



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 12 December 2006

location: council chambers

time: 5:00 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

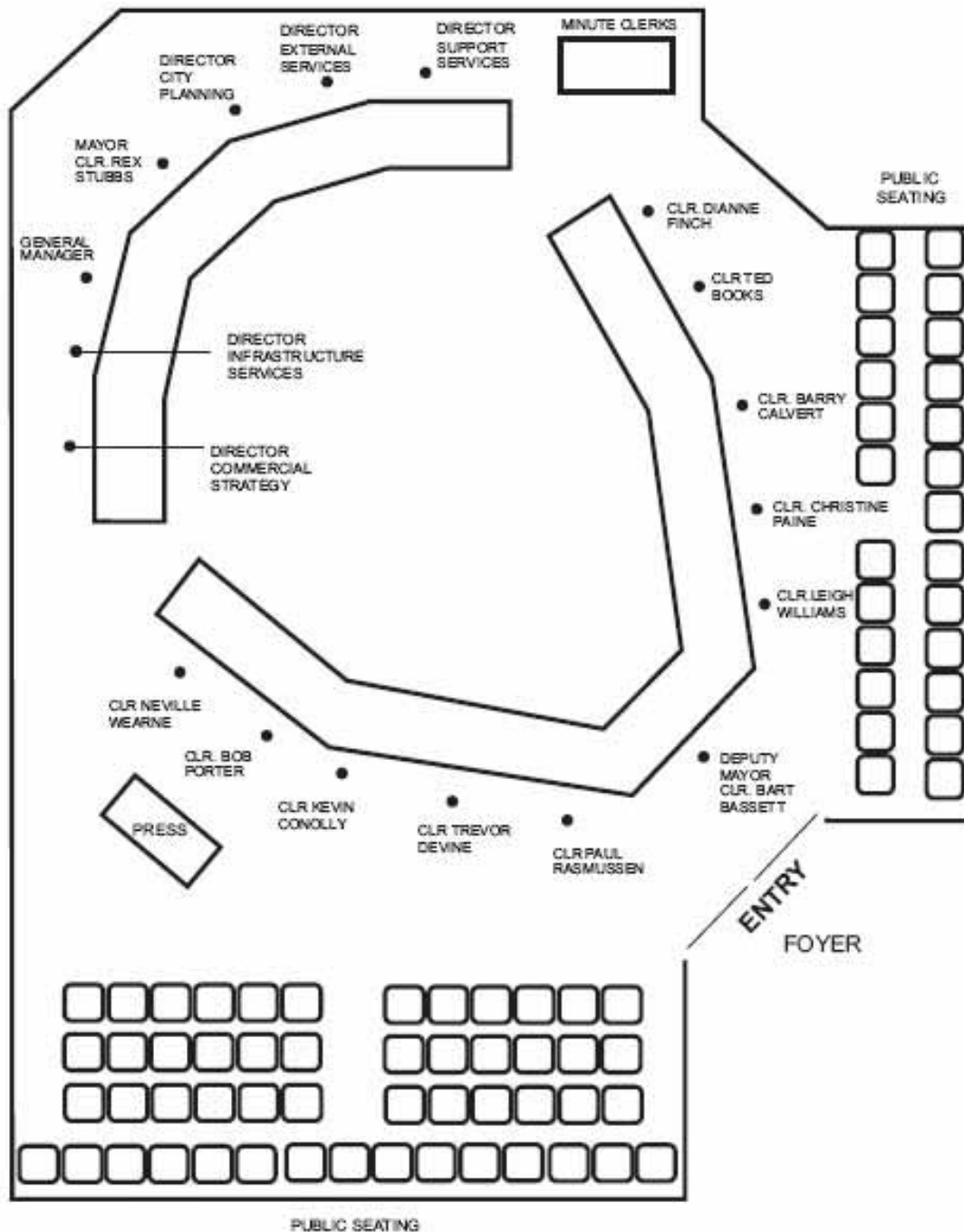
Website

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

Further Information

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

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SECTION 3 - Notices of Motion

NM1 - Appreciation to former Mayor, Bart Bassett and Council Staff - (107, 90479, 90480)

Submitted by: Councillor Ted Books

NOTICE OF MOTION:

Council extend its appreciation to former Mayor, Bart Bassett and Council staff on the way in which they communicated Hawkesbury City Council's financial position to the community and the Minister for Local Government, during the issue concerning Council's proposed rate increase, which was recently endorsed by Council's Auditors, PriceWaterhouseCoopers at Council's meeting on Tuesday, 28 November 2006.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Notices of Motion

NM2 - Conditions for All Approvals for Retention Dams on Floodplain Farms - (80105)

Submitted by: Councillor Leigh Williams

NOTICE OF MOTION:

That all approvals for Retention dams on Floodplain farms require the condition that soil extracted from the construction of the dam and drains be spread on the farm , and not removed from the site.

NOTE BY MANAGEMENT:

The construction of retention or tailwater dams allows for a better environmental outcome and is therefore encouraged. Where excess material is removed, this may assist in the recouping of costs to construct the retention dams.

The use of the extracted material is dependent upon both the quality and quantity of the material. It is therefore considered appropriate to assess where the material is used, whether on site or off site, on the merits of each particular development application.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM3 - Possibility of Opening Windsor Mall to One Way Traffic - (80104, 95496)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That the Council investigate the possibility of making the Mall in Windsor one way traffic between Baker Street and Kable Street and that it be reported back to Council advising of costs and possible time frame.

NOTE BY MANAGEMENT:

A traffic study of the Windsor Commercial area was undertaken by Christopher Stapleton Consulting as part of the proposal to build a shopping centre on the Hollands Paddock site. This study was undertaken in 2003.

A condition of consent for the Windsor Riverview Shopping Centre requires a review to be carried out of the traffic study after the flood evacuation route has been opened and the shopping centre has been in operation. The review is to be carried out by the developer in consultation with Council.

It would be appropriate to investigate the traffic implications of opening the mall to one way traffic as part of that review.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM4 - Clean up of Bligh Park Entrance - (80104, 95496)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That Council clean up the entrance to Bligh Park. This could be undertaken with the help of some community groups and residents from the area.

NOTE BY MANAGEMENT:

General mowing of the area immediately adjacent to the entry to Bligh Park from the Colonial Drive/George Street intersection is undertaken on an as needs basis generally on a three week cycle. As Council would be aware, resources are limited and maintenance cut backs have occurred across the board in an effort to contain costs. As such, edge spraying and other cosmetic works are not being carried out.

Should residents wish to carry out this type of work it would be appropriate for them to contact staff and arrange a "people for parks" or "adopt a road" arrangement.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 289 CP - Wholesale Nursery - Office and Storage Shed - 261 Cattai Road, Pitt Town
NSW 2756 - (DA0465/06, 95498, 96329, 31935, 31936)

Development Information

Applicant: Mr T A Layt
Owner: Mr T A Layt and Mrs M Layt
Stat. Provisions: HLEP 1989
Area: 3.7hs SREP20
Zone: Rural Living
Rural Living Under Hawkesbury Local Environmental Plan 1989
Advertising: 16 August 2006 to 30 August 2006
Date Received: 16 June 2006

Key Issues:

- ◆ Use of Chemicals
- ◆ Inappropriate Land Use
- ◆ Impact on Environment

Recommendation: Approval

REPORT:

Description of Proposal

The application is seeking consent for a wholesale plant nursery, associated office and storage shed on Lot 1 DP 7479659, 261 Cattai Road, Pitt Town. The wholesale plant nursery involves the following:

Combined Testing and Breeding Area

This will be a combined area for breeding and testing of new plant varieties and occupies approximately 1400m² of land. This area is located along the western boundary of the site near the existing dam. The area will be covered with black weed mat with 50-60mm of blue metal to improve drainage and keep the area weed free. Any runoff from this area will be diverted to a filtration pond via a 1m wide dish drain. This filtration pond will trap any silt and chemical residue before the runoff goes into the existing dam.

It is proposed to use Nelson sprinkler heads on upright risers to irrigate the testing and breeding area.

Round up Bioactive is the only chemical that has been proposed to be used around the perimeter of the breeding area. Round up Bioactive is to be applied only by small handheld spray packs and no large boom sprays or mechanical spray equipment will be used. The application also indicates that no spraying will occur on windy days, thus eliminating any chance of a drift.

Advance Tree Growing Area

The advanced tree growing area is situated towards the front of the site and occupies approximately 9000m² of land area. The advanced trees will be grown in 250mm pots and larger. These will be grown in rows, 1.2m in width. A pervious weed mat will be provided between the rows over the existing grass to ensure no runoff from drip irrigation. The application proposes to grow native trees initially, however, this

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can change. The intended trees include *Waterhousia floribunda*, *Tristaniosopsis laurina*, *Acmena smithii*, some *Eucalyptus* and *Callistemon*.

Drip irrigation will be applied to this area with each tree having an individual pot dipper to eliminate water runoff and reduce evaporation.

An 8-12 months slow release fertilizer is proposed to be applied to the plants. The application also indicates that since only native trees or shrubs are to be planted, there will be no need for fungicides and other chemicals in this area. No chemicals including Ronstar will be used on any plants.

Cut Foliage Growing Area - Nyalla

The cut foliage growing area will be situated north of the existing dam and include native grasses called *Lomandra Nyalla* or other similar plants. These grasses will be used for cut foliage for floral arrangements. The area will initially be hand watered for the first 8-13 weeks to establish the plants and later it will rely on natural rainfall unless there is a severe drought. The existing grass will be maintained and mown when required. This will assist in minimising any runoff. However, should there be any runoff it will be diverted to dam 2 via a dish drain and pumped back to top up dam 1.

Grassed Area

These areas cover approximately 30 metre deep strip along the front boundary. Existing ground levels and conditions are proposed to be maintained.

Filter Pond

The filter pond will be adjacent to the existing dam and will trap runoff from the testing and breeding area through dish drains. The filter pond will collect any chemicals or silt residues before any runoff entering the dam. The filter pond will be 8 metres x 8 metres and approximately 3 metres deep.

Dam 1

The existing dam 1 which has a capacity of 0.96 megalitres will be retained and used for water storage and recycling water for irrigation purposes.

New Shed for Ozbreed Offices

The existing shed will be demolished and replaced with a 150m² new shed in colorbond construction. The floor to ceiling height of new shed will be 2.4 metres with the ridge height being 5.3 metres. The shed will be used as an office. The high roof pitch will allow extra space in the loft to store records and other important items relating to the operations of the business. The new shed is of a comparable in scale to that being demolished.

Existing Barn Shed

The existing barn shed will be retained and used for the storage of tractor and other tools and equipment relating to the use of the site.

Existing Cottage

The existing cottage will be upgraded and used for habitable purposes.

Existing Shelter

The existing shelter located within the proposed Advanced Tree Growing area will be retained and used by the workers of nursery.

Existing Water Tanks

The existing water tanks will be relocated to the east of the proposed new shed. Any overflow will be connected through a pipe to the dish drain which will flow the water to dam 1 via filtration pond.

Proposed New Dam 2

The proposed Dam 2 is located along the northeastern corner of the site. The Dam will be of 0.65 megalitre capacity. This dam will be used for the storage of water from the site. This water will be pumped to the existing dam for irrigation purposes.

Use of Chemicals

The application proposes to use Round Up Bioactive as the only chemical on this development. A maximum of five litres of Round Up will be stored on site at any given time. This will be stored high in shelves in the shed above 1 in 100 year flood height.

The original application also proposes to use Ronstar, however on 27 November 2006 a correspondence was received which indicate that Ronstar will not be used.

Staff level, Visitors and Deliveries

The application proposes that there will be a maximum of four people working on the site for the first two to three years with the number increasing to six after five years. This includes the applicant's son who will be occupying the existing dwelling house on the property.

The application provides that there will be a maximum of 2-3 visitors per week. A monthly customer meeting involving a maximum of five people will be held on site. A six ton truck is proposed to be used on a weekly basis to take the Plants to a secondary nursery for sale. Potting mix will be delivered to the site once a month in bulkier bags with potting mix required on the site for a eight weeks of the year.

Tree Removal

It is proposed to remove one tree located adjacent to the existing shed. The application indicates that the removal is required due to infestation of borers and possible white ants. Additional landscaping is required along the western boundary as a condition of any consent.

Integrated Development

The application proposes a new dam with a capacity of 0.65mega litres. The total dam capacity including the existing dam of 0.96 mega litre capacity will be 1.61mega litres. In accordance with the Department of Natural Resources Farm Dam Policy the property has a maximum Harvestable Rights of 0.3 Mega litres. Since the dam capacity exceeds the Maximum Harvestable Rights, the development is therefore "Integrated" development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979.

The Department of Natural Resources has issued a surface water licence under Part 2 of the Water Act (1912) as the proposed dam and an existing dam exceeds the "Harvestable Rights" for the property. The Department has issued General Terms of Approval as required under the Environmental Planning and Assessment Regulations Division 3 and require all the conditions must be included in any consent granted by consent authority.

Background

There is no previous history of development on the subject land.

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Statutory Situation

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

a) the provisions of:

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

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

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context." SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy including those relating to total catchment management, environmentally sensitive areas, water quality, water quantity, flora and fauna, agricultural/aquaculture and fishing, rural residential development, and metropolitan strategy.

Comment:

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

S.E.P.P. No. 44 *"aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:*

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; and*
- (b) by encouraging the identification of areas of core koala habitat; and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones."*

State Planning Policy No. 44 - Koala Habitat applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

Comment:

The proposal does not involve the removal of native vegetation and therefore will have no impact on koala habitat, if present, on the site. Under clause 8 of S.E.P.P. No. 44 Council is not prevented from granting consent to the proposal.

Hawkesbury Local Environmental Plan 1989 (LEP)

Clause 2 - Aims, objectives etc.

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

Clause 8 - Zones indicated on the map

The subject land is zoned Rural Living.

Clause 9 – Carrying out development

The proposal is permissible with development consent within the Rural Living zone

Clause 9A – Zone objectives

The proposed development is considered to be consistent with the objectives of the Rural Living zone. The stated objectives of this zone and the proposal's degree of compliance with these objectives is detailed as follows:

(a) *to provide primarily for a rural residential lifestyle,*

The subject application proposes the establishment of a wholesale plant nursery and use of the existing cottage on site for habitable purposes. Whilst the proposed use is not a residential development, it is noted that the objective provide for a broader range of uses within the zone and it is considered that the proposed use as a nursery is not likely to have any unreasonable impact on the rural residential character of the area.

(b) *to enable identified agricultural land uses to continue in operation*

The subject land is not currently used for agricultural purposes. The proposed use will introduce an activity which is consistent with the zoning of land.

