



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 30 November 2010

location: council chambers

time: 6:30 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 6:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held it will usually start at 6:30pm. 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.

Planning Decision

Under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a 'planning decision' 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.

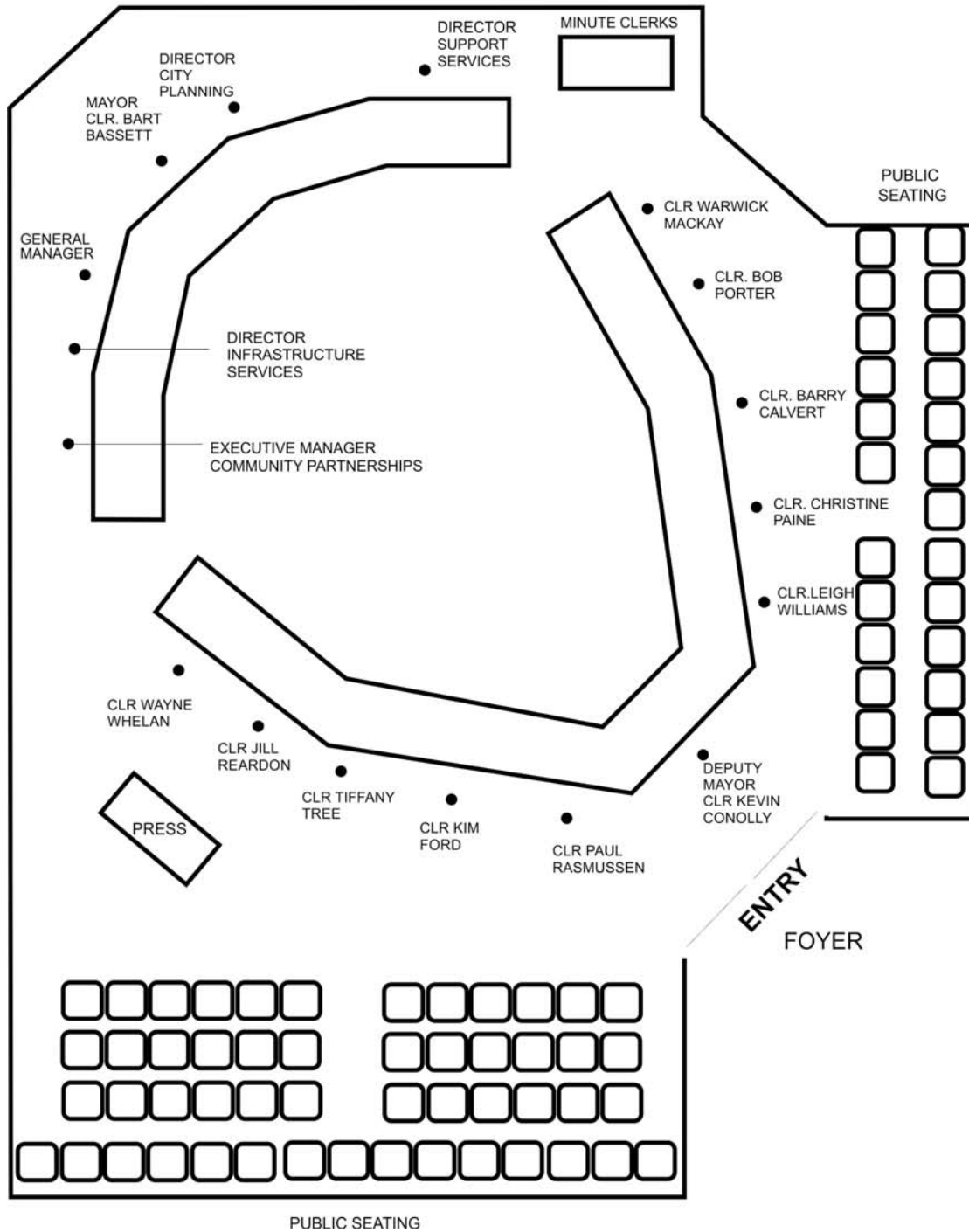
Website

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

Further Information

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

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SECTION 3 - Notices of Motion

NM1 - Gym Equipment on Ham Common - (80104)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That the Council investigate the possibilities of constructing a piece of gym equipment on Ham Common that would be suitable for use by residents with disabilities.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM2 - Water Skiing on Bushells Lagoon - (80105)

Submitted by: Councillor L Williams

NOTICE OF MOTION:

That:

1. Council organise a meeting with relevant stakeholders and agencies with a view towards seeking a satisfactory solution to objections regarding water skiing on Bushells Lagoon.
2. The Maritime Authority be requested to suspend consent for skiing until the meeting can be held and satisfactory outcomes achieved.

BACKGROUND:

Discussions with Mr Darryl Lennox, Acting Regional Manager at Maritime's Hornsby Office, have revealed that consent for a ski team to train on the lagoon was granted earlier this year. At the time, staff at Hornsby office of Maritime had no knowledge of the lagoon's value, especially as a sanctuary for many species of birds including some endangered species. The skiers requested the consent as they required a quiet body of water on which to train because of the precision skiing competitions they take part in.

Surrounding residents and local bird-watching groups are deeply concerned at the disturbance to wildlife, the creation of turbidity because of the lagoons shallowness and dangers to the skiers from submerged fences. The overall view is that the current use will create an undesirable precedent as the lagoon is unsuitable for skiing and more suitable venues may be found at Penrith Lakes or Manly Dam.

Mr Lennox has informed me that the skiers will not use the lagoon from the 12 November until the 23 December. He expressed the wish to meet with all interested parties with a view to finding a satisfactory resolution. I would hope the desired meeting can be held before 23 December and outcomes suitable to all parties achieved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM3 - Drop In Program for Young People within the Hawkesbury - (111627)

Submitted by: Councillor T Tree

NOTICE OF MOTION:

That a report be prepared to investigate the demand, feasibility and cost of establishing 'drop in' program options for young people within the Hawkesbury. The report to include information as to the success of previous programs of this nature and that the Hawkesbury Youth Interagency be consulted in the preparation of the report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM4 - Signage for the Tennyson Area - (80104)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That Council locate the appropriate place and erects name signs for the area of Tennyson

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM5 - Lighting in the Town of Windsor, Christmas 2010 - (111630)

Submitted by: Councillor W Whelan

NOTICE OF MOTION:

That:

1. In support of our Hawkesbury City Community, recognising that Windsor fulfils the role as our community heart, that Council provide and install Christmas street lighting 200 metres either side of the Windsor Mall, the area of Windsor Mall, and Thompson Square, for a budget of \$2,000.
2. Using our lady Councillors as judges to award a Christmas lighting prize for the best display within the business area, for this Christmas event to the value of \$200.

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:260 GM - 51st Annual Floodplain Management Authorities Conference 2011 - (79351)

REPORT:

Executive Summary

The 51st Annual Floodplain Management Authorities Conference 2011 will be held from 22-25 February 2011 in Tamworth NSW. Council has regularly been represented at this Conference in the past and in view of its relevance to Council's area it is recommended that the Conference be attended by nominated Councillors and appropriate staff.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

The 51st Annual Floodplain Management Authorities Conference 2011 will be held from 22-25 February 2011 in Tamworth NSW.

The Floodplain Management Authorities (FMA) is accepted by State and Federal Government agencies as representing the interests of floodplain communities in NSW and the authorities responsible for managing the floodplains to reduce future flood losses. The 2011 FMA Conference will include presentations from highly experienced local and international speakers and will ensure delegates are informed and challenged. Keynote presenters will use real world examples and draw on the latest science and industry expertise to forecast what will be Australia's future in terms of flood management.

Cost of attendance at the 51st Annual Floodplain Management Conference 2011 will be approximately \$2,030.00 plus travel expenses per delegate.

Budget for Delegate Expenses – Payments made

- | | |
|---|----------|
| • Total Budget for Financial year 2010/2011 | \$42,000 |
| • Expenditure to date | \$13,572 |
| • Budget balance as at 19/11/10 | \$28,428 |

It should be noted that there are not outstanding commitments in relation to conference attendance by Councillors at this time.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure.

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and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Develop disaster response and community safety plans.

Financial Implications

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

RECOMMENDATION:

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 51st Annual Floodplain Management Authorities Conference 2011 at an approximate cost of \$2,030.00 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item:261 **GM - Bells Line of Road Long Term Strategic Corridor Plan - Current Community Consultation Process - Council Submission - (79351)**

Previous Item: 241, Ordinary (9 November 2010)
Late Matter, Ordinary (11 November 2009)

REPORT:

Executive Summary

In relation to the current community consultation process commenced by the Roads and Traffic Authority (RTA) in connection with the preparation of a Bells Line of Road Long Term Strategic Corridor Plan, Council has resolved to request the RTA to extend the current consultation period and make a submission in line with and supporting Council's resolution of 31 July 2007 in this regard.

This report confirms that appropriate representations have been made to extend the consultation period and provides a draft submission for Council's endorsement. It is recommended that the draft submission be endorsed, forwarded to the RTA and a copy placed on Council's website.

Consultation

Consultation in respect of various aspects of this matter is the responsibility of the RTA, however, Council should endeavour to ensure that the RTA undertakes a sufficiently broad ranging process.

Background

At the meeting of Council held on 9 November 2010 a report was submitted regarding the current community consultation process commenced by the RTA in connection with the preparation of a Bells Line of Road Long Term Strategic Corridor Plan. The report submitted to the last meeting provided a summary of various Council resolutions in connection with the issue of a "Super Highway", detailed the current consultation process and recommended a possible course of action for Council.

Subsequently, Council resolved:

"That in connection with the recently publicised community consultation process by the Roads and Traffic Authority in connection with the development of a Long Term Strategic Corridor Plan for the Bells Line of Road Council:

- 1. Request the Roads and Traffic Authority to increase the number of community information sessions that are undertaken and to extend the consultation and comment period to February 2011.*
- 2. Invite a representative of the Roads and Traffic Authority to a Councillor Briefing Session to advise Council further and discuss the community consultation process, as well as subsequent actions and processes in connection with the development of the Plan.*
- 3. Make a submission as part of the current community consultation process in line with and supporting Council's resolution of 31 July 2007 in this regard and that a copy of the submission be placed on Council's website."*

In connection with parts 1 and 2 of Council's resolution an appropriate letter was forwarded to the RTA with a copy also being forwarded to the local state Members of Parliament with a request for their support in the matter and representatives of the RTA attended the Councillors Briefing Session held on 16 November 2010.

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Discussions have been held with the RTA concerning Council's request for an extension of the consultation period and other issues raised at the Councillors Briefing Session and it is understood that some of these suggestions (static display at a shopping centre and contacting schools) have been implemented and other aspects (such as an actual extension to the consultation period) are still under consideration. Whilst a "formal" response has not been received from the RTA at the date of preparation of this report should further information become available from the RTA prior to the meeting Council will be advised.

With regard to part 3 of Council's resolution, a draft submission has now been prepared and is included as Attachment 1 to this report for Council's consideration and endorsement prior to submission in response to the current community consultation process. Once submitted, a copy will be placed on Council's website.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.

and the proposal is consistent with the Linking the Hawkesbury Directions statement;

- Have a comprehensive system of transport connections which link people and products across the Hawkesbury and with surrounding regions.

and is also consistent with (or is a nominated) strategies in the Community Strategic Plan being:

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.
- Lobby State government to improve transport networks.

Financial Implications

No direct financial implications are applicable to this report at this stage.

RECOMMENDATION:

That the submission attached to the report titled "Bells Line Of Road – Long Term Strategic Corridor Plan - Submission On Corridor Objectives - November 2010" be endorsed by Council and forwarded to the Roads and Traffic Authority in response to the current community consultation process in connection with the preparation of a Bells Line of Road Long Term Strategic Corridor Plan and a copy of the submission also be placed on Council's website.

ATTACHMENTS:

- AT - 1** Draft Council Submission - "Bells Line Of Road – Long Term Strategic Corridor Plan - Submission On Corridor Objectives - November 2010" - *(Distributed under separate cover)*

oooO END OF REPORT Oooo

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CITY PLANNING

Item:262 CP - Development Application - Dam - Lot 3 DP 205812, 90 Stahls Road, Oakville - (DA0496/10, 11613, 11614, 95498)

Development Information

File Number: DA0496/10
Property Address: 90 Stahls Road, Oakville
Applicant: Mr Paul Arthur Roumanos
Owner: Mr PA Roumanos & Mrs L Roumanos
Proposal Details: Dam
Estimated Cost: \$2,000
Current Zone: Rural Living under Hawkesbury Local Environmental Plan 1989
Draft Zone: RU4 - Rural Small Holdings under Draft Hawkesbury Local Environmental Plan 2009
Date Received: 20 July 2010
Advertising: 29 July 2010 to 12 August 2010

Key Issues:

- ◆ Sediment Control
- ◆ Removal of extracted material

Recommendation: Approval subject to conditions

REPORT:

Description of Proposal

The subject application seeks approval for a dam at Lot 3 DP 2055812 No. 90 Stahls Road, Oakville. The purpose of the dam is to provide for domestic use to irrigate gardens, landscaping and as a water feature. The dam has a capacity of 2.9 mega litres.

The application is being reported to Council as a result of a previous request by Councillor Paine to report all development applications for dams to Council for determination.

Relevant Council Policies, Procedures and Codes

- Hawkesbury Local Environmental Plan (HLEP) 1989
- Draft Hawkesbury Local Environmental Plan (HLEP) 2009.
- Sydney Regional Environmental Plan No 20 (SREP 20) - Hawkesbury Nepean River
- State Environmental Planning Policy No 44 (SEPP 44) - Koala Habitat Protection
- Hawkesbury Development Control Plan (HDCP) 2002

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act)

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

a. The provisions of any:

i. Environmental Planning Instrument:

Hawkesbury Local Environmental Plan (HLEP) 1989

The relevant clauses of Hawkesbury Local Environmental Plan 1989 are addressed below:

Clause 2 - Aims, objectives etc,

The proposed development is considered to be consistent with the general aims and objectives as outlined in Clause 2 of the HLEP 1989.

Clause 5 - Definitions

The proposed development is defined as a 'dam'. A 'Dam' means "*an artificial pond created by the erection of walls or excavation.*"

Clause 8 - Zones indicated on the map

The subject land is situated within the Rural Living zone

Clause 9 - Carrying out development

'Dams' are permissible with development consent within the Rural Living zone.

Clause 9A - Zone Objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The objectives of Rural Living zone are as follows:

- (a) *to provide primarily for a rural residential lifestyle,*
- (b) *to enable identified agricultural land uses to continue in operation,*
- (c) *to minimise conflict with rural living land uses,*
- (d) *to ensure that agricultural activity is sustainable,*
- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*
- (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,*
- (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,*
- (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,*
- (l) *to prevent the establishment of traffic generating development along main and arterial roads,*
- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comments:

It is considered that the proposal is consistent with the objectives of the zone as:

- The proposed dam will be constructed and managed so that there will be no significant adverse impact on water catchments, significant ecosystems associated with the river, or surface and groundwater quality and flows, or surface conditions.
- It is considered that the proposed development will not create any unreasonable rural land use conflicts, given the nature and use of adjoining properties.
- The proposed development involves a dam which is a feature typical of the surrounding area.
- The proposed development will not have any adverse impact on river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality.
- The proposal is consistent with the rural character of the locality and it is therefore considered that there will be no negative impact on local features of scenic significance.
- The proposal will not create unreasonable economic demands for the provision or extension of public amenities or services.
- The proposed development will preserve the rural landscape character.

Clause 25 - Development on flood liable land

The proposed development site is below the Probable Maximum Flood (PMF) but above the 1-in-100 year flood level. The proposal will not have any adverse impact upon the flood regime associated with the area.

Clause 27 - Heritage items

The subject lot is not identified as a heritage item as listed in Schedule 1 of HLEP1989.

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

The aim of the policy is to protect the environment of the Hawkesbury-Nepean River system by ensuring the impacts of future land uses are considered in the regional context. General and specific matters for consideration, specific planning policies and recommended strategies and development controls, which are to be considered in the assessment of development applications, are included in the policy.

