



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 24 June 2008

location: council chambers

time: 5:00 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

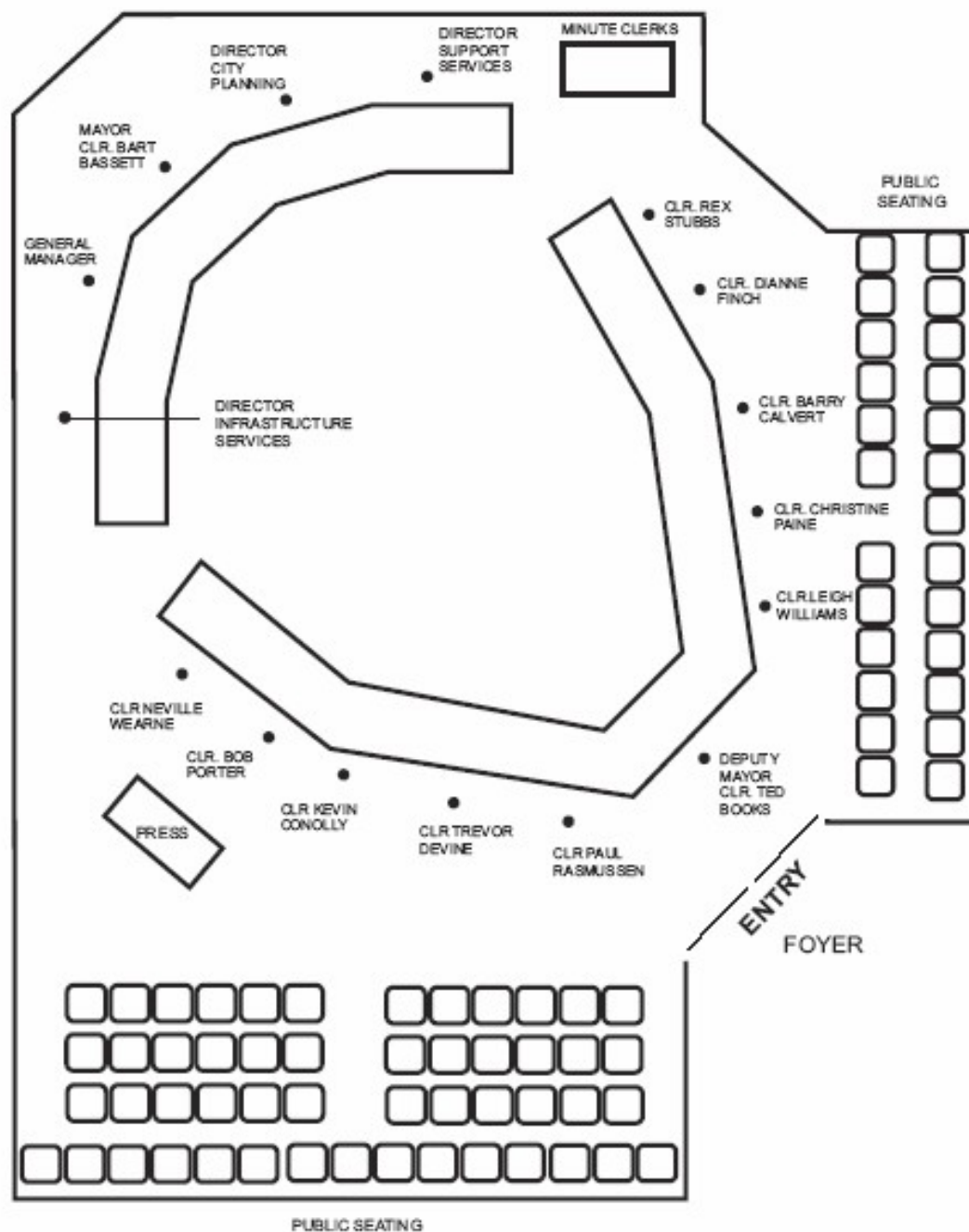
Website

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

Further Information

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

council chambers



ORDINARY MEETING

Table of Contents

Meeting Date: 24 June 2008

AGENDA

- **WELCOME / EXPLANATIONS / PRAYER**
- **APOLOGIES**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

City Planning

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

ORDINARY MEETING

Table of Contents

Meeting Date: 24 June 2008

ORDINARY MEETING**Table of Contents****Meeting Date: 24 June 2008****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
SECTION 1 - Confirmation of Minutes		3
SECTION 3 - Notices of Motion		7
NM1 -	Speed Limit on Bells Line of Road - (80104)	7
NM2 -	Refund of Development Application Fees - Hawkesbury Rural Fire Service (RFS) Fire Shed - (79016, 80106, 95498)	8
SECTION 4 - Reports for Determination		13
GENERAL MANAGER		13
Item: 114	GM - Meetings of Council - Mayoral Election 2008 - (79351, 95496)	13
Item: 115	GM - Quarterly Newsletter Review - (79351, 79356)	15
Item: 116	GM - Portland Head Road, Ebenezer - Proposed Sealing - (95495, 79344)	17
CITY PLANNING		22
Item: 117	CP - Use of Premises as Wholesale Produce Store - Lot 410 DP862539, 88 Whitmore Road, Maraylya - (DA0814/07, 88784, 29595, 29596, 95498, 96329)	22
Item: 118	CP - Rezoning Application - New Street, Johnston Street and The Terrace, Windsor - (8736, 95498)	42
Item: 119	CP - Finalisation of Mobility Plan - (96328)	58
Item: 120	CP - NSW Department of Planning Reforms - Draft Discussion Paper, NSW Housing Code for Exempt and Complying Development - (95498)	60
Item: 121	CP - Update of Hawkesbury Crime Prevention Strategy - (95498, 96328)	65
Item: 122	CP - Youth Participation and Civic Engagement - Update - (95498, 96328)	67
SUPPORT SERVICES		70
Item: 123	SS - Creation of Easements for Services between Valad Property Group and Council over Lot 10 in Deposited Plan 801727 - (95496, 92522, 31465)	70
Item: 124	SS - Proposed Lease of Land From Hawkesbury City Council for a Cycleway Bridge - Lot 12 DP1073816, 10 Mulgrave Road, Mulgrave - (95496, 74282)	72
Item: 125	SS - New South Wales Electoral Commission - Updated Costs for 2008 Local Government Elections - (79351, 107, 95496)	75
Item: 126	SS - Pecuniary Interest Returns - (79337, 95496)	81

ORDINARY MEETING**Table of Contents****Meeting Date:** 24 June 2008

ITEM	SUBJECT	PAGE
Item: 127	SS - 2008/2009 Remuneration for Councillors and Mayor - (95496, 96332)	83
Item: 128	SS - Outstanding Receivables - Bad Debts Write-Off - (96332, 95496)	85
Item: 129	SS - Monthly Investments Report - May 2008 - (96332, 95496)	87
CONFIDENTIAL REPORTS		90
INFRASTRUCTURE SERVICES		90
Item: 130	IS - Tender No.015/FY08 - Hire of Plant - (95454, 79344) CONFIDENTIAL	90
Item: 131	IS - Tender No.019/FY08 - Mowing and Trimming of Active Recreation, Sports Fields and Ovals - (79354, 73611) CONFIDENTIAL	91
Item: 132	IS - Tender No.020/FY08 - Supply and Installation of Guardrail at Various Locations - (95495, 79344) CONFIDENTIAL	92
Item: 133	IS - Tender No.021/FY08 - Reconstruction of Creek Ridge Road Bridge - (95495, 79344) CONFIDENTIAL	93
Item: 134	IS - Tender No.022/FY08 - Provision of a Dual Control Road Suction Sweeper - (95495, 79344) CONFIDENTIAL	94
SUPPORT SERVICES		95
Item: 135	SS - Fishfood Trading Pty Limited - New Lease of 246 Windsor Road, Vineyard - (105560, 95496) CONFIDENTIAL	95
Item: 136	SS - Property Matter - HCC Lease to Schofield & Co (Administration) Pty Limited - Reverend Turner Cottage at 360 George Street, Windsor - (77907, 95496) CONFIDENTIAL	96
SECTION 5 - Reports of Committees		99
ROC - Community Planning Advisory Committee Minutes - 8 May 2008 - (96737)		99
ROC - Waste Management Advisory Committee Minutes - 19 May 2008 - (95249)		103
ROC - Heritage Advisory Committee Minutes - 22 May 2008 - (80242)		111

ordinary

section 1

confirmation of minutes

ORDINARY MEETING
Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

SECTION 1 - Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

ordinary

section

3

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 3 - Notices of Motion

NM1 - Speed Limit on Bells Line of Road - (80104)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That Council request the RTA to implement the revised speed limits which had previously been advised in relation to Bells Line of Road, as a matter of urgency.

BACKGROUND:

The poles for the new speed limit signs were erected last year, however due to an objection from Lithgow City Council who stated that they had not been consulted, the changed limits were not implemented.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2 - Refund of Development Application Fees - Hawkesbury Rural Fire Service (RFS) Fire Shed - (79016, 80106, 95498)

Submitted by: Councillor Rasmussen

NOTICE OF MOTION:

That Council:

1. Recognise the valuable and important work done in our community by the RFS volunteers.
2. Recognise that RFS volunteers carry out many amenity improvements and enhancements to the Hawkesbury RFS fire sheds and that these improvements are funded, in the main, from local community donations (money and materials), in-kind contributions (labour and skills) and self-help events such as raffles, trivia nights and door knock appeals.
3. Develop a standing policy which permits the refund of development application (DA) fees and charges pertaining to Hawkesbury RFS fire shed improvements as carried out by RFS Brigade volunteers.

BACKGROUND:

In an effort to make fire fighting and other associated essential activities (eg training) more efficient and effective, Hawkesbury RFS volunteers identify, on an ongoing basis, essential projects to effect such improvements to their immediate work environment. If these work place enhancements involve the RFS fire shed then approval from Council via a DA is necessary, and statutory application fees and charges are levied. Such DA fees and charges can exceed amounts of several hundred dollars per application.

Given that the source of these funds is monies raised by RFS volunteers through various fund raising efforts and other self-help activities, the DA refund policy would give some recognition and acknowledgement of the supreme efforts of our RFS volunteers.

Also, by Council helping our RFS volunteers in this small way they, in turn, are better able to serve our Hawkesbury community.

NOTE BY MANAGEMENT:

The waiving or refund of DA fees (particularly where such fees include statutory charges required to be remitted to third parties) would fall under the definition of 'sponsorship' under the Independent Commission Against Corruption (ICAC) guidelines for Sponsorship in the Public Sector. As such, it would be appropriate to treat the waiving or refund of DA fees as a community donation or a sponsorship arrangement as provided for in Council's Sponsorship Policy. The principles which underpin the ICAC Guidelines (and Council's Policy) require public sector agencies to advertise and promote sponsorship opportunities on an equitable basis.

Under this framework, Council may be obliged to offer similar sponsorship arrangements to other agencies like the RFS who may apply to have their DA fees waived. It would be appropriate in these circumstances for Council to consider creating an additional category within its advertised Community Sponsorship Program to provide eligible applicants with the opportunity to submit community sponsorship applications for Council's consideration. Criteria for this category of donation/sponsorship would need to be developed to facilitate the assessment of such applications for report to Council. Creating an additional community sponsorship category would also require the allocation of additional funds to augment Section 356 financial assistance funds currently allocated for distribution under Council's Community Sponsorship Program.

ORDINARY MEETING

Notices of Motion

In the longer term Council can give consideration to amending the Exempt Development provisions in the HLEP 1989 that would provide for public facilities consistent with a Management Plan and other community facilities, such as the RFS, to be permitted without the need for a separate approval. The Exempt Development provisions would set the standards, situations and compliance criteria that would enable most community development, or additions to these facilities, on the behalf of Hawkesbury Council to be exempt.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ordinary

section 4

reports
for determination

ORDINARY MEETING

Meeting Date: 24 June 2008

ORDINARY MEETING**Meeting Date: 24 June 2008****SECTION 4 - Reports for Determination****GENERAL MANAGER****Item: 114 GM - Meetings of Council - Mayoral Election 2008 - (79351, 95496)**

REPORT:

The purpose of this report is to seek a change to Council's Meeting Schedule.

The Council Meeting Schedule for 2008 took into account that the Local Government Elections would be held on 28 September 2008.

The Department of Local Government issued a Circular, earlier this year, advising that the date of ordinary elections of councillors would be changed from the fourth to the second Saturday in September every 4 years, starting in 2008. The amending legislation has been passed and prevents the elections clashing with the public school holidays. The next ordinary elections of local councils will now be held on 13 September 2008, rather than the 27 September 2008.

The change in election date requires Council to alter its Meeting Schedule, as the Local Government Act states that councils must elect their Mayor within three weeks of the election date, subject to amendments currently before the Parliament. This means moving forward the Special Meeting previously scheduled for Tuesday 14 October to Tuesday 30 September 2008. Should the timing of the declaration of the poll prevent Council from meeting its normal business paper timeframes, it is proposed to also set aside Tuesday, 7 October 2008 as an alternative date. Whilst the latter date follows the October long weekend, Council has relatively few options given its normal meeting days, the legislative requirements for the first meeting of Council following the election, and business paper and notification requirements.

The Table below shows the relevant meetings before and after the election including the proposed change:

MONTH	EXISTING DATES	PROPOSAL
AUGUST	Tuesday 12 - Ordinary	No Change
	Tuesday 26 - Ordinary	No Change
SEPTEMBER	Tuesday 9 - Ordinary	No Change
		New Special Meeting Tuesday 30 Meeting - Election of Mayor, Deputy Mayor etc. and nomination of delegates to the LGA conference - Subject to declaration of Poll. If necessary, could be held on Tuesday, 7 October 2008.
OCTOBER	Tuesday 14 - Special Meeting - Election of Mayor, Deputy Mayor etc. - Subject to declaration of Poll and, if necessary, could be held on Monday, 20 October 2008.	Not to be Held
	Tuesday 21 - Ordinary	No Change

ORDINARY MEETING**Meeting Date: 24 June 2008**

MONTH	EXISTING DATES	PROPOSAL
NOVEMBER	Tuesday 11 - Ordinary	No Change
	Tuesday 25 - Ordinary	No Change
DECEMBER	Tuesday 9 - Ordinary	No Change

- Note:
1. School Holidays - Monday, 29 September to Friday, 10 October 2008.
 2. Labour Day Public Holiday - Monday, 6 October 2008.
 3. Sunday - Wednesday - Local Government Association NSW - 25 - 29 October 2008 - Annual Conference, Broken Hill
 4. Local Government Constitutional Summit - A Special National General Assembly - 8 - 11 December 2008, Melbourne.

Conformance to Strategic Plan

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

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

Funding

Not applicable in this case.

RECOMMENDATION:

That:

1. The Special Meeting of Council scheduled for Tuesday, 14 October 2008 not be held.
2. A Special Meeting of Council be scheduled for Tuesday, 30 September 2008 to hold the election of the Mayor and Deputy Mayor and other matters as necessary.
3. Tuesday 7 October 2008 be set aside as a Special Meeting of Council should the timing of the declaration of the polls adversely impact on Council's normal business paper processing timeframes.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 115 **GM - Quarterly Newsletter Review - (79351, 79356)**

Previous Item: 205, Ordinary (9 October 2007)

REPORT:

At its meeting held on 9 October 2007 Council considered a further report in relation to possible avenues to provide regular information to residents and ratepayers in respect of Council's activities and services, specifically in relation to a proposal to issue a quarterly newsletter to ratepayers.

Subsequently, Council resolved in part:

"That to improve Council's current communication to the ratepayer audience, a quarterly newsletter be:

- 1. Produced and sent to all ratepayers enclosed with the rates notice and mailed separately to those ratepayers not receiving instalment notices, such action to be implemented for the third and fourth instalments of the 2007/2008 period with an evaluation to be conducted prior to the 2008/2009 program beginning."*

This report is in response to Council's request for an evaluation of the quarterly newsletter process prior to the program beginning in 2008/2009.

In accordance with Council's resolution, newsletters were prepared and issued with the third and fourth rates instalment notices in January and April of this year and mailed separately to those ratepayers who were not part of the instalment system. The newsletter took the format of a full colour four page A4 brochure that was folded to be easily inserted with rates instalment notices.

Approximately 24,000 copies of each edition of the newsletter were distributed primarily by mail with instalment notices but also throughout council facilities and at events. The newsletter was also available electronically and included on Council's website. Distribution of the newsletter via an email subscription list is currently being considered by a staff website review committee.

The first edition of the newsletter was printed at a cost of \$2,921, this equates to approximately 12c per copy with an additional postage cost of \$2,332.

For the second issue printing and production costs remained the same while postage was reduced due to some duplications being identified and removed resulting in a postage cost of \$1,796.

In regard to design, the template for the newsletter was produced in house for the first edition but was refined and layout completed by a printing company at no additional cost for the second edition giving a more polished result.

Feedback was requested by including a statement within the newsletter advising that comments could be lodged by telephone, facsimile, email, letter or in person and providing contact details.

In total 3 telephone responses were received in regard to the third instalment (January) issue. Comments received included:

- Request for Councillor details to be printed rather than a referral to Council's website.
- Issue date to be clearer
- Font and type made clearer to read
- Waste of money (2)
- Technical comments on structure of text

ORDINARY MEETING

Meeting Date: 24 June 2008

Positive comments felt to be warranted were used to develop and improve the second edition of the quarterly newsletter which was designed professionally by a printing company based on Council's previous template.

In regard to the April newsletter two responses by telephone, two responses by email and one by letter were received. Comments received included:

- Happy to see half yearly rather than quarterly
- Information should be included re sister cities, planning changes
- Useful medium for matters which are "glossed over by the local media"
- Suggested black and white instead of colour
- Would like reporting of specific outcomes
- Liked contact information
- Waste of money should just place information on the internet
- Congratulating
- Plan of museum location would be useful
- Material could be distributed through local papers

Given that approximately 58,000 newsletters in total were distributed the level of response was minimal and quite balanced, especially when the rationale behind the production of the newsletters was explained to those who called to lodge their comments via telephone. All written comments were also acknowledged and responded to.

Much of the information in the newsletter is material that is not picked up and published by local papers. Also, not all ratepayers have access to paid and free local papers. By producing the newsletter every ratepayer has the opportunity to read about what Council is doing for the community.

It is felt that given the economical cost of providing this information to ratepayers and the previous results of the community survey which indicated a desire for Council to improve its regular communication with the community, the program should be continued in 2008/2009. The regular Community Report will act as the first quarterly newsletter and thereafter spring, summer and autumn quarterly newsletters could be issued. Provision has been made in the 2008/2009 budget for a continuation of the program.

Conformance to Strategic Plan

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

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

Funding

A budget for communication programs is available within the Corporate Communication budget to meet the cost of a quarterly newsletter.

RECOMMENDATION:

That the quarterly newsletter communication program be continued in 2008/2009 with the 2008 Community Report acting as the first quarterly newsletter and thereafter spring, summer and autumn quarterly newsletters be issued with the rates instalment notices and mailed separately to those ratepayers not receiving instalment notices, as well as being placed on Council's website.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 116 **GM - Portland Head Road, Ebenezer - Proposed Sealing - (95495, 79344)**

Previous Item: 111, Ordinary (27 May 2008)

REPORT:

At the meeting of Council held on 27 May 2008 consideration was given to a report by the Director Infrastructure Services in respect of an offer that had been received from a committee representing the residents of Portland Head Road, Ebenezer in which an offer was made for the residents adjoining the road to contribute an amount of \$300,000 towards the estimated cost of \$600,000 to reconstruct and seal this road. A copy of this report is included as Attachment 1 to this report.

Subsequently, the Council resolved as follows:

"That:

- 1. The residents of Portland Head Road be thanked for the offer to fund half the cost of reconstruction and bitumen sealing of the road which is accepted by Council.*
- 2. Council seek grant funding to support the offer from the residents of Portland Head Road.*
- 3. A report be provided to Council outlining the details of Council land in the vicinity of Portland Head Road and other possible sources of funding the Council's contribution to the construction."*

In respect of part 2 of Council's resolution appropriate action will be taken to seek grant funding to match the offer made by the residents of Portland Head Road, Ebenezer.

In respect of the first section of part 3 of Council's resolution the Council's land in this location is Lot 9 in DP 881972 and is referred to as Charles Kemp Reserve. The land in question is shown on the plan included as Attachment 2 to this report and is in one title with an area of 26.93 hectares. All other property surrounding this land is in private ownership.

The property is classified as "Community Land" under the relevant provisions of the *Local Government Act 1993* and a Plan of Management as required under the Act is currently in the draft stages of preparation.

Therefore, it would not be appropriate, at this stage, to consider this land as a possible source for the funding of Council's contribution towards the cost of reconstruction and sealing of Portland Head Road, Ebenezer.

The second section of part 3 of Council's resolution calls for a report regarding other possible sources of funding the Council's contribution to the construction costs involved, estimated at \$300,000.

Normally, an action such as this would require the reallocation of other expenditure items from other already proposed projects to enable sufficient funding to be made available within an appropriate timeframe. However, Council would be aware the Council is rapidly approaching the conclusion of the 2007/2008 budgetary period and that in addition to adjustments to the budget that may have occurred in previously quarterly periods, final adjustments to Council's financial position in respect of the 2007/2008 budget will occur in the June quarterly review. It is anticipated that the June quarterly review will be submitted to the Council meeting to be held on 26 August 2008.

