



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 11 December 2007

location: council chambers

time: 5:00 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

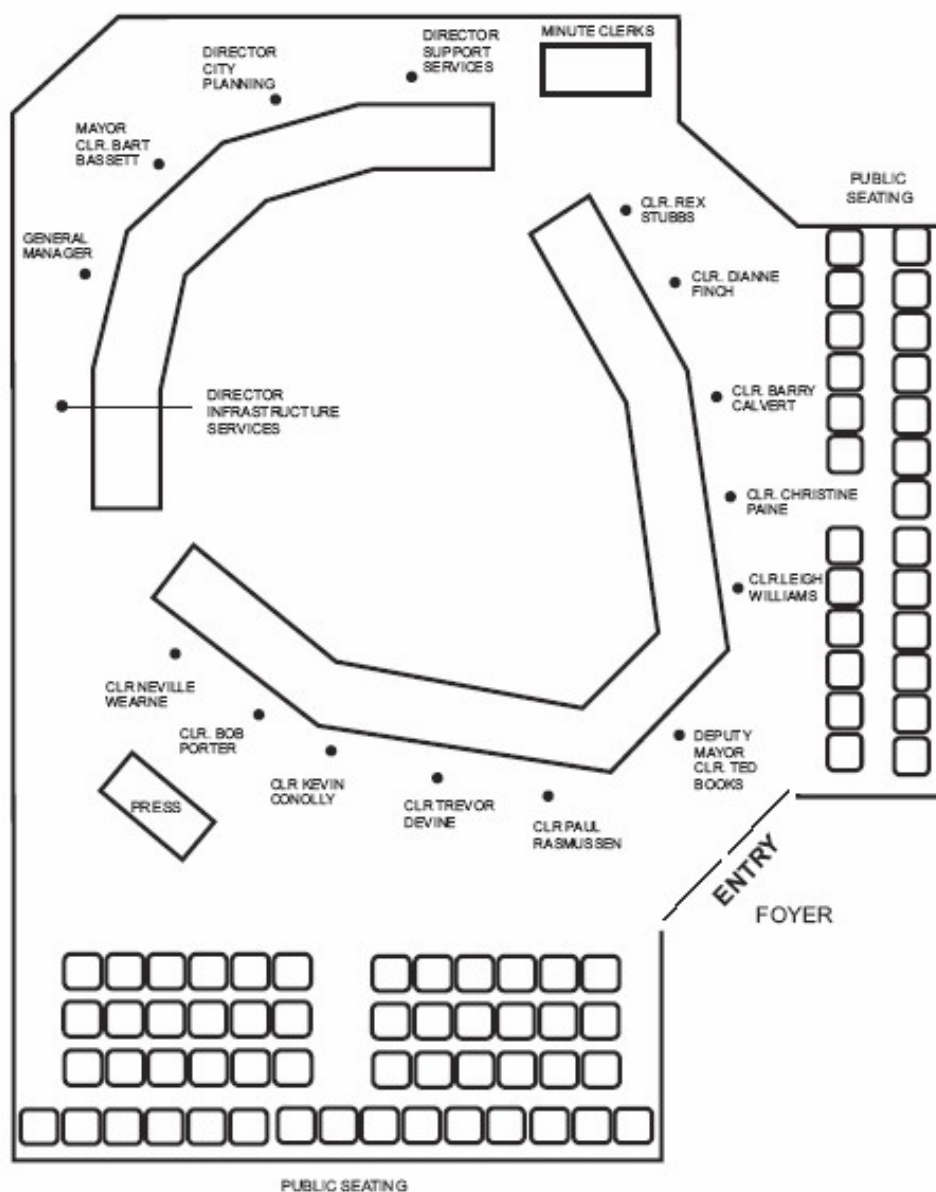
Website

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

Further Information

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

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- **INTRODUCTION OF SES MEMBERS AND PRESENTATION OF CERTIFICATES**
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SECTION 2 - Mayoral Minutes

MM - Congratulations to the Hawkesbury State Emergency Service (SES) following National Disaster Rescue Competition - (79353, 20239)

REPORT:

On the weekend of 3 & 4 November 2007, a team of 6 Hawkesbury State Emergency Service (SES) volunteers, represented New South Wales at the National Disaster Rescue Competition in Bunbury, Western Australia. The Hawkesbury SES earned the right to represent New South Wales and defend their current National title after winning the NSW State competition held in Wollongong in August this year.

The Hawkesbury SES Team took out first place in this National Competition with a winning score of 624 points. Personal recognition was also received by the Team Leader, David King for being awarded best Team Leader and Elizabeth King for achieving second place in the category for best First Aider.

It is recognised that this is a challenging competition and the teams are required to put in extra hours of training in preparation for the national competition. The commitment and hard work of the Team Leader, David King and his team of Mat Thornton, Elizabeth King, Carrie Smith, Tegan Cohen and Ryan Jones is commended.

It is also recognised that a group of Hawkesbury SES supporters of Helen Boddy, Maureen King and Mel Brown also travelled to Bunbury to offer encouragement to their fellow team members and cheer them on to victory.

On behalf of all Councillors, I would like to formally commend the wonderful achievement by the Hawkesbury SES Team. Congratulations to Mr Kevin Jones, Local Controller, Hawkesbury SES and all team members; David King (Team Leader), Mat Thornton, Elizabeth King, Carrie Smith, Tegan Cohan and Ryan Jones on this fantastic achievement at the National Disaster Rescue Competition.

RECOMMENDATION:

That the Mayoral Minute regarding the success of the Hawkesbury SES Team at the National Disaster Rescue Competition held 3 & 4 November 2007 in Bunbury Western Australia be received and that a formal letter and certificate of congratulations be forwarded to the SES Local Controller, Mr Kevin Jones.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Mayoral Minutes

MM2 - Volunteer Recognition - Garden Area within Bicentennial Park - (79353)

REPORT:

There are numerous people throughout the Hawkesbury who undertake many hours of community work on a voluntary basis. Some of these people are recognised through various means including newspaper articles, Citizen of the Month and recognition by various bodies. There are also many people who go unrecognised for their contribution to the community. In an effort to provide recognition to all those people who undertake voluntary work, I am proposing that a small garden be set aside and formally recognised as a tribute to those people.

There is a garden area surrounded by pathway to the west of the Visitor Information Centre and adjacent to the exit to the carpark which, with a small amount of upgrading and the installation of appropriate signage could be identified for this purpose. In recognition of the volunteers to the Hawkesbury Community, I commend this action to Council.

RECOMMENDATION:

That the small garden area within the Bicentennial Park, to the west of the Visitor Information Centre and adjacent to the carpark exit, be suitably upgraded and signage provided to identify the area as "Volunteer Garden" in recognition of all those who undertake voluntary work to support the Hawkesbury Community.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

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SECTION 3 - Notices of Motion

NM1 - Provision of Skip Bins within the St Albans area - (80104, 95498)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That consideration be given during the 2008/2009 budget process to supplying skip bins within the St Albans area to facilitate the ready removal of accumulated rubbish.

BACKGROUND:

The MacDonald Valley Association have requested this service following floods in the valley earlier this year and Council agreeing to supply skip bins to remove flood debris. The Association have advised that this measure was effective, successful and popular, and if made available would help to prevent indiscriminate dumping within other areas.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM2 - River Summit - (79351, 90480, 90476, 90477, 80108)

Submitted by: Councillor T Books
Councillor T Devine
Councillor B Porter
Councillor R Stubbs

NOTICE OF MOTION:

That Council endeavour to conduct a "River Summit" including all interested parties, such as relevant Ministers, local members of parliament, councils, the Catchment Management Authority, LGAG and commercial representatives, with a view to investigating actions that can be taken, such as appropriate dredging, to improve water quality, reduce and control weed infestation and enhance access to this most important community asset.

COMMENTS:

The continuing deteriorating condition of the Hawkesbury River system is a growing concern to the community. Council should take all and any action possible to facilitate an improvement to both the condition and ongoing management of this community asset.

Siltation build up in river channels needs to be investigated to see what impact it has on overland flooding.

Scientific information tabled at the Flood Plain Conference, Narooma in February 2005 stated that not keeping channels clear can have up to 3 metres of impact to overland flooding. If this is found to be relevant to the Hawkesbury and no action is taken who will be liable.

Council should be investigating all possible actions that could lead to improving the river system. At present, community access to the river is being reduced due to its deteriorating condition with commercial interests being seriously affected. For example, at present farmers are experiencing difficulty with equipment being blocked or damaged due to weed infestation.

There are, no doubt, a number of actions that can be taken to improve the situation, including dredging to improve river flows while at the same time providing a revenue stream that could assist further river improvements and rehabilitation. Council can be in a position to take the lead in this area and the organisation of a "River Summit" could be the first step in this process. However, it is vitally important that such a Summit is attended by all organisations and persons who have an interest in the river system.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 276 GM - Meetings of Council - January and February 2008 - (79351)

REPORT:

With regard to meetings of Council, Council's Code of Meeting Practice provides that meetings be held on the second and last Tuesday of the month with the exception of December and January where the last and first meetings, respectively, are not held.

In addition, for some time now when a regular meeting would normally be held on the day following a public holiday a meeting is not scheduled on that day. This type of event normally occurs approximately twice a year.

In 2008 the first Council meeting would normally be held on Tuesday, 29 January 2008, however, the preceding Monday, 28 January, is the Australia Day Public Holiday. In line with past practice, it would be desirable not to schedule a meeting for this particular Tuesday. Not only is it the day after a public holiday the long weekend, it is also the end of the school holiday period. Members of the public who may attend the meeting or who may have an interest in a matter on the agenda may only return from holidays on that weekend and not have the opportunity to view the meeting agenda before the actual meeting.

It would be possible for a meeting not to be held on this date, as is the current practice, however, the first meeting in 2008 would then normally be held on Tuesday, 12 February 2008. This may be too long a break from the preceding meeting, namely Tuesday, 11 December 2007.

Accordingly, to overcome this difficulty it is suggested that the meeting normally scheduled for Tuesday, 29 January 2008 not be held; that the meeting normally scheduled for Tuesday, 12 February 2008 be rescheduled to Tuesday, 5 February 2008; that the normal scheduling of meetings resume from Tuesday, 26 February 2008 and the first Councillor Briefing Session for 2008 be held on Tuesday, 12 February 2008.

Conformance to Strategic Plan

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

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

Funding

Not applicable in this case.

RECOMMENDATION:

That the:

1. Meeting of Council normally scheduled for Tuesday, 29 January 2008 not be held.

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2. Meeting of Council normally scheduled for Tuesday, 12 February 2008 be rescheduled to Tuesday, 5 February 2008.
3. Normal scheduling of meetings of Council resume from Tuesday, 26 February 2008
4. First Councillor Briefing Session for 2008 be held on Tuesday, 12 February 2008.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 277 GM - National Framework for Women in Local Government - (105808, 79356, 79351)

REPORT:

In 2006 the Australian Local Government Women's Association (ALGWA) received funding from the Australian Government Women's Leadership and Development Program to review the 2001 *National Framework for Women in Local Government*.

The ALGWA commissioned the University of Technology Sydney (UTS) Centre for Local Government to undertake the research and analysis for the review which resulted in consultation with representatives from councils throughout Australia through an online survey conducted in August 2006 and a National Roundtable in February 2007. The review has identified policies and initiatives that have been put in place to support women's participation in Local Government, but whose actions have not translated into an increased number of women in either elected or professional positions.

Key Findings of the research found that:

- The National Framework for Women in Local Government is widely acknowledged but in many cases not actively pursued.
- Whilst many policies and other initiatives have been put in place, these steps are yet to be translated into an increased number of women in local government, both at the elected level and in the professional positions.
- The percentage of women elected representatives nationally is around 29%.
- 20% of women working in local government are in a professional capacity and this proportion has not changed since 1996.
- The need for diversity and encouraging women to participate in local government is fully acknowledged and supported across all levels of government.
- There is far more information available today than in 2001 to support women in local government and much is available electronically.
- There are many training and information programs run by State Departments and Associations to assist both elected members and officers.
- The strengthening of Codes of Conduct for councils has created a better environment for women, but codes need to be more actively enforced.
- There have been some improvements in payments of expenses to assist elected members (eg childcare and mobile phones).
- Time constraints are one of the biggest barriers to full participation by women.
- There is a strong need for more encouragement and opportunities for networking amongst women in local government.

The Association has now asked for Council's views on the issues raised in the resulting document *Review of the National Framework for Women in Local Government - The Way Forward* and to actively develop and implement the strategies presented. These are strategies that can be implemented at the three levels of Government to increase women's participation in Local Government.

Council's background on this subject

At its Ordinary Meeting of 9 November 1999, Council resolved to accept the Terms of Reference, Structure and Membership of the Hawkesbury Equity and Access Planning Committee.

The Committee was established to assist Council to improve its capacity to provide accessible and equitable services and facilities. One of the endorsed Terms of Reference of the Committee required the Committee to develop a *Statement of Equity Principles*, which would clearly articulate Council's commitment to applying the principles of equity and access in the execution of its functions.

