



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 11 March 2008

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](mailto: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.

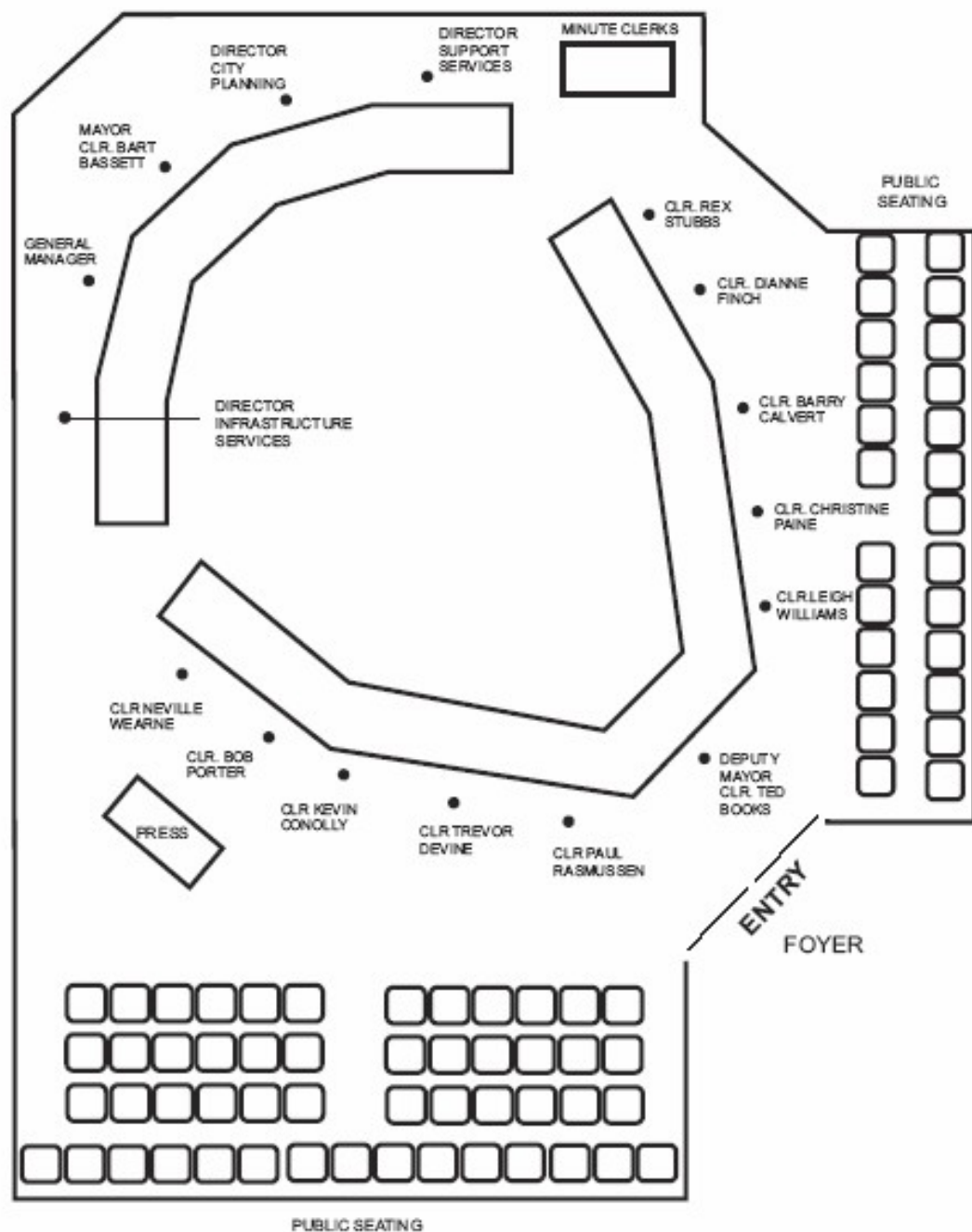
### **Website**

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](http://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.

# council chambers



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**ORDINARY MEETING**

Notices of Motion

## ORDINARY MEETING

### Notices of Motion

#### SECTION 3 - Notices of Motion

##### NM1 - Illuminated Directional Signage on Road Name Posts - (90476)

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**Submitted by:** Councillor Devine

#### **NOTICE OF MOTION:**

That a Policy be developed to permit the erection of limited, illuminated directional signage on road name posts. The signage is to be limited to use by licensed, "not for profit" clubs in order to direct the public to the club premises when located off main roads. The erection of the directional signage is to be at no cost to Council and an agreement is to be entered into between the Council and the club in regards to maintenance costs and annual rental.

#### **COMMENTS:**

There are a number of licensed "not for profit" clubs located within the Hawkesbury that contribute significantly to the wellbeing of the community. However, many of these club premises are located away from the main roads and at times are difficult to find by tourists and other visitors.

The proposed signs are to act as directional signs located on the existing road name posts. The proposed signs can be limited in size and number if required, but should be illuminated where possible in order to be effective. The construction costs are not likely to be high but should be at the cost of the club proposing the sign. The club should also pay an annual rental for the sign space. A standard agreement between the club and Council should also be prepared to deal with the details of rental payments and maintenance costs.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

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Notices of Motion



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### SECTION 4 - Reports for Determination

#### GENERAL MANAGER

**Item: 42                    GM - 2008 Local Government Manager's Association National Congress & Business Expo - (74304, 79351)**

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#### **REPORT:**

The 2008 Local Government Manager's Association National Congress & Business Expo will be held 25-28 May 2008 on the Gold Coast, Queensland.

"The World is Local: Local Government .... No Boundaries" is the theme for the National Congress. The Congress will hear from local and international speakers on local issues and best practice in dealing with some of the challenges and issues confronting local government - Sustainable Environment, Community Wellbeing and Executive Development.

Cost of attendance at the 2008 Local Government Manager's Association National Congress & Business Expo to be held 25-28 May 2008 on the Gold Coast will be approximately \$2,860.00 per delegate.

Budget for Delegate Expenses - Payments made

• Total Budget for Financial Year 2007/2008	\$46,961.00
• Expenditure to date	\$26,151.00
• Budget balance as at 29/2/08	\$20,810.00

#### **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"*

#### **Funding**

Funding for this proposal will be from the Delegates Expenses Budget.

#### **RECOMMENDATION:**

That attendance by nominated Councillors, and staff considered appropriate by the General Manager, at the 2008 Local Government Manager's Association National Congress & Business Expo to be held 25-28 May 2008 at a cost of \$2,860.00 per delegate be approved.

#### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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**Item: 43**                      **GM - Rural Fire Service Agreement - Extension of Proposal - (95496, 79016, 79351)**

**Previous Item:**            137, Ordinary (28 August, 2007)  
                                 236, Ordinary (13 November, 2007)

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### REPORT:

Council has, on a number of occasions in the past, given consideration to reports in relation to Council's termination of the current Service Level Agreement with the Rural Fire Service (RFS), effective from 31 December 2005, and subsequent discussions with the RFS in order to formulate a new Service Level Agreement.

It will be recalled that it has previously been indicated that whilst discussions had been proceeding with the RFS regarding the new Service Level Agreement, difficulties had been encountered in relation to indemnity clauses within the Agreement, and clauses relating to insurance coverage contained within the proposed Service Level Agreement which were effectively regulated by current legislative provisions concerning the ownership and responsibility for various items of plant and equipment utilised by the RFS.

In an endeavour to overcome this particular difficulty in resolving the terms of the Service Level Agreement, it had been suggested that an appropriate clause be included within the Agreement whereby the parties acknowledge that the Agreement will require amendment when the issue is resolved and/or legislative provisions change.

Since this suggestion was made, agreement was reached between the RFS and the NSW Local Government Association as to the wording of these clauses. The appropriately amended Service Level Agreement has now been referred to the RFS for finalisation, including the amended clauses in respect of insurances.

However, pending finalisation of the Agreement, the RFS has again recently written to Council suggesting an extension of the termination date of the current Service Level Agreement until 31 March 2008, in anticipation of the Agreement being finalised.

As this extension process has now occurred on a number of occasions and it is still not clear when the new Agreement will be finalised, it is suggested that the General Manager be authorised to agree to further extensions if necessary.

### 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".*

### Funding

Relevant provisions regarding contributions for the Rural Fire Service are already included within Council's budget.

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### **RECOMMENDATION:**

That:

1. Council agree to the termination date of the current Service Level Agreement between the NSW Rural Fire Service and Council being extended until 31 March 2008.
2. Pending the finalisation of the new Service Level Agreement, the General Manager be authorised to agree to further extension of the termination date of the current Service Level Agreement if necessary.
3. The NSW Rural Fire Service be advised accordingly.

### **ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

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### CITY PLANNING

**Item: 44** CP - Shed less than 170m<sup>2</sup> - Proposed New Shed Plus Annex to Existing Shed, Lot 4 DP 244901, 3 Putland Place, Vineyard - (DA0697/07, 10203, 10204, 96329, 95498)

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#### Development Information

**Applicant:** Julie Patricia and Robert James Sinclair  
**Owner:** Julie Patricia and Robert James Sinclair  
**Area:** 2.466H  
**Zone:** Rural Living  
Rural Living under Hawkesbury Local Environmental Plan 1989  
**Advertising:** 7 November 2007 to 21 November 2007  
**Date Received:** 19 October 2007  
  
**Key Issues:** ♦ Consent for Rural Industry Activity  
  
**Recommendation:** Approval

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#### REPORT:

##### Introduction

The application seeks approval to construct a shed and to use an existing unlawful structure as an annex. The purpose of the annex is to provide shelter over an existing loading area.

The application was called to Council by Councillor Devine.

##### Background

18 November 1998	Development application MA 380/98 approved for a rural industry for the growing, processing and packaging of lettuces at the subject property.
7 April 2004	Development application DA 904/03 proposing fill importation for growing of lettuces which was refused.
4 June 2007	Complaint received from the adjoining owner regarding the use of the existing shed on site and issues involving light and noise from operations and vehicle movements associated with the approved use of the shed for lettuce processing and packaging.
19 October 2007	Development Application DA 0697/07 is lodged with Council.

##### The Proposal

The proposal involves the demolition of an existing metal clad shed (approximately 68 square metres in area), the construction of a new metal clad shed (approximately 97.5 square metres in area) and the use of an existing structure as an annex which is located to the side of an existing (approved) shed. The annex will be used as a loading/unloading area.

The loading area is currently used in conjunction with the approved use of the shed for the purpose of a rural industry. The annex consists of a roof and two walls to enclose the area adjacent to the shed which is

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used for a rural industry. The annex is constructed of cool-room insulated sandwich panel and provides a protected area for the loading and unloading of trucks associated with the rural industry.

The use of the proposed shed involves mainly the storage of personal items and equipment and the housing of vehicles. This shed will replace a smaller existing shed on the site. The applicant has stated that if required, a small portion of the new shed may be used for the storage of packing boxes for the lettuces, as these boxes are not permitted inside the processing shed due to NSW Department of Primary Industries and NSW Department of Health requirements. The applicant has stated that this is likely to be a maximum of ten pallet loads of boxes at a time.

The applicant has also stated that a small desk and photocopier will be provided inside the new shed for clerical office functions associated with the business. This home office is currently located inside the dwelling and is to be moved to allow for additional room within the dwelling.

The size of the existing shed to be demolished is 68 square metres and the proposed shed is 97.5 square metres in area. Approximately 300mm of fill is to be imported to the site to create a level building platform. The overall height of the shed structure is proposed to be 5.5 metres from natural ground level.

The new shed is not proposed to be used for any processing associated with the rural industry. The applicant has stated in the application that there is no intensification in the use of the premises proposed by this application.

### **Statutory Situation - Unlawful structures - (Annex to existing shed)**

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:

- "1.    *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."*

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.

### **Community Consultation**

The proposal was notified in accordance with Hawkesbury Development Control Plan. One submission was received from Montgomery Planning Solutions acting on behalf of the owner of No. 52 Chapman Road, Vineyard.

The issues raised in the submission are addressed in the report.

### **Planning Assessment**

*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)

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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 No.20.
- Hawkesbury City Council Local Environmental Plan 1989. (HLEP)

*Comment:* The proposal is not inconsistent with the relevant Planning Instruments as the development involves the demolition and construction of a shed for storage purposes and housing of vehicles. The proposal also involves the use of an unlawfully constructed annex as a loading area. Such structures and uses are permitted in the Rural Living Zone.

**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 table below shows assessment against the Rural Shed Chapter of Hawkesbury Development Control Plan.

Design Principles	The Proposal	Compliance
<b>Siting</b>		
Sheds shall be located no closer to the road than the existing dwelling house on the property.	The proposed shed is to replace an existing shed on the same location.	Yes
Cut and fill shall be limited to 2m of cut and 900mm of fill	300mm of fill proposed.	Yes
Sheds are not to be erected on land which has a slope in excess of 10%	The site is relatively flat.	Yes
The erection of rural sheds should involve minimal disturbance to native vegetation.	No vegetation exists in the site of the proposed shed.	Yes
<b>Size</b>		
The maximum of sheds in the 1(c) and 1(c1) zones shall not exceed 170sqm. The cumulative total of all buildings shall not exceed 170sqm on any one property in these zones.	The cumulative total of sheds exceeds this value.	<b>No. See comment in report.</b>
<b>Height</b>		
The total height of a rural sheds erected in Rural 1(c) and 1(c1) zones shall be no more than 5 metres or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less.	The height of the shed is 5.5 metres above ground level. (300mm of fill included).	<b>No. See comment in report.</b>
The total height of "barn style" sheds may exceed 5m based on individual merit.	N/A	N/A



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<b>Form</b>		
Rural sheds with standard roof form will be limited to rectangular shapes.	Rectangular shape proposed.	Yes.
Sheds of other roof forms, for example barn style, will be encouraged.	N/A	N/A
<b>Colour</b>		
The colour of a rural shed will match or blend in with those of existing buildings.	The colour of the existing shed on site is cream. The new shed will match the existing shed.	Yes.
On vacant land the colour for rural sheds shall be taken from the natural environment.	N/A	N/A
<b>Type of Building Materials</b>		
Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective	All new colourbond materials proposed.	Yes.
The use of corrugated iron will be considered subject to size, height, design and location of the rural shed.	N/A	N/A
Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible material.	Building complies.	Yes.
<b>Landscaping</b>		
Plantings are to be a mix of trees, shrubs and ground cover.	Landscape plan provided.	Yes.
Trees shall include species that at maturity have a height above the ridgeline of the shed.	Suitable species proposed.	Yes.
Shrub mass shall provide adequate screening.	Suitable species proposed.	Yes.
Plants endemic to the area are to be chosen.	Suitable species proposed.	Yes

The issues of non-compliance or concern are addressed below.

**Size**

The size of the current shed to be demolished is 67.5 square metres and is in a dilapidated state. The existing shed is used for the storage of personal items and equipment. There is no provision in the existing shed for vehicle storage and access to stored items is difficult as the existing shed is filled to capacity. The proposed replacement shed is to be 97.5 square metres in area.

The cumulative total of all sheds on the subject site is currently 355 square metres. The proposed cumulative total is 385 Square metres. This represents an increase of 30 square metres or 8%. This increase is not considered to be demonstrable upon the amenity of the area.

#### **Height**

With regard to the height of the structure, the ridge of the shed will be 5.5 metres above ground level. The general ground level in the area is flat, however in the location of the proposed shed, the ground level varies by up to 300mm. The purpose of the fill material is to level the building site.

The applicant has advised that he has chosen to import the fill (as opposed to cut and fill earthworks) to slightly increase the height of the structure in an attempt to address an issue of complaint, from the adjoining property, over light spill from the lettuce processing shed. The applicant considers the additional height will ensure that any light spill towards the respondents dwelling, is blocked by the proposed shed.

It is considered that strict compliance with this provision regarding height, will not achieve any significant or worthwhile benefit given the spatial separation distance between the proposed shed and the respondents residence - a distance of approximately 50 metres.

#### **Landscaping**

The applicant has advised they are prepared to provide landscaping and to relocate the shed four (4) metres from the respondent's boundary (as opposed to two (2) metres as originally proposed) in order to accommodate suitable landscaping. A landscape plan has been submitted with the application. This landscaping will provide adequate screening of the proposed shed.

#### **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 is not considered to be out of character with the surrounding landscape and it is unlikely that the development will have any adverse environmental impact on the locality. Noise is not considered to be an issue, as the hours of operation were the subject of a previous approval issued by Council for the rural industry and this application involves a new shed and use of a structure as an annex.

#### **Site Design And Internal Design**

The shed position has been determined as being the most appropriate location to screen the lights of the existing annex. The lights are a source of complaint regarding the use of the shed.

#### **Cumulative Impact**

The cumulative impact of the sheds is not considered to be demonstrable, as the landscape is rural and there are a number of sheds in the locality which are of similar size and scale.

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

The site is suitable for the development.

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

One submission was received from Montgomery Planning Solutions on behalf of the owners of No. 52 Chapman Road - a Mr and Mrs Bowd.

The matters raised are:

1. *"The existing colourbond shed has been used for the purposes of a rural industry since at least 1998, which has caused continual disturbance to my clients due to activities taking place generally between midnight and 4.00am."* The respondent further states that a diary of truck movements demonstrating late night and early morning operations has previously been submitted and that such operations are unacceptable and affecting the health of the occupants of No. 52 Chapman Road. The submission claims there is no sense in screening the respondents property from the development by building another shed and expanding the rural industry.

*Comment:* The rural industry operating in the colourbond shed has previously been approved (MA0380/95) and is operating generally in accordance with the conditions of development consent. The current application before Council does not intensify the rural industry on the site.

The original application, as approved, stated the following operating hours:

- a) *Loading - 2am to 3am Monday to Saturday inclusive.*
- b) *Production - 7.30am to approximately 4.30pm Monday to Saturday inclusive."*

Information submitted to Council by the respondent indicates that the approved operation may be operating outside these hours.

