



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 11 July 2006

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING

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AGENDA

- **WELCOME / EXPLANATIONS / PRAYER**

- **Adjourned Special Council Meeting - 26 June 2006 and
Reconvened Special Council Meeting - 28 June 2006**

An additional report providing further information in respect of the Minister's determination, and a further recommendation in respect of making and levying Ordinary Rates for 2006/2007 as a result of this determination will be tabled for consideration when the adjourned meeting is reconvened at 5:00pm on Tuesday, 11 July 2006.

- **APOLOGIES**

- **DECLARATION OF INTERESTS**

- **SECTION 1 - Confirmation of Minutes**

- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**

- **SECTION 2 - Mayoral Minutes**

- **QUESTIONS WITH NOTICE**

- **SECTION 3 - Notices of Motion**

- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**

- **SECTION 4 - Reports for Determination**

General Manager

City Planning

Commercial Strategy

External Services

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**

- **QUESTIONS WITHOUT NOTICE**

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SECTION 3 - Notices of Motion

NM 1 - Recognition of Superintendent Bill Rodger (Ret.) - (90478, 95496)

Submitted by: Councillor Neville Wearne

Background

Bill Rodger has spent in excess of 40 years living and breathing the bushfire service (now Rural Fire Service - RFS) in the Hawkesbury, in the days of the Colo Shire Council, through to the present era of Hawkesbury City Council.

Following bushfires that threatened Wilberforce in the early 1960's, Bill with a few others, formed the Wilberforce Volunteer 'Bush' Fire Brigade, becoming Captain of the Brigade in 1969. He held this position until 1986 when he was appointed as Fire Control Officer (FCO), Colo Shire. The Brigade awarded him Life Membership in 1997.

In the old days, Bill as FCO, having completed his 'day at the office', would go home and together with his wife Nan, continue to 'man' the radio for the after hours communications for the District - true dedication. Up until the formation of the RFS, Bill was an employee of this Council.

Bill retired from the RFS in late 1999, as FCO Hawkesbury, and immediately went back as a volunteer in his old Brigade, Wilberforce. Bill, as a Deputy Captain, still remains with Wilberforce Brigade today, continuing to serve our community in times of emergency, be it bushfires, house fires, accidents, or other incidents as necessary.

In one form or another, Bill has been involved in all the major bushfires and other emergencies that have threatened our LGA, some even beyond, including interstate. A dedicated, self-sacrificing individual, that deserved and has received highest recognition.

As a fellow member of the Wilberforce Rural Fire Brigade, I respect this outstanding individual, for knowledge, guidance, and admiration.

I commend the motion to the Chamber

NOTICE OF MOTION:

That Council:

1. Recognise Superintendent William (Bill) Rodger (Ret.) for being awarded the Australian Fire Service Medal (AFSM) in the recent Queen's Birthday Honour List (12 June 2006).
2. Write a Mayoral letter to Bill Rodger congratulating him on being recognised for such a prestigious award, and expressing on behalf of the Hawkesbury community, our appreciation for dedicated service to the community both as a volunteer and salaried officer.

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: 149 **CP - Assessment of Development Applications and Lapsing of Development Consents - (95498, 96329)**

REPORT:

Introduction

Council on 10 November 1998 adopted procedures relating to the assessment of incomplete applications involving additional information.

The purpose of this report is to review these procedures in relation to the Environmental Planning and Assessment Act 1979, and the Environmental Planning and Assessment Regulation 2000, whilst maintaining a high level of customer service.

Background

The procedures that were adopted involved:

The initial letter to an applicant for additional information or amendments will request a response within 14 days.

If no response after 14 days, a follow up letter will be sent requesting the information within 7 days and suggesting withdrawal of the application where appropriate.

Applications be refused after 40 days if no response or the information submitted is insufficient. (telephone contact before refusal)

Where applications are withdrawn the applicant be offered a 50% cash refund or full credit for a new application lodged within 3 months.

Additional Information

It is now appropriate with the recent spotlight on Council processing of Development Applications to review this procedure and make any necessary changes. The completeness and accuracy of plans and information submitted with applications does have an influence on the time taken to process the application. The incompleteness of applications results in delays in the assessment of applications as well as frustration from all stakeholders involved in the processing of the application.

The Environmental Planning and Assessment Regulation 2000 (the Regulation) allows Council (if it chooses) to reject a development application within 7 days if the application is illegible, (unclear as to the development consent sought) or the application does not contain any information as prescribed by the Regulation.

The Regulation provide a timeframe in which Council is to determine a development application, known as the assessment period. If the application is not determined within this timeframe, the application is deemed to be refused on the date on which the timeframe has expired. The expiration of the timeframe does not prevent the determining of the application. However, it allows the applicant to seek approval through the Land and Environment Court.

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Additional information or amendments can be requested by Council at any point during an assessment. The number of days between the request for additional information and the receipt of the information, is not included in the calculation of the assessment period, provided the request is made within 25 days of the date of lodgement of the application.

A large amount of the criticism levelled at Council's assessment staff is the time taken to request additional information, which in some circumstances exceeds the 25-day period. Measures are being implemented and developed to monitor this critical period and request any additional information or amendments within 25 days.

It is considered reasonable to give an applicant adequate opportunity to provide additional information or make amendments to applications and ensure the application is processed and determined efficiently. However, if a number of incomplete applications are within the system and the applicant does not provide the information within a suitable period they can affect the processing of "complete DAs" and also Council figures for time taken to process the applications. As a result a stipulation of a time period for the receipt of this information is warranted.

The Regulations allow Council to stipulate a reasonable timeframe by which the information is to be provided. It is considered that 21 days is a reasonable timeframe, given that Hawkesbury Development Control Plan, Councils document 'Guidelines for Submitting Applications' and checklists provide advice on what information is required to be lodged with an application. In addition, planning staff are available daily to discuss proposals and what is required prior to the lodgement of an application.

It is considered that the practice of the 14-day/7 day letter be retained. However, it is not considered prudent to refuse incomplete applications after 40 days. Incomplete applications should be determined after the expiry of the 14 and 7-day letters if the information is not provided.

In the past it has been the practice to give the applicant several chances to provide the information and amend the development to comply with the Council DCP provisions. This results in complete applications taking longer to process as well as affecting the figures for time taken to process applications.

The applicant should be only given one opportunity to provide the information requested and amend the plans. Once the information and plans are submitted the application should be processed and determined. The request for additional information or amended plans should be made within 25 days of the date of lodgement of the application.

At present, if an application is withdrawn, the applicant has the following options:

- a 50% refund, or
- full credit for a new application lodged within three months.

There are current problems in respect to the transferring or refunding of fees:

- Not all fees can be transferred or refunded in certain circumstances (e.g. Planning First fee);
- Applicants do not expect to pay additional monies if the application is withdrawn and new application is lodged within the three months (e.g. notification fee if readvertised); and,
- The cost of the development may change due to amendments requiring an increase in the development application fee.

The preliminary assessment of an application involves a review of a proposal with respect to legislative obligations and Council's Plans, Policies and referrals. The majority of work in the assessment of an application is completed at this stage. If an application is withdrawn, pending the lodgement of a new application, this work does not attract any fees.

It is therefore recommended that all applications that are withdrawn be refunded 50% of their development application fee and the option to transfer fees to a new application be discontinued. Applicants are then free to lodge a new application with the appropriate fees.

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The new practice to be adopted for requesting additional information is:

1. A preliminary assessment of a development application and the request for additional information be carried out within 25 days of the date of lodgement of the application.
2. The initial letter to an applicant for additional information or amendments will request a response within 14 days.
3. If no response is received after 14 days, a follow up letter will be sent requesting the information within 7 days and suggesting withdrawal of the application.
4. If no response is received within the 7 days, or insufficient information and plans have been supplied, the application be determined on the basis of the information and plans submitted.
5. A refund of 50% of the development application fee will be offered when an application is withdrawn and this is exclusive of any fee that was paid for the Plan First levy.

Lapsing of Consents

The Environmental Planning & Assessment Act (Section 95) allows Councils to issue development consents that will lapse in five years unless physical commencement occurs. The sections also permit Council to reduce this period to a minimum of two years. Section 95A allows a further one year extension to be granted for Development Consents that lapse for any period less than five years.

The Council currently issue development consents that lapse in five years. The current planning changes occur more regularly and what was considered acceptable five years ago is now not appropriate with the changes in the planning rules including Council's Development Control Plans. A reduced period for a Development Consent to lapse will reduce the potential for development being built that were approved under outdated planning controls and are inconsistent with the current planning practices.

The time period of five years is considered excessive and a reduced period of two years with a further one year extension is more reasonable (maximum three years) this will ensure that development when constructed will be more likely to be consistent with the current planning practices and policies.

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."

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

Funding

The impact on the budget will be assessed by the quarterly reviews.

RECOMMENDATION:

That the following practice be adopted in respect to the lodgement of applications:

1. A preliminary assessment of a development application and the request for additional information be carried out within 25 days of the date of lodgement of the application.

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2. The initial letter to an applicant for additional information or amendments will request a response within 14 days.
3. If no response is received after 14 days, a follow up letter will be sent requesting the information within 7 days and suggesting withdrawal of the application.
4. If no response is received within the 7 days, or insufficient information and plans have been supplied, the application be determined on the basis of the information and plans submitted.
5. A refund of 50% of the development application fee will be offered when an application is withdrawn and this is exclusive of any fee that was paid for the Plan First levy.
6. Development Consents issued by Council now lapse after 2 years.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 150 **CP - Subdivision - Torrens Title - 2 Lot Subdivision, Lot B DP 416222, No 1027
Grose Vale Road, Kurrajong - (95498, 96329)**

Previous Item: 395, Ordinary (13 December 2005)

Development Information

Applicant: Rodney Ernest Paull
Applicants Rep: Nil
Owner: Mr R E Paull
Stat. Provisions: SEPP 1 - Development Standards
 SREP 20 - Hawkesbury Nepean River
 Hawkesbury LEP 1989
 Draft Amendment 108 to HELP 1989
 Hawkesbury DCP
Area: 1.19H
Zone: Rural 1(c1) under Hawkesbury Local Environmental Plan 1989
 The proposed zone under draft Local Environmental Plan 8/89 (Amendment 108) is
 Rural Living.
Advertising: 4 February 2005 to 18 February 2005
Date Received: 21 January 2005

Key Issues: ♦ Non-compliance with Development Standard
 ♦ Inappropriate use of SEPP 1
 ♦ Undesirable precedent
 ♦ Long Term Heritage Conservation

Recommendation: Approval

REPORT:

Introduction

This application has been previously considered by at the Ordinary meeting of 13 December 2005 and Council resolved:

"That:

- 1. Council seek the concurrence of the Director General for Planning*
- 2. Subject to concurrence of the Director General being received a further report be submitted to Council providing "without prejudice" conditions for Council's consideration for approval of the application"*

Current Situation

The matter was referred to the Department of Planning for concurrence.

Concurrence has now been obtained from the Director General to the use of SEPP No1 to vary the minimum subdivision area.

The without prejudice conditions are attached to the report together with the previous Council report.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; i.e

"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 funding impact.

RECOMMENDATION:

That the application be approved subject to the following conditions:

General

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

Prior to Issue of Construction Certificate

5. 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.
6. Construction of carpark, access, road, drainage, dam or sewer works are not to commence until 3 (three) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
7. Submission to Council for approval of plans drawn to an appropriate scale and with appropriate dimensions, showing the proposed car parking and access arrangement for Lot 1.

Prior to Commencement of Works

8. 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.
9. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

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10. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
11. 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.

During Construction

12. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
13. The southern by-wash of the existing earth dam is to be filled to the same level as the adjoining wall. All fill is to be adequately compacted in 300 mm layers and grassed immediately after filling takes place.
14. All necessary works being carried out to ensure that all natural water flow from adjoining properties is not impeded or diverted.
15. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am - 6pm and on Saturdays between 8am - 4pm.
16. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - 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.
 - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

Prior to issue of subdivision certificate

17. Creation of a drainage easement 3m wide over the existing/proposed pipeline through the site. Documentary evidence to be submitted prior to occupation of the building.
18. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
19. A Section 73 Certificate from Sydney Water shall be submitted to the Principal Certifying Authority.
20. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
21. 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, as well as all works associated with the waste management facility provided on Lot 1.
22. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
23. A Surveyor's Certificate stating that all existing buildings on the lots comply with the Building Code of Australia in relation to boundary setbacks shall be submitted.

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24. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
25. Creation of a restriction on use of land pursuant to Section 88B of the Conveyancing Act as follows:
 - Lots 1 and 2 should be maintained as "Asset Protection Zones" in accordance with the provisions of "Planning for Bushfire Protection 2001".
 - A cleared portion of land is to be maintained at the termination of the accessways associated with the existing dwelling on Lot 2 so as to provide suitable and sufficient on-site manoeuvring for fire fighting vehicles in accordance with "Planning for Bushfire Protection 2001".
 - Lot 1 is to be maintained and conserved in accordance with the Heritage Management Guidelines prepared by Graham Brooks & Associates Pty Ltd dated 28 August 2004, a copy of which is held at Hawkesbury City Council.
26. The following works are to be undertaken in accordance with the recommendations of the Bushfire Protection Assessment prepared by Conacher Travers, Ref: 4421 and dated October 2004 and supplementary report dated 12 January 2004:
 - The existing dwellings on the site are to be retrofitted so as to comply with Level 1 of the Australian Standard AS3959.
 - Roof gutters and valleys to both dwellings should be leaf proofed by the installation of an external gutter protection shroud or gutter system that denies all leaves from entering the gutter and that prevents the build up of leaf litter on the gutter. Any material used in such a system should have a flammability index of no greater than 5 (as measured against Australian Standard AS1530.2).
27. These works are to be certified by Conacher Travers Pty Ltd with evidence of this certification being submitted to Council.
28. The sewerage management facilities detailed in the report by H F Fiander & Associates dated December 2004 shall be installed on proposed Lot 1: the allotment accommodating the dwelling house known as "Curraweena".
29. Payment of linen release fee in accordance with the Councils adopted fees and charges
30. 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.
31. Landscape planting, fencing and groundcover shall be undertaken in accordance with the recommendations on the Landscape Report prepared by JCA Landscape Architects, dated December 2004.
32. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

(a) Open Space and Recreation	(\$2,250.00)
(b) Community Facilities	(\$3,182.00)

Contributions are to be paid prior to issue of the Construction Certificate. The amount has been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

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The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. The attached fee schedule is valid for 3 (three) months.

ATTACHMENTS:

AT - 1 Council Report of 13 December 2003

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AT - 1 Council Report of 13 December 2003

ITEM 395: ES - Subdivision - Torrens Title - 2 Lot Subdivision, Lot B DP 416222 Vol 10354 Fol 243, 1027 Grose Vale Road, Kurrajong NSW 2758 - (95494, 96329, 18850, DA0048/05)

Development Information

Applicant: Rodney Ernest Paull
Applicants Rep: Nil
Owner: Mr R E Paull
Stat. Provisions: SEPP 1 - Development Standards
SREP 20 - Hawkesbury Nepean River
Hawkesbury LEP 1989
Draft Amendment 108 to HELP 1989
Hawkesbury DCP
Area: 1.19H
Zone: Rural 1(c1) under Hawkesbury Local Environmental Plan 1989
The proposed zone under draft Local Environmental Plan 8/89 (Amendment 108) is Rural Living.
Advertising: 4 February 2005 to 18 February 2005
Date Received: 21 January 2005

Key Issues:

- ◆ Non-compliance with Development Standard
- ◆ Inappropriate use of SEPP 1
- ◆ Undesirable precedent
- ◆ Long Term Heritage Conservation

Recommendation: Refusal of SEPP1 Objection and Refusal of Development Application

REPORT:

Introduction

This application was the subject of an appeal to the Land and Environment Court based on the "deemed refusal". The applicant discontinued the appeal prior to hearing and has asked that the application be determined by Council. The matter is reported to Council for determination at the request of Councillor Devine.

The Proposal

The application is for a two lot subdivision to create lots of 3092m² and 8802m² around two existing dwellings on the property. One of the dwellings is currently used for before and after school and vacation child care. A small parcel of road widening is also proposed. The minimum allotment size permissible in the 1(c1) zone is 4 hectares. Therefore, the application is accompanied by an Objection pursuant to SEPP No.1 - Development Standards.

Background

Jun 1989	Approval issued by Council to construct new dwelling, subject to existing dwelling being demolished within 60 days of occupation.
1992	Council resolved to allow existing dwelling to remain occupied until end of existing lease or until end of February 1993, at which time the building was to be rendered uninhabitable.

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Feb 1993	DA approved for the use of existing dwelling "Curraweena" as a small primary school. The use of the building for other than a dwelling was permissible under clause 15(4) of Hawkesbury LEP1989.
May 1998	Applicant requested Curraweena to be listed as a heritage item.
Mar 2001	LEP amendment gazetted to list Curraweena as a heritage item
Dec 2001	DA approved to use Curraweena as a before and after school and vacation care centre.
Aug 2003	DA lodged for two lot subdivision (DA0955/03)
Jul 2004	DA0955/03 refused under delegated authority
Nov 2004	Land & Environment Court dismissed an appeal against refusal of DA0955/03 for a two lot subdivision
Jan 2005	DA0048/05 lodged for two lot subdivision (current DA)
Mar 2005	Appeal lodged to Land & Environment Court against deemed refusal of DA0048/05 (current DA)
May 2005	Appeal on DA0048/05 discontinued by applicant (current DA)
Jun 2005	Applicant requested Council consideration of DA0048/05 (current DA)
Oct 2005	Application presented to Councillor Briefing Session

Statutory Situation**SEPP 1 - Development Standards**

This Policy provides flexibility in the application of Development Standards in circumstances where strict compliance with those Standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects of the Environmental Planning and Assessment Act.

The applicant relies on an objection pursuant to this Policy due to the proposed allotments being below the minimum allotment size Standard. It is considered that the grounds for objection are insufficient to justify a departure from the Standard. Should Council be satisfied that the SEPP 1 objection is well founded, and is also of the opinion that granting consent to the development application is consistent with aims of SEPP 1, Council would need to seek the concurrence of the Director of Planning before granting consent to the development application.

