



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 23 February 2010

location: council chambers

time: 6:30 p.m.



mission
statement

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

How Council Operates

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

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

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 6:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held it will usually start at 6:30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

Planning Decision

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

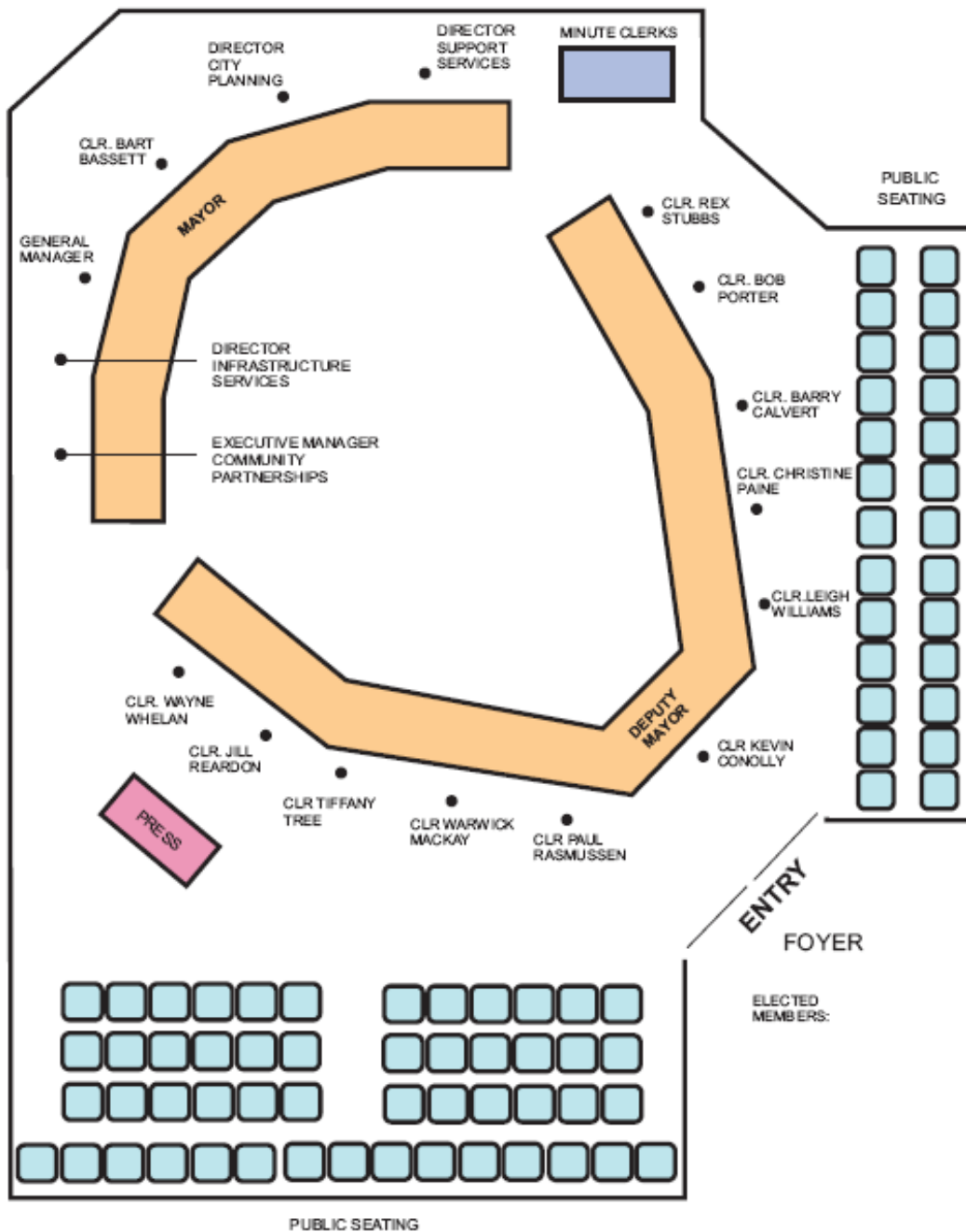
Website

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

Further Information

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

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SECTION 3 - Notices of Motion

NM1 - Possible provision of Skate Park in Glossodia - (80104, 95495)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That a report be submitted to Council regarding the possibility a skate park being provided in the Glossodia area with such report also detailing the costs that would be involved and potentially suitable locations for the facility.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 22 GM - Defence White Paper 2009 and the Hawkesbury Area - (79351)

REPORT:

In 2008, the Federal Government announced that a new Defence White Paper would be put in place, to replace the former Defence White Paper that was developed more than a decade ago and at a time that could not have foreseen recent changes in the today's World.

The new Defence White Paper was released in 2009, and is the Defence public policy position for the next 30 years. The document title is: "*Defending Australia in the Asia Pacific Century*" Force 2030 – Defence White Paper 2009" (Defence White Paper).

The purpose of this report is to provide Council with a summary of the Defence White Paper to consider matters of relevance to the Hawkesbury local government area.

It should also be noted that the Government has also prepared a National Aviation Policy White Paper (Aviation White Paper), which was released on 16 December 2009. It addresses the civil or commercial aviation needs of the Country and airports are critical for the growth and development of the civil industry and to meet customers and traveller's needs.

The Defence White Paper and Aviation White Paper both have relevance to Hawkesbury local government area and should be considered concurrently, as there is some overlap in the documents in key areas of interest for our area and for RAAF Base Richmond.

Of note, there is scope within the Defence White Paper and the Aviation White Paper, and associated legislation, for Defence RAAF Bases to participate in the (commercial) aviation airport mix to help meet needs, demands and to make better use of infrastructure resources of the Country (ie. sustainability, location). Example of Defence RAAF bases that operate on a 'shared' facility basis are RAAF Base Avalon (trading as Avalon Airport) and RAAF Base Williamtown (trading as Newcastle Airport).

A report on the Aviation White Paper is also presented in this meeting's Business Paper.

Defence White Paper Process

Generally, the process for the Defence White Paper consisted of:

- The Government's decisions to prepare the White Paper,
- Undertaking the white paper procedure for preparing the document,
- Appointing Community Consultation Panel for the public consultation steps,
- Preparation of the Discussion Paper on "*Key Questions for Defence in the 21st Century*" to inform the white paper's preparation and for public consultation and public submissions (due September 2008). [Council made a submission to the Discussion Paper],
- Consideration of public consultation findings and public submissions; and preparation of "*Looking Over the Horizon: Australians Consider Defence*" (December 2008)

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- Preparation of the White Paper,
- Briefing/ tabling the White Paper with the Government, and
- Public release of the White Paper.

The above process should then be followed by subsequent Government and Defence Force processes to implement the white paper - plans, resources, funds – to achieve a return on investment from Defence for the Country.

Defence White Paper Summary

The Defence White Paper is lengthy and provides in depth discussion about the complex issues that are encountered in the key program areas of Defence, which the Federal Government and the Defence Force must address in updating its Defence policy (including any investment in infrastructure, plant and human resources).

The Executive Summary of the Defence White Paper provides an overview of the Government's new approach and directions for Defence policy and is summarised below. See Attachment 1 for a copy of the Executive Summary. A copy of the full Defence White Paper can be obtained/viewed at , http://www.defence.gov.au/whitepaper/docs/defence_white_paper_2009.pdf .

The Executive Summary of the Defence White Paper (pages 11-14) indicates:

- How the Government plans to improve the foundations of Defence - the plans for the next few years, how they will be achieved, financed and measured,
- Government's policy is that the main role of the Australian Defence Force (ADF) is to have the ability to engage in conventional combat against other armed forces – a credible defence capability,
- The ADF is to continue to play a role in intra-state conflict and non-state global players – support domestic security and emergency response,
- It is a strategic risk outlook document and the Government has embraced the new **strategic risk-based approach** to defence planning in response to emerging issues,
- The strategic outlook is to be reviewed – mix and scale of capabilities - via the Government's intention to prepare Defence white papers at intervals no greater than five years (ie centrepiece of the strategic risk-based approach to defence planning)
- Defence policy must have clear strategic interests/ objectives (in order), being:
 1. Defence of the country against direct armed attack,
 2. Security, stability and cohesion of our nearby neighbour states in the Asia-Pacific region,
 3. Security, stability and cohesion of our further away neighbour states in the Asia-Pacific region; and extending to a stake in the maintenance of the Asia-Pacific regional security environment, and
 4. Preserving international order that restrains aggression of states against other states on the World scene - WMD, terrorism, state fragility/ failure, intra-state conflict, security impacts of climate change/ resource scarcity
- Defence policy to be founded on the principles of:
 - Self-reliance in the direct defence and in our strategic interests – Act independently,

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- Do more when required in our strategic interests we share with other states and within resource limits – Lead military coalitions/ Make tailored contributions,
- The principal tasks of the ADF (in order) are:
 1. Deter and defeat armed attacks on the Country,
 2. Contribute to stability and security in the South-Pacific and of East Timor,
 3. Contribute to military contingencies in the Asia-Pacific region, and
 4. Contribute to military contingencies in the rest of the World
- The ADF will need to be strengthened in key areas eg. maritime capability, air capability, intelligence and reconnaissance, cyber warfare
- Human resources considerations of the Defence Force, especially for deployments etc, will be addressed, and
- The Government has endorsed the Strategic Reform Program – to overhaul Defence enterprise to find savings and to address Defence's 'backbone' of facilities and infrastructure resources eg. Defence estate.

The key program areas addressed in the Defence White Paper are:

- Chapter 1 The Government's Approach to Defence Planning
- Chapter 2 Defence and National Security
- Chapter 3 Managing Strategic Risk Defence Planning
- Chapter 4 Australia's Strategic Outlook
- Chapter 5 Australia's Strategic Interest
- Chapter 6 Australia's Defence Policy
- Chapter 7 Principal Tasks for the ADF
- Chapter 8 The Future Development of the ADF
- Chapter 9 Capability Priorities for Force 2030
- Chapter 10 How Prepared Does the ADF Need to Be?
- Chapter 11 Alliances and International Defence Relationships
- Chapter 12 Defence Intelligence
- Chapter 13 Defence Management and Reform
- Chapter 14 People in Defence
- Chapter 15 Supporting the ADF
- Chapter 16 Procurement, Sustainability and Industry Support
- Chapter 17 Defence Science and Technology
- Chapter 18 The Government's Financial Plan for Defence

Defence White Paper - Key Points for the Hawkesbury Area

With Council's particular interest in RAAF Base Richmond, commentary in the Defence White Paper on Defence's 'backbone' of facilities and infrastructure resources has been investigated to ascertain the Government's position to gather any directions for RAAF Base Richmond's future. RAAF Base Richmond is not specifically mentioned in the Defence White Paper.

The only relevant point is:

- Chapter 15 Supporting the ADF/ **The Defence Estate** (page 121-122)

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The Government's Strategic Bases principles are:

- (i) Defence base locations aligned with strategic requirements to ensure critical capabilities are suitably dispersed for security reasons,
- (ii) Defence to consolidate units into fewer, larger and sustainable multi-user bases aimed at increasing the alignment of functions at Joint and Service level and their capacity to support operations,
- (iii) Defence to group bases near strategic infrastructure and industry to promote knowledge sharing, innovation, and to maximise the effectiveness of industry support to the ADF;
- (iv) Defence to locate bases in 'family' friendly' areas which provide better employment, specialist medical and educational opportunities for families, and to reduce posting turbulence to improve staff retention,
- (v) Defence to maintain an urban and regional disposition to enable the continued provision of part-time capability into the future.

This section also indicates:

- o \$200 million will be invested in Defence Estate,
- o Defence will work with State and Local Government planning authorities to ensure the ongoing sustainability of Defence estate and manage the impacts on communities ie. urban encroachment issues
- o Sustainable environmental management practise to be used for Defence estate

Council's Standing Position on RAAF Base Richmond and Government correspondence

Council at its meeting held on 2 October 2008, in regard to RAAF Base Richmond, resolved:

"Council continue to support the need for the retention of the Richmond RAAF Base as both an important defence facility for the Nation and as an integral part of the local region's economy and community and the retention and continued operation of the Airlift Group out of RAAF Base Richmond."

In Council's submission to the Discussion Paper on "Key Questions for Defence in the 21st Century", a step in the Defence White Paper process, the following submission was made:

"Council requests that as an outcome of the National Aviation Policy White Paper that the Government ensures RAAF Base Richmond is not an option in any other policies of Government and is retained as a strategic Defence facility. "

The above Resolution was followed up with a Mayoral Minute on RAAF Base Richmond, at the Council meeting on 24 November 2009, where it was resolved (in part):

That:

Council once again make representations to the Prime Minister, Minister for Defence, Minister for Infrastructure, Transport, Regional Development and Local Government and Local State and Federal Members of Parliament (Greenway and Macquarie), requesting their continued support for Richmond to continue as a permanent operational facility for defence purposes in line with the commitment that was made prior to the last Federal election.

The above Mayoral Minute was actioned and Council's representations referenced the then Shadow Minister for Defence's advice on RAAF Base Richmond (26 September, 2007) being:

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

A response to Council's representations was received from The Hon. Anthony Byrne MP, Parliamentary Secretary to the Prime Minister dated 18 January 2010 (amongst others) which states (in part):

"The government will continue to use the Airforce Base Richmond as a Defence operational facility, consistent with its pre-election commitment."

A copy of the above response is included as Attachment 2 to this report.

Conclusion

The Defence White Paper is geared towards the future needs of the Government's Defence policy and the ADF. It has dealt with a wide range of issues that are important for the defence (broader sense) of the Country. It is encouraging to see that the Government intends to continually review its Defence policy through its new strategic risk-based approach to track investment and measure returns and outcomes. It is also encouraging that the Government intends to work with State and Local Government planning authorities to consider the impact of Defence RAAF Bases on communities (especially urban areas), and vice versa, the impact of more urban development in proximity of Defence RAAF Bases.

The Defence White Paper is a big picture strategic policy document intended to guide investment (expenditure and future budgets) and the activities of the Government and the ADF. Defence estate is one component, and the Defence White Paper is not the place in which any decision about any base's future would be broadcast – whether retain, dispose or allow shared usage. Rather there are subsequent and internal Government and ADF processes that would guide decision-making about Defence estate in the context of the Government's other policy areas eg. National Aviation Policy, budgets.

The importance of 'family friendly' bases in communities and which provide access to/ for employees including full time defence and Reservists, appears to make RAAF Base Richmond special in the Defence Bases mix, being the only RAAF Base on the eastern seaboard with the best access to the Country's largest population. It is also the best placed base for ceremonial and Civic duties for Defence and for Federal and State Governments.

It is considered that Council should be equally more conscience of any change in operational decisions/ access to RAAF Base Richmond that might come from a 'shared' facility arrangement that the Government might consider on balance with its other policy portfolios eg. aviation policy/ Aviation White Paper, land use planning activities for Major Cities / Regional Development Australia - Sydney, financial considerations to offset Defence Bases operational costs.

It would be most appropriate for Council to continue to monitor the Government's Defence policy and to monitor the Defence White Paper's implementation, including associated process like Parliamentary Standing Committees on Public Works.

Also, Council should continue to advocate its position on RAAF Base Richmond when ever the opportunity arises and be part of any invited process/ committees to remind the Government of the impact of its decisions on local communities and on Council's Community Strategic Planning responsibilities.

Conformance to Hawkesbury Community Strategic Plan 2010 to 2030

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

Vision – *Shaping our Future Together*

Directions

"Maintain its independent identity and voice through strong local government and community institutions"

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Strategies

"Have ongoing engagement and communication with our community, governments and industries."

Goals

"Other levels of government to deliver the services and infrastructure for which they are responsible."

Measures

"Levels of service provided to our community"

Milestones

"Seek from State and Federal government a fairer share of tax revenue and provision of infrastructure and services"

Funding

No expenditure anticipated and/ or all costs will be met from the approved 2009/ 2010 Budget.

RECOMMENDATION:

That:

1. The information concerning the Defence White Paper 2009 be received.
2. Council continue to advocate its position on RAAF Base Richmond when ever the opportunity arises and be part of any invited process/ committees to remind the Government of the impact of its decisions on local communities.

ATTACHMENTS:

AT - 1 Defence White Paper 2009 - Executive Summary

AT - 2 Letter dated 18 January 2010 from The Hon. Anthony Byrne MP, Parliamentary Secretary to the Prime Minister

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AT - 1 Defence White Paper 2009 - Executive Summary

**To View This Image,
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**AT - 2 Letter dated 18 January 2010 from
The Hon. Anthony Byrne MP, Parliamentary Secretary to the Prime Minister**

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oooO END OF REPORT Oooo

Item: 23 GM - Aviation White Paper 2009 and the Hawkesbury Area - (79351)

REPORT:

In 2008, the Federal Government announced that an Aviation White Paper would be developed to bring together, for the first time, all aspects of the Government's aviation policy into one document.

The Aviation White Paper was released on 16 December 2009, and is the Government's Aviation public policy position for the next 30 years (long-term). The document title is: "*Flight Path to the Future, National Aviation Policy White Paper 2009*" (Aviation White Paper).

The purpose of this report is to provide Council with a summary of the Aviation White Paper to consider matters of relevance to the Hawkesbury local government area.

It should also be noted that the Government has also prepared a new Defence White Paper (Defence White Paper), which was also released in 2009. The Defence White Paper addresses Defence policy and Australian Defence Force needs of the Country. Defence RAAF Bases (airports) are part of Defence estate addressed in the Defence White Paper. Some Defence RAAF Bases are also used for National Aviation on shared facility's basis to supplement the market presence of civil airports and meet passenger destination needs. Example of a Defence RAAF bases that operate on a 'shared' facility basis are RAAF Base Avalon (trading as Avalon Airport) and RAAF Base Willamtown (trading as Newcastle Airport).

The Aviation White Paper and Defence White Paper both have relevance to Hawkesbury local government area and should be considered concurrently, as there is some overlap in the documents in key areas of interest for our area and for RAAF Base Richmond.

In referring to airports in the aviation policy, the Government is referring generally to airports identified in the Airports Act, 1996, the civil airports run by commercial operators with long term leases for sites, and Defence airports.

A separate report on the Defence White Paper is also presented in this meeting's Business Paper.

Aviation White Paper Process

Generally, the process for the Aviation White Paper consisted of:

- The Government's decisions to prepare the White Paper,
- Undertaking the White Paper procedure for preparing the document,
- Preparation of the "*National Aviation Policy Green Paper*" to inform the White Paper's preparation and for public consultation and public submissions (due February 2009). [Council made a submission to the Discussion Paper],
- Preparation of the White Paper,
- Briefing/ tabling the White Paper with the Government, and
- Public release of the White Paper (16 December 2009).

The above process should then be followed by subsequent Government and the Department of Infrastructure, Transport, Regional Development and Local Government processes to implement the White Paper.

Aviation White Paper Summary

The Aviation White Paper is lengthy and provides in depth discussion about the complex issues that are encountered in the aviation industry. The Government has recognised that the past approach to policy is no longer sustainable and therefore there needs to be a more strategic approach to policy and decision making (and probably negotiations).

The Executive Summary of the Defence White Paper provides an overview of the Government's new approach and directions for Aviation policy and is summarised below along with the Government initiatives to be undertaken – which address a range of layers of arrangements and negotiations. See Attachment 1 for a copy of the Executive Summary and the Summary of Government initiatives. A copy of the full Defence White Paper can be obtained/viewed at http://www.infrastructure.gov.au/aviation/nap/files_white_paper/091215_Full.pdf.

The Executive Summary of the Aviation White Paper (pages 6-12) indicates:

- The first priority of the Government is the safety and security of the travelling public,
- The document is a long term policy, planning and regulatory framework to support and facilitate the development of the aviation industry (and investment),
- The document is focused on the long term future of the aviation sector – 30 years and beyond,
- The pressures to contain industry costs, investment in airports and to reduce the impact of aviation activity on communities and the environment, and the sustainability of services to locations with declining populations and recruiting employees is acknowledge by the Government, and
- The Government's objectives are to:
 - (i) Give industry the certainty and incentive to plan and invest for the long-term,
 - (ii) Maintain and improve the Country's excellent safety record,
 - (iii) Give proper consideration to the interests of travelers and user of airports, and
 - (iv) Better manage the impact of aviation activity on communities and the environment,

The key program areas addressed in the Aviation White Paper are listed below. The Chapters include the policy goal, a background, policy issues, conclusions.

- Section 1 Aviation and economic development
 - Chapter 1 International Aviation
 - Chapter 2 Domestic and Regional Aviation
 - Chapter 3 General Aviation
 - Chapter 4 Industry Skills and Productivity
 - Chapter 5 Consumer Protection
- Section 2 Safety and Security – the highest priorities
 - Chapter 6 Aviation Safety Regulation and Investigation
 - Chapter 7 Air Traffic Management
 - Chapter 8 Aviation Security

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- Section 3 Aviation infrastructure
 - Chapter 9 Airport Planning and Development
 - Chapter 10 Economic Regulation of Airports
 - Chapter 11 Other Airport Infrastructure
 - Chapter 12 Future Aviation Needs for the Sydney Region
- Section 4 Aviation and Sustainability
 - Chapter 13 Aviation's Role in reducing Global Carbon Emissions
 - Chapter 14 Minimising the Impact of Aircraft Noise

Aviation White Paper - Key Points for the Hawkesbury Area

With Council's particular interest in RAAF Base Richmond, as an airport facility and in regard to its proximity to the Country's largest population base and as an economic driver, commentary in the Aviation White Paper that has relevance to the Base has been identified to ascertain the Government's interest in Defence RAAF Bases generally and to understand any Government policy direction. RAAF Base Richmond is not specifically mentioned in the Aviation White Paper, but there is commentary about Defence RAAF Bases (airports).

From a Western Sydney view, the Aviation White Paper does comment on the formerly proposed Second Sydney Airport site of Badgery's Creek (Airports Act, 1996).

The relevant points from the following chapters of the Aviation White Paper are:

- Chapter 11 Other Airport Infrastructure (page 184-189)

In this chapter the use of Defence Airports (Defence RAAF Bases) by civil aviation is discussed.

- Goal *Ensure Defence and joint-user airports are adequately resourced to meet future military and, as appropriate, civil aviation demands.*
- Issue Defence airport facilities and services must, in the first instance, meet national security and Defence Force capability requirements.

The Government will complete a review of civil aviation usage of Defence airports in 2010, that is, civil access is compatible with current and future military needs.

Comment

The chapter mainly talks about aviation operational systems and cost recovery from civil usage of Defence airports. The Government's position that Defence and military are the priority at Defence airports and that Defence airports need to be adequately resourced, is supported. This policy goal will need to be centre front in the Sydney Aviation Strategic Plan (see Chapter 12 below) to be prepared by the Federal and State Governments; and also translated into the Defence White Paper and associated implementation processes – to ensure the balanced approach to policy and decision making advocated in the Defence White Paper and the Aviation White Paper.

- Chapter 12 Future Aviation Needs for the Sydney Region (page 193-195)

In this chapter discuss how the future needs of the Sydney Region are to be met.