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On 10 October 2000, Council adopted a Statement of Equity Principles which outlined, in part, a Statement of Commitment that *"we acknowledge that in Local Government women are under represented both as elected members and as senior members of administrations, and that their increased participation in both of these arenas should be encouraged."*

Other sections of the statement included:

2. *We agree to review our own policies and practices to ensure that no discrimination or impediment exists, and will take action to ensure that barriers to women's full participation in Local Government are removed.*
3. *We will work to create and support an environment in Local Government which is harassment-free and that encourages the expression of and respect for a wide range of views.*

Goals

1. *To increase the number of and participation of women in Local Government so that Councils more clearly represent and/or reflect the communities they serve, by:*
 - (a) *Increasing the number of women as elected members and Mayors, and*
 - (b) *Increasing the number of women as CEO/General Managers, second and third level managers.*

Objectives

1. *To create Councils and communities where women feel able to fully participate and share their skills, knowledge and experience.*
2. *To work towards harassment-free, participative Councils where opinions and differences are respected*
3. *To develop a climate of understanding among Councillors, CEOs/General Managers and senior staff of the need for the initiatives in this framework and to enlist their support.*
4. *Where women choose women-only training and networking, to gain acceptance and support of their participation in these activities.*

After the Minister launched the National Framework for Women in Local Government in March 2002, Council resolved (in part) at its Ordinary Meeting 7 May 2002 to endorse the Statement of Commitment Goals and Objectives and for Council to continue to develop and implement strategies to enhance the level of participation of women in Local Government. It also resolved to have the goals and objectives imbedded in the Council's Access and Equity Policy. As part of the current Policy Register Review, it is recommended Council review the Statement of Equity Principles in light of these recommendations.

Throughout this time and beyond, Council has implemented a number of initiatives for staff, councillors and the community to meet these objectives. These include:

- In August 2001, despite the Australian Local Government Association not endorsing a position for all NSW Councils to provide *"no less than 12 weeks full paid maternity leave to employees who have given at least 12 months service"*, Council adopted a Maternity Leave Policy which benefits the organisation by assisting to attract and retain skilled and experienced staff. It also assists in maintaining a sound and stable organisational knowledge base whilst providing the employee with some financial security and continued career development.

The policy provides for payment of maternity leave on the basis of (3) three weeks for each year of service to a maximum of 12 weeks as compared to the provisions of the Award that provides for 9 weeks leave. At least one senior executive has taken advantage of the policy, returning to work on a jobshare basis after 12 months maternity leave with 20 others taking advantage of the provision with

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over 80% returning to work in either part time or full time capacity, ensuring that training and recruitment costs are kept down and the skills of the workforce are not lost.

- Training for all staff on various EEO topics including mandatory attendance by all HCC staff to attend Discrimination and Harassment Prevention Workshops in 2004.
- Council undertook a review of its EEO policy in September 2004.
- In 2005, Council participated in a WSROC funded Young Women's Leadership program, which provided mentoring, training and opportunities for young women in Western Sydney.

Three female Council staff members were involved as mentors who shared their experience, knowledge and lessons. The participants gained additional levels of confidence, skills and knowledge to speak out and participate in decision-making positions.

In 2007 Council joined the program again, this time with a junior member of staff as a mentee.

- Council instigating a Frontline Management Program in 2005 across Council encouraging supervisors and prospective supervisors to undertake studies to attain formal recognition of their skills. Nine women signed up for the course representing over half of the participants in the program.
- Both of the two current female Councillors are members of the Australian Local Government Women's Association and continue to support the initiatives this association encourages for women in leadership positions.
- In March 2005, the former Deputy Mayor Cllr Dianne Finch was appointed as an executive member of this Association's committee and continues to be an ambassador for women in decision-making positions and encouraging other women to follow her lead.

In this same month she was awarded a Highly Commended UWS Women of the West Award, which was introduced by the University to recognise and pay tribute to women who are committed to the advancement of Greater Western Sydney. The presentation took place appropriately on International Women's Day.

- A number of other milestones have been achieved in recent years relating to official appointments of female staff into leadership positions including the Council's first female Director being appointed in June 2005. Other women appointed to executive roles include: the Gallery and Museum Director in late 2004 and again in 2007, the Manager Corporate Communication in March 2005, the Chief Financial Officer in April 2005, Cultural Services Manager in 2007 as well as numerous other Managerial and Supervisory roles across the organisation.

Council continues to actively support the participation of women in the workforce through the provision of child care services to the community. Council has previously directly operated child care services and expended over \$1.2M annually in operating these services. While this situation will change slightly in the near future due to the transfer of these services to Peppercorn Services Inc, Council will continue to have a project management role in the implementation of this important service in the community.

Council also supports the operation of many community based child care services through the construction and provision of purpose-built child care centres throughout the City.

Council also works closely with women's groups within the City to develop and fund new initiatives and activities aimed at improving the participation of women in the community.

In May 2006, the then Minister for Local Government the Hon. Kerry Hickey, wrote to Council encouraging an increase in the representation of women in local government. The Minister at this time also requested to be advised on what measures Council was implementing to further this aim. The Minister was advised in terms of the information provided as above.

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According to the outcomes of the National Framework for Women in Local Government review, it is for local councils themselves to bring about essential changes to culture and governance that will promote and underpin increased participation by women. Although this can happen through stronger, mandatory provisions in legislation and regulations enforced by State governments, strategies are encouraged to be put in place through a proactive voluntary approach.

Conformance to Strategic Plan

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

"Objective: Establish processes that build community capacity to identify and respond to diversity and difference."

Funding

Nil required at this stage. Once an implementation plan for the Action Plan is developed, financial impacts would need to be considered in future budgets.

RECOMMENDATION:

That:

1. Council reply to the Australian Local Government Women's Association commending them on their review.
2. A review be undertaken of the Statement of Equity Principles in light of the *Review of the National Framework for Women in Local Government*.
3. Using the Gender Matters Checklist as a guide, Council develop an Action Plan to investigate and allocate responsibilities for some of the strategies and initiatives that are suggested in the review, in order to increase access and representation of women in elected and senior professional roles within the organisation.

ATTACHMENTS:

AT - 1 Review of the National Framework for Women in Local Government - The Way Forward Gender Matters Checklist

AT - 1 Review of the National Framework for Women in Local Government - The Way Forward
Gender Matters Checklist

**Gender Matters Checklist from the
2006 Review of the National Framework of Women in Local
Government**

Local Council voluntary strategies

- Ensure effective implementation of existing (and where necessary, strengthen) legislative provisions and voluntary codes of conduct intended to promote an inclusive organisational cultural, equal opportunity and good governance.
- Establish personal leadership roles for the Mayor and CEO in bringing about increased women's participation and ensuring appropriate pattern of behaviour in management and decision-making
- Ask women in the organisation - both staff and councillors - what needs to be changed and develop an action plan
- Include specific strategies for increased women's participation in council strategic and corporate plans, using existing frameworks such as the Australian Business Excellence Framework
- Use the "Gender Matters" Checklist to assess progress
- Participate in the proposed "Gender Matters" program to be set up by the ALGA.

One of the ways the review has encouraged Councils to tackle this framework with the purpose of taking a more rigorous approach, is to answer a list of questions in the Gender Matters Checklist. The questions and Council's response to these are below:

Strategies for both women staff members and councillors

- Has council adopted the goals and objectives of the National Framework for Women in Local Government and clearly allocated responsibilities for their implementation?
- Is a suitable Code of Conduct in place? Is it actively enforced and monitored, with disciplinary procedures in place, to bring respect and dignity to council meetings?
- Has council adopted an effective EEO action plan? Is it regularly reviewed and updated as required? Are outcomes measured and reported?
- Are mentoring programs available for women councillors and staff?
- Do the Mayor and General Manager actively espouse and enact values of supporting equality?
- Has council taken steps to discourage information decision-making outside meetings that excludes minority views?
- Are council and other council- related meetings time to finish by 11pm? Does council report on diversity at the senior officer and elected member levels?
- Is there real equal access to training opportunities for women officers and councillors?

Strategies for women councillors

- Has council set the level of the elected members allowance at the top of the range?
- Does council provide the maximum possible reimbursement of councillor expenses including childcare and travel allowances?

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- Does council provide appropriate support for councillors, such as equipment (computers, mobile phones), administrative support to establish a home office, councillor office space at the council administration centre etc?
- Does council provide cab- charge vouchers or other adequate transport arrangements for councillors travelling at night?
- Does council's website provide information on how to become a councillors, or link to another informative website?
- Has council formulated and adopted position descriptions for councillors? Is there a comprehensive induction program for all new councillors?
- Is there a buddy system for new councillors to learn from more experienced colleagues?
- Is there a training plan for all councillors and is it adequately resources?
- Is there an effective process for dealing with bullying and harassment complaints by elected members?

Strategies for women staff members

- Does council actively implement a home- based work policy? What proportion of staff at all levels regularly work from home as an agreed part of their employment conditions?
- Does council offer flexible working hours at the workplace? What proportion of staff at all levels take advantage of that system?
- Has council designated a senior staff person as holding the "women's portfolio" within council?
- Are women included in all job selection panels?
- Are there priority childcare places for staff in council childcare centres and family day care schemes?
- What support is provided for women returning from maternity leave?
- To what extent can women access higher duties opportunities?

oooO END OF REPORT Oooo

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Item: 278 **GM - Former E-commerce / Markets Advisory Committee - Future of Working Groups - (91367, 91811, 79351)**

Previous Item: 30, Ordinary (27 February 2007)

REPORT:

Council at its Meeting on 27 February 2007, considered a report on the E-commerce/Markets Advisory Committee and resolved:

"That Council:

1. *Disband the eCommerce/Markets Advisory Committee;*
2. *Reconstitute the working parties derived by the committee as sub-committees of Council and a further report be submitted regarding the sub-committees.*
3. *Abolish the constitution of the eCommerce/Markets Advisory Committee and formally thank all members of the committee for the work undertaken by them on Council's behalf."*

In regard to resolution 3 above, thank you letters were sent to the former E-Commerce Markets Advisory Committee (EMAC) members in March 2007.

The purpose of this report is to address resolution 2 above, and to provide Council with:

- Background on the working groups; and
- Information on associated issues; with the view to providing Council with more appropriate options for addressing the working groups.

EMAC operated from 25 August 2004 till 27 February 2007, covering a period of two and half years. During its time, EMAC formed the working groups outlined in Table (1) to support the activities of the committee. Most of the working groups were active during the EMAC period and have been operated/monitored by Council Officers since the disbandment of EMAC. Generally, the working groups were created to address project specific matters and to enable Council Officers to meet with EMAC members and project partners to progress day-to-day activities. As such, the reformation of the working groups into the sub-committees or Advisory Committees may not be appropriate.

Council's resolution of 27 February 2007, suggests the possible creation of six new sub-committees or Advisory Committees within its overall committees structure. Having completed a review of the situation, there does not appear to be a need for six new Committees of Council to effectively report on the activities of the working groups. The following working groups can continue to work effectively as working groups (to support Council Officer activities), noting other resolutions of Council that require their activities to be reported to Council, being:

1. RAAF working group,
2. Technology Park working group,
3. Hawkesbury/ Lithgow Tourism Partnership, and
4. Windsor Mall Regulations Review working group (related to other operational functions of Council and disband once matter completed)

In regard to the M-Commerce working group, it is suggested that this working group be disbanded and that technology advancements in m-commerce be considered as part of the Information Technology Unit's activities.

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Table (1) – (former) E-commerce Markets Advisory Committee - Working Groups

Working Group - Council resolution	Participants	Status / comment
RAAF Council resolution: 14/12/04 Explore options for partnerships with the RAAF base.	EMAC members: Clr B. Bassett, Clr R. Stubbs; G. Faulkner, (former) GM, S. Phillips, (former) Dir. Commercial Strategy Non EMAC: F. Mann, Strategic Planner Also attend: M. Ryan, (then) Dir. City Planning	Active , and on hold Force Disposition Study, <i>Modelling the Economic & Social Impacts of Various Scenarios for the RAAF Base Richmond</i> , released 11/08/07.
Technology Park Council resolution: 14/12/04 Explore feasibility of establishing a Tech. Park (inc, industry sector focus, partners, plan/strategy).	EMAC members: Clr B. Bassett, Clr. R. Stubbs, Clr T.Devine, G. Faulkner (former) GM, S. Phillips (former) Dir. Commercial Strategy Non EMAC: F. Mann, Strategic Planner	Active , and on hold Linked to RAAF working group.
M-Commerce Council resolution: 14/12/04 Explore the feasibility of creating an m-commerce industry.	EMAC members: J. Melton, Telstra, (then) Chairperson, S. Phillips (former) Dir. Commercial Strategy - CRU representative.	Inactive , due to departure of Chairperson & changed Organisational Structure
Bridge-to-Bridge Festival - Putting Hawkesbury on the Map Council resolution: 31/05/05. Feasibility of an integrated marketing program based on a series of sporting competitions &/or community events that is a commercial proposition.	EMAC members: Clrs: T. Devine, B. Crockford, Z. Hope Council staff: (as directed): S. Philips, F. Mann Also attended: Councillors B. Bassett, B. Porter, Hawkesbury Tourism representative (then under contract)	Active
Hawkesbury/Lithgow Tourism Partnership Council resolution: 9 November 2004	EMAC members: Clr B. Bassett, Clr R. Stubbs; two Lithgow Council councillors, two council GMS, Hawkesbury Tourism representative and Lithgow tourism representative. Also attended: S. Phillips, (former) Dir. Commercial Strategy, F. Mann, Strategic Planner	Active
Windsor Mall Regulations Review Council resolution: 13 March 2007 Conduct a review of the Windsor Mall Regulations, which maybe incorporated into [static display policy].	EMAC members: Clr T. Devine, R. Ewins Council Officers: F. Mann, Strategic Planner Other: Hawkesbury City Chamber of Commerce, Windsor Business Group, Windsor Craft Markets	Inactive , flagged to start Linked to review of Council's Policy Register & Outdoor Eating/ Entertainment Policy.

In regard to the Bridge to Bridge Festival working group, it is suggested that this working group should be retained as an Advisory Committee. This would enable Council to give more support to the concept and to explore its broader potential for economic, promotion/ marketing, tourism, community welcoming and sporting spin-offs.

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"

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"Service Statement: Facilitate economic development and growth via strategies that build local workforce capabilities; support success through modern infrastructure; and attract new investment."