The noise matters and operating hours are the subject of an investigation by Council's Regulatory Branch as they relate to MA0380/98 and not this current application.

2. *"Rural industry is a prohibited land use in the Rural Living Zone and the current activity does not have approval."* The submission further states that Council officers report for the development application for the rural industry (MA 0380/98) does not make any assessment of this component of the application and therefore in the consultants opinion, the use was never approved.

*Comment:* Development Consent (MA 0380/98) granted approval for a rural industry for the growing, processing and packaging of lettuces at the subject property as well as the establishment of hydroponic growing tables for lettuces. The hours of operation of both the loading and production components of the activity were identified in the documentation accompanying that application. No conditions were imposed upon the consent to limit the hours of operation beyond those stated in the application.

Council has received legal advice from Councils solicitor Pike Pike and Fenwick which indicated that the rural industry was approved by MA0380/98. In summary, this advise states that whilst the description of the development, as shown on the Notice of Determination, does not specifically mention the existing rural industry, the application and assessment report clearly addresses this aspect of the application. It is considered that the officer assessment report should be regarded as the development consent. (This is supported by *Kindimindi v Lane Cove Council* (2007) 150 LGERA 333 where the Court of Appeal held that the development consent is essentially the assessment report rather than the subsequent Notice of Determination).

Condition 1 of the consent (MA 0380/98) includes all the detail submitted with the application, including the operating hours, as per the following:

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*"To confirm and clarify the terms of this approval, the development shall take place in accordance with the plans submitted with the application as amended in red and as modified by these further conditions."*

3. *"The proposed new shed is to be used as an extension to the rural industry."* The submission states that the use of the land involving the rural industry is the source of continual disturbance to the respondents and to expand that industry is absurd.

*Comment:* The application does not propose to intensify the rural industry currently operating on-site. The applicant has stated that he may store some excess boxes used for transporting the finished lettuce product from time-to-time, in the proposed shed when limited storage exists in the annex structure and also a small office may be set-up inside the shed. The boxes are not permitted to be stored in the processing shed due to health regulations. The applicant has advised that 12 pallet spaces are currently utilised in the existing shed. With the new shed this will be reduced to 10 pallet spaces. This is not considered to be an intensification of the business, as the shed is expected to be accessed once a month for the purpose of re-stocking the annex. This activity would occur during daylight hours.

The office is being relocated from the main dwelling and as such the office is not an expansion but merely a relocation.

4. *The shed is proposed to replace an existing shed, yet it is 50% larger and some 3.5 metres higher than the existing shed."* The submission states that the replacement shed is 1.5 times larger and 2.5 times higher than the shed it replaces.

*Comment:* The proposal is permissible in the zone and satisfies the aims of the Rural Shed Chapter of Hawkesbury Development Control Plan. The Rural Shed Chapter seeks to limit rural sheds to a maximum size of 170 square metres. The proposal will increase the cumulative total of shed space on the land by 30 square metres which is an increase of approximately 8%. As the rural industry is operating in an approved shed, it is considered reasonable that the owner of the property have a shed of an appropriate size, to store personal items, equipment and vehicles.

5. *The development does not comply with the Rural Sheds Chapter of Hawkesbury Development Control Plan."* Specifically, the submission highlights that the total area of all sheds on the property exceeds 170 square metres and if approved will result in a cumulative total of 385 square metres.

*Comment:* The existing sheds on site exceed 170 square metres in total. The proposed work involves an 8% increase in the cumulative total of sheds on the site.

6. The submission states in conclusion that the proposal appears to be an attempt to resolve an ongoing conflict between the two parties and that expanding the rural industry will not achieve this. Further, the source of the conflict is the rural industry during the early hours of the morning. The author of the submission suggests that the rural industry is unlawful and is now prohibited in the zone and cannot be approved. The author further suggests that should Council be of the opinion that the use is lawful, then the hours of operation should be restricted to between 6.00am and 6.00pm given the rural residential character of the area.

*Comment:* The application does not seek to intensify the rural industry on the site.

The annex does not, in and of itself, contribute to an intensification of the rural industry. The trucks would be loaded and unloaded in this area in any case. The annex simply provides weather protection during the loading and unloading period.

The original application for the rural industry indicated that *"We deliver the finished salad mix product six days per week on one delivery run utilising a 2 tonne truck, refrigerated, which leaves at 3.00am. The hours of operation are: A) Loading - 2.00am to 3.00am Monday to Saturday inclusive; B) Production - 7.30am to approx. 4.30pm Monday to Saturday inclusive."*

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Given the proposed hours of operation of both the loading area and the production component of the rural industry were identified by the applicant and subsequently approved by Council under DA0380/98, it cannot be construed that this current application before Council seeks to alter any hours of operation or intensify the use of the site or the rural industry.

As mentioned previously, it seems from the objector submission that the hours of loading, whilst approximately 1 hour duration, may, at times be outside the above times, ie, outside the 2am to 3am approved time. This compliance matter is being addressed separately.

### **e) the public interest**

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

### **Conclusion**

The proposed development demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan and that where non-compliances exist, they are justified in this case. The application does not propose to intensify the existing rural industry on site but rather to replace an existing shed with a slightly larger shed. The activities and scale of the rural industry will remain the same. It is considered, the matters raised by the respondent do not warrant refusal or amendment of the application.

### **RECOMMENDATION:**

That the application for the proposed shed and the use of the structure as an annex for loading and unloading at Lot 4 DP244901, 3 Putland Place, Vineyard 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.
2. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
3. The development shall comply with the provisions of the Building Code of Australia at all times.
4. This consent covers the removal of trees and other vegetation for driveways and access and within a 6 metre radius from the building. No other trees or vegetation shall be removed without prior approval of Council.
5. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
6. A Section 149A Building Certificate application is required to be lodged with Council, within sixty (60) days of the date of this consent, for the existing annex structure.
7. All landscaping is to be completed within a period of sixty (60) days of the issue of an occupation certificate for the new shed.

#### ***Prior to Commencement of Works***

8. 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.

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9. 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.
10. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
11. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

### ***During Construction***

12. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
13. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
14. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
15. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
16. 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.

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- (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.
17. External brick piers exceeding 1.2 metres in height shall be certified by a Practising Structural Engineer as being structurally adequate and provide lateral bracing for the proposed loads and a certificate provided for Council's records prior to frame inspection.
18. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
19. Stormwater from the roof of the shed shall be disposed of to a water storage vessel. The overflow from the water storage vessel shall be disposed of to a rubble pit of suitable size. The rubble pit shall be located a minimum of three (3) metres from the property boundary and any structure or driveway on the site.

### ***Inspections***

20. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

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

- (a) commencement of work (including erosion controls, site works and site set out);
- (b) piers;
- (c) steel reinforcement prior to pouring concrete;
- (d) external sewer or stormwater lines, prior to backfilling;
- (e) prior to occupation of the building;

### ***Use***

21. No internal or external alterations shall be carried out without prior approval of Council.
22. The development shall be limited to the area shown on the submitted plans.

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23. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
24. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

**ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Floor Plan - Proposed Shed
- AT - 4** Elevation - Proposed Shed
- AT - 5** Floor Plan and Elevation - Existing Annex
- AT - 6** Landscape Plan



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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 Site Plan**

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

**ORDINARY MEETING**

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**AT - 3 Floor Plan - Proposed Shed**

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

**ORDINARY MEETING**

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**AT - 4 Elevation - Proposed Shed**

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

**ORDINARY MEETING**

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**AT - 5 Floor Plan and Elevation - Existing Annex**

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

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**AT - 6 Landscape Plan**

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

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

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**Item: 45**                      **CP - Review of Determination - Dual Occupancy - Lot 4 DP27204, 8 Campbell Street, South Windsor - (DA0056/06, 3284, 37769, 95498)**

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### Development Information

**Applicant:** Mr PA and Mrs DC Ryan  
**Applicants Rep:** Graham Zerk  
**Owner:** Mr PA and Mrs DC Ryan  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan  
**Area:** 670m<sup>2</sup>  
**Zone:** Multi Unit Housing  
**Advertising:** 10 February 2006 to 24 February 2006  
**Date Received:** 31 January 2006 - Original Application  
31 August 2006 - Review of Determination

**Key Issues:**

- ◆ Character
- ◆ Noise
- ◆ Visual amenity

**Recommendation:** Approval

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### REPORT:

#### Introduction

Council has received an application under Section 82A of the Environmental Planning and Assessment Act, 1979 to review a determination made to a Development Consent.

The matter is being reported to Council as in accordance with Section 82A of the Environmental Planning and Assessment Act, 1979 the review can only be determined by the next level of delegation which in this case is the Council.

#### Background

A development application was received on 31 January 2006 seeking consent for a detached dual occupancy on Lot 4 DP 27204, 8 Campbell Street, South Windsor.

Following a preliminary assessment of the application, the applicant was requested to provide additional information. No responses were received to Councils general requests, and the application was refused on 8 June 2006.

#### The Proposal

The application proposes the demolition of existing structures, the erection of a detached dual occupancy and a two lot subdivision.

Each dwelling will be two storeys and comprise of a rendered finish and colourbond roof sheeting. A double garage will be provided to each dwelling

## **Statutory Situation**

### **Provisions of Section 82A of the Environmental Planning and Assessment Act 1979**

Section 82A allows an applicant to request Council to review a determination. As a consequence of its review, Council may confirm or change the determination.

The review of determination requests the reconsideration of the original development along with the additional information supplied. The additional information related to the payment of the application fees, amendments to the proposed manoeuvring areas and the provision of a BASIX Certificate for the proposed dwellings.

The Environmental Planning and Assessment Act 1979 requires the review to be determined by the Council or another delegate of the Council who is not subordinate to the delegate who made the determination. The application was determined by the Director of City Planning, and therefore the review of determination is required to be reported to Council.

## **Planning Assessment**

### **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 relevant environmental planning instruments, which apply to the proposal, follow:

#### **Hawkesbury Local Environmental Plan 1989 (HLEP 1989)**

The proposed development is permitted in the Multi Unit Housing Zone is considered to be consistent with Hawkesbury Local Environmental Plan 1989, including the Multi Unit Housing zone objectives.

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

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River.

##### **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 draft environmental planning policies relevant to this proposal.

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

#### **Hawkesbury Development Control Plan.**

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follow:

#### **Residential Chapter**

The following table provides an assessment of the proposed development against the requirements for residential development:



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Element	Rules	Proposed	Complies
Height	(a) New buildings are to be constructed within the Building Height Plane for the relevant residential use. The Building Height Plane it to be adjusted for sloping sites to follow the natural ground level.	Dual occupancy within the building height plane.	Yes
	(b) Building to the side & back boundary within the Building Height Plane is permitted where: <ul style="list-style-type: none"> <li>it can be shown that building to the boundary doesn't reduce the privacy of neighbouring dwellings and their private open space and does not reduce their existing solar access; and</li> <li>the continuous length of the boundary walls is not more than 10m or is a maximum of 50% of the boundary length, whichever is the shorter.</li> </ul>	N/A	Yes
Setbacks	(a) For sites fronting main or arterial roads, buildings are to be set 10 metres back from the front boundary unless there are exceptional physical circumstances. The 10m setback commences after any road widening which may affect the subject land.	N/A	Yes
	(b) For sites fronting a local road buildings are to be set 7.5m back from the front boundary. In areas where there is prior development the established pattern is to be regarded as the standard setback.	7.5m front setback	Yes
	(c) For battleaxe blocks the general setback from the rear boundary of the property in front is to be 6 metres.	N/A	Yes
	(d) For the minor frontage on corner blocks, the minimum building setback is to be 2 metres.	N/A	Yes
Development Fronting Rear Lanes		N/A	Yes

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Element	Rules	Proposed	Complies
Landscaped Areas	<p>(a) All forms of residential development are to contain pervious soft <u>landscaped areas</u> to a total of 30% of the total site area. This may be calculated by adding together soft <u>landscaped areas</u> of private and <u>common open space</u>. Development proposals, where required, are to indicate the proportion of the total site area that is:</p> <ul style="list-style-type: none"> <li>• total “soft” <u>landscaped area</u>;</li> <li>• total ground level <u>private open space</u>; and</li> <li>• total common open space.</li> </ul>	The total site area is 670m <sup>2</sup> . 201m <sup>2</sup> of landscaped area is required. Approx 276m <sup>2</sup> has been provided.	Yes
Private Open Space	<p>(a) Single dwelling houses and multi unit housing are to provide at least one area of private open space for each dwelling.</p>	Provided	Yes
	<p>(b) The total of private open space at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must:</p> <ul style="list-style-type: none"> <li>• be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10;</li> <li>• not be comprised of any area with a dimension less than 4 metres; and</li> <li>• be exclusive of clothes drying areas, driveways, car parking and other utility areas.</li> </ul>	134m <sup>2</sup> of private open space required. 150m <sup>2</sup> provided	Yes
	<p>(c) Any above ground level balcony or rooftop area designed for private open space must have a minimum area of 10 square metres with a minimum dimension of 2 metres. This area is not included in the calculation for the provision of total private open space.</p>	N/A	Yes
Common Use Open Space	<p>(a) For development proposals than contain 5 or more units common use open space is encouraged. Concession may be given where it is demonstrated that sufficient useable private open space has been provided.</p>	N/A	Yes

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Element	Rules	Proposed	Complies
Access and Parking	(a) Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them.	Provided	Yes
	(b) Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metre above the driveway.	Complies	Yes
	(c) All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion.	Provided	Yes
	(d) For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.	N/A	N/A
	(e) Garages and carports must not visually dominate the street facade, should occupy less than 50% of the building facade and must be compatible with the building design.	Less than 50%	Yes
	(f) Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.	N/A	N/A
	(g) Where parking spaces are located as 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate manoeuvring on site.	Complies	Yes
	(h) On site manoeuvring areas shall be provided to allow entry and exit to the site in a forward direction.	Complies	Yes
	(i) On site manoeuvring areas shall be provided to allow entry and exit to and from all car spaces including garage, carports, uncovered spaces and visitor spaces by a single turning movement.	Complies	Yes

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Element	Rules	Proposed	Complies
	<p>(j) Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access.</p> <p>(k) On site manoeuvring shall be based on the Ausroads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the swept paths.</p> <p>(l) All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening:</p> <ul style="list-style-type: none"> <li>• On one side only to 3.2m</li> <li>• On both sides to 3.8m.</li> <li>• Refer to Part C Chapter 2 - Car Parking and Access for additional requirements.</li> </ul>	<p>N/A</p> <p>Complies</p> <p>Complies</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
Basement Parking		N/A	Yes
Visual Amenity	<p>(a) Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP.</p> <p>(b) Where there is no alternative to a window, it should be screened.</p>	Ground floor windows not considered to cause concern in respect to privacy given 1.8m fence. Windows attached to first storey rooms are either glazed or attached to bedrooms which are considered to be low traffic rooms.	Satisfactory

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Element	Rules	Proposed	Complies
Acoustic Privacy	(a) Acoustic privacy is to be considered at the design stage.		Yes
	(b) Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows		Yes
	(c) A distance of at least 3 metres should separate openings of adjacent dwellings.		Yes
External Noise and Vibration	(a) A noise and vibration assessment must be undertaken by a suitably qualified noise consultant for any proposed residential development other than a single dwelling house located within 100 metres of the railway line or within Australian Noise Exposure Forecast (ANEF) 25 or greater.	The proposed development is not located within 100m of a railway line and is not affected by 25 or greater ANEF.	Yes
	(b) Proposals must comply with the current Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance and incorporate appropriate mitigation measures.	N/A	Yes
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road.	Pedestrian access is available to the road from both dwellings	Yes
	(b) Barriers to prevent movement between internal roof spaces of adjoining dwellings are required.	N/A	Yes
	(c) Elements to be incorporated in site and building design and include: <ul style="list-style-type: none"> <li>doorway/entry safety and surveillance to and from the footpath</li> <li>illumination of public spaces including all pedestrian paths,</li> </ul>	Notwithstanding garage orientation, ground floor surveillance to street and entrance	Satisfactory

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Element	Rules	Proposed	Complies
	<p>shared areas, parking areas and building entries to the relevant Australian Standard</p> <ul style="list-style-type: none"> <li>visibility to the street from the front of the development</li> <li>restricted access to the rear of the site.</li> </ul>	area is satisfactory. Windows to garage on street elevation to be shown on floor plan.	
Utility and Site Services	(a) Where reticulated water is not available, a minimum storage of 100000 litres must be provided. A minimum of 10000 litres must be available at all times for fire fighting.	N/A	N/A
Cables	(a) The design, location and construction of <u>utility services</u> must satisfactorily meet the requirements of both the relevant servicing authority and Council.	Condition	Yes
Recycling, garbage and mail	(a) Collection areas must be integrated into the overall site and building design, such as the example shown in DCP.	Adequate street frontage for bin collection etc Access is also provided to private open space for storage of bins.	Satisfactory
Effluent Disposal	Refer to Effluent Disposal Chapter	Site connected to sewer.	Yes
Fencing and Retaining Walls	<p>(a) Front fences where not screening private open space walls are to be a maximum height of 1.2m if solid.</p> <p>(b) Solid front fences may be 1.8m high and articulated if:</p> <ul style="list-style-type: none"> <li>the main private open space is in the front of the building facade;</li> <li>the site is located on a main or arterial road;</li> <li>the site is not located within an established heritage character; and</li> </ul>	<p>1m</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p>

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Element	Rules	Proposed	Complies
	<ul style="list-style-type: none"> <li>the length is limited to 75% of the frontage where private open space fronts the street and some surveillance is maintained from the front dwelling; and</li> <li>fences do not exceed 10m in length without some articulation or detailing to provide visual interest.</li> </ul>		
	(c) The integration of trees and natural ground vegetation with the fence line is desirable.		Yes
	(d) The setback of the fence will be used for landscaping.	N/A	Yes
	(e) Solid fences are to be 1metre from the front boundary.	N/A	Yes
	(f) Retaining walls shall: <ul style="list-style-type: none"> <li>not be taller than 500mm;</li> <li>not cut through roots of any tree to be retained.</li> </ul>	No retaining walls are proposed.	Yes

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

The relevant considerations under s79C (1)(b) of the EP&A Act are assessed below:

### Context And Setting

The site is located within a residential area. The majority of the local area is comprised of single storey dwellings however some two storey dwellings also exist. The site is opposite a school. The proposed development is consistent with these adjoining landuses .

