



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 29 November 2005

location: council chambers

time: 5:00 p.m.

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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:

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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.

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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

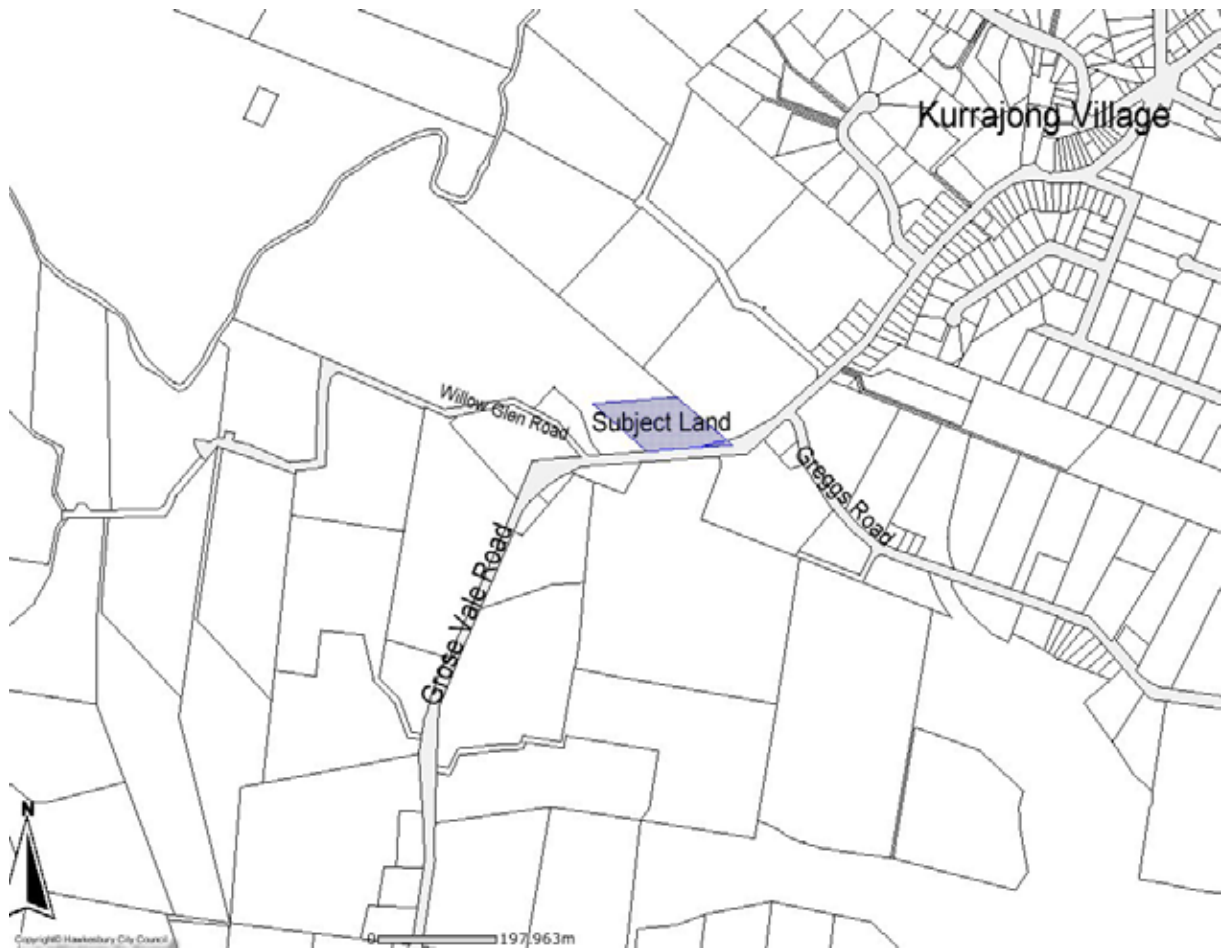
AT - 2 Proposed Subdivision Plan

AT - 3 Site Plan

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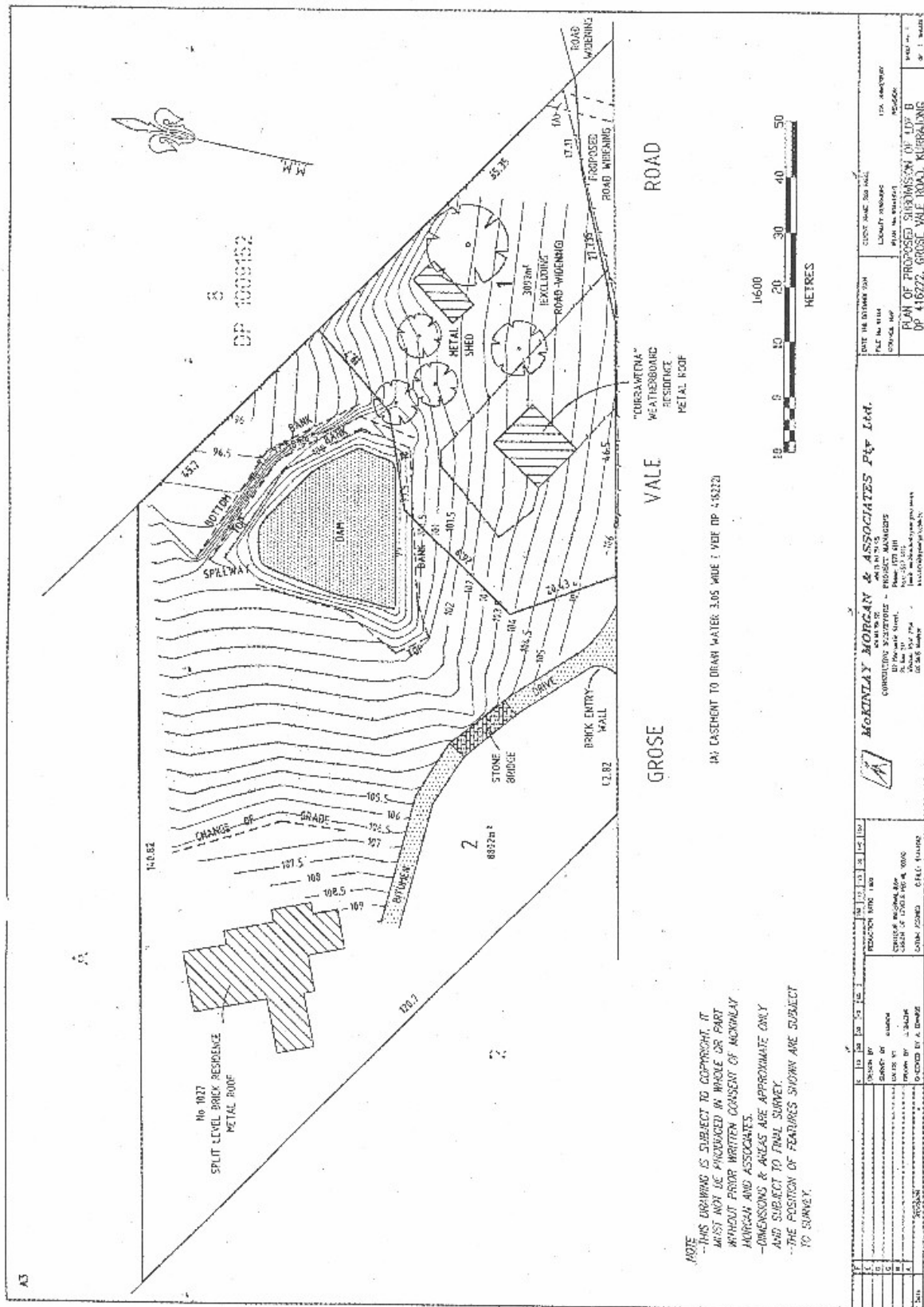
AT - 1 Locality Plan



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AT - 2 Proposed Subdivision Plan



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DATUM: ASSUMED.
SCALE: 1:400.
FIGURE 3 PROPOSED LAYOUT.