As a result of improvements to Council's interest income, property income and other positive improvements to Council's 2007/2008 budgetary position it is anticipated that the quarterly review for the period to 30 June 2008 will offer the Council the opportunity to fund a significant portion of the Council's

ORDINARY MEETING

Meeting Date: 24 June 2008

contribution to the cost of the road, notwithstanding the results of any approaches made for grant funding towards this cost.

Accordingly, in order to allow this project to proceed in accordance with Council's resolution of 27 May 2008 it is suggested that:

- The residents of Portland Head Road, Ebenezer be requested to confirm and provide their contribution to the constructions costs
- Subject to this confirmation, to the satisfaction of the General Manager, the project proceed (i.e., design, specification preparation, calling of tenders, etc.)
- In the absence of grant funding being received that the issue of the funding of Council's contribution toward the construction costs be considered in association with the June quarterly review of the Council's 2007/2008 Management Plan currently scheduled to be submitted to the meeting of Council to be held on 26 August 2008.

Conformance to Strategic Plan

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

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

Funding

As outlined within the report.

RECOMMENDATION:

That further to Council's resolution of 27 May 2008 regarding an offer received from the residents of Portland Head Road, Ebenezer to contribute \$300,000 towards the cost of reconstruction and sealing this road:

1. The residents be requested to confirm and provide this contribution, in a form to the satisfaction of the General Manager.
2. Subject to a satisfactory arrangement being reached in respect of 1 above that action be taken to enable the project to proceed by way of preparation of designs, specifications, the calling of tenders, etc., as appropriate.
3. In the absence of grant funding towards the project being received that the issue of the funding of Council's contribution toward the construction costs be considered in association with the June quarterly review of the Council's 2007/2008 Management Plan currently scheduled to be submitted to the meeting of Council to be held on 26 August 2008.

ATTACHMENTS:

AT - 1 – Report to Council Meeting of 27 May 2008

AT - 2 – Plan showing location of Council owned land in vicinity of Portland Head Road, Ebenezer

ORDINARY MEETING

Meeting Date: 24 June 2008

AT - 1 – Report to Council Meeting of 27 May 2008

ITEM: IS - Portland Head Road - Proposed Sealing - (95495, 79344)

REPORT:

Correspondence has been received from a committee representing the residents of Portland Head Road offering to contribute an amount of \$300,000 towards the reconstruction and bitumen sealing of Portland Head Road, a distance of 2.33km, conditional that the cost will not exceed \$600,000.

Whilst this is a generous offer by the residents it will need to be considered in terms of life cycle costs for both sealed and unsealed roads and the effect on the overall capital works program.

Current expenditure on sealed roads, including general maintenance, reseals, rehabilitation and reconstruction from all sources (including roads to recovery) is \$5,109,320. This equates to an *average* annual figure of \$7,076 per kilometre of the sealed road network. Similarly the expenditure on unsealed roads is \$905,000, which equates to an *average* annual figure of \$2,957 per kilometre. The actual expenditure on each road (sealed or unsealed) will vary depending on traffic volumes, road condition and other factors. It would be fair to say that both these levels of expenditure are less than what is required to keep the overall road network at a suitable service standard. Based on the figures presented it would be reasonable to ask how further sealing of unsealed roads could be justified, however there is a community expectation that roads with larger traffic volumes be sealed to provide a satisfactory riding quality, increased safety, and environmental benefits including a reduction in dust, erosion causing siltation of water courses and amenity of residents.

In consideration of the most effective use of Council funds, recommendation to undertake sealing of unsealed roads has been made in relation to safety (sealing on approaches to intersections), shoulders adjacent to new kerb and gutter works and projects which have been fully funded from other sources (Federal funding of St Albans Road and Racecourse Road). Whilst these projects will add on average almost \$4,200 per kilometre per annum to the cost of maintaining the sealed road network it is considered that they fall into the category of safety, environment and amenity, and the fact that the fully funded projects have allowed Council funds to continue to be utilised on renewal projects. Obviously the level of funds required for maintenance for new works will be minimal in the early years and increase over time. It is accepted however that even fully funded projects will eventually have an impact on the amount of funds which will be required in the future to retain the sealed road network at a suitable standard.

In an effort to bring the sealed road network up to a suitable standard, Council has over recent years limited the amount of funds directed to sealing of unsealed roads, concentrating on the rehabilitation of the existing sealed network. This philosophy has resulted in a decrease in the percentage of roads in a failed/very poor condition from 14% in 1996 to 2% in 2001 and 2% again in 2007. At the other end of the spectrum the percentage of roads in the good/very good category increased from 56% in 1996 to 86% in 2001, when there were significant lengths of new roads being constructed as part of large subdivisions such as Bligh Park, Windsor Downs and Nepean Park (artificially inflating the good/very good category) but has dropped to 81% (5% reduction) in 2007. It is anticipated that there may be a slight improvement over time within the failed/very poor category with a decline in the very good/good category due to age, resulting in an increase in roads in 'fair' condition. These results are indicative that not enough funding is being directed to renewal works however with the additional funding being made available through the infrastructure renewal program it is anticipated that further gains may be made.

In relation to the request made by the residents of Portland Head Road, if Council were to consider accepting the offer of half funding for the works, it would be necessary to redirect \$300,000 from other projects within the works program. Such action would have an impact on other projects considered to be a priority when formulating the program. It is considered that the reconstruction and sealing of Portland Head Road could only be justified if the project was fully funded by others and then Council could undertake to carry out the ongoing maintenance, resealing, and ultimate reconstruction of the road at the end of its life.

ORDINARY MEETING

Meeting Date: 24 June 2008

Conformance to Strategic Plan

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

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

Funding

As outlined within the report.

RECOMMENDATION:

That:

1. The residents of Portland Head Road be thanked for the offer to fund half the cost of reconstruction and bitumen sealing of the road.
2. Unless the project was to be fully funded the offer by the residents be declined.
3. On the basis of the half funding being available as a contribution from the residents, application be made for the additional funding to carry out the works from the Auslink Strategic Regional Roads Program or other appropriate grant programs.

ATTACHMENTS:

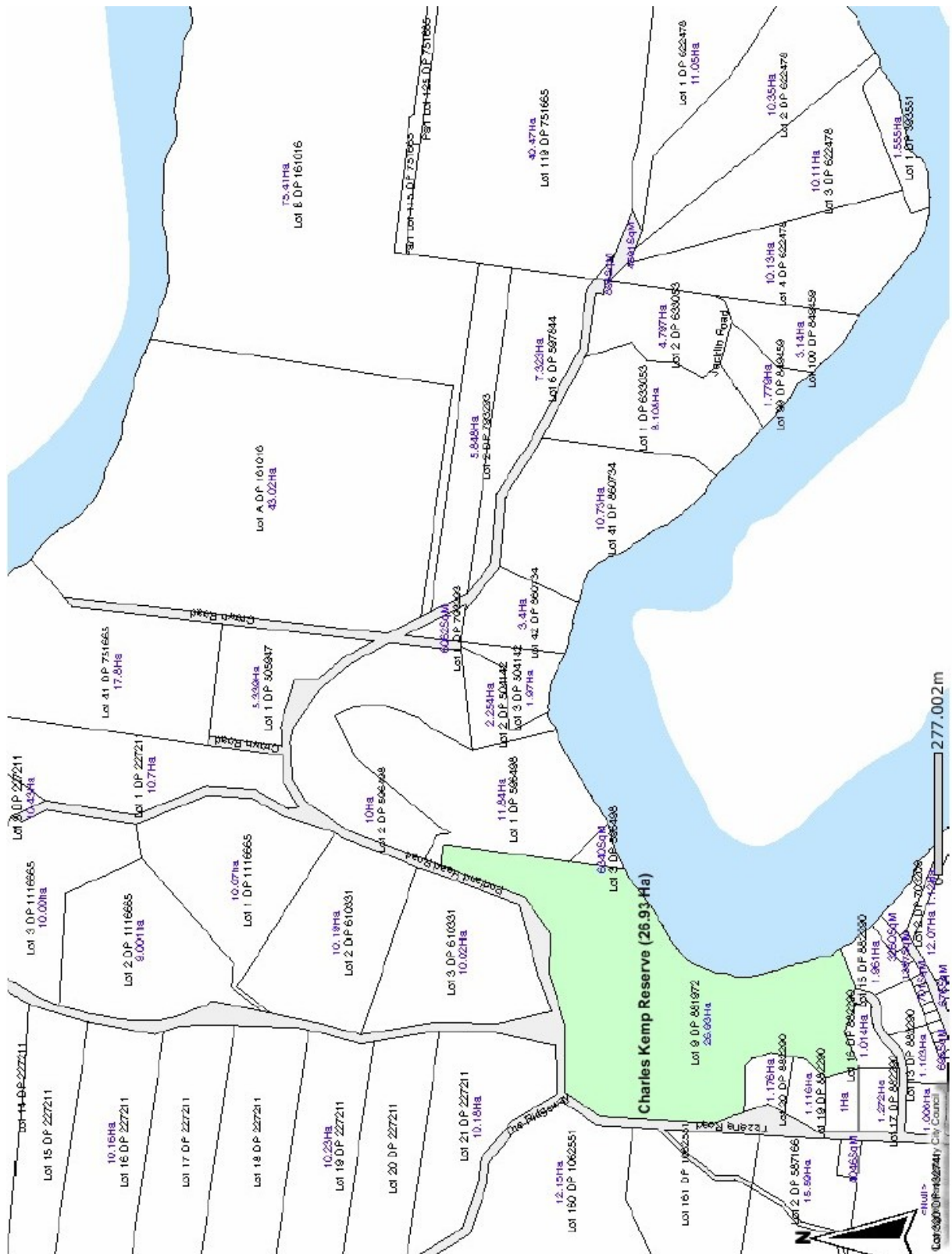
There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

AT - 2 – Plan showing location of Council owned land in vicinity of Portland Head Road, Ebenezer



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

CITY PLANNING

Item: 117 **CP - Use of Premises as Wholesale Produce Store - Lot 410 DP862539, 88 Whitmore Road, Maraylya - (DA0814/07, 88784, 29595, 29596, 95498, 96329)**

Development Information

Applicant: PGH Environmental Planning
Applicants Rep: Mr Patrick Hurley
Owner: Mr SN Gatt & Mrs R Gatt
Statutory Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan 2002
Sydney Regional Environmental Plan No. 20 (No.2)
Hawkesbury Nepean River State Environmental Planning
Area: 4.835H
Zone: Rural Living under Hawkesbury Local Environmental Plan 1989
Advertising: 6/12/07 to 20/12/07
Date Received: 23/11/07

Key Issues:

- ◆ Character of the area
- ◆ Traffic
- ◆ Noise

Recommendation: Approval

REPORT:

Introduction

The applicant seeks approval to establish a wholesale produce store at 88 Whitmore Road, Maraylya.

This matter is being reported to Council due to the number of submissions received as a result of the public exhibition of the application and the history of the site. The purpose of this report is to detail the proposal, the current statutory situation and provide an assessment of the application in accordance with Section 79C (1) of the Environmental Planning and Assessment Act 1979.

The Proposal

The development application seeks approval for the partial conversion of the existing poultry farm to a wholesale produce store. The site currently has five sheds which are approved for the growing of poultry. The proposal is to convert Sheds 1 and 3 into a wholesale produce store. These two sheds have a combined floor area of 3,440sqm. The remaining three sheds ie 2, 4 and 5 will continue to be used for the growing of poultry.

The activity involves the delivery and distribution of produce to other retailers and trade customers. Products proposed to be distributed are:

- hay and hay products
- pasture seeds
- Feed Grade Seeds
- Bedding hay and similar produce.

ORDINARY MEETING

Meeting Date: 24 June 2008

The works proposed are limited to the internal spaces of the two sheds to provide the required racking system, internal lighting and associated office /administration areas.

The proposed store will employ a maximum of 4 persons. The hours of operation are as follows:

- Monday to Saturday - 7.00am to 5.30pm
- Sunday (Public Holidays) - 9.00am to 3.00pm

In addition, the application also seeks flexibility in the hours of operation for delivery trucks departing the store at around 6.00am and trucks returning back at the property until around 7.30pm. The actual deliveries to the site will however be limited to normal business hours.

Access to the site is from the existing driveway off Whitmore Road. Goods are to be loaded and unloaded with a fork lift. Deliveries made to and from the site will involve a large rigid truck and 2 tonne utility.

No signage is proposed.

The application does not propose to surrender the use of Sheds 1 and 3 for the growing of poultry in the event the proposed activity becomes an un-economical proposition.

Background

Development Consent DA309/94 was issued on 14 July 1995 for the extension of the poultry farm. The consent permitted the construction of 2 additional sheds. The poultry farm consists of 4.835 hectares of land, 2 dwellings and 5 poultry sheds. The sheds have the capacity to accommodate 140,000 birds.

Since construction and the use of the sheds commenced, there have been numerous complaints received. The complaints include spillage of light, noise, dust, odour, traffic and the direction trucks take when either entering or leaving the property. Complaints have been received from property owners in the area.

Council Officers have been constantly monitoring the operations in response to complaints since 1998. A number of inspection and mediation meetings between the operators and the residents were carried out to ensure the use is conducted in accordance with the conditions of the development consent. An order pursuant to Section 121B of the Environmental Planning and Assessment Act 1979 was issued to the current owners on 21 April 2004 for non-compliance with the conditions of Development Consent DA0309/94. This order is still current.

In accordance with the Order the owner has upgraded several poultry sheds and changed it from an open shed design to a modern tunnel ventilated controlled system. Three out of five sheds, ie, sheds 2, 4 and 5, have already been upgraded to a tunnel ventilated control system. The remaining two ie sheds 1 and 3 which are subject of this development application are yet to be upgraded. These two sheds have not been used for the growing for poultry since late 2007. The Order to upgrade the sheds remains on the property and, should the application be approved, the upgrading requirement of the Order can be incorporated into the conditions of consent (See proposed condition No. 10)

The applicant has commenced the use of sheds 1 and 3 as produce store. This information came to Council staff attention after the development application had been lodged. The applicant was advised to cease operations until the development application had been determined. In accordance with Council's Enforcement Policy, compliance action will not be commenced until the development application has been determined by way of refusal.

Description of the Site and Surrounds

The site is irregular in shape with a frontage of 170.65m to Whitmore Road, depth of between 281.84m and 288.26m and a rear boundary of 167.04m. The site is surrounded by rural residential properties and animal establishments.

Access to the site is from Whitmore Road which provides an 8m wide pavement within a 20m wide road reservation and has unsealed shoulders.

Planning Assessment

Statutory Situation

(i) any Environmental Planning Instrument:

The following planning instruments apply having regard to the subject application:

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The land is zoned Rural Living under the provisions of HLEP 1989. A produce store is defined by HLEP 1989 as

"a building or place used for the sale by wholesale or retail of stockfeeds, grains, seeds, fertilizers, veterinary supplies and the like".

The proposed activity is permissible with Council's consent.

Zone Objectives

The objectives of this zone are as follows:

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

The proposal is for the conversion of two existing sheds currently used for poultry farm business. The proposed use will have a relatively minor impact on the subject property and surrounding properties. It will not compromise the current rural residential uses of the subject property or surrounding properties;

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

The existing poultry farm business will continue to operate from the site at a reduced scale.

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

The proposed use will reduce the intensity of the existing, legal use of the site as a poultry farm. This would improve the amenity of the rural residential area by reducing the volume of heavy vehicular traffic in the area and less odour and noise impacts on the amenity of the existing rural residential land uses.

(d) to ensure that agricultural activity is sustainable,

A portion of the subject site will continue to be used as a poultry farm and the proposed use of two sheds is not likely to significantly impact the sustainability of the land for agricultural activity.

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

The proposal is not for rural residential development.

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

No additional buildings are proposed.

(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,

ORDINARY MEETING

Meeting Date: 24 June 2008

The proposed use will reduce the intensity of the existing poultry farm business thereby minimising any 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.

The proposed use is not likely to have any significant impacts on existing water catchments including the groundwater and surface water flows.

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

The subject site is not located on a main road. In addition the proposed use will result in reduced heavy vehicle traffic in the area.

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

The proposed produce store will be established within the existing sheds and the use will reduce the energy consumption when compared to that required for the existing use of the site as a poultry farm. The proposal is considered not to create any unreasonable demand for the provision or extension of public amenities or services.

Sydney Regional Environmental Plan No. 20 (No.2 -1997)

It is considered that the proposed development is consistent with the aims and objectives of the Plan.

Hawkesbury Development Control Plan 2002

Whilst there is no specific chapter contained in Hawkesbury Development Control Plan 2002 that specifically relates to produce stores, the following is an assessment carried out in accordance with the provisions of this plan.

Notification

The application was publicly exhibited for the period 6 – 20 December 2007. A total of 17 individual submissions and two petitions signed by 28 persons were received. The matters raised in the submissions are discussed later in the report.

Car Parking and Access

There are no specific standard for the number of car spaces to be provided for a produce store. The closest land use characterisation is Industry which requires car parking at the following rate:

*4 car parking spaces for all development up to 300m² of GFA
1 car space for each 90m² of GFA or part thereof, in excess of 300m²*

The subject site contains 5 sheds with a total floor area of 7,839m². There is no formal parking available for the existing poultry farm business. However, informal parking is available on the site for employees and visitors.

Sheds 1 and 3 have a combined floor area of 3,440m². Based on the rates for industrial developments, a total of 41 car parking spaces are required. A total of 15 on-site car spaces including 3 for employees and 12 for visitors is proposed. The application seeks a variation to car parking requirement on the basis that the proposal is for a wholesale produce store and car parking is limited to that generated by site

ORDINARY MEETING

Meeting Date: 24 June 2008

employees. The existing poultry farm has up to 2 staff members including the site manager who resides on the property. The proposed produce store is anticipated to require a maximum of 2 employees. The maximum car parking required for employees is anticipated to be 3 spaces.

In regards to customers car parking the traffic assessment report submitted with the application states that both the poultry farm and the produce store will only generate sporadic visitor parking demand and such demand is not anticipated to exceed a maximum of 2 visitors per day. On that basis the report argues that the proposed 12 visitor car parking spaces is considered adequate.

The objective behind the car parking standards is to ensure adequate off street parking facilities are provided for all vehicles generated by the new development to avoid any impacts on existing car parking in the area. The proposed car parking for 15 vehicles is considered adequate for the following reasons:

- No formal parking is available on site for the existing use;
- The proposal is to use the existing sheds with no additional floor area proposed;
- The use is to be carried out on a wholesale, rather than a retail basis with less likelihood of customers coming to the site; and
- The site is large enough to accommodate any overspill car parking on an informal basis.

Aisle widths and the driveway location demonstrate satisfactory compliance with the acceptable design solutions and vehicles will be able to enter and exit the site in a forward direction. Council's Engineers assessed the application and concluded that there is sufficient area on site to allow for service vehicles to manoeuvre. The two driveways as well as the circulation driveways servicing HRVs are not in a good condition and upgrading to a suitable standards with a sealed pavement is required. In regards to the remainder of parking and manoeuvring areas, these can be all weather surface. Appropriate conditions have been included in the recommendation in accordance with the above.

The traffic generation by the proposed produce store is discussed in the subsequent sections of this report.

Community Consultation

The application was publicly exhibited for the period 6 – 20 December 2007. A total of 17 individual submissions and two petitions signed by 28 persons (a total of 15 properties) were received. A summary of the matters raised in the submissions is provided below:

- Increase in heavy traffic along Whitmore Road. and frequency of vehicles accessing the site will increase with the change of use from poultry business to a produce store.
- Increase in staff and customer traffic movements - 6 staff and 15 visitor parking spaces.
- Damage to Whitmore Road and other connecting roads due to increased vehicular traffic.
- Safety concerns for local children, school children alighting from buses, park users, pedestrians, local vehicular traffic, horse riders and threat of horses being spooked.
- Concerns with the importation of tyre borne weeds.
- Increase in noise and diesel carbon emissions.
- Night movement and spillage of light from high beams lighting at night and late night arrival of trucks for the existing poultry farm business.
- Impact on road verges.
- The use has already commenced.

ORDINARY MEETING

Meeting Date: 24 June 2008

- Plans were dated 10/10/07 and the notification letter was dated 20/12/07, why this gap.
- The proposed use is not consistent with Council's 5 acre character of the area.
- The proposal is for the change of use from rural purposes to light industrial which is not in keeping with the area and should occur in designated industrial zone.
- Chicken farm is a quarantine area and bringing in more people and trucks, how it affects the poultry farm operations.
- The land area as it currently exists is too small to support poultry farming and is inadequate for a wholesale produce store. The proposed activity is not suited to the size of land.
- The large scale commercial development would change the character of the area and impact on land values. Council should protect the residents who have invested in the area.
- The increased traffic to the site will result in more dust that will affect the drinking water supply which comes from the rain water tanks.
- Increased noise from the use of trucks and forklifts.
- Contaminated water runoff from spillage of chemicals stored in the sheds would affect adjoining dams and Longneck Lagoon.
- Council failure to police the existing development.
- Pollutant emitted by the hay and grains are not good for sufferers of Asthma and hay fever.
- Adverse visual impact of signage on the rural character of the area.
- The proposed colourbond fence along Whitmore Road is inconsistent with the character of the area.
- No objection subject to:
 - the development complying with Council guidelines and if the property is sold it is not converted to a retail outlet.
 - the shed painted in mist green colour in accordance with the original consent.
 - revegetation along the boundaries.
 - do not support the mixture of poultry and produce because of increased traffic and no reduction in appalling smell being forced upon us by the extractor fans.