The proposal will have no unreasonable impacts on adjoining properties in terms of overshadowing, loss of privacy or views and vistas

### Access, Transport and Traffic

Access to the site is considered satisfactory.

It is considered that the traffic generated by the proposal will have no significant impact on traffic volumes within Campbell Street or surrounding streets.

Off street parking has been provided in accordance with Hawkesbury Development Control Plan as previously discussed.

### Natural Hazards

The site is within the established urban area and the site is identified as being of insignificant bushfire risk. The land is at a level above the 1 in 100 year flood level.

### Site Design And Internal Design

The siting of the proposed dwelling is appropriate in terms of minimising impact to adjoining properties, energy efficiency and safety and security.

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### **Cumulative Impact**

The proposed development is compatible with the surrounding landuses and no significant negative cumulative impact is foreseen.

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

There are no constraints from surrounding landuses that would make this development prohibitive.

The subject land is located above the 1 in 100 year flood level for the locality and is in an area of insignificant bushfire risk.

The site is considered to be suitable for the development.

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

No submissions received.

### **Conclusion**

The proposed development is consistent with the provisions of Hawkesbury Local Environmental Plan 1989 and the objectives and rules of Hawkesbury Development Control Plan. The proposal will have no significant adverse impact on the natural or built environment, and will provide additional housing in an area close to services and amenities. Therefore proposed development is considered to be in the public interest.

### **RECOMMENDATION:**

That Council review the determination in accordance with the provisions of section 82A of the Environmental Planning and Assessment Act 1979 and resolve to approve the application for multi unit housing (dual occupancy) at Lot 4 DP 27204, 8 Campbell Street, South Windsor, 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.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.



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9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

### Prior to Issue of Construction Certificate

10. 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 \$2,400 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 certifying authority.

11. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
12. Construction of the, access and drainage, including the on-site detention system, 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.
13. Payment of a Construction Certificate checking fee of \$423.00 and a Compliance Certificate inspection fee of \$765.00 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.
14. Payment of a contribution of \$6093.70 towards sewer headworks. This sum will remain fixed until 30 June 2008 after which it will be recalculated at the rate applicable at the time of payment.

### Prior to Commencement of Works

15. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
16. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
17. Any structure/building constructed on this block MUST comply with Section 8 "Building adjacent to or over Council's Sewer mains" of Hawkesbury City Council Standard Specification Construction and Testing of Sewerage Works Revised December 2003.

The footings shall be designed and constructed in such a manner that their zone of influence shall fall a minimum of 900mm below the zone of influence of the trench taken from a point 600mm from the centre line at invert level of the adjacent sewer main. The angle of repose shall be assumed to be 1:1 (45 degrees) in undisturbed clay or similar material and 1:2 (30 degrees) from horizontal in sand or filled ground whether compacted or not. All supporting piers adjacent to the sewer main shall contain appropriate starter bars cast in them for subsequent tying into the strip footing or perimeter beam. Design of the proposed footings system shall be certified by a structural engineer and approved by Council. The applicant shall accurately locate the position of the main prior to work commencing, and shall request an inspection of the location and depth of any pier within the zone of influence by Council prior to the Principal Certifier authorising concrete pour to the piers.

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18. Recent colour photographs of all elevations of the existing dwelling shall be submitted to Council. The photographs shall be labelled and cross referenced to a base plan drawn to scale.
19. 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.
20. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
21. 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.
22. 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.
23. 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.
24. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
25. 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.
26. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
27. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or

If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

### During Construction

28. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.

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29. The driveway shall be finished with a decorative paving pattern in earth tones.
30. New boundary fences shall be provided. Fencing behind the building line shall be a height of 1.8m.
31. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
32. The site shall be secured to prevent the depositing of any unauthorised material.
33. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
34. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
35. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c. Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
36. 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.

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- 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.
- 37. 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.
- 38. Roof water (including overflow from water storage vessels) shall be drained to street gutters (formed or otherwise) or to stormwater drainage easements.
- 39. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 40. Removal of the existing redundant layback crossing and replacement with concrete kerb and gutter and the restoration of the footway area.
- 41. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at pre-development levels. Discharge from the system through positive fall to Campbell Street.
- 42. A heavy duty layback and footway vehicular crossing 3m wide shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

### **Prior to Issue of Occupation Certificate**

- 43. Compliance with all conditions of this development consent.
- 44. Landscaping shall be carried out in accordance with the approved landscaping plan.
- 45. 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.
- 46. 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](http://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.

- 47. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
- 48. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
  - a. The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.

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- b. Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
  - c. The type of timber installed indicating both species and durability as required by AS 1684.
  - d. An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
  - e. A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.
49. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
50. The owner shall enter a positive covenant with Council which provides the following:
- a. The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
  - b. The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
  - c. Council only will be entitled to release or modify the Covenant.
- All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
51. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
52. Works-As-Executed drawings for the On Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
- a. Invert levels of tanks, pits and pipes
  - b. Surface levels of pits and surrounding ground levels
  - c. Levels of surrounding kerb
  - d. Floor levels of buildings
  - e. Top of kerb levels at the front of the lot; and
  - f. Extent of inundation

### **Prior to Issue of Subdivision Certificate**

- 53. The development shall be completed in accordance with all conditions of this Consent (Development Consent No. 56/06).
- 54. The submission of a plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal, where applicable, and the correction of any encroachments or defects to the requirements of the Director of Environment and Development.
- 55. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.

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56. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.
57. Payment of a Linen Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

### Use of the Development

58. No internal or external alterations shall be carried out without prior approval of Council.
59. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

### Advisory

- \*\*\* The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- \*\*\* 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 carrierregarding 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.

### ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Site Plan/Subdivision Plan
- AT - 3 Elevation Plan - Unit 1
- AT - 4 Elevation Plan - Unit 2

**ORDINARY MEETING**

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**AT - 1 Locality Plan**

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

**ORDINARY MEETING**

**Meeting Date: 11 March 2008**

**AT - 2 Site Plan/Subdivision Plan**

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



**ORDINARY MEETING**

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**AT - 3 Elevation Plan - Unit 1**

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

**ORDINARY MEETING**

**Meeting Date: 11 March 2008**

**AT - 4 Elevation Plan - Unit 2**

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

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

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**Item: 46**                    **CP - Details of Guidelines, Reports and Recommendations made to Department of Planning for Subdivision at 34 Chaseling Rd, Wisemans Ferry - (DA1023/02, 27426, 95498)**

**Previous Item:**            285, Ordinary (11 December 2007)

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### REPORT:

#### Introduction

Council at its meeting of the 11 December 2007, considered an application, under the provisions of Section 82A of the EP&A Act, to review the determination of refusal of a two lot subdivision at 34 Chaseling Road, Wisemans Ferry.

The development application was refused, under delegated authority, on 16 June 2003. The applicant requested a review of the determination, by Council, in July 2003.

Since that date the application has been considered, and deferred, by the General Purpose Committee on two separate occasions and the Ordinary meeting of Council on three separate occasions. On 11 December 2007, the application was again deferred with the following resolution resolved.

*"Management provide a report regarding guidelines, reports and recommendations made to State Planning on subdivision by road severance and by natural features by using the provisions of SEPP 1"*

This report provides the details requested by the Council resolution.

#### **Background to Discussions and Correspondence sent to the Department of Planning in respect to DA1023/02**

- |            |   |
|------------|---|
| 5/11/2002  | Letter sent to the department together with a copy of the application lodged including the Statement of Environmental Effects and plan of the subdivision.  |
| 23/12/2002 | Fax sent to the department providing advice on subdivisions of road severance and when the rules changed.   |
| 15/1/2003  | Letter from the department requesting further information.  |
| 29/7/2003  | Letter to the department advising application was refused.  |
| 2003-2004  | During this time the application was considered by Council on three occasions and additional information requested from the applicant.                      |
| 25/8/2004  | Letter to the department providing the amended plans and additional information requested by the department on the 15/1/2003.                               |
| 16/12/2004 | Letter to the department providing the amended plans and details provided and the previous reports to Council.  |
| 2/2/2007   | Letter to the department requesting comments on the proposal.   |
| 14/2/2007  | Email from the department in response to Council's letter requesting clarification if SEPP 1 concurrence is required and requesting additional information. |

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- 26/2/2007      Email response to the department responding to the information requested by confirming information previously sent to the Department is valid and undertaking to forward additional information.
- 27/2/2007      Letter to the department sending the Bushfire Assessment report and Vegetation Plan of Management dated March 2006 and letter from the RFS and initial planning assessment report.
- 6/3/2007      Email from the department requesting confirmation if a SEPP1 concurrence is sought
- 7/3/2007      Phone discussion with officer of the department and copy of letter from the department in 2002 & 2003 sent by fax.
- 22/10/07      Letter from the department advising SEPP 1 concurrence is not granted.

The above details are a summary of the dealings with the Department of Planning only (as requested by Council on 11 December 2007). During the above timeframe there were also dealings with the applicant, the applicant's consultant and the application was considered by Council at the General Purpose Committee and the Ordinary meetings of Council on several occasions.

The above process, whilst prolonged, is the same process that is followed for all applications that require concurrence from the Department of Planning or any other Authority. The process is essentially the same for all applications, generally as follows:

- The Application, as submitted to Council, is forwarded, within 2 days of receipt, to the relevant Authority as required by Clause 59 of the Environmental Planning and Assessment Regulation 2000.
- The concurrence Authority may request additional information, in accordance with Clause 60 of the Regulations. It is not unusual for the Authority to telephone the contact person in Council to discuss the application and clarify aspects of the application.
- The concurrence Authority forwards a determination of the matter to the Council.

In the above case, there were several requests, to Council from the Department, for additional information and to clarify matters. The applicant was requested to submit the additional information and the time taken to submit that information also contributed to the prolonged process. When the information was submitted to Council it was then forwarded, by Council staff, to the Department. As requested, Council staff also provided background information, in relation to previous Council reports, to the Department.

### State Environmental Planning Policy No.1 - Development Standards (SEPP1)

The aim of SEPP 1 is as follows:

*"This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Act".*

Section 8 of SEPP 1 states the following:

*"The matters which shall be taken into consideration in deciding whether concurrence should be granted are:*

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning; and*
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument."*

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The SEPP, by its very design, is an instrument that provides flexibility in development standards where *"compliance with that development standard is unreasonable or unnecessary in the circumstances of the case"*. The application of this flexibility is made on a case by case basis and relates to the individual merits of the case. As such, many of these "SEPP 1 concurrences" should not be used as a precedence as the merits of the case differ from application to application. If there happens to be a number of similar cases to vary a development standard, the Council is usually advised by the Department that a review of that development standard should be undertaken. No such advice has been received in this case.

It should be noted that if Council does not receive agreement (concurrence) to vary the development standard from the Department of Planning, Council cannot approve the development application.

### Subdivision by Road Severance

Prior to the changes to the EPA Act and the Local Government Act in 1998, allotments created by road severances did not require development consent under the EP&A Act.

The amendments in 1998, that incorporated the subdivision provisions of the Local Government Act, required development consent to be issued under the EPA Act for any subdivision that proposed allotments created by road severance. In these cases the allotments created were to comply with the minimum areas outlined in the relevant Local Planning Controls (LEP's).

Since the change in the Legislation in 1998, Hawkesbury Council has not approved a subdivision involving a property severed by a road where the lots created did not comply with the minimum areas and a SEPP 1 objection was not supported by the Department of Planning.

### Right of Review of the Department's concurrence

The provisions of SEPP 1 that require the concurrence of the Department of Planning is a Statutory concurrence under the Environmental Planning and Assessment Act. As the process is essentially a secondary check of a decision process, there is no right of review to any decision made not to grant concurrence under SEPP 1. This is similar to the provisions for Integrated Development that requires concurrence of other Authorities prior to determination of a Development Application.

The only way to have a right of review would be through the appeal provisions to the Land & Environment Court, or another application, modified so that it is not the same application, must be made to Council and the Department of Planning.

### 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 coordinating human and financial resources to achieve this future."*

### Funding

Not applicable.

### RECOMMENDATION:

That the:

1. Information be received and it be noted that Council cannot approve a development application accompanied by a SEPP 1 objection without the concurrence of the Director-General, Department of Planning.

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2. Determination of refusal for DA1023/02, dated 16 June 2003, for a two lot subdivision at Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry be upheld.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 11 March 2008

Item: 47 CP - Proposed Restaurant at 246 Windsor Road, Vineyard - (95498, 96329, 107)

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### Development Information

**Applicant:** Montgomery Planning Solutions  
**Owner:** Hawkesbury City Council  
**Stat. Provisions:** Hawkesbury LEP 1989  
**Area:** 9,121m<sup>2</sup>  
**Zone:** 3(b) Business Special  
**Advertising:** Not required by Hawkesbury DCP  
**Date Received:** 24 December 2007

**Key Issues:**

- ◆ Internal Manoeuvring
- ◆ Signage

**Recommendation:** Approval

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### REPORT:

#### Introduction

The application seeks approval to demolish the existing restaurant building (Black Stump) and erect a new restaurant with drive thru facilities (KFC).

The application involves operational land owned by Hawkesbury City Council.

Given Council's commercial interest in the matter the application was referred to an independent planning consultant to review and assess the application.

PGH Environmental Planning has undertaken the assessment and their report is attached together with their recommendations of approval with conditions. The application is being presented to Council for determination given its commercial interest in the matter.

### RECOMMENDATION:

The application to demolish an existing restaurant building and construct a new restaurant building, that contains a KFC restaurant, administrative offices and staff training facilities, modified parking layout and associated signs, at Lot 2 DP 737483, 246 Windsor Road, Vineyard, be approved subject to the following conditions of consent:

#### **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.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.

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4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The 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 days of issuing the certificate. A registration fee applies.
7. Where Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
8. The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning. The internal movements within the site are to be in accordance with the approved stamped plan as amended in red.
10. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code.
11. Any area used for storage of food or food appliances/equipment is to comply with the relevant section of Hawkesbury City Council's Food Premises Fit Out Code including Section 7.0 - Storerooms.
12. The internal vehicle movements within the site are to be in accordance with the approved stamped plan as amended in red and shall also incorporate the following:
  - (a) Signage/line marking to direct traffic to the entrance of the drive-through via the second entrance and around the front of the restaurant.
  - (b) Give way signage and line marking at the exit of the drive-through. Signage to indicate that a right hand turn only is permissible when exiting.
  - (c) Line marking at the entrance driveway including a central dividing line and 2 exit lanes marked for left and right turns.
13. In accordance with the resolution of the Local Traffic Committee, the recommendations contained in the report by Christopher Hallam and Associates are to be incorporated, namely:
  - (a) Prohibiting kerb side parking near the site driveway to assist the free flow of both southbound and northbound traffic in Groves Avenue, subject to RTA approval.
  - (b) Line marking at the entrance involving a central dividing line and two exit lanes marked for left and right turns.
  - (c) 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 other restaurant on the adjoining property. Give way line marking and signage is to be provided at the exit to the drive through to avoid conflict with vehicles using the site.

### ***Prior to issue of Construction Certificate***

14. 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.

15. 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 \$14,000 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 confirming that the contribution has been fully paid are to be provided to the certifying authority.

16. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.

### ***Prior to Commencement of Works***

17. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
18. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
19. 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.
20. 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 of most Councils.
21. 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.
22. 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.
23. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
24. 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.

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25. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

### ***During Construction***

26. The site shall be secured to prevent the depositing of any unauthorised material.
27. 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.
28. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
29. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
30. 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.
31. Disabled parking shall be provided in accordance with aS2890.0-1993.
32. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
33. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 7pm.
34. The site shall be kept clean and tidy during the construction period and all unused building material sand rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) Stockpiles of topsoil, sand, aggregated, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
35. 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 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.

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- (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.
36. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction"
- Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.**
- (a) Foundations
  - (b) Internal sewer or stormwater lines prior to covering
  - (c) Steel reinforcement prior to pouring concrete
  - (d) External sewer or stormwater lines, prior to backfilling
  - (e) Framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation
  - (f) Prior to occupation of the building
  - (g) On completion of the works
37. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load - bearing value.
38. Council records indicate that the building site is at a level of approximately 16 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
39. All roofwater shall be drained to the street gutter. Where a ferrule has been provided in the kerb, such drainage shall be connected to it. Drainage across the footpath shall be 100mm sewer grade pipe.
40. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
41. The floor of the internal WC shall be graded and drained to an approved floor waste.
42. 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.

