



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 12 April 2005

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.

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 Administration and Governance on 4560 4426 or by email at pjackson@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.

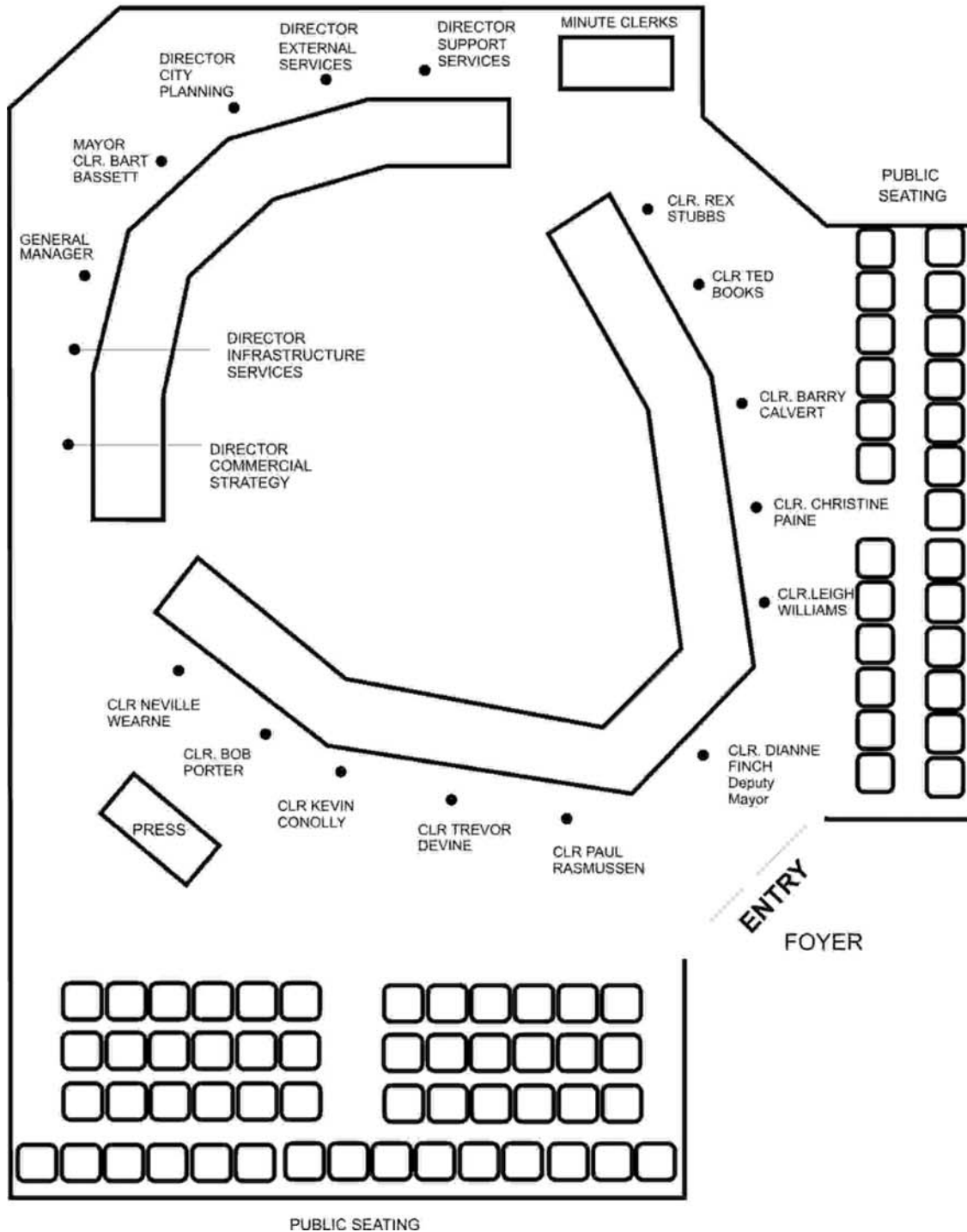
Website

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, Administration and Governance on, telephone 02 4560 4426.

council chambers



ORDINARY MEETING

Table of Contents

Meeting Date: 12 April 2005

AGENDA

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

Commercial Strategy - (Corporate Response Unit)

Environment and Development

Asset Management

Corporate and Community

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

ORDINARY MEETING

Table of Contents

Meeting Date: 12 April 2005

ORDINARY MEETING**Table of Contents****Meeting Date:** 12 April 2005**TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
SECTION 1 - Confirmation of Minutes		3
SECTION 3 - Notices of Motion		7
NM 1 - Tamba Town Anniversary - (107, 74399)		7
NM 2 - Super Highway Down the Bells Line of Road - (80104)		8
SECTION 3 - Notice of Rescission Motion		10
RM -	Rescission of Resolution on Item 78: Richmond Swimming Pool - (79354, 107, 80093, 80104, 80106)	10
SECTION 4 - Reports for Determination		15
GENERAL MANAGER		15
Item: 90	GM B - Recruitment - Director of External Services - (79351)	15
Item: 91	GM B - 2005 LGMA National Congress and Business Expo, 22 - 25 May, 2005 in Canberra - (79351, 80532)	16
Item: 92	GM B - Local Government Association Conference, Mudgee, NSW - (79351, 79633)	17
Item: 93	GM B - Councillor Christine Paine - Request for Leave of Absence - (107, 80104)	18
Item: 94	GM B - Councillor Dianne Finch - Request for Leave of Absence - (74399)	19
ENVIRONMENT AND DEVELOPMENT		20
Item: 95	ENV A - Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 8 DP32063, 13 Pecks Road, North Richmond - (22643, 22644, 79347)	20
Item: 96	ENV A - Commercial/Multi-housing, 3- DP 738003, Lot 4 DP 738003, Lot 5 DP 738003, Lot 6 DP 738003, Lot 1 DP 258388, Lot 2 DP 258388, 8 Bosworth Street, Richmond - (DA0813/03A, 79347)	34
Item: 97	ENV A - Freestanding Advertising Structure, Part Lot 180 DP 752061, 272 Windsor - (DA9828/04, 79347, 89952)	38
Item: 98	ENV A - Dam, Lot 490 DP 751665 Vol 12257 Fol 51, 32 Argents Road, Wilberforce, NSW 2756 - (DA1252/03, 79347, 13552, 13551)	49
Item: 99	ENV B - Additional Information - Rural Shed 224sqm, Lot B DP164013, 27 Settlers Road, Wisemans Ferry NSW 2775 - (DA1035/04, 79347)	57

ORDINARY MEETING**Table of Contents****Meeting Date:** 12 April 2005

ITEM	SUBJECT	PAGE
Item: 100	ENV B - South Creek - Program to Reduce Pollution - (80104, 107)	81
Item: 101	ENV B - Draft Local Environmental Plan 2/02 - Amendment 139, Changes to Exempt and Complying Development Provisions - (79347)	84
Item: 102	ENV B - Draft Local Environmental Plan 1/04 - Amendment 149 to Hawkesbury Local Environmental Plan 1989 - George/Dight/Macquarie Streets, Windsor - (79347)	90
Item: 103	ENV B - Draft Local Environmental Plan 1/94 - Amendment 48 to Hawkesbury Local Environmental Plan 1989 - 84-112 Mulgrave Road, Mulgrave - (79347)	94
ASSET MANAGEMENT		98
Item: 104	INF B - Plant Replacement Program - (79338)	98
Item: 105	INF B - Changes to Car Parking Restrictions in Richmond Car Parks - (79346, 79338, 73824)	99
CORPORATE AND COMMUNITY		103
Item: 106	ORG B - Addition to 2004/2005 Library Fees and Charges - (79342)	103
Item: 107	ORG B - Bowman Cottage - 370 Windsor Street, Richmond - (107, 79337)	104
Item: 108	ORG B - Cultural Precinct Advisory Committee - Confirmation of Membership - (79342, 107)	106
Item: 109	ORG B - WSROC - Notice of Annual General Meeting - (79337, 74251)	112

ordinary

section

3

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 3 - Notices of Motion

NM 1 - Tamba Town Anniversary - (107, 74399)

REPORT:

Submitted by: Councillor Dianne Finch, Deputy Mayor

On 28 and 29 May 2005, the fifteenth anniversary of Tamba Town will be celebrated and further, on 11 October 2005, the incorporation of Tamba Town, Mizuho and Wachi will be officially be known as Kyo Tamba Town and accordingly, our Sister City will be officially affiliated with this new precinct.

RECOMMENDATION:

That Council send an appropriate and official congratulations from Hawkesbury City Council and Sister City for the fifteenth anniversary of Tamba Town.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM 2 - Super Highway Down the Bells Line of Road - (80104)

REPORT:

Submitted by: Councillor Paine

RECOMMENDATION:

That Council reconfirm its position on the proposed super highway down the Bells Line of Road.

NOTE BY MANAGEMENT:

In connection with this matter, the Council at its meeting held on 9 July 2002 resolved as follows:

"A. That Council reaffirm its resolution of 8 May 2001. Bell's Line of Road - Proposed Upgrade Council, at the Ordinary Meeting of 8 May 2001, resolved:

- "1. This Council opposes the concept of any Super Highway Corridor being designated through the Hawkesbury Council's area (specifically Yarramundi, Grose Wold, Grose Vale, Bowen Mountain, Kurrajong, Kurrajong Hills, Kurrajong Heights and Bilpin and via a route that follows Bell's Line of Road) as proposed by the Central Western Regional Organisation of Councils (CENTROC).
2. Although cognisant of the need for improved transport communication for Central Western needs the use of rail and the existing continuing improvements to the Great Western Highway are supported as the best means of this desired improvement.
3. This Council supports the State Government's plan to retain the rural, agricultural tourist and recreational character of the Hawkesbury City Council area west of the river Hawkesbury."

B. That:

1. Council notes the considerable economic and environmental benefits of using rail for heavy transport. It therefore seeks that in reviewing the need for heavy transport access to Sydney/Newcastle/export terminals from the Central West that as part of the proposed study, consideration is given to an alternative utilising a rail link. It suggests that a rail link be examined, but not limited to the existing Sandy Hollow/Muswellbrook rail line/corridor as well as upgrading of the existing Great Western railway.
2. Part of the study assess the improvement costs and economic benefits for Bell's Line of Road and the areas it serves, to be a safer road, but not a six lane heavy transport high speed highway.
3. The study recognises the need to preserve and hold preserved those land areas now viably used for agricultural, horticultural and fruit production and those of World Heritage and National Park designation in the Hawkesbury and Blue Mountains regions leading to, along and near to Bell's Line of Road.
4. The consultation process includes the Hawkesbury Local Government Area (LGA) via Council and community groups as an element of the study as they were excluded from the previous study.

ORDINARY MEETING

Notices of Motion

When this matter was discussed at the Councillors' Briefing Session held on 5 April 2005 it will be recalled that it was generally agreed that further consideration of this matter should be deferred until the release of the impending report on the issue and the opportunity had been taken to invite the Mr I Armstrong, MP, to discuss the matter with Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

SECTION 3 - Notice of Rescission Motion

RM - Rescission of Resolution on Item 78: Richmond Swimming Pool - (79354, 107, 80093, 80104, 80106)

REPORT:

Submitted by: Councillor Barry Calvert
Councillor Christine Paine
Councillor Paul Rasmussen

A Rescission Motion was received from Councillors Calvert, Paine and Rasmussen to rescind the resolution from Council's Ordinary Meeting of 29 March 2005 in relation to Item 78: Richmond Swimming Pool.

RESCISSION MOTION:

That the resolution from Council's Ordinary Meeting of 29 March 2005 in relation to Item 78: Richmond Swimming Pool be rescinded.

ATTACHMENTS:

AT - 1 Rescission Motion received from Councillors

ORDINARY MEETING

Notices of Motion

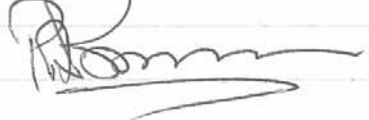
AT - 1 Rescission Motion received from Councillors

WE THE UNDERSIGNED HEREBY MOVE TO RESCIND
COUNCILS RESOLUTION OF 29th MARCH 2005 TO
SELL LAND ADJOINING RICHMOND POOL

 LEIGH WILLIAMS

 BARRY CALVER

 CHRISTINE PAINE

 P. RASMUSSEN

Received @ 8:00pm
5/4/05

cc: to Records.

0000 END OF NOTICE OF MOTION 0000

ORDINARY MEETING

Notices of Motion

ordinary

section 4

reports
for determination

ORDINARY MEETING

Meeting Date: 12 April 2005

ORDINARY MEETING

Meeting Date: 12 April 2005

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 90 GM B - Recruitment - Director of External Services - (79351)

REPORT:

Council approved the position of Director, External Services as a Senior Executive appointment upon adoption of the new Organisation Structure at Council's Ordinary Meeting on 25 January 2005.

Consistent with Council's resolution and the requirements of the local Government Act (1993) it is appropriate that a committee of Council ideally comprising no more than 3 (three) elected members assist the General Manager in the recruitment process. One option may be a committee comprised of the Mayor and 2 (two) Councillors.

The position of Director, External Services, will be an extremely challenging role and will be responsible for all (retail) services currently undertaken by Council extending to:

- Development (Town Planning) Services
- Community Services and
- Regulatory Services

Given the necessity to ensure that Council has the opportunity to consider as broad a range of qualified applicants as is possible, in a context where we wish to improve customer service in general and specifically in "development processing and procedures, a professional recruitment agency will be used to assist in targeting relevant areas, complementary to the activities undertaken by the External Services Division.

RECOMMENDATION:

A Committee of Council comprising the Mayor and 2 (two) Councillors be established to assist the General Manager to recruit suitable applicants for Council's consideration for the position of Director, External Services.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 91 **GM B - 2005 LGMA National Congress and Business Expo, 22 - 25 May, 2005 in Canberra - (79351, 80532)**

REPORT:

The Local Government Managers Australia (LGMA) National Congress and Business Expo this year is being held in Canberra, ACT 22 - 25 May 2005.

The Congress has been highly successful for a number of years and has been built on a proven formula that delivers important outcomes for both appointed and elected officials. It brings together national and international experts, Local Government opinion leaders and policy makers.

This year, delegates will choose from 24 (twenty four) sessions developed around 3 (three) major issues, issues that are confronting, critical and controversial, being; Financial Sustainability, Honesty in Government and Population Shift.

The cost of attending the conference will be approximately \$2,150.00 (two thousand, one hundred and fifty dollars) per delegate.

RECOMMENDATION:

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the Local Government Managers Australia National Congress and Business Expo in Canberra from 22 - 25 May 2005, at a cost of \$2,150.00 (two thousand, one hundred and fifty dollars) per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 92 **GM B - Local Government Association Conference, Mudgee, NSW - (79351, 79633)**

Previous Item: Item 33, Ordinary (22 February, 2005)

REPORT:

A previous report on the Local Government Association Conference to be held in Mudgee, NSW, 22 -26 October 2005 was discussed at Council at the Ordinary meeting held 22 February, 2005.

A booking for accommodation was made over 12 (twelve) months ago for 6 (six) rooms at the Kurrara Cottages in Mudgee.

During discussions at the Ordinary Meeting held 22 February, 2005, it was indicated that the number of delegates remain at 6 (six) and it was suggested that investigations be made into alternative accommodation in Mudgee. It was therefore resolved at the Ordinary meeting held 22 February, 2005

"that a further report be provided to Council reporting on the outcomes of investigations into accommodation alternatives".

Enquiries have been made with the Mudgee Visitor Information Centre, who has confirmed that all accommodation facilities having bookings for the duration of the conference 22-26 October 2005 and that there is no alternative accommodation available in Mudgee during these dates. Due to the demand for accommodation in Mudgee during the Conference, Management of Kurrara Cottages requested confirmation of Council's arrangements, together with a 50% (fifty percent) deposit be paid by the end of February/first week in March to secure Council's booking.

Confirmation of Council's booking of 6 (six) rooms together with a 50% (fifty percent) deposit of \$2,800.00 (two thousand, eight hundred dollars) has been made to the Management of Kurrara Cottages. A further report regarding the conference program and registration costs will be made once details are available.

RECOMMENDATION:

That the booking of 6 (six) rooms at the Kurrara Cottages in Mudgee during the Local Government Association Conference, to be held 22-26 October, 2005, together with a deposit of \$2,800.00 (two thousand, eight hundred dollars) be endorsed.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 93 GM B - Councillor Christine Paine - Request for Leave of Absence - (107, 80104)

REPORT:

Councillor Christine Paine has applied for leave of absence from 15 April to 6 June 2005, as she will be on annual leave. This absence means that Councillor Paine will be unable to attend the Ordinary Meetings of Council on 26 April 2005, 10 May 2005 and 31 May 2005.

RECOMMENDATION:

That leave of absence be granted to Councillor Christine Paine from 15 April to 6 June 2005 inclusive, including the meetings of Council to be held on 26 April 2005, 10 May 2005 and 31 May 2005.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 94 GM B - Councillor Dianne Finch - Request for Leave of Absence - (74399)

REPORT:

Councillor Dianne Finch, Deputy Mayor, has applied for leave of absence from 15 April 2005 to 2 May 2005, as she will be attending the 90th Anniversary of the Landing of Gallipoli. This absence means that Councillor Finch will be unable to attend the Ordinary Meeting of Council on 26 April 2005.

RECOMMENDATION:

That leave of absence be granted to Councillor Dianne Finch, Deputy Mayor, from 15 April 2005 to 2 May 2005 inclusive, including the meeting of Council to be held on 26 April 2005.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

ENVIRONMENT AND DEVELOPMENT

Item: 95 **ENV A - Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 8 DP32063, 13 Pecks Road, North Richmond - (22643, 22644, 79347)**

Development Information

Applicant: RA & SN Anderson
Applicants Rep: Nil
Owner: RA & SN Anderson
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1009 sqm
Zone: Residential 2(a)
Advertising: 22 December 2003 to 5 January 2004

Key Issues: ♦ Amendment 130
 ♦ Compliance with Hawkesbury Development Control Plan

Action: Approval

REPORT:

Introduction

Council has received a request to review a refusal of a development application for a 2 (two) lot subdivision at 13 Pecks road, North Richmond.

The development application was refused under delegated authority on 8 March 2004. The reasons for refusal mainly related to being inconsistent with Draft Amendment 130, the Hawkesbury DCP, and insufficient information being submitted with the application to enable a proper assessment of the application.

A copy of the Notice of Determination is attached to the report.

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

The Proposal

The application is for a 2 (two) lot subdivision of No 13 Pecks Road, North Richmond.

The application proposed a 2 (two) lot subdivision, with both lots having access from Pecks Road. The front lot has an area of 446sqm (four hundred and forty six square metres) and the rear hatched shaped allotment having an area of 563.4sqm (five hundred and sixty three point four square metres) (450sqm excluding the access handle).

Background

The applicant has recently lodged an appeal with the Land and Environment Court against Council's decision.

This appeal must be lodged within 12 (twelve) months of the date of determination.

ORDINARY MEETING

Meeting Date: 12 April 2005

It is understood that if the review is successful, the appeal will be withdrawn.

Description of the Site

The property is rectangular in shape and has an area of 1009sqm (one thousand and nine square metres).

It has a 20 (twenty) metre frontage to Pecks Road and the property contains a single dwelling and associated outbuildings.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

The subject property is zoned Residential 2(a). Clause 12 requires that land zoned Residential 2(a) in a reticulated sewered area be subdivided into lots of not less than 450sqm (four hundred and fifty square metres).

Under the provisions of State Environmental Planning Policy No. 1 Council may approve a subdivision with areas less than 450sqm (four hundred and fifty square metres) provided Council is of the opinion that the standard is unreasonable and unnecessary.

The SEPP No 1 objection will be discussed later.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment 130

Under this draft plan amendment the subdivision provisions for North Richmond will be 600sqm (six hundred square metres) for a normal allotment and 700sqm (seven hundred square metres) for a battleaxe allotment.

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan applies to the land.

The relevant chapters of the DCP area:

- General Information
- Notification
- Subdivision
- Residential

Planning Assessment

The applicant has now responded to each of the reasons for refusal and provided additional information and arguments to support the proposed subdivision.

1. *The proposed development is inconsistent with Clause 12 of Hawkesbury Local Environmental Plan 1989.*

Applicant's Response

"Clause 12 of the Hawkesbury Local Environmental Plan 1989 requires that the separate lots created are to have an area of not less than 450sqm (square metres).

Proposed Lot 82 is to have an area of 450sqm (four hundred and fifty square metres), excluding the access handle and satisfied that requirement.

Proposed Lot 81, that contains the existing 4 (four) bedroom dwelling, has a proposed area of 446sqm (four hundred and forty six square metres), only 4sqm (four square

ORDINARY MEETING

Meeting Date: 12 April 2005

metres) less than required. This is less than 1% (one percent) difference with the Statement of Environmental Effects acknowledged this deficiently and this was originally meant as a SEPP 1 objection to the requirement of clause 12. It has been noted that Council has approved the subdivision of the adjoining property (identical total size) to allow a lot size more than 18sqm (eighteen square metres) below the 450sqm (four hundred and fifty square metres) to allow a lot size more than 18sqm (eighteen square metres) below the 450sqm (four hundred and fifty square metres) required.

I hereby submit an objection under SEPP 1 to permit the reduced lot size area of proposed Lot 81".

Comment:

The applicant has now lodged a formal objection under SEPP No 1 and council can now consider if the requirement in this case is unreasonable and unnecessary.

The variation to the minimum is small (4sqm) to allow a decision to be made on the unreasonableness of the requirement consideration also needs to be given to the compliance with the provisions contained in the Hawkesbury DCP and other matters.

The adjoining property at No 15 Pecks Road was approved for a detached dual occupancy and subdivision in 2002 (DA1273/02) using the provisions of SEPP No 1 in line with the Council directive.

2. *The proposed development is inconsistent with the provisions of draft Local Environmental Plan*

Applicant's Response

"I can only assume that this refers to Draft Hawkesbury Local Environmental Plan 1989 - Amendment 130.

The gazettal of Draft Amendment 130 is not imminent and it is understood that Council has been advised that at this time Draft Amendment 130 carries insufficient weight to warrant refusal of an application. It is also noted that Council or the court has recently approved similar development applications within North Richmond that were contrary to Amendment 130.

It is also considered that the Minister in fact may not gazette Amendment 130, and even if it was gazetted, it could be deemed void by the court due to the unanimous decision by the three judges in the NSW Supreme Court, Court of Appeal in relation to Smith v Wyong Shire Council. Draft Amendment 130 includes several changes in contradiction of Section 117 Direction G9 and whilst the council report of the 27 November 2003 claimed that "Section 117 directions, Best Practice Guidelines, relevant Council Reports, relevant SEEPs and SREPs were exhibited" I and others can swear under oath that they were not available when inquiries were made at the time of exhibition".

Comment

The reports referred to by the applicant were available for viewing during the draft amendment exhibition. The applicant's claim is refuted.

Recent appeals in the Land and Environment Court have indicated that the Court did not place a significant amount of weight on the Draft LEP when considering the various matters involving Amendment 130. This lack of weight is due to the Amendment 130 not being imminent or certain.

ORDINARY MEETING

Meeting Date: 12 April 2005

Council and the Court have recently approved other subdivisions within the North Richmond area that comply with the current provisions, but did not comply with Draft Amendment 130 in terms of subdivision areas for North Richmond.