SREP 20 - Hawkesbury Nepean River

The site is within SREP 20 Colo River Catchment Area but is not within a Scenic Corridor. The aim of the policy is to protect the environment of the Hawkesbury-Nepean River System by ensuring the impacts of future land use are considered in the regional context.

The relevant specific considerations for the site are cultural heritage - part 2(6)(5), agriculture - part 2(6)(8) and rural residential development - part 2(6)(9).

In particular, part 2(6)(5) provides the following strategy:

- "(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of items",

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part 2(6)(8) provides:

- "(c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts", and

part 2(6)(9) provides:

- "(c) Maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development",
- "(f) Consider the ability of the land to accommodate on-site effluent disposal in the long term" and
- (g) Consider any adverse environmental impacts of infrastructure associated with the development concerned."

It is considered that the proposal is contrary to these strategies.

Hawkesbury LEP 1989

The relevant aims of HLEP1989 are:

- (b) *to provide appropriate land in area, location and quality for living, working, and recreational activities and agricultural production;*
- (d) *to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations.*

The relevant objectives of the Rural 1(c1) zone are:

- (c) *to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities infrastructure.*
- (e) *to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads*

The relevant clauses of HLEP 1989 are Clause 11 - Rural subdivision general provisions and Clause 27 - Heritage items.

It should be noted that the lot averaging provisions do not apply to this property.

Hawkesbury DCP

Relevant chapters are Notification, Bush Fire Prone Land and Subdivision.

The application was notified in accordance with the Notification chapter and achieves technical compliance with the Bush Fire chapter. However, the proposal does not comply with the Subdivision chapter, in particular:

Clause 3.4 Heritage

"Aims

- (a) To protect heritage items, their settings and conservation areas.
- (b) To ensure that the design of new subdivisions take into consideration and respect the heritage significance of heritage items and other places and features of the City's historical character.

Objectives

The subdivision should maintain a reasonable curtilage around heritage items on the subject land or surrounding lands

Rules

A subdivision proposal on land which contains or is adjacent to an item of environmental heritage as defined in Schedule 1 of the Hawkesbury LEP should illustrate the means proposed to preserve and protect such items....."

Community Consultation

The application was notified in accordance with the provisions of the Hawkesbury Development Control Plan from the 17 January to 18 February 2005. One submission was received from a nearby landowner, which raised no objection to the subdivision "providing the same criteria are applied to other applicants for subdivision in a similar situation in the future".

Planning Assessment

The following Planning Assessment provides a review of the relevant planning matters for consideration:

Context and Setting

The property is located within a rural area some 600 - 700 metres south west of Kurrajong Village. The applicant argues that there are some 24 small allotments within a radius of 40 metres from the property. These "small" properties range in size from approximately 500 square metres to 4,000 square metres in area. These small properties are a legacy of previous planning controls.

In contrast to this, there are at least 14 allotments within the same radius that comply with the minimum Standard. If one takes a radius of one kilometre to the south west, west and north, then the majority of the properties comply with the minimum four hectare Standard.

The property, although located relatively close to Kurrajong Village, is essentially within a rural setting which is characterised mainly by rural allotments.

Allotment Size and SEPP 1 Objection

The property is zoned Rural 1(c)1, which provides for a minimum allotment size of four hectares. The Development Application proposes two lots comprising 3,092 square metres and 8,802 square metres. Clearly, the proposed lots are significantly below the minimum allotment size permissible.

The applicant submits that there are currently two dwellings on the property, each dwelling has existing and separate on site effluent disposal systems, telephone, electricity, reticulated water connection, access, parking and garbage services and each dwelling operates independently of the other and is enclosed in separate fenced yards.

The applicant argues, in relation to whether compliance with the Standard is consistent with the aims and objectives of the Policy and would compliance tend to hinder the attainment of the objects of the Environmental Planning and Assessment Act as follows:

"The objects would not be attained, as the underlying objectives of the Standard are not met at present with the location of two dwellings on one rural/residential allotment of land. Sound town planning dictates that rural/residential allotments should not contain more than one dwelling, in order to ensure proper and effective maintenance of the dwellings. This might be contrasted with large rural land parcels where two or more dwellings might be located so as to assist in land management etc. In the subject case the two detached dwellings on a single allotment are an inconsistency in a rural/residential land context. In contrast the location of the two dwellings and their relationship to each other are consistent with a rural/residential style. They are fenced one from the other and have the appearance of single dwellings on single allotments. Their separation in Title would make each separate lot contain a single dwelling and would result in consistency in rural/residential living style in the locality.

The subdivision will not result in an additional "developable" lot. No further rural/residential development will occur. Further the proposed lots are not inconsistent with the array of allotment sizes that already exist within the zone and in the locality.

On site disposal of waste is currently carried out for each existing dwelling and this provision will remain or be enhanced by the proposal.

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The land has not been identified for any long-term urban use.

No additional infrastructure is required from the existing facilities supplied to the land.

Traffic will not alter as a result of the subdivision.

The existing rural character of the locality will not be altered as a result of the subdivision that maintains existing rural/residential dwellings in their current setting and recognises in title an existing physical separation of two existing dwellings.

The current situation arises from a Council requirement that the older dwelling house not be demolished. Council subsequently listed the older dwelling house as a heritage item, and even granted consents to allow it being put to a variety of uses.

The subdivision will allow for additional expenditure for the refurbishment and maintenance of the heritage item. The subdivision, as proposed, provides for an orderly and economic use of the land that recognises existing development and history over a period of time."

In relation to whether compliance with the Development Standard is unreasonable or unnecessary in the circumstances of the case, the applicant argues:

"The Development Standard is both unreasonable and unnecessary to apply in the circumstances of this case. This is due to the proposed allotments "existing" in a physical sense already if not in Title. It is unreasonably and unnecessary to continue to apply the minimum subdivision Standards in this case given that the proposed lots are already developed and given that separation of the existing dwellings in Title will make each lot consistent with other rural/residential lots in the locality that each contain only one dwelling. Consistency with the primary aim of the Rural 1(c)1 zone will also result.

The subdivision will also result in a positive outcome relative to the opportunities for conservation and maintenance of the heritage item that is one of the existing dwellings."

The applicant also argues that the objection under SEPP1 is well founded.

In our view, compliance with the Development Standard would not be unreasonable or unnecessary in the circumstances of the case. The purpose of the four hectare standard is to regulate the size and use of land in the 1(c)1 Zone. The application proposes to create allotments of 8,802 square metres and 3,092 square metres. These allotments would be below the minimum standard by 78% and 92% respectively. Accordingly, it is considered that the flexibility available under SEPP1 would be inappropriately utilised in this case.

In rejecting the previous Development Application (DA0955/03) the Land and Environment Court was also of the same view. The Court found (in respect of the SEPP1 objection, in its Judgment delivered on 11 November 2004), as follows:

"As far as possible, four hectare Standards should be maintained for rural/residential environmental reasons to meet the underlying objects of the Standards. Obviously, this is difficult where the lot is already below the minimum allotment size Standard, as is the case here, with an existing area of only 1.212 hectares. However, whilst applying the flexibility afforded by the SEPP1, that lot size should not be reduced further without good cause. There are options open to the applicant to maintain the existing allotment size.

In this regard, it is appropriate to ask whether a development, which complies with the Development Standard is unreasonable or unnecessary. Given the heritage listing, the existing dwelling on the existing lot of 1.212 hectares could be used, with the consent of the Council for any compatible use, including by Rural Workers or for residential purposes without further subdivision. Its use given the heritage listing would not be constrained to those land uses contained in the normal Land Use Table applying in the Rural 1(c)1 zone."

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Effluent Disposal

The application is accompanied by a report prepared by Toby Fiander and Associates for the feasibility of waste water disposal. The report concludes that an Ecomax System is required to be installed to satisfactorily treat waste water from the existing weatherboard cottage. The position of the Ecomax System is in the centre of the existing car parking area for the Child Care Centre, which would render this area unusable for the purposes of car parking and would therefore restrict the future uses of the cottage, it would appear that the site chosen for the Ecomax System is the only suitable position. It would appear that the existing septic tank would not meet current effluent disposal standards, and given the small area available for disposal on the proposed lot, the Ecomax System is the only alternative.

It is considered that the Ecomax System installation will severely restrict the future uses of the building which may be available under the Heritage Incentives Clause, due to the inability to provide car parking and/or other buildings.

It is therefore considered that the Effluent Disposal Report, in effect, confirms that the proposed allotment area of the 3,092 square metres is too small in the circumstances.

Bush Fire

The application was accompanied by a Statement of Evidence prepared by Mr John Travers, Specialist Consultant in the field of Bush Fire and Ecology. This report was prepared for the previous Appeal and was supplemented by a summary page, which states that the proposal is acceptable.

The application was referred to the NSW Rural Fire Service, as the development requires "Integrated Approval". The Rural Fire Service has advised that it is prepared to grant a Bush Fire Safety Authority with no specific conditions.

Although the proposed subdivision technically complies with the requirements of the NSW Fire Service, to achieve compliance the applicant has created an irregular boundary, which in part transects the existing dam.

This boundary shape is not supported due to the limitations on use of parts of the land and also the future potential for disputes and/or management issues relating to the dam.

Heritage

The application is accompanied by a Heritage Impact Assessment prepared by Graham Brooks and Associates Pty Ltd. The report concludes that there will be "negligible impact on the heritage item", and recommends that the LEP Heritage Listing over the entire site should be reduced to only the new lot, any development on the adjoining subdivided lot should be controlled under Clause 27 of the LEP. Any new fencing around the historic house or the subdivided lot should retain an open nature and rural character and a restriction should be placed on the Title of 1033 Grose Vale Road preventing any further subdivision of the heritage listed site.

While it is accepted that the proposed subdivision will have no physical impact on the heritage item, it is considered that the long-term conservation of the heritage item may be compromised should this subdivision be approved. Presently, there is a newer dwelling house erected on the property and ample physical room and scope to exercise the Heritage Incentives Clause in the future, should this be necessary to conserve the heritage listed building. To the contrary, if the subdivision is approved, the small parcel of land created around the heritage item provides no opportunity for any further development. Indeed, the current non-residential use of the building would have to cease if the subdivision was approved.

It should be noted that subdivision is not rendered permissible by the Heritage Incentives Clause of the LEP, and this is why this application relies on the use of SEPP1.

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Precedent

There are two properties in close proximity to the subject land, which are listed as items of environmental heritage. Under the Heritage Incentives Clause of the LEP, consents were issued for the erection of a second dwelling on each of those properties. Those approvals required the restoration and conservation of the historic cottages located on the properties. To date, one of those approvals has been completed and the other is currently under construction. There is also at least one other property within the City which has the same characteristics and there are a number of other heritage houses within the immediate locality which are located on rural or rural/residential allotments.

The written submission received in response to this application also demonstrates the likely precedent, which would be established in approving this application.

Although Council is obliged to consider every application on its merit, it is considered that approval of the subject application would establish a substantial undesirable precedent.

Conclusion

The application currently before Council is essentially identical to the previous application, which has been refused by the Court on Appeal. In our view the applicant has not demonstrated that compliance with the Standard is unreasonable or unnecessary or would tend to hinder the objects of the Act. It is therefore recommended that the application be refused.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; ie

"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:

- (a) Council not support the SEPP1 objection, as the applicant has not demonstrated that compliance with the Standard is unreasonable or unnecessary or would tend to hinder the attainment of the objects of the Act.
- (b) Development Application No. DA0048/05 for a two lot subdivision be refused for the following reasons:
 - 1. The proposed development is prohibited under the provisions of Hawkesbury Local Environmental Plan 1989.
 - 2. Approval of the proposed development would be contrary to the intent of the Development Standard, which is to prevent further fragmentation of land holdings in the 1(c)1 zone.
 - 3. The proposed development is inconsistent with the objectives of Hawkesbury Local Environment Plan 1989, in particular objective (e) of the 1(c)1 zone: "Ensure the development maintains the rural character of the locality".

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4. The proposed development is inconsistent with Sydney Regional Environmental Plan.
5. The proposed development is inconsistent with the Hawkesbury Development Control Plan.
6. The proposed development would have a negative impact in terms of the long-term conservation of the heritage item.
7. Approval of the development would create an undesirable precedent.
8. Approval of the development is not in the public interest.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Proposed Subdivision Plan

AT - 3 Site Plan

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AT - 1 Locality Plan

**To view this image,
Please refer to the separate
Attachments Document (Maps)**

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AT - 2 Proposed Subdivision Plan

**To view this image,
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AT - 3 Site Plan

**To view this image,
Please refer to the separate
Attachments Document (Maps)**

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 July 2006

Item: 151 CP - Childcare Centre, Lot A DP 160847, Lot 1 DP 783233, 208 Richmond Road, Clarendon NSW 2756 - (81262, 95498, 96329, DA0499/05A)

Previous Item: 348, Ordinary (15 November 2005)

Development Information

Applicant: Springwood Drafting & Construction Service
Owner: Clear Ridge Developments Pty Limited
Area: 3269.000m2
Zone: Rural 1 (c) under Hawkesbury Local Environmental Plan 1989

The proposed zone under draft local environmental plan 8/98 (Amendment 108) is Rural Living

Advertising: Not Required
Date Received: 24 May 2006

Key Issues: ♦ ANEF Noise Requirements

Recommendation: Council determine the Section 96 request.

REPORT:

Introduction

An application under Section 96 of the Environmental Planning & Assessment Act has been received seeking to modify the deferred Commencement Consent 449/05. The consent relates to a Child Care Centre approved by Council. As Council determined the application the request for modification is being reported to Council for determination. The report also seeks Council to adopt a policy for future aircraft noise assessment.

Background

At the Ordinary Meeting on 15 November 2005 Council resolved to approve a childcare centre at the subject premises. The application was approved by deferred commencement subject to the applicant providing further information relating to various matters.

The Proposal

The application seeks to delete condition 1 contained in Schedule 1 of the Deferred Commencement Consent. This condition provides that the construction details of appropriate noise attenuation measures are to be implemented during the construction of the centre.

Applicant Submission

The applicant has argued that the condition 1 of Schedule 1 is inconsistent with condition 11 of Schedule 2 which are the conditions of the operational Development Consent. Condition 1 requires the construction material and methods to be implemented to achieve an acceptable internal acoustic environment based on the worst case scenario of a decibel reading of 107 dB(A). Condition 11 required the internal acoustic environment to be able to cater for a maximum decibel reading of 86dB(A).

Statutory Situation

Clause 37 – Land affected by aircraft noise

Clause 37 of Hawkesbury Local Environmental Plan 1989 provides the following:

37. (1) The Council must not grant consent to the carrying out of development on land within a 20 or higher ANEF contour for the purpose of a hospital, school, child-care centre or for a residential purpose, unless the Council has taken into consideration the guidelines provided in AS 2021 regarding noise reduction and construction requirements.

(2) In this clause:

"ANEF" means the Australian Noise Exposure Forecast within the meaning of AS 2021.

"AS 2021" means Australian Standard AS 2021-1994 (Acoustics -- Aircraft noise intrusion -- Building siting and construction) published on 21 February, 1994;

"20 or higher ANEF contour" means a noise exposure control of 20 or higher ANEF as advised by the Commonwealth Department of Defence (Air Office) in relation to the Richmond RAAF Base.

The subject site is situated in the 30 to 35 ANEF contour as detailed on the map provided by the Department of Defence. The proposed development does not satisfy this clause or the relevant Australian Standard. The planning assessment, which follows provides further information.

Community Consultation

Not Required under the Notification chapter of the Hawkesbury Development Control Plan being an application under S96(1) of the EPA Act.

Planning Assessment - Section 96 Application

In conjunction with the initial application Renzo Tonin and Associates Pty Ltd prepared an acoustic report. Table 7.2 in the acoustic report provides the following acceptable internal design sound levels. The analysis provided specific focus upon the Lockheed C-130H, which is quoted as having an associated noise level, as measured at the subject site, of 80dB(A). The report concluded that the maximum noise level that would be encountered would be 86 dB(A) and the construction of the building was to be designed around this figure.

Council in the assessment of the application sought an independent review of the noise report from Challis Consulting. The independent review concluded that the maximum noise level likely to be encountered was 107dB(A). The consultant also provided suitable conditions that should be imposed if Council were to approve the application. One of the conditions was Condition 1 of Schedule 1. As a result there is inconsistency between the maximum noise levels to be used in the construction of the building to achieve an appropriate internal acoustic environment.

If Council wishes to adopt the 86dB(a) level for the construction then condition 1 should be deleted.

If the 107dB(A) level is adopted then condition 11 should be deleted.

Aircraft Noise Criteria

The applicant for a development that was approved involving a subdivision and dwellings within the 20 to 25 ANEF noise contour has written to Council in respect to the requirements of noise report prepared for the development.

The consultant in their report considered the Court matter that Council was involved with in Chapel St Richmond to determine the required noise reduction measures to be implemented in the construction of the dwellings.

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The consultant's report states:

"Whilst the Hercules have regular use in both day and night time periods, it could be argued in terms of the ANEF concept and averaging of aircraft operations that the infrequent use of the Galaxy and F/A-18 is not one to warrant such noise control measures as such aircraft are not a regular occurrence. However, that is for Council to determine this position as enquiries to Council officers could not obtain a conclusive response"

The applicant has suggested that by using the Galaxy and F/A-18 the noise attenuation measures would cost an additional \$23,800 per dwelling.

The applicant has argued that the infrequent use of the Galaxy and the F/A-18 does not warrant such noise controls and that all other development approved in the Hawkesbury has only provided noise attenuation measures for the C-130 Hercules.

They consider that the Court decision is affecting residential development and the noise attenuation requirements. The applicant has requested that Council reviews its policy regarding the type of aircraft to be used in determining the suitable noise attenuation measures.

Comment

The Council has no formal policy regarding the type of aircraft to be used in determining noise attenuation measures. The Court appeal indicated that any noise assessment should consider all the types of aircraft that may use the base and not just the regular aircraft (C-130 Hercules). This was a critical issue in the appeal and resulted in the appeal being dismissed by the Court.

Since this Court case Council officers have required all noise reports to consider the worst-case scenario and have referred the consultants to the court case and the judgement. Prior to the Court judgement being available Council accepted noise assessment based on the C-130 Hercules, but this changed when the judgement was handed down by the Court.