As a result of the matters raised in respect to traffic, the applicant provided a traffic impact assessment report which details the likely traffic impacts resulting from the proposed development. The issues raised are discussed in the "Access, transport and traffic (Raised by respondents)" section of this report.

Comments on General matters raised in Submissions

Plans were dated 10/10/07 and the notification letter was dated 20/12/07, why this gap.

The plans accompanying the development applications are dated 10 October 2007. The development application was lodged with Council on 26 November 2007. Council's records indicate that the letters of notification for this application were dated and sent on 3 December 2007 with the Statutory notification period ending on 20 December 2007. Submissions were received by Council after this date and the issues raised in those submissions have been included in the assessment report. It is not considered that

notification of the application within one week of receipt of the application by Council is excessive in this case.

Chicken farm is a quarantine area and bringing in more people and trucks, how it affects the poultry farm operations.

The poultry farm is not a "quarantine area" but operates a self administered bio-security system that is generally best practice for poultry farm operations. This system is generally applicable upon entering and leaving the sheds that are occupied by the poultry. The poultry operations and produce store operations, whilst being on the same property, will be operating in separate sheds. The quarantine and operational requirements of these facilities is self administered and is not expected to be a significant issue.

Context and setting (Raised by respondents)

Surrounding properties are primarily used for rural – residential and animal establishments. The site currently has five existing sheds which are used as a poultry farm. It is proposed to use Shed 1 and Shed 3 for as a wholesale produce store. The remaining sheds will continue to be used for poultry farm business. It is proposed to provide car parking for 15 vehicles.

The proposal would result in the introduction of a new activity and reduction in the scale of existing poultry farm use. It is considered that the proposed development will represent a relatively minor change to the intensity of use of the land and will have a minor impact on the surrounding locality.

The proposed use is permissible in the rural Living zone and by way of definition the proposed development is consistent and compatible with the rural - residential character of the area and will not significantly adversely impact upon the scenic quality of the landscape. The proposed development is not inconsistent with the existing land uses and activities in the locality and is consistent with the current legal use of the property. It will in fact result in the reduction of impacts usually associated with the poultry farm operations. Surrounding properties will not be significantly or unreasonably impacted upon in terms of loss of visual or acoustic privacy, loss of views and vistas as the proposal is to use the existing structures including the existing front and other boundary fences.

There is an existing colourbond fence along the eastern end of the Whitmore Road frontage to the site. The application proposes to erect a similar fence along the western portion of the street frontage. In order to mitigate some of the potential impacts of such a long, solid fence along the street frontage, a consent condition is proposed to require landscaped recesses along the length of the proposed fence.

Access, transport and traffic (Raised by respondents)

The subject site is located on Whitmore Road which has a 8m wide pavement within a road reservation and unsealed shoulders. Vehicular access to the site from Whitmore Road is currently provided as follows:

- A 4m wide ingress driveway approximately central to the site frontage to Whitmore Road
- A 5m egress driveway is provided within the north-western corner of the site.

The proposal is to reduce the poultry farm operations from 5 sheds to 3 sheds and use the two sheds for the produce store. The Traffic report submitted with the application indicates that the existing five shed poultry farm operation has a capacity of 140,000 birds, it generates a requirement for up to two staff including the onsite manager who resides on site and generates 21 service vehicles per week or a total of 42 vehicle movements per week (or on average six (6) vehicles per day). The service vehicles include semi-trailers, Heavy Rigid Vehicles (HRVs) and vans or similar.

The traffic report provides that reduction in the poultry farm operations from 5 sheds to 3 sheds is expected to reduce the current capacity of 140,000 birds to 90,000 birds which is approximately 65% of the current operational capacity. Based on the 65% capacity of the poultry farm operations, the vehicle movement is projected to be approximately 5-6 daily vehicle movements, including up to 4 of which are expected to comprise service vehicles.

ORDINARY MEETING**Meeting Date: 24 June 2008**

The traffic report provides the following summary of the existing 5 shed poultry farm and the projected traffic generation with the change of use of two sheds into produce stores:

	Existing Operation (Movements per day)			Projected Operation (Movements per day)		
	Poultry Farm	Produce Store	Total	Poultry Farm	Produce Store	Total
Staff / Passenger Vehicle	2	-	2	2	4	6
HRVs	2	-	2	2	4	6
Semi-trailers	4	-	4	2	0	2
TOTAL	8	-	8	6	8	14

The report provides that Whitmore Road currently accommodates low volumes of traffic during peak periods and the "adjoining road network provides a good level of service to motorists representing good operation with spare capacity." Based on the existing road conditions and the combined traffic generation by the projected operations, the submitted traffic report concludes as follows:

- *The proposed access arrangements provide for safe and efficient site access manoeuvres for all vehicles expected to access the subject site;*
- *The existing on-site parking provision is adequate to accommodate the projected parking demand with respect to the existing and projected peak operational capacity of the subject site;*
- *The internal roadway and parking areas provide for efficient and safe internal circulation and manoeuvrability;*
- *The surrounding road network currently operates with a good level of safety and efficiency;*
- *The subject proposal has been estimated to generate an average of 6 additional vehicular movements to and from the site per day; and*
- *The surrounding road network is considered to be capable of accommodating the traffic generated by the subject development in a safe and efficient manner.*

Whilst the proposed produce store will result in a total of 6 additional vehicle movements per day including 4 passenger vehicle movements and 2 HRVs movements, there will be a reduction of 2 semi-trailer vehicle movements per day. Being a rural residential road, Whitmore Road carries low volume of traffic and it is considered that it has enough spare capacity to accommodate the additional trips generated by the proposed produce store. The expected scale of the development suggest that traffic impacts will be minor and will not create unreasonable traffic demands on the surrounding street pattern or significant conflict with other uses of the local road network. In addition, the reduction in semi-trailer vehicle movements will reduce safety concerns and also minimise any likely damage to road pavement.

Soils, Air and Climate and Other land resources (Raised by respondents)

The soil structure of the site is suitable for the proposed development as no additional structures are proposed. Erosion and sedimentation devices are to be installed during construction of the driveways and car parking areas. The air and microclimate of the locality will improve as a result of the reduced poultry farm operations. This will also reduce the extent of offensive odour due to the reduction of birds on site as part of poultry farm operations. The change in the traffic makeup from the poultry farm to the poultry farm and wholesale produce store is not expected to significantly increase the importation of tyre borne weeds to the site or the locality.

Noise, Dust and Construction (Raised by respondents)

Noise likely to be generated by the development includes that from vehicles, forklift and voices. The nearest residence is approximately 65m from the development site. The produce store will operate between the hours of 7:00am and 5:30pm Mondays to Saturdays and 9:00am to 3:00pm Sundays and public holidays. It is also proposed that some delivery trucks may leave the site at 6:00am and return at the property until around 7:30pm.

Whilst the normal trading hours are acceptable, the 6:00am departing time and 7:30pm arrival time for the delivery vehicles from the site is considered excessive and have the potential to impact on the amenity of the area due to noise generated during loading of produce and associated vehicle noise and therefore cannot be supported. Appropriate conditions are included in the recommendation that restricts any deliveries vehicles departing or arriving at the premises after the normal trading hours.

Conditions of consent require upgrading of the existing driveways to the site with a sealed pavement. The parking and manoeuvring areas are to be all weather surface. This will minimise any dust generated from the produce store.

Construction works required for the improvements of driveways and internal parking and circulation areas are not expected to unreasonably impact upon surrounding neighbours and can be controlled by condition of consent relating to dust, erosion and sediment control measures.

Drainage (Raised by respondents)

The site slopes to the rear and the majority of the runoff is directed towards a dam in the south western corner of the site. The works required as part of the consent are limited to the sealing of the driveway will create some additional impervious area which will also be directed to the dam.

The Long Neck Lagoon is located in excess of 700m north-west of the subject site. Since the subject land slopes to the rear, the proposed works and the use of the land are likely to have no significant adverse impacts on the lagoon.

Social and economic impact in the locality (Raised by respondents)

No significant negative social impact is anticipated. The produce store is expected to create a positive economic impact for the operators, suppliers and local customers. The reduced poultry farm operation is likely to have a positive social impact by minimising odour and heavy vehicle movement in the area.

Cumulative impacts

The proposed conversion of two poultry farm sheds into a produce store is considered to be compatible with the surrounding land uses and subject to compliance with conditions of consent no significant negative cumulative impact is foreseen.

Suitability of the site for the development (Raised by respondents)

In accordance with Clause 22(2) of Hawkesbury LEP 1989, Council shall not grant consent for the carrying out of development for the purpose of a produce store on land zoned Rural Living which has direct vehicular access on main roads. Whitmore Road is a local rural residential street and the subject land can be used for a produce store with Council's consent. The proposal is to use the existing sheds and there are no significant constraints of surrounding land uses that will make this development prohibitive. The proposed development will not lead to unmanageable transport demands as adequate access, manoeuvring areas and on-site car parking for vehicles associated with the use can be provided. The air quality and microclimate is appropriate for the proposed development.. The site is not critical to the water cycle of the catchment including wetlands. The development will not have a significant impact upon critical habitats and threatened species, populations, ecological communities and habitats. It is therefore concluded that the site is suitable for the proposed development.

Public interest

The submissions of the respondents have been identified in an earlier section of this report. It is considered that the concerns raised are not of sufficient weight as to warrant refusal of the application and many can be addressed by way of condition of consent.

Option to use the sheds 1 and 3 for poultry farm business

The proposal is to convert sheds 1 and 3 for a produce store. The application does not propose to amend the operations of the poultry farm as approved in 1995 for the reason to re-use sheds 1 and 3 for poultry farm should the produce store become an un-economical proposition. Should the sheds be reverted back to poultry farm business, it recommended that these sheds be upgraded to the current industry standards and any relevant legislation prior to use of these sheds commencing. Appropriate conditions of consent are included in the recommendation.

Conclusion

The development has many positive attributes as it will reduce the intensity of existing poultry farm operations which are currently being carried out on the subject land. The proposed produce store demonstrates satisfactory compliance with the HLEP 1989, Hawkesbury DCP and other relevant environmental planning instruments. Key concerns of the respondents relate to traffic volumes and movements, noise, and drainage can be controlled by condition of consent.

It is considered that the environmental impacts are acceptable and that the site is suitable for the proposed development. Accordingly the application is recommended for approval subject to the conditions contained in the recommendation.

RECOMMENDATION:

That Development Application DA0814/07 for the change of use of existing Sheds 1 and 3 land as a wholesale produce store at Lot410 DP 862539, 88 Whitmore Road, Maraylya 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 approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. 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.
7. A fire hydrant system shall be provided on-site to service the two produce stores in accordance with Clause E1.3 of the Building Code of Australia and AS 2419.

ORDINARY MEETING

Meeting Date: 24 June 2008

Alternatively , an exemption from the NSW Fire Brigades regarding the requirement to provide a fire hydrant , shall be provided to Hawkesbury City Council.

8. Emergency Lighting and Illuminated Exit Signage shall be provided to both produce stores in accordance with Clause E4.2 and E4.5 of the Building Code of Australia and AS2293.
9. Certificate of compliance from the installer of each fire safety measures (ie hydrants, hose reels, emergency lighting, exit signs and extinguishers) shall be submitted to Hawkesbury City Council and owner of the premises prior to an issue of an Occupation certificate.
10. In the event that Sheds 1 and 3 are to be again used for housing poultry, the use of these sheds shall not commence until such time as the sheds are upgraded and converted to a modern tunnel ventilated control system consistent with the other sheds on the property and to the satisfaction of the Director City Planning, Hawkesbury City Council.

Prior to the Issue of the Construction Certificate

11. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address, if required (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.
12. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
13. Construction of the access, car park and drainage 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.
14. Payment of a Construction Certificate checking fee of \$534.00 and a Compliance Certificate inspection fee of \$1082.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2008. Fees required if an Accredited Certifier is used will be provided on request.
15. A landscape plan, prepared by a suitably qualified person, is to be approved by the Principle Certifying Authority prior to the issue of the Construction Certificate. The plan is to make provision for landscaped recesses, minimum six (6) metres long and minimum six (6) metres apart, in the proposed colourbond fence adjacent to the Whitmore Road frontage. The proposed plant species, with a minimum mature height of 2.5 metres, are to be specified on the plan. These works are to be constructed prior to the issue of the Occupation Certificate.

Prior to the Commencement of Works

16. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
17. 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.
18. 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.

During Construction

19. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed in all weather surface, signposted and maintained as shown on the approved plan.

ORDINARY MEETING

Meeting Date: 24 June 2008

20. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
21. Disabled parking shall be provided in accordance with AS2890.1-1993.
22. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
23. 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.
24. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

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

(a) prior to occupation of the building;

25. 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.
26. Fire hose reel/s shall be installed within the building in accordance with the requirements of Part E1.4 of the BCA.
27. Portable fire extinguisher/s containing an extinguishing agent suitable for the risk being protected shall be installed in accordance with AS 2444 E1.6 in the following locations:
 - adjacent to exits
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. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
30. A sealed pavement 3.5m wide shall be constructed along the entry and exit driveways to the development.
31. A bitumen sealed rural footway crossing 6m wide at the edge of bitumen in Whitmore Road shall be constructed to the entrance and exit driveways in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

Prior to Issue of Occupation Certificate

32. Compliance with all conditions of this development consent.
33. A final Fire safety Certificate is required to be submitted to Hawkesbury City Council prior to issue of an Occupation Certificate.
34. 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:

ORDINARY MEETING

Meeting Date: 24 June 2008

1. Portable Fire Extinguishers

FSM2i Installation

Compliance with:

1. Performance requirements and deemed-to-satisfy provisions of Section E of the BCA.
2. AS 2444 "Portable Fire Extinguishers and Fire Blankets - Selections and Locations".
3. AS 1841 "Portable Fire Extinguishers".
4. AS 1850 "Portable Fire Extinguisher - Classification Rating and Performance Testing."
5. AS 4265 "Wheeled Fire Extinguishers".

FSM2m Maintenance

Compliance with the following, as appropriate:

1. AS 1851.1 "Maintenance of Fire Protection Equipment, Portable Fire Extinguishers and Fire Blankets".
2. AS/NZS 1851.13 "Maintenance of Fire Protection Equipment - Wheeled Fire Extinguishers".

2. Hose Reel Systems

FSM3i Installation

Compliance with the following, as appropriate:

1. Performance requirements and deemed-to-satisfy provisions of Section E of the BCA.
2. AS 1221 "Fire Hose Reels".
3. AS 2441 "Installation of Fire Hose Reels".

FSM3m Maintenance

Compliance with:

1. AS 1851.2 "Maintenance of Fire Protection Equipment - Fire Hose Reels".

3. Fire Hydrant Systems

FSM4i Installation

Compliance with the following, as appropriate:

1. Performance requirements and deemed-to-satisfy provisions of Section E of the BCA.
2. AS 2419 "Fire Hydrant Installations".

FSM4m Maintenance

Compliance with:

1. AS 1851.4 "Maintenance of Fire Protection Equipment - Fire Hydrant Installations".

4. Exit Signs

FSM5i Installation

Compliance with the following, as appropriate:

1. Performance requirements and deemed-to-satisfy provisions including NSW State variations of Sections E and G of the BCA.
2. AS/NZS 2293.1 "Emergency Evacuation Lighting for Buildings - System Design, Installation and Operation".
3. AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaires and Exit Signs".

ORDINARY MEETING

Meeting Date: 24 June 2008

FSM5m Maintenance

Compliance with:

1. AS/NZS 2293.2 "Emergency Evacuation Lighting for Buildings - Inspection and Maintenance.

5. Emergency Lighting

FSM6i Installation

Compliance with the following, as appropriate:

1. Performance requirements and deemed-to-satisfy provisions including NSW State variations of Sections E and G of the BCA.
2. AS/NZS 2293.1 "Emergency Evacuation Lighting for Buildings - System Design, Installation and Operation".
3. AS/NZS 2293.3 "Emergency Evacuation Lighting for Buildings - Emergency Luminaires and Exit Signs".

FSM6m Maintenance

Compliance with:

1. AS/NZS 2293.2 "Emergency Evacuation Lighting for Buildings - Inspection and Maintenance.

Prior to Occupation:

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

- (a) has been installed and assessed by a properly qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

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

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

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

Annually:

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

- (a) Been assessed by a properly qualified person, 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.

35. A report from a suitably qualified and experienced consultant shall be provided to Council for approval which:

- a) investigates the operation of the existing on-site sewage management facility and
- b) confirms that the system is of sufficient capacity to cater for the likely increased load generated by the proposed use, or

ORDINARY MEETING

Meeting Date: 24 June 2008

- c) makes appropriate recommendations for the augmentation, relocation, repair or replacement of the system. Any such works are to be completed to the satisfaction of Council prior to the release of the Occupation Certificate

Prior to Use of the Development

- 36. No internal or external alterations shall be carried out without prior approval of Council.
- 37. 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.
- 38. Operating hours including deliveries to and from the site shall be limited to 7.00am to 5:30pm Mondays to Saturdays and 9:00am to 3:00pm Sundays and public holidays.

No other vehicle movements or other noise generating activity associated with the wholesale produce store are to occur outside these hours.
- 39. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
- 40. There shall be no storage and sale of chemicals and toxic materials on the site.
- 41. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
- 42. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
- 43. The development shall be limited to the area shown on the submitted plans.
- 44. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 45. All work and the storage of goods or materials shall be confined within the building or approved areas at all times.
- 46. All waste materials shall be regularly removed from the property.
- 47. For as long as the fence is erected, the landscaping within the Whitmore Road fence recessed areas is to be maintained in accordance with the approved landscaping plan at all times.

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.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any

ORDINARY MEETING

Meeting Date: 24 June 2008

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.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

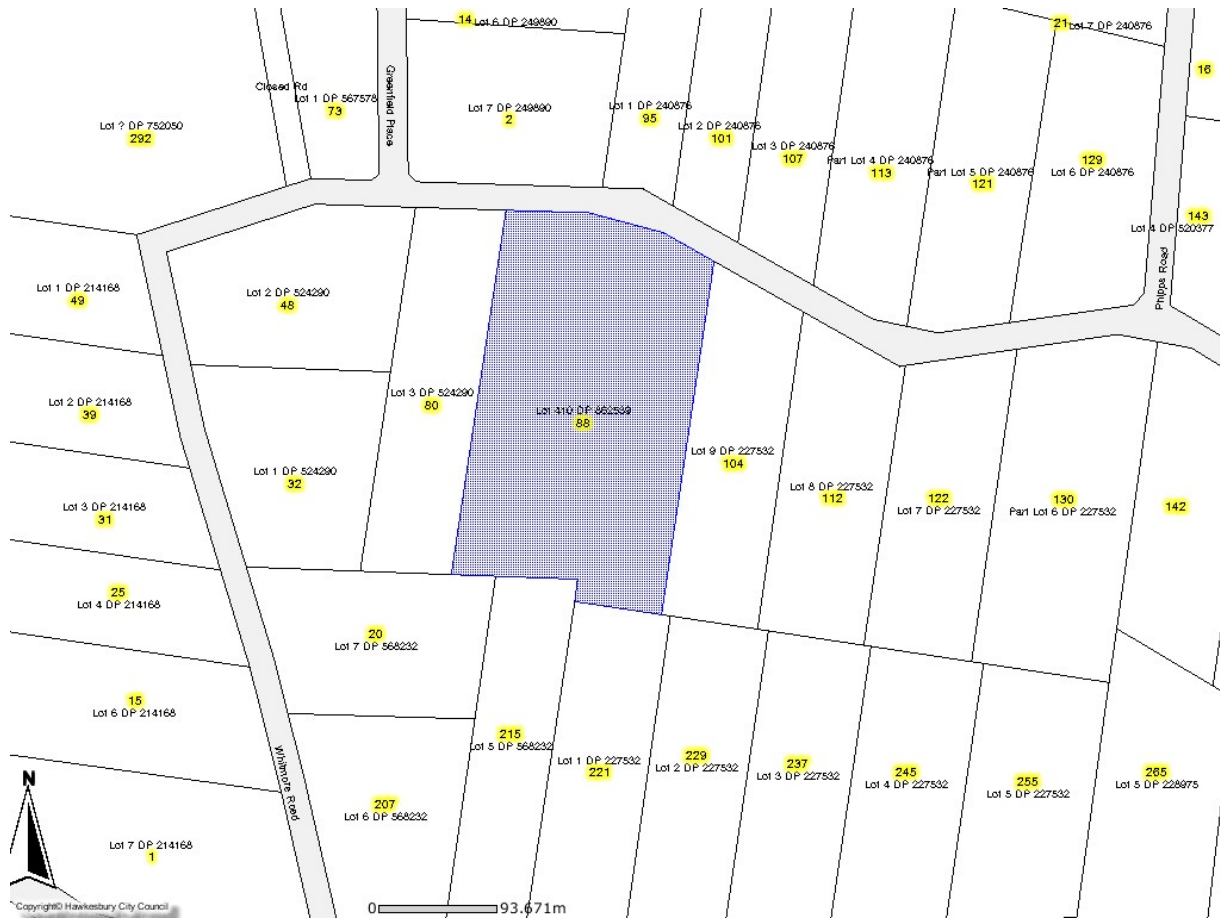
ATTACHMENTS:

- AT - 1 Locality plan
- AT - 2 Site Layout plan
- AT - 3 Typical shed layout
- AT - 4 Vehicle access and parking Layout details

