items instead of nine (9) items in the locality and does not give the site a historical profile before 1820s-1840s which is a misunderstanding of Macquarie's plan for Windsor and the context surrounding Windsor's development. The plan drawn in 1812, was a grid pattern for managing growth, which is reflected in the Town's layout - roadworks will change the significance; the colonial brick barrel drain revealed during previous roadworks in The Terrace is a potential heritage item. The extent of the drain and direction has never been established and could be affected by the development;
- The potential heritage significance of the water supply tanks has not been established. It is not a minor water supply infrastructure of the 1950s and 1960s, as stated in heritage report, but are part of a rare and almost complete suite of industrial artefacts relating to a rural town water supply in the 19th and 20th centuries, which remain in close proximity to the River

pumping station. Representative examples of all heritage categories is required under legislation eg. industrial, social, historical, architectural and scientific;

- It is not appropriate to allow a large wall (and tree planting) to minimise the impact of the development on The Terraces, which is a State Heritage Item. Views from the building to the mountains across the site would be lost because of the development's height. The reduction in the space around the item from road widening and proximity of the development is not appropriate;
- Views of the Windsor ridge from Macquarie and Howe Parks, which are enjoyed by residents and tourists will be lost and will have no meaningful interpretation in the future. The interpretation of the view line is a key element in the significance of the Town from Town lands and the River; and
- The Windsor Conservation Area Study identified more properties for heritage listing and view lines for the Town that need to be addressed in the application. The site reflects environmental significance for flooding and aspects of Town development (i.e. land use and water supply) that should not be lost as a result of the development.

Hawkesbury Heritage Advisor

The Heritage Advisor has considered the application, and notes the similarities between this application and the DA1228/02. He is concerned with the development which would have an adverse impact on the heritage values of the Town i.e. character of the Town and amenity of the precinct or site's locality. The following 5 (five) comments are made by the Heritage Advisor about the development:

"1. Suitability of the Site for development

Only part of the site is suitable for development due to the historic context. The history has been strongly influenced by flooding of the Hawkesbury River. The area at the south-eastern end of the site is suitable for development subject to appropriate integration into the built form. The north-western end of the site is unsuited for a large development or any development that would not conform to the historic patterns and established heritage values of the Town.

2. General impact

The nature of the development is inappropriate due to its high dependence on road vehicle access for traders and customers. A shopping centre development of this type would have a higher traffic impact than any equivalent number of individual businesses providing the same services and products. Indeed it is the cumulative impact of such a development that underpins its economic viability. Whereas people now come and go in non-aggregated groups, a shopping centre is a major attractor that generates floods of shoppers, most of whom would arrive and depart by car. I have witnessed the phenomenon at Broadway (city) where one formerly quiet street has been blighted by traffic and consequent traffic controlling measures, to the detriment and amenity of that precinct.

The development would generate a level of vehicular traffic that would have an adverse impact on the Town amenity and therefore the heritage values of the Town. Furthermore it would change

the balance of the Town by introducing high levels of traffic intrusion into an area that currently exhibits a degree of tranquillity consistent with the national heritage status of the town.

3. *Impact on heritage values on Windsor*

Windsor is one of the Macquarie-planned towns and a place of national heritage significance. As a consequence of its high significance and development in the Town would need to respect the historic form of the Town and also be compatible with the heritage items in the vicinity.

The proposed design for Riverview Shopping Centre would have a major adverse impact due to its excessively large footprint, which would have an adverse impact on the traditional heritage built form. Whereas now the fabric of the area is made up of modest scale units this development proposes an industrial size form and footprint, which would be entirely incompatible.

4. *Impact on George Street*

The impact at the George Street end of this site would not be as dominant. Due to its low scale at the south-eastern end and the existing two-story built form the impact on George Street would be low.

5. *Impact on view from the Hawkesbury River*

The Hawkesbury River at Windsor is a natural and cultural feature of high significance. The view from the River and lowlands to the Town is a major component of the heritage significance of the Town. It is equivalent in aesthetic values to many historic European Towns.

The historical importance of the elevation of the Town above the River and lowlands is high. Indeed the view of the tower of St Matthew's church from the north is unsurpassed in Australia. It features a delicate form of exquisite architectural style set against a soft landscape of trees and traditional roofscapes. By contrast the proposed north elevation of the Riverview proposal (as it would be seen from the River and lowlands) would be brutal and uncompromising.

In recent analyses of Pitt Town it became clear that the Hawkesbury town views are fragile and vulnerable. Developments of the scale of this proposed development should be avoided at all cost."

In conclusion, the Heritage Advisor states:

"It would be possible to minimise the adverse heritage impact of the proposed development but I would not be confident that the deficiencies could be overcome. It would be possible to further reduce the footprint of the development. That would be an important change. It would be possible to also re-design the north-western façade of the (reduced) development to conform more to the traditional built form. The revised design would need to be attractive and well-integrated when viewed from the River and lowlands. It should not have a strong or harsh urban form."

Comment

Having regard to the comments of the Heritage Advisor and the respondents it is considered the development would have a significant impact on the overall character of the Town in terms of

scale, bulk, views and proximity to listed heritage items in the site's locality. The applicant has focused on the assessment of the building and has not adequately considered the development in the context of the Town.

The development will have a positive impact on George Street introducing better architectural design than currently exists, which is based on the historical building design established in the Town. The George Street elevation is at a suitable scale, being infill development. The development will have neutral impact on New Street, as it sits lower and is not a backdrop to any adjacent heritage item. The impact on the amenity of the use of the houses adjacent to the development on New Street is another matter, however, these are owned by the proposed company.

SEPP No. 11 – Traffic Generating Developments

All related traffic issues for the shopping centre will be considered in this part of the report to ensure they are addressed concurrently.

The application was referred to the Roads and Traffic Authority (RTA - Sydney Regional Development Advisory Committee) as a SEPP 11 development. The first available Regional Traffic Committee since lodgement of the application was Wednesday 17 March 2003. Council Officers attended the Committee meeting. Comments from the RTA were received in a letter dated 19 March 2004 for Council's consideration in determining the application:

1. *Because of the nature of the roads and road pattern in the area of this proposed development, Council should require the developer to prepare a traffic operating plan for the control of traffic operations for consideration of the Local Traffic Committee and RTA prior to implementation of the plan. The plan should describe the management of traffic, particularly the delivery/garbage vehicles travelling to the site. A restriction on the route that these vehicles travel is appropriate (e.g. south eastern section of Johnston street);*
2. *It is understood that Council is carrying out a study relating to the future planning of the Windsor CBD precinct. In addition to land use options, this study will identify works required to maintain a satisfactory traffic environment and develop a contributions plan should this be deemed necessary;*
3. *On street car parking within the town centre is currently high and it appears that there will be a need to alter some of the parking restrictions to accommodate traffic flows generated from this development. Council should refer any proposals for parking restrictions, line marking or sign posting to the Local Traffic Committee and also consider the impact that the restrictions (such as in Johnston Street) will have on the town centre;*
4. *The proposed alterations to the direction of traffic flow in Johnston Street are to be referred to the Local Traffic Committee for consideration and approval; and*
5. *All works to be carried out as a result of the development are to be at full cost to the developer.*

The approval of a traffic management plan (or traffic operating plan) for the development's impact on the local road network and of changes to parking restrictions in the vicinity of the site etc, by

the RTA/Local Traffic Committee is supported. The development is a major development which will change the nature and behaviour of traffic in the township.

The applicant's traffic report concludes based on the projected traffic generation for the shopping centre (about 630 vehicles per hour), using the SCATES and INTANAL models, that the intersections in the vicinity of the site would continue to operate at a level of service C or better and therefore the road network has the adequate capacity to cater for existing land uses and the shopping centre. Semi trailer movements of 5 (five) to 7 (seven) per day would occur in Johnston Street.

Council's Traffic Study of Windsor Centre

Council's traffic consultant used the TRACKS traffic model and concluded the development has been designed with minimal impact on the Town and that while there are current points of congestion in the local network, trips to the shopping centre (about 600 vehicle trips two-way in the Friday evening peak hour and 420 vehicle trips two-way in the Sunday peak hour) would not adversely impact on the performance and capacity of the local roads, which would operate at a level of service C or worse, taking consideration of delays. Traffic generated by the shopping centre would be distributed evenly to a number of viable local access routes and to the regional connectors.

Council's traffic consultant recommends that:

1. The 3 (three) access points to the shopping centre be adopted as they improve the distribution of trips through the Town, and minimise additional flows through the northern sector (Baker and George Streets);
2. Speed profiles along the residential route be monitored to ensure vehicle speeds do not exceed current demands;
3. The potential for a designated heavy vehicle route be examined to minimise intrusion into residential and retail streets by relevant parties;
4. That relevant parties be consulted on the potential changes to the Town (Stage 2 of Study) as a result of the impact of the Windsor Flood Evacuation Route for incorporation into the design of the shopping centre.

Public Exhibition - Issue 8 submissions include the following:

- (a) Existing traffic problems in the Town due to narrow streets, trucks and car parking and movements which will be made worse by the shopping centre; the impact of the development is not justified given the site's constraints;
- (b) Increased traffic will lead to conflicts like dangerous movements; truck deliveries at all hours in residential streets; service trucks for uses in Johnston St, especially in the one-way section;

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- (c) On-street parking will be lost to facilitate the development; on street parking should be maintained; The development has an impact on the horse float that parks on Sundays in The Terrace;
- (d) The widening of Johnston Street and the corner of Johnston Street and the Terrace will require the destruction of large trees (i.e. Jacaranda) and destroy the residential and heritage nature of the street;
- (e) Not appropriate for the owner of No. 249 George Street to be required to provide a right of way for adjacent properties because existing access arrangements over the site would be removed;
- (f) The Terrace's width between Johnston Street and Kable Street is 7m wide. Passing along that part of the street is hazardous. The two-way access required for trucks requires a minimum width of 8m (2.8 width of truck, 0.7m clearance and 1m between passing trucks). The Terrace is too narrow, despite the road widening proposed to accommodate trucks; and
- (g) The development is detrimental to tourism industry of the Town. The Terrace is a popular destination for visitors and it is not appropriate to significantly increase traffic on this road.

Comment

The conclusions of the Traffic Study of Windsor Centre are noted, which generally concurs with the results of the applicant's traffic study in that the local roads can sustain the increased traffic generated by the development. The recommendations of the consultant would be addressed as conditions of consent and as part of the local road network management program.

In terms of car parking the following comments are made:

- The applicant's truck turning and traffic management details for Johnston Street and The Terrace assumes there are no cars parked on these streets. In this circumstance, truck turning circles for access on Johnston Street is satisfactory and would comply with Australian Standard. Council would have to restrict parking in both streets.
- Car parking is provided in accordance with Hawkesbury DCP. The required spaces are 315 and 325 are provided.

SEPP No. 20 - Hawkesbury - Nepean River

The site is within the SREP 20 but is not in a Scenic Corridor. The aim of the policy is to protect the environment of the Hawkesbury-Nepean River System by ensuring the impacts of future land use are considered in the regional context.

Public Exhibition-Issue 9 included assessment matters like recent urban development in the Hawkesbury-Nepean Catchment, cumulative impact of stormwater and the need for a water report and the like.

Comment

It is considered the relevant specific considerations for the site are water quantity, part 2(6)(2) and cultural heritage, part 2(6)(5). The quantity of water from the site has been assessed in the flooding issue in a previous section, which showed appropriate measures can be provided. There will be some cut and fill as a result of the development, but no details were provided about the extent. Details would normally be provided with for the Construction Certificate.

SREP 20 aims to promote development which facilitates the conservation of heritage items, including those in other planning instruments, and the significance and relationship of these items to the River of is to be considered. Respondent comment about heritage, including built, natural and landscape, have been considered in previous sections.

SEPP No. 55 - Remediation of Lands

This policy introduces planning controls for the remediation of contaminated land. Its aim is to reduce risk of harm to human health or any other aspect of the environment when there is a change of use of the land like a change from industrial to residential. If the land is contaminated then it must be remediated before it is developed. The policy requires development to comply with certain standards and that land be investigated if contamination is suspected.

Two (2) reports lodged as supporting information are preliminary assessment reports (on risks to human health and to the environment) for Hollands Paddock and the Water Treatment Plant lands that make up the majority of the site. Limited site investigation using a restricted program of surface and subsurface sample screening and chemical testing and/or onsite observation and analytical findings were undertaken by the consultant. The reports indicate:

- Hollands Paddock Report - The site is underlain with alluvial deposits comprising silt, clay and gravel. It has been filled with sand, sandy clay and sandy silt, which was used to level the site. An audit at the time of sale did not identify incidents, practices or operations that are likely to significantly contaminate the land.
- Investigation by Douglas Partners in May 2000 revealed no concentrations of potential contaminants above investigation levels and no sightings of contamination were detected that warranted site remediation. It is considered the land is suitable for re-development for commercial/industrial uses.
- Water Treatment Plant Report -The site is underlain with alluvial deposits comprising silt, clay and gravel. It has been filled with gravely silty sand, silty clay and sandy silt clay, ironstone gravel and cobbles and miscellaneous fill like coal and concrete. Water was observed at about 0.9metres below the surface and it is not known if this is ground or seepage water.
- Investigation by Douglas Partners in May 2001 revealed a generally low level of contamination. It is considered the land is suitable for re-development for commercial/industrial uses.

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- Any material excavated and removed off site will need to be classified by a qualified environmental consultant and disposed of according to NSW EPA Contaminated Sites": Assessment, Classification and Management of Liquid and non-Liquid Wastes (1999).

Public Exhibition - Issue 10 submissions include that the development, being the site was fill when used by Sydney Water, a contamination report has not been completed and Council cannot lawfully determine the application unless one is prepared, and conditions of consent are not appropriate and leave Council open to appeal under Cl. 123 of the EP&A Act.

Comment

Council has not been advised that the site is contaminated by the Environmental Protection Authority. The above details indicate the site has only a low level of contamination. SEPP 55 is not designed to stop development but to ensure remediation of contaminated land takes place before the use of the land changes so harm to human health and the environment is not a risk.

The preliminary investigations has revealed some limited contamination on the site and it's noted that the methods of investigation were limited. It is considered it would not be unreasonable for Council to condition a development consent for a contamination report to be prepared given the Water Treatment Plant land will be fully excavated with needing to be appropriately disposed.

Hawkesbury Development Control Plan

Other than the Car Parking and Access Chapter, which has been considered previously in the report, the Landscaping and Soil Erosion and Sedimentation Control Chapters apply.

Only very minor landscaping would occur in the development near the entrance to the car park on Johnston Street and around No. 17 & No. 19 Johnston Streets (planters boxes). As some of the landscaping is proposed in accordance with the Landscape Concept Plan (that is not part of application) a site specific landscape plan will need to be provided.

While the planter boxes are commendable, maintenance of the vegetation is questioned and the type of species would need to be suitable for low light conditions, given the height of the shopping centre and its impact on solar access in this part of the development.

Erosion and sedimentation control can be satisfactorily conditioned. Site specific controls will need to be considered given its proximity to the River.

Likely impacts of the development

(a) Context and Setting/Site Design and Internal Design

Public Exhibition - Issue 11 submissions include that as a result the development will affect:

- Visual impact - of the northern elevation of the building on the locality which does not enhance the views of the Town from the River;

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- Bulk & scale - excessive impact on surrounding street; the building will overpower the buildings in Johnston Street and occupants will look at an acoustic wall which is unsympathetic and dominant on the boundary;
- Townscape - intrusive building on a prominent site; and
- Overdevelopment -100% site coverage;
- Character - large building out of character with smaller retail shops of the Town; the Town is peaceful with its setting near the River and the development with associated traffic will compromise the Town; the town will become too commercial like Macquarie Street;
- Scenic qualities - Windsor is the third oldest Town and its character should be preserved; riverine scenic quality will be affected by the development; and
- Strategic vision - more thought is needed before decisions are made about the future of the Town that affects the whole community.
- The building on Johnston Street will exceed the height of adjacent residential uses, by about 2.4m and will be imposing;
- The Terrace elevation of the building will achieve a height of about 13m (subject to cut levels), and will appear as a dominant building in the location, despite the topography. Design solutions like variation in building height and articulation would assist in reducing scale and bulk and improve streetscape amenity. The elevation of the building would be solid if the advice of the noise consultant is adopted which is not encouraged in terms of building design and streetscape amenity;
- The floor height of the building could be the same throughout the development, which would assist in reducing the overall height, bulk and visual impact of the building (increases from existing George Street level to a floor height of 17.5m for the majority of the building.) A reduced floor height would reduce the overall scale of the building. This can be done as there is excessive height in the car park level which varies from about 3.6m near George Street to 4m and then to 4.8m on the northern elevation and can be reduced to Australian Standard. A floor height of a minimum of 17.3m is not required where there are no habitable rooms. The reduction in height would also improve amenity for properties on New and Johnston Streets and The Terrace and the development's relationship to Howe Park;
- Often it is put forward buildings need to be located above the 1:100 flood level for insurance reasons. Some reduction in the overall height of the building could occur, given the recurrence interval of flood events and the details about localised flooding, which would improve site design. A flood event may not even occur in the life span of a business that would warrant elevating stock The Insurance Council of Australia advises that insurance for flood affected properties is not normally provided (whether, residential, rural or business) and for larger developments/business entities policies are negotiated between the parties (and cover for flooding could be a term of a policy).

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- The development will achieve maximum site coverage having an impact on adjacent properties in New and Johnston Street and The Terraces in terms of access to sunlight (shadow diagram not provided for late afternoon) and existing views.

Comment

By nature, modern shopping centres, of the scale proposed, are buildings that emphasises façade treatments as design elements. The function of the building will preside over its form, as flexibility in internal space is required. As such, these types of buildings contrast with traditional main streets (and associated buildings), like George St, as they are larger in their size, bulk and scale. The building is consistent with existing building heights and scale in George Street and provides an appropriate façade treatment, which is divided to appear as smaller shops. It disguises the shopping centre function, which is appropriate in this streetscape.

In most cases, the subject design approach for a large modern shopping centre within a traditional streetscape is appropriate and importantly the centre is located in town and not "off-site" which can have a negative impact on the traditional business area of a town. However, the site is uniquely located, being a highly visible transitional area between different land uses and precincts that are used by the local community and visitors. Therefore, the scale and bulk of the development must be appropriate in terms of external design, site coverage and bulk, especially for the "secondary" frontage, being The Terrace.

In terms of strategic vision comments, Council is in the processing of preparing the Windsor Masterplan which will create a strategic vision for the Town and provide an urban design framework for achieving the vision. It will address issues such as parking and traffic, built form controls and making the Town a vibrant and more user friendly and enjoyable place. It will include physical, economic and cultural policy areas in the Implementation Program. Notwithstanding the Masterplan process Council has a statutory obligation to determine the DA which is now before it.

(b) Public Domain

Public Exhibition - Issue 2 submission - Howe Park would be lost for roadworks as a result of the development.

Comment

The above concern has been considered in a previous section. The site adjoins public land and development could be better integrated into Howe Park and the River foreshore, especially considering the western 13m boundary wall that will present to the park. It is considered that if the development was better integrated into the adjacent public domain it would enhance it and make it more attractive to users who could park, use the centre and then spend time in Howe Park and on the River foreshore with ease. The proposed landscaping for Howe Park is essential to promote the movement through the centre from the street to the river.

(c) Pollution and Hours of Operation

The application concludes the impact of noise on the surrounding residential area is acceptable with the implementation of attenuation measures. Two noise 2 (two) reports were submitted by

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the applicant, with the second one providing an update on the findings of the first report which concluded the development would have an adverse impact on No. 17 and No. 19 Johnston Street.

Some comments from the second report are:

- (i) The Mechanical Plant has been relocated, therefore the increased distance between the plant and residences will reduce plant noise;
- (ii) Loading Dock -noise levels from dock to be 51dB(A), with no noise wall. The noise wall submitted with application would further reduce noise levels to comply with EPA limits. Requirements for habitable areas of the rear yard of No.17 Johnston Street is a noise wall approximately 3 metres high which could compromise of transparent perspex or polycarbonate panels on top of a masonry wall.

Loading dock use to be restricted to 7am to 10pm.

- (iii) Car park - noise from the car park can comply provided:
 - A solid wall is provided to the boundaries of No. 17;
 - A 3 (three) metre masonry screen wall is provided to No. 19 Johnston Street;
 - Restricting use of Union Lane adjacent to No. 19 Johnston Street to eliminate sleep arousal. The driveway should not be used after 10.00pm at night or before 7.00am; and
 - Possible mechanical ventilation of No.1/19 Johnston Street; and
 - The floor of the car park slab to be finished using a rough grade concrete or asphalt, with no sealer to minimise tyre squeals and speed humps to be solid one-piece construction.

The reports state the "in-principal noise" control measures in the documents are presented for the purpose of the approval process and that an acoustic consultant must be engaged at the stage or works to provide design detail and specifications prior to the Construction Certificate stage. It is also stated that all the above measure should comply with set noise limits for this development.

Public Exhibition (Issue 13) submissions are:

- (a) Increased noise levels -affect use of Howe Park and Girl Guide Hall; on local roads; from more trucks i.e. air brakes, engines;
- (b) Operational noise -significant noise impact on residents of Johnston Street that can only be controlled by barriers which are not a satisfactory control; noise from trolleys will be funnelled from the enclosed car park to adjacent properties; no details for air conditioning units, alarms, waste management services; compliance and policing hours of operation;
- (c) Fumes - fog will mix with car fumes and toxic gases and affect surrounding residences; exhaust from vehicles will settle on adjacent properties affecting amenity;

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(d) Hours of operation - not appropriate.

Comment

The applicant's noise report demonstrates that the impact of noise transmission for No. 17 and No. 19 Johnston Street is apparent and noise attenuation measures will have to be implemented to comply with noise limit requirements set by the EPA, provided the qualifications take place.

Of obvious concern, is the aesthetic impact of a 4.5 metre high wall. The applicant has provided a number of sections detailing the relationship of the wall to the adjoining number No. 17 Johnston Street. The height of the wall which will be visible above the shopping centre trading floor varies from 3.3 metres to 4.5 metres. It is proposed that the top of the wall will be constructed from clear polycarbonate. This will still allow views to be obtained to the north west while providing adequate acoustic screening. Given that the commercial zone allows the buildings to be constructed at the boundary, the proposed clear polycarbonate acoustic wall is considered an acceptable solution.

The hours of operation proposed by the applicant are:

Shopping Centre: 7.00am to Midnight, Monday to Saturday; 8.00am to 8.00pm, Sunday; and

Loading Dock: 7.00am to 10.00pm.

The Monday to Saturday times correspond with the EPA definition of Day and Evening. For Sunday and Public Holiday the EPA definition of Day is 8am to 6pm and Evening is 6pm to 10pm. The loading dock operational times need to be amended in any consent to reflect EPA times for Sundays and Public holidays. The hours of operation are for shoppers and there would be other people associated with the development on-site after hours, like cleaners.

(d) Safety, Security and Crime

The shopping centre presents a potential crime risk and was referred to the Hawkesbury Local Area Command (LAC) for comment. The Crime Prevention Officer provided preliminary advice on the development being issues like lighting and security of specific areas would require further investigation at a later stage in the development.

Comment

The Crime Prevention Officer's comments about lighting and security and the like would need to be considered during development and operational phases of the development. Conditions of consent can address this matter. The owner and operator of the site would need to comply with any Australian Standard that relates to any aspect the built environment and crime risk.

(e) Social Impact in the Locality

- Disabled Access

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The application was referred to the Disability Access Officer for referral to the Disability Access Committee, which next meets in mid-April. Given the short time frame for reporting the application, the Disability Access Committee's advice was not provided.

However, the Disabled Access Committee advised for DA1228/02 that development needed to comply with WSROC's Manual of Best Practice for People with Mobility Disabilities. Smooth passage between floor levels and travelator is required to ensure people with a mobility disability can use the travelator. Given the changes between DA0098/04 and DA1228/02, which do not impact on disability issues, it is considered the Council can utilise the advice of the Committee for DA1228/02. Conditions of consent to ensure any Construction Certificate addresses the BCA and the DDA Act would be standard.

- Nearby residences

Nearby residences in The Terrace and Johnston Street have raised issues about the proposal having a detrimental impact on quality of life ie. noise, increased traffic, centre operation, height of walls, overshadowing, loss of views to mountains and River, hours of operation, lights and disrupted sleep.

These matters have generally been addressed earlier in the report. The transition between business and residential zones must be balanced and compromises will need to be made by both land uses given their location centrally in the Town.

(f) Economic Impact on the Locality

The applicant's economic consultant concludes the development will benefit business growth in Windsor and makes the following comments:

- (a) Retailing in Hawkesbury is dominated by Richmond Market Place, which is overtraded. A substantial volume of spending flowing from the Windsor trade area. Richmond Market Place would continue to trade at sale levels above the norm and impact on other centres is acceptable; in net terms, Windsor should experience a increase in total retail sales of about 32.5 million per annum in 2003;
- (b) Between 2000-2006 annual available retail spending in the trade area is forecast to increase by \$49.3 million; net sales from the trade area are estimated at \$35.00 to \$43.3 million per annum;
- (c) Modest down turn in spending being of -3.6% to -8.5% for other traders in the Town, attribute to supermarket sales;
- (d) The development would insulate Windsor from adverse impacts from Mungerie Park regional centre.

Council's economic consultant prepared a report, which concluded:

- The report is based on assumptions that there would be 3 (three) supermarkets of some sort trading in Windsor;

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- There is 10% (10,700sqm) vacant retail floor space in Hawkesbury. Of that, 4,050sqm is in Windsor. This level has been influenced by the commencement of Richmond Market Place;
- There is currently an undersupply of shop floor space in non-food categories in Hawkesbury and Windsor. Food floor space is balance throughout Hawkesbury. There is a deficiency clothing and homewares and miscellaneous categories;
- Growth in sales in Windsor beyond 2002-2004 are expected to be about 0.5%;
- The development is estimated to turnover \$40.5 million in 2004 (in 2002 \$);
- Loss of trade for all other shops in Windsor would be 17 million, equivalent to 11% of their total turnover. Maximum high impacts of negative 16-18% growth would be incurred by the existing supermarkets in Windsor and negative 10% in South Windsor. Many shops in Windsor are not overtraded and could find impacts of negative 5-10% growth;
- The development's supermarket will open into a situation of local oversupply of supermarkets. So its impact is expected to be high;
- Planned major centres outside Hawkesbury, like Rouse Hill and the expanded Westpoint at Blacktown, will see continuing poor trade levels in many shops in Windsor for the foreseeable future; and
- The high impact of similar developments, like Richmond Market Place, on other shops ranged up to 50%. 7 (seven) to 8 (eight) years later, supermarkets in Richmond were only just returning to pre-Market Place trade levels and other shops in Richmond are still trading below pre-Market Place trade levels.

The following submissions were made during the exhibition:

- (a) The attracted net sales and profits will be enjoyed by the development at the expense of other retailers;
- (b) Vacant premises are not in poor retail locations as there are many in the George Street Mall which is the core of Town;
- (c) More information on the long term economic impact of the development in the locality is required to properly assess the development; other supermarkets in Town etc are not overtraded; more retail space/another supermarket is not needed and the same products are sold in other supermarkets; there is an oversupply of space; the development will only re-arrange the location of vacant shops; it's a white elephant;
- (d) The results of the Windsor Economic Development Strategy should be considered with the application and include the future plans of LG Super to extend and improve Windsor Town Centre;
- (e) The development will change and divide shopping patterns and create conflicts; shopkeepers are committed to the main and side streets; the development will not contribute to the Town taking trade away from main street shopping environment;

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- (f) Applicant's consultant stated the development will not attract first class national stores and Council should not allow Town to become a second rate shopping destination; and
- (g) the business strategy of landlords in the southern end of Town has led to that end of Town being run down i.e. short term leases and no leases.

Comment

The conclusions of the Windsor Economic Development Strategy by Council's consultant are supported in preference to the results of the applicant's economic study, noting the variation in outcomes. There will be an adverse impact on trade levels in Windsor across the board (existing supermarkets and other shops) for at least 8 (eight) years.

It is interesting that Council's consultant indicates that Windsor is oversupplied with supermarkets. With this in mind, it would appear that Windsor supermarkets overall would not compete successfully with other supermarkets in Hawkesbury and outside the area that provide more flexible floor space and access. It would appear that Windsor, in economic terms, needs to identify and establish its business niche. The comments were also based on 3 (three) supermarkets operating in Windsor and did not model the affect of one of the existing operations moving to the site.

The Public Interest

Council is in the process of preparing the Windsor Masterplan, which will provide a vision, future directions and urban design opportunities for Windsor in the future. Urban design is concerned with the physical, economic and cultural environments and their interrelationship. The process is not about considering issues in isolation, but about providing an overall framework for Council and the community to implement in Windsor. The Masterplan is a strategic direction which Council has decided to undertake in response to general issues in Windsor and specifically in resolving the divergence of views on how the subject site should be used.

The Masterplan is about two-thirds complete and the two stakeholder workshops have been completed. The Masterplan is to be finalised in April and reported to Council in May 2004. Completion of the Masterplan is on time. Importantly, the Masterplan will divide the town into precincts, providing development/design principles, guidelines and actions etc. It is considered that given the nearness of completing the Masterplan and that the site is a key site in the Masterplan, that the recommendations of the Masterplan should be considered for any development of this site.

Conclusion

Council has received a development application for a shopping centre, and associated road works, in the heart of Windsor, which proposes 100% site coverage. It includes 9,270sqm of gross floor space of which would be a 3,600sqm supermarket and 325 (three hundred and twenty five) car parking spaces. The shopping centre would be the largest building in Windsor.

The development site is located on a transitional site between different land uses that make up part of the business, living and recreation spaces of the Town. It is the combination of these roles and

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the historical character of the Town that gives Windsor its sense of place. It is also a Town that is subject to physical constraints being access and flooding.

The site is highly constrained by flooding, access, adjoining uses and townscape issues which makes it challenging development site. However, for the development to proceed these constraints must be satisfactorily resolved to ensure a good development. Fundamental to the development is:

1. The roadworks which require Council's approval under the Local Government Act, 1993 as the works involve public land that is classified Community;
2. Reclassification and a POM for Lot 2 DP 788531 (Laneway access point), in favour of the development (which cannot be predicted);
3. The rezoning of the land zoned 5(a) - Special Uses Water Treatment Plant to 3(a)- Business General, so the zoning on that land is consistent with the proposed land uses;
4. A well founded SEPP No. 1 - Development Standards objection; and
5. Minimal impacts on the adjoining residential uses.