RECOMMENDATION:

That:

1. Further to Council's resolution of 27 February 2007 the working parties of the former E-commerce/ Markets Advisory Committee continue as such, if necessary, and be reported to Council as required with the Bridge-to-Bridge working group being established as an Advisory Committee.
2. A further report regarding the composition, constitution, resourcing implications and operation of the Bridge-to-Bridge Advisory Committee be submitted to Council and in the intervening period the existing working group continue to operate.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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**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.

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

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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**

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

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Meeting Date: 11 December 2007

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

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

oooO END OF REPORT Oooo

Item: 280

GM - Review of Council's Strategic Plan - (79351)

REPORT:

Following the establishment of the then Strategic Planning Committee in April 2004 the Council's current Strategic Plan was adopted by Council in February 2005.

The Plan was developed for a period to 2009, however, many of its targets have been influenced by organisational changes; financial difficulties and staff changes/reductions. Also, the Plan's targets and directions are reducing towards the Plan's conclusion in 2009. Accordingly, it is proposed that a process to review the Strategic Plan should now be commenced.

In relation to the strategic planning activities of Councils, in November 2006 the Department of Local Government (DLG) released an Options Paper entitled "Integrated Planning and Reporting for NSW Local Councils". This Options Paper considered three options for a strategic planning and reporting framework for NSW councils, namely:

- Option 1 - Maintain the status quo.
- Option 2 - Add to the existing framework.
- Option 3 - Reshape the framework.

Of these, Option 3 proposes to replace existing framework to strengthen the strategic focus within councils, streamline planning and reporting processes and encourage integration with various plans. This proposed model is designed as a continuous framework of strategic planning, rather than a static planning model. The option is also based around and encourages community and councillor participation.

It would appear that Option 3 is favoured by the DLG with the suggestion that it will be the subject of legislative change during the second half of 2008. Diagrammatically, the options paper represents this process as follows:



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The Options Paper suggests the Strategic Plan proposed under Option 3 would focus on building a sustainable future for the community and Council's role in that. Key elements of the Strategic Plan would included:

- "Social cohesion; a socially mixed community where neighbourhoods are characterised by diversity of income, age, culture and housing tenure etc and there are opportunities to move freely through life's cycles without the need to relocate.
- Functional economy; diverse employment opportunities exist which underpin a quality of life matched with community prosperity expectations.
- Robust environment; ecologically balanced with impacts from human activity being accommodated without degradation to the environment.
- Sound infrastructure; facilities and services are matched to community needs."

In addition, it is suggested that all Strategic Plans will be required to include 4 mandatory "themes" being:

- Social
- Environmental
- Economic
- Governance

As stated within the Options Paper "each council would be free to develop its Community Strategic Plan within the context of its own community needs and existing planning and business frameworks, provided that the plan addresses the key themes in some way" and also suggests "this model allows councils the maximum flexibility to develop business systems that suit their own particular needs and to carry out planning and reporting that is the most appropriate for their particular community".

When Council considered a report in relation to the Options Paper at its meeting held on 27 February 2007 it subsequently resolved to make a submission to the DLG in support of Option 3. In addition, at this meeting the Council resolved to disband the Strategic Planning Committee and "In line with proposed legislative changes, all matters of a strategic nature be reported directly to Council".

Whilst Option 3 is understood to be the approach that is favoured the timing and nature of exact legislation changes and the issuing of proposed guidelines are not known. However, it is considered that Council should now commence the process towards the review of its existing, and development of a new Strategic Plan so that it is favorably placed in the future in this regard.

Accordingly, a suggested process to lead toward the development of a new Strategic Plan is as follows and it should be borne in mind that all dates are approximate and are only provided as a general guide and would be subject to ongoing review:

- Councillor workshop to be held late February to mid March 2008.
 - Workshop to be assisted by other directional documents developed by Council and results of Community Survey.
 - Workshop to be guided by independent facilitator.
- Draft reviewed/new Strategic Plan to be developed following workshop.
- Draft to be reviewed at a Briefing Session and modified as necessary – May/June 2008.
- Draft considered by Council and endorsed for exhibition for public comment – June/July 2008.
- Public exhibition – July/August 2008.
- Results of public exhibition reported to Council – August 2008.
- Legislation/DLG Guidelines issued - Unknown but possibly September/October 2008
- Council elections – September 2008.
- New Council to review draft plan in light of legislation/guidelines, if known, and public comments with amendments as necessary – November/December 2008.
- Further Councillor workshop to refine document – February/March 2009.
- Amended draft plan, following review and possible amendment again placed on public exhibition – March/April 2009.
- Council considers further comments received as a result of public exhibition - May/June 2009.

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- Final draft of new Strategic Plan adopted by Council – July/August 2009.
- Associated Delivery Plan and Operational Plan also developed/guided by Strategic Plan.

Conformance to Strategic Plan

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

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

Funding

Costs involved in the process in 2007/2008 can be met from existing budget allocations and provision will be incorporated into the 2008/2009 budget for costs associated with the planning process during that period.

RECOMMENDATION:

That Council commence the process to review its current Strategic Plan on the basis outlined in the report in this regard, having noted the proposals contained within Option 3 of the Options Paper entitled "Integrated Planning and Reporting for NSW Local Councils" issued by the Department of Local Government in November 2006.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Meeting Date: 11 December 2007

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

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

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AT - 2 Site Plan

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AT - 3 Amended Plans

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Attachments Document (Maps)**

oooO END OF REPORT Oooo

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Item: 282 **CP - Development Application - 2 Lot Torrens Title Subdivision - Lot 1 DP 874920, 34 Inalls Lane, Richmond - (DA0185/07, 74563, 95498)**

Previous Item: 260, Ordinary (27 November 2007)

Development Information

Applicant: Falson & Associates Pty Limited
Owner: Mr S Delkou
Zone: Environmental Protection
Advertising: 1 November 2007 to 16 November 2007
One submission received
Date Received: 10 April 2007

Key Issues: ♦ SEPP 1 Objection
♦ Landfill

Recommendation: Approval

REPORT:

Description of Proposal

Approval is sought for the two (2) lot Torrens Title subdivision of Lot 1 DP 874920, 34 Inalls Lane Richmond. The proposed subdivision seeks to create 2 lots with separate access to the existing dwellings located on site. The proposed allotments will have the following areas:

Proposed Lot 1 – 7575m²
Proposed Lot 2 – 7063m²

The proposed access to Lot 1 will be obtained from Inalls Lane and access to Lot 2 will be obtained from Silverburn Avenue. Each Lot will contain one single dwelling.

The Department of Planning gave concurrence to a State Environmental Planning Policy No. 1 objection lodged in conjunction with the application that provided for allotments having areas less than 10 hectares.

Description of the Land and its Surroundings

The existing lot has an area of 1.4638ha and is irregular in shape. The site currently contains two existing dwellings and two sheds with scattered clusters of vegetation. The land level ranges from 11m AHD to 20m AHD.

Background

Development Application No. MA863/00 was submitted on 5 June 2000 seeking approval for unauthorised landfill that had been placed on the site and for restoration works involving topdressing, grassing and landscaping.

This application was considered by Council at its meeting held on 10 October 2000 where it was resolved to refuse the application. Subsequently representations were made in respect of Notices issued by Council to the owner requiring that the fill material be removed. The representations made by the applicant were considered by Council at its meeting held on 12 December 2000 and following consideration of this matter the requirement for removal of the landfill was upheld.

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Following the consideration of the matter by Council a works as executed plan was requested to be provided from the owner in order to assist in the determination of the portion of fill placed on the land by the current owner and that which was in existence prior to purchase. Given the difficulty in determining the portion of fill placed on the land by current and previous owners of the subject land correspondence was forwarded to the owner detailing that no further action requiring removal of the fill material would be taken subject to reshaping and topsoiling the filled area.

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", SEPP 1, SEPP 44 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 impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed in the main body of this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality.</p>
Section 79C (1) (c) – the suitability of the site for the development	<p>Location - The site is considered able to support the proposed subdivision.</p> <p>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.</p>
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	There were no submissions made in accordance with the Act or Regs.

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.

Comment: Having regard to the requirements of SEPP No. 44 it is noted that the subdivision will not include the removal of any trees or disturbance of any natural habitats which would be considered as "core

koala habitat". The subject land has already been developed and it is considered that the subdivision will not impact any potential core koala habitat areas.

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

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

Hawkesbury Local Environmental Plan 1989 (LEP)

Clause 2 - Aims, objectives etc.

Comment: The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the LEP.

Clause 9A – Zone objectives

The subject land is comprised of two (2) separate zonings being partly zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map) and Housing under the provisions of Hawkesbury Local Environmental Plan (HLEP) 1989.

The stated objectives of the Environmental Protection - Agricultural Protection (Scenic) zone are detailed as follows;

- (a) *to protect the agricultural potential of rural land in order to promote, preserve and encourage agricultural production,*

Comment: It is considered that the proposed subdivision will have no adverse impact on the agricultural potential of the land.

- (b) *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: No significant adverse impact on water catchments, significant ecosystems or the River, or surface and groundwater quality and flows, or surface conditions is expected to occur as a result of the proposed subdivision.

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

Comment: It is considered that the proposed development will not create any unreasonable rural land use conflicts, given the nature and use of adjoining properties.

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

Comment: It is considered that the subdivision will not have any negative impact on the existing landscape values of the locality.

- (e) *to preserve river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality,*

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Comment: The proposed subdivision will not have any significant adverse impacts on river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality. As no new works are proposed.

- (f) *to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance,*

Comment: The proposed subdivision will have no significant or adverse impacts on hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance.

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

Comment: The proposed development is not considered to be traffic generating. Inalls Lane and Silverburn Avenue are not main or arterial roads. Two dwellings (one on each of the proposed lots) currently exist on the site.

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

Comment: The proposed subdivision does not involve outdoor advertising.

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

Comment: The proposal will not create unreasonable economic demands for the provisions or extension of public amenities or services as existing dwellings on site have separate connections to water, electricity and telephone services.

- (j) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*

Comment: The site currently contains two existing dwellings and two existing sheds, the subdivision proposal will not include any additional buildings.

- (k) *to encourage existing sustainable agricultural activities.*

Comment: The proposed subdivision will have no adverse impact on existing or future agricultural activities on the subject land or within the locality.

The stated objectives of the Housing zone are detailed as follows:

- (a) *to provide for low density housing and associated facilities in locations of high amenity and accessibility,*

Comment: The site currently contains two existing dwellings and is situated in a location of high amenity and accessibility.

- (b) *to protect the character of traditional residential development and streetscapes,*

Comment: The subdivision will not affect the character of residential development and streetscape as the proposal does not seek to change the existing buildings on site.

- (c) *to ensure that new development retains and enhances the existing character,*

Comment: No new buildings are proposed with the subdivision. The existing dwellings on site fit within the existing character of the locality.

- (d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area*

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Comment: The subdivision proposal does not include any alterations to the existing dwellings or site and therefore will not adversely impact the natural amenity and ecological processes of the area.

- (e) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character*

Comment: The size of the proposed lots will provide sufficient space to enable future development.

- (f) *to control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council,*

Comment: Each proposed lot has separate water supply and sewage connections to each of the existing dwellings.

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

Comment: The site currently services two dwellings, no additional public amenities or services are required as a result of the subdivision.

Conclusion

The proposed development is considered to be consistent with the objectives of the Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map) and Housing Zones under the provisions of Hawkesbury Local Environmental Plan (HLEP) 1989.

Clause 10 – Subdivision General

Comment: The subdivision proposal is consistent with Clause 10- Subdivision general - of Hawkesbury Local Environmental Plan 1989 as it corresponds with the different boundaries between the zones found on the map.

Clause 11- Rural Subdivision - general provisions

Clause 11 of Hawkesbury LEP 1989 provides the following:

- (1) *In this clause:*

commencement day means the day on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) commenced.

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

lot averaging subdivision means a subdivision of land within the Mixed Agriculture, Rural Living or Rural Housing zones that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from:

- (a) *dividing the area of the original allotment in hectares:*
- (i) *by 10, if the land is in the Mixed Agriculture zone, or*
 - (ii) *by 4, if the land is in the Rural Living zone, or*
- (b) *multiplying the area of the original allotment in hectares by the density control shown on the map, if the land is in the Rural Housing zone.*

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original allotment means an allotment in existence at the date on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) was gazetted.

regionally significant wetlands means any land shown as wetland on “the map” within the meaning of Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997).

- (2) Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone only if the area of each of the allotments to be created is not less than:
- (a) if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or
 - (b) if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.

Column 1 Zone	Column 2 Minimum allotment size if not lot averaging subdivision	Column 3 Minimum allotment size if lot averaging subdivision
Mixed Agriculture (land shown hatched on the map)	40 hectares	Not applicable
Mixed Agriculture (other than land shown hatched on the map)	10 hectares	2.5 hectares
Rural Living (land shown hatched on the map)	2 hectares	Not applicable
Rural Living (other than land shown hatched on the map)	4 hectares	1 hectare
Rural Housing	Minimum lot size as shown on the map (otherwise not applicable)	1,500 square metres if the density control shown on the map is 5.0 per hectare 2,400 square metres if the density control shown on the map is 3.0 per hectare 3,750 square metres if the density control shown on the map is 2.0 per hectare
Environmental Protection—Agriculture Protection (Scenic) (land shown hatched on the map)	10 hectares	Not applicable
Environmental Protection—Agriculture Protection (Scenic) (other than land shown hatched on the map)	40 hectares	Not applicable

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Column 1	Column 2	Column 3
<i>Environmental Protection (Wetlands) 7 (a)</i>	<i>40 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection (Scenic) 7 (d)</i>	<i>40 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection—Mixed Agriculture (Scenic)</i>	<i>40 hectares</i>	<i>Not applicable</i>

Comment: The size of proposed Lot 1 is 7575m² and is zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map), Clause 11 of HLEP 1989 requires a minimum allotment size of 10ha on land zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map).