3. *The proposed development does not comply with the requirements of the Hawkesbury Development control Plan, in particular Part D Chapter 1 Residential Development and Part D Chapter 3 Subdivision.*

Applicant's Response

"Development application 1198/03 is for subdivision only to create 1 (one) additional lot from the rear of an existing Council approved 4 (four) bedroom dwelling with tandem carport plus covered outdoor living area at the rear. The private open space for the existing dwelling, proposed Lot 81, is located at the front of the dwelling, behind the setback area, with access from living areas at the front of the dwelling. Please note that due to the road deviating past existing trees, the road footpath is some 7m (seven metres) wide, which further increases the "setback" from the road.

The residential building to be constructed on proposed Lot 82 in the future is proposed to be subject to a separate approval. However, the subdivision application did provide an indicative building envelope for proposed Lot 82 with living areas to the north for solar access plus access to the private open space that is located for maximum solar access, outlook and privacy.

The plan also indicated vehicular access and turning provisions along with the areas for private open space and pervious areas that can be achieved in excess of DCP requirements.

It is considered that the proposed subdivision generally addressed the requirements of Chapters 1 and 3, especially when comparing it to the requirements of the recently approved development on the adjoining property and other approved developments in the area. I would be quite happy to discuss and be given the opportunity to address any particular concern or requirement if Council can provide further details as to how the subdivision does not comply with the DCP Part D Chapters 1 and 3."

Comment

The proposed subdivision does not comply with the following requirements set out in the subdivision chapter.

- Solar access and lot orientation;
- Residential Chapter; and
- Private Open Space.

The solar access and lot orientation is difficult to achieve for infill subdivision development. The existing and any future dwelling on the additional allotment will comply with the solar access provisions. The private open space provision for each allotment is 20% of the site area and the area is also capable of having a rectangle of 5m x 6m.

The plans show the existing dwelling located on the front lot with the 5m x 6m open area provided in the front setback area. The existing dwelling is set back approximately 11m.

The DCP allows private open space area to be provided in front of dwellings providing they are located behind the front setback. In this area the front setback distance is 7.5m. As a result part of this open space area is located within 7.5m setback distance which is inconsistent with the DCP.

The private open space area is set back 5.5m from the front boundary which would provide adequate area for landscaping to screen any courtyard wall for the private open space area.

ORDINARY MEETING

Meeting Date: 12 April 2005

4. *The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, there is insufficient information in respect of energy efficiency and car parking.*

Applicants Response

"Proposed Lot 81 will contain the existing Council approved dwelling with a tandem carport plus uncovered car parking, and vehicles can enter and exit the property in a forward position. Main living areas are to the north and accessible to the private open space that is also located to obtain maximum solar access.

I would suggest that the energy efficiency of the future dwelling on proposed Lot 82 should be addressed at the time of the development approval for that dwelling. However, as stated above (3), the plans submitted show the indicative dwelling envelope with living areas located to the north for solar efficiency and access to the private open space, which is also located to receive maximum solar access requirements.

The plan includes an indicative building envelope for proposed Lot 82 that, as well as the driveway, indicates a double garage that is 6.4m wide plus a turning bay to allow ingress and egress in a forward direction."

Comment

The applicant has provided additional information which now addresses the areas of non-compliance. The indicative building envelope for Lot 82 has not allowed for a 6 metre setback from the rear boundary of Lot 81, however, there appears to be adequate area to comply with the requirements set out in the Residential Chapter of the DCP.

5. *The site is unsuitable for the proposed development.*

Applicant's response

"If this site is unsuitable for the proposed development then could you please explain why Council has recently approved the subdivision into 2 (two) lots of the adjoining property at No. 15 Pecks road as well as No. 1 and No. 3 Pecks Road, plus several other properties in the general area?

The general area is also currently experiencing a substantial redevelopment for multi-unit housing:

- *Development of 6 (six) units has been approved and construction commenced at No 5-7 Pecks Road.*
- *An application has recently been submitted to Council under SEPP - Seniors Living 2004 for the construction of 5 (five) three bedroom units at No. 9 Pecks Road.*
- *To the rear, at No. 33-35 Stephen Street there has recently been completed 7 (seven) three bedroom units.*
- *It is understood that an application may soon be submitted for 5 (five) two bedroom units at No. 31 Stephen Street, that adjoins the rear of the subject property at 13 Pecks road.*

I would contend that the quarter acre lot at No. 13 pecks Road is definitely suitable for subdivision into 2 (two) lots for the purpose of a future single dwelling on the extra lot to be created."

ORDINARY MEETING

Meeting Date: 12 April 2005

Comment

The site was considered unsuitable for the proposed subdivision development. The application has now addressed issues that suggested the site being unsuitable for the subdivision.

The approved developments referred to complied with the requirements at the time of approval. The site is surrounded by a range of multi unit developments and similar subdivisions.

The locality map shows the surrounding developments.

The applicant has concluded:

It is understood that DA1198/03 was exhibited and no objections were received. The reasons for refusal seem superficial as any inconsistency with Hawkesbury Local Environmental Plan 1989 would be considered only minimal and a SEPP 1 objection, that had been intended, is now included.

The claim of insufficient information in respect of energy efficiency and car parking is not agreed with as the application identified the proposed building envelope indicating the locations of living areas and private open space, to maximise solar efficiency and access requirements. The plan also identified the driveway locations and indicated parking and manoeuvring areas. However, a plan with additional information to clarify locations is attached. The application generally complies with the DCP, or can be conditioned.

It would appear that the main reason for refusal was an inconsistency with Draft Amendment 130 (as to minimum lot size) and the then Council's stand on this matter. Whilst Amendment 130 can be a consideration, the refusal of the application on the basis that it was received after the exhibition of Amendment 130 (Council Reports 10 and 24 February 2004), and not by making an impartial decision on the merits of the DA, could be a breach of Council's statutory duties.

Comment

Council is required to decide on the merits of the application in accordance with the provisions of the Act at the time of the decision.

Conclusion

The subdivision complies with the majority of the subdivision and residential chapters. Amendment 130 is not imminent or certain at this stage and based on recent Court decisions not a great deal of weight was given to the draft plan.

The variation to the current provisions of Clause 12 of the Hawkesbury Local Environment Plan 1989 is considered to be minor (less than 1%).

The site is surrounded by a range of multi unit housing developments and similar subdivisions.

The location of the private open space within the front setback in this case is acceptable given the proposed 5.5 metre setback to enable landscaping.

Based on the above assessment it is recommended that the proposed subdivision be supported.

ORDINARY MEETING

Meeting Date: 12 April 2005

RECOMMENDATION:

That:

1. Council review the decision pursuant to Section 82A of the Act.
2. Having reviewed the previous decision, Council resolve to reverse that decision and approve the DA.
3. The Objection under SEPP No. 1 to Clause 12 of HELP 1989 be supported.
4. The application be approved as a Deferred Commencement subject to the following conditions:

SCHEDULE 1

- Submission of detailed plans showing the courtyard wall and landscaping for the private open space area in the front setback of proposed Lot 81.
- Submission of the building envelope for proposed Lot 82 providing a 6 metre setback to the rear boundary of proposed Lot 81.

SCHEDULE 2

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The development shall comply with the *Environmental Planning and Assessment Act, 1979* at all times.
4. The accredited certifier shall provide copies of all Part 4 certificates issued under the *Environmental Planning and Assessment Act, 1979* relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.

Prior to the issue of Construction Certificate

5. Construction of civil works including road, drainage, access, works are not to commence until 3 (three) copies of the plans and specifications of the proposed works are submitted to and approved by the Director External Services or an accredited certifier.
6. Payment of a design checking and inspection fee of \$700.00 (Seven Hundred Dollars) when submitting Engineering plans for approval. This amount is valid until 30 June 2005. Fees required if an accredited certifier is used will be provided upon request.
7. The submission of engineering designs and calculations covering all works required by this consent.
8. The submission of a satisfactory Erosion and Sediment Control Plan (ESCP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".

Prior to commencement of works

9. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved ESCP or SWMP. In the absence of any approved plan

ORDINARY MEETING

Meeting Date: 12 April 2005

the work is to be in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation.

Note: Measures may include the installation of geofabric fencing, staked straw bale walls located on the contour down-slope of the construction, sediment detention basins, earthen contour banks and the like. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.

10. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
11. The applicant shall advise Council of the name, address and contract number of the principal certifier, in accordance with Section 81A 4(b) of the *Environmental Planning and Assessment Act, 1997*.

During Construction

12. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
13. Site works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
14. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.

ORDINARY MEETING

Meeting Date: 12 April 2005

- (k) No material is to be burnt on site.
- 15. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 16. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
- 17. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
- 18. The existing established vegetation along the access for Lot 82 is to be retained and incorporated into the access construction.

Prior to Issue of Subdivision Certificate

- 19. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to 'Your Business' section of Sydney Water's web site at www.sydneywater.com.au then the 'e-developer' icon or telephone 13 20 92.
- 20. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
- 21. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
- 22. The construction of Council's standard footway vehicular crossing to Lot 81 in accordance with Council's standard plan.
- 23. Construction of a centrally located concrete driveway a minimum of 2.5 metres wide and 150mm thick reinforced with F82 mesh over the full length of the access handle to Lot 82 together with the construction of Council's standard residential footway and layback crossing also 150mm thick reinforced with F82 mesh. All services or suitable conduits are to be placed prior to the placing of concrete.
- 24. The submission of a plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal, where applicable, and the correction of any encroachments or defects to the requirements of Council.
- 25. The submission of a plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
- 26. Payment of a linen release fee of \$700.00 (Seven Hundred Dollars). This amount is valid until 30 June 2005.
- 27. Creation of a restriction on use of land pursuant to Section 88B of the *Conveyancing Act* as follows:
 - The future dwelling being located within the stamped building envelope shown on the approved stamped plans. The road severed parts of each lot created to be capable of development only.
- 28. Construction of the courtyard wall and approved landscaping to the proposed lot 81.

ORDINARY MEETING

Meeting Date: 12 April 2005

ATTACHMENTS:

AT - 1 Locality Plan

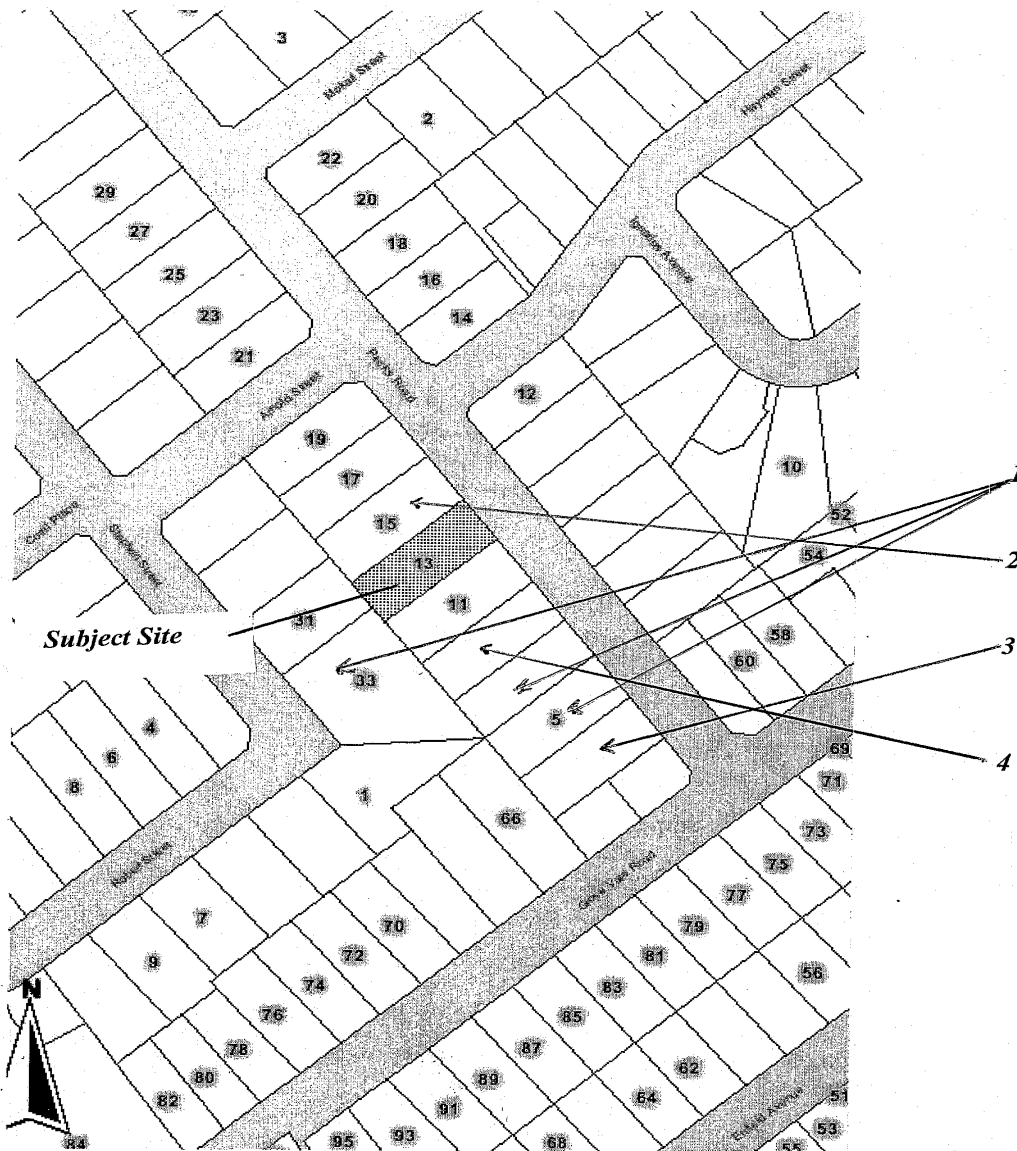
AT - 2 Subdivision Plan

AT - 3 Refusal Notice dated 8 March 2005.

ORDINARY MEETING

Meeting Date: 12 April 2005

AT - 1 Locality Plan



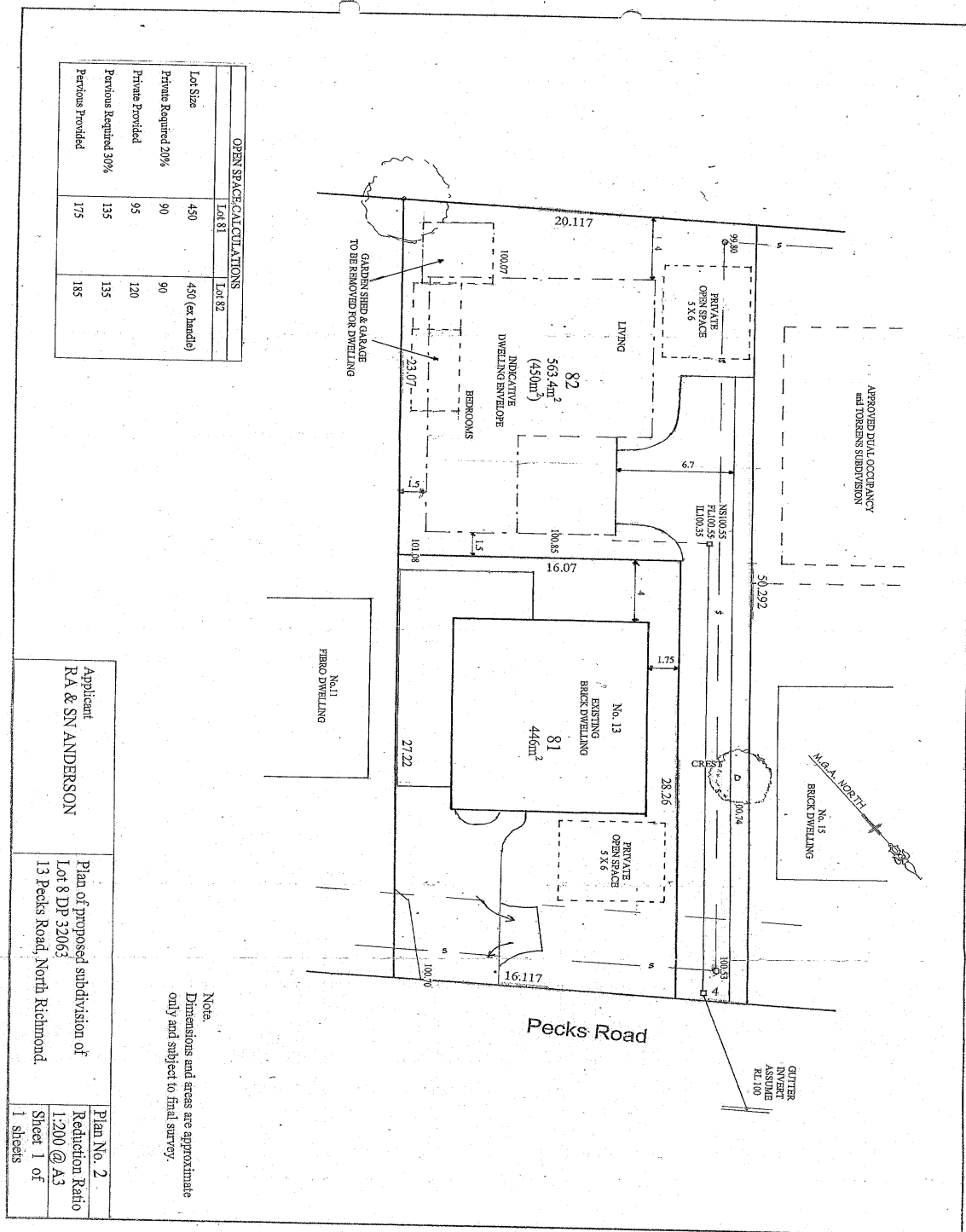
1. Approved Multi Unit Development (under construction)

2. Approved Dual Occupancy and Subdivision (under construction)

3. Approved 2 lot Subdivision

4. Approved Senior Living Development (Aged Housing)

AT - 2 Subdivision Plan



ORDINARY MEETING

Meeting Date: 12 April 2005

AT - 3 Refusal Notice dated 8 March 2005.

DA1198/03

Refusal date: 10 March 2004

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

To: Mr RA Anderson
13 Pecks Road
NORTH RICHMOND NSW 2754

being the applicant in respect of **Development Application No.: DA1198/03**

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

Lot 8 DP 32063 13 Pecks Road, North Richmond NSW 2754

Council's Property Number: 17364

Building Code of Australia Building Classification:

Determination:

Decision Date: 8/03/2004

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

Two (2) Lot Subdivision

for the following reasons:

1. The proposed development is inconsistent with Clause 12 of Hawkesbury Local Environmental Plan 1989.
2. The proposed development is inconsistent with the provisions of draft Local Environmental Plan.
3. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D Chapter 1 Residential Development and Part D Chapter 3 Subdivision.

10 March 2004

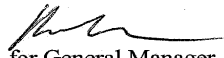
4. The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, there is insufficient information in respect of energy efficiency and car parking.
5. The site is unsuitable for the proposed development.

The

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

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

For any enquiries please contact Karen Mion on (02) 4560 4574


for General Manager

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 96 **ENV A - Commercial/Multi-housing, 3- DP 738003, Lot 4 DP 738003, Lot 5 DP 738003, Lot 6 DP 738003, Lot 1 DP 258388, Lot 2 DP 258388, 8 Bosworth Street, Richmond - (DA0813/03A, 79347)**

Development Information

Applicant:	Better Buildings Pty Ltd
Applicants Rep:	Not applicable
Owner:	Better Buildings Pty Ltd
Stat. Provisions:	State Environmental Planning Policy 65 Hawkesbury Local Environmental Plan 1989 Hawkesbury Development Control Plan
Area:	2902 m ²
Zone:	Business General 3 (a) under Hawkesbury Local Environmental Plan 1989 Unit housing development
Advertising:	Not required under Hawkesbury Development Control Plan
Date Received:	11/03/2005
Key Issues:	♦ Car parking
Action:	Approval subject to amended conditions

REPORT:

Introduction

Approval is sought to modify the mixed-use commercial & multi-unit housing development, which was previously approved by Council for the subject site. A number of minor modifications have been proposed, as well as a more significant modification, which involves the deletion of one of the levels of basement parking associated with the development.

The application is being reported to Council in accordance with Council's policy: Applications determined by Council - Re-application process.

This report provides an assessment of the key issues associated with the proposed modification. A complete assessment is contained on file.

Background

Council resolved at its Ordinary Meeting on 8 June 2004 that deferred commencement consent be granted for a mixed-use commercial and multi-unit housing development on the subject site. The deferred commencement consent became operational on 8 December 2004.

The Proposal

The proposed modifications comprise the following:

1. Deletion of one of the levels of basement parking.
2. Removal of a tree located along the eastern boundary of the site.
3. The provision of a lift providing barrier free access from the basement level of the carpark to the ground level of the development.

ORDINARY MEETING

Meeting Date: 12 April 2005

4. Minor reductions to the area sizes of 9 (nine) of the residential units.
5. Changes to the internal layouts of 8 (eight) of the residential units.
6. Relocation of the external bin rooms.
7. The provision of 4 (four) super-advanced street trees along the Bosworth Street frontage of the site. (The current development consent requires the provision of 3 (three) trees along the Bosworth Street frontage and 3 (three) trees along the laneway frontage of the site.)

Statutory Situation

State Environmental Planning Policy 65 - Design Quality of Residential Flat Developments

State Environmental Planning Policy 65 (SEPP 65) applies to residential flat developments comprising 3 (three) or more storeys and 4 (four) or more units. The policy aims to improve the design quality of residential flat development by establishing 10 (ten) design quality principles and requires consent authorities to consider the Residential Flat Design Code in assessing such proposals.

The proposed modifications are considered to be consistent with the provisions of SEPP 65 and the Residential Flat Design Code.

Hawkesbury Local Environmental Plan 1989

The subject land is zoned 3(a) Business General. The proposed modification is considered to be consistent with the objectives of the Hawkesbury Local Environmental Plan 1989 (LEP).

Hawkesbury Development Control Plan

The Parking & Access Chapter of the Hawkesbury Development Control Plan (DCP) provides a concession to the parking rates required for residential developments in commercial zones, particularly for "shop-top" housing.

Council resolved at it's Ordinary meeting on 8 March 2005 that this concession be removed and that the following parking rates be applied to commercially zoned land within Richmond and South Windsor.

- Residential units having an area less than 85 (eighty five) square metres: 1 space required.
- Residential units having an area greater than 85 (eighty five) square metres: Current car parking requirements of the DCP apply.

Based on the above rates, the following parking requirements apply to the development:

	Required Spaces	Provided Spaces	Compliance
Commercial	12	12	Yes
Residential	30	30	Yes
Adaptable	10	10	Yes
Visitor	6	7	Yes

The proposed modification complies with Council's resolution with respect to parking requirements for residential development within commercial zones.

Community Consultation

The proposed modification has been assessed pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979. The notifications chapter of the DCP does not require such modifications to be publicly exhibited.

Planning Assessment

The deletion of one level of basement parking is acceptable. The extent of earthworks associated with the construction would be reduced, whilst sufficient parking would be provided in accordance with Council's car parking requirements for this form of development.

The various other proposed modifications are considered to be very minor in nature. The following comments are provided with respect to the proposed amendments:

- The tree proposed to be removed is not considered to be of any particular significance and the provision of additional landscaping on-site will compensate for its removal.
- The provision of a lift will improve access for people with a disability.
- The marginal size reductions and internal layout changes to a number of the residential units is expected to have a negligible impact on the overall development. Suitable solar access, visual and acoustic privacy and ventilation is maintained.
- The proposed relocation of the bin rooms is considered to be appropriate, with improved resident access provided as a result.
- It has been recognised that the provision of street trees adjacent to the laneway is impractical, as insufficient area exists between the laneway and the commercial frontage of the development to support such plantings. The provision of 4 (four) super advanced street trees in place of the 6 (six) originally approved is considered to be an acceptable solution.

