



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 11 December 2007

location: council chambers

time: 5:00 p.m.

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 279 **GM - City - Country Alliances with Weddin and Cabonne Councils - Memorandums of Understanding - (79351, 85814, 95497)**

Previous Item: MM, Ordinary (24 April 2007)
 MM, Ordinary (8 May 2007)

REPORT:

Earlier in 2007, Council was approached by both Cabonne and Weddin Councils, about forming City – Country Alliances or friendship agreements. Council has met with the country councils and all have formally considered the alliance at their council meetings and have endorsed the formation of each alliance. In regard to Council, these possible alliances were the subject of Mayoral Minutes at the time. Subsequently Council resolved:

Council meeting of 24 April 2007:

"That Council agree in principle to a city-country alliance with Weddin Shire Council, and Memorandum of Understanding to that effect be jointly developed for consideration by the Councils."

Council meeting of 8 May 2007:

"That Council agree in principle to a city-country alliance with Cabonne Council, and a Memorandum of Understanding to that effect be jointly developed for consideration by the councils."

To progress the alliance with Weddin Council, that Council has prepared a Memorandum of Understanding (MOU), which is shown in Attachment A. Other than updating the Mayoral details, the MOU is satisfactory and would service to develop the alliance.

To progress the alliance with Cabonne Council, it is proposed that a MOU based on the one prepared by Weddin Council be endorsed by Council and referred to Cabonne Council for its consideration, as shown in Attachment B.

It is proposed that Council work to sign-off on the both MOU's in February 2008, hold events for the official signing of the documents, and discuss a plan-of-action with each Council to realise the alliances.

Conformance to Strategic Plan

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

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

Service Statement: Support business development activities that facilitate business networks, and encourage entrepreneurial alliances.

Objective: An informed community working together through strong local and regional connections.

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Service Statement: Build community connections by supporting information linkages, lie-long learning and access to local meeting spaces."

Funding

There are no funds in the 2007/2008 Budget to undertake Friendship activities. Subject to Council meeting with representatives of Cabonne and Weddin Councils and agreeing on a plan-of action, funds would be allocated and considered as part of the 2008/2009 Budget process. It is proposed that the Council's representatives meet early in the New Year (say February) to discuss a shared plan-of-action and to sign the MOU.

RECOMMENDATION:

That:

1. The City-Country Alliance Memorandum of Understanding between Weddin Shire Council and Council be adopted.
2. The draft City-Country Alliance Memorandum of Understanding between Cabonne Council and Council be adopted and referred to Cabonne Shire Council for its consideration.
3. Events for the signing of the Memorandums of Understanding referred to in (1) and (2) above be organised for the first quarter of 2008.
4. Council representatives, as considered appropriate, meet in the first quarter of 2008 to discuss a plan-of-action for the City-Country Alliance.
5. Any funding that may be required in support of the two City – Country Alliances be considered as part of the 2008/2009 Budget process.

ATTACHMENTS:

- AT - 1** Memorandum of Understanding between Weddin Shire Council and Hawkesbury City Council.
- AT - 2** Draft Memorandum of Understanding between Cabonne Council and Hawkesbury City Council.

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**AT - 1 Memorandum of Understanding between
Weddin Shire Council and Hawkesbury City Council**



**MEMORANDUM
OF
UNDERSTANDING**



**Hawkesbury City Council
Weddin Shire Council**

Hawkesbury City Council and Weddin Shire Council have this day signed a Memorandum of Understanding that will promote a greater awareness and understanding of our respective areas, lifestyles, to seek and explore areas of mutual benefit for our communities.

Under this agreement both Councils agree to act as facilitators within their local government areas to bring together local community groups and organisations in the sporting, education, business and cultural fields and to encourage them to participate in exchanges between the two areas that will lead to greater understanding and involvement between the two communities.

The Councils also agree to undertake activities that will benefit both Councils through the exchange of staff and the sharing of information on processes and procedures which may also lead to the formation of strategic alliances in areas of mutual interest.

The Councils trust that through this Memorandum of Understanding many lasting friendships will be formed and many activities undertaken to the long-term benefit and advantage of our respective communities.

Councillor (Dr) Rex Stubbs OAM
Mayor
Hawkesbury City Council

Councillor Maurice Simpson
Mayor
Weddin Shire Council

Peter Jackson
Acting General Manager
Hawkesbury City Council

Trevor Lobb
General Manager
Weddin Shire Council

Signed this day of 2007.

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**AT - 2 Draft Memorandum of Understanding between
Cabonne Council and Hawkesbury City Council**



**MEMORANDUM
OF
UNDERSTANDING**



**Hawkesbury City Council
Cabonne Council**

Hawkesbury City Council and Cabonne Council have this day signed a Memorandum of Understanding that will promote a greater awareness and understanding of our respective areas, lifestyles, to seek and explore areas of mutual benefit for our communities.

Under this agreement both Councils agree to act as facilitators within their local government areas to bring together local community groups and organizations in the sporting, education, business and cultural fields and to encourage them to participate in exchanges between the two areas that will lead to greater understanding and involvement between the two communities.

The Councils also agree to undertake activities that will benefit both Councils through the exchange of staff and the sharing of information on processes and procedures, which may also lead to the formation of strategic alliances in areas of mutual interest.

The Councils trust that through this Memorandum of Understanding many lasting friendships will be formed and many activities undertaken to the long-term benefit and advantage of our respective communities.

Councillor Bart Bassett
Mayor
Hawkesbury City Council

Councillor John Farr
Mayor
Cabonne Council

Peter Jackson
General Manager
Hawkesbury City Council

Graeme Fleming
General Manager
Cabonne Council

Signed this day of 2007.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 281 **CP - Modification to Development Consent - Existing Poultry Farm - Lot 1 DP 564277, 412 Stannix Park Road, Ebenezer - (MA0906/99, 95498, 23330)**

Development Information

Applicant: Tuscany Farms Holding Pty Ltd
Applicants Rep: Pooled Resources
Owner: Tuscany Farms Holding Pty Ltd and Dynamic Lifter International Pty Ltd
Stat. Provisions: HLEP 1989, SREP No. 20
Area: 17.66 hectares
Zone: Mixed Agriculture
Advertising: Notified to adjoining owners and occupiers and those making previous submissions to Development Application.

Key Issues: ♦ Increase in shed size

Recommendation: Approval

REPORT:

Introduction

An application has been received seeking approval to modify Development Consent DA0906/99.

The application is being reported to Council as the initial Development Application was determined by Council.

Background

Council has previously approved the following Development Applications:

DA0068/97 3 poultry sheds, rearing shed and feed store.

DA0906/99 Erection of 3 additional sheds to be used for the rearing of poultry and realignment of previously approved rearing shed. The application was approved by Council on 13 August 2002.

The Proposal

The modification to the consent involves the following:

1. Change the size of the 4 approved poultry houses.
2. Change in the construction materials used for the shed.

The applicant's consultant has recently amended the application to involve only 2 of the 4 approved rearing sheds.

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The change in size proposed is outlined in the table below:

	Approved	Proposed	Differences
Shed Size	99m x 14.04m x 4.9m	106m x 16.8m x 6.1m	L: 6.91m W: 2.76m H: 1.2m
Shed Area	1,391m ²	1,696m ²	304m ²

The approved sheds were to be constructed of metal cladding.

The amendment proposes the construction to consist of portal frame with Colourbond Coolroom panelling rather than metal cladding and curtained sides.

Attached to the report are the approved and proposed elevations and floor plans. A full scale set of the plans are available in the Council Chambers.

The applicant in support of the amendments had indicated the following:

Size

- "1. Extra space for birds is being provided to ensure that future changes in welfare standards can be accommodated. This has been the case recently in the poultry industry where changes in Animal Welfare Codes have demanded additional floor space per bird in other States of Australia. While this change demands additional expenditure by farmers, it is recognised that extra space enables better bird performance and welfare.
2. The revised sizes for the poultry house structures are in keeping with modern industry trends for larger sheds.
3. Larger poultry houses spread the fixed costs per bird housed to lower levels and justify the cost of more thermally efficient construction materials than was previously proposed for the poultry houses (see following). Automated methods of environmental control can then be substantiated on the basis of reduced energy and water resources expended per bird.
4. The proposed poultry houses can be accommodated on the same size earthen pads previously constructed under existing approvals and utilise the same services as indicated under these approvals."

Construction Materials

- "1. Modern materials such as sandwich cool room panelling offer a more thermally efficient means of energy use both in terms of feed consumed by the birds, as well as that expended to keep the birds comfortable and productive.
2. A more thermally efficient structure reduces enterprise total water use per bird both for drinking water and keeping the birds cool in summer.
3. Less free water to enter split feed, and manure from cooling systems results in less potential odour generation from each poultry house.
4. Enclosed housing using sandwich panel effectively contains potential noise impacts from the farmed poultry as well as the noise of associated mechanical systems such as feeders within the house.
5. By flush mounting the panelling level with the shed stauntings:
 - (i) Bird, vermin and other nuisance animals can be more effectively excluded, reducing the need for control and treatment chemicals, and;

- (ii) The poultry houses can be more easily kept clean and sanitised.
6. Automated control systems provide a more reliable means of controlling the environment within the poultry houses, reducing potential impacts.

The applicant has confirmed in writing that the sheds will be used for rearing birds as indicated on the DA0906/99 and the number of birds will not exceed the numbers currently approved and if the numbers increase a Development Application will be submitted. (Previous approval indicated 90,000 birds per year at 18 weeks of age)

The application recently submitted additional details of the sheds involving the ventilation systems and a noise impact assessment on the proposed tunnel ventilation system for the two sheds to be modified.

Planning Assessment

Statutory

The site is zoned Mixed Agriculture under Hawkesbury Local Environmental Plan 1989.

The proposal is permissible with the consent of Council.

Section 96

The provision of S96(2) of the Environmental Planning and Assessment (EPA) Act permits the Council to modify the consent if:

- The modified development as proposed is substantially the same development as approved by the Development Consent.
- It has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of the authority in the general terms of approval.
- The modification has been notified in accordance with the regulations or a development control plan.
- Council has considered any submission made concerning the modification.

The amended two sheds are located in the same position on site as approved and are extended in their length by 6.91m, width 2.76m and height 1.2m

It is considered that the amended shed size is substantially the same development approved by the Development Consent.

The modification involves no conditions imposed by any public authority or approval body as general terms of approval.

The application was notified in accordance with the Notification Chapter of the DCP with adjoining owners and occupiers notified as well as those persons making submissions previously to the Development Application.

The submission received are considered later in the report.

The amendments can be considered under S96(2) of the EPA Act.

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Community Consultation

The application was notified to surrounding and adjoining owners and occupiers together with those persons who previously made a submission on the development application in accordance with Notification Chapter of the Hawkesbury DCP.

The notification period was 14 days from 30 August 2007 to 13 September 2007. During the period three submissions were received.

The concerns raised are as follows:

- Current problems with flies caused by current operation of the site.
- Increase in the number of foxes and Indian Mynas in the area.
- Dogs on the property are let to run and cause havoc to other properties.
- Current odour problems (smell of sour dough cooking and burning of chicken feathers).
- Noise from current equipment operating and trucks entering the site late at night and early in the mornings and use of semi trailers and B. doubles.
- Proposed plans resembles a coolroom (concrete floor, coolroom panelling, excessive height and no ventilation) considers the structure is not a poultry house.
- Visual impact of the sheds and whether the embankment will screen the new sheds.
- Use of the site for multiple uses producing products such as pet foods, stock feeds which run 24 hours a day and buildings are not used for their approved uses.
- Problems with rats in the area.
- Sheds erected on site without approval.

The issues raised in the submissions were forwarded to the applicant for comments as follows; (Planning comments follow applicant's responses)

Respondent:

Current problems with flies caused by the current operation.

Applicant:

"Flies: It is indicated that last year was an exceptional year for the generation/occurrence of flies everywhere as a result of an extended dry period followed by a wet summer which provided moist and hot conditions ideal for fly breeding on grazing properties in the wider area as well as on poultry farms in whose structures the flies seek to take shade refuge. The situation was recognised at the time and an ongoing fly baiting and spraying program commenced to control flies at the Tuscany Farms property. Whilst such measures may control flies generated in or attracted to the poultry houses, they cannot of course control flies that are generated by other rural activities in the surrounding area or Western NSW and which can be blown by wind over the range into the Cumberland Basin."

Comment:

There is no evidence to suggest that the current operation is the sole cause of any current problem with flies.

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The applicant has indicated that they have implemented measures to control flies on their property.

Respondent:

Increase in the number of foxes and Indian Mynas in the area.

Applicant:

"Foxes: In that the Tuscany Farm poultry houses are fox proof and the facilities offer nil food source or harbourage to foxes and most other vermin, then it is not obvious to Mr Jennings or the writer how the recent prevalence of foxes in the area can relate to the operations conducted at the Stannix Park Road property. The writer has a nearby property in Tizzana Road, Ebenezer and has also recently noticed a major increase in foxes and fox activity. It has been noticed that there has also been a major increase in rabbit populations on higher ground towards Stannix Park Road and it is suggested that a baiting program is sorely needed in the wider local area to control both foxes and rabbits, if populations are to be prevented from exploding as we head further into what looks to be a bumper spring after the rain earlier this year.

"Indian Mynas: Martin Gauci, Parks Professional Officer with Council visited the subject Tuscany Farms site with Garry Cunich (National Co-ordinator Indian Myna/Starling Eradication Program) several weeks ago and has been given free run of the property to assist in removing the acknowledged Myna problem. The pest species of bird have been attracted from neighbouring areas to the farms' feed processing facility due to the availability of feed and are not nesting/breeding on site. Mr Jennings has indicated that the resulting concentration of Mynas gives favourable opportunity to trap and dispose of this pest species and Tuscany Farms yesterday re-contacted Mr Cunich to indicate that they will fund his activities in dealing with the mynas on their Stannix Park Road property."

Comment:

There is no evidence to suggest that the activity on the site is the sole cause of the problems.

The operator is taking actions to resolve the issue as it relates to their site.

Respondent:

Dogs on the property are let run and cause problems on other properties.

Applicant:

"Dogs: For at lease the past 12 months, three guard dogs have been securely tethered on 20m runs on the property. Mr Jennings indicates that these arrangements have been inspected and approved by the RSPCA. It was admitted that there was a period 12 months ago where a former resident manager whelped a group of pups which were allowed to run freely without restraint. This manager was given one week to properly contain his dogs but was subsequently asked to vacate the premises due to his failure to comply. As a consequence there should now be no general movement of dogs belonging to Tuscany Farms to any other properties from this site and Mr Jennings would like to be notified should ever these be an incidence of dogs leaving the Tuscany Farms property.

Comment:

This is a matter not related to the current application.

This matter can be referred to Councils Regulatory Services for further action if the problem is not resolved.

Respondent:

Current odour problems (smell of sour dough cooking and burning of chicken feathers)

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Applicant:

"Odour: No chicken feathers, dead birds or any part thereof has ever been, disposed of by burial or burning on the subject site. It is possible that residents may be mistaking the odd occurrence of the over-drying of feed ingredients whilst they were being processed at the feed mill on site. This is now less likely to occur. One month ago, a fan was installed to prevent dryer temperatures becoming excessive and burning the processed feed. In any event, Mr Jennings indicates that due to business rationalization, logistics and for reasons of improving poultry quarantine, Tuscan Farms is to relocate the feed processing activity to another site and this will be completed in the near future. Should an odour problem become apparent in the short term (ie Whilst processing continues), then a contingency measure will be to direct air from the feed dryer through the existing bio-filter to eliminate any off site odour impact. In terms of the potential for odour from other sources in the immediate local area, Mr Jennings indicates that from his past first hand experience, the composting of bark and other organic materials can result in odours similar to a sour dough smell when windrowed materials of compost are turned. He believes that these do not constitute offensive odours and are only perceived from time to time due to operations of another rural enterprise in the vicinity."

Comment:

The initial Development Application was accompanied by an odour impact assessment which looked at the potential sources of odour caused by the activity. The report concluded:

"The operation of the poultry farm will result in a generation of a level of odour that is not likely to have adverse impacts on the existing local air quality. AUSPLUME odour dispersion modelling, using frequency based designing criteria, has shown that odour from the poultry sheds would not be expected to result in a complaint from a reasonable person who is aware of the existence and of the long term continued operation of the sheds."

Under given operating conditions, slight odours may be detected at the adjacent receptors, being more prominent at the receptors close to the poultry sheds than those further away. However, these odour events are not deemed to be of such a nature that will cause any long term degradation to the current ambient odour environment of the area."

The detailed odour dispersion modelling performed predicted that the design criteria of OU50R for 99% of the time will be satisfied at each of the nearest potentially affected receptors to the proposed poultry facility under conservatively assumed maximum operation conditions."

Hence, the impact of the proposed poultry shed operations on the surrounding ambient odour environment is deemed to be satisfactory. The potential for annoyance is highly unlikely to occur as a result of the proposed farm operations, based on the discussion presented above."

Adherence to the safeguards as listed in Section 6 of this report in relation to the control of odour is essential."

A recent inspection of the site has revealed that another activity is being undertaken on the site within the existing buildings.

The activity involves the manufacture of dog biscuits which involves a blending and cooking process. This activity and the use of the buildings has no Council approval. This activity may be the source of the odour issue raised by the respondent. This matter is being considered separately and action is underway to resolve the issue of no Council approval.

Respondent:

Noise from current equipment operating and trucks entering the site late at night and early in the mornings and use of semi-trailers and B-doubles.

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Applicant:

"Road Movements and Sleep Disturbances: Vehicle movements to and from the subject property are generally within the hours of 6am to 6pm. It is indicated that other rural enterprises in the locality use large articulated transport vehicles but these also generally conform to similar hours. It is disputed that any operational noises of any consequence leave the Tuscany Farms site outside of these hours and certainly not at times where sleep disturbance is likely to occur. With the impending relocation of the feed processing to another site, it is indicated that the volume of traffic movements to and from the subject property will substantially reduce.

Mr Jennings also wishes to advise Council that since my last written communication of 25 September, he has investigated noise potential from his property to a neighbouring property in the evening and has identified a source of noise; a vibrator device used to ensure continuity of flow from a silo. Mr Jennings is subsequently installing an acoustic barrier to ensure that there are no fugitive noise emissions from the subject property."

Comment:

As discussed above the manufacturing activity which does not have any approval may be responsible for contribution to the noise and vehicle movements identified by the respondents.

The initial application was accompanied by a Noise Impact Assessment that measured the noise impact of the poultry farm which indicated that the predicted noise levels comply with the noise design objectives for both daytime and night time periods for the planned activities on the site associated with the poultry farm. The report did not consider any other activity that is undertaken on site not associated with the poultry farm.

Respondent:

Proposed plans resembles a cool room with no ventilation and not a poultry house if tunnel ventilation proposed potential noise impact.

Applicant:

Use of Structures subject to the S96 Application/ventilation: It is confirmed that the previously approved structures, the subject of the S96 application to Council, are for housing poultry and NOT for use as cool rooms as alleged in one of the submissions to Council. As mentioned previously, the majority of modern poultry housing utilises insulated panelling for reasons of thermal efficiency and hygiene. Whilst not evident in the plans the revised poultry houses still have ventilation openings along the full long side walls and will utilise fans for ventilation (as do existing poultry houses on site).

Cooling Pads and Fans: the poultry houses will employ cooling pads during periods of high heat (principally during summer) and fan ventilation. The cooling pads will be bypassed using adjustable ventilation shutters on each side of the sheds during all other times. The ventilation fans have been selected with low operational speeds and subsequently low noise output. It is considered that due to the type of fans selected, presence of large vegetated earthen berms, and existing separation distances to relatively few neighbouring residences, that no noise of any consequence will be perceived at those residences.

Comment:

The applicant has recently provided more information concerning the proposed ventilation to the shed together with a noise impact assessment for the proposed ventilation system.

The noise report has concluded that the "predicted noise levels are within the DECC criteria and are quite low. No significant cumulative increase resulting from the operations carried out on the site will be evident."

Council's professional staff have reviewed the report and concur with the recommendations.

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Respondent:

Visual impact of the sheds and whether the embankment will screen the sheds.

Applicant:

Shed Height: It is contended that the marginal increase in height of the poultry house structures sought in the S.96 application to Council will be adequately screened from the surrounding area by the rapidly growing indigenous tree species planted on the large earthen embankment/berms both at the very front of the property and on the earthen mounds upslope and south eastern sides immediate to the site. Mr Jennings indicates that similar irrigation as that successfully employed on the earthen mounds immediate to Stannix Park Road will be installed to ensure rapid growth of the plantings during this summer and that there will be subsequently no visual impacts to surrounding residences as a result of the proposed development.

Comment:

The amendment proposes to increase the height to the shed at the ridge by 1.2m. The site currently has a earth bank approximately 2.5 - 3m high at the end of the sheds and this provides some visual screen form the adjoining property. The site also has along the boundary existing mature trees and vegetation which also assist in reducing the potential visual impact. The shed is some distance from the nearest dwelling including the dwelling on the adjoining allotment which is under construction. It is considered that the amended shed will not have any significant visual impact on the surrounding properties.

In accordance with the noise impact report the earth bank will be required to be 3.5m. A suitable additional condition is imposed in the recommendation.

Respondent:

Use of site for multiple uses producing products such as pet food and stock feeds which run 24 hours a day and buildings are not used for their approved use.

Applicant:

Use of Existing Building on Site for Unapproved Purpose: While the particular building in question is not identified, Council is advised that structures approved as cool-rooms are in use for the very purpose - for egg storage.

Use and Timing of Use of Site: Mr Jennings confirms that there have been internal shifts performing as associated activity ancillary to the egg enterprise on site but informs that such activities are entirely indoors with no outside noise, dust or odour impacts resulting. The feed mill does not and had not ever operated 24 hour days and I am informed it is an irregular occurrence for a truck movement outside of normal farm hours.

Comment:

The applicants comment has not acknowledged the existence on site of the manufacturing activity which was identified by a site inspection of Council Staff.

As discussed previously this matter is being handled separately to this application. The matters are separate and should be considered independently of this application.

Respondent:

Problem with Rats in the area.

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Applicant:

Rats: The site is well maintained and inspected twice per month by an independent contractor (Gilroy Pest Control) Which services a network of rat bait stations and provides a written report as part of the Tuscany Farms HACCP program, on the basis, it is considered highly unlikely that rats are resulting from the subject site or operations conducted thereon.

Comment:

At the time of inspection it was noticed that the site has a network of bait stations to control rats on the site. No evidence has been provided to demonstrate that the activity on the site is responsible for any problems associated with rats in the area.

Respondent:

Sheds erected on site without approval.

Applicant:

Shed Erected on Site without Approval: Several structures on site are confirmed as having been erected without approval. Due to representations of the writer to Mr Jennings, Graham Zerk was engaged some time ago to survey all buildings and present a set of plans identifying non-conformities in order to ratify same with Council. This report is expected to be available to you at the time of your visit to the site.

Comment

The site inspection has confirmed that two major structures have been constructed on site without approval.

One structure is an open awning used to store material and equipment not operation, the other structure is located adjacent to the manufacturing activity and is used as the warehouse and storage area associated with this activity. Inspection has revealed that the portal frame has already been partly constructed.

A Construction Certificate was issued for the previous approved sheds and as the frame is similar to these sheds except for the height the operator is considered to be within the approved plans as no roofing frame has been constructed.

Conclusion

The matters raised by the respondents are being separately addressed or are proposed to be conditioned in this application and do not warrant refusal of the application.

While the two sheds have increased the floor area, the applicant has advised in writing that there will be no increase in poultry numbers above the number approved by the Development Consent and the shed will be used for the rearing of birds only.

The issue of the manufacturing activity on site operating without approval is being pursued separately and should not be tied or linked with the current application.

The applicant/operator over a period of time has several instances of undertaking development on site without any Council approval or contrary to the approved plans.

It is considered necessary that specific inspections are undertaken by Council staff over regular periods (12 months) to ensure that the sheds are built and used in accordance with the Development and Construction approvals.

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RECOMMENDATION:

That the Section 96(2) modification MA0906/99, for an Existing Poultry Farm at Lot 1 DP564277, 412 Stannix Park Road, Ebenezer be approved subject to the following amendments:

Condition 1 now to read:

To conform and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (Drawing No. 27197/3 Issue "E" dated 4/11/00) submitted with Development Application No MA0906/99 dated 25/06/99 and any supportive documentation, except as otherwise provided by the conditions of this consent or as amended in red on the plans and the plans Ref93707 Revision dated 26/06/07 plans prepared by Pooled Resources submitted with the S96 application MA0906/99A and any supporting documentation.

Condition 17 now to read:

All sheds are required to have complying guttering with roof water drained to the existing dam for recirculation. This is to ensure that no unnecessary erosion of the land, pooling of water, or pollution of the dam water will occur.

Condition 48 now to read:

Waste products are to be disposed of to the satisfaction of the Manager Environment and Waste, and should be directed to NSW EPA/DEC approved waste management facilities. Receipts for disposal are to be retained by the operation at all times and are to be made available upon request from an authorised officer undertaking inspections.

ADDITIONAL CONDITIONS

Condition 28 (a) to read:

Raise the earthen berm on the south-eastern side of the proposed poultry sheds to provide a minimum of 3.5 metres of effective height along the entire side. Engage the services of a geotechnical engineer to certify the stability and suitability of the proposed earth berm prior to construction, with the report provided to Hawkesbury City Council upon request. The height is to be taken from the slab floor as 0 meters and the berm raised 3.5 metres above this height. The fill is to be virgin excavated natural material with receipts retained and provided to Hawkesbury City Council upon request. Provide suitable trees and vegetation to the berm to prevent erosion and maintain aesthetics.

Condition 28 (b) to read:

The berms surrounding the proposed poultry sheds are required to be stabilized with vegetation to prevent dust and sedimentation.

Condition 28 (c) to read:

The height of the shed at the ridge is to be a maximum of 6.1m measured from the base of the building and the height is to be confirmed by a qualified person upon completion of the frame and prior to cladding.

Additional Condition 49 to read:

The poultry farm shall operate so as not to produce an offensive odour, to a reasonable person, at the property boundaries of DP 564227 Lot 2, DP 814149 Lot 2, DP 523123 Lots 1 and 2, DP 751665 Lots 257 and 295 and DP 580083 Lot 62, and any other nearby properties.

Additional Condition 50 to read:

The poultry farm shall operate such that dust particles do not exceed the prescribed standards under the Protection of the Environment Operations Act 1997 and associated regulations at the property boundaries of DP 564227 Lot 2, DP 814149 Lot 2, DP 523123 Lots 1 and 2, DP 751665 Lots 257 and 295 and DP 580083 Lot 62, and any other nearby properties.

Additional Condition 51 to read:

Manure and manure cones located within the sheds are to be kept in a dry condition.

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Additional Condition 52 to read:

Manure that is identified as supporting excessive fly breeding (identification of larvae or maggots) is required to be immediately removed from the property.

Additional Condition 53 to read:

Comply with the New South Wales Meat Chicken Farming Guidelines (managing planning and environmental issues) developed by NSW Agriculture 2004.