- Goal *Met through the provisions of additional aviation capacity, effectively integrated with future land transport, other infrastructure developments, and State land use planning.*

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- Issue Better integrated planning. It is stated the Government:
 - ⇒ in addressing aviation capacity for Sydney, future aviation requirements will need to be integrated with the NSW land use and infrastructure planning regime.
 - ⇒ in planning for any major airport developments it cannot be done in isolation but must have regard to surrounding land use planning and with effective land transport networks.
 - ⇒ will work with the State Government to develop a **Sydney Aviation Strategic Plan** for the Sydney Region and is to be completed in 2011, as part of a new integrated transport strategy. In developing the Sydney Aviation Strategic Plan, the Governments will have regard to:
 - > the views of stakeholders – aircraft and airport operators, airport users, local councils and other Federal Government agencies eg. Customs, Immigration, Quarantine.
 - > the likely impacts of airport operations on surrounding communities.

A **steering committee** will oversee the Sydney Aviation Strategic Plan preparation – aviation, planning and investment ‘experts’.
- Issue Impact on Sydney Kingsford Smith Airport. It is stated the Government:
 - ⇒ is cognisant of **agreements in place** with airport lessees, should the Government wish to proceed with the development of a second Sydney airport within 100kms of Sydney CBD; and provisions in the Airports Act, 1996 for a Sydney West airport need to be considered (currently referring to the Badgery’s Creek site).
 - ⇒ [and] the **agreements do not preclude the development of a strategic plan for future airport capacity** in the Sydney region.
- Issues Possible Airport Sites and Badgery’s Creek. It is stated the Government:
 - ⇒ **does not support the Badgery’s Creek site for a second Sydney airport and is no longer an option**. It is indicated the site has been overtaken by urban growth in the area/ region and would not be suitable in the Sydney land use planning regime.
 - ⇒ Is **working with the State Government to optimise the future use of the Badgery’s Creek site** as part of work in development of a strategic plan for future airport capacity.
 - ⇒ will not speculate on any locations/ sites for additional aviation capacity. Locations will be considered/ identified in the preparation of the **Sydney Aviation Strategic Plan**.

Comment

The chapter provides insight into the approach of the Government to the complex and perplexing question about the existing and future airport capacity within the Sydney Region; and the likely demand for flights for travellers and cargo. The Aviation White Paper and the associated green paper forecasts an on average increase of 4% per annum (absolute) in passengers/movements for some time.

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It is also clear in the words that are stated and perhaps not stated that the Government is keeping its options open about how it might meet the required airport capability of the region. The matter is approached by talking about the 'capability of airports' being assessed by reviewing existing aviation assets serving the region via the Sydney Aviation Strategic Plan process. This is to be done with the State Government.

It is indicated the review will consider the capacity and investment strategies of the both civil airports and Defence airports, whether they are used on a shared facilities basis to supplement civil aviation, eg. RAAF Base Willamtown, or not used in the current capacity, but might be in the future eg. RAAF Base Richmond. In taking this approach it would be more favourable to involve local government in the process (rather than just consult), those councils that have experience with airports in their areas to provide a local view on matters.

Of relevance to Council is correspondence dated 18 January 2010 received from The Hon. Anthony Byrne MP, Parliamentary Secretary to the Prime Minister, in response to Council's representations regarding the continued use of the RAAF Base Richmond as an operational defence facility which, in part, states:

"The government will continue to use the Airforce Base Richmond as a Defence operational facility, consistent with its pre-election commitment."

A copy of this letter is included as Attachment 2 to this report. The reference to the pre-election commitment is in reference to the letter received (26 September, 2007) by Council from the then Shadow Minister for Defence, Mr J Fitzgibbon MP advising:

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

The Sydney Aviation Strategic Plan Steering Committee needs to be aware of the Government's stated position on RAAF Base Richmond.

It is likely the Steering Committee will consider RAAF Base Richmond in the aviation airport mix in terms of a shared facility that might supplement Sydney Kingsford Smith (International) airport. There is the possibility that such discussion would not be part of an integrated planning approach, as the matter could be addressed by commercial negotiations. In this regard, Council should have a key stakeholder relationships with the Minister's and their departments and be involved in any processes (not just consulted).

In terms of the Government keeping its options open for a second Sydney Airport, Council should continue to seek confirmation that RAAF Base Richmond is not on the radar (as an alternative) and that the Government is taking a broader view of the definition of the Sydney Region as does the State Government in land use planning, defining the Sydney Region from Newcastle to Wollongong. This approach provides a greater scope for considering possible second Sydney airport sites inline with future population and industries locations.

Conclusion

The Aviation White Paper is geared towards the future needs of the Government's Aviation policy and the civil aviation industry. Aviation issues are complex and underlying them are the commercial negotiations that are fundamental to the mix, when the Government is also the lessor of all the civil airports. It is encouraging that the Government is committed to taking a more strategic and integrated approach to National aviation planning, but it should not restrict its relationship to the state governments, and involve the council that have airport assets in their areas or operate them. Airports have an impact on communities, especially if there is any increase in operations or capacity.

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It is considered that Council should continue to:

- monitor the Government's Aviation policy,
- monitor the Aviation White Paper's implementation, including the Sydney Aviation Strategic Plan and any views on RAAF Base Richmond,
- when established, communicate with Sydney Aviation Strategic Plan Steering Committee to inform it of the Government's position on RAAF Base Richmond (as in the Aviation White Paper and the Defence White Paper) and Council's position,
- request that the Government include Council on the Sydney Aviation Strategic Plan Steering Committee as a key stakeholder who can contribute local planning/ investment/ economic development advice,
- request that the Government include mandatory positions on the Sydney Aviation Strategic Plan Steering Committee for local government to provide local input to ensure the plan's process is integrated,
- communicate with the Department of Infrastructure, Transport, Regional Development and Local Government to ascertain when it will seek the views of councils in preparing the Sydney Aviation Strategic Plan by 2011, and
- advocate its position on RAAF Base Richmond when ever the opportunity arises and be part of any invited process/ committees to remind the Government of the impact of its decisions on local communities and on Council's Community Strategic Planning responsibilities.

Conformance to Hawkesbury Community Strategic Plan 2010 to 2030

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

Vision – *Shaping our Future Together*

Directions

"Maintain its independent identity and voice through strong local government and community institutions"

Strategies

"Have ongoing engagement and communication with our community, governments and industries."

Goals

"Other levels of government to deliver the services and infrastructure for which they are responsible."

Measures

"Levels of service provided to our community"

Milestones

"Seek from State and Federal government a fairer share of tax revenue and provision of infrastructure and services"

Funding

No expenditure anticipated and/ or all costs will be met from the approved 2009/ 2010 Budget.

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RECOMMENDATION:

That:

1. The information concerning the Aviation White Paper 2009 be received.
2. Council continue to advocate its position on RAAF Base Richmond when ever the opportunity arises and be part of any invited process/committees to remind the Government of the impact of its decisions on local communities.
3. Council request the Federal and State Governments to include mandatory positions on the Sydney Aviation Strategic Plan Steering Committee for local government to provide local input to ensure the plan's process is integrated and to include Hawkesbury City Council on the Committee as a key stakeholder who can contribute local planning, investment and economic development advice.

ATTACHMENTS:

- AT - 1** Aviation White Paper 2009 - Executive Summary and Summary of Government initiatives -
(distributed under separate cover)
- AT - 2** Letter dated 18 January 2010 from The Hon. Anthony Byrne MP, Parliamentary Secretary to the Prime Minister

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AT - 2 Letter dated 18 January 2010 from The Hon. Anthony Byrne MP, Parliamentary Secretary to the Prime Minister

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

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Item: 24 **GM - Co-Generation Plant - (79351, 95495)**

Previous Item: 10, Ordinary (2 February 2010)
 184, Ordinary (8 September 2009)
 32, Ordinary (26 February 2008)

REPORT:

Background

At the meeting of Council held on 2 February 2010 a report was submitted to the Confidential Session of Council in respect of the above matter. Subsequently, the Council resolved:

“That this matter be deferred to the meeting on 23 February 2010 and that the report be resubmitted on the basis of separate reports to open Council and Confidential Session as appropriate.”

In accordance with Council’s resolution the report has now been separated into two parts, namely this report dealing with matters which it appears could be dealt with in open Council and a separate report (see separate report included as a later item in this Business Paper) dealing with that aspects of the matter which it is considered should be dealt with by Council in Confidential Session.

Report

At the meeting of Council held on 8 September 2009 a report by the Director Infrastructure Services in relation to the Council’s Co-Generation Plant was considered. A copy of this report is included as Attachment 1 to this report.

Subsequently, the Council resolved:

“That:

1. *Financial modeling in respect of the Tri-Generation Plant be updated as recommended by Council’s Auditors and further reported to Council.*
2. *Advice be sought in relation to the cost to assist in the management of the Tri-Generation Plant from appropriately skilled external sources and in the mean time the main generator be turned off whenever possible.*
3. *Investigation be undertaken to connect other Council buildings and specifically the Administration Building to the Plant, and the cost/benefit of any proposal be reported as part of the review of the financial model for the Plant.*
4. *Council’s Solicitors be requested to advise on any action which may be taken to recoup costs in relation to the rebuilding of the generator motor and the manner in which the installation of the Tri-Generation Plant was conducted.*
5. *The General Manager prepare a report to Council addressing the following items:*
 - (a) *The design, purchase and installation of the plant.*
 - (b) *The absence of any contract or warranties for the purchase and installation.*
 - (c) *The apparent inability of Council to redeem the costs associated with the failure of the plant.*

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- (d) *The absence of any contract for the sale of surplus electricity generated by the plant and sold back into the grid."*

Action is being taken in respect of parts 1, 2 and 3 of the above resolution and will be the subject of a separate report to Council at the appropriate time. A financial modelling process was commenced by the Council's former Chief Financial Officer, however, with the recent departure of that officer it will need to be continued by the new incumbent to the position. The purpose of this report is to address parts 4 and 5 of Council's resolution.

Background

In brief, the history of the Cultural Precinct on the site of the Old Hawkesbury Hospital commenced with Council purchasing the site from the State Government in 1998 at a cost of \$1,000,000. It was subsequently resolved to allocate \$13M to redevelop the former Hawkesbury Hospital site for a library, museum/art gallery, refreshment rooms and commercial offices. Following expressions of interest, four architects were commissioned to submit proposals for redevelopment and restoration works at a cost of \$5,000 each.

Architects Pont Williams + Leroy were appointed to undertake the design, to include specific requirements resolved by Council, to provide separate art gallery facilities, with an exhibition space of not less than 350m², and be fitted out to regional art gallery standards. Council subsequently resolved to undertake additions to the existing museum and construct a building that combined both a library and art gallery at a cost of \$15.56M. A grant of \$1.15M was received from the State Government for the museum development.

The original proposal by Pont Williams + Leroy included a basement carpark (100 vehicles), with a library at the ground level and incorporating first floor commercial space. The design featured a void over the centre of the library, providing a large display area in the centre of the roof. The design further proposed solar thermal energy collection and conversion units, that the architects indicated should be able to reduce the buildings operating emissions to zero. Their proposal had additional capital cost, which they indicated would be recovered within a 5–7 year period and dramatically reduce the annual operating costs. Pont Williams + Leroy appointed MPI Consultants to carry out the ESD Engineering designs.

MPI Consulting proposed a co-generation plant estimated to cost \$1,483,440 ***"with modeling predicting an internal rate of return of at least 15% (based on being able to sell electricity back to Integral Energy for only half the rate of the purchase price at times when we are generating more than we are using). This estimate is conservative and we expect that negotiations with Integral shall result in a better export rate, resulting in an IRR of around 17%. Our model also assumes that the cost of electricity and gas shall both follow an inflation rate of 4.5% p.a. when in reality we expect the cost of gas to drop whilst the cost of electricity shall continue to rise, hence increasing the benefit of this co-generation plant."*** MPI also recommended that the project be implemented using their "Turnkey Construction Management Process".

Pont Williams + Leroy, in June 2002, suggested the possibility of further exploration into including the old hospital building (located adjacent to the proposed new facilities) within the co-generation system. This idea was based on a recommendation by MPI relating to further environmental benefits and economies to be achieved by including that building. MPI investigated the expansion of the proposed co-generation system to serve the adjacent hospital building by undertaking a revised feasibility study and concluded that the expansion of the co-generation system to cater for the inclusion of the Hospital Building **will increase the financial return to Council.**

On the recommendation of the architects, MPI consultants were appointed to carry out preliminary design work for the co-generation system. On 30 August 2002, MPI suggested to the architects the possibility of an external funding option for the plant.

It is noted that the Councillors were briefed about the overall project, including the co-generation plant at a briefing session held on Tuesday, 6 August 2002.

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MPI were engaged by correspondence of 16 December 2002 to undertake the following actions:

1. The entire co-generation system be designed and documented in sufficient detail to permit the development of a Fixed Sum Construction Price to be provided to the project owner.
2. Agreements for construction, operation, maintenance, gas and electricity be prepared ready for novation to the project owner.
3. A competitive tender process be prepared to allow offers from various potential project owners to be considered by Council.

On 14 March 2003, MPI advised, amongst other things, that they were in discussions with AGL and Integral Energy to agree on energy contracts.

Council at its meeting held on 8 April 2003 resolved, in part, to engage MPI Consultants Pty Ltd to proceed with Expressions of Interest on Councils behalf for a 'Construct, Own and Operate' co-generation facility. The project cost identified within the report was shown as \$2.4M.

MPI confirmed within correspondence dated 21 May 2003, that they were continuing negotiations with interested owners, finished preliminary negotiations with AGL with an agreed gas rate of \$7.02/GJ, and Integral Energy with agreed rates, which included 3.0c/kWh Export during peak/shoulder.

Tenders were called for the Ownership, Operation and Maintenance of the proposed Co-generation System at the proposed Library/Art Gallery Development on 22 July 2003.

In a report to Council on 9 September 2003 three options were outlined to Council regarding ownership of the co-generation plant. Option 1 was third party ownership indicating a saving to Council of \$4.2M over 25 years, Option 2 was 100% Council owned indicating a saving to Council of \$12.5M over 25 years, and Option 3 was joint ownership between Council and a developer indicating a saving to Council of \$5.9M dollars over 25 years. These figures were based on information from MPI and Council resolved to proceed on the basis of a Council owned Co-generation plant and did not proceed with the tender to "Construct, Own and Operate" the co-generation facility. The previous report on this matter (included as Attachment 1 to this report) deals with the financial assessment of this project and the review ultimately undertaken by Council's External Auditor, PricewaterhouseCoopers.

Tenders for the Design, Construction Management and Commissioning of the co-generation plant were called on 7 October 2003, with 5 tenderers responding, including MPI who had the best tendered price. MPI's tender was accepted by Council at its meeting of 14 October 2003. The tender, included (MPI letter of 25 September 2003) Construction management, including on-site management of subcontractors, co-ordination with Building Contractor, detailed technical supervision, technical certification, approvals and the like, acceptance, setting to work and hand-over.

With MPI's assistance, tenders for the co-generation facility components were called and accepted by Council on 9 December 2003 and were subsequently assigned to MPI to allow them to complete the co-generation plant (Deed of Novation). It is suggested that the actual installation of the equipment comprising the plant is not an issue (as it appears to have been installed appropriately by the tenderers for the individual components as per specification) but rather the specifications prepared by MPI, particularly in relation to an apparent "design issue" that appears to have resulted in the failure of the diesel electrical generator in May 2007.

An MPI email (Craig Andrews) dated 9 November 2004 still indicated an internal rate of return of 14.55%. This was also confirmed at a Council briefing session held on 5 April 2005, following Councillors requests for further information about the co-generation plant operation. At the time of the writing of this report MPI's website advocates Council's Co-generation Plant as an accomplishment costing \$3.7m with an internal rate of return of 14.57% (see <http://www.mpigroup.com.au/html/r2.htm>).

Since the completion of the co-generation plant there have been continuing issues relating to its operation and staff have been working constantly to address these issues in an endeavour to achieve the outcomes expected from the facility.

During May 2007, the gas fired generator failed evidently due to corrosion from the cooling water. The repairs to the generator cost in the order of \$116,000 and were not claimable from insurance. In addition, approximately \$20,000 was expended to isolate the generator from the cooling towers to rectify the apparent "design issue" that resulted in the damage.

There was also a problem with the accuracy of the electricity metering within the buildings, which did not give adequate confidence to provide accurate accounts to tenants. Whilst the metering issue has now been rectified to allow charging (and back charging) tenants for electricity consumed, there were also issues in relation to metering hot and cold water that is being utilised throughout the buildings which has been rectified to allow charges to be issued accordingly.

In relation to the plant not achieving the forecast financial return, MPI have indicated that this has resulted from the plant not reaching the design load, which has resulted in under utilisation of gas and thus higher gas price and also the fact that there is no income being derived from the sale of excess power generated and being returned to the grid.

Council's Resolution of 8 September 2009

In respect of the four elements of part 5 of Council's resolution of 8 September 2009 calling for a report on a number of issues the following comments are now provided:

(a) *The design, purchase and installation of the plant.*

The previous section of this report dealt with as the "Background" was effectively intended to address this element of Council's resolution

(b) *The absence of any contract or warranties for the purchase and installation.*

It is suggested that the significant "contract" in relation to this matter is the one between MPI and the Council as the "fault" issue that appears to have resulted resulting in the damage to the plant in May 2007 would fall within this area. The management of other tenders for the actual installation of the equipment components as designed were novated to MPI. As suggested earlier in this report these specific works do not appear to be an issue as the work was satisfactorily undertaken by the various component tenderers in accordance with the specifications prepared by MPI.

As indicated previously, Council accepted the Tender of MPI for the "design, construction management and commissioning of a co-generation project" at its meeting on 14 October, 2003. A copy of the tender specifications upon which MPI's tender was basis is available as is also MPI's tender submission.

MPI were advised of the acceptance of their tender by letter dated 24 October, 2003 and this letter makes reference to contract documents being prepared for subsequent signing. A further letter to MPI dated 17 December, 2003 makes reference, in part on page 2, to a meeting at 11:30am on Monday 19 January, 2003 (obviously should be 2004) at the Council Offices for the signing of the "Contract".

Notwithstanding extensive searching and research, a signed copy of the contract has not been located. However, a copy of a document, which may be an initial draft of the proposed contract, has been located and has been referred to Council's solicitor (see separate confidential report dealing with legal advice sought) to clarify Council's position.

Council has recently contacted MPI in an endeavour to obtain a copy of the contract without success. MPI have not denied the existence of a contract and has indicated that MPI have moved offices recently and "evidently" can not locate MPI's copy.

The legal advice sought and addressed later in the separate confidential report suggests that, effectively, an "implied contract" still exists.

Warranties for the "*purchase and installation*" of the actual equipment did exist and were effective for 12 months from completion of installation. However, one of the issues related to the actual damage to the co-

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generation plant which came to light in May 2007, well outside the warranty period even if the warranty had applied to the damage, is that the damage appears to have resulted from a design issue as distinct from an actual fault in the operation of the equipment or its installation. As this damage was a "design issue" rather than an "equipment issue", as concluded by the insurance assessors, it is doubtful if it would have been covered by a warranty if it were still applicable and was not covered by Council's insurances.

This aspect is considered further in the separate confidential report dealing with the legal advice sought in accordance with Council's resolution.

(c) *The apparent inability of Council to redeem the costs associated with the failure of the plant.*

As indicated, the damage to the gas fired generator plant appears to have occurred outside the warranty period and is unlikely to have been coverable by the warranty if it had occurred within the period as it appears to be due to an apparent "design issue", as concluded by the insurance assessors, rather than an equipment fault.

A claim was also made against the relevant Council insurance policy that covers damage to equipment such as this, with such claim being ultimately declined, again due to the fact that the damage resulted from an apparent "design issue" rather than an equipment fault.

This aspect is considered further in the separate confidential report dealing with the legal advice sought in accordance with Council's resolution.

(d) *The absence of any contract for the sale of surplus electricity generated by the plant and sold back into the grid.*

As indicated previously in this report MPI confirmed within correspondence dated 21 May 2003, that they were continuing negotiations with interested owners, finished preliminary negotiations with AGL with an agreed gas rate of \$7.02/GJ, and Integral Energy with agreed rates, which included 3.0c/kWh Export during peak/shoulder.

In the same letter, MPI also indicated that they had "*discussions with Integral Energy Network and came to an agreement on the connection and metering details. Integral have agreed to relocate the existing supply to existing buildings so that the new meters measure the sum of energy to the new and existing supplies. This means that there is now a larger electrical load that the genset can supply and shall significantly reduce the amount of energy which shall be exported into the Integral Network. This works in favour of the co-generation plant as the cost of imported energy displaced is four times the cost of energy exported*".

Whilst MPI undertook certain actions in relation to this aspect it does not appear to have extended these endeavours beyond the completion of the co-generation plant nor do any of the documents for the various stages of the project which they undertook appear to detail this aspect as a requirement. Much of their work in this regard appears to have been undertaken in association with their assessment of the feasibility of the project. This aspect is considered further in the separate confidential report dealing with the legal advice sought in accordance with Council's resolution.

The co-generation plant was initially commissioned in mid 2005, however, a full power load for the building and operation of the plant was not achieved until the first quarter of 2006 when all tenancies were operational. At that time Council's contract for the supply of power was due for renewal on 1 July 2006. Prior to this, in December 2005 discussions were held with representatives from Energy Action, a widely utilised Energy Brokerage firm, as part of the renewal of Council's large sites energy contract. It was indicated that Council's co-generation plant did not, at the time, have a large enough energy export to warrant consideration. Subsequently, Council renewed its large sites energy contract with Energy Australia for a two year period, with a one year option under the State Contracts Control Board Contract and discussions with the Board confirmed that, as a "standard contract", this did not include buy back provisions.

In July 2008, prior to the expiry of the above contract, Council officers meet with representatives of Integral Energy to further discuss the issue of the purchase of electricity from the co-generation plant. Whilst this meeting did not achieve positive results in relation to the purchase of power put back into the grid Council

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was offered a Load Curtailment Payment Agreement for running the co-generation plant. This agreement provided for the plant to run between 1300 hours and 1800 hours on working days in the summer period for the years 2008/09, 2009/10 and 2010/11 when temperatures exceed 35 degrees. In return Integral Energy undertook to pay Council \$30,196 per year. A penalty of \$1,900 per day or part thereof would be reduced from the payment if the plant fails to run on days where the temperature exceeds 35 degrees. Council has been receiving these payments from Integral Energy representing a total possible income of \$90,588 over the term of the agreement.

In addition, from this meeting an Incentive Demand Reduction Program was offered with Council accepting this for the installation of power factor correction equipment at the Deerubbin Centre, Oasis Swimming Centre and South Windsor Treatment Works. The incentive payment from Integral Energy was \$13,614 and the cost of installation on the three sites was \$30,990. Council's costs were \$17,376 and savings per year are expected to be \$11,609 with a simple payback period of 1.5 years

In September 2008 further discussions were held with senior executives of Integral Energy regarding this issue. At this time Integral Energy indicated that they were not in a position to offer any payments for the exported energy.