Conclusion

The proposed amendments are considered to be consistent with the provisions of SEPP 65 and the Hawkesbury LEP 1989. The modifications ensure that sufficient on-site parking is provided in accordance with Council's parking requirements. The various other minor modifications proposed are expected to have a negligible impact on the overall development.

The proposed modifications are considered to be appropriate and will not result in any significant changes to the development previously approved by Council.

RECOMMENDATION:

That the Development Application DA0813/03 be modified in the following manner:

Amendment 1

Condition No. 1 be amended to read:

To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (prepared by Zhinar Design Partnership Architects dated November 2003 numbered 3082 DA01 Issue J, 3082 DA02 Issue J, 3082 DA03 Issue G, 3082 DA04 Issue F, 3082 DA05 Issue E and Landscape Plan No. 03273BA1/2 Revision D & 03273BA2/2 Revision D) submitted with development application DA0813/03 and any supportive documentation, except as otherwise provided by the conditions of this consent or as modified in accordance with the requirements of Schedule 1 of this consent.

ORDINARY MEETING

Meeting Date: 12 April 2005

Amendment 2

Condition No. 58 be amended to read:

4 (four) super advanced street trees are to be provided for the development in the locations shown on the approved landscaping plans numbered 03273BA1/2 Revision D & 03273BA2/2 Revision D.

ATTACHMENTS:

AT - 1 Basement parking plan (Displayed in Council Chambers)

AT - 2 Ground floor Plan (Displayed in Council Chambers)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 97 **ENV A - Freestanding Advertising Structure, Part Lot 180 DP 752061, 272 Windsor - (DA9828/04, 79347, 89952)**

Previous Item: 72, Ordinary (29 March 2005)

REPORT:

Introduction

Council considered a report at the Ordinary meeting on 29 March 2005, which recommended approval for the construction of a large pylon sign associated with the Bunnings and Home Central bulky goods complex at 272 Windsor Road, Vineyard. A copy of this report is attached.

The following additional information was requested by Council prior to the application being determined:

1. Details of the heights of existing signs along Windsor Road including the Black Stump, McDonalds and Winford Motors freestanding signs.
2. Details of the heights of the associated Bunnings and Home Central buildings.

This report provides the additional information requested.

Report

Council officers inspected the subject site and its surrounds on 31 March 2005. A number of dominant signs were identified in the locality including the Black Stump pylon sign, the McDonalds pylon sign and the Winford Motors pylon sign. These signs are located at 246 Windsor Road, 242 Windsor Road and 230 Windsor road respectively. The Black Stump and Winford Motors signs were measured with the use of a theodolite. The Black Stump sign has a measured height of 13.8 (thirteen point eight) metres. The Winford Motors sign has a measured height of 14.95 (fourteen point nine five) metres. It is estimated that the height of the McDonalds sign is very similar to the height of the Black Stump and Winford Motors signs.

A large native tree stands between the Black Stump and Winford Motors Pylon signs. This tree has a height which is considered typical of the height of most trees along Windsor Road. In order to provide a means of comparing, the tree's height was measured and was found to be 27.2 (twenty seven point two) metres.

The Bunnings Warehouse building has a height of 11 (eleven) metres and the Home Central building has a height of 11.6 (eleven point six) metres. These buildings are constructed on an elevated building platform and as a consequence, the overall height of the proposed pylon sign would be less than that of the adjacent buildings.

RECOMMENDATION:

- a) That the information in this report be received by Council.
- b) That the application for the construction of a freestanding advertising sign 272 Windsor Road, Vineyard be approved subject to the following conditions.

ORDINARY MEETING

Meeting Date: 12 April 2005

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The 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.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
6. This consent ceases to be in force on the expiration of 15 years after the date on which this consent becomes effective and operates in accordance with section 83 of the Environmental Planning and Assessment act 1979, as required by Clause 14 of State Environmental Planning Policy 64 - Advertising and Signage.
7. The approved freestanding advertisement shall not have or use any of the following:
 - (a) Flashing lights
 - (b) Electronically changeable messages
 - (c) Animated display, moving parts or simulated movement
 - (d) Complex displays that hold drivers attention beyond "glance appreciation"
 - (e) Displays resembling traffic signs or signals
 - (f) A method of illumination that distracts or dazzles

Prior to Commencement of Works

8. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
9. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
10. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
11. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
12. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

ORDINARY MEETING

Meeting Date: 12 April 2005

During Construction

13. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
14. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
15. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the footings and structural steel members:

Advisory

16. Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
17. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

ATTACHMENTS:

AT - 1 Report to Council 29/3/05

ORDINARY MEETING

Meeting Date: 12 April 2005

AT - 1 Report to Council 29/3/05

ITEM: ENV A - Freestanding Advertising Structure, Part Lot 180 DP752061, 272 Windsor - (DA0828/04, 79348, 89952)

Development Information

Applicant: ICA Construction Services Pty Ltd
Applicants Rep: Not Applicable
Owner: ICA Property Develop Fund No 2 Spv T'ee P/L
Stat. Provisions: State Environmental Planning Policy 64 - Advertising and Signage
Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 3.409 Hectares
Zone: 4(b) (INDUSTRY LIGHT) under Hawkesbury Local Environmental Plan 1989
Advertising: 4 November 2004 to 19 November 2004
Date Received: 12 August 2004

Key Issues: ♦ Non compliance with numerical standards established under Hawkesbury Development Control Plan

Action: Approval subject to conditions.

REPORT:

Introduction

Council has received a development application for the construction of a freestanding advertising sign on the subject site. The sign is associated with the recently constructed Bunnings and Home Central bulky goods retail complex.

The application is being reported to Council as the proposal seeks a variation to the height controls established by the Signs chapter of the Hawkesbury Development Control Plan.

This report provides an assessment of the key issues associated with the proposed development. A complete assessment is contained on file.

Background

Approval was initially sought for the proposed advertising structure as part of the Bunnings and Home Central bulky goods development proposal. During the course of assessment of this application, several concerns were raised by Council officers relating to the proposed freestanding advertisement. The applicant consequently chose to withdraw this component of the development application, with the intention of lodging a separate application for the advertising structure. The subject application now seeks this approval.

The Proposal

It is proposed to construct a 13.95 metre high advertising structure on the subject site. The sign is to be located adjacent to the vehicular entry associated with the Bunnings and Home Central bulky goods complex and will be setback approximately 55 (fifty five) metres from Windsor Road.

The proposed sign is to be a 3 (three) sided structure, which will face both directions of Windsor Road as well as west into the bulky goods complex. Each of these facades will have a width of 3.5 (three point five) metres. The sign also incorporates a 1.95 (one point nine five) metre high decorative pitch roof cover; an architectural design feature shared by the Home Central building.

ORDINARY MEETING

Meeting Date: 12 April 2005

It is intended that the structure will display a number of panel signs, each representing a business operating within the Home Central complex.

Internal illumination is proposed.

Statutory Planning Assessment

State Environmental Planning Policy 64 - Advertising and Signage

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

SEPP 64 defines that proposed structure as a "freestanding advertisement" and precludes Council from approving the proposed structure unless:

- a) Council is of the opinion that the advertisement is consistent with the objectives of the SEPP 64;
- b) the advertisement has been assessed in accordance with the assessment criteria provided by SEPP 64 and is considered to be acceptable in terms of impact;
- c) the application has been advertised in accordance with Section 79A of the Environmental Planning and Assessment Act 1979;
- d) the application has been referred to the Director-General of the Department of Infrastructure, Planning and Natural Resources (DIPNR);
- e) the application has been referred to and approved by the Roads and Traffic Authority (RTA); and
- f) the structure does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of one (1) kilometre.

The proposed signage is considered to be consistent with the objectives and assessment criteria provided by SEPP 64 and it is considered to be acceptable in terms of impact.

The application was publicly exhibited as required by SEPP 64 was also referred to the DIPNR and the RTA. No submissions were received as a result of the exhibition. The response letters from both DIPNR and RTA have been received by Council and raise no objection to the proposed sign.

An assessment of the site and plans submitted with the application reveals that the proposed structure will generally not protrude above the dominant skyline established by adjacent buildings and tree canopies. In particular, it is noted that the height of the sign is less than the height of the adjacent Bunnings building and the tower features associated with the Home Central Building.

Hawkesbury Local Environmental Plan 1989

The proposed development constitutes an "advertising structure" under the Hawkesbury Local Environmental Plan 1989 and is permissible with development consent on the subject site.

The proposed development is considered to be consistent with the objectives of the 4(a) Light Industry zone.

Hawkesbury Development Control Plan

The proposed development is considered to be consistent with the aims and objectives provided by the Signs chapter of the Hawkesbury Development Control Plan (DCP). Notwithstanding this, the proposal does not comply with the maximum height requirements established for Pylon Signs under the DCP.

ORDINARY MEETING

Meeting Date: 12 April 2005

The "Rules" of the DCP stipulate that freestanding signs, which have a height of 6 (six) metres or less are acceptable, whereas such signs having a height in excess of 6 (six) metres are unacceptable.

The applicant has justified the proposed variation on the grounds that the height is a design necessity to secure all tenant signage rights on one sign. The applicant further contends that approval of the proposed sign would prevent the proliferation of individual freestanding tenant signs along Industry Road.

Council has approved the display of a number of individual business identification signs within the bulky goods complex. These signs take the form of a flush wall advertisements, with each being located directly above the associated business activity within the complex.

Community Consultation

The application was publicly exhibited in accordance with Section 79A of the Environmental Planning and Assessment Act 1979. No submissions or objections were received by Council in response to this exhibition.

Visual Impact

The proposed development is considered to be consistent with the established pattern of development within the locality, which is generally characterised by a mix of industrial and commercial activities. The size of the proposed structure is considered to be appropriate having regard to the size of the site and the generous setback proposed from Windsor Road.

Conclusion

The proposed development is considered to be consistent with the objectives and requirements of the relevant state and local planning instruments. The proposed variation to the height control of Hawkesbury DCP is considered acceptable in this instance.

The proposed structure will promote business activity within the locality and will assist in business identification. The nature and scale of the development is considered appropriate for the site and will not impact on road safety or visibility.

RECOMMENDATION:

That the application for the construction of a freestanding advertising sign on the subject site be approved subject to the following conditions.

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
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.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.

ORDINARY MEETING

Meeting Date: 12 April 2005

6. It is necessary to obtain a Compliance Certificate upon completion of the works approved by this development consent.
7. This consent ceases to be in force on the expiration of 15 years after the date on which this consent becomes effective and operates in accordance with section 83 of the Environmental Planning and Assessment act 1979, as required by Clause 14 of State Environmental Planning Policy 64 - Advertising and Signage.
8. The approved freestanding advertisement shall not have or use any of the following:
 - a) Flashing lights
 - b) Electronically changeable messages
 - c) Animated display, moving parts or simulated movement
 - d) Complex displays that hold drivers attention beyond "glance appreciation"
 - e) Displays resembling traffic signs or signals
 - f) A method of illumination that distracts or dazzles

Prior to Commencement of Works

9. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
10. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
11. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
12. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
13. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

14. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
15. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
16. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.

ORDINARY MEETING

Meeting Date: 12 April 2005

- (c) Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
- 17. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the footings and structural steel members:
- 18. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual. In this respect the following design precautions must be adhered to in all respects:
 - (a) all electrical, heating and air conditioning service installations are to be located above the 2% (two percent) AEP flood level of 15.7 (fifteen point seven) metres AHD;
 - (b) the building is to be constructed of flood compatible materials such as galvanised steel frame, galvanised zinc alum cladding doors and door frames; and

Advisory

- 19. Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- 20. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

ATTACHMENTS:

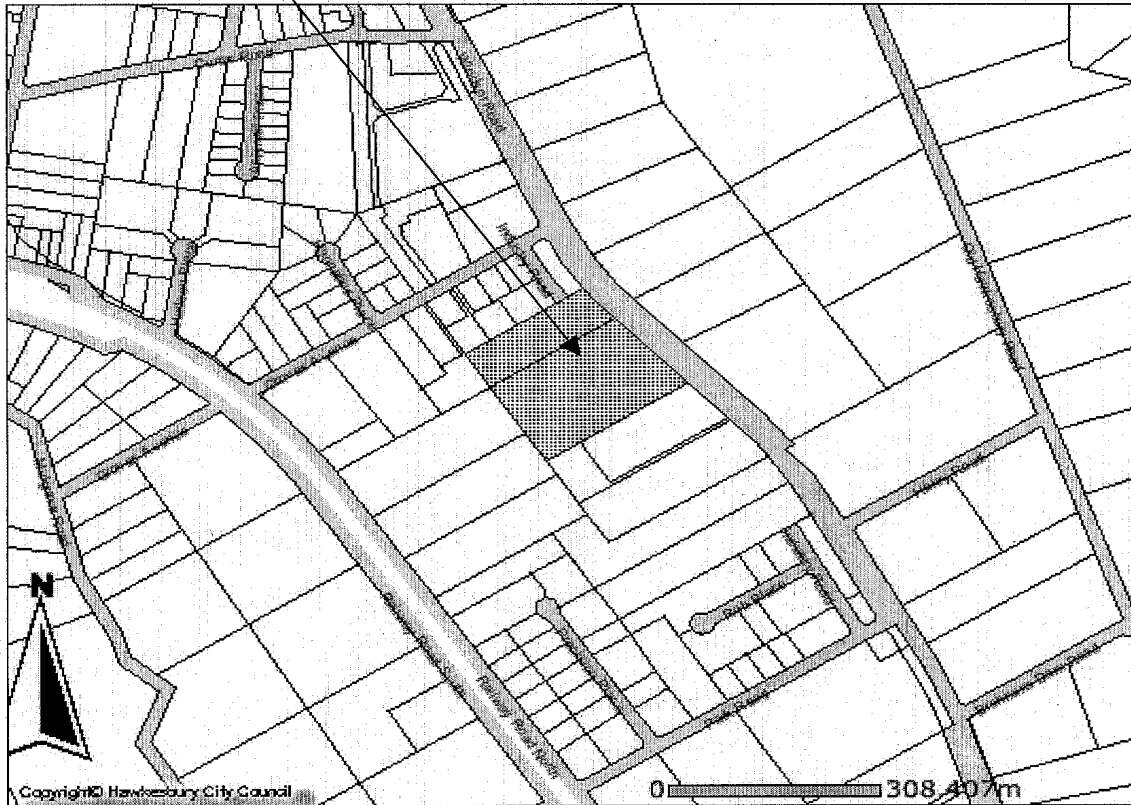
- AT - 1** Site Plan
- AT - 2** Elevation Plan
- AT - 3** Photomontage

ORDINARY MEETING

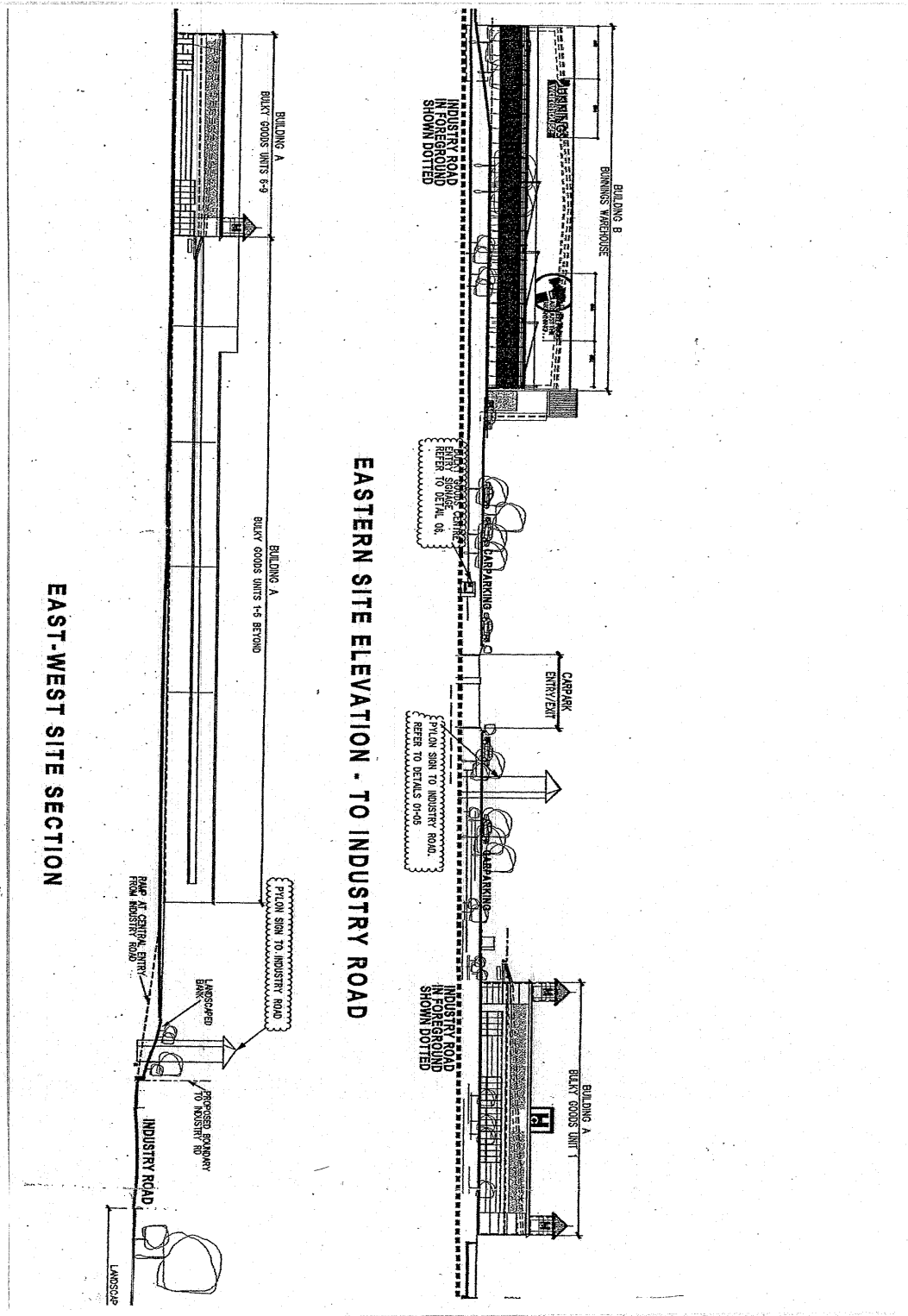
Meeting Date: 12 April 2005

AT - 1 Site Plan

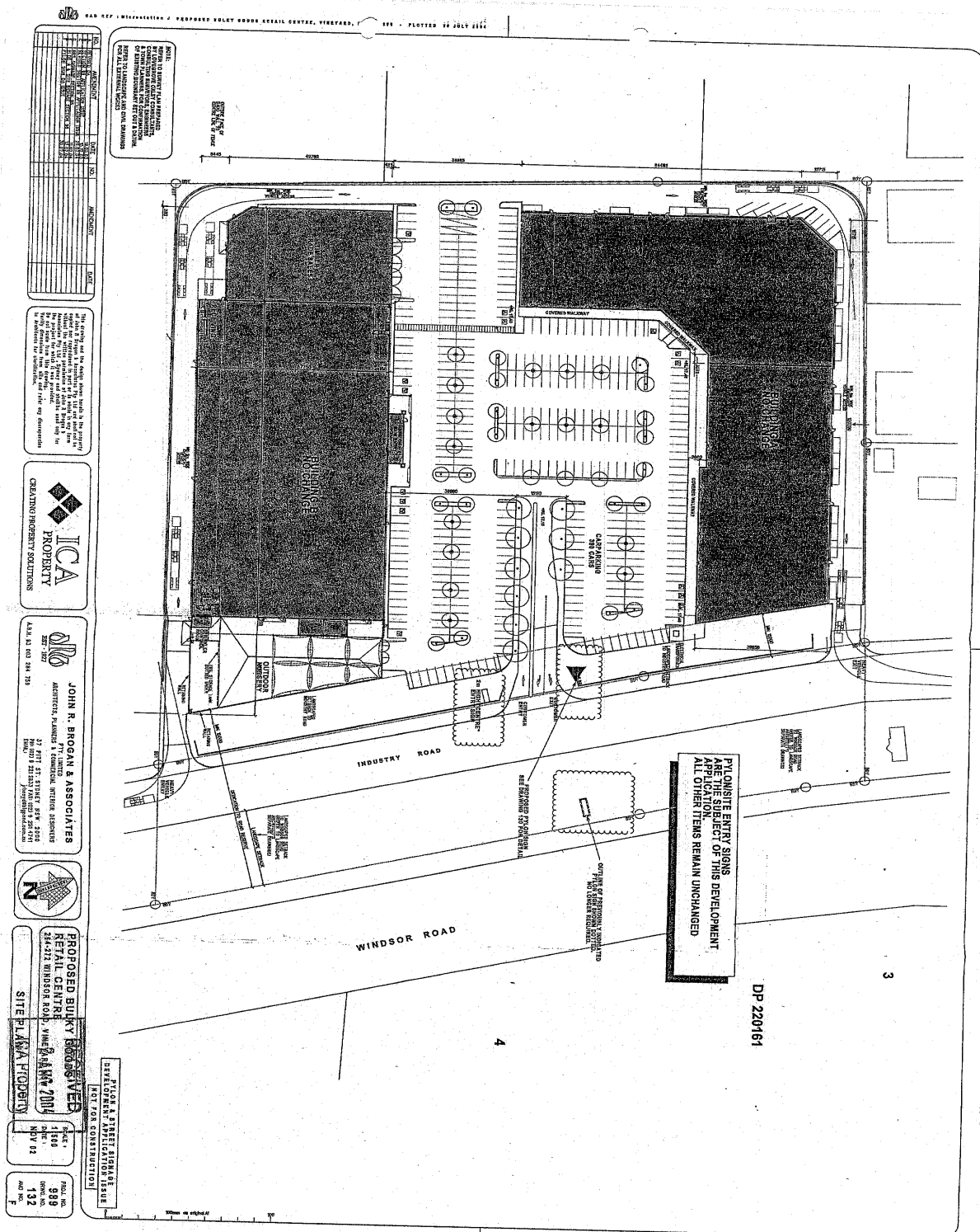
Subject Site



AT - 2 Elevation Plan



AT - 3 Photomontage



ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 98 **ENV A - Dam, Lot 490 DP 751665 Vol 12257 Fol 51, 32 Argents Road, Wilberforce, NSW 2756 - (DA1252/03, 79347, 13552, 13551)**

Development Information

Applicant: Mr V Tabone & Mrs C Tabone
Applicants Rep: No Applicable
Owner: Mr V Tabone & Mrs C Tabone
Stat. Provisions: Sydney Regional Environmental Plan 20
Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 11.330 Hectares
Zone: Rural 1 (b) under Hawkesbury Local Environmental Plan 1989
The proposed zone under draft Local Environmental Plan 8/98 (Amendment 108) is Mixed Agriculture.
Advertising: Notified on 4 (four) separation occasions for each set of amended plans received.
The notification periods were:

- 7 November 2003 to 21 November 2003
- 15 April 2004 to 29 April 2004
- 12 July 2004 to 26 July 2004
- 28 October 2004 to 29 November 2004

Date Received: 8 October 2003
Key Issues:

- ◆ Inconsistency with relevant planning instruments
- ◆ Inconsistency with Hawkesbury Development Control Plan
- ◆ Impacts on adjoining property owners and environment

Action: Refusal of Application

REPORT:

Introduction

Council has received a development application seeking approval for the removal of native vegetation, the construction of a dam and for the use of the subject site for the purposes of turf farming.

