



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 28 June 2005

location: council chambers

time: 5:00 p.m.

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ordinary

section 4

reports
for determination

ORDINARY MEETING
Reports of Committees

ENVIRONMENT AND DEVELOPMENT

Item: 195 **ES B - Advertising Signs, Part Lot 2, Section K, 390-392 George Street, Windsor - DA0228/05 - (94870, 4499,4690)**

Development Information

Applicant: Steven Colantonio
Applicants Rep: Not applicable
Owner: Mr F De Carlo and Mrs S De Carlo
Stat. Provisions: State Environmental Planning Policy No. 64 - Advertising and Signage
Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan

Area:
Zone: Residential 2(a) under Hawkesbury Local Environmental Plan 1989
Advertising: Not required
Date Received: 23 March 2005

Key Issues:

- ◆ Non-Compliance with State Environmental Planning Policy No. 64
- ◆ Non-Compliance with Hawkesbury Development Control Plan
- ◆ Visual Impact

Action: Approval subject to conditions.

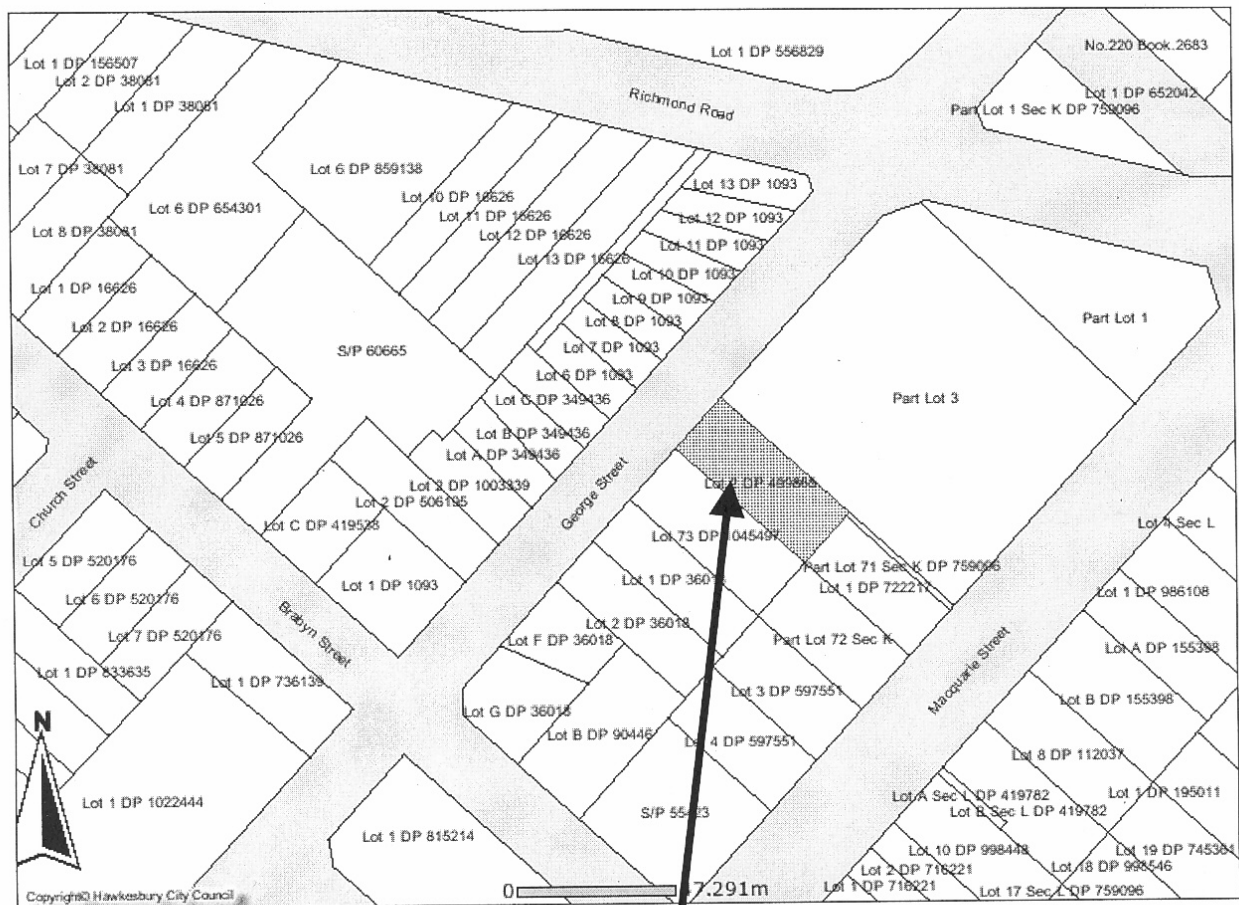
ATTACHMENTS:

AT - 1 Locality Plan
AT - 2 Location of Signs
AT - 3 Location of Signs

Attachment No. 1

DA 228/04
Advertising Signs
390 George Street, Windsor

Locality Plan

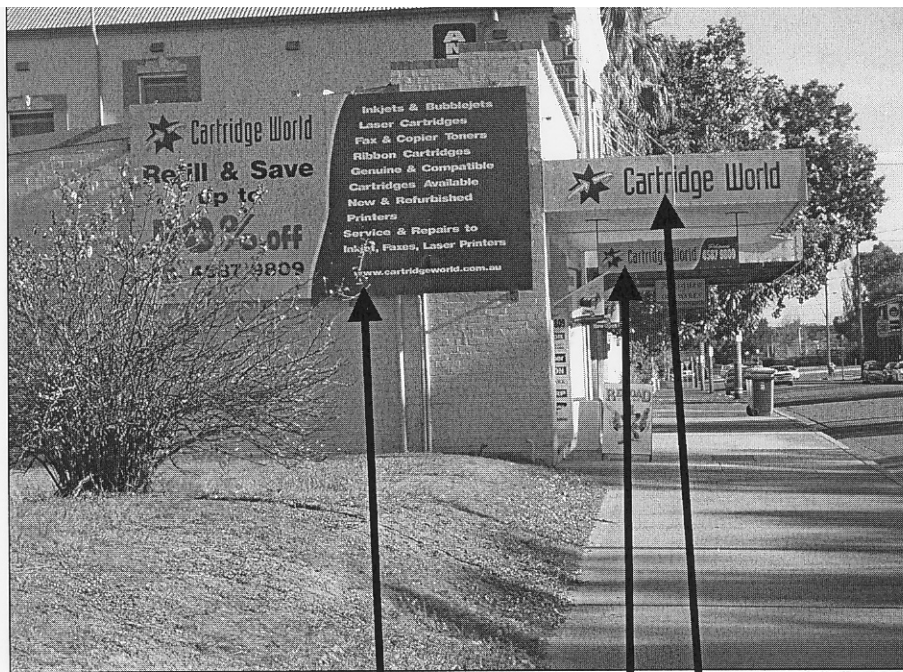


Subject Site

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Attachment No. 2

DA 228/05
Advertising Signs
390 - 392 George Street, Windsor



Sign No. 1 Sign No. 3 Sign No. 2

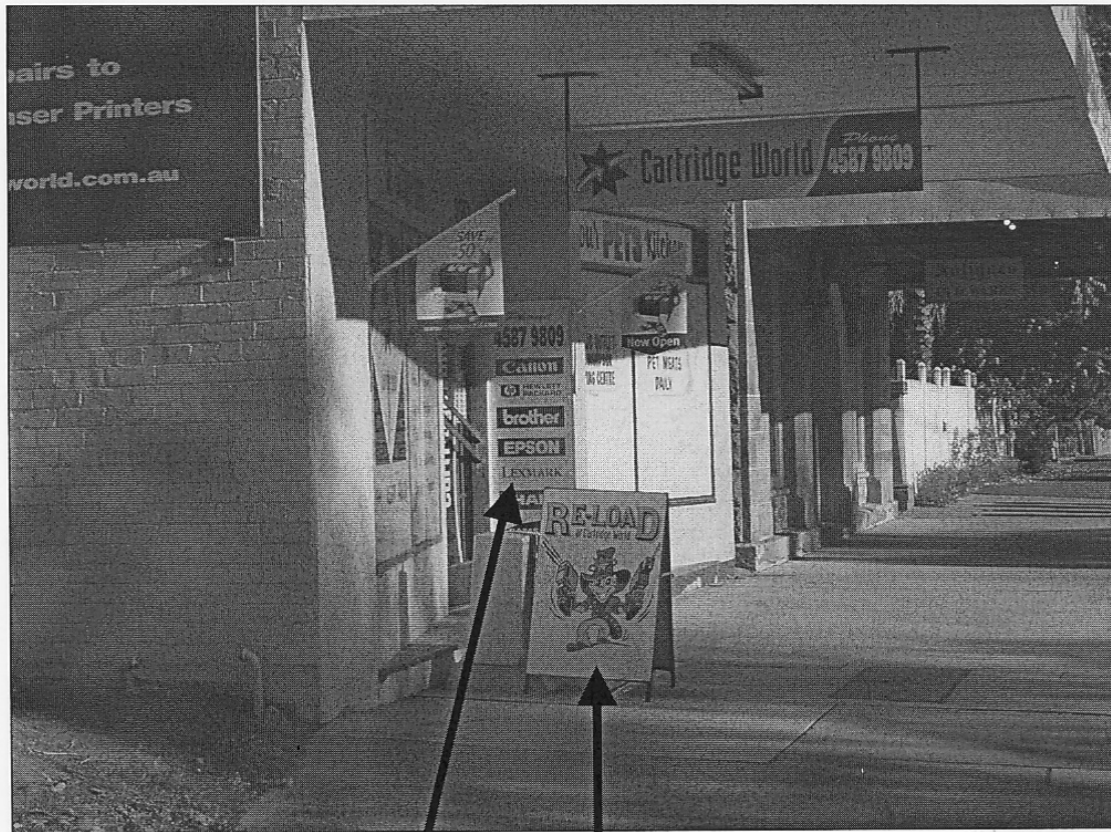


Sign No. 4 Sign No. 7
Sign No. 5

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Attachment No. 3

DA 228/05
Advertising Signs
390 - 392 George Street, Windsor



Sign No. 6

Sign No. 8

oooO END OF REPORT Oooo

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Reports of Committees

Item: 196 **ES B - Additions to Existing School, Lot 1, DP 811652, 22 Rifle Range Road, South Windsor - DA0268/05 - (32368)**