With the pending expiry of the existing contract in 2009 TTEG (an Energy Brokerage firm) who was conducting a tender for the supply of electricity for large sites on behalf of WSROC, as a "regional" tender, was requested to include in the tender provision for the purchase of electricity exported from the co-generation plant and also the gas purchase for the site. Subsequently, no offer was received for that part of the tender as the electrical generation in kWh was considered too small. In relation to this TTEG commented as follows:

"Electricity sales to the grid

- 1 *Renewable Energy Certificates (RECs). Unfortunately electricity generated from natural gas does not enable you to sell the REC.*
- 2 *The purchase by a Retailer of generated electricity. You generate ~ 120 MWh p.a. which is well below a "marketable" parcel based on advice we have from retailers, including TRUenergy, Simply Energy, Country Energy and Energy Australia.*
- 3 *We have also investigated the potential for incorporating in the "NSW solar bonus scheme" which came in to effect 1 January 2010 but this cannot be done.*

Just to let you know, even if we conservatively allowed a maximum of \$40 to \$50 /MWh for the generated electricity we are looking at a maximum of ~ \$4,800 to \$6,000 p.a."

It would appear, from discussion with relevant energy sources, that the significant issue in Council not being able to achieve a return for the power returned to the grid is that the amount of power involved is insufficient to enable a contract to be formulated. As indicated previously, due to lower than anticipate demand factors in the complex gas consumption (in order to achieve lower rates) and energy production has not achieved anticipated levels. This aspect will be further reviewed in association with action in respect of parts 1 and 3 of Council's resolution of 8 September 2009 which could ultimately result in an improvement to this situation in the event of further facilities being connected.

It will be recalled that MPI suggested a purchase rate of 3.0c/kWh for power exported to the grid. Based on this amount and the amount of power exported to the grid since the commissioning of the plant the following "potential revenue" appears to be involved:

Year	kWh Exported	3.0c/kWh
Prior to August 2006	85,920	\$2,577.60
2006/2007	32,627	\$978.81
2007/2008	504,258	\$15,127.74
2008/2009	146,127	\$4,383.81
2009/2010 (31/12/09)	40,406	\$1,212.18

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It should be noted that in the 2007/2008 year the running hours of the co-generation plant were extended to try to increase the gas usage to above 10TJ p.a. This test resulted in a gas consumption rate of 9.5TJ being reached with the plant not running in July and August 2007 due to equipment failure. This test indicated that with an increase in running hours or use of gas for some other use a consumption rate of 10 TJ could be achieved resulting in a possible significant reduction in the cost of the gas.

Having regard to the above figures it would appear that the significant issue is not the possible revenue from exporting power back to the grid, which does not appear to be major having regard to the resources that have been involved in attempting to achieve a "buy back" result, but rather increasing the Council's use of the power produced by the co-generation plant which at the correct levels of production would be more economical than the purchase of power from the grid. The ultimate implementation of parts 1 to 3 of Council's resolution of 8 September 2009 may allow the plant to achieve more positive results.

Legal Advice

Issues relating to the legal advice obtained in accordance with part 4 of Council's resolution of 8 September 2009 and as referred to earlier in this report are considered further in the separate confidential report to this meeting.

RECOMMENDATION:

That the information in connection with part 5 of Council's resolution of 8 September 2009 in connection with the Council's Co-Generation plant be noted in view of the fact that other aspects of the matter are to also be considered by Council under a separate item to the Confidential Session of this meeting.

ATTACHMENTS:

There are no supporting documents for this report.

AT - 1 Report to the meeting of Council held on 8 September 2009.

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AT - 1 Report to the meeting of Council held on 8 September 2009.

ITEM: 184 **IS - Co-Generation Plant - (95495)**

Previous Item: 32, Ordinary (26 February 2008)

REPORT:

Council has requested a number of reports in relation to the installation, operation and maintenance of the Co-generation (tri-generation) Plant located at the Deerubbin Centre. The reports included installation and maintenance from Caterpillar, investigation by Council's Auditor regarding the installation costs and cost of operation and a report on the future of the Plant and its operation. Whilst the Plant has previously been referred to as a Co-Generation Plant, it should be correctly known as a Tri-Generation Plant due to its capability to produce electricity as well as hot and cold water.

The Tri-Generation Plant consists of a gas fuelled generator which produces electricity when required. When the generator is operating the heat from the generator radiator water and exhaust gas produces both heat (directly) and chilled water through an absorption chiller to provide both heating and cooling to those buildings connected to the system. There is also a separate gas fuelled boiler for heating and an electric chiller for cooling. The heating and cooling system is currently connected to the Deerubbin Centre (Gallery, Curves, Dept. of Community Services, Cafe, and Library) and the Old Hospital Building. Electricity generated from the plant services the Deerubbin Centre, Old Hospital Building, Peppercorn Place and the Old Johnson Wing (Action Insurance Brokers).

In terms of the reports requested, a work report is attached from Westrac (Caterpillar subsidiary) in relation to the investigation into the engine turbo failure and subsequent reconditioning of the engine due to water damage. As indicated to Council at its Briefing Session in relation to this matter, Westrac were requested on numerous occasions to provide a report on the installation and maintenance of the Plant and they ultimately advised that the cost to carry out an audit on the installation of the generator set would be \$14,361 (GST Inclusive). As it was indicated at the Briefing that Council did not wish to incur the additional cost, the report was not requested.

Council's Auditors, PricewaterhouseCoopers have undertaken a review of the Tri-Generation Plant and their report is attached (A copy of this report was previously provided to Councillors). The conclusions outlined from the report cover financial information relating to the original proposal and financial modeling, actual capital and operating costs of the plant and problems encountered in the operation of the plant and recommendations in relation to all of these matters.

In relation to the financial modeling originally carried out, the report recommends that the financial modeling should be updated to reflect current information available to establish the actual financial position of the project. The report acknowledges that the Plant is complex to operate, monitor and maintain and suggests independent expert advice be sought on how to best overcome these problems and also consider options for external management of the Plant. The report also identifies that an agreement for the sale of excess electricity back to the grid needs to be finalised and also an examination as to whether other Council buildings could be connected to the Plant to increase its utilisation.

A further report was commissioned to assess the viability of the Plant from Gridx Power, a licensed electricity utility business experienced in tri-generation and distribution assets. A copy of this is attached to this report. Gridx has identified that the current usage of the Plant is such that the cost of gas utilised to produce power does not make it competitive in relation to power purchased from the grid. The company identified that increased running time of the Plant would be required to reach a threshold where the price to supply gas would reduce thus making the Plant more viable. There would however be an increase in the maintenance of the Plant due to the extended operating hours.

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Gridx has identified some benefits of a power purchase agreement with a utility including the fact that the Plant currently removes 350 kW of electrical peak requirements (off the grid) from generation and a further 90kW from utilising absorption chilling, instead of electrical chilling, and compensation for this embedded generation should be provided from the incumbent energy provider. This matter has been pursued and Council is currently receiving an amount of \$30,000 pa, for a three year period at this stage, to ensure that electricity is being generated at identified peak periods when temperatures exceed 35 degrees.

Gridx also identified that energy generated through a gas fired reciprocating engine produces approximately 30% less greenhouse gas emissions compared to conventional power supplied to the grid. The company did give an indication that they could operate and maintain the gas fired generation system and facilities to supply a portion of the electrical needs and the total thermal energy needs on the Cultural Precinct based on agreed tariffs and an upfront contribution of \$100,000 pa.

The obvious questions that need to be addressed are firstly, if the Plant is not operating in an economically viable manner, what would be the implications of removing the gas fuelled generator. As indicated previously, a gas fuelled boiler and electrical chiller currently exists within the plant room which have sufficient capacity when operated integrally with the generator to provide heating and cooling for the buildings currently connected to the system including periods of extreme temperatures. It would appear that the capacity to heat and cool during extremes would be marginal if the generator motor was not in operation.

Mr Banicevic, from PricewaterhouseCoopers, at Council's Briefing Session indicated that the Sydney City Council is currently calling tenders for the construction of tri-generation plants to be strategically located throughout the Sydney CBD to reduce the city's reliance on coal generated electricity, and that it may be appropriate to discuss the management of Council's Plant with the successful tenderer in that process to determine a way forward. The PricewaterhouseCoopers report also indicated that connection to other Council buildings should be investigated to take up the additional capacity within the total Plant with a view to reducing the unit rate to produce energy and thus increase the Plant's viability. Council may be aware that the air-conditioning within the Administration Building is currently being upgraded and in accordance with the previously mentioned recommendation it is felt that the cost and benefits of connection of the Administration Building to the Plant should be further investigated as part of the process.

There was also an issue in relation to the cause of the failure of the generator motor and whether some action could be taken to recoup any of the costs incurred in the major overhaul that was subsequently required. It does appear from the report commissioned by Council's Insurers that the cooling system should have been a closed system rather than being connected to the cooling tower of the building. It is suggested that advice from Council's Solicitors should be sought in this regard.

Conformance to Strategic Plan

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

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

Funding

Nil impact as a result of the report.

RECOMMENDATION:

That:

1. Financial modeling in respect of the Tri-Generation Plant be updated as recommended by Council's Auditors and further reported to Council.

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2. Advice be sought in relation to the cost to assist in the management of the Tri-Generation Plant from appropriately skilled external sources.
3. Investigation be undertaken to connect other Council buildings and specifically the Administration Building to the Plant, and the cost/benefit of any proposal be reported as part of the review of the financial model for the Plant.
4. Council's Solicitors be requested to advise on any action which may be taken to recoup costs in relation to the rebuilding of the generator motor.

ATTACHMENTS:

- AT - 1** Report from WesTrac (Caterpillar Subdivision), dated 11 August 2007, in relation to engine turbo failure.
- AT - 2** Report from Council's Auditors, PricewaterhouseCoopers, dated 23 June 2009, reviewing the Tri-Generation Plant.
- AT - 3** Report from Gridx Power, dated 8 July 2008, regarding the viability of the Plant.

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AT - 1 Report from WesTrac (Caterpillar Subdivision), dated 11 August 2007, in relation to engine turbo failure (Meeting 8 September 2009)

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AT - 2 Report from Council's Auditors, PriceWaterhouseCoopers, dated 23 June 2009, reviewing the Tri-Generation Plant (Meeting 8 September 2009)

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AT - 3 Report from Gridx Power, dated 8 July 2008, regarding the viability of the Plant (Meeting 8 September 2009)

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Item: 25 GM - Local Government Managers Australia - National Congress & Business Expo - (79351, 80532)

REPORT:

The Local Government Managers Australia (LGMA) 2010 National Congress & Business Expo will be held 16-19 May 2010 in Adelaide, South Australia.

The Theme of the 2010 National Congress is Re-Generation: New Beginnings and will explore how local government can effectively assist communities to respond to and recover from climatic and financial crisis. The three key congress platforms will encompass, recovery, resilience and resources through a series of plenary, concurrent and interactive panel sessions and breakout workshops.

Cost of attendance at the 2010 LGMA National Congress & Business Expo will be approximately \$2,900.00 per delegate.

Budget for Delegate Expenses - Payments made

• Total budget for Financial year 2009/2010	\$48,000.00
• Expenditure to date	\$33,123.00
• Budget balance as at 15/2/10	\$14,877.00

Conformance to Strategic Plan

Vision - Shaping our future together

Direction:

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

Strategy:

Have ongoing engagement and communication with our community, governments and industries.

Funding

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

RECOMMENDATION:

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2010 LGMA National Congress & Business Expo at an approximate cost of \$2,900.00 per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

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CITY PLANNING

Item: 26 **CP - Development Application - Wholesale Produce Store - 88 Whitmore Road, Maraylya - Conversion of three existing poultry sheds for use as a produce store - (DA0451/09, 29595, 29596, 95498)**

Development Information

File Number: DA0451/09
Property Address: 88 Whitmore Road MARAYLYA NSW 2765
Applicant: PGH Environmental Planning
Owner: Mr SN Gatt & Mrs R Gatt
Proposal: Wholesale produce store - conversion of three existing poultry sheds for use as a produce store
Zoning: Rural Living
Date Received: 3/08/2009
Estimated Cost: \$5,000
Exhibition Dates: 25/09/2009 - 9/10/2009
Submissions: 13

Key Issues: ♦ Loss of amenity due to noise, dust, odour, vermin
 ♦ Traffic generation

Recommendation: Refusal

REPORT:

Executive Summary

The application proposes the conversion of three existing poultry sheds to be used as a wholesale produce store. The property is currently being used as a poultry farm comprising five poultry sheds.

Assessment of the proposal, including matters raised in public submissions, highlight the following relevant issues for consideration in the determination of the application:

- Loss of amenity due to noise, dust, odour, vermin
- Traffic generation

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 premise of the application is that the proposal will result in reduced impacts arising from the conversion of three out of the five existing poultry sheds to use as a produce store, thereby reducing the number of birds and associated impacts.

Whilst it can be predicted that some impacts may well be reduced, the produce store component may result in an increase in other impacts. The application does not provide adequate information to determine the impacts of noise, dust, odour, vermin and increased traffic or the cumulative impacts of the produce store being operated alongside the poultry farm.

For these reasons it is recommended that the application be refused.

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Description of 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 poultry.

The proposal is to convert existing Sheds 1 (1,952m²), 2 (1,952m²) and 3 (1,488m²) into a wholesale produce store. These sheds have a combined floor area of 5,392m². The remaining two sheds, i.e., (Sheds 4 and 5) will continue to be used for poultry. It is proposed to stage the conversion, starting with Shed 1 and with the conversion of Sheds 2 and 3 as demand increases. Hence Sheds 2 and 3 could remain as poultry sheds indefinitely.

The proposed activity involves the handling, 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; and
- Bedding hay and like produce.

The proposed wholesale produce store will employ a maximum of 4 persons (including on-site manager). The proposed 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 a delivery truck to depart the store at around 6.00am and return to the property around 7.30pm. Deliveries of produce to the site will 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 a 2 tonne utility.

A carparking area is to be constructed between Shed Nos. 1 and 2. This carpark will cater for fifteen vehicles.

Background

Development Consent DA309/94 was issued on 14 July 1995 for the extension of the poultry farm. The consent permitted the construction of two additional sheds.

The poultry farm consists of 4.835 hectares of land containing 2 houses and 5 poultry sheds. The sheds have the capacity to accommodate 140,000 (one hundred and forty thousand) birds.

Since construction and the commencement of the use of the sheds, 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 adjoining and nearby property owners.

Development Application DA 814/07 for the conversion of 2 of the poultry sheds on the subject land to a produce store was reported to Council at its Meeting of 24 June 2008. At this Meeting Council resolved *“that the application be deferred pending submission by the applicant of a report from a suitably qualified consultant to examine any risk of transmission of avian disease created by the proposal.”* The application was withdrawn on 2 June 2009.

During the processing of DA 814/07, Council was advised in January 2008 that the produce business had commenced operations. A Notice of Intention to Issue Orders were served to the owners on 3 July 2008. The owners ceased use of the property as a produce store.

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More recently, and in response to continued complaints in respect to noise and odour, Council requested that the managers of the property provide a site specific Environmental Management Plan. An Environmental Management Plan is yet to be received despite numerous requests in writing and meetings with the operator. Furthermore Council received written notification from the operator's agent that an increase of 8,000 birds would occur on 30 December 2009. Accordingly a Prevention Notice under Protection of the Environment Operations Act 1997 was issued on 24 December 2009 to Gatco Poultry Pty Limited. On 14 January 2010 Gatco Poultry P/L lodged an appeal with the Land and Environment Court in respect to this Prevention Notice.

History of Current Application

3 August 2009	DA 451/09 received for a partial conversion to a Wholesale produce store.
21 August 2009	Application notified 21 August 2009 to 4 September 2009, and then extended to 9 October 2009.
15 October 2009	Letter to applicant requesting additional information in respect to the operation of the produce store, the Environmental Management Plan for the site, the produce capacity of the sheds and quantities of produce within each shed, size of trucks, acoustic report, odour assessment report, assessment of potential dust nuisance, and response to matters raised in submissions.
12 November 2009	Applicant advised that additional information would be submitted within two weeks.
14 December 2009	No response received. Second request to applicant to provide the additional information.
20 January 2010	Applicant advised by email to submit the requested additional information within seven days.
29 January 2010	Additional information received however does not adequately address all matters or provide assessment reports in respect to noise, odour or dust relating to the produce store proposal.

Issues Relevant to the Decision - In Point Form

- Loss of amenity due to noise, dust, odour, vermin
- Traffic generation

Council Policies, Procedures and Codes to Which the Matter Relates

Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
State Environmental Planning Policy No. 44 – Koala Habitat
State Environmental Planning Policy No. 55 – Remediation of Land
State Environmental Planning Policy No. 64 – Advertising Signs
Hawkesbury Local Environmental Plan 1989
Draft Hawkesbury Local Environmental Plan 2009
Hawkesbury Development Control Plan

Section 79C Matters for Consideration

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

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

The relevant Environmental Planning Instruments are considered below:

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

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

State Environmental Planning Policy No. 44 – Koala habitat Protection

The proposed development does not require the removal of native vegetation and will therefore not disturb habitat areas within the site. Consequently, an investigation into whether or not the land is a potential koala habitat is not required for the development.

State Environmental Planning Policy No. 55 – Remediation of Land

Where a proposed development involves a change in the use of the land, this Policy requires consideration as to whether the land is potentially contaminated. Agricultural uses are listed as potentially contaminating land uses under the Contaminated Land Planning Guidelines. This is due to the potential use of pesticides, herbicides, fungicides and insecticides. Given the use of the land as a poultry farm, and the likely use of these chemicals is low, it is considered unlikely that the land is contaminated. In addition, the use of a produce store is comparable to the poultry farm use in respect to the likely use of pesticides. It is therefore considered that the land is suitable for the proposed development and that a Preliminary Site Investigation is not required.

State Environmental Planning Policy No. 64. – Advertising Signs

In accordance with this Policy only ‘building identification signs’ and business identification signs’ are permissible on the land. The application proposes a ‘business identification sign’, however has not provided any details in respect to location, size, height or content. Whilst any consent can be conditioned that only a ‘business identification sign’ be erected to comply with the requirements of this Policy, these details are required to ensure compliance with Hawkesbury Development Control Plan and to enable an assessment of the signage.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject land is within the Rural Living zone. The proposed development is defined as ‘produce store’ under the provisions of Hawkesbury Local Environmental Plan 1989. ‘Produce store’ means “*a building or place used for the sale by wholesale or retail of stockfeeds, grains, seeds, fertilizers, veterinary supplies and the like*”. ‘Produce store’ is permissible with development consent within the Rural Living zone.

There is no limit in the maximum size of a produce store. However, there are some concerns with the scale of this proposal that have not been adequately addressed in the application.

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

It is considered that the proposed development is inconsistent with Objective (c), which seeks “*to minimise conflict with rural living land uses*”, as the proposal has the potential to generate impacts that will conflict with the use for properties in the locality used for rural residential purposes.

In addition to the above, the following relevant clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration:

- Clause 2 - Aims and objectives etc
- Clause 18 - Provision of water, sewerage etc services
- Clause 25 - Development of flood liable land
- Clause 27 - Heritage items
- Clause 28 - Development in the vicinity of heritage items
- Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

The proposed development is considered to be consistent with these clauses of Hawkesbury Local Environmental Plan 1989.

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

Draft Hawkesbury Local Environmental Plan 2009 applies to the proposal. This draft Plan is being exhibited 5 February 2010 to 12 April 2010. Under this Plan the subject land is proposed to be zoned RU4 Rural Small Holdings and the proposed development is defined as 'rural supplies'. 'Rural supplies' are permissible within the RU4 zone.

iii. Development Control Plan applying to the land:

An assessment of the proposal against the relevant provisions of this Plan follows:

Notification Chapter

The application was publicly exhibited from 21 August 2009 to 9 October 2009. A total of 13 individual submissions were received. The matters raised in the submissions will be discussed further in this report.

Car Parking and Access

This chapter has 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, 2 and 3 have a combined floor area of 5,392m². Based on the rates for industrial developments, a total of 61 car parking spaces are required.

A total of fifteen on-site car spaces including three for employees and twelve for visitors is proposed. The application seeks a variation to the 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 employees. The application justifies the provision of fifteen spaces:

"It is considered (and supported by our traffic consultant) that the use of Sheds 1, 2 and 3 as wholesale business will not generate traffic that would require 61 car parking spaces. It should be noted that sufficient area exists to provide the required number of spaces however we seek Council's support in allowing the nominated number of spaces as indicated on the development plans.

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;

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- The proposal is to use the existing sheds with no additional floor area proposed;
- The use is to be carried out on a wholesale 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. Assessment of the application has 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 Heavy Rigid Vehicles are not in a good condition and upgrading to a suitable standard with a sealed pavement is required should this development be approved. In regards to the remainder of parking and manoeuvring areas, these can be all weather surface.

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

Signs Chapter

The application does not provide any details in respect to the proposed signage.

Effluent Disposal

The existing staff toilet facilities are to be used for the employees and customers of the produce store. The applicant has not provided any evidence from an appropriately qualified and experienced expert to demonstrate that the existing on-site effluent disposal system is adequate to support the future demands. Whilst it is acknowledged that the additional waste water load to be created by proposed produce store is expected to be minimal, it is recommended that the adequacy of the existing system and any need for repair/augmentation can be addressed by a condition of consent.

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

There has been no planning agreement or draft planning agreement entered into under Section 93F of the Environmental Planning and Assessment Act, 1979.

v. **Matters prescribed by the Regulations:**

There are no matters prescribed in the Environmental Planning and Assessment Regulations which would affect the proposal.

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

Context & Setting

Surrounding properties are primarily used for rural residential purposes and animal establishments. The site currently has five existing sheds which are used as a poultry farm. It is proposed to use Sheds 1,2 and 3 as a wholesale produce store. The remaining sheds will continue to be used for the 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 an incremental reduction in the scale of the existing poultry farm use. However, the application does not provide adequate detail to determine the likely impacts of the proposal, including the cumulative impact of the produce store being operated in conjunction with the poultry farm. Therefore an assessment as to whether or not the proposal is compatible with adjoining land uses, or whether or not the amenity of surrounding properties will be significantly or unreasonably impacted upon in terms of loss of visual or acoustic privacy; noise, odour, dust generation; increase in traffic, increase in vermin, cannot be reasonably determined.

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c. Suitability of the site for the development:

Due to the scale of the development and given that adjoining land is used predominantly for rural residential purposes, the proposed development is potentially unsuitable on the land.

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

The application was publicly exhibited for the period 21 August 2009 to 9 October 2009. A total of thirteen submissions were received. The matters raised in the submissions are addressed below:

1. Traffic generation; increase in heavy vehicle movements
2. Whitmore Road unsuitable for additional truck movements
3. Traffic safety, including risk to young/school children
4. Damage to roads from trucks

Applicants Response:

A traffic and parking assessment has been undertaken. The conclusion from the report has been included below in response to submissions received.

- *The proposed access arrangements provide for safe and efficiency site access manoeuvres for all vehicles expected to access the subject site;*
- *The existing on-site parking provision is adequate to accommodate the projected peak demand with respect to the existing and projected peak operational capacity of the subject site;*
- *The internal roadways 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 4 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.*

We consider that the Traffic Impact Statement demonstrates that traffic impacts are acceptable and the report satisfactorily addresses the concerns raised by residents.

Comment: The Traffic Impact Statement advises that the proposed produce store will result in a total of six additional vehicle movements per day, including four passenger vehicle movements and two Heavy Rigid Vehicle movements. There will also be a reduction of two semi-trailer vehicle movements per day associated with the poultry farm.

