



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 21 October 2008
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 fsut@hawkesbury.nsw.gov.au.

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

A Point of Interest

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

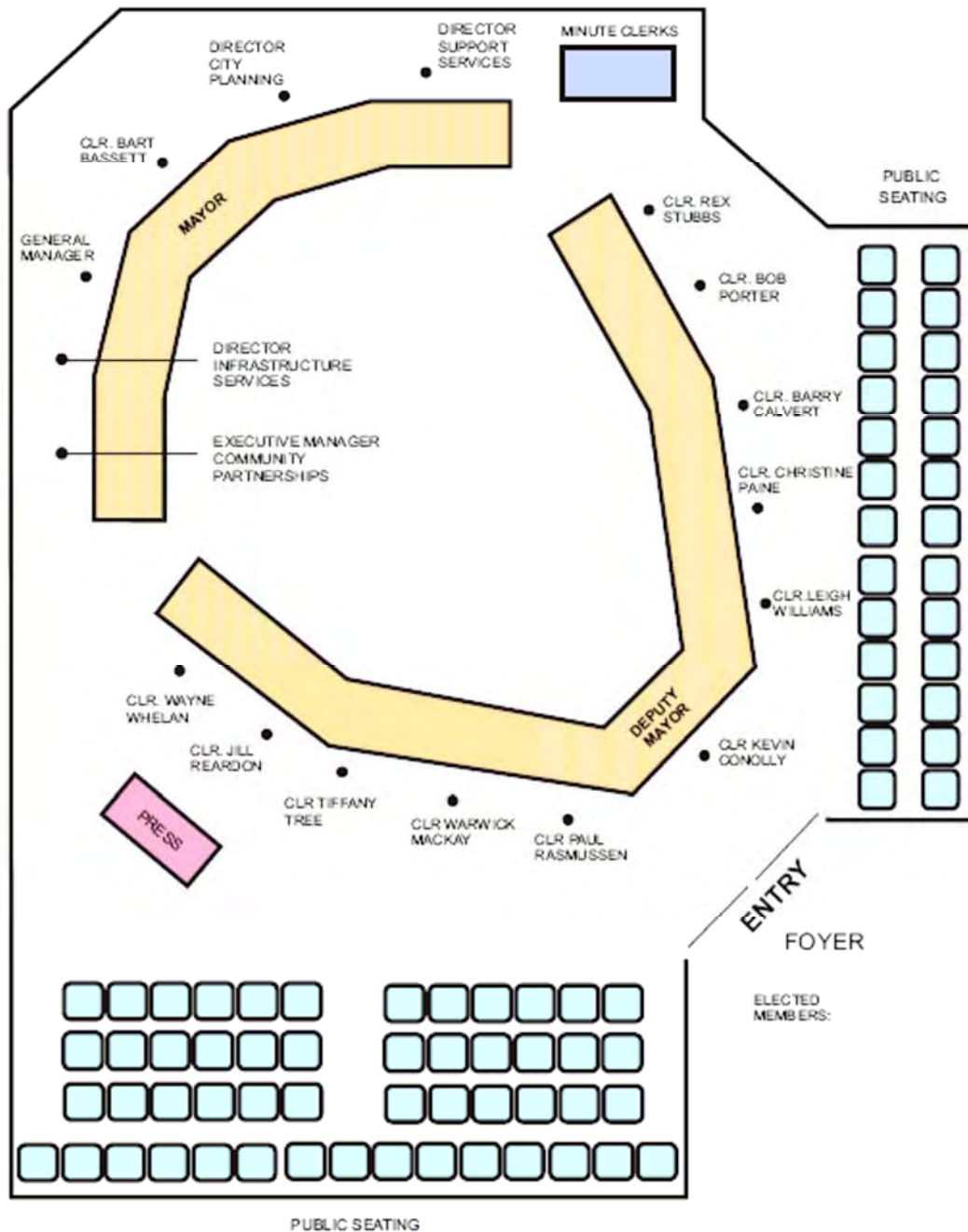
Website

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

Further Information

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

hawkesbury city council council chambers



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SECTION 1 - Confirmation of Minutes

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SECTION 2 - Mayoral Minutes

MM - Announcement by Premier of NSW - Office for the Hawkesbury Nepean - (79351, 79353)

REPORT:

On Wednesday, 8 October 2008 the Premier of NSW, the Hon N Rees MP, held a Community Cabinet meeting in Penrith.

As part of this meeting, the Premier announced that the NSW Government will establish an Office for the Hawkesbury-Nepean and will spend more than \$29 million on weir modifications to improve the health of the River. I attended the Community Meeting and personally thanked the Premier for the decision.

The move to establish a single river office was, without doubt, the result of many years of lobbying culminating in the recent River Summit held in August at Windsor which the Premier, then the Minister for Water, attended.

The message of those many river users and organisations associated with the river, which were represented at the Summit, obviously impressed the Premier (then the Minister for Water) and Council should be delighted with the quick action of the new Premier.

According to the News Release issued by the Premier, the Office for the Hawkesbury-Nepean will be located at Penrith and will co-ordinate the range of programs and activities that are already established in a co-ordinated manner. Issues such as river management and health including weed management, works along the waterfront and applications for structures that encroach into the river such as boat ramps and activities on the River itself will be some of the many matters to be managed by the new Office.

One of the major problems has been that the community has been confused and frustrated with the process for dealing with matters relating to the River. Council should look forward to working with the new Office to ensure that this major commitment by the NSW Government delivers long term results.

Council should also welcome the Premier's announcement of a \$29 million program to improve the 16 weirs along the River to allow planned new environmental flows from Upper Nepean dams to reach deep into the river system unimpeded. This will be a significant step in improving water quality for all users as well as the environment for aquatic animals.

The Federal Government has also previously promised funding in the order of \$130 million towards improvements in the Hawkesbury River system. The action of the State Government is to be highly commended and I hope that the Federal Government will use the establishment of this new Office to progress the provision of this additional funding.

The State Government has indicated that the new Office of the Hawkesbury- Nepean will be in operation by March 2009 with weir modifications being completed as early as the end of next year.

RECOMMENDATION:

That Council:

- 1 Write to the Premier of NSW, the Hon N Rees MP, and congratulate him for his recent announcement concerning the State Government's proposal to establish an Office for the Hawkesbury-Nepean.

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- 2 Advise the Premier that Council would be pleased to work with the State Government and other stakeholders to assist in the establishment of this Office as envisaged in his News Release in this regard.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

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SECTION 3 - Notices of Motion

NM1 - Incorporation of Appropriate Provisions Within Tenders - (80104, 79351)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That a report be submitted to Council regarding the adoption of a policy for the incorporation of appropriate provisions within tender documentation, for roadworks or similar services, to require the works to commence within an appropriate time period after the acceptance of the tender, failing which, in the event that delay was not beyond the control of the successful tenderer, the tender would lapse.

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

GENERAL MANAGER

Item: 202 **GM - Future Operations of Richmond RAAF Base - (79351, 77675)**

Previous Item: MM – Ordinary Meeting, 13 May, 2008

REPORT:

At its meeting held on 13 May 2008 Council considered a Mayoral Minute in connection with the subject matter and subsequently resolved:

“That:

- 1. Council make representations to the Prime Minister, Minister for Defence and Minister for Infrastructure, Transport, Regional Development and Local Government in connection with the future retention of the Richmond RAAF Base as outlined in the Mayoral Minute.*
- 2. WSROC and the Local Federal Member be requested to support Council’s representations in this regard”.*

A copy of the Mayoral Minute submitted to the above meeting is included as Attachment 1 to this report.

Correspondence was sent in accordance with Council’s resolution and followed up as appropriate. A letter dated 2 September 2008 has now been received from the Parliamentary Secretary for Defence Support, the Hon Dr Mike Kelly AM MP in response to Council’s letters to the Prime Minister and the Minister for Defence. A copy of this letter of response is included as Attachment 2 to this report.

It will be noted that Council’s representations in this matter called for:

- The exclusion of the prospect of the closure of the Richmond RAAF Base from the Defence White Paper.
- The Defence White Paper to consider the issue of investment in and expansion of the Richmond RAAF Base.
- An early acknowledgement of the Government’s pre-election commitment to the retention of the Richmond RAAF Base and a reaffirmation of the commitment.
- An assurance that the Richmond RAAF Base will not be considered as a potential site for a second Sydney International Airport.

Whilst the letter from the Parliamentary Secretary for Defence Support refers to the issues of the Defence White Paper; the Richmond RAAF Base and a second Sydney Airport, it does not give any of the commitments/assurances sought by Council, notwithstanding the Government’s pre-election commitment in this regard.

The Defence White Paper was on Community Consultation for some time with a series of public meetings being held around the Nation in this regard. The Community Consultation Public meeting held in Sydney on Tuesday, 29 July 2008 was attended by the Mayor and General Manager. A very wide range of defence related issues were raised at this meeting by attendees with the Mayor raising the issue of the retention of the Richmond RAAF Base, the importance of the Base to the region and the Government’s pre-election commitment.

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The Defence White Paper is a very "high level" document which discusses and raises a wide range of defence related issues on a broad basis. Site specific issues (i.e. particular bases) are not effectively raised but rather the manner of and type of response to Australia's internal defence requirements and role in international defence issues is canvassed. Submissions, limited to 1,000 words were invited up to 1 October 2008 and a submission was lodged on Council's behalf by this date.

There will no doubt be further more detailed steps in the process of considering Australia's future defence needs and through out this process, as occurred with similar processes in the past, it will be important for Council to continue to support the need for the retention of the Richmond RAAF Base as both an important defence facility for the Nation and as an integral part of the region's economy and community.

Council will be informed of subsequent steps in this process as and when necessary to enable Council's continued appropriate participation.

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

Not applicable at this stage.

RECOMMENDATION:

That:

1. The information concerning responses to Council's representations in relation to the Defence White Paper and the future operations and retention of the Richmond RAAF Base be noted.
2. Council continue to support the need for the retention of the Richmond RAAF Base as both an important defence facility for the Nation and as an integral part of the local region's economy and community.
3. Council continue to make submissions as necessary through out future stages following the current exhibition of the Defence White Paper and that further reports in this regard be submitted to Council as and when required.

ATTACHMENTS:

AT - 1 Mayoral Minute to Council Meeting on Tuesday, 13 May 2008.

AT - 2 Response from the Parliamentary Secretary for Defence Support dated 2 September 2008.

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AT - 1 Mayoral Minute to Council Meeting on Tuesday, 13 May 2008.

MM1 - Future Operations of Richmond RAAF Base - (79353, 79351)

REPORT:

Background

Prior to August 2007 the future operations of the Richmond RAAF Base were in doubt and were the subject of ongoing reviews as part of the Defence Force Disposition Program.

On 11 August 2007 the then Minister for Defence the Hon. Dr B Nelson MP, visited the Richmond RAAF Base and officially announced the then Government's intention that the Base would remain as a permanent operational facility and integral part of Australia's defence capability. This announcement was subsequently confirmed with a letter dated 13 August 2007 from the Minister. A copy of the letter is included as Attachment 1 to this Minute.

This announcement was the subject of a Mayoral Minute to the meeting of Council held on 14 August 2007 and Council subsequently sought advice from the then Leader of the Opposition as to that party's intentions regarding the future of the Richmond RAAF Base should it be elected to Government.

By letter dated 26 September 2007 the then Shadow Minister for Defence, Mr J Fitzgibbon MP advised that:

"Labour has no plans to alter the status of RAAF Base Richmond, and should we be elected to Government later this year Richmond will continue as a permanent operational facility."

A copy of this letter is included as Attachment 2 to this Minute.

Recent Developments

On 22 February 2008 the Minister for Defence, the Hon J Fitzgibbon MP announced the commissioning of a new Defence White Paper with a view to ensuring "that the Australian Defence Force has all the capability, protection and training it needs to ensure that it is able to effectively defend the nation and its interests in as safe a manner as possible".

The statement by the Minister went on to indicate that the "new Defence White Paper will ensure that Australia's defence capability requirements are achievable and are always guided by our long-term strategic priorities. It will begin with a fundamental assessment of our strategic environment, our strategic interests and, of course, our strategic priorities".

It has been indicated that the new process will include a "comprehensive community consultation process" with details of such a process yet to be made available.

Notwithstanding the announcement by the former government and the advice from the then Shadow Minister for Defence it would appear that the future of the Richmond RAAF Base will be part of the new Defence White Paper and is, therefore, once again in question.

Obviously, when public consultation in respect of the new Defence White Paper commences Council would, once again, make an appropriate submission.

An article in respect of the review titled "Military bases may be closed" appeared in the Australian Financial Review on Friday, 2 May 2008. A copy of this article is included as Attachment 3 to this Minute.

A further article appeared in the Daily Telegraph on Monday, 5 May 2008 (Attachment 4) which suggests the Federal Government is once again reviewing the need for a regional Sydney International Airport and that Camden, RAAF Richmond and an expansion of Canberra Airport were being considered.

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As a result of this article I have been contacted by a number of media outlets for comment and at 12:37pm on Monday, 5 May 2008 I gave an on-air interview with 2UE's Tim Webster on this matter. A transcript of this interview is included as Attachment 5 to this Minute. There have been subsequent interviews with other media outlets with similar views and comments to those provided in the 2UE interview being made.

In view of the issues that have now risen in relation to the future of the Richmond RAAF Base it is suggested that Council should now write to the Prime Minister, Minister for Defence and Minister for Infrastructure, Transport, Regional Development and Local Government seeking:

- The exclusion of the prospect of the closure of the Richmond RAAF Base from the Defence White Paper.
- The Defence White Paper to consider the issue of investment in and expansion of the Richmond RAAF Base.
- An early acknowledgement of the Government's pre-election commitment to the retention of the Richmond RAAF Base and a re-affirmation of that commitment.
- An assurance that the Richmond RAAF Base will not be considered as a potential site for a second Sydney International Airport.

In addition to the above, I would also suggest that Council request WSROC and the Local Member to support these representations.

RECOMMENDATION:

That:

1. Council make representations to the Prime Minister, Minister for Defence and Minister for Infrastructure, Transport, Regional Development and Local Government in connection with the future retention and use of the Richmond RAAF Base as outlined in the Mayoral Minute.
2. WSROC and the Local Federal Member be requested to support Council's representations in this regard.

ATTACHMENTS:

- AT - 1 Letter dated 13 August 2007 from the then Minister for Defence, The Hon Dr B Nelson, MP
- AT - 2 Letter dated 26 September 2007 from the then Shadow Minister for Defence, J Fitzgibbon MP
- AT - 3 Article from The Australian Financial Review, Friday 2 May 2008, titled "Military Bases may be closed"
- AT - 4 Article from the Daily Telegraph Monday, 5 May 2008, titled "Master airport plan in pipeline"
- AT - 5 Transcript of interview with Mayor on 2UE at 12.:37pm on Monday, 5 May 2008.

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AT - 1 Letter dated 13 August 2007 from the then Minister for Defence, The Hon Dr B Nelson, MP

[Refer to Maps Agenda](#)

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AT - 2 Letter dated 26 September 2007 from the then Shadow Minister for Defence, J Fitzgibbon
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AT - 3 Article from The Australian Financial Review, Friday 2 May 2008, titled "Military Bases may be closed"

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AT - 4 Article from the Daily Telegraph Monday, 5 May 2008, titled "Master airport plan in pipeline"

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AT - 5 Transcript of interview with Mayor on 2UE at 12.:37pm on Monday, 5 May 2008.

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**AT – 2 Response from the Parliamentary Secretary for Defence Support
dated 2 September 2008.**

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Item: 203 GM - Delegation of Authority to Westpool - Tenders for Insurance Broker and Claims Management Services - (79351, 79426)

REPORT:

Members will be aware that Council is a member of Westpool for the purposes of the pooling of public liability and professional indemnity insurances and has been involved in the formation of the United Independent Pools (UIP) in association with MetroPool for the purposes of pooling for a number of other classes of insurances such as Industrial Special Risks, Motor Vehicle, Directors and Officers Liability, Personal Accident, Volunteers, etc.

Council's membership of Westpool and, subsequently, UIP has been very beneficial for the Council, as well as other member councils, in obtaining favourable insurance renewals and the management of the various classes of insurance effected by Westpool and UIP. As part of this process, the services of appropriate organisations have been engaged to assist with insurance brokerage and claims management aspects of the various insurances.

Westpool and Metro Pool undertook a review of the brokers and claims management team in 2004. Previously, AON provided all services, however, after analysis of tenders at the time, Willis Australia Ltd (Willis) was appointed as the brokers and Claims Management Australasia (CMA) was appointed as the claim management team.

Willis is responsible for assisting the Pool in its negotiation of all insurance programs with exception of Workers' Compensation. They operate on a fee structure with no commissions to be paid.

The claims management team (CMA) is responsible for assisting risk managers in the management of medium to large claims. They work with the lawyers and, if required, provide independent advice. They also liaise with the insurance claims team located in London in relation to claims that exceed the self insured retention. CMA also operates on a fee basis and no commissions.

The contracts with both Willis and CMA were for an initial term of three years with a two-year extension. In April 2007 the Joint Pools (UIP) decided to extend the contract due to good performance until April 2009 and as that date is fast approaching, the Pools are seeking members' delegated authority to undertake the tender process on their behalf to facilitate the appointment of appropriate organisations to continue with the provision of these services.

The tender is required in accordance with the Local Government Act as the fees for both services exceed the tender limit requirement of \$150,000. The Pools and UIP have discussed the issue of tendering with the Department of Local Government and they advise that until such time as the Act is amended, Local Government mutuals are required to submit results of tenders back to the council for approval.

It is intended that Westpool and Metro Pool will undertake the tender process on members' behalf and then submit results and a recommendation back to the member councils for approval. However, before this process can be commenced Westpool requires delegated authority from Council to undertake the tender process on Council's behalf.

As the provision of these services are associated with the normal operation of the Pools and UIP it is recommend that Council extend this delegated authority to Westpool as a technical requirement of the process. Results of the tender process will be reported back to all councils for consideration and approval prior to implementation.

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Conformance to Strategic Plan

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

"Direction: Establish operational capacity to foster partnerships that support business innovation and investment."

Funding

Any costs associated with the subsequent acceptance of a tender for the services concerned will be met as part of Council's budgeted contributions to Westpool for insurance purposes.

RECOMMENDATION:

That:

1. Westpool be delegated authority to undertake a review of Westpool's insurance broker and claims management team on Council's behalf.
2. The results and recommended tenderers be submitted back to Council for approval.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 206 CP - Development Application - Rural Shed - Lot 3 DP813866, 72 Fisher Road, Maraylya - (DA0365/08, 109945, 110212, 95498)

Previous Item: 187, Ordinary (9 September 2008)

Development Information

Applicant: Mr A Mezzomo
Owner: Mr A Mezzomo & Mrs R Mezzomo
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 2.000 H
Zone: Rural Living
Rural Living under Hawkesbury Local Environmental Plan 1989
Advertising: 2/6/08 to 16/6/08
Date Received: 15/5/08

Key Issues:

- ◆ Use of shed
- ◆ Colour
- ◆ Bulk
- ◆ Size

Recommendation: Approval

REPORT:

Introduction

This report was considered by Council at the meeting of 9 September 2008 (as the application was called to Council by Councillor Finch) where the following resolution was made:

"That a site inspection of the property be organised."

