



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 29 November 2005

location: council chambers

time: 5:00 p.m.



mission statement

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

How Council Operates

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

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

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 5:00pm with a break from 7:00pm to 7:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When a Special Meeting of Council is held, it will usually start at 7:00pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the issues to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

Members of the public can request to speak about a matter raised in the business paper for the Council meeting. You must register to speak prior to 3:00pm on the day of the meeting by contacting Council. You will need to complete an application form and lodge it with the General Manager by this time, where possible. The application form is available on the Council's website, from reception, at the meeting, by contacting the Manager Corporate Services on 4560 4426 or by email at lmifsud@hawkesbury.nsw.gov.au.

The Mayor will invite interested persons to address the Council when the matter is being considered. Speakers have a maximum of five minutes to present their views. If there are a large number of responses in a matter, they may be asked to organise for three representatives to address the 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 was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

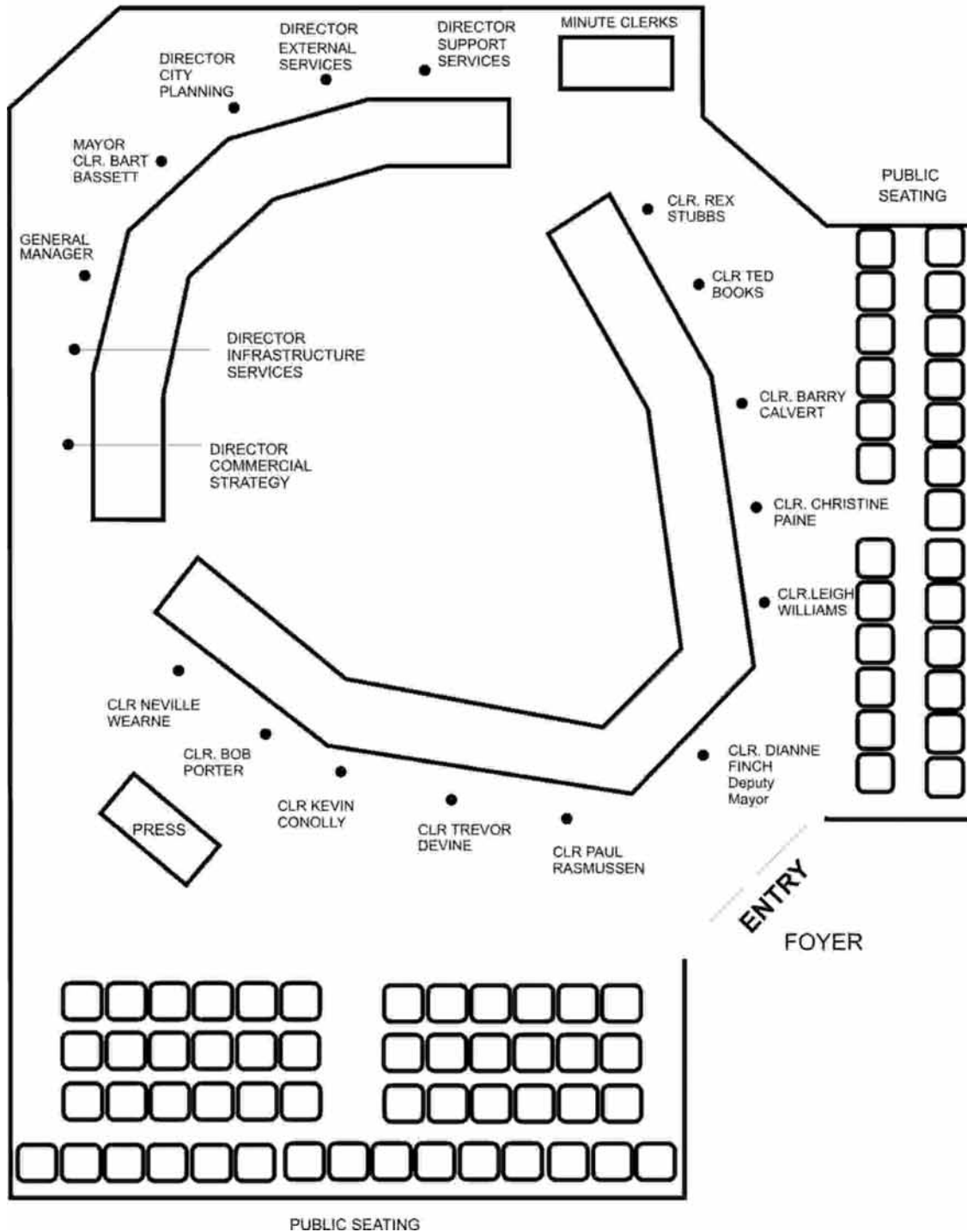
Website

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

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services on, telephone 02 4560 4426.

council chambers



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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 363 GM - Sponsorship Support for the 2006 Rescue Expo - (79351, 79356)

REPORT:

As in previous years, Council has received a request from the Volunteer Hawkesbury 2006 Rescue Expo Committee requesting financial and in-kind support for the event.

Hawkesbury emergency personnel will again be hosting Australia's biggest Emergency Services event, to be held between 19 - 21 May 2006 at the Hawkesbury Showground. The expo will showcase new products, systems and demonstrations for the members of the industry (trade day Friday) and is also open to the public on the Saturday and Sunday.

The Hawkesbury 2006 Rescue Expo Committee have requested Council provide the following assistance to facilitate the success of the event:

- Waste tipping fees for rubbish from the Expo to be deposited at the Hawkesbury City Waste Management Facility - (Usshers Waste have been requested to sponsor the removal of the rubbish from the Expo site);
- Supply of road signage;
- Supply of advertising space on Council's advertising banners at Clarendon, McGraths Hill and North Richmond;
- Loan of parawebbing and star pickets including a driver and a remover;
- Loan of Barricades;
- Hire of a Tilt Tray to move vehicles from the SES depot to the Hawkesbury Showground at Clarendon;
- Supply and transport of wood chipping to the Hawkesbury Showground (the chipping to come from Council's Hawkesbury City Waste Management Facility);
- A front end loader to move wood chip around the Hawkesbury Showground venue; and
- Hire of tents and chairs, including an official tent with the catering of sandwiches/nibbles/tea and coffee for guests attending the opening function.

The Rescue Expo Committee will undertake the organisation of the event, with the Council's Public Relations Coordinator facilitating the expenditure of Council's sponsorship for the above items.

Council previously supported the 1997 and 2002 Rescue Expo through in-kind and financial contributions to the value of \$10,000 each event.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Work in partnership with community and government to implement community plans to meet the social, health, safety, leisure and cultural needs of the City."

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Funding

Funding of up to \$10,000 has been budgeted in 2005/2006 for the provision of in-kind services for this event.

RECOMMENDATION:

That Hawkesbury City Council financially support the 2006 Rescue Expo, with up to \$10,000 in-kind goods and services to be provided to the organising committee for the event.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 364

CP - Floodplain Risk Management Committee - (86589, 95498)

REPORT:

The issue of the pecuniary interests of the members of the Floodplain Risk Management Committee arose recently with one of the Councillor members of the Committee declaring an interest at a recent meeting. A search of Council records indicates that all of the Councillors on the Committee, and three of the four community members of the Committee, own land affected by flooding. Three Councillors, and one of the community members, have land at or below the 1% flood level, whilst the others have land affected by the probable maximum flood.

It is considered that to alleviate this problem and to allow the functionality of the Committee to continue, that Council should delegate the functions of the Committee to the General Manager.

The Floodplain Risk Management Committee at its meeting held on Monday, 21 November 2005, received a report on this issue and resolved to recommend to Council the following:

'That:

1. *Council disband the Floodplain Risk Management Committee, forthwith;*
2. *Council delegate responsibility for functions of the Committee, to the General Manager, pending:*
 - i. *Receipt of approval from the Minister for Local government, authorising those elected members of Council who have pecuniary or conflict of interest matters, to participate and vote on that as pertained to Floodplain Management.*
 - ii. *Reconstitution of the Committee, which should progress as a matter of urgency, compensate of the pecuniary and conflict of interest provisions of the Local Government Act, 1993.'*

Given the fact that this Committee's Constitution is Council's standard Constitution, and contains the pecuniary interest requirements of the Local Government Act, it is considered that Council may need to consider whether or not this Committee can continue, given the limitations of the pecuniary interests provisions of the Local Government Act.

A further search of Council records has indicated that 8 of the 12 elected Councillors, own land affected by flooding, and this may present difficulties with recommendations from the Floodplain Risk Management Committee to alter Council's planning controls, as the majority of Councillors may need to declare an interest in this matter.

The Local Government Act, Section 458 gives the power to the Minister of Local Government to grant exemption, should the Minister consider that the voting would be impeded, as the majority of Councillors are affected by the pecuniary interest issue.

It may be that these matters can be resolved relatively quickly, and the Committee can be reconstituted in the New Year. In the meantime, staff, and staff of the relevant government departments can continue the preparation of technical reports for submission to the Committee (being the General Manager, in the interim), pending the resolution of these issues.

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Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Work in partnership with community and government to implement community plans to meet the social, health, safety, leisure and cultural needs of the City."

Funding

There is no impact on the current budget.

RECOMMENDATION:

That:

1. The Floodplain Risk Management Committee be disbanded, forthwith.
2. Council delegate responsibility of all functions of this Committee to the General Manager, pending:
 - a. Receipt of the approval of the Minister of Local Government authorising members of the Committee and Council, who have a pecuniary or conflict of interest to participate in voting on matters pertaining to floodplain management.
 - b. Reconstitution of the Committee, which should be, progressed as a matter of urgency, cognisant of the pecuniary of interest provisions of the Local Government Act, 1993; and

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 29 November 2005**Item: 365** **CP - Three Town Sewer Project - (95498)****Previous Item:** NM 2, Ordinary - (15 November 2005)**REPORT:**

Sydney Water's licence requires that by the 30 June 2009, work has to have completed 'Stage I', and commenced to reduce 'Stage II' of the backlog sewerage program by 30%. It is clearly this Council's position, given the advanced state of the work done to date on three town sewerage, that Sydney Water should realise that this project will quickly return their performance measures, given the large number of lots that can be serviced relatively economically when compared with other villages on the program.

The question that has been asked, however, is whether Council can promote this program and bring it forward by seeking to pay the interest on the money borrowed from Treasury, and allow this work to commence earlier than 2009. Preliminary advice would indicate that the three town sewerage system would take approximately three years to design and construct and, therefore, to have the system available at the end of 2009, design work would need to be commenced by the end of 2006 or preferably earlier.

If the program was to be brought forward and money raised by Council, the interest would normally be apportioned across those properties that benefit from the scheme. The interest accrual would commence immediately with the commencement of design works, and increase over the three year design and construct period when the total draw down in funds would occur. Therefore, by the end of the process the full interest of the whole total, approximately \$29.5 million, will be required to be paid.

The following table indicates the number of properties by suburb that will be served by the system and the type of sewerage management facility they currently operate.

Type No.	Wilberforce No. Covered by Proposed Sewer	Glossodia No. Covered by Proposed Sewer	Freemans Reach No. Covered by Proposed Sewer	%
Aerated	53	23	17	6.1
Pump Out	395	517	232	72.3
Trench	53	88	54	12.7
Transbed	0	0	0	0.0
Other	1	0	0	0.1
Unlicensed	100	19	16	8.8
Total	566	647	319	100.0

The table indicates that of the 1,532 properties serviced by the sewer, 72% currently operate on the pumpout system, with 13% on trenches, 9% currently unlicensed and therefore unknown, and 6% on aerated systems.

The capital cost for the three town sewerage system, including a contingency, is approximately \$29.5 million. If this money was raised by Council and the interest rate levied across the properties affected by the sewer, those properties would be paying both their pump out service fee and interest on the loan funds. It should also be noted that there are 23 services within the three town sewerage area that are currently receiving a weekly service, out of a total of 35 properties across the Local Government Area receiving this level of service.

Interest on approximately \$30 million at the standard 7% fee would approximately be \$1,370 per property at the end of the draw down period. This would be remodified, of course, by the number of months that the loan is outstanding and the amount the Treasury decides to levy the interest rates for. This would mean, however, properties currently on pump out service would have to pay both the pumpout fee and the

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interest on the loan, which would effectively double their payments to Council. It should also be noted that the 12% of properties currently on trench systems currently pay no fee to Council, aside from their licence to operate. They would additionally be required to pay the interest on the loan.

Of significant concern would be the need to have a firm commitment from Sydney Water in relation to ultimately providing the capital funding to repay any loan funds. A delay in completion of other works within Sydney Waters Capital Works Program, would result in ongoing interest payments combined with a sewer rate once properties were connected, which would be an added burden to the property owners concerned.

There are a total of 1,954 properties currently served by the pumpout service. Of these, 846 properties will still require a pump out facility after the sewer is constructed as they are outside the three town sewerage system. It should also be recognised that a number of these may be served by Sydney Water's sewer for Agnes Bank. This will mean that after the three town sewerage construction, over 800 properties will still require a pump out service. Given the fact that they are dispersed across a large geographic area, the unit price per service may well have to increase, as the easier to service properties will have been serviced by the three town sewerage system.

It may be possible to investigate an alternative to replace the pump out service with a new style on-site system, but this will still require significant trialling and acceptance by the health authorities. It may be possible to obtain an indication from Council's current contractor as to what the unit rate might be once the three town sewerage is constructed for the remaining 846 properties.

In conclusion it is considered that the proposal to raise a loan, or borrow money to pay the interest on the money needed for the three town sewerage system, together with levies across the properties affected, is not viable. It would require the residents repaying both their pump out service, where applicable, and a similar fee to cover the cost of interest on the money. It should be remembered that after three town sewerage has been constructed that these properties will be paying normal sewer rates, which would equate to approximately \$400 per year.

It is considered that the most cost effective method is for Council to continue to pursue Sydney Water to commence design and construction of the three town sewer as soon as possible.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: A network of towns, villages and rural localities connected by well-maintained public and private infrastructure, which supports the social and economic development of the City."

Funding

There is no impact on the current budget.

RECOMMENDATION:

That:

1. Investigations into alternatives to replace the pump-out service, with new on-site systems be carried out.
2. The current sullage contractors be asked to provide estimates of the likely cost of the pump-out service of the three towns sewerage system.
3. Council continue to pursue Sydney Water and the Minister to bring forward the commencement of the three towns sewerage system.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 366 CP - Growth Centres - (95498)

REPORT:

Council has received correspondence from the Chairman of the Growth Centres Commission, Mr Alan Cameron, advising that the Growth Centres Commission Board Members have all been appointed, and that the Board now wishes to proceed with the establishment of two Executive Committees; one for the North West Sector Growth Area and one for the South West Sector Growth Area. These Committees will report directly to the Growth Centres Commission and are a vital link to Local Government, the community and the Commission.

Originally it was intended for each Council to be represented by its Mayor and its General Manager, however, as each appointment to the Commission is personal, and the Mayors are subject to elections each 12 months, it has been necessary to appoint a Councillor by resolution of Council. It should be noted that each appointment is personal, and the person appointed cannot delegate their responsibility to another Councillor.

Two members of the Growth Centres Commission Board, being Mr John Baracloth and Professor Kevin Sproats will also be a part of the Committee, with Professor Sproats being Chair. Members of the Executive Committee will be required to comply with the Growth Centres Commission, 'Code of Conduct' and a 'Confidentiality and Conflict of Interest Undertaking Form' will be forwarded to the member as soon as possible. The Chairperson intends to convene the first meeting of these Committees at the offices in Smith Street, Parramatta, prior to the end of the year.

It is necessary therefore, for Council to nominate a Councillor to be its representative along with the General Manager, Mr Graeme Faulkner on this Executive Committee.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Investigating and planning the City's future in consultation with our community, and co-ordinating human and financial resources to achieve this future."

Funding

There is no impact on the current budget.

RECOMMENDATION:

That Council nominate a Councillor to be its representative on the North West Sector Growth Centres Commission Executive Committee, along with the General Manager, Mr Graeme Faulkner.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

COMMERCIAL STRATEGY**Item: 367 CS - E-Commerce/Markets Advisory Committee - (95497, 91367)**

REPORT:

Reference is made to the minutes of the meeting of Council's E-Commerce/Markets Advisory Committee (Committee) that was held on 10 November 2005, as included elsewhere in this Business Paper. Outlined below are the Committee's recommendations for consideration by Council.

Presentations to Committee – Hawkesbury Loyalty Card

The Committee considered a presentation by Pinpoint Marketing, which highlighted the economic benefits arising from a community loyalty program developed by the firm in conjunction with local Chamber's of Commerce.

Committee Recommendation to Council:

That:

- 1. Council endorse a community rewards program to operate for the benefit of the community.*
- 2. Council arrange for an information evening for local businesses to consider the introduction of a community loyalty program.*

Item 14 – Technology Business Park

The Committee considered the progress of the Working Parties investigating the concept of establishing a Technology Park and strategies to support the local RAAF base.

Committee Recommendation to Council:

That:

- 1. A strategic alliance be sought with the University of Western Sydney (UWS) for the purpose of evaluating integrated working arrangements with the Department of Defence and to conduct a master plan for a technology-business park precinct*
- 2. A strategic alliance be sought with the Department of Defence (DoD) and with the private sector as appropriate for the purpose of facilitating workable arrangements arising under part 1 of this initiative.*
- 3. An amount of up to \$40,000 plus incidentals be set aside from the Local Economic Development budget for the purpose of this initiative.*
- 4. The matter be further reported to Council via the Strategic Planning Committee.*

Item 17 - University of Western Sydney Co-operatives Program 2005

The Committee considered the findings of students recently engaged by Council to assist members of the Enterprise Panel in researching local employment and economic development initiatives. The Committee found that while the outcomes of the survey was helpful for the purpose in which the work was undertaken, Council would perhaps be better served through a more comprehensive economic study of the

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Hawkesbury to assist in its strategic planning. It was noted that both Penrith and Blacktown City Councils regularly undertake these forms of research.