DATUM: ASSUMED.
SCALE 1:400.
FIGURE 3 PROPOSED

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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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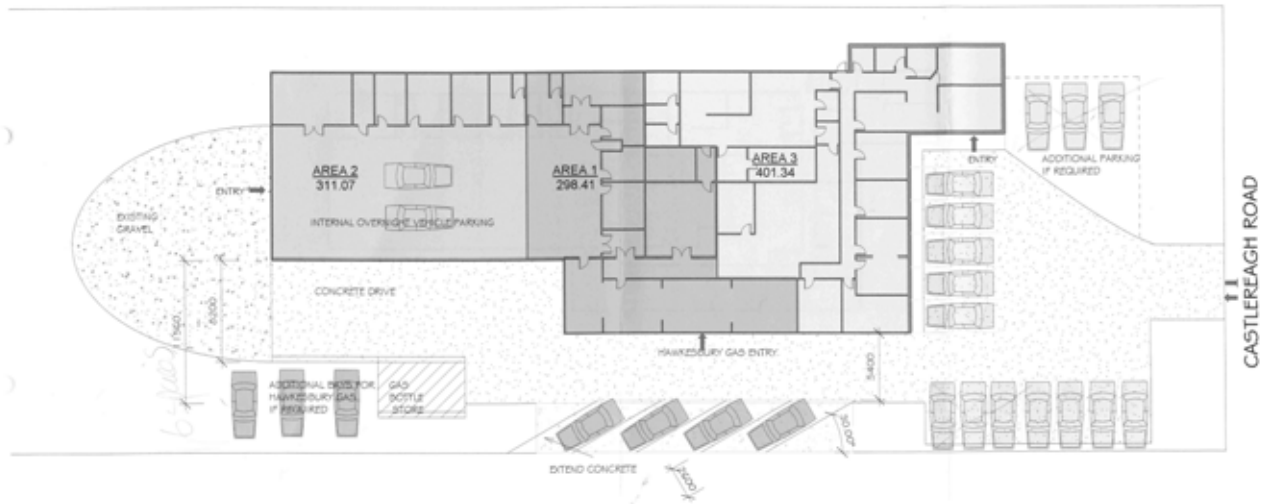
AT - 1 Locality Plan



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AT - 2 Site Plan



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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.

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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.*

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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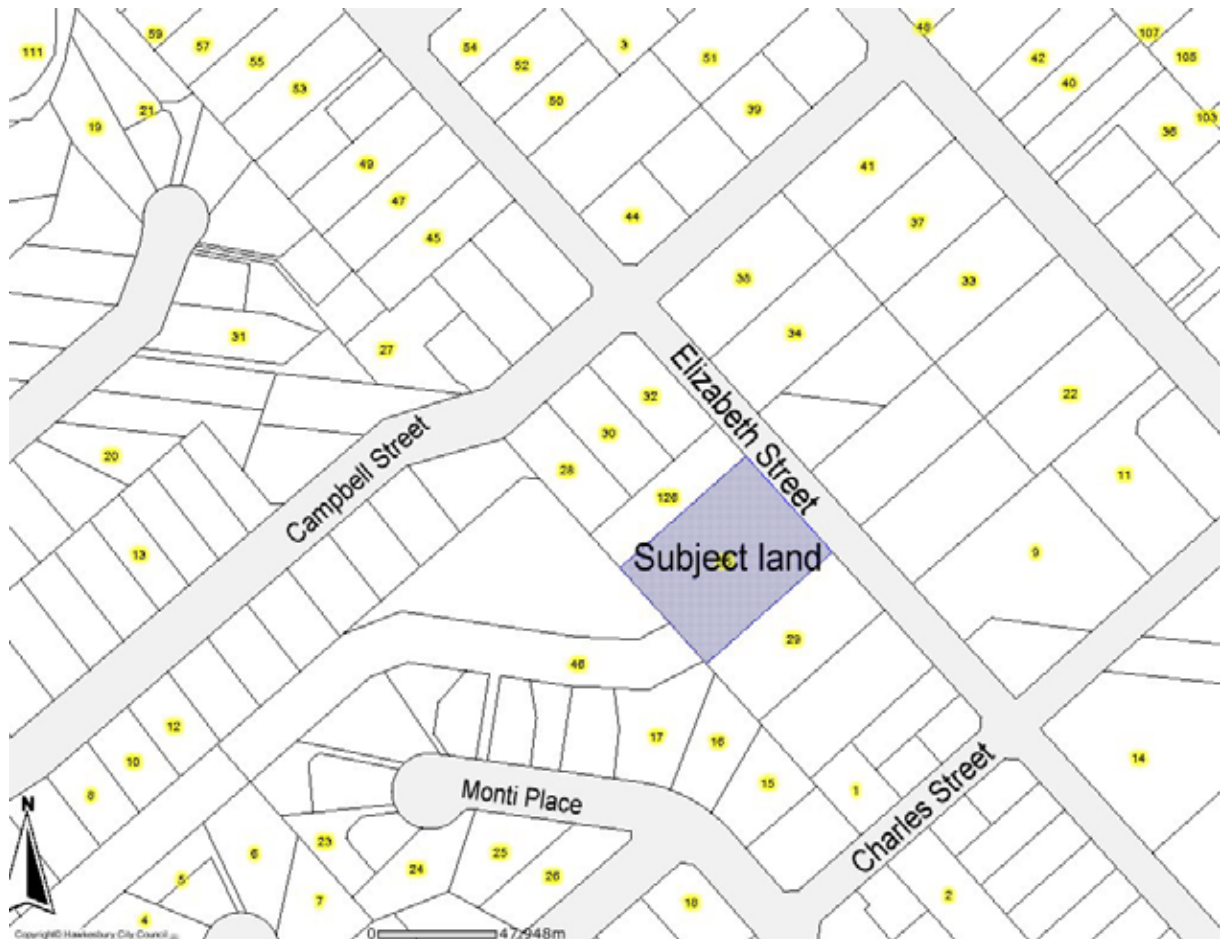
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ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Floor Plan