Having regard to the above Proposed Lot 1 does not achieve compliance with the minimum area requirement of 10ha. The applicant has submitted a State Environmental Planning Policy No.1 Objection in relation to minimum area provisions and is considered separately in this report.

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

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

Comment: The width to depth ratio of the lots is in compliance with the requirements of Hawkesbury Development Control Plan Part D Chapter 3.7.5 Lot Size and Shape. It is therefore concluded that each lot has a satisfactory depth to frontage ratio.

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

Comment: The proposed subdivision will not have a significant impact upon any threatened species, populations or endangered ecological communities or significant wetland, watercourses, agriculture or be subject to significant bushfire threat.

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

Comment: The existing residential density is not proposed to be altered in conjunction with the proposal. It is also noted that the land is serviced by reticulated sewage infrastructure.

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

Comment: The land is not identified as being bushfire prone on the Bushfire Prone Land Map prepared by the NSW Rural Fire Service.

Clause 11(4) and (5) are not applicable to this application

- (6) *Consent must not be granted to a subdivision of land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone that creates an*

allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:

- (a) sufficient for the erection of a dwelling-house, and*
- (b) at natural surface level or at a level achieved by filling carried out with the consent of Council.*

Comment: The subject site has been identified as being flood prone. The levels of the land range from 11m AHD to 20m AHD, which partially falls under the 17.5m AHD 1 in 100 year flood level. The existing dwellings on site satisfies the requirements of Clause 25 Development of Flood Liable Land in HLEP 1989 as discussed further in this report.

Clause 11(7), (8) and (9) are not applicable to this application

SEPP No. 1 Objection to Clause 11 of Hawkesbury Local Environmental Plan 1989

As detailed in the previous section of this report the proposed subdivision does not satisfy the minimum allotment size provisions of 10 ha in relation to land zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map) contained in Clause 11 of Hawkesbury Local Environmental Plan 1989. In regard to the non compliance with this development standard the applicant has submitted an objection under the provisions of SEPP No. 1 – Development Standards.

The following comments have been prepared by the applicant having regard to the objection lodged pursuant to SEPP No. 1:

- *The subdivision follows from proper and reasonable management of a residential landholding having regard to existing zone boundaries and existing physical features.*
- *Particularly the subdivision merely recognises that the land is within a split zoning and has two houses thereon, one within each zone area.*
- *The land is already used as two separate lots with separate services provided.*
- *The subdivision along the zone boundary is consistent with LEP requirements and would not have any impact.*

Clause 11 of Hawkesbury Local Environmental Plan requires that allotments have a minimum area of 10 hectares within the Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map) zone. As detailed previously in this report the proposal provides for an undersized allotment as Proposed Lot 1 has an area of 7575m² representing 92425m² below the minimum requirements.

It is considered that the proposal satisfies the stated objectives listed in Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan 2002. Given that the subdivision will seek to subdivide the land so that the boundaries will correspond with the boundaries between the zones shown on the map it is therefore considered that the subdivision corresponds with the objectives of Clause 10 general subdivision of the HLEP 1989.

NSW Department of Planning

As the minimum allotment size criteria contained in Clause 11 of Hawkesbury Local Environmental Plan 1989 exceeds 10% the Development Application and accompanying objection was lodged pursuant to State Environmental Planning Policy No. 1 – Development Standards and was forwarded to the NSW Department of Planning for the concurrence of the Director-General pursuant to the provisions of Section 79B of the Environmental Planning and Assessment Act, 1979.

Section 79B of the Environmental Planning and Assessment Act, 1979 provides the following:

- (1) *If, by an [environmental planning instrument](#), the [consent authority](#), before determining the [development application](#), is required to consult with or to obtain the concurrence of a [person](#), the [consent authority](#) must, in accordance with the [environmental planning](#)*

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instrument and the *regulations*, consult with or obtain the concurrence of the *person*, unless the *consent authority* determines to refuse to grant *development consent*.

The Department of Planning has granted concurrence to the proposed subdivision for the SEPP 1 objection to Clause 11(2) variation of Hawkesbury Local Environmental Plan 1989 as detailed in correspondence dated 18th September 2007. This decision is based upon the following:

- The subdivision will enable the subdivision boundary to conform to the zone boundary

Clause 12 – Residential subdivision-general provisions

Proposed Lot 2 is zoned Housing under the provisions of Hawkesbury Local Environmental Plan (HLEP) 1989.

The general provisions for Residential Subdivision are detailed as follows:

- (1) *In this clause:*

"internal allotment" means an allotment to which the only means of access to that part of the allotment that is most suitable for locating a dwelling is by way of:

- (a) *an access corridor that forms part of the allotment (a "hatchet shaped allotment"), or*
- (b) *an easement or right of way over another allotment.*

Comment: Proposed lot 2 is considered as an "internal allotment" as it falls under Clause 12 subclause (1) of the HLEP 1989.

- (2) *The Council may consent to the subdivision of land in the Housing or Multi Unit Housing zone only if the area of each allotment that is to contain a dwelling is not less than:*

- (a) *if the allotment is not an internal allotment, that shown for the zone in Column 2 of the following Table, or*
- (b) *if the allotment is an internal allotment, that shown for the zone in Column 3 of that Table.*

Column 1	Column 2	Column 3
Zone	Minimum allotment size for an allotment other than an internal allotment	Minimum internal allotment size
Housing (other than land shown hatched on the map)	450 square metres or as shown on the map, whichever is the greater	450 square metres or as shown on the map, whichever is the greater
Housing (land shown hatched on the map)	600 square metres	700 square metres
Multi Unit Housing	450 square metres	450 square metres

Comment: Clause 12 of HLEP 1989 requires a minimum allotment size of 700m² on land zoned housing for internal allotments. Proposed Lot 2 is zoned Housing and is shown hatched on the map, therefore 700m² is required. Lot 2 achieves this requirement under HLEP 1989 as it provides 7063m².

- (3) *Despite subclause (2), the Council must not consent to the subdivision of land in the Housing zone if:*

- (a) *the land is not serviced by reticulated sewerage, and*

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- (b) *the area of any proposed allotment that is to contain a dwelling is less than 4,000 square metres.*

Comment: The subject land is serviced by reticulated sewerage.

- (4) *For the purposes of subclause (2) and (3), in determining the area of an internal allotment that is a hatchet shaped allotment, the area of the access corridor is not to be counted as part of the area of that allotment.*

Comment: The area of the access corridor still falls within Clause 12 subclause (2) and (3) of HLEP 1989 if the access corridors are not included within the lot size calculation.

Clause 12(5) and (6) are not applicable to this application

Clause 18 – Provision of water, sewage etc services

The provisions of Clause 18 state that:

- (1) *The Council shall not consent to any development on land to which this plan applies unless arrangements satisfactory to the Council have been made for the provision to the land of water, sewerage, drainage and electricity services.*
- (2) *The Council shall not consent to any development on land to which this plan applies as shown on the map by red diagonal hatching, unless and until arrangements satisfactory to the Sydney Water Corporation have been made for the provision to the land of water and sewerage services or, in the case of land within the Windsor Sewerage Scheme Catchment Area, to the Council for the provision to the land of sewerage services.*

Comment: The application was referred to Sydney Water for comment. In their response of 20 August 2007, Sydney Water did not raise any concerns with the subdivision proposal and advised council that a condition of consent should be placed on the approval stating that the developer/applicant shall obtain a Section 73 Compliance Certificate from Sydney Water.

Clause 21 – Danger of bushfire

The subject site has been identified as having a low bushfire risk category. It is not considered that the site will be affected by bushfire.

Clause 24 Development in certain environmental and other zones

This clause applies to land in Zone No 7 (d) or in the Rural Village, Environmental Protection-Agriculture Protection (Scenic) or Environmental Protection-Mixed Agriculture (Scenic) zone and states that;

- (1) *A person shall not erect a building on land to which this clause applies without the consent of the Council.*
- (2) *The Council shall not grant consent to the erection of a building on land to which this clause applies unless it has made an assessment as to whether it should impose conditions relating to:*
- (a) *the height and siting of the building, and*
- (b) *the colour of materials to be used in the erection of the building, so as to ensure that the building blends with the surrounding landscape and other development and preserves or enhances the scenic quality of the land.*

Comment: This clause requires that an assessment be undertaken as to the height, colour, texture and siting of buildings to ensure preservation of scenic quality. Whilst not strictly applicable to a subdivision proposal the existing buildings are part of the existing scenic quality and will not be altered as a result of the subdivision.

Clause 25 Development of flood liable land

The subject site has been identified as being flood prone. The levels of the land range from 11m AHD to 20m AHD, which partially falls under the 17.5m AHD 1 in 100 year flood level for the area. The existing dwellings on site satisfy the requirements of Clause 25 Development of Flood Liable Land in HLEP 1989 as they are located on the portion of land that is not lower than 3m of the 1-100 year flood level. The sheds located on site are classed as minor structures and do not have to be located above the 1-100 flood level as they are non habitable buildings.

The existing developments on site comply with this clause and will not be affected by the subdivision, both existing dwellings will have separate accessways above the 1-100 year flood level.

Clause 28 Development within the vicinity of Heritage Items

Clause 28 of HELP 1989 provides that:

The Council shall not grant consent to an application to carry out development in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

Comment: Two residential allotments adjoining the site contain heritage items. They are identified as number 40 and 41 Inalls Lane, Richmond under HLEP 1989. This clause requires that an assessment be made as to the impact of the proposed development on these items.

The application has been referred to the Councils Heritage Advisor for an assessment of the proposal. The heritage advisor had provided the following comment;

"as far as I can determine this subdivision would not have any adverse impact on the heritage values of the nearby heritage items or the area"

It is therefore considered that the subdivision complies with Clause 28 of HELP 1989.

Clause 36 Clearing of land in certain environmental and other zones

A person must not, on land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection-Agriculture Protection (Scenic) or Environmental Protection-Mixed Agriculture (Scenic) zone, fell trees, fill or otherwise alter the surface level of the land without the consent of the Council.

Comment: The subdivision proposal does not require clearing or altering of surface levels. No physical alteration to the land whatsoever is required as a consequence of the subdivision proposal. No impact will be caused by the proposed subdivision.

Clause 37 - Land affected by aircraft noise

The subject land is not situated within an ANEF noise contour.

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

The land is identified as Class 5 Land on the Acid Sulfate Soil Planning Map. As no physical works are proposed the proposal will not impact upon adjacent Class 1 and 4 Land.

Hawkesbury Development Control Plan 2002

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan is detailed as follows:

General Information Chapter

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 application was notified to adjoining property owners between 1 November 2007 and 16 November 2007. In response to this one (1) written submission was received raising objection to the proposal. The issues raised are detailed as follows:

1. **The unauthorised landfill situated on the land should be removed as required by Council resolutions made on 10 October 2000 and 12 December 2000.**

Comment: Following the issuing of an order requiring the removal of landfill from the subject site discussions were held between the owner and Council staff in order to determine the extent of landfill placed on the land by the current owner. In view of the difficulty in establishing the portion of landfill placed on the land by the current owner it was determined that no further action be undertaken regarding removal of fill from the subject site.

2. **The information submitted with the application does not detail the current level of the land.**

Comment: The survey information provided in conjunction with the application adequately describes the proposed subdivision.

3. **The landfill and associated tree planting have resulted in the loss of a major view corridor from Dights Farm (listed on State Heritage Register).**

Comment: The issue of landfill in existence on the subject land has been dealt with separately. It is considered that the extent of tree planting situated on the site is not a matter of consideration in conjunction with the proposed subdivision.

The submission is essentially asking that the current development application should be used as a vehicle to rectify an existing situation. From a Statutory perspective, a development application cannot be used to rectify, change or overcome an existing situation/problem on a site. A development application and approval conditions can only be used to deal with the matter that is the subject of the application and any direct effects that the proposal may have. It cannot be used to rectify an existing problem.