The application is reported to Council at the request of Councillor Williams.

This report provides an assessment of the key issues associated with the proposed development. A complete assessment is contained on file.

Background

Approval was initially sought for the construction of a dam with a capacity of 40 (forty) Megalitres. Following various concerns being raised by both Council Officers and the Department of Infrastructure, Planning and Natural Resources (DIPNR) the applicant chose to reduce the size of the proposed dam capacity to 19.6 (nineteen point six) Megalitres. Various other amendments were subsequently made to the design in an effort to address further concerns raised in relation to the impact of the development on downstream property owners.

This assessment report is based on the most recent plans submitted to Council, for which General Terms of Approval have been issued by DIPNR, subject to conditions.

The Proposal

The application proposes to construct a 19.6 (nineteen point six) Megalitre dam on the north western corner of the subject site to facilitate a proposed turf farming operation on the property. The dam construction and associated turf farm will require the removal of a native vegetation which covers an area of approximately 3.6 (three point six) hectares. The subject site also accommodates a dwelling house, which is to be retained, as well as a number of sheds, which are intended to be used in association with the proposed turf farming operation.

The subject property is rectangular in shape with a direct frontage along both Argents Road and Browns Road. The site has an area of 11.33 (eleven point three three) hectares and generally falls from the south east to north west.

Statutory Situation

Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)

The proposed use of the site for the purposes of a turf farm is considered to be an "intensive horticultural establishment" as defined under Part 3 of Sydney Regional Environmental Plan No. 20. The proposed land use therefore requires development consent.

Hawkesbury Local Environmental Plan 1989

The proposed development constitutes "agriculture", "clearing native vegetation" and "dam" as defined by Clause 5 of the Hawkesbury Local Environmental Plan 1989 (LEP). The proposed use of the site for the purposes of agriculture does not require consent under the LEP. The proposed clearing of native vegetation and construction of a dam are permissible with development consent.

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan contains a chapter relating to dam construction.

Planning Assessment

Sydney Regional Environmental Plan 20

The proposed development is considered to be inconsistent with a number of relevant specific planning policies and recommended strategies including those relating total catchment management, water quality, flora and fauna, and agriculture.

Specific Planning Policies & Recommended Strategies

1. Total Catchment management - The proposed development is likely to have an adverse cumulative environmental impact on the catchment within which it is to be constructed. The proposed development will reduce the quantity and quality of water flowing to downstream properties.

The conclusions of the *Assessment of Impact on Catchment Hydrology* report submitted in support of the application are, inter alia, that *the proposed dam will have a hydrological impact on the adjacent downstream properties by reducing the quantity and frequency of overflows.*

Council Officers have also assessed the impact of the development proposal and conclude that the structure appears to be hydraulically too large for the catchment.

2. Water Quality - The proposed development is considered to be beyond the capabilities of the site. The extent of water to be captured on site is in excess of the property's maximum harvestable right (the maximum harvestable right for the property is calculated to be one (1) Megalitre).
3. Flora and Fauna - The proposed development does not utilise already cleared areas, but relies on the removal of all trees and vegetation from the site.

ORDINARY MEETING

Meeting Date: 12 April 2005

4. Agriculture - The site is not considered to be capable of sustaining the proposed growing of turf. It is noted that correspondence received from the Department of Primary Industries (DPI) concludes that, *unless a more detailed assessment finds to the contrary.....the proposal to produce turf on the site would not be sustainable in the long term.*

Hawkesbury Local Environmental Plan 1989

The aims and objectives of the Hawkesbury Local Environmental Plan 1989 include:

to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production.

The subject site is not considered to be appropriate for the currently proposed type and extent of agricultural production. The DPI has stated that the site is agricultural land Class 3 - which is unsuitable for continuous cropping, such as turf farming.

The Rural 1(b) zone objectives affecting the site under the Hawkesbury LEP include:

to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads.

The proposed development involves the clearing of approximately 3.6 (three point six) hectares of native vegetation.

Draft Local Environmental Plan 8/98 (Amendment 108)

The gazettal of draft amendment 108 would rezone the subject site from *Rural 1(b)* zone to *Mixed Agriculture*. The objectives of the *Mixed Agriculture* zone include:

1. to encourage agricultural activities that do not rely on highly fertile land;
2. to ensure that the agricultural activities occur in a manner that do not have a significant adverse effect on water catchments, including surface and groundwater quality and flows; land surface conditions and important ecosystems such as streams and wetlands, and occur in a manner that satisfy best practice guideline/ best management practices;
3. to promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.

The proposed development is considered to be inconsistent with above objectives on the following grounds.

1. The proposed use of the site for the purposes of turf farming relies on highly fertile soil. It is therefore contended that an alternative agricultural use, which would not require highly fertile soils and the construction of an oversized dam would be more appropriate for the site.
2. The proposed dam is likely to have a significant adverse impact on the quantity of water flowing within the catchment, which will in turn impact on water quality resulting from reduced flows.
3. The proposed development does not promote the conservation and enhancement of local native vegetation. It is proposed to remove all trees from the site.

Hawkesbury Development Control Plan

The Dam Construction chapter of the Hawkesbury Development Control Plan provides both objectives and rules relating to the construction of dams. The objectives outline the overall principles that should be

ORDINARY MEETING

Meeting Date: 12 April 2005

observed and achieved in any dam construction, whilst the rules outline the specific standards of construction, such as minimum crest width and spillway sizes etc.

Whilst the proposed dam design is considered to be generally compliant with the rules provided by the Development Control Plan, it is contended that the broader objectives of the policy have not been met. These objectives include:

1. to ensure that any dam proposed is compatible with the existing natural and rural character of the area generally;
2. to ensure that no adverse impacts results on the local drainage or floodway characteristics in a catchment from a dam construction;
3. to ensure no adverse effects on adjoining properties (drainage, structure, stability, fences);
4. to protect, restore and maintain the local non-urban character of areas and ensure viable agricultural land is sustained;
5. to maintain water quality within the Hawkesbury Nepean Catchment area.

The locality is characterised by undulating lands with scattered stands of mature native trees and vegetation throughout. The proposed clearing of vegetation and construction of a dam and turf farm is considered to be inconsistent with the general character of the area. (It is also noted that no other turf farms exist within the general locality.)

The proposed dam is expected to adversely impact on local drainage characteristics and adjoining properties by way of impeding and reducing downstream flows.

Community Consultation

The development application was publicly exhibited in accordance with the Hawkesbury Development Control Plan. Three (3) submissions were received as a result of exhibition. The primary concerns raised by respondents are collectively summarised as follows:

1. Waterflows to downstream properties will be significantly reduced. This will in turn adversely impact on downstream water quality and compromise the ability of downstream properties to use their land for agricultural purposes.
2. Removal of native vegetation and the associated impacts on the water table, salinity and habitat for wildlife.
3. The DPI suggests that the site was not sustainable for the growing of turf in the long term.
4. Inadequate consideration has been given to the proposed operation of the site as outlined in the Farm Management Plan submitted by the applicant. Spray drift and dust generation are particular concerns.
5. Structural adequacy of the proposed dam construction.

The first 3 (three) concerns raised above are considered to be valid and are generally consistent with a number of the concerns held by Council officers. The latter 2 (two) points could be addressed by way of further information being provided by the applicant, if Council were of the opinion that the development was in principle, worthy of support.

Clearing of native vegetation

A flora and fauna assessment report was submitted in support of the application. The report concludes that "... there will be no significant impacts on endangered ecological communities, endangered populations, or threatened species as listed in the threatened Species Conservation Act (1995) or the

ORDINARY MEETING

Meeting Date: 12 April 2005

Environment Protection and Biodiversity Conservation Act (1999). As such there are no limitations on the proposed development of the site."

Notwithstanding the above, the existing trees provide considerable amenity and contribute to the rural character of the locality. Further, it has not been demonstrated that the removal of the trees will not impact on the water table and cause salinity problems.

Conclusion

The proposed clearing of native vegetation, dam construction and turf farming operation is considered to be inconsistent with the objectives of the Sydney Regional Environmental Plan 20 and the Hawkesbury Local Environmental Plan 1989. Whilst Council's LEP encourages agricultural activity within the zone, the scale and nature of the development is considered to be inappropriate for the site.

The proposed dam construction will have the effect of reducing water flows to downstream properties, which will impact adversely on water quality and reduce agricultural opportunities for downstream property owners.

The proposed turf farming operation on the site is not considered to be sustainable in the long term and the proposed removal of native vegetation will adversely impact on the established rural character of the locality. As a result, the application cannot be supported.

RECOMMENDATION:

That the application for clearing native vegetation, construction of a dam and turf farm operation be refused for the following reasons:

1. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties.
2. The proposed development is likely to have an adverse impact on the amenity of residents in the immediate locality.
3. The proposed development will have an adverse impact on the neighbouring property in terms of reducing downstream water flows.
4. The proposed development is inconsistent with the established character of the locality.
5. The proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
6. The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 1989.
7. The proposed development is inconsistent with the Objects contained within Section 5 of the Environmental Planning and Assessment Act, 1979.
8. In the circumstances, approval of the development would not be in the public interest.
9. The proposed development is inconsistent with the planning considerations, policies and recommended strategies of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River.
10. The site is unsuitable for the proposed development.
11. The proposed development is inconsistent with the objectives of the proposed "mixed agriculture" zone as outlined in draft amendment 108 to the Hawkesbury Local Environmental Plan 1989

ORDINARY MEETING

Meeting Date: 12 April 2005

ATTACHMENTS:

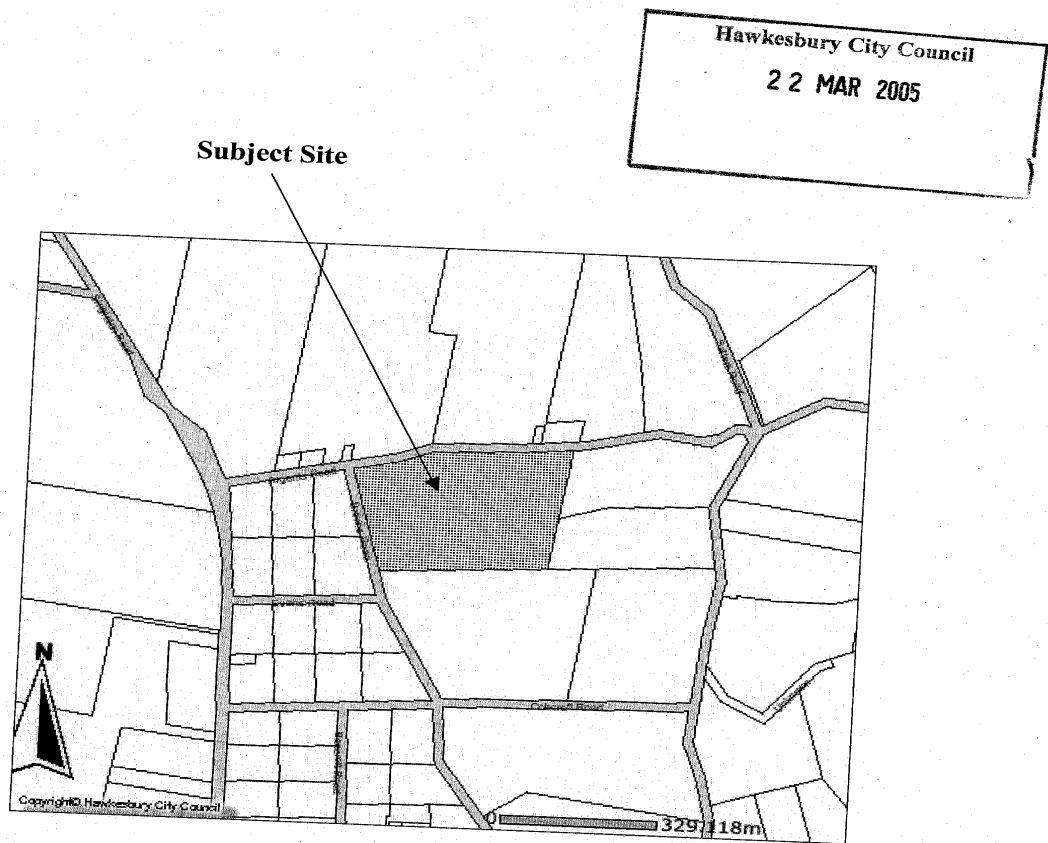
AT - 1 Locality Map

AT - 2 Site Plan

ORDINARY MEETING

Meeting Date: 12 April 2005

AT - 1 Locality Map



SCANNED

Meeting Date: 12 April 2005

[illegible]

Page 56

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 99 **ENV B - Additional Information - Rural Shed 224sqm, Lot B DP164013, 27 Settlers Road, Wisemans Ferry NSW 2775 - (DA1035/04, 79347)**

Previous Item: 42, Ordinary (22 February 2005)

REPORT:

This matter was considered at the Council meeting of 22 February 2005, where it was resolved:

"That:

- 1. This item be deferred to allow the applicant to address the Committee at the next Council meeting.*
- 2. A report be provided on issues raised by the respondents".*

The report provides comments on the issues raised by the respondent to the proposed shed.

Issues Raised

1. The proposed Shed does not compliment the rural character for the area and is visually dominant and impacts on the landscape due to its bulk.

Applicant's Response:

The existing and proposed landscaping as shown on the photos will help screen the shed.

Comment:

This matter was discussed in the report to Council on 22 February 2005, which is attached to the report.

2. The height of the shed is in excess of 5 (five) metres required by the DCP.

Comment:

The 8 (eight) metre height is above existing natural ground level being (7.2 metres shed and 0.8 metre filling).

This matter was discussed in the report to council on 22 February 2005.

3. Impact on water flow on their property with the land being filled up to 800 (eight hundred) millimetres.

Comment:

The filling is only proposed for the shed platform and not the total site. Both properties are flood liable and it is considered the proposed filling of the shed platform will not have an impact on the flooding of the area or the respondent's property.

4. The height of the shed being 8 (eight) metres has not changed from the original application.

Applicant's Response:

The new application has reduced the ridge height by 1.4 (one point four) metres.

ORDINARY MEETING

Meeting Date: 12 April 2005

The new proposal also provides an additional 2 (two) metre setback from the neighbours property and 4 (four) metres from the river.

The size of the shed has also been reduced in length by 3 (three) metres.

Comment:

The initial application proposed a ridge height of 8 (eight) metres and 0.8 (point eight) metres of fill making a total height of 8.8 (eight point eight) metres from natural ground level. This included a wall height of 6 (six) metres to the gutters from the finished ground level.

The applicant has reduced the wall height to 4.5 (four point five) metres and ridge height to 7.2 (seven point two) metres making a total height from natural ground level of 5.3 (five point three) metres to the gutters and 8 (eight) metres to the ridge.

5. The size of the shed exceeds Council's requirements by 32% (thirty two percent).

Comment:

This matter was discussed in the report of 22 February 2005.

6. The potential impact of renovating the 36 (thirty six) foot boat in the shed on the environment.

Applicant's Comment:

The decision to either renovate or refit a cruise boat or purchase a new boat has not been determined at this stage. Any work carried out on any equipment will be done inside the shed and a duty of care will be taken.

Comment:

The applicants justification for the shed size and height is based on the ability to store a certain size boat within the shed.

The applicant at this stage, does not own a boat, but is in the process of purchasing. The applicant wishes to have the shed ready to store the boat before its purchase to avoid potential vandalism if the boat is stored outside.

7. Methods required to launch and retrieve the boat from the property to the river given its size and weight. The ramp required would need to be suitably sealed and extend some distance into the river. Also suitable sealed access ramp to the river, which is not stated on the application.

Applicant's Response

The existing ramp is made up of compacted crushed sandstone this will form the foundation, which will carry the loads placed upon it and reduce any erosion to a minimum.

The existing ramp will be sealed with a concrete slab and we are seeking approval from the Department of Infrastructure and Natural Resources (DIPNR) under the Rivers and Foreshore Act.

Comment:

The site has an existing boat ramp and the sealing of the ramp and access driveway to the shed does require formal Council approval. Separate approval is also required from DIPNR.

The applicant proposes to construct the access and boat ramp as a separate application.

ORDINARY MEETING

Meeting Date: 12 April 2005

8. Damage of the boat floating off its trailer in the shed during times of flooding.

Applicant's Response:

This claim is incorrect as the water inside the shed will only rise and subside due to the fact that it is surrounded by four walls.

The shed is designed to withstand wind loads for greater than the running tides from the floods.

Comment:

A suitable condition has been imposed requiring engineering certification for the structure (Condition 7).

9. Use of the shed for commercial storage, renovating boats, cars and the property will be used for 'holiday property'.

Applicant's Response

The tractor is used to cut the grass on the property and pull the boats in and out of the river. The car and caravan in the shed is not using the shed for commercial purposes. There are many examples of property owners along the river doing a similar thing.

Comment:

The applicant is using the shed for storage of private equipment and condition 24 prohibits the use of the shed for any commercial or industrial activity.

10. The opportunity to move the shed location to the eastern side of the property to reduce impact on the respondents property.

Comment:

The site plan provided by the applicant shows the shed location lines up near the existing ramp into the river. It appears possible to move the shed further from the respondent's property. The shed is proposed to be setback 12 (twelve) metres from the property boundary. The relocation will increase the setback by a few additional metres.

The relocation may also involve the removal of several existing trees on the property. A condition can be imposed requiring the location of the roller door to align with the location of the existing ramp to create a straight access-way to the river.

RECOMMENDATION:

The application be approved subject to the following conditions.

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
3. The development shall comply with the provisions of the Building Code of Australia at all times.

ORDINARY MEETING

Meeting Date: 12 April 2005

4. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
5. The shed is to be clad in colourbond "wilderness" or equivalent colour.
6. The shed is to be located 15 (fifteen) metres from the western property boundary.

Prior to Issue of Construction Certificate

7. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
 - a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.

Prior to the Commencement of Works

8. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
9. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
10. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
11. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
12. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24-hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
13. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

14. Any water tanks, shall be finished in colours and materials of earth tones of low reflective quality.
15. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am – 6:00pm and on Saturdays between 8:00am – 4:00pm.

ORDINARY MEETING

Meeting Date: 12 April 2005

16. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builder's waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
17. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the following components of construction:
 - commencement of work (including erosion controls, site works and site set out);
 - piers;
 - on completion of the works;
18. To ensure that the development is adequately screened from the surrounding environment, the area surrounding the shed should be landscaped with vegetation that is native to the area. These plantings shall be a mixture of trees, shrubs and ground cover.

Use of the development

19. No internal or external alterations shall be carried out without prior approval of Council.
20. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
21. The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

Department of Infrastructure, Planning and Natural Resources

Requirement for Permit

22. Any work which requires a permit under 3A of the Rivers and Foreshores Improvement Act 12948 ("Part 3A permit") is not to commence until such time as a Part 3A permit has been applied for, and subsequently issued by DIPNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any other documents required by these further conditions, and which are approved by DIPNR, and which will accompany the Part 3A permit.

Standard of Work

23. All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.
24. All activities at the Site are to be undertaken by persons suitably experienced in that aspect of work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience to industry standards in the relevant aspect of the operations being undertaken.

ORDINARY MEETING

Meeting Date: 12 April 2005

Cessation of Works

25. If, in the opinion of a DIPNR officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any work, such work shall cease immediately upon oral or written direction of such officer.
26. Should any of the conditions of Part 3A permit not be complied with, DIPNR may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with.

Work as Executed Plans

27. If requested by DIPNR, work as executed survey plans of a professional standard, and including information required by DIPNR, shall be forwarded to DIPNR within 14 calendar days of such request.

Remedial Works

28. The Part 3A permit holder shall carry out any instructions given by DIPNR with a view of preventing damage to the environment of protected waters or protected land.
29. If any Part 3A permit condition is breached, the permit holder shall follow DIPNR directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a supplementary permit fee for this inspection and for each and every subsequent inspection until the breach has been rectified.

Disposal of Vegetation

30. Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the debris cannot be swept into protected waters during a flood. Burning must not be carried out unless an approval has been obtained from the relevant authority(ies).

Location of Works

31. The works shall not be located closer to the Macdonald River than indicated on the *Site Plan* by Unique Design Developments Pty Ltd, sheet 1 of 4, dated 12 February 2004.

Designation of Riparian Zone

32. A riparian zone a minimum of 30 metres wide measured horizontally as projected from the top of the bank of Macdonald River, consisting of local native plant species, shall be maintained for the full length of the Site.

Site Rehabilitation

33. Site rehabilitation must protect any remnant local native riparian vegetation at the Site and restore any riparian zones disturbed by the development to a state that is reasonably representative of the natural ecotone of the protected waters system.
34. Riparian zones so restored must be fully structured and must be made up of a mix of native tree, shrub, groundcover and grass species local to the area. Revegetation must consist of a diverse range of local native plant species as described in the guideline Riverbank planting guide: Lower Hawkesbury floodplain, planted at appropriate densities to achieve an effective and full riparian vegetation structure. Exotic species are not permitted.
35. Rehabilitated areas must be maintained to ensure successful native plant establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc., necessary for successful plant establishment.

ORDINARY MEETING

Meeting Date: 12 April 2005

36. The construction technique adopted to construct the shed, is to ensure that disturbance to soil and vegetation within the identified riparian zone is kept to an absolute minimum.
37. All disturbed soil surfaces are to be stabilised and rehabilitated immediately it is possible to do so with temporary sterile cover crops or native couch turf (e.g. *Dryama fluvius*). Kikuyu and other invasive grass species are not permitted.
38. A Rehabilitation Plan is to be prepared in consultation with, and with the approval of, DIPNR prior to the issue of the Part 3A Permit. The plan must detail how the existing vegetation within the riparian zone will be protected and how any disturbed riparian zones will be rehabilitated using native vegetation following any disturbance due to the approved works.

Drainage Issues

39. The development is to satisfy all requirements of Council in relation to drainage issues, but in so doing, must not compromise in any way the form and function of the works required by these conditions.

Soil Suitability

40. Wherever possible, riparian zones soils should be those naturally occurring at the Site. In the event that importation of soil material into the riparian zone is unavoidable, such soil is to be weed free and similar to that which occurs naturally in local riparian areas. Any soil selected for importation must be suitable for the establishment and on-going viability of riparian vegetation. Such soil must be tested and certified by a NATA registered soils laboratory to be:
 - similar to the naturally occurring local soil;
 - suitable for the establishment and on-going viability of riparian vegetation;
 - free any weed propagules; and
 - free any contaminants.
41. Documentation arising from this testing and certification must be provided to DIPNR prior to the placement of any soil.
42. Any fill material placed in a riparian zone that is inconsistent with the requirements of the previous condition must be removed and relocated beyond the riparian zone or taken off-Site and disposed of in a lawful manner.

Soils not to be Compacted

43. The structure of the soils in the riparian zones must be suitable for vegetative rehabilitation of the Site and are therefore not to be proof rolled or subjected to other unsuitable compaction unless otherwise approved by DIPNR.

Water Quality and Environmental Protection

44. The Applicant must ensure that the amount of dirty water and sediment from the Site that enters protected waters or that is exposed to the flow of protected waters, or that is likely to detrimentally affect water quality, riparian vegetation or habitat or the environment, is minimised in a manner acceptable to DIPNR.