Comments:

The subject land falls within the boundary of SREP 20 and is situated within a scenic corridor of significance beyond the region. The proposal meets the overall aims of the plan in that it is consistent with the specific planning policies which apply to the proposal. Clauses 6(1) - 6(7) of the Plan apply to the proposal and have been considered as detailed in the table below:

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Specific Planning Policies and Recommended Strategies	Compliance	Comment
6(1) - Total Catchment Management	Yes	The proposal is unlikely to result in any significant adverse environmental impacts on any downstream local government areas.
6(2) - Environmentally Sensitive Areas	Yes	It is unlikely that the proposal will have an impact on the water table or result in the formation of acid sulphate soils.
6(3) - Water Quality	Yes	It is predicted that the proposal will have a positive benefit on the quality of water entering any watercourse as the dam will reduce the amount of pollution entering the river system. Soil and sediment erosion controls will be required to be installed and maintained as per a condition of consent.
6(4) - Water Quantity	Yes	The proposal will not increase water run-off from the site or the rate at which it leaves. The installation of the dam will reduce the quantity of water exiting the site.
6(5) – Cultural Heritage	Yes	The application has not been highlighted as requiring further consideration by the Deerubbin Local Aboriginal Land Council. An appropriate advisory note has been included in the recommendation regarding any aboriginal site or relic disturbed during the course of works.
6(6) - Flora and Fauna	Yes	Adequate Flora and Fauna report accompany the proposal. It is considered that there will be no significant adverse impact on flora and fauna species, populations or habitats.
6(7) - Riverine Scenic Quality	Yes	The proposal is considered to be consistent with the landscape character as described in the Scenic Quality Study.

Based on the above it is considered that the proposed development is consistent with the provisions contained in Sydney Regional Environmental Planning Policy 20.

State Environmental Planning Policy 44 - Koala Habitat Protection (SEPP 44)

The aim of the policy is to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

Comments:

Having regards to the requirements of SEPP No. 44 it is noted that the proposal will not include the removal of any significant stands of vegetation or disturbance of any natural habitats which would be considered as 'core koala habitat'.

The submitted Flora and fauna report demonstrated that the subject site is not considered to be core Koala habitat.

Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

Draft Hawkesbury Local Environmental Plan 2009 was exhibited from 5 February to 12 April 2010. The subject lot is identified as being within proposed Zone RU4 (Rural Small holding) under Draft HLEP 2009. The proposed development is best defined as *Water bodies (artificial)* and is permissible within the RU4 (Rural Small holding) zone with development consent.

i. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

Part A Chapter 2 - General Information

It is considered that the subject application has provided adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP 2002. No submissions were received in response to the notification of the application.

Part C Chapter 4 - Erosion and Sediment

Appropriate conditions addressing erosion and sediment control are included in the recommendation of this report.

Part D Chapter 6 - Dam Construction

The objectives of this Chapter are to:

- (a) *ensure that any dam proposed is compatible with the existing natural and rural character of the site and the area generally.*
- (b) *ensure that no adverse impact results on local drainage or floodway characteristics in a catchment from dam construction;*
- (c) *ensure that appropriate environmental measures are applied to dam construction sites in order to conserve the landscape and protect the surrounding environment;*
- (d) *establish, maintain and promote appropriate site rehabilitation or revegetation techniques for dam construction;*

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- (e) *maintain and enhance the visual and scenic quality of the locality by controlling form, bulk and scale to complement the environment and have minimum environmental impact;*
- (f) *ensure no adverse effects on adjoining properties (drainage, structure, stability, fences);*
- (g) *protect, restore and maintain the local non-urban character of areas and ensure viable agricultural land is sustained;*
- (h) *protect the health and safety of human residents; maintain water quality within the Hawkesbury Nepean Catchment area; and*
- (j) *ensure that degradation of the environment does not occur from acid sulphate soils, sodic soil or saline soils.*

Comments:

It is considered that the proposal is consistent with the objectives of this Chapter as the development is distinctively agricultural in nature and therefore compatible with the existing scenic character of the locality. The proposed earthworks will not change the floodway characteristics of the area and the proposed dam will improve the quality of water discharged to watercourses by allowing sediment to settle in the dam prior to discharging into a water body.

The following table provides an assessment of the proposed development against the requirements for the Dam Construction Chapter:

Element	Rules	Provides	Complies
Crest	(a) The width of the dam crest is to be a minimum of 3 metres for a 3 metre high dam wall. The crest should increase in width 0.5 metre for every metre above a 3 metre high dam.	Crest width 3m.	Yes
Freeboard	(a) A minimum of 1 metre is to be established for freeboard. This should increase by 10% for every metre over a 3 metre high wall.	Plans detail compliance.	Yes
Embankments	A soil with 25% clay content is ideal to form an impervious barrier. The following soil types should not be used for dam construction: - Sand, - gravels, - organic - soils or - peat. Topsoil should be stripped and stockpiled from the excavation and wall areas before the dam wall is constructed, with the stockpile located clear of any natural watercourse. There should be no excavation above high water mark.	Suitable condition applied. Complies No natural watercourses run through the subject property. Suitable conditions of consent applied.	Yes Yes Yes

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Element	Rules	Provides	Complies
	<p>The embankment is to be completed with at least 100 millimetres of top soil. It is to be planted with a good holding grass such as couch. Trees or shrubs are not to be planted on the embankment as roots may provide seepage paths for water.</p> <p>The slope of the upstream embankment batters should be no steeper than the ratio of 3.0 horizontal to 1.0 vertical, while the downstream batter should be no steeper than 2.5 horizontal to 1.0 vertical.</p>	<p>Suitable conditions of consent applied.</p> <p>Suitable conditions of consent applied.</p>	<p>Yes</p> <p>Yes</p>
Spillway	<p>(a) The spillway should be a minimum of 3 metres in width increasing in size dependent on the size of the dam and catchment. Generally, spillways are to be designed so as not to overflow more than half the depth of the freeboard.</p> <p>(b) The width of the outlet is not to be less than the inlet width. The spillway also is not to direct flows onto the downstream toe. The spillway area should be grassed, stable and able to accept runoff flow. In some instances it may be necessary to turf the spillway area.</p> <p>(c)</p> <p>(d) The spillway cut batter should have a maximum steepness of 2:5:1.</p> <p>(e) A small diameter (100 millimetres) pipe is required where spring flows or small flows of long duration occur to ensure that the spillway does not erode.</p> <p>(f) Where dams are to be constructed in gullies or water courses, a diversion weir is to be constructed up stream of the dam. The weir is to incorporate two pipes 200 millimetres in diameter.</p>	<p>Suitable conditions of consent applied.</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p>	<p>Yes</p> <p>NA</p> <p>Yes</p> <p>NA</p> <p>NA</p>
Cut-Off Trench	<p>(a) The cut-off trench is to be constructed along the entire length of the embankment at a minimum width of 2 metres. The trench should be excavated at least 1 metre into impervious soil and backfilled with impervious material.</p>	<p>NA</p>	<p>NA</p>

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Element	Rules	Provides	Complies
Vegetation Filters and Tree Planting	(a) A gate should be provided in the fence so that the filter area can be renovated by light grazing during rapid growth seasons. Prolonged grazing in dam catchments has potential to cause algal and weed growth in the dam due to the introduction of nutrients from manure.	NA	NA
Hydrological Aspects	(a) Clay lining and limiting depths of dam construction to above the water table are consent requirements to minimise the threat of contamination to groundwater.	Proposed	Yes
	(b) All excavations which intercept the groundwater are required to be licensed by Department of Land and Water Conservation under the Water Act.	Proposal does not seek to intercept groundwater	NA
Dam Construction	(a) The dam wall is to be adequately compacted by track rolling or a sheet foot roller or similar in layers no greater than 150 millimetres.	Suitable conditions of consent applied.	Yes
	Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of nutrients, litter, vegetation debris or other water borne pollutants.	Suitable conditions of consent applied.	Yes

Maximum Harvestable Right

The Maximum Harvestable Right criteria apply in this instance given the size of the subject land and the proposed capacity of the dam (2.9ML). Licences are not required for farm dams with a volume of up to one (1) mega litre on small properties on land that were approved for subdivision prior to 1 January 1999. The proposed dam exceeds the harvestable right, hence a licence will be required from NSW Office of Water to authorise storage capacity in excess of the Harvestable Right.

The NSW Office of Water is prepared to grant a new surface water licence and has provided its General Terms of Approval.

Subject to NSW Office of Water Licence and recommended conditions of consent it is considered that the dam will satisfy the design construction requirement for an earth dam. The dam proposal is consistent with the aims, objectives and rules of this Chapter.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

It is considered unlikely that the proposed development will have any adverse environmental or social impacts on the locality. The proposal will promote the use of the land for agricultural purposes.

Context and Setting

It is considered that the proposal is compatible with the character of the locality.

Water

It is considered that the proposed development would improve the quality of water discharged to adjacent watercourse by allowing sediment to collect within the confines of the dam.

Soils

Erosion and sedimentation controls will be utilised during construction. Once the dam has been constructed it will act as a sediment pond and aid in controlling sediments exiting the subject property.

Air and Noise

There will be a short term increase in air (dust and exhaust) and noise emissions as a result of construction and trucks removing the soil from the site. However, given the short term nature of the work it is considered that the air and noise impacts will not be significant.

Waste

Appropriate conditions have been recommended in the consent to ensure that site is to be kept maintained to the satisfaction of Council during the construction period.

Safety

The point of access associated with the site achieves satisfactory performance for safety of the vehicles on Stahls Road.

Construction

In order to protect and mitigate the impact of ongoing land disturbance and possible land degradation it is considered that a reasonable time for completion would be 12 months from the date of commencement. The recommendation of this report includes conditions to manage construction works to ensure that disruption to the locality is minimised.

Cumulative Impact

The proposed development is compatible with adjoining land uses, the objectives of the zone and requirements of Hawkesbury DCP therefore no negative cumulative impact is foreseen.

c. Suitability of the site for the development:

The applicant submitted a Flora and fauna Assessment and Seven Part Test of significance prepared by Laterals Environmental in support of the development. This report satisfactorily demonstrated that the proposal will not have a significant impact on the threatened species populations, ecological communities or their habitats in accordance with section 5A of the EP&A Act 1979.

The site is suitable for this proposal subject to the implementation of the conditions outlined in the recommendation to this report.

d. Any submissions made in accordance with the Act or the Regulations:

No submissions were received as the result of notification of the proposal.

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e. The Public Interest:

The proposed development is considered to be in the public interest based on the following:

- The proposal is consistent with the objectives and requirements of HLEP 1989, SREP No. 20 and SEPP 44;
- The proposal complies with the objectives and requirements of the HDCP 2002
- The proposed development is not expected to adversely impact on the amenity of the locality or the surrounding environment

Conclusion

The proposal has been assessed having regard to the provisions contained in Hawkesbury Local Environmental Plan 1989, Draft Hawkesbury Local Environmental Plan 2009, Development Control Plan 2002 and other relevant planning policies. It is considered that the proposal constitutes a satisfactory form of development as detailed in the main body of this report and accordingly the subject application seeking approval for a dam of 2.9ML is recommended for approval subject to conditions as detailed in the recommendation.

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 DA0496/10 at Lot 3 DP 205812 Vol 9080 Fol 187, 90 Stahls Road, Oakville for a Dam be approved subject to the following conditions:

NSW OFFICE OF WATER
ERM2010/0863

GENERAL TERMS OF APPROVAL

WATER ACT (1912)

SURFACE WATER LICENCE

1 General and Administrative Issues

- 1.1 The location of the dam as shown on a plan retained in the office of the NSW Office of Water shall not be altered. Please be advised that any installation of an additional dam and /or enlargement of an existing dam may require further local council approval and /or an amended license from the NSW Office of Water.
- 1.2 Subject to any access or flow condition contained in the license, the holder may divert part or all of the stored water from the licensed work.

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- 1.3 The applicant shall not allow any tail water drainage to discharge into or onto:
- any adjoining public or crown road;
 - any other persons land;
 - any Crown Land;
 - any river, creek or watercourse;
 - any groundwater aquifer;
 - any area of native vegetation as described in the Native Vegetation Conservation Act 1997;
 - any wetlands of environmental significance
- 1.4 Your attention is particularly drawn to the provisions of condition (1.3) regarding disposal of drainage waters. The discharge of polluted waters into a river or lake otherwise than in accordance with the conditions of a license under the Protection of the Environment Operations Act may render the offender subject to prosecution and penalty under the Act. Therefore where an approved drainage disposal system involves the possible discharge of drainage water into a river or lake, a license may be required under the Protection of the Environment Operations Act to authorise such discharge.
- 1.5 The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work shall be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to this Department's satisfaction so as to prevent the occurrence of erosion.
- 1.6 Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters flowing into or from a river.
- 1.7 Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters other than water to be impounded or obstructed.
- 1.8 The pumping and ancillary equipment and pump site shall be, at all times, properly secured and/or sealed so as to prevent any leakage of petroleum based products and/or noxious material from entering any river or lake. Typically, a bunding wall of hay bales or other approved material shall be installed around the pumping plant to avoid contamination of any river or lake through spills or leaks of oils, fuels or greases.
- 1.9 The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work shall be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to this department's satisfaction so as to prevent the occurrence of erosion.
- 1.10 Any drainage channels or cross banks associated with the authorised works or access roads to or from that work shall have installed and maintained a bunding wall of hay bales or other approved material, to prevent siltation reaching any river or lake.
- 1.11 The work shall be constructed and maintained in such manner as will ensure its safety and as will preclude the possibility of damage being occasioned by it, or resulting from it, to any public or private interest.
- 2 Conditions Specific to DA0496/10**
- 2.1 All inflow and outflow drainage lines shall be maintained with sufficient vegetation to ensure optimum quality of water entering the dam.
- 2.2 The level of the embankment crest shall be fixed at not higher than RL 51.00 (Ref Plan No: 92074: E: 2) and particulars of which are retained in the NSW Office of Water.

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- 2.3 The bywash of the dam must be stabilized and vegetated within 3 months of the issue of the license. The bywash level is to be fixed at not higher than RL 50.00 (Ref. Plan No. 92074: E :!)

3 Formal Application Issues

- 3.1 Upon receipt of an approved development application from Hawkesbury City Council, NOW will issue a new license under Section 10 of the Water Act, 1912.
- 3.2 A licence under Part 2 of the Water Act would generally fall due for renewal every five years.

Hawkesbury City Council 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. This consent covers the removal of trees which are necessary to allow the construction of works covered by, and detailed on plans approved as part of a Construction Certificate issued for the development. No other trees or vegetation are to be removed without prior approval.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
5. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
6. The dam shall have a maximum capacity of 2.9 mega litres.

Prior to Issue of Construction Certificate

7. 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.
8. Construction of the dam and filling are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
9. Payment of a Construction certificate checking fee of **\$390.00** and a Compliance Certificate inspection fee of **\$520.00** when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2011. Fees required if an accredited certifier is used will be provided on request.
10. Details of any fill material removed from site shall be submitted with the engineering plans. Details to include quantities and disposal sites.
11. Submission of a water licence for the dam from the NSW Office of Water under the Water Act 1912.

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Prior to Commencement of Works

12. 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.
13. 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.
14. The name and licence number of the contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner prior to the commencement of any works relevant to this approval.

During Construction

15. The dam shall be constructed in accordance with the Dam Construction Chapter of Hawkesbury Development Control Plan, except where requirements are varied by conditions of consent.
16. To ensure that flows are appropriately managed during periods of high rainfall, the spillway is to be designed to cater for the runoff generated by the critical 1 in 100 year ARI storm for the catchment.
17. To ensure that sufficient storage is provided for catchment runoff, a minimum 1.0 metre freeboard is to be provided.
18. The topsoil shall be stripped and stockpiled and used to cover the landfill.
19. The filled area, including batters, shall be grassed immediately after filling takes place.
20. 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.
21. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
22. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
23. The top 300mm of fill shall be topsoil in order to ensure site revegetation.
24. No fill material, apart from clay as detailed on the construction certificate plans, shall be imported onto the site.
25. 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.
26. Care is to be undertaken when excavating not to intercept ground water. If ground water is discovered then excavation works are to cease immediately and the Principal Certifier is to be notified.
27. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
28. 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.
29. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer upon completion of works.

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30. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries.

Use of the Site

31. Trees and shrubs are to be kept clear from the dam wall at all times.

Advisory

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

ATTACHMENTS:

- AT - 1** Locality Plan
AT - 2 Aerial Photographs
AT - 3 Plan of proposed dam

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AT - 1 Locality Plan

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

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AT - 2 Aerial Photographs

**To View This Image,
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AT - 3 Plan of proposed dam

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

oooO END OF REPORT Oooo

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Item:263 **CP - Development Application - LPG Storage Tank - Lot 11 DP 621493, 299 Castlereagh Road, Agnes Banks - (DA0549/10, 88870, 88871, 95498)**

Development Information

File Number: DA0549/10
Property Address: 299 Castlereagh Road, Agnes Banks
Applicant: Michael David Neilson and Sharee Marlene Neilson
Owner: Mr MD Neilson and Mrs SM Neilson
Proposal Details: Installation of LPG Storage Tank
Estimated Cost: \$20,000
Zone: Housing under Hawkesbury Local Environmental Plan 1989
Date Received: 13 August 2010
Advertising: 2 September 2010 to 30 September 2010

Key Issues:

- ◆ Permissibility
- ◆ Safety concerns of the surrounding residents
- ◆ Residential amenity
- ◆ Potential gas leaks, explosion or fire
- ◆ Proximity of development to UWS Research facility
- ◆ Changes to parking or landscaping

Recommendation: Approval

REPORT:

Executive summary

Council has received a development application for the installation of a LPG storage tank at Lot 11 DP 621493 Vol 14808 Fol 46, 299 Castlereagh Road, Agnes Banks.