AT - 1 Locality Plan



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INFRASTRUCTURE SERVICES

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.*

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

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 conduit 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 management's 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.

ORDINARY MEETING

Meeting Date: 29 November 2005

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

ORDINARY MEETING

Meeting Date: 29 November 2005

AT - 1 McMahon Park - Memorandum of Understanding

McMahon Park: Memorandum of Understanding

1. McMahon Park Management Association (MPMA) is delegated care, control and management of McMahon Park on behalf of Hawkesbury City Council (HCC). Hawkesbury Sports Council (HSC) is delegated care, control and management of all the active sports grounds listed in the attached schedule.
2. 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 chairperson of MPMA is entitled to be a voting delegate at HSC. MPMA is required to submit 2 year, 5 year and 10 year plans to 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.
3. The one-off allocation of \$104,300 (Stage 1 of the current project) will proceed, in August / September 2002 if possible, with the project directly managed by HCC staff.
4. A councillor is to be appointed as a member of MPMA. A second councillor is to be nominated as an alternate. The MPMA constitution is to be amended to reflect this.
5. MPMA is to submit its schedule of fees and charges to HCC for public advertisement and formal adoption as Council fees and charges. A player levy identical to that charged by HSC is to be included, with this levy to be implemented from the commencement of the 2003 winter season. This schedule is to be submitted by August 6, 2002 for inclusion in the HCC business paper for the Ordinary meeting of August 13.
6. Player levies for clubs which play both at McMahon Park and at grounds under the control of HSC are to be apportioned between the two bodies according to the usage of the grounds in a manner agreed by HSC and MPMA. To facilitate this arrangement, formal bookings are required to be made by the relevant sporting associations or clubs for use of HSC grounds and levies paid accordingly.
7. HCC will provide support, if required, to HSC to achieve compliance by all associations and users with ground booking arrangements.
8. At a mutually convenient time discussions take place between MPMA and HSC to determine arrangements for the mowing of McMahon Park. A prerequisite would be the nomination of a scheduled non-use timeslot to allow mowing to occur on a planned basis. If agreement is reached on appropriate arrangements, HCC will direct mowing funds accordingly.
9. MPMA is to be advised that HCC wishes bookings for cricket matches at McMahon Park to be accepted from either North Richmond Cricket Club or Hawkesbury District Cricket Association as the North Richmond Cricket Club prefers.
10. MPMA and HSC will hold discussions about possible strategies to address overuse of McMahon Park, particularly in the winter season. Proposals jointly submitted by the two groups will be considered by HCC.

.....
Chairperson, McMahon Park Management Association

.....
Date

.....
President, Hawkesbury Sports Council

.....
Date

.....
Mayor, Hawkesbury City Council

.....
Date

Schedule of grounds managed by Hawkesbury Sports Council

1. Bensons Lane complex
2. Icely Park
3. Pound Paddock
4. Richmond Oval
5. Tamplin Field
6. Berger Reserve
7. Bounty Reserve
8. Colonial Reserve
9. Deerubbin Park
10. Don't Worry Oval
11. McQuade Park
12. Mileham Street netball complex
13. Brinsley Park
14. Colbee Park
15. Oakville Oval
16. Vincyard Park
17. Breakaway Ovals
18. Glossodia Park
19. Kemsley Downs
20. Turnbull Oval
21. Woodbury Estate
22. Woodlands Park
23. Powell Park (subject to Council determination)

oooO END OF REPORT Oooo

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)