It is also considered necessary that the owner's consent of No. 17 Johnston Street is required to effect the boundary adjustment at an appropriate stage.

Council has for some time now identified the site as being suitable for commercial development, given its rezoning for that purpose some time ago. While it is normal to expect that commercial buildings would cover the majority of a site, in doing so a building must still provide a level of amenity to itself and its neighbours that are satisfactory.

In regard to the loading dock, the owner and operator would have to demonstrate a high degree of rigour that its operation would not affect No. 17 and No. 19 by adverse noise.

There are a number of matters that need to be resolved by Council as the land owner of certain lands that constitute the site and by the applicant for the development to proceed. With this in mind, the only options for dealing with the application are to:

- (a) approve the development as a deferred commencement consent; or
- (b) refuse the development, giving reasons for refusal.

This report clearly shows that an operational consent cannot be granted at the present time until the identified matters have been resolved. A deferred commencement consent is therefore appropriate.

RECOMMENDATION:

That:

- A. The SEPP1 objection to Cl. 25(2) of the Hawkesbury Environmental Plan be supported.
- B. The development application for demolition of existing buildings, erection of a shopping centre and roadworks be approved as a deferred commencement consent subject to the following conditions:
 - I Upon compliance with the condition appearing in Schedule A, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule B pursuant to Section 80(3) of the Act.
 - II The "Deferred Commencement" consent will lapse in 24 (twenty four) months from the date of this consent unless all conditions appearing in Schedule A have been complied with.

SCHEDULE A

- 1. Land necessary for roadworks to The Terrace and Johnston Street shall be dedicated as public road.
- 2. Submission of evidence demonstrating that suitable arrangements have been made for the use of Lot 2 DP 788531 Johnston Street for access to the proposed development.
- 3. Plan of Management for Howe Park is in place that contemplates the relocation of the Girl Guides Hall and landscaping.

SCHEDULE B

- 1. The development shall be carried out in accordance with the approved stamped plans as submitted with Development Application No. DA0098/04 and any supportive documentation, except as otherwise provided by the conditions of this consent.
- 2. This consent includes approval for the occupation and use of the building for a supermarket and individual retail tenancies.
- 3. This consent covers the removal of trees and other vegetation from the site of approved buildings, structures, permanent access ways and car parks.
- 4. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
- 5. Prior to construction of the approved development it is necessary to obtain a Construction Certificates for the whole or any parts of the development.

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6. The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited;
- (b) Integral Energy; and
- (c) a local telecommunications carrier;

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 road(s).

- 7. Any part of the building to be used for food preparation shall comply with Council's Code for the fitting out of food premises.
- 8. No excavation or site works shall be commenced prior to the issue of a relevant Construction Certificate.
- 9. The applicant shall make themselves aware of the Disability Discrimination Act, 1992 in order to assess their responsibilities and liabilities with regards to the provision of access for all people.
- 10. Provision of satisfactory vehicular access to the land in accordance with Hawkesbury Development Control Plan, Chapter 2 Car Parking and Access and Hawkesbury Development Control Plan Appendix E Civil Works Specifications Part 1 Design Specification and Part 2 Construction Specifications.

Prior to Issue of Construction Certificate

- 11. The submission of a Traffic Management Plan approved by the Roads and Traffic Authority.
- 12. 3 (three) copies of the plans and specifications, designs and calculations of proposed civil works are submitted to and approved by Council or an accredited certifier.
- 13. Submission of evidence demonstrating that suitable arrangements have been made with Council (as owner) for the use of part Lot 30 and 31 New Street as access for the proposed development.
- 14. Details of any fill material removed from or imported to the site to be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
- 15. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the upgrading of local roads at the rate of 3 (three) cents per tonne per kilometre of local roads travelled by trucks delivering soil to or removing soil from the site.

This contribution is 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.

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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.

16. 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)".
17. Submission of proof of the payment of the Building Industry Long Service Levy.
18. The disabled car parking spaces shall be provided in the locations shown in red on the stamped approved plans.
19. Payment of a contribution of \$3.58 per sqm of gross floor area to Council for sewer headworks. This sum will remain fixed until 30 June 2004 after which it will be recalculated at the rate applicable at the time of payment. Credit will be given for the gross floor area of the existing commercial buildings that are proposed to be demolished.
20. The proposed shopping centre complex and all associated development is to be constructed in accordance with the requirements of the New South Wales Government Flood Plain Management Manual (2001), Interim Development Guidelines for a "high hazard-flood storage area".
21. Design and construction of site drainage shall be carried out in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification: Part 1 Design Specification; and Part II Construction Specification. The drainage system shall be designed to:
 - (a) Minimise impacts on local flooding characteristics;
 - (b) Incorporate source control measures to provide a primary level of treatment for the removal of all gross pollutants.

Full details of works shall be submitted for approval.

22. All stormwater from impervious areas of the site and the immediate local catchment upstream of the site shall be collected and drained by the existing underground trunk drainage system. A concept drainage plan, including any modifications required, is to be submitted to and approved by Council.
23. A surcharge path sufficient to carry the 1:100 year storm flow is to be provided across the site and a drainage easement of adequate width shall be created over the surcharge path. Details are to be submitted for approval.
24. Design details (structural and hydraulic) of the proposed subterranean flood surcharge tube to link the carpark with George Street are to be submitted for approval. The surcharge bypass is to be designed to function in isolation from the existing street drainage system for all storm flow events.

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25. Details of all street lighting, line marking and traffic signage to be submitted with the application for the construction certificate.

Prior to Commencement of Works

26. The site and its locality is to be photographically recorded to archival standard prior to commencement of works to ensure there is a record of the site and its locality for historical and research purposes. The applicant shall liaise with Council about the level of detail to be provided to Council satisfaction. Three sets of the archival recording and original photographs are to be lodged with Council.
27. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan. The enclosed warning signs shall be affixed to the sediment fences/erosion control devices at all times.
28. The applicant or person having the benefit of this development consent must give at least 2 (two) days notice prior to commencement of works to Council of the intention to commence works.
29. A waste management plan shall be submitted for consideration and approved by Council. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.
30. Approval in the form of stamped Construction Certificate plans is to be obtained from Sydney Water to verify that the development meets its requirements concerning the relationship of the development to any water mains.
31. The applicant shall contact the New South Wales Fire Brigade (Fire Safety Division) in order to determine the Brigade's requirements for submissions regarding, hydrants, boosters, sprinklers, etc.

During Construction

32. Immediately following demolition, a soil contamination report for the entire site to be submitted to Council for approval.
33. All civil work must be carried out in accordance with the provisions of Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification.
34. All necessary works being carried out to ensure that stormwater flow from adjoining properties is not impeded.
35. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.

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36. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
37. Dust control measures, eg vegetative cover, mulches, irrigation, barriers or stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
38. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or road surface.
39. All demolition, construction and associated work necessary for the carrying out of the development is restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
40. No burning of demolition, construction or vegetative material being carried out on the site.
41. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without the approval of this office.
42. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
43. Should any aboriginal site or relic, as defined under the National Parks and Wildlife Act, 1974 or a relic as defined under the NSW Heritage Act, 1977, be disturbed or uncovered during the construction of this development, all work shall cease and the National Parks and Wildlife Service or the Heritage Office consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 or the Heritage Act, 1977.
44. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused by this proposed development.
45. If an excavation associated with the erection or demolition 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 7 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 or demolished.

The applicant is liable for the cost of all 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.

46. All fill to be adequately compacted by track rolling or similar.

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47. The site shall be secured to prevent the depositing of any unauthorised material.
48. A minimum of 309 (three hundred and nine) 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 plans.
49. Should the adjacent sewer main need to be excavated, the footings shall be designed and constructed in such a manner that their zone of influence shall fall a minimum of 900mm below the angle of repose taken from a point 600mm from the centre line at invert level of the adjacent sewer main. The angle of repose shall be assumed to be 1:1 (45 degrees) in undisturbed clay or similar material and 1:2 (30 degrees) from horizontal in sand or filled ground whether compacted or not. All supporting piers adjacent to the sewer main shall contain appropriate starter bars cast in them for subsequent tying into the strip footing or perimeter beam. Design of the proposed footings system shall be certified by a structural engineer. The applicant shall accurately locate the position of the main prior to work commencing.
50. The building shall be set out by a Registered Surveyor and the Survey Certificate of the building shall be lodged with the principal certifying authority upon completion of the footings and prior to the external wall construction proceeding above floor level.
51. All sound producing plant, equipment, machinery, fittings, and the like shall be sound insulated and/or isolated so as to control noise emissions from the premises to within the limits prescribed by the Noise Control guidelines.
52. Access to the development for people with disabilities shall be provided in accordance with the requirements of the BCA and AS1428.1 (1993), 1228.2 (1992) and 1428.3 (1992) all thresholds and room access (both internal and external) shall have "lipless thresholds". It is preferred that disabled toilet facilities are identified Unisex and that doors open outwards to enable easy access in emergencies.
53. All construction vehicles associated with the development are to use the nominated traffic route as outlined in the Windsor Town Centre Traffic Study prepared by Christopher Stapleton Consulting, February 2003.
54. All recommendations contained in the soil contamination report required under Schedule A are to be implemented.
55. Inspections for Compliance Certificate to be requested from the Sewer Authority (Hawkesbury City Council) for internal and external sewer drainage prior to covering any pipe, 24 hours notice for inspection is required. Inspection fees apply.
56. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue. The registration fee as per Council's Revenue Pricing Policy will apply.
57. The construction of sewerage reticulation, including junctions, to the development where not already provided.

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58. Emergency ramps on Lot 1 DP550135, Johnston Street, Windsor and Lot 1 DP998433 No. 8 New Street, Windsor shall be constructed to BCA and DDA requirements. The ramp on Lot 1 DP998433 shall be maintained for use by the general public at all times by the owner and operator at no cost to Council.
59. Appropriate legal access be granted either in the form of a ROW or transfer of land to No. 17 Johnston Street, Windsor for the purpose of a boundary adjustment.

Prior to Issue of Occupation Certificate

60. Drainage easements of adequate width are to be created over existing water courses flowing through the subject land. Where necessary existing easements for stormwater created in favour of Hawkesbury City Council may be amended to suit approved alterations caused by the works.
61. The approved use shall not commence and an occupation certificate shall not be issued until all conditions of this Development Consent have been complied with.
62. Landscaping shall be completed in accordance with the approved landscaping plan.
63. A physical barrier is to be provided between the landscaped area and any driveways or parking areas.
64. Registration of a plan of survey consolidating the site into a single allotment.
65. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.
66. A Fire Safety Certificate, in accordance with the Schedule of Fire Safety Measures issued for the development, is to be submitted to Hawkesbury City Council for separate registration. The registration fee as per Council's Revenue Pricing Policy will apply.
67. Certification to be provided by qualified professionals advising that all measures and recommendations contained in the acoustic and soil contamination reports have been provided.
68. A report by the design engineer stating the conformance or otherwise of the system in relation to the approved design is to be submitted.
69. Works-As-Executed drawings which indicate the following are to 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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70. The car park shall be amended to comply with the Hawkesbury Development Control Plan in regard to where there are more than 50 car parking spaces, the access ramps to the roads are to have separate ingress and egress. This can be achieved by widening the access ways and providing a raised island between the ingress and egress.
71. Line marking, street signage and physical restraints are required to be constructed at the location where Johnston Street changes from a one way street into a two way street.
72. Appropriate signage and line marking is required to prevent queuing across the access to the Fire Station car park in Union Lane.
73. The existing southern kerb and gutter in Johnston Street is to be repaired or replaced for its full length.
74. The existing kerb and gutter on the western side of the Laneway access is to be repaired or replaced and access to Numbers 19, 23 and 27 is to be provided.
75. The construction of concrete kerb and gutter, including layback vehicular crossings, concrete path paving for the width of the footway area and all necessary drainage, together with the full construction of the frontage of the Laneway access together with any works necessary to make this construction effective.
76. The construction of concrete kerb and gutter, including layback vehicular crossings, the footway area being formed in earth and all necessary drainage, together with the full construction of the road within Johnston Street to the eastern property boundary to the intersection of The Terrace together with any works necessary to make this construction effective.
77. The construction of concrete kerb and gutter, including layback vehicular crossings, the footway area being formed in earth and all necessary drainage, together with the full construction of the New Street access together with any works necessary to make this construction effective.
78. The existing pavements in Johnston Street, New Street, Union Lane and The Terrace shall be surveyed by an appropriately qualified geotechnical engineer. A report on the condition of the pavement and recommendations for increased depth of pavement based on the increased traffic generation shall be submitted to Council. The applicant shall reconstruct the pavements in accordance with the recommendation of the report.
79. To ensure that structural stormwater source control devices are satisfactorily maintained the owner/s shall be required at their cost to enter a positive covenant over all of the land comprised in the development in favour of the Council to at all times maintain, repair and keep the devices operational.
80. Signs are to be erected in the loading dock and delivery access area "switch engine off while waiting and loading".
81. An acoustic screen wall is to be provided in accordance with the stamped approved plans. The sections of these screens which will be visible above the shopping centre trading floor

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level are to be constructed of clear polycarbonate or acrylic material with sufficient mass to prevent direct noise transmission to adjoining residential properties. Landscaping including mature trees and shrubs is to be incorporated with the screen wall. The acoustic wall shall extend from Johnston Street along the north and west boundaries of No. 17 Johnston Street and return to the building wall.

82. Acoustic installation is to be installed to the roof and walls of both of the loading dock stock area and covered truck bays at the loading dock.
83. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan. The evacuation procedures should be permanently fixed to the building in a prominent location and kept up to date at all times.

Use of the Site

84. Trucks are not permitted to park with engines idling in the loading and delivery docks or loading dock access driveway.
85. The relevant sewer authority (Hawkesbury City Council) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises.
86. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
87. The subject development, including landscaping, is to be maintained at all times in a clean and tidy manner.
88. To ensure vehicle movements associated with the land use do not adversely impact on the adjoining streetscape or traffic movement therein:
 - (a) all vehicles being loaded or unloaded shall stand entirely within the property;
 - (b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises.
89. All waste materials to be stored and disposed of at regular intervals.
90. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.
91. Operating hours shall be limited to 7.00am to Midnight Mondays to Saturdays and 8.00am to 8.00pm on Sundays and Public Holidays. The hours of operation includes all activities of the development, including but not limited to public trading hours, the use of the loading/delivery area, stock movement, cleaners and garbage collection.

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The following restrictions shall only occur between the hours of 7.00am to 10.00pm Monday to Saturdays and 8.00am to 6.00pm Sundays and public holidays:

- Delivery or loading of goods;
- Stock movement within the loading area;
- Garbage collection;
- Cleaning; and
- Internal shop fitouts.

92. All service vehicles associated with the development are to use the nominated traffic route in the Windsor Town Centre Study, prepared by Christopher Stapleton Consulting, February 2003.

ATTACHMENTS:

AT - 1 Separate Book of A3 Plans.

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ITEM: 20 **ENV A - Change of use of existing factory unit, Lot 11 DP 621493, 299 Castlereagh Road AGNES BANKS NSW 2753 - (74563, DA1350/03)**

Development Information

Applicant: Falson & Associates Pty Ltd
Applicants Rep: Glenn Falson
Owner: Mr MD Neilson & Mrs SM Neilson
Stat. Provisions: Environmental Planning and Assessment Act 1979
Hawkesbury Local Environmental Plan 1989
Area: 3951.000m²
Zone: **Residential 2(a)**
Residential 2(a) under Hawkesbury Local Environmental Plan 1989
Housing
The proposed zone under draft local environmental plan 1/01 - Amendment 130 is Housing.
Brief Description: Use of premises for storage, display sale and distribution of LPG gas and appliances
Advertising: 10/11/2003 to 24/11/2003
Date Received: 30/10/2003

Key Issues: ♦ Existing use rights
 ♦ Traffic
 ♦ Safety
 ♦ Bushfire
 ♦ Amenity

Action: Approval subject to conditions

REPORT:

Introduction

Council has received a development application for the use of existing premises for the purposes of the storage, display, sale and distribution of LPG gas and appliances.

The application is being reported to Council at the request of Councillor Rasmussen.

This report provides an assessment of the key issues. A complete assessment is contained on file.

The Proposal

The application is seeking approval for the use of the premises on Lot 11 DP 621493 for the purposes of the storage, display, sale and distribution of LPG gas and appliances.

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The application includes the installation of a LPG storage cylinder facility involving the erection of a 7m x 4m colourbond shed. This facility will store up to 60 x 88 litre cylinders for distribution and 3 x 190 litre cylinders. The 190 (one hundred and ninety) litre cylinders are used for the filling of barbeque cylinders and the like and for the running of demonstration appliances in the showroom. These cylinders are not filled on site.

Hours of operation are 7:30am to 5:30pm Monday to Friday and 8:00am to 12 noon Saturday. Four persons will be employed. It is estimated that the activity will generate approximately 56 (fifty six) vehicle movements per week.

Statutory Situation

Sydney Regional Environmental Plan No. 20 (Hawkesbury Nepean River)

The proposed development is consistent with the relevant provisions contained in SREP 20.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject land is zoned Residential 2(a) under Hawkesbury Local Environmental Plan 1989. The proposed development is prohibited within the Residential 2(a) zone.

Environmental Planning and Assessment Act, 1979

Existing Use Rights

Development Consent DA 215/85 for 'change of use of existing non-conforming box manufacturing factory to its use for the manufacture of non-toxic veterinary products' was approved 12 July 1985.

Section 107(3) of the Environmental Planning and Assessment Act 1979 states "*without limiting the generality of subsection (2)(e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.*" The subject premises ceased to be used for the manufacture of vet products over 12 months ago. Since that time the property had been placed on the market for sale and a development application for use of the land had been submitted to Council are Funeral Parlor and Crematorium. The application was withdrawn. It is considered that these events demonstrate that there was an intention to continue the use of the site. This is based on case law in the Land and Environment Court, dealing with "Existing uses".

As a result, the subject property enjoys existing use rights under the provisions of the Environmental Planning and Assessment Act 1979.

Section 41 of the Environmental Planning & Assessment Regulations 2000 states:

"An existing use may, subject to this Division

- e. be enlarged, expanded or intensified, or*
- f. be altered or extended, or*
- g. be rebuilt, or*

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- h. *be changed to another use, including a use that would otherwise be prohibited under the Act."*

Section 45 of the Environmental Planning & Assessment Regulations 2000 states that development consent is required for any change of an existing use to another use.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Industry

The proposal includes the aboveground storage of a maximum of 60 x 88 litres (5.28m³) LPG cylinders and 3 x 190 litres (0.57m³). Each cylinder has a volume of 88 litres (0.088m³). This equates to a total volume of 5.85m³ of gas stored on the site.

The quantity of LPG stored on the premises and the traffic movements associated with LPG do not exceed the threshold limits under SEPP No. 33. Therefore, the proposed development is not considered to be potentially hazardous and no further considerations are required under the provisions of this Policy.

Community Consultation

Following notification of the proposal, one submission was received from the Agnes Banks Residents Action Group (ABRAG). A Negotiation Meeting, in accordance with Councils Conflict Management Policy, was undertaken on 11 February 2004 with Council officers, representative of ABRAG and the applicant and their consultant to discuss the matters raised in the submission.

As a result of this meeting, it was agreed that:

- The applicant provide Council with copies of their current management practices.
- Council provide a copy of the management practice and letters from Council to the applicant, and the applicants response to submissions, to ABRAG.
- ABRAG to provide further comments in respect to the development once the additional information was provided.

A second submission was received from ABRAG on 27 February 2004.

The matters raised in the submissions are addressed below:

Escalation of an approved non-conforming use

Applicants Response:

The residential zoning of the property does not present stoppage to the application as proposed. Existing use rights over the property clearly prevail and Council is able to consent to the proposed use. There are no provisions within the existing use legislation that relates to the scale of development proposed not the types of use that are permissible. The history of uses of the property is of no importance to this application. It is obvious that the property has value because of its existing use nature and due to the types of building on it. It is also obvious that these buildings should be used for a use that is viable and commensurate with their design and function.

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Comment:

It is also considered that the use of the existing building for the supply, storage and distribution of LPG and appliances is a minor intensification of the use of the premises and is not unreasonable based on the scale and nature of the activity. The proposal requires the erection of a 28m² (twenty eight metres square) shed and the construction of additional car parking spaces. The building exists and its size, in itself, will limit the scale of any activity carried out within it.

Inadequate information provided with the application in respect to volume of gas cylinders and storage facilities

Applicants Response:

It is not true to say that no consideration has been given to the risk aspects of storage of LPG... ..It is the advice from the Dangerous Goods section of Workcover that their licence cannot be considered until Council's development consent has been granted....

The maximum number of LPG 45kg cylinders stored on site would be 60. This storage capacity would be reflected in the Workcover licence. These cylinders would be brought to the site by truck unloaded onto the dock and then reloaded onto the applicants vehicles for daily delivery.

Comment:

The negotiation meeting allowed this matter to be discussed and the applicant provided the information.

It is considered that the application provides sufficient details to enable assessment by Council officers.

Safety and security with respect to the storage and handling of LPG

Applicants Response:

It is the applicants intention to also ensure that the premises are safe for obvious reasons. The applicant is a licenced LPG gasfitter and an experienced local supplier of gas products with over 20 years of service to the Hawkesbury district.

Comment:

The proposed activity requires the appropriate licencing by Workcover under the Dangerous Goods Act and the issues of safety and security are encompassed by Workcover. The applicant provided their current management practices for the existing operation in South Windsor. (South Windsor Commercial area George Street).

The Dangerous Goods Act - Licencing

Applicants Response:

The applicant is fully aware that the Dangerous Goods Licence existing at their South Windsor address cannot be transferred. In this respect the applicant has engaged a consultant with the experience and expertise in liaising with Workcover. The consultants, Don Allan Engineering Services are accredited with Workcover with experience and accreditation in safety training, safety auditing and design in the commissioning of plant and equipment for the gas industry.

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Comment:

Any development consent will be conditioned so that evidence of licences and approvals required by other authorities are provided to Council. There are no requirements under the Environmental Planning and Assessment Act, 1979 for this application to obtain concurrence or approval from outside authorities.

The National Dangerous Goods Code 2001

Applicants Response:

The relevant codes and Australian Standards are known to the applicant and his expert gas consultant and will be accounted for within the application to Workcover and in their licence of the premises should be granted.

Comment:

Compliance with the relevant provisions of this code will be a requirement of any licence issued under the Dangerous Goods Act and the responsibility of Workcover.

Environmental Planning & Assessment Act and Bushfire consideration 79BA

Applicants Response:

We are aware that Council must satisfy itself as to matters relating to bushfire....

Comment:

The subject land is not identified as bush fire prone land and therefore Section 79BA of the EP&A Act does not apply. The application was referred to the Local Rural Fire Service (RFS) for comments. RFS have raised no concerns or special consideration in relation to bushfire matters for the proposed development.

Inadequate details on delivery and storage of cylinders

Applicants Response:

No objection is raised to there being an upper limit on the number of gas cylinders kept on the site subject to that being commensurate with a reasonable number as determined by Workcover. Whilst it is envisaged that 60 cylinders is the maximum to be kept on the site this number may alter depending on business volumes etc., it is believed that an appropriate condition might be worded as follows:

The maximum number of LPG cylinders to be kept on the site at any one time is to be 60 or such greater number as may be licenced by the Dangerous Goods Branch of Workcover from time to time.

Comment:

This matter was discussed at the Negotiation Meeting and a maximum of 60 x 88 litre cylinders and 3 x 190 litre cylinders are to be kept on the premises. Any approval issued relates to the proposal presented in the development application and therefore any intensification of the use will require separate approval from Council. This can be clarified through conditions of consent. Any changes may have implications in respect to SEPP No. 33 and therefore assessment of any modification to the approved development is required.

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Inadequate information in respect to fire prevention and safety provisions.

Applicants Response:

Matters of fire prevention etc are for the incorporation into the application and approval of a licence from Workcover. Council can be assured that should Workcover issue their licence there will be adequate fire prevention measures incorporated into the proposal.

Comment:

Council, through its powers under the EPA Act can regulate fire safety of premises in accordance with the requirements of the Building Code of Australia.

No details provided in respect to the servicing of appliances

Applicants Response:

The servicing of appliances will be done inside the building. The actual area for this is yet to be assigned however will have no impact on the environment outside of the building and can be of no concern to local residents.

Comment:

The applicant advised that servicing of appliances is to be carried out within the building and will involve the use of hand tools and a compressor. It is considered that the servicing of appliances will have no significant adverse impact on the amenity of the locality, especially in relation to noise.

Suitable condition has been imposed to ensure all works are undertaken within the building.

Safe and secure storage of cylinders in the open sided building

Applicants Response:

The storage area for the LPG cylinders will be similar to the area that the applicant has used at South Windsor for the past 20 years. There has been no incident involving people wanting to gain access to the storage area in this time. Security at the Agnes Banks premises are greater in that it has a high perimeter fence and will have locked gates.

Comment:

It is considered that fences, locked gates and visibility of the premises from surrounding areas provide adequate security. The applicant will need to satisfy the requirements of Workcover.

No details provided in respect to the filling of smaller cylinders (BBQ Cylinders etc)

Applicants Response:

The filling of customer's smaller cylinders is carried out by way of decanting from a refilling cylinder to the customers cylinder. The refilling cylinder will be stored within the general LPG cylinder storage area. This part of the applicants business is very small and is expected to further reduce with the increasing popularity of the "Swap and Go" facilities offered by service stations.

Comment:

This was clarified at the Negotiation Meeting that 3 x 190 litre cylinders are to be kept on the premises for the filling of barbeque cylinders and the like and for the demonstration of appliances.

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No details provided for expansion of the business

Applicants Response:

There are no plans of the applicant to expand beyond what is proposed with the application....

Comment:

As previously discussed, any expansion of the business would require further approval from Council.

No details on the storage of bulk supplies

Applicants Response:

It is not proposed that there be bulk storage gas facilities at the site.

Comment:

Bulk storage of gas is not proposed with the application. Should this change in the future, further approval from Council will be required.

Operating hours

The respondent's request no increase in the proposed hours.

Applicants Response:

The applicant believes that the stipulated operating hours area reasonable.

Comment:

The hours proposed are considered satisfactory. Any consent will be conditioned to restrict the hours to those stated. Should the applicant wish to change the hours of operation in the future, further approval from Council will be required.

Traffic Movements

Applicants Response:

The applicant believes that the expected traffic numbers are correct. In any case the carrying capacity of Castlereagh Road is infinitely greater than whatever traffic is generated by the proposed use. The existing access has good sight lines on to this road and is well setback from the road pavement. It is not expected that there will be any increase in danger with this access compared with the previous use of the premises.

Comment:

The following total traffic movements per week were discussed at the Negotiation Meeting:

• 4 delivery trucks (from source) per week	8 movements per week
• 1 delivery truck (cylinder deliveries) per day	12 movements per week
• Employees 1 per day	12 movements per week
• Customers	24 movements per week
Total:	56 movements per week

It is considered that the traffic generated by the proposal will have no significant adverse impact on traffic volumes of Castlereagh Road or surrounding roads.

The matters raised in the submissions do not warrant refusal of the application.

Planning Assessment

Context And Setting

Adjoining landuses predominantly consist of single dwelling houses.

The proposed use will have no significant impact on the residential character and amenity of the locality. The scale of the activity is considered to be compatible with the adjoining residential landuses.

The proposed development will have no unreasonable impacts on adjoining properties in respect to overshadowing, loss of visual and acoustic privacy or loss of existing views or vistas.

Access, Transport and Traffic

Vehicles can enter and leave the site in a forward direction. Access to the site is considered satisfactory in relation to minimising interference with pedestrian or vehicular movements on Castlereagh Road and minimising queuing on the street. The access will be visible from the road frontage.

It is considered that the traffic generated by the proposal will have no significant impact on current traffic volumes of Castlereagh Road or surrounding roads.

The Car Parking Chapter of Hawkesbury Development Control Plan requires car parking for commercial premises to be provided at the rate of 1 space per 30m² of gross floor area. The existing building has a total floor space of approximately 825m², requiring 27 (twenty-seven) parking spaces. The proposed activity will not utilise the whole floor space of the existing building. However, the owners propose to sublease floor space in the future which would be subject to a separate development application and approval.

The application states that 12 (twelve) car parking spaces are available within the existing concrete pavement. There is ample room on site to accommodate the required 27 (twenty-seven) parking spaces. It is considered appropriate that a carparking plan be submitted as a condition of a 'deferred commencement' consent, to demonstrate that the required parking can be provided in accordance with the requirements of Hawkesbury Development Control Plan and to the satisfaction of Council.

Conclusion

The subject land benefits from existing use rights which allows Council to consider other non-conforming uses. The proposed use and scale will have no significant impact on the residential character and amenity of the locality and is considered suitable for the site.

RECOMMENDATION:

That the application for change of use of existing factory unit be approved as a Deferred Commencement Consent subject to the following conditions:

1. Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing form Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
2. The "Deferred Commencement" consent will lapse in 12 (twelve) months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

The submission and approval of a car parking plan by Hawkesbury City Council. The plan is to provide 27 (twenty-seven) car parking spaces in accordance with Hawkesbury Development Control Plan - Car Parking Chapter.

Schedule 2

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 Development Application No. 1350/03 and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
3. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
4. The applicant is advised to consult with:
 - a) Sydney Water Corporation Limited
 - b) Integral Energy
 - c) Natural Gas Company
 - d) a local telecommunications carrier

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 road(s).

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5. No excavation or site works shall be commenced prior to the issue of the construction certificate.
6. An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use. The occupation certificate will not be issued if any conditions of this consent are outstanding.
7. The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) in order to assess their responsibilities and liabilities with regards to the provision of access for all people.
8. The approval of the Work Cover Authority may be required under the provisions of the Factories, Shops and Industries Act, 1962. The applicant should ascertain from Work Cover whether its approval is required, prior to commencement of any work.

Prior to Issue of Construction Certificate

9. Construction of civil works including road, drainage, or access are not to commence until 3 (three) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Environment and Development or an accredited certifier.
10. Payment of a design checking fee of \$461.74 (four hundred and sixty one dollars and seventy-four cents) and inspection fee of \$928.70 (nine hundred and twenty-eight dollars and seventy cents) when submitting Engineering plans for approval. This amount is valid until 30 June 2004. Fees required if an accredited certifier is used will be provided upon request.
11. The submission of engineering designs and calculations covering all works required by this consent.
12. The submission of a satisfactory Erosion and Sediment Control Plan (ESCP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
13. Approval from the Roads and Traffic Authority for any works along Castlereagh Road, including the access is to be obtained and evidence provided to Council.