Additional Condition 54 to read:

The Council is to be requested to undertake the following additional inspections:

- (a) Use of the building for rearing of poultry (once occupied)
- (b) 3 months after occupation of the sheds
- (c) 6 months after occupation of the sheds
- (d) 9 months after occupation of the sheds
- (e) 12 months after occupation of the sheds

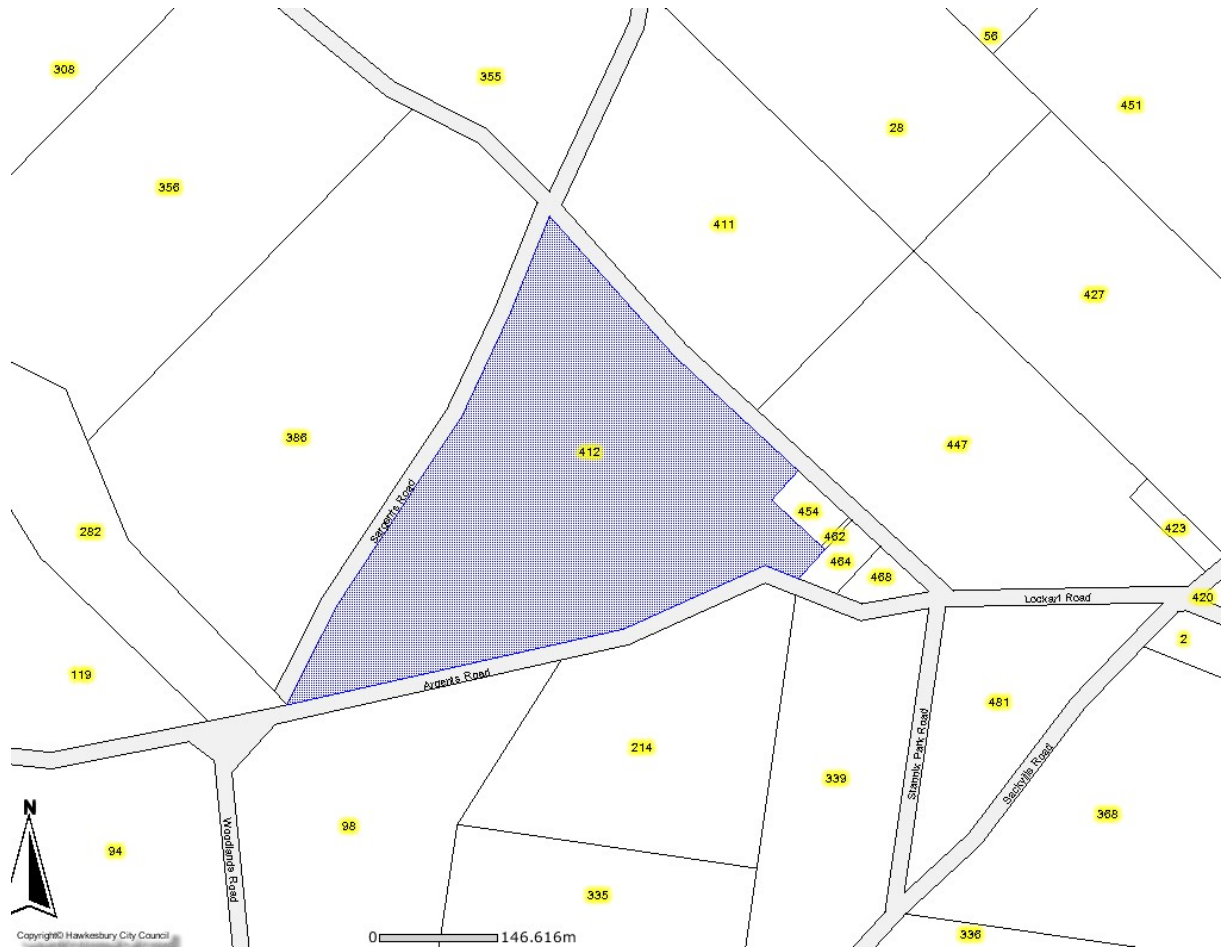
ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Amended Plans

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AT - 1 Locality Plan



Meeting Date: 11 December 2007

Approved Site Plan

STANNIX PARK RD
STANIX ROAD

Lot 1 DP 564277 17.66 ha

EXISTING SHEDS:
SHED 1
SHED 2
SHED 3
SHED 4
SHED 5
SHED 6

EXISTING COOL ROOMS
EXISTING DAM DRYER
BIO-FILTER
DAM SITE

PROPOSED ADDITIONAL SHEDS

HAWKESBURY CITY COUNCIL DEVELOPMENT CONSENT
Approval Number: DP 906/99
Approval Date: 22/8/02

SITE PLAN
1:2000

HAWKESBURY CITY COUNCIL CONSTRUCTION CERTIFICATE
Approval Number: CC 245/04
Approval Date: 29/3/04

PLAN OF EXISTING SHEDS & COOL ROOM
TUSCANY FARMS P/L
412 STANNIX PARK RD, EDELSBURG
REF: E7107/16

Meeting Date: 11 December 2007

COOLING VENTILATION BACK & FRONT FANS LAYOUT

6500

4900

16000

DODR

DODR

PLAN OF PROPOSED CHANGES TO POULTRY HOUSES FOR SECTION 96 APPLICATION

Client: Tuscany Farms Pty Ltd

412 Stanrix Park Road, Ebenezer

Not to Scale - measurements as indicated

Sheet: 1/2

POOLED RESOURCES

10/1/13

3 Trueman Street, Suite 101, PO Box 1118, Melbourne, VIC 3001

Ph: 03 9593 2277 Fax: 03 9593 2288 Email: info@pooledresources.com.au

ORDINARY MEETING

Meeting Date: 11 December 2007

Item: 283 **CP - Modification to Development Consent - Approval Sought in Retrospect - Shed >170m² - Lot 1 DP 226968 , 119 Pitt Town - Dural Road, Pitt Town - (DA0965/05A, 93117, 95498)**

Development Information

Applicant: Mr AJ Vumbaca
Owner: Mr AJ Vumbaca
Stat. Provisions: Environmental Planning and Assessment Act 1979
Local Government Act 1993
Hawkesbury Local Environmental Plan 1989
Area: 2.053 H
Zone: Rural Living under Hawkesbury Local Environmental Plan 1989
Advertising: Not required to be notified
Date Received: 25/06/2007

Key Issues:

- ◆ Works without consent
- ◆ Proposed modification to development consent

Recommendation: Approval

REPORT:

Introduction

Approval is sought under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent 0965/05. The modified works have been undertaken without approval.

In accordance with Council's resolution of 29 May 2007, in respect to retrospective approvals, the report was prepared for Council's consideration.

On 27 November 2007 Council resolved the following:

- "1. *Development Applications for retrospective approvals be annotated on the list of Development Applications received.*
2. *The lists of Development Applications received and Development Applications determined be distributed to the Councillors via the Councillor newsletter and be placed on Council's website.*
3. *Development applications for retrospective approvals be determined in the same manner as other development applications, that is under delegated authority unless a Council policy requires referral to Council in particular circumstances or the matter, is "called up to Council" for determination by a Councillor.*
4. *Council note the provisions of the Enforcement Policy adopted in December 2006."*

Given that this application assessment has been undertaken under the 29 May resolution and, under the provisions of the 27 November resolution, if the application was "called up" by a Councillor the matter could not be determined until the first meeting in 2008 (resulting in a significant delay), the application is being reported to Council for determination.

ORDINARY MEETING

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Background

The shed was approved under Development consent 0965/05 dated 4 May 2006. A privately issued construction certificate was issued for the shed and inspections were undertaken by a private certifier. During construction, the owner has altered the design of the shed. There are seven (7) additional windows provided to the shed and a mezzanine floor level has been added.

The private certifier has not issued any further documentation to Council since becoming aware of the non-compliance of the building works.

26 June 2007	Section 96 Modification Application form received. No plans provided.
1 August 2007	Letter forwarded to applicant requesting additional information to support application. Applicant advised that Council staff are not in support of proposed modifications in the absence of the required documentation.
5 September 2007	Final seven-day letter sent to applicant requesting information or withdrawal of application due to insufficient information.
23 October 2007	Plans submitted.

The Proposal

The proposal involves the approval of works already carried out to a previously approved shed on the subject land. A Section 96 Modification Application has been lodged to seek approval of the existing works.

The works involve the provision of seven (7) windows (four of which are full height windows) to the external walls of the shed and the provision of a mezzanine floor to the centre portion of the shed.

Assessment Of Section 96

The proposed amendments to the shed are considered to be substantially the same development as approved by Development Consent DA0118/06.

The amendments will have a minor environmental impact on the surrounding area.

The proposed amendments can be considered under Section 96(1A) of the Environmental Planning and Assessment Act

Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979

a) the provisions of:

i) any environmental planning instrument (ie LEPs, REPs & SEPPs)

The subject property is zoned Rural Living under Hawkesbury Local Environmental Plan 1989.

The Planning Instruments which are considered to control development on the site are;

- Sydney Regional Environmental Planning Policy 20.
- Hawkesbury Local Environmental Plan 1989. (HLEP)

Comment: The proposal is not inconsistent with the relevant Planning Instruments and relevant provisions.

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- ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

There are no relevant draft EPI's that affect the land or the proposal.

- iii) **any development control plan applying to the land**

Hawkesbury Development Control Plan 2002

The relevant chapter(s) are:

Chapter 8 - Erection of Rural Sheds.

The amendments are not inconsistent with the requirements set out in the DCP.

- iv) **any matters prescribed by the regulations**

There are no matters prescribed by the Regulations that affect the land or the proposal.

- b) **the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

The environmental, social and economic impacts of the proposed development are considered to be minimal.

- c) **the suitability of the site for the development**

The site is suitable for the development as the shed structure has been previously approved. However, it should be noted that the site is not suitable for the erection of a dwelling due to the flood hazard on the site. Conditions of consent should be included that ensure that the consent of the amended shed do not imply that the use of the shed for the purpose of a dwelling is implied.

- d) **any submissions made in accordance with the EPA Act or Regulations**

No submissions were received as this application was not required to be notified to adjoining owners.

- e) **the public interest**

The matter is not considered to be contrary to the general public interest.

Conclusion

The proposed development complies with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no environmental impact.

RECOMMENDATION:

That the modification application DA0965/05A for a Shed at Lot 1 DP 226968, 119 Pitt Town - Dural Road, Pitt Town be approved subject to the following amendments:

Condition 5a. A Section 149A Building Certificate Application is to be lodged with Council for the structure.

Condition 5b. A structural engineer shall inspect, certify and provide a certificate, which is to be submitted to Hawkesbury City Council certifying that the structure is capable of withstanding the loads likely to be imposed upon it, including wind loadings.

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Condition 25 to be amended to read:

The shed shall not be occupied for human habitation / residential, industrial or commercial purposes **and is not approved for overnight accommodation.**

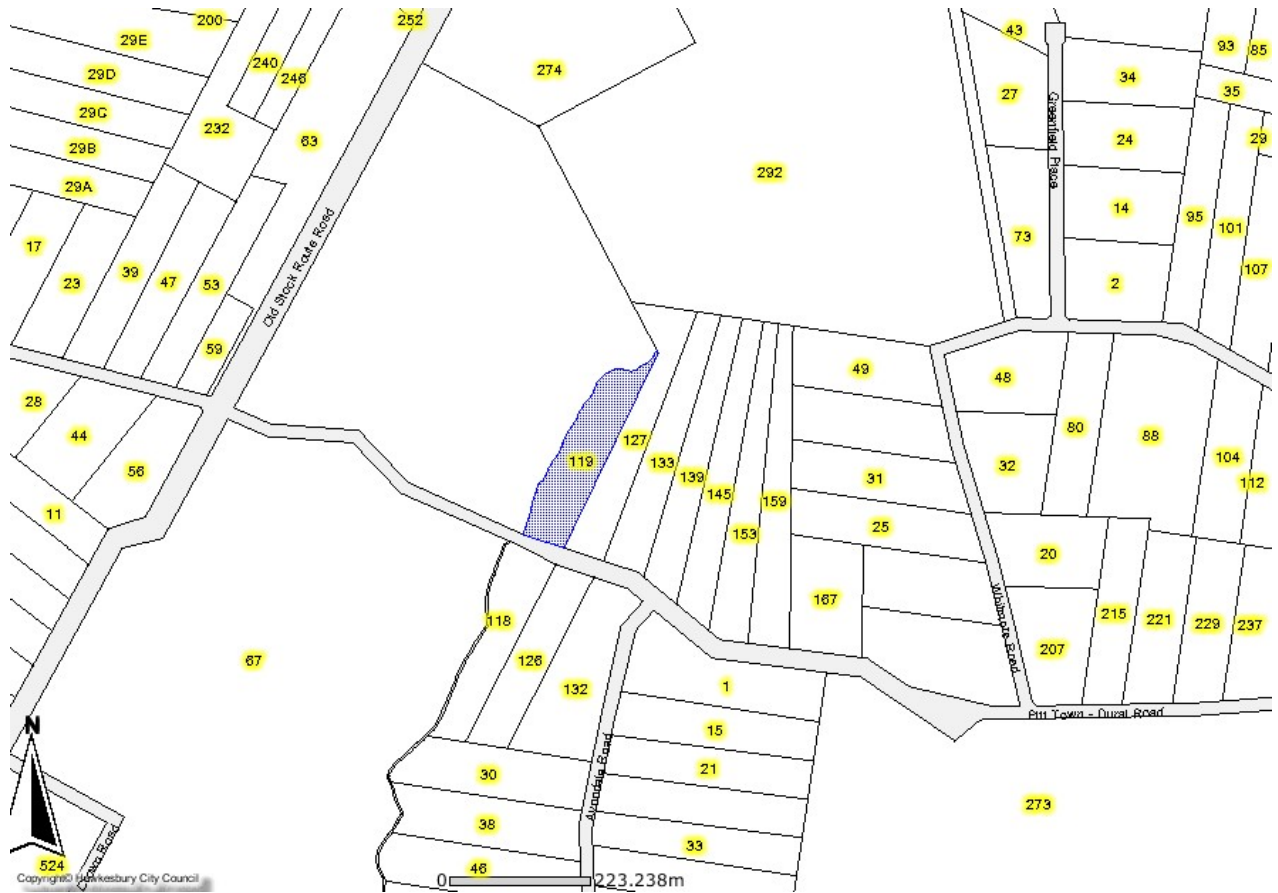
ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Approved Site Plan from DA0965/05
- AT - 3** Floor Plan and Elevations

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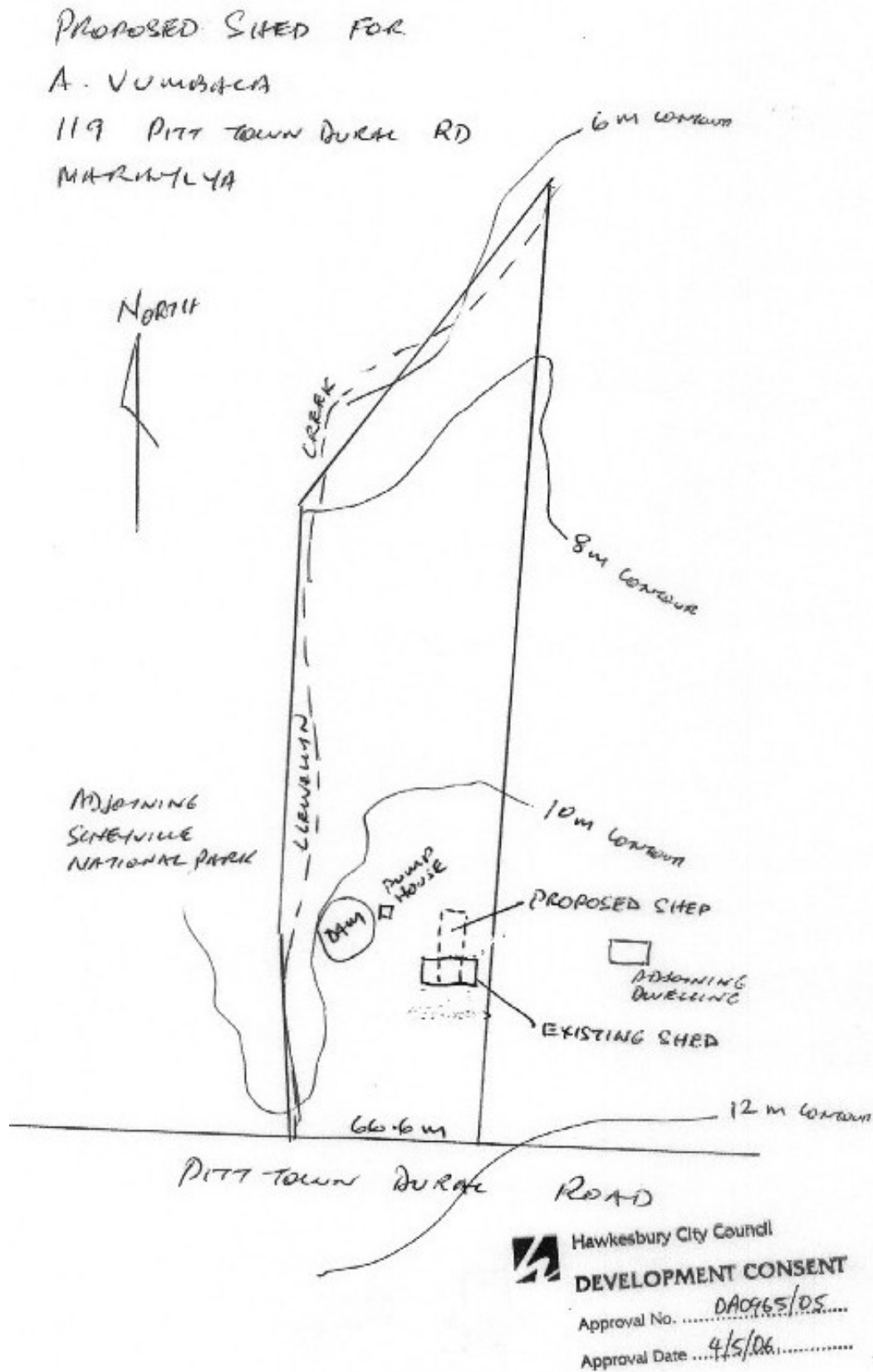
AT - 1 Locality Plan



ORDINARY MEETING

Meeting Date: 11 December 2007

AT - 2 Approved Site Plan from DA0965/05



Meeting Date: 11 December 2007

[illegible]

Meeting Date: 11 December 2007

ORDINARY MEETING

Meeting Date: 11 December 2007

Item: 284 **CP - Approval Sought in Retrospect - Conversion of a Stable into a Shed - Lot 1 DP 773543, 236 Bells Road, Grose Vale - (DA0539/07, 13872, 13871, 96329, 95498)**

Development Information

Applicant: Mr J Potts
Owner: Mr J & Mrs A Potts
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1.385H
Zone: Rural Living
Advertising: Not Required
Date Received: 6 September 2007

Key Issues: ♦ Illegal Alterations and Additions

Recommendation: Approval

REPORT:

Introduction

The Applicant is seeking the approval for the use of the existing stable that has been partly enclosed to form a shed.

The works have already been constructed and at the request of Councillor Devine, the application is being reported to Council.

Description of Proposal

The application involves the following:

- The enclosing of a lean to on a stable to form a shed and to remove internal walls to open up the internal floor space.
- The existing shed has a roof area of 10.4m x 12m with a height of 2.6m to the gutter. The enclosed area is approximately 6.4m x 12m.
- The applicant has advised that the shed will be used for the storage of motor vehicles which includes the maintenance of these motor vehicles & other machinery kept at this address.

Background

Initial concerns were received on 9/3/2004 regarding the use of the structure & the alleged illegal business operating from the building, nuisances associated with the use of the structure such as noise, paint fumes and the use of machinery.

Statutory Framework - Unlawful Structures

The Environmental Planning and Assessment Act 1979 does not make provisions for development consent to be granted retrospectively but under section 109A of the Act there is a distinction between the *unlawful erection of a structure* and the *unlawful use of land or a structure*. Section 109A reads:

the use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:

(b) *the granting of development consent to that use.*

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Therefore, the development application is required to be considered on its merits and should the use of the structures be deemed consistent with relevant planning controls then an application for a Building Certificate is required to be submitted to Council.

As previously mentioned, the Act does not provide for retrospective approval for unlawful structures but a person may obtain a Section 149 Building Certificate from Council. The certificate differs from a development consent or building approval for a structure, in that it confers certain forms of legal immunity on the structure (Section 149E of the Act) rather than granting consent for the structure. It is important to note that the Section 149 certificate does not make an unlawful structure lawful but simply makes it immune from certain types of legal action for a period of seven years.

Matters for consideration under Section 79 (c) of the Environmental Planning and Assessment Act 1979

a) the provisions of:

i) any environmental planning instrument (ie LEPs, REPs & SEPPs)

The subject property is zoned Rural Living under Hawkesbury Local Environmental Plan 1989.

The Planning Instruments which are considered to control development on the site are;
Sydney regional Environmental Planning Policy 20.
Hawkesbury City Council Local Environmental Plan 1989. (HLEP)

Comment: The proposal for a shed on the subject land is a permissible use under the provisions of the Hawkesbury LEP 1989. The proposal is not inconsistent with the relevant Planning Instruments.

ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no relevant draft EPI's that affect the land or the proposal.

iii) any development control plan applying to the land

The proposed development is considered to be consistent with the provisions contained in the Hawkesbury Development Control Plan, Part D, Erection of Rural Sheds.

The siting and size of the existing shed is consistent with the provisions of the DCP.

iv) any matters prescribed by the regulations

There are no matters discernable that are prescribed by the Regulations that affect the development.

b) the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The development of a shed is not considered to be out of character with the surrounding landscape and the shed alone is unlikely to have any adverse environmental impact on the locality.

The use of the shed by the owner has generated objection from adjoining owners. The application states that the shed is to be used for the "storage of motor vehicles which includes the maintenance of these motor vehicles and other machinery kept at this address." The use of the shed for storage is not a prohibited use. However, the use of the shed for the purpose of a commercial activity, ie, car repair or spray painting, is not permitted in this zone. Appropriate conditions restricting the use of the shed are proposed should the application be approved.

c) the suitability of the site for the development

The site is suitable for the development of a shed.

d) any submissions made in accordance with the EPA Act or Regulations

The proposed shed did not require notification in accordance with Chapter 3 of Hawkesbury City Councils DCP as the shed is greater than 10m from the adjoining property. The site was inspected and it was found that the shed is about 10.7m from the nearest property boundary.

Notwithstanding the above several submissions have been received from the adjoining property.

Their concerns raised are in general as follows:

1. Noise associated with power tools, vehicles air compressors etc.
2. Fumes from spray painting
3. The use of the property for business purposes (motor vehicle repair) which is related to noise & paint fumes.
4. Time of noise nuisances..

The respondent has confirmed that the use of the shed is for the storage of motor vehicles and will include the maintenance of vehicles & machinery kept on the property.

As mentioned previously in this report, the erection of such a shed is not a prohibited use, however, the use of the shed for car repairs in the manner currently undertaken by the applicant is not consistent with the zone objectives.

e) the public interest

The development of a shed is not considered to be contrary to the general public interest.

Conclusion

The proposed development of a shed only demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and has no environmental impact.

The main concern from the respondent is not the shed but the use associated with the shed. Concerns such as noise from motor engines, use of power tools & hand tools, hammering, grinding.& paint fumes associated with spray painting.

The applicant has advised that the shed will be used for the storage & maintenance of vehicles kept on the site. While it is accepted practice that this type of activity is associated with rural sheds, the use of the shed for commercial or industrial purposes is not permitted. Due to the alleged offences associated with the use of the shed, appropriate conditions to control/restrict these activities are proposed.

RECOMMENDATION:

That the application for the enclosing of the stable at Lot 1, DP773543, 236 Bells Road, Grose Vale be approved subject to the following conditions:-

General

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

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Use of the Site

2. The shed shall be used for the storage of motor vehicles and other machinery associated with the maintenance of the property only. The shed shall not be used for purposes of spray painting or for commercial purposes.
3. The development shall be conducted in such a manner that the noise levels measured at any residential boundary do not exceed 5dB(A) above the background noise levels.
4. All noise generating equipment shall be acoustically designed so as not to exceed 5dB (A) above the background noise level at any boundary.
5. Any external /internal lighting shall be directed in such a manner so as not to cause a nuisance to adjoining properties.
6. Any noise generating activity in, or around, the shed is to be limited to the hours of 7.00 am and 6.00 pm.

ATTACHMENTS:

- AT - 1 Locality plan
- AT - 2 Site Plan
- AT - 3 Elevations
- AT - 4 Aerial View

ORDINARY MEETING

Meeting Date: 11 December 2007

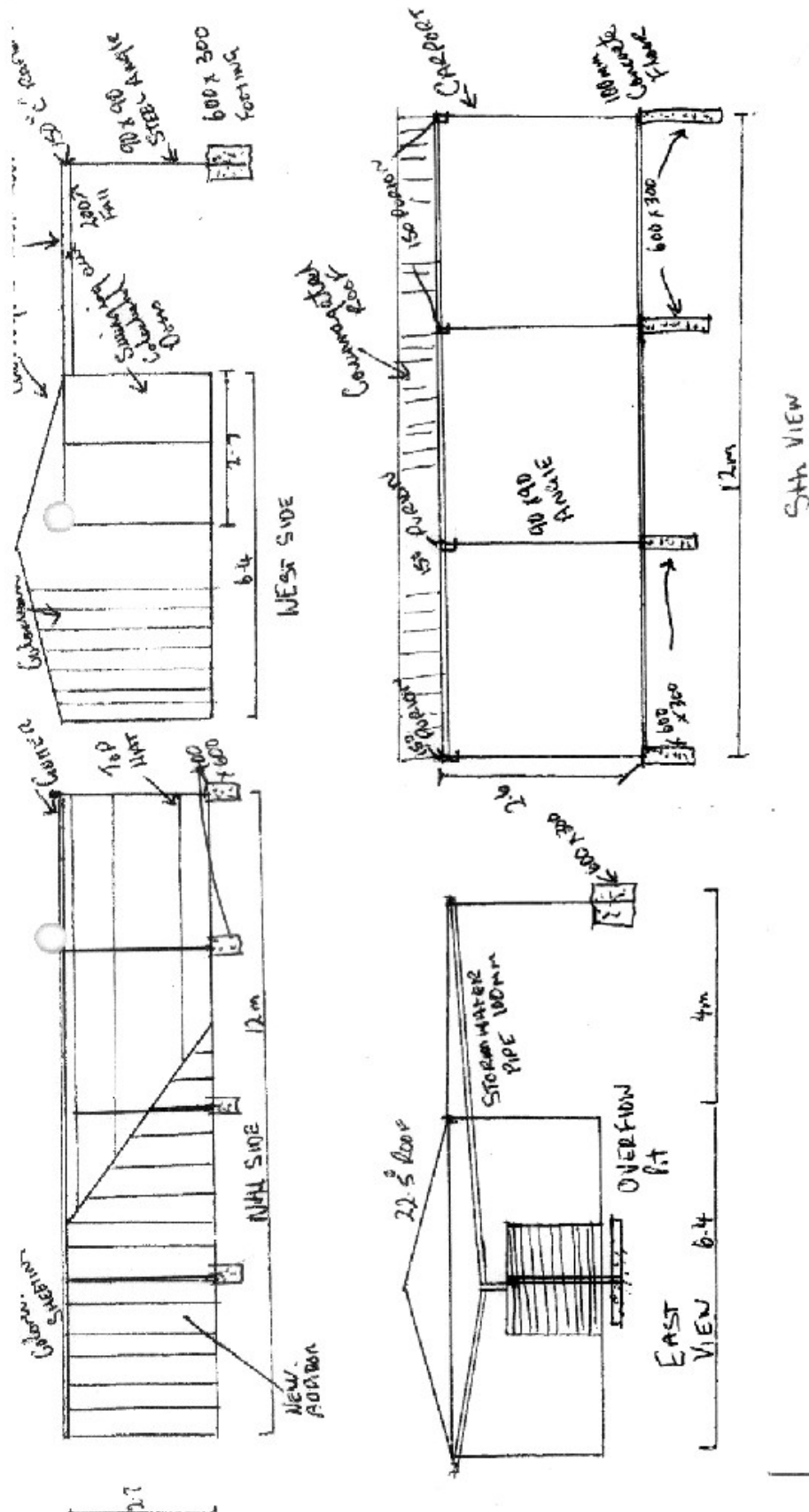
AT - 1 Locality plan



ORDINARY MEETING

Meeting Date: 11 December 2007

AT - 3 Elevations



ORDINARY MEETING

Meeting Date: 11 December 2007

AT - 4 Aerial View



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 December 2007

Item: 285 **CP - Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry - (DA1023/02, 27426, 95498)**

Previous Item: 271, Ordinary (13 November 2007)
47, GPC (28 September 2004)
175, Ordinary (14 October 2003)
53, GPC Environment (26 August 2003)
53, GPC Environment (26 August 1999)

Development Information

Applicant: Mr DJ Ireland
Applicants Rep: Falson & Associates Pty Ltd
Owner: Mr DJ Ireland
Zone: Environmental Protection Scenic 7(d) under Hawkesbury Local Environmental Plan 1989
Advertising: 26 August - 10 September 2004
Date Received: 4 July 2003

Key Issues: ♦ Road Severance
 ♦ Use of SEPP No.1
 ♦ No concurrence received from Department of Planning

Recommendation: Uphold previous Refusal

REPORT:

Introduction

This report is a continuation of the review of determination of a two (2) lot subdivision of Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry.