Given the size and capacity of Sheds No. 1, 2 and 3 (total area of 5,392m²) it can be reasonably predicted that the produce store activity would require more than two trucks (four truck movements) per day.

Submissions from the public have indicated that, during 2007 when the produce store operated for many months without approval, truck movements were in excess of those stipulated within this application.

5. Signage

Applicants Response:

"There is currently no proposed signage. However, in rural areas a sign is permitted indicating the purpose for which the land is used. This is required to be 2.5m above ground level, maximum area of 0.75m² and may be double sided where appropriate. Any signage would meet this size requirement."

Comment: Whilst it is agreed that a business identification sign can be considered for the proposed activity, the application does not provide any details in respect to signage. As a result, should the application be approved, conditions of consent need to be included advising that signage is not approved as part of the consent and that separate development consent for signs is to be sought.

6. Loss of amenity, including

- Loss of privacy
- Vermin control
- Dust generation
- Odour
- Hours of operation
- External lighting
- Erection of additional colourbond fencing
- Noise, including trucks, forklifts
- Cumulative impact of proposal with existing poultry use

Applicants Response:

"As addressed previously the Environmental Management Plan includes provision for managing potential impacts such as dust, odour and noise. The proposal utilises the existing sheds and involves decreasing the volume of poultry on the site and it could be argued that it will result in an improved amenity for the neighbouring residents."

"All storage of products is restricted to the existing sheds and there are no proposed works that would impact on the privacy of surrounding residents."

"There are no proposed changes to existing external lighting."

"There is no additional fencing or amendments to fencing proposed".

Comment: The Environmental Management Plan dated 31 May 2007 relates to the operation of the poultry farm. It does not identify any increase in impacts or new impacts resulting from the additional produce store activity, or measures to mitigate these impacts. It is recognised that some of the operational procedures within the Environmental Management Plan could be used in relation to the produce store. However the 2007 Environmental Management Plan does not reflect current poultry farm operation.

The application, including the Environmental Management Plan, does not provide any evidence to demonstrate there would be an improved amenity through a reduction in noise, odour, dust or vermin. For example, the produce store may result in an increase in noise due to increased truck movements, use of forklifts etc; Storage of increased amounts of seeds and hay may result in an increased vermin and/or dust nuisance.

7. Out of character with the locality

Applicants Response:

The applicant did not provide a response.

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Comment: Produce stores are permissible with consent within the Rural Living zone. However, whilst a particular land use may generally be considered appropriate within a zone, an assessment of the potential impacts of specific proposals are required to ascertain as to whether or not the activity is appropriate within a particular locality and compatible with adjoining land uses. In this case, as previously discussed, the application does not provide sufficient information to make a determination as to the likely impacts of the proposal and whether the proposal is compatible with the rural residential character of the area.

The application seeks approval for 'proposed wholesale produce store (change of use of three existing poultry sheds)'. The conversion of the shed will change the land use of Sheds 1, 2 and 3 and thus will not permit Sheds 1, 2 and 3 to alternate between use as a poultry farm and use as a produce store. Separate development consent will be required to convert back to the use of poultry farm within these sheds.

The application is contradictory in that it indicates that the operators of the farm wish to use the sheds for either purpose or a combination of the two uses. However, as explained above, the application does not seek approval to do this, and does not provide any details in respect to the likely impacts resulting from the various combinations of poultry farm and produce store uses.

8. Impacts on Longneck Lagoon

Applicants Response:

The applicant did not provide a response.

Comment: 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 proposed produce store activity is 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.

9. Loss of property value

Applicants Response:

The applicant did not provide a response.

Comment: The proposed land use is permitted within the zone with Council consent and, subject to meeting relevant requirements, could be operated without detriment to the value of neighbouring properties.

10. Inconsistent with Rural Living zone objectives

Applicants Response:

"In our opinion objectives (a), (b), (c), (d), (g) and (i) of the zone objectives are relevant to the proposal and are considered to be satisfactory. Our assessment indicates that the proposal will not have significant adverse environmental effects or conflict with other land uses in the locality.

Comment: As discussed previously, It is considered that the proposed development is not consistent with Objective (c), which seeks "to minimise conflict with rural living land uses", as the proposed produce store operation has the potential to generate impacts that will conflict with the use for properties in the locality used for rural residential purposes.

11. Bio-security

Applicants Response:

"We enclose a copy of the correspondence received from the Department of Primary Industries (dated 30 June 2008) which related to the previous proposal for continuing operation of the poultry farm and use of two sheds as a wholesale produce store, however it contains a preliminary assessment of the bio-security risk for the proposed business.

In further discussions with the Department of Primary Industries we have been advised (by email dated 6th November 2009) that "there is no reason to suspect that the change in use will increase the poultry production biosecurity risk for the farm, with the decrease in sheds and bird numbers it is more likely that there is a decrease in the poultry production biosecurity risk."

The poultry farm presently operates a self administered bio-security system as part of the Environmental Management Plan and we are advised that similar operations will continue."

Comment: The Department of Primary Industries letter of 30 June 2008 provides the following advice:

"There is no technical justification regarding the perception of an increase in bird flu risk at the site as bird flu is not present in Australian poultry flocks and if incursion would occur the farm and the proposed enterprise would be quarantined. Bearing in mind that the site is an approved poultry farm, there is no increased risk of bird flu as a result of the new proposal for a produce store.

Although there is some risk that drift of dust carrying micro-organisms (virus and other contaminants) from the poultry sheds to the proposed development and the level of traffic into the farm may have an impact on the biosecurity aspects of the farm in terms of increasing the risk of disease incursion these risks can be mitigated through:

- *Tunnel ventilated poultry sheds air exits are not directed towards the proposed development.*
- *During depopulation and clean-out of the sheds between the batches dust carrying organisms are limited by the proximity, operational care, structure of the storage sheds, number of windows, doors etc and the ability to close openings when required.*
- *The level of contamination and survival time of contaminants on the fodder stored on the farm is beyond the present scope of the assessment. The presence of micro-organisms may carry some risk (degree remains to be assessed but is not likely to be high) to animals exposed to contaminated hay. However, there are currently no standards in NSW for the levels of bacteria or viruses allowed in hay either by bedding or stockfeed.*
- *Any increased traffic could be mitigated to a degree if the proposed development is appropriately fenced off and proper signage to prevent human traffic reaching the poultry sheds. The location of any parking areas is relevant.*

A review of the above comments from the NSW DPI indicates that there is no technical justification for an "increase in any risk" of generation and transmission of avian diseases as a result of the proposed dual use of the site for poultry farm and produce store and that the new use of the site for a produce store will not increase the risk of bird flu or impact on biosecurity for neighbours.

The advice further states that there is some risk of disease incursion as a result of drift of dust carrying organisms from the poultry shed to sheds used for produce store and also due to increased human traffic into the farm. However, the risk is not necessarily any greater as a result of the produce store. These risks can be mitigated by adopting different operational and management practices.

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The application, as discussed, does not adequately detail proposed operational and management practices for the dual operation.

12. Statement of Environmental Effects is not detailed enough. The proposal does not reflect conditions experienced when the activity was operating without approval

Applicants Response:

The applicant did not provide a response.

Comment: It is agreed that inadequate details have been provided with the application to determine the likely impacts of the proposal in respect to noise, odour, dust, vermin and traffic generation.

e. The Public Interest:

In view of the insufficient information in respect to the impacts, both individual and cumulative, of the development, a proper assessment of the suitability of the activity cannot be undertaken. For this reason, it is considered that the impact of the proposal on the public interest cannot be adequately assessed at this time.

Conclusion:

Given the scale of the proposed produce store, the application fails to provide detailed information to enable an assessment of the likely impacts of the activity on the locality. In addition the cumulative impacts of the development being carried out simultaneously with the poultry farm (albeit on a reduced level) have not been demonstrated. It is therefore considered that the proposal has the potential to create land use conflicts with adjoining properties used for rural residential purposes, and therefore appears not to be in the public interest.

Planning Decision

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

RECOMMENDATION:

That development application DA0451/09 at Lot 410 DP 862539, 88 Whitmore Road, Maraylya for Wholesale produce store - conversion of three existing poultry sheds be refused for the following reasons:

1. The development application does not demonstrate that the produce store proposal in conjunction with the existing poultry operations will not unreasonably impact on adjoining properties.
2. The proposed development is likely to have an adverse impact on the amenity of residents in the immediate locality.
3. The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, there is insufficient information in respect of noise, dust, odour, vermin control, traffic generation and the cumulative impacts of the development operating in conjunction with the poultry farm.

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ATTACHMENTS:

- AT - 1** Locality Plan - Lot 410 DP 862539, No. 88 Whitmore Road, Maraylya
- AT - 2** Site Plan

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AT - 1 Locality Plan - Lot 410 DP 862539, No. 88 Whitmore Road, Maraylya

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

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AT - 2 Site Plan

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

oooO END OF REPORT Oooo

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Item: 27 **CP - Modification to Development Consent - Shed greater than 170m2, Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong - (MA1305/01B, 17250, 17251, 95498)**

Previous Item: 256, Ordinary (27 November 2007)

Development Information

Applicant: Mr RG Hromek and Ms MM Langham
Owner: Mr RG Hromek and Ms MM Langham
Property: 457 East Kurrajong Road, East Kurrajong NSW 2758, Lot 1 DP 733243
Current Zoning: Rural Living under Hawkesbury Local Environmental Plan 1989
Draft Zoning: RU4: Rural Small Holdings under Hawkesbury Local Environmental Plan 2009
Exhibition: 21/01/2010 – 09/02/2010
Submissions: One

Recommendation: Approval

REPORT:

Executive Summary

Development Consent MA 1305/01 approved the erection of a shed on 457 East Kurrajong Road, East Kurrajong. The shed that has been constructed on the property is not consistent with the Development Consent. S.96 Modification Application (MA 1305/01B) seeks retrospective approval for the unauthorised works which have been carried out.

S.96 Modification Application MA 1305/01A, which previously sought approval for these unauthorised works, was refused by Council at its Meeting of 27 November 2007.

The application is being reported to Council in accordance with Council Policy, which requires that for any applications determined by Council, subsequent applications to amend the development are also to be determined by Council.

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.

Following assessment of the modified development, including consideration of the matters raised in public submission, it is recommended that the modification application be approved.

Description of Proposal

The application seeks to modify Development Consent MA 1305/01, which gave approval for the construction of a rural shed on the subject land.

The Section 96 modification seeks retrospective approval for works which have already been carried out, that include the following:

1. The enclosure of area indicated as 'open awning area' on the approved plans on the northern side of the shed.
2. Substitution of the external colours of the building as indicated in the table below:-

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APPROVED	SECTION 96
Walls - Rivergum Green	Beige
Doors- Beige	Grey
Roof - Beige	Grey

3. Addition of an awning to the front (eastern elevation) of the shed.
4. Addition of a shower room internally on the western side of the shed.

Background

At Council's General Purpose Committee Meeting held on 22 October 2002, Council considered a development application for a rural shed on the subject land. The proposed shed was to have an enclosed floor area of 216m² (18m by 12m), a 6m wide side awning and a 3m wide awning along the front elevation. Including the awnings, the shed would have a building footprint of 24m by 15m. The proposed shed was to have a maximum height of 5m. The Report to Council recommended that the application be refused, as the proposed shed did not comply with the requirements of Hawkesbury Development Control Plan and would have an adverse impact on neighbouring properties. At this meeting Council resolved as follows:

"that a meeting be arranged between the applicant and staff before the Ordinary meeting (12 November 2002) to discuss a reduction in size and to explore options for location of the shed on the property."

A meeting between the applicant and Council Officers took place on 28 October 2002. Following this discussion, the applicant submitted amended plans which:

- Reduced the size of the proposed shed to 144m² with a side awning 72m² in size. The dimensions of the shed and awning were 12m by 12m and 6m by 12m respectively;
- Relocated the shed to have a setback of 10m from the shared boundary with the adjacent property to the south (No. 453 East Kurrajong Road);
- Reduced the amount of cut to 1.3m, and included 300mm of fill.

The amended plans were approved at Councils Ordinary Meeting of 12 November 2002.

The owners engaged a Private Certifier to issue of a Construction Certificate and compliance certificates. During construction a number of complaints were received by Council about non compliance with conditions of consent and the approved plans. The non compliances included the following:

- Construction works were carried out outside of the approved hours
- Erosion and sedimentation control not in place;
- The cut and fill area larger than approved and the depth of fill approximately 1.3m;
- The northern end of the shed is enclosed (not an awning area as approved);
- The colour of the shed is 'cream', and not the approved 'rivergum' colour
- An additional awning has been constructed on the front (eastern) elevation of the shed.

On 18 September 2006 Council received a S96 Modification application in relation to the shed and unapproved building works. Council considered the application at its Ordinary Meeting held on 27 November 2007 where it resolved as follows:

1. *That the application to amend the development consent for the erection of a shed at Lot 1 DP 733243, 457 East Kurrajong Road, East Kurrajong is refused for the following reasons:*
 - (a) *The proposed modification will have an adverse impact on the neighbouring property in terms of amenity and privacy.*
 - (b) *The proposed modification will have an unacceptable impact on the visual quality on the area.*

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- (c) *The proposed modification is inconsistent with the aims and objectives of the Hawkesbury Development Control Plan.*
 - (d) *The proposed modification does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D Chapter 8 - Rural Sheds.*
 - (e) *Approval of the modified development would not be in the public interest.*
2. *That a demolition order be issued on the parts of the existing development that do not comply with the development consent conditions issued for DA1305/01, on 11 December 2002.*
 3. *That staff investigate whether there is a need to lodge a formal complaint about the Private Certifier with the Department of Planning.*

In response to Council's resolution a Notice of Intention to Issue an Order was forwarded to the owners of the subject land on 24 January 2008 seeking compliance with Development Consent No. MA 1305/01. The Notice identified the following non-compliances with the approval that were required to be addressed:

1. *The use of unapproved fill material to create a raised platform for the shed, altering the height of the shed.*
2. *The open awning on the side of the shed has been enclosed with colour bond sheeting and a roller door.*
3. *The shed walls have been constructed in a cream colour material, the approved colour is river gum green.*
4. *The roof of the shed has been constructed in a reflective zinc alum material.*
5. *An awning has been constructed across the front of the shed.*
6. *The landscaping for the shed is not in accordance with the approved plans.*

On 14 March 2008 representations were received from Urbanesque planning (a consultant acting for the owners of 457 East Kurrajong Road) in relation to the matters raised in the Notice. Following receipt of the correspondence Council sought legal advice regarding a number of concerns that needed to be clarified and considered prior to proceeding further with this matter.

A report to Council was subsequently prepared in respect to an amendment to Council's resolution made on 27 November 2007. This report was considered at Council's Ordinary Meeting held on 28 July 2009 where it was resolved to

1. *Part 2 only of the Council's Resolution of 27 November 2007 (Minute No. 431) regarding the erection of a shed at Lot 1, DP 733243, 457 East Kurrajong Road, East Kurrajong be amended by deleting that part and replacing it with the following:*
 - "2. *An Order under Section 121B of the Environmental Planning and Assessment Act, 1979 be issued requiring the removal of all unauthorised building works, except in relation to the cut and fill, and the carrying out of works in accordance with the stamped approved plans dated 11.12.2002, Sheets 1 to 5 inclusive in accordance with Development Consent MA1305/01."*
2. *All other parts of the Council's Resolution of 27 November 2007 (Minute No. 431) in this regard to remain unchanged.*

Following Council's consideration of the amended resolution a new Notice of Intention to Issue an Order was forwarded to the owners of the subject land on 28 September 2009 requiring compliance with Development Consent No. MA 1305/01. The requirements contained in this order are detailed as follows:

- 1 *Remove the roller door, fixtures for the roller door and colour bond sheeting and restore as an open awning area the northern portion of the shed as shown on sheet 1 of 5 in the approved plans MA1305/01 dated 11 December 2002.*

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- 2 *Paint the shed in accordance with the approved colour scheme noted on sheet 5 of 5 in the approved plans MA1305/01 dated 11 December 2002 as follows:
Walls – rivergum green
Doors – beige
Roof – beige*
- 3 *Paint, treat or replace the existing zinc alum roof such that is of a low reflective quality in compliance with condition 5 in the development consent.
Note – Painting Roof Beige in 2 above may achieve compliance with Condition 5.*
- 4 *Remove the unapproved awning on the front (eastern elevation) of the shed which was not approved in the development consent MA1305/01 dated 11 December 2002.*
- 5 *Complete the landscaping as depicted and specified on sheets 2, 3, 4 and 5 of the approved plans in the development consent MA1305/01 dated 11 December 2002.*

On 13 October 2009 an Order made Under Section 121B of the Environmental Planning and Assessment Act 1979 was issued in relation to the non-compliances with Development Consent No. MA 1305/01.

In response correspondence was received from McKees Lawyers, dated 18 November 2009, detailing that an error had occurred in the lodgement of an Appeal to the Land and Environment Court against the Order issued by Council in that the period in which the right of appeal had lapsed. This letter provided that it is intended to take the following course of action:

1. *“Hromek to lodge a Class 1 Appeal in relation to the Order.*
2. *Hromek lodge a S96 application with the Council seeking retrospective approval for the unauthorised works/structures.*
3. *Council process that application with a view to reporting it to Council in February 2010.*
4. *Council consider reissuing the Order in the event Council refuse the S96 application.
This being one of the recommendations put to the Council for determination at the February meeting.*
5. *Graham McKee would attend the Council meeting to make submission why the Council should and why in our experience the Land and Environment Court will approve the s96 application.*
6. *If approved, legal costs avoided. If refused, the applicant will appeal the refusal of the s96 and the Order to ensure that the Land and Environment Court can determine all matters at an onsite S34 conference.”*

Comment: An appeal against the Order was required to be lodged within 28 days of the date of the issue of the Order. The applicant failed to lodge an appeal within the required timeframe, and, as a result, has lodged this s.96 application for consideration. The application seeks approval for the works previously carried out without approval, and previously considered and refused by Council at their Meeting of 27 November 2007.

The purpose of the current s.96 Modification Application (MA 1305/01B) is to provide the applicant, upon determination, the opportunity to either appeal Councils decision, or if an Order is required to be issued, to appeal that order.

ASSESSMENT OF SECTION 96(2)

The application is to be determined under the provisions of s96 (2) - *Other Modifications* - of the EPA & A Act, 1979.

s.96 (2)

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

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- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*

Comment: It is considered that the development as modified is substantially the same as the approved development.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment: No approvals are required by a Minister, public authority or approval body.

- (c) *it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
(ii) *a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*

Comment: The application was notified in accordance with Hawkesbury Development Control Plan.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: One submission was received. The matters raised in this submission are addressed further in this Report.

s.96(3)

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79c(1) as are of relevance to the development the subject of the application

Comment: The relevant matters for consideration under s.79C (1) of the EP&A Act are discussed below.

s.96(4)

Modification of development consent in accordance with this section is not to be construed as the granting of a development consent under this Part but a reference in this or any other Act to a development consent is a reference to the development consent so modified.

Comment: The application is for the modification of development consent MA 1305/01.

s.96(5)

Development consent of the kind referred to in section 79B(3) is not to be modified unless the requirements of section 79B(3)-(7) have been complied with in relation to the proposed modification as if the proposed modification were an application for development consent.

Comment: The proposed modification is not located on land that is, or is a part of, critical habitat, or is likely to significantly affect a threatened species, population, or ecological community, or its habitat. Therefore section 79B (3) - (7) do not apply.

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

Environmental Planning and Assessment Act 1979 and Regulations 2000

a) the provisions of:

i) any environmental planning instrument (i.e. LEPs, REPs & SEPPs)

The relevant environmental planning instruments are:

NSW Housing Code - Exempt & Complying Development: SEPP (Exempt & Complying Development Codes) 2008

A letter from solicitors acting on behalf of the applicant identifies that "*the new SEPP (Exempt and Complying development) 2008 in Clause 3.11 permits as complying development, an outbuilding of 200m² if for agricultural purposes.*"

In this respect, The SEPP provides the following:

3.11 Maximum floor area for outbuildings

(1) The floor area of an outbuilding on a lot in Zone RU1, RU2, and RU3or RU4 must not be more than:

(a) 200m², if the only purpose of the outbuilding is for agricultural use, or

(b). 60m² in any other case.

(2) The floor area of an outbuilding on a lot in Zone R1, R2, R3, R4, R5 or RU5 must not be more than 40m².

(3) For the purpose of calculating the floor area in sub-clause (1): floor area means the sum of the areas of each storey of the outbuilding, measured at a height of 1.4m above each floor level, where the area of each storey is taken to be the area within the outer face of: enclosed, and

(b) the supporting columns or posts of the outbuilding if it is not enclosed, but excluding any of the following:

(a) any part of an awning, blind or canopy that is outside the outer wall of a building,

(b) an eave,

(c) a stairway.

Comment: This Policy commenced on 27 February 2009. The SEPP only allows a 200m² shed if it is for an agricultural use and meets some other criteria, including setbacks. Also there has not been evidence provided to demonstrate an agricultural use of the shed. It remains that the size of the shed exceeds the maximum size permitted under Hawkesbury Local Environmental Plan 1989.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

General Provisions of HLEP 1989

Clause 2 - Aims, objectives etc,

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

Clause 5 - Definitions

The proposed modified development is defined as 'rural shed', which means:

"a building or structure used for the storage of the property of the occupiers of the subject land or property associated with an agricultural use or other permissible land use conducted on the same parcel of land, but does not include a building or structure elsewhere specifically defined in this clause or a building or structure used for a purpose elsewhere specifically defined in this clause."

Clause 9 - Carrying out development

The subject land is zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989.

'Rural shed' is permissible within the Rural Living zone.

Clause 9A - Zone objectives

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

The objectives of the Rural Living zone are:

- (a) *to provide primarily for a rural residential lifestyle,*
- (b) *to enable identified agricultural land uses to continue in operation,*
- (c) *to minimise conflict with rural living land uses,*
- (d) *to ensure that agricultural activity is sustainable,*
- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*
- (f) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*
- (g) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflicts 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,*
- (i) *to prevent the establishment of traffic generating development along main and arterial roads,*
- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Specific Provisions of HLEP 1989

Clause 18 - Provision of water, sewerage etc. services

Clause 18(1) states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

Comment: Services to the property exist and are considered adequate for the proposal.

Conclusion

The proposed modified development is consistent with Hawkesbury Local Environmental Plan 1989 including the Rural Living zone objectives.

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

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

ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Draft Hawkesbury Local Environmental Plan 2009 applies to the proposal. This draft Plan is being exhibited 5 February 2010 to 12 April 2010. Under this Plan the subject land is proposed to be zoned RU4 Rural Small Holdings. The proposed modified development is ancillary to the residential use of the land and therefore is permissible with development consent under this draft Plan.

The objectives of the RU4 zone are:

1. *To enable sustainable primary industry and other compatible land uses.*
2. *To maintain the rural and scenic character of the land.*
3. *To ensure that development does not unreasonably increase the demand for public services or public facilities.*
4. *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
5. *To enable identified agricultural land uses to continue in operation.*
6. *To ensure that agricultural activity is sustainable.*
7. *To ensure that agricultural activities occur in a manner that do 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.*
8. *To prevent the establishment of traffic generating development along classified roads.*
9. *To encourage tourism related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.*

Comment: It is considered that the proposed modified development is not inconsistent with the above objectives.

iii) any development control plan applying to the land**Hawkesbury Development Control Plan.**

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

General Information Chapter

This Chapter provides an explanation of the development application process and provides the requirements for lodging a development application for different land uses.