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43. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
44. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
45. Erosion and sediment control devices are to be install 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.
46. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components detailed in Hawkesbury Development Control Plan Appendix B civil Works Specification, Part II, Table 1.1.
47. Direction vehicle movements as shown on the approved stamped plan including the amendments in red are to be marked on the pavement.
48. The existing trees on site that are to be retained to be suitably protected during the construction stage in accordance with the relevant Australian Standard or where on standard exists an Industry standard.
49. The floors are to be covers with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets, and connected to an approved drainage installation. The floor covering is to be free of protrusion or gaps.
50. Where used, floor tiles are to be epoxy grouted.
51. All wall/floor junctions in the food preparation and storage area(s), including any prefabricated low temperature room wall and floor, shall be coved. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be a tile type. "Stick on" coving is not permitted.
52. The premises is to be fitted with adequate hand washing facilities for the preparation of food. Hand washing basins are required in addition to other basins and sinks in any toilet and in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Hand washing basins are required:
  - (a) To be fitted with hand's free taps such as knee or foot operated devices.
  - (b) With hot and cold running portable water.
  - (c) With a common spout delivering water of least 40° centigrade.
  - (d) To be easily accessible at all times.
53. A slop sink should be install so that mop water does not contaminate the kitchen sinks. Mop water and water used for washing garbage receptacles must not be disposed of using storm water drainage inlet.
54. The are used for storage of garbage receptacles is to be graded to a drain connected to the sewer, constructed with a surface that is easily cleaned, and shall have a supply of water under pressure available within the enclosure. Any stormwater or rain water entering the garbage area should be adequately directed away from this drain.
55. The inaccessible cavities formed between the low temperature room and the ceiling, and the low temperature room and a wall are to be made vermin proof, and are to comply with Section 9.0 of Hawkesbury City Council's Food Premises Fit Out Code.

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### ***Prior to Occupational Certificate***

56. Compliance with all conditions of this development consent.
57. 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.
58. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
59. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
60. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.
61. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provide to the owner/agent:

#### **Fire Blanket**

##### FSM1i Installation

Compliance with the following, as appropriate:

- Manufactured in accordance with AS3504.
- Installed near proximity of hazard (kitchen area, sleep area, etc)

##### FSM1m Maintenance

- Visual, locality, acceptable standard of dispenser and fire blanket (not damaged)

#### **Portable Fire Extinguishers**

##### FSM2i Installation

Compliance with:

- Performance requirements and deemed-to-satisfy provisions of Section E of the BCA.
- AS 2444 "Portable Fire Extinguishers and Fire Blankets - Selections and Locations".
- AS 1841 "Portable Fire Extinguishers".
- AS 1850 "Portable Fire Extinguisher - Classification Rating and Performance Testing."
- AS 4265 "Wheeled Fire Extinguishers".

##### FSM2m Maintenance

Compliance with the following, as appropriate:

- AS 1851.1 "Maintenance of Fire Protection Equipment, Portable Fire Extinguishers and Fire Blankets".
- AS/NZS 1851.13 "Maintenance of Fire Protection Equipment - Wheeled Fire Extinguishers".

#### **Exit Signs**

##### FSM5i Installation

Compliance with the following, as appropriate:

- Performance requirements and deemed-to-satisfy provisions including NSW State variations of Sections E and G of the BCA.
- AS/NZS 2293.1 "Emergency Evacuation Lighting for Buildings - System Design, Installation and Operation".

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- AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaries and Exit Signs".

### FSM5m Maintenance

Compliance with:

- AS/NZS 2293.2 "Emergency Evacuation Lighting for Buildings - Inspection and Maintenance.

### Emergency Lighting

### FSM6i Installation

Compliance with the following, as appropriate:

- Performance requirements and deemed-to-satisfy provisions including NSW State variations of Sections E and G of the BCA.
- AS/NZS 2293.1 "Emergency Evacuation Lighting for Buildings - System Design, Installation and Operation".
- AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaries and Exit Signs".

### FSM6m Maintenance

Compliance with:

- AS/NZS 2293.2 "Emergency Evacuation Lighting for Buildings - Inspection and Maintenance.

62. Prior to occupation of the development , a grease trap of an appropriate size shall be installed on the drainage line at a location approved by the Manager of Regulatory Services. Alternatively, details of an existing trap are to be supplied to Council prior to occupation of the development

### ***Use of Site***

63. No internal or external alterations shall be carried out without prior approval of Council.
64. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- (a) Been assessed by a properly qualified person, and
  - (b) Found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
65. Any part of the building to be used for food preparation shall be registered with Council as food Premises.
66. The development shall be conducted in such a manner that the LA(eq) noise levels, measure at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dBA LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
67. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
68. No advertising sign or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
69. The development shall be limited to the area shown on the submitted plans.

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70. The subject development, including landscaping, is to be maintain in a clean and tidy manner.
71. Operating hours shall be limited to 10am to 12 midnight Mondays to Sunday.
72. Any external lighting shall ve directed in such a manner so that no nuisance Is caused to adjoining properties or to drivers on surrounding streets.
73. all vehicles being loaded or unloaded shall stand entirely within the property.
74. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
75. All waste materials shall be regularly removed from the property.
76. A supply soap and single use paper hand towels should be fitted to the wall in an appropriate and durable dispenser adjacent to any hand washing basin.
77. Food preparation and storage areas are to be adequately protected from flies, insects, and vermin. Windows are to be screened, and doorways are to be provided with self closing doors.
78. A portable thermometer accurate to +1°C is to be available at the premises at all times for the purposes of checking cold and hot foods doe compliance temperatures.
79. Potentially hazardous foods should be stored below 5°C, or above 60°C at all times in accordance with The Food Act 2003.
80. The refrigeration equipment and all associated fittings are to be installed in such a manner that it is capable of operating without causing a noise or vibration nuisance for adjoining property holders.
81. The operations of the development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.

### ATTACHMENTS:

- AT - 1 Development Assessment Report by PGH Environmental Planning (*distributed under separate cover*)
- AT - 2 Locality Plan
- AT - 3 Site Plan
- AT - 4 Elevations
- AT - 5 Signage

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**AT - 2 Locality Plan**

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



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**AT - 3 Site Plan**

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

**ORDINARY MEETING**

**Meeting Date: 11 March 2008**

**AT - 4 Elevations**

**To View This Image,  
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Attachments Document (Maps)**

**ORDINARY MEETING**

**Meeting Date: 11 March 2008**

**AT - 5 Signage**

**To View This Image,  
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Attachments Document (Maps)**

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**Item: 48 CP - NSW Department Planning Exhibition of North West Subregional Strategy - (100762, 95498)**

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**REPORT:****Introduction**

In December 2007 the NSW State Government released the draft Subregional Strategy for the North West Subregion for public comment. The North West Subregion includes the Local Government Areas of Baulkham Hills, Blacktown, Blue Mountains, Penrith and Hawkesbury.

The purpose of this report is to advise Council on the Subregional Strategy and its implications for the City of Hawkesbury. The report also outlines matters for inclusion in a submission to the exhibition. Submissions are being received by the Department of Planning until 28 March 2008.

The matter was workshopped at a Councillor Briefing Session on 12 February 2008.

**Consultation**

The draft Strategy was released on 21 December 2007 and has been on public exhibition since that time. Information is available at the Department of Planning's website and copies of the document are available at Council. Two information sessions were held in the subregion (Penrith and Castle Hill) where state government planners were available to answer questions from interested persons. These information sessions were advertised in the local newspapers and the Department's website. A briefing session was held for Councillors and senior staff on 10 March 2008 at Blacktown.

**Background**

In December 2005 the NSW State Government released the Metropolitan Strategy for Sydney, titled, City of Cities. It is a strategic document providing a broad framework which outlines a vision for Sydney over the next 25 years. It seeks to secure Sydney's place in the global economy by promoting and managing growth. The Subregional Plans form the next tier in the Government's vision for Sydney and its subregions to accommodate 640,00 new homes; 50,000 more jobs; 7,500 hectares of extra industrial land; 6.8 million square metres of additional commercial floor space and 3.7 million square metres of additional retail space.

The purpose of the Subregional Strategy is to translate the objectives of the State Plan and Metropolitan Strategy to the local level. The North West Subregion is to provide 140,000 new dwellings and 130,000 jobs by 2031. The Hawkesbury's share of this target is 5000 new dwellings and 3000 new jobs, to be achieved by 2031. This is a minimum rather than a maximum target.

**Overview of the North West Subregional Strategy**

The Strategy acts as a broad framework for the long-term development of the region, guiding government investment and linking local and state planning issues. The key directions for the subregion are as follows:

- Plan to meet employment and housing capacity targets
- Develop Penrith as a regional city
- Strengthen the role of centres
- Improved access to, from and within the subregion
- Protect rural and resource lands
- Promote the environmental and scenic qualities of the region
- Improve access to open space and recreation opportunities.

The Strategy acts as a framework for local councils in preparing new Local Environmental Plans (LEP) and therefore LEP's will need to be consistent the Strategy. Implementation of the Strategy will be monitored by the Department of Planning through the Metropolitan CEO's committee; progress reports to the Minister of Planning and the Infrastructure Planning Committee of Cabinet. Implementation of the Strategy will be given statutory force through Ministerial Direction under Section 117 of the Environmental Planning and Assessment Act 1979.

As indicated above the Subregional Strategy is the next tier from the Metropolitan Strategy and applies at the local and subregional level. The Structure commences with the vision for the subregion, followed by aims and strategies. These are summarised below.

### **2031 Vision for North West Subregion**

The Strategy contains the following vision for the North West Subregion:

*By 2031 the north west Subregion will have:*

- *Well functioning newly developed areas.*
- *Strengthened existing areas with improved accessibility and services.*
- *A diverse range of job opportunities to support growing residential areas and promotion of sub regional self containment.*
- *A range of vibrant and livable centres where people can live, work and access services.*
- *Greater public transport use supported by major transport infrastructure investment*
- *Active agricultural production and resource industries*

### **Aims (contained within Metropolitan Strategy)**

1. *Enhance livability;*
2. *Strengthen economic competitiveness;*
3. *Ensure fairness;*
4. *Protect the environment; and*
5. *Improve governance*

### **Strategies**

*The key elements and aims drive the seven strategies or subject areas of the Strategy as follows:*

1. *Economy and Employment;*
2. *Centre and Corridors;*
3. *Housing;*
4. *Transport;*
5. *Environment and Resources;*
6. *Parks and Public Places; and*
7. *Implementation and governance.*

Each of the above strategies contains an extensive list of objectives and actions for both the government and local government to achieve. Each of the strategies are described below, with particular reference to the draft actions and implications for the Hawkesbury.

### **Economy and Employment**

Across the region an additional 130,000 jobs are required within the main growth areas being Penrith, Norwest, Rouse Hill, M7 Interchange, Western Sydney Employment Hub and North West Growth Centre. The employment target for the Hawkesbury is 3000 new jobs, this means a growth from 24,000 (2001 figure) to 27,000.

The strategy identifies all existing industrial land within the City to be retained as employment land but it does not identify any new employment lands. Councils are required to increase innovation and skills

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development and improve opportunities and access to jobs for disadvantaged communities. Additional employment land is to be provided through the LEP process.

As Council is aware an Employment Lands Strategy is currently underway and a draft is due for completion in April 2008. The consultants have been provided with the relevant actions of the draft Subregional Strategy.

### Centres and Corridors

The aim of the centres and corridors strategy is to provide places and locations for all types of economic activity and employment across the subregion. The Strategy provides for the following centres:

Type of Strategic Centres	North West Subregion and Hawkesbury LGA
Regional City	Penrith
Major Centres	Blacktown and Castle Hill
Specialised Centres	Norwest
Major Centres (planned)	Rouse Hill and Mt Druitt (proposed)
Town Centres	Richmond and Windsor
Villages	North Richmond
Small Villages	South Windsor
Neighbourhood Centres	Bligh Park, Glossodia and Hobartville
Neighbourhood Centres (Rural)	Kurmond, Kurrajong and Wilberforce

The draft Strategy acknowledges that further growth of Windsor and Richmond is constrained by flood and flood evacuation and therefore increasing housing in these centres is limited. This issue is discussed further below under Housing. There are several actions which are relevant to the Hawkesbury which includes implementing the employment targets (3000 jobs) and planning for sufficient commercial, retail, industrial and business park floorspace within principal Local Environmental Plans.

### Housing

The actions for housing require Council to continue to plan for housing mix near jobs, transport and services by focusing residential development around existing centres. The dwelling target for the Hawkesbury is 5000 dwellings, that is, approximately 220 dwellings per year. Across the Sydney region it is envisaged that 30-40% of the growth will occur in greenfields site and 60-70% in existing centres. The majority of housing in the North West Subregion will occur in the North West Growth Centre.

This section of the draft strategy identifies that further development in Richmond and Windsor is constrained by the capacity of the existing flood evacuation network. In this regard the strategy suggests that there is no capacity for additional growth outside that already planned under the current LEP without substantial upgrade work to the flood evacuation route. In this regard the dwelling target of 5000 assumes that growth will occur within the existing capacity of the LEP and north (west) of the Hawkesbury River. Any growth that is to occur to the north of the river is to be associated with existing local centres. This is a substantial departure to existing state government policy, although consistent with Council's Urban Land Strategy that has previously identified land adjacent to the towns of North Richmond and Wilberforce.

The draft Strategy does not preclude further development south of the river, however, it needs to meet the sustainability criteria and it will be necessary to demonstrate flood evacuation measures are in place to the satisfaction of the State Emergency Service.

The draft Strategy also requires other Council's to consider the impact of their development on regional flood evacuation routes of the Hawkesbury in planning future development and this is an important element that should be retained in the final strategy.

**Transport**

A critical element of the Metropolitan Strategy aims is to improve transport between Sydney's centres. At a local level, the Strategy envisages improved local transport such as walking and cycling facilities and bus services that link neighbourhoods, villages and town centres to major centres.

The draft Subregional Strategy seeks to increase public transport use; improve public transport services; improve access to centres and connect the growth centres. However the transport actions fail to look ahead to 2031 when an additional 140,000 people will be living and working in the North West Subregion and therefore lacks provisions for appropriate infrastructure.

The North West Rail Line is planned to be completed to Rouse Hill by 2017. The extension to the Richmond Line remains as a "*possible*" extension and the draft strategy contains actions to investigate this matter further, including to '*protect a corridor to relieve pressure on the Richmond and Western Line*'. However, no time frame for this work is provided and it is considered that Council should continue to lobby for the extension of this line to the Richmond Line and for the protection/preservation of the corridor.

Further, the transport actions do not address any future upgrade of Blacktown/Richmond Road to Windsor and Richmond or the flood evacuation capacity of this road. The draft Strategy provides for duplication of the road to Marsden Park to service this part of the North West Growth Centre. The upgrade of regional flood evacuation routes influences the capacity of future residential development in Richmond and Windsor as noted above in the Housing section. Further, access to the M7 is a critical issue for residents of the Hawkesbury to provide cross regional links. Widening Richmond Road all the way to the Northern Road/George Street intersection and then onward to Richmond should be considered within the strategy as this road improvement is essential to the Hawkesbury and North West Growth Centre for improved access to Sydney Orbital road network (M7) and for the population to access educational institutions at UWS, TAFE and the RAAF base at Richmond.

The draft strategy seeks to improve access to regional centres and connect people to these centres, including the regional city of Penrith. However, there does not appear to be any actions that seek to improve public transport links to Penrith. Strategic bus corridors have been implemented or planned for other localities but not between Castle Hill or Penrith and Windsor and Richmond. There is no provision for any transport upgrade/link from Windsor/Richmond to the nearest regional city of Penrith. Any submission on the strategy should suggest the strengthening of transport links between the north west and south west Growth Centres which build on the existing transport corridors via Windsor. It is essential that the existing public transport and road network services within the subregion is improved to facilitate the aims of the draft strategy.

At the local level the draft strategy contains actions from the State Infrastructure Strategy for the cycleway development at Colo, the Flood Evacuation of South Creek and Windsor Road upgrade. It is noted that the cycleway at Colo appears to be a mistake and should possibly refer to Colo High School. All of these works have either been completed or near completion and the transport action fails to plan for key infrastructure for the future. The provisions of an additional 5000 dwellings and 3000 jobs will require new infrastructure for the City. For example, if additional dwellings are located north/west of the river, upgrades to Windsor and Richmond bridges will be required, as well as improvement to Bells Line of Road. The draft strategy fails to identify key transport constraints to development north of the river. Further, duplication of the railway line to Richmond, better cross regional links and connection of the North West Rail Line will need to be carried out.

**Environment, Heritage and Resources**

The Metropolitan Strategy suggests that Sydney can grow while protecting its natural environment and resources. It is this part of the Strategy that addresses rural and resource lands and acknowledges that these lands support diverse rural industries such as agriculture, extractive industries and mining. This is further articulated in the draft Subregional Plan. This section identifies the significant environmental, heritage and resources assets in the subregion and sets out actions to protect and enhance these natural assets, including biodiversity, waterways, aboriginal heritage, European heritage and rural and resource lands.

Protecting the natural assets of the region will only be successful if there is a clear and confined strategy for urban growth as these issues are inextricably linked. Therefore a strategy must contain some clear limits to growth and development. Whilst the content and use of sustainability criteria is generally supported, it should be applied in the context of the subregional strategy and Council strategy rather than a mechanism to achieve ad hoc rezoning proposals either via Council or the Part 3A process (ie directly to the Minister). The inconsistency in the relation to these matters leads to the further pressure on rural lands for urban development.

The Metropolitan Strategy contained several directions in relation to rural lands including the mapping of regionally significant activities via the subregional planning process and in turn this would be used to inform the subregional plan. It was anticipated that this work would be carried out in conjunction with Councils, the Department of Planning and the then "*recently*" (2006) announced taskforce established to address rural planning issues. To date little has been achieved and the taskforce has not commenced and no work has been carried out.

As Council will recall in February 2006 a Rural Resource Study was completed by SJB Planning for Baulkham Hills, Camden, Campbelltown, Hawkesbury, Hornsby, Penrith and Wollondilly Councils. The project arose from a meeting of Mayors from the above Councils in January 2005 in response to concerns about development of the rural lands on Sydney's fringe and the future of these lands. The purpose of the Study was to develop a strategy that would encourage the innovative and sustainable development of rural resource lands. The objectives of the Study were to:

- *Identify the value of rural resource lands that should be protected and enhanced;*
- *Acknowledge the issues and trends facing agriculture and other rural pursuits on the Metropolitan Strategy;*
- *Prepare a vision for rural resource lands;*
- *Develop a strategy to encourage the innovative and sustainable development of rural resources lands.*

The Study acknowledged that the Councils involved have generally undertaken appropriate strategic planning and development control in rural resource lands. The draft Subregional Strategy refers to the SJB report and requires that a Rural Resource Lands Working Party be established to identify a Metropolitan wide approach to the ongoing protection and management of rural resource lands. This work should be commenced as a matter of urgency and that Hawkesbury City Council should be represented on this working party.