(c) *to minimise conflict with rural living land uses,*

The locality is used for agricultural and rural residential purposes. The use of the property as a wholesale plant nursery is not expected to create conflict with those adjoining land uses. The proposed use of the property and scale is not considered to be inconsistent with the rural character of the area.

(d) *to ensure that agricultural activity is sustainable,*

The proposal involves a form of agricultural activity including growing advanced trees, plant breeding and testing and cut foliage. The details provided with the application indicates that the proposal is not likely to have unreasonable environmental impact and the extent of activity is sustainable.

(e) *to provide for rural residential development on former agricultural land if the land has been remediated,*

The proposal is to use the land for agricultural purposes and does not involve intensification of existing residential use of the land.

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

The proposal involves the use of the existing driveway to access the site. The existing shed is to be replaced with a shed of a similar bulk and materials. This shed is located approximately 200m from the street which will minimise any visual impact and assist in maintaining the established rural landscape character of the area.

(g) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,*

The proposed activity provides for agricultural activity ancillary to the existing residential use of land and it is considered that appropriate measures are proposed to limit any significant adverse environmental impacts.

(h) *to ensure that development occurs in a manner:*

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- (i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*

The subject site is located in proximity to Longneck Lagoon which is on No. 271 Cattai Road. There is an existing dam on the property and a new dam is proposed along the northeastern boundary of the site. The application proposes to use drip irrigation to water plants which will minimise any runoff. Any excess water will be diverted to filtration ponds via the dish drains before entering the dams. This will eliminate any likelihood of polluting the lagoon as well the waterways.

- (j) *that satisfies best practice guidelines and best management practices,*

It is considered that the proposed development can be managed to satisfy best practice guidelines.

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

The proposal involves a small scale wholesale plant nursery which is not considered to represent a significant traffic generating development.

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

The proposed wholesale plant will not be required to upgrade existing infrastructure and is not likely to create an unreasonable demands for the provision or extension of public amenities or services.

Relevant clauses from HLEP 1989:

Clause 18 - Provision of water, sewerage etc. services

Services to the property are considered adequate for the proposal.

Clause 22 - Development fronting a main or arterial road

The subject site is located on Cattai Road which is a main road. Clause 22 of the LEP 1989 requires consideration of the following matters on developments fronting main roads:

- (1) In determining any application for consent to carry out development in any zone where the land has a frontage to a main or arterial road, the Council shall have regard, in addition to the matters specified in section 79C (1) of the Act, to the following principles:

- (a) *Development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing scenic character of the locality.*

The proposed wholesale plant nursery is permissible in the zone and is compatible with the existing land uses in the area.

- (b) *Development should not generate significant additional traffic or create or increase ribbon development directly along a main or arterial road, relative to the capacity and safety of the road.*

The proposed development is not considered to be a traffic generating development. This existing access driveway is adequate to service the proposed use. The proposal is not anticipated to result in a ribbon development along the main road.

- (c) *Any building should be sited and designed to be of an appropriate scale, so as to maintain the character of the area, to minimise disturbance to the landscape, not to intrude into the skyline and to maintain an overall pattern of building development that is consistent with the character of the area.*

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A new shed replacing the existing shed has been proposed. This shed is of similar scale and bulk to that which is being replaced. The shed would not require removal of any trees and will not be intrusive. The proposed new shed will be consistent with other building on the subject site and those on the adjoining lands.

(d) *Any building should be set back, from the nearest alignment of the main or arterial road, the distance to be determined by the Council having regard to:*

(i) *the nature, scale and function of the building,*

The proposed new colorbond shed is of similar scale and bulk that is being demolished. This shed is to be used for storage and office for the nursery.

(ii) *the maximisation of sight distances for drivers, including visibility of points of access,*

The proposed shed is setback in excess of 200m from the street. A 30m-grassed area is provided at the front which will ensure the existing sight lines are maintained.

(ii) *the minimisation of distractions to drivers, and*

The proposed development is not likely to result in any distraction to drivers.

(iii) *any possible need to alter the road alignment in the future.*

The proposed development does not require any change to the road alignment.

(2) *Notwithstanding clause 9, the Council shall not grant consent to the carrying out of development for the purpose of any of the following on land which is in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone and which has direct vehicular access to a main or arterial road:*

bulky goods sales rooms or showrooms, car repair stations, caravan parks, commercial premises, general stores, hotels, junk yards, motor showrooms, produce stores, refreshment rooms, retail plant nurseries, roadside stalls, service stations, shops, transport terminals and warehouses.

The subject site is zoned Rural Living. The proposed wholesale plant nursery is not one of the uses identified in the above list that Council should not consent to if it has direct vehicular access to a main or arterial road.

(3) *Direct vehicular access from any land to a main or arterial road is prohibited. However, if, in the opinion of the Council, there is no reasonable alternative access to the land from another road, the Council may consent to access to a main or arterial road if such access will be located and designed so as to minimise potential traffic hazards.*

The proposal will not result in any conflict with the existing traffic or it is likely to create any significant traffic hazards.

Clause 25 - Development of flood liable land

The subject site has natural ground levels between approximately 8m AHD and 14m AHD, placing the land below, the 1-in-100 year flood level of approximately 17.3m AHD for the locality.

The proposal involves the replacing of existing shed with no other structures being added. The plant nursery does not require any changes to the natural ground levels. The proposal is therefore consistent with Clause 25.

Clause 27 - Heritage items

The site does not contain any heritage items identified in Schedule 1 of HLEP 1989.

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

The subject property falls within Class 5 as identified on the Acid Sulfate Soils Planning Map. The adjoining properties fall within class 3 and 4. The Class 3 land is located between 10 and 50m of the Class 5 land. A 30m buffer is required at the northern and eastern boundaries which will increase the separation with Class 3 land to between 40m and 80m. The only new structure proposed near the boundary is the new dam and it is considered that the proposed works will not result in the lowering of the water table.

Clause 44 – Intensive Agriculture

This clause defines intensive agriculture to mean intensive animal production or intensive horticulture. 'Intensive horticulture' is further defined as *"the growing of plants or fungi involving any of the following:*

- (a) *hydroponics;*
- (b) *artificial housing;*
- (c) *crop protection structures;*
- (d) *market gardening;*
- (e) *orcharding; or*
- (f) *the growing of field flowers.*

This clause permits intensive agriculture, with development consent, on land zoned Rural Living.

Subclause (4) states that "The Council, in determining an application for consent required by this clause shall take into consideration the following matters:

- (a) *the need to protect the quality of downstream watercourses;*

Comment:

The proposed activity involves the harvesting of foliage, growing of advanced tree species and testing and breeding of plants. Plant species are mostly native and therefore will require minimal supplementary watering and use of slow release fertilisers only with some spraying of Round Up Bioactive. A detached portion of Longneck Lagoon is located on the adjoining property to the northeast. It is considered that, due to the location of plant beds with a 30 metre setback required at the boundary for tree planting and construction of a new dam, the scale and nature of the activity, there will be not significant adverse impact on the quality of the wetland.

- (b) *the need to conserve native vegetation;*

Comment:

No native vegetation will be removed as a result of this activity. Conditions of consent will be imposed to ensure that excessive harvesting will not be carried out to the detriment of the naturally occurring plants. Additional trees of native species are required to be planted along the western boundary to improve the landscape quality of the area.

- (c) *the need to protect environmentally sensitive areas, such as wetlands, riparian zones, endangered ecological communities and threatened species within the meaning of the Threatened Species Conservation Act 1995;*

Comment:

The proposed development will have no significant impact on environmentally sensitive areas, wetlands, endangered ecological communities or threatened species.

- (d) *the need to protect the amenity of the area from noise, spray drift, odour or any other potentially offensive sources; and*

Comment:

It is proposed to use handheld sprays to spraying Roundup Bioactive. This will minimise any likely drift to the adjoining land. A tree buffer is also proposed along the western boundary which will minimise drift on to the adjoining lands. Given the location, nature and scale of this proposal it is considered that no unreasonable impacts on the amenity of the area from noise, spray drift, or odour is predicted.

- (e) *the need to limit the impact of development on flood liable land.*

Comment:

The proposal does not include any new structures other than a new shed which is to replace the existing dilapidated shed. The proposed new nursery does not involve changes to the existing natural ground which will minimise any significant impacts on the existing flood regime.

- ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

There are no draft planning instruments that are relevant to the proposed development.

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

Hawkesbury Development Control Plan

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

General Information Chapter

This Chapter provides an explanation of the development application process and provides the requirements for lodging a development application for different landuses.

It is considered the subject application provides adequate information for the assessment of the proposal and generally complies with this Chapter.

Erosion and Sediment Control Chapter

The objectives of this Chapter are to:

- investigate site features;
- prepare a Soil Erosion and Sedimentation Control Plan;
- save topsoil for reuse;
- control run-off onto, through and from the site;
- use erosion control measures to prevent on-site damage;
- rehabilitate disturbed areas quickly; and
- maintain erosion and sediment control measures.

It is a requirement of this plan that any proposal which will or may involve the disturbance of the existing surface of the earth or placement of fill or changes in the rate and/or volume of run-off entering a watercourse, or flowing over land, shall be subject to the provisions of this chapter.

Comment:

Erosion and sediment control will be enforced through conditions of consent in respect to both construction works and the use of the property as a wholesale plant nursery.

Notification Chapter

The aim of this chapter is to identify under what circumstances development proposals will need to be advertised and the means by which it will be advertised to provide for public participation.

Comment:

The adjoining neighbours were notified as per the requirements of this DCP on two occasions. Six (6) submissions were received on each occasion and are discussed further in the report.

Rural Sheds Chapter

The aim of this Chapter is to enable the erection of sheds on rural properties in a manner which compliments the rural character of the landscape and has minimal impact on the scenic qualities of an area and to provide design principles for the construction of these buildings. The proposal fully complies with requirements with the exception of height of the shed. The policy requires that:

- "a) The total 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, whichever is less.*
- 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.*
- c) The total height of 'barn style' sheds may exceed 5m based on individual merit."*

The proposed shed which is to be used as an office for the wholesale nursery has a ridge height of 5.3m. The shed will have ground offices and storage area within the mezzanine floor.

The applicant states that the additional ridge height is required to create storage and archive area for important business records and to locate backup device for computers. The additional height will create a useable mezzanine area and it will provide security for important records and equipment in the event of a 1 in 100 year flood event.

Comment

The main aim to control height of rural sheds is to minimise their dominance and bulk in the landscape. The wall height of the proposed shed will be 2.1m. The shed will have a roof pitch of 30.0°, which is considered desirable in relation to reducing the bulk of the building and its visual dominance. The form is also consistent with other sheds in the locality. The applicant's argument regarding the need for a mezzanine floor space for security in 1 in 100 flood event is acceptable. The additional 300mm is not considered to have any adverse impact on the visual amenity of the area.

iv) any matters prescribed by the regulations

Suitable conditions of consent shall be imposed with regard to the Building Code of Australia and other environmental issues.

- b) the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality** (Refer to list of potential matters as a guide. Additional matters may be relevant and should be included)

The relevant matters under Section 79C are discussed below.

- c) the suitability of the site for the development** (Refer to list of potential matters as a guide additional matters may be relevant and should be included.)

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The surrounding land uses include agricultural and rural residential. There are no constraints from surrounding land uses that would make this development prohibitive. Access to the site is satisfactory and it is considered that the proposed development will not lead to unmanageable transport demands.

The use of fertilisers is limited to slow release and handheld sprayers to do the spraying of Round Up bioactive. It is considered that the air quality and microclimate is appropriate for the proposed development and no significant impact is envisaged on the adjoining properties and land uses.

There are no known hazardous land uses/activities nearby. Ambient noise levels are suitable for the development.

The site is not critical to the water cycle of the catchment as adequate separation is available from the Longneck Lagoon to minimise impacts. The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

The site attributes are conducive to the development. It is therefore concluded that the site is suitable for the proposed development.

d) any submissions made in accordance with the EPA Act or Regulations (Include public submissions and other government authority submissions.)

Following notification of the application, six (6) submissions of objections were received. The applicant responded to the issues raised and the response was forwarded to those who originally made submissions. The objectors reiterated their previous concerns. The matters raised in these submissions are addressed below:

- *What is testing and breeding area*

Comments

The application indicates that testing and breeding area is for the Growing area for of new plants. This area is also for testing plants that have already been bred, for example 10 pots of one variety plants may be planted in 5 different sizes to evaluate the best size and to get photos of plants. It is also a holding area for small number of plants that have been bred to allow keeping original plants. Plants of similar species will be grown next to each other to facilitate pollination naturally and for germinating seeds to be used at other locations. Plants will be grown in small numbers in pots and eventually choose a plant that is better than the others.

- *Cut foliage area is 50m x 35m. What goes in the area for storage.*

Comments

The application indicates that this area will be used for to grow native like grass called Lomandra Nyalla or similar other plants. These grasses will be used for cut foliage for floral arrangements. This area will be initially be hand watered for 8-14 weeks but after that the plants will rely on natural rainfall, unless there is severe drought.

There is no storage proposed in the cut and foliage area.

- *Grassland area at the front of the site has Telstra Optic cable in Ground, reasoning behind this.*

Comments

The existing grassland area at the front of the site, nearly 30m in width, is to be maintained with no changes to the natural ground levels. This would allow any existing Telstra infrastructures to remain unaffected.

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- *Filtration pond, what is going to go into filter pond*

The application indicates that the filtration pond will collect runoff water through the dish drains from the breeding and testing area. It will collect and filter any silt or chemical residue before reaching the dam.

- *Dam 1 where does the water come from as we are in drought area, and have no town water*

The dam exists and no change is proposed. The dam will continue to rely on rainwater.

- *New shed is 150m2. How many sheds could be built in the future on the site*

The new shed is replacing the existing shed of the same size and bulk. Any further sheds would require approval from Council.

- *Is the existing electricity net work has a capacity for the increase demand generated by the proposed use.*

The site is serviced and any augmentation as a result of the development would be a matter for the energy provider to decide if additional load can be provided to the site.

- *What fertilisers and chemicals are to kept onsite, what way they are going to be controlled and will they implement HASAP and MDA procedures, so that the surrounding homes are not affected*

The development will use only slow release fertilizers. The only chemical to be used and kept on site will be Round up Bioactive. A maximum of 5 litres will be kept on site. It will be used in accordance with manufacturer's specifications and Material Safety Data Sheets. The application previously proposed to use Ronstar however the applicant on 27 November 2006 indicated that Ronstar would not be used. All spraying will be carried out by hand held sprayers and will not be conducted on windy days to avoid any drift.