Committee Recommendation to Council:

That:

Council gives consideration to undertaking a detailed economic study, to be updated regularly, for the purpose of facilitating effective strategic planning and the development of local job opportunities.

Item 18 - Signage Policy Update

The Committee considered progress on the implementation of Council's recently adopted signage policy, in particular noting the resolution of Council at its Ordinary Meeting of 30 August 2005 to investigate the incorporation of the word "Historic" and "Macquarie" into town entry signs.

Committee Recommendation to Council:

That:

1. *The Committee reaffirms the integrity of Council's adopted signage policy as an integrated program, which caters for the needs of the travelling public and accommodates the desires of the community through a range of signage assets that suitably distinguishes the characteristics of the Hawkesbury for the benefit of all.*
2. *Council re-commence the implementation of the signage policy as a matter of priority to deliver foundation commercial infrastructure considered necessary to communicate to the broader community.*
3. *The Hawkesbury Historical Society Inc. be advised of the outcome of the signage policy review and the available options for exploring history-heritage signs in the area through Council's signage program, in conjunction with the NSW Tourist Signposting Policy of the Road and Traffic Authority, and if it wished, to pursue such options together with Council.*

Proposal

It is proposed that Council endorse the recommendations of the e-Commerce/Markets Advisory Committee.

Conformance to Strategic Plan

This proposal is deemed to conform to the objectives as set out in Council's Strategic Plan:

"Alliances/Public Private Partnerships established with industries and other organisations".

"Establishment of partnerships in the education, commerce, aviation, transport, health sectors and others as identified".

"Land use planning options for business development explored and documented".

"Identify new opportunities for employment land release".

"Technology Park zoned for ICT/Biotech//Enviro-Science type businesses".

"Support and foster growth in identified areas of competitive advantage".

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"Through Masterplanning, design and manage town centres and places where people meet, as quality places to live and work".

"Research and development partnerships established".

Funding

Where it is applicable, funding for these initiatives has been incorporated into the approved budgets for local economic development programs.

RECOMMENDATION:

That:

1. The minutes of e-Commerce/Markets Advisory Committee of the meeting held on 10 November 2005 be received.
2. In-principle support for a local community loyalty program is given by Council through the facilitation of an information evening for local businesses.
3. A strategic alliance be sought with the University of Western Sydney (UWS) for the purpose of evaluating integrated working arrangements with the Department of Defence and to conduct a master plan for a possible technology park business precinct. Strategic alliances be also sought with the Department of Defence and with the private sector as appropriate for the purpose of facilitating workable arrangements arising under this initiative with amount of up to \$40,000 plus incidentals being set aside from the local economic development budget for the procurement of resources as necessary. Progress on this matter be further reported to Council via the Strategic Planning Committee.
4. Quotations be obtained for the purpose of conducting a detailed economic study to provide the information necessary for effective strategic planning and to assist Council in the development of local job opportunities with the matter to be reported further to Council.
5. Implementation of Council's signage policy be continued. Respondents be advised of the outcome of the signage policy review and the available options for exploring history-heritage signs in the area in accordance with Council's signage program, in conjunction with the NSW Tourist Signposting Policy of the Road and Traffic Authority, and if it so wished, to pursue such options together with Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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EXTERNAL SERVICES

Item: 368 **ES - Subdivision - Torrens Title - 2 Lot Subdivision, Lot B DP 416222 Vol 10354 Fol 243, 1027 Grose Vale Road, KURRAJONG NSW 2758 - (95494, 96329, 18850, DA0048/05)**

Development Information

Applicant: Rodney Ernest Paull
Applicants Rep: Nil
Owner: Mr R E Paull
Stat. Provisions: SEPP 1 - Development Standards
SREP 20 - Hawkesbury Nepean River
Hawkesbury LEP 1989
Draft Amendment 108 to HELP 1989
Hawkesbury DCP
Area: 1.19H
Zone: Rural 1(c1) under Hawkesbury Local Environmental Plan 1989
The proposed zone under draft Local Environmental Plan 8/89 (Amendment 108) is Rural Living.
Advertising: 4 February 2005 to 18 February 2005
Date Received: 21 January 2005

Key Issues:

- ◆ Non-compliance with Development Standard
- ◆ Inappropriate use of SEPP 1
- ◆ Undesirable precedent
- ◆ Long Term Heritage Conservation

Recommendation: Refusal of SEPP1 Objection and Refusal of Development Application

REPORT:

Introduction

This application was the subject of an appeal to the Land and Environment Court based on the "deemed refusal". The applicant discontinued the appeal prior to hearing and has asked that the application be determined by Council. The matter is reported to Council for determination at the request of Councillor Devine.

The Proposal

The application is for a two lot subdivision to create lots of 3092m² and 8802m² around two existing dwellings on the property. One of the dwellings is currently used for before and after school and vacation child care. A small parcel of road widening is also proposed. The minimum allotment size permissible in the 1(c1) zone is 4 hectares. Therefore, the application is accompanied by an Objection pursuant to SEPP No.1 - Development Standards.

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Background

Jun 1989	Approval issued by Council to construct new dwelling, subject to existing dwelling being demolished within 60 days of occupation.
1992	Council resolved to allow existing dwelling to remain occupied until end of existing lease or until end of February 1993, at which time the building was to be rendered uninhabitable.
Feb 1993	DA approved for the use of existing dwelling "Curraweena" as a small primary school. The use of the building for other than a dwelling was permissible under clause 15(4) of Hawkesbury LEP1989.
May 1998	Applicant requested Curraweena to be listed as a heritage item.
Mar 2001	LEP amendment gazetted to list Curraweena as a heritage item
Dec 2001	DA approved to use Curraweena as a before and after school and vacation care centre.
Aug 2003	DA lodged for two lot subdivision (DA0955/03)
Jul 2004	DA0955/03 refused under delegated authority
Nov 2004	Land & Environment Court dismissed an appeal against refusal of DA0955/03 for a two lot subdivision
Jan 2005	DA0048/05 lodged for two lot subdivision (current DA)
Mar 2005	Appeal lodged to Land & Environment Court against deemed refusal of DA0048/05 (current DA)
May 2005	Appeal on DA0048/05 discontinued by applicant (current DA)
Jun 2005	Applicant requested Council consideration of DA0048/05 (current DA)
Oct 2005	Application presented to Councillor Briefing Session

Statutory Situation

SEPP 1 - Development Standards

This Policy provides flexibility in the application of Development Standards in circumstances where strict compliance with those Standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects of the Environmental Planning and Assessment Act.

The applicant relies on an objection pursuant to this Policy due to the proposed allotments being below the minimum allotment size Standard. It is considered that the grounds for objection are insufficient to justify a departure from the Standard. Should Council be satisfied that the SEPP 1 objection is well founded, and is also of the opinion that granting consent to the development application is consistent with aims of SEPP 1, Council would need to seek the concurrence of the Director of Planning before granting consent to the development application.

SREP 20 - Hawkesbury Nepean River

The site is within SREP 20 Colo River Catchment Area but is not within 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.

The relevant specific considerations for the site are cultural heritage - part 2(6)(5), agriculture - part 2(6)(8) and rural residential development - part 2(6)(9).

In particular, part 2(6)(5) provides the following strategy:

- "(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of items",

part 2(6)(8) provides:

- "(c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts", and

part 2(6)(9) provides:

- "(c) Maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development",
- "(f) Consider the ability of the land to accommodate on-site effluent disposal in the long term" and
- (g) Consider any adverse environmental impacts of infrastructure associated with the development concerned."

It is considered that the proposal is contrary to these strategies.

Hawkesbury LEP 1989

The relevant aims of HLEP1989 are:

- (b) *to provide appropriate land in area, location and quality for living, working, and recreational activities and agricultural production;*
- (d) *to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations.*

The relevant objectives of the Rural 1(c1) zone are:

- (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.*
- (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*

The relevant clauses of HLEP 1989 are Clause 11 - Rural subdivision general provisions and Clause 27 - Heritage items.

It should be noted that the lot averaging provisions do not apply to this property.

Hawkesbury DCP

Relevant chapters are Notification, Bush Fire Prone Land and Subdivision.

The application was notified in accordance with the Notification chapter and achieves technical compliance with the Bush Fire chapter. However, the proposal does not comply with the Subdivision chapter, in particular:

Clause 3.4 Heritage

"Aims

- (a) To protect heritage items, their settings and conservation areas.
- (b) To ensure that the design of new subdivisions take into consideration and respect the heritage significance of heritage items and other places and features of the City's historical character.

Objectives

The subdivision should maintain a reasonable curtilage around heritage items on the subject land or surrounding lands

Rules

A subdivision proposal on land which contains or is adjacent to an item of environmental heritage as defined in Schedule 1 of the Hawkesbury LEP should illustrate the means proposed to preserve and protect such items....."

Community Consultation

The application was notified in accordance with the provisions of the Hawkesbury Development Control Plan from the 17 January to 18 February 2005. One submission was received from a nearby landowner, which raised no objection to the subdivision "providing the same criteria are applied to other applicants for subdivision in a similar situation in the future".

Planning Assessment

The following Planning Assessment provides a review of the relevant planning matters for consideration:

Context and Setting

The property is located within a rural area some 600 - 700 metres south west of Kurrajong Village. The applicant argues that there are some 24 small allotments within a radius of 40 metres from the property. These "small" properties range in size from approximately 500 square metres to 4,000 square metres in area. These small properties are a legacy of previous planning controls.

In contrast to this, there are at least 14 allotments within the same radius that comply with the minimum Standard. If one takes a radius of one kilometre to the south west, west and north, then the majority of the properties comply with the minimum four hectare Standard.

The property, although located relatively close to Kurrajong Village, is essentially within a rural setting which is characterised mainly by rural allotments.

Allotment Size and SEPP 1 Objection

The property is zoned Rural 1(c)1, which provides for a minimum allotment size of four hectares. The Development Application proposes two lots comprising 3,092 square metres and 8,802 square metres. Clearly, the proposed lots are significantly below the minimum allotment size permissible.

The applicant submits that there are currently two dwellings on the property, each dwelling has existing and separate on site effluent disposal systems, telephone, electricity, reticulated water connection, access, parking and garbage services and each dwelling operates independently of the other and is enclosed in separate fenced yards.

The applicant argues, in relation to whether compliance with the Standard is consistent with the aims and objectives of the Policy and would compliance tend to hinder the attainment of the objects of the Environmental Planning and Assessment Act as follows:

"The objects would not be attained, as the underlying objectives of the Standard are not met at present with the location of two dwellings on one rural/residential allotment of land. Sound town planning dictates that rural/residential allotments should not contain more than one dwelling, in order to ensure proper and effective maintenance of the dwellings. This might be contrasted with large rural land parcels where two or more dwellings might be located so as to

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assist in land management etc. In the subject case the two detached dwellings on a single allotment are an inconsistency in a rural/residential land context. In contrast the location of the two dwellings and their relationship to each other are consistent with a rural/residential style. They are fenced one from the other and have the appearance of single dwellings on single allotments. Their separation in Title would make each separate lot contain a single dwelling and would result in consistency in rural/residential living style in the locality.

The subdivision will not result in an additional "developable" lot. No further rural/residential development will occur. Further the proposed lots are not inconsistent with the array of allotment sizes that already exist within the zone and in the locality.

On site disposal of waste is currently carried out for each existing dwelling and this provision will remain or be enhanced by the proposal.

The land has not been identified for any long-term urban use.

No additional infrastructure is required from the existing facilities supplied to the land.

Traffic will not alter as a result of the subdivision.

The existing rural character of the locality will not be altered as a result of the subdivision that maintains existing rural/residential dwellings in their current setting and recognises in title an existing physical separation of two existing dwellings.

The current situation arises from a Council requirement that the older dwelling house not be demolished. Council subsequently listed the older dwelling house as a heritage item, and even granted consents to allow it being put to a variety of uses.

The subdivision will allow for additional expenditure for the refurbishment and maintenance of the heritage item. The subdivision, as proposed, provides for an orderly and economic use of the land that recognises existing development and history over a period of time."

In relation to whether compliance with the Development Standard is unreasonable or unnecessary in the circumstances of the case, the applicant argues:

"The Development Standard is both unreasonable and unnecessary to apply in the circumstances of this case. This is due to the proposed allotments "existing" in a physical sense already if not in Title. It is unreasonably and unnecessary to continue to apply the minimum subdivision Standards in this case given that the proposed lots are already developed and given that separation of the existing dwellings in Title will make each lot consistent with other rural/residential lots in the locality that each contain only one dwelling. Consistency with the primary aim of the Rural 1(c)1 zone will also result.

The subdivision will also result in a positive outcome relative to the opportunities for conservation and maintenance of the heritage item that is one of the existing dwellings."

The applicant also argues that the objection under SEPP1 is well founded.

In our view, compliance with the Development Standard would not be unreasonable or unnecessary in the circumstances of the case. The purpose of the four hectare standard is to regulate the size and use of land in the 1(c)1 Zone. The application proposes to create allotments of 8,802 square metres and 3,092 square metres. These allotments would be below the minimum standard by 78% and 92% respectively. Accordingly, it is considered that the flexibility available under SEPP1 would be inappropriately utilised in this case.

In rejecting the previous Development Application (DA0955/03) the Land and Environment Court was also of the same view. The Court found (in respect of the SEPP1 objection, in its Judgment delivered on 11 November 2004), as follows:

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"As far as possible, four hectare Standards should be maintained for rural/residential environmental reasons to meet the underlying objects of the Standards. Obviously, this is difficult where the lot is already below the minimum allotment size Standard, as is the case here, with an existing area of only 1.212 hectares. However, whilst applying the flexibility afforded by the SEPP1, that lot size should not be reduced further without good cause. There are options open to the applicant to maintain the existing allotment size.

In this regard, it is appropriate to ask whether a development, which complies with the Development Standard is unreasonable or unnecessary. Given the heritage listing, the existing dwelling on the existing lot of 1.212 hectares could be used, with the consent of the Council for any compatible use, including by Rural Workers or for residential purposes without further subdivision. Its use given the heritage listing would not be constrained to those land uses contained in the normal Land Use Table applying in the Rural 1(c)1 zone."

Effluent Disposal

The application is accompanied by a report prepared by Toby Fiander and Associates for the feasibility of waste water disposal. The report concludes that an Ecomax System is required to be installed to satisfactorily treat waste water from the existing weatherboard cottage. The position of the Ecomax System is in the centre of the existing car parking area for the Child Care Centre, which would render this area unusable for the purposes of car parking and would therefore restrict the future uses of the cottage, it would appear that the site chosen for the Ecomax System is the only suitable position. It would appear that the existing septic tank would not meet current effluent disposal standards, and given the small area available for disposal on the proposed lot, the Ecomax System is the only alternative.

It is considered that the Ecomax System installation will severely restrict the future uses of the building which may be available under the Heritage Incentives Clause, due to the inability to provide car parking and/or other buildings.

It is therefore considered that the Effluent Disposal Report, in effect, confirms that the proposed allotment area of the 3,092 square metres is too small in the circumstances.

Bush Fire

The application was accompanied by a Statement of Evidence prepared by Mr John Travers, Specialist Consultant in the field of Bush Fire and Ecology. This report was prepared for the previous Appeal and was supplemented by a summary page, which states that the proposal is acceptable.

The application was referred to the NSW Rural Fire Service, as the development requires "Integrated Approval". The Rural Fire Service has advised that it is prepared to grant a Bush Fire Safety Authority with no specific conditions.

Although the proposed subdivision technically complies with the requirements of the NSW Fire Service, to achieve compliance the applicant has created an irregular boundary, which in part transects the existing dam.

This boundary shape is not supported due to the limitations on use of parts of the land and also the future potential for disputes and/or management issues relating to the dam.

Heritage

The application is accompanied by a Heritage Impact Assessment prepared by Graham Brooks and Associates Pty Ltd. The report concludes that there will be "negligible impact on the heritage item", and recommends that the LEP Heritage Listing over the entire site should be reduced to only the new lot, any development on the adjoining subdivided lot should be controlled under Clause 27 of the LEP. Any new fencing around the historic house or the subdivided lot should retain an open nature and rural character and a restriction should be placed on the Title of 1033 Grose Vale Road preventing any further subdivision of the heritage listed site.

While it is accepted that the proposed subdivision will have no physical impact on the heritage item, it is considered that the long-term conservation of the heritage item may be compromised should this subdivision be approved. Presently, there is a newer dwelling house erected on the property and ample physical room and scope to exercise the Heritage Incentives Clause in the future, should this be necessary to conserve the heritage listed building. To the contrary, if the subdivision is approved, the small parcel of land created around the heritage item provides no opportunity for any further development. Indeed, the current non-residential use of the building would have to cease if the subdivision was approved.

It should be noted that subdivision is not rendered permissible by the Heritage Incentives Clause of the LEP, and this is why this application relies on the use of SEPP1.

Precedent

There are two properties in close proximity to the subject land, which are listed as items of environmental heritage. Under the Heritage Incentives Clause of the LEP, consents were issued for the erection of a second dwelling on each of those properties. Those approvals required the restoration and conservation of the historic cottages located on the properties. To date, one of those approvals has been completed and the other is currently under construction. There is also at least one other property within the City which has the same characteristics and there are a number of other heritage houses within the immediate locality which are located on rural or rural/residential allotments.

The written submission received in response to this application also demonstrates the likely precedent, which would be established in approving this application.

Although Council is obliged to consider every application on its merit, it is considered that approval of the subject application would establish a substantial undesirable precedent.

Conclusion

The application currently before Council is essentially identical to the previous application, which has been refused by the Court on Appeal. In our view the applicant has not demonstrated that compliance with the Standard is unreasonable or unnecessary or would tend to hinder the objects of the Act. It is therefore recommended that the application be refused.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; ie

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

That:

- (a) Council not support the SEPP1 objection, as the applicant has not demonstrated that compliance with the Standard is unreasonable or unnecessary or would tend to hinder the attainment of the objects of the Act.