Subdivision Chapter

The general principles for this Chapter are to:

- *establish a consistent and coordinated approach to the creation of residential, rural residential and rural lot throughout Hawkesbury;*
- *ensure that subdivision is undertaken in an environmentally sustainable manner;*
- *facilitate different subdivision forms which have the effect of minimising environmental degradation;*
- *address long term planning objectives as contained in Hawkesbury LEP by the creation of lots in locations and of sizes consistent with those objectives;*
- *ensure constructed vehicular access from gazetted public road system to each new lot;*
- *ensure all lots created are physically capable of development;*

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- *adopt criteria for rural, rural-residential and residential lots which will ensure each lot is provided with an appropriate amenity, services and access;*
- *facilities the supply of residential lots of a wide range of sizes and shapes which reflect the statutory visions of Hawkesbury LEP, the availability of reticulated sewage and the need for frontage to public roads; and*
- *protect key cultural resources (places of environmental heritage value) from and use or management practices which will lead to their degradation or destruction.*

The following is an assessment against the Rules of the Subdivision Chapter:

Element	Rule	Complies
General		
Flora and Fauna Protection	<p>(a) Any subdivision proposal which is likely to result in any clearing of native vegetation or impact on any environmentally sensitive area is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the Eight Part Test pursuant to the Act (Section 5A), State Environmental Planning Policy 44 – Koala Habitat protection.</p> <p>(b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.</p> <p>(c) Degraded areas are to be rehabilitated as part of the subdivision.</p> <p>(d) Vegetation should be retained where it forms a link between other bush land areas.</p> <p>(e) Vegetation which is scenically and environmentally significant should be retained.</p> <p>(f) Vegetation which adds to the soil stability of the land should be retained.</p> <p>(g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.</p>	<p>Not Required.</p> <p>The vegetation currently located on site will not be removed</p> <p>Yes, see conditions below</p> <p>Yes</p> <p>There is no scenically or environmentally significant vegetation located on site</p> <p>Yes</p> <p>Yes. Subdivision does not include the removal of any trees. No fragmentation of bushland will result.</p>

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Element	Rule	Complies
Visual Amenity	<p>(a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.</p> <p>(b) Subdivision of escarpments, ridges and other visually interesting places should:</p> <p>Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and</p> <p>Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations.</p> <p>(c) Development Applications for subdivision shall take into consideration the provisions of SREP No. 20 in relation to scenic quality.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>See assessment above.</p>
Heritage	<p>(a) A subdivision proposal on land which contains or is adjacent to an item of environmental heritage as defined in Schedule 1 of the Hawkesbury LEP should illustrate the means proposed to preserve and protect such items.</p>	<p>Adjacent land contains heritage significant items under the HLEP 1989, see above report</p>
Utility Services	<p>(a) Underground power provided to all residential and industrial subdivisions. Where infill subdivision is proposed, the existing system, whether above or underground shall be maintained.</p> <p>(b) All lots created are to have the provision of power.</p> <p>(c) Where reticulated water is not available, a minimum storage of 100,000 litres must be provided. A minimum of 10,000 litres must be available during bush fire danger periods.</p>	<p>Yes, provided to existing dwellings on site</p> <p>Yes, currently provided to existing dwellings located on site</p> <p>N/A</p>

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Element	Rule	Complies
Flooding, Landslip & Contaminated Land	<p>(a) Compliance with clause 25 of Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Access to the subdivision shall be located above the 1% AEP flood level.</p> <p>(c) Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdivision the land and provide recommendations as to the siting and the type of buildings which could be permitted on the subject land.</p> <p>(d) In the event the Council deems that there is the potential that land subject to a subdivision application is contaminated then the applicant shall engage a suitably qualified person to undertake a soil and ground water assessment.</p> <p>(e) Contaminated Land shall be remediate prior to the issue of the Subdivision Certificate.</p>	<p>Yes</p> <p>Yes. Both lots have existing access to the existing dwellings above 17.5m AHD</p> <p>Not considered to be contaminated.</p> <p>N/A</p> <p>N/A</p>
Residential Local Street Design	Not applicable	N/A
Residential Accessway Design	<p>(a) Accessways should have a minimum width of 4 metres and sealed pavement of 2.5 metres</p> <p>(b) Accessways should not serve more than 5 lots.</p> <p>(c) Accessways should have a maximum grade of 25% (1:4) at any point.</p>	<p>The pavement width is to be 2.5m wide as per conditions below</p> <p>Yes The subdivision will include 2 lots with separate access</p> <p>Access to both lots is predominantly flat and does not have a fall of 25% at any point of the accessway</p>

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Element	Rule	Complies
	<p>(d) Where the Accessways is steep or fronts a local collector or higher order road (greater than 3,000 vehicles per day) or a high pedestrian area, accessways should be designed so that vehicles can be driven both onto and off the property in a forward direction.</p> <p>(e) Where vehicles would otherwise have to reserve more than 50 meters, a turning area should be provided to enable the vehicles to enter and leave the site in a forward direction and reduce the need to reverse over long distances.</p> <p>(f) Refer to Part D Chapter 1 Residential development for further requirements regarding Accessways should a subdivision be part of a residential development.</p>	<p>Existing accessways provide enough space for vehicles to enter and exit the property in both a forward direction out of proposed lot 1 and lot 2.</p> <p>N/A</p> <p>Yes Complies with Chapter 1 Part D regarding accessways</p>
Planning for Pedestrians and Cyclists and Cyclists in Residential Areas	Not applicable	N/A
Stormwater management	<p>(a) Where the topography prevents discharge of storm water directly to the street gutter or a council controlled pipe system, inter allotment drainage provided to accept run off from all existing or future impervious areas on the subject land. The design and construction of the inter allotment drainage system should be in accordance with the requirements of the Australian Rainfall and Runoff (1987)</p> <p>(b) Where proposals require the creation of easements over downstream properties for drainage purposes, a letter of consent from the owner(s) of the downstream properties should be submitted with DA's</p>	<p>N/A</p> <p>N/A</p>

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Element	Rule	Complies
	<p>(c) Stormwater piped in roads and through allotments in all residential subdivisions.</p> <p>(d) For subdivision proposals comprising 5 lots or more or where Council deems it necessary, a soil and water management plan should be prepared by a properly qualified practitioner with the aim of minimizing erosion and maximising the quality of any water leaving the site.</p>	<p>N/A</p> <p>N/A</p>
Lot Size and Shape	<p>(a) In calculating the area of the battle-axe or hatched shaped allotment the accessway is to be excluded. The area of an allotment effected by a "right of carriage way" or private road should also be excluded.</p> <p>(b) Allotments should have a minimum width of 15 metres at the building line. Council may consider a lesser dimension but only as part of an integrated housing development.</p> <p>(c) Lots should be able to accommodate a building envelope of 200m² with a minimum dimension of 10 metres.</p> <p>(d) An allotment should not be less than 20 metres in depth to ensure there is some flexibility in the choice of housing design and siting as well as the availability of suitable space for other activities normally associated with a dwelling.</p> <p>(e) Vegetation which adds significantly to the visual amenity of a locality and/or which is environmentally significant should be conserved in the design of the subdivision proposal.</p>	<p>Yes</p> <p>Yes, Both lot 1 and lot 2 exceed minimum widths of 15m being 40m and 59.3m respectively</p> <p>Yes, proposed lot 1 and lot 2 will contain an existing dwelling each.</p> <p>Yes, Lot 1 and 2 exceed minimum depth of 20m being 132.2m and 112.7m respectively</p> <p>Yes, No vegetation removal is proposed.</p>

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Element	Rule	Complies
	(f) Lots should be designed to allow the construction of a dwelling with a maximum cut of fill of 1 meter from the natural ground level.	N/A Existing dwellings located on site.

Residential chapter

This chapter refers to relevant sections of residential development which apply to single dwellings and multi unit housing. As the site currently supports two existing dwellings it is considered that there will be no need for any alterations or changes to the existing dwellings located on site. The existing dwellings on site generally comply with the aims and objectives of this chapter.

Carparking and access

The current dwellings located on the site provide adequate space for carparking and access on the site. The subdivision will not impact on the current access and carparking needs of the proposed lots as each dwelling will have sufficient space for carparking and on site manoeuvring. Both accessways provide sufficient space to enter and leave the proposed lots in a forward direction.

NSW Heritage Office

The NSW Heritage Office have provided comments in relation to the proposed development following representations made by an adjoining property owner in correspondence dated 26 November 2007. The Heritage Office have highlighted concerns relating to landfill and the associated impact upon historic views and attributes of the cultural landscape setting of Mountain View (22 Inalls Lane).

As detailed previously in this report the application was reviewed by Council's Heritage Advisor who detailed that the proposal would not have any adverse impact on the heritage values of the adjacent heritage item. It should also be noted that the application was referred to the Department of Planning (of which the Heritage Office is part) and no objections were received.

Conclusion

The proposed two-lot subdivision has been assessed against the Hawkesbury Councils Development Control Plan and has concluded that the development would not adversely impact on the surrounding environment.

RECOMMENDATION:

That the Development Application No. DA0185/07 for a Two Lot Torrens Title Subdivision of Lot 1, DP874920, 34 Inalls Lane, Richmond be approved subject to the conditions in the attached consent:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.

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Prior To Issue Of Construction Certificate

3. 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. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
4. Construction of the access is 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.
5. Payment of a Construction certificate checking fee of \$165.00 and a Compliance Certificate inspection fee of \$335.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited is used will be provided on request.

Prior To Commencement Of Works

6. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
7. 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.
8. 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.
9. No excavated material, including soil, shall be removed from the site.
10. The site shall be secured to prevent the depositing of any unauthorised material.
11. 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.
12. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
13. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
14. No trees are to be removed without the approval of Council.

During Construction

15. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
16. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
17. 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.
18. A centrally located concrete driveway, minimum 2.5 metres wide, shall be constructed along the full length of the access handle to Lot 2. The driveway shall be a minimum thickness of 150mm and be reinforced with F82 mesh.

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19. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

Prior To Issue Of Subdivision Certificate

20. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
21. 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 water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

22. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
23. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
24. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
25. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Advisory Notes

*** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

*** The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) a local telecommunications carrier

Regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

*** 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.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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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.

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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

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

ORDINARY MEETING

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AT - 2 Approved Site Plan from DA0965/05

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

ORDINARY MEETING

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AT - 3 Floor Plan and Elevations

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

ORDINARY MEETING

Meeting Date: 11 December 2007

AT - 3 Floor Plan and Elevations

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

oooO END OF REPORT Oooo

ORDINARY MEETING

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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.

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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

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AT - 1 Locality plan

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AT - 2 Site Plan

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AT - 3 Elevations

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AT - 4 Aerial View

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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.

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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.

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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

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AT - 1 Current plans showing location of house site

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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?

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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.

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

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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 - 1 Site Plan

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

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AT - 2 Elevations and Section

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

oooO END OF REPORT Oooo

Item: 287 **CP - Conversion of Hawkesbury Local Environmental Plan 1989 to the NSW Government's Standard LEP Template – Progress Report - (95498)**

Previous Item: 21, Ordinary (13 February 2007)

REPORT:

Background

The conversion of Hawkesbury Local Environmental Plan 1989 to the NSW Government's standard LEP template has resulted in the preparation of a draft local environmental plan known as draft Hawkesbury Local Environmental Plan (LEP) 2008. Since the matter was last reported to Council on the 24 April 2007, comment has been sought from numerous government and non-government bodies as part of the statutory (Section 62) consultation process.

Fifteen submissions had been received by the end of June 2007. Most of the comments were easily resolved and resulted in no major changes to the draft LEP. However some of the issues raised in the Section 62 submissions have resulted in a number of meetings with government departments to accommodate their concerns.

The purpose of this report is to inform Council on the progress of the preparation of the draft LEP. The issues mentioned above will also be identified and comment will be made as to how these issues have been addressed in the draft LEP. A table showing the existing LEP zones and the conversion template zones is attached to this report.

Issues arising from the Section 62 Consultation

a) Conservation of biodiversity corridors and remnant indigenous vegetation in non-urban areas

The Department of Environment & Climate Change (DECC) in their Section 62 response dated 12 June raised a number of issues. Most of the issues are not of consequence in terms of the conversion process however the following issues raised by DECC required a response:

1. Biodiversity conservation;
2. Rural landscape zonings and the clearing of native vegetation;
3. Corridor linkages.

In summary, DECC were suggesting that Council zone the majority of the Environmental Protection (Scenic), Environmental Protection - Mixed Agriculture (Scenic) and Environmental Protection - Agricultural Protection (Scenic) zones to E3 Environmental Management. Also DECC were suggesting that development consent be required for agriculture in the new zone.

Comment: The work being undertaken to convert the existing environmental planning instrument (HELP 1989) to draft LEP 2008 is first and foremost a conversion process. The new zones that are being created reflect the objectives of the old zones and carry across land uses from the old zone to the new zone. In most of the existing zones, Agriculture is a permitted use that does not require development consent. It is not intended to require Agriculture to obtain development consent in these zones. In other words, the conversion process is not introducing new land uses which in turn have the potential to detrimentally affect the environment. Therefore there will be no increased threat to the existing environment as a result of the conversion process.

It should be noted, however, that as a result of the DECC submission, a new "Zone E3 Environmental Management" has been created to replace the 7E Environmental Protection (Consolidated Land Holdings) which was essentially buffer land around the "Islands" development.

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This new zone has the potential to increase the protection of the local environment.

In regard to DECC's concerns about the clearing of native vegetation in the rural zones it is noted that the proposed RU2 zone will contain the following existing zones:

Environmental Protection (Scenic)	4,328 hectares
Environmental Protection - Mixed Agriculture(Scenic)	17,174 hectares
Environmental Protection - Agricultural Protection (Scenic)	11,225 hectares
Total	32,727 hectares

When all the other zones are taken into account the RU2 zone represents 32727 ha / 276300 ha or 12% of the LGA. It should also be noted that the Hawkesbury LGA contains 191,309 hectares of National Park, equivalent to 69% of the LGA.

Council has discussed the appropriateness of converting the abovementioned zones to the E3 zone or the RU2 zone with the Department of Planning. In their letter of 25 September 2006, the Department advised Council as follows:

"If the purpose of Hawkesbury's Environmental Protection- Agriculture Protection zone is to encourage environmental protection of agricultural lands with conservation value, then the zone match is supported. However, the purpose seems to be to preserve agricultural lands with scenic quality. LEP Practice Note PN06-002(12 April 2006) states that the purpose of the E3 zone is to form a "transition between areas of high conservation value and other land uses such as rural or residential". The Department's suggestion is to use the RU2 Rural Landscape zone with "Environmental Protection Works" permitted with consent."

Council has followed the Department's advice as it is relevant to all of the three abovementioned zones. In the circumstances of the case the RU2 zone is the most appropriate zone to select from the limited number of zones available in the Standard Instrument.

The conversion process does not change the status quo with respect to extensive agriculture. That is the proposed RU2 zone does not increase the number of land uses or the intensity of land uses. There is no change with respect to the permissibility of extensive agriculture by the adoption of the RU2 zone.

DECC's comments that the RU2 zone substantially reduces the amount of land zoned for environmental protection are simplistic. The existing zones have the words environmental protection in their description however the number and nature of permitted land uses and the objectives of the zones encourage a wide variety of development as long it is undertaken in an environmentally sensitive manner. The proposed RU2 zone will retain all of the objectives and contain the same land uses. The conversion process in respect to the RU2 zone will have a neutral effect on the environment.

A recent report prepared by "ecological Australia", on behalf of Council, entitled Field Validation of Remnant Vegetation within the Hawkesbury LGA, dated June 2007, does provide an updated list of "endangered ecological communities" as defined by the Threatened Species Conservation Act 1996 as well as other vegetation communities that are locally significant.