Prior to Commencement of Works

14. 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.

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15. 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.
16. The applicant shall advise Council of the name, address and contract number of the principal certifier, in accordance with Section 81A 4(b) of the Environmental Planning and Assessment Act, 1997.
17. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environment Planning and Assessment Act.
18. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited; and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

This condition does not apply to:

- a) building work carried out inside an existing building; or
 - b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
19. If the work involved in the erection or demolition of a building:
 - a) is likely to be dangerous to a person in a public place or adjoining property;
 - b) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - c) involves the enclosure of a public place,a hoarding or protective barrier must be erected between the work site and the public place. such hoarding or barrier must be designed and erected in accordance with Council's *Local Approvals Policy* and WorkCover requirements/guidelines.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

The applicant is to provide drawings and details to Council's Building Surveyor for approval **prior** to such installation/erection.
20. The name and licence number of the licensed contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner prior to the commencement of any work relevant to this approval.

During Construction

21. All building work must be carried out in accordance with provisions of the Building Code of Australia.
22. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
 - a) piers;
 - b) steel reinforcement;
 - c) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - d) external drainage lines, prior to backfilling; and
 - e) on completion of the structure.
23. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within 7 (seven) days of the date of issue. The registration fee is \$35.00 (thirty five dollars) per certificate.
24. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7:00am and 6:00pm on Mondays to Fridays and between 8:00am and 4:00pm on Saturdays.
25. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without the approval of this office.
26. To reduce nuisance to the surrounding properties, all demolished material and excess spoil from the site shall be disposed of to a location and in a manner to the approval of this office (Note: no material shall be burnt or buried on the site).
27. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
28. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
 - a) owner of site and address;
 - b) person/company carrying out site works and phone number;
 - c) consent number and date of approval; and
 - d) approval duration of site works.
29. All work must be carried out in accordance with the provisions of Hawkesbury's Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification.

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30. 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.
31. The provision of conduit/ducts under new driveways to the requirements of Integral Energy, in accordance with Integral Energy drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy.
32. All necessary works being carried out to ensure that flow from adjoining properties is not impeded.

Prior to Issue of Occupation Certificate

33. In order to ensure that the development complies with this consent, the approved use shall not commence until all conditions of this Development Consent have been complied with.
34. Submission of a Fire Safety Certificate.
35. The construction of concrete kerb and gutter the footway area being formed in earth and all necessary drainage, together with the full construction of the adjacent road shoulder over the frontage of the subject lot to Castlereagh Road together with any works necessary to make this construction effective.
36. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6m.
37. To ensure parking necessary for the development is provided and kept clear and available, 27 (twenty-seven) 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.
38. Provision of adequate loading and unloading facilities to cater for the proposed use of the land.
39. Evidence is to be provided to Council that all relevant licences and approvals under the Dangerous Goods Act and other relevant legislation has been obtained in respect to the storage of the gas cylinders and operation of the business.

Use of the Site

40. In order to protect the amenity of the neighbourhood and the development, all work or the storage of goods or materials shall be confined within the building or approved areas. Separate development approval is required for external storage.
41. Operating hours shall be limited to 7:30am to 5:00pm, Mondays to Fridays and 8:00am to 12 noon Saturdays.

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42. To ensure vehicle movements associated with the land use do not adversely impact on the adjoining streetscape or traffic movement therein:
 - a) all vehicles being loaded or unloaded shall stand entirely within the property;
 - b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises; and
 - c) all vehicles associated with the use shall be accommodated within the approved car park on the subject land, to the satisfaction of Council.
43. All waste materials to be stored and disposed of at regular intervals.
44. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.
45. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
46. No signs shall be displayed on the footpaths, pedestrianways, roadways or in the vicinity.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Site Plan

AT - 3 Elevation Plan

ENVIRONMENT

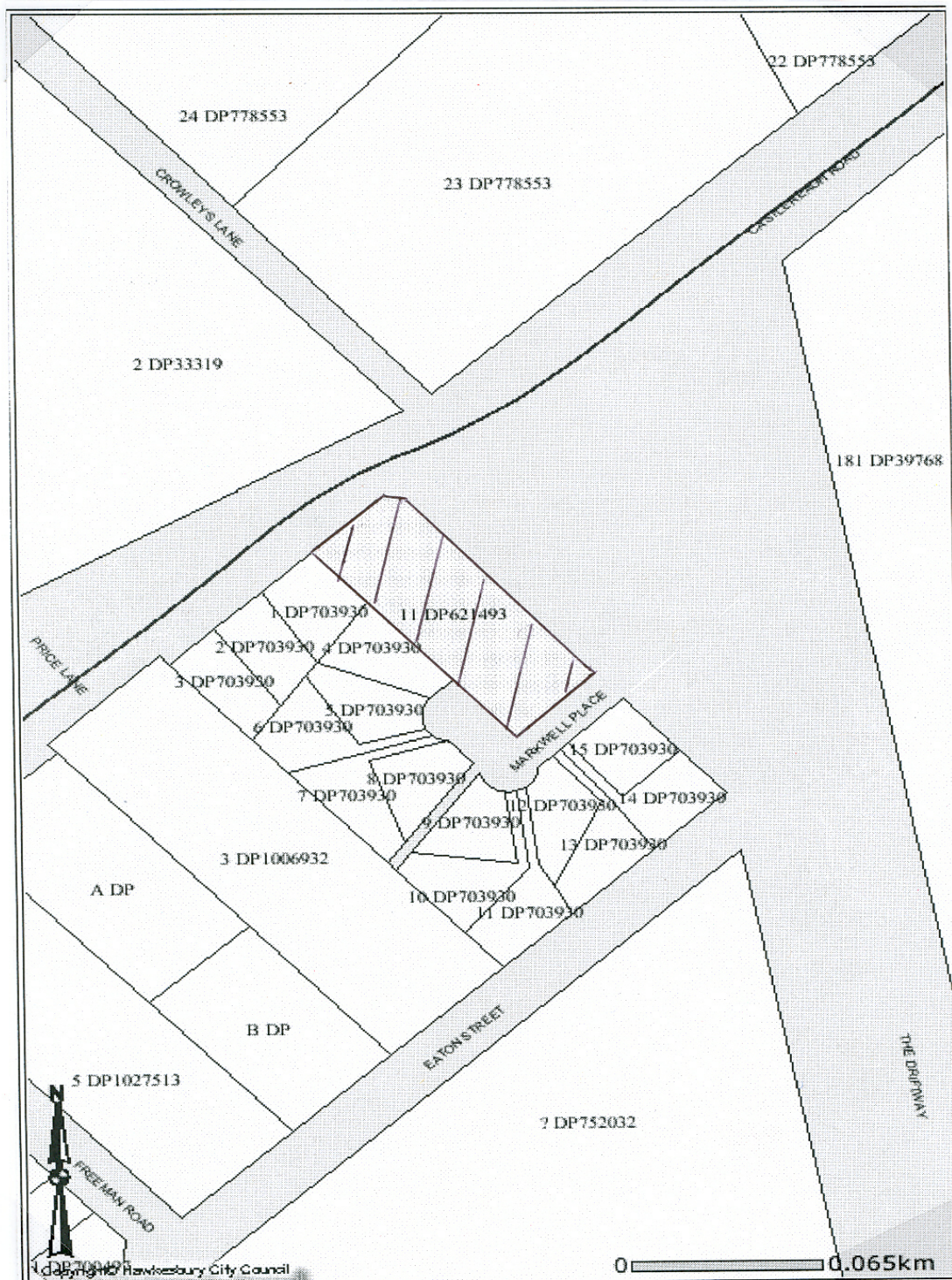
Meeting Date: 27 April 2004

Attachment: GPC 27-4-2004 Att 1 - 299 Castlereagh Road (DA1350/03)

Attachment No. 1

Locality Plan

Lot 11 DP 621493, 299 Castlereagh Road, Agnes Bank



 Subject Land

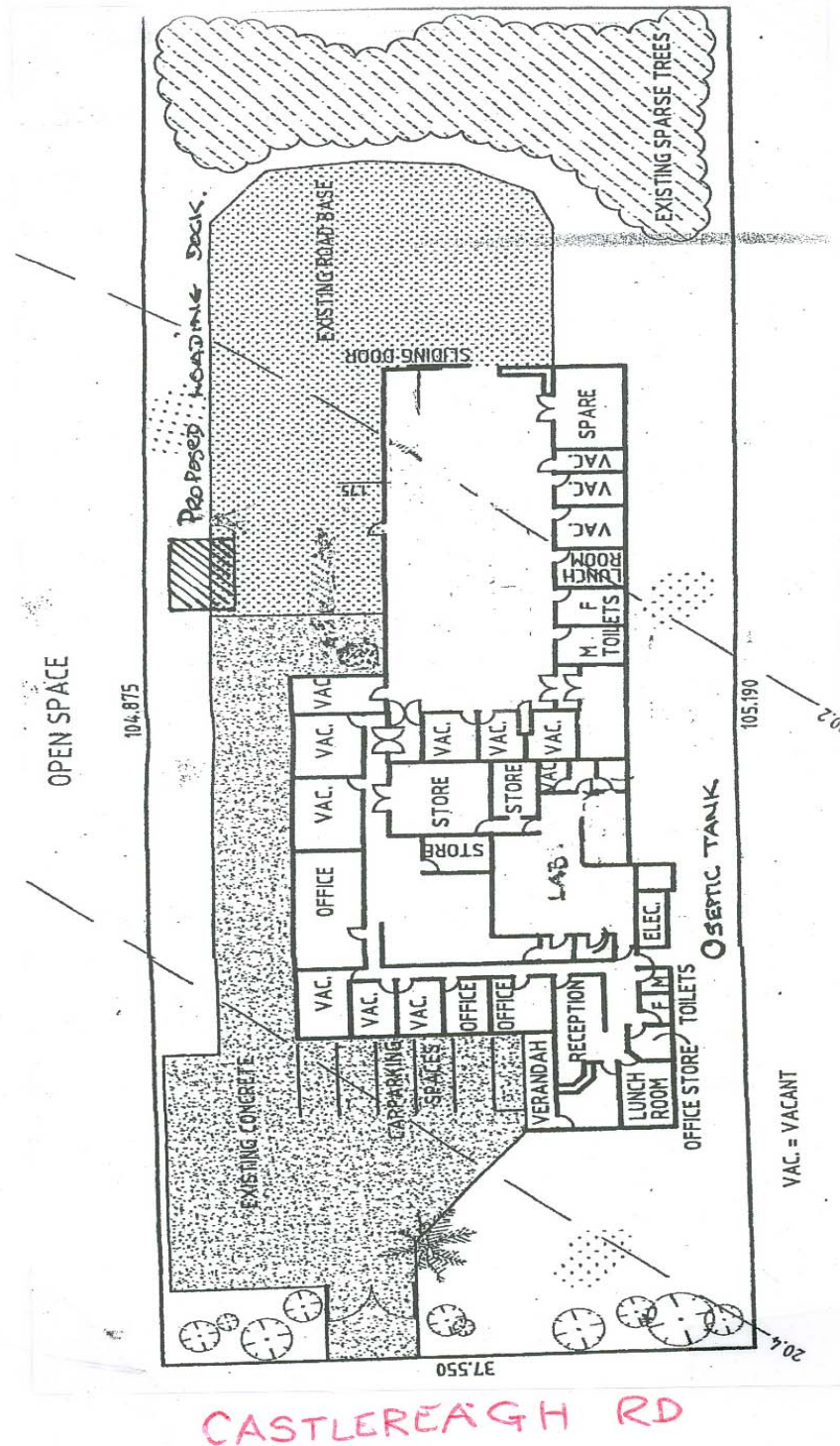
ENVIRONMENT

Meeting Date: 27 April 2004

Attachment: GPC 27-4-2004 Att 2 - 299 Castlereagh Road (DA1350/03)

Attachment No. 2 Site Plan

Lot 11 DP 621493, 299 Castlereagh Road, Agnes Bank



ENVIRONMENT

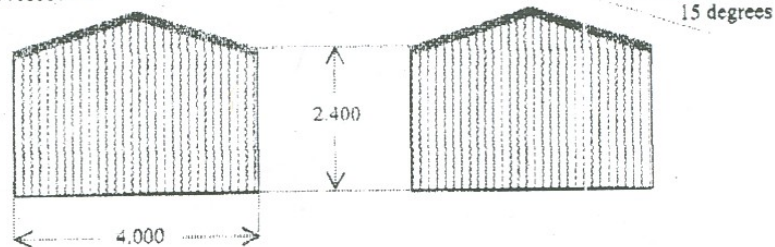
Meeting Date: 27 April 2004

Attachment: GPC 27-4-2004 Att 3 - 299 Castlereagh Road (DA1350/03)

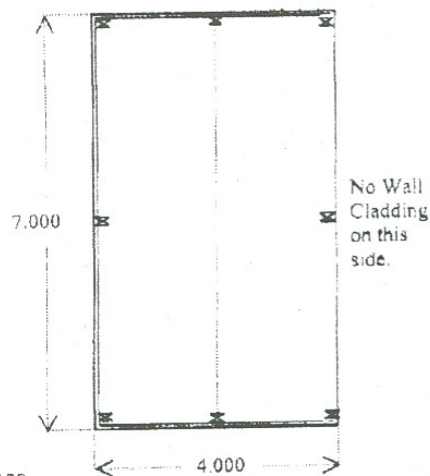
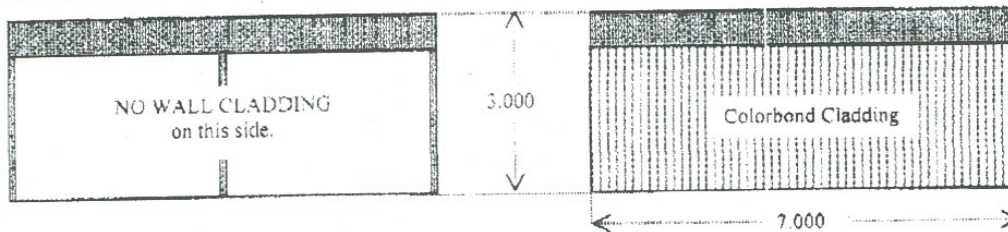
Attachment No. 3 Elevation Plan of Shed

Lot 11 DP 621493, 299 Castlereagh Road, Agnes Bank

FRONT & REAR ELEVATIONS



SIDE ELEVATIONS



Scale: 1:100

OWNERS NAME: MICHAEL & CHERIE NEILSON

ADDRESS: TBA

GARAGE KIT SIZE: 4.000 x 7.000 x 2.400

ROOF: TBA
WALLS: TBA
R/DCOR: TBA
TRIMS: TBA

REFERENCE: 36/14K

SIGNED:

ENVIRONMENT

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ITEM: 21 **ENV A - Attached Dual Occupancy and demolition of existing dwelling,
Lot 7 DP250171, 22 Pecks Road NORTH RICHMOND NSW 2754 -
(DA0444/03)**

Development Information

Applicant: Lee Palmer
Applicants Rep: Not Applicable
Owner: Robert & Shirley Palmer
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 602.7m²
Zone: Residential 2(a) under Hawkesbury Local Environmental Plan 1989
Brief Description: Attached dual occupancy and demolition of existing dwelling
Advertising: 19/03/2004 to 2/04/2004
Date Received: 17/04/2004

Key Issues: ♦ Draft Amendment 130
 ♦ Concerns raised by respondents

Action: Approval subject to conditions

REPORT:

Introduction

The application seeks approval to construct an attached dual occupancy and the demolition of existing dwelling at 12 Matheson Avenue, North Richmond. The application was lodged prior to the exhibition of the Draft Amendment Plan 130 to the Hawkesbury Local Environmental Plan 1989. The application is being reported to Council for determination in accordance with Council's policy.

This report provides a summary and assessment of the key issues. A complete assessment of the application is available on the file.

The Proposal

The proposed development involves the demolition of the existing dwelling on the subject site and the subsequent construction of a 2 (two) storey attached dual occupancy (duplex). The dual occupancy will consist of brick veneer construction with a paint render finish to the ground floor level and a combination of paint render and "hardieplank" is proposed for the first floor level.

Each of the units include 3 (three) bedrooms and parking for 2 (two) vehicles. A standard double garage is proposed for unit 1 (one) and a tandem (stacked) garage is proposed for unit 2 (two). A 6 (six) metre wide common driveway is proposed to serve both garages.

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Background

The proposed development originally involved 2 (two) detached residential dwellings and the subsequent subdivision of these units. This proposal did not comply with the provisions of the Hawkesbury Development Control Plan. The applicant submitted amended plans to address these matters. These plans are the subject of this assessment report and have been notified in accordance with Council's notification policy. The submissions received by respondents relate to the current plans.

Statutory Situation

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject land is zoned Residential 2(a). The proposed development is permissible with consent and is considered to be consistent with the objectives of the zone.

Draft Amendment 130 to the HLEP 1989

The Draft Plan seeks to, inter alia, limit multi-unit housing development to within 1 (one) kilometres of a railway station or 500 (five hundred) metres of a commercial zone. The provisions of the draft plan would therefore, upon gazettal, have the effect of prohibiting the proposed development.

Hawkesbury Development Control Plan

The proposed development is consistent with the rules and objectives of the relevant chapters of Hawkesbury Development Control Plan.

Specifically, the following table provides an assessment of the proposed development against the requirements for residential development and energy efficiency:

Element	Rules	Provides	Complies
Height	(a) New buildings are to be constructed within the <u>Building Height Plane</u> for the relevant residential use. The <u>Building Height Plane</u> is to be adjusted for sloping sites to follow the natural ground level.	The proposed development falls within the building height plane affecting the site.	Yes
	(b) Building to the side & back boundary within the <u>Building Height Plane</u> is permitted where: ▪ it can be shown that building to the boundary doesn't reduce the privacy of neighbouring dwellings and their <u>private open space</u> and does not reduce their existing solar access; and	A setback of 1m is proposed from the side property boundaries and a setback of 7.27m is proposed from the rear property boundary.	Yes

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Element	Rules	Provides	Complies
	the continuous length of the boundary walls is not more than 10m or is a maximum of 50% of the boundary length; whichever is the shorter.		
Setbacks	(a) For sites fronting main or arterial roads, buildings are to be set 10m back from the front boundary unless there are exceptional physical circumstances. The 10m setback commences after any road widening which may affect the subject land. (b) For sites fronting a local road buildings are to be set 7.5m back from the front boundary. In areas where there is prior development the established pattern is to be regarded as the standard setback.	Matheson Avenue is not a main or arterial Road. A 7.5m setback has been proposed from Matheson Avenue.	N/A Yes
Landscaped Areas	All forms of residential development are to contain pervious soft <u>landscaped areas</u> to a total of 30% of the total site area. This may be calculated by adding together soft <u>landscaped areas</u> of private and <u>common open space</u>. Development proposals, where required, are to indicate the proportion of the total site area that is: - total “soft” <u>landscaped area</u>; - total ground level <u>private open space</u>; and - total common open space.	The subject site has a total land area size of 602.7m². The total area that is to be provided as soft landscaping is therefore 180.8m². It is proposed that 222m² is provided.	Yes
Private Open Space	(a) Single dwelling houses and multi unit housing are to provide at least one area of <u>private open space</u> for each dwelling. (b) The total of private open space at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must: - be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10; - not be comprised of any area with a dimension less than 4 metres; and - be exclusive of clothes drying areas, driveways, car parking and other utility areas.	Each of the proposed residential units has been provided with one area of private open space. The total area that is required as private open space is 120.54m² (20% of the site). 135m² of private open space is proposed. This space is: - capable of containing a 5m x 6m rectangle and has a slope of less than 1:10. - not comprised of a dimension less than 4m. - exclusive of clothes drying areas, car parking areas and utilities.	Yes Yes Yes

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Element	Rules	Provides	Complies
	(c) Private open space shall not be located in the front boundary setback. (d) Any above ground level balcony or rooftop area designed for private open space must have a minimum area of 10m² with a minimum dimension of 2m. This area is not included in the calculation for the provision of total private open space.	Private open space is to be located behind the proposed duplex. All private open space is to be located at ground level.	Yes N/A
Access and Parking	(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1m to separate them. (b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5m from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1m above the driveway. (c) All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion. (d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property. (e) Garages and carports must not visually dominate the street facade, should occupy less than 50% of the building facade and must be compatible with the building design. (f) Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns. (g) Where parking spaces are located as 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate manoeuvring on site.	A minimum of 4.2m separates the driveway from the nearest side property boundary. The proposed driveway is not located adjacent to any main habitable rooms. 6m driveway width has been proposed. 6m driveway width has been proposed for the full length of the access way. The double garage associated with proposed unit 1 has been designed to face in a north western direction. This orientation, in conjunction with the stacked parking arrangements proposed for unit 2, ensures the garages do not dominate the street façade. Parking spaces and turning areas have not been proposed within the front boundary setback. A 7m driveway width is proposed adjacent to the 90° parking spaces.	Yes Yes Yes Yes Yes Yes Yes

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Element	Rules	Provides	Complies
	(h) On site manoeuvring areas shall be provided to allow entry and exit to the site in a forward direction. (except for a single dwelling).	Entry and exit in a forwards direction has not been provided.	Yes. (See comments below regarding manoeuvring concessions for attached dual occupancies)
	(i) On site manoeuvring areas shall be provided to allow entry and exit to and from all car spaces including garage, carports, uncovered spaces and visitor spaces by a single turning movement.	All proposed spaces provide sufficient manoeuvring to allow for vehicles to enter and exit the spaces in a single turning movement.	Yes
	(j) Attached dual occupancies will be assessed on merits in relation to on site manoeuvring.	The proposed parking/manoeuvring arrangements require vehicles to reverse into or out of the subject site. This is considered acceptable as Matheson is not a main or arterial road and poses no significant traffic safety impact.	Yes
	(k) Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access.	Two units only have been proposed and the associated access way is not more than 30m long.	N/A
	(l) On site manoeuvring shall be based on the Ausroads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the swept paths.	Adequate manoeuvring has been provided in accordance with the Ausroads Standard 5.0m design vehicle.	Yes
	(m) All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening: ▪ On one side only to 3.2m ▪ On both sides to 3.8m. ▪ Refer to Part C Chapter 2 - Car Parking and Access for additional requirements.	The double garage proposed for unit 1 has an internal width of 6.4m. The internal width of the tandem garage associated with unit 2 is 3.8m.	Yes

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Element	Rules	Provides	Complies
Visual Amenity	Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP.	The proposal has incorporated measures outlined in the DCP to maximise visual privacy such as locating private open space areas to separate the proposed duplex from the dwellings on the adjoining properties.	Yes
Acoustic Privacy	(a) Acoustic privacy is to be considered at the design stage and techniques such as those shown in the DCP are to be used.	Acoustic privacy has been incorporated into the design such as providing only bedrooms within the upper levels of the building and separating ground floor living areas ground level bedrooms.	Yes
	(b) Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows	A line of sight separation of at least 3m has been provided between bedrooms and parking areas/access driveways.	Yes
	(c) A distance of at least 3m should separate openings of adjacent dwellings.	A separation of more than 6m is proposed between the main entry doors of each of the units.	Yes
External Noise and Vibration	(a) A noise and vibration assessment must be undertaken by a suitably qualified noise consultant for any proposed residential development other than a single dwelling house located within 100 metres of the railway line or within Australian Noise Exposure Forecast (ANEF) 25 or greater.	The subject site is not located within 100m of a railway line or within an ANEF of 25 or greater.	N/A
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road.	Direct pedestrian access is provided to Matheson Avenue.	Yes
	(b) Barriers to prevent movement between internal roof spaces of adjoining dwellings are required.	Suitable barriers are proposed between roof spaces of the attached units.	Yes
	(c) Elements to be incorporated in site and building design and include: ▪ doorway/entry safety and surveillance to and from the footpath;	Upper level bedroom windows and the kitchen associated with proposed unit 2 front Matheson Avenue.	Yes

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Element	Rules	Provides	Complies
	- illumination of public spaces including all pedestrian paths, shared areas, parking areas and building entries to the relevant Australian Standard; - visibility to the street from the front of the development; - restricted access to the rear of the site.	Given the scale of the development proposed, street illumination as well as entry porch lights are considered be sufficient for the development. Sufficient visibility is proposed from bedrooms and kitchen (unit 2). Access to the rear of the site is restricted.	Yes Yes Yes
Utility and Site Services	Where reticulated water is not available, a minimum storage of 100000 litres must be provided. A minimum of 10000 litres must be available at all times for fire fighting.	Reticulated water services the subject site.	Yes
Cables	The design, location and construction of utility services must satisfactorily meet the requirements of both the relevant servicing authority and Council.	Adequate utility services are available to the site. Suitable conditions of consent are to be imposed to ensure the appropriate connection to these services.	Yes
Recycling, garbage and mail	Collection areas must be integrated into the overall site and building design, such as the example shown in the DCP.	Suitable side access is available for both units to allow for garbage bins to be stored in the rear of the site and be wheeled to the street frontage.	Yes
Fencing and Retaining Walls	(a) Front fences where not screening private open space walls are to be a maximum height of 1.2m if solid.	Front fencing has not been proposed.	N/A

Part C, Chapter 6 - Energy Efficiency

Element	Rules	Provides	Complies
Energy Rating	(a) A certificate from an accredited assessor showing a minimum NatHERS rating of 3.5 stars or greater. (b) Ratings are to be provided for each typical layout and thermal exposure condition.	A suitable condition of consent is to be imposed to ensure the submission of a NatHERS assessment demonstrating a 3.5star rating or greater, prior to the issue of a construction certificate. Details are to be provided with NatHERS assessment.	Condition of consent to be imposed. Condition of consent to be imposed.

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Element	Rules	Provides	Complies
	(c) Hot water systems minimum score of 3.5 stars.	A suitable condition of consent is to be imposed to ensure at least a 3.5star rated hot water system is provided for each of the proposed units, prior to the issue of a construction certificate.	Condition of consent to be imposed.
	(d) Clothes dryers: 3.5 stars or greater.	Clothes dryers have not been proposed for the development.	N/A
Solar Access	(a) Solar collectors face 20° west of north and 30° east of north and receive direct sunlight between the hours of 9.00am and 2.00pm on 21 June.	Given the constraints of the site, and with regard to the exemptions provided in section 6.7 of the Energy Efficiency chapter to the DCP, the orientation of solar collectors is considered to be appropriate.	Yes
	(b) Four hours of direct sunshine is received by 75% of other north facing solar collectors designed/installed under this plan.	Given the constraints of the site, and with regard to the exemptions provided in section 6.7 of the Energy Efficiency chapter to the DCP, the orientation of solar collectors is considered to be appropriate.	Yes
	(c) Sunlight is available to at least 50% of required private open space for at least 2 (two) hours between 9.00am and 3.00pm on 21 June. Where existing overshadowing is greater than the above, it should not be further reduced.	A minimum of 2 (two) hours solar access is achieved to the proposed private open space areas, between 9.00am and 3.00pm on 21 June.	Yes
	(d) Any new development shall not reduce the solar access of solar collectors of an adjoining property to less than 4 (four) hours per day in mid-winter except solar hot water panels to which full access must be maintained.	The level of overshadowing resulting from the development will not reduce solar access to the solar collectors of the adjoining dwellings to less than 4 hours per mid-winter day. Solar access to hot water systems is not reduced.	Yes

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Element	Rules	Provides	Complies
	(e) Sunlight is available to clothes drying area for at least 4 (four) hours on 21 June to a plane 1 metre above the finished ground levels under the drying lines.	Adequate sunlight is available to the proposed clothes drying areas for proposed units in accordance with the DCP requirements. Adequate solar access is retained on the adjoining properties to clothes drying areas.	Yes

Hawkesbury Development Control Plan, Part C, Chapter 2 - Car Parking and Access

The proposed duplex provides a double garage for each of the residential units in accordance with the Parking and Access Chapter of the Hawkesbury Development Control Plan.

Community Consultation

The application was publicly exhibited from 19 March 2004 to 2 April 2004. 2 (two) submissions were received from the adjoining residents at No. 14 Matheson Avenue and 145 Keda Circuit. The main concerns from each of the respondents were as follows:

145 Keda Circuit

1. Windows overlooking living areas in the dwelling and the backyard
2. Overshadowing
3. Overdevelopment of the site

14 Matheson Avenue

1. Overshadowing of clothes drying areas and backyard
2. Overlooking
3. Request for new 1.8 (one point eight) metre high boundary fencing to be provided at the developers expense.

The matters raised are discussed in the planning assessment below.

Planning Assessment

Amendment 130

Draft Amendment 130 to the Hawkesbury LEP 1989 would, upon gazettal, have the effect of prohibiting the proposed development. The provisions of the draft plan have been developed in

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an effort to maintain the established character of North Richmond and to ensure that increases in housing densities occurs in close proximity to services and public transport facilities.

Whilst the subject site does not fall within a proposed multi unit housing zone, the proposed development is considered to be consistent with the objectives of the plan as outlined above. The proposed design has the appearance of a single dwelling house and is considered to be consistent with the established character of the locality. It is noted that the dwelling on the adjoining property at 14 Matheson Avenue is also of 2 (two) storey design. Further, the subject site is directly adjacent to the portion of North Richmond that is within the Multi-unit housing zone under the draft plan. The proximity of the site to services is, therefore, considered to be acceptable and consistent with the objectives of the plan

Matters raised by the respondents

With regard to the matters raised by the respondents the following comments are provided:

1. Overlooking

Comments

- All upper level windows are bedroom or ensuite windows. These rooms are not considered to be main living areas.
- Adequate separation (minimum 14 metres) separates the nearest upper level windows of the proposed duplex from the living rooms and private open space areas of the Keda Circuit property.
- The upper level windows which face 14 Matheson Avenue are highlight windows and are limited to 500 (five hundred) millimetres in height. It is also noted that all of the proposed upper level windows are also from bedroom/ensuites.

2. Overshadowing

Comments

- The extent of overshadowing resulting from the duplex will affect the Keda Circuit property only between 9.00am and 11.00am during mid winter. Further, living areas within the dwelling and the open space areas of the adjoining property will not be affected.
- A portion of the property is affected by shadow cast from the existing garage on their property. It is considered the additional shadow increase is not significant.
- The extent of overshadowing on 14 Matheson Avenue is limited to between 2.00pm and 4.00pm during mid winter. This level of overshadowing is considered to be acceptable and is not expected to significantly impact on the amenity of residents.