The LPG storage tank is considered to be ancillary to the use of the premises for the storage, display, sale and distribution of LPG gas and appliances approved under Development Consent Number DA1350/03.

The application addresses the relevant planning controls affecting the proposed development and it is recommended that the application be supported.

The application is reported to Council for determination at the request of Councillor Rasmussen.

Description of Proposal

The proposal involves the installation of a 6-8 tonne LPG storage tank and a cylinder filling dock. The proposal is intended to be used for the filling of domestic cylinders associated with Hawkesbury Gas who currently operate from the premises.

The proposed cylinder filling dock will be used by trucks associated with Hawkesbury Gas entering the property from Castlereagh Road, where they will park on the existing sealed driveway and fill domestic LPG cylinders that commonly service homes and businesses

History of the Application

Prior to the submission of the application a pre-lodgement meeting was held with the applicant and Council officers on 23 February 2010. As a result of the meeting the applicant was requested in writing to address

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various issues in relation to the proposal. The details raised have been addressed in the submitted application.

Approvals relating to the subject site

Development Consent No.	Approval	Approval Date
DA215/85	Change of use of existing non-conforming box manufacturing factory to its use for the manufacture of non-toxic veterinary products.	12 July 1985
DA1350/03	Change of use of existing building for the storage, display, sale and distribution of LPG gas and appliances and construction of associated 7mx4m shed.	21 May 2004
DA0512/05	Consent for additional commercial uses in conjunction with Hawkesbury Gas.	7 December 2005
DA0627/06	Signage for the 'National Institute for Christian Education'	4 September 2006
DA0307/10	Advertisement signage for units and Hawkesbury Gas	1 July 2010

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy 33 - Hazardous and Offensive Development
- Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan (HLEP)1989
- DRAFT Hawkesbury Local Environmental Plan (DHLEP)2009
- Hawkesbury Development Control Plan (HDCP) 2002

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

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

This policy requires Council to determine whether a development is a hazardous or offensive industry and if so propose measures to be employed to reduce the impact of the development.

An assessment of the proposal was carried out in regards to this plan with reference made towards the New South Wales Planning departments "Applying SEPP 33 (Consultation Draft)" document dated July 2008.

Liquefied Petroleum Gas (LPG) has been identified as a Class 2.1 flammable gas under the "Applying SEPP 33 (Consultation Draft)" document. The proposed 6-8 tonne LPG storage tank is below the maximum 10 tonne threshold specified for the above ground storage of LPG. Therefore the proposal is not considered to be a hazardous industry based on the information supplied by the applicant.

Further to the above, the proposal is not considered to be a potentially offensive industry as the installation of a 6-8 tonne LPG gas storage facility does not require a licence under the Protection of

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the Environmental Operations Act 1997. In addition it is considered that the operation of the facility in accordance of AS/NZS1596:2008 LP Gas – Storage and Handling would ensure that any discharges or emissions emanating from the facility can be controlled to a level which is not significant.

It is concluded that sufficient information has been provided for the determination of this application and that no further assessment against SEPP 33 is required to be provided for the development.

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

The proposal is consistent with the aims and objectives of SREP No. 20. 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

The proposal is consistent with the requirements of Hawkesbury Local Environmental Plan 1989. The subject property is zoned Housing. The use of the subject site has been previously dealt within under DA1350/03 and DA0512/05 which issued approval for the use of the premises for the storage, display, sale and distribution of LPG gas and appliances. The proposal is considered to be ancillary to the existing approved use of the land which is a permissible form of development within the zone being defined as an *'identified land use'* under Clause 9 of Hawkesbury Local Environmental Plan 1989. The proposal is consistent with the objectives of the zone as the development will not adversely impact the surrounding residential character or amenity of the locality as the current, approved use of the property will remain unchanged.

In addition to the above, it is considered that the proposal is consistent with the following clauses of Hawkesbury Local Environmental Plan 1989 which were taken into consideration as part of the assessment of the application:

- Clause 2 - Aims, objectives etc
- Clause 5 - Definitions
- Clause 18 - Provision of water, sewerage services, etc
- Clause 22 – Development fronting a main or arterial road
- Clause 28 - Development in the vicinity of heritage items
- Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

Draft Hawkesbury Local Environmental Plan 2009 was exhibited 5 February 2010 to 12 April 2010. The subject lot is identified as being zoned proposed part SP2 – Infrastructure and part R2 Low Density Residential. The development is proposed entirely on the portion of the land proposed to be zoned R2 Low Density Residential. Although this plan does not identify the proposal as a permitted form of development within the R2 Low Density Residential zone, the development could be considered under *Part 5 Existing Uses* of the *Environmental Planning and Assessment Regulation 2000* which enables Council to consider alterations or additions to an existing development that was granted approval before the commencement of an environmental planning instrument having the effect of prohibiting the use. Should Draft Hawkesbury Local Environmental Plan 2009 be gazetted the consideration of the proposal against the *Environmental Planning and Assessment Regulation 2000* would prevail.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

The proposed development is generally consistent with the requirements of HDCP. An assessment of the proposal against the relevant provisions of this Plan follows:

Part A Chapter 2 - General Information

The subject application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP. Six (6) submissions raising objection to the proposal were received in response to the application and are discussed under the submissions section of this report.

Part C Chapter 1 - Landscaping

Landscaping has previously been approved on the subject site as apart of DA0512/05 and will not be required to be changed as part of the proposal.

Part C Chapter 2 – Carparking and Access

The proposal is consistent with the requirements of this chapter. Carparking requirements will not change as a result of the proposal as no additions to the total floor area of the existing building are proposed and the use of the site will remain as approved under development consent number DA0512/05.

iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

Not applicable.

v. Matters prescribed by the Regulations:

The development will be required to comply with the Building Code of Australia and the Occupational Health and Safety Regulation 2001.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

Context and setting

Adjoining land uses predominantly consist of single dwelling houses.

It is considered that the proposal will not have an adverse impact on the surrounding residential character of the locality as the proposed development remains consistent with the approved use of the site and the residential character of the locality will not be changed.

Access, Transport and Traffic

The proposed development does not fall within the parameters of Schedule 3 Traffic generating development to be referred to the RTA under State Environmental Planning Policy (Infrastructure) 2007.

Traffic entering the subject site will not have a negative impact on the capacity of the Castlereagh Road which is a main/arterial road. Access to the subject site is considered appropriate and will not be required to be upgraded as a result of the proposal.

The applicant anticipates that the proposed LPG storage facility would result in a decrease in traffic movements on site. Currently empty gas bottles have to be dropped off and picked up to be filled offsite. The installation of the LPG storage facility will would reduce the amount of traffic having to

make deliveries to and from the premises as the gas bottles will be able to be filled and loaded onsite.

The location of the cylinder filling dock is considered to be suitable as it proposed along the north eastern boundary of the site, which is situated away from the adjoining residences located to the south west.

Noise

The activities proposed as a result of this development, including the filling of gas cylinders is not expected to result in the generation of any offensive noise that would significantly impact the adjoining residential area.

Cumulative Impacts

No negative cumulative impacts are foreseen as the proposal is permissible within the zone and the proposal relates specifically to the current approved use of the site.

c. Suitability of the site for the development:

The proposal is consistent with the various planning controls affecting the site and it is therefore considered that the site is suitable for the proposed development. The overall use of the subject land does not change as a consequence of the proposal as the development is ancillary to the approved use of the property. However, the installation of the storage tank will result in a reduction of traffic movements to the site as the domestic cylinders can be filled on site and will not be required to be removed for filling. Carparking and landscaping previously approved on the subject site under development consent notice No. DA0512/05 is considered to be acceptable for the proposal and will remain unchanged.

d. Any submissions made in accordance with the Act or the Regulations:

The application was publicly notified to adjoining owners from 2 September 2010 to 30 September 2010. Six submissions, all raising objections were received. The issues raised in these submissions are identified and considered below:

Safety

- Location of tank to residential properties and road.
- Should there be a fire the residents of Markwell Place will not be able to exit their properties.
- The development does not comply with AS/NZS 1596:2008 – The storage and handling of LPG Gas.
- The proposed vehicle protection barriers are only from within the site and do not prevent a vehicle driving into the tank from Markwell Place.
- The proposal will have an impact on the safety of the Agnes Banks residents as a similar gas filling station in St Mary's was destroyed by fire with explosions and flames impacting neighbouring properties.

Comment: The proposal will be required to comply with the relevant standards concerning safety, use and installation of a LPG gas storage facility. The proposal has not been identified as either a potentially hazardous or a potentially offensive industry under SEPP 33.

It is understood that there is a concern about the risk of explosion or fire should the development be supported. However, the LPG facility must meet the required standards for proper installation and

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management that would result in any risk to be very low and managed. In this regard it is not unreasonable to consider the development.

Use of the site

- The site was restricted to any further development as a part of development consent Notice DA0512/05.
- The proposal will change the way in which the site will be used with the expansion of the business.
- Further development of the site will have a detrimental impact on the residences at Markwell Place.

Comment: Further development of the site is permitted subject to development complying with the relevant planning policies. The proposal is considered to be ancillary to the approved use of the site issued under consent notice DA0512/05 and not an expansion of the operation. The permissibility of the proposal has been discussed in the report above and it is considered that the proposal is not likely to have a negative impact on the setting of the surrounding residential properties.

Proposal inconsistencies

- Applicant has indicated that a 6-8 tonne tank will be installed, but they may need to use two tanks to achieve the requested capacity based on standard LPG tank storage sizes.

Comment: The application proposes the installation of one tank. Should this proposal change another separate development application would be required.

Impacts on the University of Western Sydney's research facility

- Interment or sustained emissions emanating from the LPG tank will have an impact on the University of Western Sydney's Climate Change and Energy research facility which has been approved by Council for nearby field experiments. The emissions will make it difficult to measure and analyse information gained from equipment measuring atmospheric data in the locality.
- The LPG filling tank station will increase the risk of an uncontrolled bushfire which could have an impact on the assets of the University of Western Sydney's field experiments.

Comment: The research facility was approved by the Joint Regional Planning Panel with a development consent being issued on 28 April 2010 under development consent notice DA0710/09. Prior to UWS lodging a submission discussions were held with representatives of the research facility requesting information in regards to the likely amount of LPG gas spillage that would be required to emanate from the site to have a direct impact on the research stations. The submission received has not provided substantial evidence that the quantity of emissions which may emanate from the development would have a direct impact on the research facility.

Furthermore the proposal does not require the concurrence of the Rural Fire Service. It is considered that the proposal would not change the nature in which a bushfire would spread throughout the locality.

Illegal issues relating to the existing development

- Current use of the premises does not comply with development Consent notice No DA0512/05
- Site is used for manufacturing
- Storage of materials outside of approved areas

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- Alterations have been made to the building
- The existing premise does not operate within the approved hours of operation.
- Illegal shade structure constructed.

Comment: Council's compliance officers are aware of the complaints raised and have been investigating and monitoring the use of the subject site for the past twelve (12) months. A site inspection of the property by Council's officers on the 13 September 2010 revealed that the tenants of the premises are complying with their consent. The objectors have previously been advised of the investigation and monitoring outcomes.

The above matters are separate matters and are not relevant to the determination of this application.

Visual impacts

- The tree removal will have an impact on the landscaping buffer currently provided.
- The surrounding area will become industrial in nature.
- Residential properties resale value will decrease.

Comment: The landscaping approved under development consent notice DA0512/05 will not be altered and is required to be maintained on the subject site. The subject application is consistent with the existing approved use of the site and will not have an impact on the residential character of the locality. The use of the premises is permitted within the zone and is currently operating. No evidence has been submitted to indicate that the current proposal will impact on property values and it is considered that potential impacts on property values are unlikely to be altered by this proposal.

Amenity of the neighbourhood

- Noise impacts will increase with trucks entering the site when they fill the LPG tank.
- Odour emitting from filling of LPG tank.

Comment: It is unlikely that the proposal would have any additional impact on the surrounding locality in terms of noise than from what is currently being generated from the existing development. As mentioned previously in this report it is expected that the installation of the gas facility would result in the reduction of traffic movements on the subject site. Noise and hours of operation controls currently relate to the subject site and have been dealt with under development consent number DA0512/05. A suitable condition regarding the control of odour from the premises has been recommended as a condition of development consent within this report.

e. The Public Interest:

Based on the assessment of the proposal made in this report it is considered that the development is not contrary to the general public interest. The proposal is consistent with the relevant planning controls affecting the site and the matters raised in the submissions received do not warrant the refusal of the application.

Conclusion

The matters raised in the submissions have been addressed and it is considered that the matters raised in the submissions do not warrant refusal of the application or any alteration to the recommended conditions of consent.

The assessment has identified various concerns regarding the permissibility and safety of the development. On balance this proposal is considered to be satisfactory, subject to the implementation of conditions outlined in the recommendation to this report.

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Developer Contributions

The development is exempt from contributions under Council's Section 94A Contributions Plan.

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 DA0549/10 at Lot 11 DP 621493 Vol 14808 Fol 46, 299 Castlereagh Road, Agnes Banks for Installation of LPG Storage Tank be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
6. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to Issue of Construction Certificate

7. Details demonstrating compliance with the relevant sections of the following standards shall be submitted with the Construction Certificate application:
 - (a) Occupational Health and Safety Act 2000.
 - (b) Occupational Health and Safety Regulation 2001.
 - (c) Storage and handling of dangerous goods code of practice 2005.
 - (d) AS/NZS 1596:2008 The storage and handling of LP gas.
 - (e) AS/NZS 3788:2005 Pressure equipment –In-service inspections. and

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8. An emergency response plan for the development shall be submitted and approved by Council. This plan shall cover the management and operation of the facility with specific reference being made towards the following standards:
 - (a) Department of Environment and Climate Change and Water Guidelines - *Technical BU Bunding and Spill Management*;
 - (b) Department of Environment and Climate Change and Water Guidelines "*Surface water management on the covered forecourt areas of service stations*".
 - (c) AS1940-2004: The storage and handling of flammable and combustible liquids.

Prior to Commencement of Works

9. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
10. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
11. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
12. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
13. 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.
14. 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.
15. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate; or
 - If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.
16. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.

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- (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
- (d) The name and contact number of the Principal Certifying Authority.

During Construction

- 17. The site shall be secured to prevent the depositing of any unauthorised material.
- 18. 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.
- 19. 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.
- 20. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
- 21. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
- 22. 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.
- 23. Landscaping as shown on the plans approved under development consent notice DA0512/10 shall be retained and maintained.

Prior to Issue of the Occupation Certificate

- 24. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent:
 - (a) Portable Fire Extinguishers

Use of the Development

- 25. No internal or external alterations shall be carried out without prior approval of Council.
- 26. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

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27. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
28. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
29. Vehicles and equipment shall only be washed/hosed down within an approved wash bay(s) that drains to the sewer system in accordance with Sydney Water requirements.
30. Operating hours shall be limited to 7:00am to 6:00pm Monday to Saturday as approved under development consent notice DA0512/10.
31. The storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of;
 - (a) NSW Workcover
 - (b) Environment Protection Authority Guidelines - *Technical BU Bunding and Spill Management*.
 - (c) AS/ NZS 1596-2008 The storage and handling of LP gas.
32. Any activity carried out in accordance with this approval shall not give rise to air pollution (including offensive odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
33. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
34. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
35. Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997.
36. All waste shall be stored suitably and disposed of by an appropriate waste contractor. Under no circumstances is waste from the activity to be disposed of through Council's waste collection services.

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.
- *** 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.
- *** 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.

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*** The applicant is advised to consult with the relevant:

- (a) water and sewer provider
- (b) electricity provider
- (c) natural gas provider
- (d) telecommunications carrier
- (e) road authority

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.

ATTACHMENTS:

- AT - 1** Aerial Photograph
- AT - 2** Locality Plan
- AT - 3** Site Plans

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AT - 1 Aerial Photograph

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

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AT - 2 Locality Plan

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

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AT - 3 Site Plans

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

oooO END OF REPORT Oooo

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Item:264

CP - Revocation of Dangerous Dog Order - (39906, 95498)

REPORT:

Executive Summary

An application to revoke dangerous dog orders under Section 39(1) of the *Companion Animals Act*, that was previously issued by Penrith City Council (PCC), has been received from Mrs Wendy Light of 645 Kurmond Road, Freemans Reach.

Under the provisions of the *Companion Animals Act*, the owner of a dog that has been declared dangerous can apply to the Council of the area in which the dog is ordinarily kept (whether or not it is the Council that made the declaration) for the declaration to be revoked. The application cannot be made until 12 months after the dog was declared dangerous.