ORDINARY MEETING

Meeting Date: 24 June 2008

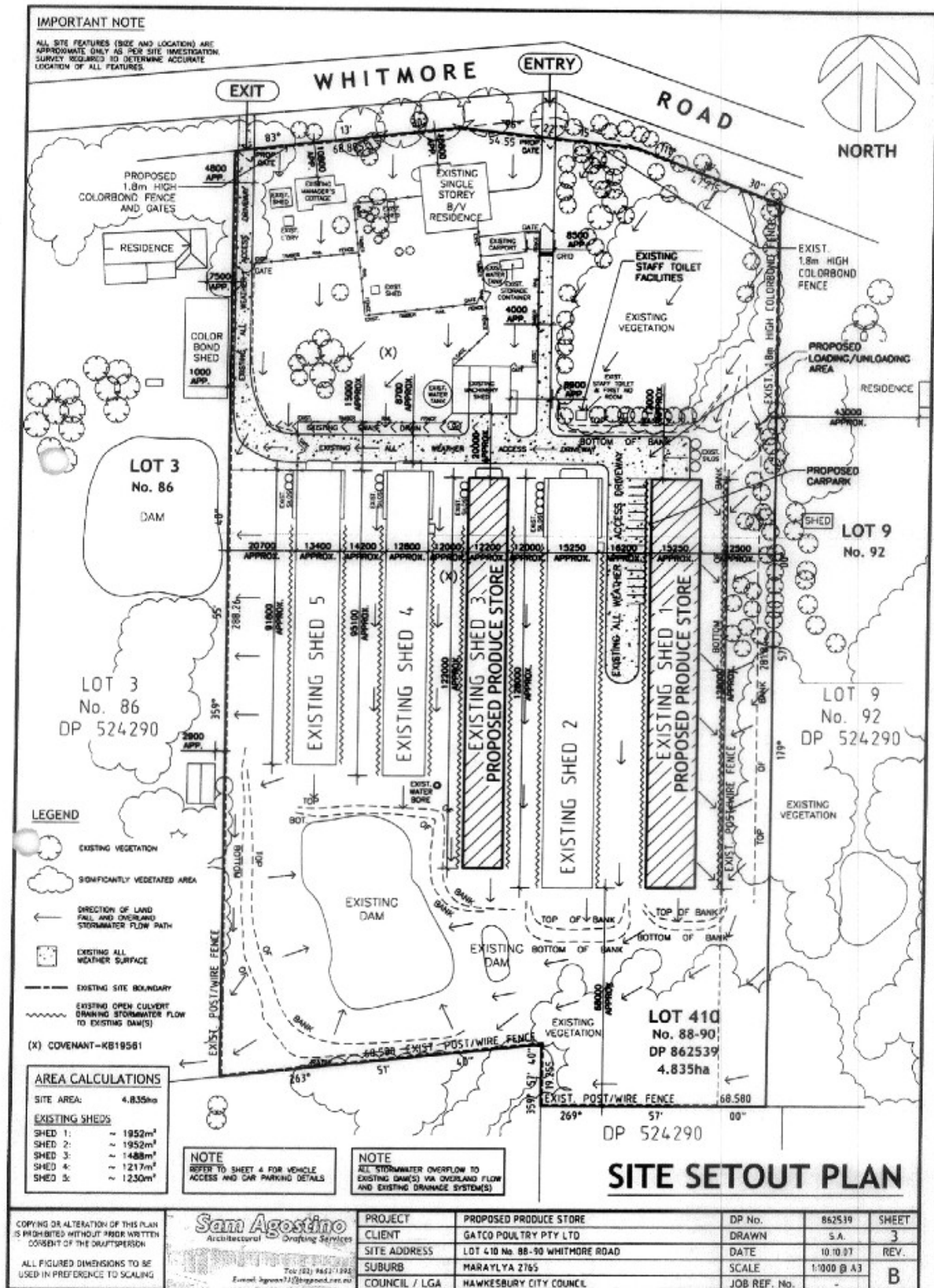
AT - 1 Locality plan



ORDINARY MEETING

Meeting Date: 24 June 2008

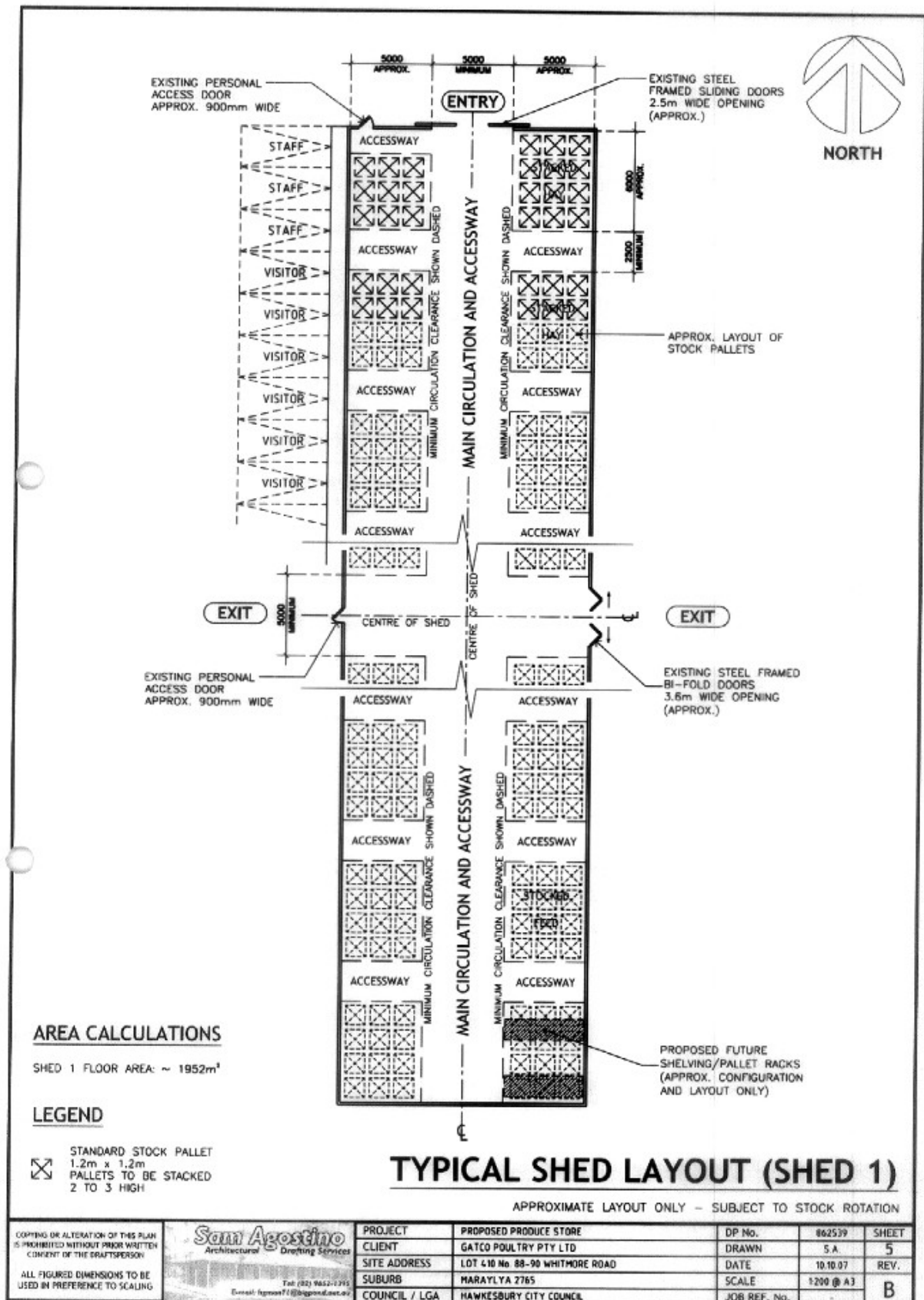
AT - 2 Site Layout plan (DW No 2648577 - 11)



ORDINARY MEETING

Meeting Date: 24 June 2008

AT - 3 Typical shed layout



Meeting Date: 24 June 2008

VEHICLE ACCESS AND PARKING LAYOUT DETAILS

NOTES:		PROJECT	PROPOSED PRODUCE STORE	DP No.	802539	SHEET	4
		CLIENT	GATCO POULTRY PTY LTD	DRAWN	S.A.	REV.	18/10/07
		SITE ADDRESS	LOT 418 No 88-98 WHITTHORPE ROAD	DATE	18/10/07	SCALE	1200 @ A3
		SUBURB	MARAYLA 2705	JOB REF. No.			B
		COUNCIL / LGA	WESSBURY CITY COUNCIL				

San Agostino
 Architectural Drafting Services
 Tel: 081 745 1199
 E-mail: agostino@sanagostino.com.au

COPIES OR ALTERATION OF THIS PLAN IS PROHIBITED WITHOUT PRIOR WRITTEN CONSENT OF THE DRAFTER
 ALL FIGURED DIMENSIONS TO BE USED IN PREFERENCE TO SCALE

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 24 June 2008**

Item: 118 **CP - Rezoning Application - New Street, Johnston Street and The Terrace, Windsor - (8736, 95498)**

REPORT:**Introduction**

Council is in receipt of an application to rezone land on New Street, Johnston Street and The Terrace, Windsor. The applicant is Pirasta Pty Ltd and the application has been prepared by Ingham Planning.

The application seeks to rezone several parcels adjoining "Hollands Paddock", Howe Park, The Terrace and the Windsor Riverview Shopping Centre to Business General 3(a).

The purpose of this report is to provide an assessment of the proposal.

Background

In May 2004 Council granted consent for the construction of the Windsor Riverview Shopping Centre on land at 227 George Street. The consent included the demolition of existing buildings, erection of a shopping centre and associated road works. The Windsor Riverview Shopping Centre opened in late 2006 and this application now seeks to rezone a number of adjoining lots.

Proposed Development

The application seeks to consolidate the zoning of the site. Therefore the application seeks to rezone the parcels of land listed in the table below and as shown on the map attached to this report. Owners consent to lodge the application has been issued by each of the owners.

Property Description	Address	Current zone
Lot 8 DP1066324	8 New Street	Housing
Lot 6 DP1066233	6 New Street	Housing
Part Lot 51 DP1073306	Walkway to New Street	Special Uses 5(a)-Water Treatment
Lot 1 DP804295	4 New Street	Housing
Lot 11&12 DP854037	2 New Street	Lot 11 is currently zoned 6(a) but is not part of Howe Park. Lot 12 is zoned Housing.
Lot 1 DP159404	70 The Terrace	Housing
Lot 1 DP741997	68 The Terrace	Housing
Lot 1 DP609363	66 The Terrace	Housing
Part Lot 51 DP1073306	Land on the south western side of Johnston Street	Special Uses 5(a)-Water Treatment
Lot 1 DP70063	17 Johnston Street	Housing
SP49911	19 Johnston Street	Housing
Lot 1 DP800664	23-27 Johnston Street	Housing and heritage item

The application indicates that the following outcomes will be achieved as a result of the rezoning:

- Rectify the anomalies of the two portions of land that remain a Special 5(a) zone.
- Rectify the anomaly of the privately owned land that is zoned Open Space 6(a).

ORDINARY MEETING

Meeting Date: 24 June 2008

- Enable future development in New Street that will complement the Riverview Shopping Centre and other adjoining commercial areas by providing ground level commercial with shop top housing within the Windsor Town Centre.

Description of Site and Surrounds

The subject properties are located along New Street, The Terrace and Johnston Street.

The current uses of the properties along New Street are residential; the only exception is a narrow strip of land that is currently zoned Special Uses 5(a) Water Treatment Plant.

The three properties along The Terrace are currently used for residential purposes.

Land on the south western side of Johnston Street is currently used for the truck manoeuvring area for the shopping centre. Land at No. 17 comprises a residential flat building. Development at No. 19 comprises a two storey town house development and No. 23-27 is a heritage item which is used as professional chambers (medical offices).

Surrounding development to the north of the site is predominately parkland, including Howe Park and the Hawkesbury River. To the north west are dwellings fronting The Terrace. Land to the south is the shopping area facing George Street. To the east are properties on the eastern side of Johnston Street with a rear boundary to Fitzgerald Street. These are used for a variety of uses including the local radio station, agricultural machinery sales, second hand goods sales and an architects office. To the north east, located between Johnston Street and Fitzgerald are three dwellings fronting The Terrace. On the western side of New Street, properties are used for a variety of commercial and residential uses.

Applicant's Justification of the Proposal

As noted above, the applicant identifies the outcomes for the subject lands including rectifying anomalies and enabling future development in New Street that will complement the Riverview Shopping Centre.

In considering the objectives of the Business 3(a) zone, the applicant has provided further justification:

- *The proposed rezoning will allow for the development and expansion of business activities in an appropriate location that can create a focus for future development in the Windsor Town Centre.*
- *The proposed rezoning will allow the existing non commercial uses currently within the area proposed to be rezoned to remain as well as permitting future residential development to occur as medium density of shop top housing;*
- *The proposed rezoning will enable car parking to be incorporated into the Riverview Shopping Centre where appropriate;*
- *The proposed rezoning will enable further pedestrian links to be provided between New Street, Howe Park, Johnston Street and George Street as pedestrian planning can be integrated into any future development plans;*

Assessment

Draft North West Subregional Strategy

The Draft North West Subregional Strategy was released in December 2007 by the NSW Department of Planning and was exhibited for comment until March 2008. The strategy is yet to be finalised by the State Government.

As previously reported to Council, the Strategy acts as a broad framework for the long-term development of the region, guiding government investment and linking local and state planning issues. The key directions for the subregion are as follows:

- Plan to meet employment and housing capacity targets
- Develop Penrith as a regional city

ORDINARY MEETING

Meeting Date: 24 June 2008

- Strengthen the role of centres
- Improved access to, from and within the subregion
- Protect rural and resource lands
- Promote the environmental and scenic qualities of the region
- Improve access to open space and recreation opportunities

The Strategy acts as a framework for local councils in preparing new Local Environmental Plans (LEP) and therefore LEP's will need to be consistent with the Strategy. It is clear that Council is operating within the framework of a Metropolitan Strategy and Subregional plan and therefore must work to ensure that LEP's are consistent with the actions of the Subregional strategy. These are essentially "tests" that must be applied by Councils in preparing new strategies and subsequent LEP's.

The draft Subregional Strategy contains employment targets for the city and the subregion as a whole. For the Hawkesbury the draft figure is 3,000 jobs over the next 25 years. This is a "minimum" rather than a "maximum" target. Councils are required to plan for sufficient land and infrastructure to achieve employment capacity targets. In relation to the current rezoning proposal, an assessment of this matter is made later in this report.

In relation to Centres and Corridors, the draft Strategy identifies Windsor as a Town Centre which suggests that although potential for growth is limited due to flooding constraints, there remains the opportunity to renew and improve the physical, economic and cultural environment of the centre.

Hawkesbury Employment Strategy 2008

In March 2008 Council engaged SGS Economics and Planning to assist in developing an employment strategy. The purpose of the strategy is to develop a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region.

The outcomes which will be deliverable to Council will include:

- analysis of the existing supply of employment (industrial, commercial, retail) land;
- identification of the drivers of employment land development;
- identification of competitive opportunities for employment land development;
- projections of future employment land requirements by type over 25 years;
- development of criteria for the spatial distribution of employment lands;
- strategic planning approach for future employment land provision;
- identification of future investigation areas for industrial and commercial uses;
- definition of an implementation strategy for the investigation areas;
- consideration of infrastructure capacity, identifying limitations/augmentations.

The study is due for completion in draft form by the end of June 2008.

Windsor Masterplan

The Windsor Masterplan was finalised in May 2004 and created a strategic vision for Windsor and an urban design framework for achieving the vision. A Development Control Plan (DCP) is being prepared to guide development of private land based on the principles of the Masterplan.

As Council is aware the Masterplan recommended overall design principles, landscape strategy, land use strategy, traffic and parking strategy and public domain strategy for the beautification of the Windsor Town Centre. In addition to the broad principles the Master Plan identified in some detail, urban design themes and enhancement opportunities through nine specific project areas, including Hollands Paddock and the river front.

The proposed rezoning is not inconsistent with the principles of the Windsor Masterplan.

ORDINARY MEETING

Meeting Date: 24 June 2008

Department of Planning Circulars & Sustainability Criteria

Two Department of Planning Circulars are of particular relevance in considering the current rezoning proposal. They are *Spot rezoning*, dated 15 June 2006 and *Local environmental plan review panel*, dated 16 February 2006.

In the *Spot rezoning* circular the Department's objective to reduce the number of spot rezonings is outlined. The main reasons being:

- *Firstly, the aim is to encourage a planning approach which is fair and transparent, deals with all like cases consistently, and provides for planning decisions with a clear strategic basis.*
- *Secondly, reducing the number of amending LEPs in the planning process reduces the administrative load for councils, the Department and the Parliamentary Counsel.*

The circular does state that spot rezonings will continue to be considered by the Department, however justification for the rezoning should take into account the public interest and explain the implications of not proceeding with the spot rezoning.

The *Local Environmental Plan Review panel* circular explains the role of the Department of Planning's LEP Review Panel and identifies the information required to be submitted to the Department.

With respect to Spot rezonings the Circular states:

In particular, the proposed plan must be considered in the context of State and regional policy direction, as well as the site context in terms of compatibility with neighbouring uses and the potential to create an undesirable precedent in terms of other rezoning requests.

Further the Circular states that rezonings unlikely to be supported include:

- *a land rezoning or change in development controls in isolation and in the absence of a context and where such a rezoning would be more appropriately included in the preparation of a comprehensive LEP.*
- *the introduction of additional uses to specific zones or to specific sites with no broader economic /employment imperative.*

The current proposal seeks to amend the LEP provisions to consolidate the existing zones on the subject land as well as correct anomalies that have arisen from the development of the shopping centre. The proposed amendment seeks to use existing zones within Hawkesbury Local Environmental Plan 1989 and its subsequent translation into the NSW Standard LEP Template.

The Local Environmental Plan review panel circular also provides pro-forma evaluation criteria for the consideration of spot rezonings. The applicant has provided a response to these criteria and this is reproduced in the table below along with a comment in reply.

	DOP Evaluation Criteria	Applicant's Response	Comment in reply
1	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	Yes <i>The LEP is to rezone land surrounding a new shopping centre recently constructed and known as Windsor Riverview Shopping Centre in Windsor Town Centre. It will provide land suitable for commercial / residential development that is well located, being close to services and immediately adjoining the existing commercially zoned areas. It is within</i>	Agreed

ORDINARY MEETING

Meeting Date: 24 June 2008

	DOP Evaluation Criteria	Applicant's Response	Comment in reply
		<p>800m of public transport (buses) and about 900m from Windsor station, which is not located close to the Town Centre. In fact this land would be the closest end of the town centre to Windsor Station.</p> <p>The LEP proposes rezoning land that currently comprises three zones. The majority of the land to be rezoned is currently zoned Residential 2(a), while the other existing zonings are Special Uses 5(a) and Open Space 6(a).</p> <p>The LEP corrects zoning anomalies relating to the rezoning of the land for the Windsor Riverview Shopping Centre which was rezoned from Special Uses 5(a) – Water Treatment Plant to Business 3(a). Two portions of the lot that has been redeveloped as the Windsor Riverview Shopping Centre remain in the Special Uses 5(a) – Water Treatment Plant zoning and are to be rezoned to correct this anomaly. This is discussed further under the table relating to a Category 6 rezoning.</p> <p>There is also a small section of land zoned Open Space 6(a) that is proposed to be rezoned to Business 3(a). It adjoins Howe Park but as far as we are aware it has never formed part of Howe Park, as it is in private ownership, and forms part of the rear garden of a dwelling at No 2 New Street.</p>	
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	<p>Yes.</p> <p>The proposed rezoning will allow for the development and expansion of business activities into a contained area, bounded by roads and Howe Park. It immediately adjoins the Windsor Town Centre which incorporates the Windsor Riverview Shopping Centre. This will provide a strong central core for the Windsor Town Centre, together with shop top housing, that is consistent with the Draft Windsor Town Centre Masterplan.</p> <p>It also fits well into a number of the Metropolitan Strategy key elements, being: <u>3. More jobs in Western Sydney</u> – providing sufficient employment lands for business.</p>	<p>Whilst this site is not specifically mentioned in any State strategies, it is agreed that the proposal is generally consistent. It should be noted that the Hawkesbury Employment Strategy is not yet completed and the application cannot be compared with that work as yet.</p>

ORDINARY MEETING

Meeting Date: 24 June 2008

	DOP Evaluation Criteria	Applicant's Response	Comment in reply
		<p><i>4. Contain Sydney's Urban Footprint – the LEP will allow medium density housing to be located in an area within an existing urban area and close to the Windsor Town Centre.</i></p> <p><i>6. Fair Access To Housing, Jobs, Services and Open Space</i> <i>- "improved suburban centres and neighbourhoods will provide healthier environments and access to high quality and suitable housing, jobs, transport choices and open space". The LEP achieves all of these things, providing suitable land for business and housing adjoining Windsor Town Centre and open space.</i></p>	
3	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	<p><i>The LEP is not within a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy.</i></p> <p><i>However Windsor is indicated in Figure 1 of the Metropolitan Strategy - City of Cities as being within the area that will have Penrith as a focus and Windsor is also linked to the North West Growth Centre by rail.</i></p>	Agreed.
4	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	<i>The LEP will facilitate a permanent employment generating activity by providing land suitable for commercial development that is close to services and transport. Construction of buildings on the land for commercial development and medium density housing will also provide significant employment.</i>	Agreed
5	Will the LEP be compatible / complementary with surrounding land uses?	<p><i>Yes.</i></p> <p><i>The LEP enables an entire block to be suitably rezoned to Business 3(a), with the exception of Howe Park and is compatible with the Town Centre Masterplan. The land adjoins the Windsor Riverview Shopping Centre and is bounded by New Street, The Terrace and Johnston Street. The adjoining land uses are a mixture of commercial, residential and open space although any surrounding residential land use is separated from the site by roads.</i></p> <p><i>Commercial uses predominate to the east, south and south –west of the land. To the north west and north east residential use is predominant although</i></p>	Agreed

ORDINARY MEETING

Meeting Date: 24 June 2008

	DOP Evaluation Criteria	Applicant's Response	Comment in reply
		<i>some dwellings are used for home office or home occupations. To the west, medium density housing has been approved and to the north is open space / parkland.</i>	
6	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	<p>No.</p> <p><i>The site has particular attributes that make it appropriate for the rezoning. It surrounds a large area that was previously used by Sydney Water, was rezoned to Business 3(a) and has been redeveloped as the Windsor Riverview Shopping Centre, which in turn adjoins another large area of open space, known as Howe Park. This leaves two piecemeal sites that adjoin the Windsor Riverview Shopping Centre and/or Howe Park, that are well suited to be redeveloped for medium density housing (overlooking the park) or for commercial uses such as small offices, consulting rooms etc, complementary to the Shopping Centre development.</i></p> <p><i>All landowners support the proposed rezoning.</i></p>	Agreed
7	Will the LEP deal with a deferred matter in an existing LEP?	<p>Yes.</p> <p><i>The land currently zoned Special Uses 5(a) is no longer required for this purpose but was excluded from the rezoning that dealt with the bulk of the Special Uses 5(a) land. This anomaly needs to be rectified.</i></p>	It is agreed that the proposed rezoning will rectify, partly, an anomaly. However, the LEP will not deal with a deferred matter in an existing LEP.
8	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	<p>Yes.</p> <p><i>There have been no other spot rezonings in the locality, so there is no impact.</i></p>	Agreed

As the land also seeks to rezone surplus government lands the following pro-forma evaluation criteria are applicable.