- *What insecticides will be used and how they are going to affect our water supply as all the roof water goes into the water tank. Should there be any sickness who will be responsible*

The application indicates that no insecticides will be used. The spraying of Round up Bioactive will be carried by handheld sprayers and spraying will not be conducted on windy days. This will minimise any drift on to the adjoining properties. In addition a 3 metres wide vegetation strip along the western boundary for planting native trees would further reduce any drift on to the adjoining properties.

- *Health risk especially asthma and allergies due to pollens*

The application indicates that the amount of pollen produce by the native plants to be grown on site will be minimal. The existing grassland on the property and the adjoining lands mostly of Rye specie will produce much more pollens than the new plants. Reducing most of the plants require assistance from insects or birds to pollinate making them good plants for asthmatics. The applicant argues that reducing the extent of Rye would actually improve the situation.

- *Commercial business in a residential area*

The subject land is zoned Rural Living which allows the proposed wholesale plant nursery with Council's consent.

- *The proposed site is an infringement on our privacy*

The proposed new shed will have an entry from the eastern side which reduce overlooking on to the adjoining property. In addition, three metre landscape strip is required along the western boundary to plant trees. This will minimise any views to the adjoining property from the subject land. It is not considered that the proposed development will have any significant infringement of privacy on the adjoining lands.

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- *Noise from the site, how many people will be working and what are the trading hours, what is Council guideline on noise.*

There will be 4 full time staff initially with a maximum of 6 staff in 5 years time. This includes both the office and outdoor staff working in the nursery. The general office hours for office staff are proposed to be 8:30am to 5:00pm whereas the outdoor staff may work between 7:30am and 5:00pm. The proposed hours of operation and staff levels are not likely to generate noise of unacceptable levels.

- *Forklift and machinery loaders have reversing beepers, which will generate noise*

The applicant acknowledges that all modern machinery beeps when reversing, however due to small scale nature of the operations, the use of machinery will be limited. It is not considered that the use of the machinery will result in noise of unacceptable levels. In addition, the impacts of the proposal in terms of noise, can be minimised by the proper management of the activity. Conditions of consent can be imposed to ensure appropriate practices are implemented to ensure that no adverse impacts on adjoining land result in respect to these impacts.

- *What size of trucks and how many movements per day*

The truck movements proposed are as follows:

A six tonne truck will be used to send advanced trees to another nursery in Clarendon, once a month
An 8-12 tonne truck will be used to deliver potting mix, once per month on an average
A station wagon will be used to deliver cut foliage to other sites, once a week

- *Cattai Road has an 80km speed limit, trucks leaving the site will be moving at a slow speed which will cause a major accident*

Access to the site is via an existing gravel driveway off Cattai Road. Council design Engineers have reviewed the application and provided comments that there is an adequate sight distance whilst exiting the site. It is considered that the proposed movements on Cattai Road do not adversely impact on traffic in the locality or safety with respect to the location of the existing driveway and site distances.

- *What is the impact to Pitt Town as it is not a commercial area*

The proposed use of the site is permissible in Rural living zone and the establishment of a wholesale nursery is not likely to have any economic impact on Pitt Town.

- *Invasion of privacy due to overlooking our home and devaluing our property*

As previously stated above, the proposed use of the land is not likely to give rise to any significant privacy issues. The proposed use as a wholesale plant nursery is consistent with the uses permissible in Rural Living zone. There is no evidence to suggest that the establishment of a wholesale nursery would affect property values in the locality.

- *There are no dish drains to take water runoff from the site, what measure are proposed to ensure run off from the proposed development does not affect the blocks and homes in case of heavy rains*

Dish drains are proposed to carry any runoff water from the testing and breeding area and advanced tree area to the dam. During prolonged periods of heavy rains runoff from the property to will enter the existing down stream catchment area in a similar manner that currently exists.

- *Pollution of Longneck Lagoon and Hawkesbury River. The Lagoon falls within a Regional scenic corridor of SREP 20*

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No change is proposed to the existing water catchment, and it is unlikely to significantly impact on Longneck Lagoon. The application states that the proposed irrigation practices are so controlled and well planned that no water can run into the Lagoon. In addition, in case of a big storm event, the hydrology is not changed, and the design and operation of the nursery is such that no chemicals will get into the lagoon.

- *A new dam is to be built in the bottom corner, how the overflow into neighbouring dam then spill into the Lagoon and property*

The proposed new dam at the north eastern corner of the site has been approved by the Department of Natural Resources as part of an Integrated Development process. As previously stated, during prolonged periods of heavy rains runoff from the property will enter the existing down stream catchment area in a similar manner that currently exists.

- *The development will degrade our property resale as we came here for a rural lifestyle not a commercial one*

The proposed use of the land is consistent with the rural residential lifestyle envisaged in the Rural Living zoning of land. There is no evidence to suggest that the proposed wholesale nursery will affect re-sale of other properties in the area.

- *Chemicals and fertilizers on site is a danger to children and homes in the area*

This issue has been previously dealt previously in the report. There is a limited use of chemicals and fertilizers and it is not considered that any significant risk to children and other persons in the area will arise as a result of the proposed development.

- *Fire explosion plan, does this include explosion plan regarding chemicals and Fertilizers etc*

The application indicates that there will be no explosive chemicals or fertilizers kept on site.

- *Smells / odours re the fertilizers (Blood and Bone) how it will be controlled*

The application indicates that no smelly substances will be used in the nursery. Further controlled release fertilisers have no smell. The application does not propose to use Blood and Bone in the nursery. In addition, the impacts of the proposal in terms of smell, can be minimised by the proper management of the activity. Conditions of consent can be imposed to ensure appropriate practices are implemented to ensure that no adverse impacts on adjoining land result in respect to these impacts.

- *Will there be hot houses built in future for plants and would it require further application*

The proposal does not include the establishment of hothouses. A separate approval from Council will be required ,should there be any proposal to construct hothouses in future.

- *We have flood evacuation gates on all properties, they will be blocked by advanced tree growing area will this be addressed*

A 30m buffer is required as a condition of along the eastern and southern boundaries this would allow adequate space for evacuation. In addition the application provides that adequate gaps are provided between the trees and no gates will be blocked to ensure evacuation in case of flooding.

- *How many sheds will there be built in the future if the nursery is allowed to be built*

Any new sheds to be constructed in future will require approval from Council.

- *What trees and shrubs to be grown*

The application proposes to grow native trees initially, however this can change. The intended trees include Waterhousia floribunda, Tristaniospsis laurina, Acmena smithii, some Eucalyptus and Callistemon.

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- *Leaching of chemicals and fertilizers*

The application proposes to use Round up Bioactive as the only chemical and a slow release fertilizer. Further, an 8-12 month slow release fertilizer applied to the plants is released so slowly that it does not reach outside the dimension of the pot. The type of fertilizer does cause leaching so no significant impact is envisaged on the ground and watertable.

Assessment of the matters identified above

Consideration has been given to s79C (1)(b) of the EP&A Act as shown below:

Context And Setting

Surrounding properties are predominantly used for rural residential purposes. The proposed development is not inconsistent with the previous and existing land uses and activities in the locality. The proposal maintains the residential use of the land and provides for additional agricultural activity which is permissible in the zone. The proposed development is not inconsistent or incompatible with the surrounding development.

The proposed development will not have a significant adverse impact on the scenic quality of the landscape and is in keeping with the rural residential character of the locality. The proposal will not unreasonably impact on the amenity of the area. Adequate separation is required in the form of a buffer along all properties which will ensure the surrounding properties will not be impacted upon in terms of sunlight access, overshadowing, loss of visual or acoustic privacy, or loss of views or vistas.

Access, Traffic and Transport

Access to the property is from Cattai Road which is a main road. Traffic generated by the development is considered minimal and there will be no significant impacts on the existing road network. Adequate sight distance is available at the property boundary which will ensure safety of the vehicles entering and leaving the site. The proposal is not a Traffic Generating Development under RTA guidelines. Given the minor increase in anticipated traffic volumes associated with the proposal, it is considered that the proposed wholesale nursery will not result in an unreasonable traffic impact upon Cattai Road.

The existing 4m driveway will be required to be upgraded to all weather access. In addition a passing bay, approximately midway along the driveway has been included in the recommended conditions of consent.

Utilities and Public Domain

Electricity and telephone is currently available to the site. Any augmentation of services can be provided in consultation with the appropriate service authorities. In accordance with Council's Section 94A Contribution Plan an appropriate condition has been included in the recommendation requiring payment of contribution for the provision of services which will be generated by the proposed development.

Details of the effluent and wastewater generated by the proposed development have not been submitted. Considering the size of the land, adequate provision can be made for the onsite disposal of wastewater. A condition of consent is included in the recommendation that requires details of the on-site wastewater disposal prior to the release of a construction certificate.

Heritage

The subject land is not listed as a heritage item.

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Flora and Fauna

The proposal does not involve the disturbance or removal of native vegetation. It is therefore considered that the requirements of Part 5A of the EP & A Act are satisfied in that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

Other Land Resources

The proposed development will not adversely impact on the land in respect to future agricultural use of the land.

Water

Roof water will be collected within the rainwater tanks for reuse. This water will be used in both the existing residence and the proposed office for wholesale nursery.

Soils

Erosion and sedimentation controls will be utilised during construction of the new shed.

It is considered that sedimentation measures be implemented to ensure that soil from the wholesale nursery do not reach the adjoining properties. This will be ensured through a condition of consent.

Air and Microclimate

The applicant has advised that any spraying will be carried out by handheld sprayers. In addition spraying will not be done on windy days. This will be ensured through a condition of consent. This will ensure minimal drift of chemicals on to the adjoining properties minimal air pollution and effects on microclimate

Landscaping along the western boundary will also aid in the reduction of dust and chemical drift affecting adjoining properties, and will be required by conditions of consent.

Waste

The site is to be kept tidy and maintained to the satisfaction of Council during the construction and use of the land.

Energy

Satisfactory

Noise and Vibration

It is not expected that the proposed development will result in offensive noise or vibration. The hours of operation of the indoor staff are between 8:30am and 5:00pm and outdoor staff between 7:30am and 5:00pm. The use of forklift and tractor may generate some noise however considering the proposed hours of operation and limited hours of use of forklift on an average for 4 hours per week will minimise any impacts on the adjoining properties.

Natural Hazards

The subject site is flood prone and is affected by 1 in 100 flood regime. No additional structures are to be built which will affect flooding in the area. The wholesale plant nursery proposes to plant trees in pots with a large space left around the trees to allow for the free flow of flood waters. The flooding risk to the property is not prohibitive to the development.

Technological Hazards

N/A

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Safety, Security and Crime

Satisfactory

Social and Economic Impacts in the Locality

The proposed development is not expected to have negative social and economic impacts in this respect.

Site Design And Internal Design

The property is 3.7ha. The proportion of the site covered by buildings is minimal. The wholesale nursery mainly involves three activities including the establishment of advanced tree growing area, testing and breeding area and the cut foliage area. A new dam is also proposed along the northeastern corner of the site.

A 30 metre setback along the eastern and northern boundaries of the site is required as a condition of any consent. A three metre landscape buffer is also required along the western boundary to be used for planting trees. This will minimise any amenity and environmental impacts on the adjoining properties.

Construction

Construction of a new shed to be used as an office for the nursery is not expected to unreasonably impact upon surrounding neighbours.

Cumulative Impact

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

Public Interest

The submissions of respondents have been identified previously in this report. It is considered that the concerns raised are not sufficient to warrant refusal of the application and can be addressed through appropriate conditions of consent.

Building/Health Comments

Not Referred

Environment & Waste Comments

No objection is raised subject to Conditions. Specific conditions include provision of 30m setbacks along the eastern and northern boundaries, a 3m-landscape strip along the western boundaries, safe storage and use of chemicals and fertilizers and control of dust and noise.

Engineering Comments

No objection is raised subject to conditions.

Conclusion

The proposed establishment of a wholesale plant nursery demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan. It will provide for satisfactory measures to minimise any amenity impacts on the adjoining properties and environmental impacts on the locality. It is recommended that the application be approved.

Conformation to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic plan:

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

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

Funding

No impact on Budget.

RECOMMENDATION:

That the application for the use of the land as a Wholesale Nursery and associated Office and Storage Shed on Lot 1 DP 747965 be approved subject to the following:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall be modified in the following manner:
 - a. a 30 metre setback is provided along the eastern and northern boundaries
 - b. a three metre landscape strip is provided along the eastern access road, adjacent to the advanced tree growing area and the testing and breeding area . This area is to be used for planting trees.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
5. The proposed new shed shall not be used or occupied prior to the issue of an Occupation Certificate.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
7. The development shall comply with the provisions of the Building Code of Australia at all times.
8. 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.
9. The development shall be carried out in accordance with the General Terms of Approval No. ERM2006/006784 dated 15 September 2006, issued by the Department of Natural Resources under Water Act (1912), copy of which is attached to this consent.

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Prior To Issue Of Construction Certificate

10. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.
11. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
12. Construction of access, car park, drainage, dam, filling and filtration pond are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
13. Payment of a Construction Certificate checking fee of \$622.00 and a Compliance Certificate inspection fee of \$977.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2007. Fees required if an Accredited Certifier is used will be provided on request.
14. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$600 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

15. The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.
16. A suitable qualified wastewater consultant shall provide a report to Hawkesbury City Council demonstrating that the existing on-site wastewater treatment system has adequate capacity to service the existing dwelling and the proposed development. Alternatively, an application shall be made to Hawkesbury City Council Prior To Commencement Of Works
17. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day-to-day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
18. 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.
19. A Sewer Management Facility System application shall be submitted to and approved by Council.
20. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
21. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979. Council for the installation of a new wastewater treatment system to service the proposed development.
22. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

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

During Construction

26. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
27. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
28. 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.
29. 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:
30. 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.
31. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
32. 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.
33. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
34. Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
35. Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
36. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
37. Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.

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38. 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.
39. The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
40. Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
41. 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).
42. All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
43. 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.
44. No material is to be burnt on site.
45. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

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

- (a) commencement of work (including erosion controls, site works and site set out);
 - (b) piers;
 - (d) internal sewer or stormwater lines prior to covering;
 - (e) steel reinforcement prior to pouring concrete;
 - (f) external sewer or stormwater lines, prior to backfilling;
 - (j) wet area flashing, after the installation of bath and shower fixtures;
 - (l) swimming pool fencing, prior to the pool being filled with water;
 - (n) prior to occupation of the building;
46. Council records indicate that the building site is at a level of approximately 14 metres AHD. All materials used in the construction below the level of 16.9 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
 47. Any stormwater drainage pit shall be of adequate size and be fitted centrally with vertical overflow pipes and be located so as not to interfere with any other property or sewer drainage system.
 48. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
 49. Construction of an all weather access driveway a minimum of 4 metres wide, parking area, manoeuvring and loading areas to accommodate the largest vehicle expected to visit the site. A passing bay is to be constructed approximately midway along the access driveway. A minimum of 8 car spaces shall be provided. Parking and manoeuvring areas shall comply with the requirements of AS2890.1 - 2004 and AS2890.2 – 2002.

