



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 11 March 2008

location: council chambers

time: 5:00 p.m.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 44 **CP - Shed less than 170m² - Proposed New Shed Plus Annex to Existing Shed, Lot 4 DP 244901, 3 Putland Place, Vineyard - (DA0697/07, 10203, 10204, 96329, 95498)**

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

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.

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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 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

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a) the provisions of:

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

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

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

- Sydney Regional Environmental Planning Policy 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
Siting		
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
Size		
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.	No. See comment in report.
Height		
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).	No. See comment in report.

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The total height of "barn style" sheds may exceed 5m based on individual merit.	N/A	N/A
Form		
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
Colour		
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
Type of Building Materials		
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.
Landscaping		
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

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The site is suitable for the development.

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).

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

"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.

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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."*

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.

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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.
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.

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- (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
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;

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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.
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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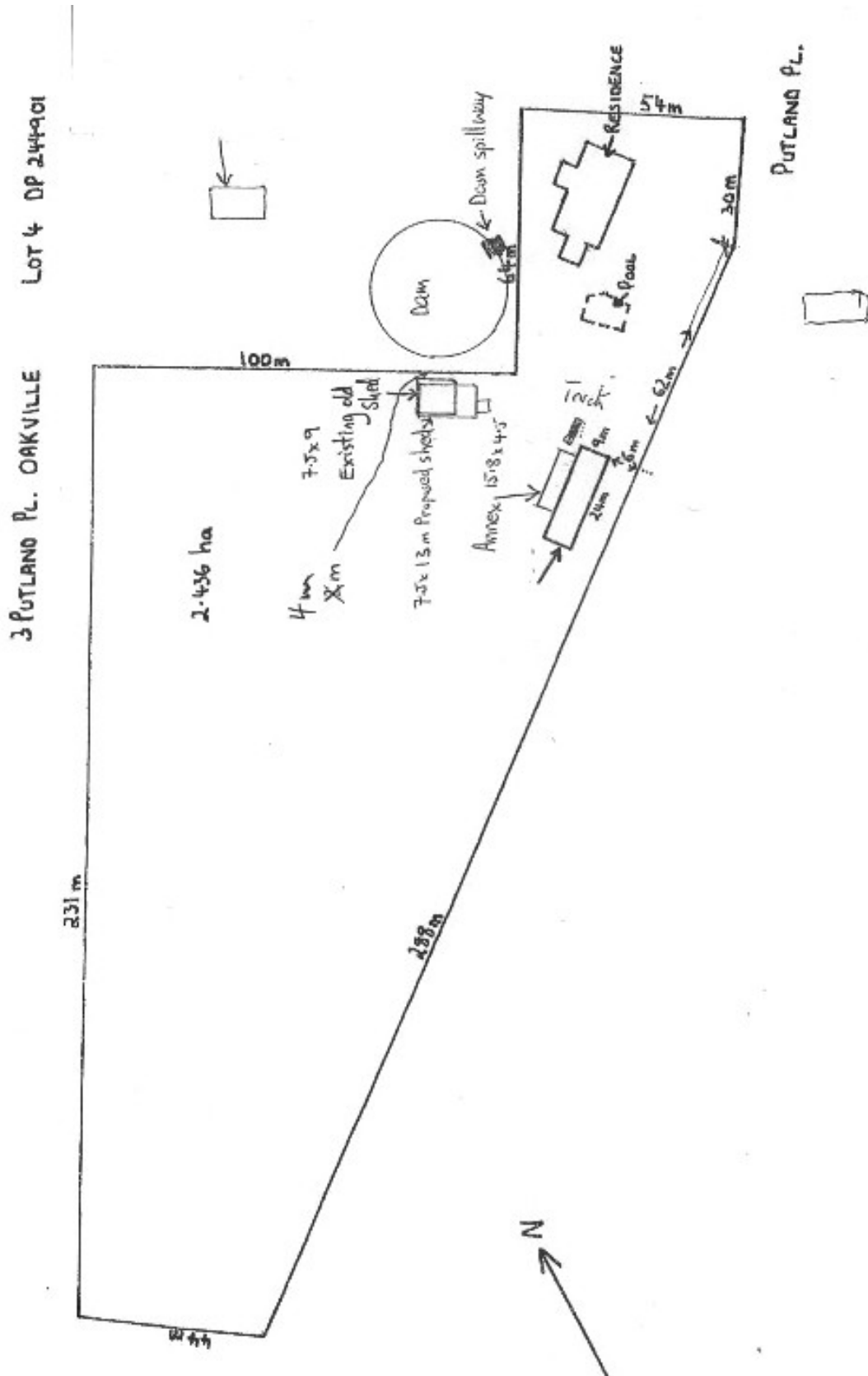
AT - 1 Locality Plan