Development Information

Applicant:	Bede Polding College
Applicants Rep:	P. Campbell-Allen
Owner:	Bede Polding College
Stat. Provisions:	Hawkesbury Local Environmental Plan 1989 Sydney Regional Environmental Planning Policy No. 20 Hawkesbury Development Control Plan
Area:	5.993 Ha
Zone:	Special Use 5(a) School Under Hawkesbury Local Environmental Plan 1989
Advertising:	29 April 2005 to 13 May 2005
Date Received:	8 April 2005
Key Issues:	♦ Non-Compliance with Hawkesbury Development Control Plan (Car Parking)
Action:	Approval subject to conditions.

ATTACHMENTS:

There are no supporting documents for this report.

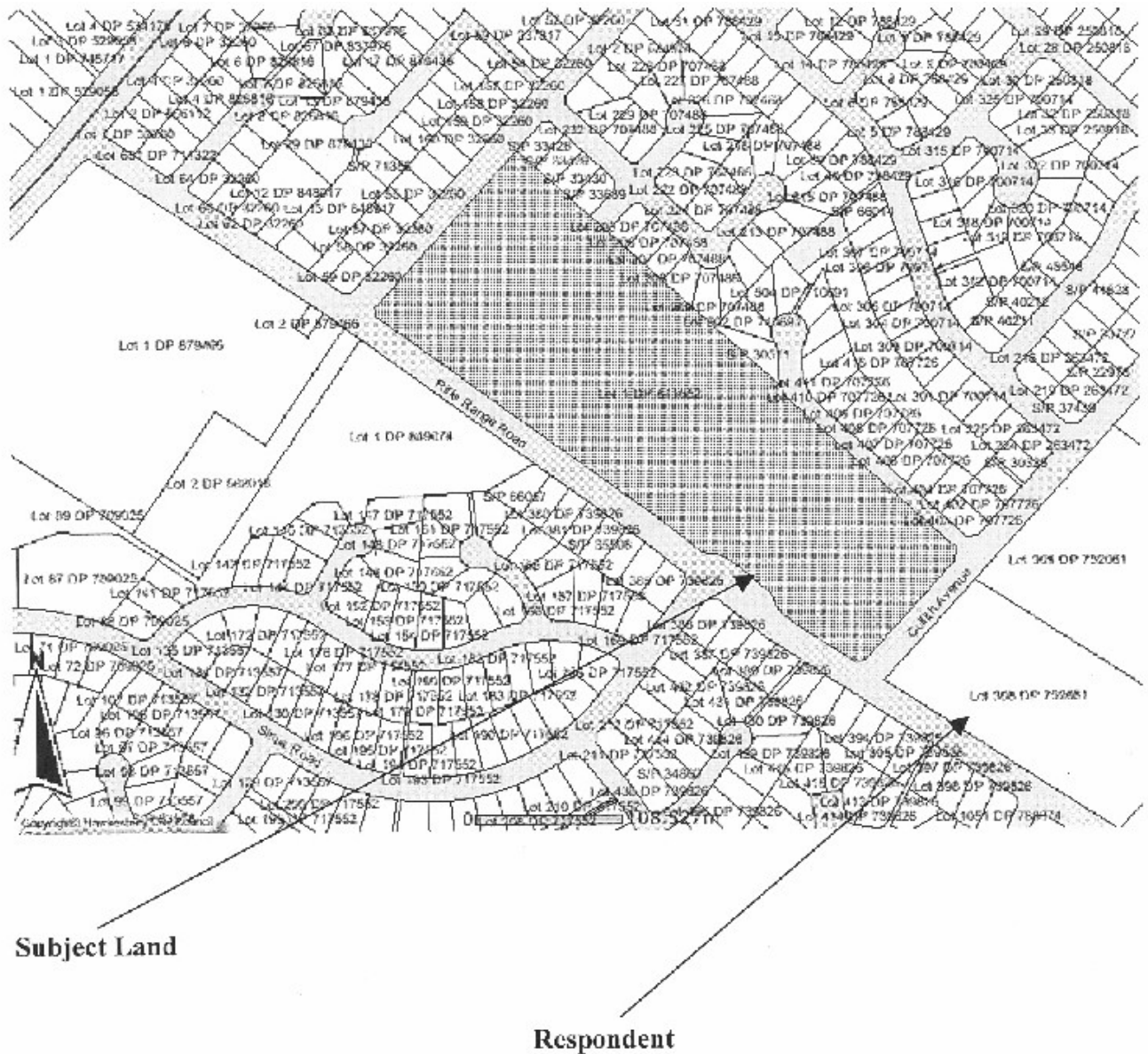
- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Floor Plan Administration Building
- AT - 4** Floor Plan Multi-purpose Hall
- AT - 5** Elevations Administration Building
- AT - 6** Elevations Multi-purpose Hall
- AT - 7** Elevations Multi-purpose Hall

Note: A full copy of the plan will be available in the Council Chambers

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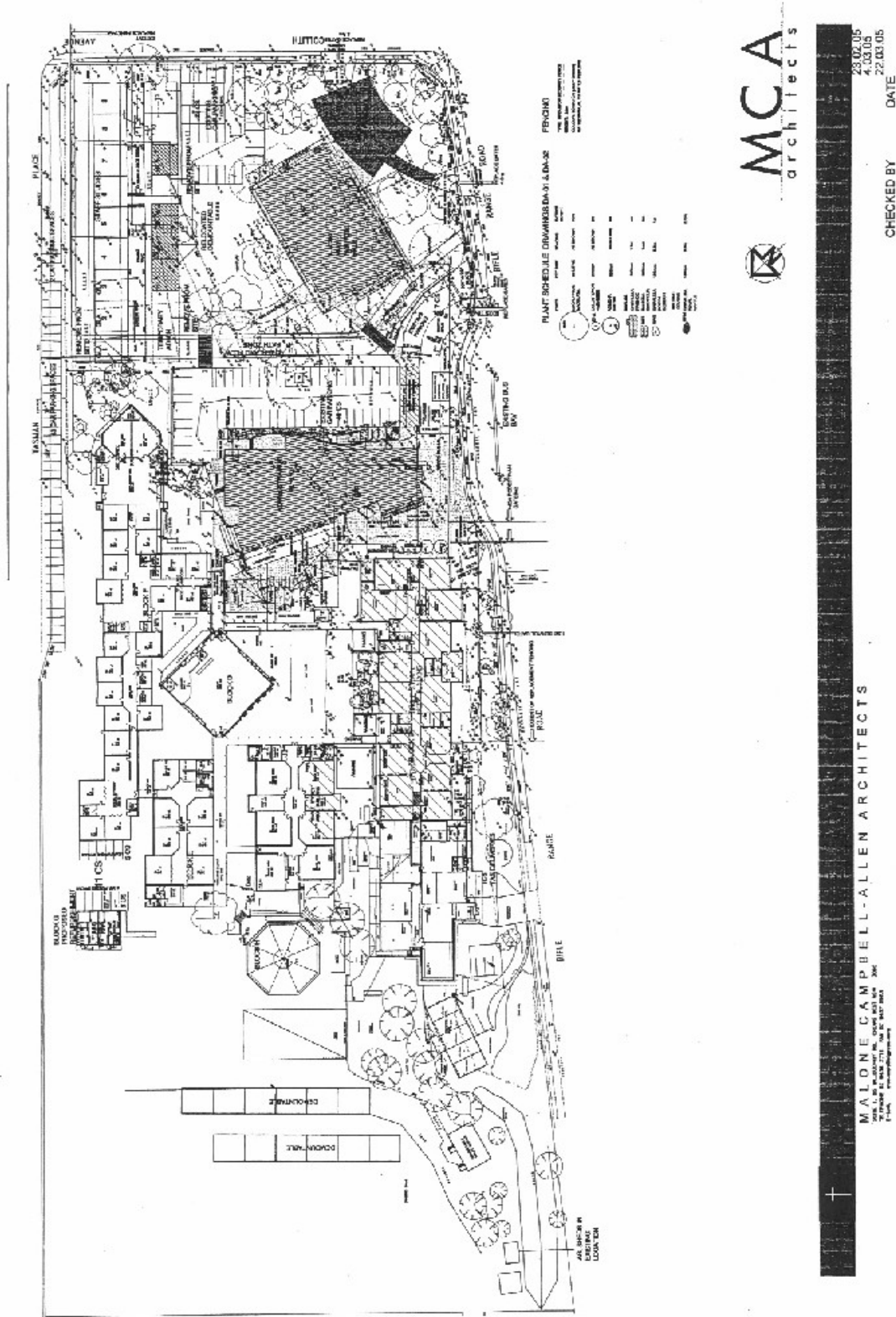
Attachment No. 1

