



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 12 August 2008

location: council chambers

time: 5:00 p.m.



mission
statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

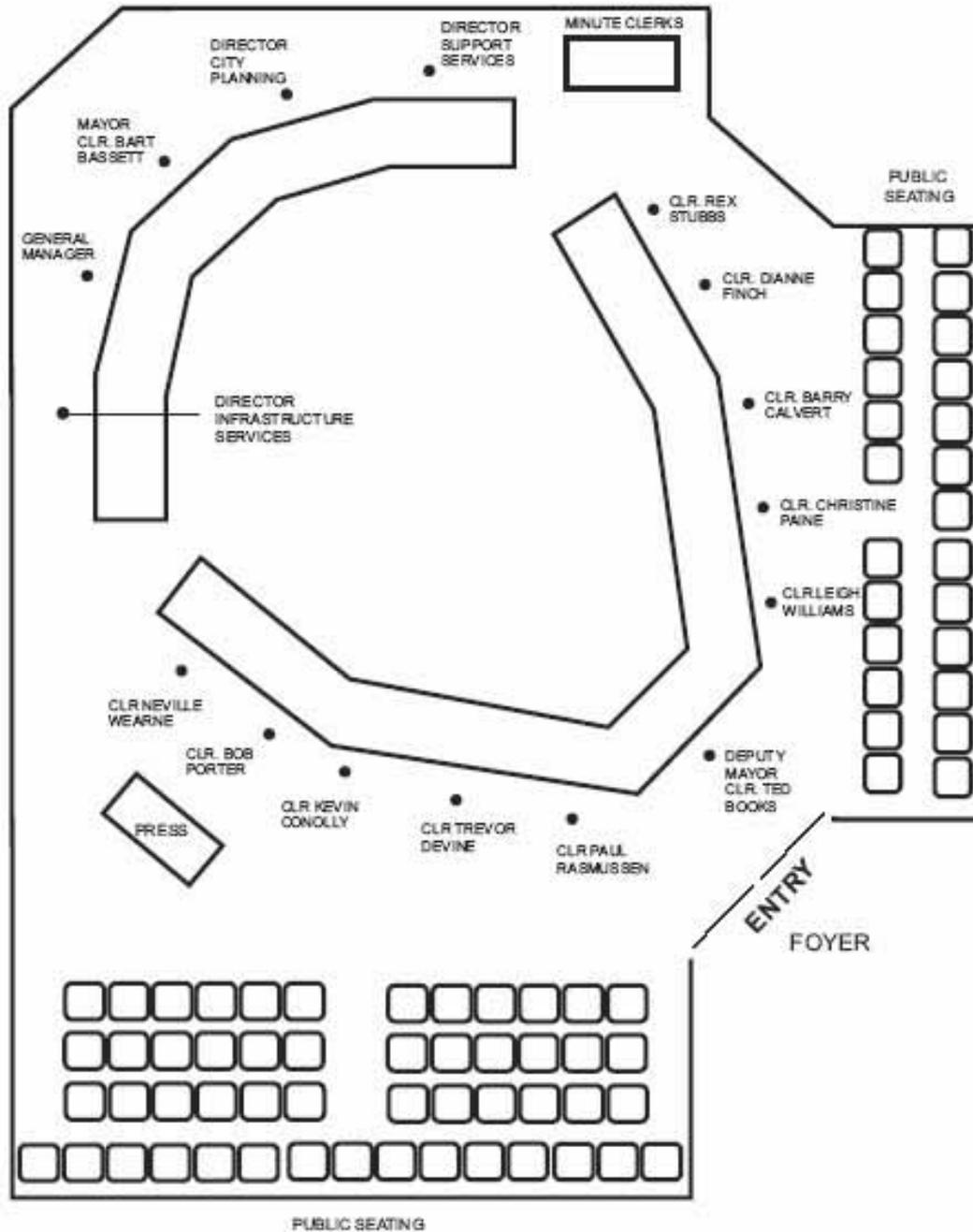
Website

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

Further Information

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

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SECTION 3 - Notices of Motion

RM - Rescission Motion - Construction of Exhibition Homes as part of an Exhibition Village comprising 13 Exhibition Homes, Lot 14 DP 865977 & Lot 14 DP 865977, Proposed Lots 1003–1007, 1010–1015, 1021 & 1022) 17 Bootles Lane PITT TOWN NSW 2756 - (95498)

Previous Item: 155, Ordinary (29 July 2008)

Submitted by: Councillor C Paine
Councillor P Rasmussen
Councillor L Williams

RESCISSION MOTION:

That Council's resolution of 29 July 2008 Item 155 being the Construction of Exhibition Homes as part of an Exhibition Village comprising of 13 Exhibition Homes be rescinded.