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- (b) Development Application No. DA0048/05 for a two lot subdivision be refused for the following reasons:
1. The proposed development is prohibited under the provisions of Hawkesbury Local Environmental Plan 1989.
 2. Approval of the proposed development would be contrary to the intent of the Development Standard, which is to prevent further fragmentation of land holdings in the 1(c)1 zone.
 3. The proposed development is inconsistent with the objectives of Hawkesbury Local Environment Plan 1989, in particular objective (e) of the 1(c)1 zone: "Ensure the development maintains the rural character of the locality".
 4. The proposed development is inconsistent with Sydney Regional Environmental Plan.
 5. The proposed development is inconsistent with the Hawkesbury Development Control Plan.
 6. The proposed development would have a negative impact in terms of the long-term conservation of the heritage item.
 7. Approval of the development would create an undesirable precedent.
 8. Approval of the development is not in the public interest.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Proposed Subdivision Plan

AT - 3 Site Plan

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AT - 1 Locality Plan

[Refer to Attachment Agenda](#)

**(This Attachment has been removed to reduce the overall size of this business paper
to allow quicker download times)**

(Click on the link above to open the Attachment Agenda)

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AT - 2 Proposed Subdivision Plan

[Refer to Attachment Agenda](#)

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to allow quicker download times)**

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AT - 3 Site Plan

[Refer to Attachment Agenda](#)

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to allow quicker download times)**

(Click on the link above to open the Attachment Agenda)

oooO END OF REPORT Oooo

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Item: 369 **ES - Change of Use - Additional Commercial Uses in Conjunction with Hawkesbury Gas - Lot 11 DP 621493 Vol 14808 Fol 46, 299 Castlereagh Road, Agnes Banks NSW 2753 - (95494, 96329, 88870, 88871, 24525)**

Development Information

Applicant: Mr Michael David Neilson
Ms Sharee Marlene Neilson
Applicants Rep: Mr G Zerk
Owner: Mr MD Neilson and Mrs SM Neilson
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 3951.000 m2
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.
Advertising: 14 July 2005 to 28 July 2005
Date Received: 22 June 2005

Key Issues: ♦ Residential Amenity
 ♦ Car Parking

Recommendation: Approval subject to conditions

REPORT:

Introduction

Council has received a development application for the use of the existing premises for the purposes of professional offices, professional chambers, bulky goods sale or display and recreational establishments.

The application is 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.

Background

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.

Development Application DA 1350/03 approved 'Change of use of existing building for the storage, display, sale and distribution of LPG gas and appliances and construction of associated 7 x 4 metre shed' on 21 May 2004.

The property benefits from existing use rights as established with the assessment of Development Application DA 1350/03.

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The Proposal

The applicant is seeking approval for the use of the premises on Lot 11 DP 621493 for a variety of uses:

Area 1 - Hawkesbury Gas (Existing)

- 7.30am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturdays.
- 2 employees on site.
- This component will be carried out within an area of approximately 298m².

Area 2 - Parking and Storage in Conjunction with the use of Area 3

- 6.30am to 5.30pm Monday to Saturday.
- This area is to provide overnight internal covered storage of trade vehicles and materials. This area will be used by a tenant of commercial space within Area 3.
- This component will be carried out within an area of approximately 311m².

Area 3 - Professional and commercial chambers

- 6.30am to 7.00pm daily.
- To be used for Professional Chambers, Commercial Premises, bulky goods sales rooms or display room and recreational establishments.
- This component will be carried out within an area of approximately 401m².

The proposed uses are not specific and the applicant is seeking a generic approval.

Refer to Attachment 2 for a floor plan showing each Area.

Statutory Situation

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

Clause 5 & 6 - Definitions, Adoption of 1980 Model Provisions

'Professional and commercial chambers' is defined under the provision of HLEP 1989 to mean "a room or number of rooms or chambers being part of a dwelling-house or other building which is or are used by one or more professionally qualified practitioners".

'Professionally qualified practitioner' means "a person engaged in a profession or occupation specified in Schedule 2 or a person engaged in a profession or occupation that is, in the opinion of the Council, similar to one so listed".

Schedule 2 includes accountant, acupuncturist, archaeologist, architect, auctioneer, biologist, chiropractor, clinical psychologist, dentist, economist, engineer, geologist, homeopath, hypnotherapist, insurance broker, legal practitioner (solicitor or barrister), medical practitioner (general practitioner or specialist), naturopath, optician, optometrist, orthodontist, osteopath, physiotherapist, podiatrist (chiropractist), quantity surveyor, speech therapist, surveyor, town planner, valuer, veterinary surgeon.

Commercial premises' means "a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause".

'Bulky goods sales room or showroom' means "a building or place used for the sale by retail or auction, the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require

- (a) a large area for handling, storage or display; or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase,

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but does not include a building or place used for the sale of foodstuffs or clothing.

'Recreational establishments' means "a building or place used for health farms, religious retreat houses, rest homes, youth camps, outdoor recreational activities, sporting activities and the like, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause".

Clause 9 - Carrying out of development

'Professional and commercial chambers' and 'recreational establishment' are permissible with development consent within the Residential 2(a) zone.

'Commercial premises' and 'bulky goods sales room or showroom' are prohibited within the Residential 2(a) zone.

However, it has been established that the subject property enjoys existing use rights under the provisions of the Environmental Planning and Assessment Act 1979.

Clause 9A - zone objectives

The objectives of the Residential 2(a) zone are:

- (a) *to provide for housing and associated facilities in locations of high amenity and accessibility;*
- (b) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character; and*
- (c) *to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities or services.*

It is considered that, whilst the application is generalised and some activities will potentially have greater impact than others, the uses can be restricted to ensure that the activities carried out are compatible with the residential character of the locality and will have no unreasonable demands for the extension of public amenities or services. In this respect, the proposed development can achieve consistency with the objectives of the 2(a) zone.

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

The proposed development is consistent with the relevant provisions contained in SREP No. 20.

Hawkesbury Development Control Plan - Car Parking Chapter.

This Chapter requires car parking for 'commercial premises' and 'professional and commercial chambers' to be provided at the rate of 1 space per 30m² of gross floor area.

The applicant proposes to provide a total of 16 car parking space based on the following justification:

Area 1 - Hawkesbury Gas

This business occupies 298m² of the development and the parking requirements are based upon staff levels and customer requirements from the 14 months history of operation from the site.

The operation includes pick up and deliveries of bottle gas, office administration and customer sales.

Pick up and delivery is by trucks. Their function is associated with the detached storage shed which includes a loading dock parking bay. These vehicles are not housed on site and no parking provisions are required.

There are 2 employees (business owner plus 1) associated with this activity and 2 parking bays are required.

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The refilling of gas bottles, repairs and sale of appliances *is a relatively small proportion of the overall business activity and requires only 2 parking bays. Customer visits are infrequent and their duration of stay is short - 15 minutes.*

Comment:

It is acknowledged that Hawkesbury Gas may only require 4 spaces in relation to their business, however Hawkesbury Gas does not fully occupy Area 2. Should another business operate from this section of the building in the future, it is highly likely that the demand for parking will be higher. It is therefore considered that the full quota of parking for this Area be required, as per the requirements of Hawkesbury Development Control Plan. This will require 10 spaces.

Area 2

As this space is to be used in conjunction with area 3 no additional parking required. Area 2 will provide overnight internal covered storage of trade's vehicles. The vehicles associated with the administration are taken into calculation with area 3.

Comment:

It is intended that this area be used for the storage of vehicles and materials associated with a business occupying commercial offices at the front of the building (Area 3). It is agreed that as this area will only be used for storage no car parking in respect to this Area will be required.

Area 3

Floor area of 401m² requires 13.3 spaces. 12 existing spaces are available and given that the area will not have 100% occupancy we believe the spaces provided are adequate. If additional spaces are required, they could be located on the southwest side of the site.

Comment:

The DCP requires 14 spaces in respect to the floor area of Area 3. It is considered, in view of the variety of activities that could be carried out from the site and the varying rates of car parking needed by these activities, that 14 car parking spaces be required to ensure that adequate onsite parking facilities are available so that there are no significant adverse impacts from street parking.

In summary 24 car parking spaces are required in accordance with the Hawkesbury DCP, while the applicant proposes only 16 spaces. The car parking layout is unsatisfactory, as manoeuvring into and out of some of the spaces is restricted. Car parking for 24 spaces, in compliance with Hawkesbury Development Control Plan, can be achieved on the site. As a result an amended car parking layout plan can be a requirement of a deferred commencement consent.

Community Consultation

Following notification of the proposal eleven (11) submissions were received. The matters raised in these submissions included:

- Effluent disposal
- Increase in traffic movements
- Car parking and location
- Increased noise
- Out of character with the adjoining residential area
- Increased trading hours
- A separate development application is required for each new use/issue of generic approval
- Stormwater runoff into Markwell Place
- Manufacturing

Negotiation Meeting

Given the number of submissions received and the type of development proposed, a Negotiation Meeting, in accordance with Council's Conflict Management Policy, was held 14 September, 2005. At this meeting the following was discussed:

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Matters Discussed:

1. *Any intensification of present use or leasing requires separate approval*
The respondents raised their concern in relation to any intensification of the use (Hawkesbury Gas) or subleasing of the premises requiring separate approval.
2. *Traffic and Carparking*
The issue of increased traffic to the site and the provision of the number of car parking spaces was raised.
3. *Pump out septic system*
The subject site is serviced by a pump out system for the removal of waste water. Concern was raised in respect to the adequacy of this system to cater for increased uses.
4. *Noise impacts*
Noise resulting from the increased usage of the site was discussed.
5. *Subleasing of rear unit*
A respondent raised concerns with the subleasing of the rear area of the building as it has no formal façade. It was claimed that this does not comply with the requirements of Hawkesbury Development Control Plan.

The section of the DCP referred to by this respondent is the Industrial Chapter. The proposal is not defined as industrial and therefore this chapter is not applicable.

6. *Number of employees*
The issue of the number of people operating from the site was raised. This will be clarified by the applicants. The respondents were advised that this can be controlled through conditions of consent.
7. *Boundary fence*
The respondents have concerns with the erection of shade cloth along the boundary fences, especially in respect to visibility and safety within Markwell Place.

The applicant and respondents were advised that the issue of boundary fences is a private matter, however, landscaping was suggested as an alternative in providing privacy.

8. *Hours of operation*
Concern was raised in respect to the operation of the site 7 days a week. The applicant advised that this was not the intent and that no Sunday trading would occur.

Agreements:

1. That Council officers will check conditions of consent in respect to DA 1350/03.
2. Additional details be sought to clarify that the pump out system can cater for the additional use resulting from the proposed development.
3. That the number of employees and hours of operation be clarified.
4. That Council officers write to the respondents and advise how the issues raised have been addressed.
5. Provide the respondents with a definition of 'manufacturing'.

Comment:

In respect to the above:

1. Development Consent DA 1350/03 has no specific condition requiring separate consent for each change of use or intensification of the use of the site.

Development Application DA 1350/03 approved 'Change of use of existing building for the storage, display, sale and distribution of LPG gas and appliances and construction of associated 7 x 4 metre

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shed' on 21 May 2004.

As this approval was for a specific use, any new uses to be carried out from the site will require development approval. However, this does not prevent the lodgement of one development application requesting approval for a number of activities.

Development Application DA 1350/03 was approved on the basis of the information provided as reflected in Condition 1 of the Development Consent. As a result, an intensification of the approved use will require further approval from Council.

2. Additional information was requested on 20 September 2005. The details requested included the provision of carparking, a concept landscaping plan, a traffic assessment, the clarification of the hours of operation, the predicted number of business and employees to operate from the site, the capacity of the pump out septic system, a noise assessment and a report demonstrating compliance with the Building Code of Australia.

Additional information was received by council on 25 October, 2005.

3. See 2 above.
4. A letter was sent to the respondents 15 November 2005.
5. In s.4 of the Factories, Shops and Industries Act 1962, the term "*manufacturing process*" is defined:

"manufacturing process means any handicraft or process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade or sale or gain, or as ancillary to any business."

It should be noted that this Act has been replaced by the Shops and Industries Act 1962 and that the current Act does not have a definition of manufacture or manufacturing process.

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

Planning Assessment

Context And Setting/Amenity

Adjoining landuses predominantly consist of single dwelling houses.

With respect to the use of the premises for commercial offices, professional and commercial chambers and home improvement showroom/display room, it is considered that these proposed uses will have an acceptable impact on the residential character and amenity of the locality subject to the scale of the use of the premises. The nature of these activities are compatible with the adjoining residential landuses.

There is a potential for the premises to support a large business, a number of businesses or medical practitioners etc. due to the floor area of Area 3. The use of the building at this scale is considered incompatible with the residential nature of the locality. However, by limiting the number of occupants/employees, the impact will be reduced to a level in keeping with the character of the area.

The use of the site for 'bulky goods sales room or showroom' and 'recreational establishments' is inappropriate in terms of traffic generation/movements, the lack of loading and unloading facilities on site, and noise. The use of the site for these purposes is not supported.

The proposed hours of operation are as follows:

Area 1 - 7.30am to 5.30 pm Monday to Friday
8.00am to 12 noon Saturday

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These are the current hours for the operation of Hawkesbury Gas, approved by Development Consent DA 1350/03.

Area 2 - 6.30am to 5.30pm Monday to Saturday

The applicant anticipates this area being used by trades people for the storage of materials and vehicles. Trades people would use this area to gather tools, equipment and materials and load vehicles for the days work. Due to the potential noise impacts of this activity in the morning, it is considered appropriate that use of this area be restricted to after 7.00am.

The NSW industrial noise policy defines the times of day; day being between the following hours:

7.00am to 6.00pm Monday to Saturday

8.00am to 6.00pm Sunday

Area 3 - 6.30am to 7.00pm daily

It is considered reasonable, in relation to the use of this area for commercial offices, professional and commercial chambers or homemaker showroom, that the hours of operation be limited to 7.00am to 6.00pm Monday Saturday and in line with 'day time' hours.

The proposed development will have no 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

The proposed development does not fall within the parameters of State Environmental Planning Policy No. 11 and is not defined as traffic generating development.

The traffic generated from the use of this site can be limited by restricting the type of uses to be carried out from the site and number of occupants. Castlereagh Road is a main/arterial road and has the capacity to cater for traffic generated by the proposal.

Traffic movements will be mainly carried out within the front section and along the northern boundary of the site, away from adjoining residences. It is considered that traffic movements resulting from the use of Area 2 will be minimal and will therefore have no unreasonable impact on the residential area to the south.

The car parking layout is unsatisfactory, as manoeuvring into and out of some of the spaces is restricted. Car parking for 24 spaces, in compliance with Hawkesbury Development Control Plan, can be achieved on the site. As a result an amended car parking layout plan can be a requirement of a deferred commencement consent.

New car parking spaces can be located along the north eastern boundary of the site, away from the adjoining residences located to the south west.

Waste

The site is serviced by a pump out system for effluent disposal. Details of the capacity of this system and the likely amount of waste water to be generated by the future uses have not been provided. The number of occupants of the building and the type of activities carried out can be limited by any development consent. Details demonstrating that the capacity of the tank is suitable in respect to the amount of wastewater generated can be provided as part of a deferred commencement consent. Should this prove the existing system to be inadequate, a new system will be required.

Stormwater

With the construction of additional carparking spaces and manoeuvring area, an increase in stormwater runoff from the site will result. This stormwater would discharge into Markwell Place. However, it will be a requirement, with the construction of the car park that this area be graded to the north east towards a Council Reserve.

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Noise and Vibration

It is considered that with limitations on the type of uses to be operated from the site and the number of occupants, there will be no unreasonable impacts on the adjoining residential area in terms of noise nuisance.

Area 2, located at the rear of the building, is to be used for the storage of vehicles and machinery. It is considered that this use will have a minor impact on the adjoining residential area in terms of noise nuisance. It will be a requirement that new car parking spaces be located on the northern side of the property, away from residences.

Technological Hazards

No manufacturing is to be carried out on site.

Site Design And Internal Design

Additional car parking is to be located along the northern boundary to provide a buffer between adjoining residences and the car park, and to retain the majority of the existing trees located at the rear of the site.

Details demonstrating that the building complies with the requirements of the Building Code of Australia have not been provided. These details can be provided as part of a deferred commencement consent.

Conclusion

The request for a generic approval for a range of uses presents some difficulty in assessing the impacts. This has been considered at length by Council staff and further discussions have been held with the applicant.

It is concluded that with certain restrictions and conditions to restrict the type of use and the number of occupants/employees operating from the site, the use of the site for additional business activities will have no significant impacts on the residential character and amenity of the locality. In particular;

- The use of Area 2 shall only be in conjunction with a tenant is occupying Area 3.
- Total number of employees/occupants to be no more than 10 full time equivalent persons.
- Homemakers showroom is limited to the display and/or sale of kitchens, bathrooms and home improvement products.
- Recreation establishment is not approved.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: The recommendation conforms with the objectives as set out in the Strategic Plan; i.e:

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

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RECOMMENDATION:

That the application for the use of the premises for commercial offices, professional and commercial chambers and homemaker showroom 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 from 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

1. The submission to and approval of a car parking plan by Hawkesbury City Council. The plan is to provide 24 (twenty four) car parking spaces in accordance with Hawkesbury Development Control Plan - Car Parking Chapter. Additional car parking is to be located along the northern boundary of the site and designed to retain the existing trees at the rear of the property.
2. The submission and approval of a landscaping plan. The landscape plan shall include a variety of trees, shrubs and ground cover and include species native to the locality. This plan shall address screening of the development to adjacent properties.
3. The submission and approval of details demonstrating that the existing pump out septic system is adequate to cater for the intended maximum usage of the site. These details shall include, but not be limited to, the capacity of the existing tank.
4. The submission of evidence that an agreement has been entered into with respect to the disposal of wastewater by a private contractor.
5. The submission and approval of a report on the compliance or otherwise of the building with the Building Code of Australia, prepared by a suitably qualified person, and addressing essential services and sound transmission. This report shall also make recommendations as to what works (if any) are required to ensure persons are adequately protected in the event of a fire.