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50. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
51. A bitumen sealed rural footway and concrete dish drain a minimum of 4 metres wide, with suitable splays to accommodate the turning movement of the largest vehicle expected to visit the site, shall be constructed to the development lot in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specifications.

Prior To Issue Of Occupation Certificate

52. Compliance with all conditions of this development consent.
53. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
54. The applicant shall submit a report from a suitably qualified Engineer which verifies the following:
55. Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
56. 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.
57. All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
58. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.
59. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries

Use Of The Development

60. Plant and maintain a minimum buffer zone of thirty (30) meters along eastern and northern boundaries. This zone is to be planted out in the form of a hedgerow containing tall, medium and small vegetation to completely block any line of sight with species that are indigenous with the surrounding environment. Alternatively this can be used for 'Cut Foliage Area' instead of Area 3. Care is to be taken at all times not to interfere or damage the root structure of this zone with the operations of the proposed activity and maintained in a healthy condition.
61. Plant and maintain a minimum buffer zone of three (3) meters along the western access road adjacent to the advanced tree growing area and breeding and testing area. This zone is to be planted out in the form of a hedgerow containing tall, medium and small vegetation to completely block any line of sight with species that are indigenous with the surrounding environment. Care is to be taken at all times not to interfere or damage the root structure of this zone with the operations of the proposed activity and maintained in a healthy condition.
62. Stock piles of any organic animal manures are to be covered with tarpaulin and bunded by an earth mound immediately upon delivery. Stock piles of this type of material must be limited to thirty tonnes at any one time and completely used within fourteen days from delivery and prior to any further loads arriving on the premises.
63. Chemical containers are to be disposed of through the Drum Muster program conducted at the Hawkesbury City Waste Management Facility, The Driftway, South Windsor or an authorised disposal facility.
64. The irrigation pump is to be housed in an enclosure acoustically designed that significantly reduces noise emissions to achieve a reading of not more than 5dbA above background at any boundary.

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65. The development shall be conducted in such a manner that noise levels measured at any residential boundary so not exceed 5dB(A) above background noise levels.
66. Dust control measures, eg water shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.
67. The application, managing and record keeping of pesticides on the premises must comply with the following legislation, Pesticides Act 1999, WorkCover NSW 1998, "Code of Practice for the Safe Use of Pesticides and Storage of Chemicals in Agriculture" and NSW Agriculture 1998, "Principles of Spray Drift Management".
68. Treated wastewater pipelines and fittings must be clearly identified. Standard water taps, hoses and cocks must not be fitted to irrigation pipelines, and the irrigation system must not be connected to other pipelines.
69. Adequate notices, warnings to the public not to drink or otherwise use the treated wastewater, must be erected on the site. These notices must be in legible English and in any other languages as may be necessary and must indicate at least the water is "Reclaimed Sewage- unfit for drinking".
70. All stormwater and seepage from higher levels shall be diverted away from the effluent disposal area by a suitable drain or earth mound. Such drains/mounds shall be maintained in a satisfactory condition at all times.
71. The landowner must ensure that the system of sewage management does not cause sewage or treated effluent to be discharged into any watercourse, stormwater drain or onto any land other than its related effluent application area (clause 48(3) Local Government (Approvals) Regulation 1999).
72. If the system of sewage management includes any components that are the subject of a certificate of accreditation issued by NSW Health then any relevant conditions of accreditation must be complied with (clause 48(4) Local Government (General) Regulation 1999).
73. The property will be subject to an inspection regime based on the environmental risk assessment of the site. Sewage management facilities shall be categorised as high, medium or low risk. Systems categorised as high risk require an inspection once a year, medium will require an inspection once every 3 years, and low risk will require an inspection once every 5 years.
74. The application, managing and record keeping of pesticide on the premises must comply with the following legislation, Pesticide Act 1999, Workcover NSW 1998, Code of Practice for the safe Use of Pesticides and storage of Chemicals in Agriculture" and NSW Agriculture 1998, "Principles of Spray Drift management". Only chemicals that have been assessed and registered with the National registration Authority for Agricultural and Veterinary Chemicals (NRA) are permitted on the premises. Many pesticides, because of their flammability or combustibility or toxicity, are classified as dangerous goods. While dangerous goods are being transported on public roads they are regulated by EPA under the Road and Rail Transport (Dangerous Goods) Act 1997. The legal definition of a pesticide under the Pesticides Act does in fact, cover herbicides, fungicides, rodenticides, bactericides. Baits, lures and repellents.
75. No internal or external alterations shall be carried out without prior approval of Council.
76. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - * been assessed by a properly qualified person, and
 - * found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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77. The office building shall not be occupied for human habitation/residential, industrial or commercial purposes.
78. All water quality measures are to be maintained so that the development has a neutral effect on the water quality leaving the site as compared to the quality prior to development.
79. In order to prevent chemical contamination during a flood event, all chemical containers full or otherwise shall be removed from the property within 24 hours of notification of a flood event.

Advisory Notes

- The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- The applicant is advised to consult with:
 - o Sydney Water Corporation Limited
 - o Integral Energy
 - o Natural Gas Company
 - o a local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

ATTACHMENTS:

- AT-1 Site Plan
- AT-2 Floor Plan - Ground
- AT-3 Floor Plan - Mezzanine Level
- AT-4 Elevation Plans
- AT-5 Proposed Dam

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AT-1 Site Plan

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

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AT-2 Floor Plan - Ground

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

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AT-3 Floor Plan - Mezzanine Level

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

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AT-4 Elevation Plans

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

ORDINARY MEETING

Meeting Date: 12 December 2006

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

ORDINARY MEETING

Meeting Date: 12 December 2006

AT-5 Proposed Dam

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

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Meeting Date: 12 December 2006

Item: 290 **CP - Proposed Amendment to Statutory Bushfire Mapping at Lot 218 DP 217504-116 Mitchell Drive and Part Lot 1 DP 550593 - 88 Spinks Road, Glossodia - (95498)**

REPORT:

Purpose of Report

The purpose of this report is to seek Council's support for an amendment to the Hawkesbury City Council Bush Fire Prone Land Map (Statutory Bushfire Map) in respect of Lot 218 DP 217504 No. 116 Mitchell Drive and Part Lot 1 DP 550593 No. 88 Spinks Road Glossodia.

This decision is required to enable Council to consider the application pursuant to the provisions of State Environmental Planning Policy (Seniors Living) 2004.

Background

Request for Bush Fire Mapping Amendment

A report titled *Assessment of Bushfire Prone Mapping for Lot 218 DP 217504 - 116 Mitchell Drive & Part Lot 1 DP 550593 - 88 Spinks Road Glossodia*, dated 29 March 2005 was prepared by McKinlay Morgan & Associates requesting that a review of Council's Bush Fire Prone Land Mapping be undertaken in respect of the identified properties. This review was requested on the basis that the identified vegetation categories were deemed to be incorrect.

Development Application No. DA0593/05

Following submission the abovementioned report Development Application No. DA0593/05 was lodged with Council on 11 July 2005 proposing a seniors living housing development on the subject site comprising 80 dwellings to be constructed in stages and associated community facilities.

The application was forwarded to the NSW Rural Fire Service as a nominated Integrated Development pursuant to the provisions of Section 91 of the Environmental Planning and Assessment Act, 1979 in accordance with the provisions of the Rural Fires Act 1997 on 14 July 2005.

The NSW Rural Fire Service granted a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997 for this development in correspondence dated 29 August 2005. Following receipt of this advice correspondence was forwarded to the NSW Rural Fire Service seeking clarification in relation to the issue of the authority given that a portion of the site is mapped Bush Fire Prone Land - Vegetation Category 1. It being noted that this form of development on land so mapped may not be granted consent having reliance on SEPP (Seniors Living) 2004.

Clause 4(2) of SEPP (Seniors Living) 2004 details that this policy does not apply to land described in Schedule 1.

Under Schedule 1 the Policy does not apply to:

Land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1".

A significant portion of the subject site has been classified on the Hawkesbury City Council Bush Fire Prone Land Map certified under Section 146 of the Act as "Bush Fire Prone Land - Vegetation Category 1". A copy of the current Bush Fire Prone Map has been reproduced and is available in the Council Chambers.

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Whilst the applicant has provided an argument in relation to the Statutory Bush Fire Prone Mapping the operation of Clause 4(2) of SEPP (Seniors Living) 2004 details that if land is so mapped the policy does not apply whether or not the mapping is accurate.

As such Council is unable to consider the application under SEPP (Seniors Living) 2004 and the proposal would be defined as multi unit housing and constitute a prohibited development in the zone.

In response to Council's request for clarification to the granting of the Bush Fire Safety Authority the NSW Rural Fire Service have raised no objection, in correspondence dated 2 August 2006, to Council investigating and amending the existing Hawkesbury City Council Bush Fire Prone Land Map with appropriate consultation with the Local District Office of the NSW Rural Fire Service.

Land and Environment Court Proceedings No.

The applicant has lodged an appeal to the Land and Environment Court against the deemed refusal of Development Application No. DA0593/05 for the erection of 80 self contained dwellings to be constructed in stages and associated community facilities lodged pursuant to the provisions of SEPP (Seniors Living) 2004. This matter is listed for callover on 15 December 2006.

Assessment of Bushfire Prone Mapping - Brian McKinlay & Associates

The Statement of Environmental Effects prepared by Falson and Associates Pty Ltd in conjunction with Development Application No. DA0593/05 provides that that the statutory bushfire mapping is incorrect and that Council should consider the application based upon an assessment prepared by McKinlay Morgan & Associates Pty Ltd.

In this regard the summary contained in the report titled *Assessment of Bushfire Prone Mapping for Lot 218 DP 217504 - 116 Mitchell Drive & Part Lot 1 DP 550593 - 88 Spinks Road Glossodia*, dated 29 March 2005 prepared by Brian McKinlay & Associates provides the following having regard to bushfire vegetation categorisation:

The accompanying site photographs support the description of Conacher Travers Environmental Consultants with the conclusion being that the site vegetation contained within the "Exotic Grassland" as mapped by Conacher Travers does not contain the vegetation structure required for Vegetation Groups 1 and 2 (Bushfire Category 1) but does contain the vegetation structure consistent with Vegetation Category 3 Open Woodland/Grassland (Bushfire Vegetation Category 2).

The matter of exclusion of those lands mapped as exotic grasslands as bushfire prone land requires a subjective assessment as to whether the site is "managed grassland". As discussed the site has been the subject of long standing use as a horse stud and is at present used as grazing land for cattle and horses.

The assessment of bushfire attack (Table A3.3 PBP 2001) generally within these "Exotic Grasslands is low at a distance of less than 20 metres, for the erection of a new dwelling.

A suggested revision to the Bush Fire Prone Land Map (available in the Council Chambers) has been prepared in respect of the subject land by McKinlay Morgan and Associates. This map classifies the majority of the site as "Open Woodland" Category 2 Vegetation with the northern most portion of the site containing "Forest" being categorised as Category 1 Vegetation with an associated 100 metre buffer area.

Independent Review of Bushfire Mapping - Abel Ecology

In order to assist in the consideration of the matter Abel Ecology was requested by Council officers to undertake an independent review of the Hawkesbury Bush Fire Prone Land Map for the subject land. A report titled *Review of Bushfire Mapping 88 Spinks Road and 116 Mitchell Drive*, dated 17 November 2006 was prepared providing the following conclusions and recommendations:

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The resultant recommended Bush Fire Prone Land Map for this site is provided as Figure 2. It should be noted that offsite Bush Fire Prone categorisation has been made only by assessment from the site boundary and neighbouring public access lands, and is not suitable for purposes of assessment for other lands. This mapping differs significantly from Hawkesbury Bush Fire Prone Land Map revision 2004 mapping for the site, as well as from mapping submitted under the standing Development Application (McKinlay Morgan & Associates 2006). In these previous mapping schemes, the following weaknesses were identified:

- a) *Both maps appeared to rely heavily on air photo interpretation, failing to map vegetation boundaries by on-the-ground GPS techniques*
- b) *The McKinlay Morgan & Associates map was particularly coarse in resolution, failing to identify some vegetation patches on the site*
- c) *The Hawkesbury Bush Fire Prone Land Map revision 2004 mapping relies heavily on automated mapping processes, and fails in considering the condition of bushland on the single-site scale.*
- d) *Neither map is an accurate assessment for the site in its present condition, under the guidelines for such provided by the Rural Fire Service*

This report concludes that a new Bush Fire Prone Land map is required for this site. We recommend the adoption of the map generated by this study (Figure 3) as well as a broader mapping survey for properties in this area.

Due to inconsistencies within Planning for Bushfire Protection 2001, a lower classification of bush fire threat for this property could be proposed. The current assessment has relied to some extent on the precautionary principle and projection of vegetation growth when addressing those inconsistencies.

The suggested Bush Fire Prone Land Map prepared by Abel Ecology has been reproduced and is available in the Council Chambers.

Conclusion

Council's approval to the proposed modification to the Bush Fire Prone Mapping does not imply support for Development Application No. DA0593/05 for a senior's living development. This application will be subject to assessment under the heads of consideration listed under Section 79C of the Environmental Planning and Assessment Act 1979.

Should Council elect not to support the amendment there will be no option except to refuse the application as it would be inconsistent with the provisions of SEPP (Seniors Living) 2004. The proposal would be defined as multi unit housing and be a prohibited development in the zone.

Given the details provided having regard to vegetation classification on the subject land it is considered reasonable to amend the Bush Fire Prone Map as detailed in the report prepared by Abel Ecology.

Conformance to Strategic Plan

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

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

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

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Funding

No impact on Funding.

RECOMMENDATION:

That Council consult with the NSW Rural Fire Service in order to prepare an amendment to the Hawkesbury City Council Bush Fire Prone Map as detailed in Figure 2 Proposed Bush Fire Prone Categories Map prepared by Abel Ecology, 17 November 2006.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 291 **CP - Draft Local Approvals Policy: Installation of Structures in Caravan Parks - (95498)**

Previous Item: 212, Ordinary (12 September 2006)

REPORT:

Background

Council at its Ordinary Meeting of 12 September 2006, resolved to defer placing the Draft Local Approvals Policy (LAP) for the Caravan Parks Approval to Operate (95438) Item 211, and Installation of Structures in Caravan Parks (95498) Item 212 on exhibition until a public meeting was held. Council also resolved to make all reasonable efforts to contact caravan park owners, immediate neighbours and residents of caravan parks regarding this meeting.