3. Fencing

Comments

- The existing boundary fencing of 12 Matheson avenue consists of timber paling fencing. The fencing is in poor condition and varies between 1.5 (one point five) metres and 1.8 (one point eight) metres in height. It is therefore considered appropriate that a suitable condition of consent be imposed for new boundary fencing to be provided at the applicant's expense.

Conclusion

The proposed development is consistent with the requirements of Hawkesbury Local Environmental Plan 1989 and the Hawkesbury Development Control Plan.

Whilst the subject site does not fall within a proposed multi unit housing zone as outlined under Draft Amendment 130, the proposed development is considered to be consistent with the objectives of the Draft Plan.

The proposed development is not expected to adversely impact on the amenity of the locality or the surrounding environment.

The issues raised by the respondents do not warrant refusal of the development application.

RECOMMENDATION:

That the application for an attached dual occupancy and demolition of the existing dwelling 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 (numbered 215D sheets 1 of 4 to 4 of 4 dated January 2004) and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. To ensure the external appearance of the development is not intrusive or offensive, and does not degrade the visual quality of the surrounding area, the development shall be completed in accordance with the approved colours and finishes and shall not be altered.
3. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.

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4. The applicants shall make themselves aware of any use restriction relevant to this property and shall comply with the requirements of the Section 88b instrument relevant to this subdivision and property.
5. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within 7 (seven) days of the date of issue. The registration fee is \$35.00 (thirty five dollars) per certificate.
6. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
7. No excavation or site works shall be commenced prior to the issue of the construction certificate.
8. An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use. The occupation certificate will not be issued if any conditions of this consent are outstanding.

Prior to Issue of Engineering Construction Certificate

9. Construction of civil works including road, drainage, access, or sewer works are not to commence until 3 (three) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Asset Services and Recreation or an accredited certifier.
10. Payment of a design checking fee of \$227.00 (two hundred and twenty seven dollars) and inspection fee of \$335.80 (three hundred and thirty five dollars and eighty cents) when submitting Engineering plans for approval. This amount is valid until 30 June 2004. Fees required if an accredited certifier is used will be provided upon request.
11. The submission of engineering designs and calculations covering all works required by this consent.
12. The submission of a satisfactory Erosion and Sediment Control Plan (ESCP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
13. Submission of proof of the payment of the Building Industry Long Service Levy where the value of civil works exceeds \$25,000 (twenty five thousand dollars).
14. A concept on-site detention stormwater drainage plan in accordance with Council's Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification needs to be submitted to Council for approval. The design is to show details of the proposed final floor levels of the proposed units, the surface and invert levels of the stormwater pits and the point of discharge into Hawkesbury City Council's stormwater system, the estimated permissible site discharge, the estimated storage volume and method of detention for all storms from the 1 year storm event up to the 100 year storm event.

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15. A certificate from an accredited assessor showing a minimum NatHERS rating of 3.5 stars is to be submitted to the principal certifying authority.
16. Details of the proposed hot water system demonstrating that the appliance has a minimum energy rating of 3.5 stars is to be submitted to the principal certifying authority.
17. Details demonstrating that the proposed building will comply with the requirements of the Building Code of Australia are to be submitted to the principal certifying authority for approval.
18. Separate certified structural engineer's details of all structural concrete and steelwork shall be lodged with the principal certifying authority for approval.
19. 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 (\$1476.00)
 - (b) Community Facilities (\$1042.00)

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.

Contributions are to be paid prior to issue of the construction certificate.

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.

20. A landscaping plan prepared by a suitably qualified person is to be submitted to Council for approval. The plan shall be prepared in accordance with the Hawkesbury Development Control Plan Part C, Chapter 1 - Landscaping.

Prior to Commencement of Works

21. 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.
22. The applicant shall advise Council of the name, address and contract number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1997.
23. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environment Planning and Assessment Act.

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24. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.
25. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
 - (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.
26. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to the commencement of works.

During Construction

27. All building work must be carried out in accordance with provisions of the Building Code of Australia.
28. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
29. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
30. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
 - (a) piers;
 - (b) foundations;
 - (c) steel reinforcement;
 - (d) the second storey floor joists, prior to the fixing of any flooring material;
 - (e) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - (f) wet area flashing, after the installation any bath and shower fixtures;
 - (g) on completion of the structure;
 - (h) internal drainage lines prior to covering;
 - (i) external drainage lines, prior to backfilling; and
 - (j) on completion of the structure.

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31. 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 development. Such utilities include, but are not limited to, water, sewerage, drainage, power, communication, footways, kerb and gutter.
32. The provision of conduit/ducts under new driveways to the requirements of Integral Energy, in accordance with Integral Energy drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy.

Prior to Issue of Occupation Certificate

33. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to 'Your Business' section of Sydney Water's web site at www.sydneywater.com.au then the 'e-developer' icon or telephone 13 20 92.

Following application a 'Notice of Requirements' will detail 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 Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

34. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to the development.
35. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones to the development.
36. Removal of the existing redundant layback crossing.
37. All debris (including felled trees) resulting from the approved clearing of the site for construction is to be removed from the property unless alternative arrangements are agreed to in writing with this office.
38. The completion of the development including all civil works in accordance with Council approval covered by this development consent.
39. Design and construction of site drainage shall be carried out in accordance with Council's Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification. Full details of works shall be submitted for approval with the construction certificate. 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 predevelopment levels.
40. All necessary works being carried out to ensure that flow from adjoining properties is not impeded.

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41. A report by the Design Engineer and a works-as-executed (WAE) drawing by either a suitably qualified Engineer or Registered Surveyor of the stormwater detention basin(s) and stormwater drainage system are to be submitted to and approved by Council prior to the release of the Occupation Certificate. The report from the Design Engineer is to state the conformance or otherwise of the as constructed basins in relation to the approved design. The WAE drawings shall indicate the following as applicable:
- (a) invert levels of tanks, pits, pipes and orifice plates;
 - (b) surface levels of pits and surrounding ground levels;
 - (c) levels of spillways and surrounding kerb;
 - (d) floor levels of buildings, including garages;
 - (e) top of kerb levels at the front of the lot;
 - (f) dimensions of stormwater basins and extent of inundation; and
 - (g) calculation of actual detention storage volume provided.

Prior to Issue of Occupation Certificate

42. In order to enhance the amenity of the development, new boundary fences shall be provided at the applicant's expense. Such fencing behind the building line shall be to a height of 1.8m and at least lapped and capped. (D264).

The Use of the Site

43. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 22 **ENV A - 6 (six) Multi unit housing, Lot 1 DP200006 & Lot 2 DP200006, 43 & 45 Bosworth Street RICHMOND NSW 2753 (DA1027/03)**

Development Information

Applicant: Antina Rapesovski
Kice Lacovski
Sylvia Lacovski

Applicants Rep: N/A

Owner: Ms A Rapesovski

Stat. Provisions: Hawkesbury Local Environmental Plan 1989

Area: 2220.00m²

Zone: **Residential 2(a)**
Residential 2(a) under Hawkesbury Local Environmental Plan 1989
Housing
The proposed zone under Draft Local Environmental Plan 1/01 - Amendment 130 is Housing.

Brief Description: Multi unit housing - 6 (six) residential units

Advertising: 27/10/2004 to 10/11/2003

Date Received: 26/08/2003

Key Issues:

- ◆ Draft Amendment 130
- ◆ Heritage
- ◆ Minor variations to the Hawkesbury Development Control Plan

Action: Approval subject to conditions

REPORT:

Introduction

The application seeks approval to construct 6 (six) residential units and the demolition of existing dwellings at 43 and 45 Bosworth Street, Richmond. The application was lodged prior to the exhibition of the Draft Amendment Plan 130 to the Hawkesbury Local Environmental Plan 1989. The proposal development would be prohibited by the gazettal of the draft plan. In line with Council's policy, the application is being reported to Council for determination. This report provides a summary and assessment of the key issues. A complete assessment of the application is available on the file.

Background

The plans that were initially submitted with the development application involved 6 (six) detached colonial style units. The proposed design did not fully comply with the applicable provisions of the Hawkesbury Development Control Plan and was also considered to be inconsistent with the established heritage character of the locality. The applicant was advised of Council officer's

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concerns and subsequently submitted amended plans in an effort to address these matters. These amended plans are the subject of this assessment report.

The Proposal

The proposal involves the demolition of the existing two dwellings and the subsequent development of six single storey residential units on the subject site. The units propose a paint render finish with a common driveway providing access through the centre of the site. Proposed units 3 and 4, located on the rear portion of the site, are to be attached by a common roofline and are orientated to face Bosworth Street.

Each of the units include three bedrooms and a double garage.

A 7.5 metre setback is proposed from Bosworth Street, which is to be landscaped. Each unit is provided with a private open space area and an additional communal open space area is proposed in the centre of the site.

Statutory Situation

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject land is zoned Residential 2(a). The proposed development is permissible with consent and is considered to be consistent with the objectives of the zone.

Draft Amendment 130 to the HLEP 1989

The Draft Plan seeks to, inter alia, limit multi-unit housing development to within 1km of a railway station or 500m of a commercial zone. The draft plan also excludes land affected by aircraft noise from the proposed multi unit housing zone. The provisions of the draft plan would therefore, upon gazettal, have the effect of prohibiting the proposed development.

Hawkesbury Development Control Plan

The proposed development is generally consistent with the rules and objectives of the relevant chapters of Hawkesbury Development Control Plan, with some minor variations proposed. Specifically, the following table provides an assessment of the proposed development against the requirements for residential development and energy efficiency:

Element	Rules	Provides	Complies
Height	(a) New buildings are to be constructed within the Building Height Plane for the relevant residential use. The Building Height Plane is to be adjusted for sloping sites to follow the natural ground level.	The proposed development falls within the building height plane affecting the site.	Yes

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Element	Rules	Provides	Complies
	(b) Building to the side & back boundary within the <u>Building Height Plane</u> is permitted where: it can be shown that building to the boundary doesn't reduce the privacy of neighbouring dwellings and their <u>private open space</u> and does not reduce their existing solar access; and	A minimum setback of 980mm is proposed from the nearest side property boundaries and a setback of 5.08m is proposed from the rear property boundary.	Yes
	the continuous length of the boundary walls is not more than 10m or is a maximum of 50% of the boundary length; whichever is the shorter.		
Setbacks	(a) For sites fronting main or arterial roads, buildings are to be set 10m back from the front boundary unless there are exceptional physical circumstances. The 10m setback commences after any road widening which may affect the subject land.	The subject site fronts a portion of Bosworth Street that is identified as a main road under the Hawkesbury Local Environmental Plan 1989. A 7.5m setback has been proposed.	No See comments in planning assessment.
Landscaped Areas	All forms of residential development are to contain pervious soft <u>landscaped areas</u> to a total of 30% of the total site area. This may be calculated by adding together soft <u>landscaped areas</u> of private and <u>common open space</u>. Development proposals, where required, are to indicate the proportion of the total site area that is: - total "soft" landscaped area; - total ground level private open space; and - total common open space.	The subject site has a total land area size of 2220m². The total area that is to be provided as soft landscaping is therefore 666m². It is proposed that 904m² is provided.	Yes
Private Open Space	(a) Single dwelling houses and multi unit housing are to provide at least one area of <u>private open space</u> for each dwelling. (b) The total of <u>private open space</u> at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must: - be capable of containing a rectangle 5m x 6m that has a slope less than 1:10; - not be comprised of any area with a dimension less than 4m; and	Each of the proposed residential units has been provided with one area of private open space. The total area that is required as private open space is 444m² (20% of the site). 444m² of private open space is proposed. This space is: - capable of containing a 5m x 6m rectangle and has a slope of less than 1:10. - not comprised of a dimension less than 4m.	Yes Yes

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Element	Rules	Provides	Complies
	be exclusive of clothes drying areas, driveways, car parking and other utility areas. (c) Private open space shall not be located in the front boundary setback.	exclusive of clothes drying areas, car parking areas and utilities. Private open space is to be located behind building line of the front 2 (two) units.	Yes
	(d) Any above ground level balcony or rooftop area designed for <u>private open space</u> must have a minimum area of 10m² with a minimum dimension of 2m. This area is not included in the calculation for the provision of total <u>private open space</u>.	All private open space is to be located at ground level.	N/A
Common Open Space	(a) For development proposals than contain 5 (five) or more units common use open space is required. Concession may be given where it is demonstrated that sufficient useable private open space for each dwelling has been provided. (b) The communal open space should generally have access only from within the site. (c) <u>Common open space</u> for multi-unit housing developments should be accessible from all dwellings within the development. Surveillance of this space should be possible from at least 2 (two) dwellings. (d) Any proposed communal recreational facilities must be designed and located to avoid nuisance or danger to neighbours, residents and visitors.	A common use open space area has been proposed on the site having a total area of 44m². The location of the proposed common open space area is within the centre of the site and would be generally accessible from within the site. All dwellings have direct access to the proposed common open space areas. Casual surveillance is available from all of the proposed units. The proposed design is not expected to cause nuisance or danger to neighbours residents or visitors.	Yes Yes Yes Yes
Access and Parking	(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1m to separate them.	A minimum of 12.5m separates the driveway from the nearest side property boundary.	Yes

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Element	Rules	Provides	Complies
	(b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5m from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1m above the driveway.	The main habitable rooms of all of the proposed units are provided with a separation of not less than 1.5m from the shared driveway, with the exception of proposed unit 2. The separation provided for this unit is 800mm.	No. See comments in planning assessment.
	(c) All driveways must have a minimum width of 3m and must be sealed to prevent surface erosion.	3m driveway width has been proposed.	Yes
	(d) For development that contains more than 2 (two) units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.	A minimum driveway width of 6m from the layback/kerb line to 6m inside the property has been proposed.	Yes
	(e) Garages and carports must not visually dominate the street facade, should occupy less than 50% of the building facade and must be compatible with the building design.	It is proposed that units 1 (one) and 6 (six), which front Bosworth Street, have the garages access fronting the common access driveway. The proposed garages therefore do not dominate the street façade.	Yes
	(f) Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.	Parking spaces and turning areas have not been proposed within the front boundary setback.	Yes
	(g) Where parking spaces are located as 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate manoeuvring on site.	A minimum driveway width of 6.7m has been provided adjacent to all parking spaces with the exception of the parking spaces associated with proposed unit 5 (five). The driveway width adjacent to these spaces is 6m.	No. See comments in planning assessment.
	(h) On site manoeuvring areas shall be provided to allow entry and exit to the site in a forward direction. (except for a single dwelling)	Adequate manoeuvring has been provided to allow for entry and exit to the site in a forwards direction.	Yes

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Element	Rules	Provides	Complies
	(i) On site manoeuvring areas shall be provided to allow entry and exit to and from all car spaces including garage, carports, uncovered spaces and visitor spaces by a single turning movement. (j) Attached dual occupancies will be assessed on merits in relation to on site manoeuvring. (k) Where more than 3 (three) units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access. (l) On site manoeuvring shall be based on the Ausroads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the swept paths. (m) All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening: • On one side only to 3.2m • On both sides to 3.8m. • Refer to Part C Chapter 2 - Car Parking and Access for additional requirements.	All proposed spaces provide sufficient manoeuvring to allow for vehicles to enter and exit the spaces in a single turning movement. N/A A turning bay has been proposed at the western end of the access driveway Adequate manoeuvring has been provided in accordance with the Ausroads Standard 5.0m design vehicle. All of the double garages proposed for the development have an internal width of 6.4m.	Yes Yes Yes Yes Yes
Visual Amenity	(a) Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP. (b) Where there is no alternative to a window, it should be screened.	The proposal has incorporated measures outlined in the DCP to maximise visual privacy such as the use of single storey units and locating private open space areas to maximise the separation between the proposed units.	Yes
Acoustic Privacy	(a) Acoustic privacy is to be considered at the design stage and techniques such as those shown in the DCP are to be used.	Acoustic privacy has been incorporated into the design such as maximising the separation between the units and separating main living areas from bedrooms.	Yes

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Element	Rules	Provides	Complies
	(b) Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3m from bedroom windows. (c) A distance of at least 3m should separate openings of adjacent dwellings.	A line of sight separation of at least 3m has not been provided between bedrooms and parking areas/access driveways. Adequate separation has been proposed between attached units 3 (three) and 4 (four). All other units are detached and separated by more than 3m.	No. See comments in planning assessment. Yes
External Noise and Vibration	(a) A noise and vibration assessment must be undertaken by a suitably qualified noise consultant for any proposed residential development other than a single dwelling house located within 100m of the railway line or within Australian Noise Exposure Forecast (ANEF) 25 or greater. (b) Proposals must comply with the current Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance and incorporate appropriate mitigation measures.	The subject site is not located within 100m of a railway line. The site falls within a 25 ANEF area. Details are to be provided within the noise assessment report	Noise assessment report shall be required as condition of consent. Conditions of consent to be imposed.
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road. (b) Barriers to prevent movement between internal roof spaces of adjoining dwellings are required. (c) Elements to be incorporated in site and building design and include: - doorway/entry safety and surveillance to and from the footpath. - illumination of public spaces including all pedestrian paths, shared areas, parking areas and building entries to the relevant Australian Standard. - visibility to the street from the front of the development.	Direct pedestrian access is provided to Bosworth Street. Appropriate conditions of consent are to be imposed with regard to the attached units 3 (three) and 4 (four). All other units are detached. Adequate surveillance is available from within the development to the footpath areas. Suitable conditions of consent are to be imposed to ensure that illumination of the site is in accordance with Australian Standards. Sufficient visibility to the street is proposed from bedrooms of units 1 (one) and 6 (six).	Yes Suitable conditions of consent are to be imposed. Yes Suitable conditions of consent are to be imposed. Yes

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Element	Rules	Provides	Complies
	restricted access to the rear of the site.	Access to the private open space areas and the rear of the site is restricted.	Yes
Utility and Site Services	Where reticulated water is not available, a minimum storage of 100,000 litres must be provided. A minimum of 10,000 litres must be available at all times for fire fighting.	Reticulated water services the subject site.	Yes
Cables	The design, location and construction of utility services must satisfactorily meet the requirements of both the relevant servicing authority and Council.	Adequate utility services are available to the site. Suitable conditions of consent are to be imposed to ensure the appropriate connection to these services.	Yes
Recycling, garbage and mail	Collection areas must be integrated into the overall site and building design, such as the example shown in the DCP.	Suitable access is available for the units to allow for garbage bins to be stored in the rear of the site and be wheeled to the street frontage.	Yes
Fencing and Retaining Walls	(a) Front fences where not screening private open space walls are to be a maximum height of 1.2m if solid.	Front fencing has not been proposed.	N/A

Hawkesbury Development Control Plan, Part C, Chapter 2 - Car Parking and Access

The proposed duplex provides a double garage for each of the residential units in accordance with the Parking & Access Chapter of the Hawkesbury Development Control Plan.

Community Consultation

The proposed development has been notified in accordance with the Notifications Chapter of the Hawkesbury Development Control Plan. No objections or submissions were received as a result of notification.

Planning Assessment

Full consideration has been given to s79C(1)(b) of the Environmental Planning and Assessment Act, 1979 as contained on file. Below are the relevant matters:

Draft Amendment 130

The provisions of draft amendment 130 have been developed to, inter alia, ensure housing densities do not increase in areas affected by aircraft noise above the 20 ANEF contour. The subject site falls within an ANEF 25 zone. The Draft Plan would therefore, upon gazettal, have the effect of prohibiting the proposed development.

The locality is characterised by a mix of housing and multi unit housing developments. In particular, the property directly opposite the subject site, known as 34 - 36 Bosworth Street, accommodates a development of similar scale and design to that which is proposed on the subject site. Council has also recently approved a multi unit housing development at 40A Bosworth Street.

Heritage Matters

Clause 28 of the Hawkesbury Local Environmental Plan 1989 requires Council to consider the potential impact of new development on the heritage significance of heritage items within the vicinity of the site. The subject site is in the vicinity of several heritage listed items. It is considered that the development will not have a significant impact on the heritage items.

Non-compliance to the Hawkesbury Development Control Plan (DCP)

The proposed non-compliance to the Hawkesbury DCP are as follows:

1. The DCP requires a front setback of 10m for developments fronting main or arterial roads. The site fronts a portion of Bosworth Street which is defined as a main road. A 7.5m setback has been proposed. The variation is considered to be acceptable in light of the current setbacks provided to other developments in the vicinity. In particular, the setbacks of the dwellings on the adjoining properties is approximately 5m and the multi unit development opposite the site at 34 - 36 Bosworth street site has a setback of approximately 6m. The setback provision still achieves the aims of the control by maintaining the streetscape and providing adequate sight lines for pedestrians, motorists and cyclists.
2. The DCP requires a setback a minimum of 1.5m from windows to main habitable rooms of dwellings. A setback of 900mm has been proposed for unit 2. This variation is considered to be acceptable as it is a very minor and is not expected to have any significant impacts on amenity for future residents. It is also noted that this portion of the access way serves only proposed units 3 and 4. The provision of suitable acoustic treatment will also ensure the aims of the control are achieved.
3. The DCP requires the provision of a minimum driveway width of 6.7m adjacent to any 90° parking spaces. The parking spaces associated with proposed unit 5 have an adjacent driveway width of 6m. This variation is considered to be acceptable as the proposed driveway design allows for vehicles to manoeuvre into and out of these spaces in a forwards direction.
4. The DCP requires a line of sight separation of 3m to be provided between bedroom windows and access driveways. Separation distances proposed range from 900mm to over 3m. This variation is considered to be acceptable as the degree of variation is considered to be minor and an appropriate level of acoustic and visual privacy has been achieved for the development.

Conclusion

The proposed development is considered to be consistent with the objectives and requirements of the Hawkesbury Local Environmental Plan 1989. The proposal is also generally consistent with the requirements of the Hawkesbury Development Control Plan with a number of minor variations proposed, which are considered to be acceptable.

The proposed design is considered to be adequate with regard to the heritage items within the vicinity of the site and the established character of the locality. Further, the proposal is not expected to adversely impact on the amenity of the area or the surrounding environment.

RECOMMENDATION:

That the application for multi unit 6 (six) residential units and the demolition of the existing dwellings 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 (prepared by Moore Design numbered 3157.1A to 3157.6A dated rev A 11/02/04) and any supportive documentation, except as otherwise provided by the conditions of this consent.

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.
2. To ensure the external appearance of the development is not intrusive or offensive, and does not degrade the visual quality of the surrounding area, the development shall be completed in accordance with the approved colours and finishes and shall not be altered.
3. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
4. The applicants shall make themselves aware of any use restriction relevant to this property and shall comply with the requirements of the Section 88b instrument relevant to this subdivision and property.
5. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue. The registration fee is \$35.00 per certificate.
6. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
7. No excavation or site works shall be commenced prior to the issue of the construction certificate.

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8. An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use. The occupation certificate will not be issued if any conditions of this consent are outstanding.

Prior to Issue of Construction Certificate

9. A certificate from an accredited assessor showing a minimum NatHERS rating of 3.5 stars is to be submitted to the principal certifying authority.
10. Details of the proposed hot water system demonstrating that the appliance has a minimum energy rating of 3.5 stars is to be submitted to the principal certifying authority.
11. Details demonstrating that the proposed building will comply with the requirements of the Building Code of Australia are to be submitted to the principal certifying authority for approval.
12. Separate certified structural engineer's details of all structural concrete and steelwork shall be lodged with the principal certifying authority for approval.
13. The building design shall incorporate components that will provide aircraft noise mitigation in accordance with AS 2021. Details prepared by an accredited acoustical consultant submitted with the construction certificate.
14. 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 (\$8540.00)
 - (b) Community Facilities (\$5942.00)

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.

Contributions are to be paid prior to issue of the construction certificate.

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.

15. A landscape plan prepared by a suitably qualified person is to be submitted to the Principle Certifying Authority for approval prior to the issue of the construction certificate. The plan is to be designed in accordance with the Landscaping Chapter of the Hawkesbury Development Control Plan.
16. Construction of civil works including road, drainage, or access are not to commence until 3 (three) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Environment and Development or an accredited certifier.

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17. Payment of a design checking fee of \$327.50 (three hundred and twenty-seven dollars, and fifty cents) and inspection fee of \$260.20 (two hundred and sixty dollars, and twenty cents) when submitting Engineering plans for approval. This amount is valid until 30 June 2004. Fees required if an accredited certifier is used will be provided upon request.
18. The submission of engineering designs and calculations covering all works required by this consent.
19. The submission of a satisfactory Erosion and Sediment Control Plan (ESCP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
20. A concept on-site detention stormwater drainage plan in accordance with Council's Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification is to be submitted to Council for approval. The design is to show details of the proposed final floor levels of the proposed units, the surface and invert levels of the stormwater pits and the point of discharge into Hawkesbury City Council's stormwater system, the estimated permissible site discharge, the estimated storage volume and method of detention for all storms from the 1 (one) year storm event up to the 100 (one hundred) year storm event.
21. The consent of Road and Traffic Authority is required for the carrying out of works on a public road in accordance with Section 138 of the Roads Act 1993. In this regard, construction and drainage works are not to commence until three copies of plans and specifications of the proposed works are submitted to and approved by the Roads and Traffic Authority including payment of all fees and charges required by the Authority.

Prior to Commencement of Works

22. 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.
23. The applicant shall advise Council of the name, address and contract number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1997.
24. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environment Planning and Assessment Act.
25. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.

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26. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
 - (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.
27. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
28. Adjoining owners are to be given 24 hours notice, in writing, prior to commencing demolition to enable them to take necessary action to prevent disturbance by dust to both inside and outside their dwelling.

During Construction

29. All building work must be carried out in accordance with provisions of the Building Code of Australia.
30. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
31. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
32. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
 - (a) piers;
 - (b) foundations;
 - (c) steel reinforcement;
 - (d) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - (e) wet area flashing, after the installation any bath and shower fixtures;
 - (f) internal drainage lines prior to covering;
 - (g) external drainage lines, prior to backfilling; and
 - (h) on completion of the structure.
33. All necessary works being carried out to ensure that “any water” flow from adjoining properties is not impeded.

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34. All work must be carried out in accordance with the provisions of Hawkesbury Development Control, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification.
35. 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.
36. The provision of conduit/ducts under new driveways to the requirements of Integral Energy, in accordance with Integral Energy drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy.
37. The demolition work is to be executed by a competent person, with due regard for safe working practices and in accordance with the requirements of the WorkCover Authority.
38. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - (a) The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.
 - (b) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes. Severe weather changes refer primarily to the localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.
 - (e) Unless otherwise permitted by Council, structures shall be demolished in the reverse order to that of their construction. The order of demolition for building shall be progressive, having proper regard to the type of construction.
 - (f) In consideration of the proximity of the site's adjoining buildings:
 - Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work;
 - No demolition activity is to cause damage to or adversely affect the structural integrity of adjoining buildings. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of demolition and appropriate action taken.
39. Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Work Safe Australia).

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- Only competent persons or competent and registered persons shall carry out removal;
- Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC Code of Practice;
- Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.

Prior to Issue of Occupation Certificate

40. 40. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to 'Your Business' section of Sydney Water's web site at www.sydneywater.com.au then the 'e-developer' icon or telephone 13 20 92.

Following application a 'Notice of Requirements' will detail 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 Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

41. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant units.
42. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones to each unit.
43. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
44. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6m.
45. Design and construction of site drainage shall be carried out in accordance with Council's Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification. Full details of works shall be submitted for approval with the construction certificate. 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 predevelopment levels.
46. Registration of a plan of survey consolidating the site into a single allotment. Documentary evidence to be submitted prior to occupation of the building.
47. A report by the Design Engineer and a works-as-executed (WAE) drawing by either a suitably qualified Engineer or Registered Surveyor of the stormwater detention basin(s) and stormwater drainage system are to be submitted to and approved by Council prior to the release of the Occupation Certificate. The report from the Design Engineer is to state the

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conformance or otherwise of the as constructed basins in relation to the approved design. The WAE drawings shall indicate the following as applicable:

- (a) invert levels of tanks, pits, pipes and orifice plates;
- (b) surface levels of pits and surrounding ground levels;
- (c) levels of spillways and surrounding kerb;
- (d) floor levels of buildings, including garages;
- (e) top of kerb levels at the front of the lot;
- (f) dimensions of stormwater basins and extent of inundation; and
- (g) calculation of actual detention storage volume provided.

48. A Plan of Management for the on-site stormwater detention facilities within the development is to be submitted to and approved by Council prior to the issue of an Occupation Certificate. 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.
49. Prior to endorsement and release of the Occupation Certificate the owner is required, at their costs and expense, to enter a positive covenant over all of the land comprised in the development providing as follows:
- (a) Covenanting with the Council (the prescribed authority) to at all times at their costs 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 the said Council having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - (b) Providing that the liability under the said Council will jointly and severally bind the registered proprietors of the proposed dwellings, and
 - (c) Providing that Council (the prescribed authority) will be the person 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 on whose behalf the applicant has lodged the application.

50. Suitable illumination of the site is to be provided in accordance with the relevant Australian Standards requirements.

