



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 11 September 2007

location: council chambers

time: 5:00 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

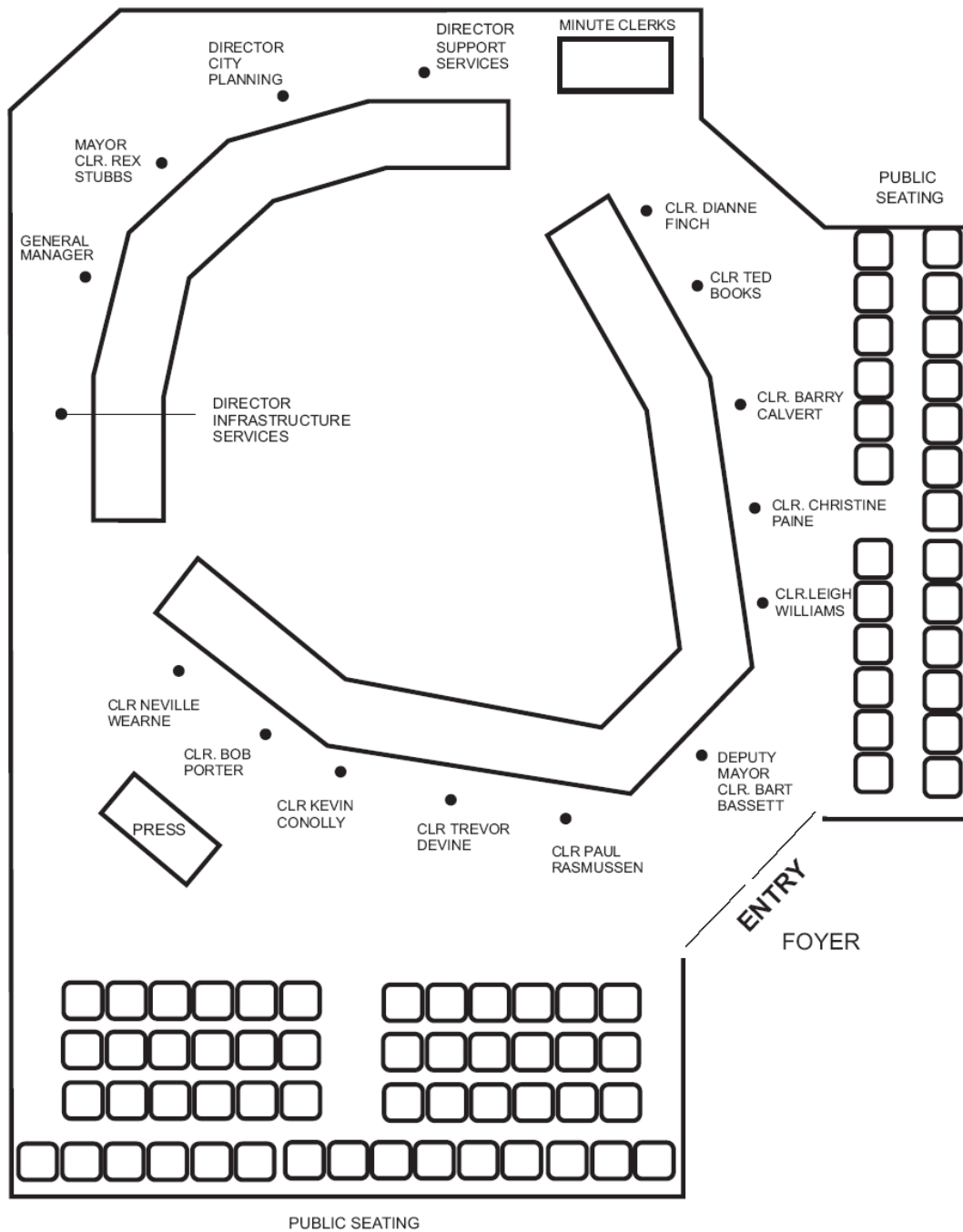
Website

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

Further Information

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

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SECTION 1 - Confirmation of Minutes

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QUESTIONS WITH NOTICE

QWN - Tinda Creek Quarry - (80105, 95498, 107)

Submitted by: Councillor Williams

QUESTIONS:

1. **Is it a fact that the independent report by Chris Jewell into the sand quarry at Tinda Creek states that the quarry is using 100 megs (at present) and is only licensed for 40 megs?**

The report has discussed the potential impact on groundwater system and includes site water balances for a range of scenarios.

- Pre - development
- Current Operational
- Final Operational
- Post Closure
- Post Closure (proposed)

The water balance provides values for:

- Precipitation
- Evapotranspiration
- Bare soil evaporation
- Open water evaporation
- Export
- Outflow to Tinda Creek

The current operational water balance figures are:

Precipitation	2580 ml
Evapotranspiration	2037 ml
Bare soil evaporation	64 ml
Open water evaporation	75 ml
Export	23 ml
Outflow to Tinda Creek	381 ml/yr

The report also identifies the five groundwater bore licenses held for the site.

- (a) Licenses 10BL162737 and 10BL162738 (dated 9 November 2005) are held for the operation of the dredge ponds and permit extraction of up to 40 ml of groundwater each year.
- (b) License 10BL163697 dated 27 November 2005 is for groundwater monitoring but no monitoring bores appear to have been drilled under it.
- (c) License 20BL167512 permits extraction of up to 5 ml of groundwater per year.
- (d) License 10BL159132 dated 13 August 2001 permits extraction of up to 10 ml of groundwater per year.

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At this stage it cannot be confirmed that the quarry is using 100 ml. In this regard Council has arranged for a meeting with the consultant Mr Jewell to discuss the report and findings. This meeting will be attended by the Respondents, Applicant, Department of Climate Change and Council officers. This matter can be clarified at this meeting given the technical nature of the report.

2. Is it a fact that the creek and the extraction pond 15 metres below the ground water level are directly linked therefore affecting the creek flow?

The report has provided a summary of site hydrology which states:

"The site, the catchments upstream of the site, and the Tinda Creek Valley downstream of the site are underlain by an aquifer system with the following characteristics:

- The aquifer is composed of residual clayey sand soils to a maximum depth of approximately 25 metres. The thickness of this unit is greatest beneath the flat areas in the middle of the valley and least on the steeper valley sides. From 25 to 65 metres the aquifer consists of extremely to highly weathered sandstone, and below that depth moderately weathered, slightly weathered and fresh sandstone, which may be locally fractured, particularly beneath the valley floor.*
- The clayey sands are likely to have a bulk lateral permeability in the range 10^{-4} cm/s to 10^{-3} cm/s (0.09 to 0.9 m/day), and a bulk vertical permeability at least an order of magnitude lower.*
- Groundwater derived from rainfall recharge moves generally down-slope and down valley, with most of the flow eventually discharging to Tinda Creek. A small proportion of the groundwater flow will follow regional flow paths, and discharge further down the surface drainage system.*
- On the basis of observation on site, it is likely that the form of the water table broadly follows that of the land surface, and that surface and groundwater flows are interactive.*
- Groundwater in sandstone catchments, such as Tinda Creek, is generally of low salinity, low pH and potable chemical quality. It may contain dissolved iron and manganese.*
- There is likely to be a dynamic relationship between water in the aquifer and water in the dredge ponds and sedimentation dams. Evaporative losses from the ponds are balance by groundwater inflow to the ponds.*
- There is also likely to be a dynamic relationship between groundwater and surface water flows in Tinda Creek. Much of the storage capacity of the aquifer will be in the clayey sands. Slow release of groundwater from storage maintains baseflow in Tinda Creek.*

3. If the quarry is using unlicensed water and thereby affecting the creek is the Council bound to take action in the L&E Court?

The issue of use of water outside the license issued by the Department of Natural Resources is a matter Council would discuss with DNR once evidence is provided to demonstrate this is occurring and consider the options available.

The DNR are the licensing body and can take action under the Water Act. If any action has to be taken by Council to the L&E Court it would have to relate to conditions of consent or another Act such as POEO that Council is responsible for administering.

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4. **Is it a fact that the approval granted by HCC on 10/12/96 allowed for six separate stages (4 for excavation plus 2 for rehab). With compliance for the next stage only after the successful completion of the previous stage and conditional on compliance with the Council consent?**

The report presented to the General Purpose Committee dated 26/11/1996 considered the development application 0134/95 for Sand Extraction at 6102 Singleton Rd, Colo Heights.

The report in the section "Staged Development" stated:

"The applicant has indicated the proposal will be carried out in four stages (basically each quarter of the area). In recognition of concerns raised by the residents and government agencies as to the potential for the development to pollute, it is recommended that only a staged development consent under Section 91AB of the EPA act 1979 be permitted.

Any stage after Stage 1 should only be permitted when the developer can illustrate that revegetation/rehabilitation is taking place with the approved plan and within an acceptable timeframe."

The recommendation of the report:

- A. *Pursuant to Section 91AB(1) of the Environmental Planning and Assessment Act 1979 consent be granted for Stage 1 of the sand mining proposal as identified in Figure 7.5 (Job no. P591/E130) of the Environmental Impact Statement, subject to the following conditions:*

Part B of the recommendation –

- B. *Deferred Commencement approval under Section 91AA of the Environmental Planning and Assessment Act 1979 to stages 2, 3 and 4 of the sand mining operation subject to:*
1. *Compliance with the "General Conditions for Extractive Industries" provided as part of this approval.*
 2. *Completion of the "Conditions to Completed as Stage 1" provided as part of this approval.*
 3. *The Sand Extraction not exceeding a yield of 100,000 tonnes per year.*
 4. *The sand mining operation shall cease upon extraction achieving 2,000,000 tonnes or a period of 25 years expires.*

The report to the Ordinary meeting of the 10 December 1996 in respect to the sand mining application resolved:

"That a staged development consent be permitted for development application number 134/95 for sand mining Extractive Industry on Lot 2 in DP628806, No. 6102 Singleton Rd, Colo heights subject to the following:

- A. *"Pursuant to Section 91AB(1) of the Environmental Planning and Assessment Act 1979, consent is granted for Stage 1 of the sand mining proposal as identified in figure 7.5 (job no. P591-E130) of the Environmental Impact Statement subject to the following conditions.*
- B. *"Deferred Commencement approval under Section 91AA of the EPA Act 1979 to stages 2, 3,4, 5 and 6 of the sandmining operation subject to:*
1. *Compliance with the "General Conditions for Extractive Industries" provided as part of this approval.*
 2. *Completion of the "Conditions to Completed as Stage 1" provided as part of this approval.*

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3. *The Sand Extraction not exceeding a yield of 100,000 tonnes per year.*
4. *The sand mining operation shall cease upon extraction achieving 2,000,000 tonnes or a period of 25 years expires.*

While the reports of the 28 November and 10 December 1996 discussed staged approval and indicated the deferred approval for each subsequent stage subject to compliance with the conditions for the previous stage. The adopted resolution of Council outlined above does not indicate or suggest that the next stage of the operation was subject to compliance with the previous stage.

