



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 10 July 2007

location: council chambers

time: 5:00 p.m.



mission  
statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

### **Public Participation**

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

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

### **A Point of Interest**

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

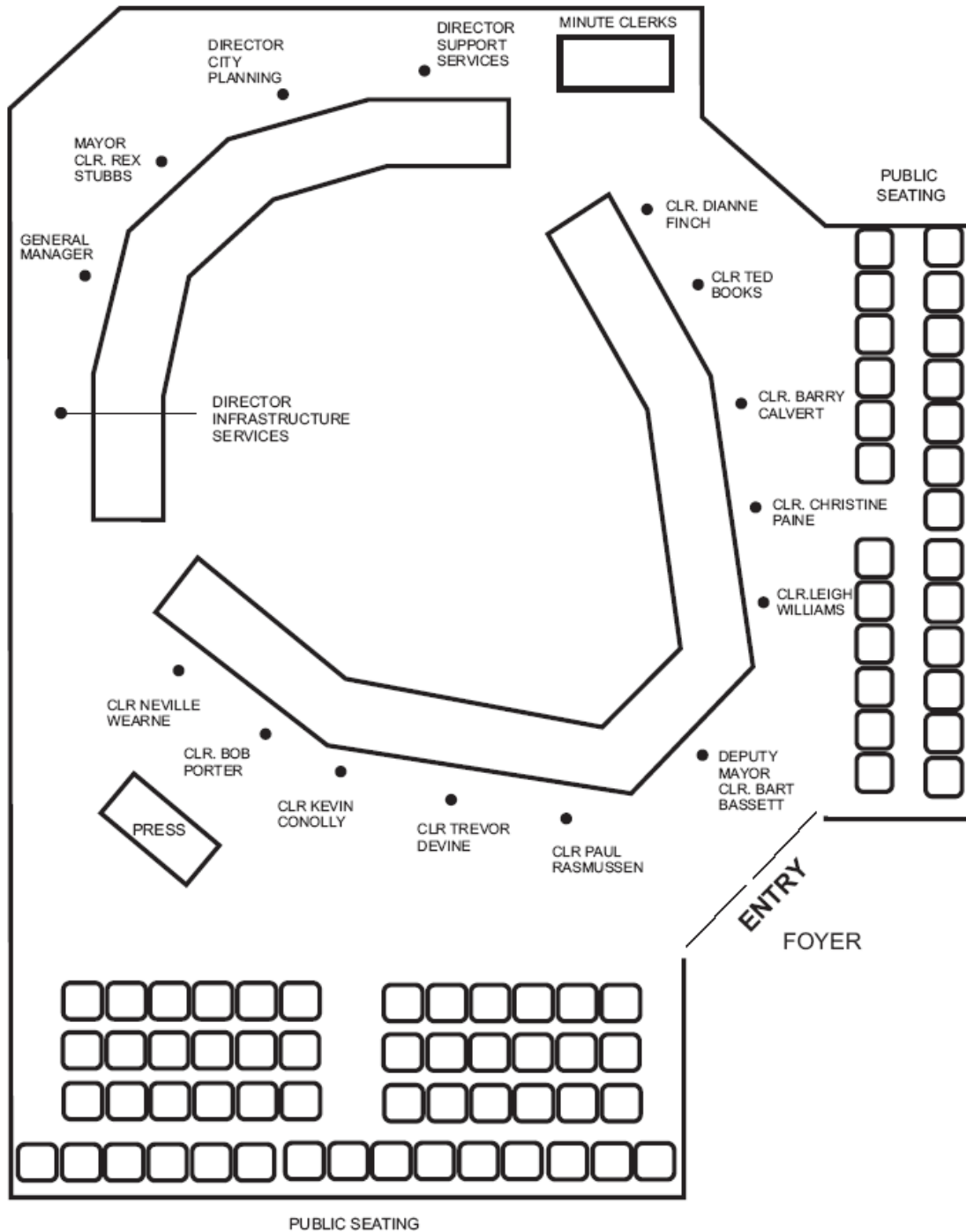
### **Website**

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au).

### **Further Information**

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

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- **SECTION 3 - Notices of Motion**
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**Acting General Manager  
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Infrastructure Services  
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**SECTION 3 - Notices of Motion**

**NM1 - Closure of the University of Western Sydney, Blacktown Campus - (80093, 79541, 107)**

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**Submitted by:** Councillor B Calvert

**NOTICE OF MOTION:**

That Council views with great concern the recently announced closure of the University of Western Sydney (UWS) Blacktown Campus.

Given the important strategic value of the UWS Hawkesbury Campus to our City, Council request that the UWS Board and the Federal Minister for Education provide this Council with a reassurance about the projected future of the UWS Hawkesbury Campus.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

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Notices of Motion

**NM2 - Amendment of Council's Code of Meeting Practice in Relation to Questions Without Notice -  
(90480, 107)**

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**Submitted by:** Councillor T Books

**NOTICE OF MOTION:**

That a report be submitted to Council in relation to amendments necessary to Council's Code of Meeting Practice in order to introduce an appropriate limitation to the number of Questions Without Notice that can be raised by each Councillor at a meeting and to ensure that such questions are of an urgent or necessary nature rather than raising routine matters that should be referred directly to staff for consideration and/or response.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**



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**SECTION 4 - Reports for Determination**

**ACTING GENERAL MANAGER**

**Item: 127            AGM - Frontline Management Course (Certificate IV and Diploma) - (79355)**

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**REPORT:**

The purpose of this report is to inform Council of an initiative taken during 2006/2007 to offer existing staff the opportunity to undertake a Business Certificate IV or Diploma qualification in Frontline Management course enabling them to gain a nationally recognised qualification to develop their leadership skills with associated costs, excluding "in-kind" costs, being externally funded.

**Objective**

The objective of this action was to allow existing staff (without a qualification) the opportunity to complete a management qualification by using a combination of face to face training, on the job learning activities, self-paced workbooks, coaching and personal action plans. This not only provided staff with increased qualifications but was of benefit to Council in improving the skills available to the organisation from those staff.

**The Program**

Staff were nominated and mentored by their Supervisor/Manager who supported and worked with them during the course by signing off on their observable behaviours checklist.

The program was developed and presented by the Australian Institute of Workplace Learning Group and the course was customised to Council's work environment to ensure relevance to their day to day work. Eight subjects were completed for the Certificate IV students including:

- Work priorities
- Workplace relationships
- Team effectiveness
- Operational Plans
- Monitoring a safe workplace
- Customer Service
- Workplace Information Systems
- Develop teams and individuals

The Diploma students are also completing a further three subjects covering:

- Managing people
- Managing projects
- Managing budgets and financial plans

All participants attracted federal funding through an existing worker traineeship program with the WSROC New Apprentice Centre and were supported by Council, in-kind, with time off to attend the various course modules, whilst at the same time the staff involved committed to studying and completing the various assignments in their own time.

The staff who completed the Certificate IV recently gave a presentation to Management expressing their appreciation and sharing their learning outcomes.

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**Project Outcomes**

1. Nine staff successfully completed the Certificate IV in May 2007.
2. Four staff will complete the Diploma in October 2007.

It is proposed that appropriate avenues will be explored, including the possible utilisation of appropriate TAFE courses, to enable similar programs to be made available for the development of staff in the future as it is considered that the current program has been very successful.

**Conformance to Strategic Plan**

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

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

**Funding**

The project was externally funded and had no budgetary implication.

**RECOMMENDATION:**

That the information be received.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 128            AGM - Waste 2007, Australia's Premier Waste Management Conference, 16-19 October 2007 - (79351)**

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**REPORT:**

The Waste 2007 Conference will be held 16-19 October 2007 in Coffs Harbour, NSW. The Conference will feature keynote presentations, streamed sessions, skills development, case studies, field trips, workshops and a trade exhibition.

The main theme of the Conference is 'Skills, Knowledge, Networks!'. Session themes will be used in concurrent sessions to provide a wide range of focussed issues such as:

- Organics;
- Alternative Waste Technologies;
- Buy Back Centres;
- Regional Cooperation; and
- Litter and Illegal Dumping.

Skills development session will cover issues such as:

- Industrial Relations;
- Contract Development and Management;
- Landfill Management and Planning; and
- Team Building and Motivation.

Cost of attendance at the Waste 2007 Conference would be approximately \$1,800.00 plus travel expenses, per delegate.

Budget for Delegate Expenses - payments made:

- |   |             |
|---|-------------|
| • Total Budget for Financial Year 2007/2008 | \$50,000.00 |
| • Expenditure to date                       | \$0.00      |
| • Budget balance as at 3/7/07               | \$50,000.00 |

**Conformance to Strategic Plan**

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

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

**Funding**

Funding for this proposal will be from the Delegates Expenses Budget.

**RECOMMENDATION:**

That attendance of nominated Councillors, and staff considered appropriate by the Acting General Manager, at the Waste 2007 Conference, to be held 16-19 October 2007 in Coffs Harbour, NSW at a cost of approximately \$1,800.00 plus travel expenses, per delegate be approved.

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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 129            AGM - Policy Review - Proposed Updated Sister City Program Policy - (79351, 73610)**

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**REPORT:**

Council is currently in the process of reviewing all of its policies and suggesting changes to those that may be out of date, superseded or require rewording due to new circumstances, guidelines or regulations.

This report covers the deletion of three current policies in the Council's policy register regarding the Sister City Program and recommends they be amalgamated, deleting any unnecessary information.

The current policies are as follows:

**(a)    *Hawkesbury Sister City Association***

*Hawkesbury Sister City Association was established in 1983 to:*

- 1)    promote international understanding at all levels of the local community on a continuing long term basis, with Temple City, California, Tamba, Japan and with any other sister cities, as determined from time to time, by the Association and Hawkesbury City Council.*
- 2)    develop sporting, youth and cultural exchange programmes to people of all ages and walks of life within the City of Hawkesbury and its Sister Cities as determined in (1).*

**(b)    *Sister Cites Donations***

*Both Tamba, Japan and Temple City, USA student exchange programs be financially supported per year.*

*6 (six) students from each exchange program be given \$500.00 (five hundred dollars). Amount totalling \$6,000.00 (six thousand dollars).*

**(c)    *Sister City - Staff Exchange***

*Hawkesbury City Council staff are able to participate in a staff exchange program established between Hawkesbury and Tamba, Japan, by the Hawkesbury Sister City Association. Only one member of staff will be exchanged each year. Council will not necessarily undertake an exchange each year. Any staff member selected to participate in this program will need to undertake the Sister City Training Program in their own time.*

The suggested new policy below reflects the changes that have taken place over the last 10 years:

**Sister City Program Policy**

*"Hawkesbury City Council in implementing its Corporate Plans undertakes a Sister City Program, to develop networks of communication between the cities of the world through understanding and friendship and the International Sister City Movement.*

*That Council pursue its Sister City Program with its existing two sister cities being Temple City, California (USA) and Kyotamba, Kyoto (Japan), and any other sister city partnerships from time to time as adopted by Council:*

- (a)    in accordance with a Sister City Agreement with each sister city (supported by Exchange Action Plans); and*

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- (b) *in accordance with an executed Sponsorship Agreement with the Hawkesbury Sister City Association, as required by Council's Sponsorship Policy (adopted 13 March 2007).*

*That the Sister City Program include provision for culture, sport and youth exchanges, and:*

- (a) *A Hawkesbury Sister City Association - Contribution. That Council make annual funds available to the Hawkesbury Sister City Association (established 1983) to undertake certain Sister City Program activities on behalf of Council, including student exchange and adult exchange activities.*
- (b) *A Student Exchange activity - Contribution. That Hawkesbury high school students participating in an annual exchange visit to Temple City or Kyotamba be given \$500 each towards expenses. Maximum 12 students per year (up to \$6,000), being up to six students visiting Temple City and up to six students visiting Kyotamba. Selection process to be undertaken by Hawkesbury Sister City Association."*

**Conformance to Strategic Plan**

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

*"Strategic Direction: develop partnerships and regional networks and implement strategies for community engagement."*

**Funding**

Funding for this program is reviewed annually as part of the Management Plan exhibition process.