Schedule 2

General

6. This consent approves the use of the premises for offices, professional and commercial chambers and/or a homemakers showroom only in accordance with the conditions included herewith.
7. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
8. The approved use shall not commence until all conditions of this Development Consent have been complied with.
9. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
10. The development shall comply with the provisions of the Building Code of Australia at all times.
11. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

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12. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.

Prior to Issue of Construction Certificate

13. Construction of the access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of External Services or an Accredited Certifier.
14. Payment of a Construction Certificate checking fee of \$154.00 and a Compliance Certificate inspection fee of \$277.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2006. Fees required if an Accredited Certifier is used will be provided on request.

Prior to Commencement of Works

15. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
16. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
17. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
18. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
19. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

20. 24 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.
21. Disabled parking shall be provided in accordance with AS2890.1-1993.
22. No trees are to be removed without the approval of Council.
23. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
24. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.

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25. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
26. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
27. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

Prior to Issue of Occupation Certificate

28. Compliance with all conditions of this development consent.

Use of the Development

29. The site and premises shall be used only for:
- offices,
 - professional and commercial chambers, and
 - homemakers showroom limited to the display and/or sale of kitchens, bathrooms and home improvement products.
30. The use of Area 2 shall be limited to storage of vehicles and equipment only in conjunction with a tenant/s occupying Area 3.
31. No internal or external alterations shall be carried out without prior approval of Council.
32. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- (a) been assessed by a properly qualified person, and
- found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
33. Operating hours shall be limited to 7:00am to 6:00pm Monday to Saturday.
34. A maximum of 10 full time equivalent occupants/employees are to operate from the site.
35. 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) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
36. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
37. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

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38. All work and the storage of goods or materials shall be confined within the building or approved areas at all times.
39. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
40. All waste materials shall be regularly removed from the property.
41. All receipts for the removal of wastewater from the approved wastewater management system by the private contractor are to be retained and copies presented on request by Council officers.

Advisory Notes

- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** 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 roads.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Site Plan

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AT - 1 Locality Plan

[Refer to Attachment Agenda](#)

**(This Attachment has been removed to reduce the overall size of this business paper
to allow quicker download times)**

(Click on the link above to open the Attachment Agenda)

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AT - 2 Site Plan

[Refer to Attachment Agenda](#)

**(This Attachment has been removed to reduce the overall size of this business paper
to allow quicker download times)**

(Click on the link above to open the Attachment Agenda)

oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 370 **ES - Application to Modify Development Consent 1150/04 - Demolish Existing Structures and Construct an 18 Hole Golf Course and Club House, Lot 1 DP 546915, Lot 2 DP 546915 , 329 Pitt Town Road, Pitt Town NSW 2756 - (DA1150/40, 95494, 96329, 87254, 88676)**

Previous Item: 289, Ordinary (27 September 2005)

Development Information

Applicant: Planning Workshop Australia
Applicants Rep: Planning Workshop Australia
Owner: Kellyville Country Club Limited
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 43.950H
Zone: Part Rural 1(c) & Part Environmental Protection Scenic 7 (d1) Under Hawkesbury Local Environmental Plan 1989.

Advertising: The proposed zone under draft Local Environmental Plan 8/98 (Amendment 108) is Part Environmental Protection - Agriculture Protection and Part Rural Living.
Date Received: Not Required.
7 November 2005

Key Issues: ♦ S96(1A)

Recommendation: Approval

REPORT:

Introduction

The application seeks to modify the deferred commencement consent issued for the 18 hole golf course and clubhouse. The modification requests that some deferred commencement conditions be operational and minor wording changes to several conditions.

The application is being reported to Council in accordance with Council's policy, which requires any modifications to applications determined by Council to be reported to Council for determination.

This report provides an assessment of the modifications proposed by the applicant and recommends approval.

Background

The Development Application involving the 18 hole golf course and clubhouse was approved by Council at the Ordinary meeting of 27 September 2005.

The Proposal

The application under S96 of the Environmental Planning & Assessment Act seeks to modify conditions contained in the Deferred Commencement Consent as follows.

- **Condition (b), (c) & (d) of schedule 1**
These conditions require the submission and approval of a stabilisation and conservation management plan for the heritage item and a site remediation plan for the contaminated parts of the site prior to the consent being operational.

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The amendment proposes to require the plans to be prepared, approved and remediation works completed prior to works commencing on the site.

- **Condition 35**

This condition requires that no excavated material to be removed from the site.

The amendment proposes to alter this condition to allow removal of any soil on the site where it is found to be contaminated in accordance with the site remediation report.

- **Condition 58 & 66**

These conditions require that the existing water flows on the site are to follow the original direction and the existing watercourses on the property to maintain their current alignment.

The proposed amendment is to alter the wording so the condition is consistent with the condition of consent imposed by the Department of Infrastructure Planning & Natural Resources.

- **Condition 65**

This condition relates to roadworks along Pitt Town Bottom Road.

The applicant proposes to amend the wording to clarify the works required by Council.

- **Condition 78**

This condition requires a report from a qualified professional to confirm all the remediation works approved under the site remediation plan has been completed to the appropriate standard.

The applicant proposes a slight adjustment to the wording of the condition.

The assessment section of the report provides a more detailed discussion of the proposed modifications. The modifications are proposed to make the consent operational and to correct several conditions with minor wording changes. The proposed modified conditions have been discussed and formulated in consultation with Council officers.

Statutory Situation

The site is zoned part Rural 1(c) and Environmental Protection Scenic 7(d1) under Hawkesbury Local Environmental Plan 1989 and is also subject to:

- Regional Environmental Plan 26 (Hawkesbury Nepean)
- Hawkesbury Development Control Plan.
- Draft Hawkesbury Local Environmental Plan 1989 (Amendment 108).

Community Consultation

The notification chapter of the Hawkesbury Development Control Plan does not require S96(1A) applications to be notified.

Planning Assessment

Section 96 of the Environmental Planning & Assessment Act permits a Development Consent to be modified, if:

- a) it is satisfied that the proposed modification is of minimal environmental impact, and
- b) it is satisfied that the proposed development to which the consent as modified related is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) and

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- c) it has notified the application in accordance with:
 - 1) the regulations if the regulation so require, or
 - 2) a development control plan if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- d) it has considered any submission made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan as the case may be.

Section 96(1A) permits modification involving minimal environmental impact.

The proposed modifications only alter slightly the wording of some conditions and the time period when the various reports are to be submitted and approved by Council. As a result the modification proposed will not have any environmental impact. The development as modified will be exactly the same development approved by Council.

The proposed modifications can be considered under S96(1A) of the Environmental Planning & Assessment Act.

Modification of Conditions

Condition (b) of schedule 1

A stabilisation plan is to be prepared and submitted for Council approval of Lynwood with stabilisation works to be carried out prior to the use of the golf course, club house and facilities.

Applicant's submission

The applicant has advised that the preparation of such a plan requires extensive and detailed work. The requirement as a deferred commencement condition has the potential for the plan to be rushed so as to enable the consent to become operational.

Instead given the sensitive state of the building it is intended to undertake a more considered approach to the preparation of the plan.

The altering of the lodgement of the plan prior to works commencing on the site will not effect Council's ability to approve the plan.

Comment

The condition was imposed to ensure that Council retained the ability to consider and approve the stabilisation plan for the heritage item, which is in a poor condition.

The proposed amendment will still ensure that the plan will be submitted and approved by Council and that works on the site cannot commence until the plan has been approved by Council.

Condition (c) of Schedule 1

A conservation management plan is to be prepared and submitted to Council for approval of Lynwood. This plan is to detail works required to conserve the building into the future and is to provide a list of appropriate uses that could be applied to the building.

Applicant's submission

The preparation of the plan is an extensive and detailed project and requires a substantial period of time to ensure it meets both local and state requirements to ensure it meets its long-term preservation. The plan should be prepared and approved prior to the issue of the occupation certification for the golf course.

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This will still ensure that Council maintains a strategic decision making role in the long-term preservation of the heritage item.

This will also allow more time to prepare a comprehensive report and the consent to be operational more expeditiously.

Comment

The condition was imposed to ensure that Council retained the ability to consider and approve the conservation management plan for the heritage item, which is in a poor condition.

It is important that measures and actions are identified for its long term preservation and future uses.

The proposed amendment will still ensure that the plan will be submitted and approved by Council and occupation and use of the site cannot commence until Council has approved the plan.

Condition (d) of schedule 1

A site remediation plan (SRP) is to be prepared by a qualified person and the contaminated parts of the site are to be remediated in accordance with the SRP

Applicant's submission

The applicant has requested that this plan be prepared prior to works commencing on the site to allow the consent to be operational.

The same details will be provided to Council.

The proposed changes will not affect Council's ability to ensure the contaminated areas are remediated.

Comment

The condition was imposed to ensure that Council retained the ability to consider and approve the SRP for the contaminated areas of the site.

The proposed amendment will still ensure that the SRP will be submitted and approved by Council and works on the site cannot commence until Council has approved the SRP.

Condition 35 & 78

35 *No excavated material including soil, shall be removed from the site.*

78 *The works required by the approved Site Remediation Plan under schedule 1 are to be undertaken, and a report by an authorised EPA site auditor in accordance with the Contaminated Land Management Act 1997 is to be submitted to confirm all the works have been carried out at the appropriate standard and the land is now suitable for the proposed use as a Golf Course.*

Applicant's submission

Condition 35 should be amended to allow for the removal of soil from the site where it is found to be contaminated and is in accordance with the site remediation plan.

Condition 78 should be amended to require a suitably qualified reviewer to prepare the report as opposed to an authorised EPA site auditor. This is in response to the extensive work that has already been undertaken on the site which is consistent with the EPA requirements.

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The amended conditions proposed

- 35 *No excavated material, including soil, shall be removed from the site, except as required by the Site Remediation Plan at condition (d), schedule 1 of this consent*
- 78 *The works required by the approved Site Remediation Plan under schedule1 are to be undertaken, and a report from a suitably qualified reviewer in accordance with the Contaminated Land Management Act 1997 is to be submitted to confirm all the works have been carried out at the appropriate standard and the land is now suitable for the proposed use as a Golf Course.*

Comment

The changes to the wording are considered minor and will still achieve the initial objective and intent of the conditions.

Conditions 58 & 66

- 58 *All natural and subsurface water-flows shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.*
- 66 *Existing watercourses within the property are to be maintained on their current alignment flowpath.*

Applicants submission

The proposed wording change is to ensure that any realignment of the existing watercourse on the site are generally consistent with their current alignment and the conditions imposed by DIPNR's general terms of approval.

The amended conditions are:

- 58 *All natural and subsurface water-flows shall not be re-directed or concentrated to adjoining properties. Water flows shall generally follow the original flow direction without increased velocity.*
- 66 *Existing watercourses within the property are to generally be maintained on their current alignment flowpath.*

Comment

The condition is proposed to be modified by adding the word generally to allow some flexibility and avoid any inconsistency with the DIPNR's conditions contained in the consent.

Condition 65

- 65 *The road shoulders and full width sealed pavement of Pitt Town Bottoms Rd shall be constructed for a distance of 300 metres from the Pitt Town Rd intersection.*

Applicant's submission

The purpose of the amendment is to clarify the works required by the condition of consent

The amended condition proposed

- 65 *The road shoulders and full width sealed pavement of Pitt Town Bottoms Rd shall be constructed for a maximum width of 6 metres for a distance of 300 metres from the Pitt Town Rd intersection, where is not currently the case.*

Comment

The amended condition provides clarity for the works required.

The maximum width is six metres for the carriageway and does not include the road shoulders.

The condition can be slightly amended to provide more clarity on the works.

The amended condition should read:

65 *The road shoulders and full width sealed pavement of Pitt Town Bottoms Rd shall be constructed for a maximum width of 6 metres wide carriageway for a distance of 300 metres from the Pitt Town Rd intersection, where is not currently the case.*

Conclusion

The proposed amendments will have no additional impacts. The amendments to the conditions involve only minor wording change and their intent will still be met with the amended wording.

The modification can be considered under S96(1A) of the Environmental Planning & Assessment Act. Given the nature of the amendments and to make it easier to administer the consent it is appropriate for the issue of a new list of conditions in this instance.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

Objective:

"A prosperous community sustained by diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the city."

Funding

No impact on budget.

RECOMMENDATION:

That Development Consent 1150/04 be amended by replacing all conditions in Schedules 1 and 2 with the following schedules:

Schedule 1

A Construction Management Plan (CMP) is to be provided and approved by Council. The CMP shall include matters relating to buildings, earthworks, roads, car parking, drainage, wetlands, effluent, dams, vegetation removal and retention, the requirements of Sydney Water and DIPNR and landscaping.

Schedule 2

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

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2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
10. All the recommendations contained with the various reports that accompanied the application are to be implemented and undertaken.

Prior To Issue Of Construction Certificate

11. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.
12. Construction of the road, access, car park, drainage, dam, filling and retaining walls are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Council or an Accredited Certifier.
13. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
14. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.
15. A Sewer Management Facility System application shall be submitted to and approved by Council.
16. Submission of external finishes and colour for the proposed buildings.
17. Submission of the necessary approvals as required by the Department of Infrastructure, Planning and Natural Resources.

Prior to Commencement of Works

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18. The site including Lynwood and remnant silos and dairy buildings are to be photographically recorded to the levels specified by the NSW Heritage Office "Guidelines for Photographic Recording of Heritage Items". Two copies of this record shall be lodged with Council.
19. A stabilisation plan is to be prepared and submitted for Council approval of Lynwood prior to the commencement of works on the site. and Stabilisation works on Lynwood are to be carried out prior to the issue of the occupation certificate for the golf course, club house and facilities.
20. A site remediation plan (SRP) is to be prepared by a qualified person. The contaminated parts of the site are to be remediated in accordance with the SRP prior to the commencement of works.
21. All traffic guidance devices shall be installed and maintained in accordance with the approved traffic Guidance Scheme.
22. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
23. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
24. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
25. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
26. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
27. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
28. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
29. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

30. Dams shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
31. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.

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32. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
33. Screen walls or fences are to be complimentary in both colour and finish with the building on the site, plus any wire mesh fences required to contain golf balls adjacent to the boundaries of the site are to be incorporated into an approved landscaping plan.
34. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
35. Any part of the building to be used for food preparation shall comply with Council's Code for the Fitting out of Food Premises.
36. A physical barrier is to be provided between public spaces, vehicular accessways, parking areas and the surrounding landscaped area.
37. No excavated material, including soil, shall be removed from the site, except as required by the Site Remediation Plan at condition 20 of this consent.
38. The site shall be secured to prevent the depositing of any unauthorised material.
39. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
40. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
41. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
42. 204 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan. The two car parks shall be linked so that each can be accessed from Pitt Town Bottoms Road. Details of this to be submitted to Council for approval. Access via Pitt Town Road is to be designed and signposted for service vehicles only.
43. Disabled parking shall be provided in accordance with AS2890.1-1993.
44. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
45. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
46. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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47. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) 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.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - (h) 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 (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
48. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- commencement of work (including erosion controls, site works and site set out);
 - piers;
 - internal sewer or stormwater lines prior to covering;
 - steel reinforcement prior to pouring concrete;
 - external sewer or stormwater lines, prior to backfilling;
 - 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;
 - wet area flashing, after the installation of bath and shower fixtures;
 - prior to occupation of the building;
49. Council records indicate that the building site is at a level of approximately 14.3 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.

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50. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
51. All materials and components used in the building shall comply with the early fire hazard indices stipulated in Specification C1.10 of the BCA. A separate schedule detailing such materials and their respective indices and approved in writing prior to the acquisition, installation or fitting of such materials.
52. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification. In respect of intersection works plans are to be approved by the Roads and Traffic Authority before submission to Council.
53. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
54. All works shall be in accordance with the approved Construction Management Plan.
55. Topsoil shall be stripped and stockpiled and used to cover the landfill.
56. Filled areas, including batters, shall be grassed immediately after filling takes place.
57. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
58. The landfill shall be completed in stages to minimise the area exposed at any one time. Each section is to be stabilised by grassing immediately prior to moving onto the next section.
59. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
60. All natural and subsurface water-flows shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
61. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
62. A surcharge path sufficient to carry the 1 in 100 year storm flow to be provided across the site and a drainage easement of adequate width to be created over the surcharge path.
63. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
64. Water quality control devices and energy dissipaters shall be constructed at the point of discharge of stormwater from the site.
65. Any fencing across the overland flow path shall be constructed so as not to impede the 1 in 100 year storm water flow.
66. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
67. The road shoulders and full width sealed pavement of Pitt Town Bottoms Rd shall be constructed for a maximum width of 6 metres wide carriageway for a distance of 300 metres from the Pitt Town Rd intersection, where is not currently the case.
68. Existing watercourses within the property are to be maintained on their current alignment flowpath.

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69. A dual heavy duty layback and footway vehicular crossing shall be constructed off Pitt Town Bottoms Road to service the proposed Clubhouse and carpark based on the following specification:
- Separation of entry and exit driveways one to one to three metres.
 - Entry driveway width six metre.
 - Exit driveway width 4 metres.
70. A heavy duty layback and footway vehicular crossing six metres wide to be constructed off Pitt Town Road used for service vehicles.

Prior to Issue of Occupation Certificate

71. Noise from the excavation and construction should be managed so that offensive noise as defined by the Protection of the Environment Operations Act 1997 does not occur at any sensitive receiver (i.e, residential property boundary).
72. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
74. A conservation management plan is to be prepared and submitted to Council for approval of Lynwood prior to the issue of an occupation certificate.