Council is unable to support the subdivision as the concurrence to the subdivision from the Director General, a Statutory requirement, has not been granted.

The application was reported to the Council meeting of 13 November 2007 where Council resolved the following:

"That this matter be deferred to the next Council meeting".

The application was not reported to the meeting of 27 November 2007 with the agreement of the applicant.

Background

Previous reports to Council regarding this matter are attached. A brief summary of the development application and review of determination is provided below:

16 June 2003 - Application for a two (2) lot subdivision of 34 Chaseling Road, Wisemans Ferry refused under delegated authority. The application proposed allotments of 15.2ha and 8.24ha in a zone where the minimum lot size for subdivision is 40ha.

4 July 2003 - Letter from owner requesting that the determination be reviewed by Council.

ORDINARY MEETING

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26 August 2003 - Matter reported to the General Purpose Committee of Council.

9 September 2003 - Matter deferred at Ordinary Meeting of Council pending receipt of additional information from the owner with respect to position of a future house site on Lot 2.

24 September 2003 - Information received showing a house site towards north western corner of proposed Lot 2 near Bicentennial Road.

14 October 2003 - Matter reported to Ordinary Meeting. Matter deferred pending receipt of additional information.

28 June 2004 - Additional information received showing a house site within lower cleared portion of proposed Lot 2.

28 September 2004 - Matter reported to General Purpose Committee meeting.

12 October 2004 - Matter deferred at Ordinary Meeting pending receipt of additional information.

26 November and 3 December 2004 - Additional information received.

The applicant has submitted amended plans and information to obtain the approval from the NSW Rural Fire Service, Department of Planning and the Department of Infrastructure Planning & Natural Resources.

Despite attempts to follow up this matter with the relevant Authorities, Council has only recently received the comments from all the above Departments. The last being received at Council on 17 October 2007.

The Proposal

The essential nature of the application remains unchanged, that is a two (2) lot subdivision of the subject site into lots of 15.2ha and 8.24ha. The site is within the Environmental Protection -Mixed Agriculture (scenic) (previously the Environmental Protection (Scenic) 7(d) zone) which required lots created in this zone to be a minimum of 40ha. The applicant's justification for the subdivision is primarily based on the site being severed by Bicentennial Road and claims difficulty in managing the property due to the severance.

The additional information provided by the owner includes an amended dwelling site, waste water disposal report, flora and fauna report, vegetation plan of management and bushfire assessment report.

The new house site is now towards the north-western corner of proposed Lot 2 approximately 6m from Bicentennial Road between the existing entry to the site and a proposed roadside stormwater runoff channel. The house site is 20m long by 12m wide and straddles land sloping from 23.5m AHD to 16.5m AHD (approx). This represents a slope of 30% or 17 degrees. Due to the slope of the land the house site has been nominally described as a "pole house site". The proponent considers that a conventional slab on ground house construction would be unsuitable for the site.

Wastewater disposal report

The waste water disposal scheme consists of an Ecomax system with two irrigation cells excavated into the hillside. One cell is located immediately to the south west of the house site, the other is located on the other side of an access track approximately 30m to the south of the house site.

Bushfire Assessment

The bushfire assessment suggests an Asset Protection Zone of between 20m-60m around the proposed house site.

Level 3 construction under Australian Standard 3959 is required (note this is the highest level of construction required for bushfire protection) as well as roof sprinklers and window shutters.

The bushfire hazard category surrounding the site is high to extreme.

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Evacuation from the site during bushfire events is directly onto Bicentennial Road or through a neighbouring paddock to Chaseling Road.

Flora and Fauna Report

The report states that the house site is located within Shale Sandstone Transition Forest (SSTF) intergrading into Ridge top forest. To offset the clearing of the SSTF an area of Sydney Coastal River -flat Forest is proposed to be replanted.

Proposed management of Lot 2 includes preservation and management of all forest area, replanted creek flat, adherence to a Vegetation Management Plan, prohibition of livestock, and to confinement of dogs and cats to within an escape proof run extending not more than 10 metres from the dwelling.

Community Consultation

The additional information was placed on public exhibition for the period 18 December 2004 - 10 January 2005. One submission was received. Matters raised in the submission include:

- Insufficient details have been provided regarding the access and excavations to enable proper assessment
- Unrealistic and too costly to accept that a house would be built on the inaccessible house site. Future owners may pressure Council for an alternative house site.
- Concern about trespass onto flatter neighbours property due to difficulty in accessing the house site from proposed entry.
- Increase in density, noise, visual impact and associated impact on flora and fauna.
- Precedent for further subdivision that would destroy the environment of the local area.
- Subdivision rules should be applied fairly and consistently and not to the disadvantage of neighbouring properties.
- Cannot guarantee access through neighbouring property during bushfire emergency.
- Subdivision should be rejected or deferred until detailed plans of a dwelling in the house site area are submitted for consideration.

Planning Assessment

The amended proposal does not change the previous finding that the proposed subdivision does not comply with the relevant objectives of the Environmental Protection - Mixed Agriculture zone. The increase in density proposed by the subdivision is beyond that envisaged by the minimum subdivision standard and does not assist in upholding the objectives of the zone that relate to the preservation of woodland, scenic significance and character of the area. The location of an elevated pole house only 6m from Bicentennial Road and associated Asset Protection Zone would not be consistent with the bushland character of the area.

The additional information does not resolve the previously identified non-compliances with the Subdivision chapter of the Hawkesbury DCP. In particular the house site and accessways are located on a steep slope (30%) contrary to Section 3.3 Rule (a); the additional housing site and Asset Protection Zone on Lot 2 gives rise to additional and significant visual impacts and soil instability/erosion potential contrary to Section 3.2 Rules (b) and (f) and Section 3.3 (b); the house site is only 240m² which is substantially less than the minimum of 2000m² nominated within Section 3.8.1 Rule (b).

The proponent's inability to find a suitable house site clearly highlights the physical constraints of the site. Furthermore due to the proposed restrictions relating to the location and size of the house site, type of

construction and type of wastewater disposal area it is considered that future residential development in the form envisaged will not be readily achievable or certain.

The proposed lots are substantially under the 40ha minimum standard set by the LEP. The additional information submitted does not materially add to the previous objection to the minimum subdivision standard made under State Environmental Planning Policy No 1. The SEPP No 1 objection was essentially based on the physical separation of the property by way of Bicentennial Road, surrounding allotment sizes, and a claim that the development could occur on the site without adverse effect.

The ad-hoc use of SEPP No 1 for subdivision by way of road severance is not an appropriate approach to resolving the perceived or actual land management issues arising from road severance nor is it an appropriate way to preserve the objectives of the zone. Furthermore, it is important to note that prior to Bicentennial Road being created through the property the site had an area of approximately 25ha and thus did not have subdivision potential.

Ancillary Approvals

The NSW Rural Fire Service have issued their conditions of approval and the Department of Infrastructure Planning and Natural Resources have indicated that no 3a permit is required under the Rivers and Foreshores Improvements Act.

The Department of Planning (Director General) must concur to the use of SEPP No1 as the variation in the minimum subdivision area is outside the delegation given to Council by the Department to the use of SEPP No1. Without the concurrence of the Department of Planning Council cannot grant consent to the application.

The Department of Planning has now provided a response which states:

"I wish to advise that the Director General does not grant concurrence for the proposed subdivision. The Director General has reached this decision by taking the following matters into consideration:

1. *The extent of the deviation from Clause 11(2)(a) is considered to be inconsistent with the subject zoning. The applicant has not provided sufficient grounds as to why compliance with the development standard contained in clause 11(2)(a) of Hawkesbury LEP is unreasonable or unnecessary.*
2. *The proposal is inconsistent with the objectives of zone 7(d) Environmental Protection (Scenic) 1989, SREP 20 Hawkesbury-Nepean River, the Metropolitan Strategy and the State Plan with respect to planning strategy for rural land and environmental protection. In addition, it is inconsistent with the provisions of the proposed standard instrument LEP being prepared by Hawkesbury Council.*
3. *Approval of the proposed subdivision may create a precedent for undersized subdivisions in the Environmental Protection (scenic) 7(d) zone. The proposal is therefore not in the public interest."*

Conclusion

The ad-hoc use of SEPP No 1 for subdivision by way of road severance is not an appropriate approach to resolving the perceived or actual land management issues arising from road severance nor is it an appropriate way to preserve the objectives of the zone.

This view is supported by the Department of Planning.

Council is unable to support the subdivision as the concurrence to the subdivision from the Director General has not been granted.

ORDINARY MEETING

Meeting Date: 11 December 2007

RECOMMENDATION:

That Council uphold the previous decision of refusal of the application.

ATTACHMENTS:

- AT - 1** Current plans showing location of house site
- AT - 2** Previous reports to Council

AT - 1 Current plans showing location of house site

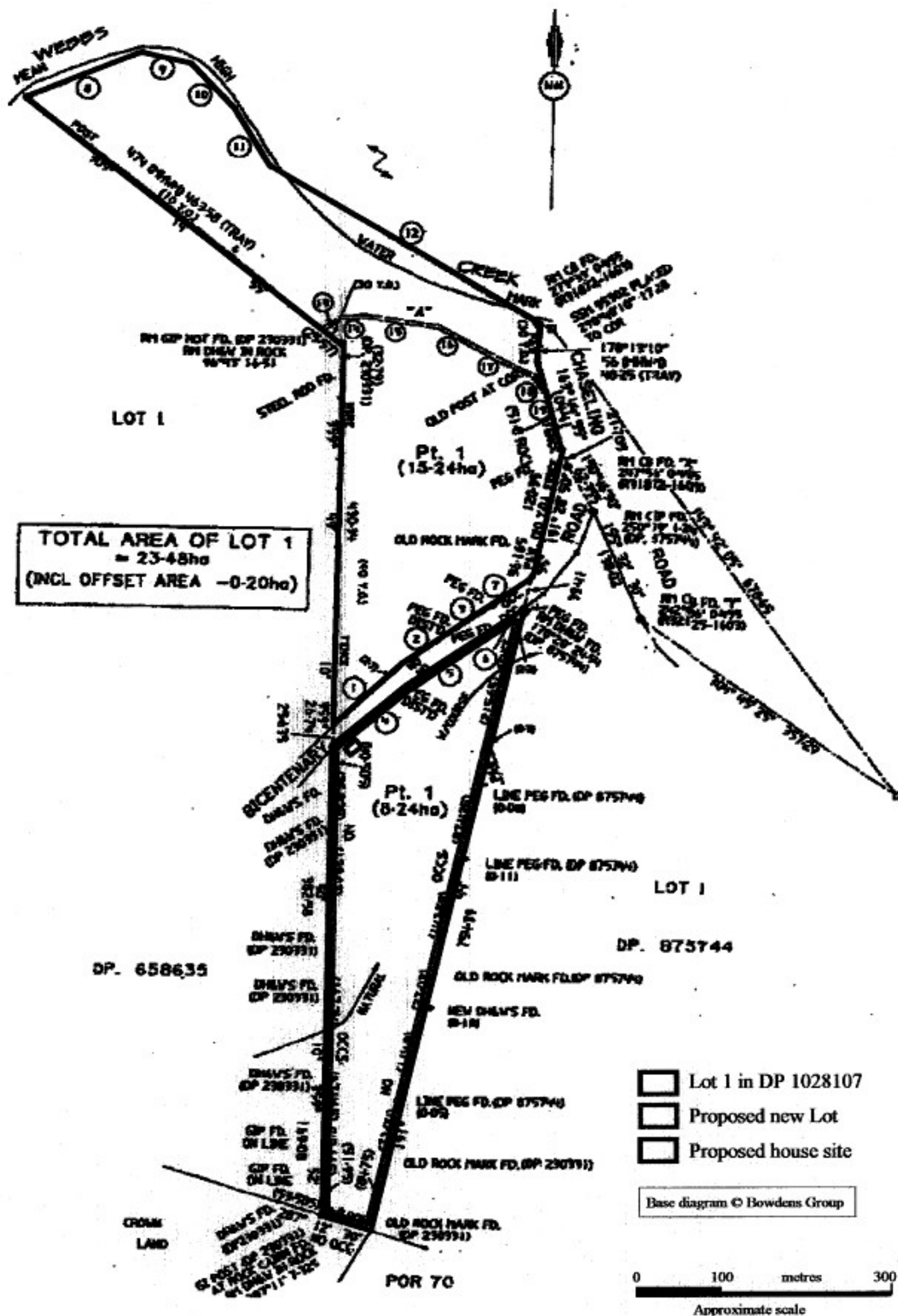


Figure 5. Proposal diagram for Lot 1 in DP 1028107, Webb's Creek

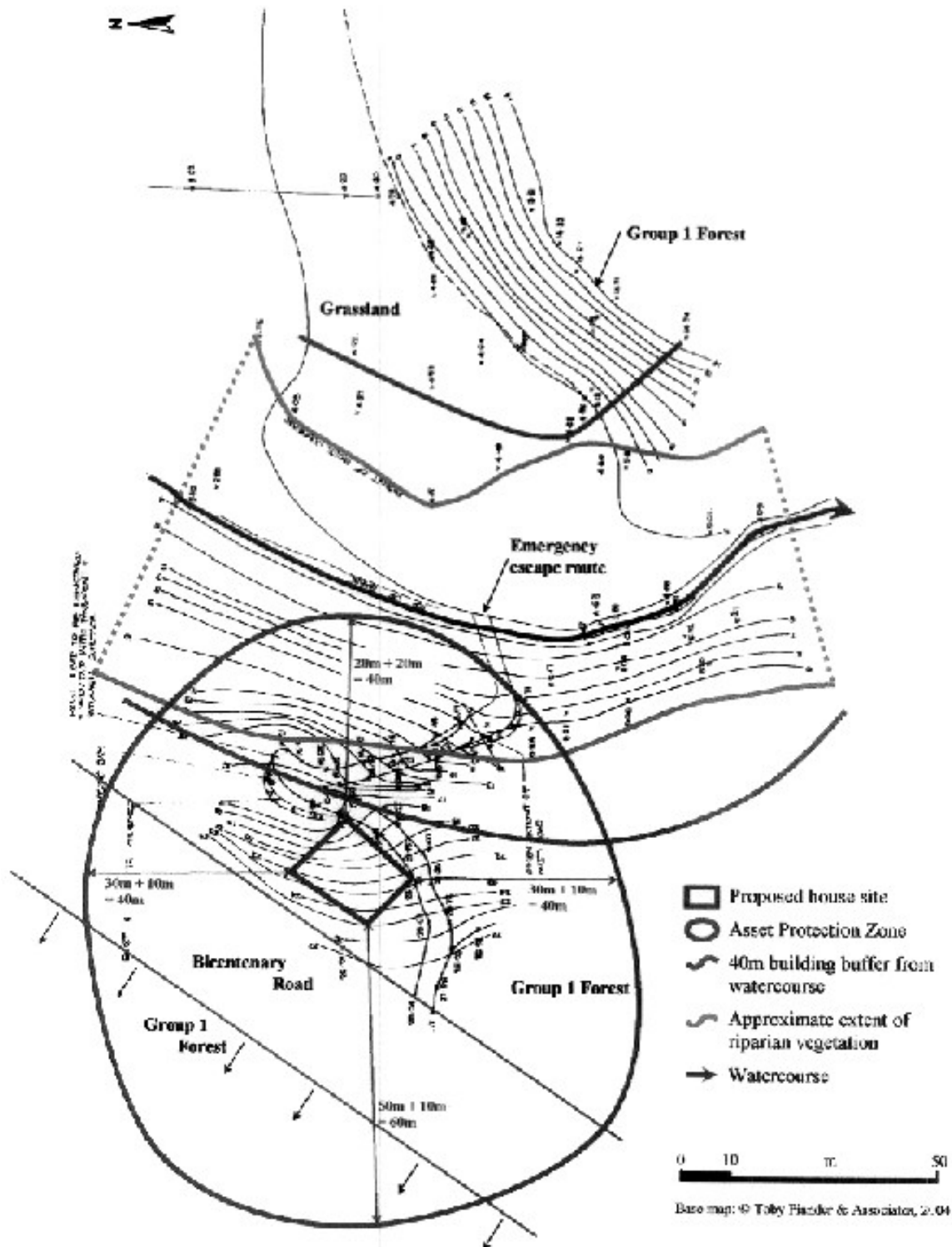


Figure 1. Site diagram with APZ for Lot 1, DP 1028107, Webbs Creek

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Meeting Date: 11 December 2007

AT - 2 Previous reports to Council

ENVIRONMENT

Meeting Date: 28 September 2004

Item: 47 **ENV B - Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 10281047, 34 Chaseling Road, Wisemans Ferry - (79339)**

Previous Item: 175, Ordinary (14 October 2003)
53, GPC Environment (26 August 2003)
53, GPC Environment (26 August 1999)

REPORT:

Introduction

In August 2003 Council considered a report concerning a request to review a refusal of a development application for a 2 (two) lot subdivision of 34 Chaseling Road, Wisemans Ferry. A copy of this report is attached. Consideration of the matter was deferred pending the Applicant submitting additional information relating to lands levels, building platform and driveway entry.

The additional information was reported to the Ordinary meeting of Council on 14 October 2003. Council resolved to defer the matter until receipt of additional information. The Applicant has now submitted information in the form of expert reports relating to on-site disposal of waste water, bushfire assessment, flora and fauna and vegetation management.

The Proposal

The applicant proposes to create 2 (two) lots, namely Lot 1 with an area of 15.24ha (fifteen point two four) and Lot 2 with an area of 8.24ha (eight point two four). Lot 1 contains a dwelling house, Lot 2 is vacant. The subdivision is essentially being sought by virtue of severance by Bicentennial Road.

The subject site is zoned Environmental Protection (Scenic) 7(d). The minimum area for lots to be created in this zone is 40ha (forty hectares). The applicant submitted an objection to this development standard under the provisions of State Environmental Planning Policy No. 1.

The applicant claims management of the property is difficult as a result of the road severance. In particular it cannot be managed as 1 (one) entity as it is required to drive cattle from one side of the property across the road to the other. The applicant also claims that movement of machinery is difficult given the steepness of the terrain.

Reasons for Refusal

The development application was refused under delegated authority on 16 June 2003. The reasons for refusal mainly related to insufficient information being submitted with the application to enable a proper assessment of the application, potential environmental impacts of the subdivision, and non-compliance with the Hawkesbury Local Environmental Plan 1989 (HLEP 1989).

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Assessment of Additional Information

The additional information relates to Lot 2 and nominates an internal access track from Bicentennial Road, 2 (two) bridges, a house site within flood liable land, and an effluent disposal area cut into the hillside.

The proposed access track winds its way from Bicentennial Road through Dry Sclerophyll Forest to the low lying flood liable land where the house site is proposed. The track descends from a height of 27.3m (twenty seven point three metres) to 7.3m (seven point three metres) AHD over a distance of 104m (one hundred and forty metres) (i.e. an average slope of approximately 19%, 11 degrees).

A bridge from the access track is proposed over a water course to the dwelling site. Another bridge is proposed from the dwelling site to the effluent disposal area located within the foot slope of a vegetated hill.

A discussion of the additional reports submitted by the Applicant follows:

Wastewater disposal report

This report states the proposed area of the dwelling is below the 1 in 100 (1% AEP) year flood event level and that it would be necessary for the habitable floor level of the dwelling to be at least 300mm (three hundred millimetres) above the underlying land level.

The report identified only one appropriate method of treatment and disposal of wastewater. This was primarily due to the topography of the site and the proximity of the natural watercourse. The recommended system is a soil filter cell (Ecomax) with a septic tank surrounded by a collector drain and soakage system. In order to achieve recommended buffer distances and to avoid inundation of the 1% AEP flood event the wastewater treatment system is proposed to be placed in an excavated section of the hill foot slope to the south-east of the proposed dwelling site. The 2 (two) irrigation area cells are expected to be 11m (eleven metres) long by 4.4m (four point four metres) wide with a 1m (one metre) buffer between the cells.

Whilst in general no objection is raised to the type of system, it is relatively uncommon that only 1 (one) system is found to be suitable for a particular site. Furthermore, it is highly unusual that significant alteration of land is required for the installation of an effluent disposal system. In this regard the foot slope of the hill is proposed to be excavated in order to provide a level bench. The indicative plans submitted suggest excavation of at least 12m (twelve metres) long by 8m (eight metres) wide by 4m (four metres) high. Note: the width, and therefore height of the excavation, may be greater than suggested on the plan in order to accommodate the above mentioned dimensions of the irrigation cells.

Bushfire Assessment Report

This report concludes that given the location of the proposed dwelling on Lot 2 an Asset Protection Zone with radius of 20m (twenty metres) is required around the dwelling, the dwelling is to be of Level 3 construction under AS3959, and roof sprinklers are required. Level 3 construction offers the highest level of protection from bushfire.

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The report states "The access road to the property from Bicentenary Road winds up through the Dry Sclerophyll Forest and may be blocked during a fire on this slope. However there is no threat to the North-east and evacuation may be achieved across a neighbour's paddock to Chaseling Road, through farm gates".

As a result of the public exhibition of the application the neighbour to the north-east advised Council "Whilst I would have no objection to this in an emergency, I cannot guarantee that this would be available. I currently do not live in the site and have chained/padlocked gates that would prevent, for example, ready access of a vehicle or stock through my paddock"

The additional information was referred to NSW Rural Fire Service for comment. No response has been received to date.

Flora and Fauna Report and Vegetation Plan of Management

The flora and fauna report concluded that the proposed subdivision will not have a significant impact upon endangered ecological communities, endangered populations, threatened species or their habitat.

The Vegetation Plan of Management (VPM) provides recommendations for the manner in which the land will be used and managed. It examines such matters as biodiversity conservation, vegetation and weed management, bush regeneration/rehabilitation, bushfire threat, stream and stormwater management, pollution control.

These reports note the occurrence of Lantana along the creek line as well as occurrences of small leaf privet and wild tobacco. The VPM proposes certain measures to remove these weeds and revegetate/rehabilitate the affected area. It also recommends fencing of vegetation areas and creek lines to prevent access by livestock, prohibition of livestock, dogs and cats, and installation of a cattle grid at the entrance to the site for weed seed removal. Whilst the intent of these recommendations is supported the ongoing policing and enforcement of the recommendations would be difficult given the individual property rights of the Torrens title form of subdivision.

The reports also note the site has a high frequency of bushfire and states that frequent hazard reduction burns would compromise the biodiversity of native flora and fauna. The subdivision of land and the erection of the new dwelling may result in greater need/pressure for hazard reduction burning this potentially compromising the existing and future biodiversity.

Community Consultation

The additional information was placed on public exhibition for the period 26 August - 10 September 2004. Three (3) submissions were received, 2 (two) in support, 1 (one) opposing.

Responses in support of the application stated:

- Council records will show on two occasions Council consented to a subdivision and creating a new deed at the request of our Company (Bebrovo Holdings Pty Ltd, owner of Del Rio Riverside Resort) [for] our property severed by Chaseling Road [and] our property severed by Bicentenary Road.

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- Council's favourable agreement . . . will allow the owner's recoup the value of their land severed by the construction of Bicentenary Road.
- With approximately 22 (twenty two) acres of treed land the existing road line could be continued following the contour of the land above the flood level with little impact on the rest of the site. This could be an option to consider.
- The sooner all the introduced pest plants are removed and no longer remain a seed propagation and distribution site, the better.

Issues raised in response opposing the application:

- Concern about owners/occupiers of the new lot gaining access to it via neighbouring property due to no practical access available from Bicentennial Road. Access via neighbouring property may also be required for construction works.
- Concerned about increased density and impact on natural environment.
- Negative impact on environment i.e noise, visual, flora and fauna, and alteration to landform.
- Potential for undesirable precedent. "Everyone can plead some special case. Either the subdivision rules should be applied fairly and consistently or scrapped".
- Availability of bushfire emergency access via neighbouring property

Planning Assessment

This planning assessment will address the content and findings of the additional information.

Hawkesbury Local Environmental Plan 1989

Clause 9 and 9A

The subject property is zoned Environmental Planning (Scenic) 7(d) under the provisions of HLEP 1989.

The relevant objectives of the zone are:

- (a) *to preserve existing wooded ridges and escarpments;*
- (b) *to protect hilltops, ridgelines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping;*
- (c) *to protect the low density, broad-acre character of the rural areas.*

It is considered that the proposed subdivision is contrary to these objectives due to the location of the house site, the bridges and earthworks required for the construction of the access track, and wastewater disposal system.

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Clause 11(3)

This clause states that Council shall not consent to the subdivision of land within the 7(d) zone unless each allotment to be created has an area of land that is above the 1 in 100 year flood event level and that is sufficient for the erection of a dwelling house.

The proposed house site is on land below the 1 in 100 year flood event level. The proposed subdivision is therefore prohibited by way of Clause 11 (3).

The previous report to Council suggested that Lot 2 could accommodate a dwelling house above the 1 in 100 year flood event level, however, this would be dependant upon resolving environmental constraints such as slope, vegetation clearing, bushfire protection and location of driveways and building envelopes. It appears the constraints of the site are such that this could not be achieved.