**RECOMMENDATION:**

That:

1. The current sister city policies entitled: Hawkesbury Sister City Association, Sister Cities Donations, Sister City - Staff Exchange be archived.
2. The new Sister City Program Policy, as detailed in the report, be adopted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



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**Item: 130            AGM - Great Australian Bushwalk Partnership Proposal - (79351, 79356)**

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**REPORT:**

The National Parks Association of NSW (NPA), a non-profit organisation which lobbied for the instigation of the State Government funded National Parks and Wildlife Service, is inviting councils across the State to join in a partnership program of the premier nation-wide "Great Australian Bushwalk". The main aim of the program is to encourage local communities to try bushwalking, engage with other members of the community and enjoy our spectacular natural environment.

Since 2003, the Great Australian Bushwalk has promoted bushwalking and healthy outdoor recreation. On Sunday, 9 September 2007, the Great Australian Bushwalk will feature 3000 + walkers and 120 + free guided walks across all Australian States and Territories.

The NPA invites the Council to become the "Official Local Supporter" of this event in the Hawkesbury in an attempt to increase the events profile and community participation. It is proposed that association with the Great Australian Bushwalk would enhance the Council's community recreation program, highlight the importance of conservation issues and the promotion of natural landscapes in the local area.

The Association asks in return for assistance with distribution of promotional flyers, event promotion on the Council's website, distribution of media releases and inclusion in any regular newspaper columns.

In order to be a part of this program the Association requires permission to use Council's logo to promote the activities of the event.

**Conformance to Strategic Plan**

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

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

**Funding**

There are no additional funding implications as a result of this recommendation. Publicity and promotion work would be undertaken within normal staff hours by Corporate Communication staff.

**RECOMMENDATION:**

That Council:

1. Support the Great Australian Bushwalk program of the National Parks Association of NSW, through various promotional and publicity activities.
2. Permit the use of the Council's logo on any promotional material produced as a result of this program's publicity campaign.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**CITY PLANNING**

**Item: 131**      **CP - Animal Establishment - Boarding Kennels and Cattery Facility - Lot 3, DP8714 - 50 Jordan Avenue, Glossodia - (DA0263/07, 95498, 96329, 87634)**

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**Development Information**

**Applicant:** Bellbay Pty Ltd  
**Owner:** Bellbay Pty Ltd  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan 2002  
**Area:** 7.83ha  
**Zone:** Hawkesbury Local Environmental Plan 1989  
Mixed Agriculture  
**Advertising:** 29 May 2007 to 21 June 2007  
**Date Received:** 14 May 2007

**Key Issues:**

- ◆ Noise and Odour
- ◆ Amenity and character
- ◆ Effluent Disposal

**Recommendation:** Approval

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**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 with pre-cast concrete panel walls and colorbond coated steel roof. It is proposed to provide acoustic treatment within these buildings. 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 approximately 370sqm with an enclosing veranda of 177sqm.
- 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 60.5sqm with surrounding veranda of 78sqm.
- Construction of a cattery building "Cats" containing 25 cat enclosures. Colorbond coated steel is proposed as the external wall and roofing material and this building is to have an area of 69sqm with veranda of 53sqm.
- 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 153sqm inclusive of loading area/store and is to include verandas of 79sqm.
- Provision of six fenced exercise areas.

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- Construction of vehicular access driveway and provision of six car parking spaces, three of which are to be available for staff and three spaces for 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 3.45 to 5.0m.

The existing landscaping situated on the site will remain generally intact. A landscape masterplan, prepared by Fiona Robbe, has been submitted in conjunction with the application detailing the provision of boundary screen planting along the Jordan Avenue frontage of the site and along the eastern and western (side) boundaries of the site. Screen planting is also proposed to surround the buildings and acoustic fencing associated with the animal establishment in addition to avenue tree planting along the vehicle access driveway to the facility. 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***

Development Application No. DA0300/04 was received by Council on 29 March 2004. This application was considered by Council at its Ordinary Meeting held on 11 July 2006 where it was resolved to refuse the application for the following reasons:

- "1. The significant adverse impact on the existing amenity;*
- 2. Contrary to the zone objectives of the area;*
- 3. Contrary to sound town planning practices;*
- 4. Concerns of increase in odour and noise;*
- 5. Not in keeping with the existing rural character;*
- 6. Significant impact on property values;*
- 7. Cumulative effect of having two of these facilities in close proximity to each other; and*
- 8. Establishment of this facility would set an undesirable precedent for the area."*

A Notice of Determination detailing the reasons for refusal was subsequently forwarded to the applicant on 14 July 2006.

#### ***Land and Environment Court Proceedings No. 10710 of 2006***

A Class 1 Appeal under Section 98 of the Environmental Planning and Assessment Act, 1979, as amended, was made to the Land and Environment Court (Appeal No. 10710 of 2006) against Council's refusal of Development Application No. DA0300/04 for an animal establishment - boarding kennels and cattery facility.

### Statement of Issues

A Statement of Issues was prepared in conjunction with Land and Environment Court Proceedings No. 10710 of 2006 being detailed as follows:

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*Issue 1*

*Whether the proposed development satisfies the objective contained within Zone No. 1(b) Rural B of Hawkesbury Local Environmental Plan 1989 requiring that development maintain the rural character of the locality.*

*Particulars:*

*The details submitted in conjunction with the application have not demonstrated that the proposal will maintain the rural character of the locality. In this regard the development is considered inconsistent with the established character having regard to:*

- (a) visual impact;*
- (b) noise generation.*

*Issue 2*

*Whether the proposal will contribute to a reduction in the existing level of amenity available to adjoining properties.*

*Particulars:*

*The details submitted in conjunction with the application have not satisfactorily addressed the following:*

- (a) noise generation;*
- (b) odour emission.*

*Issue 3*

*Whether the cumulative impact of the proposed development and that associated with the existing animal establishment situated on adjacent land has been adequately considered.*

*Particulars:*

*The proposed animal boarding facility is situated in close proximity to an existing animal establishment thereby having the potential to magnify existing impacts. Inadequate details have been submitted relating to the potential cumulative noise and odour impact taking into account the intervening topography, prevailing meteorological conditions and other facts affecting the extent of noise and odour emission to nearby receivers.*

*Issue 4*

*Whether the application should be approved given matters raised by objectors.*

**Current Position of Appeal Proceedings**

It is noted that during the course of Proceedings No. 10710 of 2006 Council raised the requirement for an Environmental Impact Study following the decision of the Supreme Court of New South Wales - Court of Appeal in *Residents Against Improper Development & Anor v Chase Property Investments Pty Ltd (2006) NSWCA 323*.

Following this decision the Minister of Planning gazetted the *Environmental Planning and Assessment Amendment (Designated Development) Regulation 2007* on 1 March 2007. The amendment to Clause 4(4) of the Environmental Planning and Assessment Regulation was not retrospective. In order to take advantage of the *Environmental Planning and Assessment Amendment (Designated Development) Regulation 2007* and to minimise further delays Development Application No. DA0263/07 was submitted to Council on 15 May 2007.

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On 6 July 2007 the applicant will seek by Notice of Motion to vacate the hearing dates set down for the appeal and discontinue the proceedings.

***Development Application No. DA0263/07***

Development Application No. DA0263/07 was lodged with Council on 14 May 2007 and represents substantially the same development as lodged with the Land and Environment Court in conjunction with Proceedings No. 10710 of 2006. The consideration of this application forms the basis of this planning report.

**Expert Reports**

In conjunction with the preparation for the Land and Environment Court Proceedings the following reports have been prepared:

- (a) PKA Acoustic Consulting Report (7 December 2005) - Applicant's Acoustic Consultant
- (b) Wilkinson Murray Acoustic Report (15 December 2006) - Court Appointed Acoustic Consultant
- (c) KN Planning Pty Ltd Report (18 December 2006) - Court Appointed Town Planning Expert
- (d) Renzo Tonin & Associates Acoustic Report (17 January 2007) - Applicant's Acoustic Consultant
- (e) Lanfax Laboratories Report (16 April 2007) - Council's Wastewater Engineer
- (f) Holmes Air Sciences Report (December 2006) - Applicant's Environmental Scientist
- (g) Martens & Associates Wastewater Management Report (11 June 2007) - Applicant's Wastewater Engineer

The findings contained in these reports are considered in the assessment of the subject application.

***Land and Environment Court Proceedings No. 10589 of 2007***

A new Class 1 Appeal, Proceedings No. 10589 of 2007, have been filed with the Land and Environment Court on 26 June 2007 against Council's deemed refusal of the subject application. On 6 July 2007 the applicant sought by Notice of Motion that the Court Appointed Experts Mr Kerry Nash and Mr Neil Gross be retained in conjunction with Proceedings No. 10710 of 2006 as the Court Appointed Town Planning and Acoustic Expert respectively for the new appeal proceedings.

In addition, the applicant sought leave to rely upon updated expert reports by Dr Daniel Martens and Dr Kerry Holmes in respect of wastewater and odour assessment.

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**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:

<b>Section 79C “Matters for Consideration” Comments</b>	<b>Section 79C “Matters for Consideration” Comments</b>
<b>Section 79C (1) (a)(i) – Provisions of any environmental planning instrument</b>	See discussion on “HLEP 1989” and SREP No. 20 in this report.
<b>Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument</b>	<b>THERE ARE NO DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS THAT APPLY TO THE SUBJECT LAND.</b>
<b>Section 79C (1) (a)(iii) – Provisions of any development control plan</b>	<b>REFER TO DISCUSSION ON HAWKESBURY DCP 2002 IN THIS REPORT.</b>
<b>Section 79C (1) (a)(iii) – Provisions of the regulations</b>	None applicable.
<b>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</b>	(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.
<b>Section 79C (1) (c) – the suitability of the site for the development</b>	<b>Physical</b> - The site is of sufficient area and does not contain significant environmental constraints therefore is considered suitable for the proposed development.
<b>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</b>	The application was on public exhibition from 29 May until 21 June 2007. During that time a total of 13 submission were received.