Council officers in recent times have held discussions with officers from the Department of Defence in respect to a range of matters affecting the RAAF base including the new ANEF map. Council officers have used a conservative approach in terms of aircraft noise.

If a reduced aircraft noise measure was used it may open Council to litigation for not protecting or providing appropriate level of residential amenity for future residents of the development. The Council should continue to adopt this conservative approach for assessing and determining the appropriate noise attenuation measures to be implemented into new residential development. The most appropriate way to achieve this is by including a new chapter in the Hawkesbury DCP.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; i.e

"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

The preparation of the DCP will be by Council staff.

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RECOMMENDATION:

That:

1. (a) Council accept that the noise level of 86dB(A) for the Childcare Centre, Condition 1 of Schedule 1 of Development Consent Number DA0499/05 should be deleted; or
(b) If the noise level of 107dB(A) is accepted then Condition 11 of Schedule 2 development consent DA 0499/05 should be deleted.
2. A draft chapter for the Hawkesbury DCP be prepared that reinforces the approval of using the higher noise levels to manage development affected by the ANEF contours.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 152 **CP - Animal Establishment - Boarding Kennels and Cattery Facility - Part Lot 3, DP 8714, 50 Jordan Avenue, Glossodia NSW 2070 - (95498, DA0300/04, 87634)**

Development Information

Applicant: Bellbay Pty Ltd
Owner: Bellbay Pty Ltd
Zone: Rural 1(b) under Hawkesbury Local Environmental Plan 1989
Mixed Agriculture under Hawkesbury Local Environmental Plan 1989 (Amendment No. 108)
Advertising: The application was notified on 5 separate occasions. These are detailed as follows:

- 16/04/04 to 30/04/04 (Initial exhibition of proposal)
- 18/10/04 to 01/11/04 (Exhibition of amended plans)
- 18/01/05 to 04/02/05 (Exhibition of amended acoustic report)
- 02/03/05 to 21/03/05 (Additional notification period provided to allow sufficient time for respondents to consider application and to ensure all persons have been notified as required under DCP)
- 03/03/06 to 29/03/06 (Amended plans/details and acoustic report)

Date Received: 29 March 2004
Recommendation: Approval Subject to Conditions

REPORT:

Description of Proposal

The application seeks approval for an animal establishment – boarding kennels and cattery facility on the subject site. The proposal involves use of the existing dwelling as a manager's residence, demolition of existing sheds situated on the subject land and the following works:

- Construction of two kennel buildings "Dogs 1" and "Dogs 2", each containing 32 kennel enclosures and three 'quiet kennels'. These buildings will provide enclosed sleeping quarters with separate runs. The kennel buildings are to be constructed of Colorbond steel walls and roof. The internal lining proposed for the walls is to consist of 9mm thick fibre cement whilst the roof panel is to be lined internally by 13mm thick gyprock. It is proposed to provide insulation material to the wall and roof panels. A security and sound lock is proposed to be provided to each of the four external entry doorways. Each kennel building is to have an area of 360sqm with an enclosing veranda of 160sqm.
- Construction of a small kennel building "Kennel Suites" containing four kennel enclosures. This building is to be of similar construction to the main kennel buildings and is to have an area of 54sqm with surrounding veranda of 76sqm.
- Construction of a cattery building "Cats" containing 25 cat enclosures. This building is to be of similar construction to the main kennel buildings and is to have an area of 69sqm with veranda of 49sqm.
- Construction of an administration building "Admin/Utility" which is to contain administration area, utility room and enclosed loading area, store and amenities. This building is to have an area of 148sqm inclusive of loading area/store and is to include verandas of 80sqm
- Provision of six fenced exercise areas.

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- Construction of vehicular access driveway and provision of six car parking spaces to be available for staff and visitors.
- Provision of an effluent disposal system for the kennels.
- Installation of acoustic fencing between the buildings to surround the external exercise areas ranging in height from 3.2 to 4.4m.

The existing landscaping situated on the site will remain generally intact with additional landscaping proposed adjacent to the proposed car parking areas, kennels, cattery and exercise yards. It is noted that two existing trees are proposed to be removed in conjunction with the proposed works on the site.

Background

Development Application No. DA0300/04 was received by Council on 29 March 2004. A preliminary assessment of the application was undertaken and on 16 July 2004 and a letter was sent to the applicant requesting additional information having regard to acoustic issues associated with the application.

Negotiation Meeting 4 August 2004

Given the nature of the proposed development and the number of submissions received in response to the notification of the application a negotiation meeting was held on 4 August 2004, between respondents and the applicant in order to identify issues and provide opportunity to develop agreed solutions.

The following summarises the main issues raised during the negotiation meeting:

- a) Effluent disposal, in particular the potential for any overflow to find its way into the creek system in times of flood, and potential health risks to neighbouring property owners.
- b) Sound insulation and construction may not be effective.
- c) Regardless of sound insulation, noise from barking dogs will disturb neighbours day and night.
- d) The existing guide dog establishment already causes problems with noise disturbance and odours.
- e) Potential for odours to impact on neighbouring property owners.
- f) Site works including clearing of trees, construction of buildings and tanks will have a negative impact on the visual quality of the area.
- g) Potential for airborne disease to infect other animals.
- h) The proposed development will be closer to a number of residences than the existing guide dog centre.
- i) Potential for additional stages expanding the use.
- j) Adverse effect on property values.

Amended Plans 8 September 2004

In response to the issues raised in the negotiation meeting the applicant submitted amended plans on 8 September 2004 involving the following changes to the proposed development:

- Rearrangement of site layout repositioning buildings towards the centre of the site (east-west) and further northwards.
- Reorientation of buildings so as to form a perimeter around the exercise areas to assist in acoustic screening.
- Relocation of reed beds provided in conjunction with the wastewater treatment system away from stormwater run off path.
- Extension of the administration and utility building to provide service area to enable delivery vehicle loading/unloading within acoustic screen.

Independent Review of Acoustic Details

On 18 May 2005, Challis Consulting Pty Ltd were engaged by Council to undertake an independent review of the acoustic report prepared by the applicant. On 22 June 2005, Challis Consulting Pty Ltd provided a

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report titled "*Acoustical Assessment of Proposed Dog Kennel at 50 Jordan Avenue, Glossodia*" detailing that design of the kennels be revised in a number of respects to improve the relationship of the proposal with adjoining land uses.

Correspondence was forwarded to the applicant on 29 June 2005 advising of the matters requiring attention raised by Challis Consulting Pty Ltd. The applicant subsequently submitted amended plans, revised acoustic report and revised Plan of Management on 25 October 2005.

The principal plan amendments were as follows:

- Relocation of acoustic barriers in accordance with recommendations of Challis Consulting.
- Removal of roof highlights as suggested by Challis Consulting.
- Inclusion of design detail in relation to acoustic barriers.
- Provision of "Quiet" rooms within main kennel buildings.
- Redesign of individual pen layouts.

A meeting was held with the applicant on 29 November 2005 to highlight Council concerns regarding the amended noise report and a further revised acoustic report and additional information were submitted on 20 February 2006. This information forms the basis of this assessment.

Matters For Consideration Under Section 79(C) Of The Environmental Planning And Assessment Act 1979

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

Section 79C "Matters for Consideration" Comments	Section 79C "Matters for Consideration" Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "HLEP 1989" and SREP No. 20 in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	The provisions of Draft Hawkesbury Local Environmental Plan 108 are addressed in detail in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Refer to discussion on Hawkesbury DCP 2002 in this report
Section 79C (1) (a)(iii) – Provisions of the regulations	None applicable.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed in the main body of this report. (ii) The proposed development will not have a detrimental social impact in the locality. (iii) The proposed development will not have a detrimental economic impact on the locality.
Section 79C (1) (c) – the suitability of the site for the development	Physical - The site is of sufficient area and does not contain significant environmental constraints therefore is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	There are no submissions made in accordance with the Act or Regs.

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

Sydney Regional Environmental Planning Policy (SREP) 20 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. The policy requires a consent authority to consider, in determining an application for development on affected land, the general planning considerations outlined in Clause 5 of the policy as well as the specific planning policies and related recommended strategies outlined in Clause 6 of the policy. If the proposed development is specifically listed in Part 3 of the policy, the development is required to comply with the relevant development controls and address any listed matters for consideration.

The subject site falls within the Middle Hawkesbury Nepean River Catchment area defined by SREP No. 20 (No. 2 - 1997). It is considered that the proposal is consistent with the aims and objectives of the plan.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The stated objectives of SEPP No. 44 are as follows:

'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;*
- (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.'*

SEPP No. 44 applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare. Having regard to the requirements of SEPP No. 44 it is noted that the subject land has been extensively cleared in conjunction with previous activities undertaken on the site and the trees affected by the proposed works do not constitute 'core koala habitat', as defined by this Plan.

Clause 8 of SEPP No. 44 enables Council to grant consent to the proposal as the site is not classified as core koala habitat.

Hawkesbury Local Environmental Plan 1989

The relevant clauses from Hawkesbury Local Environmental Plan 1989 are discussed as follows:

Clause 2 - Aims, Objectives etc

The general aims, objectives etc. of the Hawkesbury Local Environmental Plan 1989 are as follows:

- a) to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury.

Comment

It is considered that the proposal involves the orderly and economic development of the site.

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

Comment

The subject site is considered to be of an appropriate size and within an appropriate location for the establishment of an animal boarding facility.

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- c) to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways.

Comment

It is considered that the proposal will not compromise the rural character of the locality and will not adversely impact on any waterways. No wetland areas have been identified within the immediate area.

- d) to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations; and

Comment

The subject site does not contain or adjoin any heritage items or heritage conservation areas.

- e) to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City

Comment

The proposed development does not involve housing development.

Clause 5 - Definitions

The proposed development is defined as an "animal establishment" pursuant to Clause 5 of Hawkesbury Local Environmental Plan 1989. The following definition is provided in Clause 5:

***"animal establishment"** means a building or place used or intended for use for the intensive purpose of husbandry, boarding, training or the keeping (or any combination of them) of animals, birds or fish.*

Clause 9 - Carrying out of development

The subject site is zoned Rural 1(b) under Hawkesbury Local Environmental Plan 1989. An animal establishment is a land use that is permissible with development consent within the Rural 1(b) zone.

Clause 9A - Zone objectives

The objectives of the Rural 1(b) zone are described as follows:

- a) To primarily provide for agricultural uses and animal establishments.

Comment

The proposed development is defined as an animal establishment thereby satisfies this zone objective.

- b) To ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities infrastructure.

Comment

The proposed development is not anticipated to generate an unreasonable demand for public amenities infrastructure.

- c) To prevent the establishment of traffic generating developments along the main and arterial roads.

Comment

The subject site does not propose access directly from a main or arterial road.

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

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Comment

It is considered that the proposed development will not compromise the rural character of the locality. The design has provided for significant setbacks from the Jordan Avenue boundary and it is noted that a landscaping plan has been prepared in conjunction with the proposed development. It is considered that the loss of trees associated with the proposal will be adequately compensated by the landscape treatment detailed in the submitted plans and additional landscaping required by a condition of recommended consent.

Clause 18 - Provision Of Water, Sewerage etc. Services

Satisfactory arrangements have been proposed for the provision of services for the proposed development.

Water

Council records indicate that the site is serviced by reticulated water supply. Conditions of development consent are to be imposed requiring the applicant to obtain a Section 73 Certificate from Sydney Water prior to the issue of a Construction Certificate.

Sewerage

An on-site effluent disposal has been proposed in conjunction with the application prepared by Envirohouse (Plan No. 203064-CSP-01 – Rev C). Subject to the inclusion of appropriate conditions included in the recommendation it is considered that the proposed wastewater treatment facility is appropriate for the development.

It is noted that a separate application is required to be lodged with Council for approval under Section 68 and Section 68A of the Local Government Act 1993 for the installation of the Centralised Sewage Management Facility.

Drainage

Stormwater runoff from the proposal is proposed to be directed into an existing dam situated on the site. It is considered that the proposed means of stormwater disposal is satisfactory.

Electricity

The site is serviced by a reticulated electricity supply.

Hawkesbury Local Environmental Plan Draft Amendment 108

The draft plan proposes to introduce some of the recommendations of the Hawkesbury Sustainable Development Strategy, which was completed by Council in 1997. The plan amends the zone names and objectives of the Rural and Environmental Protection zones. It also amends the land uses permitted in these zones and introduces a Rural Village zone. The plan does not change the requirements for subdivision.

The gazettal of Draft Amendment 108 would result in the subject site being zoned "Mixed Agriculture". The proposed use of the site for the purposes of an animal establishment will remain permissible with development consent.

The proposed zone objectives for the subject site and zone under draft amendment 108 are detailed as follows:

- a) To Encourage Existing Sustainable Agricultural Activities

Comment

The proposed development will not adversely impact on any existing sustainable agricultural activities.

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- b) To Ensure that Development does not Create or Contribute to Rural Land Use Conflicts

Comment

The proposed development is not anticipated to generate any rural land use conflicts. The use of the site for an animal establishment will not preclude other properties in the vicinity of the site from being used for a range of rural activities or for residential purposes. It is noted that on-site effluent disposal has been proposed and the development is able to satisfy the requirements contained in the NSW Industrial Noise Policy.

- c) To Encourage Agricultural Activities that do not Rely on Highly Fertile Land

Comment

The proposed development does not involve the agricultural use of the land.

- d) To Prevent Fragmentation of Agricultural Land

Comment

The proposed will not contribute to the fragmentation of agricultural land.

- e) To Ensure that the Agricultural Activities Occur in a Manner:

- (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
- (ii) that satisfies best practice guidelines and best management practices.

Comment

An agricultural use of the site is not proposed. Notwithstanding this, the proposal is not expected to cause any significant adverse impacts on water catchments, land surface conditions or significant ecosystems.

- f) To Promote the Conservation and Enhancement of Local Native Vegetation, Including the Habitat of Threatened Species, Populations And Ecological Communities by Encouraging Development to Occur in Areas already Cleared of Vegetation

Comment

The development is proposed on a portion of the site that is largely clear of native vegetation and will therefore result in minimal vegetation and tree removal. The subject site has not been identified as containing any habitat of threatened species, populations or endangered ecological communities.

- g) To Ensure that Development Retains or Enhances Existing Landscape Values that Include a Distinctive Agricultural Component

Comment

The development proposes to retain the majority of trees and vegetation situated on the site, retaining the existing landscape values for the locality. The proposed structures to be used for the boarding of cats and dogs are of similar design to buildings situated in the area.

- h) To Prevent the Establishment of Traffic Generating Development along Main and Arterial Roads

Comment

Jordan Avenue is not classified as a main or arterial road. The degree of traffic anticipated to be generated by the development will be able to be adequately accommodated within the surrounding road system.

- i) To Control Outdoor Advertising so that it does not Disfigure the Rural Landscape

Comment

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The subject application does not propose outdoor advertising.

- j) To Ensure that Development does not Create Unreasonable Economic Demands for the Provision or Extension of Public Amenities or Services

Comment

The proposed development will not create unreasonable or economic demands on the provision or extension of public amenities or services.

Hawkesbury Development Control Plan 2002

Part A, Chapter 1 - Purpose and Aims

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

Part A, Chapter 2 - General Information

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

Part A, Chapter 3 - Notification

The following table summarises the notification of the subject application:

Notification Period	Description	Objections Received
14/04/2004 to 30/04/2004	Original Notification	9 written submissions 35 signatures petition
12/10/2004 to 01/11/2004	Amended Plans	18 written submissions
18/01/2005 to 04/02/2005	Amended Acoustic Report	3 written submissions
02/03/2005 to 21/03 /2005	Additional Period of Notification	3 submissions received
03/03/2006 to 29/03/2006	Amended Plans/Details and Acoustic Report	13 submissions received

The issues detailed in response to the notification of the application and those raised at the negotiation meeting held on 4 August 2004 are summarised as follows. In addition, comments in response to the matters raised have been provided.

General

1. Animals may escape resulting in attacks on neighbours, pets and native animals.

Comment

Appropriately constructed buildings, pick-up and delivery points, barrier fencing and management practises will ensure that the chance of boarding animals escaping the premises is unlikely. It is therefore considered that the proposed development will not contribute to any significant impact in this regard.

2. The Applicant's record as an operator of Boarding Kennels should be investigated and considered in the assessment of the application.

Comment

There are no statutory requirements for the applicant's record as an operator of boarding kennels to be considered in the assessment of the development application. The application is required to be assessed on merit, the information submitted and the matters for consideration outlined in Section 79C of the Environmental Planning and Assessment Act 1979.

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3. The development will result in a loss of visual privacy.

Comment

The development is to be located on a central portion of the site. A front setback of approximately 85m, side setbacks of approximately 40m and 65m and a rear boundary setback of approximately 250m have been proposed. The areas of activity for the development will be contained within proposed buildings and associated exercise yards, which have been acoustically treated. The placing of animals into and out of vehicles will occur within an enclosed area within the administration building. The access driveway to the facility is to be located not less than 55m from the nearest property boundary. Scattered stands of mature trees and vegetation are to separate the facility from the property boundaries, with additional landscaping proposed. In light of the above, it is considered that visual privacy will not be compromised as a result of the proposed development.

4. The existing Guide Dogs Facility is state of the art, and yet it causes problems for residents. The current proposal is substandard and will therefore cause further problems.

Comment

It is considered inappropriate to compare the design of the subject proposal with the design of the established Guide Dog facility, which is located at No. 6 Jordan Avenue approximately 200 metres to the east of the subject site. The facilities are different in terms of construction materials, siting, scale and nature of operation. The subject application is required to be considered on its own merits.

5. Inadequate staffing is proposed in conjunction with the proposed development.

Comment

The applicant has indicated that the staffing levels will vary depending on the occupancy rates of the facility. During peak occupancy rates, the applicant has indicated that staffing levels will be between 3 and 4 people, whilst during quieter periods staffing levels would be halved.

Based on the daily operational schedule outlined in the Operational Management Plan, the staffing levels outlined above appear to be adequate.