Locality Plan
Bede Polding College - 22 Rifle Range Road, South Windsor



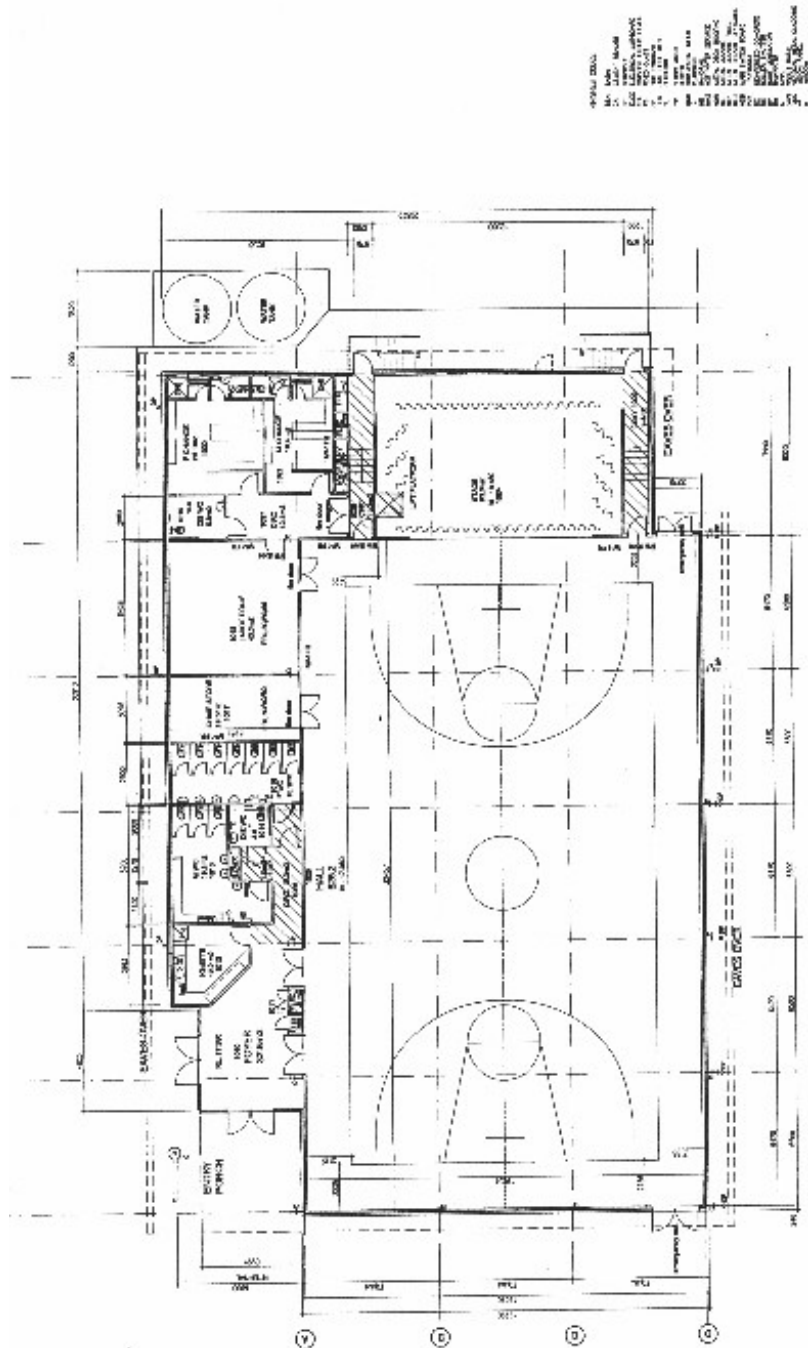
Attachment No. 2

Site Plan
Bede Polding College - 22 Rifle Range Road, South Windsor



Attachment No. 4

Floor Plan Multipurpose Hall
Bede Polding College - 22 Rifle Range Road, South Windsor