	DOP Evaluation Criteria	Applicants Response	Comment in reply
1.	Is the land still in State or local government ownership? <i>Explain:</i>	<p>No</p> <p><i>The surplus land which was part of a large Sydney Water site known as Holland's Paddock zoned Special</i></p>	Agreed

ORDINARY MEETING

Meeting Date: 24 June 2008

	DOP Evaluation Criteria	Applicants Response	Comment in reply
		<i>Uses 5(a). The land was sold by the Government but was not rezoned in its entirety prior to the sale. Council approved a shopping centre development (Windsor Riverview Shopping Centre) on the bulk of the site and that site was rezoned to Business 3(a), with the exception of the two portions of the site included in this LEP that are still zoned Special Uses 5(a).</i>	
2.	Has the land been declared surplus? <i>Explain:</i>	Yes	Agreed
3.	Will the LEP be consistent with and implement approved State and/or regional strategies? <i>Explain:</i>	Yes. See response under table for Spot Rezoning LEP	Agreed
4.	Is the LEP located in a regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy? <i>Explain:</i>	No	Windsor is nominated as a Town Centre in the draft North West Subregional Strategy.
5.	Does the LEP (and subsequent development) have the ability to be used as a demonstration project to showcase the Metropolitan Strategy (or other regional strategy) environmental, urban design or sustainability objectives? <i>Explain:</i>	No	Agreed
6.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands? <i>Explain:</i>	<i>The LEP will provide additional land for commercial and medium density residential development that will provide temporary employment during construction and permanent employment thereafter with businesses that will be able to locate on this site.</i>	Agreed

ORDINARY MEETING**Meeting Date: 24 June 2008**

	DOP Evaluation Criteria	Applicants Response	Comment in reply
		<i>Increased employment is already occurring as a result of the recent opening of the 1st stage of Windsor Riverview Shopping Centre and the rezoning of adjoining land will assist in providing further employment and medium density residential accommodation within the Windsor Town Centre.</i>	

Section 117 Directions

As Council is aware the section 117 Directions under the provisions of the Environmental Planning and Assessment Act 1979 direct Council to consider various matters when preparing a draft local environmental plan.

The following information lists the Section 117 Directions that are considered of relevance to the proposed rezoning.

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

The applicant states that the proposal is consistent with this Direction as:

The draft LEP proposes rezoning land that currently comprises three zones. The majority of the land to be rezoned is currently zoned Residential 2(a), while the other existing zonings are Special Uses 5(a) and Open Space 6(a). The land zoned Special Uses 5(a) – Water Treatment Plant, is a remnant portion of a much larger area formerly zoned for this use that has been rezoned to Business 3(a) and has been redeveloped as the new Riverview Shopping Centre. It is no longer required for water treatment purposes. The majority of the land to be rezoned is currently zoned Residential 2(a), and is proposed to be rezoned to Business 3(a).

The draft LEP therefore affects land within a proposed business zone.

The draft LEP meets the objectives for business and industrial zones in the following ways:

- *It encourages employment growth in a suitable location within the Windsor Town Centre that is identified in the Draft Windsor Town Centre Masterplan (May 2004) as an “active centre / magnet” and a “future area of activity”. It is consistent with the land use strategy set out in the Draft Windsor Town Centre Masterplan.*
- *It supports the viability of the Windsor Town Centre by providing increased areas of floorspace available for employment uses in the zone. It will also enable the development of medium density housing on the site that will provide further support for businesses in Windsor Town Centre.*

Comment

Agreed. The draft North West Subregional Strategy identifies Windsor as a Town Centre suggests that although potential for growth is limited due to flooding constraints, there remains the opportunity to renew

and improve the physical, economic and cultural environment of the centre. Additional comments in relation to housing opportunities are made later in this report.

Direction 3.1 Residential Zones

The objectives of this Direction are:

- a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c) to minimise the impact of residential development on the environment and resource lands.

The applicant states that the proposal is consistent with this Direction as:

"The draft LEP proposes rezoning land that currently comprises three zones. The majority of the land to be rezoned is currently zoned Residential 2(a), and is proposed to be rezoned to Business 3(a). This will enable the site to be redeveloped for mixed use, including medium density and shop top housing.

The draft LEP therefore affects land within an existing residential zone.

The draft LEP meets the objectives in the following ways:

- *It broadens the choice of residential development types for the area, where there is very limited medium density housing.*
- *It will enable land that is ideally located suited to an increased density residential development, to be developed in a co-ordinated manner.*
- *It makes efficient use of existing infrastructure and services close to the Windsor Town Centre.*
- *It will reduce the consumption of land for housing and associated urban development on the urban fringe by providing increased densities in the Windsor Town Centre.*

The proposal is considered to be consistent with the S117(2) direction"

Comment

It is noted that since the rezoning application was prepared, the Residential 2(a) zone has been amended to Housing via Amendment 108. Therefore, the permitted density for residential development may be increased as a result of the proposed rezoning. Notwithstanding, the proposed development would not be inconsistent with this Direction.

Direction 3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances traveled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

ORDINARY MEETING

Meeting Date: 24 June 2008

The applicant comments as follows:

"The draft LEP proposes to rezone land surrounding a new shopping centre known as the Windsor Riverview Shopping Centre in Windsor Town Centre. The site is located within the Windsor Town Centre, about 900m from Windsor Station (which is outside the Windsor Town Centre) at the closest end of the town centre to Windsor Station. Regular bus services run along George Street, to the station, and there is also a taxi rank located close to the site.

The draft LEP meets the objectives in the following ways:

- It will provide land suitable for commercial and medium density residential development that is well located, being close to services and immediately adjoining the existing commercially zoned areas. It is within 800m of public transport (buses) and about 900m from Windsor station, which is not located close to the Town Centre. In fact this land would be the closest end of the town centre to Windsor Station.*
- It will enable the location of increased densities of residential development in an area where all facilities are available by walking, cycling and public transport.*
- It will reduce the number of trips generated by the development and in particular the dependence on cars for trips in the local area.*
- It is in accordance with the aims, objectives and principles of The Right Place for Business and Services – Planning Policy (DUAP 2001), which states that "a mix of land uses will help maximize single multi-purpose trips".*

The proposal is considered to be consistent with the S117(2) direction".

Comment

Agreed

Direction 4.3 Flood Prone Land

The objectives of this direction are:

- to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the **Floodplain Development Manual 2005**, and
- to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The applicant has not addressed this Direction.

Comment

The proposal is inconsistent with this Direction. The lands proposed to be rezoned are below the 1:100 year flood level. As noted above the Residential 2(a) zone was amended to Housing via Amendment 108 which was gazetted in August 2006. As Council is aware, in 2001 correspondence was received from the State Emergency Services (SES) advising that from an emergency risk management viewpoint there was no adequate resolution of the fundamental problem of flood evacuation out of Windsor, Bligh Park, McGraths Hill and Richmond. In this regard the SES considered the regional and local road network, including the (then) pending construction of the South Creek Flood Evacuation Route, and did not have a high of confidence that it could support the evacuation of existing residents who will be at risk of inundation during a severe or extreme flood event on the Hawkesbury Nepean River system.

Council acted on advice received from the SES, and advised the (former) Department of Urban Affairs and Planning about its desire to seek amendment to its Residential Housing Strategy and produce a Draft Local Environmental Plan, known as Amendment No. 130 (later incorporated into Amendment 108). The

ORDINARY MEETING

Meeting Date: 24 June 2008

aim of the plan was to restrict the amount of land available for residential flat and dual occupancy development.

Since this time the situation has not changed and the capacity for flood evacuation has not improved. More recently (letter dated 3 June 2008) the SES has, with respect to a proposed residential development (16 lots in Richmond), re-iterated its concern over the cumulative impact of ongoing infill and new development within the LGA.

Rezoning the subject land to Business General 3(a) would have the effect of permitting additional residential development within the town centre (ie, 3(a) zone permits multi-unit housing) which would be contrary to the advice from the SES. Whilst the predominant use may be for business/commercial purposes, the intent of the applicant is clearly to provide for mixed uses, including shop top housing.

Direction 6.1 Approval and Referral Requirements

Objective

- (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The applicant comments as follows:

"The draft LEP will rectify the anomalies of the two portions of Lot 51 DP 1073306 (located within the proposed rezoning) that are still zoned Special Use 5(a). In the officer's report in relation to the proposed Riverview Shopping Centre that was considered at the Council Meeting on 4th May 2004, the comment in respect of the land zoned Special Use 5(a) was as follows:

"It would be preferable for the land zoned 5(a) to have been rezoned prior to its sale, given the sale is a clear indication that Sydney Water no longer needs the land and to ensure a prospective purchaser may use the land for any intended use. It is practise for government authorities to formally request the rezoning of such lands, when it is known that land is not required for a public purpose, which did not occur in this case.

The appropriate use and zoning of the 5(a) land is fundamental to the development proceeding. If Council decides to support the application it is recommended that Council resolve to rezone the land."

In the report's conclusion, in which 5 matters fundamental to development were listed, the following was included:

- "3. The rezoning of the land zoned 5(a) – Special Uses Water Treatment Plant to 3(a) – Business General, so the zoning of the land is consistent with the proposed land uses."*

The draft LEP that incorporates this proposed rezoning will finalise this outstanding matter.

The other matters addressed are as follows:

- *Rectify the anomaly of the one lot privately owned and used that is currently zoned Open Space 6(a) (Lot 11 DP 854037).*
- *Enable future development in New Street that will complement the proposed Riverview Shopping Centre and other adjoining commercial areas by providing ground level commercial development with shop top housing located within Windsor Town Centre and close to parkland.*

ORDINARY MEETING

Meeting Date: 24 June 2008

The LEP provisions in this case are not at issue, as there are no special provisions required for the site. It is the need to rezone the land to principally address outstanding anomalies that is addressed.

The proposal is considered to be consistent with the S117(2) direction."

Comment

This direction applies to the preparation of draft LEP's and seeks to minimise concurrence, referrals and consultation requirements in LEP's. An LEP can only contain a provision for referral to a government agency (for example, RTA) if the Director General of the Department of Planning approves.

At this stage it is uncertain if any concurrence, referrals or consultation requirements would be required.

Direction 6.2 Reserving Land for Public Purposes

The objectives of this Direction are:

- (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The applicant comments as follows:

"The draft LEP includes a small section of land zoned Open Space 6(a) that is proposed to be rezoned to Business 3(a). It adjoins Howe Park but appears to have never formed part of Howe Park, as it is in private ownership, and forms part of the rear garden of a dwelling at No 2 New Street.

The land was not proposed to be acquired from its private ownership and the zoning appears to be an anomaly.

The draft LEP meets the objectives in the following ways:

It enables consolidation into one zone of three differently zoned portions of land that surround parkland, being Howe Park. This will enable improved pedestrian access to Howe Park and general revitalisation of the area.

The proposal is considered to be consistent with the S117(2) direction."

Comment

Agreed

Standard LEP Template Conversion

As Council is aware the provisions of Hawkesbury LEP 1989 are currently being converted to the associated NSW Standard Template LEP zone. In this regard the Windsor Riverview Shopping Centre will be zone B2-Local Centre. The land subject to the rezoning proposal that is currently zoned Housing will be zoned R2-Low Density Housing, the 5(a) land on Johnston Street become IN2 and the small access portion of 5(a) land on New Street is proposed to become B2-Local Centre.

As indicated above, rezoning the subject land to Business General 3(a)/B2-Local Centre would provide have the effect of permitting additional residential development within the town centre which would be contrary to the advice from the SES and Amendment 108. Whilst the predominant use may be for business/commercial purposes, the intent is clearly to provide for mixed uses, including shop top housing.

ORDINARY MEETING

Meeting Date: 24 June 2008

It is therefore recommended that the appropriate mechanisms be incorporated into the draft LEP to ensure consistency with Amendment 108 and the Section 117 Directions. This can be achieved by way of an enabling clause or a local provision in the template LEP.

It is also noted that should the proposal proceed to a draft LEP, the final zone will be determined by the progress of the Standard Template LEP, that is, if the LEP precedes the template, 3(a) will be used, then converted to B2-Local Centre via the Template LEP.

Hawkesbury Local Environmental Plan 1989

The relevant aims and objectives of Clause 2 of HLEP 1989 are:

- To provide a mechanism for the management, orderly and economic development and conservation of land with the City of Hawkesbury;
- To provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;
- To conserve and enhance buildings, structures and site recognised significance which are part of the heritage of the City of Hawkesbury for future generations.

The proposed rezoning provides an opportunity to reinforce the town centre of Windsor and compliments the adjoining land uses. It is therefore considered to be consistent with the aims and objectives of Hawkesbury LEP 1989.

Traffic and Access

In 2004 Council engaged Christopher Stapleton Consulting to undertake a traffic analysis of the local road network, focusing on the, then proposed Riverview Shopping Centre. The study concluded that there be minimal impact to the Windsor Town Centre. At this stage there has been no review of this work.

Heritage

There is only one heritage item within the area to be rezoned, which is located at 23-27 Johnston Street. This property is currently used as professional and commercial chambers. Surrounding the area proposed to be rezoned are several heritage items located on New Street and The Terrace.

The application seeks to rezone 3 properties along The Terrace, being No.s 66, 68 and 70. Whilst these properties are not listed as heritage items they contribute significantly to the streetscape and character of The Terrace and represent the inter-war style of housing. The re-development of these properties has the potential to adversely affect the character of Windsor. Adaptive re-use of the dwellings are encouraged and may compliment development on the adjoining site, however this can be achieved under the current provisions of Hawkesbury LEP 1989.

It is therefore recommended that these properties not be rezoned.

Conclusions

Whilst the Employment Strategy has not been completed, other strategic work has been carried out, in particular, the Windsor Masterplan and the Draft North West Subregional Plan. The proposed development is consistent with the directions for Windsor articulated in these strategies.

Subject to the exclusion of The Terrace properties and the restriction on increasing residential densities, it is therefore recommended that the application be supported.

ORDINARY MEETING

Meeting Date: 24 June 2008

Conformance to Strategic Plan

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

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

Funding

There are no funding implications.

RECOMMENDATION:

That:

1. The application to rezone the following properties at New Street and Johnston Street to Business General 3(a)/B2 Local Centre be supported.

Property Description	Address
Lot 8 DP1066324	8 New Street
Lot 6 DP1066233	6 New Street
Part Lot 51 DP1073306	Walkway to New Street
Lot 1 DP804295	4 New Street
Lot 11&12 DP854037	2 New Street
Part Lot 51 DP1073306	Land on the south western side of Johnston Street
Lot 1 DP70063	17 Johnston Street
SP49911	19 Johnston Street
Lot 1 DP800664	23-27 Johnston Street

2. The draft LEP incorporate appropriate mechanisms to allow limited residential development on the subject properties.
3. The draft LEP and the draft Standard Template LEP be consolidated prior to sending to the Minister for gazettal if the progress and timing of the two draft plans becomes aligned.

ATTACHMENTS:

AT - 1 Subject properties

Meeting Date: 24 June 2008

HAWKESBURY CITY COUNCIL

PO Box 146, Windsor NSW 2756
 Website: www.hawkesbury.nsw.gov.au
 Email: council@hawkesbury.nsw.gov.au
 Hours: Monday to Friday 9.30am - 5.00pm
 Phone: 02 4595 4444

Attachment 1 - Land requested to be rezoned

Date: 18-6-2008 Planname: Rezone B2

Legend

Land requested to be zoned to 3 (a) / B2 Local Centre

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oooO END OF REPORT Oooo

Item: 119 CP - Finalisation of Mobility Plan - (96328)

REPORT:

This report has been prepared to seek Council's approval to reallocate unspent funds from the Road Safety Budget Component for the purpose of funding the finalisation of the Hawkesbury Mobility Plan.

Background

In May 2006, Council endorsed terms of reference for a planning process to draft a city-wide Hawkesbury Access Mobility Plan. The Hawkesbury Bicycle and Access Mobility Committee (HBAMC) was delegated responsibility for the implementation of the approved planning process.

The approved planning process incorporated seven steps:

- a brief literature review to document 'best practice' strategies for planning for physical access, and identify engineering and technological innovations that improve the accessibility of public infrastructure;
- a demographic analysis to identify the likely changes in population by age and location which could be expected to impact on the future physical access requirements of residents within the City of Hawkesbury;
- a consultation strategy to obtain information from a sample of residents about their experiences (of the difficulty or otherwise) of moving around the City and their views as to priorities for improving physical access within the City;
- a comparative analysis to summarise the physical access requirements of residents within the City - as expressed through consultation - and compare these findings with information in existing plans (including the Regional Bike Plan, Community Plan and other documents);
- a hierarchy guideline to enable the physical access requirements of residents within the City to be assessed and prioritised;
- a draft access mobility action plan to identify and cost a program of works to improve physical access within the City of Hawkesbury;
- an operational strategy to ascertain the human, material and financial resources required to support the implementation of the plan.

The HBMAC met on five occasions in 2006 and 2007 to co-ordinate the implementation of the approved planning process. Over this period, the first four components of the process were completed. In February 2007, the HBAMC approved a scoping study to achieve the remaining elements of the planning process.

The scoping study recommended that an external consultant be engaged to manage the development of a Mobility Plan using the RTA framework for Pedestrian Access Mobility Plans (PAMP). This recommendation was made on the basis that the staff resources required for this purpose could not be met internally. The minimum cost of engaging a consultant was estimated to be in the vicinity of \$40,000, with Council to seek external grants contributions.

In April 2007, Management approved the establishment of a steering committee to prepare a brief to engage a consultant to manage the development of a city wide Mobility Plan. In July 2007, Council's Road Safety Officer (RSO) - who had been co-ordinating the planning process - retired. As noted elsewhere in the Business Paper, Council has experienced considerable difficulty in filling the vacant RSO position. The position has been advertised on three separate occasions. A recruitment firm was also engaged (with

ORDINARY MEETING

Meeting Date: 24 June 2008

costs met by the RTA) but without success. The RTA has advised that many Councils have experienced difficulty in recruiting RSO's.

The inability to fill the RSO position has meant that Council has not had the staff resources required to practically continue the work of the HBAMC (whose primary role is to assist Council in developing a draft Mobility Plan). As a result, the completion of the Mobility Plan has continued to be deferred.

Current Situation

As reported elsewhere in the Business Paper, Council staff have recently concluded negotiations with the Road and Transport Authority (RTA) to reconfigure the Road Safety Officer (RSO) position. The roles of the position have been broadened to make the position more attractive to prospective applicants. Recruitment action for the reconfigured Community Safety Co-ordinator position has commenced and management is hopeful that the position will be filled in the near future.

As a consequence of the ongoing vacancy, Council funds allocated for the Road Safety Program have been underspent by \$70,000 in 2007-2008. It is proposed that \$40,000 of these unspent funds be re-allocated for the purpose of engaging a consultant to finalise the approved planning process for the Hawkesbury Mobility Plan (as recommended in the scoping study adopted by the HBAMC).