Site Water and Sediment Runoff Management

45. The Applicant must submit a Soil and Water Management Plan (SWMP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must be prepared by a person, with professional qualifications, knowledge and experience to industry standards, and to the satisfaction of Council and DIPNR, and approved by DIPNR, prior to the issue of the Part 3A permit. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The SWMP must meet the requirements outlined in the NSW

ORDINARY MEETING

Meeting Date: 12 April 2005

Department of Housing's publication *Managing Urban Stormwater: Soils and Construction* (3rd Ed.) (1998). The SWMP is also to meet any EPA licence requirements.

46. All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oil and greases, or any other contaminants, must not be permitted to pass to protected waters.
47. All relevant Site drainage and sediment and erosion control works and measures, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Maintenance of Erosion and Sediment Control Measures

48. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis and immediately following any rainfall events to ensure the efficient operation of these devices. This obligation remains until the Site has been fully stabilised.

Decommissioning of all Sediment and Erosion Controls and water diversion structures

49. Decommissioning of all sediment and erosion controls and any water diversion structures must be documented in detail to the satisfaction of DIPNR. Decommissioning must meet the requirements outlined in the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction* (3rd Ed.) (1998). The timeframes for decommissioning are to be cross-referenced to the implementation of any riparian zone plantings. Decommissioning of sediment and erosion controls is not to detrimentally affect the implementation of the rehabilitation plan.

Resolution of inconsistencies

50. In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, DIPNR.

Any Part 3A permit issued to be kept current

51. Any Part 3A permit issued for works proposed under the DA, and as required by these conditions, must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and that any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal is to be lodged at least one month prior to the expiry date of the Part 3A permit.

General advice

52. A Part 3A permit, subject to conditions, will be issued for the proposed works upon application.
53. Any Part 3A permit granted for works the subject DA will be for a period of one year.
54. Prior to the issue of the Part 3A permit the applicant must provide DIPNR with a copy of Council's development consent including all conditions of approval.

Advisory Notes

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

ORDINARY MEETING

Meeting Date: 12 April 2005

ATTACHMENTS:

AT - 1 Report to Council - 22 February 2005

Report to Council - 22 February 2005

ITEM: ENV A - Rural Shed 224sqm, Lot B DP 164013, 27 Settlers Road, Wisemans Ferry NSW 2775 - (DA1035/04, 79347)

Development Information

Applicant: Mr Jeff Camenzuli
Applicants Rep: Mr Jeff Camenzuli
Owner: Ms L J Harris
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 1.530 H
Zone: Environmental Protection Scenic 7(d)
Environmental Protection Scenic 7(d) under Hawkesbury Local Environmental Plan 1989
The proposed zone under draft local environmental plan 8/98 (Amendment 108) is Environmental Protection - Mixed Agriculture
Advertising: 27 October 2004 to 10 November 2004
Date Received: 8 October 2004

Key Issues: ♦ Non compliance with the Rural Sheds chapter of the Hawkesbury Development Control Plan (DCP), in relation to height and size

Action: Approval

REPORT:

Introduction

Council has received an application seeking consent for the erection of a rural shed at 27 Settlers Road, Wisemans Ferry.

The application is being reported to Council due to non-compliance with the Rural Sheds chapter of the Hawkesbury Development Control Plan (DCP), in relation to height and size.

This report provides an assessment of the key issues. A complete assessment is contained on file.

The Proposal

The proposal involves the erection of a 224sqm (two hundred and twenty four square metres) barn style shed (14m by 16m, and 7.2 metres high), for the purposes of storing a boat, 2 (two) cars, ski boat, tractor and caravan. The structure will be accessed from an existing cleared track. The proposal will be located 34 (thirty four) metres from the Macdonald River, and 12 (twelve) metres from the eastern boundary.

The application also proposes to fill the shed building envelope by 800mm (eight hundred millimetres), which will increase the height of the shed to 8m (eight metre) above the natural ground level.

Background

A Development application was submitted to Council in March 2004 (DA0288/04). The original plans had the shed height at 8 (eight) metres and involved a rectangular standard shed. As a result of discussions

ORDINARY MEETING**Meeting Date:** 12 April 2005

with Council offices and concerns raised by the adjoining owner the applicant amended the design and height of the shed, withdrew the application and lodged a new Development Application (subject application).

Description of Site

The site has an area of 1.53 (one point five three) hectares which is currently vacant, it has frontage to the Macdonald River and has some vegetation along the river frontage and side boundaries.

Statutory Situation

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

The proposal is consistent with the aims of the plan as well as the general and specific planning policies, recommended strategies and development controls.

Hawkesbury Local Environmental Plan (LEP) 1989

The subject property is zoned Environmental Protection Scenic 7(d), under Hawkesbury Local Environmental Plan 1989.

Hawkesbury Development Control Plan (DCP)

The application was assessed under the Rural Sheds as well as Macdonald Valley DCP's.

Erection of rural sheds (Part D, Chapter 8)

Design principles	The proposal	Compliance
Siting		
(a) Sheds shall be located no closer to the road than the existing dwelling house on the property.	The shed will be behind the front building line of the proposed dwelling on the site.	Yes
(b) Cut and fill shall be limited to 2m of cut and 900mm of fill.	Relatively flat site, however, 700m of batter will be used to raise the shed from the natural ground level.	Yes
(c) Sheds shall not be erected on land having a slope in excess of 10%.	The shed will be placed on a flat and even surface.	Yes
(d) The erection of rural sheds shall involve minimal disturbance to native vegetation.	No vegetation will be disturbed.	Yes
Size		
(a) The maximum size of sheds in the 1(c) and 1(c1) areas shall not exceed 170sqm. The cumulative total of all outbuildings shall not exceed 150sqm on any one property in these zones.	The land is zoned 7(d).	N/A
(b) In zones 1(a), 1(b), 7(d), 7(e), the applicant will need to justify the size of	The size of the proposed shed is over the prescribed limit (224sqm).	Yes (See Report)

ORDINARY MEETING

Meeting Date: 12 April 2005

Design principles	The proposal	Compliance
any shed exceeding 170sqm 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.		
Height		
(a) The height of a rural shed erected in Rural 1(c) and 1(c1) zones shall be no more than 5m or no higher than the height of the ridgeline of the dwelling house on the same property.	The land is zoned 7(d).	N/A
(b) In other zones the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development.	The height of the proposed shed is over the prescribed limit (7.2m).	No
(c) The total height of 'barn style' sheds may exceed 5m based on individual merit.	The shed is barn style.	Yes (See Report)
Form		
(a) Rural sheds with standard roof form will be limited to rectangular shapes.	Standard roof form with rectangular shape.	Yes
(b) Sheds of other roof forms. For example barn style, will be encouraged.	The shed is barn style.	Yes
Colour		
(a) The colour of a rural shed will match or blend in with those existing buildings.		
(b) On vacant land for rural sheds shall be taken from the natural environment.	The site is currently vacant.	N/A
Type of Building Materials	Not provided	Conditioned
(a) Building materials used in construction of rural sheds are to be new, prepainted and non-reflective.		Yes
(b) The use of corrugated iron will be considered subject to the size, height, design and location of the rural shed.	New materials will be used for the shed.	N/A
(c) Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.	No corrugated iron will be used for the shed.	Conditioned
	The shed will be located on land below the 1-in-100 year flood level.	

Meeting Date: 12 April 2005

- 1m - hull on trailer (1.0m)
- 1.2m - saloon to underside of hull (2.2m)
- 2m - saloon (4.2m)
- 2m - flight bridge with hardtop (6.2m)

- 0.5m - electronics (6.7m)
- 0.3m (clearance)

In relation to the objectives for the height provisions in the Rural Sheds DCP, rural sheds are not to dominate the landscape due to the bulk of the building or intrude into the skyline.

The applicant has installed plastic piping showing the proposed ridgeline height. Photos were taken from the road, as well as the opposite side of the river. Photos of the site and from the surrounding properties are on display in the chambers.

Filling of approximately 0.8 metres is also proposed for the development. The applicant has indicated the filling is required as the property has been under more than 2 (two) metres of water in heavy rain and flood. By achieving the stated at finished floor level 2.62 (two point six two) metres, the flood level will only be 1 (one) metre above the shed floor, and therefore the boat will not float off its trailer.

The DCP allows the height of 'barn style' shed to exceed 5 (five) metres based on individual merit.

The existing and proposed landscaping together with the use of an appropriate external colour will ensure that shed will not dominate the landscape.

The photos taken from the surrounding area helps to support this assessment. In this case the height proposed is justified.

Community Consultation

The initial Development Application (DA288/04) was notified and 1 (one) submission was received. The applicant withdrew this application and lodged a new application which was notified and no submissions were received.

Planning Assessment

Full consideration has been given to Section 79C of the Environmental Planning and Assessment Act and is contained on file. Below are the relevant matters.

Size and height / context and setting

The locality has a rural / residential nature. There are no other sheds of the similar size and scale in the immediate vicinity. The shed is setback 34 (thirty four) metres from the Macdonald River, and about 120 (one hundred and twenty) metres from Settlers Road.

The Rural Sheds DCP states that the maximum size permissible is 170sqm (one hundred and seventy square metres). However, it is also stated that in land zoned 7(d1), the size and height can exceed the prescribed limits, provided that adequate justification is given. The proposed size and height is 224sqm and 7.2 metres, respectively. Justification for the excess size and height is considered to be satisfactory in this circumstance..

The existing and proposed landscaping on the site as well as external colours will adequately screen the shed from the surrounding environment and ensure it will not visually dominate the landscape.

Flooding

The property is flood liable. The 1:100 year flood level is 6.7m (six point seven metres) AHD. The site is located in a low velocity , backwater section of the McDonald River. Clause 25 of the Hawkesbury Local Environmental Plan which deals with Development of Flood liable land allows minor structures such as outbuildings, shed and garages to be erected on land below the 1:100 year flood level.

Suitable conditions have been imposed in respect to the structural adequacy of the shed.

Conclusion

The application proposes the erection of a rural shed with a floor area of 224sqm (two hundred and twenty four square metres) and a ridgeline height of 7.2 (seven point two) metres. The proposal does not comply with the Hawkesbury Development Control Plan with regards to size and height. The applicant has justified the non compliance in this case.

The existing and proposed plantings and colours used will help reduce the visual impact and also the bulk and scale of the development.

RECOMMENDATION:

That the application for Rural shed be approved subject to the conditions in the attached consent:

General

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

Prior to Issue of Construction Certificate

6. Submission of external finishes and colour
7. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
 - (a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - (b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - (c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.

Prior to the Commencement of Works

8. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
9. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
10. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

ORDINARY MEETING

Meeting Date: 12 April 2005

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

During construction

14. The shed is to be constructed of flood compatible materials.
15. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
16. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
17. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am – 6:00pm and on Saturdays between 8:00am – 4:00pm.
18. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
19. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the following components of construction: (a, b, c)
20. To ensure that the development is adequately screened from the surrounding environment, the area surrounding the shed should be landscaped with vegetation that is native to the area. These plantings can be a mixture of trees, shrubs and ground cover.

Use of the development

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

ORDINARY MEETING

Meeting Date: 12 April 2005

22. The development shall be limited to the area shown on the submitted plans.
23. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
24. The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

Department of Infrastructure, Planning and Natural Resources

Requirement for Permit

25. Any work which requires a permit under 3A of the Rivers and Foreshores Improvement Act 12948 ("Part 3A permit") is not to commence until such time as a Part 3A permit has been applied for, and subsequently issued by DIPNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any other documents required by these further conditions, and which are approved by DIPNR, and which will accompany the Part 3A permit.

Standard of Work

26. All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.
27. All activities at the Site are to be undertaken by persons suitably experienced in that aspect of work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience to industry standards in the relevant aspect of the operations being undertaken.

Cessation of Works

28. If, in the opinion of a DIPNR officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any work, such work shall cease immediately upon oral or written direction of such officer.
29. Should any of the conditions of Part 3A permit not be complied with, DIPNR may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with.

Work as Executed Plans

30. If requested by DIPNR, work as executed survey plans of a professional standard, and including information required by DIPNR, shall be forwarded to DIPNR within 14 calendar days of such request.

Remedial Works

31. The Part 3A permit holder shall carry out any instructions given by DIPNR with a view of preventing damage to the environment of protected waters or protected land.
32. If any Part 3A permit condition is breached, the permit holder shall follow DIPNR directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a supplementary permit fee for this inspection and for each and every subsequent inspection until the breach has been rectified.

Disposal of Vegetation

33. Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the debris cannot be swept into protected waters during a flood. Burning must not be carried out unless an approval has been obtained from the relevant authority(ies).

ORDINARY MEETING

Meeting Date: 12 April 2005

Location of Works

34. The works shall not be located closer to the Macdonald River than indicated on the *Site Plan* by Unique Design Developments Pty Ltd, sheet 1 of 4, dated 12 February 2004.

Designation of Riparian Zone

35. A riparian zone a minimum of 30 metres wide measured horizontally as projected from the top of the bank of Macdonald River, consisting of local native plant species, shall be maintained for the full length of the Site.

Site Rehabilitation

36. Site rehabilitation must protect any remnant local native riparian vegetation at the Site and restore any riparian zones disturbed by the development to a state that is reasonably representative of the natural ecotone of the protected waters system.
37. Riparian zones so restored must be fully structured and must be made up of a mix of native tree, shrub, groundcover and grass species local to the area. Revegetation must consist of a diverse range of local native plant species as described in the guideline *Riverbank planting guide: Lower Hawkesbury floodplain*, planted at appropriate densities to achieve an effective and full riparian vegetation structure. Exotic species are not permitted.
38. Rehabilitated areas must be maintained to ensure successful native plant establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc., necessary for successful plant establishment.
39. The construction technique adopted to construct the shed, is to ensure that disturbance to soil and vegetation within the identified riparian zone is kept to an absolute minimum.
40. All disturbed soil surfaces are to be stabilised and rehabilitated immediately it is possible to do so with temporary sterile cover crops or native couch turf (e.g. *Dryama fluvius*). Kikuyu and other invasive grass species are not permitted.
41. A *Rehabilitation Plan* is to be prepared in consultation with, and with the approval of, DIPNR prior to the issue of the Part 3A Permit. The plan must detail how the existing vegetation within the riparian zone will be protected and how any disturbed riparian zones will be rehabilitated using native vegetation following any disturbance due to the approved works.

Drainage Issues

42. The development is to satisfy all requirements of Council in relation to drainage issues, but in so doing, must not compromise in any way the form and function of the works required by these conditions.

Soil Suitability

43. Wherever possible, riparian zones soils should be those naturally occurring at the Site. In the event that importation of soil material into the riparian zone is unavoidable, such soil is to be weed free and similar to that which occurs naturally in local riparian areas. Any soil selected for importation must be suitable for the establishment and on-going viability of riparian vegetation. Such soil must be tested and certified by a NATA registered soils laboratory to be:
- similar to the naturally occurring local soil;
 - suitable for the establishment and on-going viability of riparian vegetation;
 - free any weed propagules; and
 - free any contaminants.

ORDINARY MEETING

Meeting Date: 12 April 2005

44. Documentation arising from this testing and certification must be provided to DIPNR prior to the placement of any soil.
45. Any fill material placed in a riparian zone that is inconsistent with the requirements of the previous condition must be removed and relocated beyond the riparian zone or taken off-Site and disposed of in a lawful manner.

Soils not to be Compacted

46. The structure of the soils in the riparian zones must be suitable for vegetative rehabilitation of the Site and are therefore not to be proof rolled or subjected to other unsuitable compaction unless otherwise approved by DIPNR.

Water Quality and Environmental Protection

47. The Applicant must ensure that the amount of dirty water and sediment from the Site that enters protected waters or that is exposed to the flow of protected waters, or that is likely to detrimentally affect water quality, riparian vegetation or habitat or the environment, is minimised in a manner acceptable to DIPNR.

Site Water and Sediment Runoff Management

48. The Applicant must submit a Soil and Water Management Plan (SWMP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must be prepared by a person, with professional qualifications, knowledge and experience to industry standards, and to the satisfaction of Council and DIPNR, and approved by DIPNR, prior to the issue of the Part 3A permit. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The SWMP must meet the requirements outlined in the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction* (3rd Ed.) (1998). The SWMP is also to meet any EPA licence requirements.
49. All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oil and greases, or any other contaminants, must not be permitted to pass to protected waters.
50. All relevant Site drainage and sediment and erosion control works and measures, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Maintenance of Erosion and Sediment Control Measures

51. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis and immediately following any rainfall events to ensure the efficient operation of these devices. This obligation remains until the Site has been fully stabilised.

Decommissioning of all Sediment and Erosion Controls and water diversion structures

52. Decommissioning of all sediment and erosion controls and any water diversion structures must be documented in detail to the satisfaction of DIPNR. Decommissioning must meet the requirements outlined in the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction* (3rd Ed.) (1998). The timeframes for decommissioning are to be cross-referenced to the implementation of any riparian zone plantings. Decommissioning of sediment and erosion controls is not to detrimentally affect the implementation of the rehabilitation plan.

Resolution of inconsistencies

53. In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site

ORDINARY MEETING

Meeting Date: 12 April 2005

and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, DIPNR.

Any Part 3A permit issued to be kept current

54. Any Part 3A permit issued for works proposed under the DA, and as required by these conditions, must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and that any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal is to be lodged at least one month prior to the expiry date of the Part 3A permit.

General advice

55. A Part 3A permit, subject to conditions, will be issued for the proposed works upon application.
56. Any Part 3A permit granted for works the subject DA will be for a period of one year.
57. Prior to the issue of the Part 3A permit the applicant must provide DIPNR with a copy of Council's development consent including all conditions of approval.

Advisory Notes

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

ATTACHMENTS:

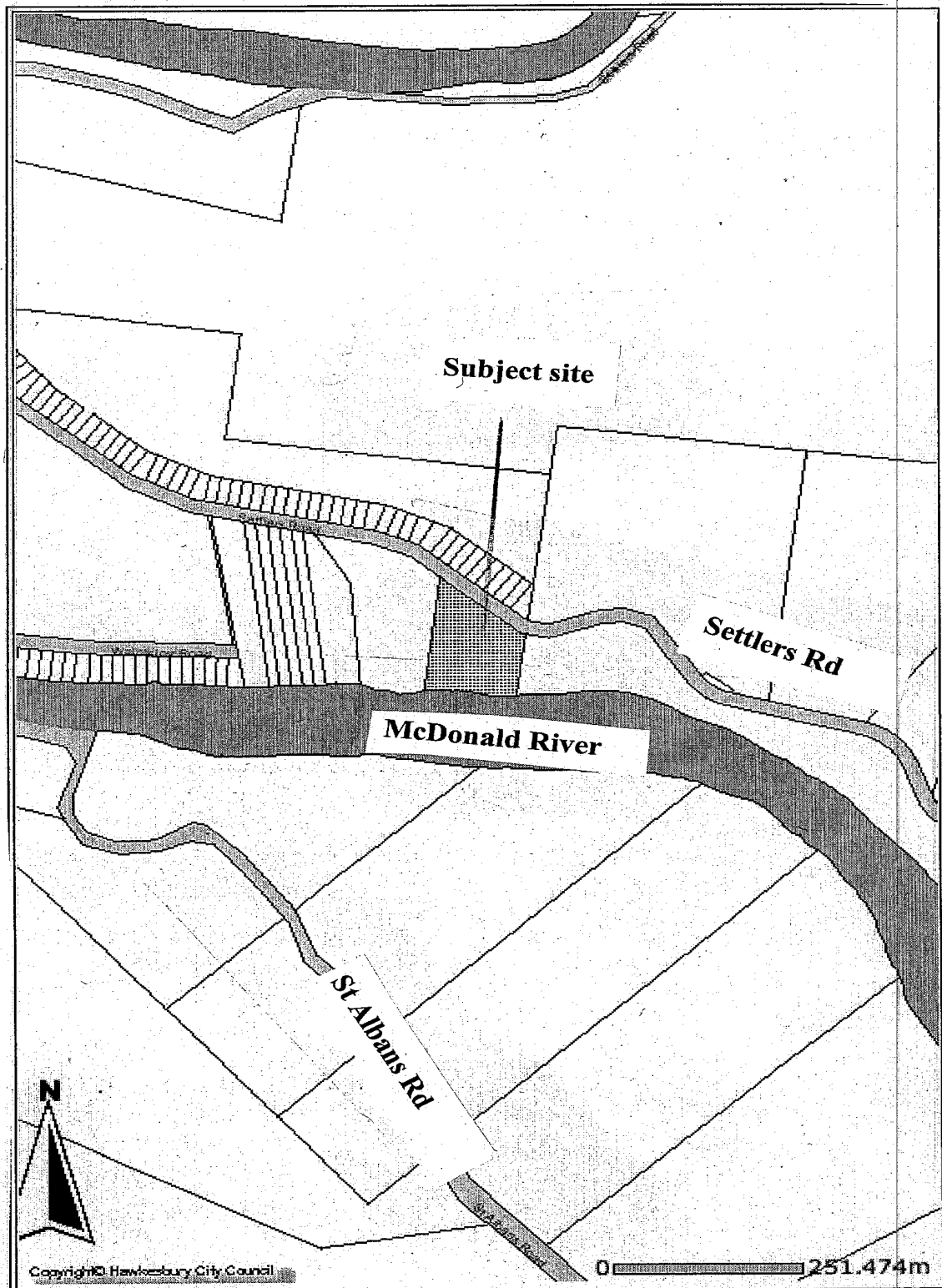
AT - 1 Locality Plan

AT - 2 Site Plan

AT - 3 Elevation / Floor Plan

ORDINARY MEETING

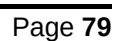
Meeting Date: 12 April 2005



Meeting Date: 12 April 2005

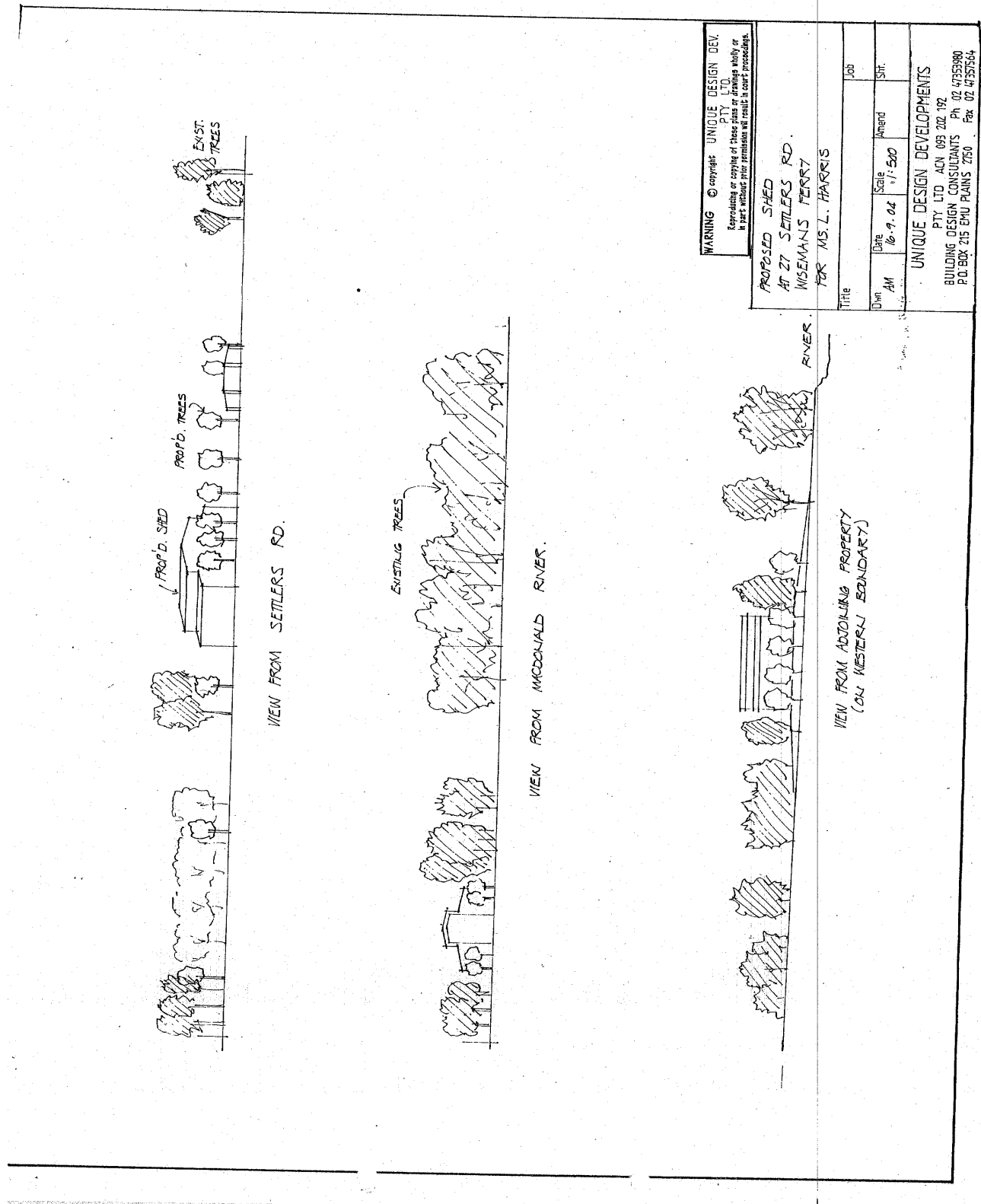
Meeting Date: 12 April 2005

Meeting Date: 12 April 2005



ORDINARY MEETING

Meeting Date: 12 April 2005



0000 END OF REPORT 0000

Item: 100 **ENV B - South Creek - Program to Reduce Pollution - (80104, 107)**

Previous Item: 2, Ordinary (29 March 2005)

REPORT:

Council at it's meeting of 29 March 2005, passed a resolution being:

"RESOLVED on the motion of Councillor Paine, seconded by Councillor Rasmussen that the matter be deferred and referred to the next meeting with Council staff reporting on, but not limited to, the following:

1. *Hawkesbury City Council investigates the possibility of cleaning up South Creek at the entrance to the Hawkesbury Local Government Area to prevent the continued pollution to the Hawkesbury River from the grossly polluted South Creek.*
2. *Hawkesbury City Council have discussions with MemCor and the Hawkesbury Nepean Catchment Authority in relation to this matter.*
3. *Council seek the availability of State and Federal funding to assist Council in this matter."*

The quality of water in South Creek is a product of the urbanisation of its catchments, which extends north from Wollondilly Council through Camden, Campbelltown, Liverpool, Blacktown, Penrith and on into the Hawkesbury City Council area. The biggest difficulty in the management of streams such as this is to determine who is responsible for the pollution that is occurring in the creek, and who therefore can take action to reduce it. In many cases, it seems to be that the attitude adopted is that it is always "someone else's problem". Various government departments have particular aspects of the creeks management under their control, as do Local Council's along it banks.