The resolution in Part B requires compliance with 4 conditions. Condition 2 requiring completion of the "Conditions to be completed as Stage 1" part of this approval. In this regard conditions 21 – 33 were to be completed under Stage 1.

5. **Is it a fact that Council knew in 1999 (Port Stephens letter) and in the 2001 (Birdon letter) amongst others that the quarry was operating out of area to the approved plans in stages 1, 2 and 3?**

This matter was reported to Council in the GPC report on the 27 November 2003 and 30 November 2004. In this report Council were advised "sheet 2 – rehabilitation plan for the stages of the development. The recent inspection has revealed that Stage 1 has been completed and that the applicant has commenced Stage 3. Stage 2, given the location, will be the last stage to be implemented."

The attachment to the report showed the current area that was being mined which was outside Stage 1. At the time of the report Council officers considered the operation to be within the area identified by the plan PS91E150 (Sheet 2).

In April/May 2005 Council officers identified that the operation had extended beyond the area shown on plan PS91E130 (Sheet 2). Council wrote to Birdon Contracting Pty Ltd and Council's solicitors Pike Pike and Fenwick in respect to this matter. In response to this matter the operator chose to lodge an application under Section 96 of the EPA Act to modify development consent 134/95 which is the current application.

6. **Is it a fact that from the Council organised mediation conference of 4/12/96 attended by DLWC and Hawkesbury Nepean Catchment Trust that erosion and sedimentation plans were to be submitted prior to commencement?**

The mediation conference was held on 4 December 1996. The purpose of the mediation was to discuss the application and the suggested conditions of consent.

The meeting was attended by persons and agencies who made submissions, Councillors, Council officers. Representatives of the Department of Land and Water Conservation attended and the Hawkesbury/Nepean Catchment Management Trust submitted a letter raising no objectives subject to additional conditions that were incorporated in the recommendation.

Condition 4 was amended to require erosion and sediment control details to be approved by the Department of Land and Water Conservation.

"Erosion and sedimentation control devices shall be installed and maintained during construction and on-going operations. Details shall be submitted and approved by Department of Land and Water Conservation prior to any works commencing."

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7. **Is it a fact that no plans were lodged after the 10/12/96 with the DLWC or Council that complied with consent condition 4 (submission and approval by DLWC) and consent condition 27 (submission and approval by HCC)?**

Council file has no records of any erosion or sediment plans being lodged with the Department of Land and Water Conservation. The report to the GPC on the 30/11/2004 provided by the following comment in respect to compliance with condition 27.

"The operator provided an Environmental Management Plan to Council on 14 July 1997 which addressed the five (5) matters outlined in the condition. Council wrote to the operator advising the details provided were insufficient and requested further information. The operator responded to the matter. The additional information provided still did not satisfy Council officers requirements and additional details should be provided in respect to drainage processes, emergency contingency (fire, work accidents, spillages). This additional request for information appears to have not been conveyed to the operator. However, based on the inspections by Council officers and the reports provided on water quality, it appears the activity is operating to a satisfactory environmental standard and the current management measures are also considered to be appropriate."

Condition 27 does not specify a plan is to be provided by the EMP is to address a number of components including erosion and sediment controls. Council wrote to the operator advising the EMP submitted was not appropriate and further information was required.

8. **Is it a fact that a Council officer wrote a memorandum of 4/6/98 requiring an erosion and sedimentation plan as the plans in the EIS refer to in the DNR's letter of 25/6/07 and 18/6/07 were unsatisfactory?**

A Council officer considered the operation's EMP and additional information. The memo from the officer suggested that an erosion and sediment plan provided for in the EIS was not of sufficient detail. Discussions with the officer who wrote the memo has revealed he cannot recall seeing the erosion and sediment plan no. PS91/E130 that was submitted with the application but not part of the EIS when preparing the memo.

9. **Is it a fact that Council approved the commencement of Part B of the 1996 consent along with the direction that a suitable erosion and sedimentation plan be submitted within 30 days and this still has not been submitted after a 2 year plus lapse?**

The resolution of Council at its meeting of 14 December 2004 resolved:

1. *The application to modify condition 3 of the development Consent No. DA0134/95 by extending the period to complete and rehabilitate Stage 1 by 2 (two) years, be approved.*
2. *The applicant be advised that the Deferred Commencement consent under Part B for Stages 2-6 is now operational.*
3. *The applicant be requested to provide a site Environmental Management Plan to Council as required by Condition 27 within 2 (two) months.*

Council officers in February 2005 held a meeting with the operator to discuss the preparation of the EMP as required by Condition 27. An EMP was submitted to Council on 31 March 2005. The EMP has not been approved by Council officers and has been put on hold pending the determination of current Section 96 application which may result in the EMP being amended and incorporating other matters and recommendations from other reports and government agencies.

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10. Was this information (1-9) included in Council's instructions to our solicitors in recent enquiries?

Council has requested Council's solicitors Pike Pike and Fenwick lawyers to review the legal advice from the Environmental Defender's Office which concluded that development consent 0134/95 may have lapsed. Pike Pike and Fenwick has acted on Council's behalf with a Third Party appeal on the determination of the Section 96 modification in 2004. They had copies of the Council file for the application which included all correspondence and memos identified in questions 4-9.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 3 - Notices of Motion

NM1 - Assistance for Hawkesbury Residents Adversely Affected by Equine Flu - (80104, 95496)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That Council make representations to both the Federal and State Governments to provide appropriate assistance to Hawkesbury residents who have been adversely affected by the equine flu.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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NM2 - Register of Significant Trees - (80105, 107)

Submitted by: Councillor L Williams

NOTICE OF MOTION:

That a register of significant trees be established and residents notified of the register so that trees of significant value to residents can be listed and such trees, if desired to be removed, must be advertised in the press and the application brought to Council for determination.

BACKGROUND:

The recent removal of a large, mature tree in March Street, Richmond has caused much community upset.

This matter is the latest in an ongoing saga of community distress caused by the sudden and un-notified removal of significant trees.

This motion is an attempt to stem the ongoing concern and upset caused by these matters and the ill-feelings these actions cause towards Council.

NOTE BY MANAGEMENT:

There are several issues that need to be considered in relation to this matter. Should Council resolve to introduce a Significant Tree Register, amendments to the Tree Preservation Order, Notification Chapter of the Hawkesbury Development Control Plan, section 149 Certificates and Development Applications Fees would need to be made to accommodate for the notification and application process. Further, consideration should be given to the process for nominating and listing significant trees as well as the criteria used to assess significance. It may be prudent for these matters to be further investigated and reported to Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

ACTING GENERAL MANAGER

Item: 175 AGM - Regular Information of Council Services to Ratepayers - (79351, 79356)

REPORT:

Council has been involved in a process of organisational improvement for some time now looking at ways to improve Council's interaction with its customers, ratepayers and residents. Some of the tools used to achieve recognised good practice include measuring ourselves against independent and international best-practice yardsticks including the International Customer Service Standard and the International Association for Public Participation good practice guidelines.

These elements have informed the development of Council's Customer Service and Communication Strategy, Community Engagement Policy and the current process utilised within the Community Strategic Plan consultation. These are all individual parts of an overall corporate strategy aimed at organisational improvement.

It is important to recognise that for Council to respond more effectively to customers and reduce customer complaints, it is vital to have a coordinated, concerted and enterprise wide approach.

The Customer Service and Communication Strategy adopted by Council on 13 March 2007 included the strategy: "*Investigate cost effective options for regular distribution of information to residents about Council services, performance, decisions and expenditures.*" This is one element within the overall strategy which aims to achieve Council being recognised for "its strong community connections and customer service excellence".

While Council currently:

- distributes the Community Report annually with the first instalment of rates in July every year,
- provides regular media releases to local newspapers,
- publishes recent announcements in its Council Notices advertisement every week in the Hawkesbury Newspapers; and
- updates information on the Council's website,

there is currently little that is regularly sent to all ratepayers and residents to provide updated information on Council activities.

In an environment of heightened community expectations and a general increase in involvement of interested members in the community in the decision making process, there is an opportunity for Council to improve the communication tools used to inform and consult the community and an accountable course of action. This has become even more important in the context of Council receiving permission from the State Government to increase rates to provide funding towards the Infrastructure Renewal Program.

The Council's recent adoption of the Customer Service and Communication Strategy and the Community Engagement Policy shows the positive steps taken to make headway in this area. The random survey and focus groups to flesh out some of the major issues which will feed into the 10 year Community/Strategic Plan are also affirmative steps taken by Council to improve this process.

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Some of the feedback received within the focus groups demonstrates the community have themselves recognised regular communication between Council and its constituents as an issue and there was even several suggestions at these forums of a quarterly newsletter by the participants.

Regular updates to the community via one of the methods highlighted in this report will continue to build on the foundation of these policies, strategies and consultative processes already adopted and provide Council's audiences with relevant information on expenditure and services. It is also hoped this will continue to improve the perception of Council's responsiveness to the community.

There are various options for improving the regular updating of our ratepayers with information and these include:

Option 1

An insert in the local newspaper

Often newsletters from government organisations and Members of Parliament are periodically either inserted or more commonly appear as several page advertisements (usually four page) published within local weekly newspapers. For Council, the major disadvantage is that no one newspaper within the Hawkesbury reaches all residents and they are not always accessible to ratepayers who own property in the Hawkesbury but do not dwell within it. The information is limited to those who either purchase or read the newspaper that week and with the shelf life of a weekly newspaper being only a few days the ability for the information to be distributed to all of Council's major stakeholders is limited.

While local newspapers provide an appropriate manner for the Council to publicise various community activities, they are not considered the best way to reach the majority of Council's ratepayers for this purpose.

Cost of design and printing newsletter: Approximately \$2000 - \$4000 each quarter.

Cost of inserting into a local newspaper each quarter:

- Independent - \$65.00 per 1000 inserts.
- Gazette and Courier - \$100 per 1000 inserts.

Cost of a four page advertisement placed in a local newspaper each quarter:

- Independent - \$4256.00 plus GST and production costs.
- Gazette and Courier - \$4800.00 plus GST and production costs.

Option 2

Production of a quarterly newsletter to be distributed via door to door mail drop.

One of the major difficulties in distributing a newsletter to all residents in the Hawkesbury is the geographical distance between some of the outer lying areas negating the ability for distribution companies to deliver them. While these companies are often much cheaper than Australia Post, they restrict delivery to residential areas in compactly built suburbs, of which there are few in the Hawkesbury.