Public Meeting

A public meeting was held on Wednesday, 25 October 2006 and was attended by 30 people, including caravan park owners, residents and adjoining owners. The following is a summary of issues raised at the meeting.

- *Process time in applications*
- *Communication*
- *Lack of equity regarding flood liable land in the Hawkesbury area*
- *Justification of the existing flood levels having regard to upstream mitigation works*
- *Historical implications – more sympathetic to existing structures*
- *Better regulatory controls required*
- *Caravan park owners and tenants do not wish to be constrained in terms of their existing structures and approvals*
- *Have regard to Flood Plain Management Manual*
- *More effective communications between Council and all stakeholders*
- *Not to sterilise flood liable land*
- *Leave everything as it is and apply the policy to new development*
- *Mechanisms for guiding development for caravan parks on flood-affected land shouldn't be prescriptive but rather satisfy objectives*
- *You need approval in residential areas for alterations – why should caravan parts be different?*
- *Hawkesbury City Council needs to check out the Land and Environment Court Judgements over the last 5 years as they relate to flood effects*
- *Consistency across the board between adjoining Councils, eg for fire fighting equipment*
- *For existing structures to be approved, who is going to pay? Park Owner to subsidise?*
- *Clarify table for complying structures and the specifications for structures*
- *Fencing as a safety issue*
- *Where does the responsibility lay with regard to dangerous riverbanks?*
- *Requirements for caravans to be registrable appear to be excessive*
- *Caravan and annex to be structured to withstand a flood, anchored down, built with materials able to withstand flood*
- *Caravans should be capable to be moved but not necessarily able to be registered*
- *Caravans and annexes should be able to be fitted in such a way that kitchen facilities can be available*
- *Barbecues need to be bigger than 1sqm*
- *Every caravan park should have its own hazard identification rating in accordance with the Flood Plain Management Plan*
- *Caravan park owners should be made responsible for those sites in disrepute*

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- *Elected officials to take note of comments*

Comment:

As a result of the issues raised at the public meeting, the draft LAP has been amended and a copy of the revised draft LAP is attached to this report.

Introduction of the Amended Draft Local Approval Policy

The Draft LAP seeks to provide clear and concise rules for caravan parks owners and visitors. The policy relates specifically to the installation of structures in Caravan Parks located on land below the 1:100 year flood level.

It promotes an integrated framework to aid applicants in the preparation of applications under Section 68 of the Local Government Act 1993 for the approval of certain structures within Caravan Parks.

The Draft LAP also aims to permit the installation of minor structures in accordance with the Local Government Act 1993 that have minimal environmental impact. Further it provides guidance on certain structures generally deemed to be acceptable and promotes development to sustain evacuation in a flood event.

Exhibition of Draft Policy

The Local Government Act 1993 requires that Local Approval Policies be exhibited for a period of not less than 28 days prior to Council adopting the Policy. Due to the Christmas Holiday period it is recommended to exhibit for a period of not less than 60 days.

The draft LAP will be exhibited by way of notice in the Hawkesbury Independent, posted on Council's web site and hard copies of the Draft Policy posted to all Caravan Park operators, public meeting attendees and other interested parties as identified by means of written submissions. The draft LAP will also be available at the External Services/City Planning enquiries counter for perusal and purchase.

Conclusion

As Council is aware there are 28 Caravan Parks and Camping Grounds providing a total of 1,283 sites in the City of Hawkesbury, most of which are located on "flood-labile" land. Many older parks do not meet all new regulations due to their history, primitive nature (not being connected to sewer or a mains water supply), isolation from urban areas and their potential for inundation in the event of flooding.

There is no question as to the damage that a flood event may have on caravan parks and its private property. The sensible solution is to minimise the impact of damage likely to be caused to the caravan park and its surrounding environment in a flood event. This can be managed by permitting the installation of minor structures that have minimal environmental impact. For guidance purposes the policy identifies those structures generally acceptable with approval.

The Draft LAP therefore seeks to provide clear and concise rules for caravan parks owners and visitors and meet Council's obligations under the Local Government Act 1993.

Conformance to Strategic Plan

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

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

Funding

Not applicable.

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RECOMMENDATION:

That:

1. The draft Local Approvals Policy: Installation of Structures In Caravan Parks 2006 be publicly exhibited for a period 60 days.
2. The matter be further reported to Council following the exhibition period.

ATTACHMENTS:

- AT - 1** Hawkesbury City Council Local Approvals Policy for Caravan Parks Approval to Operate 2006 -
(*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

Item: 292 **CP - Clarification of Floodplain Risk Management Committee Minutes - (86589)**

Previous Item: ROC-FRMC, Ordinary (14 November 2006)

REPORT:

On 14 November 2006 Council considered the minutes of the Floodplain Risk Management Committee held on 24 July 2006. Council resolved that the minutes be clarified, in particular matters relating to the Disclosure of Interests and the motion for Item 6 - Floodplain Development Manual.

Accordingly, the following clarifications are provided.

Disclosures of Interests were received from Councillor Conolly, Councillor Devine, and Councillor Porter.

Item 6 - Floodplain Development Manual was resolved on the motion of Councillor Devine, seconded by Councillor Porter.

Conformance to Strategic Plan

Not Applicable.

Funding

Not Applicable.

RECOMMENDATION:

That this information and the minutes of the Floodplain Risk Management Committee held on 24 July 2006 be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

EXTERNAL SERVICES

Item: 293 **ES - Proposed Adoption of an Enforcement Policy - (95494, 96330)**

Previous Item: 230, Ordinary (26 September 2006)

REPORT:

Background

Council has a clear obligation to properly record, investigate and consider reports about unlawful activity. The Department of Local Government in its Self Assessment Checklist - Promoting Better Practice program has identified that a council should have an enforcement and prosecutions policy. To assist councils the NSW Ombudsman released in June 2002 Enforcement Guidelines for Councils. The guidelines included a model enforcement policy to help council staff act promptly, consistently and effectively in response to allegations of unlawful activity that are made by staff or members of the public.

Accordingly, a draft Enforcement Policy has been developed based on the NSW Ombudsman's model Enforcement Policy, which establishes clear guidelines for the exercise of discretion in dealing with action requests or complaints about unlawful activity. The draft Policy provides workable guidelines on:

- How to assess whether complaints of unlawful activity require investigation.
- Options for dealing with unlawful activity.
- How to decide whether enforcement action is warranted.

It is intended that this proposed Policy will be supported by procedures to ensure that staff have the tools to provide a consistent, effective and efficient customer service.

Public Submissions on the draft Enforcement Policy

In accordance with Council's resolution dated 26 September 2006;

"That the Enforcement Policy attached to the report in connection with this matter be advertised for 28 days for public comment",

the draft Enforcement Policy was placed on exhibition from 18 October 2006 to 15 November 2006. Advertisements were placed in the Council section of the local newspaper on 17 October 2006 and 24 October 2006.

No public submission were received, however the following amendments to the draft Policy are recommended:

1. The removal of regulation of parking and control over keeping animals from the application of the Policy. As the majority of unlawful action associated with these matters is dealt with utilising Penalty Infringement Notices, it is considered that a Policy focused on the Self Enforcement Infringement Notice Scheme (SEINS) will provide greater clarification of the procedures undertaken by Council Officers when issuing and reviewing Penalty Infringement Notices.
2. The deletion of the term "Enforcement action will be taken with a minimal tolerance approach". This will avoid any subjectivity regarding the meaning of a "minimal tolerance approach", and it is

considered not necessary given the approach to enforcement action is clearly outlined in the Options for Dealing with Confirmed Cases of Unlawful Activity and Enforcement Action sections of the Policy.

Conformance to Strategic Plan

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

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

Funding

No budgetary impact.

RECOMMENDATION:

That Council adopt the Enforcement Policy attached to the report in connection with this matter.

ATTACHMENTS:

AT - 1 Draft Enforcement Policy

Enforcement Policy

Purpose

1. To clarify Council's role and responsibilities in the investigation and resolution of community disputes and grievances.
2. To assist staff to act promptly, consistently and effectively in response to allegations of unlawful activity.

Policy Objectives

The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with action requests or complaints about unlawful activity. It provides workable guidelines on:

- How to assess whether complaints of unlawful activity require investigation.
- Options for dealing with unlawful activity.
- How to decide whether enforcement action is warranted.

Application

This policy applies to the investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approvals, licences and orders. While primarily directed at the regulation of development activity, the policy is also applicable to, but not limited to, pollution control (air, noise, water, littering and contaminated land), public health concerns (food safety, condition and maintenance of cooling towers), regulation of parking, tree/s removal and land clearing. ~~and control over keeping animals.~~

Responsibility

All council staff that deal with written and verbal action requests or complaints alleging unlawful activity are responsible for implementing these policy guidelines.

All notifications of alleged unlawful activity should be logged in Council's electronic data management system (Dataworks) and directed to the responsible person using the automated workflows.

Definitions

Unlawful activity is any activity or work that has been or is being carried out:

- contrary to the terms or conditions of a development consent - approval, permission or licence;
- contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
- contrary to a legislative provision regulating a particular activity or work;
- without a required development consent, approval, permission or licence.

Investigating Unlawful Activity

All requests or complaints regarding unlawful activity will be investigated, unless:

- the matter has already been actioned and resolved;
- a private principal certifying authority (PCA) is responsible for monitoring compliance with the conditions of development consent;

Note: Council will investigate matters where:

- a. *the PCA fails or is unable to appropriately action a matter or where it is in the public interest;*
 - b. *the PCA has taken all the action available under the legislation, but the offence continues or re-occurs despite that action;*
 - c. *where the complaint relates to Council property; and/or*
 - d. *complaint relates to an environmental pollution incident.*
- the Council has no jurisdiction (eg NSW WorkCover issues on building sites/asbestos removal);
 - council is not the appropriate regulatory authority (eg pollution licences EPA, food authority);
 - the activity is determined to be lawful without an investigation;
 - the complaint is frivolous, vexatious or trivial in nature.

If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision. Council's ultimate decision in the course of investigating a request or complaint about an alleged unlawful activity will involve the exercise of discretion, eg. Council staff upon receiving legal advice, that a course of action is unlikely to succeed if it is to pursue a matter, may elect not to expend further resources doing so.

Observance of Procedural Fairness

Where possible, Council staff will inform in writing the property owner, against whom the request or complaint is made, of the substance of the allegation against them so as to provide the opportunity for them to respond to the allegation.

Responding to Complainants

All action requests or complaints about alleged unlawful activity should be acknowledged within 5 days and a response provided within 21 days on what action Council has taken or plans to take.

Anonymous Requests

Anonymous requests or complaints about alleged unlawful activity have frequently been found to be as a result of a neighbourhood dispute or involve issues that Council should not be a party to. Contact names, addresses and phone numbers are important to confirm information or, if necessary, obtain additional information to allow investigations to be properly conducted.

Investigation of anonymous requests under this policy will depend upon the seriousness of the complaint and whether there is sufficient information in the complaint to enable an investigation to be conducted. Generally, anonymous complaints will only be accepted under this policy in the following categories:

- serious pollution events;
- swimming pool safety;
- savage dogs;
- matters of a serious threat to public health or safety;
- sewer overflows;
- dangerous/unsafe buildings with immediate threat to life.

Confidentiality of Requests or Complaints

Council will endeavour to respect the privacy and confidentiality of information received as much as it can, however due to its statutory obligations under the provisions of Section 12 of the *Local Government Act 1993* and the *Freedom of Information Act 1989* and other requirements, confidentiality cannot be guaranteed.

The complainant's identity may also be disclosed where:

- the person consents in writing to the disclosure of that information; or
- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the complaint, or
- council staff are of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively.

Options for Dealing with Confirmed Cases of Unlawful Activity

Council staff will consider a range of matters before taking regulatory action.

Approaches to be considered without taking formal regulatory action include:

- taking no action on the basis of a lack of evidence or for some other appropriate reason;

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- counselling the person who carried out an unlawful activity to educate them on the relevant requirements. Council acknowledges the role of educational initiatives to achieve compliance in some situations;
- negotiating with the person who carried out the unlawful activity to obtain an undertaking from them to address the issues of concern arising from an investigation, eg. the submission of a section 96 application to modify consent;
- a letter requiring works to be carried out or works to cease in lieu of more formal action i.e. a warning letter;
- referring parties for mediation with the Community Justice Centre or alternatively for mediation in accordance with Council's ~~Mediation~~ Conflict Management Policy.

Such action may be all that is required in minor breaches where no serious impacts have occurred.

Whilst these approaches recognise that Council staff may use discretion in the process, Council staff are also obliged to uphold the law, including compliance with relevant administrative law principles eg. acting fairly, equitably and in the public interest.

Enforcement action

~~Enforcement action will be taken with a minimal tolerance approach.~~

Enforcement action includes:

- issuing of Notices, Orders and Directives requiring compliance with legislative requirements or those of an environmental planning instrument;
- commencement of criminal proceedings for an offence under legislation or alternatively issuing Penalty Infringement Notice (PIN);
- commencement of civil proceeding in a Court to either remedy or restrain unlawful activity.

When deciding whether to take enforcement action, Council staff / management will consider the circumstances of each case and consider the following questions:

- *Could the unlawful activity be carried out lawfully if development consent or an exemption from development consent was sought?*

In these circumstances, Council staff will be less inclined to proceed with legal action especially if an owner actively and positively attempts to regularise the situation.

- *Are the breaches technical or inconsequential in nature with no aggravating circumstances?*

Consideration will be given to the material implications that the breach might have on the interests of any party, as well as any detrimental affect on the amenity of the area or environment in general.

- *Could the non-compliance be easily remedied by some action on the part of the person responsible?*

In general Council staff will attempt to ensure compliance by informal means however there is a need to balance the public interest in enforcing the law with whether it is possible to remedy a breach and at what cost.

- *Has the unlawful activity created a health or safety hazard?*

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Consideration should be given to the degree of detriment or risk to public health / safety.

- *Has the unlawful activity had a detrimental impact on the natural environment?*

Consideration should be given to the significance of the impact on threatened species and/or endangered ecological communities.

- *Are the unlawful activities or works carried out on a heritage item and did they adversely affect the heritage significance?*

In most cases, Council's Heritage Advisor will be consulted in assessing the detriment to the natural or built environment and whether formal action is warranted.

- *Would it be in the public interest?*

Some of the issues that should be considered are: has the unlawful activity affected a significant number of people, would enforcement action impact unreasonably on certain population groups, particularly disadvantaged or marginalised groups, are there any circumstances of hardship affecting both the complainant and the person or corporation subject to the complaint?

- *How long has the unlawful activity been occurring and is enforcement action statute barred?*

A time limit might or existing use rights might apply, that prevents Council staff from taking legal action.

- *Have previous warnings been issued?*

If the investigation reveals that a previous warning has been issued and the unlawful activity is not resolved, a more formal approach would be appropriate.