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AT - 2 Site Plan



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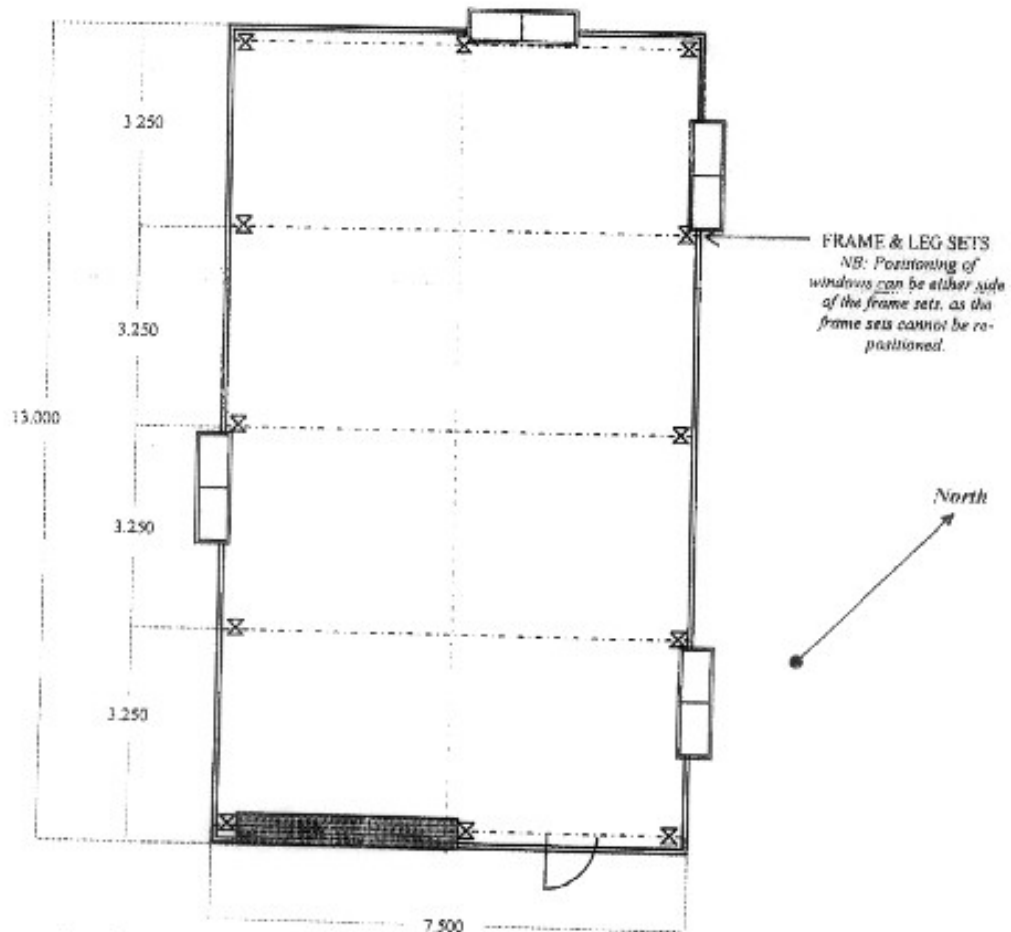
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AT - 3 Floor Plan - Proposed Shed

SHED ELEVATIONS STEEL "C" SECTION FRAMED

7.500 x 13.000 x 4.200

FLOOR PLAN



GOSPERS GARAGES & ROOFING 144 Blacktown Rd, FREEMANS REACH NSW 2756 Ph. 02 4579-4833 Fax: 02 4579-6277 E-mail: gasper5@optusnet.com.au	Designed & Drawn: J. Gasper, 18.09.07	REF. No. TBA Mk:2
	OWNER: VEGFARM P/L	Owner's Signature: Robert Foleen
	Site address: 3 Putland Rd Pl. OAKVILLE 2765	Date:

IMPORTANT! OWNER MUST BE ON SITE the first day of starting to build the kit to discuss the exact positioning of all Doors, Windows etc. & any other additions, DIRECTLY WITH THE BUILDER ON SITE, otherwise the kit will be constructed as is, & any RE-POSITIONING OF ANYTHING will be at an ADDITIONAL COST.

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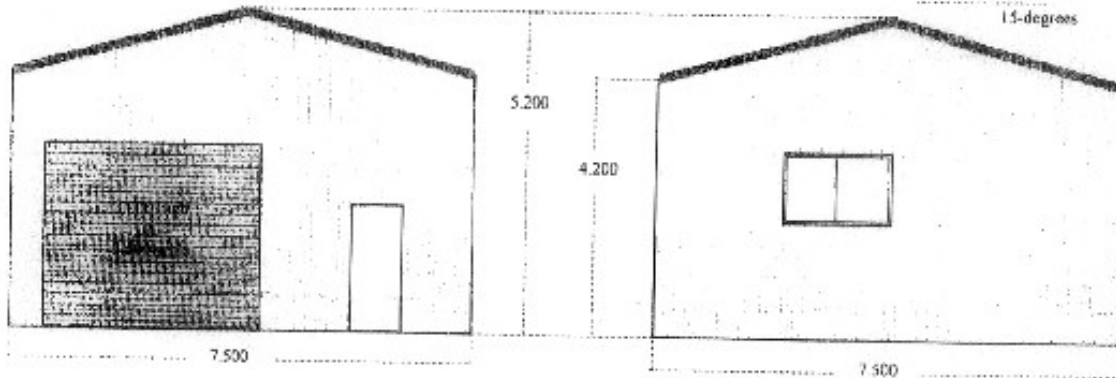
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AT - 4 Elevation - Proposed Shed