This plan is to detail works required to conserve the building into the future and is to provide a list of appropriate uses that could be applied to the building.

75. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
- (a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - (b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - (c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
76. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may subject to inundation during times of flood.
77. A copy of the suitable Fire Safety Statement shall be submitted to Council and the NSW Fire Brigade. In addition, the Fire Safety Statement along with the current Fire Safety Schedule shall be prominently displayed in all buildings.
78. The creek crossing is to be certified on completion by a suitably qualified and experienced Structural Engineer.
79. Works as executed plans shall be submitted to Council on completion of the works for the Golf Course. The Plan is to include the location of the natural watercourses that traverse through the property.
80. The recommendations and works required in the reports submitted with the Development Application be undertaken. This is to include the stabilisation works for "Lynwood".

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81. The works required by the approved Site Remediation Plan under schedule1 are to be undertaken, and a report from a suitably qualified reviewer in accordance with the Contaminated Land Management Act 1997 is to be submitted to confirm all the works have been carried out at the appropriate standard and the land is now suitable for the proposed use as a Golf Course.

Use of the Development

82. No internal or external alterations shall be carried out without prior approval of Council.
83. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
84. Any part of the building to be used for food preparation shall be registered with Council as Food Premises.
85. 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) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
86. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
87. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
88. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
89. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
90. All waste materials shall be regularly removed from the property.
91. The hours of operation of the golf club house shall be between 10am and 10pm daily with the function room permitted to open until midnight on Friday and Saturday nights. The golf course shall operate between the hours of 7am to Sunset.
92. The access driveway in Pitt Town Road is only to be used by service vehicles and suitably sign posted.

Roads and Traffic Authority

93. A northbound left turn lane is to be provided on Pitt Town Road for vehicles turning into Pitt Town Bottoms Road.
94. An auxiliary right turn lane is to be provided in Pitt Town Road on the southbound carriageway for cars turning into Pitt Town Bottoms Road.
95. The secondary access of Pitt Town Road is for service vehicles only and not for traffic associated with the golf driving range unless further auxiliary lanes are constructed in this section of Pitt Town Road. (Note: the recommendation for the development consent requires the driving range access to be incorporated into the main Pitt Town Bottoms Road access.
96. The design and construction of the roadworks to be in accordance with RTA requirements.

Department of Planning Infrastructure and Natural Resources

97. In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Infrastructure, Planning and Natural Resources (DIPNR) has an approval role in relation to Development Application 1150/04 (the DA) lodged with Hawkesbury City Council (Council).
98. A permit issued under Part 3A of the Rivers and Foreshores Improvement Act 1948 (R&FI Act) is required to carry out certain works, including **excavations**, on in or under "protected land". "Protected land", for the purposes of this DA, is land and material that is in, or within 40 metres of the top of the bank or shore of, "protected waters", and within land referred to hereinafter as "**the site**", being: **Lots 1 - 3, DP 546915, otherwise known as 329 Pitt Town Rd, Pitt Town, NSW, 2756.**
99. "Protected waters" include the watercourses within the Site, known as;
- Pitt Town Lagoon - the agreed lagoon extent as described by Aerial Photograph Interpretation (API) supplied to DIPNR on 28 May 2004; and,
 - An unnamed tributary of Pitt Town Lagoon located in the north-eastern area of the Site and described as "Stream One".

Pursuant to Part 3A of the R&FI Act, DIPNR, having reviewed the documentation associated with the DA, proposes to grant an approval for the DA, subject to conditions. DIPNR's General Terms of Approval, for inclusion as conditions of consent, are set out below:

Requirement for Permit

100. Any work which requires a permit under Part 3A of the R&FI Act ("Part 3A permit") is not to commence until such time as a Part 3A permit has been applied for, and subsequently issued by DIPNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any other documents required by these conditions, and which are approved by DIPNR, and which will accompany the Part 3A permit.

Standard of Design, Documentation and Implementation

101. All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.
102. All designs and documentation required by these conditions are to be prepared and implemented by persons with relevant knowledge, qualifications and experience in current best practice, and to the satisfaction of Council and DIPNR, and approved by DIPNR, **prior to the issue of the Part 3A Permit.**
103. The **implementation** of any design or "plan", or **carrying-out** of any activity at the Site, is to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience in current best practice in the relevant aspect of the operations being undertaken.

Cessation of Works

104. If, in the opinion of a DIPNR officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any thing not authorised to be so affected, such work shall cease immediately upon oral or written direction of such officer.

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105. Should any of the conditions of the Part 3A permit not be complied with, DIPNR may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with.

Work as Executed Plans

106. If requested by DIPNR, work as executed survey plans of a professional standard, and including information required by DIPNR, shall be forwarded to DIPNR within 14 calendar days of such request. (NOTE: Apart from extractive industry operations, or large earthmoving projects, DIPNR usually only invokes this condition in matters of contention).

Remedial Works

107. The Part 3A permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the environment of protected waters or protected land.
108. If any Part 3A permit condition is breached, the permit holder shall follow DIPNR directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a supplementary permit fee for this inspection and for each and every subsequent inspection until the breach has been rectified.

Disposal of Vegetation

109. Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the material cannot be swept into protected waters during a flood. Burning must not be carried out unless an approval has been obtained from the relevant authority(ies).

Bulk Earthworks – Protected Waters

110. A *Works Plan* (WP) for bulk earthworks is to be prepared, based on an understanding of stream dynamics and environmentally sensitive stream rehabilitation practices.

The WP is to include:

- a) Plan(s) showing details on the following: existing and proposed protected waters,, riparian zones, vegetation, geomorphic features (including top of bank, bank and toe of bank) and any other relevant feature (structures, services, utilities, etc.)
- b) Representative cross-sections of protected land and protected waters and riparian zones, showing both existing and proposed ground surface levels. The cross sections must fully represent the variety of landforms associated with the proposal. The locations of the cross sections are to be shown on the above-required plan(s)
- c) A longitudinal section of existing and all proposed protected waters in sufficient detail to identify any changes in bed level and hydraulic features (i.e. pools, riffles, shallows, headcuts, etc.).
- d) Detailed designs of any stabilisation works and how they are to be undertaken. All proposed stabilisation works are to be of soft engineering design and must incorporate natural stream features (eg pools, riffles, shallows, meanders, low flow channel) commensurate with the local geomorphic, hydrologic and hydraulic conditions
- e) Details on the staging or sequencing of the proposed works
- f) Contingency measures in the event of flooding during construction
- g) Cross-referencing to other “plans” required by these conditions, where appropriate

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111. The surface of all excavated areas shall be progressively graded to a smooth and even slope free from holes or ridges. Slope drainage and grades are to be as shown on the plans accompanying the Part 3A permit. Batter slopes are not to be steeper than a grade of 1V:3H, unless indicated otherwise on the plans accompanying the Part 3A permit. Slopes are not to be at grades steeper than those satisfactory to Council in relation to public safety.

“Stream One” – Re-alignment and Rehabilitation

112. Due to the presently degraded state of the watercourse described as “Stream one”, DIPNR will accept the re-alignment and rehabilitation of this watercourse in accordance with *Draft Guidelines for Watercourse and Riparian Area Planning and Design – Version 3* (Attachment A).
113. The design of the watercourse must incorporate the natural watercourse and riparian area form and match the local hydrologic and hydraulic conditions. The downstream end of the watercourse, prior to its entry into the lagoon, must be maintained as an overland flow path to emulate the natural situation and must not be defined or channelised. Any re-alignment must not split the stream into two paths. The designs and methods of construction are to be included in the WP.

Water Quality Treatment Basins

114. Any water quality treatment basins are to be designed and constructed to ensure minimal impact on the watercourses, identified riparian zones and natural flow regimes. For any part of such basins located on protected land, the designs and methods of construction are to be included in the WP and the rehabilitation of any affected riparian zones is to be included in the VMP.

Stormwater Outlet

115. Detailed designs of any stormwater outlets and any necessary scour protection works within the riparian zone or any protected waters are to be prepared. The designs must include one or more representative surveyed cross sections and a long section showing existing and proposed bed and bank profiles and water levels at the outlet point. The sections are to extend beyond the structure for a distance of 5m for the cross section, and for the long section, 5m beyond the landward extent of the riparian zone and 5m from the toe of the bank of the receiving protected waters. Any proposed stormwater outlets are to be designed in accordance with the DIPNR guideline: *Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways - Version 1)* (Attachment B).
116. Stormwater outlets must be designed, located and constructed to minimise any erosion or scour of riparian zones or the bed or banks of any protected waters. The construction methods adopted must ensure that disturbance to soil and vegetation in these areas is kept to an absolute minimum. The designs and methods of construction are to be included in the WP.

Scour Protection

117. Points of constriction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the Site, are to be suitably protected against scour. Designs of scour protection works, based on predicted velocities and scour potential, together with methods of construction, are to be included in the WP.
118. All permanent rock scour protection must consist of hard and durable run-of-quarry rock, sized to resist predicted scour velocities. Rock must be angular and blocky rather than flat, to ensure a good “bind” and to resist negative hydraulic pressure. Rock is to be placed over a bedding layer of angular cobbles with geotextile underneath to prevent erosion of underlying fine bed sediments and to facilitate placement.
119. All finished rock rip-rap surfaces are to be rough, and evenly aligned with the adjoining bed, bank and floodplain profile and must not reduce the capacity of protected waters in any way.

120. All rock and cobbles installed for scour protection are to be packed with topsoil and the crevasses in the rip-rap planted with local native sedges and rushes, to further stabilise the works and to increase riparian zone values and functions.
121. Wire mesh structures and concrete grouting are not permitted for use with rip rap scour protection unless specifically approved by DIPNR.

Crossings – General Requirements

122. Any crossing design over protected waters and riparian zones must be sensitive to the ecology, wildlife corridor and geomorphic functions of protected waters and protected land. To achieve this, any crossing is to be designed and constructed in accordance with the principles in the *Draft Guidelines – Watercourse Crossing Design & Construction – Version 3* (Attachment C).

“Stream One” - Crossings

123. Detailed designs of the proposed “Stream One” watercourse crossings and any necessary scour protection works within the riparian zones, and the bed and banks of protected waters are to be prepared. The designs must include a surveyed representative cross section and long section of each structure showing existing and proposed ground surface and water levels. The sections are to extend 10m beyond each structure. The designs and methods of construction are to be included in the WP and rehabilitation in the VMP.

Accessways

124. All accessways, being cycleways, pedestrian pathways or other non-vehicular form of accessway that may be proposed for the Site, are to be designed and constructed in accordance with the *Draft Guidelines for the Design and Construction of Paths and Cycleways in Riparian Areas- Version 1* (Attachment D).
125. Any accessway, or accessway lighting, proposed to be located within any riparian zone or protected waters is not to be constructed without consultation with, and prior approval of, DIPNR.

Maintenance of Works within Protected Waters

126. All works within protected waters are to be monitored after each major storm event for the duration of any Part 3A permit issued by DIPNR. Stabilisation works consisting of soft-engineered designs are to be undertaken as required, after seeking advice and approval from DIPNR, if there are signs of erosion or instability of protected waters.

Works Within Protected Waters to Satisfy NSW Fisheries

127. Prior to the issue of the Part 3A permit, agreement in writing from NSW Fisheries is required for the designs of all proposed works located within, or connecting, any protected waters.

Peg Out Survey and Exclusion Fencing – after completion of bulk earthworks

128. Following the completion of bulk earthworks at the Site, a registered surveyor must undertake a “peg out survey”. The survey must clearly show on the ground the location and extent of the riparian zones described in these conditions, via the use of pegs and clearly visible, durable and appropriately signposted exclusion fencing. DIPNR must inspect and approve the “peg out survey” and fencing prior to the release of any cash bond or bank guarantee associated with the earthworks or structures at the Site.

Designation of Riparian Zones

129. The extent of the riparian zones, is to be measured horizontally landward from the top of the bank or shore (as approved by DIPNR) and at right angles to the alignment of the bank or shore, of

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protected waters, including beneath any crossings, for their entirety within the Site,, unless otherwise approved by DIPNR, and shall be:

- a) **Pitt Town Lagoon** - 40 metres measured from the edge of the agreed lagoon extent, and in accordance with the footprint shown on the Proposed Revegetation Plan, by Marten and Associates Pty Ltd, dated 7/2/05, or similar plan, provided it is approved by DIPNR prior to the issue of the Part 3A Permit.
- b) **“Stream One”** - minimum total width of 20 metres.

130. Any reference to “riparian zones” in any condition in these General Terms of Approval is to be regarded as a reference to the “riparian zones” described within this section.

Preparation of a Vegetation Management Plan (VMP)

- 131. Site rehabilitation and maintenance is to be carried out in accordance with a VMP.
- 132. The VMP is to be prepared prior to the issue of the Part 3A Permit. The VMP is to be in accordance with the guideline: *“How to Prepare a Vegetation Management Plan – Version 4”* (Attachment E).
- 133. The VMP is to fully address all matters relating to riparian zone protection, vegetation to be retained, vegetation to be removed, obtaining plant material for rehabilitation, establishment methods, sequencing of tasks, maintenance and performance monitoring relating to the rehabilitation of the riparian zones. The VMP is to include drawings that clearly show the approved extent of the riparian zones. The VMP is to clearly state planting densities and the species mix for all areas to be rehabilitated. The VMP is to be cross-referenced to other “plans” required by these conditions, where appropriate.

Site Rehabilitation - Vegetation

- 134. Site rehabilitation must:
 - a) protect any remnant local native riparian vegetation at the Site wherever it is reasonably possible to do so, and,
 - b) restore any riparian zones, including the area within protected waters, that are disturbed or otherwise affected by the development to a state that is reasonably representative of the natural ecotone of the protected waters and their environment.
- 135. The riparian zones so restored are to consist of a diverse range of native plant species local to the area and are to consist of species and communities that emulate the original natural situation. Planting structure and densities are to be as follows:
 - a) **Pitt Town Lagoon**

Vegetation structure, design, and densities appropriate to restore the natural wetland and terrestrial ecotone of the lagoon. To be finalised in consultation with, and with the approval of, DIPNR prior to the issue of the Part 3A Permit.
 - b) **“Stream One”**

Fully structured vegetation (i.e trees, shrubs and groundcovers). Densities of at least 1 tree or 1 shrub (in approximately equal numbers) alternately planted at 1 plant per square metre and in addition, groundcover plants at 4 plants per square metre,, unless otherwise specified in the VMP.
- 136. Revegetation must be carried out over all areas in the riparian zone affected by the works, including beneath crossings, and including all areas that are temporarily occupied by soil and water

management controls, once those controls have been decommissioned and the ground surfaces restored to the correct profile and stabilised.

Physical Barrier to be placed at Landward Edge of Riparian Zones

137. To prevent inadvertent damage to riparian zones, a physical barrier is to be placed at their landward extent in all locations where mowing or slashing of adjacent areas is likely.

Maintenance of Rehabilitated Areas within Riparian Zones

138. The rehabilitated riparian zones must be maintained and monitored for a period of **at least two years** after final planting, or where other revegetation methods are used, **two years** after plants are at least of tubestock size and are at the densities required by these conditions and with species richness as described in the VMP. Maintenance must include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control, mulching and any other requirements necessary for achieving successful vegetation establishment.

Maintenance Report

139. A brief and concise report addressing the performance criteria as specified in the VMP, and any problems implementing the VMP, as well as means to overcome these, shall be forwarded to DIPNR **immediately after completion of initial planting/seeding**, and prior to the release of any cash bond or bank guarantee, and **every six months** thereafter for the duration of the maintenance period. The report must also comment on the stability and condition of any associated stream works. Implementation of the VMP will be considered incomplete without DIPNR sign-off of the final monitoring report at the end of the minimum two-year maintenance period.

Seed and Plant Material Collection, Propagation and Certification

140. The person responsible for implementing the VMP must certify in writing to DIPNR that plantings (including follow-up plantings) have been carried out using stock propagated from seed or plant material collected only from native plants from the **local botanical provenance**. This certification is to be provided with the first monitoring report, and prior to the release of any cash bond or bank guarantee, and for any supplementary plantings with the next monitoring report thereafter.
141. DIPNR is to be advised of the person responsible for any seed or vegetative propagation prior to the commencement of propagation.

Exotic Plant Species not to be Planted or Placed Within or Near the Riparian Zones

142. No exotic plant species, other than temporary sterile cover crops, are to be planted within, or within **10 metres** of, the riparian zones on the Site, unless otherwise approved by DIPNR.
143. Only certified weed free and contaminant free mulch is to be used on the Site. This is because mulch products imported onto the Site may contain weed seeds and viable vegetative matter and other contaminants, which could impact adversely on the vegetation, soil, water quality or ecology of the Site.

Works and Activities not to Compromise Riparian Zones and Implementation of the VMP

144. The riparian zones are to function as ecological systems and as such, all works, access routes, roads, recreational areas, service easements and any other non-ecologically functioning work or activity are to be located beyond the riparian zones, unless detailed on plans approved by DIPNR, prior to the issue of the Part 3A permit.
145. Works and activities must not compromise the implementation of the VMP in any way.

Bushfire Asset Protection Zones not to Compromise Riparian Zones

146. Any requirements for bushfire asset protection zones are not to compromise in any way the extent, form or function of the riparian zones. Fuel reduced areas are to be located outside of riparian zones.

Council Requirements for Flooding, Drainage, Stormwater Detention and Water Quality

147. The development is to satisfy all requirements of Council in relation to flooding, drainage, stormwater detention and water quality, but in so doing, must not compromise in any way the form and function of any works, protected waters and riparian zones required by these conditions.
148. With regard to the previous condition, there is to be no permanent or temporary excavation of, or placement of material on, protected land, or anything done that may affect the flow of protected waters, other than as shown on the DA plans and associated documentation provided to DIPNR, and approved by DIPNR, without approval in writing from DIPNR and NSW Fisheries.