It is considered the subject application provides adequate information for the assessment of the proposal and therefore is consistent with this Chapter.

Notification Chapter

The aim of this Chapter is to identify under what circumstances development proposals will need to be advertised and the means by which it will be advertised to provide for public participation.

Comment: The application was notified as per the requirements of this Chapter. As a result, one (1) submission was received. The matters raised in this submission are discussed below.

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Rural Sheds Chapter

The aim of this Chapter is to enable the erection of sheds on rural properties in a manner, which complements the rural character of the landscape and has minimal impact on the scenic qualities of an area and to provide design principles for the construction of these buildings.

The following is an assessment of the proposed modified shed against these design principles:

Design Principles	The Proposal	Compliance
<p>Siting Cut and fill shall be limited to 2m of cut and 900mm of fill</p> <p>Sheds shall be located no closer to the road than the existing dwelling house.</p> <p>Sheds are not to be erected on land which has a slope in excess of 10%</p> <p>The erection of rural sheds should involve minimal disturbance to native vegetation.</p>	<p>Development Consent MA 1305/01 approved 1.3m cut and 300mm fill as per stamped approved plan sheet 2 of 5.</p> <p>The shed will be located further from the road than the proposed dwelling house</p> <p>The slope of the site is 10.9%</p> <p>The proposal will not involve disturbance to native vegetation.</p>	<p>No The shed has been built on a level platform constructed using approximately 1.3m fill.</p> <p>Yes</p> <p>In the assessment of the original application, the variation to the slope requirement was supported for the following reasons:</p> <ul style="list-style-type: none"> • the variation is of a minor nature; • the use of 1.3m of cut and 300mm of fill to create a level building platform is consistent with the requirements of the DCP; • the location of the proposed shed is considered appropriate as: <ul style="list-style-type: none"> - it provides a satisfactory setback from the boundary of 453 East Kurrajong Road to minimise any impacts in terms of privacy, overshadowing and loss of views; - minimal cut and fill and land disturbance is required; - the removal of native vegetation will not be required. <p>Yes</p>

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Design Principles	The Proposal	Compliance
<p>Size The maximum size of sheds in the 1(c) and 1(c1) areas shall not exceed 150m². The cumulative total of all outbuildings shall not exceed 150m² on any one property in these zones.</p> <p>In zones 1(a), 1(b), 7(d), 7(d1), 7(e), the applicant will need to justify the size of any shed exceeding 150m² in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.</p>	<p>The proposed modified shed has an enclosed area of approximately 216m².</p> <p>The land is zoned Rural Living.</p>	<p>No At the time of consideration of the development the maximum size for shed in the zoning was 150m². This maximum size has subsequently been increased to 170m².</p> <p>N/A</p>
<p>Height The total height of a rural shed erected in Rural 1(c) and 1(c1) zones shall be no more than 5m or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less.</p> <p>In other zones the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development.</p> <p>The total height of 'barn style' sheds may exceed 5m based on individual merit.</p>	<p>The total height of the shed is 5m</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
<p>Form Rural sheds with standard roof form will be limited to rectangular shapes.</p> <p>Sheds of other roof forms, for example barn style, will be encouraged.</p>	<p>The shed has dimensions of 12m by 18m.</p>	<p>Yes</p> <p>N/A</p>

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Design Principles	The Proposal	Compliance
<p>Colour The colour of a rural shed will match or blend in with those of existing buildings.</p> <p>On vacant land the colour for rural sheds shall be taken from the natural environment.</p>	<p>Development Consent MA 1305/01 approved:</p> <p>Walls - 'rivergum' Doors - Beige Roof - Beige</p> <p>as per stamped approved plan sheet 3 of 5.</p>	<p>Yes Colour of walls and doors of modified shed considered acceptable, however roof is not pre-painted and is reflective. See comment below.</p>
<p>Type of Building Materials Building materials used in the construction of rural sheds are to be new, pre-painted and non-reflective.</p> <p>The use of corrugated iron will be considered subject to the size, height, design and location of the rural shed.</p> <p>Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.</p>	<p>The building materials are new and are pre-painted.</p>	<p>No The roof is zincalume which is not pre-painted and is reflective.</p> <p>N/A</p> <p>N/A</p>
<p>Landscaping Plantings are to be a mix of trees, shrubs and ground cover.</p> <p>Trees shall include species that at maturity have a height above the ridgeline of the shed.</p> <p>Shrub mass shall provide adequate screening.</p> <p>Plants endemic to the area are to be chosen.</p>	<p>Landscaping plan approved with issue of the Construction Certificate. Landscaping has not been fully carried out.</p>	<p>No</p>

Size

Enclosing of the 6m by 12m awning area on the northern side of the shed.

Applicants' justification:

1. *Environmental impact on the rest of the shed. Natural elements like wind, rain and debris can enter the entire shed from these openings. The entire security of the shed is compromised from these openings. The structural stability of the shed is compromised by wind being able to pressurise the structure.*
2. *There is no impact on any surrounding properties as the changes to be made are on the backside of the structure. It would be visually no different to the neighbours.*

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3. *By closing in these walls the shed would comply with the councils DCP in visual aspects. (The current DCP does not allow for sheds that are built like a square. This change would enhance the shed visual appearance from the premises.*
4. *There are several shed structures in close vicinity that are much larger.*
5. *The current DCP allows sheds up to 170 square metres.*
6. *The current shed size is 144 square metres.*
7. *The changes would be more aligned with the current shed DCP in terms of rectangular appearance.*
8. *The shed has been cut into the ground to reduce any potential impact to neighbours.*
9. *Comprehensive landscaping has been approved to address screening of the entire structure.*
10. *The structure itself is set back from the road over 50 metres.*
11. *The original D.A. allowed for the back of the shed to be closed and this was agreed by council before the original approval.*

Comment: The approved shed comprised of a 12m by 12m (144m²) enclosed area with an adjoining 6m wide x 12m (72m²) awning. If constructed to the approved plans, wind, rain and debris could not affect the enclosed area of the shed through this awning. Likewise, it is considered that the awning does not compromise the security of the enclosed shed area. As the approved shed included an awning area, the design should have incorporated measures to ensure structural stability.

The enclosing of the awning area has resulted in a shed 216m² in size, with dimensions of 18m by 12m.

It is considered that the enclosed awning area has no adverse impact on adjoining properties in terms of the existing scenic quality or overshadowing of the building, due to distance from the dwelling house on the property to the west and due to the orientation of the enclosed area in respect to the property to the south.

The proposed modified shed is not inconsistent with the aims and objectives of Clause 8.2.2. Size of the Erection of Rural Sheds Chapter of the Development Control Plan, as the structure is not considered to be visually dominating in the landscape and the size is appropriate in relation to the size of the property.

Additional 3m awning along front (eastern) elevation

Applicants' Justification:

1. *In its original state the shed did not allow for any protection to the contents inside the shed while the roller doors are raised.*
2. *The 3 metre awning gives the contents of the shed protection from the elements.*
3. *There is no impact on any surrounding properties as the changes to be made are screened by native vegetation, heavily landscaped raised mound and a colour bond fence.*
4. *The addition does not compromise any visual aspect for the neighbours.*
5. *The change would make the shed structure more visually appealing from the front view and would add substantial character to the building.*
6. *The contents would be protected from the environmental elements.*

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7. *The current DCP allows for awnings to be build under the conforming development scheme of up to 40 squares the awning proposed is 54 square metres.*

Comment: It is considered that the proposed awning along the eastern elevation of the shed has no adverse visual impact on the locality.

Additional Non Compliances

In respect to the construction of the existing shed, it is noted that:

- The shed has been built on a level platform constructed using approximately 1.3m fill.
- The colour of the shed is 'Beige', and the roof is 'zincume'.
- The landscaping has not been fully carried out.

The major concern with the initial application was the location of the shed adjacent to the rear boundary of an adjoining property and the resulting loss of visual and acoustic privacy, and loss of scenic amenity. However, alterations to the cut and fill component of the development would require the removal of the shed in order to carry out works and this is not practicable. The shed has been located in accordance with the directive of Condition 6, thereby resulting in some uncertainty as to the approved finished floor level and the extent of the cut and fill permitted.

It remains that the amount of fill used (approximately 1.3m) is inconsistent with the requirements of Hawkesbury Development Control Plan, which only permits a maximum of 900mm fill. However, the imposition of Condition 6 effectively deemed the cut and fill to be a variation of the Development Control Plan.

The 'cream' colour of the shed is considered satisfactory, however, the roof is zincalume and therefore reflective. It is considered reasonable to require the roof to be painted to match the existing shed and reduce its reflectivity.

It is considered that the completion of the landscaping would assist in reducing the existing visual impacts of the shed in respect of privacy and visual amenity. Once the landscaping is completed and established there will be no visual link between the adjoining house and the shed.

The relevant matters for consideration under Section 79C of the EP & A Act follow:

b) the likely impacts the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

CONTEXT AND SETTING

Surrounding development consists predominantly of rural residential uses.

The scale and design of the proposed amended building is typical of rural sheds in the locality. Surrounding properties will not be further impacted upon in terms of sunlight access, overshadowing, loss of visual and acoustic privacy, loss of views and vistas as the result of the modification. The impacts of the existing shed on the adjoining property to the south, in terms of loss of privacy and views, could be mitigated, with the completion of the landscaping.

c) the suitability of the site for the development

There are no constraints from surrounding land uses that would make this development prohibitive. It is therefore concluded that the site is suitable for the proposed development as modified.

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d) any submissions made in accordance with the EPA Act or Regulations (Include public submissions and other government authority submissions.)

Following notification of the s.96 application, one submission was received. The matters raised in this submission are addressed as follows:

The Council has no Power to Consent

"It is our client's first submission that the council does not have the power to determine the current modification application other than by refusal. The council has already considered the application, and has exercised its power under s96 of the EP&A Act in respect of it. Further, the only way in which the current modification application could be approved the council would be required to rescind the resolution passed at the meeting on 27 November 2007, as amended at the meeting on 28 July 2009." The modification is not of minimal environmental impact: shed size and position of awning; colour, use of the shed and landscaping issues.

Comment: The modified development application was filed under s96 (2) and can be assessed under s.96 (2) of the Environmental Planning and Assessment Act 1979, the application was notified between 25 January to 9 February 2010. The application is considered to be substantially the same development. Whilst the modified shed will not comply with the requirements of the Shed Chapter of Hawkesbury Development Control Plan in respect of size, the variation is considered to be consistent with the aims and objectives of this Chapter as previously discussed and therefore can be supported.

The applicant has provided justification for the modification, and the variations from the Development Control Plan are supported as discussed above.

Contrary to the Public Interest

"The Council has previously resolved that all unauthorised building works within No. 457, comprising the parts of the shed that were not covered by the development consent, should be removed and that an order to this effect should be issued by the Council".

Comment: Council has previously issued an order to rectify unauthorised works. If this modification of consent is not granted then Council would proceed to enforce the Order. However, should the modification be supported the current Order would then be redundant. Regardless, Council would be acting in the public interest by enforcing the Act and Regulations ie either to enforce the order or to approve the modification.

e) the public interest

The proposal is not prohibited development and it is considered that the modified shed will have no increased impacts on surrounding properties or the locality in general, subject to the completion of landscaping and the painting of the shed roof.

For the above reasons it considered that the proposal is not contrary to public interest.

Conclusion:

The proposed modification is consistent with the provisions of Hawkesbury Local Environmental Plan 1989, Draft Hawkesbury Local Environmental Plan 2009 and the aims and objectives of the Rural Sheds Chapter of Hawkesbury Development Control Plan.

It is considered that the modified shed is satisfactory subject to the completion of the landscaping, and the painting of the roof of the shed to reduce the existing visual impacts of the shed to an acceptable level.

The modifications to the shed have been previously refused by Council, and currently there is an Order in place requiring works to be carried out to render the shed compliant with the Development Consent.

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Planning Decision

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

RECOMMENDATION:

That Development Consent DA 1305/01 be amended in the following manner:

Condition 1 be amended to read:

1. To confirm and clarify the terms of this approval, the development shall take place in accordance with the plans and documentations submitted with s.96 Modification Application MA 1305/01B excepting as modified by these further conditions.

Insert new condition:

- 18a. The approved landscaping shall be completed within two months of the approval date of the s.96 modification application.

Insert new condition:

- 18b. The external roof of the shed shall be painted to match the existing colour of the shed walls within two months of the approval date of this s.96 modification application.

ATTACHMENTS:

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

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AT - 1 Locality Plan

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

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AT - 2 Site Plan

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

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AT - 3 Elevation Plan

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

oooO END OF REPORT Oooo

Item: 28 CP - Strategic Planning - Community Survey 2009 - (95498)

REPORT:

This report has been prepared to present a summary of the results of Council's Community Survey 2009 for Council's information.

Background

- Micromex Research was engaged to undertake a statistically valid, random telephone survey of 400 local residents. The survey interviews were conducted from 25 November to 1 December 2009.
- This is the second community survey following on from the 2007 Community Survey.

Results

The results represent a statistically valid sample of Hawkesbury residents. A total of 50 Council services/facilities were rated.

A presentation of the results was made by Micromex Research at the Councillor Briefing Session on 9 February 2010. The summary identified:

- The areas achieving the **highest** level of satisfaction (in order of ranking) were:
 1. Libraries
 2. Garbage services
 3. Gallery/Museum
 4. Recycling services
 5. Child care centres
 6. Companion animal shelter (pound) services
 7. Emergency service planning including flood and fire
 8. Community centres and community halls
 9. Sporting and recreation facilities
 10. Parks and reserves
 11. Playgrounds

Of the 50 services/facilities listed there was an increase in satisfaction from 2007 for 5 services and a decrease for only 1.

- The areas showing the **lowest** level of satisfaction (in order of ranking) were:
 39. Supporting a wider communications network
 40. Footpaths and cycleways
 41. Stormwater management & re-use
 42. Improving services & infrastructure (generally)
 43. Providing transparent, accountable and respected leadership
 44. Healthy & sustainable Hawkesbury River & waterways
 45. Engaging the community in making decisions
 46. Lobbying State & Federal government for funding and improved service levels
 47. Train services
 48. Public toilets
 49. Bus services (school and public)
 50. Road maintenance

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- The top priority areas for residents - where needs are not being fully realised - (in order of importance) were:

Road maintenance
 Healthy & sustainable Waterways
 Improving services & infrastructure (Generally)
 Lobbying State & Federal Government for funding and improved service levels
 Road safety
 Engaging the community in making decisions
 Providing transparent, accountable and respected leadership
 Stormwater management & re-use
 Reducing energy consumption

- The areas where residents believe their needs are currently being met (from lowest to highest satisfaction) were:

Playgrounds
 Companion animal shelter (pound) services
 Senior's centre and programs
 Programs for people from diverse cultures including Indigenous Australians
 Sporting and recreational facilities
 Public swimming pools
 Community centres and community halls
 Child care centres
 Libraries
 Gallery/Museum

- HCC's Performance was compared to the LGA Benchmark as shown below. With the exception of roads, most of the services were close to, or above, the LGA Benchmark.

Criteria	Hawkesbury City Council	LGA Benchmark
Above the Benchmark		
Libraries	4.3	4.1
Recycling	3.9	3.7
Child care services	3.9	3.6
Ovals and sporting facilities	3.7	3.6
Playgrounds	3.6	3.4
Satisfaction with community consultation/communication	3.2	3.0
Youth services and facilities	3.1	3.0
Below the Benchmark		
Garbage services	3.9	4.1
Satisfaction with the way contact with Council was handled	3.6	3.8
Tourism facilities	3.4	3.6
Protecting heritage values and buildings	3.4	3.6
Overall satisfaction with Council's performance	3.4	3.5
Services for people with disabilities	3.2	3.3
Cycleways & walking paths	2.9	3.1
Public toilets	2.7	2.9
Maintaining road surfaces	2.3	2.8

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- Overall Satisfaction with Council's performance showed:
 - Just over 50% of residents are positively satisfied with the overall performance of the Council.
 - Satisfaction with the HCC performance improved on 2007 levels, but is still behind the LGA benchmark.
- Satisfaction with Council contact showed:
 - 43% of participants have had contact with Council in the last 12 months.
 - Overall satisfaction with the way contact was handled was moderately high (65% satisfaction with both phone contact and face-to-face contact – which were the most common form of contact).
- Other measures showed:
 - The local paper is where residents source Council information (81%) followed by word of mouth (66%), letters (50%), and community newsletters (47%).
 - Just under 50% of Residents are satisfied with the way Council consults with the Community.
 - Satisfaction with consultation has improved compared to 2007 levels, and is above the LGA benchmark.
 - 38% of residents were aware of the “Shaping the Future” Community Strategic Plan – over 50% of those not aware of the Plan wanted to be informed about it.
 - Over a third of the residents interviewed expressed an interest in being part of a Resident's Panel.
 - Respondents described the character of the area as: Rural lifestyle (53%); Peace and quiet (18%); History (17%); and Close knit community (13%).

Conclusions and Recommendations

- There has been an improvement in Overall Council Performance/Satisfaction since 2007.
- Road maintenance and healthy and sustainable waterways are 2 areas that need to be focused on as a priority.
- Residents expressed specific interest in initiatives such as the “Shaping the Future” Community Strategic Plan.
- Improve community engagement.
- Establish the Resident's Panel to assist in areas that need further community input.

The formation of a Resident's Panel will assist Council in undertaking “preliminary” testing of proposals and surveys (such as defining the Hawkesbury character expressed in the Community Strategic Plan) with a random representation of residents prior to undertaking full public consultation. This is not intended to replace public consultation on important matters but rather to assist with a more focused community engagement process.

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The results of the 2009 Community Survey will assist, along with other inputs from State and Council planning documents, to inform Council's operational priorities, monitoring of progress and continuing community engagement over the next 2 years.

Conformation to Community Strategic Plan 2010 - 2030:

The Community Survey is consistent with the Community Strategic Plan in the following manner:

Vision:

An independent, strong and engaged community, with a respected leadership which provides for the future needs of its people in a sustainable and financially responsible manner.

Direction:

A balanced set of decisions that integrate jobs, housing, infrastructure, heritage, and environment that incorporates sustainability principles.

Strategy:

Engage the community to help determine affordable levels of service.

Goal:

Improved service levels to meet diverse needs of the community.

Measure:

Community satisfaction with the delivery of services and infrastructure.

Milestone:

Conduct bi-annual community survey program.

Funding:

The 2009 Community Survey was conducted within Council's existing budget.

RECOMMENDATION:

That:

1. The information be received.
2. Council display the results of the Community Survey 2009 on Council's website.
3. A Resident's Panel be established to assist in areas that need further community input as identified in the Community Strategic Plan or other proposals of Council's general operations.

ATTACHMENTS:

AT - 1 Community Survey - December 2009 (*Distributed under Separate Cover*)

oooO END OF REPORT Oooo

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Item: 29 **CP - Councillor Representation on the Board of Peppercorn Services Inc - (95498, 78340)**

Previous Item: 193, Special (18 September 2007)
 242, Ordinary (13 November 2007)
 273, Ordinary (27 November 2007)

REPORT:

This report has been prepared at the request of Council to review Councillor representation on the Board of Peppercorn Services Inc.

Background

Peppercorn Services Inc (PSI) was established in 2001. It is an autonomous association, incorporated under the *Associations Incorporation Act 1984*.

The founding articles of the *Constitution* of PS Inc. provided for up to four representatives from Council (one to be a Councillor) to take up positions as a Board Members of Peppercorn Services Inc. Up until September 2007 Council duly appointed a Councillor on an annual basis to the Board of PSI who sat on the Board as a Director with voting rights.

At the Special Meeting of Council held on September 18, 2007, Council renewed the appointment of Councillors to sit on various Committees. In considering the re-appointment of a Councillor to sit on the Board of PS Inc. Council resolved to request advice from the Board of PS Inc. as to whether the Board had a view as to the requirement for continued Councillor representation on the Board.

Advice was subsequently sought from the Board of PS Inc. The Board considered Council's request at its meeting of 27 September 2007 and resolved the following;

1. The Board to forward advice to Council to the effect that there is no longer a requirement for a Councillor representative to sit on the Board as a voting director. The advice to also acknowledge the Board's appreciation of Council's continuing support of its activities. The Board would invite Council to nominate a Councillor to act as a 'rapporteur' to facilitate communication between Council and the Board.

The Board's advice was considered at Council's Ordinary meeting held on 13 November 2007. At this meeting Council resolved;

That this matter be deferred to the next Council meeting pending further clarification regarding the disclosures of interest in this matter.

Advice regarding the matters raised by Council at 13 November 2007 meeting was provided in a further report to Council on 27 November 2007. The report included a letter from the Chairperson of PSI to clarify and correct the information provided to Council at its November 13 meeting in relation to concerns raised by Councillors and public speakers. The letter from the Chairperson also noted that the 'review' of Councillor representation on the Board was not one initiated by the Board and that the advice provided by the Board was in response to Council's request.

At its 27 November 2007 meeting, Council resolved;

That Council;

1. *Note that, given the existing Council representation on the Board of Peppercorn Services Inc., a Councillor is not required to sit on the Board of Peppercorn Services*

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Inc. as a voting Director, and that the Constitution for Peppercorn Services be amended to reflect this.

2. *Nominate a Councillor to act as a 'rapporteur' to facilitate communication between Council and the Board of Peppercorn Services Inc.*

Council's resolution was relayed to the Board, and the Board duly amended its Constitution to give effect to this resolution.

Current Situation

At a Councillor Briefing Session held on Tuesday 9 February 2010 Council requested that the issue of Councillor representation on the Board of Peppercorn Services Inc be reported to Council.

In relation to Councillor representation on the Board of PSI, it is understood that Council's wish is to revert to the pre-September 2007 arrangement whereby the Councillor appointee to the Board of PSI would sit as a Director with voting rights.

To facilitate this outcome, it would be necessary for Council to advise the Board of Peppercorn Services Inc. of its decision and request that the Board amend the Constitution of PSI to reinstate the provision for the Councillor representative to sit as a Director with voting rights.

Conformance to Hawkesbury Community Strategic Plan 2010 to 2030

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

Vision – *Shaping our Future Together*

Directions

"Maintain its independent identity and voice through strong local government and community institutions"

Strategies

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

Goals

"Improved service levels to meet diverse needs of community"

Measures

"Community satisfaction with the delivery of service and infrastructure"

Milestones

"Seek from State and Federal government a fairer share of tax revenue and provision of infrastructure and services"

Funding

There are no funding implications arising from this report.

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RECOMMENDATION:

That Council write to the Board of Peppercorn Services Inc. to advise of its decision to seek the reinstatement of the provision for the Councillor representative to sit on the Board of PSI as a Director with voting rights and to request that the Board amend the Constitution of PSI to facilitate this request.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 30 **CP - Hawkesbury Youth Summit 2009 - (96328, 95498)**

Previous Items: 233, Ordinary (10 November 2009)
 212, Ordinary (21 October 2008)
 NM1, Ordinary (8 April 2008)

This report has been prepared to advise Council of the findings and recommendations of the Hawkesbury Youth Summit held on 24 November 2009.