The completed literature review on mobility planning 'best practice' strategies (as reported in the scoping study) has highlighted that a holistic approach to mobility planning for cyclists, pedestrians and people with disabilities has become the preferred method of practice. Current best practice takes into account cost effectiveness; environmental impact; existing plans; needs of the community; generators and attractors (those locations/services that are most frequently accessed); engineering treatments; road safety; road environments; community demographics; and other transport options. Council staff have already completed some of this analysis, but the finalisation of an integrated mobility plan will require the purchase of external expertise and professional services.

Council will also be aware that at the 21 May meeting of the Local Traffic Committee, the Committee resolved to request that *'Council give priority to the completion of its PAMP to amplify funding opportunities available to Council from the RTA'*. The recommendation to reallocate funds for the completion of the Hawkesbury Mobility Plan is consistent with this resolution.

Conformance to Strategic Plan

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

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

Funding

The report requests that Council reallocate unspent funds to finalise the preparation of the Hawkesbury Mobility Plan. As such, the recommendation has no adverse financial impact.

RECOMMENDATION:

That Council re-allocate \$40,000 of unspent funds from the 2007-2008 Road Safety Component of Council's budget, to be used to engage a consultant in the 2008-2009 financial year to finalise the preparation of the Hawkesbury Mobility Plan in accordance with the approved scoping study for the Plan.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 120 CP - NSW Department of Planning Reforms - Draft Discussion Paper, NSW Housing Code for Exempt and Complying Development - (95498)

REPORT:**Background**

As Council is aware, in November 2007 the NSW Department of Planning released a Discussion Paper on the reform of the NSW planning system. The discussion paper offered a picture of a planning process that is lengthy, complex and confusing for proponents and other users. It therefore investigated the cause of these problems and identified options for making the system more accountable as well as easier for families and small business to navigate. Council considered a report in relation to this matter in March 2008 and a submission on the discussion paper was forwarded to the Department.

The next part of the reforms includes the Draft Discussion Paper, NSW Housing Code for Exempt and Complying Development. The Paper is the first in a series of codes aimed at increasing the rate of use of complying development across NSW. The first stage of the codes are aimed at single storey dwelling houses on 600sqm and greater and alterations and additions to those houses, internal renovations to two storey dwelling houses. It also covers exempt development (ie, development that does not require approval under the planning system).

The purpose of this report is to advise Council of the Code and attached is a draft submission to be forwarded to the Department of Planning for consideration. The closing date for comments is 4 July 2008.

NSW Housing Code

The code is separated into 7 areas and the main issues are discussed below.

1. Introduction

A series of Codes are proposed and will be given effect by the proposed State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The codes will be added to as they are completed and will apply across the state.

The codes will supplement existing standards for exempt and complying development contained in Local Environmental Plans (LEP's), State Environmental Planning Policies (SEPP's) and Development Control Plans (DCP's).

Local variations may be made to the code standards by further amendments to the SEPP (Exempt and Complying Development Codes) 2008. Additional categories of exempt and complying for particular local government areas may also be made by such an amendment or by amending the applicable LEP.

Areas where exempt and complying development cannot be undertaken

The Code identifies a number of areas where exempt and complying development cannot be undertaken. Areas that are of particular relevance to the Hawkesbury LGA include:

1. Land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*.
2. Land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes.
3. Heritage items and conservation area (complying development exclusion only).
4. Land at or below 1 in 100 year flood event level (complying development exclusion only).
5. Flame zone on bushfire prone land (complying development exclusion only).
6. Scenic protection areas (complying development exclusion only).
7. Subject to an acquisition clause (complying development exclusion only)

ORDINARY MEETING

Meeting Date: 24 June 2008

Areas 1 and 2 are not current exclusions within the HLEP 1989 however are proposed to be included in the new HLEP which is based on the Department of Planning's (DoP's) Standard LEP (template LEP).

Area 3 has the same effect as HLEP 1989 in excluding complying development for these areas, however the Code would allow, in general, exempt development to be carried out in the areas. It is noted that in the Code's Exempt Table many of the development types cannot be undertaken on heritage items, therefore a Development Application would be required. Applicants however could then turn to Section 5.10(3)(a) of the DoP's template LEP to find that Development Approval may not be required if the applicant notifies Council in writing of the proposed development and Council confirms in writing that the works may proceed without the need for a development approval.

This is a similar approach adopted in HLEP 1989 and to be adopted in Council's template LEP offers a quick and efficient method of permitting minor development whilst still conserving the significance of conservation areas and heritage items.

Area 4, is similar to the exclusions in HLEP 1989, however Council's exclusion is for land 1.2m below the 1 in 100 flood event level. The effect of this is that HLEP 1989 allows for more land to be available for complying development than the Code would if applied to the Hawkesbury LGA.

Area 5 is not included in the HLEP 1989 or in the proposed template LEP. In general terms it would be reasonable to exclude such land from complying development.

Area 6 would exclude complying development from current 7(d) Environmental Protection (Scenic), Environmental Protection - Mixed Agriculture(Scenic), Environmental Protection - Agricultural Protection (Scenic) zoned land. HELP 1989 does not have such an exclusion and it is not proposed to include such an exclusion in the template LEP. The template LEP proposes to change these zones to Rural and Large Lot Residential zones hence the exclusion would have no effect with the new LEP.

Area 7 is appropriate given the proposed future use of the land to be acquired and the potential acquisition cost ramification of allowing development within land so affected.

The Code however does not exclude lands which are currently excluded in HLEP 1989 or proposed to be excluded in the temple LEP. These areas are:

1. Land identified as being an Aboriginal place or known to contain an Aboriginal object under the *National Parks and Wildlife Act 1974*.
2. Land zoned wetland or within 20 metres of a wetland.
3. Land within one metre of any public sewer main easement or land within one metre of the zone of influence of any public sewer main.
4. Land that is a remediation site within the meaning of the *Contaminated Land Management Act 1997* or land subject to an agreement with the Environment Protection Authority under section 26 of that Act for voluntary remediation (complying development exclusion only).
5. Land that is on a register maintained by the Council as land that is subject to landslip (complying development exclusion only).
6. Land that is identified on the Acid Sulphate Soils Planning Map as land containing potential acid sulphate soils of Class 1, 2 or 3 (complying development exclusion only).
7. Land that is identified as a scenic area of the riverine corridor or as a conservation area sub-catchment under *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)* (complying development exclusion only).

These types of areas/matters are not peculiar to the Hawkesbury LGA and would be found in some form in many if not most Council areas. The effect of the non-exclusion is that complying development under the Code would be permitted in these relatively sensitive areas.

ORDINARY MEETING

Meeting Date: 24 June 2008

It is not known why such areas have not been excluded and the proposed complying development conditions of consent do not address these matters. It is recommended that the Department of Planning be requested to consider such exclusions or included appropriate complying development conditions to deal with these matters.

Single Storey Complying Development

The Draft code contains similar provisions that are outlined in the Residential Chapter of the Hawkesbury DCP with only some minor differences. The current complying development provisions contained in the Hawkesbury LEP 1989 include single storey residential dwellings and are as follows:

Residential zones only

- *Not on land for which the Australian Noise Exposure Forecast exceeds 25*
- *Sewered*
- *Floor level no more than 1.2m above ground level*
- *On lots with an area greater than 450m²*
- *Comply with AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction*
- *Waste management plan approved in accordance with the Hawkesbury Development Control Plan*
- *Not identified as bushfire prone land*

One of the main differences between the code and Hawkesbury DCP is in relation to Pitt Town as the lots are over 600sqm. For example, the front setbacks in the Draft Code are 4.5 metres as opposed to Council's 8 metres minimum for North/South oriented lots and 7 metres minimum for East/West oriented lots under Pitt Town DCP. In other areas of the City the setback will be determined by the existing setback of adjacent dwellings as provided in the Draft Code. However, the land at Pitt Town is predominately vacant and therefore the minimum standard of 4.5m is likely apply in some cases.

The current Council DCP clearly articulates the desired future character of Pitt Town and was adopted by Council in December 2003. It seeks to ensure that development is sympathetic with the existing village and set an appropriate standard of urban design for future development. The amendments proposed in the Housing Code will permit Complying Development applications to vary some of these provisions, particularly in relation to front and some side setbacks.

Exempt Development

The Draft Code's exempt provisions are in many instances similar to Council's current exempt development contained in HLEP 1989 and in some instances Hawkesbury LEP 1989 is more generous than those proposed in the Draft Code. Examples include carnivals, filling of land; garages; waste storage containers and dog kennels or dogs runs.

Standard Conditions

The Draft Codes also contain the standard conditions to be applied to complying development and these will supersede those currently contained within the Hawkesbury DCP. There are approximately 65 conditions for complying development contained within Council's DCP and this would be reduced to 31 in the Codes.

There is no reason why the additional conditions within the Hawkesbury DCP need to be imposed upon a Complying Development Certificate. It is mandatory under the Environmental Planning and Assessment Act and Regulation that the Principal Certifying Authority (e.g. Council or an accredited private certifier) ensure that all regulations, codes and standards relevant to a particular development are highlighted to the owner, applicant and builder. How a certifying authority achieves this is a matter for the certifier.

Clause 136A of the Environmental Planning and Assessment Regulation requires that a complying development certificate must be issued subject to a condition that requires there to be a contract of insurance in force in accordance with Part 6 of the Home Building Act 1989 (i.e. Builders Home Owners

Warranty Insurance or and Owner-Builders Permit issued by the Department of Fair Trading). It should be noted that the specified standard conditions identified in the Draft Housing Code do not contain this condition as required by the Regulation. This matter will be raised in the submission to the Department.

Further, the Department of Planning have not addressed the impost of a Section 94A Contribution condition, however, verbal advice indicates that this matter is to be resolved. This matter will be raised in the submission to the Department.

6. Dictionary

There appears to be some inconsistency between the Floodplain Development Manual April 2005 and the NSW Housing Code. For example, the definition in the NSW Housing Code for Flood Prone Land means land that has been identified as being below the 1:100 flood event in a local environmental plan. In the NSW Government Floodplain Development Manual April 2005, the definition is land susceptible to flooding by the PMF event.

It is considered that the most appropriate definition is flood liable land Floodplain Development Manual April 2005.

A summary of the principle differences between the Draft Code exemptions and Council's current requirements is included as an attachment.

NSW Commercial Building Code

This Draft Code proposes to permit the change of use of a commercial premises to another commercial premises or industrial premises to another industrial premises and internal fitout or alterations under certain conditions. These changes are not permitted if the item is a Heritage Item or food premises. Any changes must be consistent with the Building Code of Australia (BCA). The original uses must also be existing approved uses. These changes must also comply with any LEP or DCP applying to the land. In this case the Draft Code is generally consistent with Council's existing provisions. Although, it may increase the number of applications that are permitted as Complying Development, the controls that currently exist are similar to that in the Draft Code.

General Comments

Formatting

The government is seeking to outline a simple system to gain planning approvals and as such the document should be interactive in the electronic format. For example, there should be an ability to "click" into table of contents to access various sections. Further the formatting should not be based on columns so that the electronic versions are easier to read and scroll through.

The Department's Codes and documents should follow a system as per the instructions given to Councils in regards to the preparation of a single DCP, ie, the Department's Codes should, upon completion, form one single Code that applies to Exempt and Complying Development rather than multiple Codes applying to different development types.

Conclusion

Over the past 15 years there have been considerable changes to the Environmental Planning Assessment Act 1979, particularly with the introduction of Exempt and Complying Development and the NSW Standard LEP Template. Overall reform of the planning system is supported on the provision that the rights of the community and Council are not eroded.

The principle behind the preparation of the Codes for Exempt and Complying Development is to gain some consistency across Council's in NSW. A comparison of the Draft Codes and Council's current provisions for Exempt and Complying Development indicates that there are many similarities and only relatively minor differences (as described in the attachment to this report). The Codes are proposed as a minimum

ORDINARY MEETING

Meeting Date: 24 June 2008

standard for Exempt and Complying Development and Councils can propose a more flexible approach. In this regard Council does retain the ability to control much of the content of the controls.

Conformance to Strategic Plan

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

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

Funding

Nil.

RECOMMENDATION:

That:

1. The information be received.
2. A submission be prepared, based on the contents of this report and the attachment, and forwarded to the Department of Planning.

ATTACHMENTS:

AT - 1 Draft Submission (*distributed under separate cover at the meeting*)

oooO END OF REPORT Oooo

Item: 121 CP - Update of Hawkesbury Crime Prevention Strategy - (95498, 96328)

REPORT:

This report has been prepared to seek Council's approval to undertake a community planning process to update Hawkesbury City Council's Crime Prevention Strategy.

Background

The Crime Prevention Unit of the Attorney's General Department (AGD) works in partnership with local government to develop policies and programs to prevent and reduce crime in NSW. The Department has established a process by which Council's can develop crime prevention plans which are then gazetted by the NSW Attorney General as Safer Community Compacts. When a plan is gazetted as a Safer Community Compact, councils become eligible to apply for funds for crime prevention initiatives.

Hawkesbury City Council's Crime Prevention Plan was endorsed by the Attorney's General Department as a Safer Community Compact in 1999. It was one of the earliest plans to be endorsed in NSW. The plan focused on providing opportunities for young people to act responsibly and safely and set out a range of strategies for working constructively with young people and the rest of the community to build a safer community. The 1998 strategy focused on preventing crime by reducing anti - social and risk taking behaviour; motor vehicle theft, road trauma and dangerous driving; damage related to alcohol and other drug related violence; and social disadvantage that can lead to crime.

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. This program provided significant resources to 'at risk' young people.

The cost of preparing Council's 1998 Crime Prevention Plan, was partly funded from a two-year grant received under the Western Sydney Area Assistance Scheme. The mandated process for developing and submitting a crime prevention plan requires 12-18 month time frame and the commitment of significant staff resources.

Current Situation

Councillors will be aware that Community Safety was identified as an issue in the recently commissioned Hawkesbury Community Survey 2007. Until recently, resource constraints have limited Council's capacity to undertake the detailed process involved in redrafting its crime prevention plan.

The transfer of Council's externally funded community services to Peppercorn Services Inc. (PSI) in February 2007 has strengthened Council's community and youth development role. A position of Community and Youth Services Manager has been established at PSI. The role of this position (other than managing the operations of a Community and Youth Services Branch made up of a portfolio of 3 funded projects) includes working strategically with local youth and community services to build the capacity of services to better respond to community needs, especially at risk youth.

In addition, Council staff have recently concluded negotiations with the Road and Traffic Authority (RTA) to reconfigure the Road Safety Officer (RSO) position within Council which is jointly funded by the RTA and Council. Council had experienced difficulty in filling the vacant RSO position following the retirement of the previous incumbent in August 2007. Subsequent negotiations with the RTA suggested that broadening the mandate of the position may make it more attractive to prospective applicants and accordingly, the duties of position have been expanded to include crime prevention, community safety and injury prevention in addition to its existing road safety responsibilities. Recruitment action for the reconfigured Community Safety Co-ordinator position has commenced.

ORDINARY MEETING

Meeting Date: 24 June 2008

The creation of these positions has provided Council with the additional staff resources required to update its Crime Prevention Strategy that makes Council eligible to apply for funds to address the community safety needs of residents of the City.

Developing a Crime Prevention Plan

The Attorney's General Department provides a template to follow when developing local crime prevention plans. Requirements of this template include:

- identification (through research) of one or two 'priority' crime categories;
- undertaking a community needs assessment;
- working in partnership with community stakeholders;
- establishing a crime prevention committee;
- preparing a crime prevention action plan;
- public exhibition of the Plan;
- endorsement of Plan by AGD as a Safer Community Compact.

It is proposed that this process be implemented in conformance with Council's Community Engagement Policy.

The Attorney's General Department has indicated its willingness to support Council in the development of a new plan. Windsor Police Local Area Command has also indicated their priority to work collaboratively with local council to reduce the impact of crime. Council's agreement to commence the process will provide the necessary starting point to approach community stakeholders to undertake the development of a crime prevention plan.

Conformance to Strategic Plan

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

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

Funding

There are no funding implications arising from this report. Staff resources have been identified to co-ordinate the updating of the crime prevention plan. The use of these resources is consistent with objectives contained in Council's Community Plan.

RECOMMENDATION:

That Council approve the implementation of the community planning process, as outlined in this report and conducted in conformance with Council's Community Engagement Policy, to update the Hawkesbury Crime Prevention Strategy.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 122 **CP - Youth Participation and Civic Engagement - Update - (95498, 96328)**

Previous Item: NM1, Ordinary (8 April 2008)

REPORT:

This report has been prepared to advise Council of actions taken to implement Council's resolution regarding the identification of options to support the participation of youth services and young people in policy development and planning.

Background

At its Ordinary Meeting held on 8 of April 2008, in response to a Notice of Motion submitted by Councillor Calvert during Youth Week 2008, Council resolved:

"That:

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

Council's resolution was subsequently tabled at the April meeting of the Hawkesbury Youth Interagency (HYI). HYI endorsed the resolution and requested that the WYSH Coalition (Working to Strengthen Youth Services in the Hawkesbury) in conjunction with other youth organisations, develop a strategy to consult with local youth services and young people to identify options for youth participation and civic engagement.

The WYSH Coalition is a partnership consortium established in 2007 with the aim of building the capacity of local youth services to better support the needs of local young people. Hawkesbury City Council (working through Peppercorn Services Inc.) is the lead agency for the consortium with the Manager Community and Youth Services, Peppercorn Services Inc. as convenor. The membership of the consortium includes Bligh Park Community Services Youth Project, North Richmond Youth Development Project, Hawkesbury Community Outreach Youth Project, Forgotten Valley Youth Development Project, ted noffs foundation and the Women's Cottage Young Women's Project.

The WYSH Coalition has developed and submitted a joint application under the Western Sydney Area Assistance Scheme (WSAAS) for funds to establish a youth service development and youth engagement project. The project has received strong support from the Hawkesbury youth sector and if successful will fund a youth development worker to facilitate youth participation and leadership projects in the Hawkesbury.

Current Situation

At its May Meeting, the WYSH Coalition (in response to the mandate conferred by HYI) developed a proposed consultation strategy to collect information to inform the identification of appropriate mechanisms

ORDINARY MEETING

Meeting Date: 24 June 2008

for youth participation and civic engagement (to give practical effect to Council's resolution). The proposed strategy incorporates the following elements:

- meetings with young people and youth services - a series of not less than 10 small focus groups including meetings with young people at local high schools, refuges, youth groups, Indigenous groups as well as a discussion meeting with members of Hawkesbury Youth Interagency. The consultations will serve two purposes. Firstly, to obtain from young people their views about the most relevant and viable options for involving young people in planning and policy development. Secondly, to inform young people of Council's role and functions and to identify a group of young people who may be interested in participating in future civic leadership projects and youth engagement processes.
- research - a limited literature review into youth participation strategies in local government in Australia. The review will focus on reviewing the good practice indicators for youth participation and civic engagement, as well as reviewing various models council's have used for civic youth engagement.

It is expected that the consultation strategy will take about three months. A report will be compiled, with recommendations presented to the Hawkesbury Youth Interagency for final review and endorsement prior to reporting to Council.

It is anticipated that the report will include several youth participation and civic leadership models for Council's consideration, along with indicative costings. The report will also outline funding opportunities available to Council to support civic leadership and participation projects. Council may wish to consider these recommendations in setting future financial estimates.

Council's Strategic Plan

As part of the process of reviewing Council's Strategic Plan, and in view of Council's resolution detailed earlier in this report, a "youth" component has been incorporated in the review of Council's Strategic Plan.

WSROC Regional Youth Council

Council also requested information regarding the status of the proposed WSROC Regional Youth Council (RYC). WSROC recently resolved to establish a Regional Youth Council following a discussion report prepared by WSROC staff. Council staff contacted the WSROC CEO to ascertain the status of the RYC. The CEO advised that the RYC proposal required 'further background work' prior to its roll-out. A meeting of Council youth development officers is scheduled for August to discuss the project.

The WYSH Coalition has considered the RYC proposal and will contact youth services in the Hawkesbury with the aim of identifying four nominated young people to act as provisional delegates to the proposed RYC should it be established. At this time, it is unclear as to whether WSROC has allocated funds for the RYC and it may therefore be necessary for Council to fund the cost of sending and supporting Hawkesbury representatives to participate on the RYC. The available evidence from investigating youth councils and civic participation models implemented by other councils, suggests that all youth participation strategies require funding. Young people in the Hawkesbury are geographically isolated and have little access to public transport. To effectively engage with complex civic processes, young people are likely to require mentors and training. These costs need to be considered to deliver a sustainable youth participation and civic engagement model.

Conformance to Strategic Plan

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

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

ORDINARY MEETING

Meeting Date: 24 June 2008

Funding

There are no funding implications arising from this report. The use of Council staff and funding resources required to co-ordinate the proposed consultation strategy are consistent with objectives contained in Council's Community Plan and have been budgeted for in the 2008-2009 draft financial estimates.

RECOMMENDATION:

That:

1. Council endorse the proposed youth participation and civic engagement consultation strategy as outlined in this report.
2. Receive the information regarding the status of the WSROC Regional Youth Council proposal.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

SUPPORT SERVICES

Item: 123 SS - Creation of Easements for Services between Valad Property Group and Council over Lot 10 in Deposited Plan 801727 - (95496, 92522, 31465)

REPORT:

Development Consent was approved to the Valad Property Group to carry out alterations and additions to the existing North Richmond Shopping Village on 6 October 2006.

External works, as part of the development, involved the reconfiguration of the adjacent carpark to improve pedestrian safety, manoeuvrability and traffic circulation. These works affected Lot 10 in Deposited Plan 801727, which is owned by Council. An appropriate easement has been created in relation to this matter.