The site was inspected by Councillors and staff on Thursday 16 October 2008.

The applicant is seeking approval to construct a rural shed for the purpose of garaging a private vehicle and storage of equipment, such as mowers and tractor, etc, for use on the property.

Background

A separate application for a dwelling has been lodged with Council and has been approved.

The matter of tree removal in July 2008 is being investigated by Council's Regulatory Services.

The Proposal

The applicant is seeking approval to construct a rural shed. The application involves a barn style shed 16m X 12.6m (201.6 sqm), with a ridge height of 5.41m.

The shed is proposed to be located 77m from the road, behind the location of the proposed dwelling and 3m from the side boundary.

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The applicant is seeking a variation of the shed provisions in the DCP to the height, from 5m to 5.4m, and the floor area of the shed, from 170m sq to 201.6m sq. This matter is discussed later in the report.

Statutory Situation

The subject property is zoned Rural Living under Hawkesbury Local Environmental Plan 1989. A rural shed is a permitted use in this zone.

The Legislation relevant to the proposed development on the site is;

- Environmental Planning & Assessment Act 1979.
- Hawkesbury City Council Local Environmental Plan 1989. (HLEP)
- Hawkesbury City Council Development Control Plan. (DCP)

Community Consultation

The application was notified during the period from 2 June 2008 to 16 June 2008. During that time 3 submissions were received at Council objecting to the shed. The main issues raised are:

- *The colour- not environmentally friendly.*

Comment: The shed is to match the residence and is proposed to be "Woodland Grey" (dark grey) roof and "Surfmist" (cream) walls, matching the proposed dwelling. The proposal to match or blend the colour of the rural shed with the existing buildings (or in this case the proposed buildings) on the site is a requirement of Council's DCP.

- *The bulk- bigger then needed.*

Comment: The shed is proposed to be over the permitted 170m sq by 31.6 sqm. The owner has submitted justification for the size with the application. This justification states that the shed size is needed for his equipment and storage of farm materials. This matter is discussed further in the report.

- *The size- it is higher then the permitted 5m.*

Comment: It is proposed to vary the DCP requirement of 5m height by 0.4m. The applicant has stated that this is needed in order to structurally fit the roller door required to allow the applicant to store his truck. This matter is discussed further in the report.

- *The use- The possibility that the shed may become a truck depot due to the owner's business- Accacia Transport.*

Comment: The applicant has indicated that the shed is for private use only. The truck is owned and driven by the owner and this is similar to other residents in the area who own a truck. The shed has been proposed for domestic/agricultural use pertaining to the property. The use of the shed can also be limited through a condition of consent. A suitable condition will be imposed to restrict the use to non-commercial.

- *The noise and dust from the truck traffic.*

Comment: The approval is not for a truck depot. The application proposes only one owner driver truck. The respondent has also raised concerns regarding the location of the driveway adjacent to the common property boundary. A condition of consent is proposed to require the driveway to be a minimum of 2 metres from the property boundary and this setback area to be landscaped with appropriate screening plants.

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Planning Assessment

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

Rural Shed

Design Principles	The Proposal	Compliance
Siting		
Sheds shall be located no closer to the road than the existing dwelling house on the property.	The shed is proposed to be located 77m from the road.	Yes
Cut and fill shall be limited to 2m of cut and 900mm of fill	Plans indicate a max of 800mm of fill.	Yes
Sheds are not to be erected on land which has a slope in excess of 10%	Slope not in excess of 10 degrees	Yes
The erection of rural sheds should involve minimal disturbance to native vegetation.	Area is clear	Yes
Size		
The maximum of sheds in the Rural Living zones shall not exceed 170sqm. The cumulative total of all buildings shall not exceed 170sqm on any one property in these zones.	Proposed shed is 16m X 12.6m = 201.6m ² The applicant has indicated that he requires 195.16 m ² internally in order to fit all his equipment	No. See comments below.
In zones Mixed Agricultural, 7(d), Environmental Protection Agricultural (EPA), & 7(e) the applicant will need to justify the size of any shed exceeding 170m ² in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.	N/A	N/A
Height		
The total height of a rural sheds erected in Rural Living zones shall be no more than 5 metres or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less.	Height to the ridge 5.4m Over by 0.4m But barn style shed.	No. See comments below
In other zones, the total height of rural shed exceeding 5 metres shall be justified in terms of the use of the shed and the visual impact of the development.	n/a	n/a

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Design Principles	The Proposal	Compliance
The total height of "barn style" sheds may exceed 5m based on individual merit.	Barn style design	Yes
Form		
Rural sheds with standard roof form will be limited to rectangular shapes.	Barn style design	Yes
Sheds of other roof forms, for example barn style, will be encouraged.	N/A	N/A
Colour		
The colour of a rural shed will match or blend in with those of existing buildings.	Proposed residence to be cream- shed to match the residence and is proposed to be "Woodland Grey" (dark grey) roof and "Surfmist" (cream) walls.	Yes
On vacant land the colour for rural sheds shall be taken from the natural environment.	Currently vacant but the residence is proposed and the application has been approved	Yes
Type of Building Materials		
Building materials used in the construction of rural sheds are to be new, pre-painted and non-reflective	New material to be used.	Yes
The use of corrugated iron will be considered subject to size, height, design and location of the rural shed.	N/A	N/A
Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible material.	N/A	N/A
Landscaping		
Plantings are to be a mix of trees, shrubs and ground cover.	Existing trees to be retained	Yes
Trees shall include species that at maturity have a height above the ridgeline of the shed.	Height would be over the height of the proposed shed. Mature height of any landscaping can be conditioned.	Yes
Shrub mass shall provide adequate screening.	3m area between the boundary and the shed. This area can be planted with appropriate species, and can be conditioned	Yes
Plants endemic to the area are to be chosen.	Existing established trees	Yes

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Size Variation

The applicant has provided the following as justification for the proposed size variation:

Justification for the size variation:

Equipment	Floor Area	Sqm
<i>Pantec Truck</i>	<i>4m X 8m X 3.4m high</i>	<i>32m²</i>
<i>Tractor</i>	<i>3.6m X 7m X3m high</i>	<i>25.2m²</i>
<i>Slasher</i>	<i>3.6m X 3.6m</i>	<i>15m² (sic)</i>
<i>Lucerne for the horses</i>	<i>3.6m X3.6m</i>	<i>12.9m²</i>
<i>Post hole digger</i>	<i>2m X 2m</i>	<i>4m²</i>
<i>Ride on Mower</i>	<i>2m X 3m</i>	<i>6m² (size of a ride on =2.16m².)</i>
<i>Various items such as hand mower, tools, work bench & garden tools</i>	<i>Various sizes with the need to gain access to these items</i>	<i>48m² (note: double garage =36m²)</i>
<i>Storage of timber fencing wire, irrigation pipes & other farm materials</i>	<i>Various sizes with the need to gain access to these items</i>	<i>52m² (note: double garage =36m²)</i>

The applicant is seeking a variation to the floor area control of the DCP of 31.6 sqm, ie, from 170 sqm to 201.6 sqm.

Comment:

Council's DCP aims to:

- To control the size of rural sheds so as to minimise their visual dominance in the landscape.
- To reduce the number of unnecessary sheds.

The objective of the DCP is to ensure that the size of the rural shed is to be associated with the use of the land and the size of the property.

The applicant has submitted details (see table above) that set out the why the shed size and variation is required. The submitted details do not seem unreasonable for the site and it is considered that the proposed variation of 31.6 sqm is acceptable in this case.

Height Variation

The applicant is seeking a variation to the height standard of 5m as the roof pitch has been matched to the proposed residence. The proposed height is 5.4m. This is 0.4m above the DCP limit of 5m.

Comment:

Council's DCP aims to:

Control the height of rural sheds so as to minimise their dominance and bulk in the landscape.

The objective being that rural sheds are not to dominate the landscape due to the bulk of the building or intrude into the skyline.

It is considered that the proposed height variation of 0.4 metres is a minor variation as the shed profile is a barn style, the bulk of the structure is broken up and is in keeping with the other sheds in the locality. The approval can be conditioned to provide screen planting between the shed and the boundary as this planting will decrease the bulk effect of the structure against the skyline.

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Conclusion

The applicant is seeking approval for a rural shed that is not uncommon for the area. There are other sheds in the area that match the style, size and colour of the proposed shed.

The applicant is seeking formal variation of the DCP requirement in relation to the size and height of the proposed shed. The extent of the size variation is for an additional 31.6m sq and the height variation is 0.4 metres. The applicant has provided justification for the variation in both height and size.

The bulk and the use of the structure are the main issues raised in the comments by the respondents. The shed can be conditioned to prohibit its use for commercial or industrial use.

It is considered that the structure as proposed is in keeping with a number of other sheds in the district and its use will be associated with the use of the land and the size of the property.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That the application for a Rural Shed at Lot 3 DP 813866, 72 Fisher Road, Maraylya, be approved subject to the following conditions:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building 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 at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

Prior to Commencement of Works

7. The wind classification for the site has been assessed as Minimum W21N. This classification should be referred to your glazing supplier, frame manufacturer and building contractor to enable the appropriate frame, glazing, bracing and tie downs to be designed. A copy of the designs and glazing certificate are to be provided to the Principal Certifying Authority.

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

During Construction

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

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

- (a) piers;
- (b) steel reinforcement prior to pouring concrete;
- (c) external sewer or stormwater lines, prior to backfilling;

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- (d) swimming pool fencing, prior to the pool being filled with water;
 - (e) on completion of the works;
17. All roofwater shall be drained to the water storage vessels.
 18. The overflow from the water storage vessel shall be drained to a stormwater pit. The stormwater pit shall be located so as not to interfere with any other property
 19. The area between the southern boundary and the proposed shed, for the minimum length of the shed, is to be planted with screening trees that will have a mature height equal or greater than that of the ridge height of the shed.

Use of the Development

20. No internal or external alterations shall be carried out without prior approval of Council.
21. The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.
22. The access driveway, particularly in the vicinity of the adjoining dwelling to the south, is to be a minimum of 2 metres from the property boundary. This setback area is to be densely landscaped with screening plants with a mature height of at least 2.5 metres.

Advisory

- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Elevations

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AT - 1 Locality Plan

[Refer to Maps Agenda](#)

(This Attachment has been removed to reduce the overall size of this business paper to allow quicker download times)

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AT - 2 Site Plan

[Refer to Maps Agenda](#)

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ORDINARY MEETING

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AT - 3 Elevations

[Refer to Maps Agenda](#)

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oooO END OF REPORT Oooo

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Item: 207 CP - Development Application - Animal Establishment - Construction of a Kennel Building and Outdoor Kennels for the keeping and breeding of show dogs - Lot 11 DP1034864, 262 Grose Wold Road, Grose Wold - (DA0359/08, 85782, 108159, 95498)

Development Information

Applicant: Urban City Consulting Pty Limited
Applicants Rep: Troy Myers
Owner: Mr GA Sparham
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan 2002
Area: 1.838 Ha
Zone: Hawkesbury Local Environmental Plan 1989
Rural Living
Advertising: 30/5/08 to 20/6/08
Date Received: 14/5/08

Key Issues:

- ◆ Noise
- ◆ Amenity and character
- ◆ Zone objectives
- ◆ Public safety

Recommendation: Approval

REPORT:

Background

The subject site and adjoining property have been the subject of a site inspection on Thursday, 9 October 2008 as requested by Councillor Rassmussen. The inspection of the subject property was attended by Councillors Bassett (Mayor), Conolly (Deputy Mayor), Rassmussen and Reardon. Also in attendance were Council's Director City Planning, the property owner (Mr Sparham) and the applicant, Mr Myers. Following the site inspection the adjoining property to the north, 270 Grose Wold Road, was also inspected by the above with the addition of the property owner, Ms Fjellheim, Ms G Raby and Mr G Swain.

Description of Proposal

The application seeks approval for an animal establishment on the subject land involving construction of internal and external kennels for the keeping and breeding of Bullmastiff show dogs. It is proposed to accommodate a maximum of 20 dogs generally comprising of 10 - 15 adult dogs with an occasional litter at any given time. The proposal does not involve the boarding of animals as all dogs are purpose bred as show dogs and are the property of the owner of the land.

The following works are associated with the proposal:

- Construction of a kennel building 20m (length) x 10m (width) x 4m (height) containing 11 individual kennels and storage area. This building will provide enclosed sleeping quarters with separate runs 2.0m in width x 3.5m in length. The kennel building is proposed to be constructed of colourbond outer skin walls and colourbond pitched roof. Masonry is to be used to line the individual kennels. The internal colourbond walls and roof are proposed to be internally insulated with 100mm thick insulation. The building will be fully air conditioned with no windows facing the adjoining residence.

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- An enclosure 42m x 56m is proposed to surround the kennel building accommodating 10 separate outdoor runs 5.0m in width x 15.0m in length. This enclosure is to be constructed of 1.8m high wire mesh fencing (existing) upon which a 1.0m additional 45° angled overhang will be installed. The fence is to be lined with a 3mm thick vinyl sheeting to provide an acoustic barrier to adjoining properties. The runs are to be grassed and are to incorporate a covered area to provide shelter.
- Provision of 1.8m high fencing along the northern (side) boundary of the site commencing at the location of the dwelling situated at No. 262 Grose Wold Road and extending to the point adjacent to the north western corner of the outdoor enclosure.
- Installation of double thickness shade cloth material surrounding the outdoor runs to act as a visual buffer to neighbouring properties.
- Landscaping comprising of hedge type planting along the northern (side) boundary of the site and surrounding the outdoor kennel complex.
- Installation of an on-site effluent treatment and disposal system.

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:

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

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

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 that no trees would be impacted or removed by the proposed works.

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;*

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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.

Clause 5 - Definitions

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

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

Clause 9 - Carrying out of development

The subject site is zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989. An animal establishment is a land use that is permissible with development consent within the Rural Living zone.

Clause 9A - Zone objectives

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

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

Comment: The design of the proposed development has been developed so as to minimise adverse impact upon adjacent properties. In this regard appropriate conditions have been included in the recommended consent so as to limit potential impacts attributable to the proposal.

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

Comment: The proposal will not cause significant adverse impact on identified agricultural activities given the design and scale of the development and requirement for the implementation of appropriate measures so as to enable these uses to continue.

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

Comment: The proposal has been designed so as to minimise impact upon adjoining land uses given the design of the kennel building and associated outdoor enclosures. In addition, it is noted that a combination of fencing, barrier screening and landscape treatment are proposed so as to assist in this regard.

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

Comment: The application seeks approval for the establishment of an animal establishment that will not require the physical modification of the site such as ploughing, irrigation, application of fertilisers or chemicals. As such, the proposed activity is not deemed to have significant implications relating to concepts involving sustainability.

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

Comment: The application does not seek consent for rural residential development.

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

Comment: The proposed kennel building is of similar design to buildings situated in the immediate area. In addition, a landscape plan has been prepared detailing extensive planting surrounding the outdoor kennel area and northern boundary of the site assisting in reducing the visual impact of the proposal.

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

Comment: The application does not seek consent for an agricultural land use.

- (h) *to ensure that development occurs 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 anticipated to cause any significant adverse impacts on water catchments, land surface conditions or significant ecosystems.

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

Comment: Grose Wold Road 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.

- (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 not serviced by reticulated water supply. An appropriate condition of development consent has been included in the recommendation requiring the provision of on-site water storage to provide for the demands associated with the proposed use.

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.

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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 roof of the proposed kennel building will be required to be directed into an appropriate water storage tank/s and any overflow dispersed onsite. 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.

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 from 28 May 2008 to 20 June 2008. In response to this notification a total of twelve (12) submissions were received.

In addition to the above the applicant has included a petition containing one hundred and four (104) signatures and ten (10) letters of support for the application.

The main issues raised are summarised as follows:

1. The proposed development is inconsistent with the objectives of the Rural Living zone.

Comment: It is noted that 'animal establishments' are a permissible land use within the Rural Living zone and it is considered that the proposal is consistent with the stated zone objectives as detailed previously in this report.

2. The animal establishment will have an appearance that is unattractive being inconsistent with the character of the locality.

Comment: It is considered that the proposal will not be out of keeping with the nature of development situated in the immediate area given the location of the proposed building, associated outdoor kennels and proposed landscape treatment to be applied.

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

Comment: An acoustic assessment has been submitted in conjunction with the application recommending measures to reduce potential noise impact to neighbouring properties. It is considered that the design in conjunction with the inclusion of appropriate conditions will satisfactorily address the issue of noise disturbance to adjoining properties.

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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 within the Rural Living zone and any similar applications would need to demonstrate that such uses would not result in unacceptable impact upon adjoining land. It should also be noted that the current application is not for a "boarding kennel" that provides intermittent accommodation for dogs, but is to be used as a kennel facility for the keeping and breeding of a limited number of show dogs owned by the applicant. As this use is a permitted use in the zone, approval of such a use does not, in itself, set a precedent.

5. The number of dogs proposed to be accommodated within the facility is considered excessive and actual numbers may exceed those stated in the application.

Comment: The details submitted in conjunction with the application provide that the number of dogs proposed to be housed on the property will not result in a significant adverse impact upon adjoining properties. An appropriate condition has been included in the recommended consent restricting the total number and breed of dogs that may be accommodated on the site as nominated in the application.

6. The proximity of the site to an existing school and adjoining residential properties is unacceptable.

Comment: An appropriate condition has been included in the recommended consent requiring the installation of appropriate fencing around the perimeter of the kennel enclosure so as to provide suitable means for the control of animals on the site.

7. The soil situated on the site has high clay content and the potential for faecal contamination of waterways is high.

Comment: The proposed on-site wastewater system, utilising sub-surface irrigation, will dispose of waste generated by the development in an appropriate manner thereby minimising the potential for the impacts as described. A recommended condition is also proposed that requires the regular collection of solid waste from the kennel areas.

8. The development has the potential to cause odour problems.

Comment: It is considered that this issue 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.

9. The proposal has the potential to spread disease and contaminate adjacent waterways and dams.

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

10. Fencing surrounding the site will not prevent accidental escape of animals.

Comment: Appropriately constructed buildings, barrier fencing and management practises will ensure that the chance of animals escaping the premises is unlikely. The very nature of the proposal, ie, keeping of valuable show dogs, will also be an incentive for the owner to ensure that animals do not accidentally escape from the site. It is therefore considered that the proposed development will not have a significant impact upon safety.

11. Devaluation of adjacent properties.

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.

12. 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 or a building or structure used for a purpose elsewhere specifically defined in this clause." The application, involving the keeping and breeding of dogs, is defined as an "animal establishment". As such, it is appropriate to assess the application under that defined use.

13. The proposal would limit available parking in the area should the use be orientated towards a business use.

Comment: It is considered that adequate area is available on the subject site to cater for the anticipated level of car parking demand associated with the proposal.