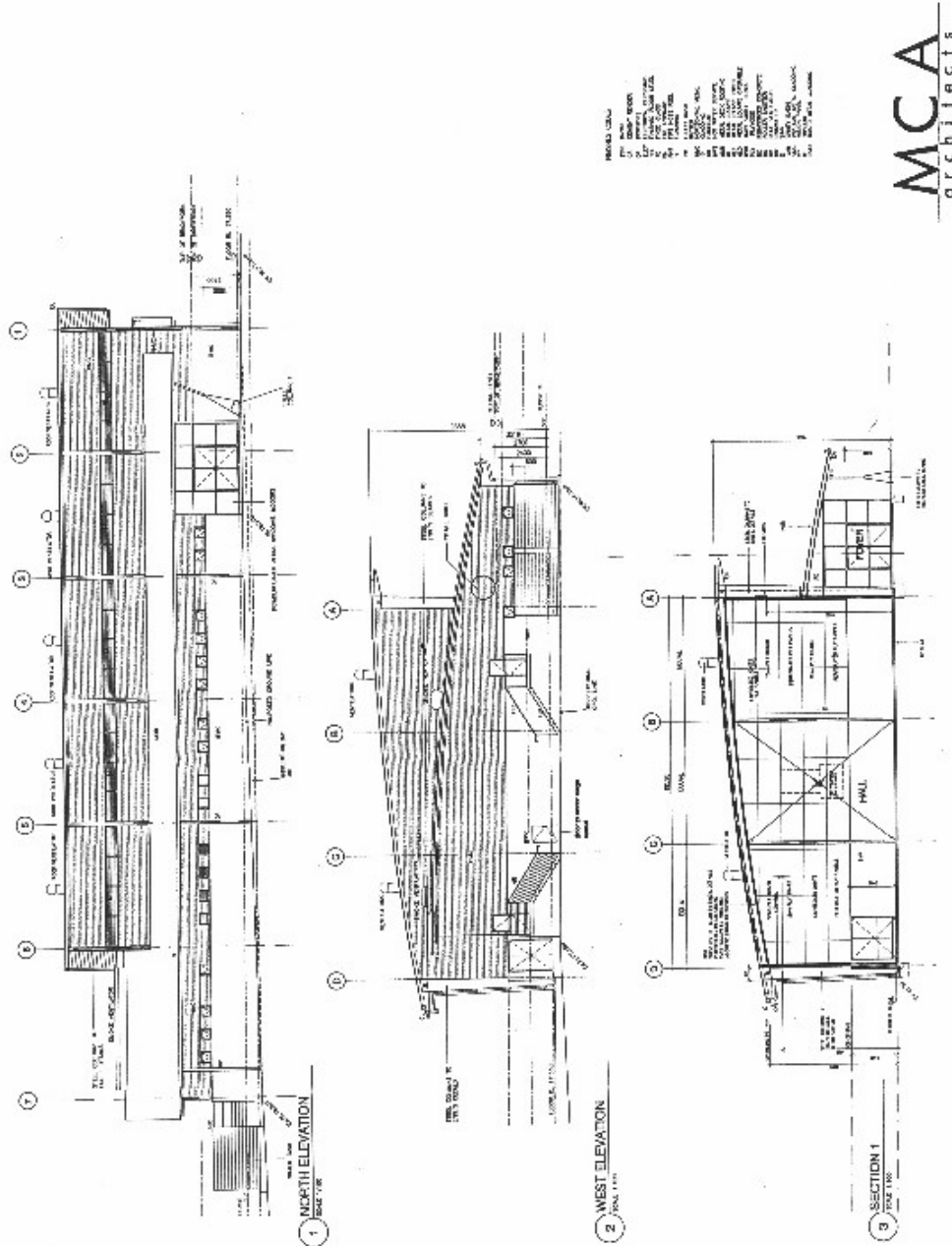
MCA
architects

1 GROUND FLOOR PLAN
Scale 1:100

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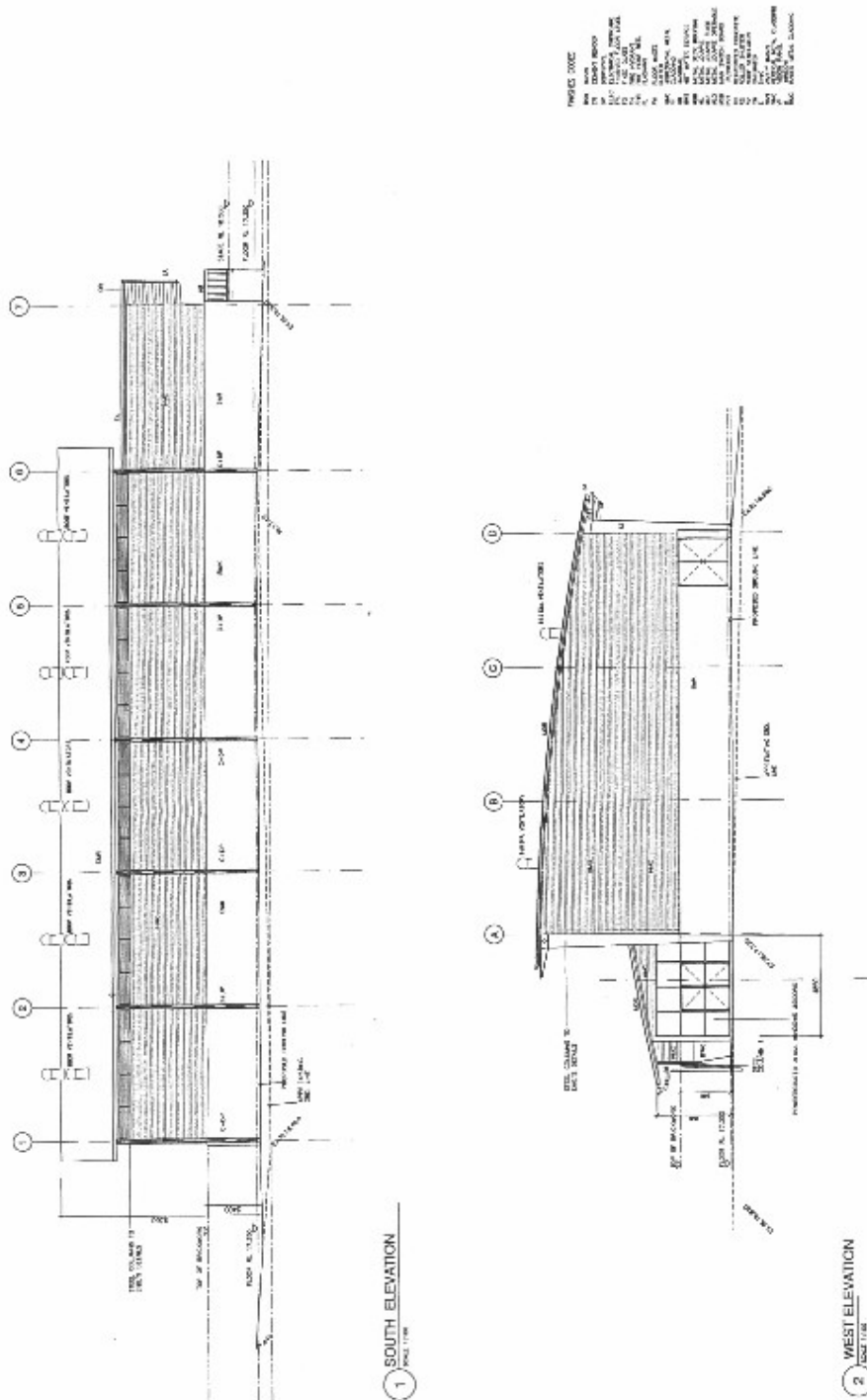
Attachment No. 6

Elevation Plan Multipurpose Hall
Bede Polding College - 22 Rifle Range Road, South Windsor



Attachment No. 7

Elevation Plan Multipurpose Hall
Bede Polding College - 22 Rifle Range Road, South Windsor



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0000 END OF REPORT 0000

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ASSET MANAGEMENT

Item: 197 **ES B - 16 Lot Community Title Subdivision, 57 Mill Road, Kurrajong NSW - (73916, 21488)**

Previous Item: 179, Ordinary (14 June 2005)

ATTACHMENTS:

AT - 1 Amended Plan of Proposed Bushfire Protection and Effluent Disposal.

AT - 2 Previous Report to Council dated 14 June 2005.

AT - 2 Previous Report to Council

ITEM: 179 **ES A - 16 Lot Community Title Subdivision, Lot 271 DP661436, Lot 275 DP 751649, Lot 277 DP 751649, Lot 1 DP 711222, Lot 270A DP358629, Lot 279 DP 751649 and Lot 3 DP 114551, 57 Mill Road, Kurrajong NSW - (73916, 21488)**

Development Information

Applicant: McKinlay Morgan & Associates Pty Ltd
Applicants Rep: Mr Brian McKinlay
Owner: Merroo Christian Centre Limited
Stat. Provisions: HLEP 1989
 SEPP No 20 (No 2 - 1997)
Area: 67.35H
Zone: Rural 1(c1)
Advertising: 11 August 2004 to 27 August 2004
Date Received: 30/07/2004

Key Issues: ♦ Lot Averaging Subdivision
 ♦ Character of the Area
 ♦ Traffic
 ♦ Road Construction and Safety
 ♦ Heritage
 ♦ Flora and Fauna

Action: Approval

REPORT:

Introduction

The applicant seeks approval for a 16 lot community title subdivision of Lot 271 DP 661436, Lot 275 DP 751649, Lot 277 DP 751649, Lot 1 DP 711222, Lot 270A DP 358629, Lot 279 DP 751649, and Lot 3 DP 114551, 57 Mill Road Kurrajong.

This matter is being reported to Council due to the number of objections received as a result of the public exhibition of the application. This report will detail the proposal, the current statutory situation and provide an assessment of the application in accordance with Section 79C (1) of the Environmental Planning and Assessment Act 1979.

The Proposal

The development consists of a 16 lot community title subdivision of the subject site utilising the recently gazetted subdivision provisions of Hawkesbury Local Environmental Plan 1989 - Amendment 126.

Lot 1 is proposed as a community lot and is to contain endangered ecological communities, asset protection zones and a proposed centralised sewage treatment plant. Lots 2 - 16 are proposed as development lots. Lots 3 - 16 are generally in the order of 1ha, Lot 2 has an area of 32.8ha and is to contain the buildings and facilities associated with an exiting education/convention centre. An existing dwelling on proposed Lot 3 is proposed to be demolished.

The development is defined as "Integrated Development" as it requires approval from the NSW Rural Fire Service and DIPNR. Both agencies have provided their General Terms of Approval.

Description of the Site and Surrounds

The site is commonly known as Camp Mackay and consists of 7 lots with a combined area of approximately 67.35ha. The site is irregular in shape has frontages to Bells Line of Road, Mill Road, Derring Lane and Little Wheeny Creek.

Little Wheeny Creek bisects the site with the existing education/convention centre and proposed Lots 13 - 16 located to the north and west of the creek and proposed Lots 3 - 12 located to the south and east of the creek.

The site is undulating with elevations varying from approximately 160m AHD toward the intersection of Mill Road and Bells Line of Road, 116m AHD towards Little Wheeny Creek and 188m AHD towards Derring Lane.

Vegetation on the site predominantly consists of grassland with scattered trees, however tracts of endangered ecological communities (Shale Sandstone Transition Forest, Sydney Coastal River Flat Forest and Cumberland Plain Woodland) are located within the vicinity of Little Wheeny Creek and towards Bells Line of Road.

The site is affected by RTA road widening along Bells Line of Road and Council road widening along Mill Road.

Surrounding lots primarily consist of rural residential land uses with a wide variety of allotment sizes ranging from less than 1ha to 18.75ha.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

Clause 6 Adoption of Model Provisions

The model provisions require Council to consider the aesthetic appearance of the development

Clause 9A - Zone objectives

Clause 9A (1) states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The subject property is zoned Rural 1(c1) under the provisions of HLEP 1989. The objectives of this zone are:

- (a) *to primarily provide for a rural residential living style with "on-site" collection of water and disposal of waste;*
- (b) *to maintain a subdivision pattern which permits the land to be subdivided for an urban use where such a use has been identified as being appropriate on the long term;*
- (c) *to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities infrastructure;*
- (d) *to prevent the establishment of traffic generating development along main and arterial roads;*
- (e) *to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads;*

It is considered that the proposal is consistent with the objectives of the zone as the subdivision:

- will allow for a rural residential living style with on-site collection of water and disposal of effluent;

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- will have no affect on future subdivision for urban purposes as the area has not been identified for such a use. Due to the endangered ecological communities on the site and lack of reticulated water and sewer either now or in the foreseeable future, potential for future urban subdivision is unlikely;
- the number of additional lots proposed by the development is unlikely to create an unreasonable demand, in the present or future, for the provision or extension of public amenities infrastructure;
- access to Bells Line of Road for proposed Lots 11 and 12 is to be denied. Vehicle access to these lots will be via a private accessway off Mill Road; and
- the proposed development is not inconsistent with the rural character of the locality and will involve relatively minimal disturbance to the landscape.

Clause 10 (1) requires development consent for the subdivision of land.

Clause 11 *Rural subdivision - general provisions*

Relevant extracts are:

(1) *In this clause:*

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

lot averaging subdivision means a subdivision of land within Zone No 1 (b) or 1 (c1) that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from dividing the area of the original allotment in hectares:

(a) by 10, if the land is in Zone No 1 (b), or

(b) by 4, if the land is in Zone No 1 (c1).