In addition to the car parking within Lot 10 in Deposited Plan 801727, the developers have also constructed a new underground sewer line and are now seeking to formalise, at no cost to Council, an easement for services over the property.

The location and extent of the easement are shown on the attached plan.

Conformance to Strategic Plan

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

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

Funding

This proposal has no impact on the 2007/2008 budget.

This proposal is considered reasonable and could be agreed to by Council.

RECOMMENDATION:

That Council agree to the creation of an easement as outlined in the report subject to:

1. The documentation, as provided by Valad Property Group, being considered satisfactory by Council's solicitors pursuant to Section 88B of the Conveyancing Act 1919.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to Valad Property Group together with the advice that Council is not, and will not, be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been executed by Council.

ATTACHMENTS:

AT - 1 Plan of Easement for Services within Lot 10 in Deposited Plan 801727.

Meeting Date: 24 June 2008

225° 44' 15" - 282.885 MCA (1980)
 226° 46' 25" - 282.877 SURVEY
 215° 40' 00" - 282.881 MCA (1980)
 216° 42' 10" - 282.873 SURVEY
 217° 44' 20" - 282.865 MCA (1980)
 218° 46' 30" - 282.857 SURVEY
 219° 48' 40" - 282.849 MCA (1980)
 220° 50' 50" - 282.841 MCA (1980)
 221° 53' 00" - 282.833 MCA (1980)
 222° 55' 10" - 282.825 MCA (1980)
 223° 57' 20" - 282.817 MCA (1980)
 224° 59' 30" - 282.809 MCA (1980)
 225° 01' 40" - 282.801 MCA (1980)
 226° 03' 50" - 282.793 MCA (1980)
 227° 06' 00" - 282.785 MCA (1980)
 228° 08' 10" - 282.777 MCA (1980)
 229° 10' 20" - 282.769 MCA (1980)
 230° 12' 30" - 282.761 MCA (1980)
 231° 14' 40" - 282.753 MCA (1980)
 232° 16' 50" - 282.745 MCA (1980)
 233° 19' 00" - 282.737 MCA (1980)
 234° 21' 10" - 282.729 MCA (1980)
 235° 23' 20" - 282.721 MCA (1980)
 236° 25' 30" - 282.713 MCA (1980)
 237° 27' 40" - 282.705 MCA (1980)
 238° 29' 50" - 282.697 MCA (1980)
 239° 32' 00" - 282.689 MCA (1980)
 240° 34' 10" - 282.681 MCA (1980)
 241° 36' 20" - 282.673 MCA (1980)
 242° 38' 30" - 282.665 MCA (1980)
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 244° 42' 50" - 282.649 MCA (1980)
 245° 45' 00" - 282.641 MCA (1980)
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 250° 55' 50" - 282.601 MCA (1980)
 251° 58' 00" - 282.593 MCA (1980)
 252° 00' 10" - 282.585 MCA (1980)
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 254° 04' 30" - 282.569 MCA (1980)
 255° 06' 40" - 282.561 MCA (1980)
 256° 08' 50" - 282.553 MCA (1980)
 257° 11' 00" - 282.545 MCA (1980)
 258° 13' 10" - 282.537 MCA (1980)
 259° 15' 20" - 282.529 MCA (1980)
 260° 17' 30" - 282.521 MCA (1980)
 261° 19' 40" - 282.513 MCA (1980)
 262° 21' 50" - 282.505 MCA (1980)
 263° 24' 00" - 282.497 MCA (1980)
 264° 26' 10" - 282.489 MCA (1980)
 265° 28' 20" - 282.481 MCA (1980)
 266° 30' 30" - 282.473 MCA (1980)
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 281° 03' 00" - 282.353 MCA (1980)
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 284° 09' 30" - 282.329 MCA (1980)
 285° 11' 40" - 282.321 MCA (1980)
 286° 13' 50" - 282.313 MCA (1980)
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 289° 20' 20" - 282.289 MCA (1980)
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 291° 24' 40" - 282.273 MCA (1980)
 292° 26' 50" - 282.265 MCA (1980)
 293° 29' 00" - 282.257 MCA (1980)
 294° 31' 10" - 282.249 MCA (1980)
 295° 33' 20" - 282.241 MCA (1980)
 296° 35' 30" - 282.233 MCA (1980)
 297° 37' 40" - 282.225 MCA (1980)
 298° 39' 50" - 282.217 MCA (1980)
 299° 42' 00" - 282.209 MCA (1980)
 300° 44' 10" - 282.201 MCA (1980)
 301° 46' 20" - 282.193 MCA (1980)
 302° 48' 30" - 282.185 MCA (1980)
 303° 50' 40" - 282.177 MCA (1980)
 304° 52' 50" - 282.169 MCA (1980)
 305° 55' 00" - 282.161 MCA (1980)
 306° 57' 10" - 282.153 MCA (1980)
 307° 59' 20" - 282.145 MCA (1980)
 308° 01' 30" - 282.137 MCA (1980)
 309° 03' 40" - 282.129 MCA (1980)
 310° 05' 50" - 282.121 MCA (1980)
 311° 08' 00" - 282.113 MCA (1980)
 312° 10' 10" - 282.105 MCA (1980)
 313° 12' 20" - 282.097 MCA (1980)
 314° 14' 30" - 282.089 MCA (1980)
 315° 16' 40" - 282.081 MCA (1980)
 316° 18' 50" - 282.073 MCA (1980)
 317° 21' 00" - 282.065 MCA (1980)
 318° 23' 10" - 282.057 MCA (1980)
 319° 25' 20" - 282.049 MCA (1980)
 320° 27' 30" - 282.041 MCA (1980)
 321° 29' 40" - 282.033 MCA (1980)
 322° 31' 50" - 282.025 MCA (1980)
 323° 34' 00" - 282.017 MCA (1980)
 324° 36' 10" - 282.009 MCA (1980)
 325° 38' 20" - 282.001 MCA (1980)
 326° 40' 30" - 281.993 MCA (1980)
 327° 42' 40" - 281.985 MCA (1980)
 328° 44' 50" - 281.977 MCA (1980)
 329° 47' 00" - 281.969 MCA (1980)
 330° 49' 10" - 281.961 MCA (1980)
 331° 51' 20" - 281.953 MCA (1980)
 332° 53' 30" - 281.945 MCA (1980)
 333° 55' 40" - 281.937 MCA (19

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 124 SS - Proposed Lease of Land From Hawkesbury City Council for a Cycleway Bridge - Lot 12 DP1073816, 10 Mulgrave Road, Mulgrave - (95496, 74282)

REPORT:

The Roads and Traffic Authority has advised that they intend to construct a bridge for cyclists over South Creek, parallel to Bridge Street/Windsor Road, Windsor. In order to construct the bridge, the Roads and Traffic Authority requires a lease over an area of Council land, with a view to acquiring the area at a later date.

Accordingly, the Roads and Traffic Authority are seeking Council's agreement for a lease over a part of Council's property at Lot 12 in Deposited Plan 1073816 (known as 10 Mulgrave Road, Mulgrave). The subject land is classified operational in accordance with the Local Government Act 1993.

The subject portion of land comprises a total area of approximately 30sqm and is shown on the attached sketch.

The proposed lease is for a period of twelve months at a peppercorn rental of \$1.00 per annum, after which time negotiations regarding acquisition of the land by the Roads and Traffic Authority will be undertaken.

The proposed lease will reduce the irrigation area utilised for the sewage treatment plant, however, the reduction would not significantly affect the operations of the plant and as such it would be appropriate for the land to be utilised by the Roads and Traffic Authority.

Conformance to Strategic Plan

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

"Objective: Processing miscellaneous property matters".

Funding

This proposal has no impact on Council's 2007/2008 Budget.

RECOMMENDATION:

That:

1. Council agree to leasing approximately 30sqm of Lot 12 in Deposited Plan 1073816 to the Roads and Traffic Authority at a peppercorn rental of \$1.00 per annum for a period of twelve months.
2. Authority be given for any documentation in association with the matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the Roads and Traffic Authority, together with the advice that Council is not, and will not, be bound by the terms of it's resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

ORDINARY MEETING

Meeting Date: 24 June 2008

ATTACHMENTS:

AT - 1 Map showing the land to be leased to Roads and Traffic Authority

ORDINARY MEETING

Meeting Date: 24 June 2008

AT - 1 Map showing the land to be leased to Roads and Traffic Authority



ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 125 **SS - New South Wales Electoral Commission - Updated Costs for 2008 Local Government Elections - (79351, 107, 95496)**

Previous Item: 138, Ordinary (31 July 2007)

REPORT:

Council has previously considered a report outlining the estimated costs and concerns with the conduct of the 2008 Council elections by the New South Wales Electoral Commission (NSWEC). This report provides an update on the situation, given the latest correspondence from the NSWEC indicating more precise cost estimates for the conduct of the election.

Background

As Council may recall, in June 2007 the NSWEC provided a cost estimate of \$287,400 to conduct the election due on 13 September 2008. Council at the time had been predicting that the cost would be in the vicinity of \$150,000 based on the cost of the 2004 election (\$135,648).

A report was provided to the Council at its meeting of 31 July 2007, and Council resolved (in part) to:

- "1. Submit a motion to the 2007 Local Government Association Annual Conference calling on the State Government to review the direction advised by the New South Wales Electoral Commission in respect of the costs to be charged to councils for the conduct of the 2008 Local Government elections and require the Commission to consider a more realistic cost structure for the 2008 elections, having regard to the costs incurred by councils in 2004.*
- 2. Make its position clear in this regard to the Local Government and Shires Association as a matter of urgency for the Association's preparation for a future meeting.*
- 3. Make representations to the Premier, the three Local State Members of Parliament and relevant State Minister in this regard".*

Council implemented the actions, as did other NSW councils and the Local Government & Shires Association, but no significant outcome has been achieved. It did, however, result in the NSWEC undertaking some consultation with local government and generally looking for opportunities to reduce the impact on councils eg for rural areas to share Returning Officers.

Current Position

By letter dated the 8 May 2008, the NSWEC advised of the updated cost of running the local government elections for Hawkesbury City Council to be \$322,900. A copy of the letter is attached, which includes a schedule of expenses.

Discussion

The table below outlines the local government election costs for Hawkesbury City Council.

	Cost	Compared to 2004 actual		Compared to 2007 est.	
		\$ Increase	% Increase	\$ Increase	% Increase
NSWEC est. May 08	\$ 322,900	\$ 187,252	138%	\$ 35,500	12%
NSWEC est. Jun. 07	\$ 287,400	\$ 151,752	112%		
Act. March 2004	\$ 135,648				

ORDINARY MEETING

Meeting Date: 24 June 2008

The latest cost estimate from the NSWEC of \$322,900, is a significant increase in costs representing an increase in the order of 138% (\$187,252), on the cost incurred by Council for the 2004 election.

Consistent with good financial management practices, Council had been very prudent over the years by allocating funds to a reserve to fund the 2008 elections. However, the amount proposed turned out to be \$137,400 less than the amount advised by the Commission in June 2007 as being required for that purpose. Notwithstanding an already tight budgetary situation, Council was able to allocate additional funds for the election through the quarterly review process. The 2008-2009 budget placed on public exhibition had been drafted on the basis of the cost estimate as provided by the NSWEC in June 2007.

Council will now be required to re-allocate a further \$35,500 in the 2007-2008 fourth quarter budget review to cater for the latest cost estimate increase notified by the NSWEC.

It should be noted that had the cost incurred for the 2004 election increased by a rate similar to the CPI, or the rate pegging increases approved by the State Government, the cost of the 2008 election would have been anticipated to have been in the order of \$160,000. The latest cost estimate of \$322,900 is approximately 45% Council's expected income from the State Government rate pegging allowable increase of 3.2% on Council's 2008/2009 general rates.

While it is acknowledged that the cost of conducting the election may have increased at a rate greater than CPI or rate pegging, given the introduction of additional requirements; changes to and improvement of electoral processes over time; and so on, it is difficult to suggest that an increase in costs in the order suggested, namely approximately 138%, can be justified even if, as indicated, this has been calculated on a "full cost recovery basis". This is particularly highlighted when it must be acknowledged that councils are restricted by rate pegging limits and the State Government regulates many charges councils levy, and these are not done on a "full cost recovery basis".

It is apparent that some of the factors that appear to contribute to the excessive costs by the NSWEC include:

- Significant costs associated with Returning Officers including accommodation of \$20,910;
- Unrealistic demands for Returning Officer office accommodation;
- Replacement of all held electoral material necessitated by the change of name from the "State Electoral Office" to the "Electoral Commission of NSW";
- Relatively high printing and mailing costs;
- The NSWEC administrative fee and allocation of its infrastructure service costs like IT, payroll etc;
- Expensive advertising programs including radio for both Returning Officer appointments and calling for Councillor nominations; and
- An increase in the number of polling places in the LGA. Currently it is proposed to establish 23 placings compared to 18 for the 2004 election. Initially the NSW Electoral Commission proposed 28 places with this being revised down following council representation.

The NSWEC has advised that Council will be invoiced for 85% of the budget estimate in August, and balance will be invoiced at the end of the election. It has also been indicated that any Council facing financial stress may pay the cost of the service over two financial years subject to application with reasons. Such requests will be referred to the Department of Local Government for consideration.

It should be noted, the NSWEC has determined that the cost estimate is not the actual cost incurred by the NSWEC on running the election for Hawkesbury City Council, and many of its costs are allocated on a pro-rata basis based on the number of electors. Accordingly, the cost estimate for Hawkesbury covers the NSWEC infrastructure services including the administration of the elections, centralised count room and counting facilities, associated information technology, information services and advertising the election, performance evaluation and reporting, payroll processing and staffing costs, and all printing and stationery requirements.

ORDINARY MEETING

Meeting Date: 24 June 2008

The Local Government and Shires Association shares local government concerns on the costs being imposed on local government, and supports appropriate representations. However the Minister for Local Government has made it clear that this does not amount to cost shifting.

Council has a number of options:

- Continue to lobby the Government and peak local government bodies individually and/or collectively with other councils;
- Make application to pay the amount over two financial years;
- Council seek greater accountability and transparency from the NSWEC, by requesting a detailed breakdown of the election costs attributable to Hawkesbury City Council, and also identifying actual costs incurred for services to Council, as distinct from costs apportioned to Council based on a global unit rate; and
- Do nothing and pay the full amount of the service when due.

In terms of appropriate action it is considered that Council should seek accountability and transparency from the NSWEC in terms of its costing structure and continue to make appropriate representations on the cost issue.

Conformance to Strategic Plan

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

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

Funding

The costs advised by the New South Wales Electoral Commission for the conduct of the 2008 Local Government elections in Council's area, represent a significant increase on the cost incurred for the 2004 election, as well as a significant increase on the cost that would normally be expected for the 2008 election. Based on the advice received in June 2007, Council allocated an additional \$137,400 in the 2006/2007 budget for this purpose in an already difficult budgetary climate. It will need to allocate a further \$35,500 in the 2007/2008 fourth quarter budget review to meet the further increase in costs.

RECOMMENDATION:

That Council:

1. Write to the NSW Electoral Commission raising serious concern and objection to the election costs passed down to the ratepayers of Hawkesbury City Council, and in terms of accountability and transparency, seeking a detailed breakdown of the election costs attributable to Hawkesbury City Council including identifying those services paid on an actual costs basis, and those services apportioned over a unit rate basis;
2. Make representations to the Premier and relevant State Ministers about the significant increase in elections costs, and seeking greater accountability and transparency from the NSW Electoral Commission over the setting of these costs.

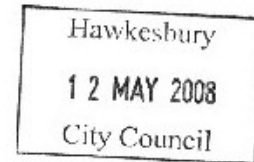
ATTACHMENTS:

AT - 1 Letter dated 8 May 2008 from New South Wales Electoral Commission.

ORDINARY MEETING

Meeting Date: 24 June 2008

AT - 1 Copy of letter dated 8 May 2008 from New South Wales Electoral Commission



2007/1070

8 May 2008

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756

Dear Mr Jackson

Budget for the 13 September 2008 Local Government Elections

Since I wrote to you in June 2007 regarding the budget for your local council election to be held on Saturday, 13 September 2008, considerable consultation and work have taken place between your Council and the New South Wales Electoral Commission (NSWEC) to clarify the election services to be provided to voters in your council area.

As you are aware, the NSWEC is required by law to conduct the elections and each council is required by law to pay the costs associated with their election.

The conduct of Local Government elections is a large scale logistical project that needs to be effectively managed. Whereas at the 2007 State election there were some 870 candidates, at the Local Government elections there will be between 4,500-5,000 candidates. At the State election there are 94 individual elections. At Local Government elections there will be in excess of 300 individual elections.

Staff from the NSWEC have met with you and your staff and provided you with a briefing on the range of services that we will provide to voters in your council area. These services include:

- selection and training of returning officers (ROs);
- production of high quality manuals for ROs and election officials;
- selection of appropriate election officials;
- recruitment drive for staff using the NSWEC website;
- providing a special help desk for candidates;
- providing a centralised elector enquiry service;
- providing a computerised election management system to ROs to streamline administration in the ROs office;
- introduction of e-Learning via the NSWEC's website to train polling place managers;
- providing an internet election night results system similar to that provided at a State election;
- management of the election advertising campaign by the NSWEC; and
- providing councils and the Minister with a detailed report on the conduct of the elections.



SCANNED

ORDINARY MEETING

Meeting Date: 24 June 2008



Attached to this letter is a detailed budget estimate for the cost of providing election services for your council. The budget estimate has been prepared on the basis of best information known as at April 2008, including whether councils are divided into wards and whether ballot papers will be sent to Sydney for counting.

In addition, we have consulted with you and your staff on the location of the ROs office, selection of polling places, selection of pre-poll voting locations, selection of local newspapers for statutory advertisements, and provided you with the opportunity to send to electors an elector or household brochure.

The budget estimate does not include the cost of any Crown Solicitor's advice that may be necessary in connection with the election for your council area.

During the conduct of the election if it appears that there is going to be a significant increase in any item in the budget we will consult with you.

In August 2008 you will be invoiced for 85% of the budget estimate. At the end of the election we will provide you with an invoice for the balance listed under the headings contained in the budget estimate.

There may be some instances where councils are suffering from financial stress and the NSW Treasury has agreed to allow such councils to pay for the cost of their election over two financial years. If you wish to apply to pay for the election services over two financial years you need to write to me setting out your reasons. I will refer the requests to the Department of Local Government for their consideration.

In managing and delivering the election services we are conscious of electors' expectations of receiving the same level of electoral services they receive at State and Federal elections. We are also conscious of the fact that electors in this day and age expect the elections will be conducted efficiently, effectively and at arms length from the elected politicians.

If you have any enquiries regarding services to be provided would you please first email Helen Robinson (helen.robinson@elections.nsw.gov.au) and we will respond to your enquiry.

I look forward to working with you on the successful conduct of your election.

Yours sincerely

A handwritten signature in cursive script that reads "Colin Barry".

Colin Barry
Electoral Commissioner

ORDINARY MEETING

Meeting Date: 24 June 2008

Budget Estimate for Hawkesbury City Council

Item	Description	
Local Government Elections Programme Management		
	Project Management	2,060
	Performance Evaluation & Reporting,	4,280
	Candidate Support, Legal	
	NSWEC Administration Fee	22,220
Programme Management Total		28,560
Finance Services		
	Budget Management	560
	Payroll Processing	5,920
	Payables Processing	950
	Mail Services	2,880
Finance Services Total		10,310
Election Services		
	Council Visits	390
	Candidate Info Sessions	650
	De-brief Programme for Returning Officers	300
	Centralised Vote Counting	13,620
	Voting Centres (Incl. pre-poll, DIs & polling places)	8,820
	Equipment & Materials	25,050
	Training Programme	4,970
	Returning Officer Support Centre	3,350
	Wages - Returning Officers	24,280
	Wages - Office Assistants	33,980
	Wages - Election Officials	45,460
	Returning Officer Accommodation	20,910
	Registration of How-to-Vote Material	80
	Printing Ballot Papers	22,700
Election Services Total		204,560
Election Information Services		
	Equal Access to Democracy	2,030
	Elector Info Campaign - NSWEC Campaign	8,440
	Elector Info Campaign - Brochure	27,500
	Elector Information	770
	Info Kit	
	LG Profiling	
	Elector Enquiry Centre	3,840
	Website & Education Services	3,840
Election Information Services Total		46,420
Information Technology		
	Systems Support	4,630
	IT Infrastructure	14,540
	Website (dynamic)	570
	Rolls	4,080
	IT Personnel	6,810
	Results	2,300
Information Technology Total		33,030
Budget Estimate		322,900

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 126 SS - Pecuniary Interest Returns - (79337, 95496)

REPORT:

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

"450A Register and tabling of returns:

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

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

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

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

Position	Return Date	Date Lodged
Manager Corporate Services & Governance	17/3/2008	17/3/2008

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

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

Conformance to Strategic Plan

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

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

Funding

Not applicable.

ORDINARY MEETING

Meeting Date: 24 June 2008

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 24 June 2008**Item: 127 SS - 2008/2009 Remuneration for Councillors and Mayor - (95496, 96332)****REPORT:**

The Local Government Remuneration Tribunal, pursuant to Section 241 of the Local Government Act 1993, has recently determined the categories for Councils, County Councils and Mayoral Offices and the maximum and minimum amount of fees to be paid during the period 1 July 2008 to 30 June 2009.