The other disadvantage is that, in the urban areas, these would be delivered with other pamphlets and catalogues, the importance of the message is often lost as people dispose of them with the rest of the "junk mail". The newsletters would also be restricted to those ratepayers who reside in the area.

Cost of design and printing newsletter: Approximately \$2000 - \$4000 each quarter.

Cost of delivery: Unable to attain as companies do not service whole area.

Option 3

Production of a quarterly newsletter to be distributed via rates instalment notices, available on Council's website and emailed via subscriber function.

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The major advantage of this option is that the postage for delivery to the majority of the ratepayers is already paid for. The rate instalment notices are sent quarterly to about 80% of ratepayers (approximately 20% pay in full upfront) in October, January, and April every year (the annual rates notice sent to all ratepayers as mentioned previously is distributed in July). The 20% that don't receive the quarterly instalments can still receive the newsletter but the postage would be at an additional cost.

The second advantage of this option is that the audience base are those who Council wishes to target messages i.e ratepayers, businesses, community groups and tenants residing in the area they would be encouraged through the local media to access the newsletter via the Council's website. Mass emailing can also take place to those residents and interested members who have subscribed to receive information via the Council's current website. This feature will be enhanced in the future with Council's ability to email rates notices to those who choose to receive it this way.

Cost of design and printing newsletter: Approximately \$2000 - \$4000 each quarter.

Cost of postage for rate payers not on instalments is approximately \$2,000 each quarter.

As the most cost effective and audience targeted method, it is suggested that a black and white or colour newsletter in either A4 double sided (2 pages) or A3 folded (4 pages) folded into DL be produced and delivered with each of the quarterly instalments of the rates notices for 2007/2008. The small percentage of ratepayers who pay their rates in full can receive the newsletter on its own and other members of the community can be encouraged to receive it either from downloading it off the Council's website or via email by subscribing via Council's website. Decisions on colour and size can be made by staff when official quotes for design and printing are received.

Conformance to Strategic Plan

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

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

Funding

A budget for communication programs is available within the existing Corporate Communications budget.

RECOMMENDATION:

That to improve Council's current communication to the ratepayer audience, a quarterly newsletter be:

1. Produced and send to all ratepayers enclosed with the rates notice and mailed separately to those ratepayers not receiving instalment notices.
2. Placed on the Council's website for downloading.
3. Emailed to residents, ratepayers, businesses, community groups and organisations as well as other interested members who have registered and subscribed to the Council's email service on the Council's website.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 176 CP - Hawkesbury Development Control - Part E Chapter 5 - Pitt Town - (87959, 92177, 95498)

REPORT:

A formal submission has been received from the Johnson Property Group seeking amendments to the Pitt Town Chapter of the Hawkesbury Development Control Plan (DCP). Correspondence had been previously received from Brown Consulting and the Johnson Property Group seeking variations through the development assessment process. Given the significance of the proposed amendments, it was determined that a formal request would be required to amend the DCP. The submission was received on 18 July 2007.

In summary, the Johnson Property Group seeks variations to the DCP relating to road provisions for Bathurst Street and Bootles Lane.

Background

The Pitt Town Chapter of the DCP was adopted by Council at its meeting of 15 November 2005 following extensive community and government agency consultation. Architectus (representing the Johnson Property Group) developed the initial masterplan and survey work that included the retention of the windbreak along Bathurst Street and Bootles Lane. Council adopted Version 3 of the Masterplan, including the retention of the windbreak trees, at its meeting of 2 December 2003 and this formed the basis of the preparation of the LEP, DCP and Section 94 Plan.

Amendments Requested by the Johnson Property Group

The correspondence received from the Johnson Property Group requests amendments to the DCP in Section 4.6.3 - Bathurst Street between Buckingham Street and Bootles Lane and Section 4.6.5 - Bootles Lane. The requested amendments are contained within the table below. The table also contains the current adopted provisions.

Comparison of Current and Proposed Provisions:

Section of Chapter 5	Current provision	Johnson Property Group requested amendment
4.6.3 (a)	The road reserve for this section of Bathurst Street is to be widened to 30m on its eastern side to incorporate the existing windbreak trees within a 10m verge.	<i>The road for this section of Bathurst Street is to be widened to incorporate the existing windbreak trees within a 10m verge.</i>
4.6.3 (b)	Vehicle access to lots on the eastern side of Bathurst Street is to be provided either from the east or via a 5m wide service road between the lots and the windbreak trees.	<i>Vehicle access to lots on the eastern side of Bathurst Street is not to be provided from the west through the existing windbreak trees.</i>

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Section of Chapter 5	Current provision	Johnson Property Group requested amendment
4.6.5	The section of Bootles Lane fronting proposed new lots on one side, is to be widened on the southern side to a 34m wide road reserve shown in Figure E4.10. The road reserve is to include a 4m footway on both sides of an 11m carriageway. A 10m verge is to be provided on the southern side of the road reserve that incorporates the existing windbreak trees and a 5m wide service road constructed to the south of the trees to provide street access and frontage to the proposed lots where required to avoid tree removal for driveway crossovers.	<i>The section of Bootles Lane fronting proposed new lots is to be widened on the southern side to a 34m wide road reserve as shown in Figure E4.10. The road reserve is to include a 3.5m footway on one side of each 7m single lane carriageway. A 13m verge is to be provided as a median within the road reserve that incorporates the existing windbreak trees.</i>

The attachments to this report indicate the DCP requirements for Bootles Lane and the requested change from the Johnson Property Group.

The Johnson Property Group requests that the changes are required on Bathurst Street to "eliminate the service road and to prevent any access through the trees". In relation to Bootles Lane, the following reasons are given:

- *more of the windbreak trees will be retained by creating a 13m wide central median, where there will be no damage caused by the road being constructed too close to the root system of the trees*
- *there will be less incursions through the windbreak for traffic movement. The only areas of the windbreak that will be removed are at each end to provide safe, vehicular sight distance and through the link between Bona Vista and Fernadell, that will maintain the "view line" along Hawkesbury Street.*
- *providing a single carriageway either side of the trees will negate the need for a service road, which means lots will be fronting Bootles Lane. This also means that the potential traffic and serviceability issues associated with the service road are no longer applicable.*
- *the road reserve width will remain at 34 metres.*

Assessment of the Proposed Changes

General Comments

Council will recall that in the preparation of the Amendment 145 to Hawkesbury LEP 1989 significant work was carried out to ensure that the conservation value of Pitt Town was protected and enhanced. This work involved representatives from the NSW Heritage Office, Johnson Property Group (through Mr G Brooks) and Council officers. Subsequently, Architects (representing the Johnson Property Group) developed the initial masterplan that included the retention of the windbreak along Bootles Lane. Council adopted a version 3 of the Masterplan, including the retention of the windbreak trees, at its meeting of 2 December 2003.

Further, support from the NSW Heritage Office for Amendment 145 to Hawkesbury LEP 1989 was conditional, based on both the LEP and DCP including provisions to ameliorate the likely impact of the residential subdivision on Pitt Town cultural heritage significance.

It is noted that there appears to be some discrepancy between the original survey work provided by the Johnson Property Group and the current survey provided by Brown Consulting. This results in the existing Casuarina trees not aligning with the proposed 10m median in the DCP.

Proposed Amendments to the Road Layout on Bootles Lane and Fernadell Property.

It is considered that the proposed amendments from the Johnson Property Group do not comply with the aims of the DCP. Whilst some flexibility may exist in the rules of the DCP, this is only where the aims can be fully satisfied. In relation to street design, the DCP is clear that:

- The street design creates a rectilinear urban structure consistent with the original crown land grants in the area;
- The street design retains the boundaries of historic land grants and early subdivision;
- The street scale and design is appropriate for its functional role;
- An efficient and interconnected road system is to be established to service the area;
- Significant vegetation and historic fence lines are retained within road reserves where appropriate.

The rules contained within the DCP are also clear that the street layout must comply with the Pitt Town Development Plan and the road hierarchy must comply with Figure 4.4.

Bootles Lane has been designed as a medium collector road, that is, one of the major roads through the subdivision. It should therefore be clearly identifiable in appearance and purpose as a major road. Splitting the road with the windbreak trees in the centre of the road would not fulfil this provision. Further, traffic movements are complicated by the creation of "left only turns" due to the windbreak being proposed in the middle of Bootles Lane. The DCP currently allows for a flow of traffic through the windbreak to be maintained in the verge adjacent to the Bootles Lane.

Discrepancy in Survey Work

As previously noted there is some discrepancy in relation to the location of the trees in Bootles Lane between the original survey work provided by the Johnson Property Group and the current survey provided by Brown Consulting. This results in the existing Casuarina trees not aligning with the proposed 10m median in the DCP. Design principles to overcome this issue can be applied, during the Development Application process, to ameliorate this error. These principles were provided in the letter to Brown Consulting on 4 June 2007 as follows:

- *The road layout and lot design set out in the Development Plan in the DCP (Figure 4.2) is to be applied. In this regard the lots shall front Bootles Lane/service road and not as indicated proposed Option 2 where the rear of the lots front Bootles Lane.*
- *Retention of the windbreak trees within the road reserve. The windbreak trees are an important historic feature and as noted above were considered important features in the cultural landscape by all the key stakeholders, including the NSW Heritage Office and the proponent developer. It was recognised that the trees should be maintained as the most prominent elements in the local landscape.*
- *Consideration may be given to the partial removal of trees and replanting sections with mature specimens, immediately behind the existing trees. The replanting would then ensure the trees are located within the 10m verge as proposed in the DCP. If this solution is chosen, replanting should occur early and prior to the removal of the existing trees.*
- *Retention of a service road fronting Bootles Lane.*
- *There may be some variation of the location of the kerb and guttering to facilitate the retention of the windbreak vegetation.*

It was suggested to Brown Consulting that consideration could be given to a minor reduction to the width of the road reserve in this locality provided the above principles can be achieved and that this matter could be dealt with during the development assessment process.

Recommendations

Council has two options in this matter:

Option 1

Retain the current provisions of the DCP and allow minor amendments through the development assessment process. This would allow for the discrepancy in the original survey work and minor alterations that comply with the objectives of the DCP.

As noted above, the DCP clearly articulates the desired future character of Pitt Town and was adopted by Council in December 2003. The current DCP will ensure that development is sympathetic with the existing village and set an appropriate standard of urban design for future development. If Council wants to ensure that these standards are maintained, then only minor alterations to the DCP should be made.

Option 2

Amend the DCP as requested by the Johnson Property Group. This will require further consultation with the government agencies, a public exhibition and a further report back to Council. It is anticipated that this work will take approximately 4-6 months to complete due to the requirement to gain the Heritage Office concurrence. However, given the previous advice from the Heritage Office it is unlikely that the proposed amendments will be supported.