BACKGROUND:

Council's resolution in respect of this matter from the meeting of 29 July 2008 was as follows:

"That the Development Applications: DA0171/08, DA0172/08, DA0173/08, DA0175/08, DA0176/08, DA0177/08, DA0178/08, DA0179/08, DA0180/08, DA0181/08, DA0183/08, DA0184/08 and DA0186/08 for the construction of Exhibition Homes as part of an Exhibition Home development comprising thirteen (13) Exhibition Homes - on, Lot 14 DP 865977 and Lot 14 DP 865977, (Proposed Lots 1003 – 1007, 1010 – 1015, 1021 and 1022) - 17 Bootles Lane Pitt Town be approved subject to the following conditions:

Conditions Relating to All Development Applications

General Conditions

- 1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.*
- 2. The approval for the use of the building as exhibition homes shall cease six months after the registration of the linen plan for subdivision of Stage 1A approved under DA0557/06.*
- 3. A separate development application shall be lodged for Council's approval for the change of use of the exhibition home to an individual dwelling house.*
- 4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.*
- 5. The approved use shall not commence until all conditions of this Development Consent have been complied with.*
- 6. The building shall not be used or occupied prior to the issue of an Occupation Certificate.*

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7. *The development shall comply with the provisions of the Building Code of Australia at all times.*
8. *The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.*
9. *Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.*
10. *The development shall also incorporate the amendments made in red to the approved plans, specifications or documentation submitted.*

Prior to the Issue of the Construction Certificate

11. *External colours are to be muted earth and bush vegetation tones. A colour schedule together with details of materials and finishes shall be submitted for approval with the Construction certificate.*
12. *The face bricks to be colour blend and uniform throughout. Details are to be submitted for approval with the Construction certificate*
13. *The landscaping shall include native plant species and no invasive exotic species should be planted. An amended landscape plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.*

Specific Conditions relating to DA0172/08 (Proposed Lot 1004)

14. *The plans shall be amended to convert the triple garage into a double garage. In this regard the proposed single storey garage shall be deleted and amended plans submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.*
15. *The proposed building shall be re-located 1.7m to the west to achieve compliance with the Building Height plane requirements of the Hawkesbury development Control Plan. Amended plans shall be submitted to the Principal certifying Authority prior to the issue of a construction certificate.*

Specific Conditions relating to DA0179/08 (Proposed Lot 1005)

16. *The plans shall be amended to provide a minimum of 8m rear setback to the northern boundary. In this regard the building shall be moved forward to the southern boundary by 944mm and amended plans are to be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.*

Specific Conditions relating to DA0181/08 (Proposed Lot 1010)

17. *The plans shall be amended to convert the triple garage into a double garage. In this regard the proposed third garage adjoining the western boundary shall be deleted and amended plans submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.*

Specific Conditions relating to DA0186/08 (Proposed Lot 1007)

18. *The plans shall be amended to convert the triple garage into a double garage. In this regard the proposed third garage adjoining the northern boundary shall be deleted and*

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amended plans submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Prior to Commencement of works

19. *Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.*
20. *The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.*
21. *A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.*
22. *A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.*
23. *The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.*
24. *At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.*
25. *Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.*
26. *A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:*
 - (a) *Unauthorised access to the site is prohibited.*
 - (b) *The owner of the site.*
 - (c) *The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).*
 - (d) *The name and contact number of the Principal Certifying Authority.*
27. *A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.*
28. *The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.*
 - (a) *The consent authority or a private accredited certifier must either:*
 - (b) *Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate.*

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During Construction

29. *Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.*
30. *Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.*
31. *Thirty one (31) off-street car parking spaces, together with access driveways and turning areas, shall be constructed, as shown on the approved plan.*
32. *Disabled parking shall be provided in accordance with AS2890.1-1993.*
33. *All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.*
34. *Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.*
35. *The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:*
36. *Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.*
37. *Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.*
38. *Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.*
39. *The floor of the internal WC shall be graded and drained to an approved floor waste.*
40. *Roofwater (including overflow from water storage) shall be drained to the street gutter. Drainage lines across the footpath shall be 100mm sewer grade pipe.*
41. *The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.*
42. *The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings. Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.*
43. *An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.*

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44. *An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, an certificate of the installation shall be provided prior to occupation of the building or addition.*
45. *All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.*
46. *A heavy duty layback and footway vehicular crossing 4m wide shall be constructed to the proposed Lots 1018 and 1019. The crossing shall be constructed in accordance with Hawkesbury development Control Plan Appendix E, Civil Works Specification.*