6. During bushfire events the ability to remove animals from site is limited.

Comment

As outlined above, the staffing levels associated with the facility are proposed to relate to occupancy rates. The applicant proposes to incorporate fire protection measures into the development including fire hoses and extinguishers as well as the introduction of fuel reduction strategies around the perimeter of all structures. The applicant also proposes the preparation of an emergency evacuation plan and fire warning procedures. Appropriate conditions of consent have been included in the recommendation in this regard.

It is noted that the proposed development involves Class 6 and Class 10 buildings under the Building Code of Australia and is therefore not affected by the Planning for Bushfire Protection document.

7. Poor landscaping plan provides little screening.

Comment

It is considered that the existing vegetation and proposed landscape scheme will provide adequate screening for the proposed development. In addition, it is noted that generous setbacks have been proposed in conjunction with the proposed development. Given the above, it is considered that the rural character of the area will be retained.

8. The landscaping plans propose the use of tube stock, which will not provide an effective buffer for a significant period of time.

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Comment

The provision of landscaping on the site will contribute to the visual quality of the site, but has not been proposed for acoustic screening purposes. The proposed use of tube stock is therefore considered acceptable for the development given the large number of mature trees to be retained on the site.

9. The Applicant has not disclosed any formal qualification to operate the proposed facility.

Comment

The applicants qualifications in the field is not a matter for Council's to consider under Section 79C of the Environmental Planning and Assessment Act 1979.

10. Exercise hours for dogs should be further reduced.

Comment

The exercise periods proposed in conjunction with the facility are to occur between 8am to 5pm and the proposal is able to satisfy the requirements contained in the NSW Industrial Noise Policy. The proposed hours are generally consistent with business hours and are therefore considered appropriate in the circumstances.

11. Masonry construction should be used in place of the proposed colorbond steel.

Comment

The proposed materials satisfactorily achieve compliance with the NSW Industrial Noise Policy. Given the design associated with the proposed buildings and the considerable setbacks proposed it is considered that the use of masonry is not considered necessary in this instance.

12. A pump-out waste water system should be used instead of on-site disposal so as to avoid spread of water borne pollutants, disease, and contamination of dams, wetlands, limiting future use of the land for agricultural purposes and adversely impacting upon native plants.

Comment

It is considered that the proposed on-site wastewater system will dispose of waste generated by the development in an appropriate manner thereby minimising the potential for the impacts as described.

13. A large number of boarding kennels exist within the locality, which removes the need for a further facility.

Comment

The fact that other boarding kennel facilities exist in the locality does not preclude Council from approving a further facility on the subject site. No legislative provisions exist prohibiting the use of the site for the purposes of an animal establishment, subject to Council approval.

14. Insufficient time was provided by Council for Respondents to consider the development application.

Comment

The proposal was notified on five (5) separate occasions as detailed previously in this report. In light of the extensive notification of the application, it is considered that sufficient opportunity has been provided for respondents to identify concerns relating to the proposal and to forward these to Council.

15. Inadequate exercise periods for dogs have been suggested as prescribed in the Kennel Association Guidelines.

Comment

Information provided by the applicant details that each dog is proposed to be exercised for a ten-minute period twice daily. It is advised that this is in accordance with the NSW Department of

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Primary Industries Animal Welfare Code of Practice No. 5 - Dogs and Cats in Boarding Establishments. In order to undertake this task the applicant contends that it will take 90 minutes to exercise all dogs with the facility in full operation during the prescribed hours.

16. The proposed development would have the effect of reducing property sale and rental values.

Comment

This is not a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979. In addition, no evidence to support this has been submitted to Council.

17. The proposed development may impact on water and electricity supplies.

Comment

It is considered that adequate services are available to meet the needs of the proposed development. Refer to comment above listed under Clause 18 of the Hawkesbury Local Environmental Plan 1989.

18. The kennels should be located on the northern portion of the site as that portion of the site contains fewer trees and is in close proximity to Spinks Road, from which access should be provided.

Comment

It is acknowledged that the northern portion of the site is less vegetated than the area proposed to accommodate the proposed development and that access to the site could also be provided from Spinks Road as an alternative to Jordan Avenue. Notwithstanding this, the proposed location would allow for easier access to the facility by caretakers occupying the manager's residence fronting Jordan Avenue. Further, the removal of a small number of trees from the site is not considered to be of significant concern and it is considered access to the site from Jordan Avenue is appropriate.

19. Floodlighting of the premises will result in glare impacts to adjoining properties.

Comment

An appropriate condition has been included in the recommendation requiring that any lighting be designed so as to limit impact in this regard.

Traffic

20. The proposal will increase traffic along Jordan Avenue and it is requested that Jordan Avenue be upgraded at the applicant's expense if the application is approved.

Comment

It is considered that the level of traffic generation attributable to the proposed development will be able to be adequately accommodated within the surrounding road system. Jordan Avenue is a sealed road that is considered to be capable of supporting the anticipated level of traffic without the requirement of upgrading works.

It is also noted that traffic movements will be generally limited to normal working hours.

21. The traffic associated with the proposal will create additional noise.

Comment

As detailed above, the level of traffic generated by the development is not considered to be excessive and is not expected to adversely impact on amenity of residents by way of noise generation.

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22. Additional traffic will adversely impact on bitumen seal on Jordan Avenue.

Comment

Jordan Avenue has a bituminous seal with gravel road shoulders and is considered to be adequate for the purpose of providing access to the site. An appropriately designed crossing will be required to be provided for the development.

23. Request that a Traffic Report is submitted with the application.

Comment

The proposed development is not identified as a traffic generating development under the provisions of State Environmental Planning Policy 11: Traffic Generating Development. It is noted that access is not proposed directly off a main or arterial road and the level of traffic anticipated to be generated by the proposal will not be of such magnitude so as to warrant the preparation of a traffic report.

24. Concern is raised regarding validity of applicant's statements in relation to traffic movements.

Comment

It is considered that the proposed traffic movements associated with the proposed use will be able to be adequately accommodated within the surrounding road system and that the applicant's anticipated traffic generation rates are considered to be reasonable based upon the proposed nature and scale of development.

Noise

25. The proposal will result in noise disturbance to adjoining properties.

Comment

The proposal has been modified during the course of assessment to reflect concerns from adjoining property owners and independent acoustic assessment. It is considered that the amended design in addition to the inclusion of appropriate conditions has satisfactorily addressed the issue of noise disturbance to adjoining properties.

Effluent Disposal

26. The on-site wastewater treatment/disposal system is not adequate for the anticipated effluent loads and periods of prolonged wet weather.

Comment

The system described in the application and report prepared by Envirohouse has been assessed and modifications required to ensure the adequacy of the system to cope with effluent loads. Further requirements in respect to wet weather storage of effluent have to be incorporated into the system. The system will be subject to a separate application and approval under the provisions of Section 68 and 68A of the Local Government Act 1993 and the ongoing operation and monitoring of the installed system will be subject of a Direction to Take Preventative Action under Section 96 of the Protection of the Environment Operations Act 1997

27. Concern that during times of prolonged rainfall or when system is full that effluent runoff will enter downstream properties, dams and Currency Creek.

Comment

The design and subsequent approval required under the Local Government Act 1993 will address the load on the system. All effluent will be required to be disposed of via sub-surface absorption trenches. No runoff of any effluent from the property is anticipated and monitoring procedures are designed to prevent this occurring.

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28. Excavation works may require approval under Part 3A of the Rivers and Foreshores Improvement Act from the Department of Natural Resources.

Comment

All proposed works associated with the development are to be situated on the subject land and will not require approval under Part 3A of the Rivers and Foreshores Improvement Act, 1948 as they are not situated within 40 metres of an identified watercourse.

29. Stagnant surface water associated with constructed wetlands will attract insects and parasites that will adversely impact on residents and market gardens in the locality.

Comment

The reed beds (referred to as constructed wetlands) are designed to receive and discharge flowing effluent back into the closed circuit system of treatment. There is no stagnant surface water associated with constructed wetlands. The reed beds are incorporated into the system to 'polish' the effluent for the removal of nutrients. This is an accepted and common installation in systems of this type.

30. It is not clear if proposed effluent disposal system relies on absorption trenches, ponds or spray irrigation.

Comment

The proposed system is to incorporate sub-surface absorption trenches for disposal with sufficient length to cope with the outflow of effluent arising through the system.

31. If a spray irrigation system is proposed, it should not be located under trees.

Comment

The proposed system does not involve spray irrigation.

Disease

32. Boarding kennel dogs will introduce air borne disease and flees/parasites into area, which will affect Guide Dogs facility as well as other pets within the locality.

Comment

The application has incorporated an Operational Management Plan that incorporates measures to ensure that disease and pest outbreaks will be controlled in conjunction with the proposed facility.

33. Proposal will attract vermin.

Comment

Appropriate conditions have been included in the recommendation so as to minimise the potential for the proposed development to contribute to such outbreaks.

34. The veterinary report states that disease spread would not occur provided that operators comply with Animal Welfare Code, however this Code is voluntary and there is no evidence to suggest that the operators will comply with the relevant rules.

Comment

It is considered that appropriate measures have been incorporated in conjunction with the proposed development so as to minimise impact in this regard.

Odours

35. The development will cause odour problems within the locality as a result of the keeping of dogs as well as the associated effluent disposal system.

Comment

The potential for odours, if any, is likely to arise from the treatment and disposal of dog and cat faeces and it is considered that this has been adequately addressed in the application and by conditions that have been included in the recommendation and the determination and assessment of the wastewater system approval required under Section 68 and 68A of the Local Government Act and the Direction to Take Preventative Action that is to be served under Section 96 of the Protection of the Environment Operations Act 1997..

Planning Legislation

36. The proposed development is inconsistent with zone objectives as outlined under Draft Amendment 108 to Hawkesbury Local Environmental Plan 1989.

Comment

It is noted that 'animal establishments' are a permissible land use within the Mixed Agriculture zone and is consistent with the stated zone objectives as detailed previously in this report.

37. The proposed development is inconsistent with the long-term plan for the site as shown on the North West Sector Plan.

Comment

It is considered that the proposal represents a satisfactory form of development and as such this is not a matter that has determinative weight in the assessment of this application.

38. The proposed development is inconsistent with the Council's Housing and Keeping of Dogs Development Control Plan.

Comment

Council does not have any formal policy in this regard.

39. The proposed development is inconsistent with the potential future housing densities and expansions within Glossodia, such as Senior Living developments.

Comment

The application has demonstrated that the associated impacts will not be of such nature so as to have a significant impact upon the amenity of the immediate area. Accordingly, it is considered that the proposal will not cause any significant negative impact upon future development in the area.

Character of the Locality

40. The proposed development is inconsistent with the character of the locality.

Comment

As described previously in this report it is considered that the proposal will not be out of keeping with the nature of development situated in the immediate area given the siting of proposed buildings and opportunity for significant landscape treatment.

41. The proposed structures are not aesthetically pleasing.

Comment

It is considered that the proposed buildings are generally sympathetic with the design of buildings situated in the immediate area.

Cumulative Impact

42. The problems associated with the Guide Dogs facility will be exacerbated by the development of a further boarding kennel facility.

Comment

It is considered that the design of the proposal in conjunction with the inclusion of appropriate conditions will minimise adverse impacts upon the surrounding area.

43. Concern that additional stages of development will be proposed if the first stage is approved.

Comment

Should any additional stages be proposed these would be subject of separate applications that would be required to assessed having regard to matters contained in Section 79C of the Environmental Planning and Assessment Act, 1979 requiring to demonstrate that any such expansion would be acceptable on environmental grounds.

44. Approval of the application may set an undesirable precedent for the development of further boarding kennel facilities in the locality.

Comment

'Animal establishments' are a permissible land use in the locality and any similar applications would need to demonstrate that such uses would not result in unacceptable impact upon adjoining land.

Vegetation Removal

45. The proposal will result in the removal of trees situated on the site.

Comment

Whilst it is acknowledged that the proposal will require the removal of a number of trees situated on the site it is considered that the trees affected by the proposed works are not significant and that suitable replacement planting will be undertaken on the site.

46. Loss of trees will impact on habitat for native fauna.

Comment

The extent of tree removal proposed in conjunction with the proposal will not have a significant impact upon fauna.

47. Works associated with effluent disposal system will require the removal of additional trees as well as those nominated within the application.

Comment

An appropriate condition has been included in the recommendation requiring works to be undertaken in conjunction with the wastewater disposal system to be designed so as to minimise impacts upon existing vegetation situated on the subject land and on adjoining properties.

48. A Flora and fauna assessment report has not been submitted as required under the Threatened Species Conservation Act.

Comment

An assessment was undertaken of the trees affected by the proposed works by Council officers and it was considered that given the limited number and type of species proposed to be removed that a formal flora and fauna assessment report was not required in this instance.

Part C, Chapter 1 - Landscaping

A landscaping concept plan has been submitted with the application in accordance with the requirements of Section 1.2 of the Landscaping Chapter of the Hawkesbury Development Control Plan.

It is considered that the proposed landscape plan has satisfied the provisions the provisions of the Development Control Plan.

Part C, Chapter 2 - Car Parking and Access

The stated aims of the carparking chapter are outlined as follows:

- *Ensure that adequate and convenient off-street parking facilities are provided for all vehicles generated by new development;*
- *Encourage the efficient flow of traffic through car parks and to minimise the potential for pedestrian/vehicle and vehicle/vehicle conflict;*
- *Ensure minimum of interference to the flow of traffic on the street network; and*
- *Ensure adequate traffic safety and management and to improve the amenity of car parking areas.*

It is noted that no specific standard for on-site car parking provision has been provided in Hawkesbury Development Control Plan 2002 for 'animal establishment' development.

The submitted plans detail the provision of three staff and three visitor car parking spaces situated off the access driveway leading to the boarding kennels from Jordan Avenue. In addition, it is noted that a delivery set down and vehicle manoeuvring area have also been provided.

An appropriate condition has been included in the recommendation requiring the driveway and associated vehicle manoeuvring areas to be constructed of a durable all weather sealed surface so as to ensure that suitable access is provided.

It is considered that the level of on-site car parking provision and access arrangements are satisfactory for the proposed use.

Context And Setting

The locality is characterised by large rural properties containing single dwellings with large and varied setbacks. Scattered stands of mature native trees and vegetation exist throughout the locality. Given the setbacks proposed, the minimal impact upon existing trees situated on the site and the degree of landscape treatment proposed in conjunction with the application it is considered that the proposal will satisfactorily maintain the existing character of the area.

Flora and Fauna

An assessment by Council staff was undertaken of the vegetation proposed to be affected by the proposed works. It is considered that the impact associated with the proposal would not be significant and that a formal flora and fauna assessment was not required in this instance.

Noise

The applicant engaged PKA Acoustic Consulting to undertake an acoustic assessment of the proposal. In this regard a number amended reports and plan revisions have been prepared in response to concerns in relation to the proposal.

In order to assist in the assessment of the application Council engaged Challis Consulting Pty Ltd to undertake an independent review of the acoustic report prepared by the applicant. Challis Consulting Pty Ltd provided a report titled "Acoustical Assessment of Proposed Dog Kennel at 50 Jordan Avenue,

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Glossodia - Report No. 8104-1-605", dated 22 June 2005 providing the following conditions having regard to the proposed development:

1. That the acceptability of daytime noise emission levels from the kennel shall be determined at the nearest property boundaries.
2. The acceptability of nocturnal noise emission levels shall be determined at the nearest existing, or at the closest prospective location of the residential building on the Chalhoub property immediately to the east.
3. The mechanical ventilation system for each of the indoor kennel buildings shall be designed on the basis a matched pair of supply and exhaust fans, with effective silencing on the suction fan inlet and discharge silencing on the exhaust fan outlet. The suction fan shall be designed with appropriate pre filtering of the air in accordance with the BCA's normal requirements for ventilation systems.
4. The acoustical barriers around the exercise yards shall be reconfigured to conform to the outer boundary line of the wire fences that are shown on Rolfe Chrystal's Architectural 'Part-Site Plan' Drawing No. 0315-DA02C. The height of the barriers shall not be less than the heights of the adjacent buildings that are 2.7m high. The top of these barriers shall incorporate a re-entrant clear polycarbonate or similar transparent supplementary angled or horizontal barrier to further enhance the level of directional airborne sound attenuation achieved.
5. The internal side walls in each dog kennel building shall be sprayed, from a point 1.5m above the floor to the underside of the roof structure, with Enviro spray 300, to control lateral sound reflections within the building and thereby minimise adverse acoustical interaction between the individual dog kennels.
6. The visually impervious division walls between the individual dog kennels shall be constructed with a height of not less than 2m and a preferred height of 2.7m.
7. The intersection between walls and roof structure shall be designed to incorporate acoustically effective closure elements that ensure the achievement of positive and effective closure with no signs of acoustical leakage.
8. The acoustical consultant shall be retained to inspect the construction of the buildings at each critical phase to ensure compliance with design intent and shall identify defects and ensure their correction. The airborne sound attenuation characteristics of the as-finished structures shall be objectively measured to confirm with design intent prior to the consultant signing off on the project.
9. The developers shall prepare an appropriate Plan of management that effectively deals with the potential adverse problems that are created by unusually noisy dogs. The plan shall be predicated on the basis of designing and constructing a specially acoustically treated section within the dog kennels. The specially treated area shall be designed to provide a significantly higher level of airborne sound attenuation and simultaneous acoustical separation from the residual dogs in the facility, to maintain the amenity of the area.

The report prepared by Louis Challis concluded with the following:

'I hold the view that it is possible to both design and construct a dog kennel at the subject site, that does not give rise to significant noise annoyance at the nearest or other adjacent residential properties. The correct implementation of the draft conditions of consent provided would materially assist in achieving that aim.'

A dog boarding facility of this type that is currently proposed requires an appropriate Plan of Management. This Plan of Management must responsibly address the issues relating to control of aberrant noise from unusually sensitive, or extremely noisy dogs. Problems of this type are capable of being addressed and resolved through the provision of a specially treated noise isolation area for the recalcitrant dogs (dogs that bark unnecessarily). The provision of such a facility would clearly materially assist in minimising the potential adverse community noise impact that a dog boarding facility of this type would otherwise potentially create.'

In response to the independent acoustic assessment and consideration by Council a further revised acoustic report titled "*Acoustic Report Proposed Laurieton Park Dog and Cat Boarding Kennels at Glossodia - Project 204 161*", dated December 2004 and Revised December 2005 was submitted to Council on 20 February 2006.