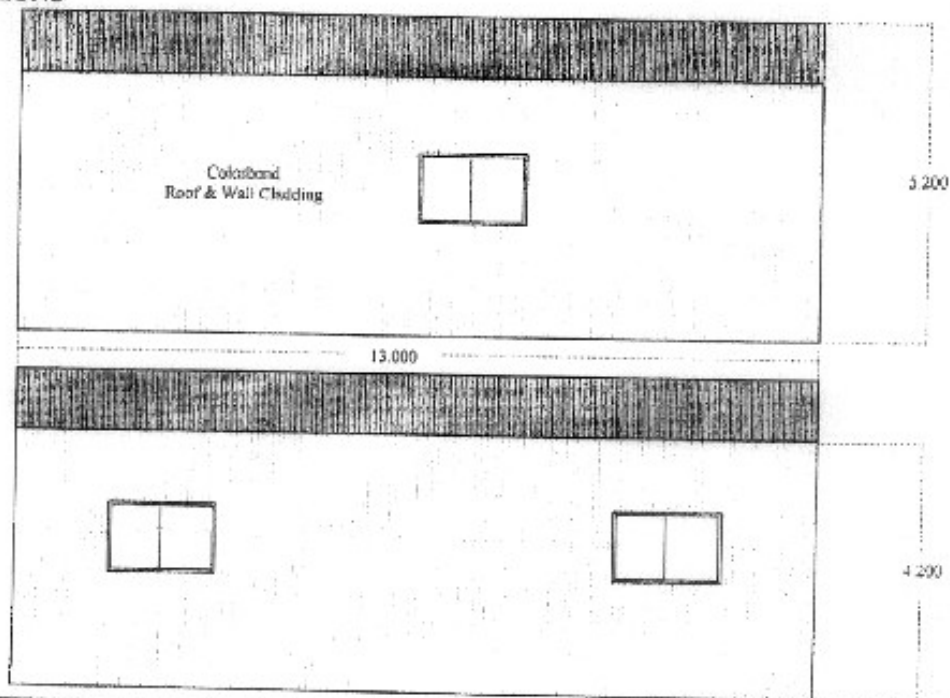
SHED ELEVATIONS STEEL "C" SECTION FRAMED

7.500 x 13.000 x 4.200

FRONT & REAR ELEVATIONS



SIDE ELEVATIONS



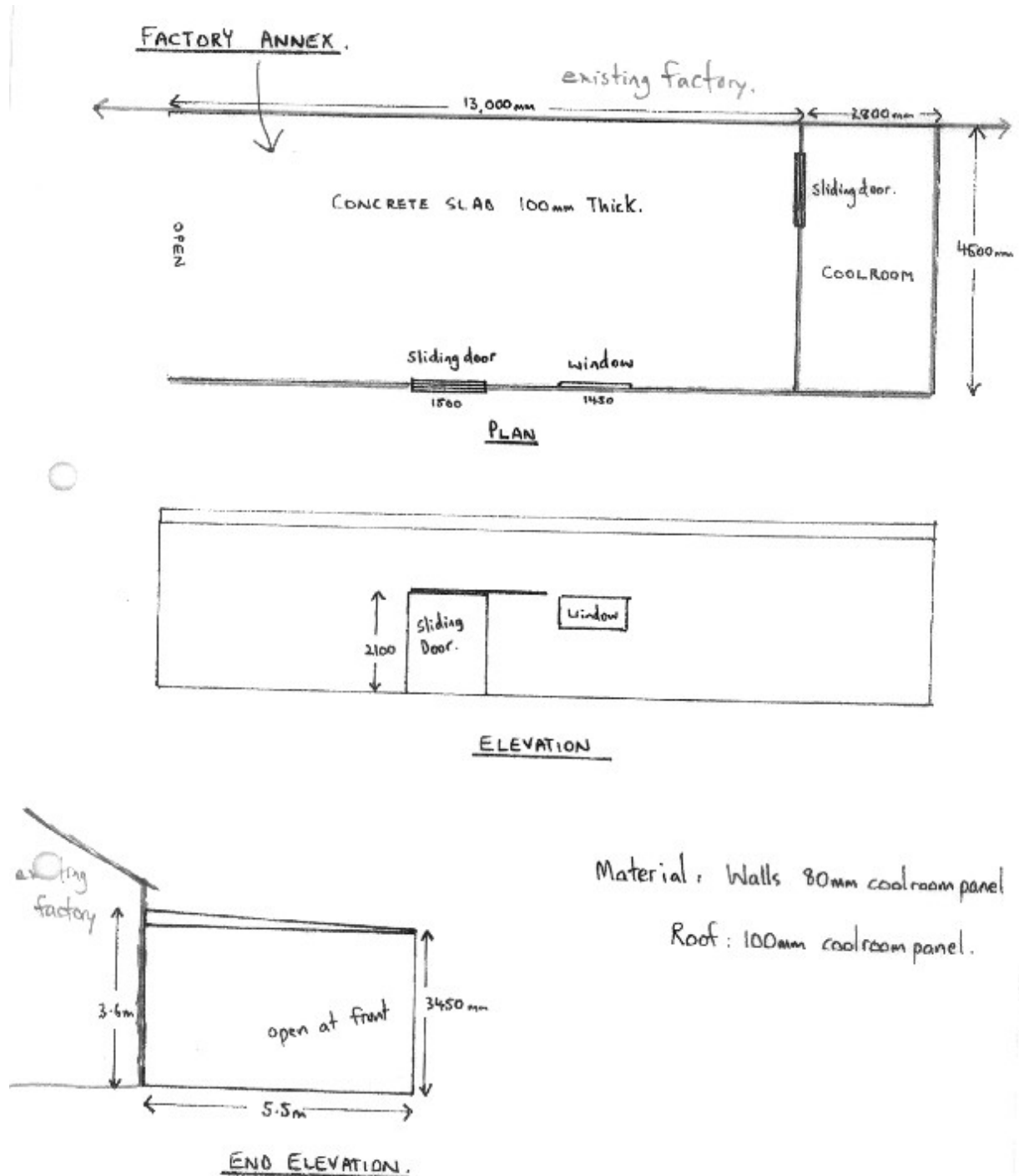
GOSPERS GARAGES & ROOFING 144 Blacktown Rd, PRESTON NSW 2756 Ph: 02 4579-6833 Fax: 02 4579-6277 E-mail: gopers5@optusnet.com.au	Designed & Drawn	J Gosper, 18.09.07	REF. No.	TBA Mk:2	1 of 2
	OWNER :	VEGFARM P/L	Owner's Signature	<i>[Signature]</i>	
	Site address:	3 Putland Rd, P. OAKVILLE 2765	Date :		

IMPORTANT! OWNER MUST BE ON SITE the first day of starting to build the kit to discuss the exact positioning of all Doors, Windows etc. & any other additions, DIRECTLY WITH THE BUILDER ON SITE. otherwise the kit will be constructed as is, & any RE-POSITIONING OF ANYTHING will be at an ADDITIONAL COST.