Prior to Issue of Occupation Certificate

47. *Compliance with all conditions of this development consent.*
48. *Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.*
49. *Necessary amenities and services shall be provided for the employees and visitors to the exhibition village. These amenities are to maintained until the use of the buildings cease as exhibition homes.*

Prior to Use of the Development

50. *No internal or external alterations shall be carried out without prior approval of Council.*
51. *Operating hours of the exhibition homes shall be limited to 9am to 5pm seven days a week.*
52. *No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.*
53. *The development shall be limited to the area shown on the submitted plans.*
54. *The subject development, including landscaping, is to be maintained in a clean and tidy manner.*
55. *Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.*
56. *The exhibition homes shall not be occupied for human habitation/residential purposes.*
57. *All waste materials shall be regularly removed from the property.*

Advisory Notes

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

Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

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The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited*
- (b) Integral Energy*
- (c) Natural Gas Company*
- (d) a local telecommunications carrier*

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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

ATTACHMENTS:

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: 167 **GM - Independent Pricing and Regulatory Tribunal of NSW - Revenue Framework for Local Government - Issues Paper - (79351)**

REPORT:

In May 2008, the Premier of NSW asked the Independent Pricing and Regulatory Tribunal of NSW (IPART) to assist the Department of Local Government (DLG) by conducting a review of the regulation of council rates and charges in NSW. The review will be undertaken under Section 9 of the Independent Pricing and Regulatory Tribunal Act 1992 (IPART Act).

A copy of the issues paper released by IPART can be viewed/obtained from the internet at <http://www.ipart.nsw.gov.au/files/Revenue%20Framework%20for%20Local%20Government%20-%20Issues%20Paper%20-%20July%202008%20-%20APD%20Website.PDF>

IPART is to investigate and make recommendations on the following three matters:

1. *an appropriate inter-governmental and regulatory framework for setting rates and charges that facilitates the effective and efficient provision of local government services*
2. *a role for IPART in setting rates and charges in future years*
3. *a framework for setting the charges levied by certain public authorities, such as Sydney Harbour Foreshore Authority (SHFA), Redfern Waterloo Authority (RWA), Sydney Olympic Park Authority (SOPA) and the Growth Centres Commission (GCC), to enable these authorities to recover costs for the provision of services that are normally provided by local government.*

The terms of reference require IPART, in undertaking this review, to have regard to a range of matters, including:

- The role of local government in delivering infrastructure and services to the community
- The current and future financial position of local government and the scope for efficiencies
- All the revenue sources available to local government
- The socio-economic impacts of rates and charges, including the ability of families and pensioners to meet their rate obligations
- Differences between metropolitan, regional and rural councils
- The findings of recent reviews of local government
- The matters in Section 15 of the IPART Act.

IPART is to provide a draft report to the Minister for Local Government by 13 May 2009, and a final report by 13 September 2009.

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As part of its review process, IPART will undertake extensive public consultation. IPART invites all interested parties, including councils, community groups and members of the public, to make submissions to this Issues Paper, which identifies the questions on which IPART particularly seeks comment. However, stakeholders are free to raise and discuss other issues they consider to be relevant to the terms of reference for the review. The closing date for submissions is 29 August 2008.

Indicative review timetable

Task	Timeframe
Release Issues Paper	14 July 2008
Receive public submissions	29 August 2008
Provide interim report (if required)	February 2009
Provide draft report to Department of Local Government	May 2009
Provide final report to Department of Local Government	September 2009

IPART's overall task in this review is to recommend a framework for regulating council rates and charges. In formulating its recommendation, IPART will need to assess the options for such a framework against the criteria for a good regulatory framework. IPART proposes that these criteria will include that the framework:

1. *promotes the effective and efficient provision of local government services*
2. *enhances the financial sustainability of local government*
3. *meets the standard principles for good regulation and taxation, including:*
 - (a) *efficiency*
 - (b) *equity*
 - (c) *simplicity*
 - (d) *transparency*
4. *enhances the accountability of local government.*

In undertaking this review, IPART considers that there are a number of key questions in relation to the regulation of local government revenues that it would like stakeholders to address. These key questions are listed below.