It is proposed that the subject dangerous dog declarations be revoked.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy, however, discussions with PCC companion animal officers has confirmed that there have been no other issues with the offending dogs since the order was declared, and the dogs owner had put all legislative requirements of owning dangerous dogs in place whilst the dogs were housed at Londonderry.

The dogs have been relocated to Freemans Reach in the past three months.

Background

PCC placed dangerous dog orders on two offending dogs, a Whippet and a Staffordshire Bull Terrier in February 2008.

The orders were placed in response to a report of these two dogs attacking another dog. The injuries suffered by the victim dog were only minor, being one small abrasion which incurred a minimal veterinary account of \$30.00.

As the two dogs were present at the time of the attack, and officers were unable to determine which dog caused the injury to the victim dog, orders were placed on both dogs as a precautionary measure.

The owner of the dogs has relocated from her PCC Londonderry address to an address within Hawkesbury City Council's (HCC's) local government area at the beginning of September 2010 with her two dogs.

The dogs are currently housed in a secure enclosure constantly, due to the legislative requirements, which the owner feels is totally unfair, due to the circumstances under which the orders were imposed, and the fact that she believes that the dogs are not dangerous, and are very friendly toward people and other animals.

HCC's animal control officers have attended the property where the subject dogs are housed and have conducted an assessment of the dogs, and have reported that the dogs don't show any signs of aggression, and are satisfied that the dangerous dog orders should be revoked.

Section 9.7.2. of the 2010 Guideline on the Exercise of Functions under the *Companion Animals Act*, stipulates that a dangerous dog order can only be revoked by a resolution of Council.

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Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have friendly neighbourhoods, connected communities, and supported households and families.

Financial Implications

No financial implications associated with this report.

RECOMMENDATION:

That:

1. The dangerous dog orders placed on the dogs (a Whippet and a Staffordshire Bull Terrier) owned by Mrs Light be revoked, as Council's Animal Control Officers consider that they are suitable to have such orders lifted.
2. In accordance with the requirements of the *Companion Animals Act*, Council will notify the Director General of the revocation within seven days of its decision.
3. The applicant (Mrs Light) be notified in writing of the revocation of the dangerous dog orders.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item:265 CP - Crime Prevention Strategy - (96328, 95498)

Previous Item: 121, Ordinary (24 June 2008)

REPORT:

Executive Summary

This report has been prepared to advise Council of progress in updating the Hawkesbury Crime Prevention Strategy. The report identifies the assessed priority crime categories and 'hot spots' which are proposed to provide the focus for a local crime prevention action plan to be developed in accordance with guidelines issued by the Crime Prevention Division of the NSW Department of Justice and Attorney General (DJAG). The report recommends that Council establish a working party to prepare a draft crime prevention plan and outlines the proposed delegation to be conferred onto the working party. The report also provides an outline of the *situational crime prevention* approach recommended by the DJAG as the most appropriate crime prevention approach for local government crime prevention plans.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake the following community engagement process in compliance with Council's policy: establish a working party. The establishment of a working party is also a requirement of the DJAG guidelines for the preparation of local crime prevention plans.

Background

The Crime Prevention Division of DJAG works in partnership with local government to develop programs to prevent and reduce crime in NSW. The Department has established a process by which councils can develop crime prevention plans which are then gazetted by DJAG as Safer Community Compacts. When a plan is gazetted as a Safer Community Compact, councils become eligible to apply for funds to implement the crime prevention initiatives within the gazetted plan.

In 1999 Council adopted the Hawkesbury Crime Prevention Strategy which was subsequently endorsed by the then Attorney's General Department (AGD) as a Safer Community Compact. The plan effectively expired in early 2006. Prior to its expiry, Council had received more than \$600,000 in funding from the AGD for crime prevention projects which included the Hawkesbury Youth Streetbeat Project.

At its Ordinary Meeting of 24 June 2008, Council resolved to update its Crime Prevention Strategy in accordance with the planning template recommended by AGD. Requirements of this template include:

- develop crime profile using data obtained from the NSW Bureau of Crime Statistics and Research (BOSCAR) and local police intelligence;
- negotiate stakeholder support (establish crime prevention working party);
- research crime prevention approaches for targeted crimes ('situational analysis');
- develop crime prevention action plan;
- public exhibition of the Plan;
- endorsement of Plan by DJAG as a Safer Community Compact.

Targeted Crime Categories

Due to resource constraints and personnel changes within the Hawkesbury Local Area Command, the completion of the crime profile and the identification of targeted crime categories and hot spots have only recently been completed. Council staff have met with the Hawkesbury Local Area Command (HLAC) to review BOCSAR data and local police intelligence.

Overall, the data shows that crime in the Hawkesbury is generally low, and crime trends over the last 3 years have generally been declining for most categories of crime. Rates of crime in the Hawkesbury are generally ranked low when compared against crime data across the 141 local government areas across NSW. The analysis of crime data suggests that most suitable crime categories for intervention at the local government level, and which meet the requirements of the DJAG guidelines, are the crime categories of *malicious damage to property (including graffiti)*, *steal from motor vehicle*, and alcohol related crimes (i.e. *assault and/or malicious damage*). Not surprisingly the crime 'hot spots' identified by the HLAC are the central business districts of Windsor and Richmond particularly on Friday and weekend nights.

Situational and Social Development Crime Prevention

The DJAG guidelines distinguish between 'situational' and 'social development' crime prevention strategies. Situational crime prevention focuses on preventing the opportunity for crime to occur by addressing those factors within a given location that create a crime 'hotspot' and/or those characteristics that may make some people more vulnerable to victimisation than others. Situational crime prevention strategies are therefore concerned with the design of the built environment and/or increasing the awareness of potential victims about their vulnerability to crime.

DJAG advocates the application of a situational crime prevention matrix which identifies 25 techniques for reducing the opportunity for crime to occur. DJAG recommends that the matrix be applied to targeted crime categories and hot spots to provide evidence based analysis of targeted crime categories to identify specific, concrete activities for incorporation into local crime prevention plans. For these reasons the DJAG guidelines suggest that situational crime prevention techniques are the most appropriate for local governments to apply given their local knowledge and networks. (Interestingly, given the recent presentation by Windsor Rotary of their proposal for a Graffiti Removal Project, graffiti cleaning is identified as a recommended situational crime prevention technique).

Social development crime prevention involves broader strategies aimed at addressing those underlying structural factors (mental health, unemployment, child maltreatment, substance abuse etc.) that lead to crime. The DJAG guidelines identify state and federal agencies as responsible for social development crime prevention programs.

Establishment of Working Party

The development of a local community plan which may have an impact on a local area or group of people has been identified within Council's *Community Engagement Policy* as a 'trigger' for community engagement. The DJAG guidelines also require the involvement of stakeholder groups (who may have an influence on the environmental factors contributing to crime) to participate in the situational analysis of factors contributing to crime and the identification of actions and activities to address these factors.

Given that the working party will be developing a draft plan for Council's consideration and public exhibition, it will be necessary for Council to establish a mechanism to authorise the working party to undertake this task on Council's behalf. As such it would be appropriate to clearly outline the parameters of this delegation to ensure that any tasks conferred can be expeditiously and reasonably transacted. For this reason it is recommended that Council establish this mechanism in conformance with its Community Engagement Policy.

Under Council's Community Engagement Policy (CEP) the following parameters are applicable;

Scope of Issue or Proposal - the proposed drafting of local community plan is classified as a Level 2 'trigger' for community engagement in that it may have a high impact on a township area or group of people.

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Level of Community Engagement - the minimum recommended community engagement strategy for a Level 2 issue is 'consult'. In view of the partnerships and issues that will need to be considered in drafting of a local crime prevention plan, a higher level of community engagement will be required. It is recommended that a 'collaborate' strategy be employed in this situation.

Recommended Community Engagement Tool - a working party is recommended as the most appropriate community engagement tool to complete the identified task (within those tools identified for the 'collaborate' community engagement strategy).

Methodology and Delegation - the 'collaborate' community engagement strategy will require Council to authorise the working party to prepare a draft crime prevention plan (in accordance with DJAG guidelines) targeting the priority crime categories of malicious *damage to property (including graffiti)*, *steal from motor vehicle*, and alcohol related crimes (i.e. *assault* and/or *malicious damage*) within the identified crime 'hot spots' of Windsor and Richmond.

Governance - the 'collaborate' community engagement strategy authorises the working party to undertake a task on Council's behalf. Council is required to clearly articulate the governance framework for the working party with specific reference to;

- (i) *delegated decision-making power* - members of the working party are authorised to prepare a draft crime prevention plan consistent with DJAG guidelines. Council retains responsibility for a final decision in relation to the adoption of the Plan.
- (ii) *terms of reference* - the working party is authorised to prepare a draft crime prevention plan for Council's consideration which will include the elements required under the DJAG guidelines:-
 - a. an analysis of the targeted crime categories of *malicious damage to property (including graffiti)*, *steal from motor vehicle*, and alcohol related crimes (i.e. *assault* and/or *malicious damage*) with particular reference to the identified crime 'hot spots' of Windsor and Richmond.
 - b. an action plan for each targeted crime category aimed at reducing levels of crime for each targeted crime category using the appropriate situational crime prevention techniques recommended by DJAG;
 - c. the action plan to include mechanisms for the baseline measurement of crime levels and changes in crime levels over the life of the plan;
- (iii) *timing* - The draft crime prevention plan is to be reported to Council within nine-months following the establishment of the working party.
- (iv) *membership* - It is proposed that the membership of the working party include;
 - a. Council staff from Community Services and Regulatory Services Branches;
 - b. Representatives from the Hawkesbury Local Area Command;
 - c. Representative from the Department of Community Services;
 - d. Representative from the Windsor Business Group;
 - e. Representative of the Hawkesbury Chamber of Commerce (and/or a person representing business groups in Richmond);
 - f. Representative of Windsor Rotary Club;
 - g. Representative of the Hawkesbury Youth Interagency;
 - h. Representative of the Hawkesbury Community Safety Precinct Committee

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- i. A Councillor representative (should Council wish to appoint a Councillor representative)

Where required the working party would co-opt Council staff and other persons where specialist advice is required. The working party may also periodically provide reports to the Hawkesbury Community Safety Precinct Committee (if this Committee determines that this process is preferred to the appointment of a Committee representative to the Working Party)

- (v) *governance arrangements* - procedures relating to conflicts of interest, meeting practice and code of conduct as outlined in Council's *Code of Conduct* and *Template Constitution for Advisory Committees* are to apply to the working group. Working Party appointees will be required to sign the standard Council acknowledgement that they have received a copy of the Code of Conduct. As members of the working party will be preparing a draft crime prevention plan on behalf of the Hawkesbury community, it will be important for persons appointed to the working party to understand that their role is to assess and represent the broad interests of the community rather than the sectional interests of a group or organisation to which they may belong.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure.

The proposal is also consistent with the Shaping our Future Together Directions statement:

- Have constructive and productive partnerships with residents, community groups and institutions

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Develop disaster response and community safety plans.

Financial Implications

There are no financial implications arising out of this report. The purpose of the report is to recommend the drafting of a crime prevention plan for gazettal as a Safer Community Compact which will make Council eligible to apply for funding to implement the activities within the Plan (where these activities cannot be funded from Council's budgetary allocations).

RECOMMENDATION:

That Council:

1. Seek nominations from the organisations and groups as outlined in this report to establish a working party to develop a draft crime prevention plan to be reported to Council for public exhibition and possible gazettal as a Safer Community Compact.
2. Delegate to the working party the roles, authorities and governance framework as outlined in this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item:266 CP - Public Exhibition - Statement of Business Ethics - (95498)

Previous Item: 200, Ordinary (31 August 2010)

REPORT:

Executive Summary

This report has been prepared to advise Council of submissions received following the public exhibition of the (Draft) Statement of Business Ethics. The report proposes amendments to the Statement in response to public submissions and provides additional information in relation to issues raised by Councillors regarding the content of the Statement. The report recommends that Council adopt the revised Statement of Business Ethics subject to any further amendments as may be determined by Council.

Consultation

This report outlines the outcomes of community consultation which has been undertaken in accordance with Council's Community Engagement Policy.

Background

The Independent Commission Against Corruption (ICAC) has recommended the adoption of a *Statement of Business Ethics* to communicate core public sector values and principles and establish clear expectations for the conduct of business relationships. ICAC has issued guidelines to assist NSW public sector agencies to prepare a Statement of Business Ethics.

A draft *Statement of Business Ethics* was prepared in accordance with ICAC guidelines and reported to Council at its Ordinary Meeting of 31 August 2010. In considering this report Council resolved;

"That Council exhibit for 28 days the draft Hawkesbury City Council Statement of Business Ethics prepared in accordance with guidelines issued by the Independent Commission Against Corruption (ICAC)."

The draft *Statement of Business Ethics* was subsequently placed on public exhibition between 16 September and 15 October 2010. One submission was received.

Summary of Issues Raised

The submission received by Council raised the following matters;

1. Page 1, Para 5. This document aims to capture 'customers'. This is a very broad term and creates problems elsewhere in the document. It seems to me that Council needs to differentiate between those that enter into a relationship with Council for the purpose of financial gain and those that don't, particularly those who are simple ratepayers or householders.
2. Page 2, Section 4, Para 1: I believe it unreasonable to 'require' ratepayers and householders to follow the guidelines set out. Not only is it unreasonable, I suspect it would create a duty of care for Council in that Council would have to outline these guidelines at various stages of its interaction with the public. This is not realistic. Whilst it is easy to build these guidelines into commercial relationships, I believe it impractical to create such a requirement from the general public except for matters of law.

In addition to these two matters, during Council's consideration of the draft *Statement of Business Ethics* at its Ordinary Meeting of 31 August 2010, concern was expressed at the obligations that the draft *Statement*

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of *Business Ethics* appeared to place on customers in relation to the conflict of interest provisions as outlined in Section 4 of the Statement

Response

In response to these issues the following amendments to the draft *Statement of Business Ethics* are proposed:

1. Section 1 - Introduction: In paragraph 5 the generic term 'customer' has been deleted and replaced by specific reference to 'suppliers, contractors, consultants, tenderers, business partners, property owners lodging Development Applications and persons making submissions in relation to these Applications'. The use of this more detailed descriptor of the persons to whom the draft *Statement of Business Ethics* applies distinguishes between ordinary ratepayers and residents, who routinely use Council services and facilities, and those categories of customers who enter into business partnerships to ostensibly derive a commercial gain or advantage. The deletion of the generic term of customer provides a more specific context for the operation of the *Statement of Business Ethics* to capture those customer transactions which go beyond the simple 'purchase' of a standard Council service or product which are generally delivered in a uniform way. Under ICAC guidelines, the provisions of the *Statement of Business Ethics* are intended to apply to business transactions involving the outlay of significant public funds for the purchase or supply of goods and services; commercial and/or private/public partnerships; and decisions involving the determination of development and land use proposals under relevant legislation.
2. Section 4 - Council's Expectations and Requirements. A footnote has been incorporated into the opening paragraph to clarify those categories of customers to whom Council's requirements should be perceived as applying. The wording of the footnote reflects the narrative outlined above.
3. Section 6 - Guidance Notes. The 'Conflicts of Interest' note has been expanded to provide an explanation for the Council requirement that 'suppliers, contractors, consultants, tenderers, business partners, property owners lodging Development Applications and persons making submissions in relation to these Applications' should be bound by the obligation to declare a conflict of interest where such a conflict is known. This provision arises directly from the scope of the ICAC Act which does not limit possible findings of corruption to Council officials - private individuals may be subject to findings of corruption where they have engaged in activities with the aim of misleading or improperly influencing Council in the honest and impartial exercise of its official functions. In this context, a private individual should not automatically assume that it is solely the responsibility of a Council official to declare a conflict of interest where such a conflict may exist - for example where the individual may be related to the Council official making a determination and/or where a private individual has a business or other relationship with a Council official making a determination. Under these circumstances the fact that a Council official did not declare such a relationship does not necessarily absolve the private individual of making such a declaration where it can be proven that the relationship may improperly influence a Council decision. For these reasons, there is a cautionary justification for the *Statement of Business Ethics* to require 'suppliers, contractors, consultants, tenderers, business partners, property owners lodging Development Applications and persons making submissions in relation to these Applications' to declare an actual or perceived conflict of interest (where such a conflict is known) to protect them against a possible adverse finding.

The attached revised version of the draft *Statement of Business Ethics* highlights the proposed deletions and amendments.

Conformance to Community Strategic Plan

The proposal is consistent with the Vision Statements and Directions within the Community Strategic Plan. The proposal recommends the adoption of organisational values which reflect the content of the Plan.

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The remaining content of Statement of Business Ethic is consistent with the Shaping our Future Directions statement;

- Have transparent, accountable and respected leadership and an engaged community.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Work with public and private sectors to ensure funding and delivery of improved services and infrastructure.