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AT - 5 Floor Plan and Elevation - Existing Annex

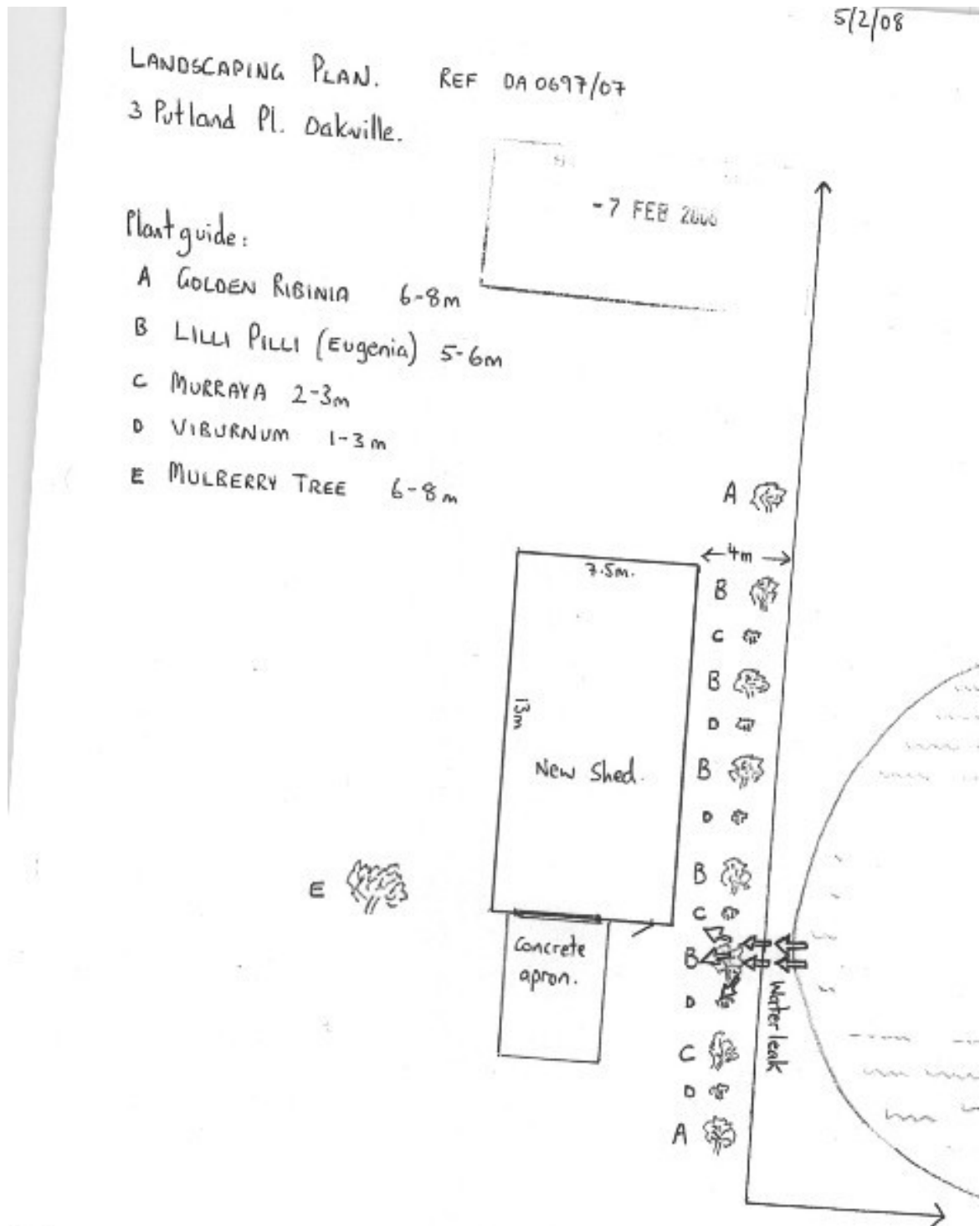


VEGFARM PTY. LTD.
ABN: 17 055 042 576
3 Putland Pl. Oakville 2765.

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AT - 6 Landscape Plan



Note: Our neighbour will need to rectify the leak in his dam to ensure the plants have a chance to establish.

SCANNED

oooO END OF REPORT Oooo

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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)**

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: 670m²
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

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	<p>(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.</p> <p>(b) Building to the side & back boundary within the Building Height Plane is permitted where:</p> <ul style="list-style-type: none"> 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 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. 	<p>Dual occupancy within the building height plane.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p>
Setbacks	<p>(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.</p> <p>(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.</p> <p>(c) For battleaxe blocks the general setback from the rear boundary of the property in front is to be 6 metres.</p> <p>(d) For the minor frontage on corner blocks, the minimum building setback is to be 2 metres.</p>	<p>N/A</p> <p>7.5m front setback</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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"> • total “soft” <u>landscaped area</u>; • total ground level <u>private open space</u>; and • total common open space. 	The total site area is 670m ² . 201m ² of landscaped area is required. Approx 276m ² 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"> • be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10; • not be comprised of any area with a dimension less than 4 metres; and • be exclusive of clothes drying areas, driveways, car parking and other utility areas. 	134m ² of private open space required. 150m ² 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"> • On one side only to 3.2m • On both sides to 3.8m. • Refer to Part C Chapter 2 - Car Parking and Access for additional requirements. 	<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>	<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.</p>	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"> doorway/entry safety and surveillance to and from the footpath illumination of public spaces including all pedestrian paths, 	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"> visibility to the street from the front of the development restricted access to the rear of the site. 	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"> the main private open space is in the front of the building facade; the site is located on a main or arterial road; the site is not located within an established heritage character; and 	<p>1m</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p>