Council should also be aware that changing the DCP may jeopardise the current draft amendment to Hawkesbury LEP 1989 to seek additional lots at Pitt Town as recently resolved by Council. This is due to the previous requirements of government agencies not being adhered to.

Should Council proceed with option 2, amendments will also be required to the section 94 plan as the road works proposed have not been accounted for. This matter would need to be further investigated and included within the section 94 plan.

Conclusion

It is considered that the proposed amendments should not be supported for the reasons outlined under option 1. Any minor amendments should be considered in accordance with the existing principles in the DCP and outlined in this report. Adherence to the existing principles in the DCP would allow any minor changes to the DCP "Rules" to be addressed via the development application process.

Conformance to Strategic Plan

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

"Objective: Establish processes and develop flexible plans that will enable the City to respond to change."

Funding

There are no funding implications, however should Council resolve to amend the DCP, there may be some associated costs.

RECOMMENDATION:

That the Hawkesbury Development Control Plan, Part E, Chapter 5 - Pitt Town not be amended as requested by the Johnson Property Group.

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ATTACHMENTS:

- AT - 1** Current Provision Contained within Hawkesbury DCP - Part E Chapter 4 - Pitt Town - Bootles Lane
- AT - 2** Proposed Amendments by the Johnson Property Group - Bootles Lane

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**AT - 1 Current Provision Contained within Hawkesbury DCP - Part E Chapter 4 - Pitt Town -
Bootles Lane**

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AT - 2 Proposed Amendments by the Johnson Property Group - Bootles Lane

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oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 September 2007

Item: 177 CP - Shed Less Than 170sqm - Lot 31, DP205933 and Lot 32, DP205933 - 475-477 Kurmond Road, Freemans Reach - (DA0362/07, 20176, 95498)

Development Information

Applicant: Mr RJ Richardson
Owner: Mr RJ Richardson
Zone: Rural Village
Advertising: 9 July 2007 to 23 July 2007
Date Received: 28 June 2007

Key Issues: ♦ Approval for Use

Recommendation: Approval

REPORT:

Introduction

The applicant is seeking approval for the use of the existing structure as a shed.

In accordance with Councils recent resolution, in respect to retrospective approvals, the application is being reported to Council.

Description of Proposal

The structure as constructed is composed of two sections. One section is 7.6m X 5.1m and the second section is 8.5m X 3.7m. The total footprint of the structure is 72m². The maximum height to the apex is 3.9m.

The structure is located 4.7m from the closest property boundary and situated behind the existing residence.

Photos of the structure are available in the Council Chamber.

Background

The applicant owns both 475 and 477 Kurmond Rd. The property is known as 475 Kurmond Rd. The structure is located on Lot 31, 477 Kurmond Rd.

The applicant has indicated that the structure was built over a period of time, between 1991 and 1996.

Statutory Framework - Unlawful Structures

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

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.*

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

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

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

a) The provisions of:

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

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

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

- Sydney regional Environmental Planning Policy 20.
- Hawkesbury City Council Local Environmental Plan 1989. (HELP)

Comment

The proposal is not inconsistent with the relevant Planning Instruments.

Hawkesbury Local Environmental Plan 1989 (LEP)

Relevant clauses from HLEP 1989:

Clause 2 - Aims, objectives etc,

The aims and objectives of this plan are:

- (a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury,*
- (b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,*
- (c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- (d) *to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations, and*
- (e) *to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City.*

Comment

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

Clause 9 -Carrying out development,

- (1) *Unless otherwise provided by this plan, the Land Use Matrix set out at the end of this clause specifies the following for each zone:*

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- (c) *Development that requires consent where "C" is shown for that development.*

Comment

Clause 9 land use matrix identifies that sheds may be erected on the site with formal consent.

Clause 9A - Zone Objectives,

- (1) *Before granting consent to development within a zone the Council must be of the opinion that carrying out the development is consistent with the relevant objectives of the zone in which the development is to be carried out.*

Comment

The proposed development is consistent with the objectives of the zone

Clause 24 - Development within Zone No. 7(d) or in the Rural Village, Environmental Protection-Agricultural Protection (Scenic) or Environmental Protection- Mixed Agriculture (Scenic) Zone.

Comment

Clause 24 (3) requires that Council consider the height and proposed siting of the building and the colour of a proposed building.

The location, size and height of the proposed shed is considered to be acceptable.

The subject property is zoned **Rural Village** under Hawkesbury Local Environmental Plan 1989

The objectives of this zone are as follows:

- (a) *to maintain the rural character of the village and to ensure buildings and works are designed to be in sympathy with the character of the village,*

Comment

The structure is screened from the road.

- (b) *to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*

Comment

The structure is lower than the road and is green in colour, blending in with the surrounding vegetation.

- (c) *to enable development for purposes other than residential only if they are compatible with the character of the village,*

Comment

It is considered that the proposal is compatible with the scenic quality of the area and will not have a detrimental impact upon the locality.

- (d) *to ensure that development does not detract from the existing rural character,*

Comment

It is considered that the proposal is compatible with the scenic quality of the area and will not have a detrimental impact upon the locality.

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

Comment

This objective does not relate to this proposal

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

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Comment

This objective does not relate to this proposal

- (g) *to ensure that development occurs in a manner that satisfies best practice guidelines for the protection of water catchments, water quality, land surface conditions and important ecosystems.*

Comment

The roof water is directed to a tank and the surface water is controlled by best practice methods.

- i) *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*

The site is affected by the draft LEP that deals with the conversion of the Hawkesbury LEP 1989 to the Standard Template LEP. The proposed development is consistent with that draft LEP. Apart from that there are no relevant draft EPI's that affect the land or the proposal.

- iii) any development control plan applying to the land

Hawkesbury Development Control Plan 2002

Part A, Chapter 1 - Purpose and Aims

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

Part A, Chapter 2 – General Information

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

Part A, Chapter 3 - Notification

The application was notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002. The notification period extended between 5 July 2007 to 23 July 2007. In response to this notification **NO** submissions were received.

Part D Specific Development

Chapter 8 - Erection of Rural Sheds

The aims and objectives of this chapter are:

- *To enable the erection of sheds on rural properties within the Hawkesbury City Council area in a manner which compliments the rural character of the landscape and has minimal impact on the scenic qualities*
- *To provide design principles for the erection of rural sheds, ie:*
 - *siting of the building*
 - *size (floor area and height) of the shed;*
 - *form (shape) of the building;*
 - *colour of the building materials;*
 - *type of building materials; and*
 - *landscaping.*

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Development Control Assessment

Design Principles	The Proposal	Compliance
Siting		
Sheds shall be located no closer to the road than the existing dwelling house on the property.	Shed located behind the existing residence	Complies
Cut and fill shall be limited to 2m of cut and 900mm of fill	No cut and fill	Complies
Sheds are not to be erected on land which has a slope in excess of 10%	Slope not in excess of 10%	Complies
The erection of rural sheds should involve minimal disturbance to native vegetation.	No trees removed	Complies
Size		
The maximum of sheds in the Rural Living zones shall not exceed 170sqm. The cumulative total of all buildings shall not exceed 170sqm on any one property in these zones.	The shed has a floor area less than 170m ²	N/A Rural Village Zone
In zones Mixed Agricultural, 7(d), Environmental Protection Agricultural (EPA), & 7(e) the applicant will need to justify the size of any shed exceeding 170m ² in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.	N/A	N/A
Height		
The total height of a rural sheds erected in Rural Living 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.	N/A	Zone Rural Village
In other zones, the total height of rural shed exceeding 5 metres shall be justified in terms of the use of the shed and the visual impact of the development.	Maximum Height -3.9m	Does not exceed 5m Complies.

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Design Principles	The Proposal	Compliance
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.	Standard Form	Complies
Sheds of other roof forms, for example barn style, will be encouraged.	Standard Form	Complies
Colour		
The colour of a rural shed will match or blend in with those of existing buildings.	Colour- Green	Blends with the existing landscaping
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	Corrugated iron- painted	Complies
The use of corrugated iron will be considered subject to size, height, design and location of the rural shed.	Appearance aesthetically suitable	Complies
Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible material.	N/A	N/A
Landscaping		
Plantings are to be a mix of trees, shrubs and ground cover.	Existing plants & shrubs	Complies
Trees shall include species that at maturity have a height above the ridgeline of the shed.	Existing trees above the ridge height	Complies
Shrub mass shall provide adequate screening.	Adequate screening existing	Complies

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Design Principles	The Proposal	Compliance
Plants endemic to the area are to be chosen.	Existing species.	Complies

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.
The relevant matters under Section 79C are discussed below.

Context And Setting

The structure is located behind and to the side of the residence.

Access, Transport and Traffic

The property has an existing cottage. No change to the traffic or access would occur.
Access to the site is considered satisfactory.

Heritage

No Heritage impact. No heritage sites are within the vicinity

Noise and Vibration

It is not expected that the proposed development will result in offensive noise or vibration.

Natural Hazards

Possible bushfire hazard. This risk is the same as the existing residence and is deemed minor.

Safety, Security and Crime

The structure adds to the security of the property as the rear yard is screened and the applicant has an area to lock away any tools or equipment.

Construction

No construction. Structure is already built.

Cumulative Impact

The development is compatible with the surrounding land uses and no negative cumulative impact is expected.

c) **The Suitability of the Site for the Development**

The site is suitable for the development.

d) **Any Submissions Made in Accordance with the EPA Act or Regulations**

No submissions were received by Council during the exhibition period.

e) **The Public Interest**

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

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Conclusion

The proposed development demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan

Conformance to Strategic Plan

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

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

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

That the Development Application No. DA0362/07 for the use of structure as a shed at Lot 31, DP205933 and Lot 32, DP205933 475-477 Kurmond Road, Freemans Reach be approved subject to the conditions following:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The development shall comply with the provisions of the Building Code of Australia at all times.
4. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

Prior to Commencement of Works

5. A structural engineers certificate certifying the structure is capable of withstanding the loads likely to be imposed upon it, including wind loadings.