14. The acoustic assessment has not considered the dwelling currently under construction to the south of the site.

Comment: A suitable condition has been included in the recommendation requiring the design of the proposal to provide an acceptable acoustic environment to all properties adjacent to the subject site. Validation by an appropriately qualified acoustic engineer would be required to be undertaken and necessary works completed prior to occupation.

Part C, Chapter 1 - Landscaping

A landscape plan has been prepared in conjunction with the application detailing the provision of landscape treatment along the northern (side) boundary of the site and surrounding the kennel enclosure 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 Grose Wold Road. It is also noted that, as observed at the site inspection on 9 October, some of the landscaping (that does not require separate consent) has already been undertaken.

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.*

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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.

It is noted that the application involves the establishment of a facility for the purpose of housing and breeding of show dogs. Accordingly, car parking demand associated with this type of usage would not significantly vary from a residential use.

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

An appropriate condition has been included in the recommendation requiring the vehicle crossing to be constructed of a durable all weather sealed surface.

Planning Assessment

Context and Setting

The locality is characterised by rural properties containing single dwellings with variable setbacks. These properties, whilst primarily used for residential purposes, include the keeping of a variety of animals including horses, cattle and alpaca. Grose View Public School is situated on the opposite (western) side of Grose Wold Road.

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

The subject site will not impact upon any significant vegetation situated on the subject land. Accordingly a formal flora and fauna assessment was not required in this instance.

Noise Impact

In conjunction with the subject application for the animal establishment the applicant engaged RSA Acoustics to undertake an acoustic assessment of the proposal (*Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008*). This report describes the anticipated environmental noise impact upon adjacent residential dwellings and the calculations were based upon a maximum of 20 dogs.

This report recommends the following noise control measures to be implemented so as to minimise noise impact to adjoining residential land uses:

- *The property will be under continuous supervision by an experienced canine handler 24 hours per day.*
- *The installation of a 1.8 metre high fence on the adjoining property boundary. This fence will form a solid noise barrier towards the northern residential property. This fence will start immediately adjacent to the dwelling at 262 Grose Wold Road and end at an angle nearest the dog fence line's north west corner.*
- *The fence surrounding the exercise yards is to be covered in 3mm thick heavy duty clear vinyl sheeting.*
- *Any disturbance shall be investigated immediately to eliminate any barking that may occur.*
- *Veterinary attendance will occur on a regular basis.*
- *Distressed or injured animals shall be housed whilst in recovery in the enclosed kennels to eliminate any noise from the animal.*

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- *All feeding, washing and grooming of dogs will be carried out in the kennels.*

In order to limit the potential for external stimuli to affect the behaviour of the dogs when contained in the external runs it is recommended that the outer enclosing fence be covered by a suitable material that would prevent any opportunity for such distraction. Subject to this additional requirement the remaining recommendations contained in this report have been included as draft conditions.

In addition to the above the acoustic report provides the following conclusions having regard to the proposed animal establishment:

Based on the noise levels at the nearest residence as calculated, it is clear that acceptable noise criteria will be achieved for both daytime and night time kennel usage. As well, this report demonstrates that the sleep arousal criteria will be achieved.

Bullmastiffs are a low key, quiet breed and have been developed for their ability to know when making noise is appropriate. They are not prone to constant barking or being overly alert to external stimulus.

As such it is expected there will be very little noise from the entire kennel of dogs even compared to that of a single dog of other breeds.

The dogs will be let out of a day time between 0800 and 1700 hours and housed within the acoustically treated shed complex at night. This will shield any night time stimuli such as feral and wild animals.

The dogs will only be out in their runs for extended periods of time when a responsible adult is on site.

Noise will be easily monitored and corrective behaviours and training can be used to limit further noise.

The dogs at this facility have been bred in a rural environment and are rarely stimulated by domesticated animals.

Apart from the noise recommendations contained within this Noise Assessment Report there will be a comprehensively fast growing screening of vines and hedges along the external perimeter. This will minimise any visual stimulus that may encourage the dogs to bark. The adjoining property at 260 Grose Wold Road has planted mature conifers along the fence line that will further obscure any view from the dog complex.

It is therefore concluded that the noise impact of the proposed kennel facilities at 262 Grose Wold Road, Grose Vale, the subject of this report, will be acceptable and meet the 'NSW Industrial Noise Policy' and the noise provisions of Hawkesbury Council provided that compliance with the recommendations is maintained.

Based upon this information it is considered that the proposal will maintain an acceptable noise environment to adjoining properties. In addition, a suggested condition has been included in the draft consent requiring a performance assessment of the kennel building and associated external areas by an acoustic engineer to ensure that the noise levels do not exceed the design levels contained within the report.

Wastewater Management

An on-site effluent disposal assessment has been prepared by Toby Fiander & Associates in conjunction with the proposed development (*Feasibility Study for Onsite Disposal of Wastewater 262 Grose Wold Road Grose Wold Report No. TFA3176/01, dated 10 March 2008*). This report has determined the feasibility of the site to support the proposed dog kennel facility. The report has identified suitable areas

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situated on the site capable of accepting wastewater disposal and has concluded that the proposal is able to be undertaken without resultant damage to adjoining land.

In addition, a separate Application for Installation of a Sewage Management Facility has been included as a proposed condition of Development Consent.

Waste Management

It is proposed to remove waste from the facility on a daily basis and place solid material into a worm farm to minimise odour impact and provide usable compost. Should the proposed means of on-site treatment of solid waste be unable to effectively deal with the volume of material generated by the facility the statement included with the application has provided that use of a commercial contractor could be engaged to address this issue. An appropriate condition has been included in the recommendation in this regard.

The floor of the kennel building is to be graded to facilitate cleaning with wastewater directed into the proposed on-site treatment facility to assist in minimising odours.

Conclusion

The proposed animal establishment – construction of a kennel building and outdoor kennels for the keeping and breeding of show dogs has demonstrated 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.

The plans and supporting documentation submitted in conjunction with the application have demonstrated that the proposal constitutes a satisfactory form of development. In addition, appropriate conditions relating to acoustic treatment, wastewater disposal and operational restrictions have been included in the recommended consent to ensure that the proposed use would be compatible with the zone objectives and minimise environmental impact. Accordingly, it is recommended that the application be approved.

Planning Decision

As this matter is covered by the definition of a “planning decision” under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That Development Application No. DA0359/08 for an Animal Establishment – Construction of a Kennel Building and Outdoor Kennels for the keeping and breeding of show dogs at Lot 11 DP 1034864, 262 Grose Wold Road, Grose Wold be approved subject to the following conditions:

1. The development is to be carried out in compliance with the stamped plans, specifications and accompanying documentation submitted with the application except where amended by other conditions of consent.
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.

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6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
7. 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.

Acoustic Conditions

8. The kennel building shall be designed to achieve a minimum acoustic rating of RW30 as detailed in the Acoustic Report titled Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008.
9. The intersection between walls and roof structure shall be designed to incorporate acoustically effective 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.
10. The kennel buildings are to incorporate the following:
 - (a) silencers on ventilation system and associated motors or machinery; and
 - (b) noise masking using vent system or electronic masking system.Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
11. The acoustic 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 compliance with design intent prior to the consultant signing off on the project.

Prior To Issue of Construction Certificate

12. 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;
13. The external colour of the proposed kennel building shall be of earth/natural tones so as to blend with the rural character of the area. The proposed acoustic fencing is to be treated in earth/natural tones to assist in reducing its 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.
14. 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.

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15. 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.

16. 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.

At the Construction Certificate stage, the Applicant is to provide, as part of the Section 68 Application:

- a. Further details and plans regarding design of the STP including specification of all pumps, aeration devices and UV disinfection system, including noise attenuation measures.
 - b. The odour controls on each tank will consist of a proprietary vent with carbon filter for odour extraction and a fan to inject fresh air into the tank. As fresh air is injected, waste air is vented through the filter.
 - c. Details of STP are to provide for separate treatment of human and animal wastes.
17. The kennel floors are to be drained by gravity to deep spoon drains and thence to a grit arrester. Liquid waste from the grit arrester shall discharge into a Council approved waste management system.

Details satisfying the above are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior to Commencement Of Works

18. 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.
19. 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.
20. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
21. Toilet facilities shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
22. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works.
- a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).

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- d) The name and contact number of the Principal Certifying Authority.
- 23. 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.
- 24. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Guidance Scheme is to be approved by the Roads and Traffic Authority before submission to Council.
- 25. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

During Construction

- 26. 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.
- 27. 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.
- 28. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 29. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
- 30. 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.
- 31. 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.
- 32. All roof water shall be drained to appropriate sized water storage vessel/s. Any overflows are to be designed so as to disperse flows so as to minimise erosion and scouring.
- 33. 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.
- 34. A bitumen sealed rural footway crossing 5.0 metres wide 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.
- 35. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.

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36. 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.
37. The fencing surrounding the outdoor kennel areas is to be covered with a heavy duty vinyl sheeting or similar acoustic rated material. This sheeting is to be extended at the top of the fence and shall extend on a 45 degree angle into the kennel areas. This sheeting is to be securely fixed to prevent it being damaged or removed and to restrict excessive movement in adverse weather conditions.
38. An opaque material shall cover the fence surrounding the exercise yards so as to restrict the line of sight for the dogs so as to minimise external visual stimuli that may encourage barking. This material is to be securely fixed to prevent it being damaged or removed and to restrict excessive movement in adverse weather conditions.
39. A 1.8 metre high solid fence (not colourbond) is to be constructed on, or adjacent to the northern property boundary, starting immediately adjacent to the dwelling at 262 Grose Wold Road and ending at an angle nearest the dog enclosure fence line's north west corner. This fence is to provide a solid noise barrier to the property immediately to the north of the site.
40. Dense screen planting is to be established around the external kennel areas and along the boundaries of the site so as to create a vegetative buffer to the facility and to minimise the potential for external factors to encourage the dogs to bark.
41. An automated irrigation system is to be installed to the proposed hedge planting surrounding the outdoor kennel area. Water for the irrigation system shall be drawn from the roof water collection tank/s.

Prior to Issue of Occupation Certificate

42. Compliance with all conditions of this development consent.
43. Prior to occupation, the facility shall be tested and a report prepared by an appropriately qualified acoustic consultant. Subject to ambient noise levels during the test it may be necessary to increase the Sound Power Levels to adequately measure the noise contribution from the facility to compare with the criterion. Weather conditions shall be reported at the time and any adjustments due to differences in upwind or downwind noise propagation included. Any adjustments necessary shall be explained in the report.

The noise levels shall be measured at the site boundaries and from receiver locations at adjacent existing and proposed residences in each direction to determine compliance with the noise criteria contained in Acoustic Report *Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008* for the kennel building and the outdoor exercise yards.

44. A certificate from an appropriately qualified Acoustic Engineer is to be submitted prior to the issue of any Occupation Certificate certifying that all sound producing plant, equipment, machinery or fittings shall not exceed 5dBA above the background level during the day and not exceeding the background level at night (10.00pm -6.00 am) when measured at any neighbouring boundary, allowing for modifying factors in accordance with the requirements of the Environment Protection Authority Industrial Noise Policy .

Use of the Development

45. The animal establishment is to be restricted to accommodate Bullmastiff show dogs only.
46. The kennel facility is to accommodate not more than a total of twenty (20) dogs at any given time. House or domestic dogs on the remainder of the property are limited to a maximum of three.
47. 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.

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48. Faeces (stools) shall be collected daily from kennels, pens and runs and are to be placed in an approved onsite management facility (composted in a worm farm or similar) or regularly removed off the site by a commercial contractor.
49. Between the hours of 5:00pm and 8:00am all dogs housed on the premises, except domestic pets, are to be kept in acoustically treated kennels so as to minimise noise impact to adjoining properties.
50. 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.
51. The Operational Management Plan Titled: Fence and Shed Application 262 Grose Wold Road Grose Wold dated 23 April 2008 having regard to the management of the facility is to be strictly adhered to at all times during the operation of the development.
52. No dogs are to be exercised or are to be located outside of the area of the nominated animal establishment buildings or associated outdoor exercise yards, with the exception of domestic pets.
53. The automated irrigation system required by Condition No. 41 is to be operated and maintained so as to ensure the establishment and vigour of the proposed hedge planting areas.
54. Regular maintenance and replacement planting is to be undertaken so as to ensure the long term viability of the landscape scheme provided for the site.
55. Feeding of the dogs shall not be carried out between the hours of 8.00pm to 7.00am so as to prevent noise nuisances.
56. The property is to be under constant supervision by an experienced canine handler.
57. Any disturbance shall be investigated immediately to eliminate any barking that may occur.
58. Any distressed or injured animals shall be housed whilst in recovery in enclosed kennels to eliminate and noise from the animal.
59. All feeding, washing and grooming of dogs will be carried out in the enclosed kennels.
60. Noise is to be monitored and corrective behaviours and training are to be implemented to limit further noise.
61. The dog runs and enclosures shall be kept clean, uneaten food, refuse and faecal waste must be removed at least once a day.
62. The premises are to be monitored for fly breeding and appropriate immediate remedial action is to be taken should fly breeding be detected.
64. Feed is to be stored in containers with close-fitting hinged lids to prevent the entry of vermin.
65. If signs of disease are observed in the animals, appropriate treatment must be promptly provided to prevent the spread of disease.
66. Appropriate dust mitigation measures shall be applied to the outdoor kennel areas to limit dust nuisance impact upon neighbouring properties.

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.

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- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** 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.

ATTACHMENTS:

- AT - 1** Site Plans
- AT - 2** Landscaping and Planting Plan
- AT - 3** Sound and Screening Details

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AT - 1 Site Plans

[Refer to Maps Agenda](#)

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AT - 2 Landscaping and Planting Plan

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AT - 3 Sound and Screening Details for Northern Property Boundary

[Refer to Maps Agenda](#)

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Item: 208 **CP - Development Application - Three Lot Torrens Title Sub-division, Lot 2 DP212203 No. 220 Castlereagh Road, Richmond - (DA0318/08, 95498, 96329, 102260, 1495)**

Development Information

Applicant: Montgomery Planning Solutions
Applicants Rep: Robert Montgomery
Owner: Mr L Georos
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan 2002
Area: 7.256ha
Zone: Hawkesbury Local Environmental Plan 1989
Rural Living
Environmental Protection - Agriculture Protection (Scenic)
Advertising: 7 May 2008 to 21 May 2008
Date Received: 28 April 2008

Key Issues: ♦ Departure from Minimum Allotment Size
♦ State Environmental Planning Policy No. 1 Objection Approval

Recommendation: Approval

REPORT:

Description of Proposal

Approval is sought for a three (3) lot Torrens Title subdivision of Lot 2 DP 212203, 220 Castlereagh Road Richmond. The proposed allotments will have the following areas:

- Proposed Lot 1 – 2.1 ha
- Proposed Lot 2 – 2.1 ha
- Proposed Lot 3 – 2.759 ha

Access to all proposed allotments will be obtained from Castlereagh Road.

Description of the Land and its Surroundings

The existing lot has a total area of 7.257ha and is irregular in shape. The site currently contains an existing dwelling and rural shed with scattered clusters of vegetation. The land level ranges from 10m AHD to 23m AHD.

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

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

Section 79C “Matters for Consideration” Comments	Section 79C “Matters for Consideration” Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “HLEP 1989”, SEPP 1, SEPP 44 and SREP No. 20 in this report.
Section 79C (1) (a)(ii) – Provisions of any draft	THE PROPOSAL IS NOT INCONSISTENT WITH

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environmental planning instrument	THE PROVISIONS OF DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN AMENDMENT NO. 153.
Section 79C (1) (a)(iii) – Provisions of any development control plan	REFER TO DISCUSSION ON HAWKESBURY DCP 2002 IN THIS REPORT
Section 79C (1) (a)(iii) – Provisions of the regulations	None applicable.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed in the main body of this report. (ii) The proposed development will not have a detrimental social impact in the locality. (iii) The proposed development will not have a detrimental economic impact on the locality.
Section 79C (1) (c) – the suitability of the site for the development	Location - The site is considered able to support the proposed subdivision. Physical - The site has sufficient area and dimensions, has suitable road access and is relatively free from environmental constraint. Therefore, the site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	There were no submissions made in accordance with the Act or Regs.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

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 subdivision will not include the removal of any trees or disturbance of any natural habitats which would be considered as "core koala habitat". The subject land has already been developed and it is considered that the subdivision will not impact any potential core koala habitat areas.

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

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

Hawkesbury Local Environmental Plan 1989 (LEP)**Clause 2 - Aims, objectives etc,**

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

Clause 9A – Zone objectives

The subject land is comprised of two (2) separate zonings being partly zoned Environmental Protection - Agricultural Protection (Scenic) (land shown hatched on the map) and Rural Living (land shown hatched on the map) under the provisions of Hawkesbury Local Environmental Plan (HLEP) 1989.

Rural Living zone

The stated objectives of the Rural Living zone are detailed as follows:

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

Comment: The plans submitted in conjunction with the application detail the provision of three (3) rural residential allotments. The information submitted in conjunction with the application demonstrates that the proposal is able to satisfactorily dispose of wastewater on the site and satisfies the criteria listed in Planning for Bushfire Protection 2006.

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

Comment: The proposed subdivision will have the potential to impact upon existing agricultural activities situated in the immediate area. In this regard it is noted that the subject land and that situated in the immediate area has been zoned Rural Living and the proposal is consistent with future character envisaged under this zone.

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

Comment: It is considered that the proposal will not have an adverse impact upon existing rural living land uses.

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

Comment: The proposal will have the effect of fragmenting the subject site reducing the capacity of the land to accommodate future agricultural activities. As previously discussed the proposal is consistent with the character envisaged in the Rural Living zone.

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

Comment: An appropriate condition has been included in the recommended consent requiring a suitable soil contamination report to be prepared certifying that the development areas associated with Proposed Lots 1 and 2 are suitable for residential use.

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

Comment: It is considered that future buildings situated on Proposed Lots 1 and 2 would have minimal impact upon the existing rural landscape character.

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

Comment: There are no agricultural land uses proposed in conjunction with the application and as such this matter is not relevant in the consideration of the subject application.

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

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

Comment: It is noted that the site adjoins a series of wetland areas (Yarramundi Lagoon) adjacent to its north western boundary. In this regard an assessment demonstrating the capability of the proposed allotments to accommodate an on-site wastewater disposal system has been prepared by Toby Fiander & Associates. This assessment has detailed the provision of 1250sqm disposal areas that have been sited so as to account for constraints associated with the land.

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

Comment: The proposal is not considered to constitute a significant traffic generating development. Castlereagh Road is an arterial road and the application has been referred to the Roads and Traffic Authority under the requirements of the Roads Act 1993.

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

Comment: The proposal will not create significant demand for such infrastructure.

Environmental Protection - Agricultural Protection (Scenic) zone

The stated objectives of the Environmental Protection - Agricultural Protection (Scenic) zone are detailed as follows;

- (a) *to protect the agricultural potential of rural land in order to promote, preserve and encourage agricultural production,*

Comment: The subject site contains a relatively small portion of land area within the Environmental Protection - Agricultural Protection (Scenic) zone, comprising approximately 16 240sqm or 22% of total site area. It is noted that this portion of the site has an average slope of 13% which restricts its agricultural potential. Accordingly, it is considered that the proposed subdivision will not have an adverse impact on the agricultural potential of the land zoned Environmental Protection - Agricultural Protection (Scenic).