The abovementioned study has been used to accurately define wetlands within the LGA and to set the boundaries of the proposed E2 Environmental Conservation zone with the aim of conserving these wetlands.

An overlay map has been prepared, utilising data from the abovementioned study, identifying "endangered ecological communities" as well as other vegetation communities that are locally significant. The overlay will be linked to a local provision dealing with the requirement for flora and fauna reports to be prepared when development has the potential to significantly impact on remnant vegetation or connectivity to adjoining bushland corridors. Currently there are no such maps as part of the Hawkesbury LEP 1989 and the introduction of the overlay will provide more certainty for applicants and streamline the development application process for applicants within the identified areas. The additional map layer will also assist to overcome the objection to the process lodged by DECC.

b) Extractive Industries

The Department of Primary Industry (Mineral Resources Division) has written to Council seeking to ensure that mining and extractive industries are permissible activities in the RU1, RU2, IN1 and IN2 zones.

Comment: Under HLEP 1989, mining and extractive industries are permissible in the Mixed Agriculture, General Industrial and Light Industrial Zones. In the conversion process, mining and extractive industries are permissible RU1, IN1 and IN2 Zones.

The RU2 zone is made up of the 7 (d) Environmental Protection (Scenic), (EMP) Environmental Protection - Mixed Agriculture (Scenic), (EPA) Environmental Protection - Agricultural Protection (Scenic) and 7(e) Environmental Protection (Consolidated Land Holdings) zones. In HLEP1989 mining and extractive industries are not permissible land uses in these zones. It would be contrary to the conversion process ethos to make mining and extractive industries permissible land uses in the RU2 zone.

The proposed objectives of the RU2 zone are as follows:

- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide primarily for a rural residential life style.
- To enable identified agricultural land uses to continue in operation.
- To ensure that agricultural activity is sustainable.
- To provide for rural residential development on former agricultural land where it has been remediated.
- To allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effect or create conflict with other land uses in the locality.
- To ensure that the agricultural activities occur in a manner:
 - 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
 - that satisfies best practice guideline/ best management practices.

The inclusion of mining and extractive industries as permissible land uses within the RU2 zone would conflict with the objectives of the zone.

Furthermore the Richmond Lowlands are zoned (EPA) Environmental Protection under HLEP 1989. No extractive industry is permissible on the Richmond Lowlands under this zone as well as under the provisions of SREP No. 9. – Extractive Industry.

Notwithstanding the Department's advocacy it is not recommended that any changes be made to the permissible uses in RU2 zone. Further correspondence will be provided to the Department of Primary Industry justifying Council's position and requesting that the Department revise its position on the matter.

c) Height of Buildings

Currently there are no height restrictions with respect to building construction in Hawkesbury LEP 1989. The issue of height control in residential zones is addressed by the Hawkesbury Development Control Plan as follows:

Table 1: Maximum heights above natural ground level for each type of dwelling (in metres)

Residential Use	At property boundary	At ceiling height	Maximum height at ridgeline
Single dwelling	1.8 m	7 m	10 m
Multi-unit housing	1.8 m	7 m	10 m
Walk-up flats	3.5 m	8 m	12 m

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Hawkesbury DCP also contains a building height plane criteria which further controls the bulk of buildings.

The DCP has no height or building plane restrictions for buildings in commercial zones.

The Department of Planning has advised Council that a height of buildings map should be included in the draft LEP 2008 as height limitations will not be permitted to be set in DCPs where the standard LEP is in force, ie a DCP may provide additional controls in relation to heights, however, the overall height plane is to be set in the LEP.

A height of buildings map has been prepared and will have the following height restriction standards as shown in the table below. The table has been prepared using the current standards for residential zones in Hawkesbury DCP and from recommendations in the draft Windsor Town Centre Masterplan 2012 (prepared by the Government Architect's Office) and the draft Richmond Development Control Plan. The height of buildings map will only apply to the zones shown in the table below.

Zone	Maximum height at ridgeline
R2 - Low Density Residential	10 m
R3 - Medium Density Residential	10 m
R1 - General Residential	12 m
B1 - Neighbourhood Centre (Kurrajong Heights, Kurrajong, Kurmond, Glossodia, Wilberforce, Pitt Town, Hobartville, McGraths Hill, Bligh Park & Brabyn Street)	10 m
B1 - Neighbourhood Centre - (North Richmond and South Windsor)	12 m
B2 - Local Centre - Richmond 3(a)	12 m
B2 - Local Centre - Windsor 3(a) - fronting Macquarie Street	12 m
B2 - Local Centre - Windsor 3(a) - not fronting Macquarie Street	10 m

These height controls will be used in conjunction with an updated Hawkesbury DCP when LEP 2008 is operational. It should be noted that the Hawkesbury DCP will need to be fully revised prior to the gazettal of the standard LEP conversion of the Hawkesbury LEP as many provisions (such as heights) will no longer be able to be expressed in the DCP.

d) Sex Services Premises

The Department of Planning has advised Council that sex service premises be made a permissible land use in at least one zone in draft LEP 2008. "Sex service premises" are defined as premises used primarily for the provision of sex services, but does not include home occupation (sex services).

Currently there is no specific definition for brothels or the like in Hawkesbury LEP 1989. Development applications for the purpose of a brothel or the like are assessed as "commercial premises". Heads of consideration for the assessment of development applications for brothels are contained within the Hawkesbury DCP. It is stated in the DCP that brothels are to be located so that they minimise offence to the community and do not create adverse social impacts. Furthermore, the DCP stipulates that brothels are to be only located within the Business General 3(a) zone and Business Special 3(b) zone.

In preparing draft LEP 2008 an opportunity presents itself to Council to be more prescriptive in relation to the location of sex service premises. It is contended that sex service premises are more suited to be located only in the commercial centres of Richmond and Windsor rather than in other business zones such as, Kurrajong, Bligh Park, Wilberforce, etc. Richmond and Windsor town centres offer a greater opportunity for the buffering of such activities from adjoining residential development. Such buffering is not available in the more outlying commercial zones. Accordingly sex service premises have been restricted, in location, to the Richmond and Windsor town centres. It should be noted that the current brothels chapter in Hawkesbury DCP has additional heads of consideration that are used to assess such

applications in terms of impacts on amenity. This will continue to be the case under Hawkesbury LEP 2008.

e) Exempt and Complying Development

Advice has been received from the Department of Planning that conditions relating to Complying Development Certificates (CDCs) are to be included in the LEP. Council staff have expressed their concern to the Department of Planning regarding the inclusion of such conditions in the LEP.

Conditions for Development Consent and CDCs are often derived from Council's own controls (eg DCP provisions, S94/S94A plans, Council policies), the requirements of other government agencies/statutes (eg Environment Planning and Assessment Act, Building Code of Australia, Australian Standards, water, electricity, gas and sewer utilities) and general industry construction and operational practice. As a result, conditions of consent are often reviewed and amended due to changes to the above mentioned controls, statutes and practices.

At present conditions of consent for CDCs are found in the Hawkesbury DCP. These conditions can only be amended via an amendment to the DCP. For such an administrative matter, amending a DCP is a relatively straight forward and quick process whereby Council is the final approval body for the changes. This process is in stark contrast to the lengthy and cumbersome process of amending a LEP in which the Minister has final approval of such changes.

Notwithstanding staff's concern regarding inclusions of the CDC conditions into the LEP, the conditions are currently being reviewed by staff for inclusion in the LEP if necessary or as a further amendment to the DCP.

In addition to reviewing the conditions of consent, the LEP template conversion presents Council with another appropriate opportunity to review the Exempt and Complying development criteria with the current LEP. Council staff are currently reviewing the schedules in order to eliminate any confusion or inconsistencies as well as updating references to other government agencies provisions/statutes (eg BCA and Australian Standard references). It is considered that the new LEP is a good opportunity to review the requirement for the current categories of exempt development with the aim of allowing for a greater range of small scale developments such as (but not limited to) awnings, shade canopies, cabanas, gazebos, bird aviaries, carports, cubby houses, playground equipment, decks, garden sheds, satellite dishes to be exempt development. In this respect it is envisaged that this would consist of increasing the allowable height of some of these structures and/or increasing the locations within a particular property for such structures to be located. Given the conversion ethos of the new LEP it is not anticipated that addition categories of exempt development be considered. Such an approach would also be consistent with the Minister for Planning's Discussion Paper of November 2007 titled "Improving the NSW planning system". A recommendation of this paper is to increase the number of exempt and CDCs to 30% within two years and 50% within four years.

It is clear that the Minister intends, as part of the reform of the planning system in NSW, to increase the amount of development that is dealt with via the provisions of Complying Development. (Targets set in the discussion paper "Improving the NSW Planning System" - November 2007, state that 50% of applications should be Complying Development.) As such, a review of Complying Development is proposed to be undertaken following the conversion of the LEP into the standard template and consequential review of the DCP.

Conclusion

All the supporting documentation and mapping associated with HLEP 2008 should be completed before the end of the year. This package of information as well as the draft instrument (Hawkesbury LEP 2008) will then be forwarded to the Department of Planning so that a section 65 Certificate is obtained and the draft plan can be placed on public exhibition next year.

Advice from the Department of Planning is that Council should send whatever information it has, in relation to the conversion of the LEP, into the Department as soon as possible to commence the assessment for the Section 65 (public exhibition) Certificate. The Department of Planning staff advised that issues such as

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the imminent changes proposed by the Department to the Standard Template and Council's resolution of 30 October 2007, in relation to definitional changes proposal for "Animal Boarding and Training Establishments", should not be given consideration at this time. If changes are required then these can be made prior to or after the exhibition of the draft LEP.

The Department of Planning has also advised that, once the draft LEP is submitted to the Department for the issue of the S65 Certificate, there will be a delay of approximately 3 - 4 months before the Certificate or comments will be provided due to the backlog of LEPs submitted to the Department. The issues relating to the processing of the LEP conversion will be the subject of a Councillor briefing early in 2008.

Conformance to Strategic Plan

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

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

Funding

There is no budget implication as funding for the conversion has been provided by the Department of Planning

RECOMMENDATION:

That the proposed LEP changes contained in this report be endorsed and that the tasks identified in this report for inclusion in the new template LEP be undertaken.

ATTACHMENTS:

AT - 1 Zone Comparison Table

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AT - 1 Zone Comparison Table

Symbol	HLEP 1989 Zone	Symbol	Standard Template Zone
MA	Mixed Agriculture	RU1	Primary Production
RL	Rural Living	RU4	Rural Small Holdings
RV	Rural Village	RU5	Village (+Bowen Mountain)
CL	Consolidated Land Holdings	RU4	Rural Small Holdings (with large minimum lot size)
H	Housing	R2	Low Density Residential
MU	Multi-Unit Housing	R3	Medium Density Residential
MU	Multi-Unit Housing (with cross hatching)	R1	General Residential
	Windsor Downs, The Islands, Nepean Park, Pitt Town (Rural Housing Zone)	R5	Large Lot Residential
3A	Business General	B1 B2	Neighbourhood Centre Local Centre (Richmond 3(a) and Windsor 3(a))
3B	Business Special	B7	Business Park
4A	Industry General	IN1	General Industrial
4B	Industry Light	IN2	Light Industrial
5A	Special Uses "A"	SPI SP2	Special Activities (Designated Use) & Infrastructure (Designated Use)
5B	Special Uses (Railways)	SP2	Infrastructure (Railways)
6A	Open space (Existing Recreation)	RE1	Public Recreation
6B	Open space (Proposed Recreation)	RE1	Public Recreation
6C	Open space (Private Recreation)	RE2	Private Recreation
7A	Environmental Protection (Wetlands)	E2	Environmental Conservation
7D	Environmental Protection (Scenic)	RU2	Rural Landscape
EPM	Environmental Protection - Mixed Agriculture(Scenic)	RU2	Rural Landscape
EPA	Environmental Protection - Agricultural Protection (Scenic)	RU2	Rural Landscape
7E	Environmental Protection (Consolidated Land Holdings)	E3	Environmental Management
9B	Proposed Road	SP2	Infrastructure (Classified Road)
	Hawkesbury River	Unzoned	Unzoned

oooO END OF REPORT Oooo

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Item: 288 **CP - Review of Hawkesbury District Eisteddfod Society (Sponsorship) Policy - (82265, 95498)**

Previous Item: 217, Ordinary (30 October 2007)

REPORT:

This report has been prepared to provide further information to Council on Council policies regarding sponsorship of the Hawkesbury District Eisteddfod Society.

Background

- On 27 July 1999, Council adopted the following policy to provide for annual sponsorship of the Hawkesbury District Eisteddfod Society (HDES);

"That Council subsidise the Hawkesbury District Eisteddfod Society for the use of the Windsor Function Centre on an annual basis for their Eisteddfod.