Clause 18(1)

This clause states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

The applicant has demonstrated that effluent can be disposed of on the site however that location of the system (i.e cut into the foot slopes of a vegetated hillside) is considered unsatisfactory.

Clause 25 (10)

This clause requires that a dwelling not be erected on land lying below the 1 in 100 year flood level. Council would not be able to approve a future Development Application for dwelling in the house site shown on the subdivision plan as it is below the 1 in 100 year flood event level.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment No 108

The relevant draft plan is draft Amendments No. 108. Under this plan the land is proposed to be zoned Environmental Protection - Mixed Agriculture. It is considered that the proposed subdivision does not demonstrate satisfactory compliance with the objectives (a),(c),(d),(e),(f),(g) and (h) of draft Amendment No 108. These objectives seek to preserve agricultural potential; avoid rural land use conflicts; retain and enhance rural character, landscape values, scenic corridors, escarpments and environmentally sensitive areas; avoid economic demands created by demand for public amenities and services.

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

The property falls within the Webbs Creek catchment area and is within an area of regional scenic significance.

The aim of SREP No. 20 is to protect the environment of the Hawkesbury / Nepean River system by ensuring that the impacts of future land use are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies and

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recommended strategies, and development controls which are to be considered in the assessment of a development application.

It is considered that the proposed development does not demonstrate satisfactory compliance with the general or specific aims, planning considerations, planning policies, recommended strategies and development controls of SREP No 20, particularly in relation to location of building envelopes, effluent disposal, clearing of vegetation, and visual impact.

Hawkesbury Development Control Plan

Subdivision

Section 3.3 Rule (a) states that accessways shall avoid steep slopes. Based on the amended site plans the accessways from Bicentennial Road has an average slope of approximately 19% (11 degrees).

Section 3.6 Rule (a) requires compliance with Clause 25 (Development of Flood Liabile Land) of HLEP 1989. Development of the Lot 2 for the purposes of a dwelling house cannot comply with Clause 25(10).

Section 3.8 Rule (b) - Requires a minimum building envelope of 2000sqm (two thousand square metres) with a minimum dimension of 20 (twenty) metres and building envelopes should be located a minimum of 30 (thirty) metres from landscape features. The proposed building envelope has an area of 448sqm (four hundred and forty eight square metres) with a minimum dimension of 16 (sixteen) metres. The building envelope is located in flood liable land that can be considered to be a significant landscape feature.

Ancillary Approvals

Approval of the subdivision is reliant on concurrence from the Department of Infrastructure Planning and Natural Resources (DIPNR). The additional information was referred to DIPNR for comment. To date no response has been received.

The subdivision will require an approval from the NSW Rural Fire Service. The additional information was referred to NSW RFS for comment. To date no response has been received.

Construction of the access bridge and future dwelling will require approval from DIPNR under the provisions of Part 3A of the Rivers and Foreshores Improvement Act 1948.

Conclusion

Section 82A of the Environmental Planning and Assessment Act 1979 provides Council with the power to review of determination of a development application. Upon review Council can decide to confirm or change the determination.

The additional information submitted has not raised any new matter that would warrant approval of the application. Rather, the additional information reinforces the previous concerns regarding the environmental impact of the subdivision and subsequent development of the Lot 2 as well as the unsuitability of the site.

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The amended plans submitted with the additional information demonstrate that the subdivision and future development of the site cannot comply with the previously mentioned provisions of HLEP 1989 or the Hawkesbury Development Control Plan.

That applicant's claim that management of the property is difficult as a result of the road severance is not in itself a reason to approve the application, does not demonstrate that the 40ha (forty hectares) development standard is unreasonable and unnecessary, and is not of sufficient weight to overcome the proposal's non-compliance with HLEP 1989 and the Hawkesbury DCP.

Based on the above assessment it is recommended that Council uphold the previous refusal of the application.

RECOMMENDATION:

That Council uphold the previous refusal of the application.

ATTACHMENTS:

- AT - 1 Previous Reports to Council.
- AT - 2 Additional plan subdivision showing access track, bridges, house site and effluent disposal area.

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ITEM: 175 Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 102807, 34 Chaseling Road, Wisemans Ferry

FILE NUMBER: DA1023/02,21107/EVD/ORJ14NBX.V19

PREVIOUS ITEM: 53, GPC Section 1 - Environment (26.08.2003)

PREVIOUS ITEM: 53, Ordinary (09.09.2003)

REPORT:

Additional information requested by the General Purpose Committee has been received.

The attached plan shows a proposed building platform measuring 15 (fifteen) metres long by 9 (nine) metres wide (135sqm) located in the north-western corner of the proposed Lot 2. The platform is located 8.5 (eight point five) metres from the property boundary with Bicentenary Road and average of 23 (twenty three) metres from the neighbouring property to the west. The land height of the platform varies from approximately 29 (twenty nine) metres AHD to 32.5 (thirty two point five) metres AHD with an average fall of 20% (twenty percent) (12 degrees).

The proposed arc shaped driveway is located 32 (thirty two) metres from the north-western boundary where the adjacent bank in the Bicentenary Road reserve is approximately 1 (one) metre high. The driveway is approximately 35 (thirty five) metres long and traverses land with heights of 29 (twenty nine) metres AHD to 31.5 (thirty one point five) metres AHD.

The plans suggest that 6 (six) trees will need to be removed for the driveway and house site. This however, does not take into consideration vegetation required to be removed for Asset Protection Zones or effluent disposal areas. Both of these matters are not shown on the plans.

The proposed building envelope does not comply with Section 3.8.1 of Subdivision Chapter of the Hawkesbury Development Control Plan which states that lots should be able to accommodate a building envelope of 2000sqm (two thousand) with a minimum dimension of 20 (twenty) metres. Building envelopes should also be located a minimum of 30 (thirty) metres from significant trees and other significant vegetation or landscape features. No assessment of the surrounding vegetation or landscape features has been provided to support the building envelope proposed.

The visual impact of a future dwelling and its associated asset protection zone so close to Bicentennial Road is likely to be significant and out of character with the bushland character of the area.

If Council wishes to try and support this application to the Department then an appropriate amount of information as outlined previously to the last Ordinary meeting will be required.

RECOMMENDATION:

That Council uphold the previous refusal of the application.

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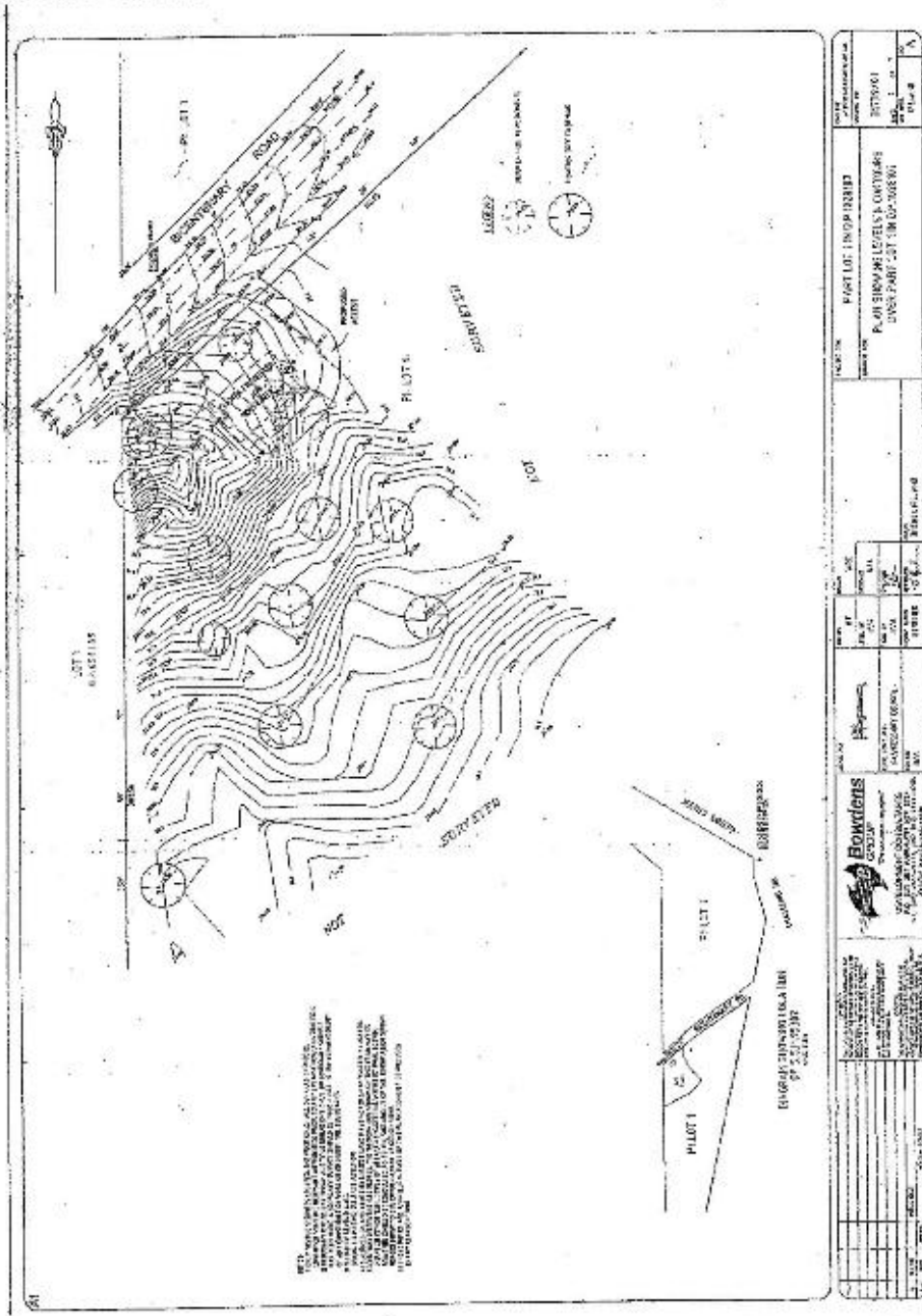
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ITEM: 53 **Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry**

FILE NUMBER: DA1023/020/EVD/ENH26NAX.V04

Applicant: Falson & Associates Pty Ltd
Applicants Rep: Mr Glen Falson
Owner: Mr and Mrs Ireland
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
Area: 23.48ha
Zone: Environmental Protection (Scenic) 7(d)
Advertising: 7 - 25 November 2002
Date Received: 20 August 2002

Key Issues: ♦ Road Severance
 ♦ Use of SRPP No. 1

Action: Refusal

REPORT:**Introduction**

Council has received a request to review a refusal of a development application for a 2 (two) lot subdivision of 34 Chaseling Road, Wisemans Ferry.

The development application was refused under delegated authority on 16 June 2003. The reasons for refusal mainly related to insufficient information being submitted with the application to enable a proper assessment of the application, potential environmental impacts of the subdivision, and non-compliance with the Hawkesbury Local Environmental Plan 1989. A copy of the Notice of Determination is attached to this report.

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979 this matter is to be reported to Council for review.

The Proposal

The application is for a 2 (two) lot subdivision of Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry.

The applicant proposes to create 2 (two) lots, namely Lot 1 with an area of 15.24ha (fifteen point two four) and Lot 2 with an area of 8.24ha (eight point two four). The subdivision is essentially being sought by virtue of severance by Bicentennial Road.

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Description of the Site

The property is irregular in shape and has an area of 23.48ha (twenty three point four eight). It has frontages to Webbs Creek and Chaseling Road and is severed by Bicentennial Road. 15.24ha (fifteen point two four) of the property lies to the north of Bicentennial Road, with the remaining 8.24ha (eight point two four) lying to the south of Bicentennial Road.

The land varies in height from less than 20m (twenty) AHD to greater than 80m (eighty) AHD. Low parts of the site consist of flood plain alluvial soils and riparian vegetation the land then rises to steeply sloping heavily vegetated sandstone escarpments.

The 1 in 100 (one in one hundred) flood level for the area is approximately 7m (seven) AHD. No accurate AHD levels have been provided on the plan of subdivision however from investigation of the site it would appear the minor parts of both proposed Lot 1 and Lot 2 are flood affected.

The property contains a dwelling and associated outbuildings on proposed Lot 1.

The property is within a minor and moderate bushfire risk area and within a high and low bushfire prone area.

Background to Road Severance of the Property

The property is known as Lot 1 DP 1028107 being registered on 11 May 2001. Prior to this the property, including that land occupied by Bicentennial Road, was known as Conveyance No. 36 in Book 370 (2nd Schedule) i.e. an old system title allotment created prior to 1863. This property had an area of approximately 25ha (twenty five) and did not have subdivision potential in terms of achieving the minimum lot size provisions of Hawkesbury Local Environmental Plan 1989 (HLEP 1989).

Council constructed Bicentennial Road through the property in 1988 and as a result it severed the subject lot as discussed above.

Severance of properties by a road is a common feature of rural and environmental protection zones particularly along main roads and flood liable lands. Many examples can be found in throughout these zones and within the locality of the subject site.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

Clause 9 and 9A

The subject property is zoned Environmental Planning (Scenic) 7(d) under the provisions of HLEP 1989. The relevant objectives of the zone are:

- (a) *to preserve existing wooded ridges and escarpments;*
- (b) *to protect hilltops, ridgelines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping;*

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(c) to protect the low density, broad-acre character of the rural areas.

Subdivision is permissible within the zone. This report will demonstrate that the proposed subdivision does not demonstrate suitable compliance with the objectives of the zone.

Clause 11(2)

This clause requires that land zoned Environmental Protection Scenic 7(d) be subdivided into lots of not less than 40 ha (forty) and have a satisfactory ratio of depth to frontage.

The proposed lots have areas of 15.24ha (fifteen point two four) (Lot 1) and 8.24ha (eight point two four) (Lot 2). Lot 2 is irregular in shape and appears not to comply with the satisfactory depth to frontage ratio provisions of the Hawkesbury DCP (discussed later).

Under the provisions of State Environmental planning Policy No 1, Council may approve a subdivision with areas less than 40ha (forty) provided Council is of the opinion that the standard is unreasonable and unnecessary. The applicant has submitted an objection under SEPP No.1 arguing that strict compliance with the 40ha (forty) minimum is unreasonable and unnecessary. The SEPP No.1 objection will be discussed later.

Clause 11(3)

This clause allows the subdivision of land if the resultant lots have an area of land above the 1 in 100 (one in one hundred) year level that is sufficient for the erection of a dwelling house.

A dwelling already exists on Lot 1. Lot 2 could accommodate a dwelling house above the 1 in 100 (one in one year) year level, however, this would be dependant upon resolving environmental constraints such as slope, vegetation clearing, bushfire protection and location of driveways and building envelopes.

Clause 18(1)

This clause states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

The applicant has not demonstrated that effluent can be disposed of on the site in an environmentally sustainable manner.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment No 108

The relevant draft plan is draft Amendments No. 108. Under this plan the land is proposed to be zoned Environmental Protection - Mixed Agriculture. It is considered that the proposed subdivision does not demonstrate satisfactory compliance with the objectives (a),(c),(d),(e),(f),(I) and (I) of draft amendment No 108. These objectives seek to preserve agricultural potential; avoid rural land use conflicts; retain and enhance rural character, landscape values, scenic corridors, escarpments and environmentally sensitive areas; avoid economic demands created by demand for public amenities and services.

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State Environmental Planning Policy No. 1

The applicant has submitted the following argument under the provisions of SEPP No. 1 in support of the application:

The subdivision approval sought merely recognises in title an existing physical separation of the land.

The sizes of the existing separated parcels of land are not inconsistent with the array of lot sizes that exist in the locality.

There will be no adverse environmental consequence arising from the subdivision.

Each lot is capable of separate development in accordance with the zone land use table. Specifically the vacant lot has an adequate area for subsequent erection of a dwelling and disposal of wastewater.

The subdivision is an orderly and economic use and development of land and accords with this principle requirement contained within Clause 5 of the Environmental Planning and Assessment Act.

In accordance with the provisions of SEPP No. 1 the application has been referred to Planning NSW for concurrence. Planning NSW have declined to provide their concurrence and requested that the applicant provide additional information relating to flora and fauna, building envelopes, driveways details, effluent disposal, settlement pattern, flood liable land, agricultural uses and agricultural potential.

As yet the applicant has not provided the requested information.

Notwithstanding this request for additional information, it is considered that the use of SEPP No. 1 for subdivision by way of road severance is not an appropriate approach to resolving some of the land management problems of road severance or an appropriate way to preserve the objectives and intent of the zone. Dealing with such applications on an ad hoc is also not an appropriate planning response and could be better addressed in a co-ordinated way by investigating an amendment to HLEP 1989.

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

The property falls within the Webbs Creek catchment area and is within an area of regional scenic significance.

The aim of SREP NO. 20 is to protect the environment of the Hawkesbury / Nepean River system by ensuring that the impacts of future land use are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies and recommended strategies, and development controls which are to be considered in the assessment of a development application.

It is considered that the proposed development does not demonstrate satisfactory compliance with the general or specific aims, planning considerations, planning policies, recommended strategies and

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development controls of SREP No 20, particularly in relation to location of building envelopes, effluent disposal, clearing of vegetation, and visual impact.

Hawkesbury DCP

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

General Information - It is considered that the applicant has not provided sufficient information to enable Council to assess the application. In particular the applicant has not provided clear details as to the levels of the land relative to AHD, nature of flood liable land, location of building envelopes, a flora and fauna assessment, bushfire protection, driveway entry details, or a waste water feasibility study.

Notification - The application was publicly exhibited for the period 7/11/2002 to 25/11/2002. Three submissions were received. The submissions were in favour of the application.

Subdivision - This chapter requires detailed information addressing flora and fauna protection, visual amenity, building envelopes and effluent disposal.

The applicant has not submitted a flora and fauna assessment of the application or an assessment of the vegetation to be cleared for the purposes of building envelopes, asset protection zones and accessways.

No details of the visual impact of the subdivision and resultant development have been provided. Lot 2 site being on the corner of Bicentennial Road and Chaseling Road is in a very prominent position, particularly from the elevated positions along Bicentennial Road which generally look down upon Lot 2.

The applicant has not provided details of the proposed building envelopes for Lot 2. Due to possible flooding of the site and significant access limitations off Bicentennial Road the most likely building site is on the north-western corner of the Lot 2. The land is quite steep, heavily vegetated and exposed to view from Bicentennial Road.

An effluent disposal report prepared by a suitably qualified person has not been provided with the application.

Planning Assessment

Environmental Impact

There is insufficient information submitted with the application to assess its likely impacts on the environment. Notwithstanding this particular concern is raised as to the potential impacts of the development of Lot 2 in terms of visual amenity, effluent disposal, location of buildings and access roads, clearing of vegetation, and bushfire threat.

Suitability of the Site

The applicant has not provided a detailed assessment of the constraints of the site.

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It is considered that Lot 2's constraints in terms of vehicular access to the site, soil type, steep topography, flooding, and vegetation cover make the site unsuitable for the proposed development without further detailed investigation.

Public Submissions and Public Interest

3 (three) submissions were received in favour of the application. These submissions noted the operational difficulties in having a parcel of land severed by a road as well as noting that Council had in the past granted approval for subdivision on land on the basis of road severance. Up until the major changes to the Environmental Planning and Assessment Act 1979 and associated legislation in mid 1998 Council did on occasion grant consent to subdivisions by road severance which produced lots smaller than the minimum required in the zone.

The changes to the above mentioned legislation require subdivisions by way of road severance to be assessed against the provisions of the HLEP 1989. These provisions include those relating to minimum lot sizes. The proposed lots do not satisfy the minimum lot size requirements or demonstrate compliance with the other previously identified provisions of HLEP 1989 and the Hawkesbury DCP. Further, it is important to note that the property did not have subdivision potential prior to the construction of Bicentennial Road therefore it is questionable whether or not the subdivision potential should be given solely on the basis of the existence of Bicentennial Road.

As stated above it is considered that using SEPP No. 1 for subdivision by way of road severance on an ad hoc basis is not an appropriate planning response and could be better addressed in a co-ordinated way by investigating an amendment to HLEP 1989.

It is considered that the proposed development and the use of SEPP No.1 to achieve the development is not in public interest.

Conclusion

Section 82A of the Environmental Planning and Assessment Act 1979 provide Council with the power to review or determination of a development application. Upon review Council can decide to confirm or change the determination.

Based on the above assessment it is recommended that Council uphold the previous refusal of the application.

RECOMMENDATION:

That Council uphold the previous refusal of the application.

ATTACHMENTS:

- AT-1 Notice of Determination
- AT-2 Locality Plan
- AT-3 Plan of Subdivision

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DA1023/02

Refusal date: 16 June 2003

Notice of Determination of a Development Application
Environmental Planning and Assessment Act 1979

To: The Manager
Falcon & Associates Pty Ltd
P O Box 3127
GROSE VALE NSW 2753

being the applicant in respect of Development Application No.: DA1023/02

Pursuant to Section 81(1)(a) of the EPA Act notice is hereby given of the determination of the Development Application relating to the land described as follows:

Lot 1 DP 1028107 34 Casseling Road, Wisemans Ferry NSW 2775

Council's Property Number: 21107

Building Code of Australia Building Classification:

Determination:

Decision Date: 16/06/2003

The HAWKESBURY CITY COUNCIL has determined your application by refusing consent to:

Two (2) Lot Subdivision

for the following reasons:

1. The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, there is insufficient information in respect of building envelopes, asset protection zones, waste water disposal, vehicular access.

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2. The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 1989.
3. The proposed development is inconsistent with objective (a), (b) and (e) of the Environment Protection (Scenic) 7(d) zone contained within Hawkesbury Local Environmental Plan 1989.
4. The proposed development is inconsistent with the Objects contained within Section 5 of the Environmental Planning and Assessment Act, 1979.
5. The proposed development will have an unacceptable impact on the visual quality of the area.
6. The development application does not demonstrate whether the site is suitable for the disposal of effluent generated by the proposed development.
7. The site is unsuitable for the proposed development.
8. In the circumstances, approval of the development would not be in the public interest.

The reasons for refusal are those matter referred to above, being those matters referred to in 79(c)(1) of the Environmental Planning and Assessment Act, 1979 as are relevant to the subject development.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

For any enquiries please contact Philip Ploffer on (02) 4560 4544


for General Manager

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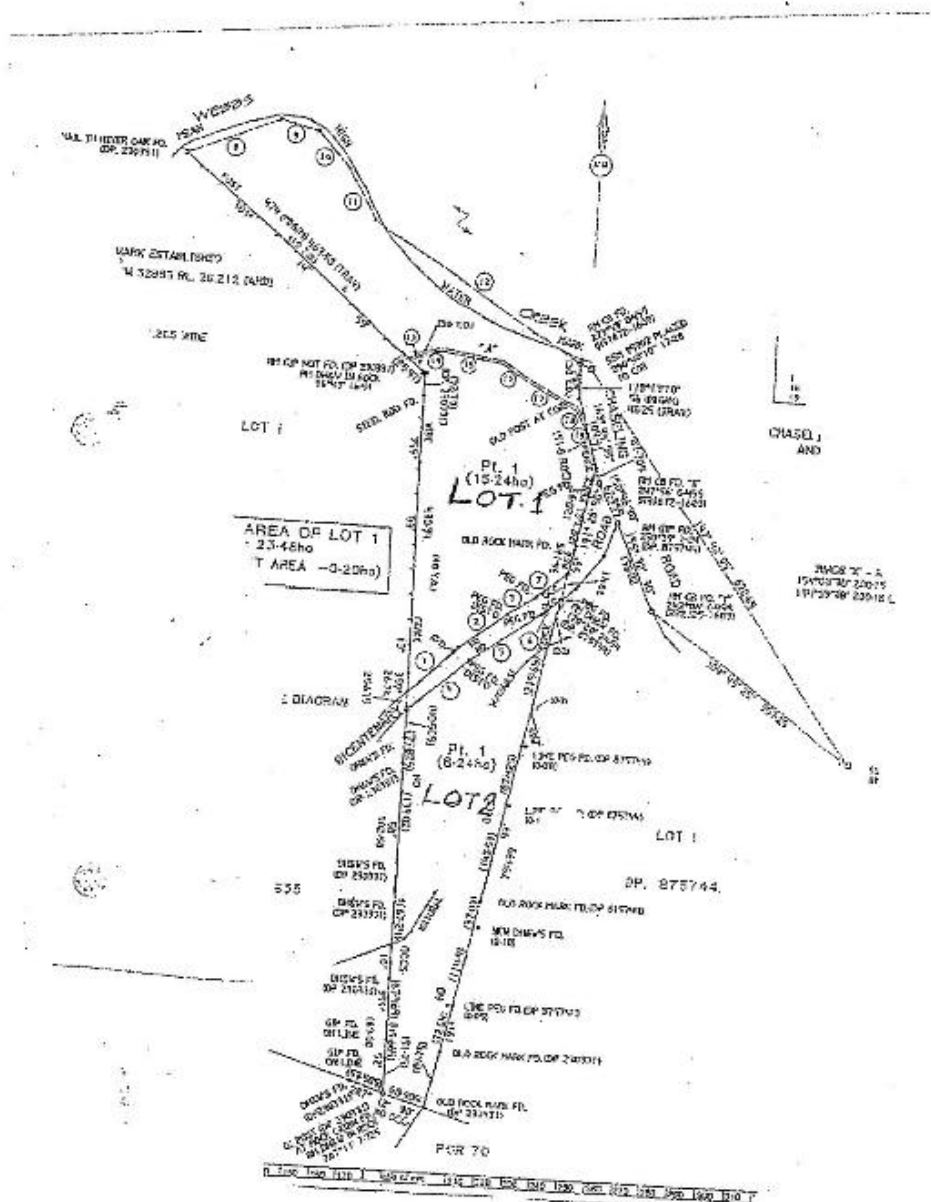
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Environment

SECTION 1 - ENVIRONMENT

- 53: Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry (DA1023/020/EVD/ENH26NAX.V04)

Mr Glen Falson, the applicant and Mrs Brenda Ireland, the owner, addressed the Committee

COMMITTEE'S RECOMMENDATION

That a further report be provided to the Ordinary Meeting and the applicant be requested to provide information as to the level of the land, building platform and driveway entry.

ADDITIONAL INFORMATION

At the time of preparing this report the additional information requested by the General Purpose Committee had not been received. It is understood that the applicant is presently preparing this information for submission to Council in due course.

To assist Council with further consideration of this matter the following information is provided.

Due to the proposed variation to the minimum lot size provisions of Hawkesbury Local Environmental Plan 1989 Council cannot issue a development consent without the concurrence of the Department of Infrastructure, Planning and Natural Resources (DIPNR). As stated in the previous report DIPNR have not provided concurrence.

Council cannot approve the application without undertaking an assessment of the potential impacts of the development on threatened species, populations or ecological communities of habitats. This is commonly known as applying the "8 part test". To date the applicant has not provided sufficient information by way of driveway and building sites, flora and fauna assessment, Asset Protection Zones, and waste water feasibility study to enable Council to undertake the 8 part test.

Council's policy with respect to the use of SEPP No. 1, adopted on 9 June 1998, states:

1. Applications which propose 1 (one) undersized lot only which is within 10% (ten percent) of the minimum allotment size, be determined by Council staff under delegated authority.
2. Applications involving more than 1 (one) undersized lot and/or a variation greater than 10% (ten percent) from the minimum be considered and determined by Council where they can demonstrate that the standard is unreasonable or unnecessary in the attainment of the relevant objects of the Act.
3. Applications which do not demonstrate that the standard is unreasonable or unnecessary be refused by Council staff under delegated authority.