**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. Should the proposed development be 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 and that suitable consideration has been given to the requirements of this planning instrument.

**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; and*
- (b) by encouraging the identification of areas of core koala habitat; and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones."*

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 proposed animal establishment.

- 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 have an adverse 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 proposal does not involve a housing development.

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**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 Mixed Agriculture under Hawkesbury Local Environmental Plan 1989. An animal establishment is a land use that is permissible with development consent within the Mixed Agriculture zone.

**Clause 9A - Zone objectives**

An assessment of the proposal's degree of compliance with the objectives of the Mixed Agriculture zone is detailed as follows:

- a) *to encourage existing sustainable agricultural activities;*

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

- 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;*



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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. In addition, a landscape plan has been prepared detailing extensive planting adjacent the boundaries of the site and surrounding the buildings/acoustic barriers assisting in reducing the visual impact of the proposal.

- 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; and*

Comment: 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.

**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 - A detailed overview relating to wastewater management associated with the proposal is provided in a separate section in this report. 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 electricity supply.

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

The land is identified as Class 5 Land on the Acid Sulfate Soils Planning Map. As the proposal does not involve significant earthworks no impact upon the watertable is anticipated on adjacent Class 1, 3 and 4 Land.

**Hawkesbury Development Control Plan 2002**

**Part A, Chapter 1 - Purpose and Aims**

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

**Part A, Chapter 2 – General Information**

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

**Part A, Chapter 3 - Notification**

The application was notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002. The notification period extended between 24 May 2007 to 21 June 2007. In response to this notification a total of 13 submissions were received. The main issues raised are summarised as follows:

**1. Incorrect plans received in conjunction with notification.**

Comment: As the current application is essentially an amended proposal from DA0300/04, the applicant has relied on many of the studies previously submitted. Whilst this is acceptable in this case, the plans contained in those studies were not replaced with the current proposal plans and/or were not stamped superseded by the applicant. As such, this caused some confusion during the notification period. This matter was addressed through the preparation of a secondary notification letter and extension of notification period by an additional week to allow consideration of the details relating to the current submission.

**2. 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 as detailed in the main body of this report. 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.

**3. Proposal has the potential to introduce diseases into the area.**

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. In addition, it is noted that a recommended condition has been included requiring that wastewater be dispersed on-site via a sub-surface irrigation system so as to further reduce the potential for disease outbreak.

**4. 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. As this use is a permitted use in the zone, approval of such a use does not, in itself, set a precedent.

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**5. 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 conjunction with the application and through conditions that have been included in the recommendation. In addition, it is noted that a further assessment of the wastewater system will occur under Section 68 and 68A of the Local Government Act and should future odour impact occur a Direction to Take Preventative Action is able to be served under Section 96 of the Protection of the Environment Operations Act 1997.

**6. The proposal has the potential to spread water borne pollutants, disease, contaminate dams/waterways/wetlands, limit future use of the land for agricultural purposes and adversely impact native plants.**

Comment: It is considered that the proposed on-site wastewater system, as modified by recommended condition of consent requiring use of sub-surface irrigation, will dispose of waste generated by the development in an appropriate manner thereby minimising the potential for the impacts as described.

**7. Proposal is not compatible with area's future strategic planning direction.**

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.

**8. 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.

**9. Inadequate 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.

**10. Plans do not provide adequate detail in relation to construction of kennel buildings.**

Comment: It is considered that the plans submitted in conjunction with the application provide suitable detail relating to the materials proposed to be used in conjunction with the construction of the facility. Accordingly, this issue is considered to have been adequately addressed by the applicant. Construction details would be required prior to the issue of any construction certificate.

**11. The animal establishment will have an appearance that is inconsistent with 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.

**12. 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.

**13. Proposal is inconsistent with Council's Policy for Construction of Rural Sheds.**

Comment: The proposal should not be considered under the Rural Sheds Chapter of the DCP as the application does not fit within the definition of *rural shed* as defined in Clause 5 of Hawkesbury Local Environmental Plan 1989. The definition detailed in Clause 5 specifically makes reference that this definition *does not include a building or structure elsewhere specifically defined in this clause or a building or structure used for a purpose elsewhere specifically defined in this clause*. The application, involving the boarding of dogs and cats, is defined as an *animal establishment*.

For these reasons it is considered erroneous to consider the proposal having regard to the Rural Sheds Chapter of the DCP. At best, this may be used as a guide only and additionally the former Rural 1(b) zone allowed sheds to exceed 170sqm subject to reasonable argument being provided and subsequently supported by the consent authority.

**14. The proposed development is inconsistent with the objectives of the Mixed Agriculture zone.**

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.

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

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.

**16. Driveway access should be provided from Spinks Road.**

Comment: The level of traffic generation anticipated to be generated in conjunction with the proposal would not have a significant impact upon the operation of this roadway or result in significant adverse impact to neighbouring properties.

**17. Fencing surrounding the site will not prevent accidental escape of 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.

**18. 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.

**19. How will future complaints be monitored and what frequency will inspections take place?**

Comment: Any future complaints associated with the proposal will be considered by Council's Regulatory Services Branch and appropriate action taken having regard to relevant legislative requirements.

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**20. The development has not taken into account the current development application at No. 30 Jordan Avenue for a new dwelling and associated garage.**

Comment: The amended design is considered satisfactory having regard to the proposed location of the dwelling and associated garage on neighbouring land.

**21. The existing Guide Dogs Facility is state of the art, 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.

**22. 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.

**23. Business has been advertised without consent being obtained.**

Comment: The advertising of a business prior to formal development consent being obtained is not a matter that is required to be considered under the Environmental Planning and Assessment Act, 1979.

**24. 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 42m 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.

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

Comment: It is difficult to determine the full impact that development may have on land values as they are a relative measure that depends on the use that is permitted in the zone. Generally the true value of land is based on the highest and best use of the land. In some cases that may not be solely residential but a combination of uses. In relation to this submission no evidence to support the claim of change in land values has been submitted to Council.

**26. 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.

**27. 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.

Part C, Chapter 1 - Landscaping

A landscape masterplan has been prepared in conjunction with the application prepared by Fiona Robbe as described previously in this report. The landscape plan has satisfied the requirements of Section 1.2 of the Landscaping Chapter of Hawkesbury Development Control Plan 2002. It is considered that the plan will provide for satisfactory screening of the proposed development assisting in reducing the visual impact of the proposal from adjoining properties and Jordan Avenue.

Part C, Chapter 2 - Car Parking and Access

The stated aims of the car parking 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 onto the site from Jordan Avenue. In addition, it is noted that a delivery set down and vehicle manoeuvring area have also been provided.

Appropriate conditions have been included in the recommendation requiring the driveway and associated vehicle manoeuvring areas to be constructed of a durable all weather sealed surface and an extension of this driveway to the Sewage Treatment Plant 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.

**Planning Assessment**

***Context and Setting***

The locality is characterised by 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 not have a detrimental impact upon 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 Impact**

**PKA Acoustic Consulting Report (7 December 2005) - Applicant's Acoustic Consultant**

In conjunction with the previous application made for an animal establishment (Development Application No. DA300/04) the applicant engaged PKA Acoustic Consulting to undertake an acoustic assessment of the proposal. In order to assist in the assessment of this application Council engaged Challis Consulting Pty Ltd to undertake an independent review of the acoustic report prepared by the applicant. A report titled "Acoustical Assessment of Proposed Dog Kennel at 50 Jordan Avenue, Glossodia – Report No. 8104-1-605", dated 22 June 2005 provided a number of requirements that would be required to be met in conjunction with the acoustic treatment associated with the proposal.

In response to this independent acoustic assessment and concerns raised 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 prepared by PKA Acoustic Consulting.

This report details the acoustic performance of the buildings and dog exercise areas. The changes that were 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 Envirospray 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.*

In addition, to control daytime noise emissions to adjoining properties the recommendations included the construction of acoustic barriers surrounding the outdoor exercise areas and linking the individual buildings associated with the animal establishment.

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The PKA Acoustic Consulting report provided that the construction materials to be used in conjunction with the kennel building walls, roof and internal acoustic insulation comprise the following:

- 8.2 *External Walls:* *The external walls of the kennels will be steel framed and have 150mm steel girts. The girts will be clad on the outside with 0.6 BMT Custom Orb Blue steel backed with 50mm thickness of Enviro spray 300.*
- The walls will be clad on the inside with 9mm fibrous cement sheet on 38mm steel furring channels.*
- 8.3 *Roof/Ceiling:* *The roof/ceiling will consist on the outside of 0.6 BMT Custom Orb Blue steel backed with a minimum 50mm thickness of Enviro spray 300.*
- The ceiling will be sprayed with 38mm thick Enviro spray.*
- 8.4 *Personnel Doors:* *A sound lock will be provided of about 1.5sqm floor area having close fitting nominal 35mm solid core doors each side. Sound locks will be sprayed with a material equal to Enviro spray 300 on the walls above 1.9m and on the ceiling.*
- 8.5 *Windows:* *Windows will consist of 10mm and 6mm glass spaced a minimum of 150mm apart in a well sealed openable double glazing system.*
- 8.6 *Internal insulation:* *The ceilings and the end side walls above 1.9m will be sprayed with a material equal to Enviro spray 300.*

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.

### **Wilkinson Murray Acoustic Report (15 December 2006) - Court Appointed Acoustic Consultant**

In conjunction with Land and Environment Court Proceedings No. 10710 of 2006 Wilkinson Murray Pty Ltd have undertaken an independent assessment of the potential noise impacts associated with the proposal. The report provides the following:

*I consider that all design principles and recommendations which have been made by Mr Challis and adopted by PKA as part of their design assumptions should be included in the design of the development if it is to be approved. In summary this includes:*

- *Double skin walls and ceiling with insulation*
- *Internal absorptive spray on walls and ceiling*



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- *Soundlock for personnel doors*
- *Silencers on ventilation system*
- *Noise masking using vent system or electronic masking system*
- *Minimum heights of buildings or the infill barriers should be 5m on the east, 4m on the south and west and 3.4m along the north*
- *Strict adherence to the Noise Management Plan particularly the procedures for dealing with persistent barkers*

*In addition I recommend that if approval is granted, Council take every available opportunity to address issues relating to cumulative noise from the two nearby facilities, including enforcement of standards applying to both facilities and co-ordination of activities to provide benefits in terms of overall noise impact.*

**Renzo Tonin & Associates Acoustic Report (17 January 2007) - Applicant's Acoustic Consultant**

An additional acoustic report prepared by Renzo Tonin & Associates, dated 17 January 2007 was prepared to examine the construction proposed for the walls, roof and internal acoustic insulation and to propose alternative materials that would satisfy the performance requirements specified in the report prepared by PKA Acoustic Consulting.