Hawkesbury City Council is currently categorised as a Category 3 Council.

The tribunal has determined that the annual fees to be paid for the period 1 July 2008 to 30 June 2009 for a Category 3 Council are as follows:

	Councillor Annual Fee		Mayor Additional Fee	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Category 3	\$6,870.00	\$15,120.00	\$14,610.00	\$33,010.00

The Tribunal determined that having regard to any economic data and the views of the assessors, that an increase of 4% in fees for Councillors and Mayors was appropriate.

In the past it has been the practice for Council to pay the maximum fee and the following table depicts the annual and monthly payments that will be paid to Councillors, the Mayor and the Deputy Mayor if the practice is maintained. The Deputy Mayor fee has been maintained at 15% of the Mayoral fee.

	Councillors Fees		Mayor / Deputy Mayor *		Maximum Total	
	Maximum - Annual	Maximum - Monthly	Maximum - Annual	Maximum - Monthly	Annual	Monthly
Councillors	\$15,120.00	\$1,260.00			\$15,120.00	\$1,260.00
Mayor	\$15,120.00	\$1,260.00	\$33,010.00 less \$4,951.50	\$2,338.20	\$43,178.50	\$3,598.20
Deputy Mayor	\$15,120.00	\$1,260.00	\$4,951.50	\$412.63	\$20,071.50	\$1,672.63

* It should be noted that pursuant to section 249 (2), the fee paid to the Mayor and Deputy Mayor, is paid in addition to the fee paid to the Mayor and Deputy Mayor as a Councillor.

The current fees for Councillors and the Mayor are \$14,540.00 and \$31,740.00, respectively, with an additional fee of \$4,761.00 being paid to the Deputy Mayor and deducted from the Mayor's fees.

Based upon Council's previous practice of paying the maximum fee as determined by the Remuneration Tribunal the following recommendation is submitted for Council's consideration.

Conformance to Strategic Plan

Not applicable in this case.

Funding

Councillors fees are provided for in the 2008/2009 Draft Budget.

ORDINARY MEETING

Meeting Date: 24 June 2008

RECOMMENDATION:

That the:

1. Fee for Councillors for 2008/2009 be set at \$15,120.00.
2. Additional fee for the Mayor be set at \$33,010.00, and the Deputy Mayor's additional fee be set at \$4,951.50 to be deducted from the Mayor's fee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 128 SS - Outstanding Receivables - Bad Debts Write-Off - (96332, 95496)

REPORT:

This report deals with debts raised by Council which are unable to be recovered, and is only concerned with sundry debtors, that is, debts that are not a charge against a property.

Council provides credit to individuals and businesses in the enforcement of laws and regulations or for the provision of services. As with all suppliers of credit, some debtors fail to meet their obligations to pay, despite the best efforts of officers to recover outstanding payments.

The debts owed to Council have been subject to recovery action and all avenues have been exhausted in recovering these debts with no success. There comes a point where it is uneconomical to pursue further recovery action.

Council has appropriate debt recovery and collection procedures to ensure adequate controls are in place to minimise bad debts.

The list of bad debts over \$500.00, which cannot be dealt with as an operational matter under delegated authority, is as follows:

Outback Rural Entertainment	\$ 7,218.53	Waste disposal and legal fees
Kellyville Christmas Tree Farm	\$ 7,092.51	Rent & outgoings
Mr P Longhurst	\$ 551.00	Dog impounding and legal fees
Ms G Mason	\$ 524.00	Dog impounding and legal fees
Mainbridge Constructions Pty Ltd	\$ 545.20	Construction Certifications
Mr M Vanderburg	\$ 739.80	Fees for a DA refusal
TOTAL	\$16,671.04	

Conformance to Strategic Plan

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

"Objective: Timely and Accurate processing of accounts receivable function"; and

"Objective: Follow up of overdue debts of Council. Includes debtors ageing and continual follow-up of overdue amounts."

Funding

There are no funding effects of this report, as these amounts have previously been included in Council's provision for doubtful debts.

RECOMMENDATION:

That the debts as listed below be written off:

Outback Rural Entertainment	\$7,218.53
Kellyville Christmas Tree Farm	\$7,092.51
Mr P Longhurst	\$ 551.00
Ms G Mason	\$ 524.00
Mainbridge Constructions Pty Ltd	\$ 545.20
Mr M Vanderburg	\$ 739.80

ORDINARY MEETING

Meeting Date: 24 June 2008

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 24 June 2008****Item: 129 SS - Monthly Investments Report - May 2008 - (96332, 95496)****REPORT:**

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

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

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

May 2008

The following table indicates that Council held \$38.2 million in investments as at 31 May 2008. Details of the financial institutions with which the investment was made, date investments were taken out, the maturity date (where applicable), the rate of return achieved and the credit rating of the investments are provided below.

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Rating	Total \$
On Call						
CBA	31-May-08		7.20%	2,410,000.00	A1+	2,410,000.00
Cash Fund						
LGFS FOCF	31-May-08		8.52%	9,347,125.36	AA	9,347,125.36
Term Investments						
Bankwest	29-May-08	1-Dec-08	8.43%	3,500,000.00	A1+	
NAB	29-May-08	29-May-09	8.39%	3,500,000.00	A1+	
IMB Ltd	20-Mar-08	16-Jun-08	7.98%	2,000,000.00	A2	
IMB Ltd	26-Mar-08	25-Sep-08	8.16%	2,500,000.00	A2	
IMB Ltd	27-Mar-08	25-Sep-08	8.22%	2,000,000.00	A2	
Citibank	25-Mar-08	25-Sep-08	8.18%	5,000,000.00	A1+	
Bank of Queensland	17-Mar-08	16-Jun-08	8.02%	3,000,000.00	A2	
Bank of Queensland	1-Apr-08	29-Sep-08	8.13%	1,000,000.00	A2	
Bendigo Adelaide Bank	1-Apr-08	29-Sep-08	8.16%	1,000,000.00	A2	
CBA – Range Accrual Note	28-Nov-07	19-Oct-08	0.00%	500,000.00	A1+	
CBA – CPI Linked Note	04-Apr-07	04-Apr-12	1.35%	500,000.00	A1+	
CBA – Equity Linked Note	05-Dec-07	05-Jun-09	0.00%	2,000,000.00	A1+	26,500,000.00
TOTAL INVESTMENT AS AT 31 MAY 2008						38,257,125.36

TOTAL INVESTMENT AS AT 31 MAY 2008

Bench Mark - May 2008 - Cash Rate	7.25%
Actual - May 2008	7.60%

ORDINARY MEETING**Meeting Date: 24 June 2008****Performance by Type**

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	2,410,000.00	7.20%	-0.05%	External Restrictions -S94	6,497,986
Term Deposit	26,500,000.00	7.31%	0.06%	External Restrictions - Other	8,493,540
Cash Fund	9,347,125.36	8.52%	1.27%	Internal Restrictions	12,769,293
				Unrestricted	10,496,306
	38,257,125.36	7.60%	0.35%	Total	38,257,125

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.

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

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

Investment Commentary

The investment portfolio increased by \$3m for the month. The increase was due to additional income over expenditure for the May period. During May, various income was received totalling \$7.6m, including rate payments amounting to \$2.7m, while payments to suppliers and staff costs amounted to \$4.66m.

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

ORDINARY MEETING

Meeting Date: 24 June 2008

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

Conformance to Strategic Plan

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

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

Funding

Funds are invested with the aim of achieving budgeted income in 2007/2008. Interest earnings for 2007/2008 have exceeded budget YTD.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 June 2008

CONFIDENTIAL REPORTS

INFRASTRUCTURE SERVICES

Item: 130 IS - Tender No.015/FY08 - Hire of Plant - (95454, 79344) **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 tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 131 IS - Tender No.019/FY08 - Mowing and Trimming of Active Recreation, Sports Fields and Ovals - (79354, 73611) **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 tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 132 IS - Tender No.020/FY08 - Supply and Installation of Guardrail at Various Locations - (95495, 79344) 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 tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 133 IS - Tender No.021/FY08 - Reconstruction of Creek Ridge Road Bridge - (95495, 79344) **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 tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 24 June 2008

Item: 134 **IS - Tender No.022/FY08 - Provision of a Dual Control Road Suction Sweeper - (95495, 79344) 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 tenders for the supply of goods and/or services to Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 24 June 2008

SUPPORT SERVICES

Item: 135 **SS - Fishfood Trading Pty Limited - New Lease of 246 Windsor Road, Vineyard - (105560, 95496) CONFIDENTIAL**

Previous Item: 190 (Ordinary, 11 September 2007)
 252 (Ordinary, 13 November 2007)

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: 24 June 2008

Item: 136 **SS - Property Matter - HCC Lease to Schofield & Co (Administration) Pty Limited - Reverend Turner Cottage at 360 George Street, Windsor - (77907, 95496)**
CONFIDENTIAL

Reason for Confidentiality

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

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

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

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Community Planning Advisory Committee Minutes - 8 May 2008 - (96737)

The meeting commenced at 9.30am.

Present:	Councillor (Dr) Rex Stubbs OAM Ms Vickie Shackley Mr Nick Sabel Mr Chris McAlpine	Deputy Chair Community Representative Wentworth Community Housing Community Representative
Apologies:	Councillor Barry Calvert Ms Karen Carter Mr Matt Thorp Ms Vesna Kapetanovic Mr Matthew Owens	Chair Merana Aboriginal Association Nth Richmond Community Centre NSW Dept. of Community Services HCC Director, City Planning
In Attendance:	Mr Michael Laing Ms Robyn Kozjak	HCC Staff Representative HCC Minute Secretary

REPORT:

RESOLVED on the motion of Ms Vickie Shackley, and seconded by Councillor Stubbs that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Vickie Shackley, seconded by Councillor Stubbs that the Minutes of the Community Planning Advisory Committee held on the 14 February 2008, be confirmed.

Item: 1 North West Subregional Draft Strategy & Health Impact Assessment (HIA) - Issues included in Council's submission

DISCUSSION:

- Mr Laing reported on the WSROC Building a Sustainable Western Sydney by 2030 conference attended by him on 29 and 30 April, 2008 (largely based on the HIA report). Mr Laing further advised he would endeavour to obtain the proceedings of the conference as soon as they become available and report same to the Committee.
- It was suggested the Committee needs to concentrate on local transport issues.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. The CPAC be invited to discuss any further issues from the GWS-HIA report (Oct. 2007).

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That:

1. The information be received.
2. The CPAC be invited to discuss any further issues from the GWS-HIA report (Oct. 2007).
3. The proceedings of the WSROC Building a Sustainable Western Sydney by 2030 conference be reported back to the Committee.

Item: 2 Procedure for Inviting Guest Speakers or other Occasional Representatives to a CPAC Meeting

DISCUSSION:

- Discussion arose relating to recreational activities available in the Hawkesbury. It was agreed the Hawkesbury area has the potential of becoming the recreational centre for Sydney.
- It was determined an invitation be extended to a recreational planning expert to attend the Committee to discuss opportunities the area has to develop.

RECOMMENDATION TO COMMITTEE:

That the procedure for CPAC members wishing to invite specialist speakers or other community observers to a CPAC meeting is to first raise the request with the CPAC Chairperson at a CPAC meeting for the approval of the committee. The invited guest can then be confirmed for inclusion on the agenda of the next or a subsequent CPAC meeting.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

1. That the procedure for CPAC members wishing to invite specialist speakers or other community observers to a CPAC meeting is to first raise the request with the CPAC Chairperson at a CPAC meeting for the approval of the committee. The invited guest can then be confirmed for inclusion on the agenda of the next or a subsequent CPAC meeting.
2. Staff investigate the prospect of a speaker attending the next Committee meeting to discuss recreational planning including local transport issues and recreational opportunities the Committee wishes to explore.
3. Staff investigate the prospect of a speaker attending the next Committee meeting to discuss tourism in Hawkesbury. It was suggested Mr Laurie Rose be contacted in this regard.

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

RECOMMENDATION TO COMMITTEE:

That:

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

MOTION:

RESOLVED on the motion of Mr Chris McAlpine, seconded by Mr Nick Sabel.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

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

Item: 4 Hawkesbury Community Engagement Strategy: 2008 Update

DISCUSSION:

- It was advised a staff workshop was held on 6 May 2008 to discuss the Community Strategic Plan. The workshop proved to be an excellent opportunity for staff to become involved in the consultation process. Key directions were reviewed and addressed, and key questions raised.
- Concern was raised re the utilisation of Council facilities. It was suggested the Committee consider various strategies to ensure current infrastructure is being utilised.

ORDINARY MEETING
Reports of Committees

- It was advised the Social Atlas Project would cover various issues including expected growth and change of demographics.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That the information be received.

SECTION 5 - General Business

- Concern was raised re increasing vandalism, garbage in streets etc. Suggestions were put forth as to ways to increase a sense of pride in the city, eg. running garden competitions, "People for Parks" programmes to encourage people to take ownership of parks, support and utilisation of people regularly using football ovals etc.
- It was determined funding opportunities be pursued for place based projects.

The meeting terminated at 11.00am.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Waste Management Advisory Committee Minutes - 19 May 2008 - (95249)

The meeting commenced at 3.00pm

Present:	Councillor Trevor Devine Councillor Bob Porter Professor Steven Riley Councillor Bart Bassett	Chair Deputy Chair University of Western Sydney Hawkesbury City Council
Apologies:	Mr Robert Dennis Mr Ric Smith Ass Prof. Basant Maheshwari Mr Barry Ryan Mr Matthew Owens	Baulkham Hills Shire Council Blacktown City Council University of Western Sydney Penrith City Council Hawkesbury City Council
In Attendance:	Mr Chris Daley Mr Ramiz Younan Ms Dianne Tierney Mr Matthew Collins Ms Robyn Kozjak - Minute taker	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council

REPORT:

RESOLVED on the motion of Councillor Porter and seconded by Councillor Devine that the apologies be accepted.

SECTION 1 - Confirmation of Minutes

RESOLVED on the motion of Councillor Porter and seconded by Councillor Devine that the Minutes of the Waste Management Advisory Committee held on 14 August 2006, be confirmed.

Discussion subsequently arose re the following items of the previous Minutes:

- *Item 3: Communication and Consultation Strategy*

Action: Issues relating to the consultation process be followed up.

- *Item 5: Progress of Drop off Centre*

It was advised a DA had been lodged. It was further advised funds are available for the Drop off Centre, however at this stage there is no funding for the Education Centre.

Action: Date to be advised for expected commencement date of this project.

SECTION 3 - Reports for Determination

Alternative Cover Material

DISCUSSION:

- Mr Collins enquired as to the availability of Committee members to visit Gosford City Council's landfill to view the "Tarpomatic". It was agreed any day (except a Tuesday) would be suitable to most members.
- Discussion arose re the feasibility of also attending the Bedminster system at Raymond Terrace subsequent to visiting the Gosford site. It was resolved the visit to Gosford City Council's landfill would suffice at this stage.

RECOMMENDATION TO COMMITTEE:

That WMAC members advise their availability so that the Waste Management Officer may arrange a date and time to view the "Tarpomatic" at Gosford City Council's landfill.

MOTION:

RESOLVED on the motion of Councillor Books, seconded by Councillor Bassett.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That a meeting be organised as soon as possible on site at Gosford City Council's landfill between the sales representative of "Tarpomatic" and members of the Committee. Councillor Porter, Councillor Bassett, Councillor Devine, Mr Matthew Collins, Mr Chris Daley and Professor Steven Riley expressed their interest in attending the site meeting.

Feasibility Study of using HCWMF Weighbridges as Public Weighbridge

RECOMMENDATION TO COMMITTEE:

That the weighbridges at the HCWMF not be used as public weighbridges.

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Professor Steven Riley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That staff send the Department of Environment and Climate Change a letter seeking their views on the use of weighbridges at the HCWMF as public weighbridges with regards to license conditions.

SECTION 4 - Reports for Information

Landfill Life and Capacity

DISCUSSION

- Concern was raised and discussion arose regarding the reported increase in waste loads. It was advised there had been a decrease in recycling and an increase in commercial users of the landfill.
- It was suggested residents should be re-educated in recycling - made evident by the large portion of contaminated recycled material received. It was suggested an environmental message could be displayed on flagpoles, bi-annually, referring residents onto Council's website for further information regarding recycling.
- It was advised it was imperative the ten measures listed in the report be implemented in an endeavour to increase the life of the landfill. Each item in the list was subsequently addressed.
- Concern was raised that representation from other Councils has diminished from the Committee.
- Councillor Bassett requested Mr Collins provide him with a list from which details of suitable materials which can be recycled through HCC's recycling bin service.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Books, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Immediate steps be undertaken to review the Council website in relation to waste.
2. Management investigate opportunities of delivering the waste message to the community.
3. Management investigate opportunities of engaging a suitable marketing arrangement for the sale of materials produced at the waste depot.
4. A review of the structure of the WMAC be undertaken immediately after the forthcoming Council election.

WMAA - Alternate Waste Treatment (AWT) Derived Organic Rich Fraction (DORF)

DISCUSSION

- Concern was raised residents are using mulch sold from the HCWMF as compost. It was suggested a disclaimer be provided advising purchasers of mulch that the product has not undergone any testing and is sold as mulch (not compost).

RECOMMENDATION TO COMMITTEE:

That:

1. The report be received for information.
2. The final outcomes be reported to the Committee.

MOTION:

RESOLVED on the motion of Councillor Devine, seconded by Professor Steven Riley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The report be received for information.
2. The final outcomes be reported to the Committee.
3. Management take steps to provide the appropriate disclaimer for the sale of mulch from the HCWMF.

Wash Bay

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Bassett.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

HCWMF Daily Working Area

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Waste and Recycling Audit

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Professor Steven Riley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. That the information be received.
2. The results of the Waste and Recycling Audit be reported back to the Committee.

Implement Ongoing Community Waste Education

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Professor Steven Riley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Capping of Cell 3

DISCUSSION

- It was advised the capping of Cell 3 had been finalised. Concern was raised the works were not completed by THIESS and therefore it was suggested the specification be reviewed to ascertain the status of payments received.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Professor Steven Riley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Management further investigate and provide an additional report in relation to the capping of cell 3.

Tender - Cell 5 Construction and Associated Works

Previous Item: 37, Ordinary (26 February 2008)

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Bassett.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Hawkesbury City Waste Management Facility Lease Agreement

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Professor Steven Riley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Staff write to the appropriate Minister requesting a meeting regarding extension of the HCWMF Lease Agreement or options for the purchase of the land.

ORDINARY MEETING
Reports of Committees

SECTION 5 - General Business

- Councillor Bassett requested Mr Collins to provide Ms Felsch with a list from VISY with details of suitable materials which can be recycled through HCC's recycling bin service.
- Professor Steven Riley advised he would no longer be available to attend meetings of the WMAC as in the near future he would cease to be in the employ of the University.

The meeting closed at 5.02pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Heritage Advisory Committee Minutes - 22 May 2008 - (80242)

The meeting commenced at 5.31pm.

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

REPORT:

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Michelle Nichols and seconded by Mr Donald Ellsmore that the Minutes of the Heritage Advisory Committee held on the 11 October 2007, be confirmed.

SECTION 4 - Reports for Information

Hawkesbury Heritage Study - (80242, 85498)

Previous Item: HAC, (11 October 2007)

DISCUSSION:

- Reference was made to various typing/spelling errors in the Heritage Study Review. It was advised the document was prepared for in-house use only. It was suggested a “marked up” version be forwarded to staff to assist in preparation of the executive summary.
- Councillor Books raised concern regarding recommendation 3e: *Significant Trees* (pg 16 of the Heritage Study Review) and requested the matter of listing trees be further investigated.
- Discussion arose re the prospect of converting older listings into an electronic form. It was advised this would not be possible in the foreseeable future due to funding issues. It was further noted a lack of funding has also prevented the review of existing listings. It was advised approximately 550 heritage properties are listed on the LEP.

ORDINARY MEETING
Reports of Committees

- A considerable number of issues were raised re the inventory sheets. It was resolved Committee members forward a list of items of concern to Ms Kozjak for assessment and reporting back to the Committee.
- It was advised History Week 2008 is scheduled for 6-14 September and it was agreed the event would be an opportune time for the launch of the Thematic History. It was further advised the History Council of NSW is accepting online registrations of events up until 30 May 2008. Ms Nichols advised she would confirm these details and contact Ms Cumming and Councillor Books via email. It was resolved all other comments to be emailed to staff by 30 May 2008.
- Suggestions were put forth as to persons to be invited to the launch. It was suggested author of the Thematic History, Ms Helen Proudfoot and Professor Tim Flannery (Australian of the Year 2007) be invited to attend. It was noted Professor Jack advised he would be available to speak on local area issues.
- Mr Owens advised Councillors would be briefed on the issues raised.

MOTION:

RESOLVED on the motion of Councillor Books, seconded by Professor Ian Jack.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Committee consider and provide comments on the Heritage Planning Report and inventory sheets for Windsor.

Resignation from Committee - (80242)

MOTION:

RESOLVED on the motion of Councillor Books, seconded by Professor Ian Jack.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. A letter be sent to Ms McMahon thanking her for her contribution to the Committee.

ORDINARY MEETING
Reports of Committees

SECTION 5 - General Business

- Discussion arose regarding the starting time of HAC meetings. It was advised it would be preferable to commence the meetings earlier than the current timeslot of 5.30pm. It was subsequently agreed future HAC meetings would commence at 4.00pm.

The meeting terminated at 6.41pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees



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