- (b) *to ensure that 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: No significant adverse impact on water catchments, significant ecosystems or the River, or surface and groundwater quality and flows, or surface conditions is expected to occur as a result of the proposed subdivision.

- (c) *to ensure that development does not create or contribute to rural land use conflicts,*

Comment: The land that is currently adjoined by agricultural land uses and the proposal involving the subdivision of land has the potential to introduce rural land use conflicts. In this regard it is noted that the majority of land immediately adjacent to this portion of Castlereagh Road has been zoned Rural Living and accordingly the proposal is considered to be consistent with the desired future character of the area.

- (d) *to ensure that development retains or enhances existing landscape values that include a distinctly agricultural component,*

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Comment: The subdivision will change the current use of the property from agricultural to rural residential. However, it is considered that the subdivision will have minimal impact upon the existing landscape values of the locality.

- (e) *to preserve river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality,*

Comment: The proposed subdivision will not have any significant adverse impacts on river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality. No new works are proposed.

- (f) *to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance,*

Comment: The proposed subdivision will have no significant or adverse impacts on hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance.

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

Comment: The proposal is not considered to constitute a significant traffic generating development. Castlereagh Road is an arterial road and the application has been referred to the Roads and Traffic Authority under the requirements of the Roads Act 1993.

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

Comment: The proposed subdivision does not involve outdoor advertising.

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

Comment: The proposal will not create unreasonable economic demands for the provision or extension of public amenities or services to the site.

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

Comment: The site currently an existing dwelling and associated sheds, the proposed subdivision does not include any additional buildings.

- (k) *to encourage existing sustainable agricultural activities.*

Comment: The proposed subdivision will have the potential to impact upon existing agricultural activities in the immediate area and changes the use of the existing property to rural residential. In this regard it is noted that the land has been zoned Rural Living and the proposal is consistent with future character envisaged under this zone.

Clause 10 – Subdivision - general

The provisions of Clause 10 provide the following:

- 1) *Land to which this plan applies may be subdivided, but only with development consent.*

Comment: The applicant has applied for development consent in accordance with the provisions of this clause.

- (2) *Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries (if any) between zones as shown on the map.*

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- (3) *Notwithstanding the provisions of subclause (4), the Council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond with the boundaries between different zones as shown on the map but which, in the opinion of the Council, depart therefrom only to a minor effect.*

Comment: The boundary between the Rural Living and Environmental Protection Agriculture Protection (Scenic) zones dissects Proposed Lot 3. Approximately 1.28ha (44%) of land area in this allotment is situated within the Rural Living zone. Given that the land contains suitable area for the existing dwelling free from environmental constraint it is considered that the departure is reasonable in this instance.

- (4) *Where, on registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from that indicated on the map, land shall be deemed to be within the appropriate zone as determined by the Council.*

Comment: The proposed subdivision will provide opportunity to address the issue relating to zone and land boundaries.

Clause 11 – Rural subdivision – general provisions

Clause 11 Rural subdivision - general provisions of Hawkesbury LEP 1989 provides the following:

- (1) *In this clause:*

commencement day means the day on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) commenced.

endangered ecological community means any endangered ecological community referred to in Part 3 of Schedule 1 to the [Threatened Species Conservation Act 1995](#).

lot averaging subdivision means a subdivision of land within the Mixed Agriculture, Rural Living or Rural Housing zones that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from:

- (a) dividing the area of the original allotment in hectares:
- (i) by 10, if the land is in the Mixed Agriculture zone, or
 - (ii) by 4, if the land is in the Rural Living zone, or
- (b) multiplying the area of the original allotment in hectares by the density control shown on the map, if the land is in the Rural Housing zone.

original allotment means an allotment in existence at the date on which Hawkesbury Local Environmental Plan 1989 (Amendment No 126) was gazetted.

regionally significant wetlands means any land shown as wetland on “the map” within the meaning of [Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River \(No 2—1997\)](#).

- (2) *Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone only if the area of each of the allotments to be created is not less than:*

- (a) *if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or*
- (b) *if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.*

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if lot averaging subdivision
<i>Mixed Agriculture (land shown hatched on the map)</i>	<i>40 hectares</i>	<i>Not applicable</i>
<i>Mixed Agriculture (other than land shown hatched on the map)</i>	<i>10 hectares</i>	<i>2.5 hectares</i>
<i>Rural Living (land shown hatched on the map)</i>	<i>2 hectares</i>	<i>Not applicable</i>
<i>Rural Living (other than land shown hatched on the map)</i>	<i>4 hectares</i>	<i>1 hectare</i>
<i>Rural Housing</i>	<i>Minimum lot size as shown on the map (otherwise not applicable)</i>	<i>1,500 square metres if the density control shown on the map is 5.0 per hectare</i> <i>2,400 square metres if the density control shown on the map is 3.0 per hectare</i> <i>3,750 square metres if the density control shown on the map is 2.0 per hectare</i>
<i>Environmental Protection—Agriculture Protection (Scenic) (land shown hatched on the map)</i>	<i>10 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection—Agriculture Protection (Scenic) (other than land shown hatched on the map)</i>	<i>40 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection (Wetlands) 7 (a)</i>	<i>40 hectares</i>	<i>Not applicable</i>
<i>Environmental Protection (Scenic) 7 (d)</i>	<i>40 hectares</i>	<i>Not applicable</i>

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*Environmental
Protection—Mixed
Agriculture (Scenic)*

40 hectares

Not applicable

Comment: The proposal does not satisfy the minimum area provisions detailed above in that Proposed Lot 3, which is zoned part Rural Living and part Environmental Protection - Agriculture Protection (Scenic), is less than 10 hectares in size. In this regard it is noted that this allotment is partly zoned Rural Living.

The applicant has submitted an objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards. An assessment of this objection is detailed later in the following section of this report.

- (3) *The Council may consent to the subdivision of land to which this clause applies only if:*
- (a) *there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and*

Comment: The depth to width ratio proposed in conjunction with Proposed Lots 1, 2 and 3 satisfies the criteria contained in Hawkesbury Development Control Plan 2002 requiring a minimum depth to width ratio of 1:5. In addition, the submitted plans demonstrate that the site is able to accommodate a suitable development area comprising future dwelling footprint and wastewater disposal area. Given that the land is able to accommodate the above it is considered that the allotment configuration is satisfactory.

- (b) *the pattern of allotments created by the proposed subdivision and the location of any proposed buildings on those allotments will, in the opinion of the Council, minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, watercourses, agriculture and bush fire threat, and*

Comment: The information submitted in conjunction with the application details that the proposal will not have a significant impact upon the adjacent watercourse or be subject to significant bushfire threat.

- (c) *the Council has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and*

Comment: An assessment demonstrating that the proposal has suitable land area and characteristics to support on-site effluent disposal has been submitted in conjunction with the application.

- (d) *in the opinion of the Council, each of the allotments created contains suitable areas for a dwelling-house, an asset protection zone relating to bush fire hazard and effluent disposal.*

Comment: The information submitted in conjunction with the application demonstrates that suitable building envelopes, asset protection zones and effluent disposal areas would be able to be provided to all proposed allotments.

- (4) *A subdivision of land within the Mixed Agriculture or Rural Living zone complies with this clause only if:*
- (4A) *A subdivision of land within the Rural Housing zone complies with this clause if a density control is shown for the land on the map and the number of lots created does not exceed the density control for the land.*
- (5) *Despite subclause (2), the Council may consent to a lot averaging subdivision of land*

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Comment: The application does not constitute a lot averaging subdivision therefore the provisions of these clauses do not apply.

- (6) *Consent must not be granted to a subdivision of land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*
- (a) *sufficient for the erection of a dwelling-house, and*
 - (b) *at natural surface level or at a level achieved by filling carried out with the consent of the Council.*

Comment: The north western portion of the subject site is affected by the predicted 1 in 100 year flood level as it contains land situated below 17.5m AHD. The remainder of the site is situated above the predicted 1 in 100 year flood level.

- (7) *Consent must not be granted to the subdivision of land in the Rural Village or Consolidated Land Holdings zone otherwise than to effect a minor boundary adjustment of the boundary between allotments that does not create more allotments than the number before the adjustment was made.*

Comment: The subject site is not zoned Rural Village or Consolidated Land Holdings.

- (8) *Consent must not be granted to the subdivision of land within Zone No 7(e).*

Comment: The subject site is not zoned Environmental Protection No. 7(e)

- (9) *References to a number of allotments in this clause do not include allotments created for a public purpose or allotments created as neighbourhood property.*

Comment: The proposed subdivision does not involve the creation of allotments for a public purpose or as neighboring property.

SEPP No. 1 Objection to Clause 11 of Hawkesbury Local Environmental Plan 1989

The proposed subdivision does not satisfy the minimum allotment size provisions of 10 ha in relation to land zoned Environmental Protection - Agriculture Protection (Scenic) contained in Clause 11 of Hawkesbury Local Environmental Plan 1989. In regard to the non compliance with this development standard the applicant has submitted an objection under the provisions of SEPP No. 1 – Development Standards.

The following comments have been prepared by the applicant having regard to whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

1. *Approximately 85% of the subject land is zoned Rural Living, which permits a minimum allotment size of 2 hectares.*
2. *A small portion at the rear of the land, which is not suitable for building or intensive agriculture due to the slope of the land is zoned Environmental Protection - Agriculture Protection (Scenic).*
3. *The split zoning is illustrated in the following extract from the Hawkesbury LEP Map.*
4. *Proposed Lot 3 (split zoning) has an established dwelling and outbuildings located within the flat area of the property which is zoned Rural Living. No dwellings or buildings will be erected within the Environmental Protection - Agriculture Protection (Scenic) zone.*

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5. *The proposed lots comply with the requirements of the subdivision chapter of Hawkesbury Development Control Plan.*
6. *The site plan and effluent disposal report demonstrate that there is sufficient room for the erection of a dwelling and effluent disposal, with sufficient flexibility for orientation and design, within each allotment.*
7. *The proposal will not create any land use conflict within the zone.*
8. *It is submitted that the departure from the development standard in this instance is a technical non-compliance only, as the zone boundary does not exactly follow property boundaries in this location.*

Comment: Clause 11 of Hawkesbury Local Environmental Plan requires that allotments have a minimum area of 2 ha within the Rural Living zone and 10 ha within the Environmental Protection - Agriculture Protection (Scenic) zone. It is noted that the land is capable of providing suitable development areas on all of the proposed allotments and the issue of non-compliance with the minimum allotment size criteria is the result of the zone boundary not corresponding with the property boundaries.

It is considered that in the circumstances of the case the departure to the minimum allotment size criteria contained in Hawkesbury Local Environmental Plan 1989 is acceptable and accordingly it is considered appropriate to support the variation sought under the provisions of SEPP No. 1 in this instance.

NSW Department of Planning

As the departure to the minimum allotment size criteria contained in Clause 11 of Hawkesbury Local Environmental Plan 1989 exceeded 10% the Development Application and accompanying objection lodged pursuant to State Environmental Planning Policy No. 1 – Development Standards was forwarded to the NSW Department of Planning for the concurrence of the Director-General pursuant to the provisions of Section 79B of the Environmental Planning and Assessment Act, 1979.

The Department have not provided a response to date however verbal advice has been received stating that processing of this application would be deferred until such time as Council has made its determination.

Clause 18 – Provision of water, sewerage etc. services

A report titled *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 3 March 2008 has been prepared by Toby Fiander. This report examines the feasibility of wastewater disposal for the subject proposal having regard to environmental constraints associated with the site and the adjacent watercourse.

The report provides that the site is capable of being subdivided and it is feasible to satisfactorily dispose of wastewater generated on the new proposed allotments without damage to adjoining land or nearby watercourse.

The subject site is serviced by a reticulated water supply. Electricity and telephone services are available.

Clause 21 – Danger of bushfire

The south eastern portion of the subject site (area adjacent to Castlereagh Road) has been mapped as Bushfire Prone Buffer on the Statutory Bushfire Prone Land Map. A bushfire hazard report titled *“Rural Bushfire Assessment”* prepared by Monaghan Surveyors Pty Limited was submitted in conjunction with the application detailing the bushfire threat associated with the subject site.

This report identifies that the proposed allotments generally comply with the provisions of Planning for Bushfire Protection 2006 and that any future dwelling could be constructed on the vacant land.

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It is considered that the application is satisfactory having regard to the provisions of Clause 21 of Hawkesbury LEP 1989.

Clause 25 – Development of flood liable land

The majority of the subject land, with the exception of the north western portion of the site, is situated above the predicted 1 in 100 year flood level for the area.

Clause 37A – Development on Land Identified on Acid Sulfate Soils Planning Map

The subject land has been identified as containing Class 4 and Class 5 land on the Acid Sulfate Soils Planning Map. It is considered that the works associated with the proposed subdivision will not impact the watertable.

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 from 07 May 2008 to 21 May 2008. In response to this notification no written submissions were received.

Part C, Chapter 2 - Carparking and Access

Dwelling houses having a GFA in excess of 85qm are required to provide two (2) car parking spaces. It is noted that the existing car parking arrangements associated with the existing dwelling situated on Proposed Lot 3 are not proposed to be altered.

The application details that Proposed Lot 1 will have direct access to Castlereagh Road, while Lots 2 and 3 will each have a 4.5m Reciprocal Right of Carriageway and Easement for Services located running alongside north eastern (side) boundary of the land.

It is considered undesirable to place an additional access point adjacent to the existing driveway on the adjoining property situated in close proximity to the slip lane into Drift Road. It has been noted that vehicles turning into Drift Road have a tendency to move towards the shoulder before the actual start of the slip lane.

There is sealed shoulder approx 2-3 metres wide along the frontage of the property, which allows for vehicles to have a reasonably good site distance without the removal of additional vegetation at the site frontage.

In this instance it is considered appropriate that a consolidated access be provided for all three proposed allotments. Given the close proximity to the slip lane for left turn vehicle movements into Drift Road and the impact upon existing vegetation situated within the road reserve adjacent to the proposed access location a condition has been included in the recommended consent requiring the relocation of the reciprocal right of carriageway and easement for services to the south western (side) boundary of the land.

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Part D, Chapter 3 - Subdivision

Part D, Chapter 3 of the Hawkesbury Development Control Plan 2002 includes provisions relating to rural and rural-residential subdivision.

Visual Amenity

Given that the proposal involves subdivision of land situated within an existing rural context it is considered that there would be minimal impact upon the existing visual quality of the area.

Heritage

There are no heritage items that have been identified on the subject or adjacent land.

Utility Services

The site benefits from appropriate services that will be able to be provided to all proposed allotments.

Flooding, Landslip and Contaminated Land

The majority of the subject land, with the exception of the north western portion of the site, is situated above the predicted 1 in 100 year flood level for the area. The site is not situated on land that has been identified as having a landslip risk. An assessment demonstrating the suitability of the land to accommodate residential development will be required to be prepared prior to the issue of the linen plan of subdivision.

Rural and Rural-Residential Subdivision

Part D, Chapter 3 of the Hawkesbury Development Control Plan 2002 includes provisions relating to rural and rural-residential subdivision. Clause 3.8.1 of Development Control Plan 2002 provides the following rules in relation to rural lot size and shape:

- a) *The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.*

Comment: The allotment area proposed in conjunction with Lot 3 does not accord with the minimum provisions contained in Hawkesbury LEP 1989. The applicant submitted a SEPP 1 Objection relating to the proposed variation that is discussed separately in this report.

- b) *Lots should be able to accommodate a building envelope of 2000sqm with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes would contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.*

Comment: The proposal is able to satisfy the building envelope requirements detailed above.

- c) *In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.*

Comment: The area calculations detailed on the submitted plans exclude the area of the battle axe handle.

- d) *The width to depth ratio of allotments should not exceed 1:5.*

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Comment: The width to depth ratio of the proposed development is described as follows:

Proposed Lot	Width to Depth Ratio
1	1:1.3
2	1:1.3
3	1:1.5

- e) *Lot layout shall consider the location, the watercourse vegetation and other environmental features.*

Comment: The subject land has minimal environmental constraints and the information submitted in conjunction with the application demonstrates that the land is capable of accommodating rural residential uses with appropriate zones for wastewater disposal and asset protection.

Bushfire Assessment

The provisions of Section 100B of the Rural Fires Act 1997 provide that a Bush Fire Safety Authority is required for a subdivision of bush fire prone land that could accommodate a residential or rural residential land use.

The south eastern portion of the subject land is partly mapped as Bush Fire Prone Buffer on the Bush Fire Hazard Mapping prepared by the NSW Rural Fire Service. The land is zoned part Rural Living and part Environmental Protection - Agriculture Protection (Scenic) under the provisions of Hawkesbury Local Environmental Plan 1989. Clause 9 of this instrument provides that dwelling-houses constitute a permissible land use within this zone subject to development consent.

Given that the applicant has not nominated that the application be processed as an Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act a condition requiring the applicant to obtain a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997 has been included in the recommendation.

Roads and Traffic Authority

As Castlereagh Road is a classified road the application was referred to the Roads and Traffic Authority for concurrence in accordance with the provisions of Section 138 - Works and Structures under the Roads Act 1993. To date no correspondence has been received from the Roads and Traffic Authority and accordingly a condition has been included requiring any conditions/comments be incorporated in the consent.

Conclusion

The application has been considered having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979; Hawkesbury Local Environmental Plan 1989; Hawkesbury Development Control Plan 2002 and other relevant codes and policies. As detailed within the main body of the report the departure to the minimum allotment size provisions is reasonable in this instance and the State Environmental Planning Policy No. 1 objection is supported. Based upon the above it is considered that the proposal represents a satisfactory form of development and is recommended for consent.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

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RECOMMENDATION:

That:

1. Council advise the Department of Planning that it supports the objection lodged pursuant to the provisions of State Environmental Planning Policy No. 1 - Development Standards and requests that the Department issue its concurrence.
2. Subject to the concurrence of the Department of Planning being obtained, authority be delegated to the General Manager to determine Development Application No. DA0318/08 for a three (3) lot Torrens Title subdivision.

ATTACHMENTS:

AT - 1 List of likely development consent conditions.

AT - 2 Locality Plan

AT - 3 Subdivision Plan

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AT - 1 List of Likely Development Consent Conditions

ATTACHMENT 1 – List of likely Development Consent Conditions

The following is a list of likely development consent conditions that would be imposed on the development should the Department of Planning issue concurrence to the development. It should be noted that Council will also consider any conditions/requirements from the Roads and Traffic Authority and incorporate these as conditions of consent.

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: forward

Drawing Number	Dated
07015 - DA(3)	28 February 2008

Document Number	Dated
Statement of Environmental Effects - Lot 2 DP 212203 (No. 220) Castlereagh Road Agnes Banks Proposed Three Lot Subdivision	April 2008
Wastewater Disposal Report – Report No. TFA 3187/01	3 March 2008

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The access arrangements associated with the site involving the Reciprocal Right of Carriageway and Easement for Services are to be relocated to the south western (side) boundary of the site.