(2) *Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (a) 7 (d) or 7 (d1) only if the area of each of the allotments to be created is not less than:*

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

(b) *if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.*

Column 1	Column 2	Column 3
Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if lot averaging subdivision
1 (c1)	4 hectares	1 hectare

The application is for a lot averaging subdivision.

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

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

The depth to frontage ratio is satisfactory given the intended rural-residential and current educational/convention centre use.

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

Compared with a conventional subdivision which would provide for lots with a minimum size of 4ha, the proposed subdivision layout and location of future buildings will minimize the impact on threatened species and endangered ecological communities by confining building envelopes within predominantly cleared areas and confining endangered ecological communities to the proposed community lot.

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

A suitable geotechnical assessment has been provided.

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

The plan of bushfire protection and effluent disposal shows each of the development lots containing (where required) treated effluent irrigation areas and asset protection zones. In minor cases the outer asset protection zone for Lots 3 - 7, 10 - 12 are provided within the community lot. No objection is raised to this given the outer protection zone is predominantly within cleared land and will also serve as a fire trail for access and management. Such an approach is common practice to which the NSW Rural Fire Service has not previously raised objection.

- (4) *A subdivision of land within Zone No 1 (b) or 1 (c1) complies with this subclause only if:*

- (a) *the number of allotments proposed for dwelling-houses does not exceed the number of allotments that could have been created for dwelling-houses by a subdivision of the land immediately prior to the commencement day, and*

The site has a numerical potential of 16 lots. 16 lots are proposed.

- (b) *at least 20% of the land is occupied by an endangered ecological community or is a regionally significant wetland, and*

The applicant has advised that site contains 16.5ha of endangered ecological communities, these being Shale Sandstone Transition Forest, Sydney Coastal River Flat Forest and Cumberland Plain Woodland. The combined area of the lots is approximately 67.35ha. Therefore the Endangered Ecological Community (EEC) equates to 24.4% of the site.

- (c) *the Council is satisfied that there will be a better environmental outcome from a lot averaging subdivision than would result without such a subdivision and that the long term survival of the endangered ecological community or regionally significant wetland will be enhanced, and*

The proposed subdivision represents a better environmental outcome than that of a "conventional" subdivision adhering to the minimum 4ha allotment size. The applicant has submitted a plan of subdivision showing lots with a 4ha minimum, which would divide the endangered ecological community into eight lots. Containing all of the EEC within the community lot (Lot 1) will allow for better long term management and survival of this vegetation.

- (d) *any endangered ecological community will be contained within and managed on neighbourhood property under the provisions of the Community Land Development Act 1989, and*

- (e) *the allotments proposed for a dwelling-house do not contain an endangered ecological*

community or, unless they are allotments designed for large scale agriculture, a regionally significant wetland.

The applicant has provided a plan of subdivision showing the endangered ecological communities all within proposed Lot 1. The applicant's mapped EEC differs from that identified in the flora and fauna report submitted with the application. The flora and fauna maps show various relatively small parts of EEC within some of the proposed development lots. It is noted that the flora and fauna maps state that the location of the EEC is approximate and have not been fixed by survey. The applicant (a surveyor) has advised that the difference in the maps are as a result of subsequent survey work and further field investigations. The applicant's revised map is not accompanied by verification from the flora and fauna consultant. This matter can be resolved by condition of consent and further investigation, verification and certification by the applicant's flora and fauna consultant.

(5) N/A

(6) *Consent must not be granted to a subdivision of land within Zone No 1(a), 1(b), 1(c), 1(c1), 7(d) or 7(d1) that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*

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

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

The subject land is above the 1 in 100 flood event level.

(7) N/A

(8) N/A

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

The applicant has advised that no objection would be raised to certain areas of the site being dedicated to Council by way of condition of consent for the purposes of road widening and public reserve.

The areas affected by road widening are along Mill Road near Little Wheeny Creek and the northern extremity of the site. In the event of this dedication the land will be consolidated with the existing road reserve.

The land to be dedicated as public reserve is 1.7ha in area. It adjoins Little Wheeny Creek, is to the east of Mill Road and will provide a link an existing Council reserve called Mill Road Reserve. In the event of dedication this land would be created as a lot in its own right separate to the community title lots.

The proposed public reserve and part of the road widening area contain EEC. When these areas of EEC are subtracted from the total EEC the resultant development still, complies with Clause 11 (4) (b), which requires at least 20% of the land to be occupied by an endangered ecological community.

Clause 18(1) states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

The applicant has demonstrated that effluent can be disposed of on site. Electricity can be provided to the site. Water supply will be potable. Drainage runoff created by additional impervious areas is not expected to significantly impact upon surrounding properties, water courses, vegetation etc.

Clause 22 Development fronting a main or arterial road

Bells Line of Road is defined as a "main or arterial road". The proposed subdivision is considered to be consistent with the provisions of Clause 22 as it will substantially maintain the existing scenic and built character of the locality by way of the preservation of existing vegetation and the sympathetic location of building sites. The proposed subdivision will not create significant additional traffic relative to the capacity

and safety of Bells Line of Road. Furthermore the applicant proposes that access from the new lots to Bells Line of Road be denied.

Draft Hawkesbury Local Environmental Plan - Amendment No 108

Under draft local environmental plan 8/98 (Amendment 108) the properties are zoned Rural Living.

This plan has been exhibited and therefore is a matter for consideration.

It is considered that the proposed subdivision satisfies the objectives of the Rural Living zone.

Sydney Regional Environmental Planning Policy 20. (No.2 - 1997)- Hawkesbury - Nepean River (SREP No. 20)

The subject land falls within the Colo River Catchment Area of SREP 20.

The aim of SREP NO. 20 is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land use are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies and recommended strategies, and development controls which are to be considered in the assessment of a development application. Relevant specific planning policies and recommended strategies include total catchment management, environmentally sensitive areas, water quality, water quantity, flora and fauna, agriculture/aquaculture and fishing, rural residential development, and metropolitan strategy. Relevant development controls include buildings, works or land uses within conservation area sub-catchment areas, sewerage systems or works.

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

S.E.P.P. No. 44 *"aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:*

- (a) *by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; and*
- (b) *by encouraging the identification of areas of core koala habitat; and*
- (c) *by encouraging the inclusion of areas of core koala habitat in environment protection zones."*

S.E.P.P. No. 44 applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

The flora and fauna report indicates that the land is not considered to be 'core koala habitat', as defined by this Plan

Under clause 8 of S.E.P.P. No. 44 Council is not prevented from granting consent to the proposal.

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan applies to the land. Relevant chapters of the DCP are General Information, Notification, Soil Erosion and Sedimentation Control, Effluent Disposal, and Subdivision.

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

Notification - The application was publicly exhibited for the period 11 - 27 August 2004. Eight submissions were received.

Soil Erosion & Sedimentation Control - Soil erosion and sedimentation measures are to be installed and maintained during construction. Erosion and sediment control can also be enforced through conditions of consent

Effluent Disposal - The report submitted by Toby Fiander and Associates is considered to adequately address the provisions of this chapter. The report proposes that Lot 3 – 9, 11 and 12 be connected to a centralised sewage treatment plant. Lots 13, 14 and 16 are to be serviced by individual systems and Lot 2, 10 and 15 are to use the existing onsite systems. The report recommends that the individual systems be aerated wastewater treatment systems. Treated waste water is also to be provided to Lots 3 - 9, 11 and 12 for toilet flushing and outdoor uses. The report does not provide an assessment of the existing systems on proposed Lot 2, 10 or 15. This can be addressed by way of condition of consent.

Subdivision – Relevant extracts of this chapter relate to flora and fauna protection, visual amenity, utility services, landslip and contamination, rural lot size and shape, rural road and access way design, and effluent disposal. Where relevant these matters will be discussed in the planning assessment below or addressed by condition of consent.

Development Control Plan - Contaminated Land Policy and State Environmental Planning Policy No 55 - Remediation of Land

The applicant advises that the new lots proposed for rural residential uses are located on previously cleared grasslands with only grazing occurring on these lands since 1970. No chemical use has occurred on this site and no burial of livestock has occurred on the site. It is therefore considered that the likelihood of the land being contaminated is low and that the land is suitable for the future rural residential use.