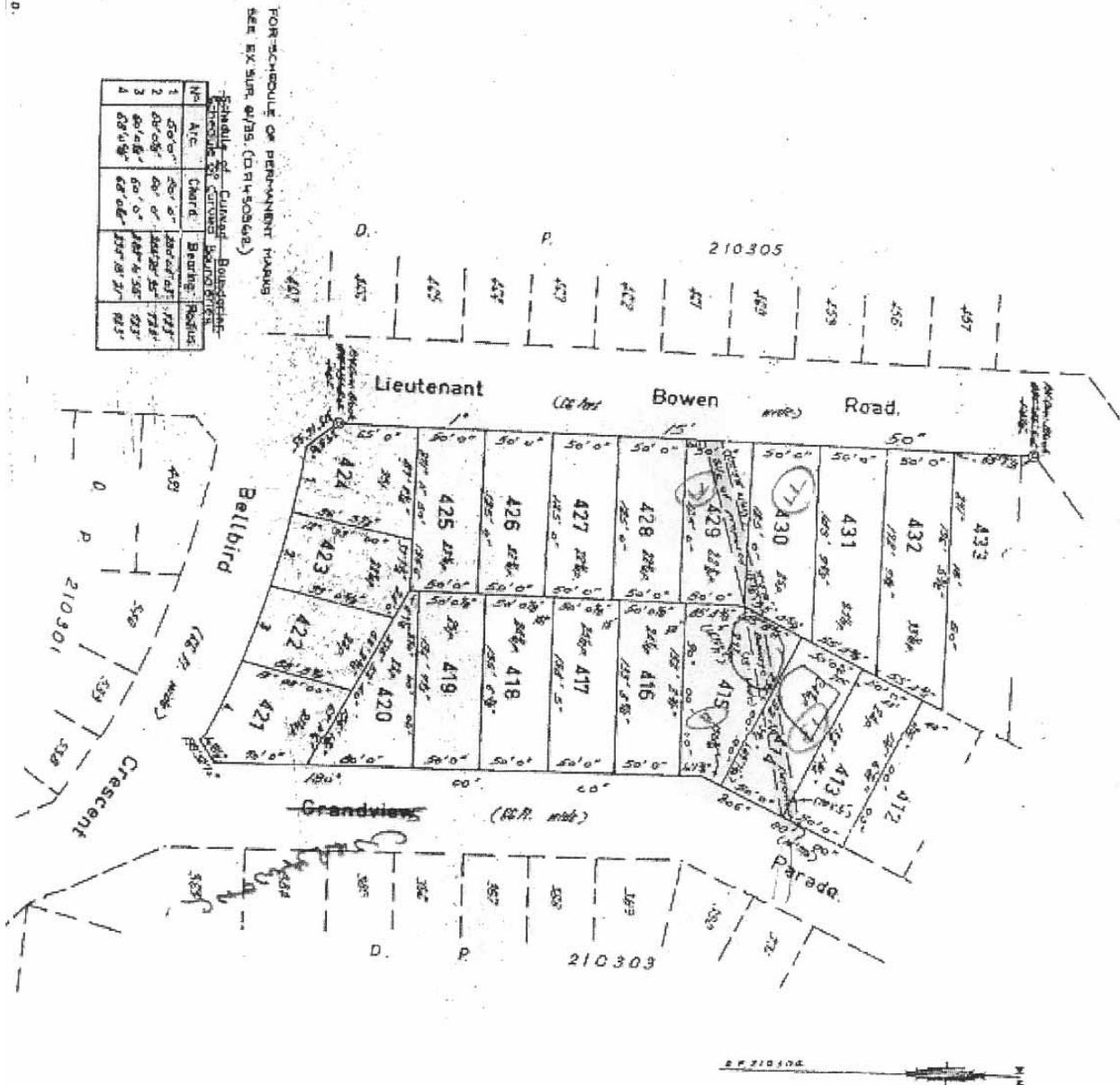
AT - 2 Survey Plan of Easement to Drain Water dated 2005.