During Construction

6. 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) prior to occupation of the building;

Use of Development

7. No internal or external alterations shall be carried out without prior approval of Council.

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8. The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

Advisory Notes

*** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

*** The applicant is advised to consult with:

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

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

ATTACHMENTS:

AT - 1 Locality Plans

AT - 2 Floor Plan and Elevations

AT - 3 Site Plan

AT - 4 Photographs of the Shed Structure

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At - 1 Locality Plans

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At - 2 Floor Plans and Elevations

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At - 3 Site Plan

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ORDINARY MEETING

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At - 4 Photographs of the Shed Structure

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ORDINARY MEETING

Meeting Date: 11 September 2007

Item: 178 **CP - Shed Less Than 150sqm, Lot 1 DP 996881 Part Lot 25 DP 752032, 43 Triangle Lane, Richmond Lowlands NSW 2753 - (DA0258/02A, 95498, 76278)**

Development Information

Applicant: Streamline Building Systems (Aust) P/L
Owner: Bucephalus Enterprises Pty Ltd
Stat. Provisions: Environmental Planning and Assessment Act Pty Ltd
Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 5.464H
Zone: Environmental Protection - Agriculture Protection (Scenic) under Hawkesbury Local Environmental Plan 1989.
Advertising: No requirement to be notified
Date Received: 5 June 2007

Key Issues: ♦ Development Without Consent

Recommendation: Approval

REPORT:

Introduction

Approval is sought under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent 0258/02. The modified works have been undertaken without approval.

In accordance with Councils recent resolution in respect to retrospective approvals, the application is being reported to Council.

Description of Proposal

The application relates to the approval of the use of an addition to an existing rural shed. The size of the existing shed is 130 square metres. The addition is 30 square metres in area and consists of a store room and a covered verandah area. The use of this part of the shed is consistent with the use of the remainder of the shed for storage of equipment used in association with the use of the land - being agriculture and horse keeping.

Background

25 February 2002 Development Application received in respect of a proposed shed - DA0258/02.
6 September 2002 Inspection carried out on premises for reinforced concrete slab of shed.
5 June 2007 Section 96 Modification Application lodged with Council.

The works were undertaken around December 2003. The owner advises that the existing shed suffered substantial damage in a storm event and the builders were engaged to rectify the damage. The builder had over-ordered materials and offered to construct the addition for a small price.

Statutory Framework - Unlawful Structures

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

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 149A 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 149A 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 from the date of issue.

PLANNING ASSESSMENT OF SECTION 96

The modifications are considered to be substantially the same development approved by the Development Consent. The increase in floor area of thirty (30) square metres is not considered to be significant and has a minor impact.

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

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

- a) **the provisions of:**
 - i) **any environmental planning instrument (i.e LEPs, REPs & SEPPs)**

The environmental planning instruments which apply to the subject land are:

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

It is considered that the proposal is consistent with the aims and objectives of the Planning Instruments.

Relevant clauses from HLEP 1989:

Clause 24 - Development in certain environmental and other zones

The proposal is consistent with this clause as development consent for the work, is now being sought from Council. The addition to the shed is of low scale and the scenic quality of the area is preserved.

Clause 25 - Development of flood liable land

The proposal is consistent with the provisions of this clause as the development is considered to be non-habitable and is an addition to an existing rural shed structure.

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

The development is located within close proximity to Class 4 land for the purposes of this clause. However, the proposal is not considered to impact upon the watertable or acid-sulphate soils and in this regard, the proposal is considered to be consistent with the provisions and intent of this clause.

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

Apart from the draft LEP to convert the Hawkesbury LEP 1989 to the Standard Template, there are no draft environmental planning instruments that relate to the land or affect the proposal.

iii) any development control plan applying to the land

Hawkesbury Development Control Plan 2002 applies to the land. An assessment of the proposal against the Development Control Plan follows.

Part A, Chapter 1 - Purpose and Aims

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

Part A, Chapter 2 – General Information

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

Part A, Chapter 3 - Notification

The application was not required to be notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002.

Rural Sheds

The aim of this Chapter is to enable the erection of sheds on rural properties in a manner that compliments the rural character of the landscape and has minimal impact on the scenic qualities of an area and to provide design principles for the construction of these buildings.

It is noted that Amendment No. 108 to Hawkesbury Local Environmental Plan 1989 was gazetted since the adoption of Hawkesbury Development Control Plan 2002 that had the effect of changing a number of zone names amongst other changes. Accordingly, the land currently zoned Environmental Protection - Agriculture Protection (Scenic) was previously zoned Environmental Protection (Scenic) 7(d1). As such the application has been considered on the provisions relating to this zoning in the Development Control Plan.

The following is an assessment of the proposal against these design principles:

Design Principles	The Proposal	Compliance
Siting		
Sheds shall be located no closer to the road than the existing dwelling house on the property.	There is no dwelling located on this property. The shed is setback approximately 347 metres from Triangle Lane and 200 metres from Ridges Lane.	YES.

ORDINARY MEETING

Meeting Date: 11 September 2007

Design Principles	The Proposal	Compliance
Cut and fill shall be limited to 2m of cut and 900mm of fill	No alterations to ground levels.	YES
Sheds are not to be erected on land which has a slope in excess of 10%	The land is generally flat	YES
The erection of rural sheds should involve minimal disturbance to native vegetation.	No vegetation was required to be removed.	YES
Size		
In Environmental Protection zones the applicant will need to justify the size of any shed exceeding 170m ² in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.	The structure is associated with the use of the land.	YES
Height		
In other zones, the total height of rural shed exceeding 5 metres shall be justified in terms of the use of the shed and the visual impact of the development.	The maximum height of the proposal is 3 metres.	YES
The total height of "barn style" sheds may exceed 5m based on individual merit.	Barn style shed existing	YES
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.	Skillion roof over proposal to match in with barn style roof.	YES
Colour		
The colour of a rural shed will match or blend in with those of existing buildings.	There are no other sheds in the vicinity of the subject shed. The colour of the shed is cream.	YES
On vacant land the colour for rural sheds shall be taken from the natural environment.	Existing shed	N/A

ORDINARY MEETING**Meeting Date:** 11 September 2007

Design Principles	The Proposal	Compliance
Type of Building Materials		
Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective	The materials used are new.	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.	The shed is constructed of steel posts and metal cladding. It is considered to be flood compatible materials.	YES
Landscaping		
Plantings are to be a mix of trees, shrubs and ground cover.	Landscaping has been provided.	YES
Trees shall include species that at maturity have a height above the ridgeline of the shed.	Maximum suggested height of proposed landscaping is approx. 3 metres.	YES
Shrub mass shall provide adequate screening.	The proposed plants would provide sufficient screening	YES
Plants endemic to the area are to be chosen.	Proposed plants are considered suitable.	YES

iv) any matters prescribed by the regulations

There are no matters discernable that are prescribed by the regulations that apply to 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 proposal is located in a rural landscape and the addition to the shed does not detract from the context and setting of the existing shed, the landscape or the rural character of the area. There is no increased impact in terms of access, traffic or transport. There are no heritage listed items in the vicinity of the proposal and there is no likely adverse impact upon water or soils resources.

The likely impacts of the development are considered to be minor and would not result in any demonstrable impact upon the natural or built environment.

c) the suitability of the site for the development

The site is suitable for the development.

ORDINARY MEETING

Meeting Date: 11 September 2007

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

The application was not required to be notified under Hawkesbury Development Control Plan. No submissions were received.

e) the public interest

The proposal is not against the public interest.

Conclusion

In view of the above matters for consideration and given the location of the structure and the relatively low impact of the structure, the development is considered worthy of Council support.

Conformance to Strategic Plan

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

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

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

That Council approve Modification Application No. 0258/02A for a rural shed subject to the following additional conditions to be imposed upon the development consent:

1. *Condition 4a.* A Section 149A Building Certificate Application is to be lodged with Council for the structure.
2. *Condition 4b.* A structural engineer shall inspect, certify and provide a certificate, which is to be submitted to Hawkesbury City Council certifying that the structure is capable of withstanding the loads likely to be imposed upon it, including wind loadings.
3. *Condition 11.* No internal or external alterations shall be carried out without prior approval of Council.
4. *Condition 12.* The development shall be limited to the area shown on the submitted plans.
5. *Condition 13.* The subject development, including landscaping, is to be maintained in a clean and tidy manner.
6. *Condition 14.* The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

ORDINARY MEETING

Meeting Date: 11 September 2007

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Site Plan

AT - 3 Elevation

AT - 4 Floor Plan

ORDINARY MEETING

Meeting Date: 11 September 2007

AT - 1 Locality Plan

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

ORDINARY MEETING

Meeting Date: 11 September 2007

AT - 2 Site Plan

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ORDINARY MEETING

Meeting Date: 11 September 2007

AT - 3 Elevation

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ORDINARY MEETING

Meeting Date: 11 September 2007

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ORDINARY MEETING

Meeting Date: 11 September 2007

AT - 4 Floor Plan

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 September 2007

INFRASTRUCTURE SERVICES

Item: 179 **IS - Creation of Easements for Car Parking and Right of Carriageway between Valad Property Group "North Richmond Shopping Centre 2-16 Riverview Street, North Richmond" and Hawkesbury City Council - (95495, 82522)**

REPORT:

Development Consent was approved to the Valad Property Group to carry out alterations and additions to the existing North Richmond Shopping Village on 6 October 2006.

The internal refurbishment principally involved the provision of additional retail space and the change of the major tenant from Bi-Lo to a Coles outlet. External improvements involved a reconfiguration of the adjacent north western public carpark to improve pedestrian safety, manoeuvrability and traffic circulation, lighting of the carpark and reconstruction (incorporating some expansion) of the supermarkets loading/unloading bay area off Riverview Street to improve serviceability.

All structural works have now been completed and an interim Occupation Certificate was issued in respect of the development on 10 August 2007.

The external works described above minimally affects land owned by Council (Lot 10, DP801727) and adjoining freehold land (Lot 11, DP801727) currently owned by Valad Property Group. Council is using a part of Lot 11 for the purposes of its carpark and the developer is using a part of Council's land Lot 10 for the purposes of its loading dock facility. The extent of the respective encroachments are shown on plan reference 1100/05"A" to be exhibited at the meeting.

The developer is now seeking to formalise, at no cost to Council, the interests of both parties. It is proposing to prepare documentation to reflect the interests of:

- A. Valad Property Group using part of the Council's land for the purpose of its loading dock facility;
- B. Council using part of Valad Property Group's land for the purposes of its car park;

to ensure for the reasonable continuing use of the shopping centre complex.

To effect the above arrangement an easement in favour of Council for use of the carpark and a right of carriageway in favour of Valad Property Group for use of the loading dock would need to be prepared and registered on the respective certificates of title.

It is concluded that the public land to be burdened as described above would not be inconsistent with the public interest and the formalisation of the current arrangement will be mutually beneficial.

Conformance to Strategic Plan

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

"Objective: Implement infrastructure strategy to underpin the social, cultural and commercial development of the City."

Funding

No impact on current budget.