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General Purpose Committee - 26 August 1999

Environment

With respect to this application it was considered that the use of SEPP No.1 for the purposes of creating an additional development entitlement by way of road severance was not appropriate and given the relatively common occurrence of lands which are severed by road would create a significant and undesirable precedent. Further, based on the information provided it was considered that the applicant did not demonstrate the minimum lot size standard was unreasonable or unnecessary in the attainment of the relevant objects of the Act. In accordance with the above policy the application was refused under delegated authority.

Conversely, a more appropriate use of SEPP No. 1 and a possible solution to the apparent land management issues raised by the applicant could be a subdivision involving the consolidation of 1 (one) or both of the proposed lots into adjoining land with no additional development entitlements being created. This option was not considered in the documentation submitted in the application, however, theoretically this could occur with the land adjoining to the west (Lot 1 DP 230331) which is also severed by Bicentennial Road.

Recommendation

That this information be received.

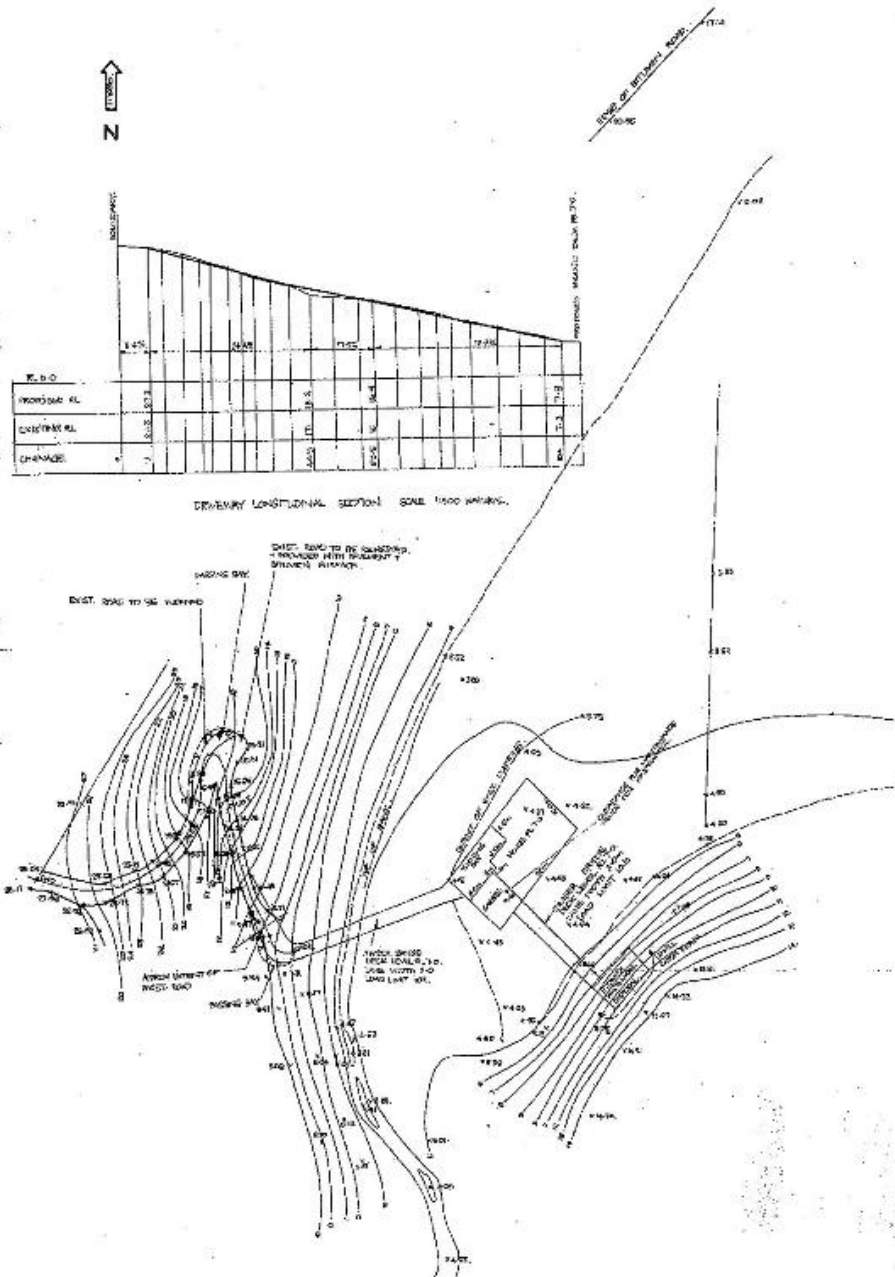
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AT - 2 - Additional Plan subdivision showing access track, bridges, house site and effluent disposal area



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Item: 286 **CP - Development Application - Educational Establishment - Lot 100 DP 1011861, 99 Slopes Rd & Lot 1005 DP 1042592, 83 Slopes Rd, North Richmond - (DA0213/07, 91718, 38639, 99725, 95498)**

Development Information

Applicant: Stanton Dahl & Associates
Owner: Sydney Anglican Schools Limited
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 11.463Ha
Zone: Mixed Agriculture under Hawkesbury Local Environmental Plan 1989
Advertising: 4 May 2007 to 23 May 2007 (Initial exhibition of proposal)
24 October 2007 to 7 November 2007 (Exhibition of amended plans)
Date Received: 24 April 2007

Key Issues: ♦ Access
 ♦ Traffic generation
 ♦ Noise
 ♦ Future Development

Recommendation: Approval subject to conditions

REPORT:

Subject Site

The site is situated on Slopes Road generally between Branders Lane and Maddens Road. The site has an overall street frontage of 326 metres and an overall area of 11.463ha. It comprises of two allotments being Lot 100 in DP1011861 and Lot 1005 in DP1042592.

The site contains an existing two-storey brick residential building, large storage shed, small sheds and awnings. Two dams are situated on the site and the land has been divided into a number of paddocks. Vehicle access is currently provided via a driveway leading off Slopes Road, situated generally opposite Branders Lane.

Background

Development Application No. DA0213/07 was submitted on 24 April 2007 proposing alterations and additions to an existing residence for the purpose of the creation of an educational establishment. The details submitted in conjunction with this application proposed the use of the existing driveway situated opposite Branders Lane to provide access to the site.

Concern was raised having regard to implications of the proposed access location on traffic safety and the operation of the intersection of Slopes Road and Branders Lane. The vehicular access location was subsequently relocated approximately 125 metres to the east of the intersection with Branders Lane and this revised access strategy is being considered in this assessment report.

Description of Proposal

The subject application seeks approval for alterations and additions to an existing residence to provide school facilities to accommodate 40 students, 4 staff and caretakers residence at completion of Stage 1.

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Initial concerns relating to the proposed point of entry to the proposed school and the level of information submitted have been dealt with by the applicant through the provision of additional information and submission of amended plan detail. The application as modified proposes the following:

- Alterations/additions to the existing building so as to provide two school classrooms and administration offices.
- Play area to be situated at the rear of the main building.
- Drop off/ pick up area within the site suitable for use by a school bus.
- Provision of a new sealed car parking area within the site, adjacent to Slopes Road, to accommodate a total of 15 parking spaces, including 5 dedicated staff parking spaces.
- Provision of an additional 5 overflow and residence car parking spaces at the rear of the site adjacent to an existing storage shed.
- Access to be obtained via a combined entry/exit driveway onto Slopes Road. In response to previous concerns, use of existing driveway is to be discontinued and a new entrance constructed approximately 125 metres to the east of Branders Lane.
- Widening of Slopes Road for a length of approximately 160m to accommodate new left hand and right hand turn lanes and new school access road. It is not proposed to provide kerb/guttering within the road widening, rather it is proposed to provide 1.5m wide sealed shoulders on both sides of the road, consistent with the semi-rural nature of the roads in the surrounding area.
- Provision of 40km/h School Zone along Slopes Road in accordance with RTA practice.
- Introduction of car parking restrictions along Slopes Road for a distance which corresponds with the extent of the proposed 40km/h School Zone so as to ensure that all car parking activity will be contained within the school site.
- The existing site access driveway located opposite Branders Lane is to be closed. Furthermore, none of the traffic activity generated by the school is expected to use Branders Lane as it is considered to be a circuitous detour on which vehicle speeds are limited by the unsealed road surface. The shortest and most direct approach route to the school from the north is via Maddens Lane and then a right-turn into Slopes Road.
- Provision of signage on the north eastern and south eastern elevations of the building. The signs are to read "Arndell Anglican College North Richmond Campus".

It is also detailed that future stages of the development could result in the school student population increasing to 190 with 14 staff. The applicant has indicated that approval in principle is sought for this further expansion, it being noted that this would be subject to the consideration of separate Development Applications for this purpose.

Matters for consideration under Section 79(c) of the Environmental Planning and Assessment Act 1979

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are addressed as follows:

Section 79C "Matters for Consideration" Comments	Section 79C "Matters for Consideration" Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on HLEP 1989 and SREP No. 20 in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no draft environmental planning instruments affecting the site.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Refer to discussion on Hawkesbury DCP 2002 in this report.
Section 79C (1) (a)(iii) – Provisions of the regulations	None applicable.
Section 79C (1) (b) – the likely impacts of the development, including environmental	(i) The environmental impacts of the proposed development on the natural and built

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Section 79C “Matters for Consideration” Comments	Section 79C “Matters for Consideration” Comments
impacts on the natural and built environment and social and economic impacts in the locality	environment are addressed in the main body of this report. (ii) The proposed development will not have a detrimental social impact in the locality. (iii) The proposed development will not have a detrimental economic impact on the locality.
Section 79C (1) (c) – the suitability of the site for the development	Location - The site is considered able to support the proposal. Physical - The site has sufficient area and dimensions, has suitable road access and is relatively free from environmental constraint. Therefore, the site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	Submissions received are addressed in detail in the main body of the report.

Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River (No 2 - 1997)

Sydney Regional Environmental Planning Policy (SREP) 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The policy requires a consent authority to consider, in determining an application for development on affected land, the general planning considerations outlined in Clause 5 of the policy as well as the specific planning policies and related recommended strategies outlined in Clause 6 of the policy. If the proposed development is specifically listed in Part 3 of the policy, the development is required to comply with the relevant development controls and address any listed matters for consideration.

The subject site falls within the Middle Hawkesbury Nepean River Catchment area defined by SREP No. 20 (No. 2 - 1997). It is considered that the proposal is consistent with the aims and objectives of the plan.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

SEPP No. 44 applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare. Having regard to the requirements of SEPP No. 44 it is noted that the site has been extensively cleared in conjunction with previous activities undertaken on the subject land. The proposal will not require the removal of any significant stands of vegetation and accordingly it is considered that there would not be any adverse impact upon koala habitat.

State Environmental Planning Policy No. 64 - Advertising and Signage

This Policy aims to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish. It also aims to regulate signage (but not content) under Part 4 of the Act and to provide time-limited consents for the display of certain advertisements.

SEPP No. 64 provides definitions for certain type of signs. The relevant definitions applicable to the subject application are detailed as follows:

business identification sign means a sign:

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- (a) *that indicate:*
 - (i) *the name of the person, and*
 - (ii) *the business carried on by the person, at the premises or place at which the sign is displayed*
- (b) *that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.*

The application provides for two signs 4500mm wide and 800mm high to be located on new brick facias to be constructed at the north eastern and north western corners of the building. The signs are to be positioned 2500 and 3000mm above ground level respectively.

Schedule 1 Matters for Consideration

Schedule 1 to the Plan provides the 'assessment criteria' that needs to be considered for an application for signage:

Character of the area

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

Comment: The proposed signage is considered compatible with the character of the immediate area and will not detract from the existing streetscape.

Special areas

Does the proposal detract from the amenity or visual quality of any environmentally sensitive area, heritage area, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

Comment: Given the signage area proposed it is considered that the proposal would not have a detrimental impact upon the existing visual quality of the area.

Views and vistas

Does the proposal obscure or compromise important views?

Does the proposal dominate the skyline and reduce the quality of vistas?

Does the proposal respect the viewing rights of other advertisers?

Comment: The proposed signage does not obscure views, and do not protrude into the skyline.

Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

Does the proposal reduce clutter by rationalizing and simplifying existing advertising?

Does the proposal screen unsightliness?

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

Comment: The scale, proportion and form of the proposal is considered satisfactory appropriate for the streetscape and rural setting.

Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

Does the proposal respect important features of the site or building, or both?

Does the proposal show innovation and imagination in it's relationship to the site or building, or both?

Comment: The proposed signage is considered compatible with the scale and proportion of the building.

Associated devices and logos with advertisements and advertising structures?

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Comment: The proposal does not incorporate any of the above-described features.

Illumination

Would illumination result in unacceptable glare?

Would illumination affect safety for pedestrians, vehicles or aircraft?

Would illumination detract from the amenity of any residence or other form of accommodation?

Can the intensity of the illumination be adjusted, if necessary?

Is the illumination subject to a curfew?

Comment: A condition has been included in the recommended consent restricting illumination of the proposed signs.

Safety

Would the proposal reduce the safety for any public road?

Would the proposal reduce the safety for pedestrians or bicyclists?

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Comment: It is considered that the proposed signage will not have a significant impact upon traffic safety.

Hawkesbury Local Environmental Plan 1989

The relevant clauses from Hawkesbury Local Environmental Plan 1989 are discussed as follows:

Clause 2 - Aims, objectives etc

The general aims, objectives etc. of Hawkesbury Local Environmental Plan 1989 are detailed as follows:

- a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury;*

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Comment: It is considered that the proposal involves the orderly and economic development of the site.

- b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;*

Comment: The subject site is considered to be of an appropriate size and within an appropriate location for the proposed educational establishment.

- c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways;*

Comment: It is considered that the proposal will not compromise the character of the locality and will not adversely impact on any wetland areas or waterways.

- 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; and*

Comment: The proposal is not situated adjacent to any heritage items or heritage conservation areas.

- e) *to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City*

Comment: The proposed development does not involve a housing development.

Clause 6 - Adoption of 1980 Model Provisions

The proposed development is defined as an "educational establishment" pursuant to the Environmental Planning and Assessment Model Provisions, 1980. The following is provided in Part 2 - Definitions:

“educational establishment” means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre;

Clause 9 - Carrying out of development

The subject site is zoned Mixed Agriculture under Hawkesbury Local Environmental Plan 1989. Educational establishments are uses that are permissible with development consent within the Mixed Agriculture zone.

Clause 9A - Zone objectives

The objectives of the Mixed Agriculture zone are described as follows:

- (a) *to encourage existing sustainable agricultural activities,*

Comment: The subject site currently does not accommodate any intensive agricultural activities.

- (b) *to ensure that development does not create or contribute to rural land use conflicts,*

Comment: The proposal will not create or contribute to rural land use conflicts.

- (c) *to encourage agricultural activities that do not rely on highly fertile land,*

Comment: The subject site does not contain any existing intensive agricultural activities and will not rely upon use of highly fertile land.

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- (d) *to prevent fragmentation of agricultural land,*

Comment: The proposal, involving the use of an existing building for the purpose of an educational establishment, will not result in any further fragmentation of agricultural land.

- (e) *to ensure that agricultural activities occur in a manner:*

(i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*

(ii) *that satisfies best practice guidelines and best management practices,*

Comment: The proposal does not involve an agricultural use.

- (f) *to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,*

Comment: The Stage 1 proposal will not involve the removal of significant stands of existing vegetation situated on the site.

- (g) *to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*

Comment: The proposal will not have a significant impact upon existing landscape values associated with the site. Landscape treatment adjacent to site boundaries and throughout the site will be required so as to minimise the visual impact of the proposal upon the immediate area.

- (h) *to prevent the establishment of traffic generating development along main and arterial roads,*

Comment: The amended access strategy associated with the application has been reviewed by the Traffic Committee and it is considered that the proposal represents a satisfactory form of development having regard to traffic implications.

- (i) *to control outdoor advertising so that it does not disfigure the rural landscape,*

Comment: The signage proposed on the existing building is limited so as to minimise impact upon the landscape qualities of the area.

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comment: The proposal would not result in the creation of unreasonable economic demands for the provision or extension of public amenities or service in the area.

Clause 18 – Provision of water, sewerage etc. services

The subject site is not serviced by a reticulated water supply. In this regard the application provides for waste storage tanks having a capacity of 100,000 litres. An on-site wastewater treatment system is proposed to cater for wastewater associated with the proposal. A report titled *Wastewater Site Assessment for Proposed New School 99 Slopes Road North Richmond*, prepared by Morse McVey and Associates, dated 3 August 2007 was prepared detailing that adequate opportunity exists to effectively treat and dispose of wastewater associated with the proposal.

Subject to the inclusion of appropriate conditions in the recommendation it is considered that the proposed wastewater treatment facility is appropriate for the development.

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It is noted that a separate application is required to be lodged with Council for approval under Section 68 and Section 68A of the Local Government Act 1993 for the installation of the Centralised Sewage Management Facility.

In addition, electricity and telephone services are available.

Clause 23 - Advertising Structures

The provisions of Clause 23 provide that Council may only consent to advertising structures associated only with uses being undertaken on the land. In this regard it is noted that the signage detailed with the application satisfies the provisions of this clause.

Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

The site has been identified as Class 5 Land on the Acid Sulfate Soils Planning Map. The site is not situated within 500 metres of any adjacent Class 1, 2, 3 or 4 land and the proposed works are not likely to result in the lowering of the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

Hawkesbury Development Control Plan 2002

Part A, Chapter 1 - Purpose and Aims

The proposed development is considered to be consistent with the general aims and objectives of Hawkesbury Development Control Plan 2002.

Part A, Chapter 2 – General Information

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

Part A, Chapter 3 - Notification

The following table summarises the notification of the subject application:

Notification Period	Description	Objections Received
4/5/2007 to 23/5/2007	Original Notification	16 written submissions received
24/10/2007 to 7/11/2007	Amended Plans	2 written submissions

The principal issues detailed in response to the notification of the application are summarised as follows. In addition, comments in response to the matters raised have been provided.

1. The proposed means of access to the site is considered unsatisfactory given the position of the driveway and concerns relating to traffic safety.
2. The proposal will contribute to additional traffic using Branders Lane creating increased dust nuisance contributing to a reduction in air quality and contamination of drinking water supply.
3. Branders Lane should be upgraded to accommodate the additional traffic generated by the proposal.
4. The proposal will result in added traffic congestion at Crooked Lane and Bells Line of Road.
5. The roadway in Crooked Lane, containing a single lane bridge, is unsatisfactory to accommodate the proposed increase in traffic volume associated with the proposal.
6. The posted speed limit should be reduced to 60km/h for a minimum distance of 200m prior to the commencement of 40km/h zone so as to improve traffic safety.

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7. The traffic report is flawed failing to account for increase in traffic flows along Branders Lane.

Comment: The traffic implications associated with the proposal were considered by the Local Traffic Committee as detailed later in this report. It is considered that the amended proposal involving the relocation of the driveway entry to the site has adequately addressed initial concerns relating to access. The recommendations provided by the Traffic Committee have been incorporated in the draft conditions.

8. The application does not accurately describe the proposed future intensity of use of the site.

Comment: The revised details submitted in conjunction with the application include proposed Stage 1 works (being applied for with current application) and overall site Master Plan. It is considered that satisfactory detail has been provided with the application detailing the future concept design for the site.

9. The application does not provide details relating to fencing.

Comment: An acoustic fence is proposed along a portion of the north western (side) property boundary as detailed on the submitted plans. Full details to be provided as deferred commencement condition.

10. The plans detail the provision of a PE Court and playing field in close proximity to the adjacent property which will cause additional noise disturbance and impact upon the existing horse riding arena.

Comment: The PE Court and playing field are shown on the Concept Master Plan submitted in conjunction with the application. It is noted that these works are not proposed to be implemented as part of the Stage 1 works. Additional details will be required to be submitted to support later stages of site development demonstrating compatibility with adjoining land uses.

11. Concern is raised as to whether an additional Christian school is required in the area.

Comment: The requirement or otherwise of additional school facilities is not a matter for consideration under the heads of Section 79 of the Environmental Planning and Assessment Act.

12. The area designated for car parking and the drop off zone is considered unsatisfactory.

Comment: The car parking and drop off arrangements provided in conjunction with the proposed development have been modified following lodgement of the application. It is considered that the revised design satisfactorily addresses car parking associated with the proposed use.

13. Additional noise created by the school will impact upon adjacent properties.

Comment: An acoustic assessment has been submitted in conjunction with the application detailing that the proposal would not cause an unreasonable impact upon adjoining properties having regard to noise impact.

14. No details have been submitted relating to any co-curricular activities that may be undertaken on the subject land and the associated hours that these may occur.

Comment: The application details that no equestrian carnivals are proposed to be held on the site and that equestrian activities will be limited to training sessions utilising horses that would be largely accommodated on the site.

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Landscaping

Part C, Chapter 1 of Hawkesbury Development Control Plan 2002 provides general provisions having regard to landscape treatment. The applicant has provided preliminary detail relating to landscape treatment associated with the site primarily orientated towards the provision of screen planting along the frontage of the site. In order to ensure that an effective landscape strategy be prepared for the site it is recommended that a deferred commencement consent be issued with respect to the proposal requiring that a detailed landscape plan be submitted requiring the following:

1. Dense screen planting along the Slopes Road (front) boundary of the site to provide effective screening of the car parking and associated manoeuvring areas.
2. Measures having regard to management of the Asset Protection Zone (in accordance with the Bush Fire Hazard Report prepared by Building Code & Bushfire Hazard Solutions).
3. Planting areas consisting of fire resistant species to provide additional protection against bushfire.

It is considered that the proposed landscape areas will contribute to the enhancement of the site, provide suitable buffer areas and facilitate bushfire protection strategies.

Car Parking and Access

Part C of Hawkesbury Development Control Plan 2002 provides requirements having regard to car parking and access. An amended traffic report has been submitted titled *Proposed Anglican Primary School Slopes Road North Richmond - Traffic and Parking Assessment Report* prepared by Varga Traffic Planning Pty Limited Transport, Traffic and Parking Consultants, dated 24 August 2007.

The revised Traffic Report submitted provides an assessment and examines the access, traffic and parking issues associated with the proposed development. Previously, the report only considered the Slopes Road/Branders Lane intersection. This has been revised to include the Slopes Road/Maddens Road and Crooked Lane/Bells Line of Road intersections, and the single lane bridge situated on Crooked Lane.

The report considers the "peak half-hour" loadings as the author confirms that 70% of the am 1 hour peak and 90% of the pm 1 hour peak occurs within a half hour period.

Projected Traffic Generation

The following table details the anticipated traffic generation associated with the proposal:

<i>Table 3.1 - Projected Traffic Generation (Vehicles per Hour)</i>				
	<i>40 Students</i>		<i>190 Students</i>	
	<i>AM</i>	<i>PM</i>	<i>AM</i>	<i>PM</i>
IN	31	25	72	30
OUT	25	31	53	59
TOTAL	56	56	125	89

Traffic Implications

The report provides that the Maddens Lane/Slopes Road and the Bells Line of Road/Crooked Lane intersection currently operate at Level of Service "A" during the AM and PM peak periods, with total average vehicle delays in the order of 3 to 5 seconds per vehicle. It is concluded that these intersections will continue to operate at this level of service at completion of Stage 1 (40) students and Stage 2 (190 students), with an increased delay of less than 1 second per vehicle.

The single lane bridge on Crooked Lane is currently assessed as having a Level of Service "B" with delays in the order of 5 seconds per vehicle. The report concludes that this service level will continue with an increased waiting time of less than 2 seconds per vehicle.

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Parking Implications

Hawkesbury Development Control Plan 2002 provides the following in regard to parking requirements for schools and educational establishments:

- 1 space for each staff, plus
- space for delivery vehicles and buses, plus
- 1 space per 5 seats or 1 space per 7m² of floor area in assembly hall, whichever is greater, plus
- 1 space per 3 Year 12 students.

The Traffic Report details that, based upon the above, Stage 1 of the development is required to provide a total of four (4) car parking spaces given that four (4) staff and no Year 12 school students are proposed. In addition, the design of the car parking areas satisfies the requirements of AS2890.1 - Parking Facilities Part 1 - Off-Street Carparking.

Signage

The stated aims associated with signage in rural zones as detailed in Part C Chapter 3.4 of Hawkesbury Development Control Plan 2002 are as follows:

To limit signs in the residential, rural and scenic protection zones in Hawkesbury, while permitting adequate opportunity to display and identify the nature of activities being carried out on the land to which the sign is erected.

Given the nature of development situated on the subject land and the signage proposed in conjunction with the proposal it is considered that the application satisfies the requirements of Hawkesbury Development Control Plan 2002.

Local Traffic Committee Assessment (17 October 2007)

The subject application was considered by the Local Traffic Committee at its meeting held on 17 October 2007. The following assessment was provided in conjunction with the Traffic Committee's consideration of the application:

The expanded report concludes that the level of service for the considered locations will be maintained after the development, with slightly increased traffic delays.

The relocation of the entrance/exit to a location 125 metres east of Branders Lane and the associated widening of Slopes Road to provide a left turn and right turn lane will improve safety for through traffic and traffic entering and existing the proposed school.

The report considers the "peak half-hour" loadings as the report confirms that 70% of the am "1 hour peak" and 90% of the pm "1 hour peak" occurs within a half hour period. The report concludes that a current level of service at the surveyed locations will continue to be maintained.

A 40km school zone is proposed in Slopes Road for approximately the length of the site frontage being 326.1 metres. This will cause delays to through traffic during the operational hours. This has not been commented on in the Traffic Report.

The report assumes that 32% of students in the morning and 40% in the afternoons will utilise bus services when the population increases to 190 students. Whilst the numbers are limited to 40 students the Traffic Report considers that all will be transported by car.

The Traffic Committee's recommendation is detailed as follows:

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1. The effects of expected increased delays on the road network capacity at the nearby intersections be monitored between Stages 1 and 2 with a view to a treatment at the Branders Lane and Slopes Road intersection prior to Stage 2 of the development, at the applicants expense.
2. The effects of increased delays on the road network capacity at the Bridge in Crooked Lane be monitored between Stages 1, 2 and through to the final stage, with a view to a contribution being levied onto the applicant for the future widening of this bridge.
3. A new, upgraded site access be constructed in Slopes Road approximately 125 metres south of Branders Lane.
4. A formal 'drop off/pick up' area be constructed within the site as part of the proposed carparking facilities. All parking associated with the use is to be fully contained within the site.
5. A staff parking area be designated within the proposed carparking facilities within the site.
6. A 40km per hour School Zone be installed in Slopes Road in accordance with current RTA practice and the school not commence operation until such time as the School Zone is in place.
7. The school be incorporated in the local school bus services in the longer term and that a dedicated school bus zone be constructed within the site for that purpose.
8. Slopes Road be widened and upgraded to accommodate the new school access road. Widening of Slopes Road for a length of approximately 160m to accommodate new left hand and right hand turn lanes, the new school access road, and in particular a holding lane in Slopes Road for vehicles turning right out of the school access road.
9. The existing site access driveway opposite Branders Lane be closed.
10. Parking be restricted in Slopes Road, with the provision of "No Stopping" zones for a distance which corresponds with the extent of the School Zone, with adjoining owners being notified of this restriction. The extent of the 40kph School zone speed limit in Slopes Road is to correspond with the length of the site frontage, from a point approximately 50m west of Branders Lane, to a point approximately 50m west of Maddens Road.
11. Given the proposed locality of the school in Slopes Road and the 'single lane bridge' in Crooked Lane, the RTA be requested to review the speed limit along Slopes Road (Kurmond Road to Crooked Lane), Maddens Road (Crooked Lane to Slopes Road), and Crooked Lane (Kurmond Road to Maddens Road and Slopes Road to Bells Line of Road), with a view to maintaining a consistent speed limit of 60kph in this area.
12. Traffic counts be undertaken both pre and post development in Branders Lane and Slopes Road in the vicinity of this intersection.