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This report details the acoustic performance of the buildings and dog exercise areas. The changes that have been incorporated in the design are detailed as follows:

- Assessment has now been taken for both day and night time operation of the facility to the eastern boundary of the site. This recognises that a future dwelling could be constructed anywhere on the site at No. 30 Jordan Avenue.
- The construction of the kennel buildings has been upgraded. This has been done to ensure that the transmission loss of the enclosures will be achieved.
- Additional sound absorbing treatment will be provided within the kennel buildings by spraying the side and end walls above 1900mm to the ceiling with Enviro spray 300.
- The originally proposed roof lanterns have been deleted in order to eliminate the possibility of noise emission resulting from them.
- The pens within the kennel buildings have been reconfigured so that there is an access corridor along each side in lieu of the single centre corridor previously indicated. This is to reduce possible visual stimuli, which might result in dogs barking.
- The mechanical system will be designed to provide "masking" noise within the kennels. In addition an electronic background noise system will be provided to give comfort to the dogs so that they are less likely to bark.
- The acoustic barriers flanking the dog exercise area will be 2.7 metres or higher.

It is noted that the proposal intends to provide Enviro spray 300 commencing at 1900mm rather than 1500mm indicated in the Challis report. It is argued that this material is fragile and that application at to the lower level would not be feasible given likelihood of damage to occur to the product. The response to the Challis Consulting suggested conditions provided by PKA Consulting the following justification is provided to commence the treatment at the higher level:

"...it is impracticable to spray above 1.5 metres since the material is fragile. We will however spray above 1.9m. Since the whole of the ceiling will also be treated the calculated difference in acoustic performance between spray above 1900mm and above 1500mm is only 0.3 dB, ie it is insignificant. We do not consider that any alternative treatment is required."

Based upon this information it is considered that the suggested treatment to be incorporated in conjunction with the proposal is satisfactory.

Having regard to the cumulative impact of the proposed development having specific regard to the nearby Guide Dog facility the PKA Consulting report provided the following:

'We have taken the proximity of the Guide Dogs kennels into account. By using the Industrial Noise Policy (INP) for our assessment we ensure that the cumulative effect of all noise sources does not produce noise levels that would significantly exceed the criterion. There are two criteria under the INP, Intrusiveness and Amenity. The more stringent of these is adopted as the Project Specific noise levels.'

In the present cast the Intrusiveness criterion is used since it is more stringent than the Amenity criterion. Thus cumulative impact is controlled within the normal criteria established by DEC/EPA.'

In order to limit the impact of the proposal upon adjoining properties appropriate conditions have been included in the recommendation in accordance with the recommendations detailed above.

Public Interest

The submissions of respondents have been identified previously in this report. It is considered that the concerns raised are not of sufficient weight to warrant refusal of the application and that many of the issues raised have been addressed through appropriate conditions that have been included in the recommendation.

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Conclusion

The proposed animal establishment – boarding kennels and cattery facility demonstrates satisfactory compliance with the provisions of Sydney Regional Environmental Plan No. 20, Hawkesbury Local Environmental Plan 1989, Hawkesbury Development Control Plan 2002 and other relevant policies. Subject to the inclusion of appropriate conditions relating to acoustic treatment and operational restrictions it is considered that the proposal constitutes a satisfactory form of development. Accordingly, it is recommended that the application be approved.

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".

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

Funding

There are no funding implications.

RECOMMENDATION:

That Development Application No. DA0300/04 for an animal establishment - boarding kennels and cattery facility at Part Lot 3, DP 8714 No. 50 Jordan Avenue Glossodia be approved subject to the following conditions:

General Conditions

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Dated
0315-DA01 Rev D	01/09/2005
0315-DA02 Rev D	01/09/2005
0315-DA03 Rev D	18/01/2006
0315-DA04 Rev D	19/01/2006
0315-DA05 Rev A	18/01/2006

Document Number	Dated
Acoustic Report – Project No. 204 161 Prepared by PKA Acoustic Consulting	12/2004 and revised 12/2005
Operational Management Plan No. 051025	Undated

2. Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered SK-02A prepared by Fiona Robbe Landscape Architect dated August 2004. In addition, the landscaping of the site is to be designed to ensure that dense landscape treatment is applied adjacent to the proposed kennels and associated exercise yards in order to minimise their visual impact when viewed from the street or adjacent properties. Details demonstrating compliance are to be submitted prior to the issue of the Construction Certificate.
3. No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
5. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
6. The development shall comply with the provisions of the Building Code of Australia.
7. The development shall comply with the Environmental Planning and Assessment Act, 1979.
8. 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.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
10. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.
11. The boarding kennel facility is to accommodate not more than ninety two (92) dogs and twenty five (25) cats at any given time.

Acoustic Conditions

12. Compliance with the recommendations/design requirements contained in Acoustic Report titled Proposed Laurieton Park Dog and Cat Boarding Kennels at Glossodia Project 204 161, Dated December 2004 Revised December 2005 and as modified by Condition No.s 13 - 18.
13. The acceptability of daytime noise emission levels from the kennel shall be determined at the nearest property boundaries.
14. The acceptability of nocturnal noise emission levels shall be determined at the nearest existing, or at the closest prospective location of the residential building on the property situated immediately to the east of the subject site.
15. The mechanical ventilation system for each of the indoor kennel buildings shall be designed on the basis of a matched pair of supply and exhaust fans, with effective silencing on the suction fan inlet and discharge silencing on the exhaust fan outlet. The suction fan shall be designed with appropriate pre-filtering of the air in accordance with the BCA's normal requirements for ventilation systems. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
16. The top of the acoustic barriers shall incorporate a re-entrant clear polycarbonate or similar transparent supplementary angled or horizontal barrier to further enhance the level of directional airborne sound attenuation achieved. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
17. The internal side walls in each dog kennel building shall be sprayed, from a point 1900mm above the floor to the underside of the roof structure, with Envirospray 300, to control lateral sound reflections within the building and thereby minimise adverse acoustical interaction between the individual dog kennels. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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18. The visually impervious division walls between the individual dog kennels shall be constructed with a height of not less than 2.0m. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
19. The intersection between walls and roof structure shall be designed to incorporate acoustically effective closure elements that ensure the achievement of positive and effective closure with no signs of acoustical leakage. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
20. The acoustical consultant shall be retained to inspect the construction of the buildings at each critical phase to ensure compliance with design intent and shall identify defects and ensure their correction. The airborne sound attenuation characteristics of the as-finished structures shall be objectively measured to confirm with design intent prior to the consultant signing off on the project.

Prior To Issue Of Construction Certificate

21. A minimum of one (1) car-parking space for use by persons with a disability shall be provided as part of the total car-parking requirements. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.
22. Appropriate areas shall be provided for the storage of garbage/waste material and recycling material and all waste and recyclable material generated by this premises.
23. The following requirements shall be met:
 - a) The storage areas shall be designed to prevent entry of vermin/insects and are to incorporate a smooth surface, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and
 - b) The storage areas shall be adequately screened from the street/adjacent property boundaries; Details of the storage area/s are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.
24. The colours, texture and substance of all external components of the building and hard surfaced areas being generally in accordance with plans numbered 0315-DA05A dated 30 January 2004 as modified by any conditions of this consent/approval. The proposed acoustic screen walls are to be treated in earth/natural tones to assist in reducing their visual impact upon the locality. Prior to issue of the Construction Certificate, the certifier to verify that the external components are in accordance with that specified above.
25. Details demonstrating high quality external lighting for security without adverse affects on public amenity form excessive illumination levels and glare are to be submitted with the Construction Certificate.
26. Prior to the issue of the Construction Certificate the applicant shall consult with the New South Wales Fire Brigade regarding the satisfactory provision of the following:
 - a) Access onto and within the property including standing areas for fire fighting vehicles.
 - b) The provision of, location and quantity of fire hydrants to be used by and to support emergency services.
 - c) Emergency access and egress into/from the kennel area by fire fighting personnel.
27. Any specific design requirements following consultation are to be incorporated in conjunction with the proposed works.
28. Suitable lunchroom facilities are to be provided in conjunction with the animal establishment for use by staff. This room is to be separate from any rooms used for the purpose of housing or treating of

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animals. Details demonstrating compliance are to be submitted prior to the issue of the Construction Certificate.

29. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:
- a) The Building Code of Australia.
 - b) AS 1668 Part 1 & 2.
 - c) The Public Health Act.
 - d) Public Health (Microbial Control) Regulation.
 - e) Work Cover Authority.

Details are to be submitted to the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.

30. The kennel floors are to be drained by gravity to deep spoon drains and thence to a grit arrester. Liquid waste from the grit arrester shall discharge into a Council approved waste management system. Details satisfying the above are to be submitted prior to the issue of the Construction Certificate.
31. Construction of civil works including road, drainage and access works 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 Asset Services and Recreation or an Accredited Certifier.
32. Payment of a Construction Certificate checking fee and a Compliance Certificate inspection fee when submitting Civil Engineering Plans for approval. Fees required if an Accredited Certifier is used will be provided on request.
33. The submission of engineering designs and calculations covering all works required by this consent.
34. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
35. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.

Prior To Commencement Of Works

36. A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.
37. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.
38. Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.
39. All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

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40. All protected trees on-site shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder's waste are to be stored in the vicinity of the tree / trees.
41. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
42. A separate application is to be lodged with Council for approval under Section 68 (Part C) and Section 68A of the Local Government Act 1993 for the installation of a Centralised Sewage management Facility at the premises to receive, treat, and dispose of all wastewaters from all sources in the proposed development. The application is to incorporate the following requirements:
 - a) The system is to incorporate the drainage, treatment and disposal of all wastewaters from the residence at the premises in accordance with proposals indicated in Figure 1 Schematic Diagram of the proposed On-site Wastewater Treatment in the report by Envirohouse (Dennis McNevin);
 - b) The system is to incorporate the recycling of the majority of the treated wastewater emerging from the constructed wetland back to the head of the wetland via a sand filter for ammonium removal in accordance with the proposals indicated in the report by Envirohouse (Dennis McNevin);
 - c) Buffer zones of 6 metres up-gradient and 3 metres down-gradient of any property boundary, driveways and any buildings, to any sub-surface irrigation lines or absorption trenching are to be observed;
 - d) The system is to incorporate a wet weather storage tank having a minimum of thirty (30) days wet weather storage to accommodate the wastewater during periods when irrigation is not possible due to periods of wet weather. The system is to incorporate a moisture sensor that will automatically divert the effluent flow emerging from the holding tank to the wet weather storage tank at the appropriate moisture levels;
 - e) Suitable filtering media are to be incorporated into the filtering baskets to be installed at each of the inlet points to each drainage line conveying wastewater from kennels and cattery so that all hair is excluded from the treatment and disposal systems.
43. The installation, once completed in accordance with the Approval issued under Section 68 and Section 68A of the Local Government Act 1992, will be the subject of a Direction to Take Preventative Action served under Part 4.3 or Chapter 4 of the Protection of the Environment Operations Act 1997.
44. 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.
45. 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.
46. Toilet facilities shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
47. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works.
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

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48. 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/Demolition

49. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
50. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
51. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
52. A minimum of six (6) off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
53. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
54. Building construction (including the delivery of materials to and from the property) shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 4.00 pm inclusive, with no work on Sundays and Public Holidays.
55. Demolition and excavation works shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).
56. During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
- a) A general decline in health and vigour.
 - b) Damaged, crushed or dying roots due to poor pruning techniques.
 - c) More than 10% loss or dieback of roots, branches and foliage.
 - d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - f) An increase in the amount of deadwood not associated with normal growth.
 - g) An increase in kino or gum exudation.
 - h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

57. Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

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58. 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:
- 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.
 - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - Builder's waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
59. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
60. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:
- Piers
 - Internal sewer or stormwater lines prior to covering;
 - Steel reinforcement prior to pouring concrete;
 - External sewer or stormwater lines, prior to backfilling;
 - Framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - Wet area flashing, after the installation of bath and shower fixtures;
 - Prior to occupation of the building;
 - On completion of the works;
 - On completion of fit out of the premises prior to the use commencing.

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

61. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
62. All roof water shall be drained to the water storage vessel/s.
63. The floor of the internal WC shall be graded and drained to an approved floor waste.
64. 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.
65. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.
66. Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.

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67. The proposed development falls outside the scope of the Timber Framing Code AS1684, details shall be prepared by a Practising Structural Engineer for the frame, roof, bracing and tie down requirements submitted for approval.
68. Access to the public areas for people with disabilities shall be provided in accordance with the requirements of Part D3 of the BCA and AS1428.1 (1993), 1228.2 (1992) and 1428.3 (1992) all thresholds and room access (both internal and external) shall have "lipless thresholds".
69. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.
70. Fire hose reel/s shall be installed within the building in accordance with the requirements of Part E1.4 of the BCA.
71. Portable fire extinguisher/s containing an extinguishing agent suitable for the risk being protected shall be installed in accordance with AS 2444 E1.6 in the following locations:
 - a) adjacent hose reels and near fire source equipment.
72. A bitumen seal pavement 3.5m wide shall be constructed along the access driveway inclusive of car parking areas and manoeuvring areas.
73. A bitumen sealed rural footway crossing shall be constructed to the development in accordance with the Hawkesbury DCP Appendix "E", "Civil Works Specification". Prior to works commencing the applicant shall consult with Asset Services and Recreation regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
74. Provision of adequate on-site loading and unloading facilities to cater for the proposed use of the land.
75. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.
76. All necessary works being carried out to ensure that water flow from adjoining properties is not impeded.

Prior to Issue of Occupation Certificate

72. Compliance with all conditions of this development consent.
73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
74. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
75. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
76. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
77. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent:
 - a) Fire Blanket.
 - b) Portable Fire Extinguishers.

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- c) Hose Reel System.
- d) Fire Hydrant Systems.
- e) Exit Signs.
- f) Emergency Lighting.
- g) Automated Fire Detection and Alarm System.
- h) Smoke/Heat Detectors.

Prior to Occupation

Prior to requesting an occupation certificate the owner/agent shall certify that each of the essential fire safety measures specified in this statement has:

- a) been installed and assessed by a properly qualified person, and
- b) was 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.

A copy of the Fire Safety Certificate to be completed is available from Council.

(This Certificate cannot be signed by persons who inspected and/or tested the installed services)

A copy of the Initial Certificate and the Annual Certificate, together with the relevant Fire Safety Schedule must be forwarded to the Council and the Commissioner of the New South Wales Fire Brigades. A copy of this Certificate, together with the relevant Fire Safety Schedule must be prominently displayed in the building.

Annually

The Fire Safety Measures are to be regularly serviced/maintained and the owner/agent (including subsequent owners) shall certify annually that each of the fire safety measures specified in this statement has:

- a) been assessed by a properly qualified person.
- b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

All sound-producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary.

Certification from an accredited acoustic practitioner shall be provided to the Principal Certifying Authority, to the effect that the development complies with the above condition of consent, prior to the issue of an Occupation Certificate.

Use of the Development

78. Office hours for customer pick up/drop off and general business associated with the boarding facility is to be restricted to the following hours:

9.00am to 5.00pm	Monday to Friday
9.00am to 5.00pm	Saturday
10.00am to 5.00pm	Sunday

79. A minimum of one (1) caretaker is to be present on the site at all times to provide supervision/care of the animals held on the premises.

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80. Waste material generated by the operation of the premises is to be stored in a manner that minimises odour nuisance to adjoining properties and reduces the potential for vermin infestations. The waste is to be regularly removed off the site by a commercial waste handling company to minimise nuisance, odour and maintain required sanitary conditions.
81. Faeces (stools) shall be collected daily from kennels, pens and runs and are to be removed off the site by a commercial contractor.
82. All commercial loading and unloading operations shall be carried out wholly within the designated loading area detailed on the submitted plans.
83. Waste and recyclable material, generated by this premises, must not be collected between the hours of 5pm and 9am on any day.
84. A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm –6.00 am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.
85. Between the hours of 5 pm and 8 am all dogs are to be kept in kennels so as to minimise noise impact to adjoining properties.
86. The care and management of all animals shall be consistent with NSW Agriculture Animal Welfare Code of Practice No. 5 – “The Care and Management of Dogs and Cats in Animal Boarding Establishments” or industry best practice standards as updated.
87. Annual inspections will be required to be carried out as a condition of development consent.

The matters that will be taken into consideration at the time of the inspection will be:
 - a) Compliance with conditions of development consent
 - b) Any complaints received during the previous 12 months
To ensure that waste management follows best practice guidelines, environmental impact is minimised and risks to human and animal health avoided.
88. No internal or external alterations shall be carried out without prior approval of Council.
89. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person, and
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
90. The use is to be undertaken in such a manner so as not to interfere with the amenity of the adjacent area having regard to noise, odour, waste water, waste products or otherwise.

Advisory Notes

91. 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.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 153**CP - Requirement of a River Keeper/Manager for the River - (95498, 107)**

REPORT:**Background**

This report has been produced in response to a 'Question Without Notice' at the Ordinary Meeting dated 30 May 2006, in which a document was tabled (produced by Penrith Council) regarding the need for a River Keeper Manager for the Hawkesbury Nepean River. The 'Question Without Notice' asked if Council would support the issues outlined in the document from Penrith Council.

Issues Identified by Penrith City Council's Report

Penrith City Council accepts and responds enthusiastically to its obligations to assist in protecting and preserving the Nepean River. This has been demonstrated through active participation in catchment management programs and planning.

They believe that the current structure of catchment management authorities in NSW is not relevant to a heavily urbanised catchment, nor is it set up to deal with the major issues affecting the health of the Hawkesbury Nepean system.

They contend that the Hawkesbury Nepean Catchment Management Authority (HNCMA) Catchment Action Plan and all funding programs under their accreditation with the Australian Government are heavily biased towards restoration of rural areas of the catchment.

Penrith City Council supports the recommendations of the Healthy Rivers Commission that a River Manager should be established with ultimate accountability for the health of the river and with the powers and resources consistent with that accountability. The Commission made this recommendation because of the fragmentation of responsibility that its inquiry found.

The Commission also found that no entity is responsible for ensuring that the actions of many agencies and Councils implementing their numerous and often overlapping programs and powers, achieve targeted river health outcomes.