Background

The *Young People - Community Participation and Civic Leadership Report* was commissioned in response to a request from Council to identify options for supporting youth services and young people to plan and deliver events, programs and activities for young people, and to increase their involvement in Council's policy-making processes.

The report was prepared in conjunction with the Hawkesbury Youth Interagency and documented the outcomes of focus groups and interviews held with young people and youth workers. The results of consultations informed the eight recommendations in the Report which were subsequently adopted by Council.

Three of the eight recommendations in the *Young People - Community Participation and Civic Leadership Report* related to the staging and funding of a youth summit and providing an opportunity for young people and youth workers to brief Council on the outcomes of the summit (as outlined below);

- Rec. 3 *An annual youth summit to be held in conjunction with Youth Week. The summit to be developed as a partnership activity of Hawkesbury Youth Interagency and Hawkesbury City Council. Councillors to be invited to attend the Youth Summit.*
- Rec. 4 *Council give consideration to including an amount of \$4,450 within its 2009-2010 financial estimates as a contribution to the staging of the Youth Summit.*
- Rec. 5 *A delegation of young people, supported by youth workers, be invited to present the outcomes and recommendations of the Youth Summit to an informal Councillor Briefing Session to provide the opportunity for young people to talk directly with Councillors about youth issues.*

In response to these recommendations Council commissioned Peppercorn Services Inc. (through the WYSH Project in conjunction with a steering committee of young people) to plan and stage the Youth Summit. Council approved \$4,450 in its 2009/2010 budget for this project.

The Hawkesbury Youth Summit 2009

The inaugural Hawkesbury Youth Summit was held on Tuesday the 24 November, 2009. The Summit was attended by 66 young people and youth workers.

The Summit proceedings included a panel discussion - which involved the Mayor (Councillor Bassett), Councillors Calvert, Paine, Reardon and Williams; Council staff and a representative of the Youth Action and Policy Association - with panel members responding to questions from the floor. The panel was followed by an interactive Playback Theatre session. In the afternoon, workshops and plenary sessions were held with participants also completing participation questionnaires and summit evaluations. An Executive Summary of the Youth Summit - "*Young People and Council Heading in the Same Direction*" - is appended to this report. The 6 Key Findings and 5 Recommendations in the Youth Summit Executive Summary are outlined below:

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Youth Summit Key Findings:

1. There is mutual benefit in the engagement between young people and Council to providing services. This was acknowledged and supported by the participants and Councillors in attendance at the Youth Summit.
2. There is an existing interest young people hold in being involved in Council's decision making processes and Councillors have extended an invitation for them to do so.
3. Young people indicated feeling unsure who to contact within Council and that this has deterred them from endeavoring to make contact.
4. A person to effect and maintain this engagement is vital to ongoing dialogue and service provision.
5. Safety, incorporating personal safety and road safety is a significant issue of concern for Young People in the Hawkesbury.
6. Young people hold misconceptions about Council's role and function, which at times has negatively shaped their views about Council.

Youth Summit Recommendations:

- *Recommendation 1* - Given young people expressed their interests in being involved in Council decision making processes if they had a contact person, it is recommended that Council consider funding a youth worker position within Council to act as a channel between young people and Council.
- *Recommendation 2* - It is recommended that Council liaises with schools to provide a face to face opportunity for young people to meet with or contact Councillors or a relevant Council representative and for representatives to undertake school visits to educate Young People of Council process.
- *Recommendation 3* - In considering Young People's concerns about road safety, it is recommended that existing driver education programs provided by Council continue to be provided and enhanced.
- *Recommendation 4* - It is recommended that Council consider the three preferred methods Young People indicated they wish to use in communicating with Council: Youth Events, Facebook and meetings held for Young People by Council. It is recommended council maintain the dialogue by providing the resources to implement some or all of these methods.
- *Recommendation 5* - It is recommended that a Youth Summit be held regularly by Council to continue the dialogue between Council and Young People

Proposed response to Youth Summit

The Youth Summit has provided a successful initial mechanism for young people to talk with Council and to express their views and experiences of living in the Hawkesbury. The staging of the Summit will give rise to the reasonable expectation (by young people and youth workers) that Council will carefully consider the outcomes of the summit and provide an informed response to its recommendations. To facilitate this it is proposed that Council;

- a. invite a delegation of young people, supported by youth workers, to present the outcomes and recommendations of the Youth Summit to an informal Councillor Briefing Session (as proposed in Recommendation 5 of the *Young People - Community Participation and Civic Leadership Report* - which has been previously endorsed by Council);
- b. receive the Hawkesbury Youth Summit Executive Summary Report - "*Young People and Council Heading in the Same Direction*" - and deal with the Report as a submission made by the youth summit participants on behalf of the young people of the Hawkesbury to be

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considered in conjunction with Council's determination of its draft 2010-2011 Management Plan and Financial Estimates.

Conformance to Hawkesbury Community Strategic Plan 2010 to 2030

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

Vision – *Shaping our Future Together*

Directions

"Have transparent, accountable and respected leadership and an engaged community"

Strategies

"Have ongoing engagement and communication with our community, governments and industries".

Goals

"Work together with the community to achieve a balanced set of decisions that integrate jobs, housing, infrastructure and environment"

Measures

"Community satisfaction with the results and processes of our community planning"

Milestones

"Develop and implement community participation and partnership programs"

Funding

The funding implications arising from the recommendations within the youth summit report are to be assessed and considered in conjunction with Council's draft 2010/2011 financial estimates.

RECOMMENDATION:

That Council:

1. Invite a delegation of young people, supported by youth workers, to present the outcomes and recommendations of the Youth Summit to a Councillor Briefing Session.
2. Receive the Hawkesbury Youth Summit Executive Summary Report - *"Young People and Council Heading in the Same Direction"* - and deal with the Report as a submission made by the youth summit participants on behalf of the young people of the Hawkesbury to be considered in conjunction with Council's determination of its draft 2010-2011 Management Plan and Financial Estimates.

ATTACHMENTS:

AT - 1 *"Young People and Council Heading in the Same Direction: Youth Summit Outcomes – Executive Summary", February 2009. (Distributed under separate cover).*

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 31 **IS - Exclusive Use of Governor Phillip Reserve - Upper Hawkesbury Power Boat Club - (79354, 73829)**

REPORT:

The Upper Hawkesbury Power Boat Club (UHPBC) has advised the proposed dates for the 2010 calendar year, and is seeking exclusive use of Governor Phillip Reserve to conduct the following events.

2010	
Saturday, 1 May 2010 Sunday, 2 May 2010	Circuit Boat Racing Bridge to Bridge Power Boat Classic Note: Exclusive Use is required for both days
Saturday, 15 May 2010 Sunday, 16 May 2010	Alternate day for Circuit Boat Racing and Bridge to Bridge Power Boat Classic (Exclusive Use - if alternate dates required)

Approval for Traffic Management is to be undertaken as part of the Special Event Application.

It is anticipated that these events will have significant flow-on effects to the business community and as such approval is recommended.

Conformance to Strategic Plan

The proposal is consistent with the *“Supporting business & local jobs”* Directions statement;

“Help create thriving town centres, each with its own character that attract residents, visitors and businesses”

Funding

Nil impact on budget as a result of this report.

RECOMMENDATION:

That:

1. That approval be granted to the Upper Hawkesbury Power Boat Club for "Exclusive Use" of Governor Phillip Reserve for the Bridge to Bridge Power Boat Classic and Circuit Boat Racing to be held on 1 and 2 May 2010, with alternate dates of 15 and 16 May 2010. The event is subject to the following conditions:
 - a. Prior to dates of exclusive use a letter box drop be undertaken by the applicant to all affected residents in proximity to the event with that letter advising full details of the function;
 - b. The Reserve is to be left clean and tidy with the organisation being responsible for collection and disposal of all waste; the applicant is to lodge with Council a damage bond of \$800.00* in relation to each date, which is refundable less any costs incurred by Council, administrative or otherwise, to clean or restore the area;

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- c. The applicant paying to Council such fees as may be applicable at the time for exclusive use of the Reserve being \$1.50* per person or \$895.00* per day (whichever is the greater);
- d. A fee of \$63.00* is payable for the cleaning of the toilets prior to the exclusive use;
(*The above fees/amounts apply to the 2009/2010 financial year only; these fees/amounts are subject to change in subsequent financial years, as determined by Council.)
- e. A copy of a Public Liability Policy for \$10,000,000 and indemnifying Hawkesbury City Council is to be submitted prior to the first event; in the event of renewal of that policy occurring at some time during the course of the 2010 racing Calendar, a Certificate of Currency is to be submitted within one week of renewal - this Public Liability Policy is to cover all events conducted as part of the applicant's 2010 Racing Calendar.
- f. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Food Safety Guidelines for Charities and Community Organisations" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer.
- g. If required, the applicant obtaining all necessary permits/approvals in relation to amusement devices/rides and liaising with Integral Energy regarding the supply of power and their proximity to power supply lines.
- h. If required, the applicant to obtain an appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event.
- i. The applicant is to notify details of the 2010 Racing Calendar to the Hawkesbury Local Area Command at Windsor Police Station. Phone: 4560 6999.
- j. The applicant obtaining an appropriate licence from NSW Maritime Authority regarding the conduct of the 2010 Racing Calendar.
- k. The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.
- l. The Upper Hawkesbury Power Boat Club is to comply with Council's current policy in regard to noise levels, as listed below.

No competing vessel shall be permitted to emit noise in excess of:

- i. Club Days - 105dB(A) for more than 40 minutes per day;
- ii. NSW State Titles - 105dB(A);
- iii. Bridge to Bridge Boat Race - 105dB(A);
- iv. Unlimited Boat Race (Blown Boats) - 115dB(A). In 2010 this event is to be held on the afternoon of Saturday 1st May 2010, instead of directly after the Bridge to Bridge Boat Race;
- v. Noise Test - (prior to the Two Day Spectacular) - 115dB(A) for more than 15 minutes in total through the day;
- vi. Two Day Spectacular - 115dB(A) for more than 10 minutes in total per day.

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2. A Traffic Management Plan to be submitted for approval as part of the Special Event Application.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2010

SUPPORT SERVICES

Item: 32 **SS - December 2009 Quarterly Review - 2009/2010 Management Plan - (96332, 95496)**

Previous Item: 109, Extraordinary (16 June 2009)

REPORT:

Within two months of the end of each quarter, Council is required to review progress in achieving the objectives set out in its Management Plan.

Management Plan

Council adopted its Management Plan for 2009/2010 on 16 June 2009.

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council the extent to which strategies set by the Council's current Management Plan have been achieved during that quarter.

The December 2009 Quarterly Review has been prepared and is attached for information.

Financial Position

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

The December 2009 review recommends budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains a satisfactory short term financial position for Council.

The more significant items of the December 2009 review include:

- **Interest Income – Favourable Variance \$200K**
(Adopted Management Plan –Part 2 – SS Pg 32)

The full year budget for interest earnings for 2009/2010 is \$1.1M. As at the end of December 2009, Council's earnings were \$0.9M. This positive variance results from a combination of a variation in the capital invested and the interest rates movements. A positive variance of \$200K is included in this review. Following the Reserve Bank of Australia's decision to leave the official interest rate unchanged at 3.75%, economic forecasts published by a major financial institution, include a 25 basis point increases in the cash rate at the May, June, August and November meetings, taking the cash rate to 4.75% by the end of the year. In 2011 it is expected that the Australian economy will accelerate, growing by around 4% every year. As such, a cash rate of 5.5% is expected by the end of 2011.

Based on these forecasts, and the interest rates currently being applied to Council's investment portfolio, it is expected that this positive variance will continue until the end of this financial year and future adjustments may be required in future reviews.

- **Fleet Disposals – Favourable Variance \$184K**
(Adopted Management Plan –Part 2 – SS Pg 38, IS Pg30)

A number of leaseback vehicles have been sold during the second quarter of 2009/2010. The sales proceeds have been included in this review.

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- **Building and Development Control – Favourable Variance \$60K**
(Adopted Management Plan –Part 2 – CP Pg 29, 31)

Income received in respect of building and development activities is trending to exceed budget. The positive trend is attributed to economic growth during the last few months. This trend is expected to be sustained and further enhanced by the release of land at Pitt Town, expected to occur later in the financial year. Income from construction certificates has been increased by \$25K, and income from development applications has been increased by \$25K. Adjustments totalling \$10K to other building and development revenue budgets are also included. This revenue stream will be monitored closely and if required, will be adjusted further in the next review.

- **Rates payable on Council owned properties – Favourable Variance \$26K**
(Adopted Management Plan –Part 2 – Various)

A review has been undertaken with regard to the allocation of rates charges to Council owned properties. Based on legal advice obtained by Council, properties on public land, which are not leased, can be exempted from land rates. Sewer rates and waste charges still apply. Included in this review are the reallocation of rates to the specific rate charge type and the reversing of land rates budgets no longer required. This review resulted in an overall favourable variance of \$26K.

- **Hawkesbury Waste Management Facility- Favourable Variance \$80K (Reserve funded)**
(Adopted Management Plan –Part 2 – IS Pg 63)

Income from gate takings at the Hawkesbury Waste Management Facility are trending below budget, mainly due to a reduction in volumes entering the facility compared to amounts budgeted. As a direct result of the reduced income, the S88 levy payable to the Department of Environment and Climate Change is also reduced. The overall effect is a favourable of \$80K. As this program is self funded through an internally restricted reserve, this variation has a nil effect on the result of this review. This item will be monitored over the next few months and will be adjusted further in future reviews if required.

- **Animal Control – Unfavourable Variance \$27K**
(Adopted Management Plan –Part 2 – CP Pg 16)

The Animal Control program generates approximately \$450K per year, mainly through animal impounding fees and animal registrations. The 2009/ 2010 budgeted income from this program is \$456K. As at the end of the reporting period, income was trending below this level. In this review, income from animal impounding and animal registration has been reduced by \$27K. This reduction in income has been partially offset by a reduction in casual staffing costs of \$15K.

- **Road Restorations – Unfavourable Variance \$30K**
(Adopted Management Plan –Part 2 – IS Pg 32)

As at the end of December 2009, income from road restorations is trending below budget. This income stream depends on the number of road restorations required as a result of external organisations carrying out works that result in a requirement for Council to bring its assets back to the condition before works were undertaken. This income is difficult to predict and can vary considerably between one year and another. An unfavourable adjustment of \$30K has been included in this review.

- **Depreciation – Nil Effect**
(Adopted Management Plan –Part 2 – Various)

A number of depreciation adjustments were included in the September Quarterly Review. These adjustments were required to bring the depreciation allocation to the level required as a result of the fair valuation of infrastructure assets as outlined in the DLG Circular 09-09 dated 17 March 2009. This Circular requires all Council's roads, bridges, footpaths and drainage assets to be valued at fair value by June 2010. Further depreciation adjustments have been made in this review to bring them in line with the level required. The total depreciation adjustment included in this review is \$260K. This adjustment has an overall nil effect on Council's budget.

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- **Parks Maintenance – Unfavourable Variance \$85K**

(Adopted Management Plan –Part 2 – IS Pg 4)

In the 2009/2010 Adopted Management Plan, Council allocated \$845K for parks maintenance. As at the end of the second quarter, parks operating expenses are trending to exceed budget. Included in this review there are a number of unfavourable adjustments relating to parks operating expenses, totalling \$85K. Parks operating expenses are largely attributed to Council staff time and plant costs. The recent review of internal plant hire rates and the allocation of staff on-costs had a negative impact on the parks maintenance and repairs budget. It is to be noted that the increase in parks M&R costs is mainly attributed to an increase in internal charges. The increases in plant hire rates result in higher plant hire income being achieved for the parks plant. A favourable adjustment of \$30K has also been included in this review for parks plant hire. This income allows for appropriate funding to be available for running and replacing plant. The staff on-costs added to the parks M&R costs result in the employees' entitlements provisions being maintained at an appropriate level throughout the year, therefore negating the need to fund a shortfall at year end.

This item will be monitored over the next few months and will be adjusted further in future reviews if required.

- **Parks Plant – Unfavourable Variance \$23K**

(Adopted Management Plan –Part 2 – IS Pg 29)

An unfavourable adjustment of \$23K is included in respect of parks plant. The funds are required to fund the unbudgeted increase in the purchase price of litter trucks requiring replacement this financial year. The total unfavourable variance is \$70K, but this was partly funded by reprioritising other plant replacement.

- **Public Works / Parks Plant Hire Income – Unfavourable Variance \$70K**

(Adopted Management Plan –Part 2 – IS Pg 29)

In order to ensure that adequate funding is available to deliver the plant replacement program, appropriate plant hire charges are allocated to activities involving the use of Council's plant. The setting of the rate is based on the costs of running plant, changeover costs and usage rate. These rates are reviewed regularly. As at the end of the reporting period, this income overall is trending below full year budget. While income from parks plant is higher than budgeted due to a recent revision of rates and usage being as expected, income from public works plant is trending below estimates, mainly due to a variation in usage rates. The net effect is an unfavourable variation of \$70K.

- **Valuation Fees – Unfavourable Variance \$17K**

(Adopted Management Plan –Part 2 – SS Pg 6)

Council is required to value its investment properties every 3 years. The valuation is required for financial reporting purposes. Based on past valuations, it is estimated that \$17K will be required. This variance is included in this review.

- **Library Priority Grant – Unfavourable Variance \$50K**

(Adopted Management Plan –Part 2 – SS Pg 14)

An adjustment of \$50K is included in this review in respect of unbudgeted expenditure required to reflect grant funding received.

- **Staff Vacancy Discount – Unfavourable Variance \$50K**

(Adopted Management Plan –Part 2 – Various)

As part of the Adopted Management Plan 2009/2010, employee costs estimates include a vacancy discount of approximately 3%, or \$350K. This estimate also includes additional costs incurred to temporarily address the vacancy. The calculation is based on a number of vacancies being expected throughout Council during a financial year. The current financial year has seen a sustained level of vacancies, however the actual staff vacancy rate has dropped. Based on the net vacancy savings as at

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the end of the second quarter, the budgeted amount has been reviewed and adjusted down by \$50K. This item will be monitored over the next few months and will be adjusted further in future reviews is required.

Provision for Contingencies - Favourable

It is proposed that the surplus of \$48,516 resulting from this quarterly review be transferred to the Contingency Reserve.

Conformance to Strategic Plan

The proposal is consistent with the *Shaping the future together* Directions statement:

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

and is also consistent with the strategy in the Community Strategy Plan being:

"Maintain and review a sustainable long term financial framework".

Funding

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

RECOMMENDATION:

That the:

1. Information contained in the report on the 2009/2010 Management Plan – December 2009 Quarterly Review be received.
2. Quarterly Review of the 2009/2010 Management Plan and Financial Statement for the period ending 31st December 2009 be adopted.

ATTACHMENTS:

AT - 1 2009/2010 Management Plan Review – December 2009 Quarter - (*distributed under separate cover*)

oooO END OF REPORT Oooo

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Item: 33 SS - Monthly Investments Report - January 2010 - (96332, 95496)

Previous Item: 17, Ordinary (3 February 2009)

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 Regulation and the Council's Investment Policy.

January 2010

The following table indicates that Council held \$37.7 million in investments as at 31 January 2010. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions, and the investments and the percentage of the total portfolio, are provided below.

Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
On Call								
CBA	AA	31-Jan-10		4.25%	5,780,000	15.29%	A1+	5,780,000
Term Investments								
AMP	A1	20-Jan-10	21-Jan-11	6.86%	1,000,000	2.65%	A	
ANZ	AA	22-Sep-09	24-Mar-10	4.75%	2,000,000	5.29%	A1+	
ANZ	AA	25-Nov-09	24-Nov-10	6.00%	1,000,000	2.65%	A1+	
ANZ	AA	02-Sep-09	02-Sep-10	5.25%	2,000,000	5.29%	A1+	
Bank of Cyprus	A	02-Nov-09	27-Oct-10	5.70%	1,000,000	2.65%	Moody's P-1	
Bank of Queensland	BBB+	20-Jul-09	19-May-10	4.50%	1,000,000	2.65%	A-2	
Bankwest	AA	19-Aug-09	19-Aug-10	5.00%	1,000,000	2.65%	A1+	
Bendigo and Adelaide Bank	BBB+	09-Oct-09	13-Oct-10	5.30%	1,000,000	2.65%	A-2	
Citibank	A+	20-Jul-09	21-Apr-10	4.60%	1,000,000	2.65%	A-1	
Credit Union Australia	BBB	30-Jul-09	24-Mar-10	4.62%	1,000,000	2.65%	unrated	
Elders Rural Bank	BBB	15-Jun-09	15-Jun-10	4.64%	1,000,000	2.65%	A-2	
Investec Bank	BBB	02-Sept-09	02-Sep-10	5.74%	1,000,000	2.65%	Moody's P-2	
Macquarie Bank	A	18-Jun-09	15-Jun-10	4.50%	1,000,000	2.65%	A-1	
Members Equity	BBB	03-Aug-09	03-Mar-10	4.65%	1,000,000	2.65%	A-2	
NAB	AA	08-Dec-09	08-Dec-10	6.80%	3,000,000	7.93%	A1+	
NAB	AA	03-Dec-09	03-Dec-10	6.80%	2,000,000	5.29%	A1+	

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Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
NAB	AA	02-Sep-09	04-Aug-10	5.20%	1,000,000	2.65%	A1+	
NAB	AA	25-Nov-09	26-May-10	5.50%	1,000,000	2.65%	A1+	
Newcastle Permanent	BBB+	18-Jun-09	15-Jun-10	4.55%	1,000,000	2.65%	A-2	
Suncorp	A	12-Jun-09	14-Jun-10	4.60%	1,000,000	2.65%	A-1	
Westpac	AA	20-Jan-10	21-Jul-10	6.20%	1,000,000	2.65%	A1+	
Westpac	AA	24-Jun-09	24-Feb-10	4.41%	3,000,000	7.93%	A1+	
Westpac	AA	21-Dec-09	21-Dec-10	7.00%	3,000,000	7.93%	A1+	32,000,000
TOTAL INVESTMENT AS AT 31 JANUARY 2010								37,780,000

	Bench Mark	Actual
Bench Mark - UBSA 90 Day Bank Bill Index	4.38%	5.51%
Bench Mark - 11am Cash Rate	3.75%	4.25%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	5,780,000	4.25%	0.50%	External Restrictions -S94	6,292,384
Term Deposit	32,000,000	5.51%	1.13%	External Restrictions - Other	10,753,244
				Internal Restrictions	14,393,309
				Unrestricted	6,341,063
	37,780,000	5.32%	0.94%	Total	37,780,000

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

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details below)

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

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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 known 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 decreased by \$1.64 million for the month. During January, various income was received totalling \$3.06 million, including rate payments amounting to \$0.67 million, while payments to suppliers and staff costs amounted to \$5.05 million.

The investment portfolio currently involves a number of term deposits and on-call accounts.