This report provides the following alternative treatment to the kennel buildings:

1. *Walls: 100mm thick tilt-up concrete panel.*

*The Sound Transmission Loss of a 100mm thick concrete panel is as follows:*

*Table 1: Wall Sound Transmission Loss*

<b>Construction</b>	<b>Octave Band Centre Frequency Hz</b>					
	<b>125</b>	<b>250</b>	<b>500</b>	<b>1k</b>	<b>2k</b>	<b>4k</b>
<i>Assumed in PKA Section 8.7</i>	18	34	43	52	50	51
<i>100mm precast slab</i>	33	36	44	53	60	66

*The alternative exceeds the assumed values in the PKA Report.*

2. *Roof/Ceiling: Ortech/Stramtech System 48 comprising 0.6 BMT Custom Orb Blue steel decking with 75mm fibreglass blanket and sarking. Stramtech 250 I-Beam and Stramtech panel with acoustic seals around perimeter.*

*The Sound Transmission Loss of the Ortech/Stramtech System 48 is as follows*

*Table 2: Roof Sound Transmission Loss*

<b>Construction</b>	<b>Octave Band Centre Frequency Hz</b>					
	<b>125</b>	<b>250</b>	<b>500</b>	<b>1k</b>	<b>2k</b>	<b>4k</b>
<i>Assumed in PKA Section 8.7</i>	18	34	43	52	50	51
<i>100mm precast slab</i>	28	36	44	51	60	70

*Except for a minor deviation at 1kHz (which would be offset by the improved performance at other frequencies), the alternative exceeds the assumed values in the PKA Report.*

3. *Ceiling Acoustic Insulation: One of the following vinyl faced or paintable surface finish products fixed to the bottom face of the Stramtech panel (supplied as a composite ceiling unit).*

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- a) *Stramtech Easiboard Acoustic Pattern NRC 0.49;*
- b) *25mm Soundsorb panel NRC 0.8;*
- c) *22mm Sonocoustic panel NRC 0.8;*
- d) *Ecophon Focus F Panel NRC 0.85*

*According to the calculations in the PKA Report at Section 10, all of the absorptive panels listed above would be suitable for use notwithstanding the NRC is less than 0.9.*

*The materials have the distinct advantage in that they are a painted or a vinyl finish rather than an exposed sprayed-on material.*

4. **Wall Acoustic Insulation:** *If the end and side walls of the building are acoustically treated 1.9m above floor level, this corresponds to an area of 115sqm. The absorption area of the ceiling is 380sqm. The increase in internal noise level associated with deleting the wall absorption is 1dB(A). This change is insignificant and should be balanced against the improved internal amenity arising from the ability to hose-down and clean walls for hygienic reasons.*

Based upon this information it is considered that the suggested modification associated with the altered construction materials satisfactorily addresses the performance requirements detailed in the PKA Acoustic Assessment and accordingly the amendment to the construction detail is considered acceptable.

### **Wastewater Management**

#### ***Martens & Associates Wastewater Management Report (11 June 2007) - Applicant's Wastewater Engineer***

An on-site effluent disposal has been proposed in conjunction with the application prepared by Martens & Associates Pty Limited (Detailed on Plan Reference Steve Handley Jordan Avenue Glossodia Sheets 1 – 4 of 4). This report provides a revised wastewater management strategy in conjunction with the operation of the site for the purpose of an animal establishment and includes the existing residence in the calculations relating to generation and disposal rates.

#### *System Overview*

The Wastewater Management Strategy details that the sewage treatment infrastructure is to include the following:

1. *STP with capacity to a peak hydraulic load of 5.5 KL/d. This will consist of a single concrete tank IDE (intermittently decanted extended aeration) reactor approximately 2.5m in diameter and 2.4m in height and would be buried below ground.*
2. *An on-site sludge management facility. This will consist of a single concrete tank approximately 1.8m in diameter and 2.0m in height and would be buried below ground. Waste activated sludge is pumped from the IDE reactor to the sludge tank and allowed to settle and dewater. Supernatant is returned to the IDE reactor.*
3. *A 120 KL reclaimed water holding tank/wet-weather storage tank. This would consist of a single below ground concrete tank structure and would serve as both the receiving vessel for treated reclaimed water from the IDE reactor, but also the wet-weather storage tank.*
4. *Irrigation pump-set and control valve system allowing reclaimed water to be distributed to the irrigation field.*

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5. *Surface irrigation system including flushing valves, sprinkler heads and other standard items required for construction of the irrigation system. We recommend an irrigation system with sprinkler throw radii of <15m to reduce aerosol generation.*

The chlorination tank, IDEA reactor, wet weather storage tank and sludge storage tank are to be situated generally to the north east of the proposed animal establishment maintaining an approximate 40 - 55 metre setback to the eastern (side) boundary of the site. In addition, an irrigation field 3000sqm in area is proposed to north of the animal establishment and is to maintain minimum 65 metre and 55 metre setbacks to the eastern and western (side) boundaries respectively.

### System Capacity

The capacity of the system has been designed in accordance with the peak wastewater generation rate detailed in Section 2.2 of this report. The following table details the peak level of wastewater generation:

Source	Area/Detail	Design Flow Rate	Peak Wastewater Generated (L/d)
Dog kennels	66 @ 4.0 x 1.5m 6 @ 3.0 x 2.0m 3 @ 3.5 x 2.5m 1 @ 2.5 x 2.5m	9.5L/m <sup>2</sup> /d	4413
Cattery	25 @ 1.2 x 08m	1.9L/m <sup>2</sup> /d	46
Existing Residents	5 (assumed)	180L/resident/d	900
Day Staff	2 staff (assumed)	30L/staff/d	60
<b>Total Peak Daily</b>			<b>5419</b>

Based upon site characteristics a minimum irrigation area of 3000sqm has been recommended which represents a reduced average DIR of approximately 0.96mm/day, a reduced peak DIR of 1.83mm/day, being less than 3.57mm/day prescribed by AS/NZS 1547 – On-site Domestic Wastewater Management.

### Odour Management

In respect to odour management the Wastewater Management Strategy provides as follows:

*Whilst the sewage management scheme will be small scale and operate under domestic or lesser strength waste streams, we propose the following odour management methods for the on-site STP:*

1. *Use of an aerobic sewage treatment process*
2. *All tanks to be covered with a sealed concrete lid*
3. *All tanks to be fitted with vent pipe*
4. *All tanks to be fitted with activated carbon odour control filter*

*Such measures will ensure that there will be no potential odour impacts from the on-site sewage management infrastructure.*

### Environmental Monitoring

Having regard to environmental monitoring associated with the proposal the Wastewater Management Strategy details that should either groundwater quality or soil chemical composition levels increase significantly above background levels either down slope or within the irrigation field that a consultant be engaged to determine the cause and develop a suitable solution. In addition, annual soil and groundwater sample results should be forwarded to Council.

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*Environmental Risk Assessment*

The Wastewater Management Strategy provides a qualitative environmental risk assessment of the proposed sewage management facility. This assessment is detailed as follows:

*Environmental Risk Assessment (qualitative)*

<b>Risk</b>	<b>Likelihood 1</b>	<b>Consequence 2</b>	<b>Treatment</b>	<b>Residual Risk</b>
<i>Effluent quality below design specification</i>	<i>Possible</i>	<i>Insignificant</i>	<i>Implement management plan. Large land area available for further effluent renovation and assimilation</i>	<i>Acceptable</i>
<i>Odour generation from STP or sludge facility</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>Impact would be within property only. Implement site management plan.</i>	<i>Acceptable</i>
<i>Overflows from STP to creek</i>	<i>Rare</i>	<i>Insignificant</i>	<i>Overflows to be directed to wet-weather storage tank via chlorine contact tank and then dam. Dam would provide additional buffer treatment.</i>	<i>Acceptable</i>
<i>Local groundwater contamination</i>	<i>Inconceivable</i>	<i>Insignificant</i>	<i>No treatment required. Medium clays and large irrigation area will ensure groundwater protection.</i>	<i>Acceptable</i>
<i>Irrigation runoff contaminating local watercourses</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>Wet weather storage system provides sufficient volume to prevent over-irrigation during rainfall or saturated soil conditions.</i>	<i>Acceptable</i>

1. *Likelihood terms:*

- Possible – the event may occur under normal operations during system failure*
- Unlikely – the event may occur under adverse operating conditions*
- Rare – the event may occur under extreme operating/breakdown conditions*
- Inconceivable – the event is not likely to occur*

2. *Consequence Terms:*

*Insignificant – the event will have no measurable impact*

*Significant – the event will have a measurable impact*

*Severe – the event will have a measurable and severe impact*

The report concludes that the risks associated with the system are negligible and are considered acceptable.

***Lanfax Laboratories Report (16 April 2007) - Council's Wastewater Engineer***

Lanfax Laboratories were engaged by Council in conjunction with Land and Environment Court Proceedings No. 10710 of 2006 to undertake a review of the current wastewater management strategy proposed in conjunction with the application. The report prepared by Lanfax Laboratories provides the following:

*Generation Rates*

It is considered that a wastewater treatment system capable of treating a higher volume of wastewater would provide increased security to unexpected increases in generation rates. Accordingly, a system capable of accommodating a capacity of 7000 L/day would be appropriate without adding significant overall cost.

*Wastewater Quality*

The treatment system, while appropriate for domestic sewage, is considered over-engineered for the high proportion of wash-down water from the kennels and the relatively low proportion of domestic sewage. Accordingly, additional wastes may be required to be added to improve performance. It is noted that the overall performance of the plant is capable of being monitored in conjunction with conditions of consent for this system.

*Wastewater Disposal*

It is highlighted that there is a possibility that during periods of wet weather the need will arise for the storage of effluent for extended periods. In this regard no details have been provided as to whether re-chlorination of the effluent would take place prior to irrigation. No information has been provided demonstrating that aerosol drift would be avoided by use of sprinkler heads with a radius of <15m resulting in odour or contaminated spray drift onto neighbouring properties.

A preferable system of effluent management is the use of sub-surface irrigation avoiding the potential for human/animal contact and issues relating to odour.

*Access to STP*

No details relating to service vehicle access to the sewage treatment plant have been provided in conjunction with the proposal. In this regard it is noted that service vehicles may need to access the facility during periods of wet weather when the ground surface is not capable of withstanding such traffic.

*Contaminated Water*

A suitable drainage, collection and treatment system is required to be provided for the open exercise yards associated with the animal establishment. Any contaminated water is required to be separately diverted from general stormwater runoff and suitably treated.

*Odour Management*

The details provided in the Wastewater Management Strategy do not adequately address odour management from the wet-weather storage facility or associated with the irrigation area. There are no details provided as to the method of dealing with effluent in prolonged periods of wet weather in instances

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when no more capacity exists within the storage tanks. It is highlighted that a sub-surface irrigation system would avoid potential issues associated with odour management and wet weather application of effluent.

### *Draft Wastewater Management Plan*

The Wastewater Management Strategy proposes the provision of one monitoring piezometer below the irrigation area. It is considered that an additional piezometer below the STP and wet weather storage tank would assist in monitoring given that they are situated below ground level. In addition, soil monitoring would be required to consider an analysis for total nitrogen, plant available phosphorous, electrical conductivity, pH, cations (sodium, calcium, potassium, magnesium and calculation of exchangeable sodium percentage) and organic carbon on an annual basis.