Prior to Issue of Construction Certificate

4. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

5. Construction of the accesses are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of Environment and Development or an Accredited Certifier.
6. Payment of a Construction certificate checking fee of \$552.00 and a Compliance Certificate inspection fee of \$1120.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2009. Fees required if an accredited certifier is used will be provided on request.
7. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the traffic guidance scheme is to be approved by the Roads and Traffic Authority before submission to Council.

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Prior to Commencement of Works

- 8. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
- 9. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
- 10. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
- 11. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
- 12. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
- 13. Any clearing of native vegetation associated with site works or associated road works shall not be undertaken prior to a flora and fauna assessment being undertaken, areas of vegetation are to be fenced off during construction and disturbed areas are to be rehabilitated and stabilised as soon as possible following construction.

During Construction

- 14. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
- 15. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 16. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
- 17. A pavement 4.5 m wide shall be constructed along the access strip (reciprocal right of carriageway) and across the footway to lots 2 and 3 appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section. Passing bays are to be provided at maximum 100 metre intervals.

- 18. A bitumen sealed rural footway crossing 6m wide shall be constructed to lots 2 & 3 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
- 19. A bitumen sealed rural footway crossing 3m wide shall be constructed to Lot 1 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification and the requirements of the RTA.
- 20. The site shall be secured to prevent the depositing of any unauthorised material.

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21. 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.
22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
23. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
24. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.

Prior to Issue of Subdivision Certificate

25. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
26. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
27. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
28. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
29. Reciprocal rights of carriageway and easements for services shall be created over the access handles to Proposed Lots 2 & 3.
30. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
31. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the plan of subdivision.
32. A soil contamination report certifying that the development area associated with Proposed Lots 2 and 3 are suitable for residential use is to be prepared and any remedial action required as a result of this investigation completed prior to issue of the linen plan of subdivision.
33. Creation of a restriction on use of land pursuant to the Section 88B of the Conveyancing Act as follows;
 - (1) All vehicular access to Proposed Lot 1, 2 and 3 is to be restricted to the Common Right of Carriageway.
 - (2) Effluent disposal undertaken on the site is to be in accordance with the recommendations contained in the following report: *Feasibility Study for On-site Disposal of Wastewater - Proposed Subdivision Lot 2 DP 212203, 220 Castlereagh Road, Agnes Banks Report No. TFA 3187/01*, dated 03/03/2008, prepared by Toby Fiander

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Hawkesbury City Council is to be nominated as the only authority permitted to modify vary or rescind such a restriction.

34. A Bush Fire Safety Authority issued under Section 100B of the Rural Fires Act 1997 is to be obtained for the proposed subdivision prior to the issue of the subdivision certificate.

Advice to Applicant

- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** The applicant is advised to consult with the necessary energy and telecommunication suppliers regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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AT - 2 Locality Plan

[Refer to Maps Agenda](#)

(This Attachment has been removed to reduce the overall size of this business paper to allow quicker download times)

ORDINARY MEETING

Meeting Date: 21 October 2008

AT - 3 Subdivision Plan

[Refer to Maps Agenda](#)

**(This Attachment has been removed to reduce the overall size of this business paper
to allow quicker download times)**

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 209 CP - Commissioning of Hawkesbury Cultural Heritage Award - (95498, 96972)

Previous Item: 5, Ordinary (5 February 2008)
262, Ordinary (27 November 2007)

REPORT:

This report has been prepared to seek Council's approval to institute a *Hawkesbury Cultural Heritage Award* to be included as an award category for the Australia Day Awards. If approved, this would require an amendment to the constitution of the Hawkesbury Civics and Citizenship Committee.

Background

Council has adopted a number of resolutions regarding the naming of rooms within the Hawkesbury Cultural Precinct (and the Hawkesbury Regional Museum in particular)

On 5 February 2008, Council considered a report into the naming of rooms within the Hawkesbury Regional Museum. Part 9 of the resolution subsequently adopted by Council read as follows:

9. Council staff work with the Hawkesbury Historical Society Inc. in order to develop an appropriate 'acknowledgement board' within the Museum to facilitate acknowledgement of people who are prominent within local indigenous culture, the preservation of the heritage of the Hawkesbury or may have been major sponsors and that any nominations be evaluated by the Museum and Gallery Director, local Aboriginal groups and the Hawkesbury Historical Society Inc. and be complemented by research conducted by Council's Local Studies Librarian.

Proposal for Hawkesbury Cultural Heritage Award.

To give effect to this resolution Council staff have consulted with the Hawkesbury Historical Society. A proposal has been developed which would provide for a *Hawkesbury Cultural Heritage Award* to be established, together with a procedure for determining the recipient of the proposed award which would be integrated within Council's existing civic and citizenship awards processes.

The process for the administration of the proposed new award would sit within the existing procedures for the nomination and determination of the other Australia Day Award categories. To facilitate this approach it is recommended that the constitution of the Hawkesbury Civics and Citizenship Committee be amended to provide for a representative of the Hawkesbury Historical Society to sit on the Committee.

Members of the public would be invited to nominate persons for the Cultural Heritage Award. Nominations would be assessed by the Museum/Gallery Director and Local Studies Librarian in consultation with the Historical Society and local indigenous groups (where appropriate). This information will then be forwarded to the Civics and Citizenship Committee for their consideration in conjunction with the normal process for determining and awarding Australia Day Awards.

The recipient of the Award would be acknowledged by means of a metal plaque fixed to the balustrade of the masonry wall to the side of the walkway which connects the Regional Museum with Howes House. This is a prominent position with high visibility from the interior of the Museum.

Council staff met with the Hawkesbury Historical Society (HHS) on 17 September 2008 to discuss the proposal. HHS members endorsed the proposal and (subject to Council approving an amendment to the constitution of the Civics and Citizenship Committee) agreed to nominate a HHS member to sit on the Committee.

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Conformance to Strategic Plan

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

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

Funding

There are no funding implications arising from this report.

RECOMMENDATION:

That:

1. A *Hawkesbury Cultural Heritage Award* be included as an award category within the Australia Day Awards.
2. A process for inviting and assessing nominations for determining the recipients of the *Hawkesbury Cultural Heritage Award*, as outlined in this report, be implemented.
3. Recipients of the *Hawkesbury Cultural Heritage Award* be acknowledged by a means of a metal plaque affixed to the Regional Museum.
4. The constitution of the Hawkesbury Civics and Citizenship Committee be amended to provide for a representative of the Hawkesbury Historical Society to sit on the Committee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 210 CP - Execution of Funding Agreement with NSW Department of Community Services - Working to Strengthen Youth Services in the Hawkesbury Project (W Y S H Project) - (95498, 94401)

Previous Item: 187, Ordinary (8 August 2006)
109, Ordinary (30 May 2006)

REPORT:

This report has been prepared to seek Council's approval to execute a funding agreement with the NSW Department of Community Services to accept funds for the W Y S H Project (Working to Strengthen Youth Services in the Hawkesbury Project).

Background

On 30 May 2006, in considering the matter of the proposed closure of a number of pedestrian laneways in Bligh Park Council resolved (in part):

"That a report be submitted to provide information on the expenditure levels by Council towards youth and youth projects in Bligh Park with a view to finding ways to increase assistance to address youth issues in the area".

The requested report was subsequently considered by Council on 8 August 2006. The report outlined in broad terms the total estimated value of Council and state/federal funded *youth specific* services within the City of Hawkesbury. The report indicated that Council either directly funded, brokered or managed almost 50% of the youth-specific services and facilities provided within the City. Council was advised that it was difficult to estimate the level of expenditure on youth specific services in one locality - such as Bligh Park - but that it was likely that about 7% of the total spend on youth specific services was expended in Bligh Park (a figure which excluded expenditure on City-wide services and facilities which may have been used by young people residing in Bligh Park).

Council was advised of some of the youth development issues impacting on youth services within the City - these issues including cost shifting (the expectation that Council has the major responsibility for the provision of youth services even though these services are primarily funded by the NSW Government) and the structural constraints impacting on the youth services sector in the Hawkesbury. Council was further advised of possible options to increase the level of youth services in the City. These options included seeking additional grant funding from the NSW Government and increasing the organizational capacity of existing youth services in the Hawkesbury to respond to the needs of young people. In considering these matters Council resolved:

"That Council endorse a grant application under the Western Sydney Area Assistance Scheme to secure funds for a youth services capacity building project and the Hawkesbury Youth Interagency be involved in this matter in the future, if possible"

WSAAS Application

A WSAAS application was subsequently lodged on 30 August 2006. The time frame for the lodgment of the application made it difficult for Council to consult extensively with Hawkesbury Youth Interagency (HYI) in relation to the proposal. The application was not successful.

In February 2007, Council (through the Community + Youth Services Manager at Peppercorn Services Inc) commenced discussions with the HYI about the possibility of re-submitting a joint application to WSAAS to secure funds for a youth service capacity building project. Following on from these initial discussions a consortium of youth services was formed to develop and submit a funding proposal. The consortium – the WYSH Coalition – was established with Council designated as the lead agency. Membership of the

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Coalition included Bligh Park Youth Services, Forgotten Valley Youth Development Project, Hawkesbury Community Outreach, North Richmond Youth Services, Peppercorn Services Inc, ted noffs Foundation, and The Women's Cottage Young Women's Project.

The Coalition subsequently submitted an application for funding a WYSH Project. The aims of the Project were to:

- establish a formal partnership between local youth services to develop and implement a service improvement plan;
- stage 'good practice' forums for youth services and young people;
- trial electronic communication platforms including MySpace and text messaging to increase youth community participation and civic engagement; and
- pilot evidenced based service models that focus on youth community participation and community and school partnerships.

The project anticipated Council's recent resolution to investigate options for appropriate youth participation and civic leadership strategies which could be implemented within the City (the outcomes of which are reported elsewhere in the Business Paper). Consequently, the W Y S H Project will be instrumental in advancing the recommendations outlined in the report on Youth Participation and Civic Engagement.

Current Situation

On 1 September, Hawkesbury City Council received advice from the Department of Community Services that its funding proposal had been successful.

The project will be based at the South Windsor Family Centre but will have a city-wide focus. The project will employ a youth development worker, who will work with the eight W Y S H Coalition members to develop a sustainable service improvement plan. The Project is for a two year fixed term with total funding of \$189,242. The Project will work closely with Peppercorn Services newly established Youth Transport Options Project which will also be located at South Windsor.

The Manager of Community and Youth Services at Peppercorn Services Inc. has been co-ordinating this project and PS Inc. has established strong working relationship with the WYSH stakeholder group. It is therefore proposed that in accordance with the Peppercorn 'model' that responsibility for the day-to-day management of the W Y S H Project be delegated to Peppercorn Services Inc.

Conformance to Strategic Plan

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

"Objective: Working in partnership with Community and Government to implement plans to meet the social, health, safety, leisure and cultural needs of the City."

Funding

Funding for the W Y S H Project is 100% derived from external grants – there is no requirement for a Council Contribution.

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RECOMMENDATION:

That:

1. Authority be given to execute, under the Seal of Council, a service agreement with the Department of Community Services to accept a total of \$189,245 fixed two year term funding for the Working to Strengthen Youth Services in the Hawkesbury Project.
2. Council delegate to Peppercorn Services Inc the responsibility of day-to-day management and operations of the Working to Strengthen Youth Services in the Hawkesbury Project.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 211 **CP - River Summit Proceedings - (95498)**

Previous Item: NM2, Ordinary (11 December 2007)

REPORT:

Background

For some considerable time this Council has been expressing its serious concerns regarding the deteriorating condition of the Hawkesbury River, one of Sydney's most important waterways, and has been advocating for action to be taken to reverse current trends that are detrimental to the ongoing health of the River.

At the meeting dated 11 December 2007 Council considered a Notice of Motion and made the following resolution:

"That:

- 1. Council endeavour to conduct a "River Summit" including all interested parties, such as relevant Ministers, local members of parliament, councils, the Catchment Management Authority, LGAG and commercial representatives, with a view to investigating actions that can be taken, such as appropriate dredging, to improve water quality, reduce and control weed infestation and enhance access to this most important community asset.*
- 2. A Steering Group to facilitate the conduct of a "River Summit" be established comprising the Mayor, Councillors T Books, T Devine, B Porter, R Stubbs, N Wearne and staff as considered appropriate by the General Manager and that Baulkham Hills, Blacktown, Hawkesbury River County and Penrith Councils also be requested to nominate appropriate representatives for the Steering Group."*

The idea for the River Summit came about because of the concerns many have for the future of the Hawkesbury River. The Summit aimed to heighten awareness of the issues facing the Hawkesbury and investigate possible actions and solutions to improve water quality, reduce and control weed infestation and enhance access to this most important community asset.

The Steering Group to facilitate the conduct of a "River Summit" was established in accordance with part two of the abovementioned resolution. The River Summit was held on 13 August 2008 and attended by over 80 participants at the Windsor Function Centre. The aim was to raise awareness of the problems of the Hawkesbury River, and to articulate:

1. The range of problems facing the River, and
2. Explore the possible solutions.

The full Summit Documentation can be found on Council's Web Site under "Your Environment Publications and Forms".

The following report is a summary of the consensus from participants at the River Summit regarding the problems, pressures and possible solutions relating to the Hawkesbury Nepean River. It also recommends further actions to proceed beyond the River Summit in protecting the Hawkesbury Nepean River.

Documented outcomes from the Summit will formulate a Proceedings paper, "Issues resulting for the Hawkesbury Nepean River Summit", proposed to be used to assist Local, State and Federal Governments to address this issue.

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It should be noted that on Tuesday, 7 October 2008 the Premier Nathan Rees (who also attended the River Summit as the then Minister for Water) announced that the NSW Government will establish an Office for the Hawkesbury-Nepean and spend \$29 million on weir modifications to improve the health of Sydney's Hawkesbury-Nepean River. The announcement stated that the office would be located at Penrith and would be "a one-stop shop for members of the community". It is intended that the office would deal with questions about the River's health, waterfront works, and river management and would also be responsible for co-ordinating weed management in the river. The announcement also referred to the Premier's attendance at the River Summit that assisted with the formulation of this Office.

The announcement stated that it is intended to have the office up and running by March 2009 and that it was intended to "establish a stakeholder committee to advise the Government on the best way to manage the Hawkesbury-Nepean River's health". It is recommended that the Working Group suggested at the Summit be formed to assist in the finalisation of the proceedings paper and to assist the government in the setting up of the "one-stop shop".

Summary of Problems

The following is a summary of the perceived problems experienced in the river system as identified by the participants of the River Summit:

- Too many Agencies & Ministers – multiple levels of Government,
- No clear demarcation between these Authorities,
- Lack of accountability,
- Conflicting Legislation regulating the river and uses,
- Inter-agency politics (turf protection),
- Increased demand for water supply as Sydney grows,
- Increase waste water and storm water discharge into the system,
- Increased need for recreational activities and access as growth occurs,
- Limited floodplain development,
- Reduction in farmland,
- Increased employment lands,
- Policy conflicts,
- Competition for funding,
- Water quality,
- Enhanced growth of weeds and access for management,
- Environmental Flows (competing needs),
- Algal blooms,
- Loss of vegetation,
- Erosion and sedimentation,
- Sydney Water selling water to new users (to the highest bidder),
- Potential for buy back scheme,
- Pharmaceuticals in sewerage,

Summary of Causes

The following is a summary of the perceived causes of problems in the river system as identified by the participants of the river Summit:

- Lack of a state wide River Health Strategy,
- Lack of long term vision,
- Changing political priorities,
- Poor links between science and decision making,
- Lack of coordinated approach,
- Lack of funding,
- Point and diffuse source pollution,
- Poor land management, eg, clearing of natural vegetation, livestock access,
- Water extraction and climatic impact,

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- Lack of strategic total water cycle management, monitoring and transparency,
- Climate change/variability,
- Fish barriers such as weirs,
- Population growth and the need for housing,
- Industrial, urban development and land clearing,
- Poor demand management,
- Mining,
- Wash from boats eroding riverbanks,
- Runoff impacts from urban and rural development,
- Pressure to develop flood lands and agricultural lands for urban uses,
- Competition for water,
- Unsustainable land practices,
- Discharge volume and quality,

Summary of Possible Solutions

The following is a summary of the possible solutions to the issues experienced in the river system as identified by the participants of the River Summit:

- Single River Authority (body) responsible to a senior Minister,
- Development of a long term plan for the river & stakeholders,
- Guaranteed and adequate funding,
- Bipartisan support for the proposed model,
- Nutrient trading and STP upgrades,
- Education and compliance,
- Adequately resource sub-catchments storm water management plans,
- Stormwater treatment, ie, Water Sensitive Urban Design (WSUD),
- Refinement of Noxious Weeds Act,
- Demand management,
- Water use efficiency,
- Metered extractions,
- Interagency cooperation,
- Dredging,
- Re-vegetation of catchments and riverbanks,
- Structural works,
- Storage management,
- Ensuring water quality of supplemented flows to protect ecosystem health,
- Improved infrastructure for existing areas,
- Improved public transport,
- Institute sewage recycling,
- Decentralising work centres,
- Appropriate and sustainable land use,
- Return of environmental/irrigation flows from Warragamba Dam,

A future challenge was identified on how to fund the necessary investments. A fresh overall look at the various institutions and their responsibilities may produce some dividends. There are also many questions that need to be resolved. For example, to what extent are point and diffuse pollution sources contributing to problems – what are the facts, and how can action be focused and coordinated?

Conclusion

There were many common themes that emerged from the Summit group work on solutions. These included:

- The River is already severely stressed and the threats are many and varied.
- There is a shared desire to do something, and to do it soon to address the problems of the River.

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- Population Pressures mean that the River's plight will only get worse if something is not done.
- The current approaches are not working and new approaches are needed.

There was willingness by the participants at the Summit to rise above some of the inter-agency and inter-government divisions to achieve better outcomes. Virtually every group indicated that they felt a Single River Authority was needed to pull together the efforts of the various stakeholders in:

1. All planning which needs to be more coordinated as existing and future problems are inter-linked.
2. Compliance and Implementation – It needs to be far easier to do the right thing.

Overall there was strong consensus that the range of problems had been articulated and that many elements of the potential solutions had been identified. It was suggested at the Summit that there is a need for organisation, action and leadership to ensure these problems and possible solutions are further considered by the State and Federal Governments to work towards appropriate actions.

The former Minister for Water, the Hon Nathan Rees MP addressed the participants at the Summit and indicated a strong interest in receiving a clear and concise position paper, signed off by all relevant stakeholders at the Summit, to describe the key outcomes that are needed for the future. It was also indicated that he would support bringing the position paper to Cabinet for consideration.

To progress these issues and solutions further, it was suggested at the Summit that a small Working Group (approximately eight persons), made up of key stakeholders, be formed. It was envisaged that this Working Group only have a limited life as the primary purpose of this group would be to ensure appropriate consideration of the outcomes of the River Summit. Depending on the outcomes of those considerations, other groups of relevant representation can then replace this Working Group. Several expressions of interest were received following the River Summit, and it is proposed that the final representatives be decided by the Mayor and General Manager.