- *Would a draft local environmental plan or amendment make the unlawful activity or work legal in future?*

If there is a draft LEP that would make the unauthorised use legal, consideration should be given to deferring any enforcement action.

- *Is there any doubt over the evidence or the offence?*

Consideration should be given to whether the collected evidence clearly identifies an actual breach. Council staff should not take untimely or unwarranted action.

- *Does the person or corporation exhibit contrition for an offence?*

In some cases it will be appropriate to have regard to the attitude of the offender and their willingness to prevent a recurrence of the problem.

- *Has the person or company who carried out the unlawful activity had an opportunity to provide representations or submissions on the matters?*

Council staff should consider all elements pertaining to the circumstances of the case leading to the non-compliance.

If the process is being used as a delaying action or there has been a blatant attempt to flout the law, appropriate enforcement action will be instigated without delay.

If it is considered enforcement action is required, it will be taken in accordance with existing procedures, legislative processes and independent legal advice.

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In taking enforcement action, Council must recognise that the statutory process also provides avenues for representations and appeal and thereby natural justice principles will still be observed.

Delegations for Enforcement Action

The delegations for Council staff to initiate various levels of enforcement action are set out in Council's Delegations Register.

References

1. NSW Ombudsman, *Enforcement Guidelines for Councils* (June 2002).
2. NSW Ombudsman, *Better Service and Communication - Guidelines for Local Government* (June 2000)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

Item: 294 ES - Reduction in the Cost of Mulch sold from Hawkesbury City Waste Management Facility - (95494, 96330, 82995)

REPORT:

Over recent months, as a result of wind storms and higher than expected amounts of green waste coming into Council's waste facility, substantial amounts of mulched green waste have become available for sale.

As the storage area for such materials is limited and the need for the community to conserve the use of water on their gardens is paramount, it is considered appropriate to make the material available to the public at a reduced cost until the end of February 2007, or whilst stocks are available.

The cost for the mulched materials in Council's fees and charges schedule is presently \$35.00 per tonne.

It is proposed to reduce this cost down to \$15.00 per tonne and advertise the offer in the local media.

Conformance to Strategic Plan

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

"Implement plans and controls to manage and reduce waste and promote the environmental health of the city."

Funding

The reduction in the costs will have some impact on the income of the waste facility, however, can be absorbed into the current budget and will allow better management of the facility.

RECOMMENDATION:

That:

1. Council approve the reduction in the cost of mulched green waste to \$15.00 per tonne until 28 February 2007, whilst stocks last.
2. The reduction in the cost of the mulched green waste be advertised in the local media.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

Item: 295 **ES - Vaccination of Animals Entering the Companion Animal Shelter - (39906, 95494)**

REPORT:

Recent experiences at the Companion Animal Shelter have revealed a high incidence of parvo virus cases entering the facility which is a highly infectious virus, and in most cases, fatal for the animals infected.

The reason for the high numbers being detected is that dog owners are acting irresponsibly by not having their animals vaccinated against the infection when pups, and when these animals are impounded they can spread the virus to other dogs being sheltered, that are also not vaccinated.

Council staff maintain a rigorous routine of disinfection, however, the virus is so infectious, even this, occasionally, is ineffective.

Staff have been examining ways of combating this virus which is most prevalent during the warmer months with veterinary representatives from Sydney University, who, with their co-operation, have now trained Animal Shelter staff in the practice of administering the vaccines that would prevent the parvo virus infections, as well as a range of other infections, in the one vaccine.

Council has also been working with Monica's Animal Rescue Service and other welfare agencies on this same issue. They have been of great assistance, and were prepared to supply vaccine at their own costs, so that animals they determined had a good chance of being re-homed, were given the vaccine. Unfortunately, this would mean that not all animals would be covered by the vaccine protection.

It is proposed, now staff have been trained in the practice of administering vaccines, that Council introduce a system of vaccinating all animals that come into the shelter at a cost of \$4.50 per animal, which is the cost of the vaccine.

This will give all the animals that enter the shelter a chance to be immunised against diseases that may be harboured by other animals in the facility.

It should be noted that Council will not be able to issue vaccination certificates, which are only able to be issued by registered vets, however there is no risk of an animal being over vaccinated in the absence of such a certificate.

The current impoundment fee is set at \$51.00 for this financial year. It is proposed to increase this fee to \$56.00 to cover the cost of immunising all animals that enter the facility.

To increase this fee, Council will need to advertise the increase and call for public submissions on the proposal in accordance with the requirements of the *Local Government Act 1993*.

Conformance to Strategic Plan

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

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

Funding

There would be no financial impacts if the fee increase is accepted by the community in the interests of animal health care.

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RECOMMENDATION:

That:

1. Council introduces a practice of immunising all animals that enter the Animal Shelter in an attempt to reduce the incidence of diseases contracted in the Animal Shelter from other animals.
2. Council advertise its intention to increase the current impoundment fee to \$56.00 for this current financial year through the processes of advertising and community consultation required by the *Local Government Act 1993*.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

Item: 296 **ES - Draft Notice of Approval - Protection of the Environment Operations (Clean Air) Regulations 2002 - (95494, 96330)**

Previous Item: 217, Ordinary (12 September 2006)

REPORT:

Background

Council has received representation from a volunteer member of the local Rural Fire Service to extend Council's Notice of Approval to include the burning of dead and dry vegetation on premises less than one acre which are designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan. Areas designated Extreme Risk include properties from Yarramundi, Bowen Mountain, Tabaraga Ridge - Kurrajong Heights, "The Islands Estate", Blaxland Ridge, Grose Vale and Kurrajong Village.

In accordance with Council's existing Notice of Approval residents on properties less than one (1) acre between 1 April and 30 September (this period may alter depending on the declaration of the fire season) need to seek individual approval from Council for the burning of dead and dry vegetation. These properties are not covered by Council's existing 'blanket' approval.

Outside of this period, i.e. the Bush Fire Season, Council's Notice of Approval is revoked and residents need to seek individual approval from Council for the burning of dead and dry vegetation. Residents are also advised to contact the Rural Fire Service to obtain the necessary approvals i.e. Hazard Reduction Certificate/ Fire Permit. Residents are also able to apply for an environmental approval - Bush Fire Hazard Reduction Certificate from the Rural Fire Service. This Certificate can be issued for a period of up to 12 months.

Public Submissions on the draft Notice of Approval - Protection of the Environment Operation (Clean Air) Regulations 2002

In accordance with Council's resolution dated 12 September 2006;

"That:

- 1. In accordance with clause 6G(3)(d) of the Protection of Environment Operations (Clean Air) Regulation 2002 Council place on public exhibition its draft Notice of Approval (Attachment 5).*
- 2. Following the public exhibition of the draft Notice of Approval a further report be prepared for Council's consideration of any public submissions",*

The draft Notice of Approval - Protection of the Environment Operation (Clean Air) Regulations 2002 was placed on exhibition from 18 October 2006 to 15 November 2006. Advertisements were placed in the Council section of the local newspaper on 17 October 2006 and 24 October 2006.

No public submissions were received.

Conclusion

Council's existing Notice of Approval provides residents on properties greater than one acre the ability to pile burn dead and dry vegetation outside of the Bush Fire Season through its 'blanket' approval.

It is proposed in the Draft Notice of Approval to extend this 'blanket' approval to residents on properties less than one acre, which are designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan.

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It is also proposed that the Notice of Approval will remain in force for a period of five years. Hence, outside of the Bush Fire Season residents on properties greater than one acre, and residents on properties less than one acre which are designated as an Extreme Bush Fire Risk will be able to pile burn, dead and dry vegetation in accordance with the draft Notice of Approval, i.e. individual consent from Council will not be required. These residents will only need to seek consent from Council when they wish to burn dead and dry vegetation outside of the restrictions of the draft Notice of Approval. It should be noted that it is still necessary for residents to seek the necessary approvals from the Rural Fire Service during the declared Bush Fire Season.

Conformance to Strategic Plan

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

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

Funding

Funding for this initiative can be met from within the Regulatory Services approved budget.

RECOMMENDATION:

That in accordance with the Protection of Environment Operations (Clean Air) Regulation 2002 Part 2A Division 3 Clause 6G(2)(a) Council adopt the attached Notice of Approval (Attachment 1).

ATTACHMENTS:

AT - 1 Draft Notice of Approval

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AT - 1 - Notice of Approval

NOTICE OF APPROVAL - PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2002, PART 2A DIVISION 3 CLAUSE 6G(2)(a)

Hawkesbury City Council hereby grants general approval for the pile burning of dead and dry vegetation grown on that property, in the open, on land which is 4,000 square metres (one acre) or greater and/or is designated as an Extreme Risk under the Hawkesbury Bush Fire Risk Management Plan.

Properties from Yarramundi, Bowen Mountain, and Tabaraga Ridge - Kurrajong Heights, "The Islands Estate", Blaxland Ridge, Grose Vale and Kurrajong village are designated as Extreme Risk. In all circumstances Council should be contacted to confirm the individual property is designated Extreme Risk.

This approval remains in force from **xxxxx 2006 to the xxxx 2011**

IT IS PROHIBITED TO BURN:

1. In the following areas, which are located inside the NSW Fire Brigade boundaries of McGraths Hill, Windsor Downs, Bligh Park, South Windsor, Windsor, Clarendon, Richmond and North Richmond.

Those properties located within the NSW Fire Brigade boundaries require approval from the NSW Fire Brigade all year round.

2. Between 1 October to 31 March or until the commencement of the Bush Fire Season if declared earlier, without the approval of the Rural Fire Service. Contact details ph. (02) 4575 1601, fax. (02) 4575 1475, email hawkesbury@rfs.nsw.gov.au.

This approval does not include:

1. The burning of vegetation resulting from land clearance as development consent must be obtained by Council.
2. The burning of vegetation which has been cleared for commercial development or building construction as development consent must be obtained from Council.
3. The removal of dying or dead trees as written notification needs to be provided to Council under its Tree Preservation Order.
4. The burning of packaging associated with agricultural operations.
5. Ecological/bush regeneration burns which are carried out to destroy infestations of noxious weeds, or the clearance of land for native species regeneration as consent must be obtained from the Department of Environment and Conservation (DEC), PO Box 668 Parramatta NSW 2124.

CONDITIONS OF APPROVAL

The approval is granted subject to the provisions of the Protection of the Environment Operation (Clean Air) Regulation 2002 and to the following conditions:

1. Pile burning of dry and dead vegetation should NOT be seen as the best method for disposing of dry and dead vegetation. Alternative means of disposal such as re-use; recycling; composting; disposal through Council's waste service, kerbside collection service or waste management facility; should be thoroughly investigated and are the preferred disposal methods.

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2. Only dry and dead vegetation originating on a property which is included in this approval shall be burnt on that property in accordance with the NSW Rural Fire Service "Guidelines for Pile Burning" February 2006; www.rfs.nsw.gov.au.
3. Plastics, rubber, chemical and pesticide containers and also the following specifically prohibited articles shall not be burnt;
 - a. Tyres, plastic coated wire, paint/solvent containers and residues.
 - b. Timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP) or painted timber.
4. Burning must at all times be carried out by such practical means as are necessary to prevent or minimise air pollution. The potential for smoke impacting on any person due to wind direction and weather conditions must be taken into account.
5. In the event of a Total Fire Ban being declared, this approval is suspended. Any existing fire is to be extinguished and cannot be re-commenced until the Total Fire Ban is lifted.
6. In the event of a No Burn Day being declared by the EPA, this approval is suspended for the duration of the declaration. When a "No Burn" notice is issued, it applies to the lighting of new fires in the declared areas. Existing fires should be allowed to continue as extinguishing the fire will result in more smoke. "No Burn Notices" are notified in the Public Notices section of the Sydney Morning Herald not later than on the day on which the order is to take effect. Recorded information about "No Burn Notices" is usually available from 4pm the day before the notice comes into effect and can be accessed by calling ph: 1300 130 520 or is available on the NSW Department of Environment and Conservation (DEC) website at www.environment.nsw.gov.au/air/airqual.htm.
7. Adjoining neighbours and people likely to be affected by smoke are to be notified at least 48 hours before the fire is lit. This will allow for smoke-sensitive people such as asthmatics, to plan to be away from the area when the burn is conducted.
8. Written or oral notice is to be given to the Hawkesbury Rural Fire Service at least 24 hours prior to the burn. Such notice must specify the location, purpose, period and time of the fire proposed to be lit. Contact details include ph. 4575 1601, fax. 4575 1475, email. hawkesbury@rfs.nsw.gov.au.
9. A responsible supervising adult over the age of eighteen shall be on site at all times with enough water to extinguish the fire, if required, for that time the fire is active.
10. Burning shall only be conducted between the hours of 8am and 5pm on any day.
11. Any residue waste from the burning must be disposed of in an environmentally satisfactory manner and in accordance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 2005. On completion of the burn, the burnt area must be maintained in a condition that: minimises or prevents the emission of dust from the area; and prevents sediment or ash from fires being washed from the area into waters.

Failure to comply with this approval may result in an On The Spot fine of \$500.00 for an individual or \$1,000.00 for a corporation. In the event of prosecution, the maximum penalty is \$5,500.00 for an individual and \$11,000.00 for a corporation.

For further information please contact:

Hawkesbury City Council
Regulatory Services
Ph. 02 4560 4444
Fax. (02) 4560 4400
Email council@hawkesbury.nsw.gov.au

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

Item: 297 **ES - Review of Community Donations Programme - (79342, 95494)**

Previous Item: 104, Ordinary (30 May 2006)

REPORT:

This report has been prepared to advise Council of submissions received in relation to Discussion Paper '*Review of Community and Cultural Grants and Donation Program*' which had been placed on public exhibition. The report also seeks Council approval to place on public exhibition a draft *Sponsorship Policy* prepared in accordance with the guidelines issued by the Independent Commission Against Corruption (ICAC).

Background

In May 2005 Council requested a report into the proposed allocation of Section 356 expenditures as part of its deliberations into the 2005/2006 financial estimates.

A report was considered by Council at its Ordinary Meeting of 14 June 2005 with Council resolving to undertake a review of the Community and Cultural Grants Program. The review was deferred pending the finalisation of Council's Cultural Planning process which was completed in March 2006.