Hawkesbury City Council has a long history of trying to clean up the water in South Creek, which extends back to the 1980's, this in many cases has led to the genesis of the Catchment Management Authorities that have been created and removed since that time, such as the Hawkesbury/Nepean Catchment Management Trust and now the Catchment Management Authority.

There seems to be 3 (three) principle sources of pollution for South Creek, these being:

1. Sewage Treatment Plants;
2. Stormwater Management; and
3. Agricultural Runoff.

Sewage Treatment Plants

The vast majority of sewage treatment plants along the South Creek Catchment are operated by Sydney Water under licenses issued by the Department of Environment and Conservation. It has been widely reported and confirmed that the management of these sewage treatment plants has improved dramatically over the past years and they are well managed and licensed by the Department of Environment and Conservation. However, it must also be concluded that more improvement can take place and that there is in fact, very little information on the cumulative impact of the multiple discharges into the receiving waters themselves.

The State Government has recently published a document "Meeting the Challenges - Securing Sydney's Water Future". This document describes a range of major investments the Government is going to make

into improving water supply, recycling of water that has been treated and environmental management of the streams downstream of the water catchment areas.

In the section to do with recycling water, a diagram indicates a proposal by the Government to link all the major sewage treatments plants in Western Sydney with pipelines to allow recycled water to be moved around the catchment and to be made available to agriculture. The goal of this program is to reduce the demand on fresh water for agricultural uses so some of this water can be diverted to environmental flows, but also to allow agriculture access to a large supply of treated water, which is more than adequate for their requirements.

On the surface, this Metropolitan Water Plan deserves Council's support, as any proposed infrastructure investment that leads to secure water supplies for the agricultural processes of the Council area, must be encouraged. Likewise, any proposal that would divert more water back to the natural environment also needs to be encouraged.

The Catchment Management Authority (CMA) is currently preparing a Catchment Action Plan based on the 'blueprints' that were prepared previously by the Department of Infrastructure, Planning and Natural Resources. The capital investment however in carrying out these 'blueprints' is hundreds of millions of dollars, and will require significant investments from both State and Federal Government to achieve its goals. Council's support for the implication of this Catchment Action Plan is imperative.

Stormwater Management

The ability to manage and treat stormwater is one area where Council can have a big impact. Within the catchment area there are 7 (seven) Local Governments; 4 (four) have Environmental Levies in place, which are used to carry out improvements to stormwater systems. These include Hawkesbury, Penrith, Blacktown and Liverpool Councils. Camden and Campbelltown Councils do not have such a levy, whereas Wollondilly Council is currently investigating one.

Although there is a Stormwater Action Plan in place for the South Creek Catchment, and each Council is working towards the implementation of this levy, there does not appear to be any systematic coordination between the Councils work; although a Research Officer employed by WSROC has endeavoured to carry out this coordination, it is a difficult task across several local Council areas.

It seems possible therefore, to suggest to the Local Government Advisory Group (LGAG) to coordinate the programs across those Council's that have levies in place and to encourage those Councils that don't have a levy, to introduce one. If this coordination was established, it may then be possible to approach the Federal Government for matching funds to expedite the construction of the necessary infrastructure, and to carry out the necessary education programs to complete the implementation of this Stormwater Action Plan for South Creek.

It would seem therefore that the Chair of the LGAG Committee, Councillor Robert Bell from Gosford Council, should be requested to convene a meeting of the Mayors of the Councils involved in the South Creek Catchment along with their Technical Officers to see if it is possible, for a coordinated effort to control stormwater in all 7 (seven) Local Government Areas. If this is agreed, to approach the Federal Government via the variety of Local Members to see if matching Federal funds are available for the levies collected by these Council's for management of stormwater.

Agricultural Runoff

The Department of Environment and Conservation maintains that agricultural runoff is the single biggest source of the nutrient levels in the South Creek Catchment, although it must be said this is disputed by large sections of the agricultural community. In the past, programs conducted by the University of Western Sydney in conjunction with the CSIRO have attempted to train farmers in management practices to prevent nutrients escaping from their farms, which had some success. In more recent times the Department of Environment and Conservation have investigated an 'off-set' program and the construction of infrastructure on farms to prevent nutrient rich water escaping from them. It would seem in this case therefore, that approaches should be made to both the Department of Environment and Conservation, the Department of

ORDINARY MEETING

Meeting Date: 12 April 2005

Primary Industries and the farming groups to see if this program can continue and stretch across the whole catchment area.

It is interesting to note that the Department of Infrastructure, Planning and Natural Resources has commenced a campaign of licensing farmers which discharge to the river and is beginning to insist on the construction of stormwater devices such as "Tailwater Dams" to prevent the discharge of nutrient rich water from the farms to the river. Council may wish to facilitate the re-commencement of this program; by approaching both the Departments and farming groups to see if a coordinated effort can commence to control this issue.

Community Consultation

If all 3 (three) programs outlined above are to proceed, they must be coordinated by significant program of community education and involvement. After all if Council's are requiring communities to fund a separate levy for stormwater, they should clearly understand how those are affected in the catchment wide basin. This Council has proved that communities are keen to assist in the management of stormwater, and a coordinated education program across all 7 (seven) Local Government Areas may achieve much higher results particularly when it involves the farming community as well.

In summary, it does not seem fair that Hawkesbury City Council should suffer the effects of the pollution on South Creek and be required to carry out some infrastructure construction to treat this water prior to it discharging into the Hawkesbury River. The responsibility for South Creek management lies with all Council's along the catchment and the users of the catchment. Attempts have been made in the past to commence programs to improve the water quality of South Creek, some have been successful and some have faded away. It would seem therefore, that the 4 (four) part program outlined above might have some chances of success provided all the parties involved agree to a common goal.

RECOMMENDATION:

That:

1. The Metropolitan Water Plan be supported, but call on the Government to release the information on the cumulative impact of the multiple discharges into receiving waters from Sewage Treatment Plants discharging into South Creek;
2. The Chairperson of the LGAG Committee be requested to convene a meeting between the 7 (seven) Mayors of the Local Government Areas in the catchment of South Creek to commence talks on the coordination of their Stormwater Plan;
3. A meeting be facilitated between the Department of Environment and Conservation, Department of Primary Industries (Agriculture), Department of Infrastructure, Planning and Natural Resources and Farm Groups to discuss an ongoing program of training, education and workshops to assist agriculturalists to understand the impacts they are having on the creek and how they can better manage run-off from their farms; and
4. Council approach the LGAG Committee to coordinate a community involvement program to:
 - a. better educate the community on the impact of their activities on South Creek;
 - b. gain support for a coordinated environmental levy across the whole catchment;
 - c. educate the community on the use of recycled water; and
 - d. support the farming and agricultural industries to adopt the best practice methods in the control of run-off from their farms.

oooO END OF REPORT Oooo

Item: 101 ENV B - Draft Local Environmental Plan 2/02 - Amendment 139, Changes to Exempt and Complying Development Provisions - (79347)

REPORT:

Introduction

Exempt Development is minor development that does not require any approval from Council. It is considered to be development which is likely to have minimal environmental impact and includes activities such as aerials, awnings, cubby houses, decks, fences, garden sheds and retaining walls, all not exceeding preset standards.

Complying Development is routine, low scale development that requires approval but which is capable of complying with predetermined development controls and standards. Complying development may include activities such as single storey dwelling houses, single storey dwelling house additions, covered decks, garages, industrial buildings with a floor space below 1,000 (one thousand) square metres, boundary adjustments and swimming pools, again, all not exceeding preset standards.

A draft Local Environmental Plan to allow for more classes of development to become Exempt Development and to increase the scope of Complying Development was exhibited from Wednesday, 17 November to Friday, 17 December 2004.

In light of the changes proposed by the Draft Local Environmental Plan, Part B of the Hawkesbury Development Control Plan (DCP), dealing with Exempt & Complying Development, has also been revised and updated. The revised DCP was also exhibited for the same time period as mentioned above.

It should be noted that Complying Development can only be carried out following the receipt of a Complying Development Certificate. Development can only be classified as Complying Development if it satisfies all of the predetermined development controls and standards specified in the draft Local Environmental Plan and the draft Part B of the Hawkesbury Development Control Plan. Development that does not fully comply with all the controls and standards is required to follow the standard development application assessment process.

Director General's Delegation

The Department of Infrastructure Planning and Natural Resources advised by way of letter dated 29 April 2003 that is appropriate for Council to exercise its delegation in respect of Section 65 and 69 of the Act. The section 65 Certificate to allow public exhibition of the draft LEP was issued on 10th November 2004.

Public Exhibition of the Draft Plan

In accordance with the provisions of Section 66 of the Environmental Planning and Assessment Act 1979 the draft plan was publicly exhibited for 32 (thirty two) days from Wednesday, 17 November to Friday, 17 December 2004, inclusive.

No submissions from the public were received to the draft LEP or DCP.

Section 62 Consultation with Government Agencies

The Draft Local Environmental Plan and draft DCP were referred to numerous Government agencies in accordance with Section 62 of the Environmental Planning and Assessment Act 1979:

ORDINARY MEETING

Meeting Date: 12 April 2005

Submissions were received from:

- Department of Planning, Infrastructure & Natural Resources;
- Sydney Water;
- NSW Agriculture;
- National Parks & Wildlife Service of NSW; and
- Environmental Protection Authority.

The agency's issues have been summarized and comments supplied for each issue.

All of the changes recommended to the exhibited draft LEP and draft DCP in this section and the following section are shown in full in Attachments 1 and 2.

Department of Planning, Infrastructure & Natural Resources (DIPNR)

- DIPNR has pointed out that the changes to Hawkesbury Local Environmental Plan 1989 as proposed in Amendment 139 do not take into account State Environmental Planning Policy No.4 (SEPP4) as it relates to rainwater tanks.

In essence, the installation of any water tanks up to a capacity of 10,000 (ten thousand) litres is controlled by the provisions of SEPP4. SEPP4 takes precedence over local planning instruments.

Comment: Under Amendment 139 it is proposed to make water tanks exempt development subject to a number of requirements. These provisions are as follows:

Water Tanks in residential areas	• Not exceeding 10,000 litres in capacity • Maximum height 1.8m above ground level • Behind the building alignment • Overflow discharges away from neighbouring property. • Connected by licensed plumber
Water Tanks in rural zones	• Not exceeding 120,000 litres • No closer than 6m to adjoining boundary and buildings • Maximum height 2.4m above ground level • Fitted with 38mm Stortz fitting • Domestic draw-off to leave 10,000 litres for Rural Fire Service emergency supply

To comply with the requirements of SEPP4 the row dealing with water tanks in residential areas will be deleted. The result is that installation of water tanks up to 10,000 (ten thousand) litres in residential areas will still be exempt development but will need to comply with the requirements of SEPP4. Water tanks in excess of 10,000 (ten thousand) litres in residential areas will require development consent.

In regard to both residential and rural areas, it is recommended that the requirements be changed as follows to comply with SEPP4:

ORDINARY MEETING

Meeting Date: 12 April 2005

Water Tanks in non-residential I zones	• Not less than 10,000 litres and not exceeding 120,000 litres in capacity • No closer than 6m to adjoining boundary and buildings • Maximum height 2.4m above ground level • Fitted with 38mm Stortz fitting and non-return foot valve • Domestic draw-off to leave 10,000 litres for Rural Fire Service emergency supply
--	--

Sydney Water

Sydney Water raised 2 (two) issues.

- These related to the control of waste being discharged into Sydney Water sewers; and
- possible structural damage to sewer pipes for certain types of complying development

Comment: Change of use from one commercial or industrial use to another commercial or industrial use is exempt development. The draft LEP, in the table in clause 9B, requires that

"The relevant sewer authority (Hawkesbury City Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises".

This requirement satisfies Sydney Water's concern in regard to waste discharge.

In of terms structural integrity of sewer mains, it is recommended that clause 9B(2)(f) and 9C(2)(f) be changed as follows:

- (f) it is carried out at least one metre from the zone of influence of any easement or public sewer main of Sydney Water Corporation or the Council,;

Department of Agriculture

The Department of Agriculture raised the following issues:

- In the complying development section of the draft LEP, the size of rural sheds has increased from 150 (one hundred and fifty) square metres to 170 (one hundred and seventy) square metres from the original council resolution.

Comment: The 170 (one hundred and seventy) square metres size was ratified at a subsequent Council meeting after the original resolution.

- That the agricultural productivity of land not be decreased by boundary adjustments becoming a category of complying development.

Comment: Where land is defined as being bushfire prone, boundary adjustments are not possible using the complying development provisions. Such boundary adjustments would need to go through the normal development application (DA) process. Most of the rural land in the Hawkesbury local government area is designated as being bushfire prone. Therefore, the affect on agricultural productivity would be assessed as part of the normal DA process.

ORDINARY MEETING

Meeting Date: 12 April 2005

Notwithstanding the above the Departments comments do have merit and it is recommended to provide an additional requirement in the complying development table to ensure that boundary adjustments are of a minor nature and do not alienate agriculturally productive land.

<i>The erection and use or carrying out of the following:</i>	Criteria
Boundary Adjustments	• Affects no more than 2 lots • Not identified as bushfire prone land • The variation to any of the lot sizes shall not exceed 20%

National Parks & Wildlife Service of NSW

The NPWS comments relate to protection of threatened species, populations and endangered ecological communities and the filling of wetlands. Comment is also made to change the term "relic" to "Aboriginal object".

Comment: Amendment 139 has been structured or worded in such a manner as to protect threatened species, populations and endangered ecological communities and to not enable the filling of wetlands.

It is recommended that clause 9B(3)(c) and 9C(3)(c) be changed as follows:

(c) is an Aboriginal place or known Aboriginal object under the National Parks and Wildlife Act 1974;

Environmental Protection Authority

The EPA requested that Council ensure that:

- in regard to air conditioners, any requirements comply with the EPA's Industrial Noise Policy and draft Noise Guide for Local Government;
- carnivals are regulated in terms of frequency, duration and noise impact;
- any waste generated from industrial premises be disposed of in accordance with the Protection of the Environment Operations Act; and
- dangerous waste associated with the demolition of buildings be disposed of properly.

Comment: All of the EPA's concerns have been addressed in the wording of the draft LEP as exhibited.

Internal Review

During the exhibition period, further discussions occurred within Council's Environment & Development Division with the aim of clarifying the provisions in the draft LEP and draft DCP.

The changes to the draft LEP and draft DCP are shown in Attachments 1 & 2. These changes do not introduce any new categories of exempt or complying development but rather endeavour to improve the clarity of the requirements and protect adjoining owners from potential environmental impacts.

One of these changes provides more information in the exempt development section that deals with carports. The effect of this section is that carports can be erected within 1 (one) metre of an adjoining boundary provided that the carport design and construction complies with the requirements in the LEP and DCP. This provision is in conflict with Council's current notification policy that requires notification to the affected neighbour of any proposed carport within one metre of a property boundary.

ORDINARY MEETING

Meeting Date: 12 April 2005

The requirements in the exempt development table are such that the size including the height of a carport is limited. These requirements protect the amenity of neighbours yet at the same time enable small structures such as carports to be built without the need for the full development application process.

It is recommended that Council's DCP (Notification Chapter) be amended to exclude carports that comply with the exempt development from being notified.

None of the other recommended changes are significant enough individually or in combination to warrant re-advertising of the draft LEP and DCP.

Conclusion

No submissions were received from the general public to the draft LEP or draft DCP.

The changes proposed in Attachments 1 & 2 do not introduce any new categories of exempt or complying development but rather endeavour to improve the clarity of the requirements and protect adjoining owners from potential environmental impacts.

It is therefore recommended that Council proceed with the draft Local Environmental Plan and draft Development Control Plan (Part B - Exempt & Complying Development) to allow for more classes of development to become Exempt Development and to increase the scope of Complying Development.

It should be noted that the draft Local Environmental Plan (LEP) will be sent to Parliamentary Counsel to comment on the wording of the plan. It is common for Parliamentary Counsel (PC) to make minor changes to the wording. The draft Development Control Plan (Part B - Exempt & Complying Development) will also be changed as a result of PC's changes as it contains the same exempt and complying development tables as those in the draft LEP.

In light of the above, it is recommended that Council adopt the draft Development Control Plan (Part B - Exempt & Complying Development) subject to the minor changes to be provided by PC. The DCP will be notified in the Hawkesbury Gazette and will come into effect when Amendment 139 is gazetted.

RECOMMENDATION:

That:

1. The draft Local Environmental Plan to allow for more classes of development to become Exempt Development and to increase the scope of Complying Development proceed and be forwarded to the Department of Infrastructure Planning and Natural Resources for finalisation and gazettal.
2. Council exercise its delegation in respect of Section 69 of the Environmental Planning and Assessment Act 1979.
3. The draft Development Control Plan (Part B - Exempt & Complying Development) be adopted. The DCP will be notified in the Hawkesbury Gazette and will come into effect when Amendment 139 is gazetted.
4. A draft development control plan to amend the Hawkesbury Development Control Plan Chapter dealing with Notification to exclude carports that comply with the exempt development from being notified be prepared.

ORDINARY MEETING

Meeting Date: 12 April 2005

ATTACHMENTS:

- AT - 1** Draft Local Environmental Plan - Changes to Exempt and Complying Development Provisions -
(Distributed Under Separate Cover)
- AT - 2** Draft Development Control Plan - Changes to Part B of Hawkesbury Development Control Plan -
(Distributed Under Separate Cover)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 102 **ENV B - Draft Local Environmental Plan 1/04 - Amendment 149 to Hawkesbury Local Environmental Plan 1989 - George/Dight/Macquarie Streets, Windsor - (79347)**

Previous Item: 49, Ordinary (14 September 2004)

REPORT:

Background

Council, at its Ordinary Meeting dated 14 September 2004, resolved to rezone a number of lots containing the current Windsor branch library building, the Reverend Turner cottage and part of the parking area near the library from Zone 5(a) (Special Uses) to Zone 3(a)(Business). The resolution applied to land shown in Attachment 1.

Current Situation

During research into the titles of some of the affected lots it became evident that it would be more appropriate to rezone the whole street block containing the Windsor branch library building, the Reverend Turner cottage, the Council Chambers and Offices and the Windsor Function Centre from Zone 5(a)(Special Uses) to Zone 3(a)(Business).

The reason for this change is that the previous resolution would have resulted in some of the parking areas and access driveways near the library, Windsor Function Centre and Council Chambers having a split zoning being 5(a) (Special Uses) & 3(a) (Business). Such an outcome could result in statutory complications regarding the future use of the library building and in any event is contradictory to Council's long held policy of rezoning public parking areas from Special Uses to Business.

Conclusion

To increase flexibility in the long term use of the buildings and associated carparking areas on the street block bounded by George Street, Macquarie Street, Dight Street and the closed road as shown in Attachment 2 it is recommended that the entire street block be rezoned from Zone 5(a)(Special Uses) to Zone 3(a)(Business).

Given the minor nature of the proposal it is considered that a Local Environmental Study is not required.

RECOMMENDATION:

That:

1. A draft Local Environmental Plan be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources Best Practice Guideline to rezone from Zone 5(a)(Special Uses) to Zone 3(a)(Business General), the street block bounded by George Street, Macquarie Street, Dight Street and the closed road as shown in Attachment 2.
2. A Local Environmental Study is not required.
3. Council exercise its delegation in respect of Sections 65 and 69 of the Environmental Planning and Assessment Act 1979.