### Wastewater Recommendations

Based upon the assessment provided by Lanfax Laboratories it is considered appropriate to require that the following conditions be imposed in the recommended consent:

- (a) Capacity of wastewater treatment system and associated storage to be increased to cater for generation rate of 7000 L/day;
- (b) Sub-surface irrigation system to be installed in conjunction with the wastewater disposal system;
- (c) Suitable vehicular access and turning area to be provided to the STP leading from the proposed driveway from Jordan Avenue to allow for all weather maintenance;
- (d) A suitable drainage, collection and treatment system is required to be provided for the open exercise yards associated with the animal establishment;
- (e) An additional piezometer situated downslope of the STP and wet weather storage tank is to be provided to monitor for leakages. The piezometers are to be monitored on a six monthly program.
- (e) A Wastewater Management Plan is to be prepared for the site addressing individual tasks within the operation of the wastewater management system, identification of persons responsible for each task, the reporting/monitoring period, contingencies for system component failures and generation of annual operating reports by suitably qualified independent person.
- (f) A soil monitoring regime is to be undertaken on an annual basis and is to consider an analysis for total nitrogen, plant available phosphorous, electrical conductivity, pH, cations (sodium, calcium, potassium, magnesium and calculation of exchangeable sodium percentage) and organic carbon.

In addition, the requirements detailed above will be considered in conjunction with a separate Application for Installation of a Sewage Management Facility required as a condition of Development Consent.

### **Odour Assessment**

#### ***Holmes Air Sciences Report (June 2007) - Applicant's Environmental Scientist***

An odour assessment report by Holmes Air Sciences was prepared by in conjunction with Land and Environment Court Proceedings No. 10710. This report addressed potential odour emissions from the site and has concluded as follows:

*Odour modeling has been undertaken for the proposed boarding kennel at Jordan Avenue, Glossodia using site-representative meteorological and odour emissions data. The modeling was undertaken in accordance with the DEC approved methods and a conservative approach was adopted in terms of kennel occupancy rate and odour criteria.*

*Good housekeeping practices such as prompt cleaning up of droppings in the kennels and exercise yards and regular daily cleaning of kennels has been assumed. It is our understanding that all collected animal droppings will be sealed in plastic bags and removed*

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*from the site via a waste collection service. The odour impacts presented are the combined impacts of the STP and the kennel building emissions. Conservative (that is an overestimate) approaches have been used in estimating emissions from both these sources.*

*The conclusions drawn from the modeling study based on the odour control measures outlined in Dr Marten's report are that the kennels will be able to operate in the area without adverse impacts on neighbouring residences.*

In addition, it is noted that a recommended condition of consent is proposed requiring that wastewater irrigation be undertaken on the site via a sub-surface system thereby further limiting the potential for adverse odour impact upon neighboring properties.

### **KN Planning Pty Ltd Report (18 December 2006) - Court Appointed Town Planning Expert**

As part of Land and Environment Court Proceedings KN Planning have prepared a report on the planning impacts associated with the establishment of an animal establishment on the subject land addressing the Statement of Issues prepared in conjunction with these proceedings.

This report provided a number of design recommendations detailed as follows:

- (a) *Amended landscape plan required to alleviate visual impact of acoustic screens;*
- (b) *Provision of mass plantings adjacent to eastern (side) property boundary to provide visual landscape barrier;*
- (c) *Relocation of STP infrastructure more central to the subject site (previously located less than 15 m from eastern boundary).*

These recommendations have been adopted in the subject application (Development Application No. DA0263/07) subject of this assessment report. Accordingly, it is considered that the proposal represents a satisfactory form of development on planning grounds.

### **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.

It is noted that the plans and supporting documentation are consistent with the conclusions of the expert consultant's reports prepared in conjunction with Land and Environment Court Proceedings No. 10710 of 2006. Subject to the inclusion of appropriate conditions relating to acoustic treatment, wastewater disposal 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"; and*

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

### **Funding**

No impact on budget.

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**RECOMMENDATION:**

That Development Application No. DA0263/07 for an animal establishment - boarding kennels and cattery facility at 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:

<b>Architectural Plans</b>	
Drawing Numbers	Dated
0315-DA01 Rev E	28/01/2007
0315-DA02 Rev E	20/01/2007
0315-DA03 Rev E	20/01/2007
0315-DA04 Rev E	29/01/2007
0315-DA05 Rev B	28/01/2007
<b>Landscape Plans</b>	
Drawing Number	Dated
SK-02C	August 2004
<b>Sewage Management System Plans</b>	
Drawing Numbers	Dated
P0601581JD01-V2 Sheet 1 of 4 Rev 2	22/03/2007
P0601581JD01-V2 Sheet 2 of 4 Rev 2	22/03/2007
P0601581JD01-V2 Sheet 3 of 4 Rev 2	22/03/2007
P0601581JD01-V2 Sheet 4 of 4 Rev 2	22/03/2007

Document Number	Dated
Acoustic Report – Project No. 204 161 Prepared by PKA Acoustic Consulting	12/2004 and revised 12/2005
Acoustic Construction Details - Reference TD359-01F02 Prepared by Renzo Tonin Acoustic Consultants	17/01/2007
Wastewater Management Strategy - Reference P0601581JR01-V2 Prepared by Martens Consulting Engineers	11/06/2006
Odour Assessment Report - Bell Bay Pty Ltd v Hawkesbury City Council	06/2007
Operational Management Plan No. 051025	Undated

2. No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.



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8. 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.
9. 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.
10. 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

11. 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.
12. The acceptability of daytime noise emission levels from the kennel shall be determined at the nearest property boundaries.
13. 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.
14. 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.
15. 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.
16. The construction of the walls, roof and internal acoustic insulation associated with each dog kennel building shall be in accordance with the details provided by Renzo Tonin & Associates in Report Reference TD359-01F02 (Rev 0) Acoustic Construction Details, dated 17 January 2007. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
17. 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.
18. 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.
19. The kennel buildings are to incorporate the following:
  - (a) sound locks for personnel doors;
  - (b) silencers on ventilation system; and
  - (c) noise masking using vent system or electronic masking system.;

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20. The minimum height of buildings or infill barriers is to be 5m on the east, 4m on the south and west and 3.4m along the north.
21. 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**

22. 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.
23. An all weather access driveway extending from the proposed driveway from Jordan Avenue is to be provided to the Sewage Management Plant. This driveway is to be designed to enable use by service vehicles and incorporate suitable turning area. Details demonstrating compliance are to be submitted and approved by the Director Asset Services and Recreation or an Accredited Certifier.
24. 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. Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

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.
25. The colours, texture and substance of all external components of the buildings being generally in accordance with plans numbered 0315-DA05 Amendment A 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.
  26. Details demonstrating high quality external lighting for security without adverse affects on public amenity from excessive illumination levels and glare are to be submitted with the Construction Certificate.
  27. 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.

Any specific design requirements following consultation are to be incorporated in conjunction with the proposed works.

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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 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 and outdoor exercise areas 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 and approved by the Principal Certifying Authority 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 City Planning 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.
36. Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$12 000.00 shall be paid to Hawkesbury City Council.

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

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

### **Prior To Commencement Of Works**

37. 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.

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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.
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. 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 design of the system is to incorporate the following requirements:
  - (a) Capacity of wastewater treatment system and associated storage to be increased to cater for generation rate of 7000 L/day;
  - (b) Sub-surface irrigation system to be installed in conjunction with the wastewater disposal system;
  - (c) A suitable drainage, collection and treatment system is required to be provided for the open exercise yards associated with the animal establishment;
  - (d) An additional piezometer situated down slope of the STP and wet weather storage tank is to be provided to monitor for leakages. The piezometers are to be monitored on a six (6) monthly program.
  - (e) A Wastewater Management Plan is to be prepared for the site addressing individual tasks within the operation of the wastewater management system, identification of persons responsible for each task, the reporting/monitoring period, contingencies for system component failures and generation of annual operating reports by suitably qualified independent person.
  - (f) A soil monitoring regime is to be undertaken on an annual basis and is to consider an analysis for total nitrogen, plant available phosphorous, electrical conductivity, pH, cations (sodium, calcium, potassium, magnesium and calculation of exchangeable sodium percentage) and organic carbon.
42. 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.
43. 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.
44. Toilet facilities shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
45. 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.

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- 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.
46. 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

47. 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.
48. 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.
49. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
50. 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.
51. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
52. 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.
53. 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).
54. 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.

55. 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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56. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- a. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b. Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c. Builder's waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
57. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
58. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:
- a) Piers
  - b) Internal sewer or stormwater lines prior to covering;
  - c) Steel reinforcement prior to pouring concrete;
  - d) External sewer or stormwater lines, prior to backfilling;
  - e) Framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
  - f) Wet area flashing, after the installation of bath and shower fixtures;
  - g) Prior to occupation of the building;
  - h) On completion of the works;
  - i) 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.**

59. 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.
60. All roof water shall be drained to appropriate water storage vessel/s.
61. The floor of the internal WC shall be graded and drained to an approved floor waste.
62. 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.
63. 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.

Details of the type and method of treatment are to be provided to the Principal Certifying Authority

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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.

64. 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.
65. 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".
66. 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.
67. Fire hose reel/s shall be installed within the building in accordance with the requirements of Part E1.4 of the BCA.
68. 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.
69. A bitumen seal pavement 3.5m wide shall be constructed along the access driveway inclusive of car parking areas and manoeuvring areas.
70. 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.
71. Provision of adequate on-site loading and unloading facilities to cater for the proposed use of the land.
72. Exit/entrance points are to be clearly signposted and visible from both the street and site at all times.

### **Prior to Issue of Occupation Certificate**

73. Compliance with all conditions of this development consent.
74. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

75. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
76. 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.

**ORDINARY MEETING**

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- b) Portable Fire Extinguishers.
- 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**

77. 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



**ORDINARY MEETING**

**Meeting Date: 10 July 2007**

10:00am to 5:00pm      Sunday

78. A minimum of one caretaker is to be present on the site at all times to provide supervision/care of the animals held on the premises.
79. 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.
80. Faeces (stools) shall be collected daily from kennels, pens and runs and are to be removed off the site by a commercial contractor.
81. All commercial loading and unloading operations shall be carried out wholly within the designated loading area detailed on the submitted plans.
82. Waste and recyclable material, generated by this premises, must not be collected between the hours of 5:00pm and 9:00am on any day.
83. 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 - 6:00am) when measured at the boundary of the property, and will comply with the Environment Protection Authority Industrial Noise Policy.
84. Between the hours of 5:00pm and 8:00am all dogs are to be kept in kennels so as to minimise noise impact to adjoining properties.
85. 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.
86. 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.

87. No internal or external alterations shall be carried out without prior approval of Council.
88. 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.
89. Strict adherence to the Noise Management Plan particularly the procedures for dealing with persistent barkers.