The Use of the Site

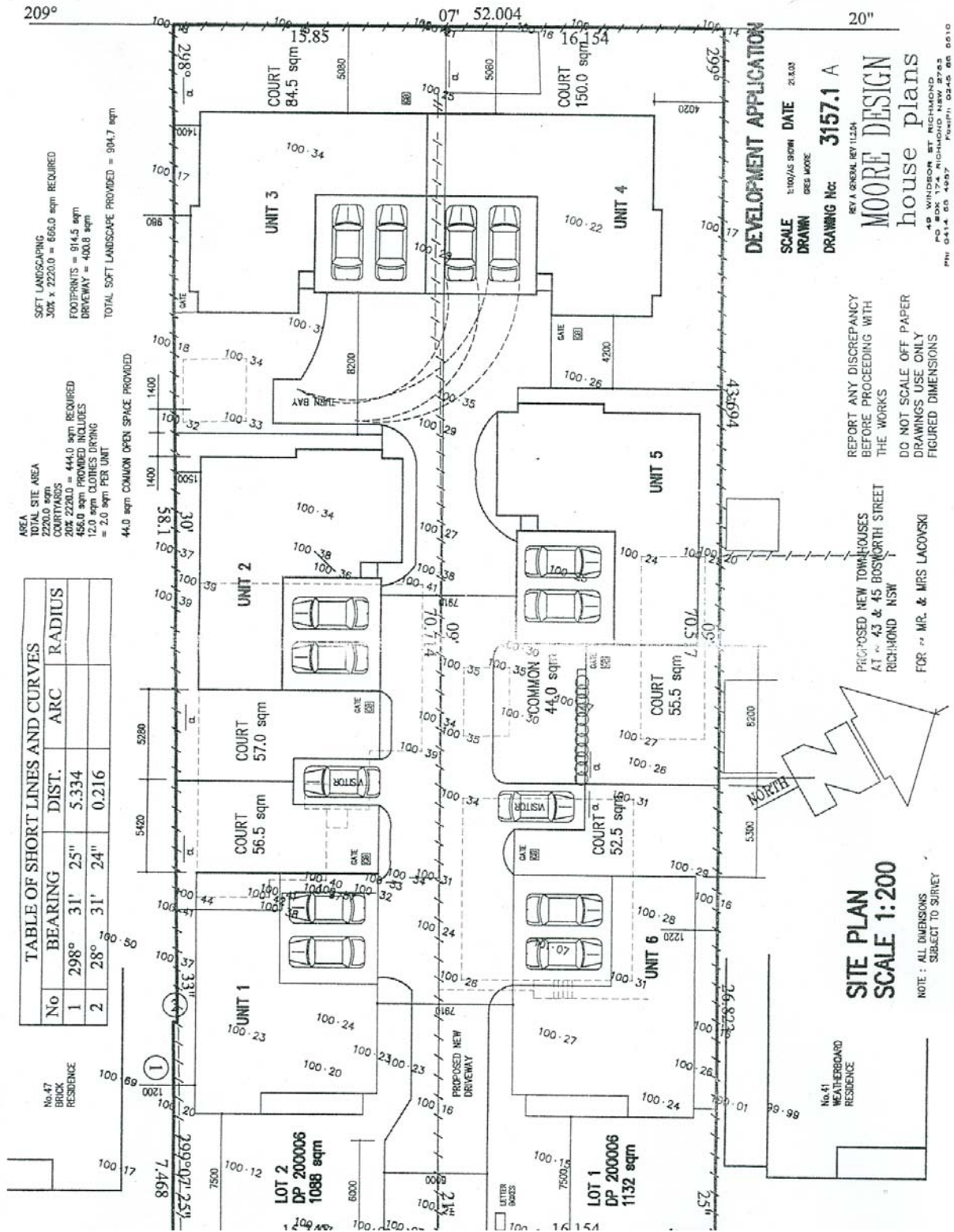
51. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

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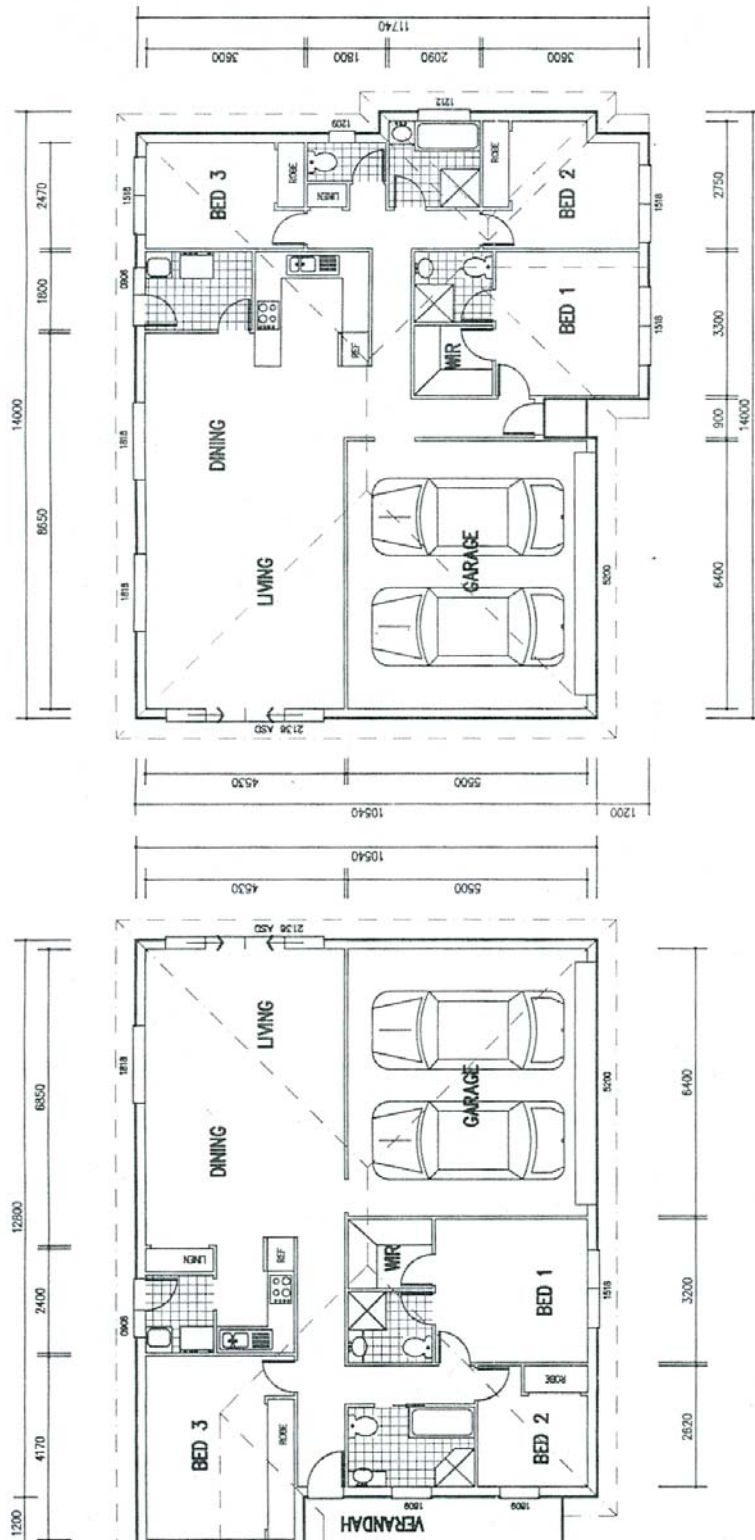
ATTACHMENTS:

AT - 1 Site and Floor Plans



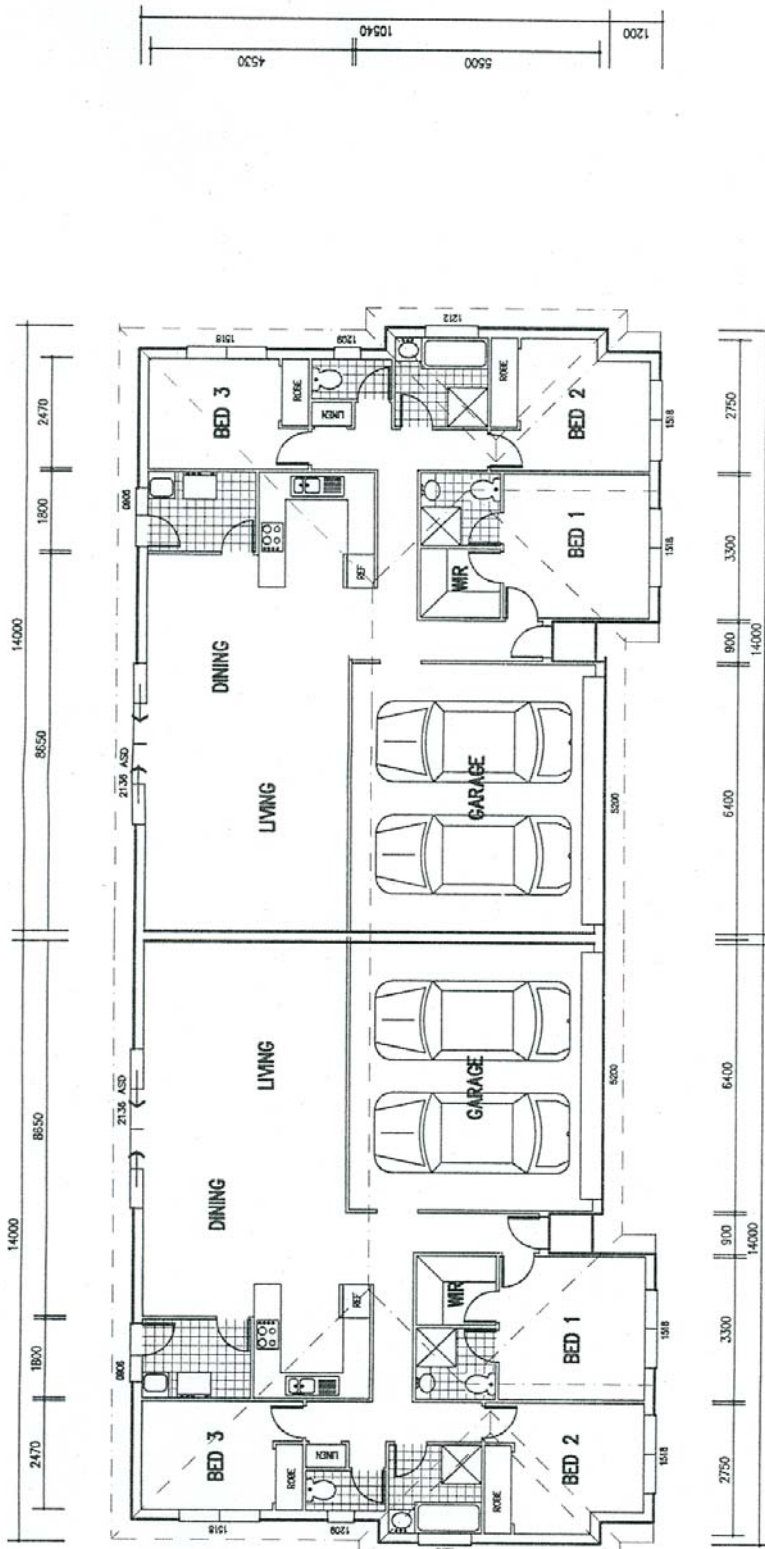
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PROPOSED NEW TOWNHOUSES
AT ~ 43 & 45 BOSNORTH STREET
RICHMOND NSW

FOR ~ MR. & MRS LACOVSKI

DEVELOPMENT APPLICATION

SCALE 1:100/AS SHOWN DATE 21.10.03
DRAWN DES MOORE

DRAWING No: 3157.3 A

REV A GENERAL REV 11.20.04

MOORE DESIGN
house plans

48 WINDSOR ST RICHMOND
NSW 3174 RICHMOND NSW 3763
PH 0414 95 1997 FAX 0414 95 0510

UNIT 4
INSULATE
WALLS R1.0
ROOF R1.0
CEILINGS R2.0

FLOOR PLAN UNIT 4

LIVING ~ 114.4 sqm
GARAGE ~ 36.6 sqm
VERANDAH ~ 10.7 sqm
TOTAL ~ 161.7 sqm

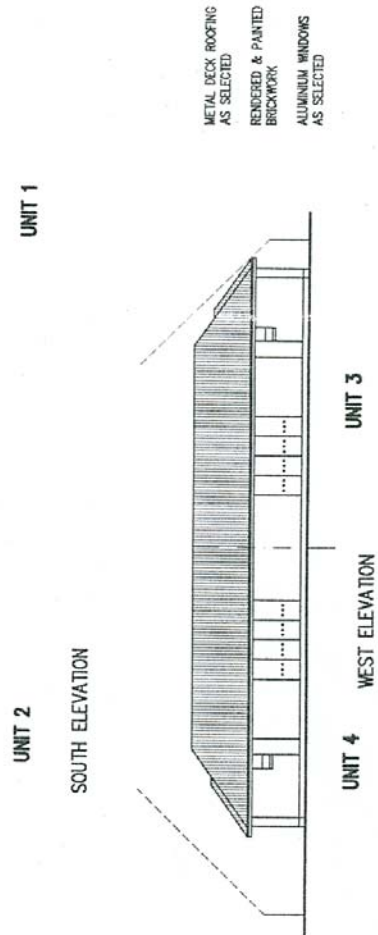
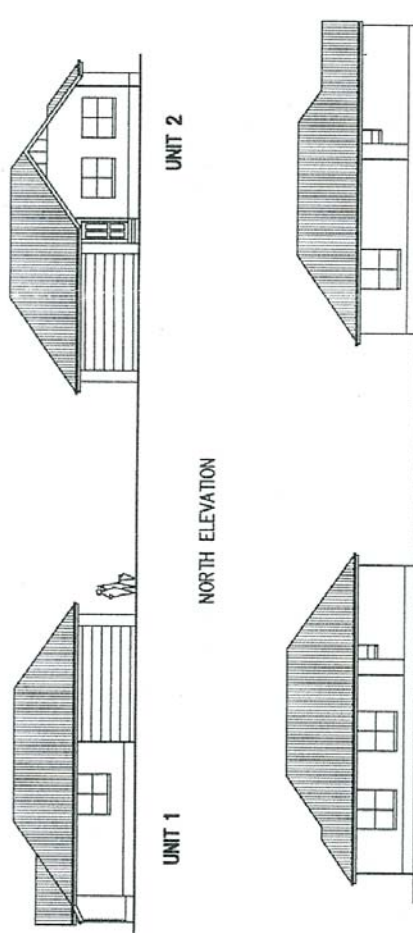
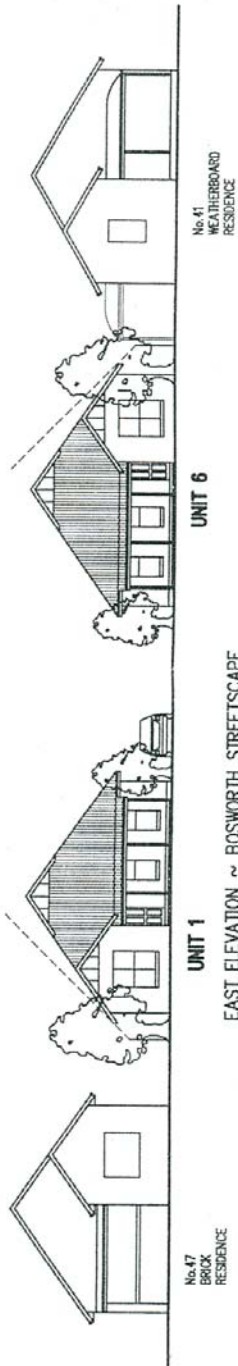
UNIT 3
INSULATE
WALLS R1.0
ROOF R1.0
CEILINGS R2.0

FLOOR PLAN UNITS 3

LIVING ~ 114.2 sqm
GARAGE ~ 36.6 sqm
PORCH ~ 1.0 sqm
TOTAL ~ 151.8 sqm

ENVIRONMENT

Meeting Date: 27 April 2004



METAL DECK ROOFING
AS SELECTED

RENDERED & PAINTED
BRICKWORK

ALUMINIUM WINDOWS
AS SELECTED

PROPOSED NEW TOWNHOUSES
AT ~ 43 & 45 BOSWORTH STREET
RICHMOND NSW

FOR ~ MR. & MRS LACOYSKI

DEVELOPMENT APPLICATION

SCALE 1:200 DATE 21.03

DRAWN GRS MOORE

DRAWING No. 3157.4 A

REV A GENERAL REV 11.204

MOORE DESIGN
house plans

49 WINDSOR ST RICHMOND
PO BOX 174 RICHMOND NSW 2763
PH: 0414 05 4407 FAX: 0245 88 8510

ENVIRONMENT

Meeting Date: 27 April 2004



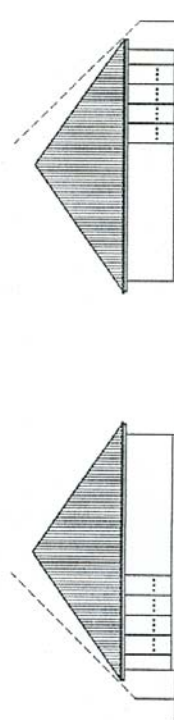
UNIT 5

SOUTH ELEVATION



UNIT 5

NORTH ELEVATION



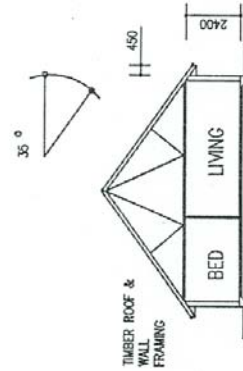
UNIT 6

WEST ELEVATION



UNIT 3

WEST ELEVATION



SECTION

PROPOSED NEW TOWNHOUSES
AT ~ 43 & 45 BOSWORTH STREET
RICHMOND NSW

FOR ~ MR. & MRS LACOVSKI

DEVELOPMENT APPLICATION

SCALE 1:200 DATE 21.10.03

DRAWN GRS MOORE

DRAWING No. 3157.5 A

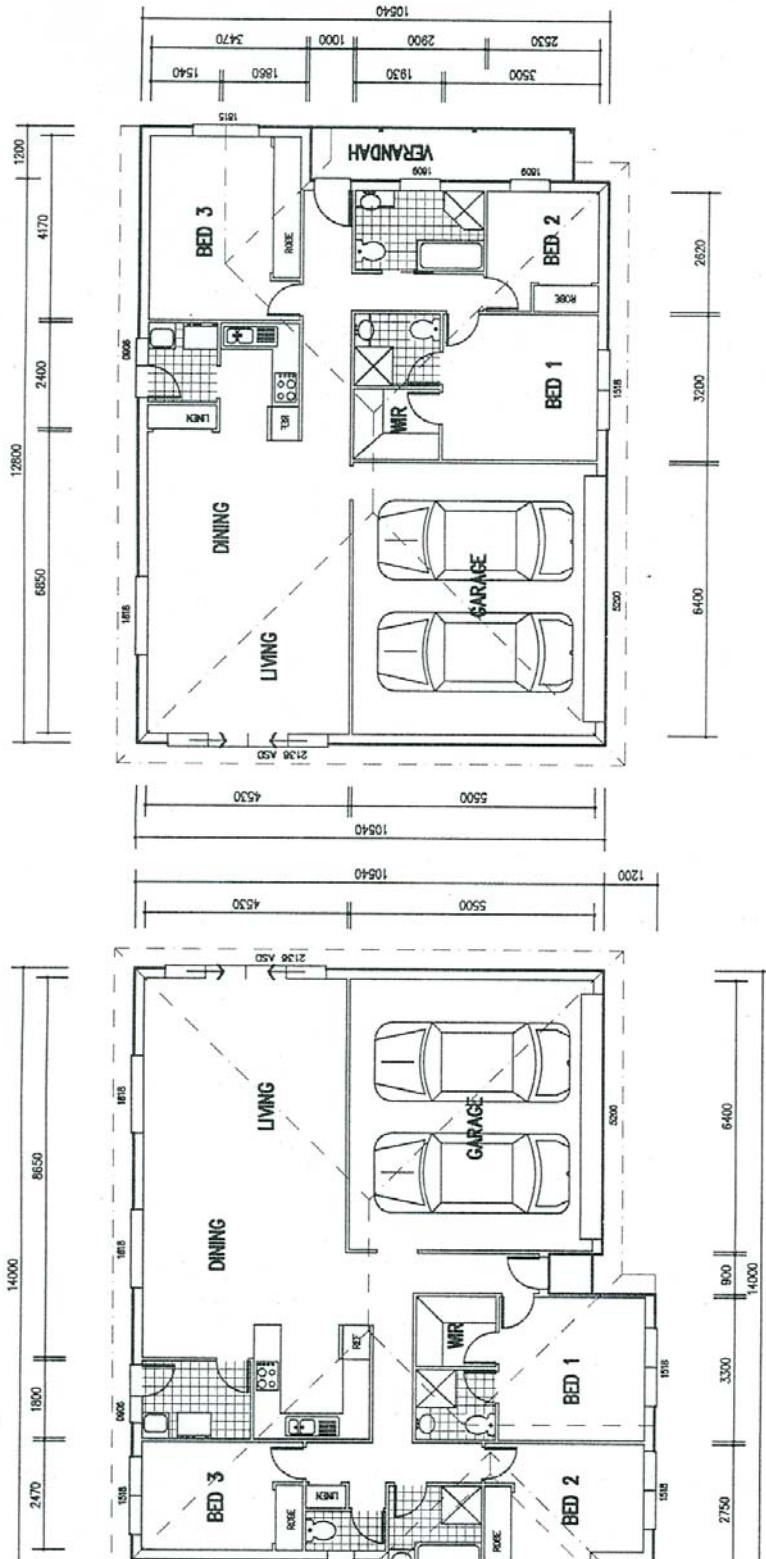
REV A GENERAL REV 11.04.04

MOORE DESIGN
house plans

43 WINDSON ST RICHMOND
PO BOX 174 RICHMOND NSW 2793
PH: 0214 66 4887 FAX: 0245 66 8510

ENVIRONMENT

Meeting Date: 27 April 2004



FLOOR PLAN
UNIT 5

FLOOR PLAN
UNIT 6

PROPOSED NEW TOWNHOUSES
 AT ~ 43 & 45 BOSWORTH STREET
 RICHMOND NSW

FOR ~ MR. & MRS LACOVSKI

DEVELOPMENT APPLICATION

SCALE 1:100/AS SHOWN
 DRAWN GDS MOORE

DATE 21.8.03

DRAWING No: 3157.6 A

REV A GENERAL REV 11.2.04

MOORE DESIGN

house plans

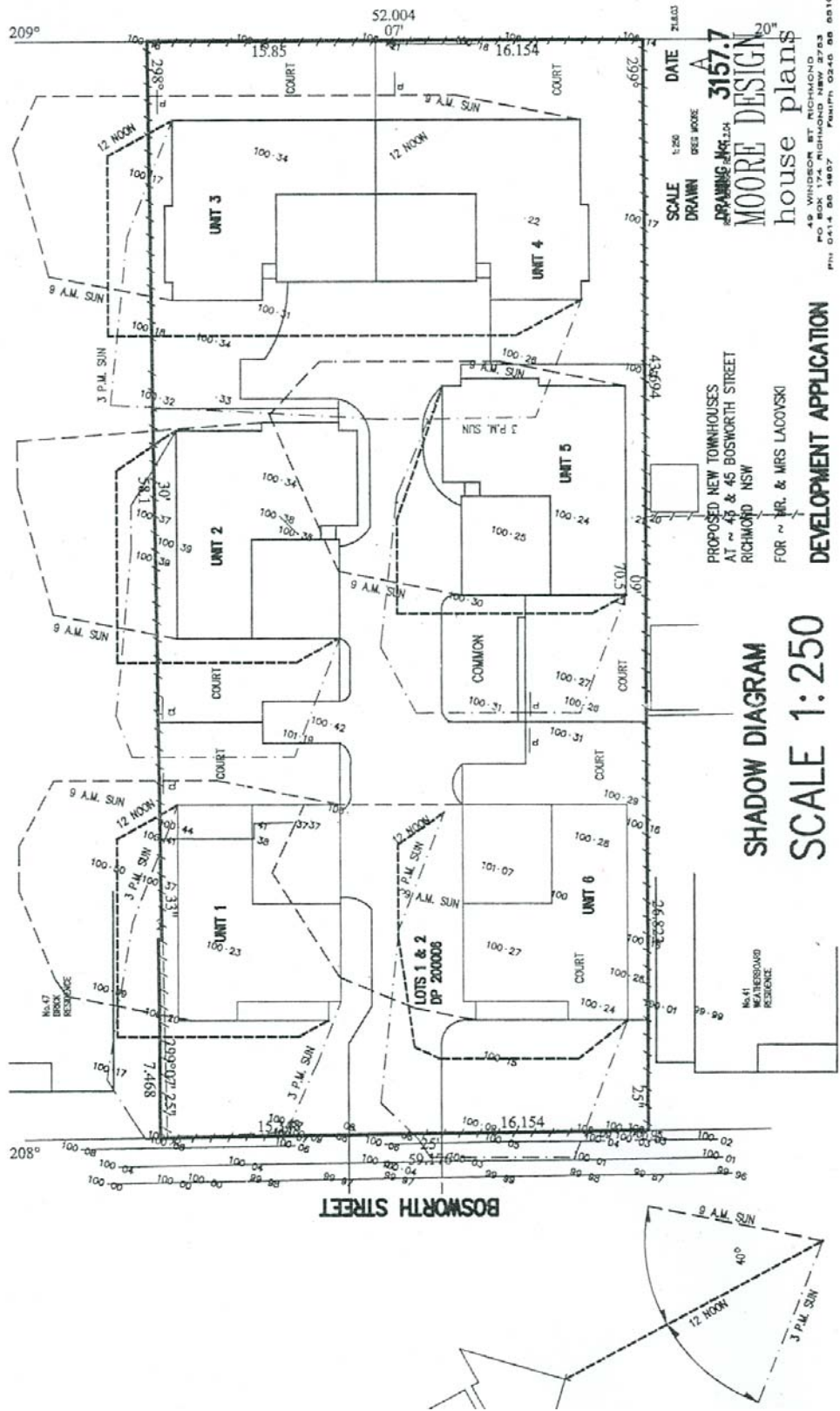
48 WINDSOR ST RICHMOND
 PO BOX 174 RICHMOND NSW 3763
 PH: 0414 65 4667 Fax: 0245 68 6810

ENVIRONMENT

Meeting Date: 27 April 2004

LATITUDE 35 DEGREE SOUTH
21 st JUNE

REFERENCE: NOTES ON THE
C.S.I.R.O. ~
SCIENCE OF BUILDING ~ #120



ENVIRONMENT

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ITEM: 23 ENV B - Hawkesbury Heritage Study Review - (79347)

REPORT:**Introduction**

The Hawkesbury Heritage Study was partially completed in the late 1980's. This study, and selected smaller investigations, have produced the current list of Council identified heritage items. The list is contained in Schedule 1 of Hawkesbury Local Environmental Plan 1989 (HLEP 1989) and the items are also identified on the HLEP 1989 maps by way of a red coloured circled number.

The Study is currently under review by a consultant team consisting of Pamela Hubert (Architect), Terry Kass (Historian) and Meredith Walker (Heritage Planner). Due to the size of the task, the project has been broken up into a number of Stages. This report provides an update of Stages 1 and 2.

The tasks of Stages 1 and 2 were to, inter alia:

- Revise and publish the existing Thematic History prepared by Helen Proudfoot as part of the previous heritage study. The purpose of a Thematic History is to analyse the history and historical geography of the study area to identify the historical framework of development in the area.
- Provide an analysis of contextual issues. The result of this analysis is a Context Report which, inter alia, serves to explain the purpose of the heritage study, identify the area examined, provide an overview of the methodology and study team, identify thematic themes and sub themes, identify assessment of significance criteria and grading, provide a statement of significance, explain survey and fieldwork, provide planning, policy and promotion recommendations.
- Provide planning advice on existing development controls.
- Undertake field surveys of the parishes of Pitt Town and Wilberforce, recommend any additions and/or deletions to the existing heritage list (Schedule 1 of HLEP 1989), prepare inventory sheets for new and existing heritage items.
- Undertake community consultation.

Thematic History, Context Document and Planning Advice

Revision, updating and re-formatting of the Thematic History suitable for publication has been finalised and Council is now in a position to publish and launch the document. The launching of the Thematic History and other public meetings to be held as a result of required amendments to HLEP 1989 will provide a forum for community input into the findings of Stages 1 and 2.

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A Context Document has been prepared which, inter alia, expands upon the findings of the Thematic History and identifies historical themes and the significance of same. The Context Document is a key resource in establishing a definite and structured criteria for assessing the significance of potential heritage items.

Planning advice received to date has been incorporated into the Hawkesbury Development Control Plan. In addition to this advice, it is recommended that the existing heritage provisions of HLEP 1989 (found in Clauses 26 - 30) be replaced by with the current NSW Heritage Office model local environmental plan provisions.

The new model provisions will update Clauses 26 - 30 by providing new and updated definitions and objectives, including provisions relating to archaeological management, providing exceptions for works of a minor nature, identifying documentation to be submitted with a development application, and providing assessment guidelines for aboriginal heritage.

A copy of the new model provisions is attached to this report. With the exception of model provision 10(3), it is recommended that the new model provisions be inserted in HLEP 1989. Clause 10(3) seeks to impose a minimum landscaped area (measured as a percentage of site area) for sites within heritage conservation area. It is considered that this provision is not required as there are appropriate landscaping controls within the Hawkesbury Development Control Plan to address this matter.

Additions and Deletions to Heritage Schedule

Stages 1 and 2 examined the Parishes of Pitt Town and Wilberforce. These parishes include the towns and villages of Pitt Town, Pitt Town Bottoms, Wilberforce, Oakville, Cattai, McGrath's Hill, Scheyville, Freemans Reach, Ebenezer, Sackville, and Glossodia.

The consultant team have recommended the following additions and deletions to Schedule 1 of HLEP 1989.