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

Council at its meeting on 3 February 2009, considered a report on the Federal Government’s Guarantee Scheme on deposits and wholesale funding of eligible authorised deposit-taking institutions and resolved as follows:-

"That:

- 1. In respect of Council funds invested with acknowledged tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), that Council accept the coverage available, without cost, from the Federal Government’s “Guarantee Scheme”, and not optionally guarantee additional funds.*
- 2. Council’s investments in other banking institutions, not referred to in 1 above, and authorised under the current Ministerial Investment Order and Council’s Investment Policy, be limited to an amount equivalent to the level of funds that receive coverage under the Federal Government’s “Guarantee Scheme” without additional cost to Council.*
- 3. All investments be made in accordance with Council’s investment policy.*
- 4. Council receive a further report updating Council’s Investment Policy following the release of new investment guidelines by the Department of Local Government."*

Action was taken to comply with the above resolutions, by not optionally guaranteeing amounts invested with the tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), over and above the amounts that are covered by the free Government Guarantee Scheme. Further, at its meeting on 28 April 2009, Council considered a report on a revised Investment Policy and resolved to adopt a revised Investment Policy. Council’s revised Investment Policy fully complies with the Department of Local Government Investment Guidelines that were distributed on 25 May 2009.

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As at 31 January 2010, Council has invested \$13 million with 2nd tier financial institutions, noting that one of these institutions is a subsidiary of a major Australian trading bank. The investment of \$1 million with thirteen 2nd tier banks is entirely covered by the free Government Guarantee Scheme, and is in accordance with the revised Ministerial Investment Order, Council's Investment Policy, and Council's resolution at its meeting on 3 February 2009.

On 7 February 2010, the Federal Government announced its withdrawal of the Government Guarantee Scheme for Large Deposits and Wholesale Funding on 31 March 2010. Deposits already under the Guarantee will be grandfathered up to 2015. This will not affect Council's investments, as Council's investments with second tier institutions do not exceed \$1M, and investments exceeding \$1M with the major banks are not guaranteed. The Financial Claims Scheme (the free guarantee of up to \$1M) still stands until its review in October 2011.

Effective from 2 December 2009, the Reserve Bank raised official interest rates by one quarter of one percent to a cash rate of 3.75% which remains unchanged.

The Governor of the Reserve Bank of Australia released the following statement on monetary policy on 2 February 2010:

"At its meeting today, the Board decided to leave the cash rate unchanged at 3.75 per cent.

The global economy is growing, and world GDP is expected to rise at close to trend pace in 2010 and 2011. The expansion is still likely to be modest in the major countries, due to the continuing legacy of the financial crisis, resulting in ongoing excess capacity. In Asia, where financial sectors are not impaired, recovery has been much quicker to date, though the Chinese authorities are now seeking to reduce the degree of stimulus to their economy. Global financial markets are functioning much better than they were a year ago. Credit conditions nonetheless remain difficult in the major countries as banks continue to face loan losses associated with the period of economic weakness. Concerns regarding some sovereigns have increased.

In Australia, economic conditions have been stronger than expected, after a mild downturn a year ago. The effects of the fiscal stimulus on consumer demand have now faded, but household finances are being supported by strong labour market outcomes and a recovery in net worth. Public infrastructure spending is now boosting demand, as is an upturn in housing construction. Investment in the resources sector is strong. The rate of unemployment appears to have peaked at a much lower level than earlier expected.

Inflation has, as expected, declined in underlying terms from its peak in 2008, helped by the fall in commodity prices at the end of 2008, a noticeable slowing in private-sector labour costs during 2009, the recent rise in the exchange rate and a period of slower growth in demand. CPI inflation has risen somewhat recently as temporary factors that had been holding it down are now abating. Inflation is expected to be consistent with the target in 2010.

Credit for housing has been expanding at a solid pace, and dwelling prices have risen significantly over the past year. Business credit, in contrast, has continued to fall, as companies have sought to reduce leverage, and lenders have imposed tighter lending standards and in some cases sought to scale back their balance sheets. The decline in credit has been concentrated among large firms, which generally have had good access to equity capital and, more recently, to debt markets; credit conditions remain difficult for many smaller businesses.

With the risk of serious economic contraction in Australia having passed, the Board had moved at recent meetings to lessen the degree of monetary stimulus that was put in place when the outlook appeared to be much weaker. Lenders have generally raised rates a little more than the cash rate over recent months and most loan rates have risen by close to a percentage point. Since information about the early impact of those changes is still limited, the Board judged it appropriate to hold a steady setting of monetary policy for the time being.

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Interest rates to most borrowers nonetheless remain lower than average. If economic conditions evolve broadly as expected, the Board considers it likely that monetary policy will, over time, need to be adjusted further in order to ensure that inflation remains consistent with the target over the medium term”.

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005, and Council's Investment Policy.

Conformance to Strategic Plan

The proposal is consistent with the *Shaping our future together* Directions statement;

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

and is also consistent with the strategy in the Community Strategy Plan being:

"Maintain and review a sustainable long term financial framework."

Funding

Funds have been invested with the aim of achieving budgeted income in 2009/2010.

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:** 23 February 2010**Item: 34** **SS - Consultants Utilised by Council - 1 July to 31 December 2009 - (95496, 96332, 79337)****Previous Item:** 187, Ordinary (14 June 2005)**REPORT:**

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council. The report detailed various consultants, the purpose of the engagement, and the expenditure in 2003/2004 and 2004/2005.

Subsequently, in recent years Council has considered reports outlining consultants utilised by Council for six monthly periods, being January to June and July to December each year.

The following table provides details of the various firms/persons the Council has utilised as consultants for the period July - December 2009 detailing the purpose of the consultancies and the amount paid in this period:

Firm	Purpose	Funding Source	External Requirement	6 Months to 31/12/2009
Allen Management Solutions Pty Ltd	Community Strategic Plan consultation	General Funds	No	\$2,875.00
Antiquities Conservation Pty Ltd	Hawkesbury Regional Gallery Collections Management	Grant	No	\$10,475.00
Archaeological & Heritage Management Solutions Pty Ltd Pty Ltd	Archaeological Assessment – Richmond Park	Grant	No	\$2,450.00
Barker Ryan Stewart Pty Ltd	Design Services – Thorley Street Bligh Park	Grant	No	\$29,784.00
Barker Ryan Stewart Pty Ltd	Bill of Quantities, Red Gum Crescent	General Funds	No	\$640.00
Berzins Environmental Planning Pty Ltd	Preparation of LEP, July 2009	General Funds	No	\$4,100.00
Bewsher Consulting Pty Ltd	Hawkesbury overland flow study/	Grant	No	\$14,630.62
Bewsher Consulting Pty Ltd	Flood assessment Thorley Street	Grant	No	\$3,872.00
Consulting Earth Scientists Pty Ltd	WMF quarterly environmental monitoring and annual reporting	General Funds	Dept of Environment & Climate Change	\$29,483.80
David Braunstein Consulting	OH&S Training	General Funds	No	\$6,700.00
Dept Services, Technology & Administration	South Windsor Water Recycling Scheme – Review of Environmental Factors	Grant	No	\$74,645.00

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Firm	Purpose	Funding Source	External Requirement	6 Months to 31/12/2009
David G Hart Consulting	Workers Comp Actuarial Services	General Funds	WorkCover	\$6,000.00
Donald Ellsmore Pty Ltd	Heritage advisory services	General Funds	No	\$7,675.00
Dylarna Corporation Pty Ltd trading as The Playground Doctor	Council playgrounds site inspections	General Funds	No	\$3,660.00
Eco Logical Australia Pty Ltd	Road side vegetation plan	Reserve Funds	No	\$40,149.30
Edds & Associates	Slab barn study	Grant and General Funds	No	\$12,500.00
Environmental Partnership (NSW) Pty Ltd	Great River Walk plan of management and design	Grant	Local Government Act 1993	\$3,500.00
GTA Consultants (NSW) Pty Ltd	Hawkesbury mobility plan	General Funds	No	\$47,000.00
Harris Page & Associates Pty Ltd	Hydraulic and fire protection – Kurrajong Community Centre	Mixed	No	\$250.00
Hassell Ltd	Hawkesbury Residential Development Strategy	General Funds	No	\$35,802.84
Jackson Teece	Urban Design Analysis of Development Applications	General Funds	No	\$1,800.00
K D Wood Valuations (Aust) Pty Ltd	Property valuations for leasing and sale purposes	General Funds	No	\$7,500.00
Kim Edwards Medico – Legal Consultant	Medical assessment – Workers Comp claim	General Funds	No	\$920.00
Landarc Pty Ltd	Plans of management – Streeton Lookout and Ham Common	General Funds	No	\$850.00
Landarc Pty Ltd	Plans of management - Richmond Park (claim 3)	Grant	No	\$350.00
McKinlay & Assoc Pty Ltd	Surveying Services – Gorricks Lane / Freemans Reach Rd	Grant	No	\$600.00
Mc William & Associates Pty Ltd	Valuation services – Hawkesbury Regional Art Gallery Collection	General Funds	No	\$4,250.00
Micromex Systems Pty Ltd	Community Survey 2009	General Funds	No	\$15,635.00
OHS Services Australia Pty Ltd trading as Minerva Consulting Group	OH&S Professional Services December 2009	General Funds	No	\$2,298.00
Montgomery Planning Solutions	Town planning meeting	General Funds	No	\$307.50
Parsons Brinckerhoff Engineering Consultants	Landfill Rehabilitation Plan	General Funds	No	\$9,237.60

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Firm	Purpose	Funding Source	External Requirement	6 Months to 31/12/2009
DLA Phillips Fox	Workers Compensation Claims Management	General Funds	No	\$4,937.90
Monaghan Surveyors	Surveying Services – road closure Rifle Range Rd south Windsor	General Funds	No	\$6,093.90
Norma Richardson	Archaeological Consultant – Hawkesbury Regional Museum	General Funds	No	\$12,160.00
QASCO (NSW) Pty Ltd	WMF aerial photography and waste volumetric analysis June 2009	General Funds	No	\$13,850.00
Sinclair Knight Merz	South Windsor Recycled Water Scheme	Grant	No	\$56,385.00
Spectra Financial Services	Investment advisory services	General Funds	No	\$6,000.00
Targett Engineering & Building Pty Ltd	Hawkesbury Leisure Centre site inspection	General Funds	No	\$1,280.00
Technology One Ltd	General consultancy hours, Proclaim training, Technology one Upgrade V11.6	General Funds	No	\$17,129.44
Thompson Stanbury Associates	Road safety audit report	General Funds	No	\$1,250.00
Tia McIntyre	Consultation services – Artists in Residence Program	Grant	No	\$5,000.00
Travers Environmental Pty Ltd	Flora & Fauna Assessment Upper Colo Bridge 3	General Funds	No	\$6,204.30
Trevor R Howse & Associates	Hawkesbury Leisure Centre site inspection	General Funds	No	\$540.00
Trolyne Pty Ltd	Consulting Services	General Funds	No	\$478.86
Warwick Donnelly Pty Ltd	Structural engineering services– Kurrajong Community Centre	Mixed	No	\$5,329.00
Way Forward Pty Ltd	Code of Conduct investigation	General Funds	No	\$7,100.00
Wirrimbi Design Pty Ltd	Curatorial Consultancy	General Funds	No	\$304.00
TOTAL				\$523,983.06

Conformance to Strategic Plan

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

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

ORDINARY MEETING

Meeting Date: 23 February 2010

Funding

Not applicable as this is an information report requested by Council and costs detailed have been met within existing budgets.

RECOMMENDATION:

That the information concerning consultancies utilised by Council during the period July to December 2009 be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2010

Item: 35 SS - Payments to Hawkesbury Sports Council Inc - (107, 96332, 95496, 73611)

REPORT:

Set out below are the summarised financials of Hawkesbury Sports Council Inc (HSC) for the six months ended 31 December 2009.

	Income	Expenses	Surplus / (Deficit)
Operating	\$377,105	\$381,290	(\$4,185)
Capital	\$188,804	\$257,365	(\$68,561)
Total	\$565,909	\$638,655	(\$72,746)

HSC has reported an operating deficit for the six months ending 31 December 2009 of \$4,185. Overall, the current financial position is in line with expectations and HSC's Balance Sheet remains healthy as at 31 December 2009.

HSC continues to manage, maintain and improve Council's sporting facilities including mowing, fertilizing, spraying, cleaning, repairs and security as well as collecting fees from users of the facilities.

Council's funding allocation from general funds for the six months ending 31 December 2009 to HSC was \$432,794, which included \$118,660 for capital works. During the 6 months ending 31 December 2009, capital expenditure totalling \$257,365, was incurred on wicket refurbishment (Bensons 2), practice nets (Bounty, Breakaway, Woodlands), soccer grandstand (Bensons), amenities extension (Deerubbin), Turnball Oval upgrade and the electricity upgrade (Bensons).

HSC provided the details below regarding funds held in the Capital Works Accounts as at 31 December 2009:

- Hawkesbury Sports Council was successful in receiving a Federal Government grant of \$125,000 towards the upgrade of the electricity at Bensons Lane, Softball, Cricket / A.F.L. and Soccer complexes. A condition of the grant was that Hawkesbury Sports Council Inc. matches the funds provided by the Federal Government. These works have now been completed and the funds will be depleted as invoices are received.
- S94A funding of \$36,000, received for the provision of floodlighting on Bensons Baseball - these works cannot be undertaken until such time as the power upgrade is completed at Bensons Baseball.
- S94A funding of \$55,000, received for the provision of an amenities building at Colbee BMX Track - these works will commence in 2010.
- S94A funding of \$35,000, received for the provision of an amenities building at Bensons 6 and 7 - these works will commence in 2010.

HSC report that, apart from interest received, all funds held in the Capital Works Account, are allocated. It is expected that \$215,000 of the funds will be expended by 30 September 2010.
(Information supplied by Anne Neal, HSC Administrator).

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Conformance to Strategic Plan

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

"Have friendly neighbourhoods, connected communities, and supported households and families"

and is also consistent with the strategy in the Community Strategic Plan being:

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

and with the following goal:

"Plan, provide and advocate for a range of community, cultural, recreational, sporting, health and education services and facilities to meet the needs of residents and visitors "

Funding

There are no funding effects from this report.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2010

Item: 36 **SS - Local Government and Shires Association of NSW - Request for Financial Assistance With Legal Costs - Murray Shire Council - (95496, 79337, 112608, 90703)**

REPORT:

Council is in receipt of a letter dated 20 January 2010 from the Local Government and Shires Association of NSW (LGSA), which has approved an application under its Legal Assistance Policy, for assistance by Murray Shire Council.

The LGSA has advised that Murray Shire Council's request for assistance with legal costs incurred is in respect to a recent Land and Environment Court Appeal. KSK Developments appealed against its development application for the construction of a Tourist Development and community land subdivision. Murray Shire Council issued a Deferred Commencement Approval with conditions requiring the relocation of certain buildings to ensure such were constructed 60 metres from the high bank of the Murray River. The preliminary question concerned the construction of "bed" and "bank" in the Murray LEP. The applicant and Council disagreed about the proper construction of the definitions within the Murray LEP which determined the point from which 60 metres distance referred to the subject Clause should be measured.

In summary, the Court found that the upper limit of "the whole of the soil of the channel in which the river flows" (as per Council's definition of "bed"), is the top of the soil in the channel, clearly defined by its physical form in this location along the Murray River. This is referred to as the "high bank" of the development consent conditions. If there were not a clearly identifiable channel such that the initial words of the definition "bed" could not be applied, then the upper limit of the bed would have been the highest point to which the water level rose as the water supply increased and decreased, excluding any level resulting from freshets. That point must be higher than the average or mean water level stage, because an average or mean level can only be derived from the measurement of higher and lower water levels, as can be demonstrated.

The Court found in favour of Murray Shire Council's interpretation of "bed" and "bank" under the Murray LEP, and as such the requirements of the Deferred Commencement Approval for the Tourist Development remain as per Council's original recommendation.

The LGSA states that Murray Shire Council believes the case is relevant and capable of providing guidance to all councils that rely on the same or similar terminology relating to setbacks from rivers and other watercourses, and the Land and Environment Court has now clarified what has long been a contentious issue for many councils in NSW that adopt similar LEP definitions.

It is noted that costs are not usually awarded in Class 1 matters, with each party having to bear their own costs, unless exceptional circumstances can be established.

The ruling by the LGSA in this matter is deemed to have an impact on all councils, and the LGSA have apportioned the amount of \$314.46 to Hawkesbury Council, based on Council's share of the Association's total membership subscriptions. The total cost incurred by Murray Shire Council for this Court action is \$34,657.83.

Conformance to Strategic Plan

The proposal is consistent with the *Shaping our future together* Directions statement:

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

and is also consistent with the strategy in the Community Strategic Plan being:

"Implement and monitor Council's sustainability principles."

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Funding

Funding is available in the legal services component of the 2009/2010 Budget for the relatively minor contribution as requested.

RECOMMENDATION:

That Council contribute the amount of \$314.46 as outlined in the letter dated 20 January 2010 from the Local Government and Shires Association of NSW, towards the legal costs incurred by Murray Shire Council, in its pursuit of legal action related to an appeal in the Land and Environment Court of KSK Developments vs Murray Shire Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 37 SS - Government Information (Public Access) Act - (79337, 95496)

REPORT:

The purpose of this report is to provide Council with background and the anticipated impacts of the Government Information (Public Access) Act (GIPA Act) on Council's processing of applications from members of the public to access information.

By way of background, in April 2008, the Office of the NSW Ombudsman announced that a review would be undertaken of the Freedom of Information (FOI) Act. The review was to address, in part, inconsistencies and overlap of the FOI Act with other associated legislation e.g. Section 12 of the Local Government Act (LGA), and the Privacy and Personal Information Protection Act (PPIPA). Such issues had caused confusion and concern in the navigation and correct application of the FOI Act, a matter about which public sector agencies, and local governments in particular, had repeatedly expressed concerns.

In February 2009, the NSW Ombudsman delivered a special report to Parliament, arising from his extensive review of the FOI Act. The Ombudsman made over 80 recommendations and concluded that an effective system for accessing government information required a greater level of proactive disclosure. He further recommended oversight of the laws by a robust and independent information commissioner.

In May 2009, the Government released draft Bills for public comment in response to the Ombudsman's report. After considering public submissions, the then Premier introduced three Bills into Parliament. With a few minor amendments, all Bills passed both Houses and received assent on 26 June 2009. The *Government Information (Public Access) Act 2009 (GIPA Act)* establishes the new right to information regime and is expected to commence in early 2010. The Act establishing the Office of Information Commissioner (OIC), commenced on 17 July 2009.

The new GIPA Act applies to State and local government bodies and covers the provision of information held by those agencies to members of the public. It essentially replaces the Freedom of Information (FOI) Act 1993 and includes a specific section – Schedule 5 – which applies exclusively to local governments. This Schedule is almost a complete replication of Section 12 of the Local Government Act, which will be repealed from the LGA once the GIPA Act commences.

The GIPA Act carries a presumption in favour of disclosure of government information and has a focus on proactive release of such information. Some of this proactive release of information is mandatory and there is an expectation of the availability of much of this information via councils' websites.

In addition, councils are authorised to release other information not mandatory unless it is sensitive personal information or there is some other overriding public interest reason why it cannot be disclosed. Otherwise, if information is likely to be of interest to members of the public and can be released without imposing unreasonable cost on the Council, councils will be encouraged to release it. Importantly, the new legislation ensures that councils who do release information proactively or in response to an informal request will be given the same protection as they have when they release information in response to a formal application.

Fees and charges will not increase under GIPA to that which applied under FOI, which were set in 1993. Full cost recovery is therefore not possible. In fact, the new GIPA Act prescribes the fees and charges in the legislation itself, which now means they cannot be changed without the approval of Parliament. The new legislation also provides that:

- All fees and charges must be refunded if a Council fails to determine an application within the required time (even if the Council then proceeds to make a late decision); and
- There will be no fee for internal review in respect of a 'deemed refusal' (that is, where the Council is taken to have refused an application by not dealing with it within the required time).

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While the GIPA Act has been assented to, it is not expected to commence until early in 2010. Initial information from State Government suggested that it would be probably around the end of March but more recently there has been some talk of it not commencing until 1 July 2010. Prior to this, a number of administrative, operational, and logistical issues need to be addressed and put in place by various Government agencies, particularly the OIC.

It should be noted that Council's Manager, Corporate Services and Governance, Mr Fausto Sut is an active member of the LGMA Governance Network Special Interest Group and on its Executive. This Group, in recognising the significant changes and preparation which needs to be undertaken in implementing the new GIPA Act, has formed a sub group – the GIPA Working Party, of which Mr Sut is also a member. This Group was formed in October 2009 and has since met on several occasions, during which time significant steps have been made towards ensuring a smooth transition to, and consistent application of, the GIPA Act across NSW local councils.

The Working Party has been in contact with the OIC and representatives of the OIC have attended a Working Party meeting indicating a willingness to work with the Working Party to assist with the implementation of the GIPA Act. It appears that the OIC is taking an interactive approach, and the Working Party is enthusiastic about the consultative and supportive attitude. Representatives of the OIC will attend the Governance Group's next meeting scheduled for 23 February 2010.

Incorporating feedback from various stakeholders including the LGMA's GIPA Working Party, the OIC has identified the following priorities for immediate action:

- Drafting the regulations (including settling reporting requirements under the GIPA Act);
- Developing a comprehensive training strategy for agencies (including local government);
- Developing an e-learning module aimed at assisting public sector staff to understand the GIPA Act, including:
 - What staff will need to consider when they receive informal requests for information, and
 - How councils can approach their proactive disclosure obligations.
- Creating a range of template documents that relate to formal access applications and internal reviews (such as access application forms, notices of decision, notices confirming receipt of application etc);
- Creating a more user-friendly, accessible OIC website;
- Finalising a list of Frequently Asked Questions (FAQ's) for publication on the OIC website; and
- Developing a prototype 'Right to Information' webpage demonstrating how to organise links to information that is made publicly available under the GIPA Act (including a 'model' disclosure log, publication guide, S.6(5) report and register of government contracts).

Given the significant impact on local government and the delay in the outstanding work of the OIC, critical to the successful implementation of GIPA Act for local government, the Working Party has recommended to the Board of the LGMA to make representations to the Government to defer commencement of the GIPA Act to local government until 1 July 2010.

At this stage, the ability to assess the impact of the implementation of the GIPA Act on Council's processes and other policies relies largely on the understanding of its operational detail. Such impact cannot be properly comprehended until full training has been undertaken by practitioners. The development of appropriate training material, guidelines and sessions relies on the Regulations and other associated documentation being in place and available for reference.

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However, it is known that the expected availability to the public of the majority of information held by Council has a broad implication across the organisation as a whole, rather than merely impacting on the governance staff involved in managing specific requests for information. Other areas of Council that will be affected include records management, procurement areas, planning, finance, IT and customer service.

It should be noted that Council has experienced increases each year in access to information requests, with 767 received in 2008/2009 and 453 received to date for this financial year.

Notwithstanding the uncertainty of the impact, it is considered that with the current staff involvement in the Working Party, and its close liaison with the OIC, Council is well placed to remain up to date with the progress and planning required for effective implementation of the GIPA Act. This positioning will also enable local government, through the Governance Network, to contribute thoughts and ideas, and address issues as they arise, with the OIC, who appear to be in favour of a collaborative approach to ensure a smooth transition to the commencement of, and practical application of, the GIPA Act.