ORDINARY MEETING

Meeting Date: 12 April 2005

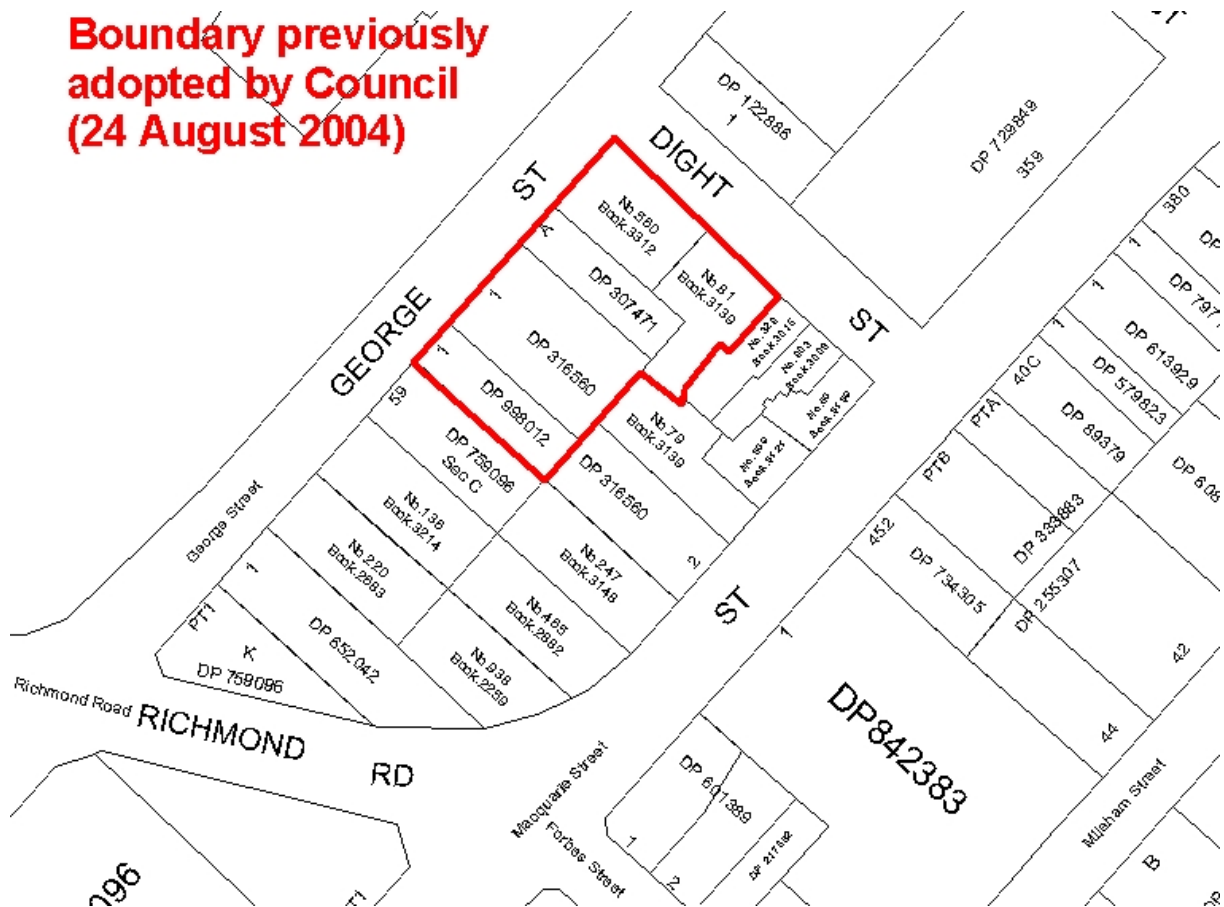
ATTACHMENTS:

AT - 1 Location of land affected by Council Resolution 24 August 2004.

AT - 2 Extent of land to be rezoned.

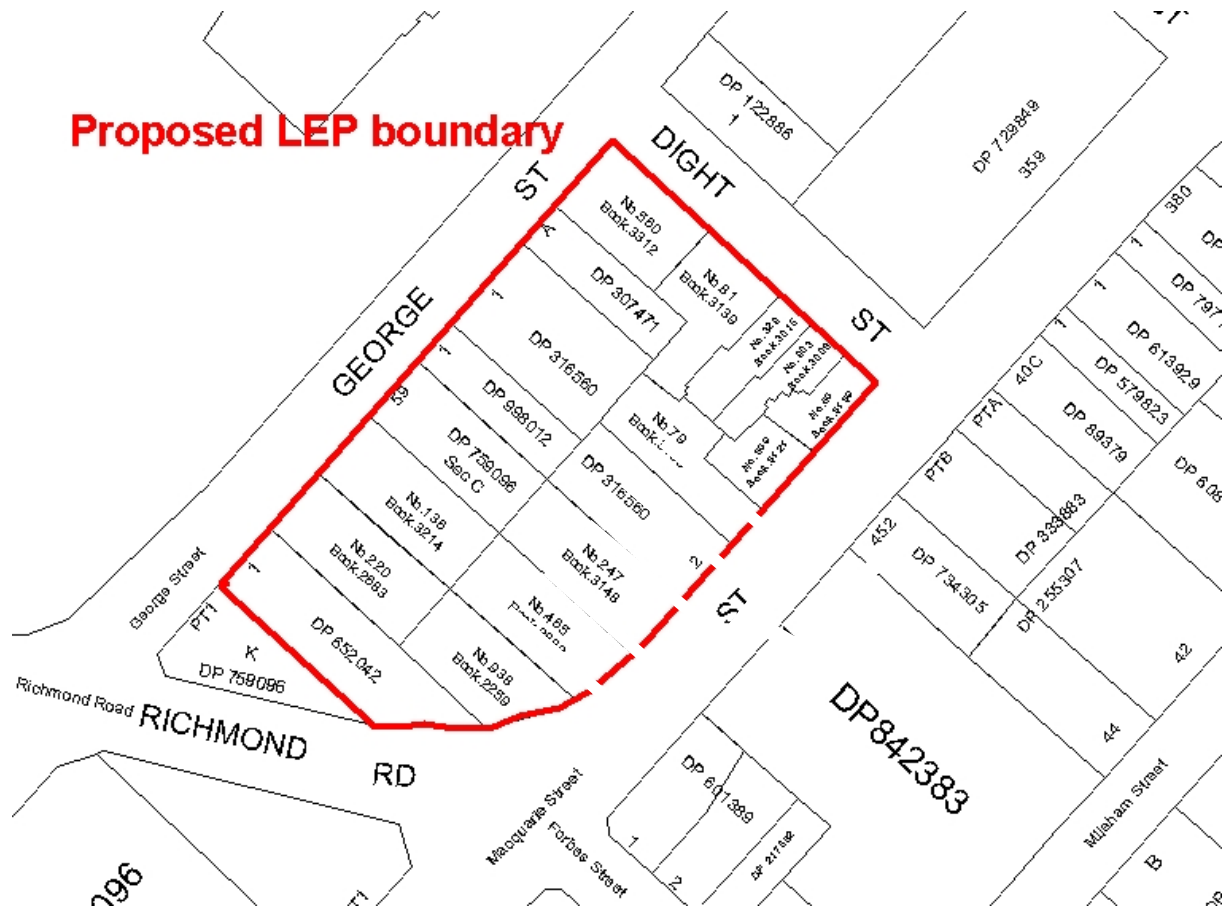
Meeting Date: 12 April 2005

**Boundary previously
adopted by Council
(24 August 2004)**



Meeting Date: 12 April 2005

Proposed LEP boundary



0000 END OF REPORT 0000

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 103 **ENV B - Draft Local Environmental Plan 1/94 - Amendment 48 to Hawkesbury Local Environmental Plan 1989 - 84-112 Mulgrave Road, Mulgrave - (79347)**

Previous Item: 51, Ordinary (11 May 2004)

REPORT:

Background

The original rezoning application was lodged in 1994 and had not proceeded for many years due to a number of reasons including court matters as well as the uncertainty associated with the impact of the proposed Flood Evacuation Route on the subject land.

Council at its meeting of 11 May 2004 reactivated the proposed rezoning and resolved to rezone part Lot 12 DP 736138 and Lot 4 DP 610341, Nos. 84 - 112 Mulgrave Road, Mulgrave from Rural 1(c) to Light Industrial 4(b).

As a consequence of Council's resolution of 11 May 2004 the applicant was requested to update the original rezoning documentation by addressing a number of issues prior to the public exhibition of the draft plan.

Current Situation

The applicant has now provided updated information including a new map defining the extent of the land to be rezoned. The new map has changed from what was proposed in 1994. The original extent of the land to be rezoned was defined on the basis of all land above the 10 (ten) metre A.H.D. contour level. It should be noted that the 1 in 100 year flood level for the Mulgrave locality is 17.3 (seventeen point three) metres A.H.D.

The original extent of the land to be rezoned by Amendment 48 is shown in Figure 1 of Attachment 1.

The applicant has requested that the land shown in Figure 2 of Attachment 1 be rezoned from Rural 1[c] to Industrial 4(b).

Options

Within the updated information, the applicant has provided no justification with respect to the changed location of the zone boundary.

Option 1 **(Original zone boundary)**

Notwithstanding the above, the original, irregular nature of the rezoning boundary is problematic because:

- It takes no account of the new alignment of the Flood Evacuation Route;
- It will be difficult fix the boundary in a practical sense when development applications are lodged for industrial uses;
- Orderly development will be compromised at the extremities or irregular corners of the rezoned part of the land; and
- There will be future pressure to move the zone boundary by virtue of subdivision applications utilising the minor variation to zoning boundary clause in Hawkesbury LEP (Clause 10[4]).

Option 2 **(Applicant's zone boundary)**

ORDINARY MEETING

Meeting Date: 12 April 2005

The applicant's proposed zone boundary in Figure 2 is more regular and therefore more practical. The eastern zone boundary reflects the alignment of the Flood Evacuation Route. The problem with the applicant's boundary is that it incorporates a considerable amount of land down to 6 metres A.H.D. This land would need to be filled. Filling of the South Creek floodplain in this locality to the extent proposed by the applicant is not supported.

Option 3 *(Extent of existing mushroom growing development as the basis of zone boundary)*

The extent of the existing mushroom growing development is shown in Figure 3. This could form the basis for the rezoning boundary however such a boundary would sterilise land that has the capability for future industrial use between the alignment of the Flood Evacuation Route and the existing development on the site.

Option 4 *(Option 3 + land between Option 3 and the Flood Evacuation Route).*

Taking into account the flooding constraints on the site it is recommended that the land shown in Figure 4 be rezoned to Light Industrial 4(b). Such an approach would provide a regular zone boundary, minimise filling on the flood plain and provide approximately 10 (ten) hectares of industrial zoned land.

Conclusion

Option 4 is the favoured option for proceeding with the rezoning of the subject land to Light Industrial 4(b).

RECOMMENDATION:

That:

1. A draft Local Environmental Plan be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources Best Practice Guild lines to rezone part Lot 12 DP 736138 and Lot 4 DP 610341, Nos. 84 - 112 Mulgrave Road, Mulgrave from Rural 1(c) to Light Industrial 4(b) as shown in Figure 4 of Attachment 1
2. Council is of the opinion that a local environmental study is not required to be prepared.
3. Council exercise its delegation in respect of Sections 65 and 69 of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS:

AT - 1 Rezoning Options

Figure 1 - Original zone boundary

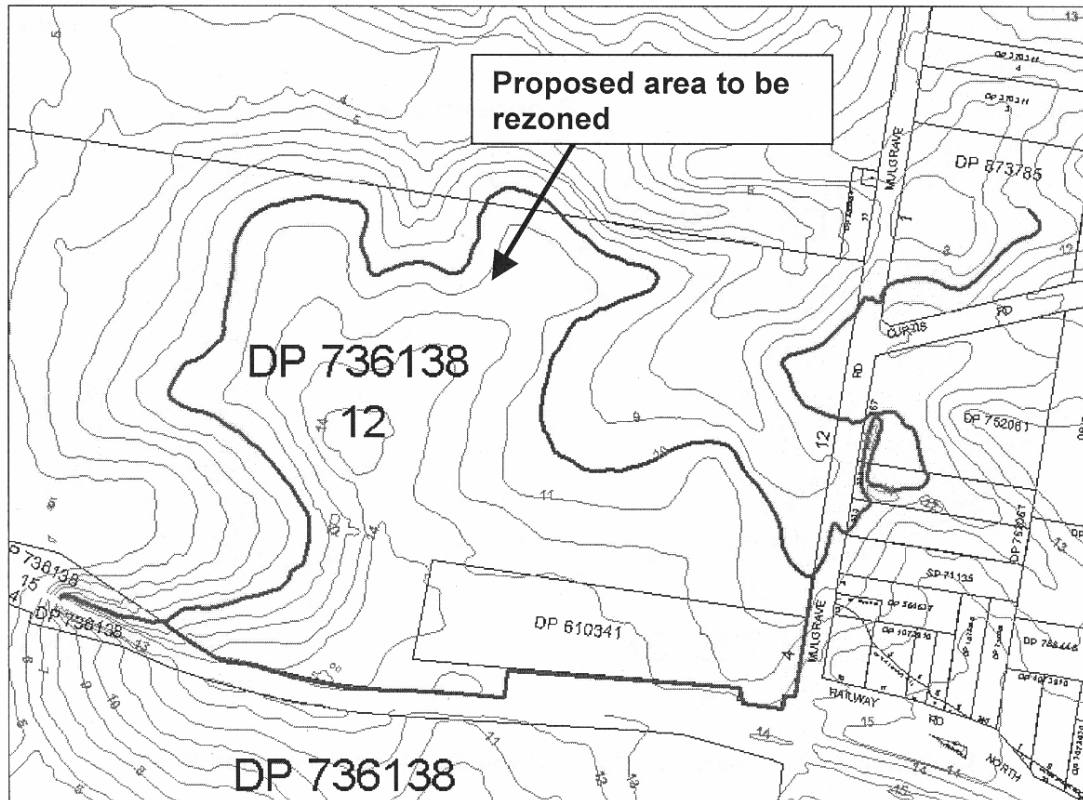
[illegible]

Figure 3- Extent of existing mushroom growing development as the basis of zone boundary

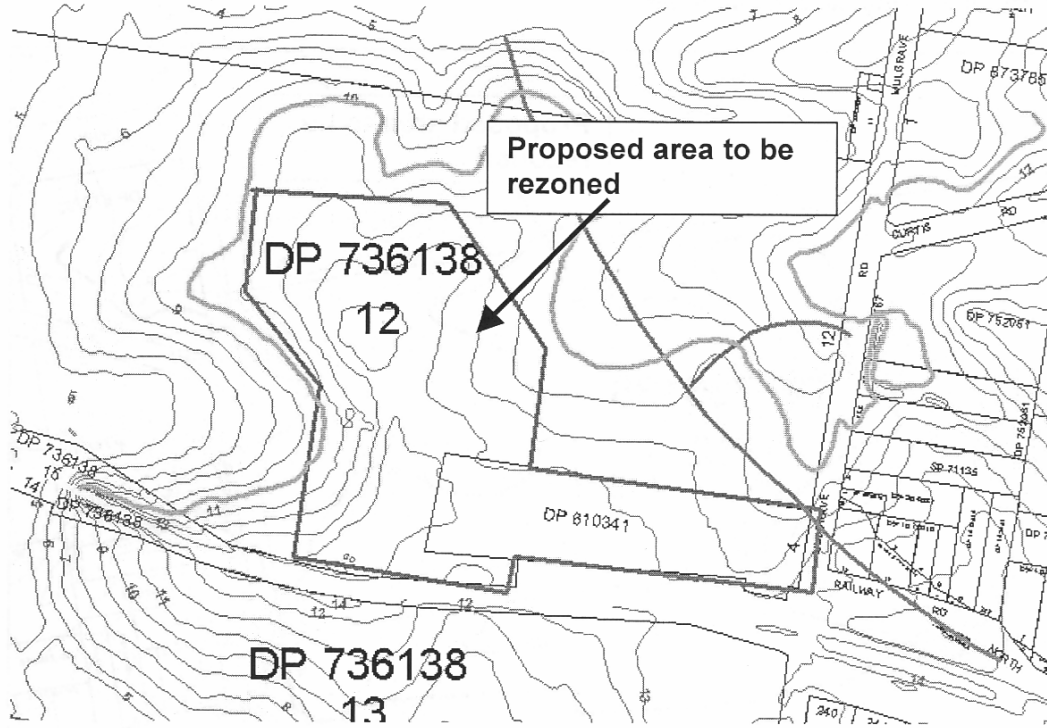
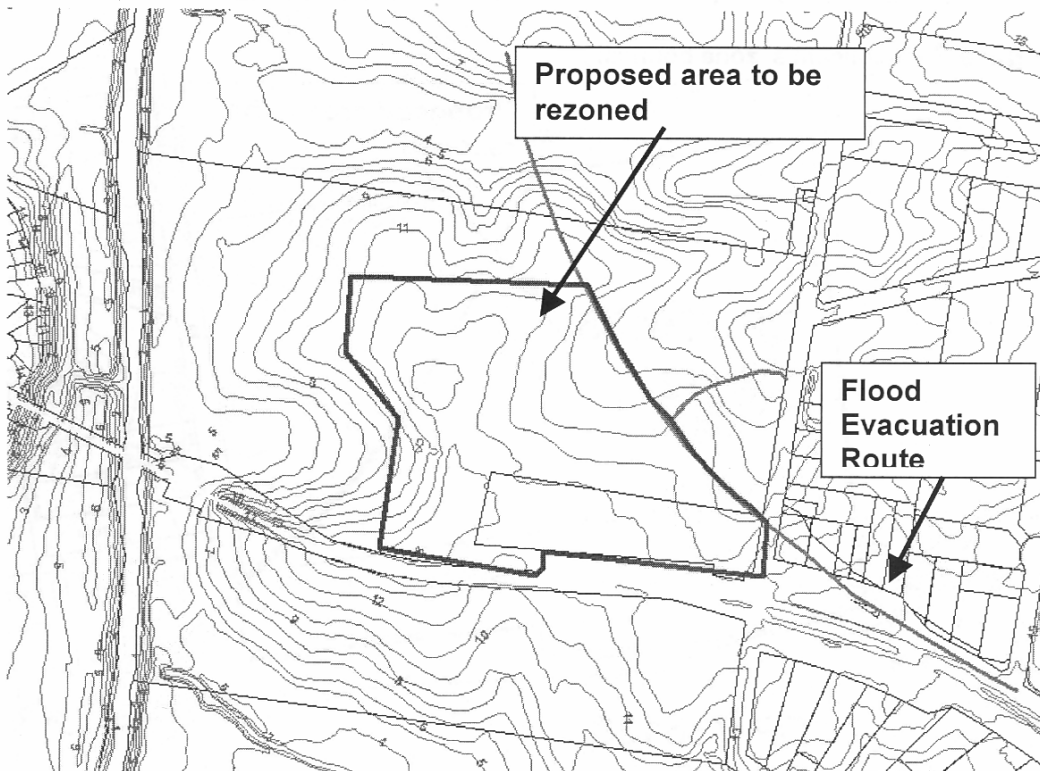


Figure 4 - Option 3 + land between Option 3 and the Flood Evacuation Route



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

ASSET MANAGEMENT**Item: 104 INF B - Plant Replacement Program - (79338)****REPORT:**

As part of the ongoing plant replacement program it was identified that Plant No 400, the John Deere backhoe be replaced within the 2006/2007 financial year.

This item of plant has had ongoing maintenance problems and is currently not being utilised due to the estimated cost of repairs required to make it fully functional. It is proposed that the replacement of the backhoe be undertaken as part of the current year plant replacement program (shown below) with the replacement of Plant No 200, the Caterpillar grader being delayed until 2005/2006. It is estimated that the cost to purchase a backhoe of this category is \$130,000 (one hundred and thirty thousand dollars) with a trade in value of the current machine being \$30,000 (thirty thousand dollars) leaving a net cost of \$100,000 (one hundred thousand dollars). This would leave a saving within the current year's plant replacement program of \$125,000 (one hundred and twenty five thousand dollars) which would be held within the plant reserve for subsequent programs.

Plant Expenditure 2004/2005

Plant #	Item	Purchase	Trade	Net Cost
24	Falcon 1t Ute	\$25,000	\$17,500	\$7,500
25	Falcon 1t Ute	\$25,000	\$17,500	\$7,500
112	UD Nissan 8t Tipper	\$73,000	\$30,000	\$43,000
140	Mazda 1.3t Tipper	\$51,000	\$20,000	\$31,000
200	Caterpillar Grader	\$325,000	\$100,000	\$225,000
Net Expenditure				\$314,000

The 2005/2006 Plant Replacement Program is being reviewed as part of the current budget process and will be reported to Council with appropriate recommendations as part of this process.

RECOMMENDATION:

That:

1. The replacement of Plant No 400, the John Deere backhoe be brought forward from the 2006/2007 program to the current program in lieu of Plant No 200, the Caterpillar grader.
2. The ongoing Plant Replacement Program be reviewed and further reported to Council as part of the 2005/2006 budget process.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 105 **INF B - Changes to Car Parking Restrictions in Richmond Car Parks - (79346, 79338, 73824)**

Previous Item: 56, GPC, Infrastructure (26 November 2002)
56, Ordinary (10 December 2002)

REPORT:

Representation has been received from the Hawkesbury City Chamber of Commerce & Industry Inc requesting a review of the existing parking arrangements within the 3 (three) Council controlled car parks in Richmond known as:

- Orange Grove Mall Car Park
- Woodhills Car Park, and
- Paulls Car Park

The 3 (three) Richmond Car Parks together with the other Council controlled car parks were reported to Council at its General Purpose Committee meeting on 26 November 2002 and the report, in part, is outlined below:

"Richmond

Orange Grove Mall, Richmond

Currently 33% of the available parking spaces are unrestricted. The stakeholders of the Mall would prefer to have all available parking either unrestricted or the time restriction increased from 2 (two) hours to 4 (four) hours.

It is proposed that the parking spaces abutting the shops on the northern side of the car park accessing off West Market Street be altered to 4 (four) hour (11 [eleven]) spaces).

Paulls Car Park, Richmond

A petition has been received from the stakeholders in the vicinity of Magnolia Mall requesting 18 unrestricted parking spaces be provided facing the Mall.

The stakeholders from Richmond Mall have requested for the time restriction to be increased from 2 (two) hours to 4 (four) hours as well as providing more unrestricted parking spaces without being specific.

It is important to note that in Richmond, there are several streets in the vicinity of the car parks which provide on-street unrestricted parking. At best 50% of this is currently being utilised on a daily basis.

It is proposed that the 15 (fifteen) spaces on the southern side of the access from Bosworth Street be altered to unrestricted.

Summary

The main reason for the requests for increasing the restricted time from 2 (two) hours to 4 (four) hours is to enable shoppers sufficient time to undertake their shopping, personal care, such as hairdressing, as well as general perusal of other shops. Increasing the restricted time frame within the car parks could have a negative impact in relation to turnover of shoppers."

ORDINARY MEETING

Meeting Date: 12 April 2005

The recommendation as resolved by Council at its Ordinary meeting of 10 December 2002 in part included:

"That

- 1. An additional 15 unrestricted parking spaces be provided to Paulls car park on the northern side of the access from Bosworth Street, increasing the number of spaces from 21 (twenty one) to 36 (thirty six).*
- 2. Changes to Orange Grove Mall by way of increasing the restricted time frame from 2 (two) hours to 4 (four) hours for 11 (eleven) spaces which are located on the northern side of the car park accessing off West Market Street abutting the shops."*

The outcome from this is the following parking layout as outlined in Table 1:

Carpark	Total	4 hour	2 hour	Unrestricted	Disabled	Loading Zone	Reserved	Baby Zone
Woodhills, Richmond	213*	111	NIL	94	3	5 ^{Timed}	NIL	NIL
Paulls, Richmond	291	NIL	236	36	11	3	NIL	5
Orange Grove Mall, Richmond	101	11	44	33	7	1	5	NIL

** plus 1 (one) motorcycle bay Note: Loading zones have been included in the total spaces*

The Chamber has expressed a concern in relation to the varied parking times across the 3 (three) car parks as well as the lack of short term parking similar to the 1 (one) hour street parking. It has requested consistent parking times of a maximum of 4 (four) hours for all 3 (three) car parks as well as 1 (one) hour parking spaces within close range to the access points at Woodhills, Paulls and Orange Grove Mall car parks. The main issue is that the main street of Richmond has to compete with Richmond Marketplace, who have all day parking. The Chamber has canvassed the thoughts of many shoppers who have indicated that they would do more shopping in the vicinity of these car parks if they were not so restricted with time. Further the Chamber has indicated that the majority of stakeholders have been consulted.