Examples of this continued fragmentation of responsibility include:

- There is no integrated monitoring program to enable the health of the river and the effectiveness of the catchment blueprint to be evaluated.
- The recreational water monitoring program has been abandoned
- The Statement of Joint Intent that committed all State Agencies to the recommendations of the Healthy River Commission has been abandoned.
- There is no coordination of the activities of the various State Agencies involved with the river and related issues.
- There has been no follow up on the implementation of mandatory stormwater management plans.

The recent outbreaks of aquatic weeds in the river are another example of the lack of a specific authority to actively manage this issue.

Penrith Council has concluded that a more strategic and holistic approach to the management of this nationally significant catchment is recommended, similar to the Sydney Catchment Authority, with its strong legislative powers that are established in the Sydney Water Catchment Management Act 1998 and State Environmental Planning Policy No 58 (Protecting Sydney's Water Supply) is perhaps an appropriate model.

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Penrith City Council's request to the recent NSW Government Cabinet was:

"That the Minister for Natural Resources:

- 1. Consider the establishment of a River Manager for the Hawkesbury/Nepean River with the ultimate accountability for the health of the river and with the powers and resources consistent with that accountability.*
- 2. Ensure that an aquatic weed harvester is permanently based in the Hawkesbury/Nepean Catchment with appropriate long term operational funding."*

Catchment Management Authority

The NSW Government established the Hawkesbury Nepean Catchment Management Authority (CMA) in 2004. The CMAs are locally driven organisations with a board that reports directly to the NSW Minister for Natural Resources. These statutory bodies, established under the Catchment Management Authorities Act 2003 (CMA Act), coordinate natural resource management (NRM) in each catchment. They are responsible for involving regional communities in management of the NRM issues facing their region, and are the primary means for the delivery of funding from the NSW and Commonwealth Governments to help land managers improve and restore the natural resources of the State.

Over the next two (2) years the Hawkesbury Nepean CMA is investing \$14.9 million in four (4) program areas to improve catchment health. These are:

- Biodiversity.
- River Health.
- Soil and Land.
- Community Partnerships.

To deliver these programs, the Hawkesbury Nepean CMA works with partners such as landholders, local Councils and Government agencies, which results in this investment being doubled. At least 80% of funding goes directly to 'on ground' improvements with 70% of investment targeted at landholders' properties.

The Hawkesbury Nepean CMA has formed a Hawkesbury Nepean Local Government Advisory Group (LGAG) as a formal Board Sub Committee with membership from twenty-two (22) Councils in the catchment. The role of this Committee is to provide the Board with advice on Local Government issues and coordinate Hawkesbury Nepean CMA projects with the member Councils to ensure the CMA holds overall natural resource management coordination accountability.

Penrith City Council's report was dealt with at the LGAG meeting held on Thursday, 25 May 2006, where it was resolved that:

1. "Penrith City Council's report be noted.
2. LGAG write to Councils asking them to write to CMA and Minister Macdonald indicating support for changes to the CMA Act to confer greater powers to the HNCMA so that they are empowered to make other organisations accountable for river outcomes.
3. LGAG writes to Minister Macdonald supporting the points from Penrith City Council's paper; that the following elements in the report are important parts of better river management that should be adequately funded and coordinated by the HNCMA.
4. Support for re-establishment of the integrated water-monitoring program as the basis for understanding the health of the river system.
5. Support for re-establishment of the recreational water quality monitoring program which coordinates reporting efforts of Councils along the river to support public safety
6. Support the continued monitoring and reporting on the implementation of the Hawkesbury Nepean SOJL.
7. Support the re- establishment of a Regional Weeds Committee.
8. Support the monitoring and reporting on the implementation of stormwater management plans.

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9. Encourage the HNCMA to have a proactive role in the coordination of authorities of State Agencies."

The primary operational responsibilities of the Sydney Catchment Authority (SCA) are:

- To manage and protect Sydney's drinking water catchments and the infrastructure under its control.
- To protect and enhance the quality of Sydney's drinking water.
- To supply bulk water to Sydney water and other suppliers.

The SCA also has concurrence regulatory powers over development in the catchment and grant of licences under other legislation that affect the catchment areas, as well as an inspection or enforcement role in relation to activities carried out in the catchment areas. New institutional arrangements have been introduced for catchment management eg CMA and the Natural Resource Commission (NRC) will operate with 'Memorandums of Understanding' formalised through the operating licence.

The concept of such an umbrella institution to govern the whole of the river catchment would equal the magnitude of the task of restoring the health of the river. However, recent State Government decisions such as the implementation of Catchment Management Authorities would contradict this likelihood.

River Keeper

Council at its meeting of 28 June 2005, resolved to seek resources for a River Keeper for the HNCMA, HRCC member Councils and the NSW Maritime Authority. The NSW Maritime Authority in conjunction with Gosford and Hornsby Council, have announced a River Keeper for their section of the river. However, the Minister has ordered a financial review of the NSW Maritime Authority. Therefore, a delay on the appointment of a River Keeper will be expected until this review is completed.

County Council

Hawkesbury River County Council has requested technical support from Hawkesbury City Council to participate on a small working group with the objective of identifying the most appropriate harvester for the Hawkesbury Nepean River. The technical working group would ensure that all feasible opportunities have been explored if and when funding is available for capital expenditure. It would appear that the initial capital outlay for a harvester would equal the estimated yearly operational costs. Therefore investigations should be made to the feasibility of purchasing a harvester or contracting the services of a suitably qualified company to complete the works as required.

Discussions with the Department of Primary Industries revealed that they have appointed a Noxious Plants Advisory Officer due to start in October 2006. This officer will be responsible to identify what is happening on the river and where the current hot spots are that require remedial action to prevent an outbreak of weeds equal to previous years.

Free-floating aquatic weeds are difficult to manage and under the amendments to the Noxious Weeds Act, a landowner can relinquish their responsibility relating to the control of weeds to their governing Council. This then extends a duty of care to Council for the management and control of those weeds.

The operational requirement for "Regionally Controlled Weeds" is:

"The plant must be fully and continuously suppressed and destroyed."

The control objective is to reduce the area and the impact of those plants in parts of NSW. The new amendment came into force on 1 March 2006. Water Hyacinth, Salvinia and Alligator weed are classified as "Regionally Controlled Weeds".

The investigation into the existing Salvinia weed located within the Hawkesbury Nepean has revealed that the weeds are not in their usual dormant stage therefore in the warmer months we could see an explosion of Salvinia. In addition, the Water Hyacinth is rapidly infilling behind the Salvinia with both weeds at this time displaying out of character growth.

Conclusion

This report summarises the approach from a variety of organisations, to the management of various issues relating to the health of the river and the catchment. Most of the responses appear to be directed at dealing with the consequences of the river's 'health' and not the causes. This, it is considered, reinforces the position of Penrith City Council of the need for a single agency approach is needed now more than ever.

Therefore, the Council should support the recommendation of the LGAG, continue pressing for the establishment of 'River Keepers' for the river, and support the HRCC in its campaign for appropriate funding for the acquisition in operation of a permanent weed harvesting capability.

Conformance to Strategic Plan

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

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

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

Funding

The funding for the 'River Keeper' is provided for in the Stormwater Levy Program and will continue to be available as long as the Stormwater Levy Program is in existence.

RECOMMENDATION:

That:

1. Council endorse the recommendation of the LGAG adopted at its meeting in 25 May 2006 as outlined in the report.
2. Council formerly write to the NSW Maritime Authority to support the need for a River Keeper, and confirm the ongoing contributions required to secure three years with a further two-year option.
3. Support the HRCC in its campaign for a permanent weed harvesting capability.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 July 2006

INFRASTRUCTURE SERVICES

Item: 154 **IS - Un-named Public Road, McGraths Hill - Naming Proposal - (79346)**

REPORT:

Resulting from subdivision of Lots 10-13, DP 620692, Plimsoll Street, McGraths Hill it is proposed that the un-named public road within that subdivision, now being Lots 106 - 114 DP 1089358, be named "Newton Place". A locality sketch is attached.

The proposed name was suggested by Council's Local Studies Officer and honours Rev. WS Newton who was the Minister at St James Church of England, Pitt Town between 1897-1911.

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

No impact on current budget.

RECOMMENDATION:

That public comment be sought regarding naming of the presently un-named road extending in a south-easterly direction from Plimsoll Street, bounded by Lots 106 - 114 DP 1089358, McGraths Hill as "Newton Place".

ATTACHMENTS:

AT 1 - Sketch Plan - Proposed Newton Place, McGraths Hill.

ORDINARY MEETING

Meeting Date: 11 July 2006

AT 1 - Sketch Plan - Proposed Newton Place, McGraths Hill

**To view this image,
Please refer to the separate
Attachments Document (Maps)**

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 July 2006

Item: 155 **IS - Cultural Precinct - (95495, 83276, 75323, 80333, 107, 74272, 74141)**

Previous Item: 397, Ordinary (13 December 2006)

REPORT:

Council at its Ordinary meeting of 1 November 2005 considered a report regarding the financial situation in relation to the Cultural Precinct and the cost implications of continuing with the museum project.

The report outlined the funding that had been approved by Council, including the interest on the Grant for the museum from the Ministry of the Arts and the Grant from the Heritage Office, the expenditure to date on the total project (Library/Gallery and Museum), the cost to finalise the Library/Gallery and the estimated cost to complete the museum. At that stage there was a funding shortfall of \$1,008,944. Council at that meeting resolved:

"That:

- 1. The matter be deferred to allow for exploration of funding options.*
- 2. The matter be reported back to Council no later than the last scheduled Ordinary meeting in 2005."*

The matter was reported to Council at its meeting of 13 December 2005, where Council was advised that an application had been submitted to GROW Sydney ACC, which is part of the Australian Government Regional Development Network to provide funding towards the project. Council at this meeting resolved that further consideration of funding for the cultural precinct be deferred until the Grant application to GROW has been determined.

Advice has been received from the Department of Transport and Regional Services that Council has been successful in obtaining a Grant of \$511,480 (Excl. GST) towards the construction of the extension to the museum. An updated funding scenario is outlined within this report in similar terms to that previously advised to Council showing the updated available funds, expenditure to date and estimated costs to complete the project.

Capital Cost

Funding

Budget Approved by Council	21,665,500
Interest on Museum Grant	159,015
Heritage Office Grant	10,000
DOTARS Grant	511,488
Total Funding	22,346,003
Expenditure to Date on Cultural Precinct	20,227,967

ORDINARY MEETING**Meeting Date: 11 July 2006****Museum Completion Costs (Additional to Expenditure to Date)**

Building Costs	2,155,461
European Archaeology	28,797
Indigenous Archaeology	132,255
Interpretation of European Artefacts	67,500
Recompact Fill	15,000
Builders Costs due to Delayed Start	218,464
Professional Fees (all Consultants)	20,509
Subtotal	2,637,986
Total Estimated Cost to Complete the Cultural Precinct	22,865,953
Funding Shortfall	519,950

The tender for the construction consists of two parts. Part 1 included the total building works plus the demolition of the rear foyer, kitchen and toilets of Howe's House and the construction of a rear entry to that building. The demolition work is currently costed at \$66,120.

Part 2 of the tender includes construction of a new brick boundary wall and fencing to the Baker Street frontage of both the building and the adjacent car park. The current cost of Part 2 is \$26,448.

In an effort to reduce the capital cost of the project it is considered that the works to the rear of Howe's House (\$66,120), and the brick fencing to the Baker Street frontage of the car park (\$12,880) need not be carried out and would result in a saving of \$79,000.

Further consideration has also been given to the extent of the museum fit-out, which consisted of:

Interior Signage and Graphics	\$30,000
Fitout	\$150,000
Interactive Hardware	\$50,000
Total	\$230,000

In discussing this matter with the Museum/Gallery Manager and Curator, it would appear that a basic fitout of the building could be achieved at a cost of around:

Interior Signage and Graphics	\$20,000
Fitout	\$110,000
Interactive Hardware	Subject to Future Grant Funding
Total	\$130,000

This would enable a further saving of \$100,000 resulting in a total capital saving of \$179,000. Further enhancements of the display area would be subject to the availability of future grant funding.

Capital Funding Shortfall**\$340,950**

Should Council wish to proceed with the project it would be necessary to fund the capital shortfall through the provision of loan funds, sale of non income producing property, the reallocation of capital funding from current capital works programs or a combination of these options. For the purpose of carrying out financial analysis of continuing the project the loan option has been assumed, with the principal and interest repayments included within the operational costs.

ORDINARY MEETING

Meeting Date: 11 July 2006

Museum Expenditure to Date

\$495,093

Costs Required Should the Museum Extension Not Proceed	
Exhibit Designer Costs	51,021
Return Ministry Grant and Interest	1,309,015
Builders Costs to Date	26,700
Restore Site to Grass	15,000
Archaeological Reports	64,000
Loss of DOTARS Grant	526,488
Total	1,992,224
Total Cost of Project with Museum Removed	22,221,249
Current Funding	22,346,003
Surplus Should Museum Not Proceed	124,754

Museum Operating Costs

Cultural Services contribution - Already Budgeted	
Museum Building Operating Costs	24,850
Total	24,850

Additional Expenditure	
Volunteer training & support	11,750
Conservation & collection management	7,270
Administration	5,750
Exhibition Program (4 x exhibitions at \$4,000 each)	16,000
Subtotal	40,770
Building Operation and Maintenance 2007/08	
Water	250
Electricity	4,280
Electricity for Air Conditioning	14,106
Security Monitoring	300
Security Service	120
Air Conditioning Maintenance - quarterly service	680
Fire Service Maintenance	200
Cleaning	11,154
General Maintenance	5,000
Sewerage Rates	0
Insurance	1,360
Vandalism	1,500
Land rates	0
Painting internal	0
Painting external	0
Painting internal part	0
Subtotal	38,950
Loan Facility - \$350,000 Principal and Interest over 20 years at 7%	32,554
Total	112,274
Additional Income - Annual Grants Contribution	
Australian Government Department of Environment & Heritage (grants to voluntary environment & Heritage organisations)	10,000
Arts NSW projects	9,500
Total	19,500
Total Additional Expenditure	67,924

ORDINARY MEETING

Meeting Date: 11 July 2006

The operating costs shown is for the first year. An analysis of estimated costs for a twenty year period has been undertaken with the resultant average nett present value of those costs being (\$118,920). The operational costs of the museum as estimated would be additional to the current operating costs of the organisation which are projected to approach approximately \$420,000 deficit for the 2007/2008 Budget year in Council's long term financial plan. If the project were to continue, it would be necessary to reallocate funds within the organisation.

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

There are significant financial and borrowing policy matters for Council to determine relating to its consideration of this project.

Financial Policy

The financial analysis undertaken (attached to this paper) reveals a significant recurrent operational deficit that averages (\$118,920) over the period of the analysis undertaken. If this project were to proceed as it stands, Council would be increasing its annual operational deficit on average by the \$118,920 p.a. in a context where it has acknowledged continuing and increasing operational deficits within its long-term financial plan with projected deficits commencing 2007/2008 of approximately \$420,000.

Borrowing Policy

Council has for some time now publicly advocated a loans policy based on the concept that borrowings will only be undertaken in circumstances where a revenue stream is generated by the application of the loan funds to offset either in full or in part costs associated with the initial loan.

Should Council wish to proceed with the Museum proposal, it would be necessary to reduce recurrent expenditure in other areas of Council operations, for example, the closure of facilities or reduction in discretionary funding to external parties, and as far as capital funding is concerned, alter its publicly disclosed policy on borrowing.

Conclusion

The financial analysis undertaken with respect to increased levels of recurrent operational expenditure in a context where Council is already faced with significant annual operational deficits based on Council's long term financial projections in Management's view indicates that the project should not proceed unless Council cuts operational expenditure in other areas. In addition, should Council proceed to borrow funds for the shortfall in capital funds available, it would arguably contradict Council's stated intention in relation to its own publicly stated borrowing policy.

RECOMMENDATION:

That the construction of the museum extension not proceed, grants funds and interest as required by funding bodies, be returned, and the excavation be backfilled with appropriate protection of artefacts to a grass surface.

ORDINARY MEETING

Meeting Date: 11 July 2006

ATTACHMENTS:

AT - 1 Financial Analyses

AT - 1 Financial Analyses

**To view this image,
Please refer to the separate
Attachments Document (Maps)**

ORDINARY MEETING

Meeting Date: 11 July 2006

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Attachments Document (Maps)**

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 July 2006

SUPPORT SERVICES

Item: 156 SS - Councillor Paul Rasmussen - Request for Absence of Leave - (95495, 80106)

REPORT:

Councillor Paul Rasmussen has requested leave of absence from Council from Wednesday, 5 July 2006 to Sunday, 30 July 2006. This absence means that Councillor Rasmussen will be unable to attend the Ordinary Council Meetings of 11 July 2006 and 25 July 2006.

Conformance to Strategic Plan

Not applicable.

Funding

Not applicable.

RECOMMENDATION:

That leave of absence be granted to Councillor Paul Rasmussen from 5 July 2006 to 30 July 2006.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 July 2006

CONFIDENTIAL REPORTS

Item: 157 **SS - Sale of 897 Sackville Road, Ebenezer - (95496, 74718) CONFIDENTIAL**

Previous Item: 147, Ordinary (27 June 2006)

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 11 July 2006

Item: 158 SS - Acquisition of (Part) 203 Blacktown Road, Freemans Reach, (Lot A in DP33037) - (95496, 95495, 14681) **CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 11 July 2006

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Community Planning Advisory Committee - Minutes - 11 May 2006 - (95498, 96737)

The meeting commenced at 9:30am.

Present:	Councillor Rex Stubbs Ms Faith Christie Ms Tracey Leahy Ms Sigrid Wilson
Apologies:	Councillor Barry Calvert Ms Fiona Luckhurst-Khan Mr Mike Wildman Mr Nick Sabel
In Attendance:	Mr Michael Laing Ms Julie Sinclair (Minute Secretary)

REPORT:

RESOLVED on the motion of Councillor Stubbs and seconded by Mr Michael Laing that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Sigrid Wilson and seconded by Ms Tracey Leahy that the Minutes of the Community Planning Committee held on the 16 March 2006, be confirmed.