Pitt Town Parish

Items recommended for inclusion in Schedule 1 of HLEP 1989

Item	Address
Pitt Town	
Pitt Town Cultural Landscape	Pitt Town & Pitt Town Bottoms. To be defined by mapping
Remains of Pitt Town to Wilberforce Punt	Hawkesbury River, end of Punt Road, Pitt Town
Remains of Grono's Boat Yard	Hawkesbury River, 247 & 259 Cattai Rd, Pitt Town
Former bakery and brickyard	53 Cattai Road, Pitt Town
Pitt Town War Memorial Park	11 Wellesley Street, Pitt Town
House	144 Bathurst Street, Pitt Town

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Item	Address
Slab shed	140 Bathurst Street, Pitt Town
Post and Rail fencing	Serial listing
Old Pitt Town Road	Old Pitt Town Road, Pitt Town & Oakville
Road Layout	To be defined by written description and mapping
Boundary Roads to Pitt Town Common	Old Stock Route Road & Boundary Road, Pitt Town, Maraylya, Box Hill, Vineyard
Flood Marker	St James Anglican Church 112 Bathurst Street, Pitt Town
Remains of Grono's Kitchen	Cattai Road, Pitt Town
Welsted Farm	199 Cattai Road, Pitt Town
Historic View from Bligh's farm to Wilberforce	Hall Street near corner of Punt Road
Vermont Cultural Landscape	To be defined by mapping
Pitt Town Bottoms	
Various trees	To be defined by mapping
McGraths Hill	
House	9 Pitt Town Road
Cottage	91-109 Windsor Road
Historical View	From rear of McGraths Hill Inn over floodplain to Windsor
Cattai	
Long Neck Quarry	
House	21 Nelson Road
Smallwood's Barn	331 Cattai Road
Oakville	
House	260 Commercial Road
House, well and shed	83 Harkness Road

Items to be deleted from Schedule 1 of HLEP 1989

LEP no.	Name	Address and reason for deletion
461	House and barn	231 Pitt Town Bottoms Road, Pitt Town Bottoms. This is included with revised description of existing item 305

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LEP no.	Name	Address and reason for deletion
307	Barn	293 Pitt Town Bottoms Road, Pitt Town Bottoms There is no barn on this property
464	Barn	265 Pitt Town Bottoms Road, Pitt Town Bottoms This is included with revised description of existing item 463
468	Slab cottage and barn	134 Bathurst Street, Pitt Town This is included with revised description of existing item 285

Wilberforce Parish

Previously Identified Items of 1987 Heritage Study recommended for inclusion in Schedule 1 of HLEP 1989

Name	Address
Wilberforce	
The Hill	37 Earl Street
Remains of Steam Mill	Address to be confirmed
House	87 King Road
St John's Anglican Church	43 Macquarie Road
Macquarie Schoolhouse	43 Macquarie Road

New items recommended for inclusion in Schedule 1 of HLEP 1989

Name	Address
Wilberforce	
House	11 King Road
Sunshine	65 King Road
House	77 King Road
Yarooga	7 Hanover Street
Veterinary Hospital	3 George Road
Wilberforce Public School (1930 Building)	George Road
Salter's Barn	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Remains of slab hut	131 Sackville Road
Archaeological remains	134 Pitt Town Ferry Road
Early fencing	Serial listing
View to Pitt Town from Wilberforce Park	
Views of flood plain from King Road and Pitt Town Ferry Road	
Former Black Horse Inn Stables	Australian Pioneer Village, 496 Wilberforce Road,

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Name	Address
	Wilberforce
Perry House	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Former Atkin's Blacksmith Shop	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Cartwright Cottage	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Case Cottage	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
The Bee House	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Mangold Cottage	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Former Riverstone Police Office	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Former Riverstone General Store	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
St Matthew's Church	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Mitchell Cottage	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
George Hastwell's House and Sackville North Post Office	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Former Marsden Park Schoolhouse	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Kenso Cottage	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Aiken Hut	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Former Kurrajong Railway Station Goods Shed	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
Bowd's Sully Shed	Australian Pioneer Village, 496 Wilberforce Road, Wilberforce
House	17 Earl Street
House	3 Earl Street
House	11 Blacktown Road
Former dairy	68-78 Burdekin Road
Sundown, house and barn	55 McKinnons Road
Former Barn	331 Grono Farm Road
Cottage	406 Grono Farm Road
Ca-ira	244 Sackville Road
Millers Turf Supplies	107 Wilberforce Road
Ruins and barns	87 Wilberforce Road
School of Arts	531 Wilberforce Road
Cottage and barns	235 Wilberforce Road
Pitt Town Ferry Road	Pitt Town Ferry Road
Wilberforce Road pattern	To be defined by mapping

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Name	Address
Various trees	To be defined by mapping
Road variations and remnant vegetation	To be defined by mapping
Chain of Ponds Reserve	Stannix Park Road
Freemans Reach	
Slab Barn	55 Freemans Reach Road
House	184 Freemans Reach Road
Riverview	237 Freemans Reach Road
Willow Farm	563 Freemans Reach Road
Grose Farm	SE Cnr Hibberts Lane & Burgess Road
House	206 Burgess Road (W cnr Blacktown Rd)
House	118 Blacktown Rd
Stone fence and slab barn	307 Kurmond Road
House and barns	123 Freemans Reach Road
Barns	166 Freemans Reach Road
House and barns	279 Freemans Reach Road
Glenridge Turf Farm	331 Freemans Reach Road
Slab Barn	527 Freemans Reach Road
Slab barns	37 Blacktown Road
House and barn	121 Blacktown Road
House	520 Creek Ridge Road
House and barn	11 Blacktown Road
House	96 Godalla Road
Ebenezer	
House	672 Sackville Road
House	1 Hendrens Road (cnr Post Office Road)
Sandstone Ruins	239 Portland Head Road
House and barns	281 Tizzana Road
Bennett's Farm	17 Swallow Reach Place (cnr Tizzana Road)
Chapton	26 Tizzana Road
Slab Barn	820 Sackville Road
House	468 Stannix Park Road
Cottage	427 Sackville Road
Cottage	335 Sackville Road
Historic Tree	78 Coromandel road
Glossodia	
House	236 Creek Ridge Road
House and barn	Creek Ridge Road (east of 64)

Items to be deleted from Schedule 1 of HLEP 1989

LEP No.	Name	Address and reason for deletion
330	Ebenezer Cemetery	Coromandel Road This is included in the listing for the church and schoolhouse and is on the same site.

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LEP No.	Name	Address and reason for deletion
398	Uniting Church	Wilberforce Road. This church has been demolished

Community Consultation

In order to allow for community consultation in this project it is recommended that Council publish and launch the revised Thematic History and make publicly available the findings of Stages 1 and 2 of the Hawkesbury Heritage Study Review. It is also recommended that Council prepare and exhibit a local environmental plan which amends HLEP 1989 by inserting the current NSW Heritage Office model heritage provisions and amends Schedule 1 as per the recommendations of the Hawkesbury Heritage Study Review consultant team for Stages 1 and 2.

As part of this community consultation it is proposed that all owners of properties to be added to or deleted from the Schedule 1 will be written to and invited to make comments.

Corrections to Schedule 1 of HLEP 1989

In addition to the work being undertaken for the Hawkesbury Heritage Study Review, Council staff have been checking of the accuracy of the existing Schedule 1 and the HLEP 1989 maps. Various errors have been found in the description of properties and location of the red coloured circled number on the map. It is recommended that correction of these errors be included in the above mentioned amendment to HLEP 1989.

RECOMMENDATION:

That:

1. Council publish and launch the revised Thematic History prepared by Helen Proudfoot and edited by the Hawkesbury Heritage Study Review consultant team.
2. In accordance with the Department of Infrastructure, Planning and Natural Resources' Best Practice Guidelines, Council prepare and exhibit a local environmental plan which amends HLEP 1989 by:
 - a. with the exception of Clause 10(3), inserting the current NSW Heritage Office model heritage provisions;
 - b. makes additions and deletions to Schedule 1 as per the recommendations of the Hawkesbury Heritage Study Review consultant team identified in this report; and,
 - c. corrects errors in Schedule 1 and the HLEP 1989 maps.

ATTACHMENTS:

AT - 1 NSW Heritage Office Model LEP provisions

Heritage Model Provisions

(Revised Edition: August 2000)

Part [X] Heritage conservation

1 Definitions

[Note:

It may be more convenient to insert these definitions in the clause, Schedule or Dictionary containing other definitions used in the LEP adopting these model provisions]

In this Part [or “plan” or “Division”]:

archaeological site means the site of one or more relics.

conservation management plan means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

demolish a heritage item, or a building, work, archaeological site, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, archaeological site, tree or place.

heritage conservation area means an area of land that is shown [insert how it is shown, for example, edged heavy black] on the map marked “.....” and includes buildings, works, archaeological sites, trees and places and situated on or within the land.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means:

- (a) a building, work, archaeological site or place specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule X [insert reference to the schedule of the plan containing a written description of heritage item sites] and shown [insert how it is shown, for example, by diagonal hatching] on the map marked ‘.....’, or
- (b) a place specified in an inventory of heritage items available at the office of the Council and described in the inventory as a place of Aboriginal heritage significance. [the site may also be described in a Schedule to the plan and shown on a map]

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

maintenance means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation

area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

potential archaeological site means a site:

- (a) that is specified in Schedule [X], described in that Schedule as a potential archaeological site and shown [*insert how it is to be shown, for example, by cross hatching*] on the map marked '.....', or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so specified.

potential place of Aboriginal heritage significance means a place:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of Aboriginal heritage significance [*the site may also be described in a Schedule to the plan and shown on a map*], or
- (b) that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance, even if it is not so specified.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of [*insert name of local government area*] and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of [*insert name of local government area*].

Objectives

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of [*name of local government area*], and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items, and

- (e) to ensure that the heritage conservation areas throughout [name of local government area] retain their heritage significance.

3 Protection of heritage items and heritage conservation areas

When is consent required?

- (1) The following development may be carried out only with development consent:

- (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) moving the whole or a part of a heritage item,
- (f) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

What exceptions are there?

- (2) Development consent is not required by this clause if:

- (a) in the opinion of the consent authority:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
- (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.

- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:

- (a) the creation of a new grave or monument, or
- (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

What must be included in assessing a development application?

- (4) Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

What extra documentation is needed?

- (5) The assessment must include consideration of a *heritage impact statement* that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a *conservation management plan*, if it considers the development proposed should be assessed with regard to such a plan.
- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
- (a) for development that would affect a *heritage item*:
 - (i) the heritage significance of the item as part of the environmental heritage of [name of local government area], and
 - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
 - (b) for development that would be carried out in a *heritage conservation area*:
 - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and
 - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and

- (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

4 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area, and
- (b) the carrying out of any development allowed by clause [*insert the number of the clause (equivalent to clause 9 in these model provisions) that allows a heritage conservation incentive*].

5 Notice of demolition to the Heritage Council

Before granting consent for the demolition of a heritage item identified in Schedule [X] as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

6 Development affecting places or sites of known or potential Aboriginal heritage significance

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

7 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (2) This clause does not apply if the proposed development:
- (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

8 Development in the vicinity of a heritage item

[Note:

If there are no heritage conservation areas, references to them are to be removed from this clause]

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

9 Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

10 Development in heritage conservation areas

[Note:

The following subclauses are optional and apply only if there are heritage conservation areas]

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and form of the roof (if any), and
 - (b) the style, size, proportion and position of the openings for windows or doors (if any), and
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.
- (3) Consent must not be granted to development on a site within a heritage conservation area which will result in a landscaped area of less than *[insert appropriate percentage]*% of the site area, if the site is within *[specify where this requirement will apply]*.

ITEM: 24 ENV B - Complaints regarding Waste Collection and Recycling Carts being left at Road Intersections Awaiting Servicing, and Formulation of a Corresponding Policy

REPORT:

In recent times and in the past, complaints have been received from property owners who own property in the vicinity of where waste and recycling carts (mobile garbage bins) are left permanently, awaiting servicing by the recycling contractor and Council's garbage collection service.

These are waste carts that are used by residents who reside at properties that don't have the waste and recycling collection vehicles pass their property boundaries. As a result of this, waste carts are left by these residents at the most suitable collection location, which is usually the intersection of the road that can't be traversed, and the major road that is serviced by the vehicles.

Numerous complaints have been received that the waste carts are left in an untidy fashion outside property, and that rubbish is left beside the carts, or in high winds, the carts are blown over, with their contents being scattered.

Those residents where the collection vehicle is unable to pass the property boundary, have the choice of whether to have the service or not, unlike those residents where the vehicle passes their property.

There are approximately twenty five locations throughout the city where this type of collection area exists, as the roads are either too narrow, or, are for other reasons unsafe for the large collection vehicles to traverse.

Not all locations are the subject of complaint, as they are located in areas that have little impact on surrounding residents because of the small number of waste carts, or the particular location is not exposed to high winds or the like.

In some locations that are complained about, there can be as many as thirty waste carts permanently positioned along a roadside. The resident that uses the waste cart usually lives a long way from the waste drop off point, and is unable to continually monitor the condition of the drop off area, apart from when they go past and drop waste in their respective cart.

Many alternatives to the current system of leaving waste carts at a designated location have been investigated over past years, but it appears that the only solution to the problem areas, is that the users of the waste carts be required to remove the waste carts (garbage cart and recycling cart) from the collection area within twenty four hours of the servicing time, and that they not be to replaced at this location for servicing any sooner than twenty four hours before the collection time.

Whilst this will be a major inconvenience to the service user, in having to transport the waste carts they use, back and forth to their property, it is the only way possible to relieve the complaining

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property owners of the burden of having someone else's waste carts outside their property, and having to suffer the untidy mess associated with this area.

It is suggested that a policy be adopted, where by, those areas that are the subject of legitimate complaints from nearby residents, about the number of waste carts in a location, or the untidy condition of the area where the waste carts are serviced, the users of the service, are required to take their waste carts back to their residence for storage prior to the next collection period.

Where the policy is not complied with after the resident has been notified of the requirement in writing, it is suggested that Council retrieve the waste carts and cancel the service and payment requirement.

It is also suggested that this policy does not apply unless legitimate complaints are received.

Details of proposed policy

Where this policy should apply

The policy will apply to those areas in the city that are used for the storage of waste and recycling mobile garbage bins, that are left for servicing on a permanent basis, by those persons who do not have the collection vehicles pass the boundary of their property due to the waste collection vehicle being unable to safely traverse the access road.

When will the policy be applied

The policy will be applied when legitimate complaints are received by Council in writing, about the mobile garbage bin storage area, from a person or persons, owning property in close proximity to the area where the mobile garbage bins are stored, and where there are no other alternatives to satisfying the complaint.

Who will determine if a complaint is legitimate

The determination will be made by the Director of Environment and Development in consultation with the Manager of Environment and Waste Services.

How is the policy to be used

Where a legitimate complaint is received about the unsightly nature of the storage area, or where rubbish is continually accumulating around the mobile garbage bins, or other reasons that are considered to be legitimate, the users of the service will be notified in writing, that the mobile garbage bins that they use, are to be taken back to their respective properties for storage within twenty four hours of the servicing time, and not returned to the storage area any sooner than twenty four hours before the next servicing time.

Where persons are duly notified of the requirement to remove the mobile garbage bins from the storage area, and do not comply with this direction, the mobile garbage bins will be removed from the storage area, and the service will be terminated for this particular property, with the respective service charge being cancelled.

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RECOMMENDATION:

That the terms and conditions of the proposed policy, in the body of the report, be adopted as a Council policy and entered onto the Hawkesbury City Council Policy Register.

ATTACHMENTS:

There are no supporting documents for this report.

ITEM: 25 ENV B - Determination of Heritage Grants - (79347)

REPORT:**Introduction**

The purpose of this report is to advise of the Heritage Advisory Committee's determination in respect of the payment of a heritage grant to an owner of 82 George Street, Windsor and determination in respect of the current heritage grant applications.

Determination of Payment of Grant for 82 George Street, Windsor

82 George Street, Windsor is listed as a heritage item by Council in Schedule 1 of the Hawkesbury Local Environmental Plan 1989, as well as being listed on the State Heritage Register by the NSW Heritage Office. The property is currently leased by the owners and is operating as the Thai Palace Restaurant.

On 10 June 2003 Council resolved, upon recommendation of the Heritage Advisory Committee, to award a \$500.00 (five hundred dollars) "dollar for dollar" Local Heritage Assistance Fund (LHAF) grant to Ms J Ruckman (part owner of the property), for cleaning and painting of all timber and metal surfaces on the front of the building and guttering and downpipe repairs. The grant was offered on the condition that the *"Existing stripes on the front awning are to be retained. Paint scheme is to be approved by Council prior to commencement"*.

Ms Ruckman was advised of this by way of letter dated 23 June 2003 that included a copy of a Plain English Agreement for Ms Ruckman's review, signature and return to Council. The Plain English Agreement clearly stated the above-mentioned condition attached to the grant and advised of applicant's responsibilities to, where necessary, submit a development application.

A signed copy of the Plain English Agreement was returned to Council on 16 July 2003 along with a schedule of works. The detail contained in the schedule of works was found to be inadequate and a letter was sent to Ms Rickman on 24 July 2003 advising, inter alia:

"The proposed guttering and downpipe repairs should be with identical materials to that which presently exist . . . Note any change to the existing colour scheme and/or gutter and downpipe materials will require the submission of a development application and Section 60 application under the Heritage Act 1977"

The then colour scheme consisted of dark green verandah posts, decorative metal lacework, gutters, windows shutters and front door. The proposed colour scheme consisted of red decorative metal lacework, gutters, windows shutters, and red and cream verandah posts and front door.

The above changes to the external appearance of the building constitute an alteration to the heritage item and hence approval from Council and the NSW Heritage Office is required. To help streamline this process the NSW Heritage Office has published a number of exemptions for works requiring Heritage Office approval. With respect to painting, the exemptions allow for a change

in colour scheme if the proponent has been provided with a letter from the Director of the Heritage Office agreeing to same.

On 19 November 2003, Council received a letter from Ms Ruckman advising that the works had been completed and requesting payment of the grant. These works were undertaken without any Council or NSW Heritage Office approval/exemption.

Telephone contact was made with Ms Ruckman requesting the lodgement of a properly completed Claim for Payment, receipts and explanation for the works being undertaken without approval. A Claim for Payment and copies of receipts were received on 14 January 2004. No written explanation for the works being undertaken without approval was provided.

The matter was considered by the Heritage Advisory Committee on 11 March 2004. Whilst in general the paint scheme was considered satisfactory, the Committee resolved not to recommend payment of the \$500.00 (five hundred dollars) grant as the works had been undertaken without the owner obtaining the necessary approvals. The Committee considered that payment of the grant would be seen as supporting the undertaking of unauthorised works.

The Committee therefore recommended that Council not make payment to Ms Ruckman and add the \$500.00 (five hundred dollars) grant to the current grant offerings.

Local Heritage Assistance Fund and Slab Outbuilding Scheme

Introduction

In November 2003, Council wrote to all owners of a heritage listed properties in the City and placed notices in the Hawkesbury Gazette inviting applications for grants under the Local Heritage Assistance Fund (LHAF) and Slab Outbuilding Scheme (SOS). The Heritage Advisory Committee of Council considered the applications on 11 March 2004. This report provides a summary of the grants program and Committee's determination.

The aim of the Local Heritage Assistance Fund is to encourage the retention and conservation of the heritage of the Hawkesbury through the provision of funds for conservation works to property owners.

The aims of the Slab Outbuilding Scheme are:

- to promote awareness of the significance of slab outbuildings (sheds, barns, crofts and other vernacular timber structures) and their importance to the distinctive character of the Hawkesbury district;
- to encourage owners of slab outbuildings through advice and small grants to employ simple measures to stabilise these structures pending their future conservation and adaptive re-use;
- to conserve slab outbuildings that are significant to the rural heritage of the Hawkesbury district; and
- to conserve slab outbuildings that are representative of former building techniques and technology that contribute to the diversity in Hawkesbury's built environment.

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Grants are available on a "dollar for dollar" basis, with the LHAF having a budget allocation of \$20,000.00 (twenty thousand dollars) and the SOS a budget allocation of \$10,000.00 (ten thousand dollars).

In total Council received 21 (twenty-one) applications requesting grants ranging from \$925.00 (nine hundred and twenty-five dollars) to \$20,250.00 (twenty thousand, two hundred and fifty thousand dollars). Whilst all grants were submitted on the LHAF application form, some applications should have been submitted on the SOS application form. The Committee resolved to combine the budgets of both grants and assess the applications with respect to a total budget of \$30,000.00 (thirty thousand dollars) plus the \$500.00 (five hundred dollars) from the non-payment of the grant for 82 George Street, Windsor.

Assessment Criteria

Applications were assessed by the Heritage Advisory Committee with advice being provided by Council's Heritage Adviser (Dr Donald Ellsmore) and Council staff.

The criteria used to assess applications included the following:

- the applicant's ability to demonstrate technical and financial responsibility in relation to the project and demonstrated ability to complete the project within twelve months;
- the degree to which the applicant is financially contributing to the project;
- projects which clearly compliment broader conservation objectives, for example projects which implement key findings of heritage studies or projects in designated main streets or conservation areas;
- projects which would encourage conservation of other heritage items;
- projects of demonstrated heritage value to the community, commonly the item concerned will appear on many heritage lists;
- projects which are highly visible to the public, for example the replacement of a verandah to a building in a main street;
- projects which have high public accessibility;
- projects which are in an area which has received little or no funding;
- projects involving aspects of heritage which have received little or no funding, for example, historic gardens;
- projects subject to conservation controls where the owner is able to show hardship arising from conservation work required to the item;
- projects to avert a threat to a heritage item; and

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- projects which implement the recommendations of the following studies:
 - The Windsor Streetscape Study;
 - The Richmond Townscape Study;
 - The Windsor and Richmond Colour Scheme Study;
 - The Pitt Town Slab Barn Study; and
 - The Colo and Macdonald Valleys Cemeteries Study.

Funding priority was generally given to owner/occupied residential properties. Notification of this priority was given the potential applicants in the letter sent to owner's inviting applications as well as the grant guidelines.

Funding Recommendations

The Heritage Advisory Committee resolved to recommend to Council that funding be provided to the following projects.

Applicant	Address	Application	Funding Recommended	Special Conditions
Mr and Mrs Xiberras	96 Dight Street, Richmond	Stabilisation and repairs to Clarendon Barn	\$5000.00	Works to be approved by Council prior to commencement.
Ms L McAuslan	5 Singleton Road, Wilberforce	Restoration of foundations	\$2000.00	
Mrs D Roberts	35 Bourke Street, Richmond	Roof repairs	\$2500.00	Roofing material to be in Colourbond not Zincalume.
Ms J Peace	1 - 3 Little Church Street, Windsor	Exterior painting	\$2500.00	Paint scheme to be approved by Council prior to commencement.
Miss M Betts	248 Castlereagh Road, Richmond	Preservation of front room	\$1500.00	
Ms R Hamilton	231 Pitt Town Bottoms Road, Pitt Town	Guttering and downpipe repairs	\$1000.00	Material to be galvanised metal not Colourbond or Zincalume. Profile of new material to match existing.
Ms L Dean	10 Day Street, Windsor	Restoration of bay window	\$3500.00	Works to be approved by Council prior to commencement. All reasonable measures are to be undertaken in order to retain as much of the original fabric as possible.

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Applicant	Address	Application	Funding Recommended	Special Conditions
Ms P Galloway	80 The Terrace, Windsor	Drainage and roof repairs, brick repairs, limewashing	\$3000.00	Works to be approved by Council prior to commencement.
L & B Sullivan	25 North Street, Windsor	Roof and fascia repairs	\$700.00	Material to be galvanised metal not Colourbond or Zinalume. Profile of new material to match existing.
Ms J Carroll	26 Rose Street, Wilberforce	Removal of front verandah pebble create floor, treatment for rising damp	\$2000.00	Works to be approved by Council prior to commencement.
V, E, C & P Ray	Rays Orchard, 46 Hanlons Road, Bilpin	Pointing, door and window repairs, fireplace restoration	\$2000.00	
G & J Page	31 - 33 North Street, Windsor	Door and lintel repair	\$1000.00	Detailed quotation and works schedule to be provided for approval prior to commencement. All reasonable measures are to be undertaken in order to retain as much of the original fabric as possible.
Uniting Church in Australia	25 West Market Street, Richmond	Painting, roof and eave repairs	\$3800.00*	
TOTAL			\$30,500.00*	

* Extra \$500 sourced from non-payment of grant for 82 George Street, Windsor.

The following applications were not supported.

Applicant	Address	Proposal	Reasons for not awarding grant
Lake Macquarie Family History Group	St Matthews Anglican Church, Windsor	Preservation of Parish Registers	Project does not fit criteria of LHAF guidelines.
Mr R Miller and Miss R Carruthers	96 Bathurst Street, Pitt Town	Restorations and painting	No works schedule or quotations provided.
Mr P Auld	Tizzana Winery, 518 Tizzana Road, Ebenezer	Termite treatment	Low priority due to property being used for a commercial purpose, works already undertaken, and previous funding provided to property.
L & J Dearing	114 Comleroy Road, Kurrajong	Restoration of barn	Low priority due to previous funding for restoration of the barn not being spent.

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Applicant	Address	Proposal	Reasons for not awarding grant
Ms R Miller	816 Grose Vale Road, Grose Vale	Painting of residence	Low priority due to previous funding for repairs to residence not being spent.
Mr B Bell	530 Wilberforce Road, Wilberforce	Painting and replacement of sandstone sill and panels	Low priority due to previous funding being provided.
Mr L Clinch	7 Chapel Street, Richmond	Repairs to front gable and verandah	Low priority due to previous funding for repairs to residence not being spent.
The Hawkesbury Hotel	335 George Street, Windsor	Gutters and downpipe repairs, painting and awning repairs	Low priority due to property being used for a commercial purpose.

Notification of Grants and the Plain English Agreement

All applicants will be advised in writing of the determination of their application. Where appropriate, unsuccessful applicants will be provided with relevant advice and invited to apply in the next offering.

Successful applicants are required to enter into a Plain English Agreement with Council. This agreement includes provisions for acceptance of the offer of funding, permission to commence work, revocation of funding, time limits, claims for payment, and any special conditions relating to the project.

On completion of the work an inspection will be carried out by Council officers to ensure that the work has been carried out in accordance with the Plain English Agreement. If the work is satisfactory a cheque for the approved grant amount will be forwarded to the applicant.

RECOMMENDATION:

That:

1. Payment to Ms Ruckman of the \$500.00 (five hundred dollars) grant offered under the LHAF 2002/2003 grant program is declined and that the monies be made available in the LHAF 2003/2004 grant program.
2. Council approve the grants identified in this report and the applicants be advised accordingly.

ATTACHMENTS:

There are no supporting documents for this report.

ITEM: 26 ENV B - Effluent Disposal Development Control Plan - (79348)

REPORT:

Introduction

A draft Effluent Disposal chapter has been prepared for inclusion into the Hawkesbury Development Control Plan.

The purpose of this report is to advise of the public exhibition of the chapter and to seek adoption of the chapter.

Purpose of the Effluent Disposal Chapter

The chapter seeks to assist Council, landowners and occupiers, and developers to assess, regulate and manage the selection, design, installation, operation and maintenance of on-site sewage management facilities.

The chapter achieves this by identifying:

- the circumstances in which a waste water feasibility reports are required;
- the minimum amount information to be included in such a report;
- the availability of pump out services;
- circumstances in which connection to a reticulated sewage system will be required; and,
- the circumstances in which installation of certain type of system will be required prior to the release of Subdivision Certificates.

Public Exhibition

The chapter was placed on public exhibition from 16 July - 12 September 2003. Notices advising that the chapter was on exhibition were placed in the Hawkesbury Gazette and copies of the chapter were sent to 7 (seven) regular applicants and waste water engineers familiar with waste water reports.

The chapter was available in hard copy from Council offices and was also available on Council's web site.

One (1) submission was received as a result of the public exhibition period.

Submission

One submission was received from Toby Fiander & Associates. Concerns raised in the submission primarily related to environmental health and nutrient control. In particular concern was raised as to how soil moisture calculations are undertaken and the need to expand the risk assessment beyond the boundaries of the site.

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A meeting was held with Toby Fiander where by these matters were discussed. As a result, it is recommended that the chapter as exhibited be amended to:

- Clarify that waste water reports are to provide daily (rather than weekly or monthly) expected soil moisture calculations. Soil moisture calculations are required to determine the volume of waste water that can be applied to an irrigation area for a given period of time. In times of heavy or continued rain fall the ground can become so saturated that waste water cannot be applied to it because the waste water will not be absorbed by the ground and will flow overland beyond the irrigation area. During these times a tank is required to store the waste water until such times as the ground has dried out and therefore absorb more waste water. Soil moisture calculations undertaken on a weekly or monthly basis tend to underestimate the need for wet weather storage as the water logging effect of these short term wet weather periods are average out over the weekly or monthly period. Adopting daily data for soil moisture calculations will increase the accuracy of wet weather storage predictions.
- Insert additional matters for consideration in the Site and Soil Assessment criteria which refer to the proximity of surrounding watercourses and threatened species, populations or ecological communities or their habitats.
- Insert an additional matter for consideration in the Assessment and Recommendation of Suitable Systems section which examines the suitability of the land application area to receive waste water.

Adoption of the Effluent Disposal Chapter

The exhibited draft Effluent Disposal chapter has been amended in accordance with the above mentioned changes as well as correcting some minor typographical errors and is attached to this report.

It is recommended that the amended Effluent Disposal chapter be adopted.

RECOMMENDATION:

That the Effluent Disposal chapter for the Hawkesbury Development Control Plan attached to this report be adopted and made effective in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.

ATTACHMENTS:

There are no supporting documents

general
purpose
committee

section 2

infrastructure

INFRASTRUCTURE

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SECTION 2 - INFRASTRUCTURE

ITEM: 14 **INF B - Un-named Public Road, Upper Colo - Naming Proposal - (79346)**

Previous Item: 35, Ordinary (14 October 2003)

REPORT:

Council, at its meeting held on 14 October 2003 resolved that public comment be sought regarding naming of the presently un-named public road extending from Colo Heights Road to the Colo River, as Hulbert Road

Sketch plan is attached.

Public comment was sought by way of correspondence addressed to residents/owners of property on the subject road and its immediate vicinity, advertisement in the local press and correspondence addressed to various authorities/service organisations.

At time of closure of public comment period on 26 March 2004 six (6) submissions had been received as follows:

1. Support/no objection to proposed Hulbert Road - 5.
2. Objection proposed Hulbert Road - 1.

Objection to the proposed road name is based on:

1. believes sufficient number of roads are named after people;
2. suggesting that the road be named "Deanei Road" being part of the botanical name of Blue Gums growing in that locality;
3. believes no "right to name this after a person, it feels disrespectful to a very special place"; and,
4. suggesting another option namely "Reserve Road".

The proposed name of Hulbert Road falls within preferred sources under "Guidelines for the Naming of Roads" issued by the Geographical Names Board of New South Wales. Provision is made under those guidelines for thematic names such as flora, fauna or ships, as suggested at Item (2) above, however, past practice of Council has leant towards naming roads after early explorers, pioneers, settlers and war/casualty lists and it is felt that this practice should continue. The name "Reserve Road" does not fall within preferred sources as set out by the Board.

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On balance, given the support for use of the proposed name, it is felt that this road should be named Hulbert Road.