This section of the draft subregional plan also contains key actions to protect and enhance the Hawkesbury-Nepean River including promoting water sensitive urban design and the completion of the Three Town Sewage Scheme. It also seeks to manage the impacts of natural hazards including climate change and flooding.

### **Parks, Public Places and Culture**

This component of the Strategy seeks to increase access to quality parks and public places and provide a diverse mix of parks and public places. The key focus for the subregion is to continue to improve access to these facilities to meet the needs of the growing population. To enhance the cultural life it will be important to promote and celebrate the subregions cultural identity. Many of the actions contained within this section relate to the provision of regional open space for the North West Growth Centre, including the Western Sydney Parklands.

### **Implementation and Governance**

This component sets the framework for implementation and governance of the Metropolitan Strategy and draft Subregional Strategy, including the interaction between government agencies and Council. It sets the provisions for the preparation of Subregional plans and requires Local Environmental Plans to be consistent with subregional plans. Further it seeks to inform state investment priorities and funding for pricing and project delivery, much of which is provided for Growth Centres and not the remainder of the subregion.



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The Strategy acts as a framework for local councils in preparing new Local Environmental Plans (LEP) and therefore LEP's will need to be consistent the Strategy. Implementation of the Strategy will be monitored by the Department of Planning and will be given statutory force through Ministerial Direction under Section 117 of the Environmental Planning and Assessment Act 1979.

### Conclusion

The 2006 Metropolitan Strategy and the draft North West Subregional Strategy are the key documents to guide growth and development over the next 25 years and as such should contain suitable actions for this to occur in a logical and sustainable manner. The plan lacks a strategic focus, relying instead on commitments and infrastructure already built or committed. It also contains many general statements and actions which have no timeframe for delivery. Many of the actions also require Council to undertake work or additional studies. However, there is no mechanism to fund such work. This will ultimately affect Council's budget and staff resources and this matter should be raised with the Department of Planning. Notwithstanding, the Department has attempted to give direction to North West Council's for future growth and this action is commendable.

It is clear that Council must operate within the framework of a Metropolitan Strategy and Subregional plan and therefore must work to ensure that LEP's are consistent with the actions of the Subregional strategy. These are essentially "tests" that must be applied by Councils in preparing new strategies and subsequent LEP's. Many of the actions will have implications for future planning of the City, including residential and employment lands, and this will be subject of a future report to Council.

It is recommended that a submission be prepared based on the issues raised in this report and forwarded to the Department of Planning for consideration.

### 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

The Operational Plan targets maybe affected. This will need reporting at the appropriate quarterly update.

### RECOMMENDATION:

That:

1. The information be received.
2. A submission be prepared based on the issues raised in this report.
3. Council continue to lobby for the upgrading of the Blacktown-Richmond Road and its capacity for Regional Flood Evacuation.
4. Council continue to lobby for the preservation of the rail corridor to provide for the future extension of the North West Rail line to the Richmond Line.
5. Council continue to participate in subregional planning work.
6. Council request the Department of Planning to establish the Rural Resource Lands Working Party as a matter of urgency.

### ATTACHMENTS:

AT - 1 Key Directions of North West Subregional Plan

**AT - 1 Key Directions of North West Subregional Plan**

**Draft North West Subregional Strategy Actions - December 2007.**

**ECONOMY**

A1.1.1 The Department of Planning to provide councils with employment capacity targets for each local government area.

A1.1.2 North West councils to prepare Principal LEPs which provide sufficient zoned and serviced commercial and employment land to meet the employment capacity targets (Hawkesbury 2008, Penrith and Blacktown 2009, Baulkham Hills and Blue Mountains 2011).

A1.4.1 The Department of Planning to complete a metropolitan and subregional review of Employment Lands, prior to considering any significant rezoning of Employment Land to non-employment uses.

A1.5.1 The Department of Planning to investigate measures to protect and enhance State Significant Employment Lands.

A1.5.2 Protect and enhance Employment Lands in the M7 Motorway Corridor.

A1.7.1 Establishment of an Employment Lands Development Program, in parallel with the Metropolitan Development Program and under a Sydney Land Supply Program, will allow supply and uptake of Employment Lands to be monitored in the North West.

A1.8.1 Councils to consider the feasibility of Business Parks for the North West.

A1.9.1 The Department of Planning and local councils to review planning controls in selecting locations for industrial areas to enable higher intensity employment uses, preferably in areas with good public transport access.

A1.9.2 Department of Planning to work with councils in identifying and implementing measures to manage interface issues between employment and residential land uses.

A2.1.1 The Department of State and Regional Development to work with other Government agencies and industry to achieve the policy goals for innovation in the sectors identified in the *NSW Government Statement on Innovation*.

A2.2.1 The Department of State and Regional Development and other agencies to assist North West councils and educational institutions to collect information on clusters of business activity in the North West to inform land use decisions.

A2.3.1 Department of State and Regional Development to continue to explore the concept of magnet infrastructure and consider ways to support industry clusters focused around identified magnet infrastructure.

A3.1.1 Department of Planning and Department of Education and Training to prepare guidelines for agencies and local government to decide when and how skills development components can be incorporated in major redevelopment projects.

A3.3.1 Local government to investigate ways to ensure sufficient zoned land to enable the provision of comparatively low cost premises for start-up businesses.

**CENTRES**

B1.1.1 State agencies and councils to incorporate the established centres typology into their land use and infrastructure planning and councils' Principal LEPs.

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B1.1.2 Baulkham Hills Council to carry out strategic investigations to determine an appropriate centre designation for the area around the proposed Burns Road Kellyville and Balmoral Road stations on the North West Rail Link.

B1.2.1 Councils to implement the strategic employment capacity targets and plan for sufficient commercial, retail, industrial and business park floor space within Principal LEPs.

B1.2.2 Blacktown Council to investigate opportunities for Blacktown Major Centre to emerge as a Regional City over the next 25 years.

B2.1.1 Councils to consider planning for housing growth in centres, particularly those well serviced by public transport.

B 2.1.2 Penrith Council and State Government to work with the land owners to prepare a structure plan for the North Penrith Defence Lands to complement the existing city centre and the draft Penrith City Centre Plan.

B3.1.1 NSW Government and Penrith Council to implement the Cities Taskforce plans for Penrith, and consider the recommendations of the Centres Reinvigoration Report, when finalised.

B3.2.1 The Department of Local Government, other state agencies and councils to consider establishing and/or further developing Business Improvement Districts or similar arrangements for Strategic Centres in the North West.

B3.3.1 Penrith Council to work with the University of Western Sydney and the Department of Health to investigate opportunities to strengthen connections between the UW S Penrith campus, Nepean Hospital and Penrith Regional City.

B3.3.2 Councils to undertake strategic planning to ensure land use plans make the most of new infrastructure, in particular for locations around new stations along the North West Rail Link.

B3.3.3 NSW Government to implement existing investment commitments identified in the Cities Taskforce plans for Penrith.

B3.4.1 North West Councils to continue to support sufficient supply of commercial office sites in strategic centres, in line with employment targets, including through the use of the commercial core zoning in Principal LEPs where appropriate.

B4.1.1 Department of Planning to prepare centre design guidelines to assist councils in structure planning and resolving complex issues in centres.

B4.1.2 North West Councils to investigate appropriate locations for retail uses in centres, business development zones (supporting identified strategic centres) and Enterprise Corridors.

B4.1.3 The Department of Planning to prepare guidelines for the application of business development and enterprise corridor zones.

B5.2.1 Department of Planning to continue to work with councils and other state agencies to undertake strategic planning for the Western Sydney Employment Hub and Western Sydney Employment Lands Investigation Area.

B6.2.1 Blacktown and Baulkham Hills councils to carry out strategic planning to facilitate urban renewal along Old Windsor Road and Sunnyholt Road where appropriate.

B7.2.1 The Department of Planning and North West councils to consider the application of the enterprise corridor zoning for sections of arterial roads within the subregion, through their Principal LEPs.

B7.2.2 Councils to consider the guidelines for development along busy roads when planning for future housing near any road with an Annual Average Daily Traffic (AA DT) volume of more than 20,000 vehicles.

**HOUSING**

C1.1.1 Relevant North West councils to work with the Department of Planning and other relevant State Government agencies and stakeholders to develop land release sites on the Metropolitan Development Program.

C1.1.2 The Growth Centres Commission to plan for and provide infrastructure to support the development of the North West Growth Centre.

C1.1.3 Hawkesbury Council to prepare a strategic residential land use study to consider opportunities for further growth around local centres to the north of the Hawkesbury River, cognisant of flooding and flood evacuation issues.

C1.3.1 North West councils to plan for sufficient zoned land to accommodate their local government area housing target in their Principal LEPs.

C1.3.2 Department of Planning and North West councils to review the 2031 dwelling targets within the next five years.

C1.4.1 Department of Planning to provide councils with information on residential capacity to assist in preparation of Principal LEPs.

C2.1.1 Baulkham Hills and Blacktown Councils to investigate opportunities for additional housing growth within Castle Hill and Blacktown Major Centres, through structure planning and other means, having regard for their respective employment roles.

C2.1.2 Councils to provide in their LEPs zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.

C2.1.3 North West councils to ensure location of new dwellings improves the subregion's performance against the target for State Plan Priority E5.

C2.2.1 Department of Planning to consider provisions for housing for seniors and people with a disability in the Standard Instrument which will then be reflected in each Principal LEP as made.

C2.3.1 The Department of Planning to provide the subregional METRIX planning tool to assist councils in undertaking local housing market analysis.

C2.3.2 North West councils to provide an appropriate range of residential zonings to cater for changing housing needs.

C3.1.1 North West councils to identify opportunities to renew local centres and facilitate renewal through planning for increased housing densities and improved public amenity.

C3.1.2 Department of Planning to prepare Centre Design Guidelines to encourage improvement and appropriate renewal of local centres and exchange of practices between councils.

C4.1.1 NSW Government to develop options for improving housing affordability, with a focus on affordable housing for particular groups in the community.

C4.1.2 Department of Housing and Department of Planning to identify how possible affordable housing initiatives can be applied to the North West Subregion.

C4.2.1 Local councils to consult with the Department of Housing regarding the redevelopment and renewal of Department of Housing assets, prior to the preparation of LEPs.

C5.1.1 The Growth Centres Commission to set a standard for design quality of new development through application of the Growth Centres Development Code and development of precinct Development Control Plans for the Growth Centres.

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C5.1.2 Councils to reflect best practice established by the Growth Centres Commission in land release areas outside the North West Growth Centre.

### TRANSPORT

D1.1.1 The Ministry of Transport to coordinate the implementation of the proposed North West–CBD–South West Rail Link.

D1.1.2 Ministry of Transport in conjunction with Transport Infrastructure Development Corporation and RailCorp to; continue to plan the North West Rail Link including acquiring the corridor; plan for six new stations at Franklin Road (Cherrybrook), Castle Hill, Hills Centre, Norwest, Burns Rd (Kellyville) and Rouse Hill; and investigate options to extend the planned North West Rail Link beyond Rouse Hill possibly connecting to the Richmond Line and protect a corridor if appropriate. This would relieve pressure on the Richmond Branch Line (and therefore the Main Western Line), and extend the reach of the rail network into the North West Growth Centre.

D1.1.3 The Ministry of Transport, together with bus operators and local councils, to implement the network of Strategic Bus Corridors.

D1.1.4 The Roads and Traffic Authority, together with the Ministry of Transport and local councils to implement physical bus priority progressively to target a 25 km/h average bus speed on each of these corridors.

D1.1.5 Roads and Traffic Authority, together with the Public Transport Ticketing Corporation, to implement electronic bus priority.

D1.1.6 The Ministry of Transport, together with bus operators, to implement the new integrated bus service networks for the new contract regions.

D1.2.1 The Roads and Traffic Authority to continue to coordinate road upgrades in existing and growth areas, including bus priority measures to enhance bus services and walking and cycling access.

D1.2.2 Extend transport networks to support the North West Growth Centre.

D1.2.3 The NSW Government to investigate measures to deliver increased public transport capacity cost-effectively.

D1.3.1 The Ministry of Transport and the Roads and Traffic Authority to examine future corridor connections.

D2.1.1 The Transport Infrastructure Development Corporation and RailCorp to complete; planning and constructing the duplication of the Richmond Line between Quakers Hill and Riverstone by 2010, and to Vineyard by 2012 to increase capacity by providing additional services to the CBD and the North Shore during peak periods; and planned works to allow up to three new trains to provide 30 minute frequencies on the Cumberland Line benefiting rail commuters in Seven Hills and Blacktown.

D2.3.1 The Public Transport Ticketing Corporation, together with the Ministry of Transport to introduce integrated ticketing.

D2.3.2 The Ministry of Transport, State Transit Authority and Railcorp to continue to improve the transport information system known as the 131 500 Transport Infoline, and investigate opportunities for real time information.

D2.3.3 State and local government to improve existing interchanges and bus stops.

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D2.3.4 The Ministry of Transport, together with bus operators, to complete the replacement of the ageing private operator bus fleet and provide additional buses to cater for new growth and to meet physical accessibility targets.

D2.4.1 The Roads and Traffic Authority to continue to manage traffic on Sydney's major road network, including the M4 and M2 Motorways and Windsor Road.

D2.4.2 State Government and local government to develop and implement coordinated packages of road safety, traffic, intersection, land capacity, local amenity and car parking, maintenance, and public transport service improvements for major corridors such as Richmond to Parramatta and Rouse Hill to Macquarie Park.

D3.1.1 The Roads and Traffic Authority, in cooperation with the local government, to continue to upgrade walking and cycling facilities, including cycleway development in Blacktown, Castle Hill and Colo.

D3.1.2 The NSW Government and local government to work together to align local walking and cycling networks with public transport routes to improve accessibility to public transport.

D3.2.1 Local government to implement the Metropolitan Parking Policy and ensure planning instruments are consistent with the policy.

D3.2.2 The Ministry of Transport and RailCorp to expand and improve commuter car parking facilities in areas including Blacktown, Seven Hills and St Marys by 2011.

D3.3.1 The Ministry of Transport, in partnership with local government and the community, to implement TravelSmart programs to support the North West Transitway when the integrated network plans for the bus contract regions are implemented.

D3.3.2 The NSW Government, in partnership with local government and the community, to develop TravelSmart Households programs to target households in new growth areas, especially the North West Growth Centre following the opening of the planned North West Rail Link.

D3.3.3 State Government, in partnership with local government and the community, to build on the current TravelSmart schools program.

D6.1.1 NSW Government to develop freight strategies for domestic inter modal freight, the movement of construction materials and movement of bulk fuel.

D7.1.1 The NSW Government to continue to participate with the Commonwealth Government in the development of an Auslink Sydney Urban Corridor Strategy.

D8.1.1 The NSW Government to work in partnership with the freight industry to ensure the protection of corridors and other land required for possible freight lines or roads to intermodal terminals.

D8.1.2 The Government, together with the Australian Rail Track Corporation, to provide improved dedicated rail freight infrastructure, where feasible.

## ENVIRONMENT

E2.1.1 The Department of Planning and the Department of Environment and Climate Change to prepare a Section 117 Direction and supporting material on how stormwater is to be considered in the development of Draft LEPs and associated planning controls such as Development Control Plans.

E2.1.2 Sydney Metropolitan and Hawkesbury– Nepean Catchment Management Authorities to work with agencies and North West councils to ensure that the aims and objectives of Catchment Action Plans are considered in the future management and planning of local council areas.

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E2.1.3 Sydney Metropolitan and Hawkesbury– Nepean Catchment Management Authorities work with State agencies and North West councils to coordinate a regional approach to riverine values and wetlands, including identifying priority areas for management. Planning studies for any major redevelopment sites will include stream mapping to protect and enhance riparian corridors.

E2.1.4 Councils to seek advice from the Department of Primary Industries on the use of waterway zonings of the Standard LEP Instrument and other provisions to maintain and improve the health of both large and small waterways.

E2.1.5 North West councils to continue to promote water sensitive urban design.

E2.1.6 Department of Planning, with appropriate input from natural resource agencies, to prepare *Section 117 Directions* on how stream mapping is to be considered in protecting regionally significant riparian corridors, as well as broader natural resource issues, in the development of draft LEPs.

E2.1.7 Sydney Metropolitan and Hawkesbury–Nepean Catchment Management Authorities, with the assistance of councils, to undertake stream mapping to enable councils to develop planning controls to protect regionally significant riparian corridors.

E2.1.8 Councils to refer to the Sydney Coastal Councils *Groundwater Management Handbook* when undertaking groundwater resource management.

E2.2.1 NSW Government and councils to consider regional biodiversity matters to inform Principal LEPs.

E2.2.2 Councils to seek advice from the Department of Environment and Climate Change on relevant information and mapping relating to biodiversity.

E2.4.1 Councils to consider a review and assessment of Aboriginal cultural heritage values when preparing Principal LEPs.

E2.4.2 The Department of Planning and Department of Environment and Climate Change to provide councils with guidance on the level and type of Aboriginal cultural heritage assessment and consultation.

E2.5.1 Councils to identify and consider major noise sources.

E3.4.1 Department of Environment and Climate Change to regularly update the *Waste Avoidance and Resource Recovery Strategy* to increase efforts in resource recovery and recycling.