Item: 1 Hawkesbury Futures Demographic Study - Update

DISCUSSION:

- Dr Robert Johnson from Census Application Pty Ltd will be addressing Stage 1 of the Hawkesbury Future Demographics Study, which will include:
 - Dwelling Projections;
 - Social Profile; and
 - Dwelling Types.
- Stage 1 of the study is currently projected to be completed by 30 June 2006, with Stage 2 commencing dependent upon available funds.
- According to the definitions employed by the Australian Bureau of Statistics, 66% of the population of the Hawkesbury is urban (for statistical purposes an urban centre is defined as a population

cluster of 1,000 or more people). Based on ABS criteria, the following townships fall into the category of urban centres:

- Bligh Park;
 - Blaxland's Ridge;
 - Bowen Mountain;
 - Freeman's Reach
 - Glossodia;
 - Hobartville;
 - Kurrajong;
 - McGrath's Hill;
 - North Richmond;
 - Pitt Town;
 - Richmond;
 - South Windsor;
 - Windsor;
 - Windsor Downs;
 - Vineyard; and
 - Wilberforce.
- The Demographic Study is based on a 25yr projection.

RECOMMENDATION TO COMMITTEE:

That:

1. Council staff formalise an agreement with the preferred consultant, to undertake aspects of the study within the current budget of \$10,000.00 and assist Council staff with analysing and collating other aspects of the study.
2. Council purchase the relevant software to undertake aspects of the study 'in-house'.

MOTION:

RESOLVED on the motion of Ms Faith Christie, seconded by Ms Sigrid Wilson.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Council staff formalise an agreement with the preferred consultant, to undertake aspects of the study within the current budget of \$10,000.00 and assist Council staff with analysing and collating other aspects of the study.
2. Council purchase the relevant software to undertake aspects of the study 'in-house'.

Item: 2 Procedures for Addressing Requests for SIA Comments

RECOMMENDATION TO COMMITTEE:

That:

1. Once a response is received from the Minister of Local Government on this matter, the following draft procedures be put in place:
 - a) When Council receives a request to comment on a Social Impact Assessment (Cat 2) for a gaming machine application, this request is referred to the Community Planning Advisory Committee for assessment/comment.
 - b) The Chairperson call for a special meeting, as required, should the Committee be scheduled to meet outside the required timeframe for comments. Comments from Committee members unable to attend this meeting can be provided either electronically or by mail.
 - c) Council staff organise to collate comments received, and forward these to the NSW Department of Gaming and Racing, for determination of the application.

MOTION:

RESOLVED on the motion of Ms Faith Christie, seconded by Ms Tracey Leahy.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Once a response is received from the Minister of Local Government on this matter, the following draft procedures be put in place:
 - a) When Council receives a request to comment on a Social Impact Assessment (Cat 2) for a gaming machine application, this request is referred to the Community Planning Advisory Committee for assessment/comment.
 - b) The Chairperson call for a special meeting, as required, should the Committee be scheduled to meet outside the required timeframe for comments. Comments from Committee members unable to attend this meeting can be provided either electronically or by mail.
 - c) Council staff organise to collate comments received, and forward these to the NSW Department of Gaming and Racing, for determination of the application.

ITEM: 3 General Business

DISCUSSION:

- Resignations from the Committee have been received from the following Committee members:
 - Ms Fiona Luckhurst-Khan; and
 - Mr Mike Wildman.

ORDINARY MEETING
Reports of Committees

- Report to be provided to the next Committee meeting which includes copies of correspondence supporting their decision to terminate their membership of the Committee received from the abovementioned former Committee members.
- It was agreed between Committee members present, that the vacant positions within the Committee should be made public information at the:
 - General Inter-Agency Meeting;
 - the Hawkesbury Disability Forum;
 - the Aged Forum.
- 'Expressions of Interest' should also be requested/sought, with the feedback received from these meetings, to be included in the Committee's next Business Paper for discussion.
- The Committee investigate the possibility of advertising the two (2) vacant Committee positions in Council's Notices ('The Independent'), and call for nominations of membership from the Rotary & Lions Clubs.
- Council staff to organise correspondence to be forwarded to all Committee members with regards to attendance and forwarding an RSVP for Community Planning Advisory Committee meetings to assist in determining if sufficient numbers are in attendance for a quorum.

MOTION:

RESOLVED on the motion of Ms Faith Christie, seconded by Ms Tracey Leahy.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Community Planning Advisory Committee accepts the replacement appointment of Mr Matt Thorpe from the North Richmond Community Centre. He will replace Mr Mike Wildman as the representative from this service area.
2. The Committee write to Mr Mike Wildman to clarify his interest in maintaining membership, as a community representative on the Committee.
3. The Committee write to Mr Roger Packham to confirm his interest in maintaining his membership on this Committee. He will be invited as a community or as an NCOSS representative.

The meeting terminated at 10:05am.

2006 Committee Meeting Dates

Community Planning Advisory Committee Thursday, 3 August 2006 at 9:30am
Community Planning Advisory Committee Thursday, 9 November 2006 at 9:30am

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Hawkesbury Bicycle and Access Mobility Committee Minutes - 5 June 2006 - (98212, 95494)

The meeting commenced at 4:35pm in the Meeting Room, Peppercorn Place.

Present: Councillor Leigh Williams - (Chairperson)
Jenni Bousfield
Alan Aldrich
Robert Bosshard
Jane McCormick
Chris Cameron
Doug Bathersby

Apologies: Councillor Dianne Finch
RTA Representative
Andrew Docking
Mark Newton

In Attendance: Joseph Litwin (Executive Officer)

REPORT:

RESOLVED on the motion of Councillor Williams and seconded by Alan Aldrich that the apologies be accepted.

Section 1 - Confirmation of Minutes

1. Matters Arising from Previous Minutes

There were no matters arising.

2. Confirmation of Minutes

RESOLVED on the motion of Doug Bathesby and seconded by Chris Cameron that the Minutes of the Hawkesbury Bicycle and Access Mobility Committee held on 1 May 2006 be confirmed.

SECTION 2 - REPORTS FOR DETERMINATION

Item 1 – Response to Questions Without Notice (1 May 2006)

Discussion.

- Clarification sought on the RTA time requirements for applications and/or of RTA cycleways grant and capacity for unfinished capital works to be carried forward.

RESOLVED on the motion of Alan Aldrich and seconded by Chris Cameron that;

1. The information be received.

Item 2 – Development of Hawkesbury Access Mobility Plan - Update

Discussion.

- Clarification sought in relation to aspects of the proposed time-line.
- There was general discussion regarding consultation methods and processes which could be utilised in the preparation of the Hawkesbury Access Mobility Plan.

RESOLVED on the motion of Robert Bosshard and seconded by Alan Aldrich that;

1. The information be received.
2. The proposed time-line for the preparation of the Hawkesbury Access Mobility Plan be ratified.
3. A working group be established to develop a proposed consultation strategy for report to the Committee by 10 July 2006.
4. The working party to include Robert Bosshard, Doug Bathersby, Chris Cameron , Alan Aldrich. Jenni Bousfield and Councillor Williams. The working party to meet at 5.00 pm on 19 June 2006, at Peppercorn Place.

SECTION 3 - GENERAL BUSINESS

- Alan Aldrich requested information on the current status of the proposed upgrade of Thompson Square.
- Alan Aldrich requested information on the current status of the Disability Action List developed by the Disability Advisory Committee.

NEXT MEETING – to be held at 4:30pm on Monday, 10 July 2006 at The Meeting Room, Peppercorn Place, 320 George Street, Windsor.

Meeting Closed at 5:35pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Strategic Planning Advisory Committee Minutes - 15 June 2006 - (95498, 91368)

Minutes of the Meeting of the Strategic Planning Committee held in Council Committee Rooms, Windsor, on Thursday, 15 June 2006, commencing at 7:05pm.

ATTENDANCE

Present:	Councillor Rex Stubbs Councillor Trevor Devine Councillor Neville Wearne Councillor Kevin Conolly Ms Denise Handcock Mr Alan Eagle Mr Brian Lindsay Mr Malcolm Ryan Mr Stephen Phillips
Apologies:	Councillor Bart Bassett Councillor Barry Calvert Councillor Dianne Finch Mr Robert Woog Mr Graeme Faulkner
In Attendance:	Ms Julie Sinclair (Minute Secretary) Ms Fiona Mann Ms Robyn Woods

RESOLVED on the motion of Mr Alan Eagle and seconded by Councillor Wearne that the apology be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Wearne and seconded by Councillor Conolly that the Minutes of the Strategic Planning Committee held on 21 February 2006, be confirmed.

REPORT:

Item: 1 Local Government & Shires Association of NSW - Independent Inquiry into the Financial Sustainability of NSW Local Government - Final Report - Findings & Recommendations

DISCUSSION:

- That the findings & recommendations of the Independent Inquiry into the Financial Sustainability of NSW Local Government be publicised to the wider community, together with the call on the NSW Government to establish an Independent Commission.
- Perception of the Community regarding Local Government's financial status is greater than that found in the key findings of the Report. This perception needs to be changed, which in turn will assist in altering the community's expectations of Council.
- The report's major finding is that there is a huge infrastructure renewals backlog of over \$6 billion and this is expected to grow to almost \$21 billion in 15 years.

RECOMMENDATION TO COMMITTEE:

That:

1. The Committee note and receive this report.
2. The Independent Panel be commended on the successful conduct and completion of this watershed Inquiry.
3. The LGSA be commended for initiating the Inquiry.
4. Council commit to support the LGSA in an ongoing effort to rebuild and strengthen the financial sustainability of NSW Local Government.
5. The LGSA establish an implementation framework and process to consult with Councils and other stakeholders; and to advance the key recommendations of the report that have been endorsed by members.
6. Council call on the NSW Government to establish an "Independent Commission" consisting of equal representation from the LGSA and the state to assess the gravity of the problems facing Local Government, to recommend urgent action to be undertaken, to help implement such changes in cooperation with Local Government and to monitor progress in achieving agree outcomes" (recommendation 49, Final Report).
7. The Key Inquiry findings, be publicised through local media press releases.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Committee note and receive this report.
2. The Independent Panel be commended on the successful conduct and completion of this watershed Inquiry.
3. The LGSA be commended for initiating the Inquiry.
4. Council commit to support the LGSA in an ongoing effort to rebuild and strengthen the financial sustainability of NSW Local Government.
5. The LGSA establish an implementation framework and process to consult with Councils and other stakeholders; and to advance the key recommendations of the report that have been endorsed by members.
6. Council call on the NSW Government to establish an "Independent Commission" consisting of equal representation from the LGSA and the state to assess the gravity of the problems facing Local Government, to recommend urgent action to be undertaken, to help implement such changes in cooperation with Local Government and to monitor progress in achieving agree outcomes" (recommendation 49, Final Report).

7. The Key Inquiry findings, be publicised through local media press releases.

Item: 2 Producing a Risk Strategy Paper on Appropriate Social and Physical Infrastructure Requirements

DISCUSSION:

- The Community Planning Advisory Committee's completion of the Demographic Study will provide Council with some direction as to what Council's future role will be.
- The inquiry of the Local Government findings advised that each Council in NSW will need to define what their future roles are, e.g. 'Minimalist', 'Maximalist' or 'Optimalist'.
- The basic infrastructure and built fabric of the City, is substantially in place in the Hawkesbury and will not change fundamentally. Modification, renewal, refurbishment, addition to the existing infrastructure however, is a continuous process.
- Aged Care is in strong demand within the Hawkesbury area, and is something that Council should consider investigate/facilitate the arrival of, as they are heavy employment generators as well as meeting our ageing population's needs.

RECOMMENDATION TO COMMITTEE:

That:

1. Council undertake a demographic study as a matter of priority.
2. Council interpret and identify the changing population profile and associated needs - then develop strategies to meet those needs through asset management and community planning.
3. Develop a community consultation strategy that will assist Council in developing strategic goals for physical and social infrastructure.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Council undertake a demographic study as a matter of priority.
2. Council interpret and identify the changing population profile and associated needs - then develop strategies to meet those needs through asset management and community planning.
3. Develop a community consultation strategy that will assist Council in developing strategic goals for physical and social infrastructure.

Item: 3 Metropolitan Strategy & Rural Planning Issues

DISCUSSION:

- Councillor Devine declared an interest in this matter, and therefore removed himself from the meeting and discussion surrounding this particular item.
- The Metropolitan Strategy (City of Cities) has been adopted by the NSW Government. This Strategy was not placed on exhibition and public comments were not sought. This is a Government adopted strategy.
- The NSW Government has advised that they will only provide infrastructure for development that is either in, or adjacent to current 'Urban' areas/footprints.
- Council needs to plan for how they will affect the Metro Strategy, and how in fact the Metro Strategy will affect Council.
- The only new areas for urban expansion are the NorthWest and SouthWest Sector Growth Areas, all the land that has been identified in the Metropolitan Development Program and land that Council has already resolved to rezone. These areas are:
 - North Richmond;
 - North Bligh Park/South Windsor;
 - Vineyard;
 - Wilberforce; and
 - Pitt Town.
- Outside the Urban Areas, one quote Council should keep in mind is:

"Resource land not required for urban growth over the next 25 years will be maintained for productive economic activity as they are a critical part of sustainable development in the region."
- One (1) full-time staff member will be required to solely dedicate their time & resources to performing the task of protecting Council's interests with regards to the Metropolitan Strategy.

RECOMMENDATION TO COMMITTEE:

That:

1. Council continue to lobby for the upgrading of the Blacktown-Richmond Road and its capacity for Regional Flood Evacuation.
2. Council continue to lobby for the preservation of the rail corridor to provide for the future extension of the North West Rail line to the Richmond Line.
3. Council continues to participate in subregional planning work and the preparation of the subregional strategies.
4. Council continues to pursue North Richmond, Wilberforce Vineyard and North Bligh Park/South Windsor for future urban development.
5. Council accept the findings of the Rural Resource Lands Study and will seek to implement the actions.

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6. Council request the Department of Planning to refer the Rural Resource Lands Strategy to the Rural Resource Lands Taskforce to incorporate the findings into the appropriate subregional plans.
7. The Mayor pursues the creation of the proposed Mayoral taskforce for the co-ordinated management of the rural and resource lands for the greater metropolitan area.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Council continue to lobby for the preservation of the rail corridor to provide for the future extension of the North West Rail line to the Richmond Line.
2. Council continues to participate in subregional planning work and the preparation of the subregional strategies.
3. Council continues to pursue North Richmond, Wilberforce Vineyard and North Bligh Park/South Windsor for future urban development.
4. Council request the Department of Planning to refer the Rural Resource Lands Strategy to the Rural Resource Lands Taskforce to incorporate the findings into the appropriate subregional plans.
5. The Mayor pursues the creation of the proposed Mayoral taskforce for the co-ordinated management of the rural and resource lands for the greater metropolitan area.

**Item: 4 Strategy Document Identifying State, Regional and other Infrastructure that will
Compliment the City's Needs and Reflects Social & Cultural Needs**

RECOMMENDATION TO COMMITTEE:

That:

1. The draft "Strategy document identifying State, Regional and other infrastructure that will compliment the City's needs and reflects social and cultural needs" be received by the Committee.
2. The Committee review and provide comments on the draft Strategy document.
3. The draft Strategy document be circulated to key Council staff for comments.
4. The Final draft Strategy be prepared considering comments received and submitted to the Committee in September 2006 for endorsement.

MOTION:

RESOLVED on the motion of Councillor Wearne, seconded by Mr Alan Eagle.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The draft "Strategy document identifying State, Regional and other infrastructure that will compliment the City's needs and reflects social and cultural needs" be received by the Committee.
2. The Committee review and provide comments on the draft Strategy document.
3. The draft Strategy document be circulated to key Council staff for comments.
4. The Final draft Strategy be prepared considering comments received and submitted to the Committee in September 2006 for endorsement.

Item: 5 Completion of Strategic Directions to June 2006

RECOMMENDATION TO COMMITTEE:

That:

1. That this information be received.

MOTION:

RESOLVED on the motion of Councillor Wearne, seconded by Mr Brian Lindsay.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. That this information be received.

Item: 6 Council's Strategic Plan and Management Plan

DISCUSSION:

- There is no strategic test against whether the Budget is actually achieving the strategic directions of Council, as there is no ability to do this within the current structure.
- To extract the vision from communities, data about a variety of things is required. These are:
 - a) The history of past strategic planning processes of Council;

ORDINARY MEETING
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- b) An understanding of what the community will be by demographic analysis;
 - c) An understanding of Council's current asset base, by the commencement and completion of an asset management system investigation;
 - d) An understanding of the regional and sub-regional planning issues that will be affecting council, both from the Metropolitan Strategy and the Northwest Growth Area;
 - e) Summation of the current environmental assets and the state of the environment so we can measure whether or not we are going to achieve a vision and change this in the future;
 - f) An understanding of what the community wants and needs from community surveys;
 - g) What the transport issues will be into the future - both locally, sub-regionally and regionally, and finally;
 - h) An understanding of Council's financial position and likely trends for the future.
- It is proposed that for the next six (6) months, that Council's Strategic Planners within the City Planning Division being totally devoted to the preparation of the eight (8) abovementioned studies. Then within the first six (6) months of 2007, devote time to have an intense discussion with the community about what, where & how they want to be in approx. 25 years.

RECOMMENDATION TO COMMITTEE:

That:

1. A process be put in place as outlined above in order to produce by June 2007, a new Strategic Plan for the City.
2. The City Planning Division prepare all necessary reports as outlined above, by December 2006 to support the community consultation necessary to prepare this plan.
3. Progress Reports be made to the Strategic Planning Committee during the preparation of the documentation and the consultation period.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The reported as printed, be further workshopped by Council.

The meeting terminated at 9:00pm.

Remaining 2006 Committee Meeting Dates

Strategic Planning Advisory Committee Thursday, 17 August 2006 at 7pm
Strategic Planning Advisory Committee Thursday, 23 November 2006 at 7pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee Meeting - 21 June 2006 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 21 June 2006, commencing at 3.00pm.