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	<ul style="list-style-type: none"> 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 fences do not exceed 10m in length without some articulation or detailing to provide visual interest. 		
	(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"> not be taller than 500mm; not cut through roots of any tree to be retained. 	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, 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 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

Meeting Date: 11 March 2008

Meeting Date: 11 March 2008

PROPOSED SUBDIVISION & DUAL OCCUPANCY

LOT 4 (27204 SQ FT, 0.62 ACRES)

LOT 5 (4003 SQ FT)

UNIT 1

UNIT 2

UNIT 3

UNIT 4

DEMOLISH RESIDENCE

DEMOLISH GARAGE

DEMOLISH TRUSS

RESIDENCE NO 10

RESIDENCE NO 9

RESIDENCE NO 8

RESIDENCE NO 7

RESIDENCE NO 6

RESIDENCE NO 5

RESIDENCE NO 4

RESIDENCE NO 3

RESIDENCE NO 2

RESIDENCE NO 1

RESIDENCE NO 0

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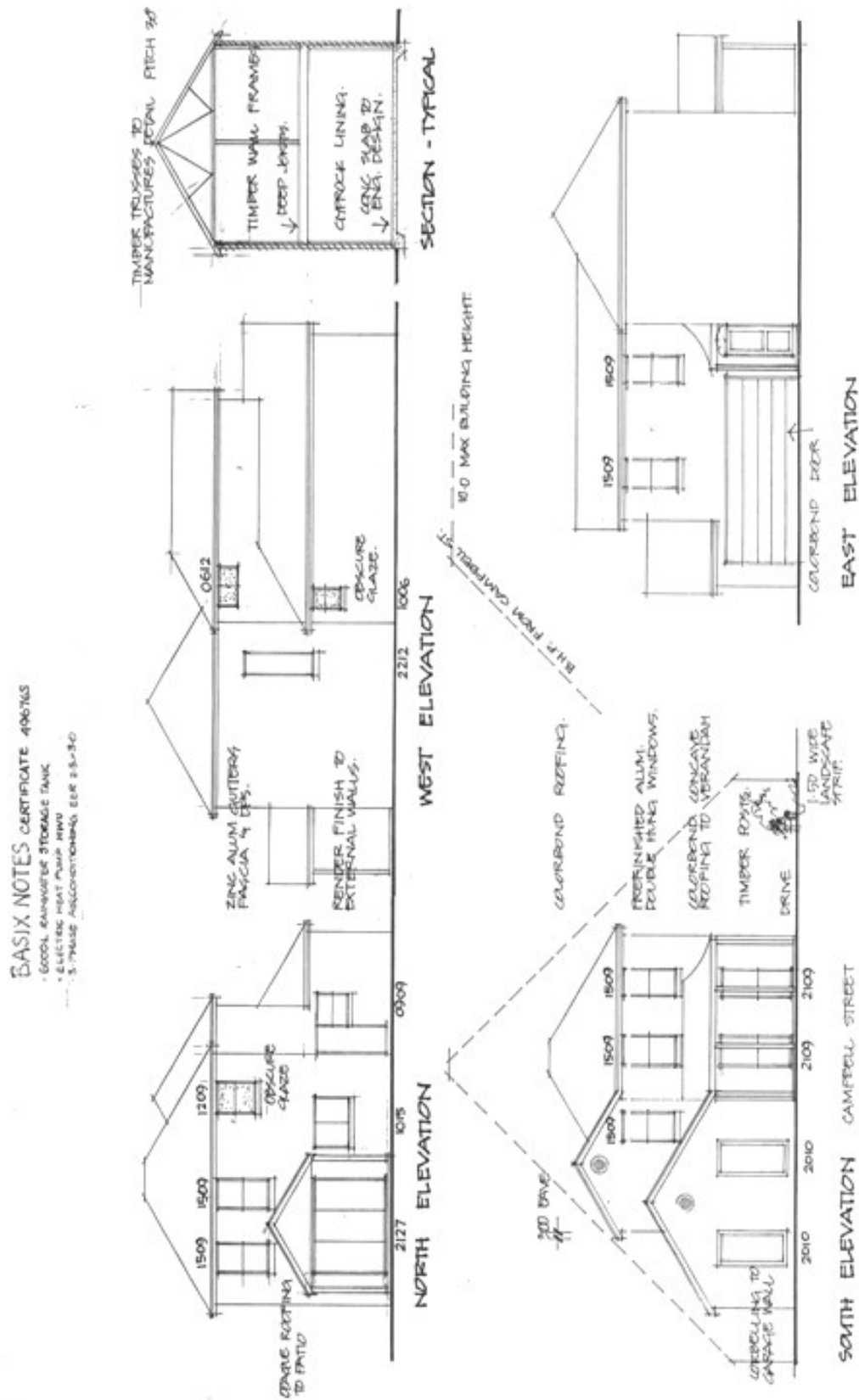
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ORDINARY MEETING