Conformance to Strategic Plan

The information is deemed to conform to the following objectives set out in Council's Strategic Plan:

1. *Sustainable and livable communities that respect, preserve and manage the heritage, cultural and natural assets of the City;*
2. *An informed community working together through strong local and regional connections.*

Funding

No budget is currently allocated to the Summit Working Group. As this group is primarily a lobby group, it is not anticipated that significant additional funds would be required.

RECOMMENDATION:

That:

1. Council establish a sunset working group, of approximately eight persons who are representative of the participating groups from the River Summit, with the final constituents decided by the Mayor and General Manager.
2. The primary task of the Working Group is to formulate a proceedings document identifying the key outcomes of the Summit, develop an action plan to be implemented by relevant parties so that action may be progressed with the State and Federal Government in an attempt to improve the ongoing future management of the Hawkesbury- Nepean River system and to assist the State Government with the setting up of the "Office for the Hawkesbury-Nepean River" as announced on 7 October 2008 by Premier Rees.

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ATTACHMENTS:

There are no attachments to this report. The full Documentation on the River Summit "Where is the Hawkesbury Heading?" can be found on Council's Web Site under "Your Environment Publications and Forms"

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 212 **CP - Community Participation and Civic Leadership for Young People - (95498)**

Previous Item: NM1, Ordinary (8 April 2008)

REPORT:

This report has been prepared to seek Council's approval to receive the *Young People – Community Participation and Civic Engagement report (The Report)* prepared for Council by the Hawkesbury Youth Interagency. The report also recommends that Council adopt the eight recommendations proposed by the report to improve Council's engagement with young people and youth services and to increase civic engagement and leadership opportunities for young people.

Background

In response to a Notice of Motion submitted by Councillor Calvert at Council's Ordinary Meeting held on 8 April 2008 (during Youth Week 2008) Council resolved that:

1. *Council recognise the achievements of young people in the Hawkesbury but notices that youth are generally under-represented in Council policy-making processes.*
2. *Council continue to actively support youth initiatives by working in partnership with the Hawkesbury Youth Interagency to consult with young people and develop youth participation and leadership opportunities.*
3. *Council recognises the contribution of local groups such as Hawkesbury Heart in their efforts to provide a voice for young people in the Hawkesbury and pledges to support them whenever possible.*
4. *A further report be provided to Council to identify options for supporting youth services and young people to plan and deliver events, programs and activities for youth and to become more involved in future council policy-making processes.*

To give effect to Part 4, of Council's resolution, Council staff approached the Hawkesbury Youth Interagency (HYI) to discuss how best to deliver an informed and independent report for Council's consideration. This approach was proposed to facilitate a robust and independent research project and the preparation of evidence based and impartial recommendations. At its April 29 Meeting, HYI endorsed Council's resolution and agreed to partner with Peppercorn Services Inc to undertake a consultation with young people and youth services to ensure the report provided Council with a representative sample of the needs and issues of young people in the Hawkesbury. HYI commissioned the WYSH Coalition to develop a consultation strategy and undertake the research project on its behalf.

HYI established the W Y S H Coalition, in 2007 to build the capacity of local youth sector to improve services for young people. The W Y S H Coalition is a consortium of local youth agencies with Hawkesbury City Council as the lead agency. Membership of the Coalition includes Bligh Park Youth Services, Forgotten Valley Youth Development Project, Hawkesbury Community Outreach, North Richmond Youth Services, Peppercorn Services Inc, ted noffs Foundation, and The Women's Cottage Young Women's Project.

As noted elsewhere in the Business Paper, The W Y S H Coalition developed and successfully submitted an application under the Western Sydney Area Assistance Scheme to fund a youth capacity building and participation project to improve access and service provision for young people. This project will provide a welcome and significant boost to the youth services sector in the Hawkesbury and will play a critical role in advancing the recommendations outlined in *The Report* should they be endorsed by Council.

Consultation with Young People and Youth Services

A comprehensive consultation strategy was undertaken to inform the preparation of *The Report*. More than 80 young people participated in 12 focus groups held at schools, youth groups and refuges with the focus groups designed to be youth-friendly by encouraging young people to express their views informally through discussion and activities.

The consultations indicated that young people were already engaged in community and civic activities and were very active participants within their communities. A significant number of the young people consulted held valuable and constructive civic leadership roles. The majority of young people knew little about the role of Local Government, and consequently, there were a number of negative comments made about Council with Council being held responsible for the perceived lack of resources and services for young people - even where these were the responsibility of other levels of government. Lack of accessible and cheap transport continues to be the major issue for young people living in the Hawkesbury - for young people access to transport is a critical issue in determining their capacity for civic engagement.

Just over half of the young people consulted felt that their opinions and views were not important or disregarded by Council. Young people indicated that they would like to interact with Council and Councillors on a face-to-face basis but would prefer to do so on their own terms, using a more youth focused approach employing the mechanisms that young people already use to communicate with each other and the connections that youth services have already established with young people. Young people indicated they would also like to participate in Council's 'mainstream' processes but would require the help of youth workers and practical assistance to support this engagement.

A focus group was also held with Hawkesbury Youth Interagency members to canvass suggestions for how Council and youth services could work in partnership to support civic engagement and civic leadership opportunities for young people. Youth services indicated that Council had a key role to play in co-ordinating promotional activities including the public recognition of the contributions of young people. Youth services requested support and information to enable them to better navigate Council processes so that they could more effectively support young people to engage with Council and to speak directly with Council.

A literature review was conducted in conjunction with the consultations. The review focused on recent developments in youth participation policy and legislation to identify 'good practice' recommendations for civic engagement and leadership programs for young people. The outcomes of the literature review corroborated the findings of consultations with young people in that they emphasised the importance of civic engagement opportunities being purposeful, youth focused and practical, and advocated the need to consider a range of participation strategies which could adequately reflect the diversity of young people. The evidence indicated that partnership arrangements between youth services and Councils are more likely to deliver successful engagement outcomes and that sustainable youth participation strategies need to be well planned, resourced and evaluated.

Summary of Findings

The information obtained from the consultations and literature review emphasised that civic engagement opportunities for young people should be purposeful, youth focused and practical. Young people lead busy lives juggling a competing range of educational, social and sporting commitments and want to be able to contribute to their communities without making long-term commitments and without having to negotiate bureaucratic processes. Participation strategies should focus on the needs of young people rather than the organisational requirements of Council so that strategies can accommodate the changing priorities of young people. Participation strategies should build on the strengths of young people and utilise those activities in which young people are already involved using the communication tools with which young people are most comfortable. Engagement with young people is best done on their terms. Young people and youth services require practical assistance to navigate their way through civic participation and leadership structures.

Local Government is well placed to deliver successful and sustainable youth participation strategies. However, the report findings emphasise the importance of Council working in partnership with existing youth services and programs to provide a range of participation and civic engagement strategies which are

locally defined and respond to the diverse needs of the young people in the Hawkesbury. Mentoring is an important civic engagement tool and Councillors are well placed to mentor and train young people in community leadership and civic engagements.

The results of the consultations with young people and the youth services providers together with the findings of the literature review have informed the youth participation and civic engagement recommendations in *The Report*.

Report Recommendations

At its September 2008 meeting the HYI endorsed the recommendations outlined in *The Report* noting that the recommendations were practical and achievable and would provide meaningful leadership and community engagement opportunities for local young people. HYI also noted that the consultation process had been very positive for the young people involved with young people learning more about Council and expressing a desire to engage with Council. *The Report* recommendations were:

1. The '*Young People - Community Participation and Civic Leadership*' Report be formally launched by Hawkesbury City Council in partnership with Hawkesbury Youth Interagency.
2. Hawkesbury City Council and Hawkesbury Youth Interagency invite the participants in the research project and consultations to the launch of this Report (to provide feedback to participants).
3. An annual youth summit to be held in conjunction with Youth Week. The summit to be developed as a partnership activity of Hawkesbury Youth Interagency and Hawkesbury City Council. Councillors to be invited to attend the Youth Summit.
4. Council give consideration to including an amount of \$4,450 within its 2009-2010 financial estimates as a contribution to the staging of the Youth Summit.
5. A delegation of young people, supported by youth workers, be invited to present the outcomes and recommendations of the Youth Summit to an informal Councillor Briefing Session to provide the opportunity for young people to talk directly with Councillors about youth issues.
6. A 'rapid response' youth engagement strategy, utilising electronic communication tools favoured by young people (e.g. youth web-site, MySpace and/or text messaging), be developed and trialled. This rapid response strategy will provide Council with the opportunity to seek the views of young people on issues, which may arise and will complement the more formal annual youth summit.
7. A representative of the Hawkesbury Youth Interagency be appointed to the Young Citizen of the Season Selection panel to review and make recommendations on nominations for the *Young Citizen of the Season Award*. Council to work with the HYI on a media strategy to disseminate information about the Award and Award recipients.
8. A user-friendly guide for young people be developed to advise and inform young people of arrangements and protocols for making representations to the Mayor, Councillors and Council. This guide to be distributed to all youth services.

Conformance to Strategic Plan

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

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

Funding

The report outlines a number of recommendations which can generally be resourced from current budget allocations. By working in partnership with Peppercorn Services Inc. and through the recently funded W Y S H Project, Council will be able to maximise the capacity to deliver the outcomes envisaged by the recommendations. The request for \$4,450 to support an Annual Youth Summit will need to be considered by Council in conjunction with the 2009/2010 financial estimates.

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RECOMMENDATION:

That Council:

1. Receive the *Young People – Community Participation and Civic Leadership* Report
2. Endorse the eight (8) recommendations contained in the *Young People – Community Participation and Civic Leadership* Report.

ATTACHMENTS:

- AT - 1** Young People: Community Participation and Civic Leadership - *Distributed Under Separate Cover*

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 213 **IS - Rural Fire Service Estimates 2009/2010 - Hawkesbury District - (95495, 79016, 73835)**

REPORT:

The NSW Rural Fire Service has submitted their estimates for the 2009/2010 financial year for Council's consideration. The attached estimates consist of two components, the Rural Fire Fighting Fund (RFFF), which is submitted to the NSW Rural Fire Service, and a Council submission which is presented to Council for consideration. Council is obligated to contribute 13.3% of the RFFF budget. The Council submission is discretionary and is for Council to determine the appropriate funding commitment. There is an amount identified as "Provided by Council" which is the cost identified directly related to the Service Level Agreement between Council and the RFS which includes insurance of stations and vehicles, and Council rates in a total of \$61,000.

The RFFF estimates includes \$940,578 for the purchase and replacement of six fire fighting appliances, being two Category One Village vehicles (Oakville, Lower Portland), one Category Seven vehicle (Colo Heights), and three Category Nine vehicles (Bilpin, Lower MacDonald and St Albans). Inherent within the tanker trade-in process (\$289,400) the amount Council contributes towards will be reduced to \$651,178.

In the current financial year, Council's budget for all fire services is proposed at 1,008,657. Under Section 50 of the Fire Brigades Act, Local Government contributes 12.3% of the NSW Fire Brigades aggregate expenditure. Whilst formal advice of the 2008/2009 budget has not been received for the NSW Fire Brigades at this stage, based on the 2nd quarter invoice from that service (\$30,118) it is estimated that the expenditure for the Windsor Fire District will be \$979,447. Council's contribution (12.3%) for 2008/2009 is estimated at \$120,472.

Total fire fighting funding is made up of the 13.3% RFFF contribution, 12.3% NSW Fire Brigade contribution, salaries for part time and casual workers, Council's own internal overheads and any additional funding provided by Council in response to Fire Control's Council submission.

The "other programs" charges, which is a proportion of RFS statewide programs and insurances has been estimated at an amount of \$1,000,000. Reimbursement of 13.3% of these program charges can be sought as part of the budget process and this has been included within the documentation. It will be noted that the reimbursement amount is included within the RFS bid for the district budget.

The submission seeks discretionary Council funding on a range of programs totalling \$317,000. Of concern is the fact that submissions for funding after 31 October 2008 will not be considered by the NSW RFS. (This means that any discretionary funding not supported by Council after that date will not be able to be included within the RFFF bid.)

Council has provided funding for station and vehicle insurances of \$50,000, Council rates of \$11,000 and discretionary funding in an amount of \$252,000, totalling \$313,000 within the 2008/2009 Budget. It is suggested that while a commitment to discretionary funding for the 2009/2010 Budget should not be made prior to the budget process for that year, the RFS be advised that there will be no increase in discretionary funding above the current budget allocation, for the 2009/2010 financial year.

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."

ORDINARY MEETING

Meeting Date: 21 October 2008

Funding

Consideration of funding will be required as part of the 2009/2010 Budget preparation.

RECOMMENDATION:

That:

1. The 2009/2010 Rural Fire Fighting Fund estimates as submitted by the NSW Rural Fire Service be endorsed in principle.
2. Consideration of the request for additional funding for the existing 2009/2010 Budget Allocation be deferred until Council's 2009/2010 Budget estimates are determined.

ATTACHMENTS:

AT - 1 Rural Fire Service Estimates 2009/2010

ORDINARY MEETING

Meeting Date: 21 October 2008

AT - 1 Rural Fire Service Estimates 2009/2010

[Refer to Maps Agenda](#)

(This Attachment has been removed to reduce the overall size of this business paper to allow quicker download times)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 214 **IS - Conservation Management Plan for Wilberforce Cemetery - (79354)**

Previous Item: 207, Ordinary (9 October 2008)

REPORT:

Following community requests to reopen the Wilberforce Cemetery, a budget of \$10,000 was allocated in the 2006/2007 Capital Works Program to develop a Conservation Management Plan for the site. Hubert Architects in conjunction with Ian Jack Heritage Consulting were the successful Heritage Consultants engaged for this project.

A draft plan was developed and reported to Council's Ordinary meeting of 9 October 2007, where it was resolved:

"That the Draft Conservation Management Plan for Wilberforce Cemetery be:

1. *Forwarded to the Department of Lands for their information and comment; and*
2. *Placed on public exhibition for a period of 28 days and be further reported to Council following this process."*

The Wilberforce Cemetery Draft Conservation Plan attracted fifteen responses whilst on public exhibition. All comments received were in favour of the plan, in particular items such as re-opening the cemetery, the drainage issues to be addressed and the cemetery be nominated for heritage listing. Within this support there were some comments on the content which included:

- A suggestion to rewrite the executive summary;
- Rezoning of the former Wesleyan section to Special Uses (a) which would make the whole cemetery consistent. Currently it is 6(a) - open space;
- To fence off the Wesleyan section and to close off the road through the cemetery that runs to St Thomas Church.

(Note the Wesleyan section is the area located immediately adjacent to the north east of the current access road from Old Sackville Road to the rear of the church.)

All comments were forwarded to the consultants for consideration within the final document.

Conformance to Strategic Plan

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

"Objective: Establish a framework to define and equitably manage the infrastructure demands of the City."

Funding

Funding for works identified within the plan are proposed to be provided within future Capital Works Programs.

RECOMMENDATION:

That the Conservation Management Plan for Wilberforce Cemetery be adopted.

ORDINARY MEETING

Meeting Date: 21 October 2008

ATTACHMENTS:

AT - 1 The Wilberforce Cemetery Conservation Management Plan - Volumes 1 and 2 - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

Item: 215 IS - Underbelly II - Filming Application - (79354)

REPORT:

UB II Pty Ltd is seeking permission to film scenes for their forthcoming series of "Underbelly II" within the Richmond township and Freemans Reach areas on Tuesday 28 October and Wednesday 29 October 2008.

"Underbelly II" begins by looking at the shooting of the anti drugs campaigner Donald Mackay in Griffith in 1977. The series is on a limited budget and therefore the company are unable to travel out of the Sydney basin to film these scenes. The Hawkesbury provides this production with a rich streetscape close to the production base.

The filming on Tuesday, 28 October 2008 proposes the closure of Windsor Street, Richmond, between East Market and West Market Streets, from 6am – 11am. The production is a period piece and thus it is essential to have only vehicles from that era within the filming. Windsor Street will be reopened with filming moving to West Market Street, where intermittent interruption to traffic for no more than two minutes at a time will occur. It is estimated that filming will finish at 6pm. Filming will continue in West Market Street on 29 October where again the intermittent delay of traffic for no more than two minutes will occur. Other areas of Richmond will be used on this day but traffic should not be affected

The production company have consulted with every shop owner/occupier within the area affected by the road closure, collecting signatures from each shop indicating that they have been briefed on the proposed filming on 28 and 29 October and that they have no objection to the filming proposal. The general consensus from all shop proprietors has been very positive. The production company has also indicated that they will use the local media and newspaper advertisements to inform the community of the road closure and directing people to park within the car parks at the rear of these businesses, allowing residents to still access shops as required.

Consultation has also been undertaken with representatives from the Chamber of Commerce, who have also provided written support for the filming and proposed road closure. The filming will have minimal impact in the Freemans Reach area (Gorricks Lane and Freemans Reach Road) with traffic being held up for no more than two minute intervals on 29 October 2008.

Noting the support of the affected shop owners and the Chamber of Commerce, it is recommended that permission be granted for Windsor Street, Richmond between East Market Street and West Market Street be closed on 28 October between 6-11am.

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

Potential income from filming in accordance with fees and charges.

ORDINARY MEETING

Meeting Date: 21 October 2008

RECOMMENDATION:

That:

1. Permission be granted to UB II Pty Ltd to close Windsor Street, Richmond, between East Market Street and West Market Street, on 28 October 2008 between the hours of 6am -11am for the purpose of filming.
2. All filming be in accordance with Council's Standard Filming Conditions.

ATTACHMENTS:

- AT - 1** Traffic Management Plan – "Underbelly II"
- AT - 2** Letter of support from the Chamber of Commerce

ORDINARY MEETING

Meeting Date: 21 October 2008

AT - 1 Traffic Management Plan – “Underbelly II”

[Refer to Maps Agenda](#)

(This Attachment has been removed to reduce the overall size of this business paper to allow quicker download times)

ORDINARY MEETING

Meeting Date: 21 October 2008

AT - 2 Letter of support from the Chamber of Commerce

Refer to Maps Agenda

**(This Attachment has been removed to reduce the overall size of this business paper
to allow quicker download times)**

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 216 IS - Charles Kemp Reserve - Draft Plan of Management - (79354)

REPORT:

In the financial period of 2005/06, funding was made available from within the Capital Works Program for the development of a Plan of Management and Master Plan for the continuing management of the Charles Kemp Reserve, Ebenezer.

As part of the initial community consultation process, a community meeting/workshop was held on 21 February 2008. Residents were notified by way of advertisements in the Hawkesbury Independent and Gazette and correspondence was forwarded to adjoining landowners and other key stakeholders. Attendance at the meeting was high and included over 30 residents and representatives of the local indigenous community.

The Draft Plan of Management and Master Plan for Charles Kemp Reserve is now complete. It is proposed to place the plans on public exhibition for a period of 42 days, to allow the community to make comments

Following the community consultation period, results from the feedback will be reviewed and significant changes implemented into the Plan prior to reporting to Council for final adoption.