Conformance to Strategic Plan

The proposal is consistent with the *Shaping our future together* Directions statement:

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

and is also consistent with the strategy in the Community Strategic Plan being:

"Have ongoing engagement and communication with our community, governments and industries."

Funding

There is no funding impact as a result of this report. On the information at hand, it is anticipated that staff training, printing and other expenditure required for the implementation of GIPA Act, will be met from the existing budget.

RECOMMENDATION:

That the report be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CONFIDENTIAL REPORTS

GENERAL MANAGER

Item: 38 **GM - Co-Generation Plant - (79351, 95495) CONFIDENTIAL**

Previous Item: 10, Ordinary (2 February 2010)
 184, Ordinary (8 September 2009)
 32, Ordinary (26 February 2008)

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)(g) of the Act as it relates to legal advice concerning matters relating to the Co-Generation Plant and the information is regarded as advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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

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Item: 39 **GM - Macquarie Street Properties Project - Progress Report - (79351)**
CONFIDENTIAL

Previous Item: 246, Ordinary (10 November 2009)
 120, Ordinary (26 April 2005)
 265, Ordinary (24 October 2006)
 110, Ordinary (27 May 2008)

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 details concerning the sale of property by the council - and it is considered that the release of the information, would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore if considered in an open meeting would, on balance, be contrary to the public interest; and*
- *Section 10A(2)(d) of the Act as it relates to the information associated with the property development and investment structure for council property and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret 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: 23 February 2010

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 10 February 2010 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 10 February 2010, commencing at 3.00pm.

ATTENDANCE

- Present:** Councillor B Bassett
Mr J Christie, Officers of Messrs A Shearan, MP, (Londonderry) and J Aquilina, MP, (Riverstone)
Mr R Williams, MP, (Hawkesbury)
- Apologies:** Mr J Suprain, Roads and Traffic Authority
Snr Constable B Phillips, NSW Police Service
- In Attendance:** Mr C Amit, Manager, Design & Mapping Services
Ms D Oakes, Community Safety Co-ordinator

The Chairman tendered an apology on behalf of Mr J Suprain, advising that Mr Suprain concurred with the recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on his behalf.

SECTION 1 - Minutes

Item 1.1 Minutes of Previous Meeting

RESOLVED on the motion of Mr R Williams, MP and seconded by Mr J Christie, that the Minutes of the Meeting of the Local Traffic Committee held on 13 January 2010 at 3.00pm, be confirmed.

Item 1.2 Business Arising

Nil Business Arising.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 10 February 2010 - Item 2.1 - Hawkesbury Triathlon Club Races, July 2010 - July 2011 - (Riverstone & Londonderry) - (80245, 89093)

REPORT:

Introduction:

An application has been received from the Hawkesbury Triathlon Club seeking approval to conduct Triathlon and Duathlon races generally on the last Sunday of each month from July 2010 to June 2011, utilising Deerubbin Park, Cornwallis, as a base area.

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The event organiser has provided the following information regarding the event;

- Event Schedule:

2010

Sunday July 25, 2010 Duathlon 8.30 - 10.30am
Sunday August 29, 2010 Duathlon 8.30 - 10.30am
Sunday September 26, 2010 Triathlon 7.30 - 9.30am
Sunday October 31, 2010 Triathlon 7.30 - 9.30am
Sunday November 28, 2010 Triathlon 7.30am - 9.30am
Sunday December 19, 2010 Triathlon 7.30am - 9.30am

2011

Sunday January 30, 2011 Triathlon 7.30 - 9.30am
Sunday February 27, 2011 Triathlon 7.30 - 9.30am
Sunday March 27, 2011 Triathlon 7.30 - 9.30am
Sunday April 24, 2011 Duathlon 8.30 - 10.30am
Sunday May 29, 2011 Duathlon 8.30 - 10.30am
Sunday June 26, 2011 Duathlon 8.30 - 10.30am

- Event Description:

Triathlon

Swim: 750m - Three laps within the Hawkesbury River
Cycle: 20km - Two laps of following route;
Start in the vicinity of Deerubbin Park, Cornwallis,
Along Cornwallis Road
Turning left into Cupitts Lane
Turning left into Percival Street
Turning left into Hawkesbury Valley Way (Formerly Richmond Road)
Turning left into Moses Street
Turning left into Greenway Crescent and back to Deerubbin Park
Run: 5km - Four laps (within Deerubbin Park and Cornwallis Road)

Duathlon

Run: 2.5km - Two laps (within Deerubbin Park and Cornwallis Road)
Cycle: 20km - Similar to Triathlon
Run: 5km - Similar to Triathlon

- Approximately 10 to 20 participants in each event.
- Approval for the use of Deerubbin Park has been provided by the Hawkesbury Sports Council Inc.

Refer to the attached Drawing "Hawkesbury Triathlon Club Races Overview Plan No. TR001/10" - Appendix 1.

Discussion:

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

The event organiser has provided the following information in relation to the event: Appendix 2 (Dataworks Document Nos. 3276266 and 3282372):

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
2. Special Event Transport Management Plan Template – RTA;
3. Club Race Dates 2010/2011 and Circuit Plan utilised for the 2009/2010 event;

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Reports of Committees

4. Public Liability Insurance to the value of \$20,000,000, which expires 30 June 2010;
5. Copy of correspondence from the Hawkesbury Sports Council Inc. granting permission for the use of Deerubbin Park;
6. Copy of the Advertisement to be placed in the Hawkesbury Gazette;
7. Transport Management Plan (TMP) - referred to in the application as Race Risk Management Plan and Traffic Control Plans (TCP);
8. Copies of correspondence to be forwarded to the RTA, NSW Ambulance Service, NSW Rural Fire Service, NSW Fire Brigade, NSW Taxi Council, Westbus, Hawkesbury Valley Bus Service, Residents and adjoining Businesses;

RECOMMENDATION:

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

That:

1. The Hawkesbury Triathlon and Duathlon Races event, utilising Deerubbin Park, Cornwallis, as a base area planned for;

2010

Sunday July 25, 2010 Duathlon 8.30 - 10.30am
Sunday August 29, 2010 Duathlon 8.30 - 10.30am
Sunday September 26, 2010 Triathlon 7.30 - 9.30am
Sunday October 31, 2010 Triathlon 7.30 - 9.30am
Sunday November 28, 2010 Triathlon 7.30am - 9.30am
Sunday December 19, 2010 Triathlon 7.30am - 9.30am

2011

Sunday January 30, 2011 Triathlon 7.30 - 9.30am
Sunday February 27, 2011 Triathlon 7.30 - 9.30am
Sunday March 27, 2011 Triathlon 7.30 - 9.30am
Sunday April 24, 2011 Duathlon 8.30 - 10.30am
Sunday May 29, 2011 Duathlon 8.30 - 10.30am
Sunday June 26, 2011 Duathlon 8.30 - 10.30am

be classified as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.

2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- 4a. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as the event will traverse Rickaby's Creek Bridge along Hawkesbury Valley Way; **a copy of the RTA approval to be submitted to Council;**

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- 4c. as the event will traverse Rickaby's Creek Bridge along Hawkesbury Valley Way the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$20,000,000 **noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activity**;
- 4d. the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council**;
- 4e. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact due to the event, two weeks prior to the event; **a copy of the proposed advertisement has been submitted to Council**;
- 4f. the event organiser is to notify the details of the event to the NSW Ambulance Service, NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence (with the exception of the SES letter) has been submitted to Council**;
- 4g. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence has been submitted to Council**;
- 4h. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the **Occupational Health and Safety Act 2000**; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 4i. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

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

APPENDICES:

AT – 1 Hawkesbury Triathlon Club Races Overview Plan No. TR001/10

AT - 2 Special Event Application - (Dataworks Document No. 3276266 & 3282372) - *see attached*

Item 2.2 LTC - 10 February 2010 - Item 2.2 - Dirt Works 100 Kilometre Classic 2010- St Albans (Hawkesbury) - (80245, 85193)

REPORT:

An application has been received from Maximum Adventure Pty Ltd seeking approval to conduct the Dirt Works 100 Kilometre Classic 2010 - St Albans, on Sunday 2 May 2010 (from 6.30am to 5.00pm). The event is a Mountain Bike Endurance Event in and around the St Albans and Macdonald Valley areas, in conjunction with the St Albans Rural Fire Brigade as part of their fundraising activities.

The event organiser has provided the following information regarding the event:

- The event is an endurance ride;
- There are 2 courses for the event, a 50 kilometre and 100 kilometre option;
- The event route is similar to the last 5 years;
- The race route will cross the Macdonald River at the two points shown on the Event Route Plan contained in Appendix 1 & 2 and Dataworks Document No's. 3295444 and 3300338 and 2994893. Crossing of the river will be undertaken utilising a 'pontoon bridge' configuration at each location. Permission will be obtained from the adjoining property owners on either side of the River;
- Approximately 1300 competitors are expected for the event;
- Approximately 150 spectators and 600 vehicles are expected. Parking will be available on private land;
- The start and finish of the race will be in the town of St Albans, on Bulga/Wharf Street;
- The start of the event will be staggered to reduce the amount of traffic on the roads and trails at any one time. As the event progresses, the competitors will spread out further; and,
- It is proposed to close the section of Bulga Street, between Wharf Street and Wollombi Road (135 metres long sealed section).

The endurance ride is predominantly on tracks within the Parr State Recreational Area, Yengo National Park, Darug National Park, private properties and on the following public roads:

- Bulga Street – Sealed and Unsealed Road.
- Settlers Road – Sealed and Unsealed Road.
- Shepherds Gully Road – Unformed Road.
- St Albans Road – Sealed Road.
- Upper Macdonald Road – Unsealed Road.
- Webbs Creek Mountain Road - Unsealed Road
- Wharf Street – Sealed Road.
- Wollombi Road – Sealed and Unsealed Road.
- Wrights Creek Road - Unsealed Road.
- Macdonald River – Two river crossing points.

The race is also traversing along the Great Northern Road, which is under the care and control of the National Parks and Wildlife Service - (Department of Environment, Climate Change and Water).

Discussion:

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

The event organiser has provided the following information in relation to the event: Appendix 2 (Dataworks Document Nos. 3295444 and 3300338):

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
2. Special Event Transport Management Plan Template – RTA;
3. Event Route Plan;
4. Photo examples of the 'pontoon bridge' utilised to cross the Macdonald River;
5. Public Liability Insurance to the value of \$10,000,000, which expires 27 January 2010;
6. Transport Management Plan (TMP) - referred to in the application as Risk and Hazard Assessment and Traffic Control Plans (TCP);
7. Copies of correspondence forwarded to the NSW Ambulance Service and NRMA Careflight.

The event organiser will be required to liaise with the event organiser of the Bridge to Bridge Power Boat Race - Brooklyn to Windsor 2010 event, which is being held on 2 May 2010, along the Hawkesbury River and affecting the operation of the ferries.

RECOMMENDATION:

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

That:

1. The Dirt Works 100 Kilometre Classic 2010 - St Albans (Mountain Bike Endurance) event, planned for Sunday 2 May 2010, be classified as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package which explains the responsibilities of the event organiser in detail.
4. No objection be held to this event subject to compliance with the following conditions:

Prior to the event:

- 4a. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; a **copy of the Police Service approval to be submitted to Council;**
- 4b. the event organiser is to obtain approval from the RTA as a road closure is proposed; a **copy of the RTA approval to be submitted to Council;**
- 4c. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than \$10,000,000 **noting Council as an interested party on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4d. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and

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- outlined in writing and added to the TMP;
- 4e. the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **A copy of this approval to be submitted to Council;**
 - 4f. the event organiser is to obtain the relevant approval from the Department of Environment, Climate Change and Water to cross the Macdonald River; **A copy of this approval to be submitted to Council;**
 - 4g. the event organiser is to advertise the event in the local press stating the entire route/extent of the event - including the road closure and the detour route - and the traffic impact due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
 - 4h. the event organiser is to notify the details of the event to the NSW Fire Brigade / Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
 - 4i. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses which may be affected by the event - including the proposed road closure - for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
 - 4j. the event organiser is to liaise with the event organiser of the Bridge to Bridge Power Boat Race - Brooklyn to Windsor 2010 event, which is being held on 2 May 2010, along the Hawkesbury River and affecting the operation of the ferries;
 - 4k. the event organiser is to obtain approval from the National Parks and Wildlife Service (Department of Environment, Climate Change and Water) for the use of the Parr State Recreational Area, Yengo National Park, Darug National Park and the Great Northern Road. If the use of a Council Park/Reserve is required, written approval is required from Councils' Parks and Recreation section;
 - 4l. the event organiser is to obtain approval from the NSW Land and Property Management Authority for the use of any Crown road or Crown Land;
 - 4m. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event;
 - 4n. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
 - 4o. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

During the event:

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;

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- 4s. the riders/cyclist are to be made aware of and are to follow all the general road user rules whilst riding/cycling on public roads;
- 4t. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 4u. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4v. all roads and marshalling points are to be kept clean and tidy, with all directional signs to be removed immediately upon completion of the activity, and,
- 4w. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

APPENDICES:

- AT – 1** Event Route Plan - Dirt Works 100 Kilometre Classic 2010 - St Albans.
- AT – 2** Special Event Application - Dirt Works 100 Kilometre Classic 2010 - St Albans (Dataworks Document Nos. 3295444 and 3300338) - *see attached*.

SECTION 3 - Reports for Information

Nil Reports for Information

SECTION 4 - General Business

- Item 4.1** **LTC – 10 February 2010 – QWN 4.1 - Childrens Crossing in Bells Line of Road, Kurmond, adjacent to Kurmond Public School**

REPORT:

Mr J Christie tabled correspondence (Dataworks Doc No.3329403) received by the Office of Allan Shearan, MP, from the Principal of Kurmond Public School relating to issues affecting the Children's crossing in Bells Line of Road, at Kurmond Public School.

The Committee was advised that this matter has been referred on to the RTA to investigate and take the necessary action required by Mr A Shearan, MP.

Some of the issues raised by the Principal include:

- Request for the School zone to have flashing lights.
- The Children's Crossing being on a state road is not serviced by an RTA Crossing Supervisor.

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- Missing flags.
- Insufficient warning signs along Bells Line of Road to warn motorists of the Children's Crossing.
- Near misses with children attempting to cross Bells Line of Road.

COMMITTEE RECOMMENDATION:

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

That the information be received.

Item 4.2 LTC – 10 February 2010 – QWN 4.2 - Request for Update from RTA in relation to Traffic Audit - Richmond to North Richmond

REPORT:

Councillor B Bassett requested that the RTA provide an update on their traffic audit in assessing the traffic flow between Richmond and North Richmond.

Correspondence referred to in Item 3.1, LTC, 15 April 2009 (Dataworks Doc.No.3041754) from the Office for the Minister for Roads indicated that the RTA were assessing the flow of traffic from Richmond to North Richmond and in particular the intersection of Kurrajong Road and Old Kurrajong Road.

It is requested that the RTA provide this update at the Local Traffic Committee Meeting scheduled for 17 March 2010.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor B Bassett, seconded by Mr R Williams, MP.

That the RTA provide an update on the traffic audit being undertaken between Richmond and North Richmond and this information be provided at the Local Traffic Committee Meeting scheduled for 17 March 2010.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Wednesday, 17 March 2010 at 3.00pm in the Large Committee Room.

The meeting terminated at 3.45pm.

oooO END OF REPORT Oooo

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ROC - Hawkesbury Macquarie 2010 Committee Minutes - 11 February 2010 - (114013)

The meeting commenced at 9.10am in the Council Chambers, Hawkesbury City Council

Present:	Councillor Rex Stubbs	Chair, Hawkesbury City Council
	Councillor Bart Bassett	Hawkesbury City Council
	Councillor Jill Reardon	Hawkesbury City Council
	Colin Mitchell	Deputy Chair
	Brian Lindsay	Community Representative
	Carol Edds	Community Representative
	Gai Timmerman	Community Representative
	Judy Newland	Community Representative
	Keri Whiteley	Hawkesbury City Council
	Anthony Miller	Community Representative
	John Miller	Community Representative
	Frank Holland	Community Representative
	John Christie	Community Representative
	Max Jarman	Community Representative
	Esther Perry	Hawkesbury City Council
Fiona Mann	Hawkesbury City Council	
Donald Cobcroft	Community Representative	
Apologies:	Dudley Mercer	Community Representative
	Jean Stephens	Community Representative
	Aleks Pinter	Community Representative
In Attendance:	Joseph Litwin	Hawkesbury City Council
	Janice Hart	Observer

REPORT:

RESOLVED on the motion of Jill Reardon and seconded by Gai Timmerman that the apologies be accepted.

Section 1 - Confirmation of Minutes

1. Confirmation of Minutes

RESOLVED on the motion of Colin Mitchell and seconded by Judy Newland that the Minutes of the Hawkesbury Macquarie 2010 Committee held on 10 December 2009 be confirmed.

2. Matters arising from Previous Minutes

John Miller and John Christie reported on the outcome of their representations to Integral Energy and local state members of Parliament (Mr. John Aquilina and Mr. Alan Shearan) regarding the proposal to erect promotional Macquarie 2010 banners.

SECTION 2 - REPORTS FOR DETERMINATION

Item 30 – Review of Operations – Hawkesbury Macquarie 2010 Committee

DISCUSSION:

- Mr. Litwin advised the Committee that pursuant to the Committee's resolution of October 2010, the issue of the frequency of Macquarie 2010 Committee meetings had been placed on the Agenda.

RECOMMENDATION TO COMMITTEE:

1. Future meetings of the Committee to be held on a bi-monthly basis.

MOTION:

RESOLVED on the motion of Councillor Bart Bassett and seconded by Tony Miller.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION.

1. Future meetings of the Committee to be held on a bi-monthly basis.

The Motion was passed. Mr. Miller requested that his vote against the motion be noted and recorded in the minutes.

SECTION 3 – Reports of Working Party Meetings

ROWP - Hawkesbury Macquarie 2010 Programming Working Party

- Ms. Whiteley advised that the Macquarie 2010 Program had been distributed to all ratepayers in conjunction with the summer quarterly community newsletter. Mr. Mitchell sought clarification as to the possibility of including a link from the *General Events* Calendar on the HCC web-site to the on-line Macquarie 2010 Program. Mr Mitchell agreed to forward the particulars of his request to Ms. Whiteley.

ROWP – Hawkesbury Macquarie 2010 Branding and Marketing Working Party.

- Colin Mitchell confirmed that the Committee's resolution to request that the Hawkesbury Historical Society in conjunction with Jan Barkley Jack prepare a weekly article on the life and times of Lachlan and Elizabeth Macquarie for publication in the Hawkesbury Gazette had been actioned to very favourable comment. Mr. Mitchell also advised the Committee of his and other members attendance at the Macquarie 2010 event held at Government House Sydney and noted that the Premier had spoken very positively of the planning underway in the Hawkesbury to celebrate the Macquarie 2010 Bicentenary.

RESOLVED on the motion of Colin Mitchell and seconded by John Mitchell that the Committee extend a vote of confidence in the foresight shown by Council in establishing the Hawkesbury Macquarie 2010 Committee to plan and implement Macquarie 2010 Celebrations in the Hawkesbury.

ROWP – Hawkesbury Macquarie 2010 Event Support Working Party

- Ms. Perry spoke to the report in the Business Paper regarding the outcome of the Event Support Workshop and reported that the workshop evaluations had been positive.

ROWP – Hawkesbury Macquarie 2010 Sponsorship and Grants Working Party

- Carol Edds extended the thanks of the working party to John Miller, John Christie, Mr. John Aquilina and the Premiers Department for their support and assistance regarding the proposal to erect Macquarie 2010 Banners. Ms. Edds reported that she had received written advice to the effect that Council could erect banners subject to compliance with conditions.
- Carol Edds reported on the outcome of the meeting held with the Richmond Club regarding their offer of corporate sponsorship of up to \$25,000. Mr. Tony Miller provided a detailed outline to the Committee of the extent and nature of the sponsorship to be provided by the Richmond Club. Mr. Brian Lindsay advised the Committee of the intention of the working party to write to businesses in the Hawkesbury inviting them to sponsor the cost of producing relocatable 'pull-up' Macquarie 2010 banners and sought Council's assistance to cover the mail-out costs of the sponsorship drive. Mr. Litwin advised that this would be possible.

ROWP – Schools Involvement Working Party

- Brian Lindsay provided an update on the schools competition. To date responses had been received from 2 schools and the working party's intention was to forward a follow-up letter to all schools given that the new school year had resumed.

ROWP – Plaques Working Party

- Ms. Perry provided an update on the status of the Plaques Project and indicated that following the successful completion of the event support workshop, time was now available to further progress the Plaques Project and that a meeting of the Working Party would be convened in the immediate future. Ms Whiteley advised the Committee of a funding application currently being prepared by Council under the Eminent Australians Program seeking funds to research and produce interpretive panels for the Gov. Macquarie Statue in McQuade Park. Mr. Litwin advised that a report was being prepared for Council regarding interpretive signage in the Hawkesbury. Councillor Basset confirmed that the report had been resolved to be prepared following a Notice of Motion lodged by Councillor Tree and that Council was very interested in this issue.

RESOLVED on the motion of Councillor Jill Reardon and seconded by Judy Newland that the reports of the Macquarie 2010 Working Parties be received.

Section 4 - GENERAL BUSINESS

- Carol Edds sought information as to the status of the Hawkesbury Macquarie Trails Project. Ms. Whiteley advised that a project was underway involving the researching and developing of walking trails in the Hawkesbury with an initial focus on Windsor.
- Colin Mitchell spoke to the Committee of his disappointment as to the absence of any visible promotion of Macquarie 2010 particularly in Windsor and proposed a motion to request that Council consider erecting banners in prominent locations to promote the Macquarie 2010 Celebrations. There was considerable discussion regarding the feasibility, cost and locations of proposed promotional banners and a number of suggestions were made. Colin Mitchell also sought advice as to the implications of the recent listing of Richmond Park as an item of state significance.

RESOLVED on the motion of Colin Mitchell and seconded by Carol Edds that Council give consideration to promotional strategies including the erecting of banners and other signage in prominent locations to promote Macquarie 2010.

- Esther Perry thanked Councillor Rex Stubbs and Michelle Nichols for their nomination of Lachlan Macquarie for the Australia Day Commemorative Plaque Award. Ms. Perry also informed the Committee of preparations for the Hawkesbury Show 2010 which would include a feature display on Macquarie 2010 and invited committee members to consider the possibility of being volunteer

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helpers on the day. A number of committee members expressed an interest in this regard. Ms. Perry also advised the Committee that the editor of the Hawkesbury Way was interested in commissioning a monthly Macquarie 2010 Column. Committee members offered a number of suggestions.

- Keri Whitely informed the Committee of various displays and events on Macquarie 2010 taking place in the Library and Museum.
- Fiona Mann updated the Committee on a number of Macquarie 2010 events including the Macquarie Rose Pruning Day in February and the official launch of the Rose in April. Ms. Mann also informed the Committee about the production of commemorative china and joint promotional projects involving other 'Macquarie' towns.

NEXT MEETING – to be held at 9.00 am on Thursday 8 April 2010, in the Council Chambers Hawkesbury City Council , 366 George St. WINDSOR.

Meeting Closed at 10.40 am.

oooO END OF REPORT Oooo

ORDINARY MEETING
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ordinary
meeting

end of
business
paper

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