Meeting Date: 11 March 2008

AT - 3 Elevation Plan - Unit 1

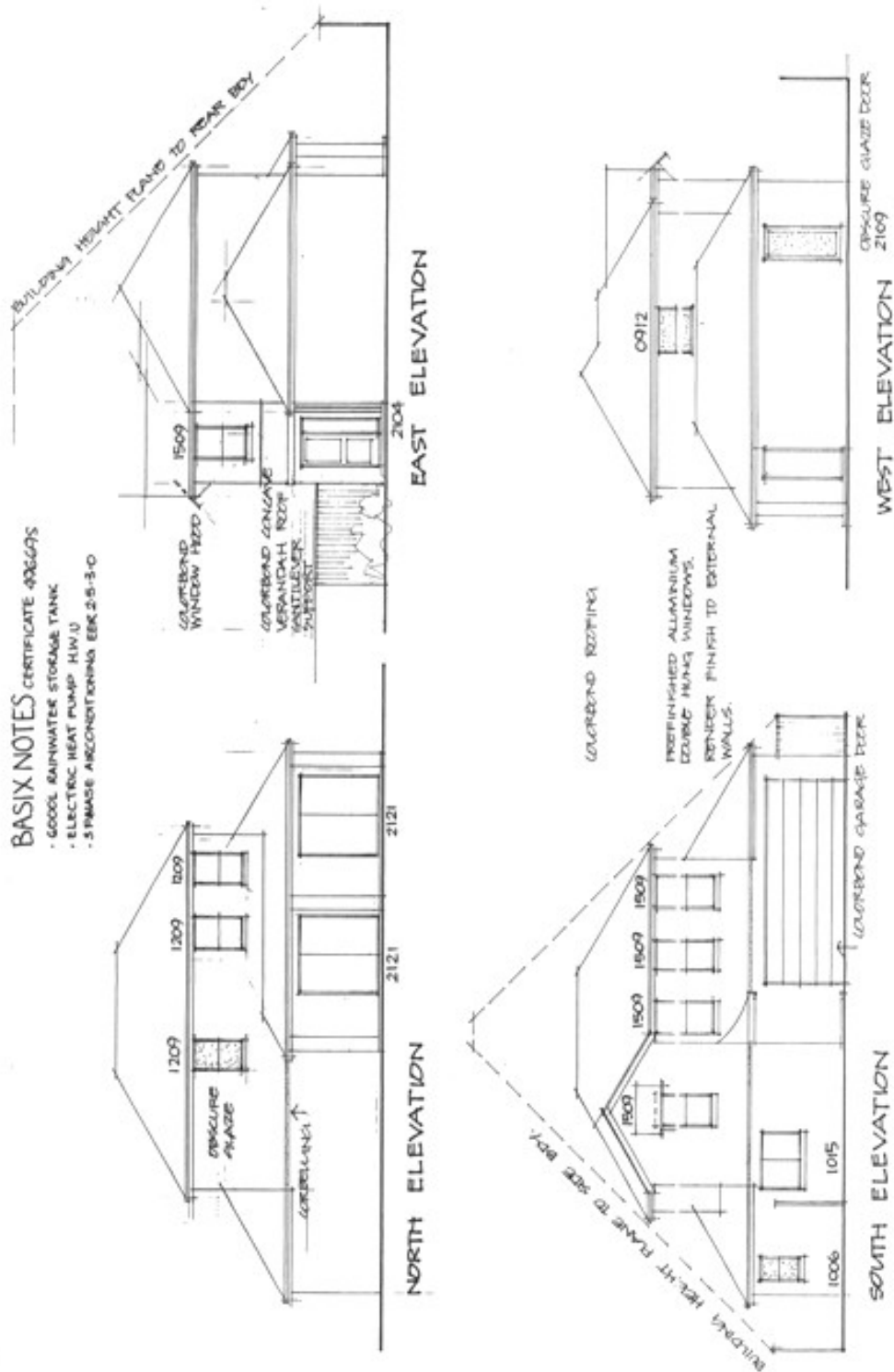


ELEVATIONS UNIT 1. DUAL OCCUPANCY AT 8 CAMPBELL STREET, SOUTH WINDSOR SCALE MAY 2008 1:100 PG 225.3 OF 7 REVISED FEB 08

ORDINARY MEETING

Meeting Date: 11 March 2008

AT - 4 Elevation Plan - Unit 2



ELEVATIONS UNIT 2. DUAL OCCUPANCY AT 8 CAMPBELL STREET, SOUTH WINDSOR SCALE MAY 2007 REVISED FEB 08

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)

Development Information

Applicant: Montgomery Planning Solutions
Owner: Hawkesbury City Council
Stat. Provisions: Hawkesbury LEP 1989
Area: 9,121m²
Zone: 3(b) Business Special
Advertising: Not required by Hawkesbury DCP
Date Received: 24 December 2007

Key Issues:

- ◆ Internal Manoeuvring
- ◆ Signage

Recommendation: Approval

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.

ORDINARY MEETING

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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