Community Consultation

The application was exhibited for the period 11 - 27 August 2004. Council received eight submissions. A summary of the matters raised in the submissions is provided below:

- Increased traffic volume and impact on bicyclists, joggers, walkers and horse riders.
- Concern regarding width and safety of Derring Lane
- Adequacy of proposed sewage treatment plant
- The blocks area too small, contrary to the current zoning, and inconsistent with surrounding allotments and rural character
- Proposed public reserve should be left in its current undisturbed state to allow future historical investigation of this unique site.
- Is it possible for the private accessway to be extended behind Lot 3 to 10 to allow all blocks to feed onto it and hence only one point of entry and egress to/from Mill Road?
- Safety of Bells Line of Road/Mill Road intersection. Are there any plans to improve this intersection.
- Consider a "Give Way" or "Stop" sign erected in Derring Lane where it enters Mill Road.
- Who maintains the community land and is it guaranteed
- Impact on flora and fauna. Increased traffic will threaten Swamp Wallabies, Wombats, Echidnas, Frogs and Black Snakes. Vegetation around the Wheeny Creek Bridge and Mill Road is the habitat of the mountain goanna.
- Concern regarding further subdivision of residual lot.
- Loss of view, houses should be single storey and positioned below the embankment so as not to interfere with the outlook from 40 Derring Lane.
- A plaque should be placed within the proposed development lots recognising the historical importance of Camp Mackay.
- Oppose the upgrading of Derring Lane as it will change the "remoteness" currently enjoyed
- Slope of land and possible subsidence
- Satisfactory depth to frontage ratio

- Concern re bushfire and water supply

Planning Assessment

Context and Setting

Surrounding properties are mainly used for rural - residential purposes and vary in size from less than 1ha to 18.75ha. The subdivision proposes 1 additional lot to Bells Line of Road, six additional lots to Mill Road and 3 additional lots to Derring Lane and proposes the preservation of ecologically significant vegetation along Little Wheeny Creek and near Bells Line of Road.

Given the proposed easements for sewer and water mains and depth of irrigation areas it is likely that many of the new dwellings to Mill Road will be setback approximately 20m from the front property boundary. This land is generally set below the height of the road and screened from the road by road verge landscaping. The new dwellings to Derring Lane are likely to be setback 7.5 – 30m from Derring Lane. This land is similarly set below the height of the road and screened by existing road verge landscaping.

It is therefore considered that the subdivision is not inconsistent or incompatible with the rural - residential development that surrounds the site, will not significantly adversely impact upon the scenic quality of the landscape or the character and amenity of the area.

The proposed development is not inconsistent with the existing land uses and activities in the locality. Surrounding properties will not be significantly or unreasonably impacted upon in terms of sunlight access, overshadowing, loss of visual and acoustic privacy, loss of views and vistas.

Access, Transport and Traffic

The lots are to be accessed from Mill Road and Derring Lane. The private accessway to Lots 11 and 12 is to be accessed off Mill Road and in close proximity to an existing dam wall. Based on RTA forecasts the additional lots are likely to generate approximately 90 additional daily vehicle trips onto Mill Road.

Some improvement could be made to the width and alignment of Mill Road and the applicant has advised that no objection would be raised to localised road widening within the vicinity of Little Wheeny Creek and to the north of the site being dedicated by way of condition of consent.

Site distances for the proposed lots are satisfactory. The steep road batter across the frontage of lots 8 and 9 will require rural sealed crossing to be constructed to house lots.

A respondent's suggestion that the private accessway to be extended behind Lot 3 to 10 to allow all blocks to feed onto it and hence have only one point of entry and egress to/from Mill Road is not supported due to concerns regarding sight distance, steepness of terrain, and poor road alignment.

A respondent's suggestion that Council consider a "Give Way" or "Stop" sign in Derring Lane where it enters Mill Road can be referred to the Local Traffic Committee as a separate matter to this application. A suitable condition can be imposed.

Appropriate conditions of consent are proposed in relation to the upgrading of Derring Lane, road widening, dust abatement and structural adequacy of the dam wall.

Given the relatively minor increase in additional traffic volume and proposed improvements to Mill Road and Derring Lane it is considered the proposed subdivision will not create unreasonable traffic demands on the surrounding street pattern or significant conflict with other users of the local road network.

The application was referred to the Roads and Traffic Authority for comment. No reply was received. Given the minor increase in traffic volume, any required improvement to the Mill Road and Bells Line of Road intersection is a matter that Council and the RTA should resolve separate to this application.

Utilities and Public Domain

The applicant has demonstrated that the site is suitable for the onsite disposal and reuse of treated effluent generated by the new lots. Electricity and telephone supply are matters, which the applicant can resolve with relevant authorities once the determination of the application has been made. Section 94 contributions will be levied on this subdivision to ensure that sufficient open space, recreational facilities and community facilities are provided for the future residents. These matters can be addressed by way of condition of consent.

Heritage

Some respondents have advised of the historical importance of the 1.7ha strip of land to the east of Mill Road, which the applicant proposes to dedicate to Council as public reserve. The respondents advise that this area contains the remains of Benjamin Singleton's flour mill built between 1810 and 1816, mill pond, mill race and house. The mill is one the oldest watermills in Australia and is very significant to the history of Kurrajong and the Hawkesbury area. The site is quite overgrown and has not been disturbed. Respondents recommend the site should be left in its current undisturbed state to allow further historical investigation

The suggestion of a plaque within the subdivision recording the history and importance of Camp Mackay is a matter for the current landowners.

Effluent Disposal, Water, Soils, Air and Climate and Other Land Resources

The waste water feasibility report by Toby Fiander and Associates supports the capability of the site to support on-site disposal of waste and provides recommendations for the type and location of on-site effluent disposal. It is considered appropriate for an 88b restriction to be applied to the lots to require any effluent disposal system for the properties to be carried out as per the recommendation of the geotechnical report. Proposed lots 3 - 9, 11 and 12 are to be connected to a communal packaged sewage treatment plant. This will need to be installed prior to release of the subdivision certificate.

The properties created by this subdivision will require a potable water supply and some of the lots will be provided with treated waste water for outdoor use and toilet flushing. Generally, the soil structure of the site is suitable for the proposed subdivision and resultant development. Erosion and sedimentation devices are to be installed during construction. The air and microclimate of the locality is suitable for the proposed subdivision and resultant development. The proposed subdivision will not significantly reduce the potential of Lot 2 to be used for the existing conference/tourist facility and low scale agricultural uses.

Flora and Fauna

A flora and fauna assessment has been submitted with the application, which adequately addresses the provisions of the Eight Part Test pursuant to the Act (Section 5A) and State Environmental Planning Policy 44 - Koala Habitat Protection.

The proposed community lot is to contain the endangered ecological community and management under the provisions of a community management plan, which will include vegetation and weed management obligations. By containing and managing the EEC within one lot, further fragmentation and disturbance is avoided. The protection of this vegetation will maintain the scenic and environmental significance of the vegetation, add to soil stability and maintain a link between surrounding bushland.

Proposed building sites and APZs are located in areas, which are substantially cleared. Clearing and reshaping works required for private accessways are considered satisfactory and can be controlled by condition of consent.

Waste, Energy, Noise and Vibration, Construction

Waste services will need to be provided to the new lots. The design of the subdivision achieves satisfactory performance in terms of energy efficiency. It is anticipated that constructed of the subdivision

and future use of the lots will not create offensive noise pollution or vibration. Construction works required for the subdivision are not expected to unreasonably impact upon surrounding neighbours

Natural and Technological Hazards

The property is within an extreme, major and moderate bush fire risk. The risk is not sufficient to make the site unsuitable for the proposed subdivision. The NSW RFS have provided general terms of approval for the development.

The site is not subject to flooding from the Hawkesbury – Nepean River and Council has no recorded incident of landslip on the site.

The applicant has submitted a report investigating the past land uses where the new development lots are to be created. The report concluding that the land is suitable for the proposed development.

Safety, Security & Crime Prevention, Social and Economic Impact in the Locality

Improvements to Mill Road and Derring Lane will enhance existing pedestrian safety. No significant negative social impact is anticipated. The subdivision will create a positive economic impact.

Site Design and Internal Design

The proposed subdivision complies with minimum “lot averaging” area standards permitted by Clause 11. Each development lot has an area of at least 1ha nominated for the purposes of a house site, effluent disposal and Asset Protection Zones. Note: the Hawkesbury DCP requires that building envelopes be a minimum distance of 30m from significant vegetation, however this rule is somewhat outdated since the introduction and *Planning for Bushfire Protection, January 2001* and given that the EEC is to be protected. Each lot has a satisfactory depth to width ratio as determined by the Hawkesbury DCP. Under the provisions of Clause 11 the lots created by this subdivision will not be capable of further subdivision.

Building envelopes for the proposed lots are located below ridge tops and generally below the height of Mill Road and Derring Lane. The building envelopes and accessways are generally located on gentle to moderately sloping land.

The visual impact of the subdivision and resultant development will not be significant or out of character with the surrounding area. Significant stands of vegetation throughout the site are proposed to be retained.

It is therefore considered that the lot layout is such that resultant development of the land will not have a significant impact upon the environment, in particular watercourses and existing stands of significant vegetation

The site is within the Colo River Catchments and not within an area of scenic significance. It is considered that the subdivision satisfies the relevant provisions of SREP No. 20 (No.2 - 1997)

Cumulative impacts

The proposed development is compatible with the surrounding land uses and, given the benefits of the lot averaging subdivision, in particular preservation of the EEC, no significant negative cumulative impact is foreseen. Clause 11 4(a) of HELP 1989 prevents further subdivision of the large allotment. However, it is proposed to require a restrictive covenant to be placed on the title to ensure that future purchasers are alerted.

Suitability of the site for the development

The constraints of surrounding land uses do not make this development prohibitive. The proposed development will not lead to unmanageable transport demands. Access to the site is satisfactory. The air quality and microclimate is appropriate for the proposed development. There are no known hazardous land uses/activities nearby. Ambient noise levels are suitable for the development. The site is not critical to the

ORDINARY MEETING
Reports of Committees

water cycle of the catchment. The development will not have a significant impact upon critical habitats and threatened species, populations, ecological communities and habitats. The site attributes are conducive to the development. It is therefore concluded that the site is suitable for the proposed development.