RECOMMENDATION:

That the un-named public road extending from Colo Heights Road to the Colo River be named Hulbert Road

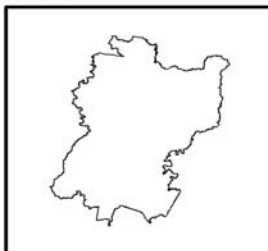
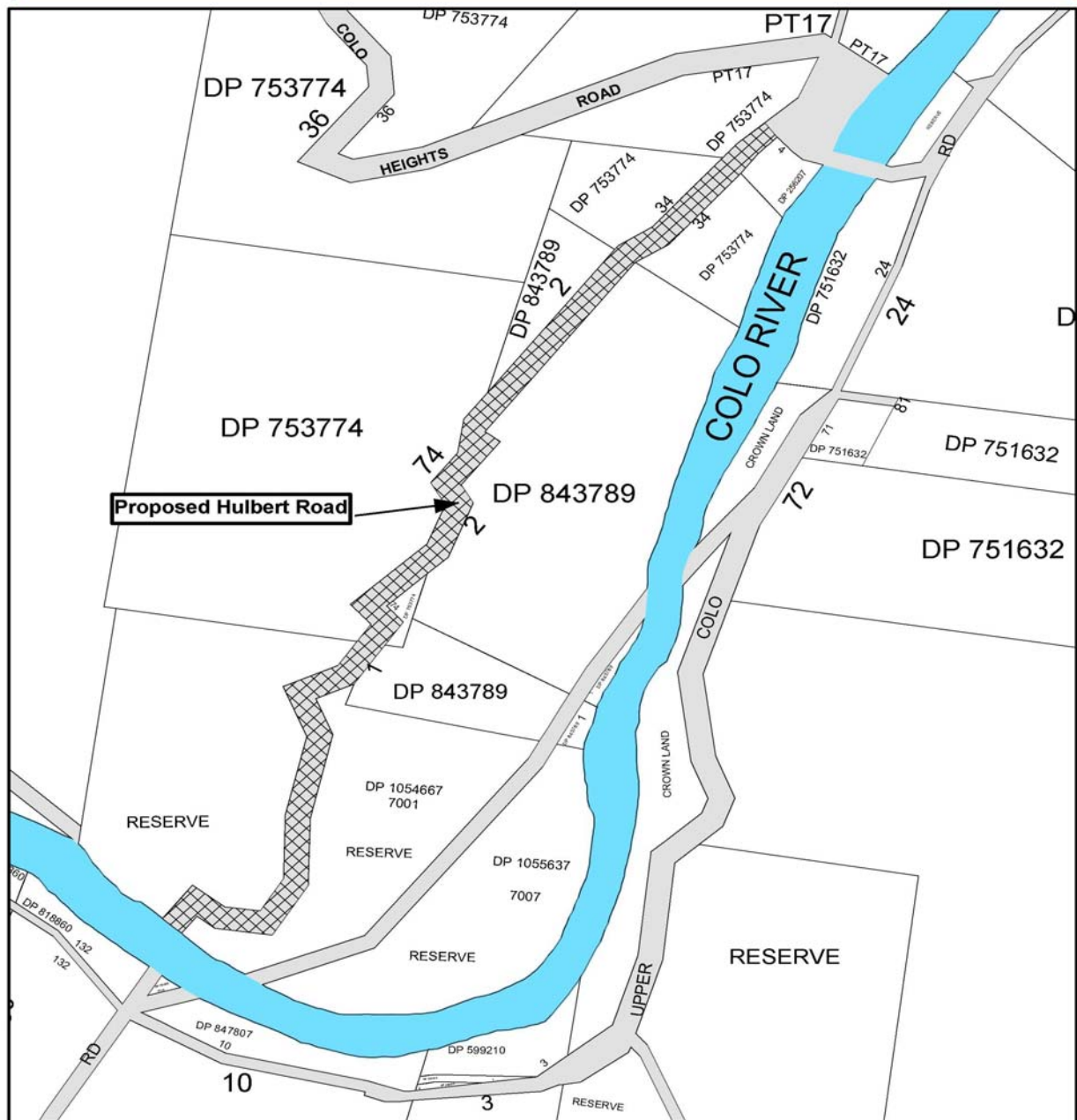
ATTACHMENTS:

AT - 1 Sketch Plan

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HAWKESBURY CITY COUNCIL

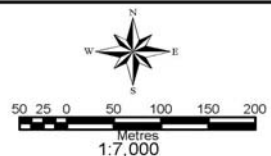


PROPOSED HULBERT ROAD

Date: 5/04/2004

Filename: proposed hulbert road.mxd

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ITEM: 15 INF B - Windsor Flood Evacuation Route - (74282)

REPORT:

The Windsor Flood Evacuation Route Project was approved by the Minister for Infrastructure and Planning in November 2003. One of the conditions of approval required the Roads & Traffic Authority (RTA) to "investigate the intersection designs and alignment alternatives ... for Forbes Street between Day and Macquarie Streets". The investigations have focussed on safety, access, noise impacts and visual impact.

Three (3) options have been considered:

1. EIS design - this was the original design submitted as part of the EIS and consists of a 4 (four) lane divided road with a 0.6 m median and 1.5 m shared cyclist/pedestrian pathway (on either side). The dwellings on the northern side would retain existing access arrangements but be restricted to left in/left out access only. Dwellings on the southern side would need to have driveways regraded due to the change in level of the roadway. The advantage of this design is that property acquisition on the southern side of Forbes Street is not required, however, the disadvantages include: potential conflict between through traffic on Forbes Streets and vehicles accessing properties on both sides of Forbes Street and lower visual quality than other options due to limited landscaping.
2. This option (Option 1) involves the provision of an additional eastbound lane on the northern side of Forbes Street. This lane would enable vehicles accessing properties on the northern side of Forbes Street to leave the main traffic stream before entering the properties. Similarly, vehicles exiting these properties could enter the third lane prior to joining the main traffic stream. This option would have a 3 (three) metre wide median.

The advantages of this option are: safer access to and from properties on the northern side of Forbes Street and ease of access to/from those properties to surrounding streets.

The disadvantages of this option are that it requires the total acquisition of 4 (four) properties on the southern side of Forbes Street and partial acquisition from the corner property on the south-eastern intersection of Forbes and Mileham Street, has lower visual quality than option 2 due to less landscaping and is not as safe as option 2.

3. This option (Option 2) involves a dedicated one-way service road on the northern side of Forbes Street between Macquarie Street and Mileham Street, separated from the through route by a median that varies in width from 4 (four) metres to 10 (ten) metres. The entrance to the service road would only be via a left turn from Macquarie Street and the exit only via a left turn into Mileham Street. There would be no left turn to Mileham Street on the northern side from Forbes Street. This option also has a 3 (three) metre wide median separating east bound and west bound through traffic.

The main advantage of this option is that the service road would provide safer access to properties on the northern side of Forbes Street. There is also the advantage of an enhanced streetscape with this option.

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The disadvantages of this option are: that properties on the northern side of Forbes Street can only be accessed by travelling south along Macquarie Street, with egress only available by turning left into Mileham Street. This option also requires the total acquisition of four properties on the southern side of Forbes Street and a more significant partial acquisition from the corner property on the south-eastern corner of the intersection of Forbes and Mileham Streets. It also involves major realignment of Forbes/Macquarie Streets intersection and additional impact on the cemetery. Additionally, left turn from Forbes Street to Mileham Street (north) would not be available.

The RTA has conducted a consultation with the affected owners of Forbes Street and have additionally asked for Council comment on these options.

It is considered that while there is some inconvenience to the residents of properties on the northern side of Forbes Street between Macquarie and Mileham Streets, the safety advantages of option 2 combined with the aesthetic improvements in the area would outweigh those inconvenience factors.

It should also be noted that in all three options there is a central median between Day Street and Macquarie Street which will stop traffic in Mileham Street crossing Forbes Street at that intersection. This action will tend to force traffic to utilise Macquarie Street, however, depending on the level of service provided by the traffic light signals at the intersection of Macquarie, Forbes and Richmond Road intersection traffic may be enticed to bypass this intersection by accessing George Street when heading in a northerly direction. This issue should be addressed by the RTA as part of the overall concept of development.

RECOMMENDATION:

That:

1. The preferred option in relation to the construction of Forbes Street between Day and Macquarie Streets is Option 2, having a dedicated one way service road on the northern side of Forbes Street.
2. The RTA be request to ensure that the phasing of the traffic lights at the Macquarie Street/Forbes Street/Richmond Road intersection be adequate to cater for traffic displaced from Mileham Street due to its closure at Forbes Street.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 16 **INF B - Alteration to Parking Restrictions - Car park at Kable/Macquarie Streets, Windsor - (84989)**

Previous Item: 56, General Purpose Committee (26 November 2002)
56, Ordinary (10 December 2002)

REPORT:

Parking restrictions within Hawkesbury City Council car parks were reported to the Council General Purpose Committee meeting on 26 November 2002. The report, in part, outlined the parking available within the car park at Kable/Macquarie Streets and its associated restrictions.

"Windsor

The main request has been to increase the restricted time in Kable Street/Macquarie Street carpark from 2 hours to 4 hours.

It is proposed that the parking restriction around the centre island running parallel to Macquarie Street be altered to 4 hours

Summary

The main reason for the requests for increasing the restricted time from 2 hours to 4 hours is to enable shoppers sufficient time to undertake their shopping, personal care, such as hairdressing, as well as general perusal of other shops. Increasing the restricted time frame within the carparks could have a negative impact in relation to turnover of shoppers."

The following recommendation was subsequently adopted at the Council Ordinary meeting of 10 December 2002.

"4 The spaces surrounding the centre island running parallel to Macquarie Street within the Kable Street car park be altered to 4 hours."

In summary 30 parking spaces were altered from 2 hours to 4 hours.

Representation has been received from the Windsor Main Street Committee, as a result of a survey undertaken by them, requesting a change to the parking restrictions within the parking spaces surrounding the centre island. The 30 parking spaces within this centre island are currently restricted to 4 hours.

The available parking within the Kable/Macquarie Street car park is listed in the table below:

Total	4 hour	2 hour	Unrestricted	Disabled	Loading Zone	Reserved
126	30	85	Nil	2	Nil	9

The Main Street Committee has outlined the following:

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Problems:

- Customers shopping in the Mall has drastically decreased because there is not enough car movement in the car park with the parking restrictions set at 4 hours for 30 spaces.
- Employers and employees are utilising the 4 hour spaces and moving their vehicles in an organised manner during their lunch break. On two occasions 14 of the 30 and 22 of the 30 spaces were taken up by employers/employees.

Proposed Solution:

- Change the 4 hour parking for the 30 spaces to 3 hours.
- The existing 2 hour parking for 85 spaces remain.
- Patrolling of the car park be undertaken on a daily basis.

Patrolling of Council's car parks is undertaken on a daily basis. The Windsor and South Windsor area is patrolled by one officer. There may be occurrences where a car park will not be patrolled on a particular day based on variable circumstances.

It is considered that the problem within the Kable/Macquarie Street car park is not attributed to a lack of patrol. Furthermore, the problem is not attributed to customers to the area parking beyond the restricted times or moving their cars in an organised manner.

The main problem stems from shop owners and employees, utilising parking spaces that not only their business, but other businesses rely on for customers.

RECOMMENDATION:

That the 30 (thirty) parking spaces surrounding the centre island running parallel to Macquarie Street within the Kable/Macquarie Street car park be altered from a 4 (four) hour limit to a 3 (three) hour limit.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 17 INF B - Funding reallocation 2003/2004 Budget - (79338)

REPORT:

A budget item was identified at the February 2003 planning meeting to undertake improvements to the towns and \$100,000 (one hundred thousand dollars) was provided in the current budget for this purpose.

It is understood that the intent of the project was to carry out improvement works to towns including upgrading of infrastructure such as bins and seats and include improvements to town approaches. Some of the improvements envisaged have been achieved through works undertaken in conjunction with the Main Street Committees including the provision of new bins in North Richmond and the provision of new bins and footpath cleaning in Richmond. Council is also obviously aware of the Windsor Masterplan investigation that is currently being undertaken for improvements to Windsor.

It has been difficult to determine a program which will ensure that a consistent approach is undertaken to the expenditure of these funds which will give a benefit to all the towns.

As Council has resolved to form a new directorate (Commercial Response) which will undertake functions which will include the development of marketing and commercial strategies for the towns and villages within Hawkesbury geographic area, it is appropriate that the funds be transferred to this area of responsibility.

RECOMMENDATION:

That:

1. The funding identified within the 2003/2004 budget (\$100,000 - one hundred thousand dollars) be reallocated to the Commercial Response Unit to identify and commence implementation of appropriate works as intended by Council.
2. Unexpended funds from that program be carried forward to the 2004/2005 budget period.

ATTACHMENTS:

There are no supporting documents for this report.

ITEM: 18 INF B - Triathlon - Windsor/East Richmond (74000)

REPORT:**Introduction:**

Council has received an application from Windsor Police on behalf of the Hawkesbury Triathlon Club seeking approval to conduct triathlon races on the last Sunday of each month until December 2004. The route of the cycling component of the event will be as follows (See map attached):

Commencing at Deerubbin Park, Windsor and proceeding along Cornwallis Road Turning left into:

Cuppitts Lane

Turning left into Percival Street

Turning left into Richmond Road

Turning left into Moses Street

Turning left into Greenway Crescent and back to Deerubbin Park

The running component of the event will be on Cornwallis Road only. The Triathlon Club has advised that there will be approximately 12 (twelve) to 15 (fifteen) participants in each race which will be held between 7.30am and 8.45am on the day of the race and there will be two escort vehicles, one in front and one at the rear.

Discussion:

Windsor Police has notified Council that they classified this event as a “Class 3” special event considering the fact that there may be only a small impact on any local traffic or transport systems when the cyclists are on Richmond Road, which has a separate cycle lane.

This event is classified as a “Class 2” special event under the “Traffic Management for Special Events” guidelines issued by the Roads & Traffic Authority as this event may disrupt minor traffic and transport systems along the specified route even though there is a separate cycle lane on Richmond Road. The classification is based on the advice received from the RTA’s Manager of Business Processes. (For information, further he stated that “Class 3” special events are conducted on-street in a very low traffic area such as a dead-end or cul-de-sac). Current traffic volumes are not available on Percival Street. There is a bicycle lane on Percival Street extending over a length of approximately 1 (one) kilometre starting from Richmond Road. There is no bicycle lane on the remaining section of Percival Street.

The LTC resolved on 12 August 2003, pending receipt of independent legal opinion as to the liability of Council, and its Officers, to Work Cover under the “Guide to Traffic and Transport Management for Special Events”, that event organisers be required to submit a Traffic Management Plan incorporating a Traffic Control Plan direct to the Transport Management Centre, Roads and Traffic Authority.

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Accordingly, it will be necessary for the applicant to submit a Traffic Management Plan for the entire route incorporating a Traffic Control Plan to the Transport Management Centre, Roads and Traffic Authority seeking approval to conduct this event. This Traffic Control Plan should be prepared by a person holding appropriate certification required by the Roads & Traffic Authority.

RECOMMENDATION:

That Council exercising its delegation as a Committee of the Whole resolve:

1. this event is classified as a “Class 2” special event under the “Traffic Management for Special Events” guidelines issued by the Roads & Traffic Authority;
2. That no objection be held to this event subject to compliance with the following conditions:
 - a) the applicant submitting a Traffic Management Plan for the entire route incorporating a Traffic Control Plan to the Transport Management Centre, Roads and Traffic Authority seeking approval to conduct this event. This Traffic Control Plan should be prepared by a person holding appropriate certification required by the Roads & Traffic Authority;
 - b) all traffic controllers/marshals operating within the public road network holding appropriate certification required by the Roads & Traffic Authority;
 - c) the applicant submitting to Council and RTA, a copy of its Public Liability Policy in an amount not less than \$10,000,000 and indemnifying Council and the RTA in respect of the event;
 - d) all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity;
 - e) the applicant notifying the details of the event to ambulance and fire brigades;
 - f) the applicant advertising the event in the local press two weeks prior to the event;
 - g) all reserves being left clean and tidy upon completion of the event and the applicant indemnifying Council for the costs of repair of any damage caused to reserves.

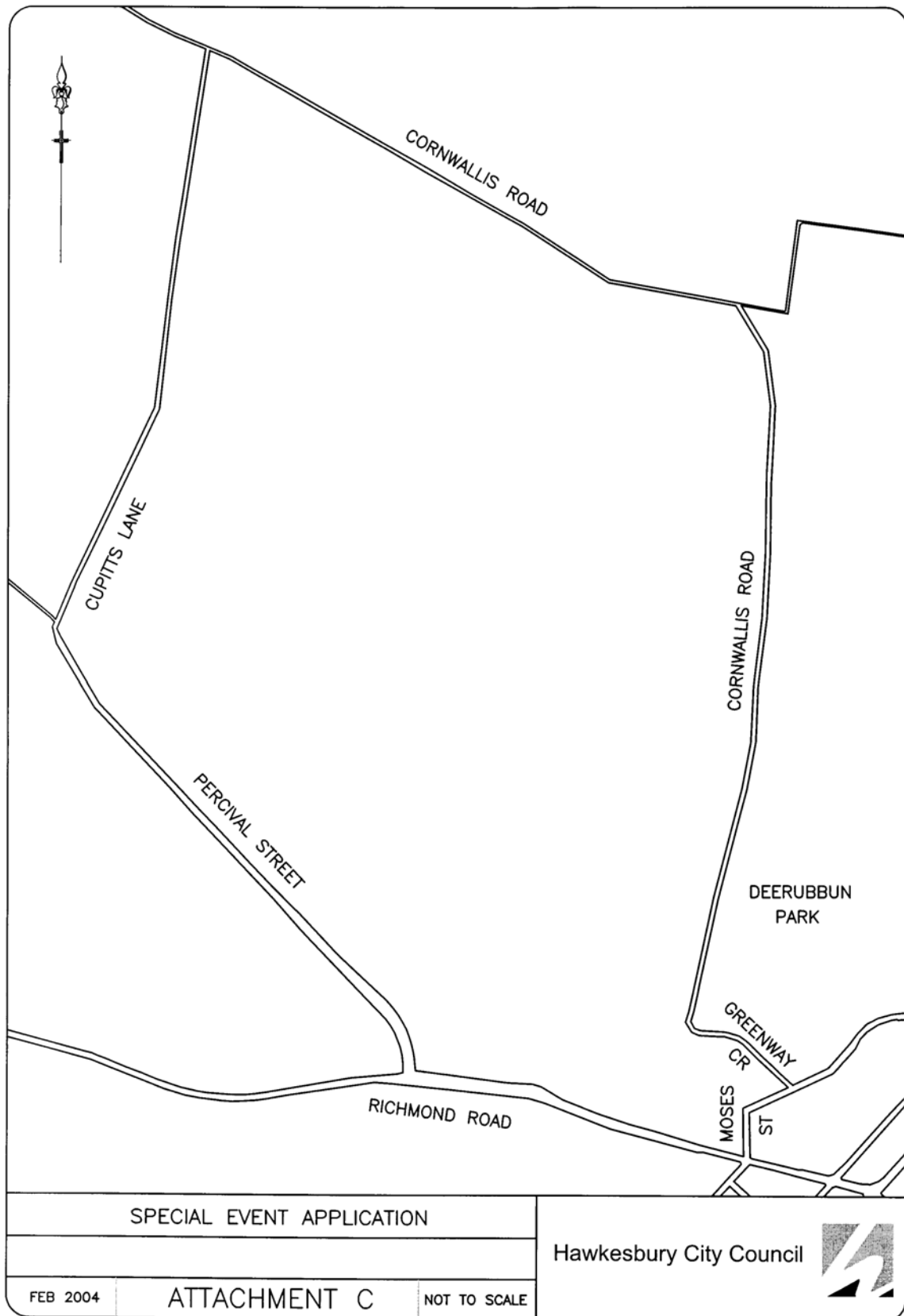
ATTACHMENTS:

AT - 1 Location Map for Cycling component of Triathlon.

INFRASTRUCTURE

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Location Map for Cycling component of Triathlon.



general
purpose
committee

section 3

organisation
and resources

ORGANISATION AND RESOURCES

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SECTION 3 - ORGANISATION AND RESOURCES

ITEM: 13 **ORG A - Monthly Financial Report - February and March 2004 - (79349)**

REPORT:

Summarised below are particulars of both the income received and the expenditure incurred by Council for the months of February and March 2004. This information has been reconciled between the cashbook and the bank statement balance as at the end of February and March 2004. All expenditure is fully supported by vouchers and invoices which have been duly certified.

February 2004

Cash Book (General Ledger) Reconciliation - February 2004

Opening Balance as at 1 February 2004	\$81,991.78
Add Receipts for the Month	\$7,574,887.92
Less Payments for the Month	<u>-\$7,696,993.38</u>
Closing Balance as at end of February 2004	-\$40,113.68

Bank Statement Balance - February 2004

Statement Balance as at end of February 2004	\$296,159.28
Less Unpresented Cheques	-\$112,513.12
Add Outstanding Deposits	<u>\$309,882.60</u>
	\$493,528.76
Adjustment: Statement entries not yet posted to GL	<u>-\$533,642.44</u>
Equals balance as per Cash Book	-\$40,113.68

March 2004

Cash Book (General Ledger) Reconciliation - March 2004

Opening Balance as at 1 March 2004	-\$40,113.68
Add Receipts for the Month	\$7,776,161.38
Less Payments for the Month	<u>-\$8,479,562.55</u>
Closing Balance as at end of March 2004	-\$743,514.85

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Bank Statement Balance - March 2004

Statement Balance as at end of March 2004	\$732,310.98
Less Unpresented Cheques	-\$1,772,904.50
Add Outstanding Deposits	\$40,499.82
	-\$1,000,093.70
Adjustment: Statement entries not yet posted to GL	\$256,578.85
Equals balance as per Cash Book	-\$743,514.85

Commentary

The above reconciliations reflect the cashflow for February and March 2004. Receipts include rate payments, fees and charges, grant payments and matured investments. Expenditure for the month typically consists of payments to contractors, employee salaries, purchase of stores and materials and lease/loan repayments.

The bank account balance may vary significantly from the cashbook balance. The difference is made up of unpresented cheques, outstanding deposits and bank statement entries that have not yet been recorded in the general ledger.

Cash management procedures are in place that ensure adequate funds are available to meet daily expenditure obligations. Active cash management minimises the risk of Council's bank account going into an overdraft situation.

Any surplus funds are invested so as to maximise interest earnings.

Investments - February and March 2004

The Local Government (Financial Management) Regulation requires that each month, details of all money that has been invested under section 625 of the Local Government Act, 1993 be reported to a meeting of Council.

The following table outlines the investment portfolio held by Council as at the end of February and March 2004. All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

ORGANISATION AND RESOURCES**Meeting Date: 27 April 2004****February 2004**

Investment Type	Balance Brought Forward	Deposits	Withdrawals	Accrued Interest	Balance End of Month
Managed Funds	\$17,455,571.35			\$75,981.01	\$17,531,552.36
On Call Funds	\$3,250,000.00	\$3,100,000.00	-\$1,750,000.00		\$4,600,000.00
Term Investments	\$1,235,000.00				\$1,235,000.00
Rolling Investments	\$8,804,897.45			\$19,217.40	\$8,824,114.85
TOTAL	\$30,745,468.80	\$3,100,000.00	-\$1,750,000.00	\$95,198.41	\$32,190,667.21

March 2004

Investment Type	Balance Brought Forward	Deposits	Withdrawals	Accrued Interest	Balance End of Month
Managed Funds	\$17,531,552.36			\$87,278.93	\$17,618,831.29
On Call Funds	\$4,600,000.00	\$2,750,000.00	-\$2,600,000.00		\$4,750,000.00
Term Investments	\$1,235,000.00				\$1,235,000.00
Rolling Investments	\$8,824,114.85			\$21,106.80	\$8,845,221.65
TOTAL	\$32,190,667.21	\$2,750,000.00	-\$2,600,000.00	\$108,385.73	\$32,449,052.94

Investment Commentary

The investment portfolio is diversified across a number of investment types. This includes a number of managed funds, term deposits, rolling rate investments, floating rate notes and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

Managed Fund performance exceeded the benchmark index for the months of February and March 2004. Official cash interest rates have remained unchanged since the last increase of 0.25% in early December 2003 to 5.25%.

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Economists are predicting that the Australian economy looks set to soften over the period ahead. Both housing finance approvals and dwelling constructions are well off their mid 2003 highs, a direct result of higher interest rates. Domestic demand is expected to slow markedly as the year unfolds which could prompt the Reserve Bank of Australia to keep short term rates on hold.

Geoff Banting
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 14 ORG A - Remuneration for Councillors and Mayor (89465)

Previous Item: 38, Special (15 April 2004)

REPORT:

At the Special Meeting of Council held on 15 April 2004, it was resolved that *"the fee for Councillors and Mayor for the period 1 July 2004 to 30 June 2005 be reviewed pursuant to advice from the Local Government Remuneration Tribunal"*. Specifically, further information was requested on the payment of the mayoral fee and whether this was in place of or in addition to the fee paid to Councillors.

Enquiries have been made to the Local Government Remuneration Tribunal who have confirmed that the mayoral fee is to be paid in addition to the councillors fee.

The following table depicts the annual and monthly payments that will be paid to Councillors, the Mayor and the Deputy Mayor if the maximum allowable fees are maintained. The Deputy Mayor fee has been maintained at 15% (fifteen percent) of the Mayoral fee.

	Councillors Fees		Mayor / Deputy Mayor		Maximum Total	
	Maximum - Annual	Maximum - Monthly	Maximum - Annual	Maximum - Monthly	Annual	Monthly
Councillors	\$12,550.00	\$1,045.83			\$12,550.00	\$1,045.83
Mayor	\$12,550.00	\$1,045.83	\$27,395.00 less \$4,109.25	\$1,940.48	\$36,060.00	\$2,986.31
Deputy Mayor	\$12,550.00	\$1,045.83	\$4,109.25	\$342.44	\$16,659.25	\$1,388.27

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 15 **ORG B - Community Donations Program Round 3 2003/2004 - (79356)**

REPORT:

Background

As part of the Donations Policy that came into effect on 1 July 2001, the Community Donations Program has 3 (three) funding rounds annually. Residents are reminded of due dates through advertisements in the local paper. Application forms are available from libraries, Council offices and on the website.

A total of 17 (seventeen) applications were received in Round 3 (three) of the 2003/2004 Program requesting a total of \$51,662.50 (fifty one thousand six hundred and sixty two dollars and fifty cents).

The total Community Donations budget for the financial year is \$36,550 (thirty six thousand five hundred and fifty dollars).

Taking into account the already committed funds, the amount available for the final round of the program in 2004 is approximately \$6,200 (six thousand two hundred dollars).

The applications were assessed by a staff committee and are ranked below in order according to the criteria defined in the Policy. Recommendations for amounts of donations are provided as well as comments.

Applications

Hawkesbury Early Childhood Intervention Service requests \$6,000 (six thousand dollars) for the development of a visual communication package/tool to provide to families who have a child with a severe language delay/disability to enhance their communication skills. The Service has had success in introducing a picture communication system in child care centres and would like to extend this to individual families to help improve interaction and reduce frustration between the child and family.

The project to be funded would consist of employing a person for 20 (twenty) days to take photographs of objects identified by families as the most needed communication objects, print and laminate them. The package would be developed in collaboration with Early Childhood Speech Therapists from Hawkesbury District Area Health Service and the Department for Ageing Disability and Home Care. The funding would provide 80 (eighty) packages that can be loaned to the families for 6 (six) months at a time and the photos kept on CD would be reused when new packages need to be made.

This service received a Council grant in 2001/ 2002 to assist in printing brochures and flyers to advertise the centre at South Windsor.

Richmond High School Red Nose Day requests "whatever is reasonable" to cover the cost of hiring of tables and chairs from Kennard's Hire at McGraths Hill for the annual Red Nose Day

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Dinner held annually in June and assistance with advertising for a wide range of fundraising events such as golf day, dog night, trot night and the Red Nose Day dinner. Council has supported the Red Nose Day event in the past by paying up to \$500 (five hundred dollars), with Kennard's Hire Windsor donating the remainder, for sufficient tables and chairs for the dinner. Council also provided in kind assistance through the website and newsletters, to promote the other SIDS fundraising events. Richmond High School is a leader in raising funds for SIDS that are used for research and counselling of families who suffer the loss of a child.

Kurrajong Community Forum requests \$1,500 (one thousand five hundred dollars) for a talent quest for music and dance students under 16 (sixteen) years of age. The event will give young talent a chance to develop their skills through the objectives and focus created through the competition and also provide music and entertainment in Kurrajong. The Kurrajong Forum ran this event for the first time last year. This event is also to be sponsored by the Hawkesbury Chamber of Commerce.

Hawkesbury Schools Music Festival Committee request \$6,253.50 (six thousand two hundred and fifty three dollars, fifty cents) for the biennial event that involves 30 (thirty) public schools and over 2,000 (two thousand) students from K-12 from across the Hawkesbury district. The Festival is conducted over 3 (three) consecutive days and nights and the funding requested is particularly for the Windsor Function Centre Hire fees. This event alternates with the Hawkesbury Dance Festival and over the last 10 (ten) years has promoted the participation in the performing arts in the community. It also showcases the talents and abilities of a significant number of students from 5 - 18 years old. Council has supported this event in previous years.

Animal Welfare League NSW - Hawkesbury Valley requests \$250 (two hundred and fifty dollars) to purchase 2 (two) collection cages for people to donate supplies of non-perishable pet supplies at supermarkets to be used to feed animals in care. Emergency food will also be available to provide to members of the community for pets in times of trouble. The group's aim is to rescue abandoned domestic animals, de-sex and health check, microchip and rehome as many pets as possible. The Animal Welfare League promotes responsible pet ownership and assists with subsidising de-sexing of pets for those in need. The donated items will mean that other fundraising funds will be used for the de-sexing program.

Red Cross Blood Service requests \$2,332 (two thousand and thirty three dollars) to cover the cost of hire for Windsor Function Centre for 4 (four) visits by the 12 (twelve) bed Mobile Resource Centre to collect blood from donors in the Hawkesbury Area in the 2004/2005 financial year. Approximately 100-140 (one hundred- one hundred and forty) donations are given each visit to assist the national aim of collecting 20,000 (twenty thousand) donations every week.

Council has previously sponsored 2 (two) visits per year as the Red Cross used an Anglican Church in Richmond for the other 2 (two) visits to the Hawkesbury. From next financial year the 4 (four) collection days will be done at Windsor Function Centre.

Rotary Club of Windsor requests \$1,000 (one thousand dollars) to help supply and erect flagpoles and Australian National Flags at government or community run Kindergartens, Pre-School and Childcare Centres within the Hawkesbury (not privately owned). The funds are part of a project to raise awareness of the significance of the National Flag to young children and the protocols as to when and how the flag should be flown. Centres have been contacted and 5 (five)

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of the 12 (twelve) identified centres have responded positively to being involved. The labour to erect flagpoles will be provided by Rotary volunteers and each flagpole costs \$300 (three hundred dollars). Additional funds for the project are to be raised by the organisation.