Soil Suitability

149. Wherever possible, riparian zone soils should be those naturally occurring at the Site. If this will not be the case for the final landform, approval from DIPNR must be obtained **prior to the issue of any Part 3A permit**. If importation of soil into the riparian zone is unavoidable, such soil must be tested and certified by a NATA registered soils laboratory to be:

- a) similar to the naturally occurring local riparian zone soil
- b) suitable for the establishment and on-going viability of riparian vegetation
- c) free of any weed propagules
- d) free of any contaminants

Documentation arising from this testing and certification must be provided to DIPNR prior to the placement of any soil.

150. Any fill material placed in a riparian zone that is inconsistent with the requirements of the previous condition must be removed and relocated beyond the riparian zone or taken off-Site and disposed of in a lawful manner.
151. The structure of the soils in the riparian zones must be suitable for the vegetative rehabilitation of the Site and are therefore not to be proof rolled or subjected to other unsuitable compaction unless otherwise approved by DIPNR.

Access to the Site to be Provided for the Purpose of Fully Implementing the VMP

152. Prior to the issue of any Part 3A Permit, documentation that demonstrates a right of access to the site for a sufficient time to enable the full implementation of the VMP is to be provided to DIPNR. Such documentation is to be legally binding upon the land and its present and future owners until such time as the implementation of the VMP is complete, and as approved by DIPNR.

Water Quality and Environmental Protection

153. The Applicant must ensure that the amount of dirty water and sediment from the Site that enters protected waters or that is exposed to the flow of protected waters, or that is likely to detrimentally affect water quality, riparian vegetation or habitat or the environment, is minimised in a manner acceptable to DIPNR.

Soil and Water Management

154. The Applicant must submit a Soil and Water Management Plan (SWMP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The

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SWMP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (2004)*. The SWMP is to be cross-referenced to other “plans” required by these conditions, where appropriate. The SWMP is also to meet any EPA licence requirements.

155. All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oils and greases, or any other contaminants, must not be permitted to pass to protected waters.
156. All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Maintenance of Erosion and Sediment Control Measures

157. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis, and immediately following any rainfall events, to ensure their efficient operation. This obligation remains until the Site has been fully stabilised.

Decommissioning of All Erosion and Sediment Controls and Water Diversion Structures

158. Decommissioning of all erosion and sediment controls and any water diversion structures must be documented in detail to the satisfaction of DIPNR. Decommissioning must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (2004)*. The timeframes for decommissioning are to be cross-referenced to the implementation of any riparian zone plantings. Decommissioning of sediment and erosion controls is not to detrimentally affect the implementation of the VMP.

Costing to be Provided

159. A costing based on current industry rates is to be provided for all works and activities that are associated with the DA and that are subject to these conditions. The costing is to identify each type of work or activity and is to present the costing in a break-down format that covers each aspect of that work or activity. Costings are to cover labour, equipment and materials and maintenance and reporting where these tasks are relevant. The costing is to cover, but may not be limited to, the following works and activities:
 - a) complete implementation of all stages of all works within protected waters and riparian zones, including maintenance requirements and decommissioning of any temporary works, as described in the WP
 - b) construction of “Stream One” watercourse crossings as described in the WP.
 - c) construction of any stormwater outlets and their revegetation as described in the WP and VMP
 - d) construction of any scour protection works and their revegetation as described in the WP and VMP
 - e) implementation of the VMP, including monitoring, reporting and maintenance for a period of not less than two years after the date of final planting
 - f) construction of any accessways in any riparian zones

Security Deposit

160. As a pre-condition to the granting of the Part 3A permit, the applicant for a Part 3A permit will be required to provide a security deposit. The security deposit can be in the form of either a cash bond or bank guarantee. The security deposit is to cover the cost, as approved by DIPNR, of completing

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the works and activities listed in the previous condition in accordance with the conditions of the Part 3A permit.

161. Any bank guarantee is to be provided from a bank licensed pursuant to the Banking Act 1959 (Cth) and is to be provided in favour of DIPNR and it must be drawn up in the format provided in **Attachment F**.
162. Any security deposit will be held until such time as the works and activities the subject of the cash bond or bank guarantee have been satisfactorily completed in accordance with the conditions of the Part 3A permit.
163. The sum held may be reduced on application to DIPNR, subject to the satisfactory completion of stages of works or activities required by the Part 3A permit.
164. DIPNR may at any time, and more than once and without notice to the Part 3A permit holder, utilise any cash provided or demand all or part of the moneys available under a bank guarantee, if in its opinion, the Part 3A permit holder has failed at any time to satisfactorily complete the works or activities in accordance with the requirements of the Part 3A permit.

Resolution of Inconsistencies

165. In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site, and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters, is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, DIPNR

Any Part 3A permit issued to be kept current

166. Any Part 3A permit issued for works proposed under the DA, and as required by these conditions, must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal is to be lodged at least 1 month prior to the expiry date of the Part 3A permit.

General Advice

- a) A Part 3A permit, subject to conditions, will be issued for the proposed works upon application.
- b) Any Part 3A permit granted for works the subject of the DA will be for a period of one year, and renewable thereafter on an annual basis.
 - Prior to the issue of the Part 3A permit the applicant must provide DIPNR with the following:
 - A copy of Council's development consent including all conditions of approval
 - Any approval from NSW Fisheries required by these conditions
 - Sufficient number of sets of plans and other documentation that satisfy DIPNR's General Terms of Approval, and any associated recommendations, for distribution to: the proponent, Council, DIPNR and any other approval body likely to be affected by DIPNR requirements
 - The appropriate Part 3A permit fee and any required bond
 - Full details on land ownership of all areas affected by the proposed works, and written authorisation for the works by the relevant land owners
- c) The rehabilitation of the Site in accordance with the Part 3A permit conditions, as determined by DIPNR, is the responsibility of the Part 3A permit holder and the owner or occupier of the land.
- d) The Part 3A permit holder and the owner or occupier of the land are responsible for construction of works or any excavation or removal of material undertaken by any other person or company at the Site.

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- e) Any Part 3A permit granted is not transferable to any other person or company without written approval from DIPNR and does not allow operations at any other site.
- f) Any Part 3A permit granted does not give the holder the right to occupy any land without the consent from the owner(s), nor does it relieve the Part 3A permit holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the Site of the work and/or the activities proposed to be undertaken.
- g) A "person" for the purposes of these GTAs, means a person, persons or organisation authorised by the recipient of the consent for the DA, or their agent, should such consent be issued, to undertake any of the requirements of these GTAs.
- h) These GTAs are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, any Part 3A permit is rendered invalid for such Crown Land and has no force or effect on the same, and the occupier of Crown Land should contact the Department of Lands for their requirements.

Sydney Water

167. Any works being undertaken near the water main is to comply with Sydney Water's Guidelines for Building over/adjacent to Sydney Water Sewers.

Advisory Notes

- The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- The applicant 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 roads.

- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 371 **ES - S.96 Modification Application - Removal of two internal walls, Lot 2, DP 844715, 35 Elizabeth Street, North Richmond NSW 2754 - (95494, 85027, DA0374/02)**

Development Information

Applicant: Beverley Hills Investments Pty Ltd
Applicants Rep: Beverley Hills Investments Pty Ltd
Owner: Beverley Hills Investments Pty Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 3540.000 m2
Zone: Residential 2 (a) under Hawkesbury Local Environmental Plan 1989
The proposed zone under draft local environmental plan 1/01 - Amendment 130 is Housing.
Brief Description: s.96 Modification - Removal of walls required to be retained after demolition
Advertising: Not required
Date Received: 18/08/2005

Key Issues: ♦ Heritage

Recommendation: Approval

REPORT:

Introduction

This application seeks to modify Development Consent DA 374/02, which gave approval for the construction of 11 villa units.

The Section 96 modification application proposes the removal of the existing walls that separate the entry and bedrooms 2 and 3 of Unit 2. This report provides a summary and assessment of the key issues. A complete assessment of the application is available on the file.

The application is being reported to Council in accordance with Council's Policy and is recommended for approval.

Background

The site and development has a history of works being undertaken (i.e demolition of buildings and tree removal) without approval. These works had been undertaken by the former property owner.

At its Ordinary meeting of 12 November 2002 Council approved Development Application DA 374/02 for the construction of 11 villa units and the part demolition of the existing dwelling house.

During investigations of the demolition of the existing dwelling house, it was found that, whilst the property is not listed as an item of heritage significance under Schedule 1 of HLEP 1989, the property and dwelling had local significance.

The recommendations of Council's Heritage Advisor were incorporated into the Development Consent. The recommendation involved the design incorporating the front section of the existing building into the development.

The Proposal

The Section 96 modification application proposes the removal of the existing internal walls that separate the entry and bedrooms 2 and 3 of Unit 2.

In support, the applicant has advised:

"The reason for requesting this approval to remove the walls dividing the entry and bedrooms two and three (of the retained section of the existing dwelling) is due to the current floor not meeting the requirements of the Building Code of Australia.

If we reinstate the current floor, as required, the floor will not meet the requirements of the Building Code of Australia in that there will be insufficient clearance below the floor timbers to provide adequate ventilation.

The removal of the two walls will enable us to construct the floor out of concrete with proper damp proofing and termite protection. It will also enable us to erect a new frame which will make the whole frame structurally sound."

In support of the application the applicant provided an engineer's report verifying that, with appropriate measures, the front wall will not collapse as a result of the removal of the two internal walls.

Statutory Situation

Assessment of s.96(1A) of the Environmental Planning and Assessment Act, 1979

s.96(1A)

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment:

It is considered that the proposed modified development will have minimal environmental impact. The proposed changes will have no additional impacts in terms of privacy, overlooking or overshadowing on adjoining properties, or appearance.

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment:

It is considered that the development as modified is substantially the same as the approved development.

- (c) *it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*

Comment:

Hawkesbury Development Control Plan does not require the notification/advertisement of applications to modify development consent in accordance with Section 96(1A) of the Act.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

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Comment:

N/A

s.96(3)

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79c(1) as are of relevance to the development the subject of the application

Comment:

The relevant matters for consideration under s.79C(1) of the EP&A Act are discussed in the following planning assessment.

s.96(4)

Modification of a development consent in accordance with this section is not to be construed as the granting of development consent under this Part but a reference in this or any other Act to a development consent is a reference to the development consent so modified.

Comment:

The application is for the modification of development consent DA 374/02.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject land is zoned Residential 2(a). The proposed amended development is permissible with consent.

Hawkesbury Development Control Plan

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

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:

Heritage

Development Consent DA 374/02 approved part of the existing dwelling house located at 35 Elizabeth Street, North Richmond to be retained. This part consisted of the front wall and two internal walls connected to the front wall.

In June 2003, the owners of the subject property engaged "Heritage Archaeology" to conduct an archaeological field survey and heritage assessment. The results were presented in the report titled 'An Archaeological & Heritage Assessment of Woodleigh, North Richmond, NSW' prepared by Heritage Archaeology July 2003.

This report states "The architectural style of house is not unique within New South Wales. No special building techniques have been employed and no significant architectural features are present in what remains of the structure. It is doubtful if the design or construction techniques employed in the construction of the house represent any noted builder or architect.

It is considered that the remains of the demolished house have negligible archaeological potential or heritage value."

Following a site inspection 5 August, 2005 to monitor earthworks being carried out on site, Heritage Archaeology advised:

"In regard to the partly demolished residence no responsibility is taken for this structure or its condition. The remains of this structure are not considered to be of any historical, heritage, or archaeological importance as previously indicated in the June 2003 Archaeological

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Assessment. No heritage or archaeological evidence has been found or provided as to its heritage significance."

The works are internal and will not have an impact on the external appearance.

Due to the age of the building, it is highly likely that the existing floor does not comply with the Building Code of Australia (BCA). However, compliance can be achieved when replacing the floor. The original proposal included the replacement of the floor and it is believed that the removal of the internal walls will make construction of the new concrete floor simpler.

Notwithstanding, removal of the internal walls in this instance does not diminish the heritage significance.

Conclusion

Historical and archaeological investigations of the site have revealed that the subject property has no significant importance with respect to heritage. It is therefore considered that the removal of the internal walls will have no adverse impact on the limited heritage significance of the remains of the dwelling house.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: The recommendation conforms with the objectives as set out in the Strategic Plan; i.e:

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

That Development Consent DA 374/02 be amended in the following manner:

Amend Condition 1 to read:

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. 0374/02, s.96 Modification Application No. DA 0374/02AA, s.96 Modification Application No. DA 0374/02B 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.

Insert New Condition:

- 38a. The existing front façade is to be suitably protected and stabilised with the works associated with the demolition of the two (2) internal walls located adjacent to the entry of Unit 2. This is to be carried out in accordance with the recommendation of the report by "Residential Engineering - Consulting Engineers" dated 1 November 2005.

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ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Floor Plan

AT - 1 Locality Plan

[**Refer to Attachment Agenda**](#)

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to allow quicker download times)**

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AT - 2 Floor Plan

[Refer to Attachment Agenda](#)

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to allow quicker download times)**

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oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 373 **IS - War Memorials in the Hawkesbury - (79346)**

Previous Item: NM1, Ordinary (27 September 2005)

REPORT:

Council resolved on the 27 September 2005 that:

1. *Council liaise with relevant RSL Clubs to initiate steps to add the names of the fallen Hawkesbury Heroes from WW11 the Vietnam War, the Korean War and all other conflicts to the respective War Memorials in the Hawkesbury.*
2. *Costing and time frame to be further reported back to Council.*

It was further resolved at the same meeting that:

"Council further workshop the upgrading to the Richmond War Memorial, in consultation with the Richmond RSL Sub-branch, as part of the Richmond Park Management Plan".

Two meetings have since been held with the Presidents of the three Returned and Services League of Australia (RSL's) sub-branches to discuss the matter. The representatives have indicated that they have no objection to new names being added to memorials but request that a policy be developed that sets in place the criteria for the placement of such names.

The RSL's sub branches have put forward the following criteria:

- War Memorials located within the district are local monuments and should only be made available to residents of the Hawkesbury at the time of their enlistment.
- A veterans name should only appear on one memorial within the district.
- In the event that a veteran has served in more than one conflict, that the name still only appear on one memorial, but it may appear on separate theatres of conflict.

The current informal system for the placement of names on war memorials within the Hawkesbury City Council LGA has been in place for many years. The sub branches filter through any names, check the war records and once everything has been confirmed, a letter is then forward to Council requesting that the name/s be added to a memorial. The costs of any engraving was then shared by the appropriate sub-branch and Council.

The RSL do not believe that the wholesale advertising for names should be considered and in fact feel that it would be counter productive to the responsible and sensitive manner in which the placement of names now occurs. The filtering of names through the sub branches is time and cost effective for Council and ensures community involvement. The sub branches accept that it is their responsibility to be involved in this process and feel that the current system should be retained.

The sub branches agree that not all memorials can have all names added to them due to lack of space and at this time a lack of records for some of the conflicts. In time either new walls or areas can be set aside to accommodate additional names or conflicts. Richmond War Memorial is one such memorial that has a lack of space. It currently has only WWI names engraved on the memorial and there is no space to start adding a new conflict. A landscape plan of Richmond Park has been developed and the design allows for the

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upgrading of the memorial which includes the option of adding a new wall for additional conflicts. The landscape plan is currently on exhibition and is due to close on 9 December 2005. The upgrading of the memorial will depend however on future funding, grants and the Richmond sub branch.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

Objective: " Build community connection by supporting information linkages, life-long learning and access to Council meeting spaces"

Funding

Future funding to be provided from the relevant parks area budgets, the RSL's and grants.

RECOMMENDATION:

That:

1. The criteria for names be added to a war memorial, identified by the sub branches and outlined within the report, be adopted as a Council policy.
2. The Sub branches continue the role of filtering through potential names and once confirmed a letter be forward to Council requesting that the name/s be added to a memorial.
3. The costs of adding any new name to a memorial to be shared equally between the appropriate sub branch and Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 374 IS - McMahon Park - (79346, 73564, 80247, 73611)

Previous Item: Ordinary (11 June 2002)

REPORT:

McMahon Park is located at the end of McMahon Park Road in Kurrajong. The park is managed by the McMahon Park Management Association (MPMA), which is a Committee of Council established under Section 377 of the Local Government Act. The park consists of an oval, BBQs, toilets, cricket nets, discuss cages and two playgrounds. The park is highly used by soccer, little athletics, cricket and the local community. The Association receives a sum of money, \$15,236 every year for general maintenance to the park. This funding is subject to CPI .

The Park is the only active sporting field that is not managed by the Hawkesbury Sports Council (HSC) and there has been some concern over this issue in the past. The matter came to ahead in 2002 when the association wanted to upgrade the park and approached Council directly for funds. There was considerable debate as to whether McMahon park should become part of the HSC which would then include prioritisation of works and allocation of funding along with all other active sporting fields.

Council, at its meeting on 11 June 2002 resolved that:

1. *The McMahon Park Management Association be advised that Council respects their choice to either join Hawkesbury Sports Council or remain an independent management group for McMahon Park.*
 2. *The Association be advised that the Council in the 2002/2003 budget will provide a one off capital funding through the Sports Council to fund the improvements to the ground involving earthworks, extension to the irrigation, turfing and adjustments to the lighting, estimated in February of this year at \$104,300 (one hundred and four thousand three hundred dollars). That the funds be provided on the basis of the actual costs and, in this regard, it is noted that a saving is likely in the irrigation item.*
 3. *The funds come from the Parks' Capital Works area.*
 4. *Negotiations take place with the Sports Council to have the ground's mowing undertaken by their contractor at the end of the current Council contract for the park, and that the funding for this be provided to the Sports Council, and in doing so the Park Association be advised that this will bring the area under the same maintenance regime as other sporting fields managed by the Sports Council in the area.*
 5. *The Management Association be advised that future capital works in the area would need to be prioritised and funded through the Sports Council.*
 6. *A meeting be convened with the Sports Council and the McMahon Park Association to address the high usage of McMahon Park with the purpose of ascertaining if other less used venues can be used, in order to maintain the McMahon Park ground at a higher level.*
- B. *That a Sub-Committee of 4 (four) councillors negotiate with McMahon Park Management Association and the Sports Council to determine a direction for the future.*

In relation to point 'B' of the resolution, the sub committee met with the McMahon Park Management Association and the Hawkesbury Sports Council to developed a memorandum of understanding, which was adopted 13 August 2005.