Public interest

The submissions of the respondents have been identified in an earlier section of this report. It is considered that the concerns raised are not of sufficient weight to warrant refusal of the application and many can be addressed by way of condition of consent.

Conclusion

The proposed subdivision demonstrates satisfactory compliance with the provisions of HELP 1989 and the Hawkesbury DCP and will assist with the preservation of endangered ecological communities. It is recommend the application be approved.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

CORPORATE AND COMMUNITY

Item: 201 **SS B - Review of Council's Code of Meeting Practice - (79337)**

Previous Item: 85, Ordinary (29 March 2005)

ATTACHMENTS:

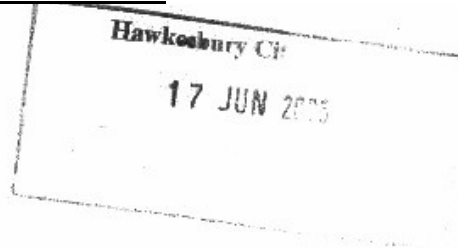
AT - 1 Copy of Submission Received.

ORDINARY MEETING
Reports of Committees

AT - 1 Copy of Submission Received.

351 Old East Kurrajong Rd
East Kurrajong 2758
ympearson@yahoo.com
June 14, 2005

General Manager,
Hawkesbury City Council
Windsor 2756



Comments On Council's Code of Meeting Practice

The following comments regarding the council's 'Code of Meeting Practice' are on issues I have confronted during attendance at council meetings. Although not relevant to the purpose of the changes to be made to the 'Code of Meeting Practice' I would, however, appreciate council to consider the points I wish to raise and address my concerns so that I will more informed in the future.

1. Is it possible for a copy of the recording of the council meeting to also be available in the library along with the business papers? Asking to listen to the recording at the council chambers is not always convenient during office hours and the library is open after office hours and weekends.
2. Are all the meetings now being clearly recorded?
3. Would council consider using a sound system with headphones for listening to the recording of the council meetings? This enables the listener to hear the recording at their hearing level without disturbing those around them.
4. Are the minutes referred to (6.3.1) the full transcript of the meeting, which are available at the council chambers the same as the minutes included in the business papers?
5. When an organization or individuals are mentioned by name in the agenda of a council meeting does council have an obligation to notify those people giving them the opportunity to attend the council meeting to ensure that they are being correctly represented on public records and not find out after the meeting.
6. Not that I have plans to address council again could council have a step available at the rostrum so that other short people can address council with confidence and dignity.

Addressing council for the average person can be a daunting experience but to have a hearing disability is more so. With the present setup within the council chambers the only way I can attend a council meeting is to take someone with me to take shorthand of the general responses of each of the councilors. I acknowledge that the council chambers have the T-cell loop for those with the T switch attached to their hearing appliances. However, there are many people in the community with poor hearing but for various reasons conventional hearing appliances are not suitable and like me can manage normal everyday conditions. Hearing loss is not an obvious disability as is for example you can see that a person is in a wheelchair or blind but most people will convert back to normal speech habits within a short time which means the person with the hearing disability is dependent on their many skills to maintain a conversation. Other factors also need to be considered like distance, direction, background noise, echo and many people do not speak clearly which they confront at meetings and



SCANNED

ORDINARY MEETING
Reports of Committees

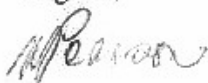
activities where there are a lot of people. The development of headphones commonly in use these days with walkmans, mobile phones, in hospitals and air travel etc is a bonus to those with various levels of hearing loss. I believe that I have the right as a ratepayer and a member of the public who has been involved with council and referred to within the business papers over the cultural precinct to be able to hear what is taking place within the council chambers during councilors discussions. Appliances should be available both in the public gallery and also when addressing council enabling them to answer council questions and participate in the community decision-making.

I have enclosed some brochures. I have a system similar to the 810 Mono/Stereo Infra Red System and can recommend the product for price, durability (two rechargeable batteries have lasted 6 years) and servicing (only one because it was dropped once too often) which was reasonable in cost and with only a seven-day wait. I am not up-to-date with the development of hearing appliances but I have noticed that the 810 S Neck Loop for TV or Radio, delivers sound to the T switch in a hearing aid in the same way as the 810 which would mean that the use of a T switch must pick up all the background noise as well therefore still make it difficult to hear the comments of a speaker. The representative Kylie Walther is happy to give council an overview of what could be available. I have no personal interest in the company.

Since mentioning my situation to several people, with 'normal' hearing, who attend council meetings they have also admitted not being able to hear the responses of councilors depending on where they are sitting in the gallery. These people of course can stand up and ask the councilor to repeat the answer, as they did not hear their response, which if everyone exercised this right would be very disruptive. However this is a separate situation again from what a hearing impaired person would require to being able to follow a council meeting. Should council decide to update their audio system in the council chambers I would like council to understand that there is a distinct difference between the needs of those with a hearing disability (requiring headphones) and those with good hearing but not being able to hear the proceedings.

I believe that there are many people in the community who would benefit from council addressing the problems of the audio system now in place in the council chambers. Council would also be fulfilling the requirements of the 'code of meeting practice' 10.2.1 Social justice – the public's right to participation.

Regards,



Vivienne Pearson
CC Mayor Bassett

oooO END OF REPORT Oooo

ordinary

section 5

reports
of committees

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee Minutes - 15 June 2005 - (80245)

REPORT:

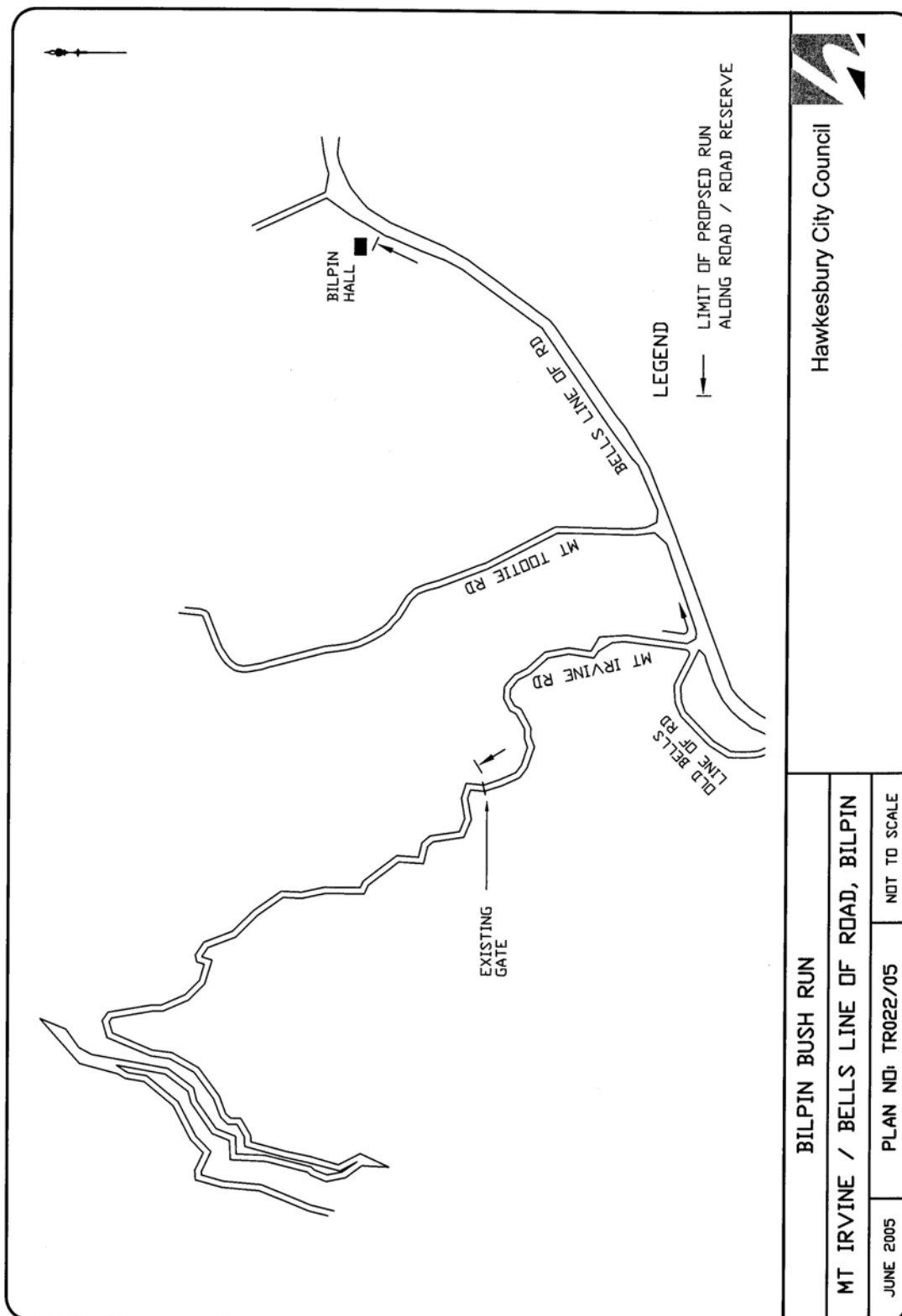
Present: Councillor B Bassett (Chairman)
Mr D Chui, Roads & Traffic Authority
Mr J Christie, Office of Mr A Shearan, MP
Mr T O'Brien, Office of Mr S Pringle, MP