E3.4.2 Councils should ensure that development does not encroach on waste management facilities and that land use conflicts are minimised through appropriate planning controls.

E3.5.1 Councils to work with the Department of Planning, Tourism NSW and the Department of Environment and Climate Change to manage the impacts of tourism on the natural environment.

E3.5.2 The NSW Government and North West councils to protect regionally significant open space, bushland and foreshore reserves to be protected and managed to ensure continued contribution to the recreational and scenic amenity of the subregion.

E3.6.1 The Department of Planning with the Department of Lands to establish site selection criteria for new cemeteries in the Sydney Region to be used in assessment of opportunities for identifying future sites in strategic planning.

E4.1.1 Councils to work with the NSW Department of Primary Industries to identify significant rural and resource lands in preparation of Principal LEPs.

E4.1.2 Councils to work with the Department of Planning and Department of Primary Industries to identify mechanisms to achieve protection of significant rural resource lands through Principal LEPs and associated planning controls.



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E4.1.3 Department of Planning to establish a rural resource lands working party to identify a Metropolitan wide approach to the ongoing protection and management of rural resource lands.

E4.3.1 Department of Planning, with input from Department of Primary Industries to review *Sydney Regional Environmental Plan 9* and incorporate into *SEPP (Mining, Petroleum Production and Extractive Industries)*.

E5.1.1 Councils to consider the latest available information when planning for natural hazards including climate change in their Principal LEPs.

E5.3.1 Councils are to plan for land affected by flooding in accordance with the Government's *Flood Prone Land Policy*.

E5.3.2 Councils to develop bushfire hazard maps and Bush Fire Risk Management Plans to inform the development of their draft LEPs in accordance with Section 117 Direction 4.4 *Planning for Bushfire Protection*.

E5.3.3 Councils to continue to implement the *Western Sydney Salinity Code of Practice*.

E6.1.1 The NSW Government to work with other jurisdictions for the purpose of developing standard criteria and threshold values.

E6.1.2 Councils to review and/or update heritage studies as part of preparing their Principal LEPs.

E6.1.3 The Heritage Council to continue to develop the State Heritage Register.

E6.2.1 The Department of Planning in consultation with local councils to develop an approach to manage conservation areas while achieving growth targets.

E6.2.2 Councils to refer to NSW Government's *Design in Context: Guidelines for Infill Development in the Historic Environment* (2005) in preparation of development control plans.

E6.2.3 The Heritage Office, in partnership with the Royal Australian Institute of Architects, to deliver training to local councils on managing development in existing historic environments to provide high quality outcomes that connect new development with local character.

E6.2.4 The Heritage Council to develop guidance on the adaptive reuse of heritage items to provide for high quality urban renewal.

E6.3.1 The Heritage Office to work with local councils to identify areas in the North West Subregion to promote and provide access to heritage places, contribute to local economies and assist in sustaining heritage places.

E6.3.2 The Heritage Office to work with local councils to develop integrated heritage tourism strategies.

E6.3.3 The Heritage Office in partnership with Tourism NSW to assist councils to identify cultural heritage opportunities.

E6.3.4 Heritage Office to provide input into preparation of Centre Design Guidelines.

## PARKS

F1.1.1 The Department of Planning to establish the Western Sydney Parklands Trust in accordance with the *Western Sydney Parklands Act 2006*.

F1.1.2 The Growth Centres Commission to continue to plan for regional open space within the North West Growth Centre consistent with the Growth Centres Development Code (2006).



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F1.2.1 The NSW Government's *Metropolitan Greenspace Program* to further investigate opportunities to improve the quality and accessibility of existing regional open space.

F1.3.1 Councils to work in partnership with, Department of Environment and Climate Change, Department of Planning and Roads and Traffic Authority to explore opportunities to improve access to waterways and links between bushland, parks and centres.

F1.3.2 Councils and the Growth Centres Commission to explore opportunities to extend open space links and associated walking trail opportunities in Western Sydney.

F2.1.1 Councils to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and residential growth is being located.

F2.1.2 Councils to consider an open space embellishment program that improves facilities to encourage use.

F2.1.3 Councils to consider mechanisms to increase the capacity of local sports fields to a district level.

F2.1.4 NSW Government and local councils to develop links between smaller reserves to create diversity and broader user experience.

F2.1.5 Local councils to consider modifying under utilised open space for informal activities such as skating, basketball, netball and the establishment of cafes.

F2.2.1 NSW Government and council to work together to develop new facilities in the northern precincts of Western Sydney Parklands.

F2.2.2 Councils to develop precinct plans for new park improvements along South and Ropes Creek, including through the NSW Government's *Metropolitan Greenspace Program*.

F2.3.1 Councils to consider the need for civic space in planning for future growth of centres.

F2.3.2 The Growth Centres Commission to continue to plan for civic space within centres in the North West Growth Centre consistent with the *Growth Centres Development Code* (2006).

F3.1.1 North West councils to investigate the provision of additional multipurpose indoor and outdoor sports facilities to meet the needs of the current and future populations of the subregion.

F4.1.1 Local councils to consider preparing Cultural Plans for their local government areas in line with the *Cultural Planning Guidelines for Local Government*.

F4.1.3 State Government and North West councils to investigate opportunities for provision of low-cost artist studios and facilities to assist in regeneration of centres.

F4.1.4 Councils to communicate information to the public for sustainable transport to cultural celebration and include integrated event ticketing to cultural festivals in the North West.

F4.2.1 In planning for strategic centres, councils should recognise and enhance the existing nightlife and entertainment clusters.

F4.2.2 Councils to consider opportunities to encourage development of entertainment and nightlife clusters in planning for Strategic Centres and larger local centres.

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F4.3.1 Tourism NSW to continue with the development of tourism precinct initiatives that facilitate partnerships with relevant organisations to develop tourism product across the Greater Metropolitan Region.

F4.3.2 Tourism NSW to work with the local councils and other agencies to ensure an integrated approach to planning and communication for tourism.

### **GOVERNANCE**

G1.2.1 The Department of Planning through the Reform Fund to support local government and State Government delivery of Subregional Strategies and Principal LEPs.

G1.2.2 Councils to prepare new LEPs within nominated two, three and five year timeframes, using the Standard LEP as the basis for Principal LEPs.

G1.2.3 The Department of Planning to expand the range of housing and employment monitoring information and tools, including the METRIX subregional planning tool.

G1.2.4 The Minister for Planning to issue a Section 117 Direction to implement the Subregional Strategies through Principal LEPs.

G2.1.1 The Cities Taskforce to continue to work with Penrith Council to plan for a Regional City.

G3.2.1 Councils to work with NSW Government agencies to inform total asset management planning.

**oooO END OF REPORT Oooo**

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**Item: 49**                      **CP - Review of the Hawkesbury District Eisteddfod Society (Sponsorship) Policy - (82265, 95498)**

**Previous Item:**            217, Ordinary (30 October 2007)  
                                 288, Ordinary (11 December 2007)

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### REPORT:

This report has been prepared in response to Council's resolution of 11 December 2007 which stated in part:

*"A further report on options for future long term funding of the Hawkesbury District Eisteddfod Society be submitted in early 2008."*

### Background

- Council records indicate that Hawkesbury City Council has been sponsoring the Hawkesbury Eisteddfod for (at least) the past two decades. In 1999, to formalise this relationship, Council adopted a policy which provided for an annual subsidy for the Hawkesbury District Eisteddfod Society (HDES) to enable the Society to stage the Hawkesbury Eisteddfod at the Windsor Function Centre.
- Council's annual sponsorship of the HDES has been funded through the Sec 356 financial assistance program (community donations). In 2005, Council resolved to undertake a review of the Community and Cultural Grants Program in consultation with current recipients (and unsuccessful applicants) of financial assistance.
- The outcome of the review was reported to Council in December 2006. At this time, 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 recommending 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:
  - "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."*

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- A further report was provided to Council on 11 December 2007. The report advised Council that the provision of the previous Eisteddfod Sponsorship policy (adopted by Council in 1999) was not inconsistent with the provisions of the recently adopted Sponsorship Policy. The Sponsorship Policy provided 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.
- In considering this further report Council resolved the following:
  - "1. *The Hawkesbury District Eisteddfod Society Policy adopted by Council on 27.07.1999 be archived.*
  2. *Council note that Council resolved on 14 August 2007 to provide \$18,000 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.*
  4. *A further report on options for future long-term funding of the Hawkesbury District Eisteddfod Society be submitted in early 2008."*

### Issues

Management understands Council's intent in seeking a further report on the long-term funding of the HCES was to provide assurance of ongoing Council support to allay concerns expressed by the HCES regarding the possibility of Council ceasing to financially support the staging of the Eisteddfod. Council requested that Management identify options for long-term funding including the possibility of treating the HDES as a Section 377 Committee of Council.

In addressing Council at its December 2007 meeting, representatives from HDES also expressed concern that Council may prevent the Eisteddfod from being staged at the Windsor Function Centre.

### Long-term funding options

Council will be aware that the *Local Government Act* requires Council to prepare an annual Management Plan (inclusive of financial estimates) for adoption by Council. This process confers discretionary authority on the Council-of-the-day to adopt, amend or vary financial estimates. In considering annual financial estimates, Council may take into account a range of factors - including previous policy decisions made by Council. However these policy decisions are not-binding on Council, as the Council-of-the-day retains the authority to revoke or amend a policy - provided that the amended policy remains consistent with relevant legislative and statutory provisions. In this context, it is notionally not possible for Council to 'guarantee' ongoing funding for any organisation as any such decision can be revised by a future Council.

However, Council may provide an operational framework which allows for the continued funding of organisations subject to the discretion of Council. With respect to the continued funding of the HDES there are two options:

- a. Continued funding under the Community Sponsorship Program - as noted previously, Council has been financially supporting the HCES for the past twenty years. The Community Sponsorship Program (CSP) as adopted by Council will provide for the continued funding of the HDES. The CSP merely requires the HCES to apply for funding and to enter into a Sponsorship Agreement with Council for a period of up to three years - requirements which comply with ICAC guidelines. At the conclusion of a Sponsorship Agreement, HCES can reapply for funding for a further period. Council

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staff, in accordance with Council's resolution of 11 December 2007, can assist the HCES with the making of this application.

Council's Sponsorship Policy requires that all applications for sponsorship be assessed in accordance with the agreed sponsorship criteria, and then reported to Council for determination. The continued funding of organisation such as the HCES remains at the discretion of Council. If Council's intent is to continue financial support for the HCES, then this can be achieved under Council's Community Sponsorship Program. Council's Sponsorship Policy will enable Council to satisfy itself that Sec 356 financial assistance is being delivered in conformance with guidelines issued by the Independent Commission Against Corruption, while at the same time providing a mechanism for the continuation of funding to organisations such as the HCES.

- b. Dealing with the HCES under a Section 377 Delegation - Section 377 of the Local Government Act enables Council to delegate to any person or body, a Council function - apart from those matters listed in Section 377 (1). Council's *Community Engagement Policy* includes provision for Council to delegate certain functions to a committee or other entity which empowers the committee to make decisions in relation to this function. Examples include the delegation of management of sporting facilities to the Hawkesbury Sports Council; the management of the Hawkesbury Sister Cities Program to the Hawkesbury Sister City Association; the management of externally funded community services to Peppercorn Services Inc., and the management of community centres to a number of community committees.

These committees do not operate as 377 Committees of Council as they are all independent, incorporated bodies - Council has merely conferred certain functions to these committees. In practice, Council has only conferred a Sec 377 delegation to a committee where the committee is to perform a function that was in the past undertaken by Council. Council cannot confer a 377 delegation to a committee for a non-Council function. This limitation would therefore preclude Council from treating the HCES under the Section 377 provisions as the ostensible reason for doing so would be 'delegate' the management of the Hawkesbury District Eisteddfod - a non-Council function for which the HCES is already responsible.

It could be possible for Council to take on the responsibility for the staging of the Hawkesbury Eisteddfod and then delegate this function back to the HCES. However, under Council's Sponsorship Policy this would still require the HCES to enter into a Sponsorship Agreement with Council and for the renewal of the Agreement to be reported to Council for determination - as is currently the case with the Hawkesbury Sister Cities Association. The assumption of responsibility for the staging of the Hawkesbury Eisteddfod may also expose Council to a future risk in that at some time in the future the HCES might decline to accept the 377 delegation leaving Council solely responsible for the staging of the Hawkesbury Eisteddfod - a function for which it does not currently have the staff resources to undertake.

### Use of the Windsor Function Centre

Comments made by representatives of the HCES while addressing Council, implied that HCES was concerned that Council may somehow prevent the Eisteddfod from being staged at the Windsor Function Centre (WFC). It is unclear as to how this concern has arisen. Under the Community Sponsorship Program, the HCES will continue to receive financial assistance to stage the Eisteddfod (subject to Council approval). In 2007-2008 this assistance amounted to \$18,000. Council's Sponsorship Policy does not stipulate how these funds are to be utilised (provided they are used to for the purposes outlined in the Sponsorship Agreement). In practice this will mean that the HCES will receive funds for the Staging of the Eisteddfod - the HCES will be in the best position to determine how these funds will be used and therefore will have the responsibility for decision-making regarding the hiring of venues. Council's role is to provide financial assistance - the HCES is at liberty to use these funds to hire the WFC or any other suitable venue.

### Conclusion

It is not possible for Council to 'guarantee' long-term funding to the HCES. Whatever mechanism Council employs to provide funds to the HCES will always be subject to the discretion of the Council-of-the-day and will require the HCES to enter into a renewable Sponsorship Agreement with Council.

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The option of dealing with the HCES under a Section 377 Delegation would result in a 'contrived' relationship which would not deliver any greater surety than that provided under Council's Community Sponsorship Program (CSP) and may well expose Council to a future risk. The existing framework provided by the Community Sponsorship Program can facilitate the continued provision of financial assistance to the HCES. The CSP is an extension of those arrangements which have applied over the past twenty years - Council's continued funding of the Eisteddfod over this time is perhaps the best evidence of Council's commitment to maintaining the Eisteddfod.

For this reason Management would recommend that future funding of the Hawkesbury City Eisteddfod Society be determined in accordance with Council's Sponsorship Policy and procedures applying to the Community Sponsorship Program. As noted above this recommendation is made on the basis that Council's intent to maintain funding for the HCES can be achieved within the framework provided by the Council's Sponsorship Policy and Program.

### 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."*

### Funding

There are no funding implications arising from this report.

### RECOMMENDATION:

That future funding of the Hawkesbury City Eisteddfod Society be determined in accordance with Council's Sponsorship Policy and procedures applying to the Community Sponsorship Program.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**INFRASTRUCTURE SERVICES**

**Item: 50                    IS - Governor Phillip Reserve - Noise Policy - (79354, 95495)**

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**REPORT:**

During 1999/2000, notification was received from the Waterways Authority (now known as NSW Maritime) confirming new noise limits. The noise levels adopted by NSW Maritime are based on the recommendations of the Waterways Authority Noise Committee contained in the 1996 Report on the Control of Noise from Vessels on NSW waterways. These noise levels include:

- For recreational vessels (including Personal Water Crafts), the maximum noise level for engines is 85dB(A) at 30 metres. Engines built on or after 1/1/2000 are required to meet a maximum noise level of 80dB(A).
- For racing vessels, the maximum noise level for engines is 95dB(A) at 30 metres, tested in accordance with Australian Standard 1949-1988. The Authority may make it a condition of an aquatic licence for a significant international or national event, for a particular race or meeting to exceed the maximum noise levels, but only if the relevant local council or councils have provided the race organiser with their written approval for this to occur.

Whilst NSW Maritime indicate that only significant international or national events can exceed the 95dB(A) limit with Council's consent, they do indicate that other events that are beneficial to the community can also be endorsed. Council has consequently over the last seven years allowed a number of events to exceed these noise levels.

As previously adopted by Council, the Noise Policy is required to be reviewed every two years or following any changes to the noise limits by NSW Maritime. The NSW Maritime Authority has indicated that there are no new changes to the noise limits. It should also be noted that there has been very little in the way of complaints regarding events held at Governor Phillip Reserve within the past 2 year period. It would appear that the event organisers are complying with the noise restrictions to the benefit of the local community.

It is recognised that the Drag Boat Racers have not held a drag boat event since 2003, however, given an event of this nature is still possible, it is suggested to leave this section within the policy.

The exemption to the noise limits previously set by NSW Maritime at Governor Phillip Reserve, would read:

- 1) The amendment to the noise limits for specific events, as outlined below, be adopted.

***Drag Boat Racers***

- a) No competing vessel shall be permitted to emit noise in excess of:
  - i) 115dB(A) - for more than 8 seconds measured at a distance of 30 metres during the race; or
  - ii) 105dB(A) - for more than 14 seconds measured at a distance of 30 metres during a race.
  - iii) 105dB(A) - for vessels running more than 14 seconds measured at a distance of 30 metres during the race.
- b) The licensee shall ensure that noise levels from vessels of 105dB(A) and up to 115dB(A) shall not be exceeded for more than 2 minutes per hour.

## ORDINARY MEETING

Meeting Date: 11 March 2008

- c) The above noise criteria is not to be used more than four times a year at any one venue, and is only extended to specialised drag boat clubs affiliated with the Australian Power Boat Association.

### ***The Upper Hawkesbury Power Boat Club***

- a) No Competing vessel shall be permitted to emit noise in excess of:
- i) Club Days - 105dB(A). This level can be reached for no more than 40 minutes per day.
  - ii) NSW State Titles - 105dB(A).
  - iii) Bridge to Bridge Boat Race - 105dB(A).
  - iv) Unlimited Boat Race (Blown Boats - held directly after the Bridge to Bridge Boat Race) - 115dB(A).
  - v) Noise Test - (Prior to the Two Day Spectacular) - 115dB(A) This limit can be reached for no more than 15 minutes in total through the day.
  - vi) Two Day Spectacular - 115dB(A) for more than 10 minutes in total per day.