ORDINARY MEETING

Meeting Date: 29 November 2005

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

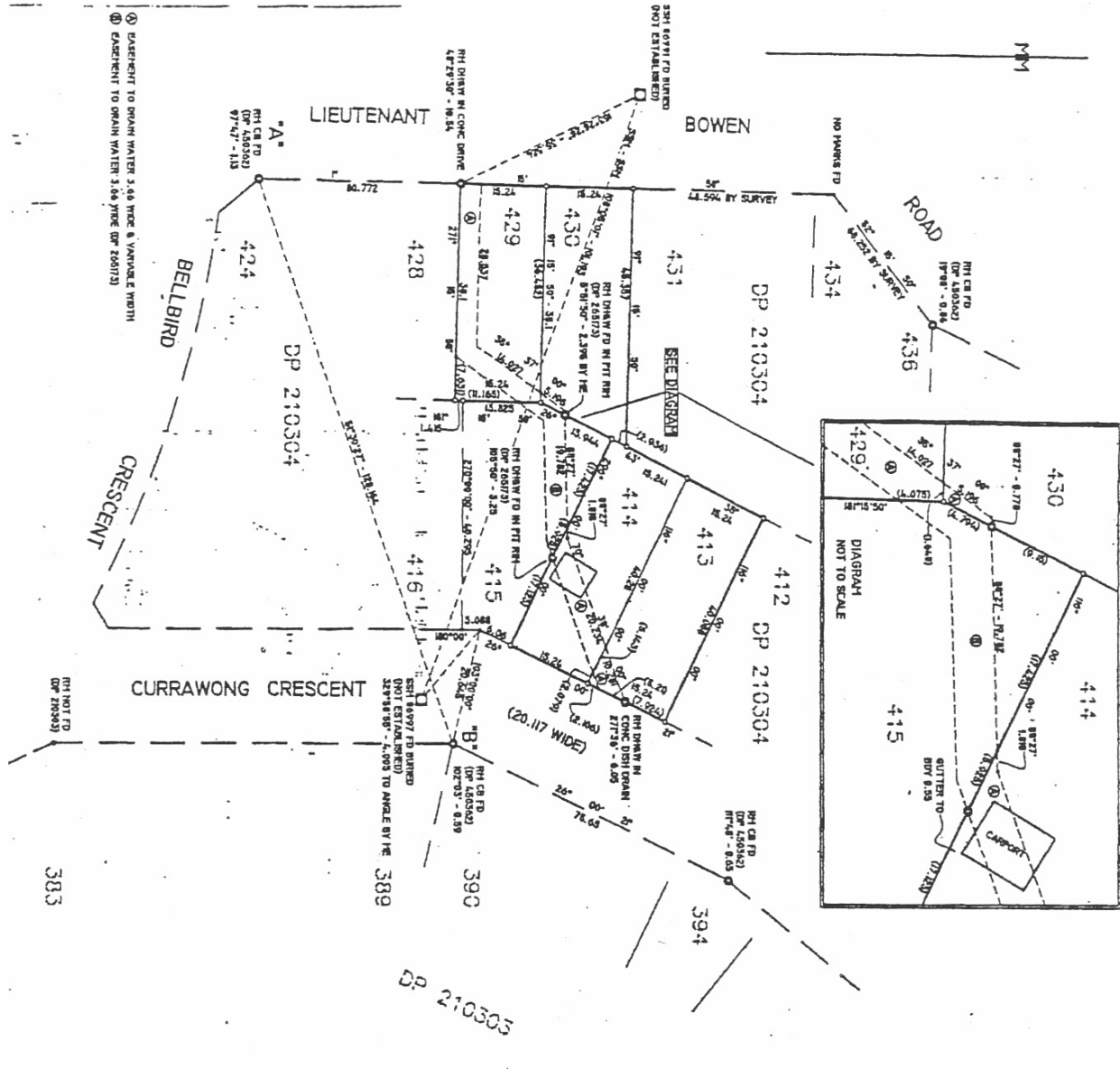
S.D.



ORDINARY MEETING

Meeting Date: 29 November 2005

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



oooO END OF REPORT Oooo

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.

Review of EMAC Business Plan

[illegible]