Further, that the hire rate for the requirements of the Eisteddfod be negotiated with the lessees of the Centre and the Eisteddfod Committee as required."
- Since the adoption of this Policy, annual sponsorship of the HDES has been funded through Council's Sec 356 financial assistance program (community donations).
- On 14 June 2005, Council resolved to undertake a review of the Community and Cultural Grants Program. A Discussion Paper *"Review of the Community and Cultural Grants and Donations Program"* was subsequently prepared and reported to Council in May 2006. The Discussion Paper documented a range of factors impacting on the administrative integrity, equity and financial sustainability of Councils existing Sec 356 financial assistance programs. Council resolved to place the Discussion Paper on public exhibition and to distribute the Discussion Paper to current recipients (and unsuccessful applicants) of financial assistance for comment.
- The outcomes of the public exhibition were reported to Council on 12 December 2006. Council was also advised of the release of guidelines (in June 2006) by the Independent Commission Against Corruption (ICAC) intended to assist public sector agencies to develop policies and procedures for both receiving and granting sponsorship. A draft Sponsorship Policy, prepared in accordance with the guidelines issued by the ICAC was considered by Council with Council resolving to place the draft policy on public exhibition for a period of 60 days. The Draft Sponsorship Policy was subsequently adopted by Council on 13 March 2007.
- Following the adoption of this Policy, procedures were implemented to ensure the delivery of Sec 356 financial assistance in conformance with the Policy and ICAC guidelines. Current recipients of Sec 356 financial assistance were advised of the adoption of the Policy, and in accordance with its provisions and related procedures were requested to submit applications for funding for the 2007-2008 financial year. These applications were reported to Council in August 2007 and continued funding was approved by Council (including funding to the Hawkesbury District Eisteddfod Society - now known as the Hawkesbury City Eisteddfod Society (HCES)).
- On 30 October 2007, Council considered a report recommended the archival of a number of policies including the previous *Hawkesbury District Eisteddfod Society Policy* adopted by Council on 27 July 1999. The Policy was recommended for archival on the basis that the Hawkesbury District Eisteddfod Society Policy was superseded by the Sponsorship Policy adopted by Council on 13 March 2007. In considering this report Council resolved:

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- "1. *The Policies in the table included in this report be archived for the reasons outlined with the exception of the policies titled Alfresco Dining and the Hawkesbury District Eisteddfod Society.*
2. *Further reports be submitted regarding the Alfresco Dining and the Hawkesbury District Eisteddfod Society policies."*

Current Situation

It was the assumption of Management that the adoption of the Sponsorship Policy by Council in March 2007, superseded all previous policies relating to the provision of Sec 356 financial assistance. This assumption was based on the following:

- that it was Council's intention to restore the administrative integrity, equity and financial sustainability of its Sec 356 financial assistance programs;
- that all future Sec 356 financial assistance would be required to be provided in conformance with the Sponsorship Policy to ensure that recipients met the assessment, approval, reporting and accountability requirements set down in this Policy;
- that conformance with the Sponsorship Policy would ensure that Council could satisfy itself that Sec 356 financial assistance could be delivered in conformance with guidelines issued by the Independent Commission Against Corruption (ICAC);
- that the Sponsorship Policy provided a mechanism for the continuation of funding to organisations such as the HCES - under the Policy all requests for Sec 356 financial assistance are required to be reported to Council for determination.

In this respect, it is considered that the provision of the previous policy (adopted by Council in 1999) with respect to providing annual sponsorship for the Eisteddfod Society is not inconsistent with the provisions of the recently adopted Sponsorship Policy. The Sponsorship Policy provides for the continued sponsorship of the Eisteddfod Society subject to the Society applying for sponsorship under Council's Community Sponsorship Program and meeting the accountability requirements set down for this Program - this process is outlined elsewhere in this Business Paper. This process is not onerous and was instituted to ensure the proper and transparent operation of Council's publicly funded financial assistance programs.

Maintaining the *Hawkesbury District Eisteddfod Society Policy* on the books' would however create an anomaly in that it would be in direct conflict with the Sponsorship Policy in that it could be interpreted as exempting the Eisteddfod Society from the accountability provisions of the Sponsorship Policy. The Sponsorship Policy does not provide for such an exemption (nor do the ICAC guidelines on which the Policy was based). Maintaining the previous policy would create the very ambiguity that the Sponsorship Policy, and the ICAC Guidelines, were drafted to eliminate.

For this reason Management would endorse the recommendation presented to Council on 30 October 2007, namely that the *Hawkesbury District Eisteddfod Society Policy* adopted on 27/07/1999 be archived. As noted above this recommendation is made on the basis that the intent of this previous policy can be achieved within the framework provided by Council's Sponsorship Policy.

Conformance to Strategic Plan

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

"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

There are no funding implications arising from this report.

RECOMMENDATION:

That:

1. The Hawkesbury District Eisteddfod Society Policy adopted by Council on 27 July 1999 be archived.
2. Council note that Council resolved on 14 August 2007 to provide \$18,000.00 to the Hawkesbury City Eisteddfod Society to support the staging of the Hawkesbury City Eisteddfod 2007.
3. The Hawkesbury City Eisteddfod Society be invited and assisted by Council staff to submit an application under the Community Sponsorship Program within the Program's three year event sponsorship category. The application to be reported to Council for determination in accordance with Community Sponsorship Program procedures.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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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

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

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Attachments Document (Maps)**

oooO END OF REPORT Oooo

Item: 290 CP - Western Sydney Area Assistance Scheme (WSAAS) - Concerns about the future of the WSAAS - (80257)

REPORT:

At Council's Community Planning Advisory Committee (CPAC) meeting of 25 October 2007 concerns were raised about the future of the WSAAS funding scheme, declining funding, and changes to the criteria and operation of the scheme.

Background

The Western Sydney Area Assistance Scheme (WSAAS) is administered by the NSW Department of Community Services (DoCS), under its Communities Division. The Area Assistance Scheme covers 6 regions across NSW to fund local community development projects. The AAS has (up to this year) provided grants (up to 4 years) and a small amount of on-going ('Pick-up') funding to improve community well-being and how communities function. Projects must meet the eligibility criteria and address at least one of the priorities identified in the AAS *Outcomes Framework*. These are:

- Connecting communities through partnerships
- Building community leadership and capacity
- Promoting safe communities

The area assistance scheme provides over \$10 million in funding across the State. Approximately \$1.1 million is allocated for the region of Greater Western Sydney (12 local government areas).

Declining Funding

There has been a steady decline in funding for Hawkesbury local projects since the AAS was transferred to the Department of Community Services new Communities Division in 2005.

The Hawkesbury area received the following AAS funding for the identified funding rounds:

- 2003/2004 - \$430,000 for 3 projects;
- 2004/2005 - \$227,170 for 2 projects;
- 2005/2006 - \$114,566 for 2 projects;
- 2006/2007 - \$4,700 for 1 project.

For the 2007/2008 round the Department of Community Services (DoCS) has cut the 'pick-up' category of funding (ongoing funding) and advised that only 1 to 2 year projects would be prioritised.

In Western Sydney, trends for 1 year projects has shown a steady decline over the past 7 years (33 projects in 1999/2000 for \$454,001 to 9 projects in 2005/2006 for \$71,965) - while demand for 3 year projects has steadily increased for the same period (2 projects for \$121,253 to 10 projects for \$632,055 in 2005/2006). This suggests that the scheme needs to be realigned to address emerging needs - the last Triennial Review of the scheme was in 2000 by independent consultants (The Street Company).

During the last 15 years AAS funding has decreased in real terms (not indexed for C.P.I.) - reducing the effectiveness of the scheme to meet new and emerging needs in local communities.

Decline in Local Focus

The Community Project Officers (CPO's) at local council's that administer the AAS in Western Sydney have noted that the scheme has become increasingly centralised and is being aligned with DoCS core

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priorities - reducing the scheme's effectiveness and ability to respond to the identified needs of local communities.

On 23 November 2007 Hawkesbury Council Staff wrote to the Communities Division of NSW DoCS outlining concerns that were raised by WSAAS CPO's at this years Eligibility Meeting on 11 October 2007. The letter asked 7 questions about consultation on changes to the operation and criteria of the scheme and clarification on the ongoing role of Council CPO's and Local Ranking Committees.

At it's meeting of 25 October 2007 (minutes reported to the Council meeting of 27 November 2007), Council's CPAC made the recommendation, as per this report, to Council with regard to concerns about the WSAAS.

Conformance to Strategic Plan

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

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

Funding

There is no impact on budget.

RECOMMENDATION:

That Council raise concerns through WSROC and to the NSW Minister of Community Services, the Hon. Kevin Green MP and the Minister for Western Sydney, the Hon. Barbara Perry, as well as local members the Hon. Alan Shearan and Hon. John Aquilina. Specific concerns to be raised are the:

- Loss of 'Pick-Up' funding and the decline of funding in real terms;
- Decline in support for, and focus on, the identified needs of local communities (as resourced and supported by Local Council Project Officers);
- Criteria of the scheme be reviewed in consultation with stakeholders to ensure that it is relevant to the current needs of Western Sydney and local council areas.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 291 **IS - Environmental Stormwater Levy - (95495, 79357)**

Previous Item: 272, Ordinary (14 November 2006)

REPORT:

An application was made to the Minister for Local Government in 2002 for a special rate variation for the purpose of an Environmental Stormwater Levy for a period of 10 years. The Minister approved the application for a 5 year period commencing in the 2002/2003 financial year.

A program of environmental management projects was developed for the 10 year period under 4 broad categories of river health, bio-diversity, land use, and partnerships. Detailed projects were adopted for the first year of the project generally from the urban and rural stormwater component of river health for the installation of gross pollutant traps at key locations in Hobartville, Richmond and North Richmond, the ongoing Council contribution to the Richmond Drainage Reuse Scheme and the employment of a project manager for the implementation of the program. The remaining projects identified over all four areas were listed generically to be undertaken over the remaining period of the proposed levy being 2003-2012. Following the first year, projects were prioritised and reported through the Management Plan process for Councils consideration. The status of the projects undertaken from 2002-2006 is outlined in an attachment to this report.

Implementation of the program has been delayed, firstly, due to the lengthy period it took to employ a project manager, and secondly, due to the extent of matching funds that have been achieved throughout the program expanding the scope of individual projects. As a result, there is currently \$2.520 million within the reserve awaiting prioritisation.

As part of the 2007/2008 budget process, Council resolved in part, that the Environmental Stormwater Levy not continue after the 2006/2007 financial year. As a result of this action, it is necessary to review the program of works, including any necessary ongoing operational costs and prioritising those projects which will achieve the best environmental benefits for the community. The following program of works is proposed for Council's consideration.

1. Gross Pollutant Trap Maintenance

There are now 21 end of drainage line gross pollutant traps installed throughout the urban areas. These traps are designed to divert the initial flush of stormwater through the piped drainage system to the gross pollutant trap where rubbish carried in this stormwater is removed. When the trap is full the pollutants are removed mechanically and deposited at a landfill site. The frequency of cleansing these devices is dependant upon the number of rainfall events which occur, however, is currently costing around \$80,000pa. It is proposed that an amount of \$1.1million remain in the reserve to cover the operation and maintenance costs of these devices. It is anticipated that this action will provide sufficient funds for a period of 10-15 years.

2. Mechanical Street Sweeper

The mechanical (suction) street sweeper removes litter and debris from kerbed and guttered streets. The frequency of street sweeping varies depending upon the potential for generation of debris. The main streets through commercial areas are swept on a daily basis, with surrounding streets swept less frequently and residential streets generally swept once every 2-4 weeks. There is a direct benefit from this program in the reduction of litter which accesses gross pollutant traps and where these are not provided, drainage channels and natural water courses.

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An annual contribution of \$60,000 toward the cost for the operation of the mechanical street sweeper has been provided from the levy and on a similar basis to that outlined for the maintenance and operation of the gross pollutant traps, it is proposed that an amount of \$600,000 be held in reserve and utilised over a 10-15 year period for this purpose.

3. *School Environmental Education*

As part of the partnership category (community awareness and participation) a trial was undertaken with Bligh Park and Glossodia Public Schools which, if successful was proposed to be further rolled out into schools throughout the Local Government Area.

Scoping projects were identified in both schools and following their completion the schools were left to their own devices and their progress monitored. The small projects were used to develop a larger school environmental education project which will be ongoing.

At Bligh Park Public School, a five week classroom environmental awareness program was conducted, auditing of water and power usage, waste types and streams, education resources, and biodiversity was funded and seed funding of \$2,000 provided to purchase a drip watering system. During and after Council's involvement the school:

- Installed the drip watering system under a work for the dole program,
- Remediated eroding areas through the construction of a bush tucker garden, secret garden, and herb garden. This was achieved through grant funding, donation of materials from commercial interests in the community, and parent contributions of labour and materials.
- Changed maintenance practices to protect a threatened species growing on site.
- Obtained funding and installed rainwater tanks for garden watering.
- Obtained funding for the construction of a large worm farm to reduce organic waste going to landfill.
- Initiated recycling schemes (paper, plastics, etc.)
- Installed energy efficient lighting
- Set up an environmental committee. This included succession planning processes to ensure its continued existence as well as sustainable funding processes. That is, a portion of the money saved by the current actions was directed to funding the next environmental action and external sources of funds were identified and tapped.
- The school became a lead research school for the area and participated in joint research projects with universities, e.g. a trial of the impact of using reflective roof paint to reduce power usage of air conditioners was undertaken with Sydney University.
- Obtained grant funding for environmental works.
- Planted 500 trees as a carbon offset.
- Funding of \$18,500 has been provided and is to go toward purchasing solar panels with a Federal Government subsidy. This funding has also been used to attract a \$50,000 community water grant, and conversion of their computer room to energy self sufficiency. Further, this funding is being used as a joint project application for funding from the State Government Public Facilities Grants to be used towards energy efficiency, such as LED lighting.

The value of environmental grants obtained to date following Council's initial contact with the school totals \$183,500. Donation of goods and services donated by parents and businesses is estimated at \$60,000.

Council and the community have benefited through reduced pollution leaving the site, especially sediment load and nitrogen, reduced amount of material going to landfill, reduced peak stormwater flow and hence an improvement in the capability of Council's stormwater system to address flooding and water quality problems. There are further accruing benefits such as a peak power offset which are yet to be realised.

All the projects outlined were linked to teaching outcomes to benefit the children attending the school.

ORDINARY MEETING

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Glossodia Public School received a similar level of initial involvement but did not receive seed funding for works. Progress was slower due to the financial restrictions, however, they have achieved:

- Rainwater is now used to water the school grassed field.
- Paper is recycled.
- Eroding areas of woodland and a gully are being revegetated.
- A bush tucker garden is being planted.
- Their composting facilities have been expanded and the material produced is used on school grounds.
- Their on-site-sewage soakage area is being planted to increase performance and reduce pollutant runoff.