### ***The NSW Water Ski Association***

- a) Events must not exceed 100dB(A) with a tolerance of 3dB(A).
- 2) All other users of the river, within the Hawkesbury LGA, are to observe the noise limits set by NSW Maritime.
- 3) The noise limits continue to be reviewed every two years or following any changes to the noise limits by NSW Maritime.

### **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**

Nil impact on current budget.

### **RECOMMENDATION:**

That:

1. The amendment to the noise limits for specific events, as outlined within the report, be adopted.
2. All other users of the River, within the Hawkesbury LGA, are to observe the noise limits set by NSW Maritime.
3. The noise limits continue to be reviewed every two years or following any changes to the noise limits by NSW Maritime.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo



## ORDINARY MEETING

Meeting Date: 11 March 2008

**Item: 51**                      **IS - Exclusive Use of Governor Phillip Reserve - Upper Hawkesbury Power Boat Club - (79354, 73829)**

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### REPORT:

The Upper Hawkesbury Power Boat Club (UHPBC) has advised the proposed event dates for the 2008 calendar year, and are seeking Exclusive Use of Governor Phillip Reserve to conduct the following events.

#### 2008

- |                       |  |
|-----------------------|--|
| Sunday 4 May          | - Bridge to Bridge Power Boat Classic - <b>Exclusive Use</b>   |
| Sunday 18 May         | - Club Day - Alternate day for Bridge to Bridge Power Boat Classic ( <b>Exclusive Use if alternate date required</b> ) |
| Saturday 20 September | - Windsor Spectacular Weekend - <b>Exclusive Use</b>   |
| Sunday 21 September   | - Windsor Spectacular Weekend - <b>Exclusive Use</b>   |

Approval for Traffic Management is to be undertaken as part of the Special Event Application.

It is anticipated that these events will have significant flow-on effects to the business community and as such approval is recommended.

### 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

No impact on budget arising from this report.

### RECOMMENDATION:

That:

1. That approval be granted to the Upper Hawkesbury Power Boat Club for "Exclusive Use" of Governor Phillip Reserve for the following events:
  - a. Bridge to Bridge Power Boat Race - 4 May 2008, with an alternate date of 18 May 2008.
  - b. The Windsor Spectacular - 20 & 21 September 2008.
2. Both events are subject to the following conditions:
  - a. Prior to dates of exclusive use a letter box drop be undertaken by the applicants to all affected residents in proximity to the event with that letter advising full details of the function;
  - b. The reserve is to be left clean and tidy with the organisation being responsible for collection and disposal of all waste. The applicant is to lodge with Council a damage bond of \$800.00\* in relation to each date, which is refundable less any costs incurred by Council, administrative or otherwise, to clean or restore the area;

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- c. The applicant paying to Council such fees as may be applicable at the time for exclusive use of the reserve being \$1.40\* per person or \$830.20\* per day (whichever is the greater);
- d. A fee of \$58.20\* is payable for the cleaning of the toilets prior to the exclusive use;  
*(\*The above fees/amounts apply to the current financial year only; these fees/amounts are subject to change in subsequent financial years, as determined by Council.)*
- e. A copy of a Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted prior to the first event; in the event of renewal of that policy occurring at some time during the course of the 2008 Racing Calendar, a Certificate of Currency is to be submitted within one week of renewal - this Public Liability Policy is to cover all events conducted as part of the applicant's 2008 Racing Calendar.
- f. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Food Safety Guidelines for Charities and Community Organisations" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer.
- g. If required, the applicant obtaining all necessary permits/approvals in relation to amusement devices/rides and liaising with Integral Energy regarding the supply of power and their proximity to power supply lines.
- h. If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event.
- i. The applicant is to notify details of the 2008 Racing Calendar to the Hawkesbury Local Area Command at Windsor Police Station, telephone: 4560 6999.
- j. The applicant obtaining appropriate licence from NSW Maritime Authority regarding the conduct of the 2008 Racing Calendar.
- k. The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
- l. The Upper Hawkesbury Power Boat Club is to comply with Council's current policy in regard to noise levels, as listed below.

No competing vessel shall be permitted to emit noise in excess of:

- i. Club Days - 105dB(A) for more than 40 minutes per day;
- ii. NSW State Titles - 105dB(A);
- iii. Bridge to Bridge Boat Race - 105dB(A);
- iv. Unlimited Boat Race (Blown Boats) - 115dB(A). This event is held directly after the Bridge to Bridge Boat Race;
- v. Noise Test - (prior to the Two Day Spectacular) - 115dB(A) for more than 15 minutes in total through the day;
- vi. Two Day Spectacular - 115dB(A) for more than 10 minutes in total per day.

- 3. A Traffic Management Plan be submitted as part of the Special Event Application.

**ORDINARY MEETING**

**Meeting Date:** 11 March 2008

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 11 March 2008

### SUPPORT SERVICES

#### Item: 52                    SS - Classification of Land - Properties at Londonderry - (95496)

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#### REPORT:

Between the years of 1997 and 2000, Hawkesbury City Council acquired a total of seven properties in the vicinity of Council's Waste Management Facility at Londonderry for the purposes of creating a buffer around this Facility.

The seven properties acquired by Council were:

1 Reynolds Road, Londonderry	(Lot 24 in Deposited Plan 25020)
2 Reynolds Road, Londonderry	(Lot 1 in Deposited Plan 25981)
50-56 The Driftway, Londonderry	(Lot 18 in Deposited Plan 25020)
42 The Driftway, Londonderry	(Lot 19 in Deposited Plan 25020)
34-40 The Driftway, Londonderry	(Lot 20 in Deposited Plan 25020)
26-32 The Driftway, Londonderry	(Lot 21 in Deposited Plan 25020)
18-24 The Driftway, Londonderry	(Lot 22 in Deposited Plan 25020)

These seven properties are located within the Penrith City Council Local Government Area.

Section 31(2) of the Local Government Act 1993 states that:

*"31(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with the Part) that the land be classified as community or operational land"*

A recent review of Council's records indicates that at the time of acquisition, no action was taken for the properties to be classified as "Operational" land for the purposes of the Local Government Act, 1993 and have, therefore, by default, been classified as "Community" land.

However, it has been assumed, for several years, that the properties were classified as "Operational" upon acquisition. Currently, four of the seven properties are subject to continuation agreements of the Residential Tenancy Agreements entered into by Council several years ago.

It has always been Council's intention to lease the properties where possible, whilst the Waste Management Facility is in operation. Additionally, upon closure of the Waste Management Facility, it has been Council's intention to develop and/or sell the properties. Accordingly, the classification of the properties as "Operational" land is considered necessary.

The subject properties are located outside the Hawkesbury City Council Local Government Area, within the Penrith City Council Local Government Area and cannot, therefore, be reclassified by a Local Environmental Plan by Hawkesbury City Council. Instead, the reclassification of these properties will need to form part of a Local Environmental Plan prepared by Penrith City Council. Council's Solicitors have advised that this course of action would be required to reclassify these properties.

In this regard, discussions have been held with staff at Penrith City Council to include these properties in a Penrith City Council Local Environment Plan. Staff from Penrith City Council have advised that they would prefer the subject properties be dealt with as part of the 'Penrith LEP - Stage 1'. This Plan has been endorsed by Penrith City Council and has been lodged with the Department of Planning. Penrith City

## ORDINARY MEETING

Meeting Date: 11 March 2008

Council is currently waiting for permission to exhibit the Plan and anticipates permission may be granted in the next two months. Therefore, there would be an opportunity for Hawkesbury Council to make a submission requesting that the subject properties be reclassified as "Operational" land under the Local Government Act, 1993.

Accordingly, it is considered that Council should make a submission to Penrith City Council, requesting that the subject properties be reclassified from "Community" land to "Operational" land under the Local Government Act, 1993.

### Conformance to Strategic Plan

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

*"Objective: Implementation of opportunities identified within the property development strategy and subsequent resolution of Council regarding property sales."*

*"Objective: Process Miscellaneous Property Matters"*

### Funding

The proposal to reclassify the properties will enable the existing lease arrangements to continue, thus allowing Council to receive a regular income from the properties.

### RECOMMENDATION:

That a submission be lodged with Penrith City Council for the following properties to be reclassified from "Community" land to "Operational" land in accordance with the Local Government Act, 1993:

1 Reynolds Road, Londonderry	(Lot 24 in Deposited Plan 25020)
2 Reynolds Road, Londonderry	(Lot 1 in Deposited Plan 25981)
50-56 The Driftway, Londonderry	(Lot 18 in Deposited Plan 25020)
42 The Driftway, Londonderry	(Lot 19 in Deposited Plan 25020)
34-40 The Driftway, Londonderry	(Lot 20 in Deposited Plan 25020)
26-32 The Driftway, Londonderry	(Lot 21 in Deposited Plan 25020)
18-24 The Driftway, Londonderry	(Lot 22 in Deposited Plan 25020)

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 11 March 2008

### CONFIDENTIAL REPORTS

Item: 53                      SS - Property Matter - Lease to Haber - Shop 11 Glossodia Shopping Centre -  
(19858, 19859, 95496) **CONFIDENTIAL**

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#### **Reason for Confidentiality**

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

**ORDINARY MEETING**

**Meeting Date: 11 March 2008**

**Item: 54                    SS - Property Matter - Lease to Lao & Tran - Shop 10 Wilberforce Shopping  
Centre - (73565, 74069, 76755, 95496) CONFIDENTIAL**

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**Reason for Confidentiality**

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*

**ORDINARY MEETING**

**Meeting Date:** 11 March 2008

**Item: 55**                    **SS - Sale of 28 Boomerang Drive, Glossodia (Lot 42, DP217499) - (107, 11747, 95496) CONFIDENTIAL**

**Previous Item:**            217, Ordinary (12 July 2005)

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**Reason for Confidentiality**

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the sale of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

*In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.*



ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Floodplain Risk Management Advisory Committee Minutes - 4 February 2008 - (86589)**

The meeting commenced at 4.00pm.

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<b>Present:</b>	Councillor Kevin Conolly Councillor Trevor Devine Councillor Ted Books Councillor Bob Porter Councillor Neville Wearne Mr Kevin Jones Mr David Avery Mr Geoffrey Bessell Mr John Miller Mr David Scott Mr Les Sheather
<b>Apologies:</b>	Mr Robert Bowman Mr Peter Cinque Mr Phil Pleffer Mr Chris Amit
<b>In Attendance:</b>	Mr Matt Owens Councillor Bart Bassett Mr Ray Williams MP Ms Robyn Kozjak -Minute Secretary

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**REPORT:**

**APOLOGIES**

Apologies for absence were received from Snr Inspector Robert Bowman, Mr Peter Cinque, Mr Philip Pleffer and Mr Chris Amit.

RESOLVED on the motion of Councillor Books, seconded by Councillor Wearne that the apologies be accepted.

**CONFIRMATION OF MINUTES**

RESOLVED on the motion of Mr John Miller, seconded by Councillor Wearne that the Minutes of the Floodplain Risk Management Advisory Committee held on 19 November 2007 be confirmed.

Discussion subsequently arose re No. 3 of Item 3 of the Minutes of 19 November 2007 relating to the proposed workshopping of the Consultant's Brief - Flood Risk Management Study and Plan. Various dates were put forth to the Committee and it was resolved the Brief be workshopped on Thursday 21 February 2008 at 4.00pm.

RESOLVED on the motion of Councillor Books, seconded by Mr Les Sheather.

The Chair noted the presence of Mr Ray Williams MP and recommended an invitation to the workshop also be extended to the local State Parliamentarians.

Councillor Bassett wished his apologies to be noted for that occasion.

**DECLARATION OF INTEREST**

Disclosures of interest were received from Councillor Kevin Conolly as he owns land below the PMF and Mr Les Sheather as he is the subject of discussion in Item 3 of the business paper.

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

**SECTION 3 - Reports for Determination**

**Item: 1 Invitation to be part of Penrith City Council's Floodplain Advisory Committee**

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**DISCUSSION:**

- Discussion arose relating to the nomination of a representative from Hawkesbury City Council to attend certain meetings at Penrith City Council (as per No. 3 of the Recommendation). It was resolved Councillor Devine be appointed as Council's representative.

**MOTION**

RESOLVED on the motion of Mr John Miller, seconded by Councillor Books.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. Penrith City Council be thanked for including a representative of Hawkesbury City Council on their Floodplain Advisory Committee.
2. Council request the agenda and minutes of the Penrith City Council's Floodplain Advisory Committee be forwarded to Hawkesbury City Council.
3. Penrith City Council be advised that a representative from Hawkesbury City Council will attend their meetings on an as needs basis when agenda items may have an impact on the Hawkesbury LGA.
4. As the need arises the Chair of this Committee, in association with the Director of City Planning, nominate a representative to attend Penrith City Council's Floodplain Advisory Committee meetings.
5. A reciprocal invitation be extended to Penrith City Council, Baulkham Hills Council and Blacktown City Councils to provide for a representative to the Hawkesbury City Council FRMAC.
6. Councillor Devine was nominated as a representative in relation to Point 4 above.

**SECTION 4 - Reports for Information**

**Item: 2 Flood Classifications for Colo and MacDonald River**

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**MOTION**

RESOLVED on the motion of Mr Les Sheather, seconded by Councillor Books.

***REFER TO COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The information be received.
2. Staff will continue to examine what flood classification information may be able to be provided to the Bureau of Meteorology and report the matter back to the Committee for consideration.

**Item: 3 Committee Member - Mr Les Sheather**

**Previous Item:** GB - FRMAC (19 November 2007)

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Mr Les Sheather declared an interest in this matter as he was the subject of discussion. He left the meeting and did not take part in voting or discussion on the matter.

**MOTION**

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

***REFER TO COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The information be received.
2. The past non-attendances by Mr Sheather not be counted in relation to Clause 6.(e)(iii) (Cease to hold office if absent without approval for three consecutive meetings) of the Hawkesbury Floodplain Risk Management Advisory Committee Constitution.

**SECTION 5 - General Business**

**DISCUSSION:**

- Reference was made to a report from ERM Mitchell McCotter (Item 1 of FRMAC Agenda of 9 October 2006) and to a Chairman Minute of 17 September 2007 relating to flood mitigation in the Hawkesbury - Nepean Valley. It was advised Councillor Bassett has raised this issue with WSROC.

**MOTION**

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

***REFER TO COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That a report be brought back to the Committee to recommend mitigation measures from the report of Australian Water Technologies and ERM Mitchell McCotter, July 1995, "Proposed Warragamba Flood Mitigation Dam", to be referred to WSROC and state members.

**DISCUSSION:**

- Councillor Porter reported NSW Maritime have been supportive of clearing trees from the river in an effort to keep navigational channels clear. Councillor Porter further advised the Committee he believed NSW Maritime should be commended for their effort in addressing siltation issues.
- Councillor Devine referred to the new flood evacuation route (Hawkesbury Valley Way) and enquired as to its capability of evacuating the existing population of South Windsor and Windsor. Discussion arose and it was advised the evacuation route was intended primarily for the Windsor area. It was further advised the evacuation route is a work in progress and is not yet completed.

**MOTION**

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

***REFER TO COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That staff pursue the issue of completion of the evacuation route and report back to the Committee.

**DISCUSSION:**

- Mr Sheather raised concern regarding a potential traffic issue. It was advised traffic (Windsor side of the river) wishing to cross Windsor Bridge in times of localised flooding, would have difficulty in doing so as there is no right hand turn permitted into Macquarie Street from the Jim Anderson Bridge. It was noted there is a right hand turn into Day Street, however, the street is ill equipped to manage a large volume of traffic. It was suggested Council pursue this issue with the RTA. It was further suggested in the event Windsor Bridge was to become inaccessible, appropriate signage should be displayed at McGraths Hill.
- Councillor Wearne advised Mr Ray Williams MP was present at the FRMAC meeting of 19 November 2007, however, the minutes did not reflect same.
- Mr Owens advised the draft North West Subregional Strategy is on exhibition for public comment until 28 March, 2008 and advised documentation can be downloaded from the Department's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au). It was further advised submissions would be reported to Council.

The meeting terminated at 5.30pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Community Planning Advisory Committee Minutes - 14 February 2008 - (96737, 95498)**

The meeting commenced at 9.35am.

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<b>Present:</b>	Clr. Barry Calvert Councillor (Dr) Rex Stubbs OAM Ms Ozen Karanlik Mr M Thorp Mr Roger Packham Ms Vickie Shackley	Chair Deputy Chair NSW Dept. of Community Services Nth Richmond Community Centre Community Representative Community Representative
<b>Apologies:</b>	Ms S Payne Ms Karen Carter Mr C McAlpine Mr Michael Laing	Women's Cottage Merana Aboriginal Association Community Representative HCC Staff Representative
<b>In Attendance:</b>	Mr Matt Owens Ms Robyn Kozjak	HCC Director, City Planning HCC Minute Secretary

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**REPORT:**

**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Mr Roger Packham and seconded by Ms Vickie Shackley that the Minutes of the Community Planning Advisory Committee held on the 25 October 2007, be confirmed.

**Item: 1 Northwest Subregional Draft Strategy - for comment**

**Previous Item:** 2.5, CPAC (25 October 2007)

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**DISCUSSION:**

- Mr Owens presented an overview of the Northwest Subregional Draft Strategy, to the Committee.
- Discussion arose regarding the importance of maintaining and protecting agriculture in the area.
- Concern was raised the Draft Strategy does not address rural-urban conflict.
- It was confirmed submissions from the Committee should be directed to Mr Michael Laing by 29 February 2008, and could also be made on an individual basis, directly to the Department, by 28 March 2008.