Strategies and Actions		Prime	Timing					Comments
			Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun		
Strategy: Enabling success through modern infrastructure								
Objective 2.0	Modern infrastructure supporting local business communities							
Action 2.1	Roll-out new signage policy	WG						
Objective 3.0	To facilitate access to competitive telecommunication services							
Action 3.1	Regular reporting of high-speed broadband roll-out	C						
Strategy: Attracting and facilitating new investment								
Objective 4.0	Enhanced ability to attract new businesses and industries							
Action 4.1	Identify space for "Technology Park"	WG						
Action 4.2	Identify potential development partners for Technology Park	WG						
Strategy: Building an educated and highly skilled workforce								
Objective 5.0	Increase availability of knowledgeable and skilled workforce							
Action 5.1	Facilitate mentors for 'business skills' program for high school students	C						Volunteer mentors?
Marketing								
Strategy: Fostering a winning attitude								
Objective 6.0	Positive brand and community image reinforced by enhanced conditions							
Action 6.1	Support an integrated "Bridge-to-Bridge" marketing campaign	WG						Concept plan to be developed
Action 6.2	Support Christmas Competition to provide incentives to local business to coordinate marketing	C						If adopted
Strategy: Building Centres of Excellence								
Objective 7.0	Tourism products are well developed and supported							
Action 7.1	Facilitate Tourism Cooperatives with industry and local government partners	WG						Plan endorsed by Council
Business Development								
Strategy: Being a leader in new economy and innovation								
Objective 8.0	Enhance Hawkesbury's physical and business environment for new economy firms							
Action 8.1	Support establishment of "m-commerce" business directory and marketing incubator	WG						Concept plan to be developed
Objective 9.0	All HCC clients are e-enabled							
Action 9.1	Facilitate partnerships that aggregate demand for new technology	WG						Concept plan to be developed
Strategy: Building a globally focussed and internationally integrated local economy								
Objective 10.0	Integrated facilities and precincts							
Action 10.1	Facilitate development of major employment precincts such as RAAF, UWS, etc	WG						

ORDINARY MEETING
Reports of Committees

E-Commerce/Markets Advisory Committee

Business Plan 2005 - 2006

VISION

"For the Hawkesbury to be recognised as a vibrant, innovative and progressive business community that makes use of current and emerging technologies to sustain economic prosperity and to improve the region's competitive advantage".

Working Groups

1 Signposting Working Party	6 Hawkesbury - Lithgow Tourism Cooperative Working Group
Clr Kevin Conolly, HCC (silent member until Stage 2 Public Domain Signs)	Councillor Bart Bassett, Mayor, HCC
Ms Fiona Mann, Strategic Planning Executive	Councillor Rex Stubbs, HCC
Mr Barry Crockford, President Hawkesbury City Chamber of Commerce	Councillor Ann Thompson, Deputy Mayor, Lithgow City Council
Mr Michael Georgeson, Tourism Operations Manager THI	Councillor Margaret Collins, Lithgow City Council
Ms Prue Charlton, Art & Events Coordinator HCC	Mr Graeme Faulkner, General Manager HCC
Mr Eric Petracco, Technical Officer HCC	Mr Stephen Phillips, Director Commercial Strategy HCC
	Ms Fiona Mann, Strategic Planning Executive HCC
2 Technology Park Working Group	Mr Iain Stewart, General Manager HCC
Councillor Rex Stubbs, HCC	Ms Deborah McGrath, Special Events & Promotions Coordinator, Lithgow City Council
Mr Graeme Faulkner, General Manager HCC	Ms Jodie Rayner, Tourism Manager VIC, Lithgow City Council
Mr Stephen Phillips, Director Commercial Strategy HCC	Ms Heidi Birch, Tourism VIC, Lithgow City Council
Ms Fiona Mann, Strategic Planning Executive HCC	Mr Michael Georgeson, Tourism VIC, THI
Mr Zac Hope, Executive Assistant Manager The Sebel	
	7 M-Commerce Working Party
3 Bridge-to-Bridge Working Party	Mr Justin Melton (Chairperson), Telstra Countrywide
Councillor Trevor Devine, HCC	Mr Stephen Phillips, Director Commercial Strategy HCC
Mr Stephen Phillips, Director Commercial Strategy HCC	Mr Barry Crockford, President Hawkesbury City Chamber of Commerce
Ms Fiona Mann, Strategic Planning Executive HCC	Mr Michael Georgeson, Tourism VIC, THI
Mr Barry Crockford, President Hawkesbury City Chamber of Commerce	
Mr Zac Hope, Executive Assistant Manager The Sebel	8 RAAF Working Party
Mr Les Sheather	Councillor Bart Bassett, Mayor, HCC
	Councillor Rex Stubbs, HCC
4 EMAC Business Plan Working Party	Mr Graeme Faulkner, General Manager HCC
Councillor Trevor Devine, HCC	Mr Stephen Phillips, Director Commercial Strategy HCC
Mr Stephen Phillips, Director Commercial Strategy HCC	Mr Malcolm Ryan, Director City Planning HCC
Mr Justin Melton (Chairperson), Telstra Countrywide	
Ms Janette Fairleigh (Deputy Chairperson), Mortgage House	
5 Glossodia / Wilberforce Project Team	
Mr Stephen Phillips, Director Commercial Strategy HCC	
Mr Barry Crockford, President Hawkesbury City Chamber of Commerce	

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

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.