A Discussion Paper "*Review of the Community and Cultural Grants and Donations Program*" was reported to Council in May 2006. In considering this matter Council resolved the following:

"That:

- 1. The 'Review of Community and Cultural Grants and Donations Program Discussion Paper' be received.*
- 2. The Discussion Paper be distributed to current recipients and those recipients who have been unsuccessful in the last three years and placed on public exhibition for a period of at least 40 days with submissions invited from the community regarding the issues raised in the Discussion Paper and the appropriateness of the 15 principles outlined in Section 7 of the Discussion Paper.*
- 3. The Community Planning Advisory Committee be delegated responsibility for reviewing community submissions and feedback to develop and report to Council (by November 2006) a revised (draft) Community Grants Policy and Guidelines for Council's consideration.*
- 4. Council seek comment from local Federal and State Members regarding potential funding options.*
- 5. The matter be referred to a Councillor Workshop."*

Current Situation

The Discussion Paper '*Review of Community and Cultural Grants and Donation Program*' was placed on public exhibition between 6 June 2006 to 31 July 2006. In accordance with Council's resolution, 99 discussion papers were distributed to current recipients of community and cultural grants, and organisations who had unsuccessfully applied for of community and cultural grants over the past three years. 11 responses were subsequently received.

The results of returned surveys (in which respondents were requested to provide comments regarding the appropriateness of 15 principles outlined in Section 7 of the Discussion Paper are summarised below):

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Principle	Yes	No	Comment
A1 – consolidate administration of financial assistance programs .	8	1	▪ Yes, so grants can be monitored by a single source (streamline the flow of resources).
A2 – revise policies to deliver transparent, equitable, + application based program	9	0	▪ ALWAYS ENCOURAGED & standard management practice. ▪ Independent advice is usually sought.
A3 – establish common administrative requirements for all programs.	9	0	▪ YES - by means of showing cause for financial assistance
A4 – develop guidelines for categories of financial assistance.	9	0	▪ YES - Once again eliminates vague and indecisive proposals
A5 – implement an accountability regime to evaluate and report outcomes to Council + community	9	0	▪ Very difficult to assess values + education in financial dollars. ▪ Cultural experience of community music making should be supported for benefit of community + tourism .
E1 – move away from annual operating subsidies towards funding of specific projects with agreed outcomes.	8	2	▪ YES, if it assigns responsibility to organization. ▪ As member of former Cultural Grants committee all applications submitted annually & considered on merits
E2 – realign objectives and aims of grant programs to reflect current community priorities identified in Council plans.	8	2	▪ as long as they are priorities of ratepayers not Councillors. ▪ YES, if the orchestra can support important Council events by means of performance then this should be encouraged IF FUNDED. ▪ Maybe questionable. In theory agree. ▪ Grants should be responsive. Getting a priority in Council plan takes a lot of meeting attendance.
E3 – priority for funding be given to local community groups with limited access to other sources of funding.	10	1	▪ YES we are one of these groups ▪ Again circumstances must be clearer
E4 – broaden categories of assistance to provide all eligible organisations with the same opportunity to apply for funds.	10	1	▪ YES so everyone can apply provided that they have legitimate cause to do so
E5 – eliminate inequitable aspects of some current categories of financial assistance.	11	0	▪ ABSOLUTELY
FS1 – discontinue open-ended and long term funding commitments	7	2	▪ If this assists fair + equitable distribution of resources. ▪ not on Major long-term projects but 5 year max.
FS2 – encourage long term sustainability of projects by limiting duration of grants to a max of 3 yrs (with provision for further extensions in special circumstances).	9	0	▪ If this encourages organizations to structure objectives/goals which can be monitored and attained. ▪ Not sure: some projects important to the life of a community may need ongoing subsidy to survive.
FS3 - review programs where there is no incentive on applicants to contain costs, reinstate dollar-for-dollar funding , and limit programs that provide for a 100% subsidy.	9	0	▪ Strongly agree, but how to ensure this happens is tricky. ▪ Yes we agree with this initiative
FS4 - re-establish requirement for applicants to demonstrate capacity to secure other sources of revenue to reduce the level of subsidy provided by Council over the life of a grant or agreement.	9	0	▪ Where realistic and possible, yes ▪ Yes. For us the greatest source of revenue is the admission charges for each public concert PERFORMANCE. Also there is a Quarterly fee to be a member of the MTO
FS5 – specify a maximum level of grant (within each category of financial assistance).	9	1	Yes. Happy to support if this will support a fair and equitable distribution of financial support. Depends on the need .

The results indicated that respondents were supportive of the intent of the 15 principles identified in the Discussion Paper.

In June 2006, ICAC released guidelines to assist public sector agencies to develop policies and procedures for both receiving and granting sponsorship. The ICAC guidelines ('Sponsorship in the Public

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Sector') define sponsorship in broad terms as 'a commercial arrangement by which a sponsor provides a contribution in money or in-kind support for an activity in return for a (community) benefit'. The ICAC guidelines infer that under the provision of Section 356, financial assistance to support cultural and community events, community education or public programs, research and publications or (tied) grants, would fall under the definition of sponsorship. For practical purposes, the provision of minor (unconditional) donations or grants are excluded from this definition.

In view of the publication of the ICAC sponsorship guidelines, Council's resolution to refer to the Community Planning Committee the task of reviewing community submissions to develop a revised (draft) Community Grants Policy and Guidelines for Council's consideration has been unable to be actioned. The prescriptive nature of the ICAC guidelines has necessitated the 'in-house' development of a draft Sponsorship Policy by Council staff. It is now proposed that the draft Sponsorship Policy, together with the community submissions received, be referred to the Community Planning Committee for their advice.

It is recommended that the draft Sponsorship Policy, prepared in accordance with the guidelines issued by the Independent Commission Against Corruption, be placed on public exhibition for a period of 60 days. Following the exhibition period a further report will be provided to Council summarising community submissions received with respect to the draft policy, the advice of the Community Planning Committee and the responses received from Federal and State parliamentarians (as provided for in Part 4 in Council's Resolution of 30 May 2006).

Conformance to Strategic Plan

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

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

Funding

There are no funding implications arising from this report.

RECOMMENDATION:

That:

1. The draft Sponsorship Policy, prepared in accordance with the guidelines issued by the Independent Commission Against Corruption, be placed on public exhibition for a period of 60 days.
2. The draft Sponsorship Policy, together with the community submissions received in relation to the *Review of the Community and Cultural Grants Program* be forwarded to the Community Planning Committee with a request for the Committee to provide advice to Council on the draft Sponsorship Policy.

ATTACHMENTS:

AT-1 Draft Sponsorship Policy - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 298 **ES - Draft Customer Service and Communication Strategy - (79342, 95494)**

Previous Item: 231, Ordinary (26 September 2006)

REPORT:

This report has been prepared to seek Council's approval to place the draft Customer Services and Communication Strategy, prepared in accordance with objectives contained in Council's Strategic Plan, on public exhibition for a period of 60 days.

Background

In February 2005, Council adopted a Strategic Plan. The Plan requires Council to develop and adopt a Customer Service Strategy by October 2005, and a Communication Strategy by July 2005.

In accordance with the Strategic Plan, a draft Customer Service and Communication Strategy was developed in October 2005. The reporting of the strategy was deferred pending the outcomes of Council's special rate variation (given the resources required to implement the strategy).

The draft Customer Service and Communication Strategy was subsequently reported to Council in September 2006. In view of Council's financial position, it was necessary to revise the scope of the Strategy to ensure that it could be implemented within existing resources. In considering this matter Council resolved:

"That Council workshop the Customer Service and Communication Strategy for Hawkesbury City Council."

The Strategy was considered by Council at a Councillors workshop held on 5 December 2006.

Current Situation

Management have identified the provisional membership for a proposed Customer Service Project Team to be established to begin the implementation of the Customer Service and Communication Strategy. The membership of the proposed Project Team has been drawn from Council work units which are responsible for the provision of key products and services to Council's external customers.

The planned role of the Project Team will be to undertake a customer service self-assessment utilising the *International Customer Service Standard Implementation Guidelines* (ICSS) developed by the Customer Service Institute of Australia (CSIA). When completed, the self-assessment will allow the Project Team to identify the customer service and communication targets that will need to be worked through (over the next three years) to enable Council to achieve external accreditation under the ICSS. Members of the Project Team will be provided with training (developed by the CSIA) to consolidate the skills and knowledge required to complete the ICSS self-assessment and audit.

Conformance to Strategic Plan

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

"Development of a Customer Service Strategy", and

"Development of Communications Strategy in line with planned objective."

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Funding

The implementation of the Customer Service and Communication Strategy will be achieved within existing resources, and where required, through the internal reallocation of existing resources.

RECOMMENDATION:

That the draft Customer Service and Communication Strategy for Hawkesbury City Council, prepared in accordance with objectives contained in Council's Strategic Plan, be placed on public exhibition for a period of 60 days.

ATTACHMENTS:

AT-1 Draft Customer Service and Communication Strategy

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AT-1 Draft Customer Service and Communication Strategy

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oooO END OF REPORT Oooo

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Item: 299 ES - Hawkesbury Cultural Plan 2006 - 2011 - Implementation Strategy - (79342, 97382, 95494)

REPORT:

This report has been prepared to seek Council's approval to adopt an Implementation Strategy for the *Hawkesbury Cultural Plan 2006-2011* as recommended by the Hawkesbury Cultural Precinct Advisory Committee.

Background

At its Ordinary Meeting of May 2006, Council resolved to adopt the *Hawkesbury Cultural Plan 2006-2011*. In consideration of this matter Council further resolved that:

"An Implementation Strategy to be developed to identify the human, material and financial resources required to put the Hawkesbury Cultural Plan into operation (within the parameters of Council's adopted financial estimates and staffing resources)."

At the October meeting of the Hawkesbury Cultural Precinct Advisory Committee (CPAC), the Committee considered a staff report recommending the endorsement of a revised implementation strategy for the *Hawkesbury Cultural Plan 2006-2011*. CPAC resolved to endorse the proposed strategy and to forward the strategy to Council recommending its adoption by Council.

Implementation Strategy

In view of the likely resource demands associated with the development of the Hawkesbury Regional Museum (and in the context of Council's resolution to implement the Cultural Plan within existing resources), CPAC has determined that priority for the implementation of the 38 actions in Cultural Plan should be accorded to those actions that relate to the Regional Museum.

CPAC also determined that those actions which could be progressed through the establishment of collaborative project teams should also be prioritised for implementation over the next twelve months. In this regard those Cultural Plan Goals that relate to the integration of the Cultural Precinct and its activities, and the development of co-ordinated public programs and exhibitions were identified as priorities.

The CPAC has recommended the establishment of the following Project Teams. CPAC has called for nominations from interested persons (drawn from CPAC and organisations represented on CPAC) to participate on the proposed Project Teams. The nominations listed below have been received - final confirmation of project team membership was determined at a meeting of project team nominees held on 7 December. Project teams will also include Council staff and other persons as may be required to complete the tasks assigned to each project Team. The Manager, Cultural Services has been appointed as the Project Manager for each Project Team.

Project Team	Tasks	Nominations
<u>Project Team 1 - Regional Museum Development</u>	Commissioning of Business Plan for Regional Museum	Judy Newland (Hawkesbury Historical Society) Dr Lucy Sullivan (HHS), Carol Carruthers (HHS) Alan Aldrich (HHS)
<u>Project Team 2 - Public Programs + Exhibitions Development</u>	- Develop coordinated program of exhibitions and events in venues across the LGA. - Support annual forum of local and	Dr Ian Jack CPAC & HHS Graham Edds CPAC Marilyn Mercer HHS Jan Barkley Jack HHS

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	regional historical societies to network information, identify collaborative projects and to promote activities ▪ Develop regular Heritage Forums with guest speakers	Ann Chilman HHS Rebecca Turnbull HHS
Project Team 3 - <u>Integration of Cultural Venues</u>	• Develop integrated annual program of concerts, lectures, book readings to attract diverse audiences to the Cultural Precinct. • Develop plan to connect Museum and Deerubbin Centre along the River and adjacent parks and gardens. • Establish local maker's co-operative that manages a twice yearly local Makers Market in the grounds of the Deerubbin Centre. • Design and installation of directional signage and maps that support access to the local cultural sector [commencing with Cultural Precinct and working "outwards"].	Jo Hibbert CPAC Dudley Mercer HHS

In addition to these proposed project teams, an internal project team has been established to implement actions within the Cultural Plan which require Council to review its internal policies and procedures. These actions include:

- Review of the Cultural Grants program.
- Development of integrated Public Art Policy and Plan.
- Establishment of a community-based Cultural Information Service.
- Audit of Council's 23 community centres and facilities to identify options for adaptive reuse as part of a network of community cultural centres providing workshops, essential storage, meeting space, performance venues, studio facilities, rehearsal and recording.
- Review of fees and charges to ensure that access to community centres and cultural facilities is affordable.

The Revised Implementation Strategy provides for 13 of the 38 actions within the Cultural Plan to be implemented over the next twelve months.

Conformance to Strategic Plan

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

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

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Funding

The Implementation Strategy will be resourced within approved budget allocations and by in-kind support as coordinated via project teams and project managers.

RECOMMENDATION:

That:

1. Council endorse the proposed Revised Implementation Strategy.
2. Council endorse the establishment of 3 external project teams to be comprised of nominated representatives from the Cultural Precinct Advisory Committee and the Hawkesbury Historical Society Inc.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

INFRASTRUCTURE SERVICES

Item: 300 **IS - Proposed Relocation of Wilberforce Rural Fire Station - (79354, 73600)**

Previous Item: 157, Ordinary (31 May 2006)

REPORT:

As previously reported to Council on 31 May 2005, the Wilberforce Rural Fire Brigade requested consideration be given to the possible relocation of the Wilberforce Fire Station. The Brigades reason for the proposed relocation is that they consider the current fire station requires upgrading and that the current location is situated in the middle of a residential area.

There were three locations proposed at that time, being the land opposite the Wilberforce Depot, a site next to the Wilberforce Cemetery on Old Sackville Road, and a site near the intersection of Salters Road and Old Sackville Road, Wilberforce. A copy of the original report is attached for Council's information.

In accordance with Council's resolution of 31 May 2005 further investigation has been undertaken as to the suitability of relocating the Wilberforce Fire Station to Council owned land at the western end of the operations depot, part of which is currently utilised by waste services vehicles. A plan was developed identifying the footprint required for a rural fire brigade station and showing the relocated waste disposal service parking area. This plan was forwarded to the Brigade for their comment and as a result an alternative layout developed, giving direct access to the street frontage of Old Sackville Road. An estimate of cost has been undertaken based on that layout.

The estimated cost to undertake all works external to the building works, i.e, relocation of the waste services truck parking area, relocation of the associated amenities building, reconstruction of the parking adjacent to the rural fire brigade station, and provision of access across the road verge to access Old Sackville Road, will cost in the vicinity of \$145,000.