Funding totalling \$34,700 was provided to Bligh Park Public School (\$18,500), Glossodia Public School (\$10,500), and the Long Neck Lagoon Environment Centre (\$5,700) at around the same time Council resolved to not continue the levy from the end of the 2006/2007 financial year.

It is proposed that the programme be rolled out to the schools shown in the table in the first year and then subject to that project being successful, \$140,000 being provided to participating high schools in the second year.

School	Funding Amount (\$)
Bilpin Public School	6,300
Cattai Public School	4,900
Colo Heights Public School	4,700
Comleroy Road Public School	8,900
Ebenezer Public School	6,500
Freemans Reach Public School	10,000
Grose View Public School	12,800
Hobartville Public School	19,200
Kurmond Public School	8,200
Kurrajong Public School	8,000
Kurrajong East Public School	7,100
Kurrajong North Public School	5,800
Macdonald Valley Public School	3,500
Maraylya Public School	5,800
Oakville Public School	13,200
Pitt Town Public School	6,900
Richmond Public School	11,000
Richmond North Public School	9,700
Wilberforce Public School	10,700
Windsor Public School	10,100
Windsor South Public School	7,700
Windsor Park Public School	12,300
Arndell Anglican College	13,200
Hawkesbury Independent School	4,800
Kuyper Christian School	7,200
Chisholm Catholic Primary School	19,100
St Matthew's Catholic Primary School	10,600
St Monica's Catholic Primary School	13,900
Total	\$262,100

A teachers networking group is also proposed to be initiated with seed funding of \$3,000 in the first year and again subject to achieving necessary milestones, \$10,000 in the second year.

The School Education Director, Hawkesbury Western Sydney Region is a member of the Project Advisory Group that had been set up and has stated that all public schools in the Hawkesbury Local Government Area would participate in the program. The project is also open to independent schools.

ORDINARY MEETING

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4. *Staff Training*

Following the completion of the Vegetation Mapping project, ideally staff will require training in the use of the data collected which is assist in development assessment reducing the time needed to process development applications and reduce costs for both Council and developers. It is proposed to allocate \$30,000 for this purpose.

5. *Integrated Week Control*

This project is aimed at the control of environmental weeds on lands managed and/or owned by Council to maintain natural assets. It is proposed to allocate \$153,415 for this purpose.

This funding includes \$50,000 matching funding for a grant the MacDonald Valley Association has successfully applied for, to undertake the removal of both noxious and environmental weeds on both public and private lands within the St Albans area. Council's \$50,000 will be utilised on public land whilst the grant funding will be utilised on both private and public lands.

6. *Road Reserve Management Planning.*

There are a number of issues surrounding road reserve management including maintenance of road reserves, road safety, ecological condition, fire hazard minimisation and public use. The purpose of this project is to integrate plans for those competing interests to allow resources to be directed to the greatest effect. It is proposed to allocate \$60,000 for this purpose.

7. *Community Monitoring*

Water Quality Monitoring is required to be reported as part of the State of the Environment Report since the State Government withdrawal of funds for this purpose and limited monitoring has been carried out including monitoring undertaken as part of Council's licencing requirements for the operation of the McGraths Hill and South Windsor Sewage Treatment Plants. It is proposed to allocate \$37,000 to set up a Hawkesbury Stream Watch network, by providing appropriate testing equipment to volunteer groups who would monitor nominated streams to enable a further expansion of water quality assessment to be reported within the State of the Environment Report.

8. *Environmental Stormwater Co-ordinator*

As this program is winding down, it is proposed that \$124,485 be allocated for an 18 month period to cover the costs of the Environmental Stormwater Co-ordinator and the vehicle utilised in that program.

Summary

The proposed priorities for the remaining environmental levy funds is:-

Gross Pollutant Trap Operation and Maintenance	\$1,100,000
Mechanical Street Sweeper Program (Part Funding)	\$600,000
School Environmental Education	
- Primary Schools	\$262,100
- High Schools	\$140,000
- Teachers Networking Group	\$13,000
Staff Training	\$30,000
Integrated Weed Control	\$153,415
Road Reserve Management Planning	\$60,000
Community Monitoring of Water Quality	\$37,000
Environmental Stormwater Co-ordinator	\$124,485
Total	\$2,520,000

ORDINARY MEETING

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Conformance to Strategic Plan

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

"Objective: Establish a framework to define and equitably manage the infrastructure demands of the City."

Funding

Funding impacts outlined within the report.

RECOMMENDATION:

That the projects outlined within the Environmental Stormwater Levy report be adopted.

ATTACHMENTS:

AT - 1 Table 1 - Structural, Information and Community Projects undertaken through the Environmental Stormwater Program for the period 2002 - November 2006 - (*distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 December 2007

SUPPORT SERVICES

Item: 292 SS - Pecuniary Interest Returns - (79337, 95496)

REPORT:

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

"450A Register and tabling of returns

- (1) *The general manager must keep a register of returns required to be lodged with the general manager under section 449.*
- (2) *Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:*
 - (a) *in the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
 - (b) *in the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
 - (c) *in the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons in accordance with Section 449 of the Act is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons under Section 449 of the Act must be tabled at a Council Meeting as outlined in Sections 450A(2)(a), (b) and (c) above.

With regard to Section 450A(2)(a), the following Section 449(1) Return has been lodged:

Position	Return Date	Date Lodged
Environmental Health Officer	3/09/2007	22/11/2007

The Return has been lodged prior to the due date for the receipt of the Return, being three (3) months after the return date.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act and the Return is available for inspection if requested.

Conformance to Strategic Plan

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

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

ORDINARY MEETING

Meeting Date: 11 December 2007

Funding

Not applicable.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 December 2007

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Advisory Committee Minutes - 19 November 2007 - (86589)

The meeting commenced at 4.00pm

Present: Councillor Kevin Conolly
Councillor Trevor Devine
Councillor Ted Books
Councillor Bob Porter
Councillor Neville Wearne
Mr Peter Cinque
Mr Kevin Jones
Mr Bill McMahon
Mr David Avery
Mr Geoffrey Bessell
Mr John Miller
Mr David Scott

Apologies: Mr Robert Bowman

In Attendance: Mr Chris Amit
Mr Philip Pleffer
Mr Matt Owens

REPORT:

APOLOGIES

Apology for absence was received from Snr Inspector Robert Bowman.

RESOLVED on the motion of Councillor Books, seconded by Councillor Devine that the apology be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr John Miller, seconded by Mr Geoffrey Bessell that the Minutes of the Floodplain Risk Management Committee held on 17 September 2007 be confirmed.

DECLARATION OF INTEREST

Disclosure of interest was received from Councillor Kevin Conolly as he owns land below the PMF.

ORDINARY MEETING
Reports of Committees

FLOODPLAIN RISK MANAGEMENT ADVISORY COMMITTEE

Table of Contents

Meeting Date: 19 November 2007

**Attendance Register of Floodplain Risk Management
Advisory Committee**

Member	17/09/07	19/11/07			
Councillor Trevor Devine – (HCC)	✓	✓			
Councillor Ted Books - (HCC)	A	✓			
Councillor Kevin Conolly - (HCC)	✓	✓			
Councillor Bob Porter - (HCC)	✓	✓			
Councillor Neville Weame - (HCC)	N/A	✓			
Mr Peter Cinque OAM - (SES Sydney Western Division)	✓	✓			
Mr David Avery - (Dept. of Environment and Climate Change)	A	✓			
Mr David Scott – (Dept of Defence)		✓			
Snr Inspector Robert Bowman - (NSW Agriculture)		A			
Mr Les Sheather - (DAMIT)	N/A	N/A			
Mr Kevin Jones - (SES Headquarters)	✓	✓			
Mr Geoffrey Bessell - (Community Member)	✓	✓			
Mr John Miller - (Community Member)	✓	✓			
Mr Bill McMahon - (Community Member)	✓	✓			

Key: A = Formal Apology
✓ = Present

Floodplain Risk Management Advisory Committee - 19 NOVEMBER 2007

SECTION 3 - Reports for Determination

Item: 1 Election of Chairperson and Deputy Chairperson

- Mr Matthew Owens called for nominations for the positions of Chairperson and Deputy Chairperson.

MOTION:

RESOLVED on the motion of Councillor Books, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That an election for the position of Chairperson and Deputy-Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2007/2008 term of the Committee be carried out.

ELECTION OF CHAIRMAN

RESOLVED on the motion of Councillor Books, seconded by Councillor Porter that Councillor Devine be elected as Chairman.

ELECTION OF DEPUTY CHAIRMAN

RESOLVED on the motion of Councillor Books, seconded by Councillor Conolly that Councillor Porter be elected as Deputy Chairman.

Item: 2 Correspondence from Sydney Catchment Authority and NSW Maritime - Operation of River Gauges and Depth of Hawkesbury River

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Books.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. This Committee advise Council to write further correspondence to relevant departments asking whether or not Howes Valley gauge was working and what would be the outcome had that gauge been in operation, if in fact, the gauge was not in operation.
2. NSW Maritime be advised that this Council is of the opinion surveying of the river is their responsibility and that the area between Wiseman's Ferry and South Creek be investigated.

Item: 3 Draft Consultants Brief for Flood Risk Management Study Plan

MOTION:

RESOLVED on the motion of Councillor Books, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

An AMENDMENT was moved by Councillor Conolly, seconded by Mr John Miller.

That the Committee provide an in principle endorsement of Section 3 and 4 of the draft brief.

The amendment was lost.

The motion was put and carried.

COMMITTEE RECOMMENDATION:

That:

1. The consultant brief be received.
2. The consultant brief be deferred pending further advice regarding funding and time frame.
3. The consultant brief be further workshopped with Hawkesbury City Council staff, Councillors and community members of the Committee.

SECTION 4 - Reports for Information

Item: 4 Amendments to the Floodplain Management Risk Management Advisory Committee

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Mr Geoffrey Bessell.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the amendments to the Constitution be noted.

SECTION 5 - General Business

DISCUSSION

- Concern was raised regarding Mr Les Sheather's absence from the meeting. It was advised Mr Sheather would be contacted to ascertain his intention in regard to remaining a member of the Committee.

ORDINARY MEETING
Reports of Committees

- Discussion arose re establishing future meeting dates for the Committee. It was determined the Floodplain Risk Management Advisory Committee would next convene on Monday 4 February, 2008 and thereafter, the first Monday every second month, as follows:
 - 7 April, 2008
 - 2 June, 2008
 - 4 August, 2008
 - 6 October, 2008
 - 1 December, 2008

The meeting closed at 5.15pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
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.
(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

ORDINARY MEETING
Reports of Committees

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

ORDINARY MEETING
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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

**To View This Image,
Please Refer to the Separate
Attachments Document (Maps)**

**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.

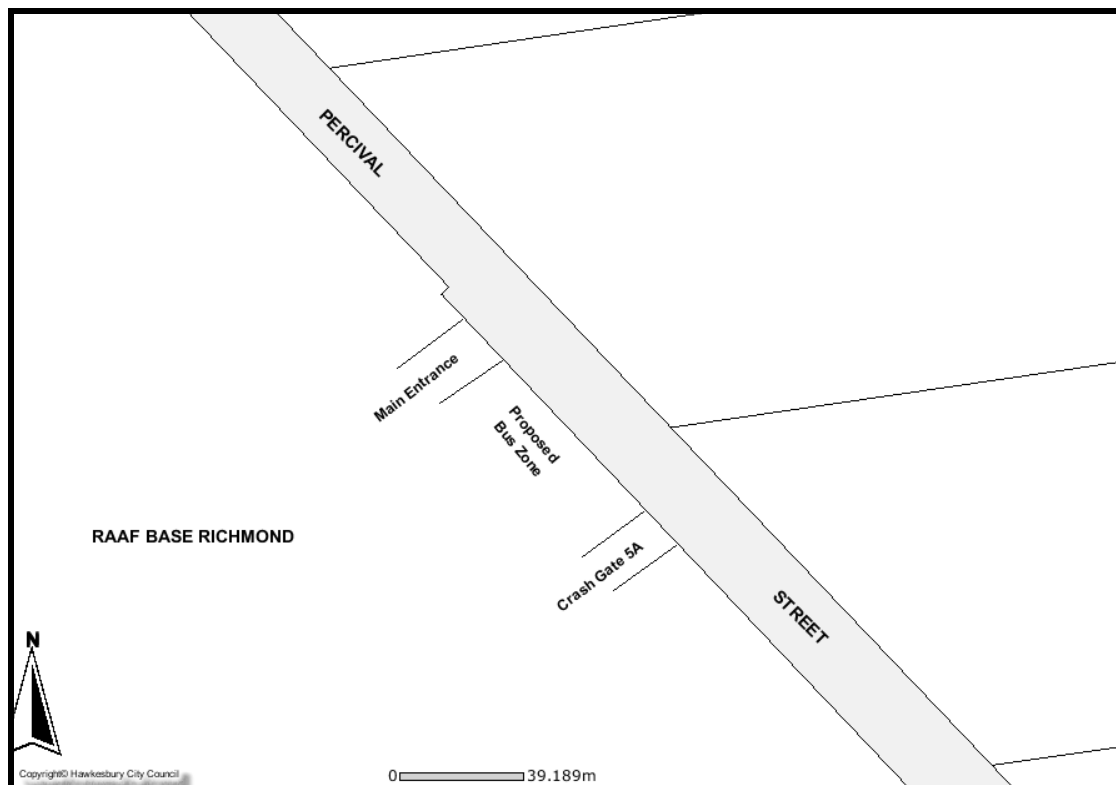
Discussion:

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.

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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 Giveway 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 'Giveway' 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 'Giveway' 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

ORDINARY MEETING
Reports of Committees

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

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

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ORDINARY MEETING
Reports of Committees

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

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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

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