ORDINARY MEETING

Meeting Date: 11 September 2007

RECOMMENDATION:

That Council agree to the creation of easements and carriageways as outlined in the report subject to:

1. Council's solicitors confirming that the proposed course of action can be agreed to by Council.
2. Documentation being prepared to the satisfaction of Council's solicitors and submitted to Council for prior approval setting out terms of Easements and Restrictions as to use intended to be created pursuant to Section 88B of the Conveyancing Act 1919.
3. The approved documentation be executed under the Seal of Council prior to its lodgement at the Land Titles Office for registration.

ATTACHMENTS:

- AT - 1** Plan of Encroachments between Valad Property Group and Council - Plan Reference: 1100/05"A" - *(to be displayed at meeting)*.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 September 2007

SUPPORT SERVICES

Item: 180 SS - Exemption from Rating - 14A Moray Street, Richmond - (93125, 95496)

REPORT:

An application has been received from Father John Hogan of St Monica's Richmond on behalf of the Trustees of the Roman Catholic Church for the Diocese of Parramatta requesting exemption from rating for the property at 14A Moray St, Richmond (Lot 1 DP 507956), Property Number 6375.

The property is used for the purposes of the priest's residence.

Application for rate exemption is made in accordance with Section 555 of the Local Government Act, 1993 which provides as follows:

"S.555 (1) The following land is exempt from all rates:

(e) land that belongs to a religious body and is occupied and used in connection with:

(ii) a building used or occupied solely as the residence of a minister of religion in connection with any such church or building;"

It is recommended that exemption from rating be granted from 1 July 2007.

The rates for 2007/2008 total \$1,239.16 and will need to be abandoned once the rate exemption is approved.

Conformance to Strategic Plan

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

"Objective: Compliance with all relevant legislation ".

Funding

Funding for this proposal will be from the Rates Budget.

RECOMMENDATION:

That:

1. The Trustees of the Roman Catholic Church for the Diocese of Parramatta be granted exemption from rating from 1 July 2007 for the property known as 14A Moray St, Richmond.
2. An amount of \$1,239.16 be written off in respect of rates for the period 1 July 2007 to 30 June 2008.

ATTACHMENTS:

AT - 1 Letter from Fr John Hogan dated 24 July 2007.

ORDINARY MEETING

Meeting Date: 11 September 2007

At - 1 Letter from Fr John Hogan dated 24 July 2007

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 September 2007

Item: 181 **SS - General Purpose Financial Report and Special Purpose Financial Report for 2006/2007 - (96332, 95496)**

REPORT:

Section 413 (1) of the Local Government Act (LGA) 1993 requires that *"a council must prepare financial reports for each year, and must refer them for audit as soon as practicable."* The unaudited annual financial reports for 2006/2007 have been completed and are ready for audit.

Clause 215 (1) of the Local Government (General) Regulation 2005 determines the format of Council's declaration. It requires that the statement must:

- (a) Be made by resolution of Council; and
- (b) Be signed by:
 - (i) the Mayor; and
 - (ii) at least one other member of the council; and
 - (iii) the General Manager; and
 - (iv) the Responsible Accounting Officer.

Clause 215 (2) of the Regulation also requires that Council's statement must:

- (a) State whether or not Council's annual financial reports have been drawn up in accordance with:
 - The Local Government Act and Local Government (General) Regulation; and
 - The Local Government Code of Accounting Practice and Financial Reporting; and
 - The Local Government Asset Accounting Manual; and
 - The Australian Accounting Standards; and
- (b) State whether or not those reports present fairly the Council's financial position and operating result for the year; and
- (c) State whether or not those reports are in accordance with the Council's accounting and other records; and
- (d) State whether or not the signatories know of anything that would make those reports false or misleading in any way.

Council's financial reports have been prepared in accordance with the requirements detailed in Clause 215 (2) (a) to (c) above and Council's Chief Financial Officer, as the Responsible Accounting Officer, considers that these statements fairly present Council's financial position.

This report recommends that Council refer the draft financial reports for audit by completing the attached statements. Council's auditor, PricewaterhouseCoopers, will provide a presentation of Council's position following the audit.

Conformance to Strategic Plan

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

"Objective: Investigating and planning the city's future in consultation with our community and coordinating human and financial resources "

ORDINARY MEETING

Meeting Date: 11 September 2007

Funding

Not applicable.

RECOMMENDATION:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Reports:
 - (a) Council's annual financial reports have been drawn up in accordance with:

The Local Government Act and Local Government (General) Regulation; and
The Local Government Code of Accounting Practice and Financial Reporting; and
The Local Government Asset Accounting Manual; and
The Australian Accounting Standards; and
 - (b) The reports present fairly the Council's financial position and operating result for the year; and
 - (c) The reports are in accordance with the Council's accounting and other records; and
 - (d) The signatories do not know of anything that would make these reports false or misleading in any way.
2. Council sign the "Statement by Councillors and Management". The statement is to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its external auditor, PricewaterhouseCoopers, at a Council meeting following the completion of the audit.

ATTACHMENTS:

- AT - 1** Statement by the Council on the General Purpose Financial Report and Special Purpose Financial Report for the year ended 30 June 2007.

ORDINARY MEETING

Meeting Date: 11 September 2007

AT - 1 Statement by the Council on the General Purpose Financial Report and Special Purpose Financial Report for the year ended 30 June 2007.

HAWKESBURY CITY COUNCIL
ANNUAL FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 June 2007

STATEMENT BY COUNCILLORS AND MANAGEMENT
MADE PURSUANT TO SECTION 413 (2) (c)
OF THE LOCAL GOVERNMENT ACT 1993 (as amended)

The attached Annual Financial Statements have been drawn up in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made there under
- The Australian Accounting Standards and professional pronouncements
- The Local Government Code of Accounting Practice and Financial Reporting
- The Local Government Asset Accounting Manual.

To the best of our knowledge and belief, these reports

- Present fairly the Council's financial position and operating result for the year, and
- Accord with Council's accounting and other records; and

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 11 September 2007

Councillor Rex Stubbs, Mayor

Councillor Bart Bassett, Deputy Mayor

Peter Jackson, Acting General Manager

Rob Stalley, Responsible Accounting Officer

HAWKESBURY CITY COUNCIL
SPECIAL PURPOSE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 June 2007
STATEMENT BY COUNCILLORS AND MANAGEMENT

The attached special purpose Financial Statements have been drawn up in accordance with:

- The Local Government Code of Accounting Practice and Financial Reporting
- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*
- Department of Local Government guidelines *"pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*
- The Department of Energy, Utilities and Sustainability *"Best Practice Management of water Supply and Sewerage"* guidelines.

To the best of our knowledge and belief, these reports

- Present fairly the financial position and operating result for each of Council's declared Business Units for the year, and
- Accord with Council's accounting and other records

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 11 September 2007

Councillor Rex Stubbs, Mayor

Councillor Bart Bassett, Deputy Mayor

Peter Jackson, Acting General Manager

Rob Stalley, Responsible Accounting Officer

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 September 2007

Item: 182 SS - Proposal to Establish Additional Alcohol Free Zones, Kurmond Village Shopping Centre - (13708, 74637, 14592, 95496)

REPORT:

Council has received an Application for an Alcohol Free Zone in the vicinity of Kurmond Village Shopping Centre, from Christopher M Edwards Solicitors on behalf of their client Ms Sharon Hoffman.

Ms Hoffman intends to open a bottle shop/liquor store within the Kurmond Village Shopping Centre at Shop 1, 519 Bells Line of Road, Kurmond.

Currently, there are no established Alcohol Free Zones in Kurmond and, accordingly, it is requested by Christopher M Edwards Solicitors on behalf of Ms Hoffman that Council give consideration to the proposed establishment of an Alcohol Free Zone in the following nominated area;

- The carpark and service roads of Kurmond Village Shopping Centre at 519 - 521 Bells Line of Road, Kurmond.

This nominated area is shown in the plan attached as *Attachment 1* to this report.

The reason for the proposed establishment of an Alcohol Free Zone in the abovementioned area is to reduce the incidence of possible anti-social and/or irresponsible behaviour, including but not limited to:

1. Littering;
2. Vandalism/Graffiti; and
3. Noise Pollution.

If approved, the proposed Alcohol Free Zone would be established in line with Council's resolution dated 30 January 2007 for the re-establishment of Alcohol Free Zones in the Hawkesbury Local Government Area, for the period from the present date until 31 December 2009.

In accordance with the Ministerial Guidelines on Alcohol Free Zones, a verbal consultation has been conducted with Mr Barlow, Licensing Co-ordinator of Windsor Police Station. Mr Barlow has verbally advised that the proposed establishment of an Alcohol Free Zone in an area located adjacent to outlets supplying alcohol, where drinkers may congregate, is strongly supported.

Accordingly Windsor Local Area Command raise no objections and support Council in considering the proposal for the establishment of an Alcohol Free Zone in the nominated area.

If this proposal is accepted, Council officers will undertake the necessary advertising and consultation in accordance with the Ministerial Guidelines on Alcohol Free Zones. Upon expiration of the consultation period regarding the proposal, the matter will again be reported to Council.

Conformance to Strategic Plan

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

"Objective: Working in partnership with community and government to implement community plans to meet the social, health, safety, leisure and cultural need of the city."

"Objective: Respond to crime and public safety issues."

ORDINARY MEETING

Meeting Date: 11 September 2007

Funding

This proposal, if approved, will require advertising by way of a public notice in the local newspaper. The cost of which would be funded from Component 22 of the 2007/2008 Budget.

RECOMMENDATION:

That:

1. In accordance with the provisions of the Local Government Act, 1993, it is proposed that consumption of alcohol in the carpark and service roads of Kurmond Village Shopping Centre at 519 - 521 Bells Line of Road, Kurmond, be prohibited for the period from the present until the 31 December 2009, by the proposed establishment of this additional Alcohol Free Zones in the Hawkesbury Local Government Area.
2. Consultation with interested parties be undertaken regarding the proposed establishment of the Alcohol Free Zone in accordance with Ministerial Guidelines on Alcohol Free Zones.
3. Public notification (an advertisement in the Hawkesbury Independent) be undertaken for the proposed establishment of the Alcohol Free Zone in accordance with Ministerial Guidelines on Alcohol Free Zones.
4. Details of Council's resolution be conveyed to the applicant's representatives, Christopher M Edwards Solicitors.
5. Upon completion of the public consultation period, the matter be reported to Council for further consideration.