ATTENDANCE

Present:	Councillor B Bassett (Chairman) Mr R McHenery, Roads and Traffic Authority Mr J Christie, Office of Mr A Shearan, MP Mr T O'Brien, Office of Mr S Pringle, MP
Apologies:	Senior Constable G Crawford, NSW Police Service Mr R Elson, Department of Transport
In Attendance:	Mr C Amit, Manager Design & Mapping Services Mrs J Hogge, Road Safety Programme Co-ordinator Mr T Shepherd, Administrative Officer, Infrastructure Services

SECTION 1 - Minutes

Item 1.1 Minutes of Previous Meeting

The minutes of the meeting held on 17 May 2006 were confirmed.

Item 1.2 Business Arising

Nil Business Arising

SECTION 2 - Reports for Determination

ITEM 2.1 LTC - 21 June 2006 - Item 2.1 - Extension of Bus Zone - Windsor Street, Richmond (Hawkesbury) - (80245, 81301)

REPORT:

Introduction:

Representations have been received from Westbus Pty Ltd requesting that consideration be given to increasing the length of the existing bus zone in Windsor Street, Richmond, located on the northern side, east of the Bosworth Street intersection. When vehicles are parked in the 1 hour parking zone, buses cannot manoeuvre into the bus zone due to the concrete splitter island on the approach side to the bus zone. This results in the tail end of the bus protruding into the travelling lane during the pick up and drop off of passengers. Increasing the length of the Bus Zone will enable the buses to manoeuvre fully into the bus zone.

Discussion:

Windsor Street is a local distributor road in Richmond. This Bus Zone is located on the northern side of Windsor Street, east of Bosworth Street intersection and at the departure end of the roundabout.

As the Bus Zone is situated in close proximity of the roundabout, at the approach side of the Bus Zone there is a concrete splitter island. The Bus Zone is located 1m away from the concrete splitter island. The departure side of the Bus Zone joins the One Hour Parking zone. Therefore the Bus Zone is considered to be in Mid Block as per it's orientation.

The existing Bus Zone is approximately 18.9m long. In accordance with RTA Guidelines the minimum length required for a mid block Bus Zone is 27m. Therefore the length of the existing Bus Zone is not adequate for a 12.5m long standard size bus to make entry and exit manoeuvres.

It is proposed to increase the length of the existing Bus Zone to a length of 27m. The required extension length of 8.1m can be achieved from reducing the adjoining 103.7m long One Hour Parking zone. The total existing length of One Hour Parking in Windsor Street, between Bosworth Street and West Market Street, is 307m. Therefore a reduction of 8.1m of One Hour Parking will not have a major impact on the parking capacity of this section of road.

RECOMMENDATION:

That:

1. the length of the existing Bus Zone in Windsor Street on the northern side, east of Bosworth Street as indicated in Drawing No.TR011/06, be increased to 27m.
2. the adjoining 103.7m One Hour Parking zone be reduced to 95.6m.

APPENDICES:

AT - 1 Bus Stop - Windsor Street, Richmond - Drawing No. TR011/06

APPENDIX 1 - Bus Stop - Windsor Street, Richmond - Drawing No. TR011/06

**To view this image,
Please refer to the separate
Attachments Document (Maps)**

**ITEM 2.2 LTC - 21 June 2006 - Item 2.2 - Bridge to Bridge Water Ski Classic, November 2006
(Hawkesbury) - (80245, 74204)**

REPORT:

Introduction:

An application has been received from NSW Water Ski Federation Ltd, seeking approval to conduct the Bridge to Bridge Water Ski Classic on Saturday 25 and Sunday 26 November 2006.

Documents submitted with the application are contained in attached Appendix 1 (Dataworks Document No. 2222553)

The Bridge to Bridge Water Ski Classic is an annual water ski racing event along the Hawkesbury River extending from Brooklyn to Governor Phillip Reserve, Windsor.

Event Schedule:

Saturday, 25 November 2006: 8.00am - 5pm

Starting at Sackville Ski Gardens and finishing at Governor Phillip Reserve, Windsor

Sunday, 26 November 2006: 6.00am - 8.00pm

Starting at Danger Island Brooklyn and finishing at Governor Phillip Reserve, Windsor

In addition to traffic management issues, exclusive use of Governor Phillip reserve is required by the applicant and this latter aspect requires Council approval. In the interests of effective administration, this matter will be dealt with as a joint report to Council via the Local Traffic Committee.

Traffic Management Issues

The NSW Water Ski Federation has informed the following in respect of this event:

a) Affected streets are:

George Street, Windsor – between Bridge Street and Palmer Street from around 6.00am
Arndell Street – Full length from around 6.00am
Palmer Street – Full length from around 6.00am
North Street – Full length from around 6.00am
Court Street – Full length from around 6.00am

- b) The effect on traffic is not expected to be significant and road closures that were used in year 2000 and earlier have not been requested, as they are not deemed necessary.
- c) It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road compared to the normal traffic during weekends.
- d) As no road closures will be in place, there will be little effect on traditional afternoon peak hour southeast bound traffic on Windsor Road.
- e) This annual event has been held for the past forty years and the Association is expecting approximately 1000 spectators on the Saturday and 2000 spectators on the Sunday at the finish venue in Windsor.
- f) Parking will be at Governor Phillip Reserve with additional parking at Tebbutts Observatory for any additional overflow.

- g) Parking is available for approximately 4000 vehicles.
- h) Emergency vehicles will be allowed access at all times.

The Ski Association is seeking Council / RTA approval for the suspension of the following Ferry Services on 26 November 2006:

Wisemans Ferry	11.15am – 11.45am
Webbs Creek Ferry	11.15am – 11.45am
Lower Portland Ferry	8.30am – 1.00pm
Sackville Ferry	8.30am – 1.00pm

Discussion:

Traffic Issues

Even though this event will be held along the Hawkesbury River and in the Governor Phillip Reserve, the event and the spectators travelling to and from the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street and in particular the local roads such as George Street and Court Street as well as the Ferry services. It would be appropriate to classify the event as a “**Class 1**” special event under the “Traffic Management for Special Events” guidelines issued by the Roads & Traffic Authority given that perceived impact.

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service. A Traffic Management Plan (TMP) and an associated Traffic Control Plan (TCP) should be submitted to Council and the RTA for acknowledgement as this is a **Class 1** event.

Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services are under the care and control of the RTA and hence, RTA approval is to be sought directly by the event organiser for the suspension of ferry services maintained by them.

Governor Phillip Reserve

The NSW Water Ski Association has requested exclusive use of Governor Phillip Reserve on 25 & 26 November 2006 to conduct the annual Bridge to Bridge Water Ski Classic. The applicant has not advised of an alternate date in the event of inclement weather.

This event has been held for the past 40 years and attracts interstate entrants and it is within delegation of Council to grant exemption to Waterways noise restrictions,

This application complies with Council policies applicable to this event, namely:

1. The main event is limited to noise level of 100dB(A), with a tolerance of ± 3 dB(A).
2. The proposed Nipper Class, Wakeboarding and any personal Watercraft are limited to 95dB(A).
3. This particular event enjoys exclusive use on the Saturday & Sunday, as well as the evening of the preceding Friday. Due to the scale of the event, the applicant is seeking use of the Reserve during daylight hours on the Friday to facilitate set-up.

RECOMMENDATION:

A. Traffic Management

That:

1. The event planned for 25 - 26 November 2006, be classified as a **"Class 1"** special event under the "Traffic Management for Special Events" guidelines issued by the RTA.
2. The event organiser obtains approval from the RTA as this is a "Class 1" event.
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.3) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
5. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- a) the event organiser obtaining approval to conduct this event, from the NSW Police Service, **a copy of the Police Service approval be submitted to Council;**
- b) the event organiser **submitting a Traffic Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- c) the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Regulation 2000; (information for event organisers about managing risk is available on the Department of Tourism, Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- d) the event organiser obtains a copy and becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.3) which explains the responsibilities of the event organiser in detail. This publication is available on the RTA's website at http://www.rta.nsw.gov.au/trafficinformation/downloads/tmc_specialevents_dl1.html
- e) the event organiser **submitting to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 with Council and the Roads & Traffic Authority's interest noted on the Policy;** this Policy is to provide cover in relation to all aspects of traffic management as well as event activities within the Reserve;
- f) all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity;
- g) the event organiser obtaining the relevant approval to conduct this event from the Waterway Authority; **a copy of this approval be submitted to Council;**
- h) the event organiser notifying the details of the event to NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event;

- i) appropriate advisory signs and traffic control devices be placed after all the required approvals are obtained from the relevant authorities, during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA in accordance with the submitted TMP and associated TCP;
- j) the event organiser directly notifying relevant bus companies, tourist bus operators and the taxi companies operating in the area and all the residence and business affected by the event at least two weeks prior to the event;
- k) access being maintained for businesses, residents and their visitors;
- l) a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles; and,
- m) the applicant undertaking a letter drop to all affected residents and businesses in proximity to the event, with that letter advising full details of the event;
- n) the applicant contacting the Council's Construction and Maintenance Section three weeks prior to the event with regard to the suspension of Lower Portland Ferry services maintained by Council;
- o) the event organiser submitting the completed "Special Event - Traffic Final Approval form to Council

During the event:

- p) access being maintained for businesses, residents and their visitors;
 - q) all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
 - r) in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
 - s) all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity;
 - t) advise all adjoining Councils such as Gosford, Baulkham Hills, Hornsby of this event and in particular the ferry closures;
6. That the applicant seek RTA approval for suspension of Wisemans Ferry, Webbs Creek and Sackville Ferry Services; no objection is held to the suspension of the Lower Portland Ferry Service; suspension of the ferry services is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Roads & Traffic Authority:
- a) Advertising of the proposed event being undertaken at the expense of the NSW Water Ski Federation in Sydney and Local newspapers, two weeks prior to the event, in relation to :
 - traffic impact and delays,
 - exclusive use of Governor Phillip Reserve,
 - timings of suspension of ferry services,
- such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- b) signs be erected at the Ski Federation's cost in locations indicated in the approved Traffic Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- c) safety precautions as previously established are to be placed at all ferry locations, such to include a boat and crew downstream from each ferry with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and ferry vessel, such procedures are to be implemented to the satisfaction of the Waterways Authority and Hawkesbury City Council; and,
- d) the Transport Management Centre, Roads & Traffic Authority be authorised to alter ferry suspension times if necessary.

B. Governor Phillip Reserve

1. That approval be granted to the NSW Water Ski Association for exclusive use of Governor Phillip Reserve on Saturday and Sunday 25-25 November 2006, subject to compliance with the following conditions:
 - (a) The applicant paying per day the exclusive use contribution rate, plus the toilet cleaning charge, applicable at the time of the event;
 - (b) The reserve being left clean and tidy with the applicant being responsible for the disposal of all waste from the reserve;
 - (c) The applicant obtaining appropriate licences from the Waterways Authority regarding conduct of this event;
 - (d) If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event;
 - (e) The applicant obtaining all necessary permits/approvals in relation to amusement devices/rides including Integral Energy regarding the supply of power to devices/rides and their proximity to power supply lines;
 - (f) Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officers, on direct line 4560 4571;
 - (g) The applicant lodge a damage bond applicable at time of event.
2. That the applicant be allowed use of the Reserve on Friday, 24 November, 2006 to facilitate set-up;
3. In relation to noise levels, that the noise level of 100dB(A) with a tolerance of 3dB(A) be supported;
4. The proposed Nipper Class, Wakeboarding and any personal Watercraft be limited to 95dB(A);
5. As the applicant has not advised of an alternate date in the event of inclement weather, the Manager of Parks & Recreation be granted delegated authority to negotiate exclusive use on an alternate date, if required by the applicant.

APPENDICES:

- AT - 1** Special Event Transport Management Plan Template - (Dataworks Doc No. 2222553) - *Not Attached.*

ITEM 2.3 LTC - 21 June 2006 - Item 2.3 - Endurance Horse Ride 2006 - Upper Colo Reserve (Hawkesbury) - (80245, 85005)

REPORT:

Introduction:

An application has been received from Zone One of NSW Endurance Riders Association (Webbs Creek) to conduct an Endurance Horse Ride on 10 September 2006, utilising Upper Colo Reserve as a base area.

Event Schedule

Ride 1: 80 Kilometres (Leg 1 and Leg 2)
Ride 2: 30 Kilometres (Leg 2)
Ride 3: 20 Kilometres (Part of Leg 2)
Refer to Appendix 1 - Drawing No. TR010/06

Route for the Rides

Leg 1 - 50 Kilometres

Start Upper Colo reserve (Ride Base) cross Colo River, travelling along Upper Colo Road, Under Singleton Road, Lower Colo Road and turning around before West Portland Road,
Travel back along Lower Colo Road, under Singleton Road, Upper Colo Road to Wheeny Creek Valley,
Travel through the Wollemi National Park to Comleroy Road,
Travel along Comleroy Road down to Upper Colo Road junction,
Cross the Colo River into the Upper Colo Reserve (Ride Base).

Leg 2 - 30 Kilometres

Start Upper Colo Reserve (Ride Base) cross the Colo River travel along Upper Colo Road,
Turn left and travel through the Wollemi National Park to Mountain Lagoon,
Travel along Sams Way, Mountain Lagoon Road up to Comleroy Road,
Travel along Comleroy Road down to Upper Colo Road junction,
Cross the Colo River into the Upper Colo Reserve (Ride Base).

Route Diversion

In the event of a flood, riders will use the Timber Bridge to cross the Colo River and travel along Hulbert Road.

Road Inventory

Upper Colo Road - Unsealed & Sealed
Lower Colo Road - Unsealed
Comleroy Road - Unsealed
Mountain Lagoon Road - Unsealed
Sams Way - Unsealed

The Zone One of NSW Endurance Riders Association has indicated that there will be approximately 100 participants for the whole event. This event will be a Time Trial starting at 5.00am and scheduled to finish at 3.00pm.

Discussion:

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

The event organiser has submitted the following items in relation to this event, see Appendix 2 (Dataworks Document No. 2216089)

- i. Details of the Special Event - Traffic Template.
- ii. The RTA Transport Management Plan Template.
- iii. The Public Liability Insurance to the value of \$20,000,000. However this policy does not cover the interests of Council and RTA.

It will be necessary for the event organiser to lodge an application seeking approval to conduct the event with the NSW Police Service. A Traffic Control Plan (TCP) showing the traffic control procedures to be submitted to Council for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation. The TMP and the associated TCP should be submitted to the RTA through the RTA representative to the LTC for authorisation due to the proposed use of bridges.

Reserve Matters:

A copy of the correspondence forwarded by Council to the event organiser, Zone One of NSW Endurance Riders Association is attached as Appendix 3 (Dataworks Document No. 2241183)

RECOMMENDATION:

That:

1. The event planned for 10 September 2006, be classified as a "Class 2" special event under the "Traffic Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.3) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- a. the event organiser obtaining approval to conduct this event, from the NSW Police Service; **a copy of the Police Service approval be submitted to Council;**
- b. the event organiser **submitting a Traffic Management Plan (TMP) for the entire route incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- c. the event organiser **submitting to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 with Council and the Roads & Traffic Authority's interest noted on the Policy;** this Policy is to provide cover in relation to all aspects of traffic management as well as event activities within the Reserve;
- d. the event organiser advertising the event in the local press stating the entire route of the event and the traffic impact / delays due to the event two weeks prior to the event; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);

ORDINARY MEETING
Reports of Committees

- e. the event organiser notifying the details of the event to NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event;
- f. the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the event at least two weeks prior to the event;
- g. the event organiser obtaining approval from the National Parks and Wildlife Service (Department of Environment and Conservation) for the use Wollemi National Park;
- h. the event organiser assessing the risk and addressing the suitability of the entire route as part of the risk assessment considering the possible risks for all participants travelling on winding, narrow, uneven gravel roads with steep roadside embankments and sharp bends; This assessment should be carried out by visual inspection of the route by the event organiser prior to preparing the TMP and prior to the event;
- i. the event organiser carrying out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and designing and implementing a risk elimination or reduction plan in accordance with the Occupational Health and Safety Regulation 2000; (information for event organisers about managing risk is available on the Department of Tourism, Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- j. the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council;

During the event:

- k. access being maintained for businesses, residents and their visitors;
- l. a clear passageway of at least 4 metres width being maintained at all times for emergency vehicles;
- m. all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- n. the riders are aware of and are following all the general road user rules whilst riding on public roads;
- o. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
- p. the competitors and participants be advised of the traffic control arrangements in place prior to the commencement of the event; and,
- q. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately on completion of the activity.

APPENDICES:

- AT - 1** Zone One Endurance Horse Ride - Overview Plan No. TR010/06
- AT - 2** Special Event Transport Management Plan - (Dataworks Document No. 2216089) - *Not Attached*
- AT - 3** Correspondence forwarded by Council to event organiser (Dataworks Document No.2241183) - *Not Attached*

APPENDIX 1 - Zone One Endurance Horse Ride - Overview Plan No. TR010/06

**To view this image,
Please refer to the separate
Attachments Document (Maps)**

SECTION 3 - Reports for Information

Nil Reports for Information

SECTION 4 - General Business

ITEM 4.1 LTC - 21 June 2006 - Item 4.1 QWN (80245)

Mr J Christie

REPORT:

Mr J Christie advised of representations received regarding traffic conflict at the intersection of Grose Vale Road/Terrace Road/Bells Line of Road, North Richmond arising from:

- (a) vehicles turning east from Grose Vale Road onto Bells Line of Road conflicting with vehicles having advanced too far into the right turn holding bay from Bells Line of Road north-bound onto Terrace Road; and
- (b) vehicles wishing to access the right-turn holding bay on Bells Line of Road to undertake north-bound manoeuvre onto Terrace Road having to cross barrier line into east-bound lanes to access the holding bay due to queued traffic.

Councillor B Bassett indicated that east-bound vehicles on Bells Line of Road were not fully utilising the two lanes through the intersection, believed primarily due to short kerb-side lane length west of Grose Vale Road/Terrace Road compounded by short merge lane length east of Grose Vale Road/Terrace Road and before the bus zone; further extended traffic delays were being experienced by west-bound traffic on Bells Line of Road approaching the traffic signals at Grose Vale Road/Terrace Road believed primarily due to the parking zone situated at the shops mid-block between Pitt Lane and Grose Vale Road.

RECOMMENDATION:

That all issues be forwarded to the Roads & Traffic Authority for investigation and advice.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on 19 July 2006 at 3.00pm in the Large Committee Room.

The meeting terminated at 3.55pm.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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