**Advisory Notes**

- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

**ORDINARY MEETING**

**Meeting Date:** 10 July 2007

**ATTACHMENTS:**

- AT - 1** Site Plan
- AT - 2** Part Site Plan
- AT - 3** Floor Plans
- AT - 4** Elevation Plans - Feline and Office
- AT - 5** Elevation Plans - Canine
- AT - 6** Landscape Master Plan
- AT - 7** Location Plan
- AT - 8** STP Plan
- AT - 9** Irrigation System Plan

**ORDINARY MEETING**

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**AT - 1 Site Plan**

**To View This Image,  
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**ORDINARY MEETING**

**Meeting Date: 10 July 2007**

**AT - 2 Part Site Plan**

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**ORDINARY MEETING**

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**AT - 3 Floor Plan**

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**ORDINARY MEETING**

**Meeting Date: 10 July 2007**

**AT - 4 Elevation Plan - Feline and Office**

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**ORDINARY MEETING**

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**AT - 5 Elevation Plan - Canine**

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**ORDINARY MEETING**

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**AT - 6 Landscape Master Plan**

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**AT - 7 Location Plan**

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**ORDINARY MEETING**

**Meeting Date: 10 July 2007**

**AT - 8 STP Plan**

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Attachments Document (Maps)**

**ORDINARY MEETING**

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**AT - 9 Irrigation System Plan**

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

**oooO END OF REPORT Oooo**

**INFRASTRUCTURE SERVICES**

**Item: 132      IS - Manning Place Playground, McGraths Hill - Vandalism - (79354)**

---

**REPORT:**

On 23 April 2007, parks maintenance crews observed that the public playground located in a narrow corridor of land connecting Manning Place and Andrew Thompson Drive, McGraths Hill, had been vandalised through fire. The fire caused considerable damage to the play equipment ruining the plastic slide, a safety rail panel, upright post cap and a structural platform. As most of these items were PVC or PVC coated, the effect of melting plastic left the synthetic grass softfall completely ruined in certain areas immediately where the fire was concentrated. Several of the post uprights were also left with charring.

Due the extent of damage, the playground was cordoned off with safety webbing. The Playground Doctor, who currently undertakes all auditing and repair of playgrounds under Council's control, was asked to inspect the damage to the playground on 26 April 2007. As the playground is approximately 13 years old, parts for replacement are not easy to obtain, and replaced parts would not necessarily be new but possibly spares salvaged from other playgrounds. The quotation received to repair the damage at the time was in excess of \$2600 and funds were not available within the maintenance budget at the time. It was proposed that the playground be cordoned off until such time as it could be repaired.

On Friday, 29 June 2007, it was observed that once again the playground had been set on fire, with the adjoining half of the playground damaged. The para webbing used to cordon off the playground, had been cut to pieces and strewn throughout the park. There was also broken glass from beer bottles strewn throughout the play area and the remaining equipment covered in graffiti. The play area was once again cordoned off for safety purposes. Windsor Police were notified of the incident.

This park has been subject to vandalism and unruly behaviour by local youths on a number of occasions resulting in complaints from adjoining residents.

The playground is not identified for replacement within the current capital works program. The cost to undertake repairs to the playground and/or replace the playground and softfall is considerably more than the current unit is worth and would not be a cost effective option due to the likelihood that this type of damage would occur again. To replace this playground and softfall with a new unit would be in the vicinity of \$20,000. Due to the safety issues, the playground is being removed.

An alternative playground exists approximately 500m away at the Jack Gow Reserve on Andrew Thompson Drive, near the intersection with Meares Road, McGraths Hill. This playground was also subject to malicious damage in May 2007 when vandals unsuccessfully tried to burn the two slides and roofs on the playground. Fortunately, the repairs were minimal and undertaken immediately after notification by concerned parents who frequently use the park.

**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**

Removal costs will be provided from current maintenance budgets.

**ORDINARY MEETING**

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**RECOMMENDATION:**

That the playground between Manning Place and Andrew Thompson Drive, McGraths Hill not be replaced at this stage due to ongoing vandalism issues.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 10 July 2007**

**SUPPORT SERVICES**

**Item: 133            SS - Local Government and Shires Association of NSW - Request for Financial Assistance With Legal Costs - Bankstown City Council - (95496, 81625)**

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**REPORT:**

The following letter addressed to the Mayor, Councillor Stubbs, dated 18 June 2007 has been received from the Local Government and Shires Association of NSW requesting financial assistance towards legal costs incurred by Bankstown City Council in relation to a court case involving claims against councils for alleged damage to property:

*"Bankstown City Council has sought the Association's assistance in relation to a court case in which it has been involved, and which culminated in action in the High Court.*

*The facts of the matter were:*

- 1. Alamdo Holdings are the owners of land within the Bankstown City Council area.*
- 2. Alamdo's property was flooded as a result of water overflowing from an unlined storm water channel belonging to the Council.*
- 3. The Supreme Court granted a prohibitory injunction that required the Council not to continue nuisance and to abate the flooding.*
- 4. The Supreme Court also granted a mandatory injunction ordering that remediation work commence on the stormwater channel.*
- 5. The matter was appealed to the Court of Appeal which held that even though the Council had acted in good faith, it could not rely on the protection of Section 733 of the Local Government Act 1993, "Exemption from liability-flood liable land and land in costal zone" as an exemption to liability by Section 733 relates to "anything done or omitted to be done" and does not literally extend to something "intended to be done".*
- 6. Bankstown Council sought leave to appeal to the High Court. The High Court asked the Council to give an undertaking to agree to bear the costs of the appeal as Council were attempting to obtain a proper interpretation of Section 733 of the Local Government Act and therefore set a precedent not only for Bankstown Council but all councils and that Alamdo should not be liable for such costs.*
- 7. Bankstown Council agreed to this request from the Hight Court and leave to appeal was granted.*
- 8. Bankstown City Council were successful in overturning the decision of the Court of Appeal and the protection afforded by Section 733 of the Local Government Act for "anything done or omitted to be done" has been affirmed by the High Court.*

*The Associations agreed that the matter was of great importance to all councils and should be appealed because if the decision was allowed to stand it would allow other land owners in similar circumstances to make claims against councils for alleged damage to property where the council in question would otherwise be protected by Section 733 of the Local Government Act.*

**ORDINARY MEETING**

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*The Council incurred a sum of \$1,534,242 in pursuing the appeal. The Joint Executive of the two Associations has given approval for these costs to be sought. In accordance with the usual formula, your Council's proportion of this amount is \$13,808.57, and we would appreciate receipt of this amount in due course. An invoice is attached."*

As referred to in the above letter Section 733 of the Local Government Act 1993 relates to the exemption from liability regarding flood liable land and land in coastal zones. Section 733(1) of the Act is as follows:

"(1) A Council does not incur any liability in respect of:

- (a) any advice furnished in good faith by the council relating to the likelihood of any land being flooded or the nature or extent of any such flooding, or
- (b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding."

As outlined in the letter, the High Court acknowledged that Bankstown Council, through its appeal, was attempting to obtain a proper interpretation of Section 733 of the Act and therefore set a precedent for all councils. The Association agreed that the matter was of great importance to all councils and should have been appealed to the High Court.

It is considered that in view of the above details and as the appeal and subsequent decision of the High Court could have an effect on Hawkesbury Council in the future, Council could agree to make the requested contribution. Should Council agree it will be necessary for an adjustment to be made in the next quarterly review as provision for this purpose was not contained in the 2007/2008 Budget.

**Conformance to Strategic Plan**

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

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

**Funding**

As provision has not been included within the 2007/2008 Budget for the contribution as requested, should Council make the payment as recommended it will be necessary for an adjustment to be made in the next quarterly review.

**RECOMMENDATION:**

That:

1. As requested by the Local Government and Shires Association of NSW, Council agree to contribute an amount of \$13,808.57 towards the legal costs incurred by Bankstown City Council in relation to a court case involving claims against councils for alleged damage to property as outlined in the Association's letter dated 18 June 2007.
2. Adjustment be made in the next quarterly review in respect of this contribution.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 10 July 2007**

**CONFIDENTIAL REPORTS**

**Item: 134            IS - Tender No. 012/FY05 - Provision of a Septic Tank & Collection Well Effluent Removal Service - (79357) - CONFIDENTIAL**

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**Reason for Confidentiality**

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

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

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



**ORDINARY MEETING**

**Meeting Date: 10 July 2007**

**Item: 135            IS - Tender No. 013/FY07 - Restoration of Footpaving and Kerb and Guttering -  
(79344) - CONFIDENTIAL**

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**Reason for Confidentiality**

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

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

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

**ORDINARY MEETING**

**Meeting Date:** 10 July 2007

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Cultural Precinct Advisory Committee - 19 June 2007 - (97382)**

The meeting commenced at 5:00pm in the Tebbutt Room, Deerubbin Centre, Windsor.

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<b>Present:</b>	Councillor Dianne Finch Michael Ginnings Professor Ian Jack Judy Newland Simon French  Keri Whiteley	Hawkesbury City Council (Chair) FOHACaRAG Hawkesbury Historical Society Hawkesbury Historical Society Community representative (arrived during the meeting) Hawkesbury City Council
<b>Apologies:</b>	Margarete Formanek Robyn Bruce Alan Leek Graham Edds	Education Representative Chamber of Commerce Tourism Hawkesbury FOHACaRAG

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**REPORT:**

**Chair's Opening Remarks**

The Chair tabled a letter from Glenda Ewin who tendered her resignation from the committee. A letter of thanks will be sent to Glenda for her contribution.

It was noted that due to resignations and changes of affiliations by current members the membership of the Committee needed to be reviewed.

The Manager, Cultural Services advised of the meeting schedule ordinarily being every third Tuesday of every second month, with an extended break during the Christmas season. The April 17 meeting had been replaced by the community consultation session held in relation to the Deeds of Agreement, on Monday, 23 April.

**RESOLVED** on the motion of Michael Ginnings and seconded by Ian Jack that the apologies be accepted.

**SECTION 1 - CONFIRMATION OF MINUTES**

**1. Matters Arising from Previous Minutes**

Nil.

**2. Confirmation of Minutes**

**RESOLVED** on the motion of Ian Jack and seconded by Judy Newland that the Minutes of the Cultural Precinct Advisory Committee held on 20 February be confirmed.

## **SECTION 2 - REPORTS FOR DETERMINATION**

### **Item 1 - Activity Report: Cultural Services**

Michael Ginnings suggested that the Cultural Precinct Advisory Committee Business Paper be reported to Council along with minutes of each meeting.

It was noted that the Gallery had received good and broad media coverage for its current exhibition and that library loan activity was high.

**RESOLVED** on the Motion of Ian Jack and seconded by Judy Newland that:

1. The information be received.

### **Item 2 - Howes House Closure**

Concern was expressed over the conditions within Howes House. The Manager, Cultural Services advised that Council's Gallery and Museum Curator and the Hawkesbury Historical Society's Hon. Curator were liaising on responses to the issue, including consultation with conservators. It was noted that the Powerhouse Museum as well as Rouse Hill House would have expertise that could be referred to - or possibly provided as a goodwill gesture.