Conformance to Strategic Plan

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

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

Funding

Future improvements to the Reserve are proposed to be funded from Parks Improvement Programs, Section 94 funds and Grants depending upon available funding.

RECOMMENDATION:

That the Charles Kemp Reserve Draft Plan of Management be placed on public exhibition for a period of 42 days and be further reported to Council following this process.

ATTACHMENTS:

AT - 1 Charles Kemp Reserve Draft Plan of Management and Master Plan - (*To be distributed under separate cover*).

oooO END OF REPORT Oooo

Item: 217 IS - Woodbury Reserve - Draft Plan of Management - (79354)

REPORT:

Funding has been previously provided within the Capital Works Program (Parks and Recreation) for the development of the Woodbury Reserve Plan of Management. In May 2007, the services of LandArc Pty Limited were engaged to undertake the development of the Plan of Management and Master Plan for the site.

As part of the community consultation process, the draft plan of management was presented to a community meeting/workshop held on 6 March 2008. Residents were notified by way of advertisements in the Hawkesbury Independent and Gazette, and correspondence was forwarded to adjoining landowners and other key stakeholders. Response was well received with 28 residents attending the community meeting to provide input into the Plan of Management.

The Draft Plan of Management and Draft Master Plan for Woodbury Reserve were completed and in accordance with the Crown Lands Act, the proposed plans were placed on Public Exhibition for a period of 28 Days, commencing Wednesday, 9 April 2008.

At the end of the exhibition period, a total of 4 responses had been received raising issues in a number of areas including, bushland restoration, fire management and indigenous cultural heritage.

Two of the responses were in agreement with the Management Plans guidelines, in relation to the preservation and increase of the bushland areas and restoration of the natural watercourse. The Hawkesbury Rural Fire Service provided input into the management of fuel loads within the bushland setting and the provision of asset protection zones to be maintained on an annual basis. This has been noted and will be included as part of the ongoing maintenance of the reserve.

The Darug Custodian Aboriginal Corporation (DCAC) has identified that the care of Aboriginal Cultural Heritage within the Reserve is important. As part of Council's commitment to the preservation of cultural heritage, with any future major excavation works, the DCAC will be notified of this work to enable a preliminary site inspection prior to any excavation.

It was further identified that a section of the Reserve has been used for unauthorised BMX facilities. Whilst it has been agreed that the current location is not suitable and the removal of the facility will be undertaken as part of future works, two alternate locations have been proposed for a more formalised BMX facility to be established. This proposal will require further community consultation to be undertaken to obtain feedback on the location and design of the BMX facility to ensure a safe and enjoyable facility for all users.

The Glossodia Community Anglican Church has requested through a "Peppercorn" lease, the provision of community land for the purpose of building a church/community facility in addition to the current community centre. Whilst the aim of the church is to provide a positive presence, additional youth facilities and to reduce delinquency in the Reserve, it is considered that the Church's proposed facility is not appropriate for Woodbury Reserve.

It is recommended that the Woodbury Reserve Draft Plan of Management and Master plan be adopted, with the provision of further community consultation being undertaken in relation to the BMX facility.

Conformance to Strategic Plan

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

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

ORDINARY MEETING

Meeting Date: 21 October 2008

Funding

Future improvements to the Reserve as outlined within the Plans of Management are proposed to be funded from current funds, Park Improvement Programs, Section 94 funds and Grant funding, subject to availability.

RECOMMENDATION:

That the Woodbury Reserve Draft Plan of Management and Master plan be adopted, and further community consultation be undertaken in relation to the location and design of the BMX facility.

ATTACHMENTS:

AT - 1 Woodbury Reserve Draft Plan of Management, including Landscape Master Plan - (*To be distributed under separate cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 218 **IS - Roads to Recovery - First Timber Bridge on Upper Colo Road - (79344, 95495)**

Previous Item: 236, Ordinary (26 July 2005)

REPORT:

Council at its meeting held on 26 July 2005 adopted a list of projects to be funded by the Roads to Recovery Program. One of the listed projects included the replacement of the existing timber bridge over Wheeny Creek, on Upper Colo Road, with a reinforced concrete structure. This is the first bridge on Upper Colo Road, from Putty Road

A recent geotechnical investigation performed in association with the design process revealed that the depth to solid bedrock is thirty metres below the surface. The estimated cost of constructing a series of bridge piles alone is considered to be greater than the total available budget of \$358,400.

Alternate design options are being considered, however, all Roads to Recovery Funding is required to be fully expended by 30 June 2009. Designing an affordable, cost effective structure will be challenging and potentially time consuming. Having regard to the time constraints and potential risk to funding it is considered appropriate to reallocate the remaining funds to a current Roads to Recovery Project.

A suitable project in need of additional funding is Curtis Road, Mulgrave, which provides for the rehabilitation of various sections of failed road pavement. The present condition of this road is significantly worse than the 2005 assessment and the available funding in the amount of \$168,000 will only cover about 30% of the present pavement failures. Additional funding will enable rehabilitation of all the failed sections as recommended in the geotechnical report for that project.

Conformance to Strategic Plan

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

"Objective: A network of towns, villages and rural localities connected by well-maintained public and private infrastructure, which supports the social and economic development of the City."

Funding

Provided within the Roads to Recovery Program.

RECOMMENDATION:

That:

1. The Roads to Recovery project to reconstruct the timber bridge over Wheeny Creek on Upper Colo Road with a reinforced concrete structure at an estimated cost of \$358,400 not proceed at this stage.
2. The allocated funding in the amount of \$358,400, less survey and design costs, be reallocated towards the rehabilitation of Curtis Road, Mulgrave project.

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Meeting Date: 21 October 2008

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

SUPPORT SERVICES**Item: 219 SS - Monthly Investments Report - August 2008 - (96332, 95496)****REPORT:**

According to Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulations and the Council's Investment Policy.

The following table lists the investment portfolio held by Council at 31 August 2008 in a form compliant with legislative and policy requirements.

All investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

August 2008

The following table indicates that Council held \$38.07 million in investments as at 31 August 2008. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved and the credit rating of the investments are provided below:

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Rating	Total \$
On Call						
CBA	31-Aug-08		7.20%	4,030,000.00	A1+	4,030,000.00
Cash Fund						
LGFS FOCF	31-Aug-08		8.68%	9,543,066.40	AA	9,543,066.40
Term Investments						
Bankwest	29-May-08	1-Dec-08	8.43%	3,500,000.00	A1+	
Bankwest	16-Jul-08	25-Sep-08	8.02%	3,000,000.00	A1+	
NAB	29-May-08	29-May-09	8.39%	3,500,000.00	A1+	
IMB Ltd	26-Mar-08	25-Sep-08	8.16%	2,500,000.00	A2	
IMB Ltd	27-Mar-08	25-Sep-08	8.22%	2,000,000.00	A2	
Citibank	25-Mar-08	25-Sep-08	8.18%	5,000,000.00	A1+	
Bank of Queensland	1-Apr-08	29-Sep-08	8.13%	1,000,000.00	A2	
Bendigo Adelaide Bank	1-Apr-08	29-Sep-08	8.16%	1,000,000.00	A2	
CBA – Range Accrual Note	28-Nov-07	19-Oct-08	0.00%	500,000.00	A1+	
CBA – CPI Linked Note	04-Apr-07	04-Apr-12	0.00%	500,000.00	A1+	

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CBA – Equity Linked Note	05-Dec-07	05-Jun-09	0.00%	2,000,000.00	A1+	24,500,000.00
TOTAL INVESTMENT AS AT 31 AUGUST 2008						38,073,066.40

TOTAL INVESTMENT AS AT 31 AUGUST 2008

Bench Mark - August 2008 - Cash Rate 7.25%

Actual - August 2008 7.59%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark
Cash at Call	4,030,000.00	7.20%	-0.05%
Term Deposit	24,500,000.00	7.22%	-0.03%
Cash Fund	9,543,066.40	8.68%	1.43%
	38,073,066.40	7.59%	0.34%

Restriction Type	Amount
External Restrictions -S94	6,958,486
External Restrictions - Other	6,841,498
Internal Restrictions	16,313,596
Unrestricted	7,959,486
Total	38,073,066

The various sources of the restricted funds referred to in the above table are as follows:

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details include the following)

- Employees Leave Entitlements
- Election
- Information Technology
- Plant Replacement
- Infrastructure
- Property Development (currently negative balance)
- Risk Management
- Heritage
- Sullage
- Tip Remediation

With regard to the above details those funds subject to external restrictions **cannot** be utilised for any purpose other than that specified.

In respect of funds subject to internal restrictions whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless of a temporary internal loan basis, would not be recommended nor would it be “good business practice” as these funds have been allocated for specific purposes (information technology, plant replacement, risk management, etc.) or to meet future know expenses that should be provided for on an ongoing basis (employee leave entitlements, election, etc.).

Funds referred to as “unrestricted” are, effectively, Council’s daily operational funding for purposes such as the payment of salaries and wages, various works proposed or in progress as adopted in Council’s budget, daily operational expenses, etc. These “unrestricted” funds could only be utilised for other purposes by the reduction of a corresponding amount from a service or provision already included within Council’s adopted

ORDINARY MEETING

Meeting Date: 21 October 2008

budget. The level of these funds also vary depending upon the business cycle in areas such as the payment of creditors, receipt of rate payments, capital works and/or purchases, etc.

Investment Commentary

The investment portfolio increased by \$1.94m for the month. The increase was due to additional income over expenditure for the August period. During August, various income was received totalling \$8.62m, including rate payments amounting to \$4.48m, while payments to suppliers and staff costs amounted to \$6.63m.

The investment portfolio is diversified across various investment types. This includes term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio has been reviewed and rebalanced in favour of investments not subject to share market volatility. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

Conformance to Strategic Plan

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

"Objective: Maximise return on Council's investment portfolio."

Funding

Funds have been invested with the aim of achieving budgeted income in 2008/2009.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 220 SS - Monthly Investments Report - September 2008 - (96332, 95496)

REPORT:

According to Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulations and the Council's Investment Policy.

The following table lists the investment portfolio held by Council at 30 September 2008 in a form compliant with legislative and policy requirements.

All investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

September 2008

The following table indicates that Council held \$40.05 million in investments as at 30 September 2008. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved and the credit rating of the investments are provided below.

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Rating	Total \$
On Call						
CBA	30-Sep-08		6.95%	3,950,000.00	A1+	3,950,000.00
Cash Fund						
LGFS FOCF	30-Sep-08		7.89%	9,602,668.15	AA	9,602,668.15
Term Investments						
Bankwest	29-May-08	1-Dec-08	8.43%	3,500,000.00	A1+	
NAB	29-May-08	29-May-09	8.39%	3,500,000.00	A1+	
NAB	25-Sep-08	25-Mar-09	8.00%	5,500,000.00	A1+	
ANZ	25-Sep-08	25-Oct-08	7.95%	3,000,000.00	A1+	
ANZ	25-Sep-08	24-Nov-08	7.95%	3,000,000.00	A1+	
ANZ	25-Sep-08	24-Dec-08	7.95%	3,000,000.00	A1+	
Westpac	30-Sep-08	26-Feb-09	7.60%	2,000,000.00	A1+	
CBA – Range Accrual Note	28-Nov-07	19-Oct-08	0.00%	500,000.00	A1+	
CBA – CPI Linked Note	04-Apr-07	04-Apr-12	0.00%	500,000.00	A1+	
CBA – Equity Linked Note	05-Dec-07	05-Jun-09	0.00%	2,000,000.00	A1+	26,500,000.00
TOTAL INVESTMENT AS AT 30 SEPTEMBER 2008						40,052,668.15

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TOTAL INVESTMENT AS AT 30 SEPTEMBER 2008

Bench Mark - September 2008 - Cash Rate 7.00%
 Actual - September 2008 7.31%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark
Cash at Call	3,950,000.00	6.95%	-0.05%
Term Deposit	26,500,000.00	7.16%	0.16%
Cash Fund	9,602,668.15	7.89%	0.89%
	40,052,668.15	7.31%	0.31%

Restriction Type	Amount
External Restrictions -S94	6,985,677
External Restrictions - Other	9,186,436
Internal Restrictions	15,259,059
Unrestricted	8,621,496
Total	40,052,668

The various sources of the restricted funds referred to in the above table are as follows:

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details include the following)

- Employees Leave Entitlements
- Election
- Information Technology
- Plant Replacement
- Infrastructure
- Property Development (currently negative balance)
- Risk Management
- Heritage
- Sullage
- Tip Remediation

With regard to the above details those funds subject to external restrictions **cannot** be utilised for any purpose other than that specified.

In respect of funds subject to internal restrictions whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless of a temporary internal loan basis, would not be recommended nor would it be “good business practice” as these funds have been allocated for specific purposes (information technology, plant replacement, risk management, etc.) or to meet future know expenses that should be provided for on an ongoing basis (employee leave entitlements, election, etc.)

Funds referred to as “unrestricted” are, effectively, Council’s daily operational funding for purposes such as the payment of salaries and wages, various works proposed or in progress as adopted in Council’s budget, daily operational expenses, etc. These “unrestricted” funds could only be utilised for other purposes by the reduction of a corresponding amount from a service or provision already included within Council’s adopted budget. The level of these funds also vary depending upon the business cycle in areas such as the payment of creditors, receipt of rate payments, capital works and/or purchases, etc.

ORDINARY MEETING

Meeting Date: 21 October 2008

Investment Commentary

The investment portfolio increased by \$1.97m for the month. The increase was due to additional income over expenditure for the September period. During September, various income was received totalling \$6.22m, including rate payments amounting to \$3.6m, while payments to suppliers and staff costs amounted to \$4.86m.

The investment portfolio is diversified across various investment types. This includes term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio has been reviewed and rebalanced in favour of investments not subject to share market volatility. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

Conformance to Strategic Plan

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

"Objective: Maximise return on Council's investment portfolio."

Funding

Funds have been invested with the aim of achieving budgeted income in 2008/2009.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 221 SS - Pecuniary Interest Returns - Councillors and Designated Persons - (79337)

REPORT:

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

"450A Register and tabling of returns:

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

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

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

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

Position	Return Date	Date Lodged
Environmental Health Officer	7/07/08	8/08/08
Project Officer	8/07/08	8/08/08
Senior Network Administrator	8/07/08	8/09/08

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

With regard to Section 450(2)(b), the following Section 449(3) Returns have been lodged.

Councillor	Return Period	Date Lodged
Bart Bassett	1/07/07 - 30/06/08	18/09/08
Ted Books	1/07/07 - 30/06/08	26/08/08
Barry Calvert	1/07/07 - 30/06/08	9/09/08
Kevin Conolly	1/07/07 - 30/06/08	26/08/08
Trevor Devine	1/07/07 - 30/06/08	19/09/08

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Dianne Finch	1/07/07 - 30/06/08	11/09/08
Christine Paine	1/07/07 - 30/06/08	9/09/08
Robert Porter	1/07/07 - 30/06/08	26/08/08
Paul Rasmussen	1/07/07 - 30/06/08	12/09/08
Rex Stubbs	1/07/07 - 30/06/08	26/08/08
Neville Wearne	1/07/07 - 30/06/08	26/08/08
Leigh Williams	1/07/07 - 30/06/08	25/09/08

Position	Return Period	Date Lodged
General Manager	1/07/07 - 30/06/08	25/07/08
Human Resources Manager	1/07/07 - 30/06/08	25/07/08
Corporate Communication Manager	1/07/07 - 30/06/08	29/08/08
Manager Risk Management	1/07/07 - 30/06/08	24/07/08
Senior Strategic Planner	1/07/07 - 30/06/08	7/08/08
Director City Planning	1/07/07 - 30/06/08	23/09/08
Senior Strategic Planner	1/07/07 - 30/06/08	1/08/08
Senior Strategic Planner	1/07/07 - 30/06/08	1/08/08
Senior Strategic Planner	1/07/07 - 30/06/08	1/08/08
Senior Strategic Planner	1/07/07 - 30/06/08	1/08/08
Senior Strategic Planner	1/07/07 - 30/06/08	1/09/08
Subdivision & Development Engineer	1/07/07 - 30/06/08	31/07/08
Subdivision & Development Engineer	1/07/07 - 30/06/08	23/09/08
Town Planning Co-ordinator	1/07/07 - 30/06/08	29/08/08
Senior Town Planner	1/07/07 - 30/06/08	25/09/08
Senior Town Planner	1/07/07 - 30/06/08	1/09/08
Town Planner	1/07/07 - 30/06/08	25/09/08
Town Planner	24/07/07 - 30/06/08	16/09/08
Building Co-ordinator	1/07/07 - 30/06/08	24/07/08
Building & Development Officer	1/07/07 - 30/06/08	1/09/08
Senior Building & Development Officer	1/07/07 - 30/06/08	12/08/08
Building & Development Officer	1/07/07 - 30/06/08	6/08/08
Executive Manager - Community Partnerships	1/07/07 - 30/06/08	1/09/08
Service Manager (Child, Family & Youth Services)	30/07/07 - 30/06/08	25/07/08
Service Manager (Aged & Disability Services)	30/07/07 - 30/06/08	25/07/08
Manager Regulatory Services	1/07/07 - 30/06/08	28/07/08
Senior Environmental Health Officer	1/07/07 - 30/06/08	31/07/08
Environmental Health Officer	3/09/07 - 30/06/08	11/09/08
Environmental Health Officer	1/07/07 - 30/06/08	25/09/08
Environmental Health Officer	1/07/07 - 30/06/08	16/09/08

ORDINARY MEETING

Meeting Date: 21 October 2008

Position	Return Period	Date Lodged
Environmental Health Officer	1/07/07 - 30/06/08	27/08/08
Companion Animals Team Leader	30/07/07 - 30/06/08	28/08/08
Companion Animals Controller	30/07/07- 30/06/08	25/07/08
Companion Animals Controller	1/07/07 - 30/06/08	5/08/08
Administration Officer	30/07/07 - 30/06/08	5/08/08
Compliance & Enforcement Co-ordinator	1/07/07 - 30/06/08	28/07/08
Compliance & Enforcement Officer	30/07/07 - 30/06/08	1/08/08
Compliance & Enforcement Officer	30/07/07 - 30/06/08	31/07/08
Parking Patrol Officer	26/02/08 - 30/06/08	30/07/08
Parking Patrol & Compliance Officer	30/07/07 - 30/06/08	30/07/08
Parking Patrol & Compliance Officer	1/07/07 - 30/06/08	25/07/08
Director Infrastructure Services	1/07/07 - 30/06/08	25/07/08
Manager Building Services	1/07/07 - 30/06/08	5/08/08
Building Services Officer	17/12/07 - 30/06/08	10/09/08
Building Services Officer	30/07/07 - 30/06/08	9/09/08
Building Services Officer	30/07/07 - 30/06/08	8/08/08
Manager Construction & Maintenance	1/07/07 - 30/06/08	13/08/08
Construction / Maintenance Engineer	2/01/08 - 30/06/08	2/09/08
Manager Parks & Recreation	1/07/07 - 30/06/08	24/07/08
Land Management Officer	30/07/07 - 30/06/08	25/08/08
Parks Foreman	30/07/07 - 30/06/08	24/07/08
Manager Water & Waste Management	1/07/07 - 30/06/08	25/07/08
Waste Management Officer	1/07/07 - 30/06/08	15/09/08
Manager Design & Mapping Services	1/07/07 - 30/06/08	15/08/08
DesignInvestigation/Project Engineer	18/02/08 - 30/06/08	15/08/08
Project Engineer	15/04/08 - 30/06/08	25/09/08
GIS Co-Ordinator	30/07/07 - 30/06/08	30/07/08
Director Support Services	1/07/07 - 30/06/08	24/07/08
Manager Corporate Services & Governance	17/03/08 - 30/06/08	24/07/08
Senior Property Officer	1/07/07 - 30/06/08	24/07/08
Property Officer	1/07/07 - 30/06/08	24/07/08
Publishing Manager	1/07/07 - 30/06/08	25/07/08
Chief Financial Officer	1/07/07 - 30/06/08	28/07/08
Senior Financial Accountant	5/11/07 - 30/06/08	4/08/08
Senior Management Accountant	1/07/07 - 30/06/08	24/07/08
Rates Team Leader	24/12/07 - 30/06/08	1/09/08
Supply Co-ordinator	1/07/07 - 30/06/08	30/07/08
Administration Officer (Purchasing)	30/07/07 - 30/06/08	29/07/08
Administration Officer (Purchasing)	30/07/07 - 30/06/08	3/09/08

ORDINARY MEETING

Meeting Date: 21 October 2008

Position	Return Period	Date Lodged
Chief Information Officer	1/07/07 - 30/06/08	29/07/08
Database and Systems Administrator	30/07/07 - 30/06/08	24/07/08
Manager Cultural Services	1/07/07 - 30/06/08	31/07/08
Information & Lending Services Librarian	1/07/07 - 30/06/08	15/08/08
Local Studies & Outreach Librarian	1/07/07 - 30/06/08	5/08/08
Museum & Gallery Director	23/07/07 - 30/06/08	5/08/08

All Councillors and Designated Persons have lodged their Section 449(3) Returns prior to the due date of 30 September 2008 as required by the Act for the receipt of the Returns. Also, all Returns are kept in a Register of Returns as required by the Act.