Apologies: Sen Constable C Neville, NSW Police Service
Mr R Elson, Department of Transport

Also Present Mr C Amit, Manager Design & Mapping Services
Mrs J Hogge, Road Safety Officer
Mr A Ansareen, Design Engineer
Mr T Shepherd, Administrative Officer, Infrastructure Services

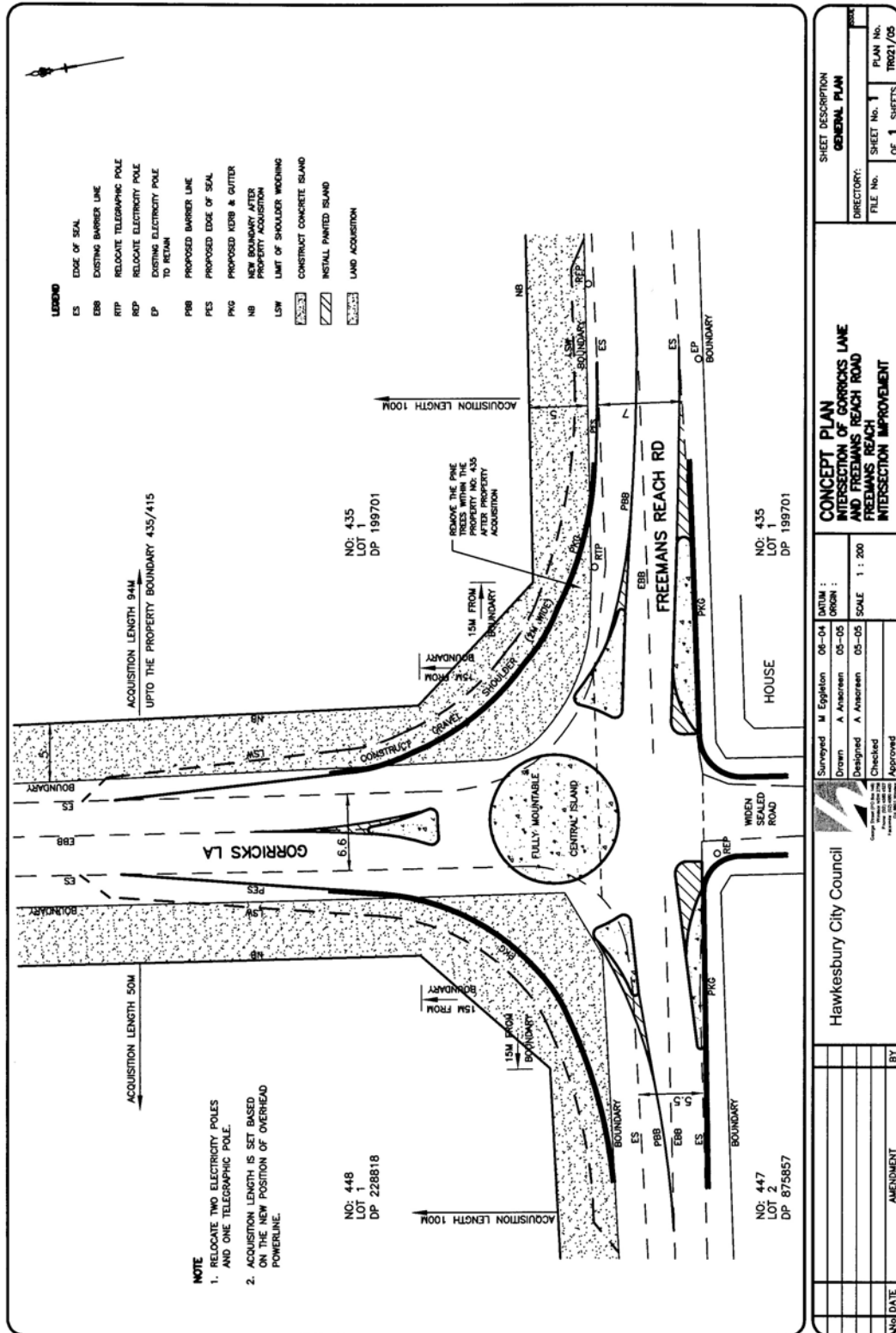
ORDINARY MEETING
Reports of Committees

LTC - 15 June 2005 - Item 3.1: Mt Wilson - Bilpin Bush Run - Mt Irvine Road/Bells Line of Road, Bilpin (Hawkesbury) - (80245, 73582, 74282)



ORDINARY MEETING
Reports of Committees

LTC - 15 June 2005 - Item 3.2: Intersection of Freemans Reach Road/Gorricks Lane, Freemans Reach - Intersection Improvement (Hawkesbury) - (80245)

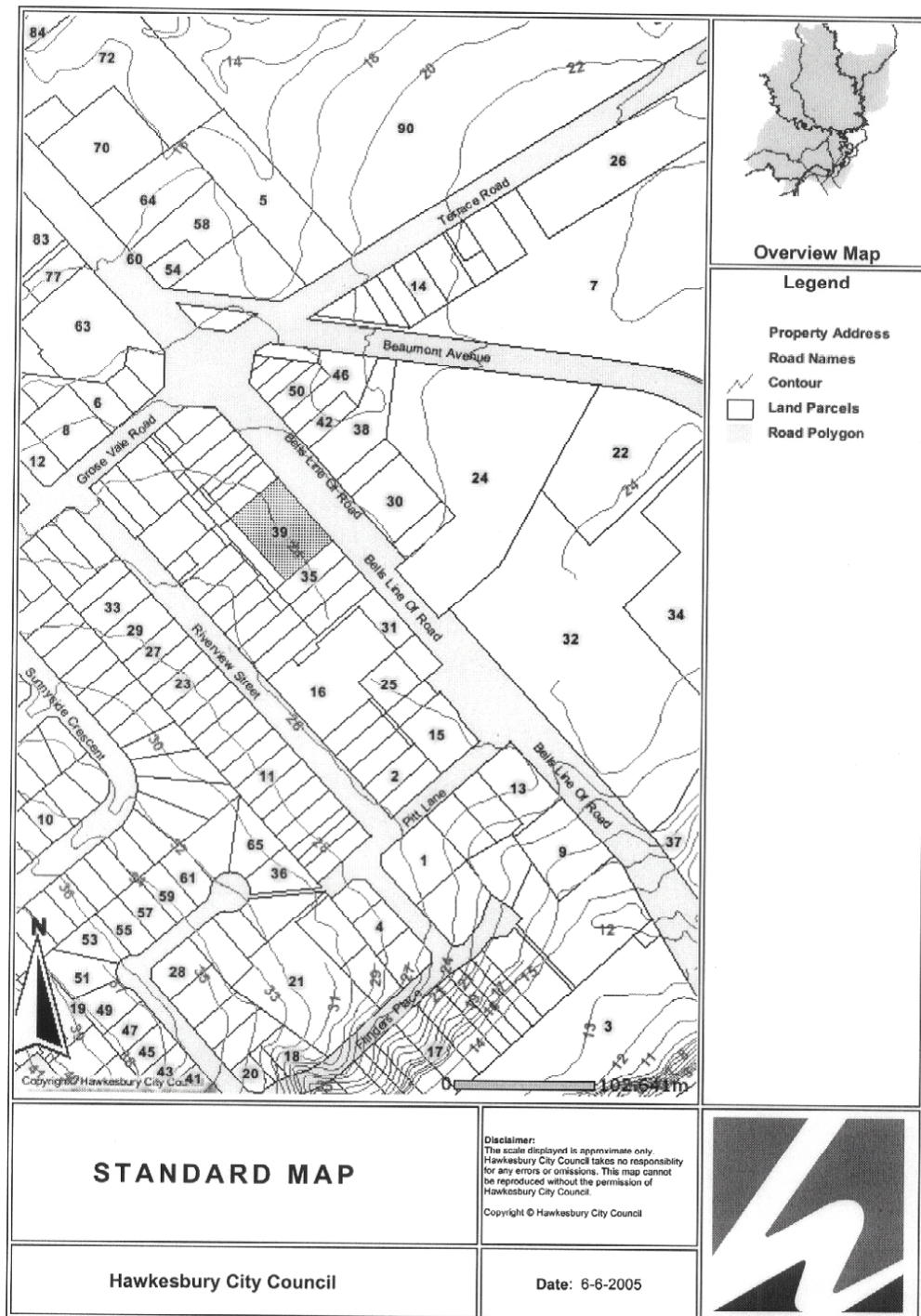


ORDINARY MEETING
Reports of Committees

LTC - 15 June 2005 - Item 3.5: Development Application 127/05 No 39 Bells Line of Road, North Richmond (Hawkesbury) - (80245, 92715)

Standard A4 Portrait Map Print

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ordinary
meeting

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