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The memorandum of understanding states in point two that:

"HSC is delegated responsibility for prioritising applications for sports ground improvement capital funding allocated by HCC each year in relation to all sports grounds, including McMahon Park. The MPMA is entitled to be a voting delegate at HSC. MPMA is required to submit 2 year, 5 year and 10 year plans for HSC for prioritisation in relation to any capital funding needs it identifies for McMahon park, as well as provide matching contributions toward the cost of such projects. This includes Stages 2 & 3 of the current works program if any capital funding assistance is required for these stages"

The MPMA understand point two to mean that HSC are to prioritise their projects along side their own and then fund them appropriately through HSC capital funds. HSC understanding is that they are to prioritise the works in relation to their own but the funding is to come from Council as a separate amount. The reasons for this is that they believe that MPMA is a totally separate legal entity such as the Oasis and the Richmond Tennis Centre, where Council have in the past independently funded the maintenance of these areas. As such, they feel, it would set an unacceptable precedent for the HSC to contribute to MPMA from the HSC budget.

It must be noted that the HSC have provided a great service to the Sporting Community over the years. It is essential that the HSC continue to prioritise capital works for all sporting fields as an ad hoc approach will not provide the benefits for the community that they should. Whilst the HSC can provide advice using their depth of knowledge and experience, the separation of these two committees may mean that the direction of McMahon Park may not always be in the best interests of the overall sporting community.

The issue of where the capital funding for McMahon Park is to come from, has now come to a stand still. The MPMA has since written to Council asking that this matter be clarified.

One solution would be the option of MPMA becoming part of the HSC. The committee could remain as a grounds committee or the like and attend HSC meetings to advise, request works that are needed. The joining of the committees would mean that all issues relating to the McMahon Park would come through one body.

A second option would be for capital funding to be taken off the HSC and given directly to MPMA. As previously indicated however, this would be an ad-hoc approach where Council is prioritising improvements to one sporting ground above all others and may not be in the best interests of Hawkesbury's sporting community.

The Hawkesbury Sports Council was created to provide a conduct whereby all active playing fields would be developed within a hierarchy of identified needs and a consistent approach providing to associated sporting groups. It is managements concern that supporting an individual group to manage a particular venue may undermine this process.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

Objective: "A network of towns, villages and rural localities connected by well-maintained public and private infrastructure, which supports the social and economic development of the City."

Funding

Funding to be provided from the Hawkesbury Sports Council Capital works program.

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RECOMMENDATION:

That:

1. Any capital works for McMahon Park is to be prioritised by the Hawkesbury Sports Council and then funded from the Hawkesbury Sports Council capital works budget.
2. The delegation to the McMahon's Park Management Association be revoked and McMahon's Park be included in the grounds managed by the Hawkesbury Sports Council.

ATTACHMENTS:

AT - 1 McMahon Park - Memorandum of Understanding

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AT - 1 McMahon Park - Memorandum of Understanding

[Refer to Attachment Agenda](#)

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oooO END OF REPORT Oooo

Item: 375 IS - Prohibiting Consumption of Alcohol in Public Parks (79346, 37608)

REPORT:

There has been a request by the Windsor Returned and Services League of Australia, Sub Branch to prohibit the consumption of alcohol in Memorial Park, Windsor.

A large group of persons has been congregating in the park consuming what seems to be large quantities of alcohol. The War Memorial is frequently visited by aged veterans and they are distressed by the consumption of alcohol and anti-social behaviour. They feel that this type of activity shows a lack of respect for the location in which it occurs.

There are two methods of prohibiting the consumption of alcohol in a public place, namely:

- declaring an alcohol-free zone;
- prohibiting the consumption of alcohol in public places such as parks and reserves.

Section 644 of the Local Government Act, provides that Council may declare a zone consisting of one or more public roads or parts of public roads within the area, to be an alcohol-free zone. The zone can only include roadways, footways and public carparks and does not include parks and reserves or other public areas. Public consultation is required prior to implementing a zone under this section of the act.

In relation to parks and reserves and other public areas, Council may in accordance with Section 632 of the Act, prohibit the consumption of alcohol in these areas. A sign indicating that the activity is prohibited, must be placed on the subject area, however, public consultation is not required. The restriction can be enforced by an authorised Council officer.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

Objective: "Work in partnership with community and Government to implement community plans, to meet the social, health, safety, leisure and cultural needs of the city."

Funding

Funding for signage can be provided from the Windsor Parks and Reserves budget.

RECOMMENDATION:

That:

1. That the consumption of alcohol be prohibited at Memorial Park Windsor, in accordance with Section 632 of the Local Government Act .
2. Appropriate signage be placed at Memorial Park.
3. Windsor Police be informed of Council's decision.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 376 SS - Formalisation of Easement - Bowen Mountain - (95496, 95908, 95909, 73947)

REPORT:

The Deposited Plan 210304 dated 1961, shows that a proposed easement to drain water affects lots 413, 414, 415, 429 and 430 within the Deposited Plan. The affected properties are identified as:

15 (Lot 413) Currawong Crescent, Bowen Mountain;
13 (Lot 414) Currawong Crescent, Bowen Mountain;
11 (Lot 415) Currawong Crescent, Bowen Mountain;
79 (Lot 429) Lieutenant Bowen Road, Bowen Mountain; and
77 (Lot 430) Lieutenant Bowen Road, Bowen Mountain.

In 1995, the proposed easement affecting lot 415 was formalised and noted on the title accordingly. Whilst the remaining properties, being lots 413, 414, 429 and 430 are still affected by a proposed easement. In March 2005, Mr and Mrs Rooker purchased 13 (Lot 414) Currawong Crescent and made representation to Council regarding the possibility of formalising the easement, which affects their property. Mr and Mrs Rooker further requested that the width of the easement be reduced from 3.66 metres to 2.5 metres.

As a result of this request, consideration has been given to formalising the easements, which affect all four properties within Deposited Plan 210304. A Survey Plan of Easement to Drain Water was prepared by Matthew Freeburn Surveyor. Matthew Freeburn, together with Council's Design and Mapping Services Branch have confirmed that the easement is required to remain at a width of 3.66 metres to effectively drain water. This information, together with a copy of the survey plan, was forwarded to all affected landholders, with no objections raised.

Council will need to take responsibility for all costs associated with the formalisation of the easement (surveyors costs, legal fees, registration etc).

Conformance to Strategic Plan.

This proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Implement processes to identify and respond to the infrastructure requirements"

Funding.

Funding is available within the current Infrastructure Services budget.

RECOMMENDATION:

That:

1. Council proceed with the proposal to formalise the easement to drain water across Lots 413, 414, 429 and 430 in Deposited Plan 210304.
2. The width of the easement remain at 3.66 metres wide as originally proposed.
3. All costs associated with the formalisation of the easement be borne by Council.

ORDINARY MEETING

Meeting Date: 29 November 2005

4. The owners of the affected properties be required to execute the Section 88b Instrument in accordance with the Conveyancing Act, 1919.
5. Authority be given for any documentation in association with this matter be executed under the Common Seal of Council.

ATTACHMENTS:

AT - 1 Deposited Plan 210304 dated 1961 (identifying proposed easement)

AT - 2 Survey Plan of Easement to Drain Water dated 2005.

ORDINARY MEETING

Meeting Date: 29 November 2005

AT - 1 Deposited Plan 210304 dated 1961 (identifying proposed easement)

[Refer to Attachment Agenda](#)

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(Click on the link above to open the Attachment Agenda)

ORDINARY MEETING

Meeting Date: 29 November 2005

AT - 2 Survey Plan of Easement to Drain Water dated 2005.

[**Refer to Attachment Agenda**](#)

**(This Attachment has been removed to reduce the overall size of this business paper
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oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 29 November 2005**Item: 377 SS - Monthly Investments Report - October 2005 - (96332)****REPORT:**

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 tables outline the investment portfolio held by Council as at the end of October 2005. All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

October 2005

Investment Type	Balance B/fwd	Deposits	Withdrawals	Accrued Interest Reinvested	Balance End of Month
Managed Funds	\$16,587,258.88		-\$1,000,000.00	\$84,061.22	\$15,671,320.10
On Call Funds	\$2,250,000.00	\$1,700,000.00	-\$2,950,000.00		\$1,000,000.00
Term Investments	\$930,000.00				\$930,000.00
Direct Investments	\$3,500,000.00				\$3,500,000.00
TOTAL	\$23,267,258.88	\$1,700,000.00	-\$3,950,000.00	\$84,061.22	\$21,101,320.10

Investment Commentary

The investment portfolio decreased by \$2.166 million during October 2005. The decrease is representative of October being between rates instalments, consequently there is only minor cash in-flows for the period. The Cash out-flows are used for the day-to-day activities of Council.

Managed Fund performance exceeded the benchmark(UBS Australia) Bank Bill Index in October 2005 with an average return after fees of 6.133%, compared with the index of 5.77%. The managed funds portfolio has achieved a return after fees for the past 12 months of 6.153%, which has outperformed the (UBS Australia) Bank Bill Index of 5.71% for the corresponding 12-month period.

Official cash interest rates have remained unchanged at 5.50%.

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.

Conformance to Strategic Plan

The proposal is deemed to conform with the objectives set out in Council's Strategic Plan i.e:

"Objective: Maximise return on Council's investment portfolio"

ORDINARY MEETING

Meeting Date: 29 November 2005

Funding

Funds invested with the aim of achieving budgeted income in 2005/2006.

Lisa Desmond
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 29 November 2005

CONFIDENTIAL REPORTS

Item: 378 **ES - Land and Environment Court Appeal - 7 London Place, Grose Wold - (95494, DA0747/03) CONFIDENTIAL CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

ORDINARY MEETING

Meeting Date: 29 November 2005

Item: 379 **IS - Supply and Lay Asphaltic Concrete - (79344) CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

ORDINARY MEETING

Meeting Date: 29 November 2005

Item: 380 **SS - Lease to Dalby - Shop 5, Glossodia Shopping Centre - (95496, 90236, 90415)**
CONFIDENTIAL

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

ORDINARY MEETING

Meeting Date: 29 November 2005

Item: 381 **SS - Lease to Mr Frank Taranto - Macquarie Park House, 1 Wilberforce Road, Windsor - (73642, 95496) CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - E-Commerce/Markets Advisory Committee Minutes - 10 November 2005 - (91367)

The meeting commenced at 7:05pm

Present:	Councillor Bart Bassett Councillor Trevor Devine Councillor Neville Wearne Mr Graeme Faulkner Mr Stephen Phillips Mr Justin Melton Mr Peter Hudson
Apologies:	Clr Barry Calvert Clr Rex Stubbs Ms Janette Fairleigh Ms Fiona Mann Mr Zac Hope
In Attendance:	Denise Hancock Ms Robyn Kozjak (Minute Secretary)

REPORT:

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Stephen Phillips and seconded by Councillor Wearne that the Minutes of the E-Commerce/Market Advisory Committee held on the 11 August, 2005, be confirmed.

SECTION 2 - Presentations to the Committee

1. Newcastle Stock Exchange - Hawkesbury Stock Exchange

- Mr Michael Cox, with the assistance of Mr Richard Gittins of Newcastle Stock Exchange, commenced PowerPoint presentation.
- Mr Stephen Phillips suggested organising information sessions for local accounting firms, law firms etc with information regarding requirements to become licensed broker.

MOTION:

RESOLVED on the motion of Mr Justin Melton and seconded by Mr Stephen Phillips that a vote of thanks be extended to Mr Michael Cox for his interesting presentation.

2. Pinpoint Marketing - Hawkesbury Loyalty Card

- Mr Craig Marquart commenced presentation via DVD re community rewards Programme.

ORDINARY MEETING
Reports of Committees

- Cost \$300 to start up, \$35.00 per week thereafter.
- Fifty businesses are required to start off with.

MOTION:

RESOLVED on the motion of Mr Stephen Phillips seconded by Councillor Bassett.

Refer to RECOMMENDATION TO COUNCIL

RECOMMENDATION TO COUNCIL:

RESOLVED on the motion of Mr Stephen Phillips seconded by Councillor Bart Bassett.

That:

1. Council endorse community rewards programme to operate for the benefit of the community.
2. Council arrange for an information evening to promote community reward programme.

MOTION:

RESOLVED on the motion of Mr Justin Melton and seconded by Mr Stephen Phillips that a vote of thanks be extended to Mr Craig Marquart for his interesting presentation.

ORDINARY MEETING
Reports of Committees

Review of EMAC Business Plan

[Refer to Attachment Agenda](#)

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ORDINARY MEETING
Reports of Committees

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ORDINARY MEETING
Reports of Committees

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EMAC Business Plan Update

Action 1.1 - Committee Represented at Business Breakfast Meetings hosted by commercial Strategy Division

- Currently on hold whilst in the process of recruiting support person.

Action 2.1 - Roll-Out of New Signage Policy

- Note this item was discussed in Item 18.

Action 3.1 - Regular Reporting of High Speed Broadband Rollout

- Mr Justin Melton tabled document "ADSL availability - By Exchange" and was pleased to report for the past two years Telstra was listed as Number 2, nationally for excellence in ADSL services.
- Mr Justin Melton asks if Council could assist with following up Expressions of Interest in the areas of Maroota, Mount Wilson, Lower Portland, Colo Heights, St Albans, Canoelands and Upper Colo (as indicated in red within colour-coded document).

Action 4.1 - Identify Space for Technology Park

- Note this item was discussed in Item 14.

Action 4.2 - Identify Potential Development Partners for Technology Park

- Note this item was discussed in Item 14.

Action 5.1 - Mentors for Business Skills Program

- Being held over till next year.

Action 6.1 - Bridge to Bridge Marketing Campaign

- Met with Bridge to Bridge Committee and Tourism Hawkesbury. It was decided it is too late in year to put into place. Will look at beginning campaign next year.

Action 6.2 - Support Christmas Competition to provide Incentives to Local Business

- Note this item was discussed in Item 15.

Action 7.1 - Tourism Co-operatives with Industry and Local Government Partners

- Ongoing, however, at present going through staff changes. Has not been confirmed yet.

Action 8.1 - Establishment of M-Commerce Business Directory

- Mr Justin Melton had meeting two weeks ago. Further meetings are scheduled for 7 February, 2006 and 28 February, 2006 in Richmond and Windsor.

Action 9.1 - Facilitate Partnerships that aggregate demand for New Technology

- Meeting with EDS, presentation to provide IT services. Council should look at own IT systems first. Draft copy of review from consultants looks interesting. Will finalise and circulate to committee members once we have looked at it and raised item for discussion next meeting in February.

Action 10.1 - Facilitate Development of Major Employment Precincts

- Note this matter was discussed in Item 14.

SECTION 3 - Reports for Determination

Item: 14 Technology Business Park

DISCUSSION

- In exploring the feasibility of establishing a Technology Park in the Hawkesbury, it was discussed that sites of land at Clarendon and land at the University may be options.
- Discussions with RAAF officials indicate that the Department of Defence (DOD) would prefer more involvement of private sector. This would enable them to focus on core business.
- Mr Graeme Faulkner referred to discussions with private investors in DOD assets and bringing potential development partners up from Canberra to show them around the Hawkesbury area.
- It was suggested we should look to forming an alliance with the University and should assist the Department of Defence in encouraging them to expand services.
- It was discussed that Hawkesbury may be ideally placed to compete with other major technology parks provided we maintain an entrepreneurial attitude and involve the right people.

MOTION:

RESOLVED on the motion of The General Manager, seconded by Councillor Councillor Wearne.

Refer to COMMITTEE RECOMMENDATION TO COUNCIL

RECOMMENDATION TO COUNCIL:

RESOLVED on the motion of Mr Graeme Faulkner, seconded by Councillor Wearne.

That:

1. A strategic alliance be sought with the University of Western Sydney (UWS) for the purpose of evaluating integrated working arrangements with the Department of Defence and to conduct a master plan for a technology-business park precinct
2. A strategic alliance be sought with the Department of Defence (DoD) and with the private sector as appropriate for the purpose of facilitating workable arrangements arising under part 1 of this initiative.
3. An amount of up to \$40,000 plus incidentals be set aside from the Local Economic Development budget for the purpose of this initiative.
4. The matter be further reported to Council via the Strategic Planning Committee.

Item: 15 Hawkesbury Business Christmas Decorations Competition - Update

DISCUSSION:

It is noted Mr Bart Bassett declared an interest in this item left the room.

- It was confirmed entries for the Christmas Competition closed on 1 November 2005.
- Mr Stephen Phillips was pleased to advise that over 60 businesses entered the competition.
- Judging Panel to be contacted, ie., Ms Duff (Hawkesbury Showgirl 2005), Ms Henry (UWS Scholarship Recipient 2005), Mr Zac Hope, Councillor Neville Wearne and Councillor Stubbs to begin reviewing and evaluating applications received.

MOTION:

RESOLVED on the motion of Councillor Devine seconded by Mr Justin Melton.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Devine seconded by Mr Justin Melton
That:

1. In light of the potential 'conflict-of-interest notice' received from Councillor Bart Bassett, that Councillor Rex Stubbs replaces Councillor Basset on the Judging Panel for the Hawkesbury Christmas Decorations Competition 2005.
2. The Judging Panel make the necessary arrangements to consider and evaluate the applications received for the Hawkesbury Business Christmas Decorations Competition and liaise with Council's Corporate Communications Unit with regard to presentation of prizes.