Noise Impact

An acoustic assessment prepared by Acoustic Logic Consultancy titled *Stage 1 North Richmond Anglican Primary School Environment Noise Assessment: Report No. 2006680/1511A/R3/GW*, dated 20 November 2006 has been submitted as part of the application.

The report provides the following recommended acoustic measures:

- (i) *Install a 1.8 metre high imperforate fence along the north boundary adjacent to the residential building at No. 115 Slopes Road. The length of the barrier fence shall be equal to the length of the building at No. 115 Slopes Road.*
- (ii) *Minimum 4mm acoustically sealed glazing (RW not less than 27)(fixed or openable sashes) with acoustic seals (closed during classes) will be installed for the classroom facades.*

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- (iii) *The new roof would need to be constructed of 0.4mm metal sheet with a 10mm plasterboard ceiling with 75mm 1 kg/m³ density glasswool insulation in the minimum 100mm high cavity.*
- (iv) *The existing brick walls are sufficient and will not require upgrading.*
- (v) *The finish inside the classrooms was assumed to be acoustically "hard" with a design indoor noise level of 75 dB(A) Leq.*

The conclusion contained in this report provides that:

Potential noise impacts from the proposed Stage 1 North Richmond Anglican Primary School has been assessed, principally at the nearest affected receptors, being residents adjacent to the site.

The potential impact of noise emissions from activity generated noise and carpark noise has been assessed using noise goals determined based on EPA guidelines.

Noise emissions from the proposed school would comply with these goals provided the measures indicated in Section 6 (listed above) are adopted. With the inclusion of these measures the proposed development would not adversely impact the acoustic amenity of the neighbourhood.

It is noted that the proposal provides for an 1800mm high acoustic fence along a portion of the boundary with the immediately adjacent property to the north west (No. 115 Slopes Road). It is considered appropriate to require the establishment of additional screen planting adjacent to the boundary and the neighbouring property to provide an additional landscape buffer.

Appropriate conditions have been included in the recommendation in accordance with the above.

Site Contamination Assessment

A report titled *Phase 1 Contamination Assessment 83 and 99 Slopes Road North Richmond: Project No. 44846*, dated June 2007 was prepared by Douglas Partners Pty Ltd detailing the suitability of the site for the proposed educational establishment. This report provides the following:

Based on the review of accessible site history information and site observations, a number of areas of concern were identified. Having said this, the impact associated with these areas of environmental concern is expected to be localised to the near surface horizon. It is therefore considered that the site can be rendered suitable for the proposed development.

Given the information contained in this report it is considered appropriate that further site assessment, remediation of contaminated areas and site validation be undertaken demonstrating that the site is rendered suitable for use as an educational establishment prior to the consent for this use becoming operational.

NSW Rural Fire Service Comments

The application was referred to the NSW Rural Fire Service seeking a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997. The NSW Rural Fire Service has granted a Bush Fire Safety Authority with the following conditions as detailed in correspondence dated 11 July 2007:

1. *At the commencement of building works and in perpetuity the property around the building to a distance of 20 metres, shall be maintained as an 'Inner Protection Area' (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Services document 'Standards for Asset Protection Zones'.*

Conclusion

The proposed educational establishment – alterations & additions to existing residence to provide school facilities and caretaker's residence, onsite car parking and access driveway demonstrates satisfactory compliance with the provisions of Sydney Regional Environmental Plan No. 20, Hawkesbury Local Environmental Plan 1989, Hawkesbury Development Control Plan 2002 and other relevant policies.

Subject to the inclusion of appropriate conditions relating to acoustic treatment, wastewater disposal and operational restrictions it is considered that the proposal constitutes a satisfactory form of development. Accordingly, it is recommended that the application be approved.

RECOMMENDATION:

That the application for an Educational Establishment - Alterations and Additions to an existing residence to provide primary school facilities, caretakers residence, onsite car parking and access driveway at Lot 100 DP 1011861 No. 99 Slopes Road and Lot 1005 DP 1042592 No. 83 Slopes Road North Richmond be granted a Deferred Commencement Consent. The conditions required to be satisfied for the Deferred Commencement Consent are listed in Schedule 1. Upon satisfying the conditions listed in Schedule 1 the likely development consent conditions that will apply are listed in Schedule 2:

SCHEDULE 1**Deferred Commencement Conditions**

1. The following investigation/works are to be undertaken having regard to the findings contained in the *Report on Phase 1 Contamination Assessment* undertaken by Douglas Partners Report No. 44846, dated June 2007.
 - (a) A *Stage 2 Detailed Investigation* must be completed in accordance with Clause 3.4.1 of the SEPP 55 Guidelines and the Department of Environment and Conservation's (DEC) *Guidelines for Consultants Reporting on Contaminated Sites (1997)* by an Accredited Site Auditor to define the nature, extent and degree of contamination; to assess potential risks posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required, to be submitted to Hawkesbury City Council with a site audit report.
 - (b) A *Stage 3 Remedial Action Plan*, if required by the accredited site auditor, any site audit report or by Hawkesbury City Council, must be submitted to Hawkesbury City Council.
 - (c) The site must be remediated in accordance with the *Stage 3 Remedial Action Plan*.
 - (d) A *Stage 4 Validation and Monitoring Report* must be submitted to Hawkesbury City Council together with notice of completion of remediation pursuant to clause 18 of SEPP 55.
2. Design details for the access roads and car parking areas are to be submitted for approval by Hawkesbury City Council.

The access driveway is to be designed in accordance with the requirements of AS2890.2 2002 and permit a heavy rigid vehicle to enter the site, access the drop off zone and turn and exit the site in a forward direction. Turning paths, sufficient to demonstrate that the final design complies with these requirements are to be included with the design. The design is also to demonstrate that gradings required by AS2890.2 2002 can be achieved and show the extent of cut and fill.

As a minimum, the car parking area is to comply with the requirements of AS2890.1 2004 for the relevant classification.

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3. An on-site stormwater drainage plan for disposal of stormwater runoff from all hardstand areas is to be submitted for approval by Hawkesbury City Council. The design is to incorporate water sensitive urban design (WSUD) principals. This design is to provide for stormwater runoff being treated by water sensitive elements prior to discharge into the dams situated on the site.
4. A landscape plan, drawn to scale, by a landscape architect or suitably qualified landscape consultant, must be submitted to and approved by Hawkesbury City Council. The plan is to detail the following:
 - (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems.
 - (f) Dense landscape planting along the front boundary of the site and adjacent to the proposed access driveways and car parking areas utilising planting having a broad height range so as to screen these areas from Slopes Road.
 - (g) Provision of screen planting adjacent to the north western (side) boundary of the site from the front boundary to a point equal to the southern end of the proposed acoustic fence utilising species having a broad height range so as to provide an additional landscape buffer to the adjoining property to the north west.
 - (h) Planting design associated with water sensitive urban design (WSUD) principals required by Condition No. 3.
5. Full details of all fencing proposed in conjunction with the proposed school are to be provided. All fencing situated along the front boundary of the site and within 10 metres from the front boundary shall not exceed 1200mm in height and is to utilise dark tones so as to minimise impact upon the rural character of the area.
6. Details of the finished colour of all external components of the building are to be provided for approval by Hawkesbury City Council. The colours to be utilised are to comprise largely of earth tones so as to assist in blending the built form with the natural landscape of the area.

SCHEDULE 2

Proposed conditions of consent subject to satisfying the conditions in Schedule 1.

General Conditions

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Architectural Plans	
Drawing Numbers	Dated
971.05 A100 Issue 3	8 August 2007
971.05 A200 Issue 1	24 April 2007
971.05 A210 Issue 1	24 April 2007
971.05 A300 Issue 2	8 August 2007

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Document Number	Dated
Statement of Environmental Effects – Arndell Anglican College North Richmond Campus	23 April 2007 as amended 14 August 2007
Bushfire Hazard Assessment Report – Proposed Primary School 99 Slopes Road North Richmond (Ref: 60254)	November 2006
Acoustic Report - Stage 1 North Richmond Anglican Primary School (Ref: 2006680/1511A/R3/GW)	20 November 2006
Draft Wastewater Site Assessment – Proposed New School 99 Slopes Road North Richmond	3 August 2007
Phase 1 Contamination Assessment – 83 and 99 Slopes Road North Richmond (Ref: 44846)	June 2007

2. No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia.
6. 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.
7. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
8. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Prior To Issue of Construction Certificate

9. A certificate prepared by an appropriately qualified and practising Structural Engineer, certifying the structural adequacy of the building and its ability to withstand the proposed additional, or altered structural loads shall be submitted with the Construction Certificate application.
10. A minimum of one (1) car-parking space for use by persons with a disability shall be provided as part of the total car-parking requirements. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4
11. An all weather access driveway extending from the proposed driveway from Slopes Road is to be provided to the Sewage Management Plant. This driveway is to be designed to enable use by service vehicles and incorporate suitable turning area. Details demonstrating compliance are to be submitted and approved by the Director City Planning or an Accredited Certifier.
12. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

13. In relation to the demolition of the existing building (or part of a building) on the site:

- (a) A report prepared by a WorkCover licensed asbestos removalist is to be submitted to the Council / Accredited Certifier, with the Construction Certificate application, detailing whether any hazardous materials exist on the site (eg lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.

- (b) Should any hazardous materials be identified as per item (i), a Work Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:
- (i) The type of hazardous material
 - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal.
- (c) Where unacceptably high levels of lead are found in a premises to be demolished, item (ii) is to be followed, and the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition. This will determine whether remediation of the site is necessary.
- (d) The demolition must be undertaken in accordance with AS2601.
- (e) Any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.
- (f) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.
- (g) Submission of a waste plan addressing builder's waste, type and quantity, recycling, reuse, storage and disposal.

Details demonstrating compliance with these requirements are to be approved by the Council / Accredited Certifier and submitted with the Construction Certificate.

(Note: Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au)

14. Appropriate areas shall be provided for the storage of garbage/waste material and recycling material and all waste and recyclable material generated by this premises. The following requirements shall be met:

- (a) The storage areas shall be designed to prevent entry of vermin/insects and are to incorporate a smooth surface, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and
- (b) The storage areas shall be adequately screened from the street/adjacent property boundaries;

Details of the storage area/s are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.

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15. Details demonstrating high quality external lighting for security without adverse affects on public amenity form excessive illumination levels and glare are to be submitted with the Construction Certificate.
16. Prior to the issue of the Construction Certificate the applicant shall consult with the New South Wales Fire Brigade regarding the satisfactory provision of the following:
 - a) Access onto and within the property including standing areas for fire fighting vehicles.
 - b) The provision of, location and quantity of fire hydrants to be used by and to support emergency services.
 - c) Emergency access and egress into/from the school by fire fighting personnel.

Any specific design requirements following consultation are to be incorporated in conjunction with the proposed works.

17. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:
 - a) The Building Code of Australia.
 - b) AS 1668 Part 1 & 2.
 - c) The Public Health Act.
 - d) Public Health (Microbial Control) Regulation.
 - e) Work Cover Authority.

Details are to be submitted to the Principal Certifying Authority satisfying the above prior to the issue of the Construction Certificate.

18. Payment of a Construction Certificate checking fee of \$2240.00 and a Compliance Certificate inspection fee of \$4480.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2008. Fees required if an Accredited Certifier is used will be provided on request.

Where Council is engaged to certify the internal site works, fees will be provided on request and are additional to those noted above.

19. A Traffic Management Plan prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.
20. The submission of engineering designs and calculations covering all works required by this consent.
21. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$7 000.00 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

22. Under the provision of the Roads Act 1993, the works within the road reserve are to approved by Hawkesbury City Council prior to the issue of a construction certificate for the development.

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In this regard, an engineering construction certificate and inspection fees are to be lodged for the construction of widening and upgrading of Slopes Road at the property frontage.

- The works are to be generally in accordance with the layout shown on the plan prepared by Stanton Dahl Architects, 971.05 A100/3, rev 3 8/8/07 and in accordance with the RTA Design Guide.
- The design is to incorporate a new left hand and right hand turn lanes and a holding lane in Slopes Road to for vehicles turning right out of the school access road and include any additional works to make construction effective.
- Kerb and gutter is to be provided for the full property frontage.
- Pedestrian access is to be maintained along the full property frontage.

Prior to Commencement of Works

23. A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.
24. 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.
25. Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.
26. Construction of civil works including road, drainage and access works 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 City Planning or an Accredited Certifier.
27. All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.
28. All protected trees on-site situated within 20 metres of any work areas shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder's waste are to be stored in the vicinity of these trees.
29. Separate application is to be lodged with Council for approval under Section 68 (Part C) and Section 68A of the Local Government Act 1993 for the installation of a Centralised Sewage Management Facility at the premises to receive, treat, and dispose of all wastewaters from all sources in the proposed development. The design of the system is to incorporate the following requirements:
 - (a) Sub-surface irrigation system to be installed in conjunction with the wastewater disposal system;
 - (b) A Wastewater Management Plan is to be prepared for the site addressing individual tasks within the operation of the wastewater management system, identification of persons responsible for each task, the reporting/monitoring period, contingencies for system component failures and generation of annual operating reports by suitably qualified independent person.
 - (c) A soil monitoring regime is to be undertaken on an annual basis and is to consider an analysis for total nitrogen, plant available phosphorous, electrical conductivity, pH, cations (sodium, calcium, potassium, magnesium and calculation of exchangeable sodium percentage) and organic carbon.

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30. 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.
31. 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.
32. Toilet facilities shall be provided for workers throughout the course of building operations. Such facility shall be located wholly within the property boundary.
33. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
34. 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.
35. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

During Construction/Demolition

36. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the landscape.
37. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
38. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
39. A minimum of fifteen (15) off-street car parking spaces in conjunction with the school use and two (2) undercover off-street car parking spaces in conjunction with the residential (caretaker) use, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
40. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
41. Building construction (including the delivery of materials to and from the property) shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 4.00 pm inclusive, with no work on Sundays and Public Holidays.
42. Demolition and excavation works shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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43. During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
- a) A general decline in health and vigour.
 - b) Damaged, crushed or dying roots due to poor pruning techniques.
 - c) More than 10% loss or dieback of roots, branches and foliage.
 - d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - f) An increase in the amount of deadwood not associated with normal growth.
 - g) An increase in kino or gum exudation.
 - h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

44. All recommendations contained in the Acoustic Report prepared by Acoustic Logic Consultancy, dated 20 November 2006, must be implemented during construction and use of the premises, including the following:
- (a) Install a 1.8 metre high imperforate fence along the north boundary adjacent to the residential building at No. 115 Slopes Road. The length of the barrier fence shall be equal to the length of the building at No. 115 Slopes Road.
 - (b) Minimum 4mm acoustically sealed glazing (RW not less than 27)(fixed or openable sashes) with acoustic seals (closed during classes) will be installed for the classroom facades.
 - (c) The new roof would need to be constructed of 0.4mm metal sheet with a 10mm plasterboard ceiling with 75mm 1 kg/m3 density glasswool insulation in the minimum 100mm high cavity.
 - (d) The existing brick walls are sufficient and will not require upgrading.
 - (e) The finish inside the classrooms was assumed to be acoustically "hard" with a design indoor noise level of 75 dB(A) Leq.
45. Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.
46. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:

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- (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) Builder's waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
47. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
48. All roof water shall be drained to appropriate water storage vessel/s.
49. 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.
50. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
51. The existing sewage management facility is to be decommissioned in accordance with the requirements of the Department of Health and of Hawkesbury City Council.

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52. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
53. Appropriate sign(s) must be provided and maintained within the site at the point(s) of vehicular egress, compelling drivers to stop before proceeding onto the public way.
54. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 (three) horizontal to 1 (one) vertical, retaining walls, stoneflagging or terracing shall be constructed.
55. The site shall be secured to prevent the depositing of any unauthorised material.
56. The construction of a new access driveway, 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.
57. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
58. On completion of the new site entrance, the use of existing site access is to be permanently discontinued. The sealed rural crossing is to be removed and the footpath area restored.
59. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
60. The dwelling shall be provided with on-site water storage vessels of minimum 100,000 (one hundred thousand) litres capacity, which incorporate the following:
 - A draw off line with a 65mm Storz fitting and non-return foot valve which extends to the base of the water tank for Rural Fire Service access.
 - The domestic line shall terminate so as to retain a minimum of 10,000 litres permanently in the tank. If an emergency sprinkler system is installed a minimum of 22,000 litres will be required.
 - All tanks shall have an access hatch, minimum 800mm in diameter, to gain entry directly through the lid.
 - In recognition that no reticulated water supply exists, a 3kw (5hp) petrol or diesel powered pump shall be installed and maintained.
61. Additional on-site water storage shall be provided in conjunction with the school use with capacity being determined by a water balance assessment to be developed for the anticipated demand associated with the use.

Prior to Issue of Occupation Certificate

62. Compliance with all conditions of this development consent.
63. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of

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water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

64. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
65. All sound-producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary.
66. All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands.
67. Works as executed drawings for the road works within Slopes Road are to be prepared by a registered surveyor and submitted to Council on completion of the works and prior to the issue of any Occupation Certificate.
68. The upgrading works within Slopes Road are to be certified as having been satisfactorily completed by Council prior to the issue of any Occupation Certificate.
69. Signage for a 40km per hour school zone is to be installed in Slopes Road in accordance with current RTA practice prior to the issue of any occupation certificate. The extent of the 40kph school zone speed limit in Slopes Road is to correspond with the length of the site frontage, from a point approximately 50 metres west of Branders Lane to a point approximately 50 metres west of Maddens Road.
70. Signage to restrict parking in Slopes Road, with the provision of "No Stopping " zones for a distance that corresponds with the extent of the school zone. Adjoining owners are to be notified of the restriction in writing.
71. If required, easements to Councils requirements shall be created over the site for drainage discharge from roads (at no cost to Council).

Use of the Development

72. Stage 1 of the school is to accommodate a maximum of forty (40) students and four (4) staff at any given time.
73. Waste and recyclable material, generated by this premises, must not be collected by private contractors between the hours of 5pm and 7am on any day.
74. A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm –6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.
75. No internal or external alterations shall be carried out without prior approval of Council.
76. Speakers must not be installed in any of the outdoor areas associated with the school.
77. The signage associated with the proposal shall not be illuminated.
78. The effects of the expected increase in delays on the road network capacity are to be monitored at the intersection of Maddens Road, Slopes Road and Crooked Lane, of Branders Lane and Slopes Road and at the single lane Bridge at Crooked Lane.

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Monitoring to be undertaken during the school zone hours (8.00-9.30am and 2.30-4.00pm) and occur when the school numbers have reached or are close to the full approved capacity , with a report to be submitted to Council.

Should a future application be lodged to increase the school numbers, monitoring as above is to be undertaken regardless of the number of pupils attending the school, and submitted with the development application.

The monitoring is required to confirm the projected figures and determine if any future upgrading of these locations will be required as part of any proposed future school expansion. All monitoring is to be at the applicants expense.

NSW Rural Fire Service General Terms of Approval

79. At the commencement of building works and in perpetuity the property around the building to a distance of 20 metres, shall be maintained as an 'Inner Protection Area' (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Services document 'Standards for Asset Protection Zones'.

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.
- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

ATTACHMENTS:

There are no supporting documents for this report.

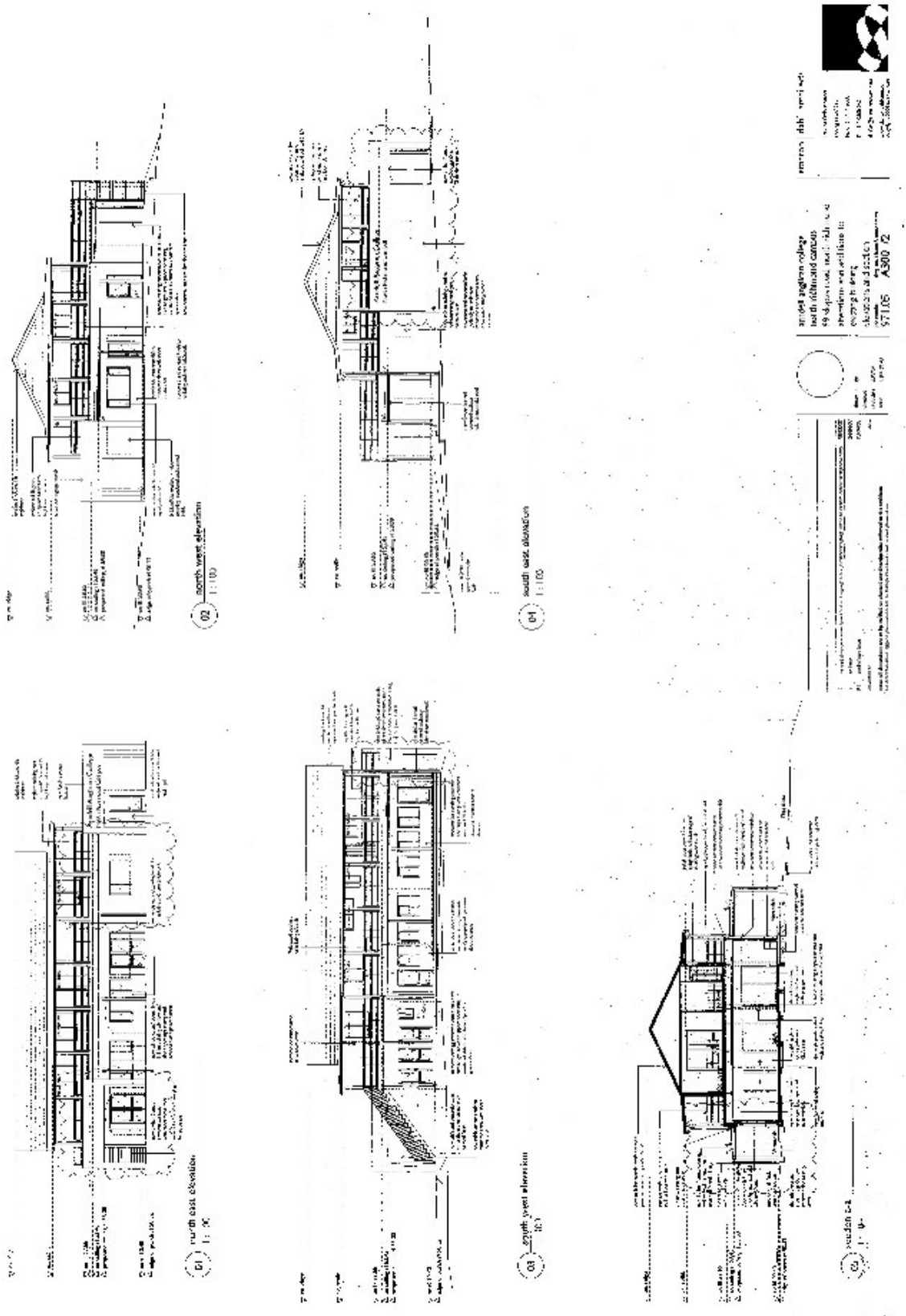
AT - 1 Site Plan

AT - 2 Elevations and Section

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AT - 2 Elevations and Section



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Item: 289 **CP - Community Sponsorship Program - (2007 - 2008 - Round 2) - (96328, 95498)**

Previous Item: 155, Ordinary (14 August 2007)

REPORT:

This report has been prepared to advise Council of further applications for financial assistance received from community groups and individuals to be determined under the Community Sponsorship Program for 2007-2008.

The report also advises Council of the process for the implementation of the *Community Sponsorship Program* for 2008-2009.

Background

- On 13 March 2007, in considering a report in relation to the outcomes of the public exhibition of a Draft Sponsorship Policy Council resolved;
 - "1. *The draft Sponsorship Policy, prepared in accordance with the guidelines issued by the Independent Commission Against Corruption, be adopted with the addition of the words "in consultation with the Mayor" at the end of clauses 5.1 and 15.1.*
 2. *Council continue to meet all current commitments within Sec 356 financial assistance programs for the 2007/2008 financial year (subject to the confirmation of funding allocations following the adoption of the 2007/2008 financial plan and financial estimates).*
 3. *A further report be reported to Council by November 2007, to advise of progress in the realignment of existing Sec 356 financial assistance programs in conformance with the draft Sponsorship Policy. The report to outline the proposed timing and process for seeking applications and expressions of interest for grants, subsidies and event sponsorship agreements for the 2008/2009 financial year and beyond."*
- At the Ordinary Meeting 14 August 2007 a further report was provided to Council to give effect to Part 2 of Council's resolution of 13 March 2007. Council approved the allocation of financial assistance to maintain its historical commitments to a number of community groups. Council resolved the following:
 - "1. *Council approve payments of Section 356 Financial Assistance to the organisations listed, and at the level recommended in the Table 1 of this report.*
 2. *Council call for and consider fresh applications for additional sponsorship requests under the 2007-2008 Community Sponsorship Program to be assessed and prioritised in accordance with Council's Sponsorship Policy.*
 3. *The existing wording of Paragraph 15.1 of the Sponsorship Policy be deleted and replaced by the following wording "All requests for sec 356 financial assistance will be reported to Council for determination."*
- Council's resolution of 14 August 2007, saw Council approve expenditure of \$37,783.00 from a total budget allocation of \$48,893.00 leaving \$11,110.00 to fund the 'fresh applications' provided for in Part 2 of Council's resolution.

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Round 2 - Community Sponsorship Program (2007-2008)

In accordance with Council's Resolution of 14 August 2007, fresh applications were invited under the Community Sponsorship Program for 2007-2008.

Table 1 summarises the applications received, the proposed level of financial assistance and whether a special condition is attached to the provision of funding. 21 Applications were received.