ATTACHMENTS:

AT - 1 Plan Showing the Nominated Area of the Proposed Alcohol Free Zone

ORDINARY MEETING

Meeting Date: 11 September 2007

AT - 1 Plan Showing the Nominated Area of the Proposed Alcohol Free Zone

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 September 2007

CONFIDENTIAL REPORTS

Item: 183 IS - Tender No. 011/FY07 - Reconstruction and Bitumen Sealing of Various Roads
- (95495, 79344, 106075) **CONFIDENTIAL**

Previous Item: 14, Ordinary (31 January 2006)

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 11 September 2007

Item: 184 **IS - Tender No. 001/FY08 - Mowing and Maintenance of Outlying Public Reserves
- (95495) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 11 September 2007

Item: 185 **IS - Acquisition of Land for Road Purposes - (Part) 101 and 182 Upper Colo Road, Wheeny Creek - (3501, 95882, 25808, 25809, 95496) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 11 September 2007

Item: 186 SS - Hawkesbury Leisure Centre - Assignment of Kiosk - (73685, 93487, 95496)
CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 11 September 2007

Item: 187 SS - Property Matter - Lease to Telstra Corporation Limited - Part Lot 533 in DP 751665 (Council Works Depot - Old Sackville Road, Wilberforce) Property 17957 - (73745, 95496) CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 11 September 2007

Item: 188 **SS - Proposed Closure and Sale of Bligh Park Pedestrian Laneway #26 at Bligh Park - (33357, 33358, 95496) CONFIDENTIAL**

Previous Item: 23, Ordinary (8 June 2004)
 198, Ordinary (28 June 2005)
 109, Ordinary (30 May 2006)
 173, Ordinary (25 July 2006)
 161 , Ordinary (14 August 2007)

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 11 September 2007

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee Minutes - 15 August 2007 - (80245, 95495)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 15 August 2007, commencing at 3:00pm.

ATTENDANCE

Present:	Councillor B Bassett (Chairman) Mr R Williams, M.P (Hawkesbury) Mr J Christie, Offices of Messrs. A Shearan (Londonderry) and J Aquilina (Riverstone), Members of Parliament Mr J Suprain, Roads and Traffic Authority
Apologies:	Mr R Elson, Department of Transport Inspector G Shoebridge, NSW Police Service
In Attendance:	Mr C Amit, Manager Design & Mapping Services Mr T Shepherd, Administrative Officer, Hawkesbury City Council

Mr C Amit tendered an apology on behalf of Inspector G Shoebridge, NSW Police Service, who whilst not being able to attend this meeting, had orally advised support for recommendations contained in reports listed on this meeting's agenda.

SECTION 1 - Minutes

Item 1.1 Minutes of Previous Meeting

The Minutes of the meeting held on 18 July 2007 were confirmed.

Mr R Williams joined the meeting at this stage.

Item 1.2 Business Arising

Item 1.2.1 LTC - 15 August 2007 - Item 1.2.1 - Traffic Calming Devices, Luttrell Street, Richmond - (80245)

ORDINARY MEETING
Reports of Committees

Previous Item: 4.4, Local Traffic Committee (18 July 2007)

REPORT:

With regard to Item 4.4 of the meeting held on 18 July 2007, the Chairman advised that Mr G Turner, 87 Luttrell Street, Richmond, had made subsequent representations seeking approval to use of Councillors photographs on his personal website and that Council had declined the application as such could be construed as Council endorsing the content on that website, and suggested caution be exercised by Messrs. Shearan, Aquilina and Williams should a similar approach be made to them.

RECOMMENDATION:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 15 August 2007 - Item 2.1 - Application for Final Approval: Hawkesbury Triathlon Club Races, July 2007 - June 2008 - (Londonderry & Riverstone) - (80245, 89093)

Previous Item: Item 2.2, Local Traffic Committee (31 March 2007)

REPORT:

Introduction:

An application by the Hawkesbury Triathlon Club was reported to the Local Traffic Committee on 21 March 2007, to conduct Triathlon and Duathlon races generally on the last Sunday of each month from July 2007 to June 2008, utilising Deerubbun Park as a base area. The recommendation of the Local Traffic Committee, as part of the Initial Approval, was adopted by Council on 24 April 2007 and is listed below:

That:

A. Road/River Matters

1. The event planned for:

2007

Sunday July 29, 2007 Duathlon 8.30 - 10.00am

Sunday August 19, 2007 Duathlon 8.30 - 10.00am

Sunday September 30, 2007 Triathlon 7.30 - 9.00am

Sunday October 28, 2007 Triathlon 7.30 - 9.00am

ORDINARY MEETING
Reports of Committees

Sunday November 25, 2007 Triathlon 7.30am - 9.00am
Sunday December 16, 2007 Triathlon 7.30am - 9.00am

2008

Sunday January 27, 2008 Triathlon 7.30 - 9.00am
Sunday February 24, 2008 Triathlon 7.30 - 9.00am
Sunday March 30, 2008 Triathlon 7.30 - 9.00am
Sunday April 27, 2008 Triathlon 7.30 - 9.00am
Sunday May 25, 2008 Duathlon 8.30 - 10.00am
Sunday June 29, 2008 Duathlon 8.30 - 10.00am

be classified as a "Class 2" special event under the "Traffic 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 the relevant approval to conduct this event from the Waterway Authority; **A copy of this approval be submitted to Council;**
- 4b. 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;**
- 4c. the event organiser **submitting a Traffic 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;
- 4d. as the event will traverse Rickaby's Creek Bridge along Richmond Road, the event organiser is 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 Policy to **cover both on-road and off-road activity;**
- 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 service, NSW Fire Brigades / Rural Fire Service and SES at least two weeks prior to the event;
- 4g. the event organiser directly notifying all the residences and businesses affected by the event at least two weeks prior to the event;
- 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 participants; 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 Department of Tourism, 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;*
- 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 your 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 the Food Act 2003 and 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 4571;*
- 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.*

Discussion:

The event organiser has submitted information in order to obtain **Final Approval**. Refer to Appendix 2 (Dataworks Document Nos. 2545478 & 2536152).

A. Road/River Matters

Condition 4a: Complied.
Condition 4b: Complied.
Condition 4c: Complied. TMP and TCP to RTA via LTC Rep.
Condition 4d: Complied.
Condition 4e: Complied.
Condition 4f: Complied, No documentation provided.
Condition 4g: Complied, No documentation provided.
Condition 4h: Complied,
Condition 4i: Complied
Condition 4j: Complied

B. Reserve Matters

Condition 1: Complied.
Condition 2: Bond Paid
Condition 3: To be Complied.
Condition 4: To be Complied.
Condition 5: Complied.
Condition 6: To be utilised as required
Condition 7: To be utilised as required

Due to the event organiser obtaining the relevant approvals from various authorities and submission of the required information, the events listed for July and August 2007 inclusive, fall outside of the approval process. Namely the dates as listed below:

Sunday July 29, 2007 Duathlon 8.30 - 10.00am
Sunday August 19, 2007 Duathlon 8.30 - 10.00am

RECOMMENDATION:

That no objection be held to Hawkesbury Triathlon Club conducting Triathlon and Duathlon races generally on the last Sunday of each month from September 2007 to June 2008, utilising Deerubbun Park as a base area as listed below:

2007

Sunday September 30, 2007 Triathlon 7.30 - 9.00am
Sunday October 28, 2007 Triathlon 7.30 - 9.00am
Sunday November 25, 2007 Triathlon 7.30am - 9.00am
Sunday December 16, 2007 Triathlon 7.30am - 9.00am

2008

Sunday January 27, 2008 Triathlon 7.30 - 9.00am
Sunday February 24, 2008 Triathlon 7.30 - 9.00am
Sunday March 30, 2008 Triathlon 7.30 - 9.00am
Sunday April 27, 2008 Triathlon 7.30 - 9.00am
Sunday May 25, 2008 Duathlon 8.30 - 10.00am
Sunday June 29, 2008 Duathlon 8.30 - 10.00am

Final Approval is granted subject to compliance with the following conditions:

A. Road/River Matters

During the event

- a) access being maintained for businesses, residents and their visitors;
- b) all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- c) the runners/cyclist are aware of and are following all the general road user rules whilst running/cycling on public roads;
- d) 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;
- e) the competitors and participants be advised of the traffic control arrangements in place prior to the commencement of the event; and,
- f) 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

- g) The park is to be left clean and tidy with your organisation responsible for collection and disposal of all rubbish; the applicant will be refunded the bond of \$150.00 less any cost incurred by Council, administrative or otherwise, to clean/restore the area;
- h) Any building, vehicle or stall that is used for preparation of food for public consumption is to comply with the Food Act 2003 and 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 4571;
- i) Noise is to be kept to a reasonable level, with all amplified sound less than 5d(B)a above ambient level;

APPENDICES:

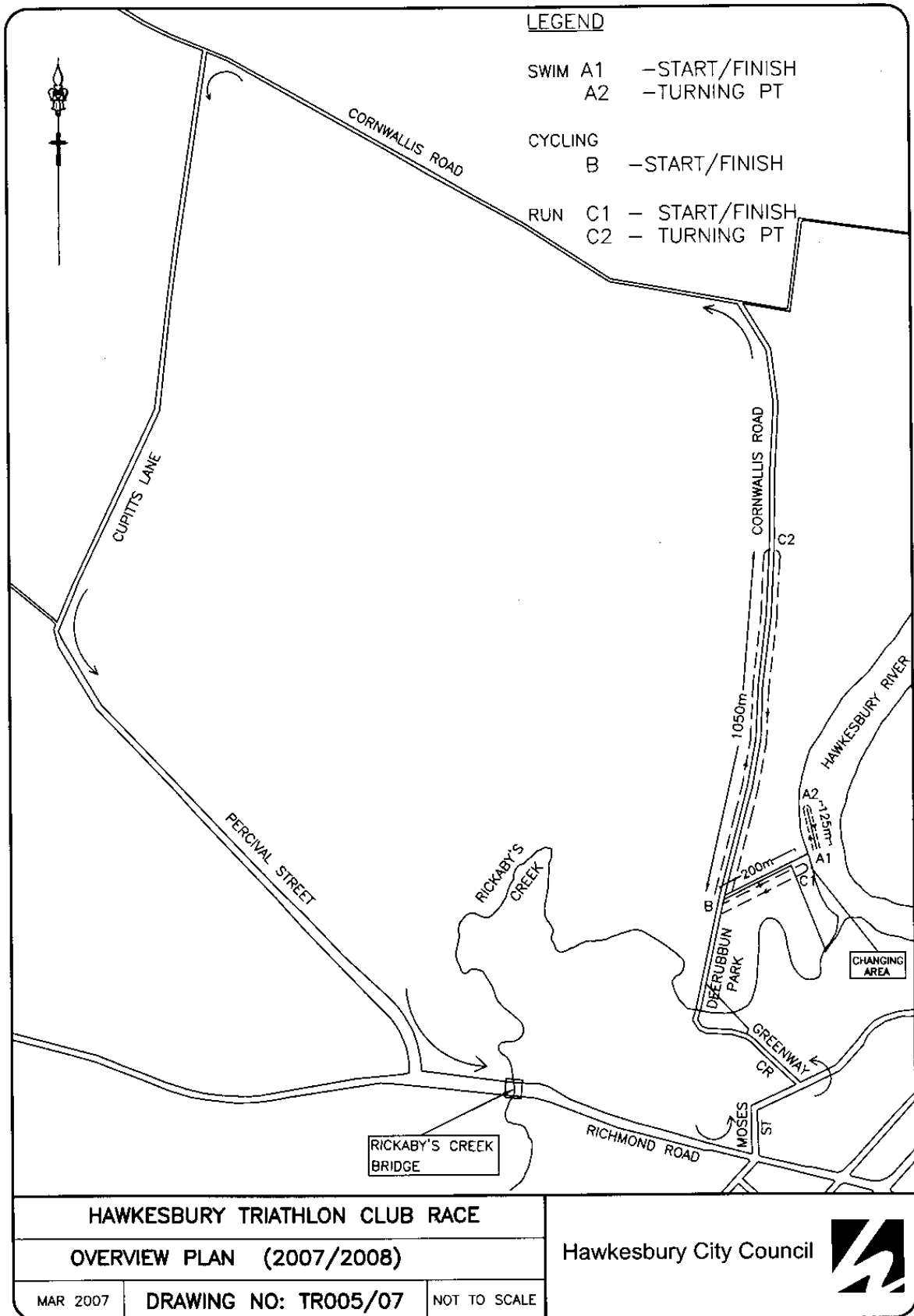
AT - 1 Hawkesbury Triathlon Club Races Overview Plan No. TR005/07