Item: 16 E-Commerce/Markets Advisory Committee - New Community Member Appointment

DISCUSSION:

- Councillor Trevor Devine queried whether or not some experienced community members may have already been nominated.
- Discussion took place regarding evaluations of nominations and the General Manager is to discuss further with Ms Fiona Mann to clarify matters pertaining to expressions of interest.
- It was put forth by the Committee that any member should suggest a person they feel would be suitable to join the Committee, and that a local identity is preferred, if possible.

MOTION:

RESOLVED on the motion of Councillor Devine seconded by Councillor Bassett.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Devine, seconded by Councillor Bassett.

That the recommendation be changed to read:

1. Committee members invite interest from community members and provide those names back to General Manager by end of November, 2005."
2. In the absence of suitable candidates as determined by the General Manager, advertisements to fill the vacant position on the E-Commerce/Markets Advisory Committee should then take place.
3. The General Manager shall recommend the most appropriate candidate to Council for appointment to the Committee.

Item: 17 University of Western Sydney, Co-operatives Program 2005

DISCUSSION:

- Results of Survey of Hawkesbury Local Businesses and Customers undertaken by UWS students found to be quite limited.
- While the outcomes of the survey was helpful within the context in which the work was undertaken, Council should undertake a more comprehensive economic study of the Hawkesbury to assist in planning activities of both the Strategic Planning Committee and EMAC.
- It was noted that both Penrith and Blacktown City Councils regularly undertake these forms of research to assist in their planning and economic development activities.

MOTION:

RESOLVED on the motion of Councillor Bassett seconded by Mr Justin Melton.

Refer to COMMITTEE RECOMMENDATION TO COUNCIL

RECOMMENDATION TO COUNCIL:

RESOLVED on the motion of Councillor Bassett seconded by Mr Just Melton.

That:

Council gives consideration to undertaking a detailed economic study, to be updated regularly, for the purpose of facilitating effective strategic planning and the development of local job opportunities.

Item: 18 Signage Policy - Update

DISCUSSION

- Installation of LGA Entry Signs has now been undertaken.

ORDINARY MEETING
Reports of Committees

- Reference was made to comments sought from Tourism NSW, RTA and Local Heritage Advisory on the issue of signage.
- After taking all considerations into account, such institutions considered that Council's signage policy was most suitable.

MOTION:

RESOLVED on the motion of the Mr Graeme Faulkner, seconded by Mr Peter Hudson. It was noted the vote was unanimous.

Refer to COMMITTEE RECOMMENDATION TO COUNCIL

COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED on the motion of the Mr Graeme Faulkner seconded by Mr Peter Hudson.

That:

1. The Committee reaffirms the integrity of Council's adopted signage policy as an integrated program, which caters for the needs of the travelling public and accommodates the desires of the community through a range of signage assets that suitably distinguishes the characteristics of the Hawkesbury for the benefit of all.
2. Council re-commence the implementation of the signage policy as a matter of priority to deliver foundation commercial infrastructure considered necessary to communicate to the broader community.
3. The Hawkesbury Historical Society Inc. be advised of the outcome of the signage policy review and the available options for exploring history-heritage signs in the area through Council's signage program, in conjunction with the NSW Tourist Signposting Policy of the Road and Traffic Authority, and if it wished, to pursue such options together with Council.

SECTION 4 - Reports for Information

Item: 19 Commercial Response Unit

DISCUSSION:

- Mr Stephen Phillips referred to report for information pertaining to the establishment of a Commercial Response Unit for the purpose of facilitating local economic development and confirmed the completion of all targets of operation since commencement of CRU on 22 July 2004.

Achievements include:

- Established new operating systems, procedures, etc.
- Commenced development on a Hawkesbury Business Database.
- Established and provided executive support for Strategic Planning Committee (SPC).
- Established and provided executive support for e-Commerce/Markets Advisory Committee (EMAC).
- Developed a 5-year Business Plan "GAME-PLAY".
- Hosted a series of Business Breakfasts with over 90 businesses attending to-date.

ORDINARY MEETING
Reports of Committees

- Hosted a Mayoral Reception for new businesses with over 129 business attending.
- Facilitated support for the establishment of 40 new business start-ups, with 36 new jobs being created and over \$1.8 million in new business investment.
- Created and developed a new “Hawkesbury Logo” for marketing the LGA.
- Formulated new signposting policy to promote regional development.
- Installed new entry signs upon all major roads leading into the Hawkesbury LGA (Windsor Rd to be completed later).
- Established an Enterprise Development Panel and supported 3 new economic development projects under a performance-based approach.
- Sought Expressions-of-Interest for development of Council-owned Macquarie Street properties under a PPP.
- Identified landholdings for a technology-business park and other industrial sites.
- Created and launched joint Council-Business Christmas Decorations Competition.
- Established networks with funding organisations such as GROW.
- Initiated Hawkesbury-Lithgow Tourism Cooperative to generate new business across LGA boundaries.
- Initiated Hawkesbury e-enablement strategy.

MOTION:

RESOLVED on the motion of Councillor Devine seconded by Councillor Bart Bassett.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Devine seconded by Councillor Bassett.

That the information be received.

TABLED CORRESPONDENCE

1. ADSL Availability - By Exchange, tabled by Mr Justin Melton, Telstra Countrywide.

The meeting terminated at 9.13pm.

Submitted to and confirmed at the meeting of the E-commerce/Markets Advisory Committee held on 10 November, 2005.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee Minutes - 16 November 2005 - (80245)

REPORT:

- Present:** Councillor B Bassett (Chairman)
Mr J Christie, Office of Mr A Shearan, MP
Mr D Chui, Roads & Traffic Authority
Sen Constable C Hamilton, NSW Police Service
- Apologies:** Mr T O'Brien, Office of Mr S Pringle, MP
Mr R Elson, Department of Transport
- In Attendance:** Mr C Amit, Manager Design & Mapping Services
Mr T Shepherd, Administrative Officer, Infrastructure Services
Mr A Ansareen, Design Engineer
Mrs J Reckless, Customer Service Officer

1 MINUTES

- 1.1 Minutes of the meeting held on 21 September 2005 and 19 October 2005 were confirmed subject to alteration of the attendees of the meeting held on 19 October 2005 being altered to read Sen Constable C Hamilton, NSW Police Service.

LTC - 16 November 2005 - Item 2.1 Moray Street, Richmond - Load Limit (80245, 8567, 8568)

REPORT:

Introduction:

Representations have been received from Mr and Mrs Mahon of 26 Moray Street, Richmond, requesting that consideration be given to removing the existing 3 tonne Load Limit in Moray Street between Lennox Street and March Street, Richmond.

Mr and Mrs Mahon have mentioned the following to support their request:

1. Mr Mahon had a heart by-pass surgery and Mrs Mahon is wheel-chair bound.
2. Their son who lives in Kurrajong drives and owns a 9 tonne truck.
3. Their son visits them at 26 Moray Street on his way to work and on his way home, to help them.
4. There are no load limit restrictions on the surrounding streets.

Discussion:

Following recommendations by the Local Traffic Committee meeting held on 17 January 1997, Council, at its meeting held on 11 February 1997, resolved to impose a 3 tonne Load Limit in Moray Street between Lennox Street and March Street to avoid heavy vehicles using Moray Street as a by-pass route to travel from Lennox Street to March Street and vice versa and to confine heavy vehicles to the Main Road and Regional Road network. This was as a result of the Richmond Market Place development, whereby there was an increase in traffic volumes and in particular large trucks and semi-trailers.

Public comment was sought by way of public advertisement and correspondence to relevant parties. No objections were received in respect of this proposal to impose the 3 tonne Load Limit in Moray Street. This was reported to Council and adopted on 13 May 1997.

Lennox Street is part of the Main Road network, linking Blacktown/Richmond Road with East Market Street. The section of March Street between Bourke Street and East Market Street is a local road. Moray Street is a local road with a regulatory speed limit of 50 kph. Moray Street between Lennox Street and March Street is approximately 200 metres in length. Traffic volumes of 680 ADT were recorded on this section of Moray Street in 1998. Given that Lennox Street/East Market Street and Lennox Street/Bourke Street are signalised intersections, heavy vehicle operators may perceive a more time efficient route from Lennox Street to March Street through Moray Street and vice versa.

There are many unoccupied parking spaces available throughout the day for a truck to park on March Street or Lennox Street in close proximity to the subject property. The distance from March Street to 26 Moray Street is approximately 50 metres. A truck driver can park his vehicle on March Street and easily access 26 Moray Street by walking approximately 50 metres.

Removal of the existing 3 tonne Load Limit in Moray Street between Lennox Street and March Street, Richmond, will require public consultation and public advertising. It would be inappropriate to remove this load restriction for one request considering the extensive consultation process undertaken in 1997.

RECOMMENDATION:

That no action be taken.

LTC - 16 November 2005 - Item 2.2 Hawkesbury Show - Hawkesbury Showground (80245, 74207, 74282)

REPORT:

Introduction:

An application has been received from the Hawkesbury District Agricultural Association seeking approval to conduct the Hawkesbury Show on 28, 29 and 30 April 2006, within the Showground from 9.00 am to 10.00 pm. The Showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.

The event organiser has informed the following:

1. The event is expected to attract approximately 50,000 visitors over the three days it will operate.
2. It is anticipated that most visitors (an estimated 85%) will travel by car. They will park within the Hawkesbury Showground car parking area, the adjacent Hawkesbury Racecourse car parking area, or in the road reserve areas of Richmond Road and Racecourse Road and walk to one of the four pedestrian entry gates.
3. It is expected that approximately 17,000 vehicles travel to this area during the three days of the show.

Discussion:

Racecourse Road intersects with Richmond Road near the northern boundary of the showground site, and intersects with Blacktown Road approximately 3 km to the south. Racecourse Road is a minor rural road of

ORDINARY MEETING
Reports of Committees

approximately 3.5 km in length and a section of 1.5 km is unsealed. Based on past experience, the majority of vehicular traffic is expected to enter and leave Racecourse Road from the intersection with Richmond Road. Both Richmond Road and Blacktown Road are main arterial roads.

Traffic congestion is likely to be concentrated in Richmond Road, from where the majority of vehicles will queue to enter Racecourse Road, and in Racecourse Road, as vehicles queue to enter parking areas. Delays are likely to occur when vehicles are leaving the site during peak times, as vehicles queue to enter Richmond Road from Racecourse Road. It is likely that increased traffic will have a minor impact on the intersection of Racecourse Road with Blacktown Road. Considerable pedestrian movements are expected along Racecourse Road. It is likely that visitors to the show may park in the road reserve areas of Racecourse Road and Richmond Road.

It would be appropriate to classify this event as a “Class 1” special event under the “Traffic Management for Special Events” guidelines issued by the Roads & Traffic Authority (RTA) as it may impact on major traffic and transport systems and there may be significant disruption to the non-event community.

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service. The Traffic Management Plan (TMP) and the associated Traffic Control Plan (TCP) needs to be submitted to Council for acknowledgement. The TMP and the associated TCP should be submitted to the RTA for authorisation as this event may impact traffic on Richmond Road.

[Refer to Attachment Agenda](#)

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RECOMMENDATION:

That:

- i. This event be classified as a "Class 1" special event under the "Traffic Management for Special Events" guidelines issued by the RTA.
- ii. The safety of all road users and personnel on or affected by the site/event is the responsibility of the event organiser.
- iii. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.3) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
- iv. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- a) the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- b) the event organiser **submitting a Traffic Management Plan (TMP) and the associated Traffic Control Plan (TCP) to the RTA** for authorisation as this event may impact traffic on Richmond Road; The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- c) the event organiser **submitting a Traffic Management Plan (TMP) and the associated Traffic Control Plan (TCP) to Council** for acknowledgement, as well as to the NSW Police Service;
- d) the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **with noting Council and the Roads and Traffic Authority as interested parties on the Policy;**
- e) the event organiser advertising the event in the local press stating the traffic impact/delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- f) the event organiser notifying the details of the event to ambulance, fire brigades/Rural Fire Service and SES at least two weeks prior to the event;
- g) the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area, city rail and all the residences and businesses affected by the event at least two weeks prior to the event;
- h) the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Regulation 2000; (information for event organisers about managing risk is available on the Department of Tourism, Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- i) the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

During the event:

- j) access being maintained for businesses, residents and their visitors;
- k) a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;
- l) all traffic controllers/marshals operating within the public road network holding appropriate certification required by the RTA;
- m) in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA; and,
- n) 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;

LTC - 16 November 2005 - Item 2.3 Cedar Ridge Road, Blaxlands Ridge - Speed Review - Roads & Traffic Authority/S Stansfield (74282, 80245, 83770, 83776)

REPORT:

Question Without Notice 5.1, Local Traffic Committee meeting 18 May 2005, Mr T O'Brien - in response to recommendations by Mr S Stansfield seeking reduction to the speed limit on Cedar Ridge Road, Blaxlands Ridge, that the matter be referred to the Roads & Traffic Authority for investigation.

By correspondence dated 20 September 2005 the Authority has advised:

"A site inspection was carried out by an officer from the RTA's Speed Management Unit. The existing speed limits, road geometry, adjoining land-uses, the function of the road within the network, and crash history were examined.

Following a detailed investigation carried out by the Speed Management Unit, the RTA considers the speed limit of 80km/h on Cedar Ridge Road is appropriate under the Authority's Speed Zoning Guidelines.

However, the investigation also revealed that there are a number of horizontal curves along Cedar Ridge Road. Some are delineated with curve warning signs, but none have an advisory speed supplementary plate attached. The RTA recommends that Council install additional advisory curve warning signs together with the supplementary plates to quantify the appropriate curve advisory speeds.

The issue of motorists speeding, is a speed limit enforcement issue, and as such is a matter for the NSW Police, and is not dealt with by the RTA. Should you have continuing concerns about enforcement in any particular area, contact would be made with the relevant Local Area Command to discuss increased targeted enforcement."

RECOMMENDATION:

That:

1. The information be received.
2. A copy of the correspondence from the Roads & Traffic Authority be forwarded to Mr S Stansfield.
3. NSW Police Service to include Cedar Ridge Road in its routine patrol.

LTC - 16 November 2005 - Item 2.4 - Local Traffic Committee - 2006 Calendar (80245)

REPORT:

The 2006 Meeting Calendar was adopted, subject to the meeting scheduled for 18 January 2006 being altered to 11 January 2006.

LTC - 16 November 2005 - Item 3.1 QWN (80245)

REPORT:

3 QUESTIONS WITHOUT NOTICE

Clr B Bassett

- 3.1 In relation to the issue of speeding in Cedar Ridge Road, Clr Bassett advised of increased incidence of speeding vehicles in Peel Parade, East Kurrajong, particularly during 4-6pm, Saturday and Sunday.

RECOMMENDATION:

That the matter be referred to the NSW Police Service for inclusion in its routine patrols.

LTC - 16 November 2005 - Item 3.2 (80245)

REPORT:

- 3.2 Enquired of Mr D Chui as to progress by the Roads & Traffic Authority regarding intersection improvements at Kurrajong Road/Old Kurrajong Road/Yarramundi Lane, Richmond.

Mr D Chui, Roads & Traffic Authority advised that initial investigation has been undertaken and includes modelling of the intersection. The next step is to obtain funding for detail investigation and design.

RECOMMENDATION:

That the information be received.

LTC - 16 November 2005 - Item 3.3 (80245, 74282)

REPORT:

- 3.3 Having regard to previous discussions regarding installation of a pedestrian crossing on King Road, Wilberforce in the vicinity of the Shopping Centre, that facility not to be installed due to failure to

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establish Warrant, enquired as to any differential between a warrant for a pedestrian crossing and a pedestrian refuge.

Mr D Chui advised that a warrant was not required for a pedestrian refuge - the differential rests under culpability, with a pedestrian crossing a driver is obliged to give way to pedestrians, whereas the onus transfers to the pedestrian under a pedestrian refuge.

RECOMMENDATION:

That the information be received.

LTC - 16 November 2005 - Item 3.4 (80245, 74000, 74282)

REPORT:

Senior Constable C Hamilton

- 3.4 Advised of increasing incidents of pedestrians and cyclists in traversing Buttsworth Creek Bridge, Wilberforce Road, Wilberforce being forced to enter a narrow carriageway and enquired as to the possibility and feasibility of installation of a footbridge at that location.

RECOMMENDATION:

Mr D Chui will investigate and report to the next meeting.

LTC - 16 November 2005 - Item 3.5 (80245, 87215, 74282)

REPORT:

Mr J Christie

- 3.5 Advised of representation received regarding lack of visitor parking to residences on Macquarie Street, Windsor, between Day and Forbes Streets, and enquired as to whether the current parking restrictions were to be reviewed as part of the Flood Evacuation Route.

Councillor B Bassett expressed concern regarding parking restrictions, not only in relation to the above location but generally within the vicinity of the Flood Evacuation Route and suggested that a meeting be held with the Roads & Traffic Authority.

RECOMMENDATION:

That a meeting be convened between representatives from Hawkesbury City Council and the Project Manager, Flood Evacuation Route, Roads & Traffic Authority, to discuss these issues.

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LTC - 16 November 2005 - Item 3.6 (80245, 74000)

REPORT:

- 3.6 Advised of representation received regarding speeding concerns in Alexander Street, Bligh Park, especially on Saturday evenings.

RECOMMENDATION:

That the matter be referred to the NSW Police Service for inclusion in its routine patrols.

Next Meeting

The next meeting of the Local Traffic Committee will be held at 3.00pm 11 January 2006.

LTC - 16 November 2005 - Item 4 - General Business (80245)

REPORT:

The Chairman thanked all members of the Committee as well as administrative support staff for their contribution and assistance during the past year and wished all a safe and prosperous Christmas and New Year.

Meeting Closed at 3.35pm

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