Applicant	Type ⁽¹⁾	Proposal	Amount Recommended	Special Condition
1. Bede Polding College	MA	4 students travelling to Thailand for community work	\$400	nil
2. Glossodia Public school	CF	Annual Presentation Night - use of Windsor Function Centre	\$275	nil
3. Kurrajong Comleroy Historical Soc.	MA	Publication of historical photo collection "Glimpses of Kurrajong"	\$500	yes
4. Kim Wherry (Sarafina Taufu)	MA	Representative Indoor Netball	\$100	nil
5. Kim Griffin (Kaitlyn Griffin)	MA	Representative Indoor Netball	\$100	nil
6. Kim Griffin (Rachele Griffin)	MA	Representative Indoor Netball	\$100	nil
7. Rotary Club of Richmond	ES	Carols by Candlelight in Richmond Park	\$1500	nil
8. Kurrajong Anglican Church	ES	Carols in the Park	\$500	nil
9. Arndell Anglican College	MA	Sun-safe areas in playgrounds	\$500	nil
10. Hawkesbury Skills Inc	MA	Men's Shed activities	\$300	nil
11. Sandra Wotton (Jemma Wotton)	MA	Representative athletics	\$100	nil
12. Kurrajong Handspun Crafts Inc	MA	Participation in "Back to back" challenge 2008	\$500	nil
13. Wilberforce Early Learning Centre	MA	Sensory Learning Garden	\$500	nil
14. Rotary Club of Hawkesbury	MA	Purchase a portable PA system	\$450	nil
15. HDCA U/13 Gee Shield Team	MA	Representative cricket	\$500	nil
16. FOHACaRAG	SG	Purchase of mobile platform step ladder	\$880	yes
17. Wisemans Ferry & Districts Youth Sports Inc	MA	Sporting activities	\$500	nil
18. The Ferry Artists Inc	SG	Gallery lighting	nil	n/a
19. Bilpin Community Playgroup	SG	Soft fall in Bilpin Hall playground	nil	n/a
20. Home Based Business Network	MA	Publication of DL advertising flyers	\$500	nil
21. Peta Jones	SG	Children's Middle Eastern Dance workshops	nil	nil
TOTAL			\$ 8,205	

¹⁾ ES = Three Year Event Sponsorship MA = Minor Assistance SG = Seeding Grant CF = Access to Community facilities

Table 1: Requests for financial assistance Round two of 2007-2008 Community Sponsorship Program

The applications received were assessed against the applicable criteria outlined in Council's Community Sponsorship Program. This criteria reflects the provisions of Council's adopted Sponsorship Policy and the amounts recommended for approval are consistent with the policy. A more complete summary of the assessment of applications against the Community Sponsorship Program is appended to this report - including the details of special conditions to be applied to the recommended financial assistance (Attachment 1).

Should Council approve the provision of the proposed financial assistance, Council's standard Sponsorship Agreement will need to be executed for Applications 7 (Rotary Club of Richmond), 8 (Kurrajong Anglican Church) and 16 (Friends of the Hawkesbury Art Collection). Sponsorship Agreements are not required for the other recommended applicants.

There are sufficient funds to cover the recommended amounts. The balance of funds remaining in the 2007-2008 Community Sponsorship Program is \$2,905. It is proposed these funds be retained to meet

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further applications under the minor assistance category for the remainder of the 2007-2008 financial year. This will enable Council to continue to support the provision of financial assistance to individuals and groups seeking to represent the City in sporting, cultural or other events.

Community Sponsorship Program (2008-2009)

Council's determination of fresh application under Round 2 of the Community Sponsorship Program for 2007-2008 (as outlined above) has given practical effect to Council's resolution to *'realign existing Sec 356 financial assistance programs to conform with the Sponsorship Policy'*.

Council will recall that Round 1 of the Community Sponsorship Program for 2007-2008 provided for the continued funding of those organisation who previously received financial assistance under the now superseded Community and Cultural Grants and Donations Policy. The process of realignment and conformance with the Sponsorship Policy will be complete when the funding of these organisations is assessed and processed under the revised requirements as set out in the Community Sponsorship Program.

It is therefore proposed that the following process be implemented to complete the transitional arrangements to enable Council to conform with the requirements of its adopted Sponsorship Policy (and the guidelines issued by the Independent Commission Against Corruption on which Council's Policy was based).

March 2008	Council to invite continuing and fresh applications under the Community Sponsorship Program for 2008-2009. This advice to be posted on Council's website and in the Council Notices. Current (continuing) applicants will, in the first instance be notified in writing with follow-up telephone contact initiated by Council staff.
April/May 2008	Where required, Council staff will meet with applicants to assist them to complete their applications and prepare any documentation required to be submitted with their application.
June 2008	Applications assessed.
July 2008	Applications reported to Council. Where required, Sponsorship Agreements to be executed with successful applicants.

Taking the Hawkesbury City Eisteddfod Society as an example, this process would require the Society to complete and application under the Community Sponsorship Program. Council staff would assist the Society to complete the application to ensure its conformance with the required sponsorship criteria. The Society's application would be assessed by Council staff (in conjunction with all other applications) and reported to Council for Council's determination. It is likely that the Society's application will fall under the Programs 'three year event sponsorship' category and - if approved by Council - a sponsorship agreement will be negotiated with the Society to provide for the funding of the Hawkesbury City Eisteddfod for a three-year period (subject to meeting agreed annual reporting requirements and Council's normal budget considerations). The Society would not be required to re-apply under the Community Sponsorship program until March 2011 at which time a fresh application will be submitted for Council's determination. Depending on the category of financial assistance applied for, other applications will be assessed and processed in the same way. Any funds remaining after the finalisation of this initial round of applications, will be used to fund further rounds of the Community Sponsorship program for 2008-2009 with some funds quarantined to meet 'minor assistance' requests throughout the remainder of the 2008-2009 financial year.

Conformance to Strategic Plan

The proposal is deemed to conform to the following objective set out in Council's Strategic Plan;

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

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Funding

Funding allocations recommended in this report are available within current budget provisions.

RECOMMENDATION:

That Council:

1. Approve payments of Section 356 Financial Assistance to the organisations listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 7, 8 and 16 as identified in Table 1 of this report.
3. Note the Special Conditions recommended for Applications 3 and 16 as detailed in Attachment 1 appended to this report.
4. Approve the proposed timing and process for inviting applications under the Community Sponsorship Program for the 2008/2009 financial year and beyond as outlined in this report.

ATTACHMENTS:

AT - 1 Assessment of Applications under Round 2 Community Sponsorship Program 2007-2008.

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AT - 1 Assessment of Applications under Round 2 Community Sponsorship Program 2007/2008

Applicant	Sponsorship type ⁽¹⁾	Description	Assessment Criteria							Amount requested	Amount recommended	Comments	
			Local service	Not-for-profit	Not funded by State or Federal Agency	Co-contribution provided	Reflects agreed community priority	Meets Sponsorship criteria	Financially sustainable				documentation provided
1. Bede Polding College	MA	4 students travelling to Thailand for community work	✓	✓	✗	✓	✓	✓	✓	n/a	not specified	\$400	Fulfills criteria for Minor Assistance allocation. Funds will be used to subsidise cost of travel for individual students.
2. Glossodia Public school	CF	Annual Presentation Night - use of Windsor Function Centre	✓	✓	✗	✓	✓	✓	✓	n/a	\$550	\$275	Community Sponsorship Program provides for 50% of hire fee to be subsidised.
3. Kurrajong Comleroy Historical Society	MA	Publication of historical photo collection "Glimpses of Kurrajong"	✓	✓	✓	✓	✓	✓	?	n/a	Up to \$6,000	\$500	Maximum allowable under Minor Assistance category. Applicant is seeking funds to print 1,500 copies of publication - it is unclear if publication will proceed if total funding cannot be secured. Special Condition - funds to provided upon submission of invoice from publisher.
4. Kim Wherry (Sarafina Taufa)	MA	Representative Indoor Netball	✓	✓	✓	✓	✓	✓	✓	n/a	not specified	\$100	Fulfills criteria for Minor Assistance allocation
5. Kim Griffin (Kaitlyn Griffin)	MA	Representative Indoor Netball	✓	✓	✓	✓	✓	✓	✓	n/a	Specified	\$100	Fulfills criteria for Minor Assistance allocation
6. Kim Griffin (Rachele Griffin)	MA	Representative Indoor Netball	✓	✓	✓	✓	✓	✓	✓	n/a	not Specified	\$100	Fulfills criteria for Minor Assistance allocation
7. Rotary Club of Richmond	ES	Carols by Candlelight in Richmond Park	✓	✓	✓	✓	✓	✓	✓	✓	\$3000	\$1500	The recommended amount represents 50% of direct expenses (excluding in kind contributions for salaries + volunteer costs). Amount provided can be reviewed after first year of funding.
8. Kurrajong Anglican Church	ES	Carols in the Park	✓	✓	✓	✓	✓	✓	?	✓	\$1000	\$500	Audited statement indicates this event sustained an operating loss of \$624 in 2006. Amount provided can be reviewed after first year of funding
9. Arndell Anglican College	MA	Sun-safe areas in playgrounds	✓	✓	✗	✓	✓	✓	✓	n/a	not specified	\$500	Applicant receives other government funding but not necessarily for project applied for. There are sufficient funds to meet request.
10. Hawkesbury Skills Inc	MA	Men's Shed activities	✓	✓	✓	✓	✓	✓	✓	n/a	\$300	\$300	Fulfills criteria for Minor Assistance allocation

(1) ES = Three Year Event Sponsorship MA = Minor Assistance SG = Seeding Grant MA = Minor Assistance CF = Access to Community facilities

⁽¹⁾ ES = Three Year Event Sponsorship MA = Minor Assistance SG = Seeding Grant MA = Minor Assistance CF = Access to Community facilities

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Applicant	Sponsorship type ⁽¹⁾	Description	Assessment Criteria							Amount requested	Amount recommended	Comments	
			Local service	Not-for-profit	Not funded by State or Federal Agency	Co-contribution provided	Reflects agreed community priority	Meets Sponsorship criteria	Financially sustainable				documentation provided
11. Sandra Wotton (Jeremia Wotton)	MA	Representative athletics	✓	✓	✓	✓	✓	✓	✓	n/a	not specified	\$100	Fulfills criteria f or Minor Assistance allocation
12. Kurraiong Handspan Crafts	MA	Participation in "Back to back" challenge	✓	✓	✓	✓	✓	✓	✓	n/a	\$500	\$500	Fulfils criteria for Minor Assistance allocation
13. Wilberforce Early Learning Centre	MA	Sensory Learning Garden	✓	✓	✓	✓	✓	✓	✓	n/a	\$500	\$500	Fulfils criteria for Minor Assistance allocation
14. Rotary Club of Hawkesbury	MA	Purchase a portable PA system	✓	✓	✓	✓	✓	✓	✓	n/a	\$450	\$450	Fulfils criteria for Minor Assistance allocation
15. HDCA U/13 Gee Shield Team	MA	Representative cricket	✓	✓	✓	✓	✓	✓	✓	n/a	\$500	\$500	Fulfils criteria for Minor Assistance allocation
16. FOHACaRAG	SG	Purchase of mobile platform step ladder	✓	✓	✓	✓	✓	✓	✓	✓	\$880	\$880	Equipment to be used + stored in Stan Stevens Room. Special Condition - Prior to release of funds, applicant to provide written confirmation from Manager Cultural Services that proposed equipment complies with Council's purchasing controls, and that applicable SWMS for use of equipment has been approved.
17. Wisemans Ferry & Districts Youth Sports Inc	MA	Sporting activities	✓	✓	✓	✓	✓	✓	✓	n/a	\$500	\$500	Fulfils criteria for Minor Assistance allocation
18. The Ferry Artists Inc	SG	Gallery lighting	✓	?	✓	?	?	?	?	✓	\$5000	nil	Application requested funds for installation of equipment in a rented commercial premises. Sponsorship Guidelines provide for capital grants for public/community facilities. Council has previously resolved to contribute up to \$5,000 to fund soft fall replacement (Ordinary Meeting, 27.11.2007)
19. Bilpin Community Playgroup	SG	Soft fall in Bilpin Hall playground	✓	✓	✓	✓	✓	✓	✓	✓	\$4000	nil	Fulfils criteria for Minor Assistance allocation
20. Home Based Business Network	MA	Publication of DL advertising flyers	✓	✓	✓	✓	✓	✓	✓	n/a	\$500	\$500	Fulfils criteria for Minor Assistance allocation
21. Peta Jones	SG	Children's Middle Eastern Dance workshops	✓	✗	✓	✗	✓	✗	✗	✓	not specified	nil	Applicant has requested funds for payment of wages (which fall outside of <i>Community Sponsorship Program</i> criteria). The applicant appears to be a for-profit business "Hills School of Bellydance & Drumming"
⁽¹⁾ ES = Three Year Event Sponsorship MA = Minor Assistance SG = Seeding Grant MA = Minor Assistance CF = Access to Community facilities													

⁽¹⁾ ES = Three Year Event Sponsorship MA = Minor Assistance SG = Seeding Grant MA = Minor Assistance CF = Access to Community facilities

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ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 21 November 2007 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 21 November 2007, commencing at 3.00pm.

ATTENDANCE

Present: Councillor T Devine (Alternative Chairman)
Mr J Suprain, Roads and Traffic Authority
Mr J Christie, Offices of Messrs. A Shearan (Londonderry) and J Aquilina (Riverstone), Members of Parliament
Acting Sergeant G Crawford, NSW Police Service

Apologies: Mayor B Bassett
Mr R Williams, MP (Hawkesbury)
Senior Constable S Sherry, NSW Police Service
Mr R Elson, Department of Transport

In Attendance: Mr C Amit, Manager Design & Mapping Services

SECTION 1 - Minutes

Item 1.1 Minutes of Previous Meeting

The Minutes of the meeting held on 17 October 2007 were confirmed.

Item 1.2 Business Arising

Nil Business Arising.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 21 November 2007 - Item 2.1 Bicycle Racing Events for 2008 - Oakville (Hawkesbury) - (80245, 82935)

REPORT:

Introduction:

An application has been received from the Parramatta Cycling Club seeking approval to conduct Bicycle Racing Events in Oakville during 2008. The racing events will be conducted along the following route:

Route - Oakville

Commencing at Oakville Public School, Oakville, and proceeding along Hanckel Road
Turning left into Old Pitt Town Road
Turning left into Saunders Road
Turning left into Smith Road
Turning left into Ogden Road and finishing at Oakville Public School.

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(Refer to Appendix 1: Plan TR013/07 - Route - Oakville).

The Parramatta Cycling Club (PCC) has indicated that the cycling events will be held on eleven (11) separate Saturdays, during the period of 19 April 2008 to 27 September 2008. Each event will be conducted between 2.00pm and 4.30pm. There will be approximately 60 to 85 competitors competing in 5 separate groups. The groups have on average 15 competitors but limited to 25 competitors. Each group will be spaced approximately 5 minutes apart. Approximately 30 spectators are expected.

The proposed dates are:

- 19 April 2008
- 10 May 2008
- 24 May 2008
- 14 June 2008
- 28 June 2008
- 12 July 2008
- 26 July 2008
- 9 August 2008
- 23 August 2008
- 13 September 2008
- 27 September 2008.

Discussion:

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic Management for Special Events” guidelines issued by the Roads & Traffic Authority as this event may disrupt minor traffic and transport systems along the specified route. Traffic volume and road width details are as shown in the following table:

Route - Oakville		
Road Name	ADT (Year)	Sealed Carriageway Width (m)
Hanckel Road	1498 (2001)	5.7
Old Pitt Town Road	1264 (2002)	6.0
Saunders Road	718 (2000)	5.4 – 5.8
Smith Road	342 (1999)	6.2
Ogden Road	190 (1999)	7.5

The event organiser should assess the risk and address the suitability of the route as part of the risk assessment considering the road width, number of bicycles, traffic volume and bicycles travelling close to the edge of the sealed travelling lane.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Doc. No: 2623599):

- i) Details of the Special Event - Traffic template;
- ii) Proposed Road Racing Schedule 2008,
- iii) Traffic Control Plans (TCP)
- iv) Copy of Insurances which are valid to 30 November 2007;
- v) Course Map/Plan
- vi) Advice that an application has been made to the NSW Police Service.

RECOMMENDATION:

That:

1. The Bicycle Racing Events planned for:

- 19 April 2008
- 10 May 2008
- 24 May 2008
- 14 June 2008
- 28 June 2008
- 12 July 2008
- 26 July 2008
- 9 August 2008
- 23 August 2008
- 13 September 2008
- 27 September 2008

by the Parramatta Cycling Club along the Oakville Route, be classified as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.

2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. 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 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- 4a. 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;**
- 4b. the event organiser **submitting a Transport Management Plan (TMP) for the entire route incorporating the submitted Traffic Control Plans (TCP) to Council** for acknowledgement.
- 4c. the event organiser **submitting to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council as an interested party on the Policy** and that Policy to cover **both on-road and off-road activity;**
- 4d. the event organiser advertising the event in the local press stating the entire route/extent of the event and 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);
- 4e. the event organiser notifying the details of the event to NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence be submitted to Council;**
- 4f. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event; The applicant undertaking a letter drop to all affected residents and businesses in the proximity to the event, with that letter advising full details of the event; **a copy of the correspondence be submitted to Council;**
- 4g. the event organiser assessing the risk and addressing the suitability of the entire route as part of the risk assessment considering the possible risks for all participants / competing cyclists travelling close to the edge of the sealed section of roads and considering the current condition of the carriageway edge. This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;

- 4h. 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 Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4i. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

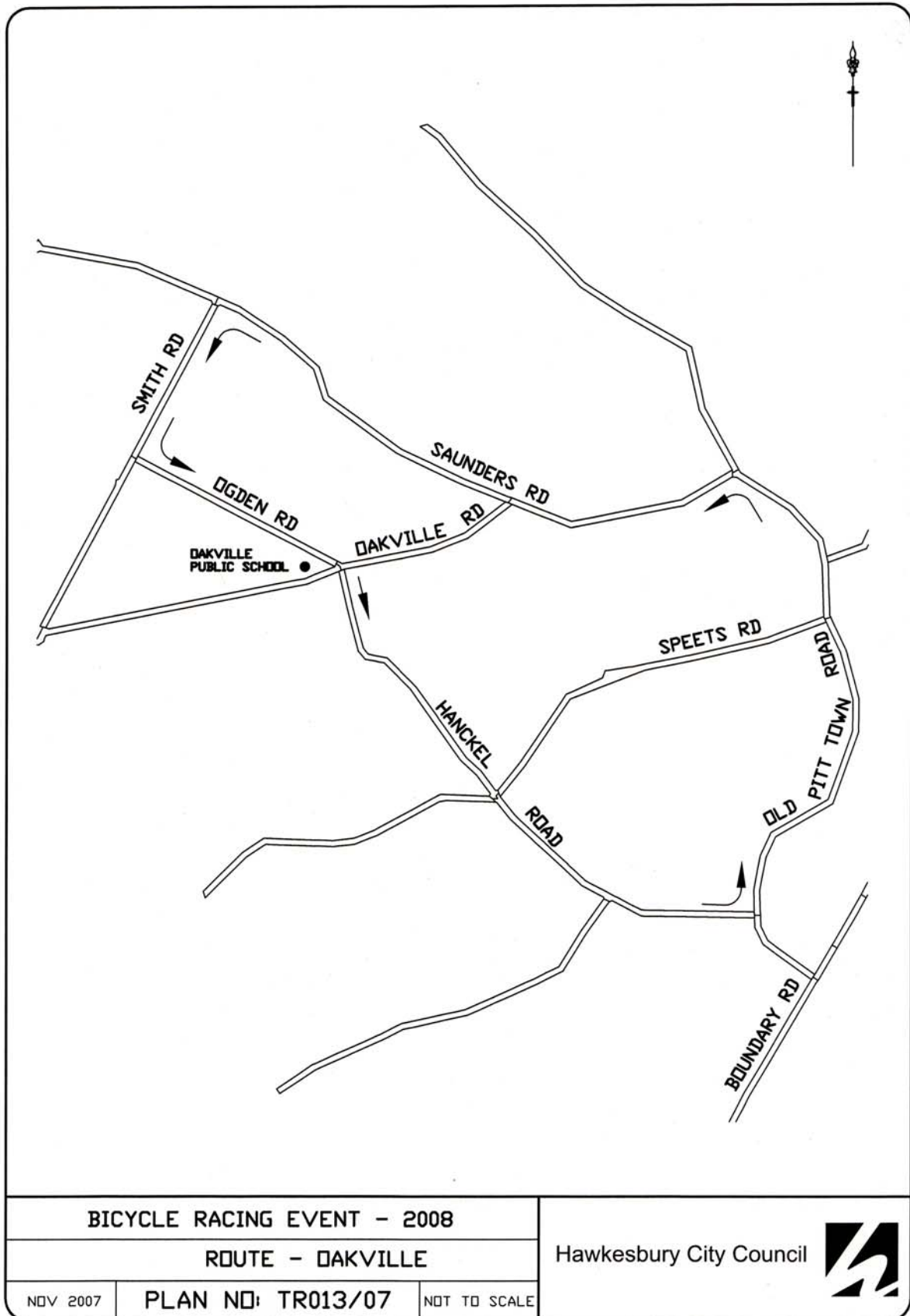
During the event:

- 4j. access being maintained for businesses, residents and their visitors;
- 4k. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4l. the cyclists are aware of and are following all the general road user rules whilst cycling on public roads;
- 4m. 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;
- 4n. the competitors and participants be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4o. 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

APPENDICES:

AT - 1 Bicycle Racing Event, Route - 2008 - Oakville, Plan TR013/07

AT - 1 Bicycle Racing Event, Route - 2008 - Oakville, Plan TR013/07



**Item 2.2 LTC - 21 November 2007 - Item 2.2 - Proposed Bus Zone in Percival Street,
Richmond, near the RAAF Base Richmond (Londonderry) - (80245, 77675)**

REPORT:

Introduction:

Representation has been received from the RAAF Base Richmond, requesting a Bus Zone and Bus shelter adjacent to the main entrance in Percival Street. Currently the bus service is primarily utilised by school children, with the bus entering the RAAF Base for pickup and drop off. The RAAF, in consultation with Councils' representative, have agreed that the pickup and drop area should be within the road reserve in Percival Street, Richmond.

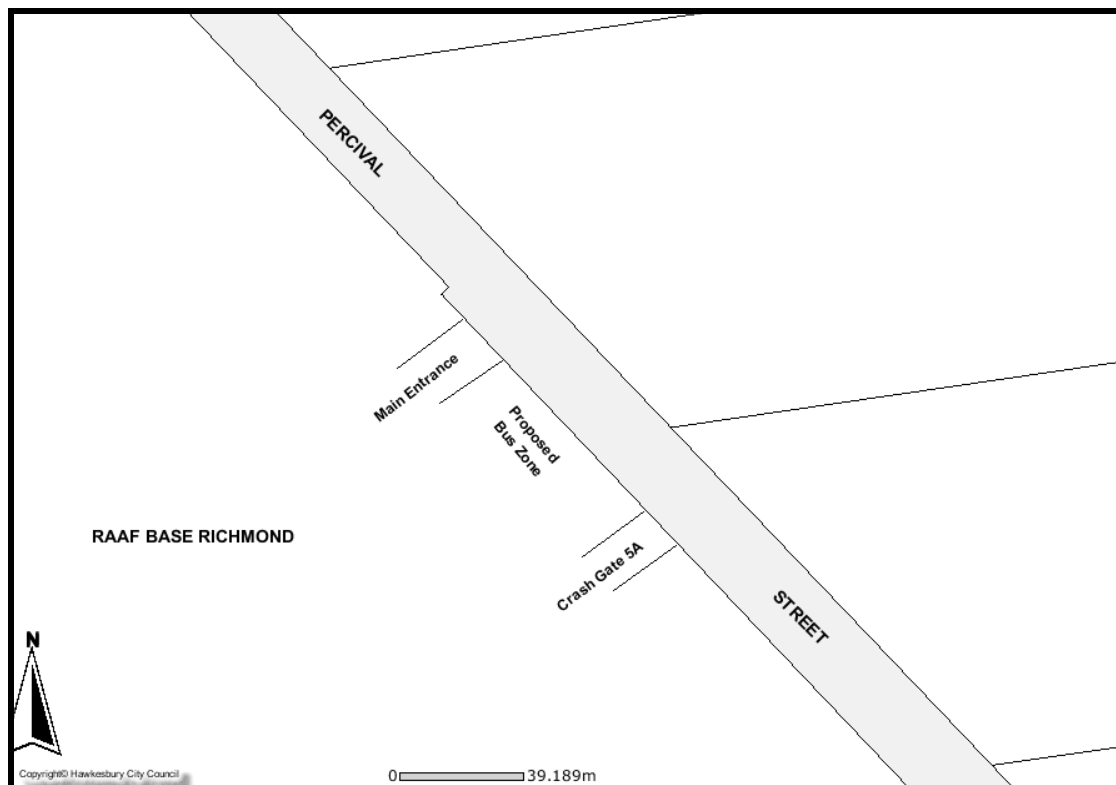
Discussion:

The main entrance to the RAAF Base Richmond is from Percival Street. The preferred position for the Bus Zone is in the vicinity of the main entrance and on the side of the RAAF Base. The available area is to the south east of the main entrance and within an existing "No Stopping" zone.

The proposed Bus Zone is to be positioned approximately 12.0 metres south east of the RAAF main entrance (at the end of the kerb return), with the Bus Zone being 24.5 metres in length. The existing "No Stopping" zone extends between the RAAF main entrance and Crash Gate 5A which is approximately 75.0 metres apart. This "No Stopping" zone is part of a series of parking restrictions along the frontage of the RAAF Base which prohibits vehicles parking along Percival Street. The introduction of the Bus Zone will not compromise any safety aspect, such as sight distance, in this vicinity.

The current regulatory speed limit on Percival Street in the vicinity of the RAAF Base is 60 kph. This road is a Regional road.

The position of the Bus Zone has been supported by the RAAF Base representative and the Bus company.



RECOMMENDATION:

That:

1. a "Bus Zone" be provided for a length of 24.5 metres, approximately 12.0 metres south east of the RAAF main entrance and positioned on the side of the RAAF Base in Percival Street, Richmond.
2. The existing "No Stopping" zone which will accommodate the new Bus Zone in Percival Street, Richmond, be adjusted accordingly.

APPENDICES:

There are no supporting documents for this report.

ORDINARY MEETING

Reports of Committees

Item 2.3 LTC - 21 November 2007 - Item 2.3 - Intersection Investigation at Chapel Street and Windsor Street, Richmond (Londonderry) - (80245)

REPORT:

Introduction:

Representation has been received from a resident of Chapel Street, Richmond, advising of traffic incidents which have occurred at the intersection of Chapel Street and Windsor Street, Richmond. This includes vehicles going through the intersection unaware of the existing 'Giveway' controls in Chapel Street and vehicles parking too close to the intersection effecting sight distance at the intersection.

Discussion:

Windsor Street is a collector road in Richmond, with a total length of 2096 metres passing through 10 intersections including Chapel Street. Chapel Street is a local road in Richmond with a total length of 425 metres intersecting with Francis Street, Windsor Street and March Street. Chapel Street is controlled at all 3 intersections and in particular at Windsor Street with 'Giveway' signs at both approaches.

Traffic Counts were undertaken in Chapel Street and Windsor Street, with the results listed in the table below:

Road Section	Road Width and K&G	Speed Limit	ADT(year)	85 th Percentile Speed
Chapel Street (between March Street & Windsor Street)	11.50 metres K&G both sides	50 kph	1185 (Aug 2007)	53.3 kph
Windsor Street (West of Chapel Street)	13.0 metres K&G both sides	50 kph	878 (Aug 2007)	57.2 kph

The RTA Road Traffic Accident Database indicates there have been 8 minor accidents at this intersection for the 6 years from January 2001 to December 2006. Given the low number of accidents at this intersection, it is considered that an intersection treatment is not warranted.

The issue of sight distance at the intersection is compounded by motorists parking within close proximity of the intersection. There are no regulatory signs to prohibit parking near the intersection. The Australian Road Rules, (Rule No. 170), states that a driver must not stop on a road within 10 metres from the nearest point of an intersecting road. It was observed during a site visit that vehicles were parked too close to the intersection.