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That Council adopt the revised *Hawkesbury City Council Statement of Business Ethics* prepared in accordance with guidelines issued by the Independent Commission Against Corruption (ICAC).

ATTACHMENTS:

- AT - 1** Hawkesbury City Council, Statement of Business Ethics: For business dealings between Hawkesbury City Council, the private sector and other parties.

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AT - 1 Hawkesbury City Council, Statement of Business Ethics:

For business dealings between Hawkesbury City Council, the private sector and other parties

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INFRASTRUCTURE SERVICES

Item:267 IS - Graffiti Removal Project - Rotary Club of Windsor - (95495)

REPORT:

Executive Summary

The Rotary Club of Windsor is proposing to undertake a graffiti removal project and is seeking Council's support and initial funding of \$10,000.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

A submission has recently been received from the Rotary Club of Windsor seeking support and funding to establish a graffiti removal project throughout Windsor. The club has requested financial assistance in an amount of \$10,000 to purchase a purpose built trailer, water blaster, set-up equipment and graffiti removal solutions. It is anticipated that this funding would suffice for the first 18 months operation of the project. If Council is supportive, the club proposes to commence the project on 1 March 2011.

As explained at the recent Councillor briefing, the project encompasses the removal of existing and future graffiti from all types of surfaces which will provide significant improvement to the visual aspects of the area whilst helping promote the profile of Rotary in the community. Rotary propose to remove graffiti from any residential, business, Council site, with the exception of RTA property, property where organisations undertake removal themselves, or in any unsafe situations.

Over the past two financial years, 2008/2009 and 2009/2010, an average amount of \$56,000 was spent on graffiti removal throughout the city and it is proposed that the funds requested by Rotary Club of Windsor be provided from the budget allocated towards vandal repairs, which includes the removal of graffiti.

The project would provide many positive aspects including the ability of both Council and Rotary to promote both organisations in a positive light addressing an issue of concern to the community, whilst providing awareness of the problem, action being taken and educational values.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have constructive and productive partnerships with residents, community groups and institutions.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Develop and implement a community participation and partnership program.

Financial Implications

It is proposed to provide the funding sought from the current budget allocated towards vandalism repairs.

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RECOMMENDATION:

That the proposal by Rotary Club of Windsor for the graffiti removal project be supported and funding in the amount of \$10,000 be provided from the Vandalism Repairs Budget.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item:268 **IS - Underground Piped Drainage System - 22 Price Lane, Agnes Banks - (95495, 79344)**

Previous Item: 249, Ordinary (9 November 2010)

REPORT:

Executive Summary

Council at its meeting of 9 November 2010, considered a report regarding an underground piped drainage system at Agnes Banks, where it was resolved that the matter be deferred and a report be brought back to the next meeting of Council. This basis of this report has been taken from the previous reports, with additional information provided where necessary.

The adopted Capital Works Program for 2007/2008 provided, in part, an amount of \$220,000 for the construction of an underground piped drainage system to alleviate a flooding problem within properties 340 Castlereagh Road and 22 Price Lane, Agnes Banks.

Due to the level of compensation requested by the property owners for the provision of easements on the properties, there are insufficient funds to complete this project at this stage and due to the length of time expected to finalise the easements, it is recommended that this proposal be given further consideration by Council when determining projects for inclusion in a future Works Program. It is further recommended that the remaining funds be reallocated to an alternate project located at the intersection of Chapel and Windsor Streets, Richmond and further negotiations proceed with the property owners in Price Lane regarding the provision of the requisite drainage easements.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Both property owners have communicated their concerns in writing and telephone conversations with a number of Council Officers and the Valuer. The property owners have also been advised that the current level of funding will not meet the total cost of the project at this stage and it will be necessary for Council to reconsider this project in a future Capital Works Program.

Background

A natural depression exists from Price Lane through private property to Castlereagh Road, then along Castlereagh Road towards Freeman Road, Agnes Banks which forms an outlet to a large catchment area commencing within the University of Western Sydney land to the north east of The Driftway. The catchment is approximately 74 hectares and whilst there has been some formalisation of the drainage depression into culverts where subdivisions have occurred and under roads, there has been no diversion of other catchments into this system and it still follows the natural depression referred to previously.

Two properties between Castlereagh Road and Price Lane experience flooding problems during periods of heavy rainfall, due to the presence of the natural watercourse located approximately mid-block in each property. The third property known as 342 Castlereagh Road is not prone to any flooding problems and to date has not responded to any communication. A small corner of this property approximately 7m² in area is required for continuity of the pipeline and an easement has been identified as necessary for this purpose. It appears that a compulsory acquisition process may be required to gain an easement through this property to enable the drainage project to proceed. The natural watercourse referred to previously was identified on a topographic map for the area produced by the then Department of Lands as an "intermittent stream or watercourse". Notwithstanding, the contours for the area clearly show that the depression between Castlereagh Road and Price Lane exists and is the outlet for the catchment identified.

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The project proposes to provide a twin cell 825mm diameter pipeline within Castlereagh Road from approximately Freeman Road, to 22 Price Lane, proceeding diagonally through 340 and 342 Castlereagh Road, crossing Price Lane diagonally and discharging to a continuation of the natural depression on the north western side of Price Lane.

The project has not proceeded to date, due to issues and debate associated with design and easement requirements including the amount of monetary compensation to be paid to each property owner.

The original estimate for this project was considered to provide improvement to the subject properties and did not anticipate the amount of compensation which would be sought by the property owners. It is noted that both lots have the potential for subdivision and should an application be lodged, it would be a normal condition of consent, if the development was supported, to require the dedication of a drainage easement, free of cost to Council as a condition of consent for the development.

A summary of the requested compensation is listed as follows:

22 Price Lane	\$35,000 **
340 Castlereagh Road	\$25,000 **
342 Castlereagh Road	<u>\$20,000 ##</u>
	\$80,000

** The above amounts do not include survey and legal costs associated with the registration of the plan and drainage easements.

This amount is only an estimate and is based on a compulsory acquisition process including survey, legal and application costs.

It is proposed to provide funding in an amount of \$40,000 to pursue the provision of drainage easements through 22 Price Lane and 340/342 Castlereagh Road from funds available in the Kerb and Gutter Reserve.

In summary there are insufficient funds to complete the project at this stage and it is recommended that the proposal be given further consideration when determining projects for inclusion in a future Works Program. It is further recommended that the available funding be reallocated to another drainage project located at the intersection of Chapel and Windsor Streets, Richmond. Apart from the street flooding at this location, a number of cottages fronting Chapel Street are experiencing severe flooding problems during moderate to heavy rainfall periods.

Whilst there is an undersized pipeline existing which carries small flows from Chapel Street to Francis Street, it is proposed to construct a more substantive pipeline which would convey stormwater from Chapel Street, including the intersection of Chapel and Windsor Streets which floods during low to moderate rainfall, via a pipeline to be constructed in Windsor Street towards Pughs Lagoon.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.

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Financial Implications

The funding allocation for the Price Lane Project, less expenditure for the survey, design and valuation costs, to date is \$197,116.

The cost of the Windsor/Chapel Street project is estimated at \$202,000 and any minor shortfall could be funded from within the drains maintenance budget. This estimate makes no provision for utility adjustments, if warranted. However, given the depth of the proposed pipeline there may be sufficient scope to make adjustments if necessary, to avoid a utility conflict.

Funding in the amount of \$40,000 to pursue the provision of drainage easements through properties 22 Price Lane and 340/342 Castlereagh Road, Agnes Banks, (24 and 26) Price Lane be provided from the Kerb and Gutter Reserve.

RECOMMENDATION:

That:

1. The proposal to construct a piped drainage system through properties, 22/24/26 Price Lane (338/340/342 Castlereagh Road), Agnes Banks not proceed and be considered in a future works program.
2. The residue funding in the amount of \$197,166 from the Price Lane project be reallocated to the construction of a piped drainage system at the intersection of Windsor and Chapel Streets, Richmond.
3. Funding in the amount of \$40,000 available in the Kerb and Gutter Reserve be utilised as required to pursue the provision of drainage easements through, 22 Price Lane (338 Castlereagh Road) and, 24 Price Lane (340 Castlereagh Road), and 26 Price Lane (342 Castlereagh Road), Part Lot 4 DP513439 Agnes Banks including compulsory acquisition if required.

ATTACHMENTS:

- AT1** - Price Lane - No. 22 and No.24 (ALT.No.340 Castlereagh Road)
AT2 - Price Lane - Total Catchment Area

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AT1 - Price Lane - No. 22 and No.24 (ALT.No.340 Castlereagh Road)

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AT2 - Price Lane - Total Catchment Area

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SUPPORT SERVICES

Item:269 **SS - Rating Strategy for the 2011/2012 Financial Year - (95496, 96332)**

Previous Item: 54, Ordinary (10 March 2009)
 44, Ordinary (9 March 2010)
 66, Ordinary (30 March 2010)

REPORT:

Executive Summary

At the meetings of Council held on 9 and 30 March 2010, respectively, consideration was given to reports regarding issues in respect of rating for the 2010/2011 financial year.

At the meeting of 9 March 2010, Council resolved, in part, that:

“Staff investigate the introduction of a base rate for the 2011/2012 financial year for all rating categories”.

At the meeting of 30 March 2010, Council resolved, in part, that:

“The issue of possible alternate rating structures for the 2011/2012 Budget, in association with the previously requested report concerning base rates, be discussed at a future Councillor Briefing Session”.

Subsequently, a Briefing Session was held on 5 October 2010 at which the above resolutions were addressed.

The purpose of this report is to provide an overview of the various rating options available to Council as presented at the Councillors' Briefing Session of 5 October 2010.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, the 2011/2012 rating strategy will be included within the Revenue Pricing Policy as part of the 2011/2012 Management Plan public consultation process.

Background

At the meetings of Council held on 9 and 30 March 2010, respectively, consideration was given to reports regarding issues in respect of rating for the 2010/2011 financial year.

At the meeting of 9 March 2010, Council resolved, in part, that:

“Staff investigate the introduction of a base rate for the 2011/2012 financial year for all rating categories”.

At the meeting of 30 March 2010, Council resolved, in part, that:

“The issue of possible alternate rating structures for the 2011/2012 Budget in association with the previously requested report concerning base rates be discussed at a future Councillor Briefing Session”.

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Subsequently, the Briefing Session was held on 5 October 2010. The purpose of the Briefing Session was to give an outline of the rating options available legislatively to Council, and to provide a detailed analysis and comparison of various options to enable Council to make an informed decision on future rating for the Hawkesbury LGA.

During the Briefing Session, an overview was given of Council's current rating method and structure, as well as methods and structures of surrounding and similar Councils. Alternate rating methods and structures available for Council and the impact selected scenarios would have on ratepayers and suburbs was also presented to Councillors.

The information presented at the Briefing Session has been summarised in this report.

Current Rating Methods

There are approximately 24,400 rateable properties in the Hawkesbury LGA are spread across 3 rating categories:

- Residential Category (approx 22,300 properties)
- Business Category (approx 1,500 properties)
- Farmland Category (approx 600 properties)

Council's current rating method is an *ad valorem* rate across all categories with a minimum rate of \$456.30. The Residential and Business rates are the same, while the Farmland Rate is 70% of the Residential and Business Rate. For the 2010/2011 rating year, the *ad valorem* rate for the Residential and Business categories is 0.316c, and the rate applicable to the Farmland category is 0.222c. An overall total of approximately \$25M is levied across all categories.

Section 497 of the Local Government Act 1993 stipulates the allowed rating methods. In summary, a council may have any, or a combination of the following, for any category or subcategory:

- *Ad Valorem only* (land value multiplied by a rate in the dollar)
- *Ad Valorem with Minimum Rate* (same as above but with a minimum amount payable)
- *Base Rate with Ad Valorem* (all ratepayers within a specific category to pay an equivalent amount as part of their rates, the base rate, with the balance of their rates made up via an *ad valorem* amount). It is noted that base amounts are restricted to a maximum 50% of total revenue for any particular category or sub category.
- *Combination* (Council may resolve to levy rates using different methods for separate categories or subcategories)

Other Councils

Council officers researched the rating structure and methods of surrounding and similar councils for comparison purposes. Penrith and Blue Mountains were selected on the basis of proximity to Hawkesbury, and Wollondilly was selected on the basis of it having similar characteristics to Hawkesbury.

The general common characteristics of the selected councils are a Minimum Rate, an Ad Valorem Rate and differential rating between various categories and sub categories.

Penrith has a basic category structure with differential rates for Farmland and Business sub categories, with a Minimum Rate of \$913.80 for most categories and sub categories. Wollondilly has differential rates for various categories and sub categories thereof with a Minimum Rate of \$772.70. Blue Mountains also has differential rates applicable to the different categories and sub categories. They also have different Minimum Rates for different categories and sub categories.

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Introduction of a Base Rate

In line with Council's resolution of 9 March 2010, Council Officers investigated the introduction of a Base Rate for the 2011/2012 financial year for all rating categories. A number of different base amount options were selected for Council to consider. The scenarios investigated are based on a 20%, 30% and 40% base amount, respectively. The base amount for each respective scenario was applied to all categories whilst maintaining the current revenue ratio between each category, and maintaining the current revenue within each category.

The impact of the introduction of a Base Rate on properties in each respective category is summarised in the tables below:

Table 1 - Residential Category

Impact on Rates Payable	20% Base Rate	30% Base Rate	40% Base Rate
Increase / Decrease	No of properties	No of properties	No of properties
Dec > -20%	562	293	1,305
Dec -10% to -20%	1,411	3,781	3,971
Dec 0% to -10%	6,828	3,729	2,134
Inc 0% to 10%	4,366	3,266	1,830
Inc 10% to 20%	7,552	5,796	3,347
Inc > 20%	1,637	5,491	9,769

The introduction of a Base Rate would result in an overall average increase for residential properties in a number of suburbs including South Windsor, Bligh Park, McGraths Hill and Hobartville. Increases in the suburbs mentioned would be between 10% and 25% on the average rates per property. On the other hand, other suburbs including Oakville, Grose Vale, Kurrajong, Vineyard and Wilberforce would benefit from decreases in average rates of up to 19%.

Table 2 - Business Category

Impact on Rates Payable	20% Base Rate	30% Base Rate	40% Base Rate
Increase / Decrease	No of properties	No of properties	No of properties
Dec > -20%	24	44	139
Dec -10% to -20%	139	166	115
Dec 0% to -10%	317	200	178
Inc 0% to 10%	301	164	117
Inc 10% to 20%	199	167	108
Inc > 20%	517	756	840

The introduction of a Base Rate would result in an overall average increase for business properties in a number of suburbs including Freemans Reach, Wilberforce, Windsor, Richmond, North Richmond and

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Maraylya. Increases in these suburbs would be from 1% for properties in Richmond to 29% for properties in Maraylya. On the other hand, business properties in suburbs including Vineyard and South Windsor would benefit from decreases in average rates of between 2% and 8%.

Table 3 - Farmland Category

Impact on Rates Payable	20% Base Rate	30% Base Rate	40% Base Rate
Increase / Decrease	No of properties	No of properties	No of properties
Dec > -20%	0	21	33
Dec -10% to -20%	34	38	42
Dec 0% to -10%	126	101	86
Inc 0% to 10%	211	127	92
Inc 10% to 20%	134	143	130
Inc > 20%	104	179	226

The introduction of a Base Rate would result in an overall average increase for Farmland properties in some suburbs including Pitt Town Bottoms, Oakville and Freemans Reach, with increases of up to 43%. Suburbs including North Richmond and East Kurrajong would, on the other hand, benefit from decreases in average rates of up to 29%.

As can be seen from the individual category breakdown shown above, there is a considerable shift in rates payable with a majority of ratepayers receiving increases under each respective Base Rate scenario. The following table shows the overall impact when combining all categories.

Table 4 - All Categories

Impact on Rates Payable All Categories	20% Base Rate	30% Base Rate	40% Base Rate
Increase/Decrease	No of properties	No of properties	No of properties
Dec > -20%	586	358	1,477
Dec -10% to -20%	1,584	3,985	4,128
Dec 0% to -10%	7,271	4,030	2,398
Inc 0% to 10%	4,878	3,557	2,039
Inc 10% to 20%	7,885	6,106	3,585
Inc > 20%	2,258	6,426	10,835

The increases or decreases resulting from using a Base Rate method are totally dependent upon the value of each property. Generally, the higher valued properties will receive decreases in the rates payable, especially under a higher Base Rate scenario. Lower valued properties will receive decreases with a low base amount, but may suffer increases under a higher Base amount scenario.

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As can be seen in Table 4, the majority of ratepayers would receive an increase in their rates under a Base Rate method regardless of the Base amount when compared to the rates applicable under the current *ad valorem* with minimum rate method. Out of a total rateable property base of around 24,400, approximately 15,000 properties would experience an increase under a 20% Base Rate scenario, with approximately 16,000 properties also being impacted with an increase under the 30% and 40% Base Rate scenarios respectively.