**RESOLVED** on the Motion of Michael Ginnings and seconded by Judy Newland that:

1. The information be received.

### **Item 3 - Deed of Agreement between Hawkesbury City Council, Hawkesbury Historical Society (HHS) and the Friends of Hawkesbury Art Collection & Regional Art Gallery (FOHACaRAG)**

It was noted that finalisation of DoA details was progressing well and on track for reporting to Council in July. Representatives of HHS and FOHACaRAG involved in this task are in the process of confirming their mandates to act on behalf of the respective organisations.

**RESOLVED** on the motion of Michael Ginnings and seconded by Judy Newland that:

1. The information be received

### **Item 4 - Activity Report: Hawkesbury Historical Museum and Information Centre**

**RESOLVED** on the motion of Judy Newland and seconded by Ian Jack that:

1. The information to be received.

## **SECTION 3 - GENERAL BUSINESS**

- Glenda Ewin's resignation
- FOHACaRAG developing an exhibition that will supplement Bloodlines: Art and the Horse. It will be on show in the Stan Stevens gallery space for a week towards the end of August.

**ORDINARY MEETING**  
Reports of Committees

**NEXT MEETING**

The next meeting of the Cultural Precinct Advisory Committee will be held on Tuesday, 21 August at 5:00pm in the Tebbutt Room.

The Meeting closed at 6:05 pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees

**ROC - Local Traffic Committee - 20 June 2007 - (80245, 95495)**

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 20 June 2007, commencing at 3:00pm.

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- Present:** Councillor B Bassett (Chairman)  
Mr J Christie, Offices of Messrs A Shearan (Londonderry) and J Aquilina (Riverstone), Members of Parliament  
Senior Constable S Sherry, NSW Police  
Senior Constable B McClifty, NSW Police  
Mr J Suprain, Roads and Traffic Authority
- Apologies:** Mr R Elson, Department of Transport  
Mr R Williams, MP (Hawkesbury)
- In Attendance:** Mr C Amit, Manager Design & Mapping Services  
Mrs J Hogge, Road Safety Coordinator  
Mr T Shepherd, Administrative Officer, Hawkesbury City Council
- 

**REPORT:**

Senior Constable S Sherry advised that this meeting was his last due to transfer to other duties within the NSW Police Service and introduced Senior Constable B McClifty as his replacement.

The Chairman welcomed Senior Constable McClifty and thanked Senior Constable Sherry for his assistance to the Committee during his time as a member.

**SECTION 1 - Minutes**

**Item 1.1 Minutes of Previous Meeting**

The Minutes of the meeting held on 16 May 2007 were confirmed.

**Item 1.2 Business Arising**

Nil Business Arising.



**SECTION 2 - Reports for Determination**

**Item 2.1 LTC - 20 June 2007 - Item 2.1 - B-Double Route Application by Marion Plains Pastoral - East Kurrajong Road (Hawkesbury) - (80245, 74282)**

**REPORT:**

**Introduction:**

An application has been received from Marion Plains Pastoral seeking approval to operate 25 metre long B-Doubles to access several Ingham Chicken Farm sites on East Kurrajong Road, East Kurrajong (Dataworks Doc.No 2469441).

The applicant has advised that the specific route includes travelling along Putty Road, turning into East Kurrajong Road and travelling for an approximate overall distance of 5.0 kilometres with sites at the following locations:

- Turn Left at approximately 3.0km into Inghams Chicken Farm
- Turn Right approximately 5.0km into Inghams Chicken Farm

**Discussion:**

East Kurrajong Road is a Local Distributor Road, situated within a mix of Rural/Farmland and lies over varying terrain. There is a mix of varying horizontal and vertical curves. Kurrajong East Public School is located along the proposed B-Double Route. The specific locations of the 2 Chicken Farms are listed in Table 1.

The speed limit along this section of East Kurrajong Road is 80kph with the exception of a 1.0 kilometre long 60kph zone and school zone, adjacent to Kurrajong East Public School.

Assessment of B-Double routes is undertaken in accordance with the "Route Assessment Guidelines for Restricted Access Vehicles (May 2002)" issued by the Roads and Traffic Authority. Under the Guidelines, minimum standards are provided for lane and shoulder widths for B-Double routes. These widths are assessed in correlation with the given AADT for the relevant road.

- For an AADT of 500 to 2000, the minimum lane width required is 3.0 metres with 1.0 metre shoulders. Total minimum road formation required = 8.0 metres.
- For an AADT of 2000 to 6000, the minimum lane width required is 3.0 metres with 1.2 metre shoulders. Total minimum road formation required = 8.4 metres.

**Table 1: Proposed B-Double Route Data (Refer to Plan Below)**

Location No.	Chainage (klm)	Seal Width (m)	Shoulder width LHS (m)	Shoulder width RHS (m)	Total Width (m)	AADT (year)
East Kurrajong Road, commencing from Putty Road/Singleton Road						
1	0.50	6.45	1.25	1.10	8.80	906(1995)
2	1.00	5.60	1.00	1.30	7.90	906(1995)
3	1.50	5.80	1.10	0.85	7.75	906(1995)
A	1.70	No. 1040 East Kurrajong Road, Ingham Enterprises Pty Ltd - Murriambo Complex				
4	2.00	5.90	1.20	1.10	8.20	906(1995)
5	2.50	5.60	1.00	2.00	8.60	906(1995)
6	3.00	5.50	1.00	0.90	7.40	906(1995)
B	3.30	No. 891 Kurrajong East Public School				

**ORDINARY MEETING**  
Reports of Committees

7	3.50	6.40	0.85	0.40	7.65	906(1995)
C	3.80	No. 827 East Kurrajong Road, Ingham Enterprises Pty Ltd - Bounbimbi Complex				
8	4.00	5.80	0.95	0.85	7.60	906(1995)
9	4.50	5.60	1.30	1.20	8.10	906(1995)
10	5.00	5.60	0.70	1.20	7.50	906(1995)

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

The available total road widths and in particular the sealed widths along the proposed route do not satisfy the minimum requirements set out in the RTA Guidelines. The minimum 6.0 metre sealed width is only available at chainages 0.5klm and 3.5klm from Putty Road. This is further compounded with the total road width of 8.0 metres being available at only 4 locations along the route. Overall the road width does not comply to enable a 25.0 metre B-Double route.

The terrain is generally satisfactory at Location 'A' (No. 1040 East Kurrajong Road, Murriambo Complex). However at Location 'C' (No. 827 East Kurrajong Road, Bounbimbi Complex), turning into the complex is on a combined horizontal and vertical curve, with minimal sight distance being available for both the turning traffic as well as for the eastbound traffic. The extra length of the B-Double vehicle will require further time to turn in and out of East Kurrajong Road.

Currently Semi-trailers/Truck and Quad Axle vehicles operate along this route, as specific approval for those classes of vehicles is not required. The applicant states that the proposal to operate B-Doubles is to reduce the effective vehicle trips by up to 30%. Whilst the reduction of trips is encouraged, the existing road infrastructure cannot sustain the operation of B-double trucks. A field trial has not been undertaken at this stage, however, discussions have been held with the applicant to outline the assessment undertaken in evaluating the application.

**ORDINARY MEETING**  
Reports of Committees

The application to operate 25 metre long B-Doubles along East Kurrajong Road for a distance of approximately 5.0 kilometres from Putty Road is not supported unless widening of East Kurrajong Road is undertaken.

**RECOMMENDATION:**

That the application to operate 25 metre long B-Doubles along East Kurrajong Road for a distance of approximately 5.0 kilometres from Putty Road not be supported.

**APPENDICES:**

AT - 1 B-Double Route Assessment

**AT - 1 B-Double Route Assessment**

**B-DOUBLE ROUTE ASSESSMENT**

**Route :**

**Origin**

**Address:**

The routes include:

- i. From Putty Road, East Kurrajong via East Kurrajong Road, East Kurrajong.

**Destination**

**Address:**

- 1040 (Murriambo Complex ) East Kurrajong Road, East Kurrajong, and
- 827 (Bounbimbi Complex ) East Kurrajong Road, East Kurrajong.

The routes include:

- ii. From Putty Road, East Kurrajong via East Kurrajong Road, East Kurrajong

A completed application form showing route details is attached.

This is to certify that the assessment criteria checklist has been ticked and comments provided as appropriate.

My assessment of the inspected route against the Guidelines is that the route is

**not suitable overall**

**Regional Freight Route Co-ordinator Responsible for the Route Assessment:**

Name: Mr Peter Shoemark

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINARY MEETING**  
Reports of Committees

CLAUSE NO	ASSESSMENT CRITERIA	Y E S	N O	COMMENTS
A3.1	Assessor is personally familiar with B-Double operations and regulations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
A3.2	<b>ENVIRONMENT AND COMMUNITY AMENITY</b>			N/A
A3.2.1	<b>Noise</b> Considered views of local community in noise sensitive areas.			Not a noise sensitive area. No additional noise due to B-Doubles replacing Semi-trailers.
A3.2.2	<b>Community Amenity</b> Considered local community concerns			Rural/ Farmland area with School. Currently trucks use this route.
A3.3	<b>DIMENSIONAL CAPACITY</b>			
A3.3.1	<b>Lane and Shoulder Widths</b> Lane and shoulder widths meet desirable standards.		<input checked="" type="checkbox"/>	
A3.3.2	<b>Vehicle Swept Path Requirements</b> Geometry of corners, roundabouts, intersections, and other traffic management devices adequately accommodates B-Double swept path.		<input checked="" type="checkbox"/>	
A3.3.3	<b>Railway Level Crossings and Adjacent Intersections</b> Signal warning time allows clearance of B-Doubles, or, if passive control, sight distances adequate for B-Doubles.			N/A
	B-Double can clear the crossing/intersection before having to stop at adjacent intersection.			N/A



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**Item 2.2 LTC - 20 June 2007 - Item 2.2 - Application for Final Approval: Bicycle Racing Events for 2007 - Oakville and East Kurrajong (Hawkesbury) - (80245, 82935)**

**Previous Item:** 2.2, Local Traffic Committee (22 November 2007)

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**REPORT:**

**Introduction:**

An application to undertake Bicycle Racing Events in Oakville and East Kurrajong during 2007 by the Parramatta Cycling Club, was reported to the Local Traffic Committee on 22 November 2006. The recommendations of the Local Traffic Committee, as part of the Initial Approval, was adopted by Council on 28 November 2006 as follows:

*"That:*

1. *The Bicycle Racing Events planned for 2007 by Parramatta Cycling Club along Route 1 - Oakville, be classified as a "Class 2" Special Event and Route 2 - East Kurrajong, be classified as a "Class 1" 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 these events, subject to compliance with the following conditions:*