To alleviate this situation it is proposed that the approaches to the intersection of Chapel Street and Windsor Street be sign posted with 'No Stopping' signs creating 'No Stopping' zones of 10.0 metres at each approach. The exception to this is at the north eastern corner which is adjacent to a Motor Mechanic Business. Driveways to this premises in both Chapel Street and Windsor Street encroach within the 10.0 metre 'No Stopping' zone. In Chapel Street the driveway is within 5.0 metres from the intersection and it extends for a distance of 10.0 metres, with the driveway in Windsor Street being within 9.0 metres from the intersection and extending for a distance of 10.0 metres. Providing signage at the required 10.0 metre offset is not practical due to the driveways. Extending the 'No Stopping' zones across the 2 driveways will not be practical for the proprietor of this business as some of his customers park across these driveways for a very short period of time to access the business. As a result of discussions undertaken with the

proprietor of the Motor Mechanic Business, it is proposed that the 'No Stopping' zone in Windsor Street be 9.0 metres from its intersection with Chapel Street, with the 'No Stopping' zone in Chapel Street being 5.0 metres from its intersection with Windsor Street and in addition a 'No Parking' zone of 10.0 metres be provided across the driveway in Chapel Street.

Currently Chapel Street is controlled at both Windsor Street (Local Road) and March Street (State Road) with Giveaway signs. Due to restricted sight distance at these 2 intersections and vehicles having to stop at these intersections prior to proceeding through, it would be appropriate to change the existing 'Giveaway' signs to 'Stop' signs. All four Chapel Street approaches are to have 2 stop signs on each side of the road. The northern approach of Chapel Street to Windsor Street is to be complemented with 'Stop Ahead' signs.

Further to improving the visibility and awareness for motorists travelling along Chapel Street approaching the Windsor Street intersection, it is proposed to upgrade the existing Holding Lines by off-setting them approximately 1.0 metre away from the intersection (towards the approaching vehicle). It is also proposed to provide 30.0 metres of barrier lines (BB) to each approach in Chapel Street and Windsor Street at its intersection, as well as the Chapel Street approaches to March Street. The barrier lines will enhance the positioning of the intersection for vehicles travelling on each road.

RECOMMENDATION:

That:

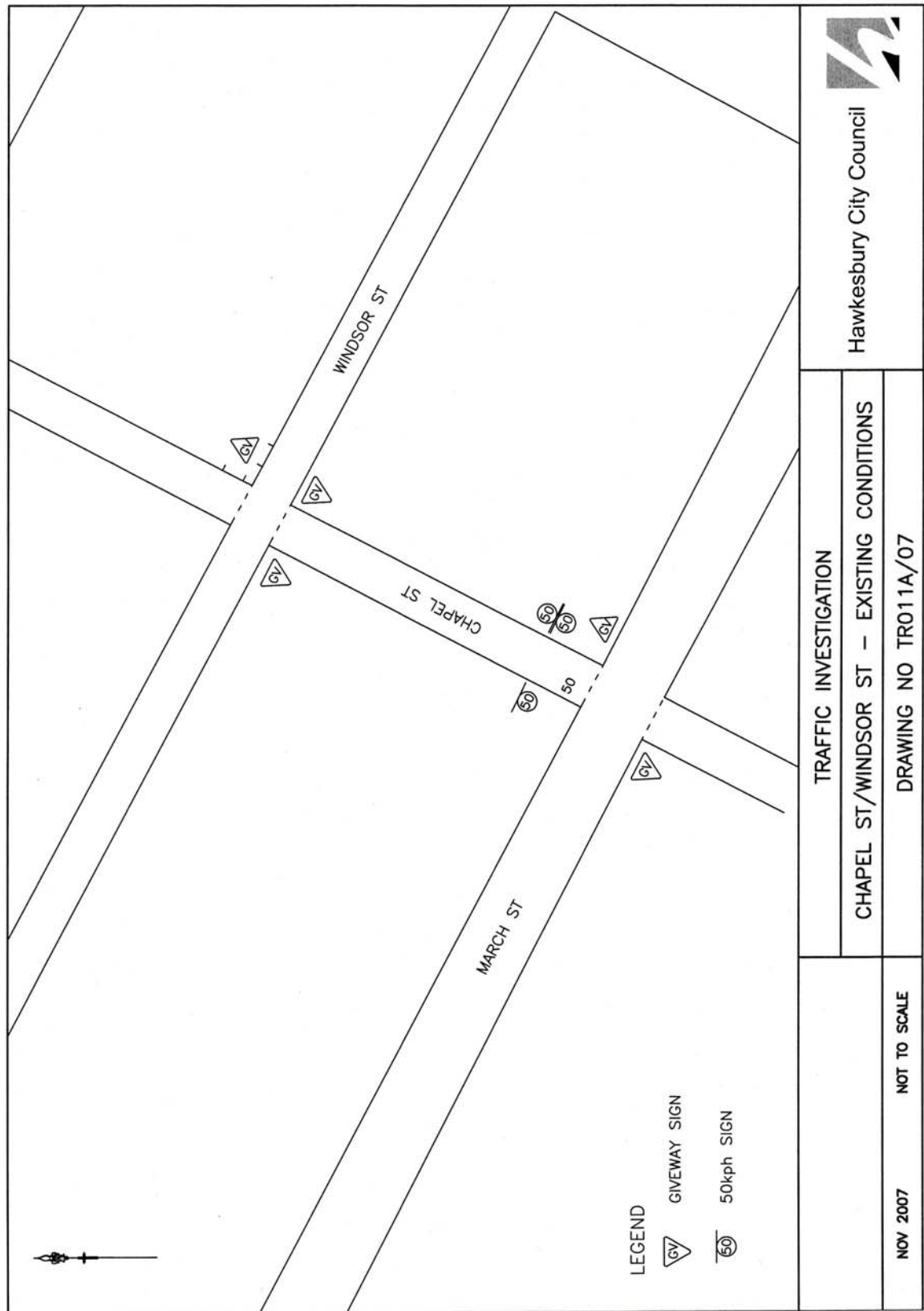
1. 'No Stopping' and 'No Parking' signs be installed in Chapel Street and Windsor Street as per Drawing No. TR011B/07
2. 'Stop' signs and 'Stop Ahead' signs be installed in Chapel Street as per Drawing Nos. TR011B/07 and TR011C/07
3. Linemarking in Chapel Street and Windsor Street be undertaken as per Drawing Nos. TR011B/07 and TR011C/07. This includes 30.0 metres of barrier lines (BB) to each approach in Chapel Street and Windsor Street at its intersection, as well as the Chapel Street approaches to March Street. Provide new Holding lines, in keeping with the change from 'Giveaway' to 'Stop' signs, in Chapel Street at March Street, with the positioning of the Holding Lines in Windsor Street, being offset by 1 metre away from the intersection.

APPENDICES:

- AT - 1** Traffic Investigation - Chapel St / Windsor St Intersection - Existing Conditions; Drawing No. TR011A/07
- AT - 2** Traffic Investigation - Chapel St / Windsor St Intersection - Proposed Treatment - 1; Drawing No. TR011B/07
- AT - 3** Traffic Investigation - Chapel St / March St Intersection - Proposed Treatment - 2; Drawing No. TR011C/07

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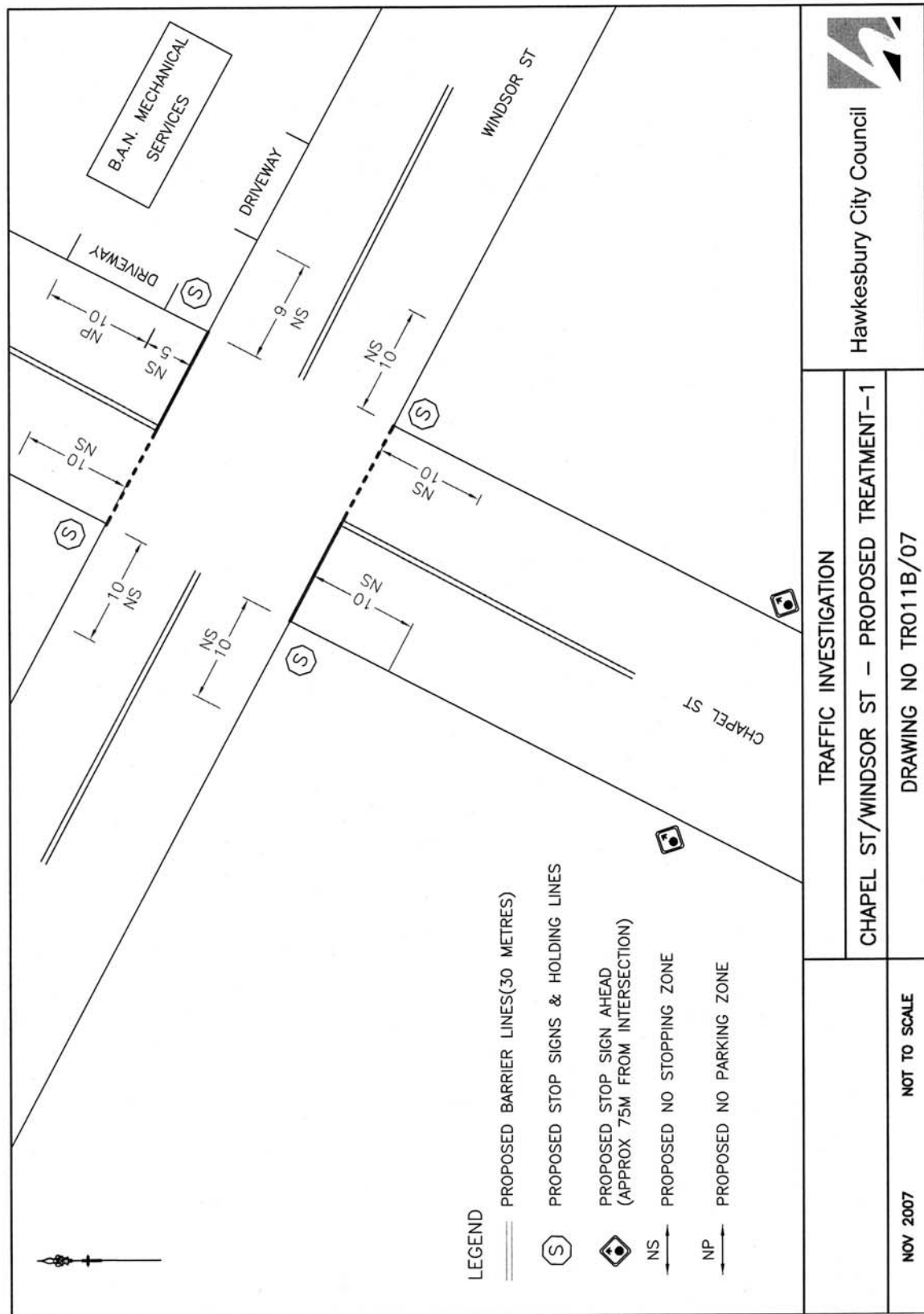
AT - 1 Traffic Investigation - Chapel St / Windsor St Intersection - Existing Conditions; Drawing No. TR011A/07



ORDINARY MEETING

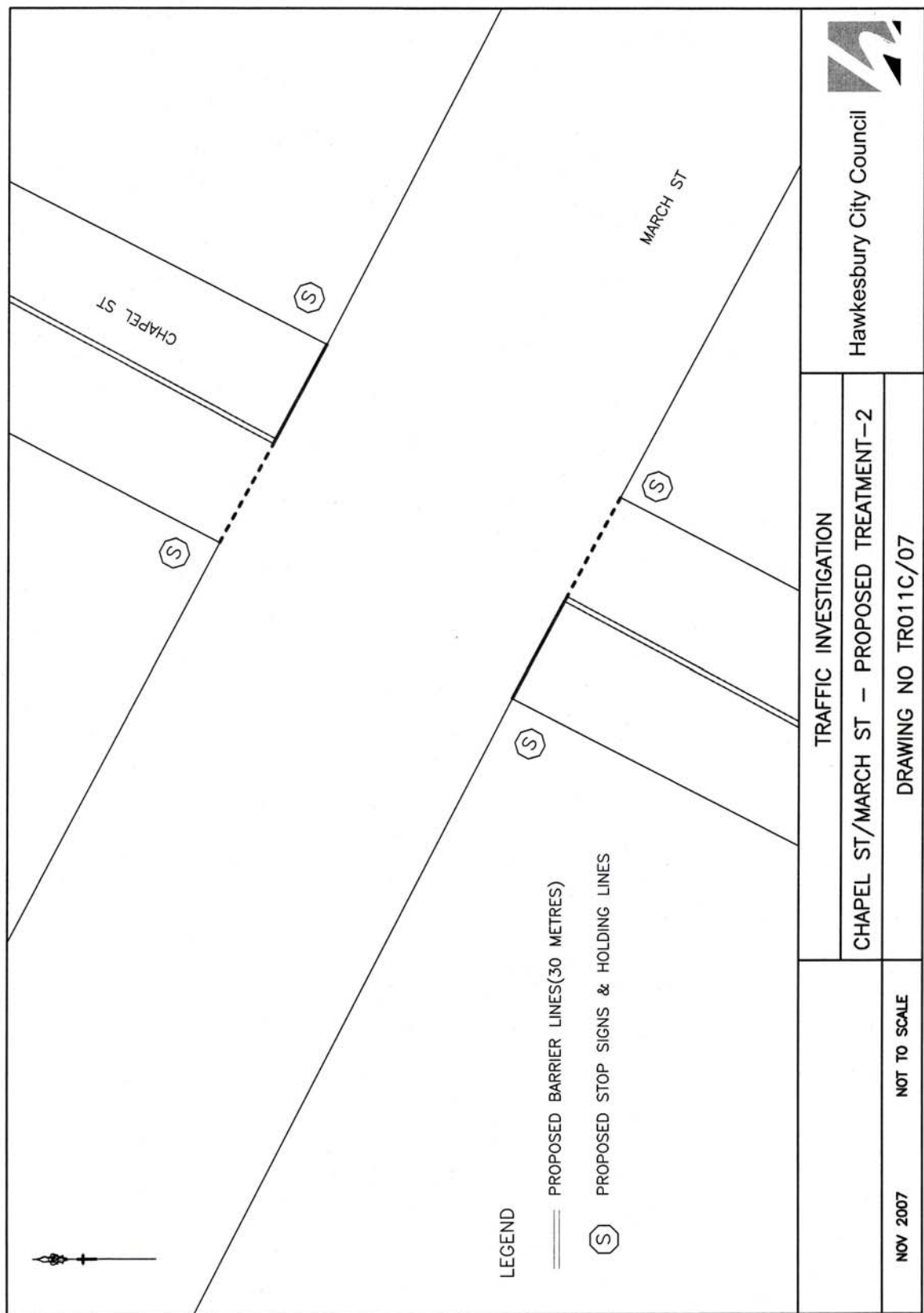
Reports of Committees

AT - 2 Traffic Investigation - Chapel St / Windsor St Intersection - Proposed Treatment - 1; Drawing No. TR011B/07



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Reports of Committees

AT - 3 Traffic Investigation - Chapel St / March St Intersection - Proposed Treatment - 2; Drawing No. TR011C/07



ORDINARY MEETING
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SECTION 3 - Reports for Information

Item 3.1 LTC - 21 November 2007 - Item 3.1 - Local Traffic Committee 2008 Calendar - (80245)

REPORT:

The following 2008 Local Traffic Committee Meeting Calendar is submitted for notation in member's personal diaries:

16 January 2008
20 February 2008
19 March 2008
16 April 2008
21 May 2008
18 June 2008
16 July 2008
20 August 2008
17 September 2008
15 October 2008
19 November 2008.

RECOMMENDATION:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 4 - General Business

Item 4.1 LTC - 21 November 2007 - Item 4.1 - Parking Issues on Richmond Road, Windsor Downs - (80245)

James Suprain

REPORT:

Advised that the Roads and Traffic Authority have received correspondence from Ms K Vella regarding parking issues on Richmond Road adjacent to the Windsor Downs Estate. The Roads and Traffic Authority will determine what actions can be taken following review by their Policy section.

RECOMMENDATION:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SUPPLEMENTARY REPORTS

Item 2.4 LTC - 21 November 2007 - Item 2.4 - DA0995/06 - Proposal for Occupation of Existing Floor Space as Restaurant (Oporto) and Associated Drive Through - No. 5/244 Richmond Road (Hawkesbury Valley Way), Clarendon - (Hawkesbury) - (80245, 96329)

REPORT:**Introduction**

Development Application No. DA0995/06 has been received seeking consent for the modification of the existing service station/convenience store building to accommodate an Oporto dine-in/drive through restaurant at 244 Richmond Road (Hawkesbury Valley Way), Clarendon. The restaurant is to be located within the northern portion of the existing Shell service station/convenience store building. The proposal incorporates the following:

- Construction of a drive through awning to the rear (west) of the convenience store building;
- Provision of drive through windows within the existing rear (western) and side (northern) walls of the convenience store building;
- Fitout of the northern portion of the convenience store building; and
- Provision of signage.

The proposal also involves the utilisation of the existing access roadway situated at the rear (western) side of the convenience store building for a drive through facility. In addition, the application proposes to utilise a combination of parking situated immediately adjacent to the eastern side and to the south of the existing convenience store building for the restaurant use.

Directional signposting and line marking is to be provided, within the site, adjacent to the existing service station forecourt and convenience store building to delineate vehicular movements to/from the proposed drive through facility.

Traffic and Parking Assessment - Thompson Stanbury Associates

A traffic report *Traffic and Parking Study Proposed Oporto Dine in/Drive Through Restaurant 244 Richmond Road Clarendon* and supplementary statement *Development Application No. DA0995/06 'Oporto' Restaurant & Drive Through Facility* prepared by Thompson Stanbury Associates, dated September 2007 and 13 November 2007 respectively. A copy of the traffic report, supplementary report and plans are attached (Dataworks Doc. No. 2604122 and 2639808). These reports provide the following assessment having regard to the proposed development:

Access Arrangements

The application proposes to utilise the existing service station access arrangements consisting of separate ingress and egress driveways leading off Richmond Road (it is noted that the ingress driveway has been provided with a deceleration lane associated with the west bound direction of travel). The site is also connected by an ingress/egress driveway and associated Right of Carriageway leading onto Racecourse Road.

Internal Circulation

Vehicle movement and access within the site will largely be confined to the existing driveways and car parking areas situated on the site. The drive through is to be accessed via the existing roadway adjoining the southern wall of the service station convenience store where a new awning is to be provided housing a menu board. A second awning above an ordering window is proposed to be provided at the western side of the convenience store. A third awning with collection window is to be constructed at the northern side of the building with all these areas being linked via an existing driveway.

Upon collection of food the driveway design provides a linkage to the service station forecourt between the existing car parking spaces and the egress driveway. A waiting bay is proposed to be provided to the north of the existing car parking spaces situated adjacent to the north of the existing car parking spaces fronting the service station. The drive through roadway has a width of 3m incorporating 300mm kerb satisfying the minimum requirements for a one-way roadway contained in AS2890.1-2004. Additional width has been provided around the curves situated adjacent to the north-western and south-western corners of the building to assist in vehicle turning manoeuvres.

Passenger vehicle swept paths based on a B85 turning template (AS2890.1-2004) are demonstrated on the architectural plans. The information provided also demonstrates manoeuvring around the waiting bay.

It is noted that the alignment of the drive through, at the point of exit onto the service station forecourt, provides good view lines to vehicular traffic within the forecourt area and site egress driveway.

Service Vehicles

The service vehicle arrangements associated with the proposal are described as follows:

- Deliveries will be undertaken by a small rigid refrigerated truck; and
- Up to two deliveries will be made per day during non peak operational periods (most likely between 9.00am - 12.00pm and 2.00pm - 4.00pm).

Service delivery vehicles are proposed to be accommodated within the existing convenience store loading located to the immediate south of the convenience store building.

Existing Traffic Conditions

The site is situated at the southern side of Hawkesbury Valley Way immediately to the east of the intersection with Racecourse Road. Hawkesbury Valley Way is an existing State Road under the care and control of the RTA. Hawkesbury Valley Way provides one (1) through lane in each direction separated by a double centre line. The pavement also accommodates formed 2 - 3 metre wide shoulders providing a total carriageway width of approximately 10 metres. A posted speed limit of 70km/h applies along the site frontage.

In the vicinity of the site, the Richmond Road (HVW) pavement accommodates a deceleration lane assisting left turn movements into the site and a further deceleration lane has been provided in conjunction with left turn approach onto Racecourse Road. In addition, an exclusive right turn lane is provided within the Richmond Road (HVW) pavement on approach to its junction with Racecourse Road.

To the west of the site Richmond Road (HVW) forms a junction with Racecourse Road under a major/minor priority control with Richmond Road (HVW) forming the priority route Racecourse Road generally provides an unmarked two (2) lane road accessing Clarendon Railway Station, Hawkesbury Racecourse and land to the south. At the intersection with Richmond Road (HVW) the north and southbound carriageways have been separated. A level crossing across Richmond Railway Line is situated on Racecourse Road approximately 90 metres south of the intersection with Richmond Road (HVW).

Average Annual Daily Traffic

It is estimated that 22,215 average annual daily traffic movements apply to Richmond Road (HVW), based upon an extrapolation on the increase between 1999 and 2002 figures published by the RTA of 21,379 and 21,688 respectively.

Intersection Efficiency

The adjacent intersection of Richmond Road (HVW) and Racecourse Road currently operates with a Level of Service A during the afternoon peak period. Notwithstanding the above, the Racecourse Road approach to this intersection was modelled to provide motorists with a Level of Service C which requires an accident analysis to be undertaken. The RTA have advised that there have been two (2) recorded accidents at this intersection in the last five (5) years. Accordingly, it is considered that the level of safety at this intersection is reasonable.

Car Parking Provision

Eighty four (84) car parking spaces have been provided on the subject site. The existing car parking provision is summarised as follows:

- Nine (9) spaces are provided to the immediate east of the existing service station/convenience store building, herein referred to as the service station car parking area;
- Twelve (12) parking spaces are provided to the south of the service station; and convenience store building (and to the west of the car wash); and
- Sixty three (63) parking spaces are provided to the south of the car wash.

Existing Car Parking Utilisation

The initial traffic and parking study surveyed car parking demand and the supplementary report provided further analysis in relation to car parking utilisation rates associated with the site. The surveys detailed that car parking demand ranged between sixty eight (68) and seventy (70) spaces thereby providing a minimum spare capacity of fourteen (14) spaces.

Projected Traffic Generation

The Guide to Traffic Generating Developments (section 3.7.1 - Drive-In Take-Away Food Outlets) provides that *the general guidelines as presented provide a basis for assessment. If these guidelines are considered to be inappropriate in circumstances, the applicant should prove why other rates might be more appropriate, preferably through comparison with other similar uses.*

In this regard an existing 'Oporto' outlet (Smithfield Road, Smithfield) adjoining a service station development was surveyed. This survey site provided a similar mixed service station and drive in/drive through restaurant to that proposed. Accordingly, it is anticipated that patronage travel characteristics would be similar to that generated by the proposal.

The highest hourly evening traffic generation of the surveyed facility was thirty six (36) vehicle trips.

The current number of vehicles entering and exiting the service station was surveyed as fifty two (52) during the afternoon peak hour (4.00 - 5.00pm)

Traffic Implications

The report by Thompson Stanbury Associates provides that it is unlikely that the additional traffic accessing the site to/from Richmond Road (HVW) would have any unreasonable impacts on the operation of the surrounding road network.

Parking Implications

Hawkesbury Development Control Plan 2002 provides the following having regard to parking requirements for free standing fast food restaurants:

- 1 space per 6m² of service area or 1 space per 3 seats, whichever is the greater, plus
- 1 space per 2 employees.

The parking requirements for restaurants, reception centres and refreshment rooms are:

- 1 space per 20m² of GFA in all other zones other than commercial zones or one space per three seats, whichever is greater.

The Traffic Report details that such parking requirements appear to be based upon the *RTA Guide to Traffic Generating Developments* which specified significant parking requirements for outlets having an overall higher generation rate such as McDonalds and KFC. In this regard it is considered appropriate to consider car parking demand of a similar facility in order to determine the parking implications associated with the proposal. The report provides that an overall car parking demand of eight (8) spaces should be applied in the circumstances and that the site provides suitable capacity to accommodate the additional parking demand proposed to be generated by the proposed development.

Assessment

It is noted that in conjunction with the assessment of Development Application No. DA0499/05 at No. 208 Richmond Road (HVW) for the purpose of a Child Care Centre the traffic assessment submitted detailed a morning peak hour generation of twenty seven (27) vehicle movements and an afternoon peak generation of twenty four (24) vehicle movements. On the basis of this assessment, a condition of approval by the RTA required that a Auxiliary Right Turn Lane (AUR) be constructed in association with the proposed works.

The traffic report submitted in conjunction with the subject application provides that a maximum traffic generation of thirty six (36) vehicles during the afternoon peak is anticipated from the proposed outlet. Given that this exceeds the generation rate anticipated in association with the childcare centre it is considered that a AUR is also appropriate for this development.

An appropriate construction and compliance certificate will be required for the works, depending on the RTA's requirements.

A condition is also included to require suitable directional line marking and signage within the site, and for pedestrian access from the common car parking area to the south to be addressed.

RECOMMENDATION:

That the application be supported and that the following conditions be included in the Development Consent Conditions:

1. Based on the projected peak traffic generation by the development, a type 'AUR' intersection layout shall be constructed in Richmond Road (Hawkesbury Valley Way) in front of the exiting service station entrance. This is to include as a minimum kerb and gutter on the northern side of Richmond Road (Hawkesbury Valley Way) for the full frontage of the development site.

The design requirements of the 'AUR' intersection treatment shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of design plans shall be submitted to the RTA for consideration and approval prior to the release of the construction certificate and commencement of road works.

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The developer shall be responsible for all public utility adjustment /relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.

The RTA fees for administration, plan checking, civil and sign inspections and project management shall be paid by the developer prior to the release of the approved road design plans.

2. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the traffic guidance scheme is to be approved by the Roads and Traffic Authority before submission to Council.
3. All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.
4. Directional line marking and signage is to be provided to reduce the potential conflict between vehicles entering the site to utilise the fast food outlet and those entering the service station. Give way line marking and signage is to be provided at the exist to the drive through to avoid conflict with vehicles exiting the service station. The provision of safe pedestrian access from the common parking area to the south of the outlet is also to be addressed.
5. The type 'AUR' intersection shall be fully constructed prior to the issue of any Occupation Certificate.

APPENDICES:

- AT - 1** Traffic and Parking Study Proposed Oporto Dine in/Drive Through Restaurant 244 Richmond Road Clarendon, prepared by Thompson Stanbury Associates - Dataworks Doc. No. 2604122 (*to be distributed at meeting*).
- AT - 2** Supplementary Statement - Development Application No. DA0995/06 'Oporto' Restaurant & Drive Through Facility, prepared by Thompson Stanbury Associates -Dataworks Doc. No. 2639808 (*to be distributed at meeting*).

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Wednesday, 16 January 2008 at 3.00pm in the Large Committee Rooms.

The meeting terminated at 3.45pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees



ordinary
meeting

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