The Richmond shopping precinct, which adjoins the 3 (three) car parks as described by the Chamber are as follows:

Park Mall

This Mall consists of clothing, jewellery, travel, coffee shop, fruit shop, home wares, office equipment/stationery, photo shop, deli, hairdresser, solicitor, printer, local newspaper office, laundromat, and accountants.

Behind this Mall is a small shopping precinct which has scrapbooking, craft, and haberdashery stores, but will also house a karate school (starting March 2005).

All these stores are quick stop stores, with the exception of the hairdresser which requires longer services. With this in mind, Park Mall backs onto the Woodhills Car Park which consists of 4 (four) hour and unrestricted parking only, which is not consistent with the types of businesses that are there.

Orange Grove Mall

This Mall has a restaurant, business advisory centre, finance office, florist, insurance brokers, gallery and gift shop and hairdresser/beautician.

Again this is another area of quick stop shops during business hours with the exception of the hairdresser/beautician.

ORDINARY MEETING

Meeting Date: 12 April 2005

Richmond and Magnolia Mall

These 2 (two) Malls blend together and consist of Coles, Liquorland, coffee shops, newsagency, jewellery, home wares, gift stores, travel agent, scrapbooking and craft classes, business centre including business learning centre, tailor, furniture, sports store, real estate agent, local newspaper office and NRMA.

As shown in the car park plans, on display at the meeting, the roadways need to be marked with arrows to provide for safe circulation of traffic. This will include in some sections, one-way traffic flow. These restrictions will improve the safety within the car parks.

The Woodhills Car Park currently has a loading zone which is time limited between 11:00am to 12:00noon. The location of the zone serves no practical purpose to this area. As outlined in the proposed Woodhills Car Park plan, it is proposed to convert the main thoroughfare from 2 (two) way traffic flow to 1 (one) way (west bound) traffic flow. This will enable the establishment of a loading zone in the vicinity of the fruit shop, which is the prime user and further allow other deliveries. The restriction of the straight through east bound manoeuvre will discourage drivers from using the car park as a short cut to East Market Street. Other restricted movements are outlined in the proposed Woodhills Car Park plan.

The following car park layout is listed in Table 2:

Carpark	Total	4 hour	1 hour	Unrestricted	Disabled	Loading Zone	Reserved	Baby Zone
Woodhills, Richmond	213*+	100	16	94	3	1 zone	Nil	Nil
Paulls, Richmond	288+	198	38	36	11	3 zones	Nil	5
Orange Grove Mall, Richmond	+ # 100	44	11	33	# 7	1 zone	5	Nil

* plus 1 (one) motorcycle bay

1 disabled space - reserved

+ excluding loading zones

It is proposed to number all the parking spaces to assist the Parking Patrol Officers in identifying parking spaces in relation to Infringements issued. Numbering format is included in the car park plans.

The car park known as Paulls Car Park has created some confusion in the past given that a private car park adjacent to this car park is also known as Paulls Car Park. Access to the private car park is from Bosworth Street next to the western access to the Council controlled Paulls Car Park.

The Chamber of Commerce has requested a name change from Paulls Car Park to the West End Car Park.

RECOMMENDATION:

That:

1. Paulls Car Park be renamed "The West End Car Park".
2. Parking restrictions as outlined in the table below be adopted for the 3 (three) Council controlled car parks in Richmond.

ORDINARY MEETING**Meeting Date:** 12 April 2005

Carpark	Total	4 hour	1 hour	Unrestricted	Disabled	Loading Zone	Reserved	Baby Zone
Woodhills, Richmond	213*+	100	16	94	3	1 zone	Nil	Nil
The West End Car Park, Richmond	288+	198	38	36	11	3 zones	Nil	5
Orange Grove Mall, Richmond	+ # 100	44	11	33	# 7	1 zone	5	Nil

** plus 1 (one) motorcycle bay # 1 disabled space - reserved + excluding loading zones*

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

CORPORATE AND COMMUNITY

Item: 106 **ORG B - Addition to 2004/2005 Library Fees and Charges - (79342)**

Previous Item: 16, Ordinary (25 January 2005)

REPORT:

Council at its meeting of 14 December 2004 and 25 January 2005 resolved to adopt some new fees and charges for library services, subject to the advertising of the proposed charges for a period of 28 (twenty eight) days and the consideration of any submissions received in respect to the proposed charges.

The proposed fees are:

Publications

A Pictorial History of Hawkesbury	\$24.95 each
John Tebbutt Astronomical Memoirs	\$10.00 each

Services

A4 Colour Photocopying	\$1.60 per page
A3 Colour Photocopying	\$3.20 per page

The proposed fees have been advertised for the required 28 (twenty eight) days and no submissions have been received. Accordingly it is recommended that the proposed fees and charges be adopted.

RECOMMENDATION:

That the sale price of \$24.95 (twenty four dollars and ninety five cents) for the sale of *A Pictorial History of Hawkesbury*, the sale price of \$10.00 (ten dollars) for the sale of *John Tebbutt Astronomical Memoirs*, the charge of \$1.60 (one dollar and sixty cents) per page for A4 Colour Photocopying and the charge of \$3.20 (three dollars and twenty cents) per page for A3 Colour Photocopying be adopted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 107 **ORG B - Bowman Cottage - 370 Windsor Street, Richmond - (107, 79337)**

Previous Item: 90, Ordinary (28 October 2005)

REPORT:

In 1988, Bowman Cottage was transferred in fee simple to Council by the (then) Department of Environment and Planning. The transfer was subject to the National Parks and Wildlife Service being permitted to occupy half of the cottage rent free. The Foundation for the Disabled have occupied the other half of the cottage since 1988, also on a rent free basis, as the Department required the building to be used by/for community purposes.

The (then) Director of National Parks and Wildlife Service contributed \$50,000 (fifty thousand dollars) to the restoration of the cottage.

The original agreement, which rests on correspondence, stated that:

"Council will be responsible for both land and water rates, building maintenance (external), insurance of the building including storm and tempest, fire, establishment fittings and permanent fixtures of the building, attention to any external vandalism of the building or surrounds. It is noted that Council carries it's own public liability insurance covering any third party claim for any damages or injury caused by Council's actions.

The NPWS will be responsible for excess water rates, service charges including garbage, electricity and telephone and to ensure that NPWS holds public liability insurance cover including an indemnification of a Council to Council's satisfaction, insurance of furniture and fitting or any equipment belonging to the respective organisation using the building and general maintenance of the grounds including lawn mowing".

In the late 1990's, National Parks and Wildlife Service proposed to relocate the Richmond office to Bilpin as part of the World Heritage Visitors Centre. Although the Visitors Centre is still proceeding, in 2003, National Parks and Wildlife Service sought Council's approval, in principle, for the continuing use of Bowman Cottage. The cottage would continue to be used as an Administrative Centre for the Hawkesbury Area.

This matter was reported to Council at the General Purpose Committee Meeting of 28 October 2003 and resolved that:

"Council continue it's present arrangement with National Parks and Wildlife Service in allowing it to use Bowman Cottage at nil rental, with National Parks and Wildlife continuing to maintain the grounds at an acceptable level, as well as now being responsible for all outgoings including rates and charges, water, electricity, telephone, etc".

National Parks and Wildlife Service, in November 2004, raised an objection to now being responsible for all outgoings including rates and charges, water, electricity, telephone etc, as they only occupy half of the building and, therefore, only utilise half of the services comprising the outgoings. Accordingly, they propose to pay 50% (fifty percent) of the total annual outgoings.

Currently rates and charges pertaining to Bowman Cottage are \$2,448.74 (two thousand, four hundred and forty eight dollars and seventy four cents).

ORDINARY MEETING

Meeting Date: 12 April 2005

RECOMMENDATION:

That:

1. Council continue it's present arrangement with National Parks and Wildlife Service in allowing it to use Bowman Cottage at nil rental, with National Parks and Wildlife Service continuing to maintain the grounds at an acceptable level.
2. National Parks and Wildlife Service be responsible for contributing to only 50% (fifty percent) of the total outgoings including rates and charges, garbage, water, electricity, telephone etc pertaining to Bowman Cottage.
3. Discussions be held with The Foundation for the Disabled regarding their capacity to contribute to the remaining 50% (fifty percent) of the total outgoings pertaining to Bowman Cottage.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 108 **ORG B - Cultural Precinct Advisory Committee - Confirmation of Membership - (79342, 107)**

Previous Item: 87, Ordinary (29 March 2005)

REPORT:

Introduction.

Council considered a report at the Ordinary meeting held on 29 March 2005, which recommended that Council ratify and approve appointments to the Cultural Precinct Advisory Committee.

Council resolved to refer this matter to a Councillor Briefing Session, which was held on 5 April 2005.

Report

The objectives and membership of the Cultural Precinct Advisory Committee have been set out in the *Memorandum of Understanding: Hawkesbury Cultural Precinct*. The MoU is a multi-lateral, formal agreement, which documents the agreed definitions, aims, operational framework, and collection management processes for the future operation of the Cultural Precinct. The MoU was endorsed by its 11 (eleven) signatory organisations and agencies on 18 November 2004.

The ratification of the MoU provides a contracted framework for the operation and development of the Cultural Precinct. A key component of this framework is the establishment of the Cultural Precinct Advisory Committee (CPAC). The CPAC will perform 3 (three) critical roles:

- a planning role – co-ordinating the development of the *Hawkesbury Cultural Plan* and a *Cultural Precinct Development Plan* (which will identify performance measures and targets for the operation of the Cultural Precinct);
- a technical role – provision of advice in relation to collection management and conservation and exhibition development;
- a funding role – exploring and sourcing opportunities for attracting external investments through fundraising, grants and commercial activities.

It is recommended that performance targets be established in relation to these functions, and that a process for reporting progress in achieving these targets be implemented. It is proposed that this matter be listed for discussion at the inaugural meeting of the CPAC to facilitate the identification and negotiation of relevant performance targets between Council and the CPAC. The performance targets and reporting process will be further reported to Council for ratification.

RECOMMENDATION:

That:

1. Council ratify the appointment of the following nominated delegates to sit on the Hawkesbury Cultural Precinct Advisory Committee:
 - Councillor Dianne Finch, Deputy Mayor - Councillor appointed delegate.
 - Ingrid Hoffmann - Council staff representative.
 - Michael Georgeson - Tourism Hawkesbury Inc. representative.
 - Alan Leek - Chamber of Commerce representative.

ORDINARY MEETING

Meeting Date: 12 April 2005

- Marg Formanek, Art Teacher Bede Polding – education sector representative.
 - Professor Ian Jack & Alan Aldrich (or Judy Newland) - Hawkesbury Historical Society Inc. representatives.
 - Michael Ginnings & Graham Edds – Friends of the Hawkesbury Art Collection and Regional Gallery Inc. representatives.
 - Leanne Tobin – Darug Custodian Aboriginal Corporation representative.
2. Council approval the inclusion of the Library Manager (Robyn Gosper) as an additional staff representative to sit on the Hawkesbury Cultural Precinct Advisory Committee. Council to seek the concurrence of the Hawkesbury Cultural Precinct Advisory Committee to this proposed amendment.
 3. Council approve the following community appointments to sit on the Hawkesbury Cultural Precinct Advisory Committee:
 - Mr. Simon French
 - Ms Glenda Ewin
 - Ms Johneen Hibbert
 - Ms Caroline Kelly
 4. Council identify Council identify and negotiate performance targets for the key functions of the Cultural Precinct Advisory Committee as set out in the Committees constitution. The performance targets be further reported to Council for ratification.

ATTACHMENTS:

AT - 1 Report to Council of 29 March 2005

ORDINARY MEETING

Meeting Date: 12 April 2005

AT - 1 Report to Council of 29 March 2005

ITEM: **ORG B - Cultural Precinct Advisory Committee - Confirmation of Membership - (79342)**

Previous Item: 47, GPC - Organisation and Resources (24 August 2004)

REPORT:

This report has been prepared to advise Councillors of progress in implementing the *Memorandum of Understanding: Hawkesbury Cultural Precinct* and to seek Council's ratification of the proposed membership of the Hawkesbury Cultural Precinct Advisory Committee.

In August 2004, Council resolved to ratify the Memorandum of Understanding (MoU) for the Hawkesbury Cultural Precinct and to adopt the draft constitution for a proposed Committee of Council (established under Section 377 of the Local Government Act) to be named the Hawkesbury Cultural Precinct Advisory Committee. The role of the Committee is to provide advice and recommendations to Council on matters pertaining to the operation of the Hawkesbury Cultural Precinct.

Councillors will be aware that on 18 November 2004, Council and 11 (eleven) other organisations became signatories to the MoU. Following the formal endorsement of the MoU, Council sought nominations from interested persons to fill positions on the Cultural Precinct Advisory Committee (CPAC). The membership of the CPAC (as defined by its constitution) includes:

- 1 (one) Councillor of the Hawkesbury City Council;
- 1 (one) Council staff member appointed by the General Manager of Hawkesbury City Council.
- 1 (one) Representative from Hawkesbury Tourism Inc.
- 1 (one) Representative from the Hawkesbury Chamber of Commerce
- 1 (one) Representative from the education sector
- 2 (two) Representatives from the Hawkesbury Historical Society Inc.
- 2 (two) Representatives from the Friends of the Hawkesbury Art Collection and Regional Gallery Inc.
- 4 (four) community appointments, with expertise in the operation and/or management of cultural programs, facilities or collections, appointed by Council following the calling of applications as detailed in clause 6(b) of the Constitution;
- 1 (one) Representative of the Darug Custodian Aboriginal Corporation

Appointed Delegates.

The following persons have been nominated by their respective organisations to sit on the CPAC;

- Cr Dianne Finch, Deputy Mayor - Councillor appointed delegate.
- Ingrid Hoffmann, Gallery and Museum Manager - Council staff representative.
- Michael Georgeson - Tourism Hawkesbury Inc. representative.
- Alan Leek - Chamber of Commerce representative.
- Marg Formanek, Art Teacher Bede Polding – education sector representative
- Professor Ian Jack & Alan Aldrich (or Judy Newland) - Hawkesbury Historical Society Inc. representatives
- Michael Ginnings & Graham Edds – Friends of the Hawkesbury Art Collection and Regional Gallery Inc. representatives
- Leanne Tobin – Darug Custodian Aboriginal Corporation representative.

In addition to these 10 (ten) appointed delegates, a request has been received from the Library Manager to sit on the CPAC. This request has been made in view of the desirability of including a Council staff representative with day-to-day responsibility for the Hawkesbury City Council Library Service to provide

ORDINARY MEETING

Meeting Date: 12 April 2005

advice on matters pertaining to the operation of the Library. This additional position will assist the CPAC to better achieve the objective of encouraging the development of an integrated Cultural Precinct and will ensure that the needs of the Library Service - which is a key cultural facility within the Hawkesbury attracting over 300,000 (three hundred thousand) visitations per year – are considered by the Committee. It is recommended that Council support the inclusion of the Library Manager (Robyn Gosper) as an additional staff representative on the CPAC. Council will need to seek the concurrence of the CPAC to this amendment.

COMMUNITY REPRESENTATIVES

The membership of the CPAC includes provision for 4 (four) community representatives. Nine (9) nominations were received for the following persons:

- Deidre Morrison member of Macquarie Towns Art Society Inc.
- Simon French published author of young adult fiction (Mr. French has been the recipient of a Children's Book of the Year Award)
- Judy Newland secretary, Hawkesbury Historical Society Inc
- Glenda Ewin independent photographer with significant experience in a contemporary art environment
- Johnneen Hibbert former member of the Hawkesbury Cultural Committee, Commercial Lease Manager of UWS, Hawkesbury Campus
- Caroline Kelly art collector and experienced fundraiser
- Vivienne Pearson member of Hawkesbury Creative Arts Centre Inc.
- Alan Leek Breewood Galleries
- Ellen Manning Member of FOHACaRAG and Secretary Macquarie Towns Music Club.

The nominations were assessed by Council's professional cultural services staff who have provided the following recommendations for Council's consideration.

In considering these applications, Council staff were mindful of the need to ensure that the CPAC had access to a broad range of skills and experience which would complement the knowledge and skills of appointed delegates. A number of deficits were identified which would need to be filled to achieve the objectives of the CPAC; these included the need to strengthen representation from the literary and publishing sector; the need for additional expertise in the practice of contemporary art (particularly photography); additional practical expertise in fundraising; additional expertise in exploring commercial opportunities for the leasing of the gallery and other spaces within the Cultural Precinct, and the desirability of establishing a relationship with UWS to foster greater understanding of the academic environment.

A number of the nominees were ruled ineligible as a consequence of their membership or association with FOHACaRAG or the Historical Society (given that these organisations each have 2 (two) positions on the Committee) or because they had already been nominated to sit on the Committee as a delegate of an eligible organisation (as is the case with Mr. Leek).

In relation to the nominations from the Macquarie Towns Arts Society Inc. (MTAS) and the Hawkesbury Creative Arts Centre Inc. (HCAC), there was some discussion as to whether a perceived conflict of interest might arise in view of the fact that these two groups will potentially be major users of the gallery and community studio and therefore may be perceived to have an unfair advantage in relation to access to these facilities. Council staff were of the view that the interests of the Cultural Precinct would best be preserved by the appointment of independent community representatives who are not affiliated to any existing cultural organisation which may be a potential user of the Cultural Precinct. The interests of MTAS and HCAC can be met through other means – including their participation in Council's cultural planning process; their involvement in a proposed annual community exhibition to display the works of local artists and artisans; their inclusion on the database for the distribution of cultural information; and their access to dedicated times for use of cultural precinct facilities to enable them to continue with their activities and programs.

On this basis, and given the limit set by CPAC constitution for four (4) community appointments, the following community representatives have been recommended for appointment to the CPAC -

ORDINARY MEETING

Meeting Date: 12 April 2005

- Simon French
- Glenda Ewin
- Johneen Hibbert
- Caroline Kelly

Council may receive representations from the MTAS and HCAC for their inclusion on the CPAC. Council may wish to consider expanding the number of community appointments to 6 (six) to facilitate this request. Once again, Council would need to seek the concurrence of the CPAC to such an amendment. In doing so Council may set a precedent and could well receive representations from other cultural organisations seeking to be included on the CPAC. The inclusion of representatives from MTAS and HCAC would see the size of the Committee expanded to 17 (seventeen) members.

Update on the implementation of the provision of the MoU.

Councillors may be aware that Council staff have been working with cultural groups to implement the provision of the MoU. To date the following tasks have been undertaken:

- A consultant has been engaged to work with members of FOHACaRAG, the Historical Society and Council staff to develop a draft Deed of Agreement. A number of workshops have been held to arrive at a common understanding of issues to do with the transfer, conservation and management of the respective collections owned by FOHACaRAG and the Historical Society.
- Council was successful in securing a grant for a Volunteer Program. Interested members of the signatories to the MoU have been invited to attend an information session to discuss the setting up of a volunteer program to recruit and train volunteers to act as cultural guides within the Cultural Precinct.
- Council has engaged consultants (Australia Street Company) to begin the drafting of the Hawkesbury Cultural Plan. The first phase of this process will involve extensive consultation with stakeholders to ensure that their needs and requirements can be considered during the cultural planning process.

RECOMMENDATION:

That:

5. The appointment of the following nominated delegates to sit on the Hawkesbury Cultural Precinct Advisory Committee be ratified:
 - Cr Dianne Finch, Deputy Mayor - Councillor appointed delegate.
 - Ingrid Hoffmann - Council staff representative.
 - Michael Georgeson - Tourism Hawkesbury Inc. representative.
 - Alan Leek - Chamber of Commerce representative.
 - Marg Formanek, Art Teacher Bede Polding – education sector representative
 - Professor Ian Jack & Alan Aldrich (or Judy Newland) - Hawkesbury Historical Society Inc. representatives.
 - Michael Ginnings & Graham Edds – Friends of the Hawkesbury Art Collection and Regional Gallery Inc. representatives
 - Leanne Tobin – Darug Custodian Aboriginal Corporation representative.
6. The inclusion of the Library Manager (Robyn Gosper) as an additional staff representative to sit on the Hawkesbury Cultural Precinct Advisory Committee be approved. The concurrence of the Hawkesbury Cultural Precinct Advisory Committee to this proposed amendment be sought.

ORDINARY MEETING

Meeting Date: 12 April 2005

7. The following community appointments to sit on the Hawkesbury Cultural Precinct Advisory Committee be approved:

- Mr Simon French
- Ms Glenda Ewin
- Ms Johnenne Hibbert
- Ms Caroline Kelly

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005

Item: 109 ORG B - WSROC - Notice of Annual General Meeting - (79337, 74251)

REPORT:

Advice has been received from WSROC indicating that a General Meeting of the organisation will be held at 6:30pm on Thursday, 21 April 2005 at Blacktown City Council.

A copy of the agenda for this meeting is attached to this report. It will be noted that the meeting has been called for the dual purposes of electing a Treasurer to the vacant executive position of the organisation, in addition to filling a vacant position as a member of the Executive Management Committee.

Council's 2 (two) nominated delegates to WSROC are Councillor Bassett and Councillor Calvert, and they are entitled to vote at this meeting on Council's behalf. If these delegates are unable to attend the meeting, Council is able to nominate a proxy or proxies to vote in their stead.

On the basis of Council's delegates being able to attend this meeting, no further action is required by Council.

RECOMMENDATION:

That the information concerning a General Meeting of WSROC to be held on 21 April 2005 at Blacktown City Council be received.

ATTACHMENTS:

AT - 1 WSROC Agenda for Thursday, 21 April 2005

ORDINARY MEETING

Meeting Date: 12 April 2005

AT - 1 WSROC Agenda for Thursday, 21 April 2005



**NOTICE OF GENERAL MEETING TO BE HELD AT 6:30PM ON
THURSDAY 21ST APRIL, 2005, AT NIRIMBA ROOM, 5TH FLOOR,
BLACKTOWN CITY COUNCIL, FLUSHCOMBE ROAD BLACKTOWN**

AGENDA

Please note the schedule of meetings on Thursday 21st April 2005:

6.30 pm	General Meeting
6.45 pm	Board Meeting

1 APOLOGIES

2 GENERAL BUSINESS

As a result of the resignation of Cllr Sarah Trapla from the WSROC Board and consequently from the position of Treasurer, a General Meeting is required to fill the resulting vacant Executive position.

In addition Cllr Chris Cassidy has resigned as a member of the Executive Management Committee (though not from the WSROC Board). Although this vacancy does not require a General Meeting to fill, it would seem appropriate to do so at this time. In addition, if the Treasurer's position is filled by a member of the Executive Management Committee (or another office holder), an election will be required to fill the subsequent vacant position(s).

Resolutions:

That in relation to the vacancies on the WSROC Executive Management Committee:

- 1) *An election be held at this meeting to fill the vacant position of Treasurer on the WSROC Board;*
- 2) *If that position is filled by another office bearer, an election be held to fill the resulting vacant position; and*
- 3) *An election be held to fill the vacant position of member of the Executive Management Committee, and any such additional vacancies that may result from 1 and 2 above.*

3 CLOSE OF MEETING

By order of the Board
Cllr Helen Westwood
President

Esme\E:\WINDOCS\MEETINGS\Special Mtg 280803 Agenda.doc

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2005



ordinary
meeting

end of
business
paper

This business paper has
been produced
electronically to reduce
costs, improve efficiency
and reduce the use of
paper. Internal control
systems ensure it is an
accurate reproduction of
Council's official copy of
the business paper.