**Prior to the event:**

- 4a. *the event organiser obtaining approval to conduct these events, from the NSW Police Service; a **copy of the Police Service approval be submitted to Council;***
- 4b. *the event organiser obtaining approval from the RTA for the Route 2 - East Kurrajong event as this is a **Class 1** event;*
- 4c. *the event organiser **submitting a Traffic Management Plan (TMP) for the entire route of the events on Route 1 - Oakville, incorporating a Traffic Control Plan (TCP) to Council and a Traffic Management Plan (TMP) for the entire route of the event on Route 2 - East Kurrajong, incorporating a Traffic Control Plan (TCP) to Council and the RTA for acknowledgement.** The TCP should be prepared by a person holding appropriate certification required by the RTA to satisfy the requirements of the relevant Work Cover legislation;*
- 4d. *the event organiser **submitting to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and the Roads and Traffic Authority as an interested parties on the Policy and that Policy to cover both on-road and off-road activity;***
- 4e. *the event organiser advertising all the events on Route 1 -Oakville and Route 2 - East Kurrajong in the local press stating the entire routes of the events and the traffic impact due to the events two weeks prior to the events; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);*

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- 4f. *the event organiser notifying the details of the events to NSW Ambulance, NSW Fire Brigades / Rural Fire Service and SES at least two weeks prior to the events;*
- 4g. *the event organiser directly notifying relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the events at least two weeks prior to the events;*
- 4h. *the event organiser assessing the risk and addressing the suitability of the routes as part of the risk assessment considering the possible risks for competing bicycles travelling close to the edge of sealed section of the roads in both Routes considering the current condition of the carriageway edge; This assessment should be carried out by visual inspection of the routes / site by the event organiser prior to preparing the TMP and prior to the events;*
- 4i. *the event organiser carrying out an overall risk assessment for the whole event on Route 1 -Oakville and Route 2 -East Kurrajong, to identify and assess the potential risks to spectators, participants and road users during the events 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>);*
- 4j. *the event organiser submitting the completed "Special Event - Traffic Final Approval" form to Council; (Separate forms for Route 1 - Oakville and Route 2 - East Kurrajong)*

#### **During the event:**

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

#### **Discussion:**

The event organiser has submitted information in order to obtain **Final Approval** for the events along Route 1 - Oakville, and Route 2 - East Kurrajong, *Refer to Appendix 1.*

Condition 4 (a): Complied

Condition 4 (b): Route 1: N/A, Route 2: Application submitted to RTA.

Condition 4 (c): Complied,

Condition 4 (d): Complied

Condition 4 (e): To be Complied

Condition 4 (f): To be Complied, Route 1: NSW Ambulance Service only advised.

Condition 4 (g): Route 1 Complied, Route 2: To be Complied

Condition 4 (h): Complied .

Condition 4 (i): Complied



Condition 4 (j): Complied

**Route 1 - Oakville**

The Parramatta Cycling Club (PCC) in its initial application indicated that the cycling events will be held on ten (10) separate Saturdays, during the period of 7 April 2007 to 22 September 2007. Specific dates for the Oakville Races have now been provided and are listed below:

- 14 April 2007
- 5 May 2007
- 19 May 2007
- 9 June 2007
- 23 June 2007
- 7 July 2007
- 21 July 2007
- 4 August 2007
- 1 September 2007
- 29 September 2007

Due to the event organiser obtaining the relevant approvals from various authorities and submission of the required information, the events listed from 14 April 2007 to 7 July 2007 inclusive for Route 1, fall outside of the approval process. Namely the dates as listed below:

- 14 April 2007
- 5 May 2007
- 19 May 2007
- 9 June 2007
- 23 June 2007
- 7 July 2007

**Route 2 - East Kurrajong**

The PCC advised that this event will be on Sunday 19 August 2007.

**RECOMMENDATION:**

That no objection be held to the Bicycle Racing Events planned for 2007 by Parramatta Cycling Club along Route 1 - Oakville, and Route 2 - East Kurrajong, as listed below:

**Route 1 - Oakville**

- 21 July 2007
- 4 August 2007
- 1 September 2007
- 29 September 2007

**Route 2 - East Kurrajong**

- 19 August 2007.

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

**Prior to the event**

- a) the event organiser obtaining approval from the RTA for the Route 2 - East Kurrajong event as this is a **Class 1** event;

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- b) the event organiser advertising all the events on Route 1 -Oakville and Route 2 - East Kurrajong in the local press stating the entire routes of the events and the traffic impact due to the events two weeks prior to the events; **a copy of the proposed advertisement be submitted to Council** (indicating the advertising medium);
- c) the event organiser notifying the details of the events to NSW Ambulance, NSW Fire Brigades / Rural Fire Service and SES at least two weeks prior to the events;
- d) Route 2: 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 events at least two weeks prior to the events;

**During the event:**

- e) access being maintained for businesses, residents and their visitors;
- f) all traffic controllers / marshals operating within the public road network holding appropriate certification required by the RTA;
- g) the cyclists are aware of and are following all the general road user rules while cycling on public roads;
- h) in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices be placed during the events along the route under the direction of a traffic controller holding appropriate certification required by the RTA;
- i) the competitors and participants be advised of the traffic control arrangements in place prior to the commencement of the events; and,
- j) 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** Final Approval Submission Special Event Application - Parramatta Cycling Club along Route 1 - Oakville, Route 2 - East Kurrajong, (Dataworks Doc. No. 2445551, 2475436 & 2498667) - see *attached*.

**SECTION 3 - Reports for Information**

Nil Reports for Information.

**SECTION 4 - General Business**

**Item 4.1      LTC - 20 June 2007 - Item 4.1 QWN - Old Bells Line of Road/Bells Line of Road/Mill Road, Kurrajong - Traffic Conditions - (80245, 80204, 87215)**

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Mr J Christie

**REPORT:**

Following a recent fatal accident at the intersection of Bells Line of Road and Old Bells Line of Road, Kurrajong and limited sight distance on exiting Mill Road onto Bells Line of Road, due to encroaching vegetation, requested review of speed restriction in that locality.

**RECOMMENDATION:**

That the Roads and Traffic Authority be requested to:

1. In relation to Bells Line of Road between Comleroy Road and Hermitage Road;
  - a. Investigate reduction of the speed limit from 90kph to 60kph; and,
  - b. Review, and install as necessary, speed restriction repeater/warning signage on Bells Line of Road; and,
2. Trim vegetation for sight distance on the northern side of Bells Line of Road, west of Mill Road.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.2      LTC - 20 June 2006 - Item 4.2 QWN - Pitt Town Road/Windsor Road, McGraths Hill - Traffic Conditions - (80245)**

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Mr J Suprain

**REPORT:**

Advised of increased incidence of vehicles advancing beyond the holding lines at the intersection of Pitt Town Road and Windsor Road, McGraths Hill and queuing across the intersection.

Senior Constable S Sherry advised that he was aware of the problem and the area had been included as part of patrols, particularly each Thursday/Friday.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.3      LTC - 20 June 2007 - Item 4.3 - A Guide to the Delegation to Councils for the Regulation of Traffic including Operation of Traffic Committees - (80245)**

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**REPORT:**

Following attendance at the seminar on 28 May 2007, organised by the Roads and Traffic Authority regarding "A Guide to the Delegation to Councils for the Regulation of Traffic including Operation of Traffic Committees, Messrs. Amit and Shepherd gave an oral report relating to several issues to be clarified by the Authority, namely:

1. Page 1, 3<sup>rd</sup> paragraph - this paragraph appears to imply that a Council may be required to undertake investigation of traffic issues on Main Roads within its boundaries and clarification is necessary;
2. Page 2, Section 3, 1<sup>st</sup> paragraph - this Council demarcates between public and private land in relation to traffic matters; the guide now removes that demarcation by virtue of the words "private land" and "road related area";

Consequently, the Authority and Council now appear responsible for traffic management within private car parks, eg, shopping centre/business premises car parks, not only at establishment but also on-going monitoring.

Current financial constraints faced by Council require critical allocation of resources and it is felt that traffic management on private property imposes inordinate burden on Council. Accordingly, Council seeks:

- a. Removal of reference to private land; and,
  - b. Amendment of the first sentence by inclusion of the following words after "road related area": "...under control/ownership/trustee/lease of, or by a Council.";
3. Both within and without Council, the question is often asked as to the statutory authority for Council to have a Local Traffic Committee - could you please advise the relevant Section/Statute establishing a Local Traffic Committee by a Council;
  4. From the guideline as well as discussion at the seminar, it would appear that:
    - a. Matters relating to installation of regulatory/advisory signage are to comprise the formal part of the agenda, are minuted and referred to Council for adoption/rejection; and,
    - b. Matters not requiring installation and essentially being non-regulatory, such as B-Double applications/Special Events comprise the informal part of the agenda, are not minuted nor submitted to Council for adoption/rejection.

Informal matter at (b) can impose far-reaching liability under both criminal and common law.

Dividing the Local Traffic Committee agenda into formal/informal matters does not address these wider issues, particularly Special Events. Similarly, imposition of a B-Double route would be of import to Councillors given their community representation commitments.

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At this stage, this Council is inclined to maintain the status quo and submit all necessary matters for consideration by the Local Traffic Committee, minute same and in turn submit to Council for adoption/rejection.

Clarification is required from the Authority.

5. From the seminar, warning/advisory signage is to be submitted to and approved by the Local Traffic Committee for subsequent referral to Council. This would essentially comprise every sign, where delegated to Council, contained in Regulatory Signs, Version 1.1, December 2001. Clarification is required from the Authority as to:
  - a. Whether linemarking/raised pavement markers/guideposts are to be referred to the Local Traffic Committee as a formal agenda item for approval to install; and
  - b. The rationale requiring linemarking (in certain circumstances)/guideposts/raised pavement markers/ warning/advisory signage to be submitted to the Local Traffic Committee when not regulatory.
6. From seminar discussion, clarification required from the Authority as to:
  - a. Can delegations to Council be extended to executive staff;
  - b. Is it mandatory that a Councillor is the only person who may act as Chairman, or can the Chair be delegated to a member of Council's executive staff.
7. From the guide and seminar discussions, the advice of the NSW Police Service and the Roads and Traffic Authority is to be sought/available for a meeting to proceed; the minutes of any meeting are to be confirmed at the next meeting prior to submission of the minutes to Council.

Given the operational/rostering/leave arrangements of the NSW Police Service, this requirement has implications relating to statutory timings in relation to Development Applications, and administration of Special Events.

Should a representative of the NSW Police Service either not be able to attend a meeting or submit comment for a meeting, the potential exists for confirmation of minutes to extend to an unreasonable length of time.

To avoid this scenario, clarification is required from the Authority as to whether approval of minutes by the RTA representative only is required for confirmation of Minutes, preferably by electronic medium.

**RECOMMENDATION:**

That correspondence be forwarded to the Roads and Traffic Authority seeking clarification of the above issues, with a copy to be forwarded to Western Sydney Regional Organisation of Council, with request for the latter organisation to make representations on behalf of Council in resolving the above matters.

**APPENDICES:**

There are no supporting documents for this report.

The Chairman advised that Mrs J Hogge, Roads Safety Co-ordinator had resigned from Council with this being her last meeting; on behalf of Council, the Committee and administrative staff, the Chairman expressed appreciation for the contribution given by Mrs Hogge and wished her well in her future endeavours.

**ORDINARY MEETING**  
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**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on 18 July 2007 at 3.00pm in the Large Committee Rooms.

The meeting terminated at 4.20pm

**oooO END OF REPORT Oooo**



ordinary  
meeting

end of  
business  
paper

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