AT - 2 Final Approval Special Event Application - Hawkesbury Triathlon Club Races (Dataworks Document Nos. 2545478 & 2536152) - *see attached.*

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AT - 1

Hawkesbury Triathlon Club Races Overview Plan No. TR005/07



Item 2.2 LTC - 15 August 2007 - Item 2.2 - Kurrajong Scarecrow Festival 2007 (Londonderry & Hawkesbury) - (80245, 79346, 101906)

REPORT:

Introduction

An application has been received seeking approval to conduct the Kurrajong Scarecrow Festival on Sunday, 28 October 2007. This is a full day festival held in Kurrajong and the applicant is seeking a road closure of a section of Old Bells Line of Road within the Kurrajong township.

Event Details:

Date: Sunday, 28 October 2007

Event : Kurrajong Scarecrow Festival - Road Closure:

Old Bells Line of Road, 150m long road section between the Grose Vale Road intersection and the driveway to Kurrajong Antique Centre.

Time: 6.00am - 6.00pm

Expected number of Participants/Spectators: 600

Expected number of vehicles: 150

The applicant has advised that the safety of the festival will be improved with the removal of through traffic to this sections of Old Bells Line of Road. Further, the area will provide a level area for stallholders and the public to walk through, as the local park(Memorial Park) is unsuitable for this purpose due to its varying levels and sloping banks. The event organiser has obtained approval for the use of Memorial Park.

The remainder of the town centre is also expected to be involved in this annual event with bunting and individual shop promotions during the day. Given that locals and tourists use Old Bells Line of Road to enter and leave the Kurrajong township on the western side of the township, a detour is proposed by the applicant to direct traffic to alternative entry points as shown on the attached Plan No: TR008/07.

The diversion route for traffic is:

East - West: Bells Line of Road to the western leg of Old Bells Line of Road, Via the eastern leg of Old Bells Line of Road,
Turn Right at Kurrajong Road, and then
Left or Right at Old Bells Line of Road (western leg)

West - East: Bells Line of Road to the eastern leg of Old Bells Line of Road, Via the western leg of Old Bells Line of Road
Turn Left at Kurrajong Road, and then proceed to
Old Bells Line of Road (eastern leg).
Alternatively Woodburn Road can be utilised.

Where traffic is coming into the township via the eastern leg of Bells Line of Road and they wish to turn right at the intersection of Old Bells Line of Road and Grose Vale Road to exit the town, they can make a 'u' turn at the Kurrajong Public School bus bay to return back down the road to utilise the detours set up.

The regulatory speed limit on Old Bells Line of Road in the vicinity of this event is 50kph with the approaching eastern leg of Old Bells line of Road and Grose Vale Road having a speed limit of 40kph.

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 will disrupt minor traffic and transport systems due to the proposed road closure and there will be a low scale disruption to the non-event community.

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service. The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) is to be submitted to the RTA for authorisation due to the proposed road closure.

The event organiser has submitted the following items in relation to this event: Appendix 2 (Dataworks Document Nos: 2502841 & 2565236): - The applicant has advised that the parade as indicated in the application will not be occurring.

- i) Details of the Special Event - Traffic template;
- ii) Transport Management Plan (TMP) and Traffic Control Plan (TCP).

The Chairman enquired as to whether this application differed from those submitted in previous years; Mr C Amit advised that the only difference was that a street parade was not being held.

RECOMMENDATION:

That:

1. The **Scarecrow Festival 2007** event planned for **28 October 2007**, 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 advertising the event in the local press stating the road closure and the detour route due to the event, two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);

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Reports of Committees

- 4e. the event organiser notifying the details of the event to NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence be submitted to Council;**
- 4f. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the proposed road closure 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/road closure (Refer to Plan No. TR008/07); **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;
- 4j. a clear passageway of at least 4 metres 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. 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;
- 4m. the participants be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4n. 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:

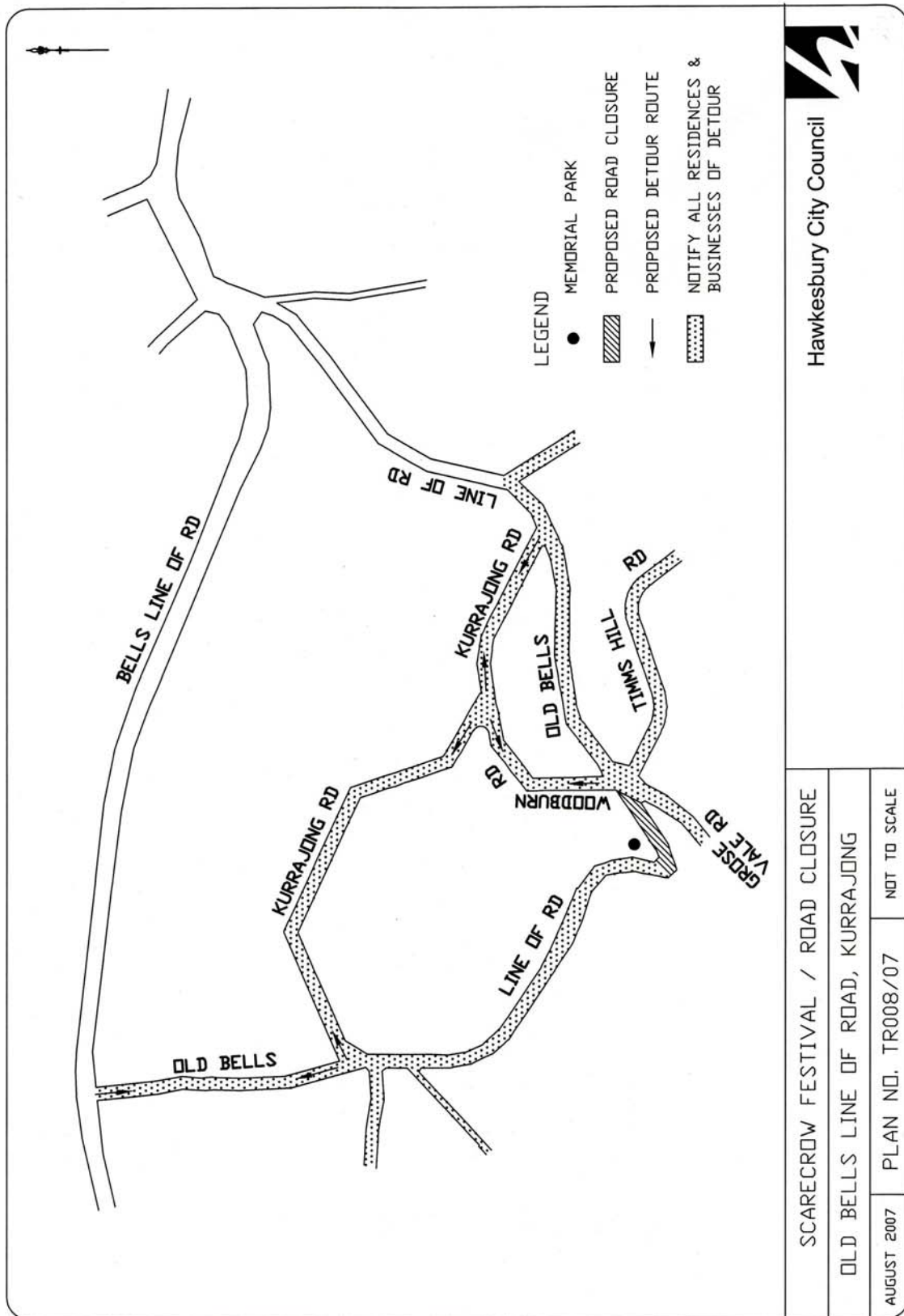
AT - 1 Drawing No TR008/07 - Scarecrow Festival / Road Closure, Old Bells Line of Road, Kurrajong.

AT - 2 Special Event Application - (Dataworks Document No. 2502841 & 2565236) - *see attached.*

ORDINARY MEETING

Reports of Committees

APPENDIX 1 - Drawing No TR015/06 - Proposed Road Closure, Scarecrow Festival



SECTION 3 - Reports for Information

Nil Reports for Information.

SECTION 4 - General Business

Item 4.1 LTC - 15 August 2007 - Item 4.1 QWN - Capital Works Programme - (80245)

Mr R Williams

REPORT:

Enquired as to availability of a current Capital Works Programme to assist in responding to constituent's representations.

RECOMMENDATION:

That the Director Infrastructure Services liaise with Mr R Williams regarding provision of a copy of the Capital Works Programme.

APPENDICES:

There are no supporting documents for this report.

Item 4.2 LTC - 15 August 2007 - Item 4.2 QWN - Sight Distance - Bells Line of Road/Mill Road, Kurrajong - (80245)

REPORT:

Advised that whilst substantial clearing of vegetation had been carried out on the nature strip, Bells Line of Road/Mill Road, Kurrajong, by the Roads and Traffic Authority to enhance sight distance, believed that further clearing could be carried out.

RECOMMENDATION:

That the Roads and Traffic Authority be requested to undertake further clearing at the subject location.

APPENDICES:

There are no supporting documents for this report.

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SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Wednesday, 19 September 2007 at 3.00pm in the Large Committee Room, Council Chambers.

The meeting terminated at 3:30pm.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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