Alternate Rating Structures

In line with Council's resolution of 30 March 2010, possible alternate rating structures for the 2011/2012 Budget were also investigated. The two alternative structures investigated were a differential rate for properties classified as "Rural Residential", and a differential rate for properties classified as "Business".

Differential Rural Residential Rate

In Council's adopted Revenue Pricing Policy for 2010/2011, a rating sub-category of "Rural Residential" is identified within the Residential category. Properties falling within this sub-category are those with an area of 2 hectares or more and that are not categorised as Farmland or Business. There are currently 4,316 properties classified as "Rural Residential". For 2010/2011 these properties attract the same rate in the dollar as the remaining 18,040 properties within the Residential category.

Council Officers investigated the impact of a lower rate in the dollar being applied to "Rural Residential" properties on the remaining ratepayers.

The scenario explored was that the "Rural Residential" properties be levied an *ad valorem* rate of 85% of the Residential Rate with the *ad valorem* rate for the Farmland category 70% of the Residential Rate.

The effect of lowering the *ad valorem* rate for the "Rural Residential" properties is that whilst most of these properties would receive a decrease in their rates up to 11% (with the exception of those properties already on minimum rates, which will have no change), the remaining 18,040 Residential ratepayers would receive increases up to 5%.

Differential Business Rate

Council's Officers investigated a differential *ad valorem* rate for properties categorised as Business.

Section 518 of the Local Government Act 1993 states that all properties must be categorised as Business if they cannot be categorised as Residential, Farmland or Mining. There are approximately 1,500 properties within the Business category in the Hawkesbury LGA.

Currently, the business *ad valorem* rate is equivalent to the Residential Rate at 0.316c. The two scenarios explored were a Business Rate of 125% of the Residential Rate, or alternatively a Business Rate at 150%.

Table 5 shows the impact on the average rates payable for business properties in selected suburbs, under these two respective scenarios.

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Table 5 - Differential Business Rate

Business Category	No of properties	2010/2011 Average Rate	Business Rate 125% Average Rate	Business Rate 150% Average Rate
Windsor	239	\$1,438	\$1,730	\$2,009
Richmond	287	\$1,335	\$1,592	\$1,836
South Windsor	297	\$1,984	\$2,404	\$2,807
Mulgrave	210	\$1,815	\$2,208	\$2,584

As the total rating revenue would remain unchanged regardless of the rating structure, an increase of revenue from one particular category would result in a decrease for the remaining categories and vice versa.

Due to the number of properties over which the increase is spread when compared to the number of properties experiencing a decrease, the average positive impact per Residential and Farmland property is minimal when compared to the average increase applicable to properties in the Business category.

Farmland Category

Council may recall that at the meeting of 30 March 2010, it was also resolved, in part, that:

"In respect of the rating structure for Farmland Category, the ratio be reduced to 70% of Residential and Business rates and the basis of the rate levy to remain "ad valorem", with an appropriate minimum rate to be utilised for the purposes of the 2010/2011 Draft Budget."

The ratio for Farmland properties for the 2010/2011 rating year was reduced to 70% of the Residential Rate from 80% in the previous year. This decision was taken to minimise the negative impact on Farmland properties resulting from the combined effect of high revaluations for these properties, and the removal of the cap provisions in Clause 84 of Schedule 8 of the Act limiting increases in rates applicable to the Farmland category to 20% on the previous year.

As the overall total rating revenue levied remains unchanged regardless of the rating structure, the lower rate in the dollar applicable to the Farmland category results in increased rates payable by the remaining categories. It is therefore proposed that the *ad valorem* percentage for Farmland properties is gradually reinstated to 80% by the next land revaluation applicable from the 2012/2013 financial year.

Consequently, it is proposed that for the purposes of the Draft Revenue Policy 2011/2012, the Farmland Rate will be proposed to be set at 75% of the Residential Rate.

Summary

In summary, the report above gives an overview of the current rating method used to levy general rates in the Hawkesbury LGA. It also provides comparative information in relation to a Base Rate approach and differential rating structures.

The above details are provided for information. Based on the analysis of the impacts of the various scenarios explored, it can be concluded that in general, when compared to the current rating structure and methods used, the alternatives investigated resulted in high number of ratepayers being impacted negatively.

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Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review a sustainable long term financial framework.

Financial Implications

There are no funding implications arising from this report.

RECOMMENDATION:

That the information concerning the current and alternate rating methods and structures be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item:270 **SS - September 2010 Quarterly Review - 2010/2011 Management Plan - (79341, 95496, 96332, 107)**

Previous Item: 126, Extraordinary (22 June 2010)

REPORT:

Executive Summary

Within two months of the end of each quarter, Council is required to review its progress in achieving the objectives set out in its Management Plan. This report and the relevant attachment provide information on Council's financial performance and financial position for the first quarter of the 2010/2011 financial year, and the resulting financial position including the Budget variations proposed. The report and attachment provide details on the major Budget variations proposed in this Quarterly Budget Review, and provide an itemised list of all variations requested. The attachment to this report also includes the Quarterly Operational Plan Review, providing an update on the achievement of Council's adopted targets for the 2010/2011 financial year.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

Council adopted its Management Plan for 2010/2011 on 22 June 2010.

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the Council a budget review statement within 2 months after the end of each quarter (except the June quarter).

The September 2010 Quarterly Review has been prepared and is attached for Council's information.

Financial Position

As part of the Management Plan Review, Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of the income and expenditure for the year.

The September 2010 Review recommends Budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains a satisfactory short term financial position for Council.

The more significant items of the September 2010 Review include:

- **Interest Income – Favourable Variance \$250K**
(Adopted Management Plan – Part 2 – SS Pg 39)

The full year budget for interest earnings attributable to General Fund for 2010/2011 is \$1.5M. As at the end of September 2010, Council's earnings are \$0.6M. This positive variance results from a combination of a variation in the capital invested and the upward interest rates movements during the first half of 2010. As at the end of the first quarter, Council has an investment portfolio of \$46M averaging earnings of 5.99%. A positive variance of \$250K is included in this review.

While this Review was being prepared, the Reserve Bank raised the cash rate to 4.75%, effective 3 November 2010. Further rate increases may be expected during the remaining months of the financial year.

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Based on these forecasts, and the interest rates currently being achieved for Council's investment portfolio, it is expected that this positive variance will continue for a number of months. The interest earnings budget will be monitored and reviewed in future reviews if necessary.

- **Financial Assistance Grant – Favourable Variance \$58K**
(Adopted Management Plan –Part 2 – SS Pg 33, IS Pg 22, Pg 25, Pg 28)

Local Government Financial Assistance Grants are general purpose grants that are paid to the local councils under the provisions of the Commonwealth Local Government (Financial Assistance) Act 1995. Although there are two separately identified grant components, the total funds are paid to councils as unconditional grants. Each council has complete autonomy in deciding how the funds should be spent. Council has, over the past number of years, allocated the roads component of the grant towards funding roads expenditure.

The original adopted budget for 2010/2011 is a combined total of \$4.3M. This is made up of a budgeted general purpose component of \$2.9M, with the remaining \$1.4M being attributable to the roads component of the grant. The amount allocated to Council varies from year to year due to population changes, changes in standard costs and disability measures, local road and bridge length variations, and changes in property values, and takes into account any short or overpayments in the previous year as well as any prepayments.

The original adopted budget was based on an increase of 1% over the amount received in 2009/2010. Council has now been advised that the total financial assistance amount payable in the 2010/2011 financial year is \$4.5M, an additional \$160K over the budgeted amount. The increase attributable to the roads component is \$102K, and this amount has been allocated to the roads expenditure budget. The remaining \$58K is additional revenue available for general purposes and is included in this Review as a net favourable budget variation of \$58K.

- **Fleet Disposals – Favourable Variance \$70K**
(Adopted Management Plan –Part 2 – SS Pg 46)

A number of leaseback vehicles replaced towards the end of the 2009/2010 financial year have been sold during the first quarter of 2010/2011. The unbudgeted sales proceeds have been included in this Review.

- **Property Revaluation Fee – Unfavourable Variance \$116K**
(Adopted Management Plan –Part 2 –SS Pg 36 Not Budgeted)

The Land and Property Information Division of the Department of Lands provides rating valuation services on behalf of the Valuer General under the terms of the Valuation of Land Act 1916, to enable Council to levy *ad valorem* rates. The amount payable for Council in 2010/2011 is \$116K. This amount was omitted from the original budget, and is being requested as part of this Review.

- **Electricity Costs – Unfavourable Variance \$30K**
(Adopted Management Plan – IS 8)

The original adopted budget for the electricity expense for Richmond Pool is \$6,000. This was based on the actual expenditure trend of the 2009/2010 financial year. Late in 2009/2010, Council was advised by AGL Sales Pty Ltd, the electricity provider, that an error in the billing was discovered and that Council would be back charged. Council Officers negotiated part of the undercharge to be written off. The error in billing commenced after the upgrade of Richmond Pool when the meters were upgraded. The undercharging for over 12 months resulted in the bills received not being reflective of what the actual electricity usage was, and consequently provided an incorrect base for this year's estimated amounts. In reviewing the actual usage, it was also highlighted that there has been an increase in usage as a result of updated filters. At this point in time, Council is not able to determine the total amount expected to be charged for this financial year. At this stage it is expected that \$30K would be sufficient to cover the first few bills of the summer months. Further funds may be sought in future reviews as more trend information becomes available.

ORDINARY MEETING

Meeting Date: 30 November 2010

- **Regional Open Recreational Strategy – Unfavourable Variance \$60K**

At the Council Meeting of 28 September 2010, it was resolved that funding for a Recreational Strategy be considered as part of 2010/2011 Quarterly reviews, with a view to commencing the preparation of the Strategy in the current financial year. A Recreational Strategy identifies the needs of the community for the provision of recreational facilities including skate parks, play spaces, sporting facilities and the various passive recreational needs. The Strategy aims to identify the missing links in Council's provision of recreation and provide for a strategy for a programmed implementation of the facilities.

The total cost of a Recreational Strategy is estimated to be in the vicinity of \$120K. Council is currently seeking grant funding under the Metropolitan Green Space Program of \$60K to contribute towards this project. The conditions of the grant include a 50:50 contribution by Council.

At the time this report was being prepared, Council has not as yet received confirmation of the allocation of the grant funds. If the grant is accepted, Council will need matching funding of \$60K. This allocation is being requested in this Review. If Council is unsuccessful in securing the grant, it will still be able to commence the Strategy as soon as practicable, with the funding shortfall being sought in future quarterly reviews and / or as part of the 2011/2012 Budget.

- **Mountain Lagoon Road - Unfavourable Variance \$80K**

As reported to Council at its meeting of 2 February 2010, \$80K was applied for under the Community Building Partnership Program for the reconstruction of the "fire trial" section of Mountain Lagoon Road. At this meeting it was also resolved that Council match the grant in the amount of \$80K by redirecting funds within the 2009/2010 Works Program. The resolution was acted on as part of the March 2010 Quarterly Review. At the end of the financial year, the funds were still unspent and were intended to be carried forward to the 2010/2011 year. Whilst the grant funding received of \$80K was included in the amounts carried over, Council's contribution was not. Council's contribution is now being requested to be included in the 2010/2011 Budget allocation as part of this Review.

- **Risk Management – Unfavourable Variance \$23K**

(Adopted Management Plan –Part 2 – GM Pg 2)

An amount of \$23K is being requested in this Review to fund additional expenditure incurred and forecasted in relation to public liability claims. Council's public liability claims are funded through Westpool, with a \$50K excess on each and every claim. The excess amount incurred in one year could relate to claims initiated in previous years. Consequently, the number of claims in any particular year are difficult to estimate. For the 2010/2011 financial year, the adopted budget for public liability claims excess is \$50K, or one claim. As at the end of the first quarter, this amount was exceeded with a number of claims from previous years coming into effect. Based on the expenditure already incurred and known additional cases probable to impact this financial year, a total of \$30K is being requested in this Review. This adjustment and other minor adjustments are partially offset by savings in insurance premiums paid, resulting in a net unfavourable variance of \$23K.

- **Grants**

A number of adjustments relating to variations between grant funding received and amounts budgeted, are included in this Review. These adjustments have a nil effect on the budget position. The major adjustments relating to grant funding are outlined below:

- *Bush Fire Prevention Fund* – Council's adopted budget for the Bush Fire Prevention Fund grant is \$205K. Council has been advised that the amount allocated is \$240K. These funds are offset by an equal allocation in the Fire Control Program expenditure.
- *Regional & Local Community Infrastructure Program (Round 3)* - Council has been successful in securing funding of \$353K under Round 3 of the RLCIP. These funds have been allocated to a number of projects as resolved by Council at its meeting of 13 July 2010.

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- *Waste and Sustainability Improvement Program* – Council participates in the Waste and Sustainability Improvement Program, whereby funds are allocated to fund specific sustainability improvement projects. The adopted budget for this Program for 2010/2011 is \$190K. Council has been advised that an allocation of \$315K has been approved. These funds have been allocated to the approved projects as detailed in the attachment to this report.
- *Various Parks Grants* – A number of grants totalling approximately \$113K are also included in this Review and detailed in the attachment to this report.
- ***Reserve Funded Adjustments***

The following adjustments are within internally or externally restricted funds, and consequently have no impact on Council's overall position.

- *Waste Management Facility* – A favourable adjustment of \$300K is included in this Review in respect of the S88 Levy payable by Council in the current financial year. As at the end of the first quarter, gate takings at the Hawkesbury Waste Management Facility have been lower than expected, resulting in less than expected waste entering the facility, and consequently a lower amount payable in S88 levies.
- *Sewerage Scheme* – An unfavourable adjustment of \$70K is included in this Review to fund the replacement of a tractor that was not included in the original budget.
- *South Windsor Effluent Reuse Scheme* - Council is currently undertaking a major project under the South Windsor Effluent Reuse Scheme. The contract for the project was awarded by Council at the meeting of 9 November 2010. As the project is required to be completed by the end of the 2010/2011 financial year, the remaining funding of \$2.8M, still to be received, is expected to be received in the current year, and has therefore been included in this Review.
- *Section 94A Projects* – Funding is being requested to be allocated from within the Section 94A Reserve for Woodland Park irrigation (\$50K) and Bensons Lane Lighting (\$72K). These projects have already been identified in the current Section 94A, but were not completed and funds remained unspent in previous years.

The Review includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.

Transfer to Contingency Reserve

The September Quarterly Budget Review resulted in a surplus of \$60,726 after allowing for the recommended variations. This Review provides for this surplus to be transferred to the Contingency Reserve.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review sustainable long term financial framework.

Financial Implications

Funding and budget impacts have been specified within this report and attached review documents.

ORDINARY MEETING

Meeting Date: 30 November 2010

RECOMMENDATION:

That:

1. The information contained in the report on the 2010/2011 Management Plan – September 2010 Quarterly Review be received.
2. The Quarterly Review of the 2010/2011 Management Plan for the period ending 30 September 2010 be adopted.

ATTACHMENTS:

- AT - 1** 2010/2011 Management Plan Review – September 2010 Quarter - *(distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 30 November 2010****Item:271 SS - Monthly Investments Report - October 2010 - (96332, 95496)****Previous Item:** 17, Ordinary (3 February 2009)
82, Ordinary (28 April 2009)**REPORT:****Executive Summary**

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 Regulation and the Council's Investment Policy.

This report indicates that Council held \$44.13 million in investments at 31 October 2010.

It is recommended that this report be received and noted.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

The following table indicates that Council held \$44.13 million in investments as at 31 October 2010. 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, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below.