The Superintendent/District Manager of the Hawkesbury RFS was advised of the estimated cost to undertake this work and of Council's current financial situation including the fact that although the brigade have indicated they would fund the cost of the new station, it would ultimately become a Council asset with the inherent long term liability, in terms of maintenance of the building in accordance with the current Service Level Agreement. The Superintendent District Manager has advised that there is a district Capital Works Program for Rural Fire Stations which has been determined and agreed by the Liaison Committee and whilst the construction of a new station for the Wilberforce Brigade has been placed on this program, at this time it is not a high priority due to the fact that there are other projects that have been on the program for a longer period of time. As such, it is considered not appropriate to elevate the Wilberforce Station project in relation to other projects which have been prioritised by the Liaison Committee on the basis of need and have been on the program for some time.

It is considered that prioritisation of capital works for rural fire stations should be undertaken in conjunction with the Liaison Committee, through the Superintendent District Manager of the Rural Fire Service.

Conformance to Strategic Plan

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

"Objective: Implement process to identify and respond to infrastructure requirements (information, access and mobility) of groups with special needs."

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Funding

Nil impact to current budget.

RECOMMENDATION:

That consideration of Capital Works relating to the upgrade and/or renewal of rural fire stations be undertaken in consultation with the Superintendent District Manager and the Liaison Committee.

ATTACHMENTS:

AT - 1 Previous Council Report from Ordinary Meeting - 31 May 2005.

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AT - 1 Previous Council Report from Ordinary Meeting - 31 May 2005.

ITEM INF B - Proposed re-location of Wilberforce Rural Fire Station - (79354, 73600)

REPORT:

The Hawkesbury Rural Fire Service (RFS) has requested consideration be given to the possible re-location of the Wilberforce Fire Station. The reason for the re-location is that the current fire station requires upgrading and that the current location is situated in the middle of a residential area.

The three locations proposed are:

1. The land opposite the Wilberforce depot. This is the RFS's preferred location. This land is Crown land under Council's care and control and was vested in Council for the purposes of Recreation. This parcel of land was originally reserved as a trig station in 1896. Historically this is important, especially as it is the highest point in this region. It is also considered that a fire station at this location would have a significant visual impact on the area.

Due to limited recreation land within Wilberforce, it is considered that this site is not be suitable.

2. The second site is next to the Wilberforce Cemetery. It is believed that this parcel land is part of the cemetery and is currently being verified by the Department of Lands. Many locals believe that burials have occurred on this site. The area is relatively small and has remnant Cumberland Plain bushland on the site. For the above reasons it is felt that the site would not be suitable.
3. The third site is near the intersection of Salters Road and Old Sackville Road, Wilberforce. This parcel of land is vacant crown land, reserved for the use of a quarry. It has had a large quantity of uncontrolled fill deposited over the years and as such would have additional cost implications to achieve satisfactory footings for a building.

It is suggested that this would be the best option for the RFS to follow as it is the furthest away from residential areas.

Due to all three parcels being Crown Land, Department of Lands would need to be approached regarding the placement of a fire shed on any of the sites. If the Department of Lands was agreeable, the purpose of the land would have to be changed.

The other option would be for Council to approach the Crown to acquire it i.e. Council would then own it. The Crown may (and usually does) require compensation to be paid and this would be at market value.

Either way there will be application fee for the Crown to process the application and plans will need to be drawn by a qualified surveyor. It would also be suggested that some public consultation be part of this process.

RECOMMENDATION:

That:

1. The Department of Lands be approached regarding the placement of a new Fire Shed on the vacant parcel of Crown Land near the intersection of Salters Road and Old Sackville Road, Wilberforce; and,
2. Hawkesbury RFS be requested to consider providing the necessary upgrading at the current site.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 301 IS - State Government Funding for Water Quality Testing - (79357)

REPORT:

The NSW Government has recently released a discussion paper on the "Review of Funding Arrangements for the NSW Shellfish Program". The program regulates the shellfish industry to protect food safety.

The discussion paper outlines the activities of the Shellfish Industry and its requirements which include monitoring water quality through and around oyster leases that can be affected by pollution as a result of breaches to sewage treatment plant discharges, septic tank environmental pollution and or stormwater pollution.

Water quality monitoring is essential to the Shellfish Industry as pollution can impact directly on the suitability of the harvesting of shellfish for consumption.

Within the discussion paper several recommendations have been made which burden Local Government with sewerage treatment plant monitoring (currently in place by Department of Environment & Conservation licences) and septic tanks, stormwater drains, and other urban runoff and primary production runoff monitoring for pollution.

Further, the discussion paper recommends that costs of the monitoring program and incidents attributed to specific source non-natural pollution be costed to the Government for recovery from polluters as appropriate and costs relating to base-level compliance and rural and urban diffuse pollution should be met by the Shellfish Industry.

Council currently monitors its sewage treatment plant discharges to receiving water in accordance with DEC licence requirements. Council also conducts a septic tank inspection regime on a continual basis under the Septic Safe Legislation requirement. There is currently 3 staff dedicated to inspecting the septic systems in the Hawkesbury LGA, which conduct approximately 250 inspections per month. There are approximately 8,500 systems registered under the scheme and inspections are carried out every 1, 3 & 5 years dependent on their risk to the environment. Stormwater and other urban runoff and primary production runoff is not currently monitored.

The industry has requested Local Governments support to encourage the State Government to Provide Adequate Funding for the Monitoring of Water Quality.

Conformance to Strategic Plan

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

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

Funding

No funds available in current or future budget, external funding required.

RECOMMENDATION:

That representation be made to the NSW Government to support the need for funding by the State Government for monitoring of water quality;

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 302 **IS - Village Street Trees - (95495, 96331, 9035, 15843)**

Previous Item: NM, Ordinary (22 February 2005)

REPORT:

Council resolved on 22 February 2005 that:

"Prior to the removal of any trees in the streets of the Hawkesbury's town and villages:

- 1. A notice inviting public comment be put in the Councils notices page of the Hawkesbury Gazette for a period of 2 (two) weeks.*
- 2. A notice explaining why the intended tree is to be removed and inviting public comment be attached to the tree of concern for 2 (two) weeks.*
- 3. Trees deemed to be in a dangerous condition, as assessed by a qualified expert, be exempt from points 1 and 2 above."*

Since this resolution, thirty two village tree removals have been advertised. A total of two submissions have been received in relation to two of the proposed removals.

The first submission was in relation to a development application that was not approved and thus permission to remove the tree was not required.

The second submission was received recently regarding the proposal to remove two trees outside 5a Peter Place, Bligh Park. In this instance the owner applied for the trees to be removed as she is an anaphylactic who is allergic to bee stings. A sting is potentially life threatening for her and she has been advised to reduce threats from her immediate surroundings. The two trees on the nature strip are Iron Bark trees which when flowering provided a haven for bees. The street does have a number of Iron Barks, however, she feels that the proximity of these two trees to her house dramatically increases her chances of being stung. The owner has provided a doctors certificate to authenticate her condition.

The submission in relation to this proposal stated that to remove the trees is silly as there are numerous flowering Iron Bark Trees between here and Penrith. Clover in Parks attract bees and thus the writer feels that the whole issue of removing these trees for this reason is ridiculous.

It is recommended that due to the medical condition of the owner that the two trees be allowed to be removed, subject to the owner covering all cost regarding removal and to replace the trees with a more suitable species.

The cost of placing advertisements in local papers for the village street removals is approximately \$1,302 over the last two years. In addition, the administration which includes receiving payment for the application, an initial site inspection, placement of a sign on the tree, writing and placing an add, dealing with correspondence if any, then writing a permission/rejection once the process is completed has placed a considerable burden on staff resources.

Conformance to Strategic Plan

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

Objectives: "Investigating and planning the City's future in consultation with our community, and coordinating human and financial resources to achieve this future.

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

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

Develop a land use planning strategy for sustainable development and protection of important cultural, heritage and natural assets".

Funding

There is an ongoing financial and administrative cost for the current practices of advertising proposed village tree removals.

RECOMMENDATION:

That:

1. The two Iron Bark trees outside 5A Peter Place be removed and be replaced with two trees of a suitable nature at the cost of the applicant.
2. The current process of advertising village street tree removal cease, except where there are avenues of mature trees that may be regarded as significant.
3. Street Tree Master Plans for urban precincts and new development areas, undertaken in consultation with the Community.

ATTACHMENTS:

There are no supporting Documentation for this item.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

Item: 303 IS - Pesticide Notification Plan - (95495, 96331)

REPORT:

In February 2006, amendments to the Pesticide Regulation 1995 introduced new requirements for notification of pesticide use that affected most NSW Councils.

The amended Regulation requires all NSW public authorities and Councils who use pesticide in outdoor public places to prepare a notification plan in relation to their pesticide use and to give notice according to the plan. Pesticides includes chemicals such as: herbicides, insecticides, fungicides, termiticides and rodenticides. Pesticide notification plans need to be finalised by 1 February 2007.

Pesticide notification is based on the principle that people should have access to information on pesticide use so that they can reduce their exposure if they so wish.

In accordance with the new regulation a draft Pesticide Notification plan has been developed. The plan was developed in consultation with relevant sections of council and committees of council that use pesticides.

The Plan has been on public exhibition for 28 days as per the requirements of the regulation. During this period there has been no correspondence received relating to the plan.

Conformance to Strategic Plan

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

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

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

Funding

Not Applicable.

RECOMMENDATION:

That:

1. The Pesticide Notification Plan and its recommendations be adopted.
2. A notice be placed in the NSW Gazette and Council notices in accordance with the regulation and a copy of the plan forwarded to the Department of Environment and Conservation.

ATTACHMENTS:

AT-1 Pesticide Notification Plan - (Distributed Under Separate Cover)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

Item: 304 **IS - Road Naming Proposal - Proposed Union Lane, Windsor - (79346)**

Previous Item: 232, Ordinary (26/09/06)

REPORT:

Council, at its meeting held on 26 September 2006, resolved that public comment be sought regarding naming of the public road extending in a south-westerly direction between No's. 19 and 25 Johnston Street, Windsor, to the north-eastern boundary of Windsor Riverview Shopping Centre, being a physical continuation of the existing Union Lane, as "Union Lane".

Public comment was sought by way of advertisement in the Hawkesbury Independent, as well as by correspondence addressed to proximate property owners and including the Hawkesbury City Chamber of Commerce and Windsor Business Group.

At the time of closure of the public comment period, the only comment received was from the Department of Lands indicating no objection to the naming proposal.

Conformance to Strategic Plan

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

"Objective: Implement processes to identify and respond to the infrastructure requirements (information, access and mobility) of groups with special needs."

Funding

Nil impact on current budget.

RECOMMENDATION:

That the public road extending in a south-westerly direction between No's. 19 and 25 Johnston Street, Windsor to the north-eastern boundary of Windsor Riverview Shopping Centre be named "Union Lane", making the full extent of Union Lane as from its intersection with Kable Street, Windsor to the north-eastern boundary of Windsor Riverview Shopping Centre.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

Item: 305 **IS - Road Naming Proposal - Proposed Pulsford Lane, Windsor - (79346)**

Previous Item: 232, Ordinary (26/09/2006)

REPORT:

Council, at its meeting held on 26 September 2006, resolved that public comment be sought regarding naming of the public road extending in a north-easterly direction between No. 20 Fitzgerald Street and No. 181 George Street, Windsor as "Pulsford Lane".

Public comment was sought by way of advertisement in the Hawkesbury Independent, as well as by correspondence addressed to proximate property owners and including the Hawkesbury City Chamber of Commerce and Windsor Business Group.

At the time of closure of the public comment period, the only comment received was from the Department of Lands indicating no objection to the naming proposal.

Conformance to Strategic Plan

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

"Objective: Implement processes to identify and respond to the infrastructure requirements (information, access and mobility) of groups with special needs."

Funding

Nil impact on current budget.

RECOMMENDATION:

That the public road extending in a north-easterly direction between No. 20 Fitzgerald Street and No. 181 George Street, Windsor be named "Pulsford Lane".

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

Item: 306 **IS - Road Naming - Proposed Silo Place, McGraths Hill - (79346)**

Previous Item: 154, Ordinary (11/07/2006)
 218, Ordinary (12/09/2006)

REPORT:

Council, at its meeting held on 11 July 2006, resolved that public comment be sought on the naming of the presently un-named public road extending in a south-easterly direction from Plimsoll Street, McGraths Hill and bounded by Lots 106-114, DP1089358 as "Newton Place".

In response to public comment regarding the name "Newton Place", Council subsequently resolved at its meeting held on 12 September 2006 that public comment be sought regarding naming of the road as "Silo Place".

Public comment was sought regarding "Silo Place" by way of advertisement placed in the Hawkesbury Independent and by way of correspondence addressed to proximate residents and various service organisations.

At the close of public comment period, 3 submissions had been received as follows:

1. No objection - 1 (Department of Lands)
2. Alternate Name - 1 (Mr J & Mrs L Creamer)
3. Objection - 1 (Anonymous)

Comment by the Department of Lands satisfies statutory requirements rather than community expectations.

The alternate name suggested in "Soper Place" in honour of Mr Ron Soper, Plimsoll Street, McGraths Hill and is based on Mr Soper's extensive community service through St. Matthews Anglican Church, SES, Windsor Primary School and Windsor High School P&C's, leading to an Australia Day Citizen of the Year Award. Mr Soper is still active within the community.

Under Guidelines for the Naming of Roads issued by the Geographical Names Board of New South Wales, the names of living persons should not be used and it is proposed that further consideration not be given to this alternate name.

The objection is essentially groundless in relation to the subject matter at hand.

On balance it is felt that the naming of this road as "Silo Place" should proceed.

Conformance to Strategic Plan

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

"Objective: Implement processes to identify and respond to the infrastructure requirements (information, access and mobility) of groups with special needs."

Funding

Nil impact on current budget.

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RECOMMENDATION:

That the presently un-named public road extending in a south-easterly direction from Plimsoll Street, McGraths Hill and bounded by Lots 106-114 DP1089358, be named "Silo Place".

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

SUPPORT SERVICES

Item: 307 SS - Pecuniary Interest Return - (79337)

REPORT:

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

"450A Register and tabling of returns

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

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

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

With regard to Section 450A(2)(a), the following Section 449(1) Returns have been lodged:-

Position	Return Date	Date Lodged
Compliance & Enforcement Co-Ordinator	11/09/2006	30/11/2006
Compliance & Enforcement Officer	11/09/2006	4/12/2006

The Returns have been lodged prior to the due dates for the receipt of the Returns, being three (3) months after the return dates.

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

Conformance to Strategic Plan

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

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

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Funding

Not applicable.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 December 2006

CONFIDENTIAL REPORTS

Item: 308 GM - Tourism Contract Management Issues - (79351, 95497, 97939)

Previous Item: 287, Ordinary (28 November 2006)

Reason for Confidentiality

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

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

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

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ordinary
meeting

end of
business
paper

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