Returns are available for inspection if requested.

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

Conformance to Strategic Plan

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

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

Funding

Not applicable.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

Item: 222 **SS - Richmond Golf Club Ltd - Lease of Crown Reserve R81554, Bourke Street, Richmond - (79337, 38630)**

Previous Item: 208, Ordinary (29 August 2006)

REPORT:

Council is the Trustee of the Richmond Golf Course Reserve Trust (R81554), which is occupied by the Richmond Golf Club. The Trustee may only grant a lease over the Reserve, which is Crown Land, with the consent of the Minister of Lands who administers the Crown Lands Act.

In recent times, the Club has sought from Council a further reduction in rent to a peppercorn figure and an extension of the lease term to 99 years. Also the Local Members, Alan Shearan and John Aquilina both wrote to the Minister for Lands, Tony Kelly, on behalf of the Richmond Golf Club raising concerns with regard to the Club's financial position and seeking assistance in terms of the Club's leasing arrangements with Council as the Trust Manager of the Crown Reserve. Representatives of the Department of Lands arranged a meeting, which was held on 22 September 2008, with the relevant parties to discuss the options as to the rental payments, the way the payments are structured, the lease term and the trust management arrangement options that may be available. Council was represented at the meeting by the General Manager.

As a result, the Department of Lands wrote to Council on 29 September 2008 seeking Council's views on transferring the management of the lease to one that is directly between the Club and the Crown (through the Minister for Lands) rather than Council.

By way of background the tenure of the golf course by the Club has been considered by the Council on a number of occasions in the past.

At the Ordinary Meeting of 8 March 2005, Council considered various issues regarding the lease and resolved in part, to pursue the extension of the lease of the golf course by the Club with the Department of Lands by way of either variation of the then existing lease or the preferred option of the cancellation of the existing lease, and a new lease on the basis of the term not exceeding the permissible 20 years (rather than the then existing 10 year period). Council pursued the matter with the Department of Lands, which subsequently agreed to a new lease of 20 years between Council (as the Richmond Golf Course Reserve Trust Manager) and the Richmond Golf Club Limited. At the Ordinary Meeting of 29 August 2006, Council resolved to grant authority for any documentation associated with the lease of Richmond Golf Course, by Richmond Golf Club Limited, to be executed under the Seal of Council.

The determination of an appropriate rental has also been contentious. In this regard, as part of the above deliberations, Council considered the Club's request to have a reduction on the then existing rent base to \$30,000 per annum plus GST with only annual CPI increases rather than commence the lease at a market rental. The Club argued for a reduction in rent on the basis of the difficult time the Club and many other clubs in the district were then facing due to pressures of Government and increased over-heads. The figure quoted was derived from the base amount set by Council on the then existing lease which commenced on 1 July 1999; which appears to have already been discounted as it was based on a 1997 valuation. The market valuation obtained by Council in 2005 showed that a rental of \$55,000 per annum plus GST was appropriate.

Council had also noted that due to an administrative oversight the Club had enjoyed the same rental without annual CPI increases for a number of years. Had the annual CPI increases been applied to the original rental the amount payable for then 2004/05 financial year would have been \$35,455 plus GST.

Having considered all the facts Council, on 8 March 2005, resolved that the new lease to be drafted at the time be based on the level of rental to be paid by the Club had the lease entered into in 1999 continued and based on annual CPI increases i.e. \$35,412 per annum plus GST rather than the then market rental.

ORDINARY MEETING

Meeting Date: 21 October 2008

The Council also resolved that the annual rent be subject to annual CPI increases to be appropriate from 1 July 2004, being the rental review date under the lease and to apply for a period of 5 (five) years from that date.

In accordance with Council's resolution, the Lease was executed with a period of 20 years commencing on 1 July 2005 and to terminate on 30 June 2025. The annual rental currently stands at \$39,429 plus GST.

The proposal by the Department of Lands to have the lease directly between the Club and the Minister has merit. The land itself is that of the Crown and it effectively eliminates Council as the go between for the two parties in the final approval of the lease terms and conditions particularly in resolving the two most contentious issues being the longer lease term and substantial reduction in rent.

The Club's request places Council in an invidious position as it contravenes existing guidelines. The Department of Lands' guidelines state that generally lease terms exceeding 20 years are not favoured. The Departmental guidelines also state that rents should reflect a commercial approach using an independent valuation to determine market rental. The standard terms require that rent be adjusted annually using the Consumer Price Index with market rent determinations occurring once every three years for the term of the lease.

The disadvantage to Council is essentially two fold. Firstly it forgoes a current and future annual income stream. Currently Council receives \$39,429 plus GST.

Some income is anticipated under the proposed new arrangements, as the Minister for Lands is required to pass on to Council a portion of the rent the Minister receives from the Club. However given that the Club is seeking to pay only a peppercorn amount it is most likely that the amount will be significant lower than what Council currently receives. Secondly any rent received by Council under the proposed new arrangements is required to be used on the Reserve or other Crown Reserves rather than at Council's discretion as currently is the case.

Accordingly on balance and particularly as the land is owned by the Crown, it is considered that Council should have no objection to the Minister exercising his discretion pursuant to S34A of the Crown Lands Act and entering into a lease directly with the Richmond Golf Club Limited.

Conformance to Strategic Management Plan:

This proposal is deemed to conform to the objectives as set out in Council's Strategic Management Plan, i.e.

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

Funding:

While this proposal will reduce Council's income from the property as provided in the 2008/2009 Budget, the specific impact will not be known until a new lease is executed by the Minister for Lands. Currently Council has budgeted for net income of \$37,819 from this Reserve Trust. Any adjustment to Council's 2008/2009 Budget will be made through the quarterly review process once the final figure is notified to Council by the Department of Lands.

ORDINARY MEETING

Meeting Date: 21 October 2008

RECOMMENDATION:

That Council:

1. Notify the Department of Lands that:
 - a. It has no objection to the Minister for Lands exercising his discretion pursuant to S34A of the Crown Lands Act and entering into a lease over Crown Reserve 81554 directly with the Richmond Golf Club Limited.
 - b. Should the proposal proceed, all costs associated with the surrender of the existing lease and any new lease would not be borne by Council.
2. Make any appropriate adjustments to rental income within the 2008/2009 Budget through the relevant quarterly review based process, when known.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 21 October 2008

CONFIDENTIAL REPORTS

Item: 223 IS - Tender No. 017/FY08 - Lump Sum Tenders for Sewer Main Relining - (79354)

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: 21 October 2008

Item: 224 **IS - Tender No. 001/09 - Tenders for the Supply and Installation of SCADA Communication and Pump Station Control System - (79357)**

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: 21 October 2008

**Item: 225 SS - Property Matter - HCC Lease to Macquarie Auto Village Pty Limited - 20
Bosworth Street, Richmond - (99191, 95496) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 21 October 2008

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Heritage Advisory Committee Minutes - 21 August 2008 - (80242)

The meeting commenced at 4:00pm.

Present:	Mr Alan Aldrich Mr Graham Edds Ms Michelle Nichols Professor Ian Jack Ms Deborah Hallam Ms Rachel Cumming Mr Matthew Owens	Community Member Community Member Community Member Community Member Community Member Hawkesbury City Council Hawkesbury City Council
Apologies:	Councillor Ted Books (Chair) Mr Donald Ellsmore	Hawkesbury City Council Hawkesbury Heritage Advisor
In Attendance:	Ms Robyn Kozjak	Minute Secretary

REPORT:

CONFIRMATION OF MINUTES

RESOLVED on the motion of Professor Ian Jack and seconded by Ms Michelle Nichols that the Minutes of the Heritage Advisory Committee held on the 22 May 2008, be confirmed.

Mr Owens chaired the meeting in the absence of Councillor Books.

Enquiry was made as to the proposed date for the launch of Thematic History (11 September) and Mr Owens advised due to the upcoming Local Government elections, the General Manager raised concern the timing of this event would not be appropriate and a new date would need to be set.

Further discussion subsequently arose regarding the launch of the Thematic History and it was agreed invitations should be extended to Terry Cass, the Historical Societies (Kurrajong, Kurrajong Heights, Dharug and Riverstone), delegates from the Heritage Council and Heritage Office, past members of HAC, Rebecca Minchin from Powerhouse Museum. It was determined Ms Michelle Nichols would provide further contacts to Ms Cumming via email in this regard.

Mr Edds referred to the previous minutes and enquired as to the outcome of discussion on the Heritage Study. Ms Cumming invited Mr Edds to submit further comments in this regard and it was suggested if other members had further submissions to send them to Mr Owens/Ms Cumming by 30 September, 2008 for discussion at the next meeting.

SECTION 4 - Reports for Information

Heritage Advisory Committee Annual Report 2007-2008

DISCUSSION:

- The Annual Report of the HAC was summarised and discussed. (It was noted Ms Deborah Hallam's name was inadvertently omitted from the members listed in the report).
- Concern was raised the Heritage Assistance Grant had been removed from Council's budget and it was uncertain if that grant would be restored. It was subsequently advised Council would have to refocus this Committee.
- It was agreed the objectives of the HAC required review as members believed the Committee was not achieving a great deal. It was also agreed the Committee required more interesting agenda items and Mr Owens asked for the Committee's assistance in this regard.
- Mr Owens advised all Council Committees would be re-formed post Local Government elections. Discussion arose re the recruitment for new members and it was agreed more extensive advertising was required to ensure members of the community are aware of the existence of Council Committees. It was suggested the launch of the Thematic History could be used as an avenue for advertising for new members.

MOTION:

RESOLVED on the motion of Ms Michelle Nichols, seconded by Mr Alan Aldrich.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

- The commencement time of future HAC meetings was discussed and it was agreed this issue should be left in abeyance until the next meeting. Mr Owens subsequently reminded members this would be the last meeting of the HAC prior to the elections.
- It was resolved an informal meeting be arranged in October to discuss comments on the Heritage Study. It was determined Ms Cumming liaise with Mr Ellsmore to ascertain his availability.
- Ms Hallam advised she would be away most of October and would email her expression of interest in rejoining the Committee.

Mr Owens thanked members for their contribution and attendance.

The meeting closed @ 4:58pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Community Planning Advisory Committee Minutes - 28 August 2008 - (96737)

The meeting commenced at 9:30am.

Present:	Councillor (Dr) Rex Stubbs OAM Ms Vickie Shackley Mr Nick Sabel Mr Chris McAlpine Ms Karen Carter Mr Roger Packham	Deputy Chair Community Representative Wentworth Community Housing Community Representative Merana Aboriginal Community Assn. Community Representative
Apologies:	Councillor Barry Calvert Mr Matt Thorp Ms Sharon Payne Matthew Owens Ms Vesna Kapetanovic	Chair Nth Richmond Community Centre Women's Cottage Hawkesbury City Council NSW Dept of Community Services
In Attendance:	Mr Michael Laing Ms Fiona Mann Mr Sean Perry Ms Robyn Kozjak (Minute taker)	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council

REPORT:

Councillor Stubbs chaired the meeting in the absence of Councillor Calvert.

RESOLVED on the motion of Ms Vickie Shackley and seconded by Mr Nick Sabel that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Vickie Shackley and seconded by Mr Nick Sabel that the Minutes of the Community Planning Advisory Committee held on the 8 May 2008, be confirmed.

SECTION 4 - Reports for Information

Item: 1 Guest Speakers on Recreational Planning and Tourism

1. Guest speaker, Mr Perry, reported on his PowerPoint presentation - "Recreational Activities within the Hawkesbury"

Points for consideration and discussion:

- Metro Strategy Northwest Sub Region Plan had identified the north west area would accommodate an additional 140,000 new dwellings by 2031, with the bulk in the north west growth centre (60,000).

ORDINARY MEETING
Reports of Committees

This growth would result in increased pressure on the subregion's natural environment, heritage assets and rural resource lands.

- Access to open space in the North West - key issues:
 - Distance (petrol costs, public transport)
 - Distribution (open space well located in developed areas)
 - Constraints (bushland accounts for 98%)
 - Facilities (increase in sports fields)
- Tourism opportunities - potential for Hawkesbury businesses to benefit from people visiting the area. Hawkesbury River is a vital recreation asset to the Hawkesbury.
- Horse riding, motor bikes, 4 wheel driving - horse riding is allowed in most reserves, however, currently no provision for motor bikes/4 wheel driving. Some parks suffering damage by unauthorised use with the potential to further deteriorate with more people moving close to the area.
- Great River Walk - limitations include funding, access to the river.
 - Rickaby's Creek Bridge
 - Link to Governor Phillip Reserve
 - Windsor loop
 - Ham Common
 - Yarramundi Reserve
- High demand for integrated regional trail of walking and cycle tracks - no funding, missing some connections between parks and key open space areas.
- Sporting grounds - growth to exceed available sports grounds - estimated up to 400 new fields needed to keep up with demand. Limitations include water, over use, funding and flood prone land.

DISCUSSION:

- Concern was raised there are no statistics available on who uses the parks. It was advised sporting grounds are managed by the Sports Council (Council takes bookings for these fields), however, there is no data on the use of recreational parks.
- It was agreed we need to increase ownership of parks. It was noted Blacktown Council run an "adopt a park" program and it was suggested a similar program for Colonial Reserve at Bligh Park could be piloted.
- It was determined an integrated open space strategy and a recreation plan is needed.

Mr Perry left the meeting

2. Guest speaker, Ms Mann, presented on tourism in the Hawkesbury.

Points for consideration and discussion:

- Ms Mann tabled a document outlining statistics on top ten regions for domestic overnight trips from Tourism Australia. Sydney consistently ranked the number one tourist destination on the list. It was advised Hawkesbury falls into the Sydney region.
- It was reported the National Landscapes Program, (a partnership between the tourism industry, conservation managers and community), have included the Greater Blue Mountains World Heritage area in the program which is very beneficial to the Hawkesbury region.

ORDINARY MEETING
Reports of Committees

- Ms Mann advised Council would review its overall tourism program at the end of the year. It was advised an average of 30 people walk into the Visitors Centre daily, day-trippers being the main market.
- Ms Mann referred to the "Greater Blue Mountains Drive" booklet and advised she would like to become involved in the development of similar products, with an emphasis on promoting the packaging up of tours and products.
- Enquiry was made as to the viability of preparing an equine strategy as it was envisaged the area had the potential of becoming Sydney's recreational playground and horse riding and its associated activities would play a major part.
- Enquiry was raised if the Hawkesbury area had sufficient accommodation to support increased tourism. Ms Mann advised that there is a view there is a lack of low cost budget accommodation for certain travellers, however, the area has a high percentage of more up-market B&B type accommodation. Accommodation provision is subject to market dynamics and business opportunity.

Ms Mann left the meeting.

3. Mr Michael Laing reported on his PowerPoint presentation on Transport

- Enquiry was raised if the Strategy had addressed the issue of congestion at the Northern Road and George Street intersection. It was advised Richmond Road would only be widened to 4 lanes up to South Creek (the boundary of North West Growth Centre), but not widening Richmond Road all the way to the Northern Road/George Street intersection or then onward to Richmond. It was noted this work would mitigate traffic congestion at the Northern Road and George Street intersection.

MOTION:

RESOLVED on the motion of Councillor Ms Vickie Shackley, seconded by Mr Nick Sabel.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information from our guest speakers (Mr Sean Perry and Ms Fiona Mann) be received.

Item: 2 WSROC's "Building Sustainability in Western Sydney by 2030" Conference - further comment invited and list of proceedings

MOTION:

RESOLVED on the motion of Mr Roger Packham, seconded by Mr Nick Sabel.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. The CPAC be invited to discuss any further issues from the proceedings of WSROC's "Building Sustainability in Western Sydney by 2030" Conference.

Item: 3 Concerns about the Future of the Western Sydney Area Assistance Scheme (WSAAS) - July 2008 Update

MOTION:

RESOLVED on the motion of Mr Nick Sabel, seconded by Mr Roger Packham.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. A further update be provided at the next CPAC meeting.

Item: 4 Annual Report : Activities of Council's Community Planning Advisory Committee (CPAC) for - 2007/2008

MOTION:

RESOLVED on the motion of Mr Roger Packham, seconded by Ms Karen Carter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. The Annual Report of the CPAC for 2007/2008 be reported to Council.

ORDINARY MEETING
Reports of Committees

SECTION 5 - General Business

- Discussion arose regarding the date of the next meeting of CPAC. It was agreed a tentative date of 6 November 2008 be set - to be confirmed.
- Mr Sabel advised he wished to add an item to the next meeting agenda to update the Committee on his organisation and affordable housing.
- Mr McAlpine addressed an issue raised earlier in the meeting re his suggestion to investigate a Community Pride Pilot Project. Mr Laing referred Mr McAlpine to Mr Perry, Manager, Parks and Recreation and Mr Litwin, Executive Manager Community Partnerships, as his enquiry relates to operational matters.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees



ordinary
meeting

end of
business
paper

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