**RECOMMENDATION TO COMMITTEE:**



**ORDINARY MEETING**  
**Reports of Committees**

That the CPAC review the Draft North West Subregional Strategy and forward comments to Council's Senior Strategic Planner, Michael Laing by 29 February 2008 for inclusion in Council's submission to the NSW Department of Planning.

**MOTION:**

RESOLVED on the motion of Mr Roger Packham and Ms Vickie Shackley.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The issues of transport, social infrastructure and agriculture protection as discussed at the meeting be incorporated into Council's submission.
2. Consideration be given to effect of oil prices, transport, food production and growth in the region.
3. Council asks that the Strategy consider wider funding sources to protect the rural recreation areas of the Hawkesbury which is seen as considerable value to the North West.

**Item: 2 Concerns about the Future of the Western Sydney Area Assistance Scheme (WSAAS) Update**

**Previous Item:** 1, CPAC (25 October 2007)

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**RECOMMENDATION TO COMMITTEE:**

That:

1. The information be received.
2. A further update be provided at the next Community Planning Advisory Committee meeting.

**MOTION:**

RESOLVED on the motion of Mr Matt Thorp, seconded by Ms Ozen Karanlik.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The information be received.
2. A further update be provided at the next Community Planning Advisory Committee meeting.

**Item: 3 Greater Western Sydney Urban Development Health Impact Assessment - October 2007**

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**DISCUSSION:**

- WSROC's Final Report (October 2007) - Health Impact Assessment of the Sydney Metropolitan Strategy (2005) in relation to Greater Western Sydney was discussed and considered.
- Key considerations include opportunities for physical activity, food access and social connectedness.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

RESOLVED on the motion of Mr Matt Thorp, seconded by Councillor Stubbs.

***Refer to COMMITTEE RECOMMENDATION***

**COMMITTEE RECOMMENDATION:**

That:

1. The NSW Department of Planning ensure issues outlined in the HIA Report are included in their deliberation of North West planning.
2. Council take the HIA Report into consideration during the decision-making process in planning and development.
3. This Committee further review the HIA Report and bring back to next Community Planning Advisory Committee meeting.

**GENERAL BUSINESS:**

Future Committee meeting dates were put forth to the Committee. It was subsequently determined the Community Planning Advisory Committee would convene on the following dates:

- 08 May 2008
- 24 July 2008
- 30 October 2008

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Local Traffic Committee - 20 February 2008 - (80245)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 20 February 2008, commencing at 3.00pm.

**ATTENDANCE**

<b>Present:</b>	Councillor T Devine, Acting Chairman Mr J Suprain, Roads and Traffic Authority Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP
<b>Apologies:</b>	Councillor B Bassett Mr R Williams, MP Snr Constable S Sherry, NSW Police Service Mr R Elson, Department of Transport
<b>In Attendance:</b>	Mr C Amit, Manager, Design & Mapping Services Mr T Shepherd, Administrative Officer, Infrastructure Services

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Councillor Trevor Devine (Acting Chairperson) advised that Mr Ray Williams, MP was not attending the meeting. Mr Williams had given the Acting Chairperson proxy on the 3 agenda items and advised that he supported the recommendations for the 3 agenda items.

**SECTION 1 - Minutes**

**Item 1.1       Minutes of Previous Meeting**

The Minutes of the meeting held of 16 January 2008 were confirmed.

**Item 1.2       Business Arising**

Nil Business Arising.

## ORDINARY MEETING

### Reports of Committees

#### SECTION 2 - Reports for Determination

**Item 2.1 LTC - 20 February 2008 - Item 2.1 - Hawkesbury Triathlon Club Races, July 2008 - July 2009 - (Riverstone & Londonderry) - (80245, 89093)**

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#### REPORT:

##### Introduction:

An application has been received from Hawkesbury Triathlon Club seeking approval to conduct Triathlon and Duathlon races generally on the last Sunday of each month from July 2008 to June 2009, utilising Deerubbun Park, Cornwallis, as a base area.

##### Event Schedule:

##### 2008

Sunday July 27, 2008 Duathlon 8.30 - 10.00am  
Sunday August 24, 2008 Duathlon 8.30 - 10.00am  
Sunday September 28, 2008 Triathlon 7.30 - 9.30am  
Sunday October 26, 2008 Triathlon 7.30 - 9.30am  
Sunday November 30, 2008 Triathlon 7.30am - 9.30am  
Sunday December 21, 2008 Triathlon 7.30am - 9.30am

##### 2009

Sunday January 25, 2009 Triathlon 7.30 - 9.30am  
Sunday February 22, 2009 Triathlon 7.30 - 9.30am  
Sunday March 22, 2009 Triathlon 7.30 - 9.30am  
Sunday April 26, 2009 Duathlon 8.30 - 10.00am  
Sunday May 31, 2009 Duathlon 8.30 - 10.00am  
Sunday June 28, 2009 Duathlon 8.30 - 10.00am

Event Description: (Refer to attached Drawing No. TR001/08) - Appendix 1

##### Triathlon

Swim:750m - Three laps in the Hawkesbury River  
Cycle:20km - Two laps of following route  
Start in the vicinity of Deerubbun Park, Windsor  
Along Cornwallis Road  
Turning left into Cuppitts Lane  
Turning left into Percival Street  
Turning left into Richmond Road  
Turning left into Moses Street  
Turning left into Greenway Crescent and back to Deerubbun Park  
Run: 5km - Four laps (within Deerubbun Park and Cornwallis Road)

##### Duathlon

Run:2.5km - Two laps (within Deerubbun Park and Cornwallis Road)  
Cycle: 20km - Similar to Triathlon  
Run: 5km - Similar to Triathlon

The Triathlon Club has advised that there will be approximately 6 to 15 participants in each race.

**Discussion:**

It would be appropriate to classify this 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 impact minor traffic and transport systems and there may be low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document No. 2668173):

1. Details of the Special Event - Traffic Template
2. The RTA TMP Template - partially complete
3. Club Race Dates 2008/2009 and Circuit Plan utilised for the 2007/2008 event.

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service. The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) needs to be submitted to Council and the RTA for acknowledgement. Submission to the RTA is required due to the proposed use of the Rickaby's Creek Bridge along Richmond Road. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation.

**RECOMMENDATION:**

That:

**A. Road/River Matters**

1. The Hawkesbury Triathlon and Duathlon Races event, utilising Deerubbun Park, Cornwallis, as a base area planned for;

**2008**

Sunday July 27, 2008 Duathlon 8.30 - 10.00am  
Sunday August 24, 2008 Duathlon 8.30 - 10.00am  
Sunday September 28, 2008 Triathlon 7.30 - 9.30am  
Sunday October 26, 2008 Triathlon 7.30 - 9.30am  
Sunday November 30, 2008 Triathlon 7.30am - 9.30am  
Sunday December 21, 2008 Triathlon 7.30am - 9.30am

**2009**

Sunday January 25, 2009 Triathlon 7.30 - 9.30am  
Sunday February 22, 2009 Triathlon 7.30 - 9.30am  
Sunday March 22, 2009 Triathlon 7.30 - 9.30am  
Sunday April 26, 2009 Duathlon 8.30 - 10.00am  
Sunday May 31, 2009 Duathlon 8.30 - 10.00am  
Sunday June 28, 2009 Duathlon 8.30 - 10.00am

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 a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 4c. as the event will transverse Rickaby's Creek Bridge along Richmond Road, the event organiser to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that the Policy to cover **both on-road and off-road activity;**
- 4d. the event organiser obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- 4e. the event organiser advertising the event in the local press stating the entire route of the event and the traffic impact due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- 4f. the event organiser notifying the details of the event to the 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**
- 4g. 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**
- 4h. 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. 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;
- 4i. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4j. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4k. access being maintained for businesses, residents and their visitors;
- 4l. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4m. the runners/cyclist are aware of and are following all the general road user rules whilst running/cycling on public roads;

**ORDINARY MEETING**  
**Reports of Committees**

- 4n. 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;
- 4o. the competitors and participants be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4p. 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

**B. Reserve Matters**

No objection is held to use of Deerubbun Park subject to compliance with the following conditions:

- 1. the applicant obtaining approval from Hawkesbury Sports Council to use of Deerubbun Park;
- 2. The park is to be left clean and tidy with the organisation responsible for collection and disposal of all rubbish; the applicant is required to pay to Council a refundable bond of \$150.00 less any cost incurred by Council, administrative or otherwise, to clean/restore the area;
- 3. Any building, vehicle or stall that is used for preparation of food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer on 4560 4553;
- 4. Noise is to be kept to a reasonable level, with all amplified sound less than 5d(B)a above ambient level;
- 5. the event manager/applicant must undertake also a Risk Assessment of the event to be conducted including pre-event preparations; this assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards; the event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001;
- 6. Garbage bins can be provided for the event at a cost to be provided at application. 3 weeks notice is required prior to the event to enable appropriate arrangements to be made;
- 7. If your organisation requires keys, a deposit of \$25 is requested at time of key collection. This deposit will be refunded on return of key.

**APPENDICES:**

**AT - 1** Hawkesbury Triathlon Club Races Overview Plan No. TR001/08

**AT - 2** Special Event Application - (Dataworks Document No. 2668173) - *see attached*

**AT - 1** Hawkesbury Triathlon Club Races Overview Plan No. TR001/08

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



## ORDINARY MEETING

### Reports of Committees

#### Item 2.2 LTC - 20 February 2008 - Item 2.2 - Dirt Works 100 Kilometre Classic - St Albans (Hawkesbury) - (80245, 85193, 74282)

#### REPORT:

An application has been received from Maximum Adventure Pty Ltd seeking permission to conduct the Dirt Works 100 Kilometre Classic - St Albans, on Sunday 4 May 2008 (from 6.30am to 5.00pm). This event is a Mountain Bike Endurance Event in and around the St Albans and Macdonald Valley areas, in assistance with the St Albans Rural Fire Brigade as part of their fundraising activities. The event organiser advises that the endurance ride is over a 100 kilometre long route and is predominantly on tracks within the Parr State Recreational Area, Yengo National Park, Darug National Park, private properties and on the following public roads:

- Upper Macdonald Road – Unsealed Road.
- Wollombi Road – Sealed and Unsealed Road.
- Settlers Road – Sealed and Unsealed Road.
- Bulga Street – Sealed and Unsealed Road.
- Wrights Creek Road - Unsealed Road.
- St Albans Road - Sealed and Unsealed Road.
- Wharf Street – Sealed Road.
- Macdonald River – Two river crossing points.

The race is also traversing along Great Northern Road, which is under the care and control of the National Parks and Wildlife Service - (Department of Environment and Conservation).

The event organiser has informed the following:

- This event is an endurance ride;
- The event route is similar to the last 3 years;
- The race route will cross the Macdonald River at the two points shown on the Event Route Plan contained in Appendix 1 and Dataworks Document Nos. 2704833 and 2705345. Crossing of the river will be undertaken utilising a 'pontoon bridge' configuration at each location;
- Approximately 1200 competitors are expected for this event;
- Approximately 150 spectators and 600 vehicles are expected. Parking will be available on private land;
- The start and finish of the race will be in the town of St Albans, on Bulga/Wharf Street;
- The start of the event will be staggered to reduce the amount of traffic on the roads and trails at any one time. As the event progresses, the competitors will spread out further; and,
- It is proposed to close the section of Bulga Street between Wharf Street and Wollombi Road (135 metres long sealed section).

#### Discussion:

It would be appropriate to classify this event as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority (RTA) as this event may impact on local traffic and transport systems and there may be a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Doc. Nos: 2664869, 2704833 and 2705345):

- i) Details of the Special Event - Traffic template;
- ii) Copy of the submission to the NSW Police Service;
- iii) Transport Management Plan (TMP) and Traffic Control Plan (TCP);
- iv) Public Liability Insurance Policy to the value of \$20,000,000 which expired on 27 January 2008;

**RECOMMENDATION:**

That:

1. The Dirt Works 100 Kilometre Classic - St Albans (Mountain Bike Endurance), event planned for Sunday 4 May 2008, 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 obtaining approval from the RTA as a road closure is proposed; a copy of the RTA approval be submitted to Council;
- 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 obtaining the relevant approval to conduct this event from the Waterways Authority; **A copy of this approval be submitted to Council;**
- 4e. the event organiser obtaining the relevant approval from the Department of Natural Resources to cross the Macdonald River; **A copy of this approval be submitted to Council;**
- 4f. the event organiser advertising the event in the local press stating the entire route/extent of the event including the road closure and the detour route, 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);
- 4g. the event organiser notifying the details of the event to the 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**
- 4h. 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, including the proposed road closures, for the 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**
- 4i. the event organiser obtaining approval from the National Parks and Wildlife Service (Department of Environment and Conservation) for the use of the Parr State Recreational Area, Yengo National Park, Darug National Park and Great Northern Road. If the use of a

**ORDINARY MEETING**  
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Council Park/Reserve is required, written approval is required from Councils' Parks and Recreation section;

- 4j. the event organiser obtaining approval from the NSW Department of Lands for the use of any Crown Road or Crown Land;
- 4k. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4l. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4m. access being maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least 4 metres in width being maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4p. the riders/cyclist/ are aware of and are following all the general road user rules whilst riding /cycling on public roads;
- 4q. 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;
- 4r. the competitors and participants be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4s. 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
- 4t. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a Water Cart for the duration of the event. Method of watering and frequency is to be addressed and outlined in the TMP.

**APPENDICES:**

**AT - 1** Event Route Plan - Dirt Works 100 Kilometre Classic - St Albans.

**AT - 2** Special Event Application - Mountain Bike Endurance Event, St Albans (Dataworks Document Nos. 2664869, 2704833 and 2705345) - *see attached*.

**AT - 1**    Event Route Plan - Dirt Works 100 Kilometre Classic - St Albans

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Attachments Document (Maps)**

**Item 2.3      LTC - 20 February 2008 - Item 2.3 - Cedar Ridge Stables FEI 80 - Training Horse Ride  
2008 - Colo Valley (Hawkesbury)- (80245, 82375)**

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**REPORT:**

**Introduction:**

An application has been received to conduct the Cedar Ridge Stables FEI 80 Training Horse Ride on 5 and 6 April 2008, around the Colo Valley area. The applicant has indicated that the event is not an endurance ride and is primarily a training ride in substitute for the lack of events due to the Equine Influenza (EI) outbreak and restrictions.

Event Schedule:

- Duration: between 6.00am and 3.00pm.
- 10-15 Participants.
- Distance approximately 17 Kilometres - return trip.

Route for the Training Ride -

- Start at Upper Colo Road on a property adjacent to Wheeny Creek (Base), travel along Upper Colo Road,
- Under Putty Road Bridge and into Lower Colo Road. travel along Lower Colo Road,
- Turn right into West Portland Road and travel along West Portland Road,
- Turn right into Packer Road, and travel to the end of the unsealed section approximately 45 metres from Putty road and turn around.
- Follow the same route back to the Start point (Base)

Road Inventory

Upper Colo Road - Sealed  
Lower Colo Road - Unsealed/Sealed  
West Portland Road - Sealed  
Packer Road - Unsealed/Sealed

**Discussion:**

It would be appropriate to classify this event as "Class 2" special events under the "Traffic Management for Special Events" guidelines issued by the Roads & Traffic Authority as this event may impact minor traffic and transport systems and there may be low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document No. 2686001)

1. Details of the Special Event - Traffic, Template;
2. Risk Management Plan

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**RECOMMENDATION:**

That:

1. The Cedar Ridge Stables FEI 80 Training Horse Ride event planned for 5 and 6 April 2008 around the Colo Valley area, 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 Traffic Control Plan (TCP) for the entire route to Council** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 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 the 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 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 carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4h. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

**During the event:**

- 4i. access being maintained for businesses, residents and their visitors;

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- 4j. a clear passageway of at least 4 metres in width being maintained at all times for emergency vehicles;
- 4k. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- 4l. the riders are aware of and are following all the general road user rules whilst riding 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** Event Route Plan - Cedar Ridge Stables FEI 80.

**AT - 2** Special Event Application - (Dataworks Document No. 2686001) - *see attached*.

**AT - 1    Event Route Plan - Cedar Ridge Stables FEI 80**

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



**SECTION 3 - Reports for Information**

Nil Reports for Information.

**SECTION 4 - General Business**

**Item 4.1      LTC - 20 February 2008 - Item 4.1 QWN - B-Double Demonstration on Windsor Bridge - (80245)**

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Councillor T Devine

**REPORT:**

Advised the Committee that the Roads and Traffic Authority were undertaking a B-Double demonstration on Windsor Bridge. The demonstration was scheduled for 10am on 4 March 2008.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.2      LTC - 20 February 2008 - Item 4.2 QWN - School Zone Flashing Lights Initiative - (80245)**

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Mr C Amit

**REPORT:**

Advised the Committee that correspondence (Dataworks Doc. No.2695589) had been received from the Roads and Traffic Authority advising the following as part of the school zone flashing lights initiative:

*"In September 2007 the NSW Government committed to the installation of an additional 400 flashing lights in school zones across NSW. This project is part of a 4-year \$46.5 million commitment to improve safety around schools zones.*

*The Roads and Traffic Authority (RTA) is pleased to advise that the following school zones within your LGA have been included in the first year of this project.*

**ORDINARY MEETING**  
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- ***Bilpin Public School along Bells Line of Road, Bilpin***
- ***Cattai Public School along Cattai Road, Cattai***
- ***Colo Heights Public School along the Putty Road, Colo Heights***

*Installation of the new flashing lights is currently being completed and is expected to be operational by the end of January 2008, prior to the start of the school term.*

*The roll out of new generation flashing lights follows an evaluation in the first half of 2007, which found the technology is proving to be reliable and is working to slow down drivers in school zones."*

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on 19 March 2008 at 3.00pm in the Large Committee Rooms.

The meeting terminated at 3.30pm.

**oooO END OF REPORT Oooo**



ordinary  
meeting

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