Richmond Air League requests \$1,000 (one thousand dollars) to help Richmond youth by providing a place where youth can have a sense of belonging and provide an opportunity to participate in a program to develop their skills. Training (explained below) is offered every Friday night at the RSL Branch at Richmond with support from a volunteer committee. The Funds would be used to provide advertising, publicity, printing and stationary to recruit new members and offer training booklets.

Through the Air League, the youth are offered opportunities to participate in sport, recreational and development activities with achievements being recognised. The Air League has an extensive education syllabus, which covers both theory and practical subjects in aviation including instruction in history, spirit, traditions and science of aviation and astronautics. It caters for the range of education requirements of eight year olds to student pilots at the Air Activity Centre Camden Airport.

336 Squadron Australian Airforce Cadets request \$5,000 (five thousand dollars), (a reviewed figure from the initial \$80,000 (eighty thousand dollars) requested), to assist 40 (forty) cadets to attend the ANZAC Memorial Service in Turkey in 2005 as part of an ANZAC history Tour. Half of the cadets reside in the Hawkesbury area. Air Force Cadets are a youth organisation that gives a foundation of RAAF knowledge and discipline and develop qualities of leadership, self reliance and initiative.

The trip will cost each attendee approximately \$5,000 (five thousand dollars). Several RSLs and Richmond Club have offered support as well as the funding efforts of the group itself.

Church of Jesus Christ of Latter Day Saints- Richmond Youth Group requests \$1,500 (one thousand five hundred dollars) for 2 (two) specific weekend activities that will involve travel and recreation for a local community group for youth aged 12 - 18 years old. The group is requesting half of the cost of the trips and involves 25 (twenty five) people. The Church sponsors the youth group, which holds weekly meetings and plans to hold numerous camps and activities over the year.

Bligh Park Community Services requests \$1,600 (one thousand six hundred dollars) to provide 5 (five) bus trips for seniors in the South Windsor and Bligh Park area, using Hawkesbury Community Transport buses. These visits are to areas of particular interest that are otherwise not easily accessible. This organisation has been tackling social isolation for 5 (five) years by providing these bus trips and has 50 (fifty) names of interested parties. Due to increased costs of buses, drivers and a lack of increased funding from the Department of Community Services, the organisation is unable to continue to offer the service. Even Community Transport buses that are the cheapest available have become unaffordable. The funding requested will cover the cost of hire of an accredited driver and petrol for the trips, through Community Transport.

Kuyper Christian School requests \$3,000 (three thousand dollars) to provide funds to extend the hours of the library assistant to process books that have been donated and provided through insurance funds, after the fire that severely damaged the school's resource centre. This would also allow better coordination of the volunteers comprising of parents and concerned community

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members who have agreed to assist with this process. The funding would assist to speed up the process and have the resources available to students more efficiently.

Nova Employment and Training Program request \$3,245 (three thousand two hundred and forty five dollars) for the purchase of a NEC VT-660G projector to assist with the Job Club Program. Nova Employment provides specialist support to young people with an intellectual disability and assists Hawkesbury students attending high school special education units to develop the skills necessary to enter the workforce. Purchase of this projector would enhance Nova staff's ability to present material used in Job Club in a readily understandable format. Video is particularly appropriate for people who have considerable literacy problems.

Hawkesbury Waratah Festival Committee request \$1,000 (one thousand dollars) to assist in the running of an event designed to raise awareness of local waratahs and develop an appreciation in the community for preserving blooms growing in the wild. Now in its fifth year, the event includes a primary school art competition run through Hawkesbury and the Blue Mountains regions, an interpretive display by National Parks and Wildlife, a spectacular exhibit of locally cultivated waratah blooms and an open farm day at Bilpin Waratah Farm.

The Festival will run from 25 September - 4 October and is coordinated by a festival committee comprising of the Hawkesbury Waratah Growers Association, National Parks and Wildlife Service and Mount Tomah Botanical Garden. Council has sponsored this event in the last few years through the Cultural Grants Program.

Hawkesbury Oasis requests \$3,000 (three thousand dollars) to assist with provision of additional salaries, production and promotion costs associated with the Hawkesbury Oasis Day to be held October 31, 2004. This day has free entry to the centre and allows the community to sample health, fitness and sporting information, aerobics classes, fitness testing, learn to swim and swimming squads. There will also be a community market and information stalls operating. Support in-kind in terms of printing, stationary, postage and promotion, a large banner and advertising could be included in the amount requested.

Hawkesbury Skills requests \$9,500 (nine thousand five hundred dollars) for the upgrade of the mainstreet garden at the Telstra site in Windsor Street, Richmond by providing paid work for long term unemployed. This would involve replacing old and dead plants with new, drought tolerant species. Modifications would also include trimming mature trees, painting, planting and mulching. This garden has won numerous awards since 1996 and is now no longer funded for upkeep, although Hawkesbury Skills provides basic maintenance. The revamp would improve the streetscape of Richmond.

Wisemans Ferry and Districts Community Health and Resource Centre Inc. request \$5,000 (five thousand dollars) to replace worn carpet and install a smooth floor surface in the kitchen and toilet of the "community owned" Community Health Centre. This will then meet new OHS standards, provide a safer working area and ensure the facility is of a standard that will provide better access for the community in general including the aged, disabled, isolated and multicultural residents of the area.

Community fundraising has achieved \$2,000 (two thousand dollars) towards this project. In 2002/2003 Council donated \$1,000 (one thousand dollars) towards extensions and a wheelchair ramp for the Doctor's Surgery.

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Summary of Donation Requests Recommendations For Approval

Application	Activity/Project	Donation Requested	Donation Recommended	Comments
Hawkesbury Early Childhood Intervention Service	Development of Visual Communication Package	\$6000	\$2500	Amount recommended for production costs of packages only, not salaries.
Richmond High School Red Nose Day	To help fund the Red Nose Day Dinner & Auction	\$500	Maximum \$500 in kind	For hire of sufficient tables and chairs for Red Nose Day Dinner.
Animal Welfare League NSW - Hawkesbury Valley	Purchase of 2 (two) Collection Cages for donated food	\$250	\$250	Promotes self sufficiency as the group can collect their own donations.
Kurrajong Community Forum	Talent Quest	\$1500	\$500	Donations to groups such as these to be reviewed as part of Cultural Plan
Rotary Club of Windsor	Supply of flags and flag poles in child care centres in Hawkesbury LGA	\$1000	\$500	Although the centres themselves did not determine the community need, this is a community initiated civic project.
Richmond Air League	Funding for project resources for youth of Richmond Community	\$1000	\$300	There are other organisations that provide youth activities to a broader section of the community.
Church of Jesus Christ of Latter Day Saints- Richmond Youth Group	Activity funding for local community youth group	\$1500	\$300	There are other organisations that provide youth activities to a broader section of the community.
336 Squadron Australian Airforce Cadets	Fundraising/Sponsors hips for 336 Squadron (AAFC) to go to Gallipoli Anzac Day 2005	\$5000	\$500	This amount is in line with donations given to sporting teams going overseas on International Competitions.
Kuyper Christian School	Salaries for administration staff to catalogue books in the recovery of fire damaged resource centre	\$3000	\$500	Although for salaries, this is a non recurrent cost which is a result of a tragedy. A minor donation for resources is recommended.

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Summary of Recommendations for other applications

Applicant	Activity/Project	Donation Requested	Donation Recommended	Comments
Hawkesbury Schools Music Festival Committee	Bi-annual Hawkesbury Schools Music Festival	\$6253.50	\$6253.50 from 2004/2005 donations budget (subject to available funds)	An event that supports and promotes students in the performing arts area. As this is annual funding, it is recommended that the expenditure be reviewed as part of priorities to emerge from the Cultural Plan.
Red Cross Blood Service	Mobile Blood Service hire of Windsor Function Centre	\$2332	\$1200 from 2004/2005 donations budget subject to available funds	Doubling the previous amount isn't justified when other suitable venues are available. Red Cross could approach WFC etc for donated premises use.
Bligh Park Community Services	Funding of Bus trips for Seniors of the Hawkesbury	\$1600	Refer to Community Transport Fund	The Community Transport Fund is more appropriate to fund this project.
Nova Employment and Training Program	Purchase of Projector to assist job club program	\$3245	Encourage group to apply for Equity & Access grants	Equity and Access Fund or CDSE funds are more appropriate to fund the purchase of equipment.
Hawkesbury Waratah Festival Committee	Funding for annual Hawkesbury Waratah Festival	\$1000	Refer to Cultural Grants Committee or new Commercial Response unit	This was previously funded under the Cultural Grants fund. However it is more appropriately an economic development activity.
Hawkesbury Oasis	Open Day to Oasis Centre	\$3000	In-kind support for promotion	As a business, this group does not fit the criteria of being a non-profit or community organisation.
Hawkesbury Skills	Salaries to give to long term unemployed for upgrade of Telstra garden in Richmond	\$9,500	Nil	The donations fund gives priority to project costs other than salaries. The group could apply to CDSE and to the Chamber of Commerce Mainstreet funds.
Wisemans Ferry and Districts Community Health and Resource Centre Inc.	Replacement of Flooring in Centre	\$5000	Nil	Baulkham Hills Shire Council owns the building. This fund gives priority to projects rather than capital or maintenance works for equipment.

RECOMMENDATION:

That as part of Round 3 (three) of Community Donations 2003/2004, a total of \$5,850 (five thousand, eight hundred and fifty dollars) be paid as donations as follows:

1. Hawkesbury Early Childhood Intervention Service receive \$2,500 (two thousand, five hundred dollars) for the production of visual communication packages.

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2. Richmond High School receive \$500 (five hundred dollars) in-kind for chairs and tables for Red Nose Day dinner and auction.
3. Animal Welfare League NSW - Hawkesbury Valley receive \$250 (two hundred and fifty dollars) for purchase of two collection cages.
4. Kurrajong Community Forum receive \$500 (five hundred dollars) for the Talent Quest.
5. Rotary Club of Windsor receive \$500 (five hundred dollars) for the purchase of flags and poles for the childcare project.
6. 336 Squadron Australian Air Force Cadets receive \$500 (five hundred dollars) towards their trip to Gallipoli for Anzac Day 2005.
7. Richmond Air League receive \$300 (three hundred dollars) towards youth activities.
8. Church of Jesus Christ of Latter Day Saints - Richmond Youth Group receive \$300 (three hundred dollars) towards youth activities.
9. Kuyper Christian School receive \$500 (five hundred dollars) as a one off donation for resources for their damaged resource centre.

That a total of \$7,453.50 (seven thousand, four hundred and fifty three dollars and fifty cents) be recommended for expenditure from the **2004/2005** donations budget when overall approval is given for this budget:

10. Hawkesbury Schools Music Festival Committee receive \$6,253.50 (six thousand, two hundred and fifty three dollars and fifty cents) from 2004/2005 donations budget subject to available funds for the Windsor Function Centre hire for Hawkesbury Schools Music Festival.
11. Red Cross Blood Service receive \$1,200 (one thousand two hundred dollars) for 2 (two) visits to Windsor Function Centre to collect blood donations.
12. Other applicants to be directed to various other relevant funding opportunities.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 16 ORG B - Sponsorship TAFE Western Sydney Institute Student Excellence Awards - (80230)

REPORT:

The Hawkesbury Economic Development Advisory Committee (HEDAC) was approached on 10 March 2004 to sponsor the TAFE NSW Western Sydney Institute Student Excellence Awards. The awards will be presented on Tuesday, 25 May in the Evans Theatre at Panthers, Penrith.

The Committee has been a sponsor for this event for a number of years and had identified funding in its 2003/2004 submission for an allocation of \$1,000.00 (one thousand dollars) towards a Bronze sponsorship. A Bronze sponsor will have involvement in the awards presentation with the representative presenting one category. There is also some promotional returns in terms of logo placement and acknowledgement of sponsorship on various promotional and marketing materials. In the past the Committee has requested that their sponsorship relate specifically to the Richmond College.

Due to the disbanding of HEDAC, it is recommended that Council confirm the commitment to sponsor these awards this year. Sponsorships are required to be confirmed by Monday, 3 May 2004, and accordingly it is required that this matter be dealt with under the Committee of the Whole.

RECOMMENDATION:

That Council sponsor the TAFE NSW - Western Sydney Institute Student Excellence Awards in the amount of \$1,000 (one thousand dollars) plus GST (Bronze Sponsorship). The funding to come out of the current allocation for the Hawkesbury Economic Development Advisory Committee.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 17 **ORG B - Hawkesbury Leisure Centres Expression of Interest / Tender - (21820)**

Previous Item: Item 130, Ordinary (8 July 2003)
 Item 16, Ordinary (10 February 2004)
 Item 31, Ordinary (*Confidential*) (9 March 2004)

REPORT:

Council resolved at its Ordinary Meeting of 8 July 2003 that "*Council agree to call for Expressions of Interest for the operations of Hawkesbury Leisure Centres Incorporated from 1 July 2004*".

On 9 March 2004, Council received a Confidential Report on the outcomes of the Expression of Interest and Tender process. Previous reports, including the Confidential Report, are provided under separate cover to assist incoming Councillors in determining this matter.

The Council resolution as a result of the report of 9 March 2004 was that:

- "1. *Council decline all tenders.*
2. *Delegation be given to the General Manager or his nominee to negotiate with the preferred organisation for the management and the operations of the Hawkesbury Leisure Centres from 1 July 2004 for a five year period to 30 June 2009 with a five year option in Councils favour to conclude at 30 June 2014."*

Negotiations with the YMCA of Sydney progressed immediately following Councils resolution, having regard to ensuring that a business/management plan and fees and charges for 2004/2005 financial year would be in place prior to the commencement of the contract of July 2004.

A number of other issues required negotiation and/or clarification from the Expression of Interest/Tender process. These issues included staffing, accounting services, maintenance of grounds and car parks, the transfer of employee leave entitlements and the transfer of current assets and liabilities.

Several meetings with the YMCA of Sydney have taken place and Council is now in a position to enter into a contractual relationship with the YMCA of Sydney. Correspondence received on 16 April 2004 included:

- Budget for Hawkesbury Oasis Aquatic Fitness Centre
- Budget for Hawkesbury Indoor Stadium
- An operational budget summary for one year (this includes an adjustment for the maintenance cost of the grounds)
- A schedule of proposed fees and charges
- A letter clarifying other outstanding issues

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In relation to the outstanding issues, the YMCA of Sydney provided the following:

"Employment of Staff

The YMCA proposes to take over the employment of all existing staff. This will be done in a very careful and caring way. All staff will be fully briefed in a formal presentation then be invited to submit brief personal summaries to us expressing a desire to be employed in the Centres.

It is proposed that all existing staff will be offered employment - although their roles may change depending on their strengths and what positions are available. All staff will be interviewed and offered a three month performance based contract. At the conclusion of this and subject to their performance they will be offered continuing employment. It is worth noting that when we completed this same process at the Port Stephens complex it went smoothly with over 95% of people being retained.

It has come to our attention that in the move to transfer management to the previous managers that some staff retained higher salary scales than the award states or what their experience entitles them to. The YMCA proposes to maintain these arrangements until such time as the people cease their employment at the Centres.

Accounting Services

The YMCA proposes to take on full accounting services for the Centres. This will be done in the most efficient and cost effective manner and will not add any additional costs to the already tabled budget. This service will be totally transparent and the Council will be provided with detailed financial statements as per tender requirements. This will relieve the Council Staff currently assigned this duty from this complex and time consuming task.

This will allow the YMCA to monitor the performance of the Centres closely and implement necessary actions immediately.

Asset Replacement and Maintenance

As per the contract the YMCA proposes to cover all maintenance and asset replacement of items up to \$1000 (one thousand dollars). Items over this amount will be the responsibility of Council.

Graffiti

The YMCA will be responsible for the removal of any internal graffiti. The Council will remain liable for all external damage and graffiti."

The operational budget summary, subject to adjustments for maintenance and grounds etc, provides a net annual deficit of \$23,104 (twenty three thousand, one hundred and four dollars) for 2004/2005. This deficit would require funding from Council in the 2004/2005 budget together with an allocation of \$65,576 (sixty five thousand, five hundred and seventy six dollars) for the replacement of assets, plant, equipment and office furniture. This amount is equal to the depreciation of these items provided as an annual allocation. This level of funding for 2004/2005

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would be a saving of \$63,203 (sixty three thousand, two hundred and three dollars) from the allocation made in 2003/2004.

Further, with the transfer of staff and accounting services, the existing employee leave entitlements, revenues received in advance for 2004/2005 net of outstanding debtors, would need to be transferred to the YMCA of Sydney as at 30 June 2004. Current employee leave entitlements are in the order of \$70,000 (seventy thousand dollars).

With the transfer of staff, management and current assets and liabilities as at 30 June 2004 to the YMCA of Sydney, it is recommended that Hawkesbury Leisure Centres Incorporated be unincorporated as at that date with a committee reference group or committee of Council being established under an agreed constitution with similar members to the current board. It is further recommended that formal contract arrangements for the management operation of Hawkesbury Leisure Centres be entered into with the YMCA of Sydney from 1 July 2004 for a five year period to 30 June 2009 with a five year option in Councils favour to conclude on 30 June 2014.

RECOMMENDATION:

That:

1. Formal contract arrangements for the management operation of Hawkesbury Leisure Centres be entered into with the YMCA of Sydney from 1 July 2004 for a five year period to 30 June 2009 with a five year option in Councils favour to conclude on 30 June 2014.
2. Proceedings commence to unincorporate Hawkesbury Leisure Centres Incorporated.
3. A Committee of Council or Community reference group be established under an agreed constitution with similar members to the current board.

ATTACHMENTS:

- AT - 1** Item 31 - Ordinary Meeting of 9 March 2004 - Confidential Report (distributed under separate cover)
- AT - 2** Item 16 - Ordinary Meeting of 10 February 2004 (distributed under separate cover)

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ITEM: 18 ORG B - Community Cultural Grants Program - March 2004 Round - (80228)

REPORT:

The committee met to consider the following applications submitted under the Community Cultural Grants program, through which \$25,000.00 (twenty five thousand dollars) per annum is distributed to local groups to provide arts and cultural events, projects and resources for the community. Preference is given to:

- Incorporated, non-profit organisations and community groups (or those in the process of incorporation), based in the Hawkesbury local government area.
- Organisations which can show a high degree of support, either in cash in in-kind, from other sources.
- Innovative/imaginative projects.
- Developmental opportunities for arts practitioners.
- Projects which encourage participation by groups with special needs, including isolated communities.

There is \$8,220.00 (eight thousand dollars) remaining in the budget for the current financial year.

The committee met to consider the following applications submitted under the Community Cultural Grants program.

- Jennifer Harold of the Bilpin Bite requests \$2420.00 (two thousand, four hundred and twenty dollars) to assist with the staging of the 2004 event.
- Ted Brill of Ebenezer Church Congregation applies for \$900.00 (nine hundred dollars) (retrospectively) to assist with the staging of the 200th Anniversary of land settlement at Ebenezer, held on 21 June 2003.
- Judy Newland of the Friends of the Hawkesbury Art Collection and Regional Gallery applies for \$500.00 (five hundred dollars) to assist with the exhibition to be held in conjunction with the Battle of Vinegar Hill Commemoration, specifically, for a banner that would be used for general promotions after the event.
- Judy Newland of the Friends of the Hawkesbury Art Collection and Regional Gallery applies for \$200.00 (two hundred dollars) to assist with the staging of a lecture and exhibition on the theme of Hawkesbury Barns to be held in conjunction with Heritage Week.
- Janette Lennox of the Kurrajong Community Forum Inc applies for \$4,000.00 (four thousand dollars) to assist with the staging of the Kurrajong Scarecrow Festival.
- Garth Smith of the Blaxland Ridge Rural Fire Service applies for \$1,000.00 (one thousand dollars) to assist with the staging of the annual Bush Dance.

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- Mary Knapman and Laurie Forth of the Hawkesbury Writers Group apply for \$700.00 (seven hundred dollars) to assist with the staging of a two one-day writers' workshops.
- Suzy Startin of the St Albans Gallery applies for \$300.00 (three hundred dollars) to assist with the staging of an exhibition of work by women artists of the St Albans area.
- John Thorp of Sydney Opera Group applies for \$800.00 (eight hundred dollars) to assist with the staging of opera performances in Richmond School of Arts.
- Michael Starkey of The Macquarie Towns Orchestra applies for \$2,000.00 (two thousand dollars) to cover the fee of a professional Music Director and to purchase symphonic music.

The committee's recommendations are as follows:

Applicant	Project/Event	Requested	Recommended
The Bilpin Bite	2004 event	\$2420.00	\$1500.00
Ebenezer Church	200 th anniversary	\$900.00	Not recommended
FOHACRAG	Banner	\$500.00	Not recommended
FOHACRAG	Heritage Week exhibition, lecture	\$200.00	\$500.00
Kurrajong Community Forum	Scarecrow Festival	\$4,000.00	\$3,000.00
Blaxland Ridge RFS	Bush Dance	\$1,000.00	\$250.00
Hawkesbury Writers Group	Workshops	\$700.00	\$200.00
St Albans Gallery	Women artists exhibition	\$300.00	\$300.00
Sydney Opera Group	Performances Richmond School of Arts	\$800.00	\$520.00
Macquarie Towns Orchestra	Music Director, symphonic music	\$2,000.00	\$2,000.00
		\$12,820.00	\$8,270.00

It was also recommended that an amount of \$772.16 (seven hundred and seventy two dollars and sixteen cents) be directed from the Performing Arts budget to make up the shortfall and enable the amount requested to be granted to the Macquarie Towns Orchestra.

RECOMMENDATION:

That funds available in the current round of the Community Cultural Grants program be distributed as recommended by the Cultural Committee.

ATTACHMENTS:

There are no supporting documents for this report.

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ITEM: 19 **ORG B - Acquisition for Road Purposes - 1003 Blaxlands Ridge Road, Kurrajong Part Lot 189 DP 751656 - (14890, 14891; Property No: 11572)**

REPORT:

An approach has been made by Mr and Mrs Ilacqua, the owners of 1003 Blaxland Ridge Road Kurrajong, for Council to acquire in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, a portion of their land which is affected by an encroachment of road formation.

The area of the land to be acquired totals 631.44sqm, and is indicated on the attached location plan. A valuation has been obtained, advising that the value of the land to be acquired is \$5,000.00 (five thousand dollars). The replacement of fencing has a value of \$694.00 (six hundred and ninety four dollars).

The owners have been advised of the valuation and have indicated their agreement to this amount. Council will be responsible for the reasonable legal and survey costs associated with the acquisition.

RECOMMENDATION:

That:

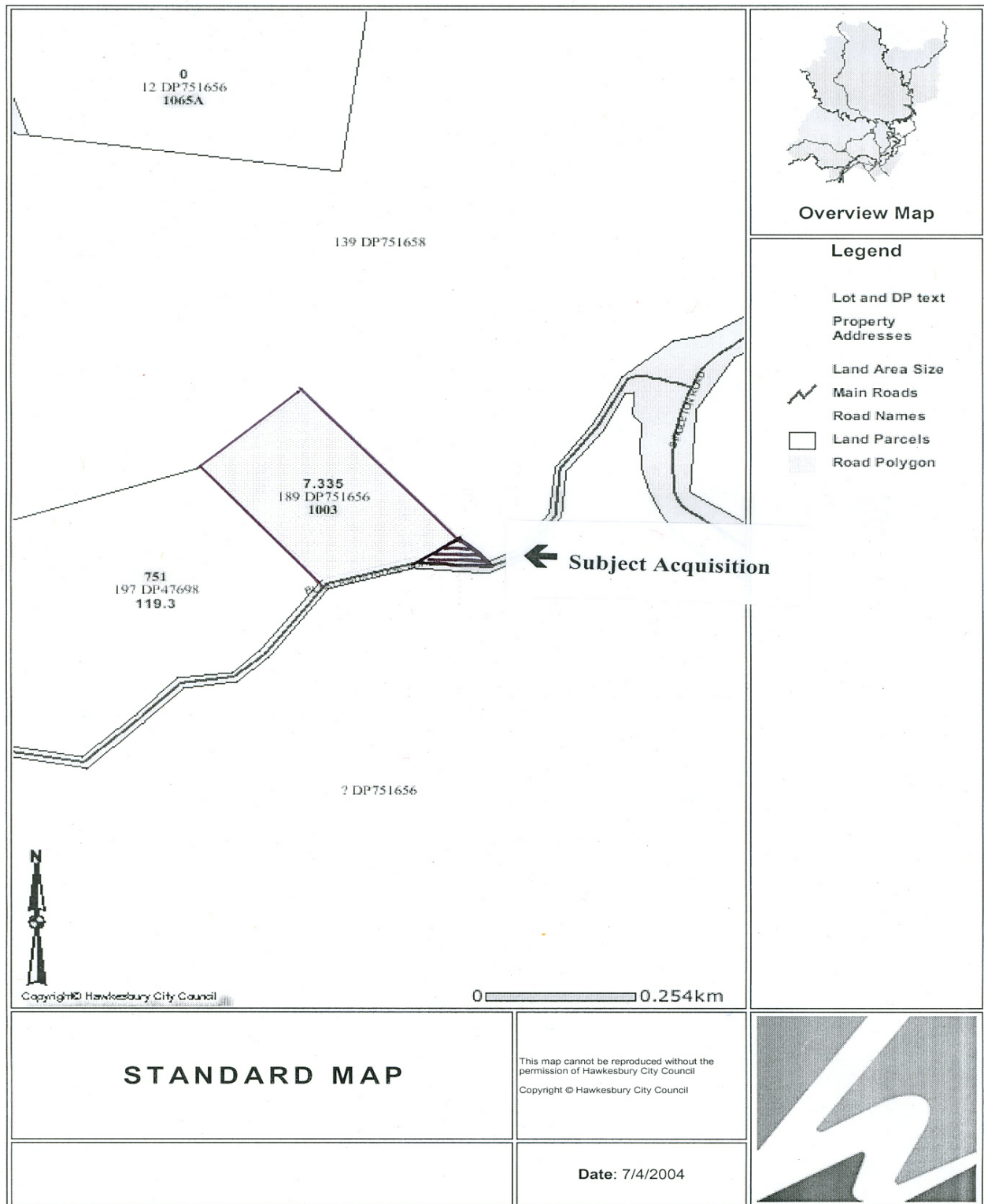
1. An area of approximately 631.44sqm be acquired from 1003 Blaxland Ridge Road, Kurrajong (Part Lot 189 DP 751656) for road purposes for the sum of \$5,694.00 (five thousand, six hundred and ninety four dollars), with Council to be responsible for all survey and reasonable legal costs associated with the acquisition.
2. Funding be provided from the Capital Works Land Acquisition allocation.
3. All documents be executed under the Common Seal of Council.

ATTACHMENTS:

AT-1: Location Plan for 1003 Blaxlands Ridge Road, Kurrajong

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ITEM: 20 ORG B - Hawkesbury City Business Enterprise Centre - (82837)

REPORT:

A letter was received from Mr John Todd, the Executive Officer of the Hawkesbury City Business Enterprise Centre (BEC), requesting that Council nominate a representative for the Board, as former Councillor, Lorna Allan was not seeking to be re-elected to Council. It was suggested that to maintain continuity and to give Council a representative in a decision making role, that the Director, Community & Corporate Services be nominated. It indicated that this was in line with the arrangement with Penrith Council, which has the Deputy General Manager as the representative.

The matter was reported to the Meeting of the Hawkesbury Economic Development Advisory Committee, who recommended that a report be prepared to Council to determine its representation on the Board and that the Hawkesbury City BEC be asked to provide details of the structure and current statistics. A report for the period 1 January 2003 to 31 December 2003 provided by the Hawkesbury City BEC is attached.

In summary, the Hawkesbury City BEC operates 2 days per week and at other times by arrangement. The cost to operate is \$42,011.00 (forty two thousand and eleven dollars) per annum and the total income derived from sponsorship by the Hawkesbury Economic Development Advisory Committee, UWS and a solicitor totals \$6,850.00 (six thousand, eight hundred and fifty dollars) per annum. The shortfall of \$35,161.00 (thirty five thousand, one hundred and sixty one dollars) per annum is covered by programs for the Hawkesbury City BEC from State and Regional Development.

Information provided by the Hawkesbury City BEC indicated that *"services provided are free business counselling, book sales and mentoring New Enterprise Incentive Scheme (NEIS)... the Centre again increased client visits during the period and 41 (forty one) new small businesses were created with 55 (fifty five) jobs either saved or new... As per State and Regional development guidelines, and information gleaned from clients, new business investment in the Hawkesbury equates to \$5.834 M (five million, eight hundred and thirty four thousand dollars) for the period..."*

The request for representation on the Board of the Penrith City and District Business Advisory Centre and the Hawkesbury City BEC is for Council's determination. Council can propose to nominate an elected representative or delegate to the General Manager to propose an appropriate staff member.

RECOMMENDATION:

That Council nominate an elected representative for the Board of the Penrith City and District Business Advisory Centre and Hawkesbury City Business Enterprise Centre or delegate to the General Manager to propose an appropriate staff member.

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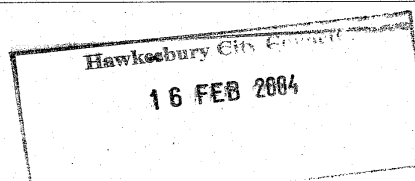
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ATTACHMENTS:

AT - 1 Letter from Hawkesbury City Business Enterprise Centre

Geoff BANTING - hawkesburycouncil.doc

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Hawkesbury City Business Enterprise Centre
Shop 11, Orange Grove Mall
232 Windsor Street
RICHMOND NSW 2753

Tel : 02 5784664

12 February 2004

Geoff Banting
Director Community & Corporate Services
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Dear Geoff

With the Chairperson of the Hawkesbury Economic Development Committee, Lorna Allan, not seeking re-election in the upcoming Council elections, Hawkesbury City Council will no longer be represented on our Board of the Advisory Centre.

It is the Board's suggestion that to maintain continuity you arrange for Council to nominate yourself as Council's representative on the Board. This is the way Penrith City Council operate with Deputy General Manager, Bruce McDonald, representing Council on our Board.

This will also give Hawkesbury City Council a representative in a decision making role to voice Council's agendas' to our Board.

We see this as a positive move which will further strengthen our close ties with Council and the Hawkesbury area we both service.

I look forward to your reply.

Thank you

JOHN TODD
Executive Officer



SCANNED



general
purpose
committee

end of
business
paper

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