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA	31-Oct-10		5.00%	4,630,000	10.44%	4,630,000
Term Investments								
AMP	A1	A	20-Jan-10	21-Jan-11	6.86%	1,000,000	2.27%	
ANZ	A1+	AA	20-Oct-10	20-Jul-11	6.30%	1,500,000	3.40%	
ANZ	A1+	AA	25-Nov-09	24-Nov-10	6.00%	1,000,000	2.27%	
ANZ	A1+	AA	02-Sep-10	23-Mar-11	6.10%	2,000,000	4.53%	
ANZ	A1+	AA	11-Aug-10	27-Jan-11	6.10%	500,000	1.13%	
ANZ	A1+	AA	03-Mar-10	29-Nov-10	6.30%	2,000,000	4.53%	
ANZ	A1+	AA	26-Aug-10	09-Feb-11	6.20%	2,000,000	4.53%	
Bank of Queensland	A-2	BBB+	19-May-10	17-Nov-10	6.15%	1,000,000	2.27%	
Bankwest	A1+	AA	19-Aug-10	23-Feb-11	6.05%	1,000,000	2.27%	

ORDINARY MEETING

Meeting Date: 30 November 2010

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
Bankwest	A1+	AA	21-Jul-10	20-Apr-11	6.25%	1,000,000	2.27%	
Bankwest	A1+	AA	04-Aug-10	04-May-11	6.15%	1,000,000	2.27%	
Bendigo and Adelaide Bank	A-2	BBB+	13-Oct-10	15-Jun-11	6.10%	1,000,000	2.27%	
Credit Union Australia	A-2	BBB+	26-Jul-10	23-Feb-11	6.21%	1,000,000	2.27%	
IMB	A-2	BBB	11-Aug-10	11-May-11	6.20%	1,000,000	2.27%	
ING Direct	A-1	A+	19-Aug-10	23-Feb-11	6.36%	1,000,000	2.27%	
Macquarie Bank	A-1	A	15-Jun-10	13-Dec-10	6.00%	1,000,000	2.27%	
Members Equity	A-2	BBB	02-Jun-10	02-Dec-10	6.20%	1,000,000	2.27%	
NAB	A1+	AA	08-Dec-09	08-Dec-10	6.80%	3,000,000	6.80%	
NAB	A1+	AA	03-Dec-09	03-Dec-10	6.80%	2,000,000	4.53%	
NAB	A1+	AA	03-Jun-10	20-Jan-11	6.21%	4,000,000	9.06%	
NAB	A1+	AA	20-Jul-10	20-Jul-11	6.24%	1,000,000	2.27%	
Newcastle Permanent	A-2	BBB+	15-Jun-10	15-Jun-11	6.10%	1,000,000	2.27%	
Qantas Staff Credit Union	unrated	unrated	25-Aug-10	23-Feb-11	6.10%	500,00.00	1.13%	
Rural Bank	A-2	BBB	16-Jun-10	15-Jun-11	6.40%	1,000,000	2.27%	
Suncorp	A-1	A	15-Jun-10	15-Jun-11	6.50%	1,000,000	2.27%	
Westpac	A1+	AA	21-Dec-09	21-Dec-10	7.00%	3,000,000	6.80%	
Westpac	A1+	AA	26-May-09	27-Jan-11	6.10%	1,000,000	2.27%	
Westpac	A1+	AA	23-Sep-10	20-Apr-11	6.15%	2,000,000	4.53%	39,500,000
TOTAL INVESTMENT AS AT 31 OCTOBER 2010								44,130,000

Bench Marking

Bench Mark	Bench Mark %	Actual %
UBS 90 Day Bank Bill Rate	4.87%	6.35%
Reserve Bank Cash Reference Rate	4.50%	5.00%

Performance by Type

Category	Balance \$	Average Interest	Difference to Benchmark
Cash at Call	4,630,000	5.00%	0.50%
Term Deposit	39,500,000	6.35%	1.48%
Total	44,130,000	6.21%	1.34%

ORDINARY MEETING

Meeting Date: 30 November 2010

Restricted Funds

Restriction Type	Amount \$
External Restrictions -S94	6,293,906
External Restrictions - Other	10,960,454
Internal Restrictions	18,302,246
Unrestricted	8,573,394
Total	44,130,000

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 below)

- 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.

Internal restrictions, refer to funds allocated for specific purposes or to meet future known expenses that should be provided for on an ongoing basis. Whilst it would “technically” be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended nor would it be “good business practice”.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

Investment Commentary

The investment portfolio decreased by \$1.93 million for the month of October, 2010. During October, various income was received totalling \$3.90 million, including rate payments amounting to \$1.02 million, while payments to suppliers and staff costs amounted to \$5.94 million.

The investment portfolio currently involves a number of 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 and Council's investment portfolio is independently reviewed each calendar quarter.

ORDINARY MEETING

Meeting Date: 30 November 2010

On 25 May 2010 the Division of Local Government released the Investment Policy Guidelines to assist councils in the preparation of their Investment Policy. Consequently, Council has reviewed and adopted a revised Investment Policy on 29 June 2010.

Council's investment portfolio complies with the adopted Policy.

As at 31 October 2010, Council has invested \$14.5 million with 2nd tier financial institutions, noting that one of these institutions is a subsidiary of a major Australian trading bank. The investment of up to \$1 million with 2nd tier Authorised Deposit Taking Institutions (ADIs) is entirely covered by the free Government Guarantee Scheme, and is in accordance with Council's Investment Policy. Also, Council's adopted Investment Policy allows Council to invest above \$1 million with 2nd tier Authorised Deposit Taking Institutions that are wholly owned subsidiaries of major Australian trading banks.

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report 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.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review a sustainable long term financial framework.

Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2010/2011.

RECOMMENDATION:

The report regarding the monthly investments for October 2010 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 November 2010

CONFIDENTIAL REPORTS

CITY PLANNING

Item:272 **CP - Community Appointments - Disability Advisory Committee - (88324)**
CONFIDENTIAL

Previous Item: 232, Ordinary (12 October 2010)
 165, Ordinary (13 July 2010)
 NM2, Ordinary (8 June 2010)

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)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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: 30 November 2010

SUPPORT SERVICES

Item:273 SS - Property Matter - Lease to HPBC Pty Limited - Old Library Building, Dight Street, Windsor - (95496, 112106, 99884) 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: 30 November 2010

Item:274 **SS - Property Matter - Assignment of Lease from Vannarith Chea and Sayoeun Khun to Meng Buth and Noun Sok - Shop 11 Wilberforce Shopping Centre, Wilberforce - (75821, 109556, 95496, 34779) 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: 30 November 2010

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Macquarie 2010 Committee Minutes - 11 November 2010

The meeting commenced at 3.05 pm in the Council Chambers, Hawkesbury City Council

Present:	Councillor Bart Bassett Councillor Jill Reardon Carol Edds Colin Mitchell John Miller Jean Stephens Frank Holland Gai Timmerman` John Christie Aleks Pinter Donald Cobcroft Max Jarman Esther Perry Keri Whiteley	Chair, Hawkesbury City Council Hawkesbury City Council Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Hawkesbury City Council Hawkesbury City Council
Apologies:	Tony Miller Judy Newland Brian Lindsay	Community Representative Community Representative Community Representative
In Attendance:	Joseph Litwin	Hawkesbury City Council

REPORT:

RESOLVED on the motion of Frank Holland and seconded by Colin Mitchell that the apologies be accepted.

SECTION 1 - CONFIRMATION OF MINUTES

1. Confirmation of Minutes

RESOLVED on the motion of Colin Mitchell and seconded by Councillor Jill Reardon that the Minutes of the Hawkesbury Macquarie 2010 Committee held on 12 August, 2010 be accepted.

2. Matters arising from Previous Minutes

There were no matters arising

SECTION 2 - REPORTS FOR DETERMINATION

Item 37: Evaluation of Macquarie 2010 Celebrations and work of Hawkesbury Macquarie 2010 Committee

Mr Litwin drew the Committee's attention to clause (f) of the Committees constitution which requires the Committee to evaluate and assess the outcomes of the Macquarie 2010 Celebrations and the work of the Committee, and report these findings to Council. Mr. Litwin advised that it was intended to survey committee members and organisations that staged Macquarie 2010 events and requested the Committees input into possible questions which should be included in the survey instrument.

Committee members made a number of suggestions. There was a broad ranging discussion on options for using the Macquarie 2010 celebrations as a catalyst for promoting local history into the future, particularly within local schools.

RECOMMENDATION TO COMMITTEE:

That the:

1. Information be received.
2. Committee to consider options for information and data which should be captured for incorporation into the proposed draft evaluation report.
3. Draft evaluation report be reported to the February meeting of the Committee.

MOTION:

RESOLVED on the motion of Councillor Jill Reardon and seconded by Gae Timmerman.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

1. The information be received.
2. The suggestions of the Committee in relation to questions to be incorporated into the survey instrument be received and included in the design of the survey.
3. The draft evaluation report be reported to the February meeting of the Committee.

SECTION 3 - REPORTS OF WORKING PARTY MEETINGS

ROWP - Hawkesbury Macquarie 2010 Branding and Marketing Working Party

Colin Mitchell provided an update on progress on the proposal to compile a booklet based on the weekly Macquarie 2010 articles in the Hawkesbury Gazette. For a number of reasons the Hawkesbury Gazette was no longer in a position to sponsor the booklet, but fortunately the Hawkesbury Historical Society (HHS) has indicated a willingness to fund the publication of the booklet. The HHS is seeking the Committee's endorsement of this proposal, as the proposal was one that was initially identified and developed by the Committee. Mr Litwin tabled a letter received from the HHS to this effect.

RESOLVED on the motion of Colin Mitchell and seconded by Carol Edds that;

1. The report of the Macquarie 2010 Branding and Marketing Working Party be received.

ORDINARY MEETING

Reports of Committees

2. The Hawkesbury Macquarie 2010 Committee accept the Hawkesbury Historical Society's recommendation that the Society publish the proposed Macquarie 2010 booklet as a special bicentenary edition of the Journal under the Society's name with the suggested preliminary title '*The Macquaries in NSW – A Hawkesbury Perspective 1810-1822*'.

ROWP - Hawkesbury Macquarie 2010 Sponsorship and Grants Working Party

On behalf of the working party, Carol Edds thanked Council for its sponsorship of Macquarie 2010 events. Ms Edds noted that Council sponsorship was allocated very early in the planning of Macquarie 2010 events and that the lead-in time required to develop and firm-up proposals for Macquarie 2010 events may have precluded some organisations from meeting the time frames for submitting applications under Council's Macquarie 2010 Seed Funding Program.

ROWP - School Involvement Working Party

In the absence of Brian Lindsay, Carol Edds briefed the Committee of the successful outcome of the Schools Visual Arts Project.

ROWP - Plaques Working Party

Ms Perry advised the Committee of the successful completion of the Macquarie 2010 Plaques projects.

RESOLVED on the motion of Councillor Jill Reardon and seconded by Gae Timmerman that the reports of the working parties be received.

SECTION 4 - GENERAL BUSINESS

Jean Stephens advised the Committee of Macquarie 2010 Celebrations to be held in Penrith and tabled a copy of a booklet on Samuel Terry which had been published as part of the Macquarie 2010 Celebrations in Penrith.

Esther Perry advised the Committee of three recent Macquarie 2010 events including the Elizabeth Macquarie iris project and the unveiling of the Governor Macquarie mosaic project which took place on October 10; the October 22 Freedom of the City Event at Pitt Town, and the Richmond Park Renewal celebrations held on 7 November. Ms Perry also advised that Macquarie 2010 was featured in the Council Spring Newsletter.

Keri Whiteley tabled a representation of an example of one of the interpretive signs to be installed at the Governor Macquarie statue in McQuade Park.

Max Jarman updated the Committee on plans for the Proclamation Day event to be held on 5 December.

Aleks Pinter provided an outline of the Ecumenical Service to be held in conjunction with the Proclamation Day event.

NEXT MEETING - to be held at 3.00 pm on Thursday 10 February, 2011 in the Council Chambers, Hawkesbury City Council, 366 George St. WINDSOR.

Meeting Closed at 4.15 pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee - 17 November 2010 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Tuesday, 30 November 2010, which commenced at 3.00pm.

ATTENDANCE

Present: Councillor B Bassett (Chairman)
Mr J Suprain, Roads and Traffic Authority
Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP
Mr R Williams, MP (Hawkesbury)
Snr Constable B Phillips, NSW Police Service
Ms P Millar, Westbus
Mr M Pruss, Westbus
Mr C DeSousa, Hawkesbury Valley Bus Service

Apologies: Mr P Ramshaw, NSW Taxi Council
Ms J Edmunds, Westbus

In Attendance: Mr C Amit, Manager, Design & Mapping Services
Ms D Oakes, Community Safety Officer
Ms K Baillie, Administrative Officer, Infrastructure Services

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

Resolved on the motion of Mr J Christie and seconded by Councillor B Bassett, that the Minutes of the meeting of the Local Traffic Committee held on 20 October, 2010 be confirmed.

Item 1.2 Business Arising

Nil Business Arising.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 17 November 2010 - Item 2.1 - Adjustment to the existing No Stopping Zone in George Street, Windsor, adjacent to New Street for the Installation of a New Pedestrian Access Point (Riverstone) - (80245)

REPORT:

The installation of a new pedestrian access point in George Street, Windsor, north east of New Street has been identified in the 2010/2011 works program. The proposed works have also been identified in the Pedestrian Access Mobility Plan (PAMP) component of the Hawkesbury Mobility Plan 2010. The need for improved access for vulnerable road users (including pedestrians using prams, wheelchairs and mobility aids) has been identified in the PAMP in the vicinity of New Street at George Street and subsequently these works were identified as a Priority 1.

To facilitate the pedestrian access point in George Street an adjustment to the existing No Stopping zone and 1P Parking zone is required on the south eastern side of George Street. It is proposed to extend the No Stopping zone by 15.0 metres in a north easterly direction effectively reducing the 1P Parking zone by this distance. This adjustment is required to satisfy the conditions outlined in the RTA Technical Direction TDT 2002/10: Pedestrian Refuges. The adjustment of the No Stopping/1P parking zone will satisfy the sight distance requirements of the RTA TDT 2002/10 for vehicles travelling in a south westerly direction. The sight distance for vehicles travelling in a north easterly direction is not affected due to the pedestrian access point being located within close proximity to the New Street intersection and its intersection No Stopping zone.

The adjustment to the No Stopping/1P parking zone by 15.0 metres on the south eastern side of George Street will result in the loss of 3 parking spaces. In accordance with the RTA TDT 2002/10: if the Kerb Blisters are not provided the No Stopping zone on both sides of the road will need to be extended by 10.0 metres in a north easterly direction resulting in the loss of an additional 2 parking spaces. Details of the pedestrian access point are outlined in Attachment 1: Plan No. TR007/10 – Pedestrian Access Point - George Street, Windsor adjacent to New Street.

Whilst it is not desirable to lose kerb side parking in George Street, the benefits of improved pedestrian safety and accessibility for all road users resulting from the pedestrian access point far out weigh the loss of parking. In addition, the Kerb Blisters will form a Gateway type treatment which will act as a traffic calming mechanism for vehicles travelling along George Street.

It is proposed that the existing No Stopping zone on the south eastern side of George Street, north east of New Street, be extended by 15.0 metres in a north easterly direction – effectively reducing the 1P Parking zone by 15.0 metres, in accordance with Plan No. TR007/10 – Pedestrian Access Point - George Street, Windsor adjacent to New Street.

RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Mr J Suprain.

That:

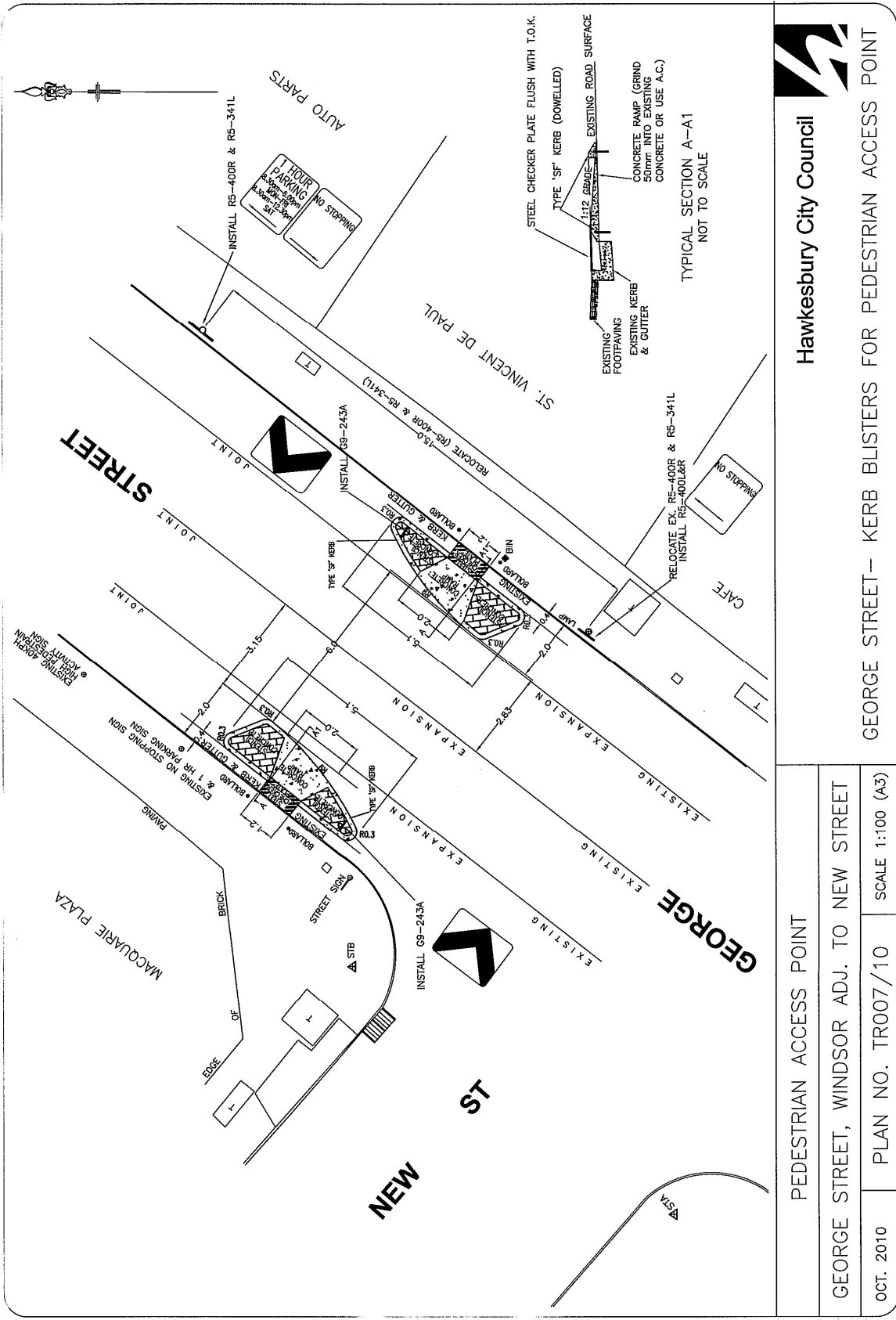
1. The existing No Stopping zone on the south eastern side of George Street, north east of New Street, be extended by 15.0 metres in a north easterly direction – effectively reducing the 1P Parking zone by 15.0 metres, in accordance with Plan No. TR007/10 – Pedestrian Access Point - George Street, Windsor adjacent to New Street.
2. The adjoining property owners and business operators in George Street between Suffolk/New Streets for a distance of 50.0 metres in a north easterly direction be notified of the changes to the parking restrictions in George Street due to the installation of the pedestrian access point.
3. Windsor Business Group be notified of the changes to the parking restrictions in George Street due to the installation of the pedestrian access point.