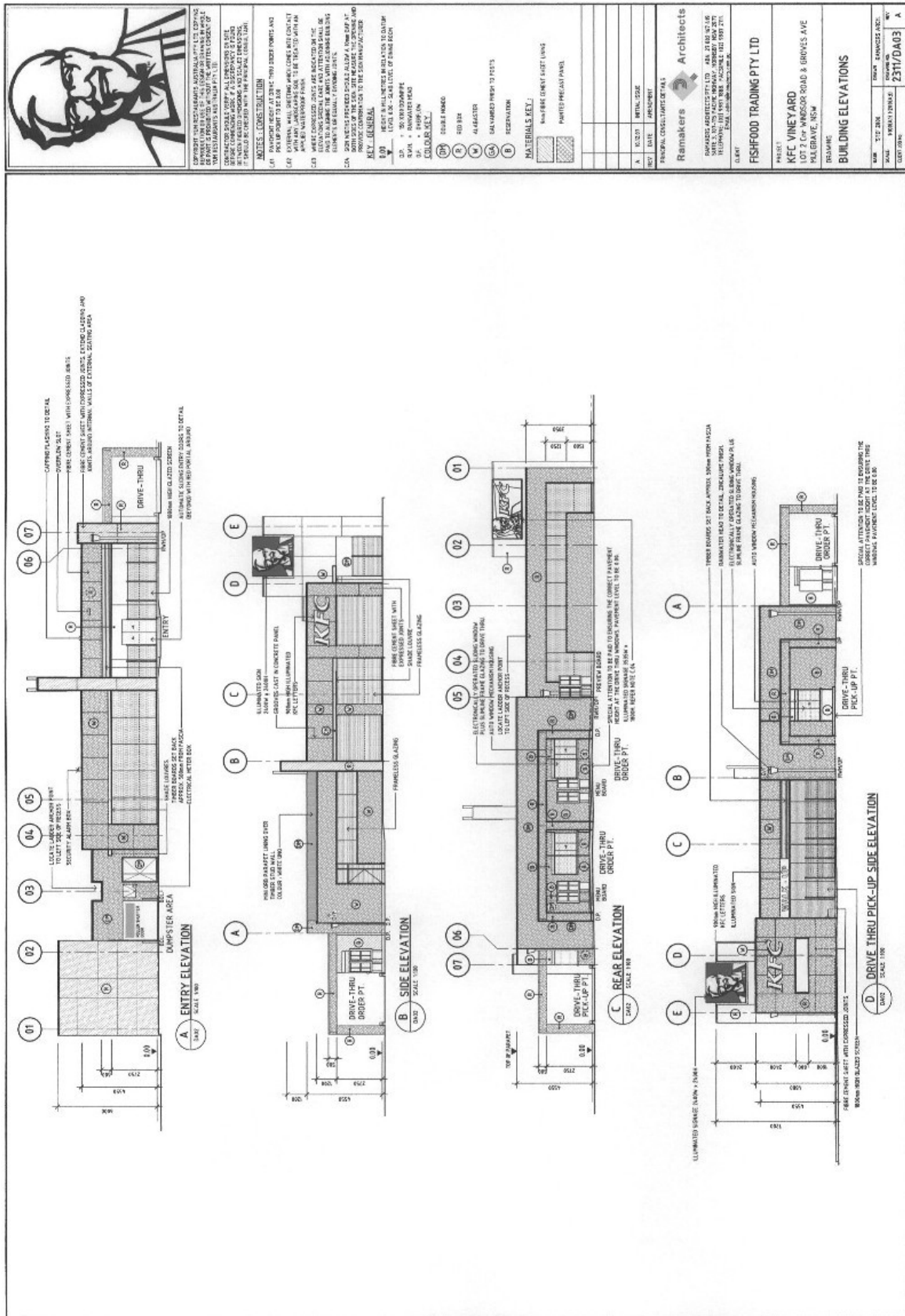
AT - 2 Locality Plan



Meeting Date: 11 March 2008

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AT - 4 Elevations



Meeting Date: 11 March 2008

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ordinary

section 5

reports
of committees

ORDINARY MEETING
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.

Present:	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
Apologies:	Mr Robert Bowman Mr Peter Cinque Mr Phil Pleffer Mr Chris Amit
In Attendance:	Mr Matt Owens Councillor Bart Bassett Mr Ray Williams MP Ms Robyn Kozjak -Minute Secretary

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.

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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.

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

Member	17/09/07	19/11/07	04/02/08
Councillor Trevor Devine – (HCC)	✓	✓	✓
Councillor Ted Books - (HCC)	A	✓	✓
Councillor Kevin Conolly - (HCC)	✓	✓	✓
Councillor Bob Porter - (HCC)	✓	✓	✓
Councillor Neville Wearne - (HCC)	N/A	✓	✓
Mr Peter Cinque OAM - (SES Sydney Western Division)	✓	✓	A
Mr David Avery - (Dept. of Environment and Climate Change)	A	✓	✓
Mr David Scott – (Dept of Defence)		✓	✓
Snr Inspector Robert Bowman - (NSW Agriculture)		A	A
Mr Les Sheather	N/A	N/A	✓
Mr Kevin Jones - (SES Headquarters)	✓	✓	✓
Mr Geoffrey Bessel - (Community Member)	✓	✓	✓
Mr John Miller - (Community Member)	✓	✓	✓
Mr Bill McMahon - (Community Member)	✓	✓	

Key: A = Formal Apology
✓ = Present

SECTION 3 - Reports for Determination

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

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

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)

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. 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 - 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

Present:	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
Apologies:	Councillor B Bassett Mr R Williams, MP Snr Constable S Sherry, NSW Police Service Mr R Elson, Department of Transport
In Attendance:	Mr C Amit, Manager, Design & Mapping Services Mr T Shepherd, Administrative Officer, Infrastructure Services

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.

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)****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;

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- 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*

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



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

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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:

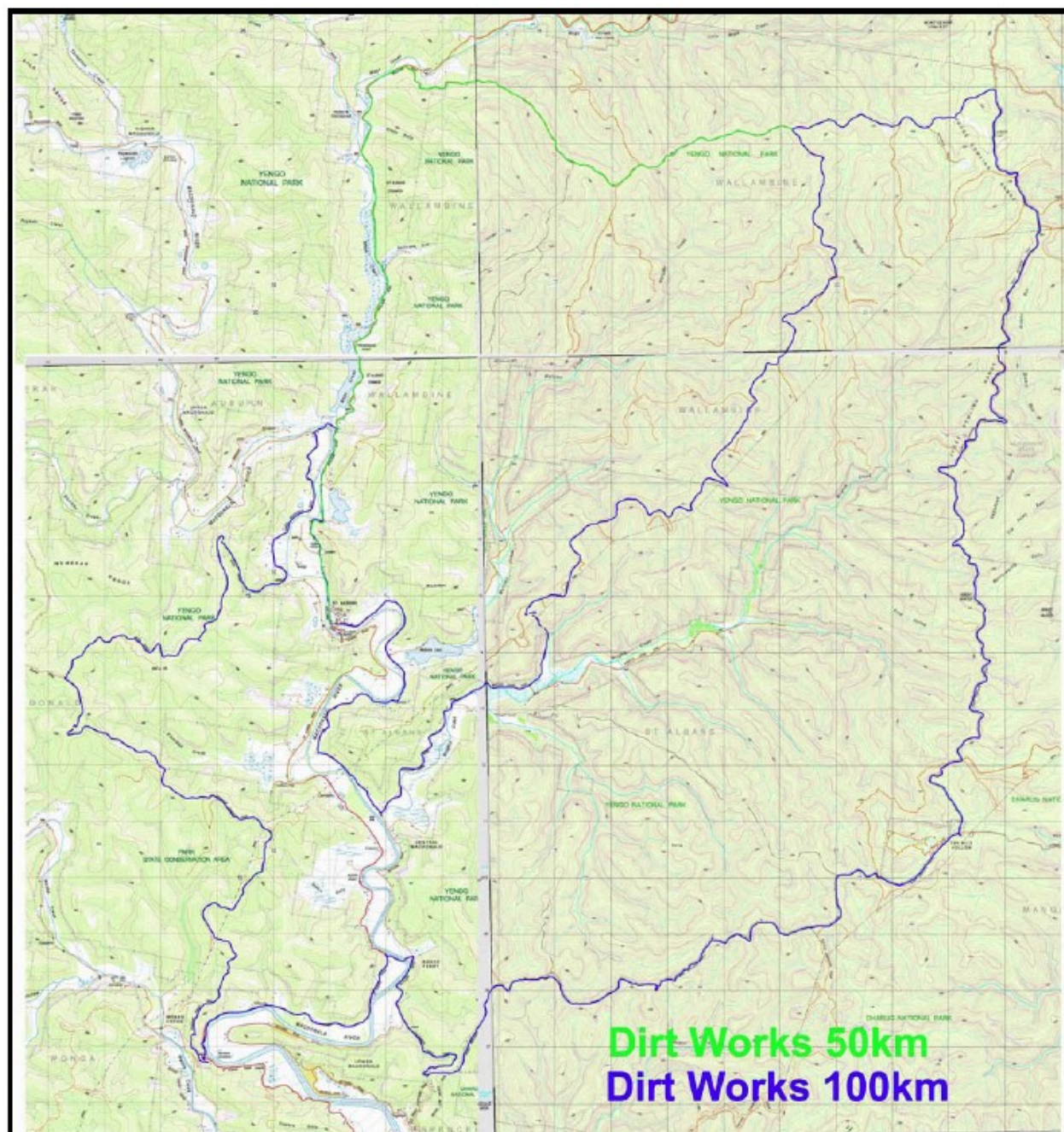
- 4m. access being maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least 4 metres in width being maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network holding appropriate certification 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



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

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:

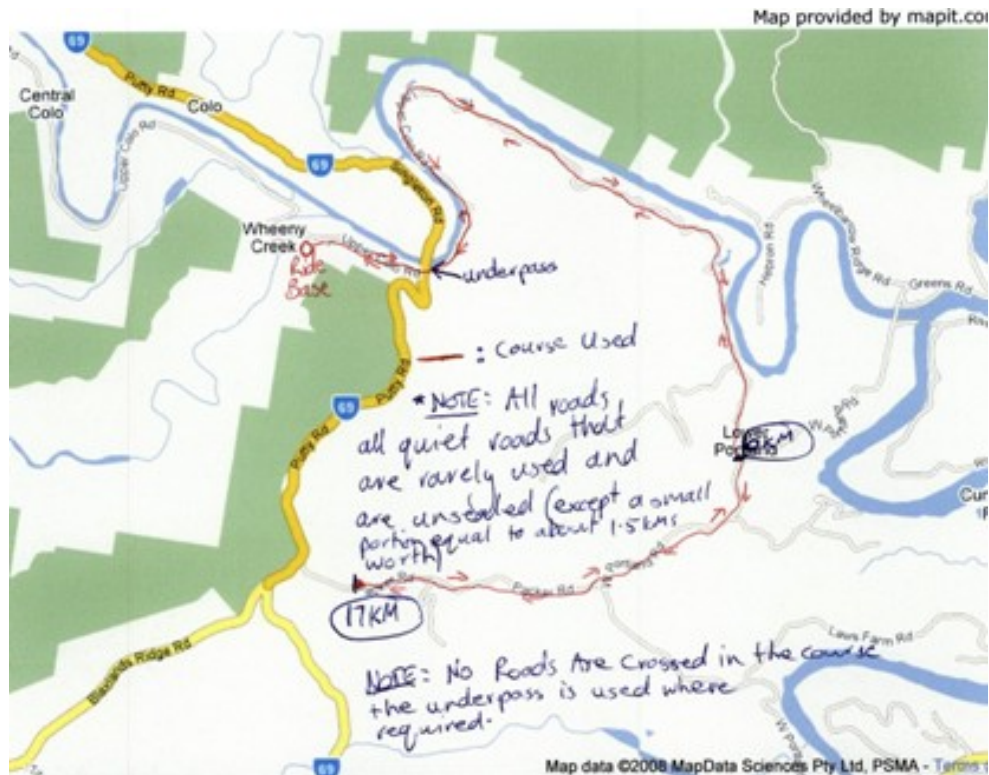
AT - 1 Event Route Plan - Cedar Ridge Stables FEI 80.

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

ORDINARY MEETING

Reports of Committees

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



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)

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)

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

Reports of Committees

- ***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
Reports of Committees



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meeting

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