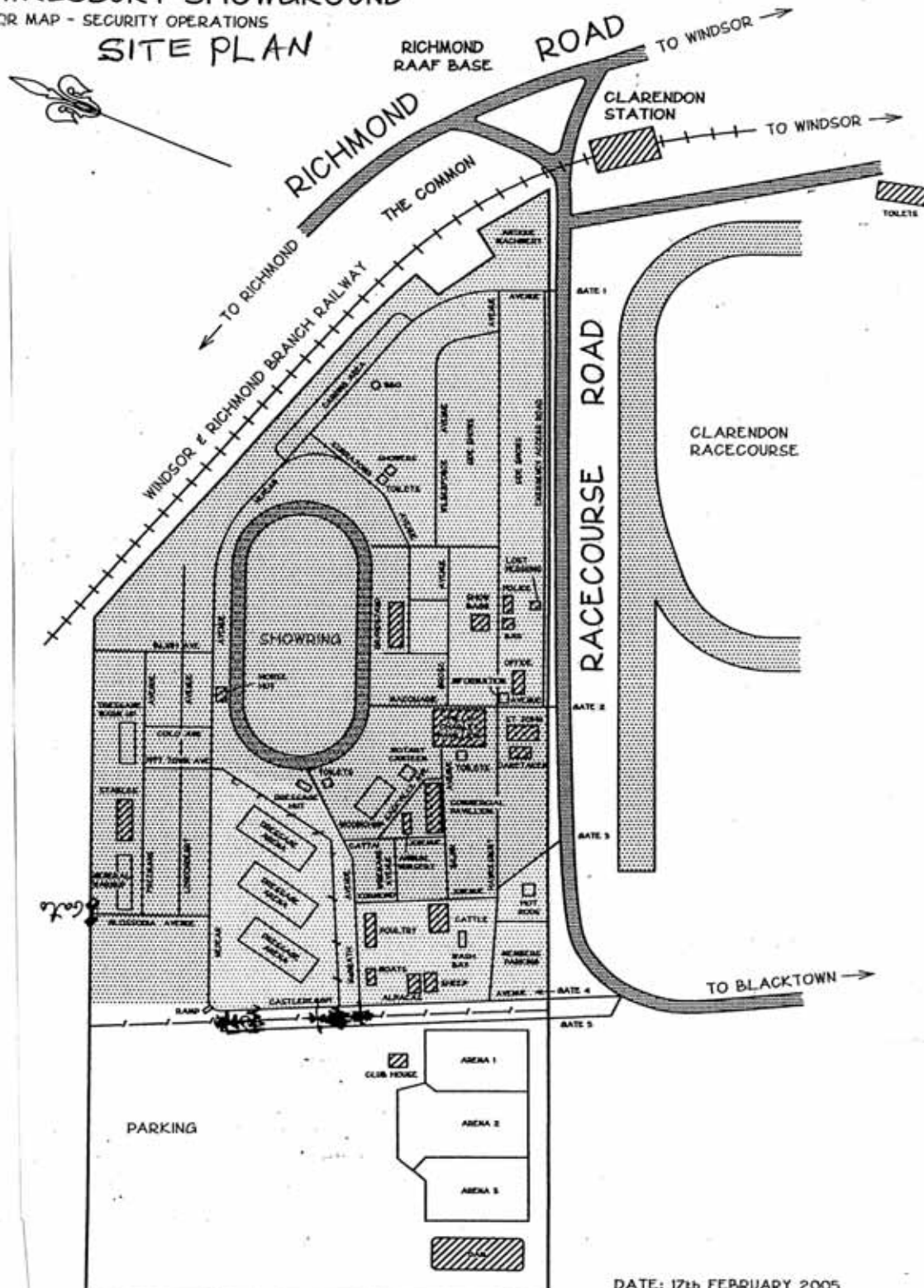
It would be appropriate to classify this event as a “Class 1” special event under the “Traffic Management for Special Events” guidelines issued by the Roads & Traffic Authority (RTA) as it may impact on major traffic and transport systems and there may be significant disruption to the non-event community.

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.

HAWKESBURY SHOWGROUND

SECTOR MAP - SECURITY OPERATIONS

SITE PLAN



DATE: 17th FEBRUARY 2005
REF: 30123/1
PREPARED BY MCKINLAY MORGAN & ASSOC.

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

ORDINARY MEETING
Reports of Committees

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.

ORDINARY MEETING
Reports of Committees

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



ordinary
meeting

end of
business
paper

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