APPENDICES:

AT - 1 Pedestrian Access Point - George Street, Windsor adjacent to New Street – Plan No. TR007/10.

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AT - 1 Pedestrian Access Point - George Street, Windsor adjacent to New Street –
Plan No. TR007/10.



Hawkesbury City Council

GEORGE STREET – KERB BLISTERS FOR PEDESTRIAN ACCESS POINT

PEDESTRIAN ACCESS POINT	
GEORGE STREET, WINDSOR ADJ. TO NEW STREET	
OCT. 2010	SCALE 1:100 (A3)
PLAN NO. TR007/10	

SECTION 3 - Reports for Information

Item 3.1 LTC - 17 November 2010 - Item 3.1 - RTA Advice on School Zone Flashing Lights for Arndell Anglican College, Oakville Public School and Richmond Public School- (Hawkesbury, Londonderry & Riverstone) - (80245, 73621)

Previous Item: Item 3.1, LTC (21 March 2007)
 Item 4.2, LTC (16 July 2008)
 Item 3.1, LTC (14 January 2009)
 Item 3.1, LTC (21 October 2009)

REPORT:

Advice has been received from the Roads and Traffic Authority indicating that School Zone Flashing Lights are to be installed within the vicinity of Arndell Anglican College, Oakville Public School and Richmond Public School. The information provided by the RTA in part is listed below (Dataworks Document No. 3569276).

"In 2007 the NSW Government committed to a 4-year roll out of flashing light systems in 400 school zones across NSW. This project aims to alert motorists of the speed restriction around schools to improve safety for school children.

The program is in its final year and research suggests that flashing lights slows motorists down when entering a school zone.

The Roads and Traffic Authority (RTA) is pleased to advise the school zone(s) covering the following school(s) within your LGA have been included as one of the next 75 school zone sites to receive school zone flashing lights.

- *Wolseley Road at Arndell Anglican College*
- *Oakville Road at Oakville Public School*
- *Windsor Street at Richmond Public School*

The 75 school zone sites will be progressively installed and should be fitted with flashing lights by the start of the first school term in 2011."

Oakville Public School is located at the corner of Oakville Road and Ogden Road. The School Zone Flashing Lights are to be provided only along the Oakville Road frontage. Further advice received from the RTA is that Oakville Road was only chosen for the Oakville School site due to its higher traffic loading compared to Ogden Road.

Traffic volume data available for both roads is:

- Oakville Road: ADT (2005) = 1640,
- Ogden Road: ADT (1999) = 190.

The speed limit along both sections of road adjacent to the school is 60kph when the school zones are not in operation.

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Further to the information provided by the RTA, the following schools within the Hawkesbury Local Government Area have School Zone Flashing Lights:

1. Pitt Town Public School,
2. Cattai Public School,
3. Bilpin Public School,
4. Colo Heights Public School,
5. Richmond High School
6. Colo High School

RECOMMENDATION:

RESOLVED on the motion of Mr R Williams MP, seconded by Mr J Christie.

That the information be received.

APPENDICES:

There are no supporting documents for this report.

**Item 3.2 LTC - 17 November 2010 - Item 3.2 - Local Traffic Committee 2011 Calendar -
(Hawkesbury, Londonderry, Riverstone) - (80245)**

REPORT:

The 2011 Local Traffic Committee Meeting Calendar is submitted for notation in member's personal diaries:

19 January 2011

16 February 2011

16 March 2011

20 April 2011

18 May 2011

15 June 2011

20 July 2011

17 August 2011

21 September 2011

19 October 2011

16 November 2011

RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Snr Constable B Phillips.

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 4 - General Business

Item 4.1 LTC - 17 November 2010 - QWN 4.1 - Adjustment to Bus Route 675 from UWS Hawkesbury campus to Bourke/College Street, Richmond (Londonderry) - (80245, 104540)

REPORT:

Mr Michael Pruss tabled correspondence (DataWorks Doc. No. 3601848) from the University of Western Sydney (UWS) supporting their proposal to remove the bus services from inside the UWS campus and to re-route the service to Bourke and College Street, Richmond.

The preferred alternative is to operate via Bourke and College Street and install bus stops on Bourke Street, near the front gate of the campus (adjacent to No. 43 & 45 Bourke Street) and also on the opposite side to these properties. It was also clarified that bus stops would be installed, rather than bus zones being utilised.

Westbus has consulted with Transport NSW regarding the alternative route and have received approval to re-route the service via the proposed streets pending referring this matter to Council. The residents along both Bourke Street and College Street have been consulted, with comments only received from Mr Kelly who had concerns regarding the existing load limit which he considered was applicable to buses. J Christie advised the committee that he was involved in the load limit being imposed in 1996 which was provided to prohibit trucks using College Street as a short cut to avoid the traffic lights at Paget Street.

Mr Amit tabled correspondence (DataWorks Doc. No. 3592316) from Mr JWF Kelly (resident of College Street, Richmond) outlining the following concerns:

- *Houses on one side of street only therefore minimum exposure to potential passengers.*
- *College Street is built on unstable foundations and has a three ton load limit.*
- *Vehicles exceeding three ton cause vibrations that dissipates to residences on College Street causing destabilisation of residences, driveways and gardens.*
- *Destabilisation of College Street is worsened by the high retention of water that does not drain away.*
- *The surface of College Street has deteriorated to the extent where it is more uneven and potholes are appearing.*
- *Some time ago College Street was resurfaced (the new surface was placed on top of the old surface). Now the covered faults in the old surface are becoming more evident in the current*

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surface. No doubt the unstable foundations and poor drainage are significant causes of this deterioration.

- *I suggest that Teviott Street would be worthy of investigation for use in lieu of College Street as it provides better exposure to prospective passengers and has none of the problems associated with College Street.*
- *I have resided in College Street since 1976 and the above reasons clearly indicate that College Street is not suitable for bus operations and better alternatives exist.*

Mr Amit referred to the Gazette dated 25 January, 1996 ("Light Traffic Thoroughfare – College Street") whereby it indicates that the 3 tonne limit refers to trucks, not buses.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Snr Constable B Phillips.

That:

1. The adjustment to Bus Route 675 be supported along College/Bourke Street;
2. Bus stops be provided on both sides of Bourke Street adjacent to the UWS front gate.

Item 4.2 LTC - 17 November 2010 - QWN 4.2 - Relocation of Francis Street Bus Zone at St Monica's Primary School, Richmond (Londonderry) - (80245, 104540)

REPORT:

Ms Phillipa Millar tabled correspondence (DataWorks Doc. No. 3602050) from St Monica's Primary School supporting their proposal to relocate the existing bus zone on Francis Street.

The relocation of this bus zone is proposed due to the exit gate from the school being moved, and students missing their buses.

It is proposed that the existing School bus zone located on the southern side of Francis Street, Richmond between Bourke Street and the pedestrian crossing adjacent to St Monica's Primary School, be relocated to the western side of the pedestrian crossing and be positioned within the existing unrestricted parking section commencing from the western end of the No Stopping zone for the pedestrian crossing. The existing length of the School Bus zone is to be maintained at the new location

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr J Christie, seconded by Snr Constable B Phillips.

That the existing School bus zone located on the southern side of Francis Street, Richmond between Bourke Street and the pedestrian crossing adjacent to St Monica's Primary School, be relocated to the western side of the pedestrian crossing and be positioned within the existing unrestricted parking section commencing from the western end of the No Stopping zone for the pedestrian crossing. The existing length of the School Bus zone is to be maintained at the new location.

Item 4.3 LTC - 17 November 2010 - QWN 4.3 - Hawkesbury City Council's 2010 Road Safety/Speed Reduction Campaign (Londonderry, Hawkesbury) - (80245)

REPORT:

Denise Oakes advised the Committee in relation to Hawkesbury City Council's Road Safety/Speed Reduction Campaign for 2010.

Denise indicated that this program will run from 15 November 2010 to 3 December 2010 and aims to raise awareness to drivers about the dangers of speed, driving in school zones and targeting L/P plate drivers in respect to ensuring a zero level of alcohol.

This campaign will target the following areas:

- Spinks Road, Glossodia
- Grose Vale Road, Grose Vale
- Freemans Reach Road
- Sackville Road, Ebenezer

This initiative is supported by RTA funding.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr R Williams, MP, seconded by Snr Constable B Phillips.

That the information be received.

SECTION 5 - Next Meeting

The Chairman thanked all members of the Committee as well as administrative support staff for their contribution and assistance during the past year and wished all a safe and prosperous Christmas and New Year.

The next Local Traffic Committee meeting will be held on Wednesday, 19 January 2011 at 3.00pm in the Large Committee Room.

The meeting terminated at 3.45pm.

oooO END OF REPORT Oooo

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Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

REPORT:

Questions - 9 November 2010

#	Councillor	Question	Response
1	Clr Porter	Referred to his question from last meeting regarding the Flood Study and the response included in the business paper for this meeting. He advised that although staff indicated that there was no Flood Study undertaken in the 1990's he has information indicating otherwise and enquired if the matter could be further investigated.	<p>Director City Planning advised that the matter was further investigated. The information submitted by Clr Porter was a letter from Council's General Manager to the Department of Planning about the Department's refusal to progress the "Draft Plan for the Bligh Park extension" due to flood affectation and lack of flood free access. The last paragraph of the letter stated "The Council and the Department of Public Works are currently funding a Flood Plain Management Study".</p> <p>On 26 May 1992 Council appointed a consultant (funded through \$50,000 Public Works and \$25,000 Council) to commence the Hawkesbury River Floodplain Management Study. This work was not a flood study to determine the extent and behaviour of flooding in the Hawkesbury valley. This study reviewed the available flood history data, dam safety data and other available data to develop a Management Plan to deal with the effects and mitigate damage caused by floods.</p> <p>The plan only proceeded to draft form as the Flood Study being undertaken by the Water Board at the time, in conjunction with the EIS for Warragamba Dam alterations, superseded much of the then available information. The then Department of Land and Water Conservation subsequently proposed a number of other bodies of work including the Hawkesbury Nepean Floodplain Management project and the Lower Hawkesbury Flood Study. These projects were not finalised.</p>

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Questions for Next Meeting

#	Councillor	Question	Response
			<p>The Council's current project is to prepare a Floodplain Risk Management Study and Plan in accordance with the NSW Government's "Floodplain Development Manual". This work is to be based on the existing work by Sydney Water titled "Warragamba Dam Auxiliary Spillway Environmental Impact Study – Flood Study" October 1996, Webb McKeown & Associates Pty Ltd. The funding for this work was considered by Council at its meeting of 13 April 2010 where Bewsher Consulting was appointed to undertake the work and Council has received approximately \$100,000 to date from the State Government. The Floodplain Risk Management Advisory Committee recently received a briefing on the progress of this work.</p>
2	Clr Bassett	Enquired if the Glossodia Poultry Farm matter could be brought to a Councillor Briefing Session.	Director City Planning advised the matter was discussed at a Councillor Briefing on 16 November 2010.
3	Clr Mackay	Enquired why the streets around the Macquarie Arms were all blocked off during the Blues Festival. He commented that he felt it was not clear in the previous report that the streets were going to be closed off.	Director Infrastructure Services advised that the Special Event application was considered at the Local Traffic Committee Meeting of 21 July 2010, and subsequently adopted at Councils meeting of 10 August 2010. Consideration will be given to keeping these sections open to vehicular traffic for future events.
4	Clr Porter	Enquired if the letter recently received about applications for dredging and licensing could be addressed at a Councillor Briefing Session.	General Manager advised that this item will be scheduled for a Councillor Briefing Session.
5	Clr Calvert	Enquired if information regarding the electricity costs for the Administration Building and the Deerubbin Centre could be provided with a view to consider installing solar energy on both sites.	Director Infrastructure Services advised that the matter will be investigated and information provided to Council when available.

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Questions for Next Meeting

#	Councillor	Question	Response
6	Clr Calvert	Enquired if the orange electronic sign that shows drivers what speed they are travelling at could be placed in the Kurrajong Village.	Director City Planning advised Variable Message Signs (VMS) are generally located at known high speed risk sites selected on the basis of data sourced from the Roads and Traffic Authority (RTA) and local police intelligence. The placement of VMS is made in accordance with detailed Police and RTA guidelines and technical specifications to ensure that the signs are located in safe and appropriate locations and do not themselves create a road or public safety risk. The cost of placing a VMS at any one location is in the vicinity of \$700 per week per sign. Funds for Hawkesbury VMS program are sourced from the RTA Local Government Road Safety Program and consequently signs have only been placed at the highest priority locations. At this time, based on RTA crash data and local police intelligence, Kurrajong Village has not been identified as a high priority location (i.e. a known high speed risk site) but can be considered in future campaigns commencing in 2010/2011.
7	Clr Paine	Enquired if staff could investigate the site on Blacktown Road that has an application in for 100 Igloos and look at the wastewater and noise from the site.	Director City Planning advised the Development Application currently with Council is investigating this and other issues and this will form part of the assessment of that application. Additional information has been requested from the applicant and upon receipt of that information the development assessment will be completed and reported to Council.
8	Clr Williams	Enquired if the claims that there is an illegal access road built across the Blacktown Road site lagoon are correct.	Director City Planning advised the Development Application currently with Council is investigating this and other issues and this will form part of the assessment of that application. Additional information has been requested from the applicant and upon receipt of that information the development assessment will be completed and reported to Council.
9	Clr Williams	Enquired if historic precinct signs can be arranged for Richmond similar to those in Windsor.	General Manager advised that this matter will be investigated and information will be provided to Council when available.

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Questions for Next Meeting

#	Councillor	Question	Response
10	Clr Rasmussen	Enquired if information regarding the take up rates for newly sewered areas can be provided.	Director Infrastructure Services advised that information provided by Sydney Water PSP has indicated the number of connections for each township, as well as the take up rates as a percentage. The figures are as follows: Freemans Reach – 218 (69%) Glossodia – 266 (40%) Wilberforce – 26 (4%) 3 Towns Overall – 510 (32%)
11	Clr Reardon	Enquired if a Street Category could be added to the Garden Awards in 2011.	Director Infrastructure Services advised that staff are assessing the feasibility of the additional category in consultation with the judges, and adjoining councils that have a similar category to make a determination prior to the 2011 Garden Competition.
12	Clr Reardon	Enquired if the MOU with Hornsby and Hills Shire Councils could be extended to include Community Services which would benefit the services of Peppercorn in the Wisemans Ferry area.	General Manager advised that the existing MOU is sufficiently broad to encompass consideration of these type of services and the matter will be raised at a future meeting held under the terms of the MOU.
13	Clr Reardon	Enquired if hirers of Kurrajong Community Centre can be covered under Council's Public Liability Insurance, and the cost of this added to the hiring fee.	General Manager advised that this matter will be investigated and information will be provided to Council when available.
14	Clr Whelan	Enquired when a report regarding the Co-Generation Plant will come to Council.	General Manager advised that the draft revised financial modelling for the Plant has been referred to Council's External Auditor for review of content, methodology and assumptions. The External Auditor has sought clarification and additional information in respect of a number of aspects with such being provided. A report will be submitted to Council as soon as practicable after the External Auditor has completed the review.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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