1. What is the role of local government and how is it determined?
2. How effective is rate pegging and what are the implications for councils and ratepayers?
3. What are the objectives for a regulatory framework for local government revenues?
4. How does the current regulatory framework for council revenue, or any alternative framework:
 - Promote the effective and efficient provision of services?
 - Enhance the financial sustainability of local government?
 - Meet the standard of principles for good regulation and taxation – efficiency, equity, simplicity, transparency?
 - Enhance the accountability of local government?
5. What role should IPART play in setting local government rates and charges, including charges for non-business activities?
6. Should IPART have a determinative role provided by legislation or should IPART's role be limited to making recommendations, if and when requested by the Minister?

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7. To what extent do government authorities - such as SHFA, SOPA, RWA and the GCCs - provide services that duplicate or overlap with those of local government?
8. What are the implications for local government rates where these authorities provide services normally provided by local government?
9. Should a common regulatory framework be introduced for these authorities?

In addition, throughout the Issues Paper IPART has identified a number of subsidiary issues. These issues are listed in Appendix E of the Issues Paper.

As a result of the release of the issues paper WSROC recently called a meeting of General Managers and Finance Directors/Chief Finance Officers from member councils to discuss the question of submissions to be made in response to the issues paper. This meeting was also attended by a representative of the Local Government & Shires Association of NSW (LGSA).

This meeting was advised that the LGSA was proposing to make a major submission to IPART and whilst it was indicated that some councils would be making individual submissions, due to particular circumstances, it was generally agreed that there would be significant advantage to councils facilitating and supporting a regional approach and submission on behalf of member councils by WSROC.

The meeting discussed the various matters raised in the issues paper and whilst these are numerous it was acknowledged that a significant part of the Issues Paper related to "options for alternate regulatory frameworks" referred to in the paper. The five options identified by IPART in this regard are:

"1. Retain existing rate pegging arrangements but:

- *Publish the economic indicators or indices to be used in determining the uniform rates cap to be applied across local government each year.*
- *Modify the special variations process to ensure that the mandatory criteria required to justify a Section 508 (2) or a Section 508A variation are published and that the process of application and approval is fully transparent and forms part of local government regulatory system.*
- *Leave all charges unregulated (except s 94 charges which are being dealt with separately under amendments to the NSW Planning and Assessment Act).*

2. Implement a more disaggregated form of rate pegging which incorporates cost indices relevant to each council (or groups of councils). This option would be as for option 1 but either:

- *Group councils based on specific criteria and calculate a rate peg specific to each grouping, or*
- *Framework for setting rates and charges levied by local councils*
- *Calculate a specific cap for each council based on specific criteria (eg cost structures, service dimensions).*

3. Reduce the scope of rate pegging to cover only local government revenue needed to fund operating expenditure and thus exclude capital expenditure from rate pegging (noting that operating expenditure should include some expenditure approximating asset depreciation). This option includes:

- *Leaving other fees and charges (except s 94 charges) largely unregulated as is.*

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- *Providing separate guidelines on operating and capital expenditure planning and pricing. These guidelines could require approaches to operational revenue raising, related expenditure, capital expenditure plans and costings, pricing policies and charges, depreciation policy and proposed funding options including debt financing and public private partnerships. A section on relationship of Section 94 plans to these guidelines could be included.*
 - *Modifying the special variation arrangements as described in Option 1 above.*
- 4. Maintain rate pegging power but promote greater freedom** by exempting individual councils from rate pegging subject to a mandatory demonstration of:
- *financial accountability and governance*
 - *financial sustainability*
 - *comparative efficiency and effectiveness indicators (including affordability and availability of local services and facilities)*
 - *ability to achieve the above objective criteria over a 10 year time frame through an approved and independently audited management plan. This audited plan could be tabled in Parliament and made publicly available. This option may require regulatory changes to current Management Plans prepared under the Local Government Act 1993 - Chapter 13, Part 2 Management Plans.*
- 5. Institute measures to enhance accountability to the local community and remove mandatory rate pegging.** *This option includes compulsory reporting on a comparable basis to enable comparisons between councils. Where councils fail to meet these criteria a default rate cap could apply. While IPART has included this option for discussion, it notes that the Minister for Local Government favours the continuing of rate pegging."*

It was generally acknowledged that local government's position in relation to rate pegging was that it should not be continued (option 5) and that any submission, both by WSROC or the LGSA, would continue to support this view, however, it was recognised that a submission would need to be prepared that had regard for the government's stated position of general support for the retention of rate pegging.

To facilitate this approach, it was agreed that the submission would refer to the past position on rate pegging whilst subsequently supporting a version of option 4, with the provision of some additional safeguards as outlined in options 1 and 2 to protect those councils that were not granted an exemption. This would result in an improvement, from local government's viewpoint, to the revenue framework currently in place.

As a result of the meeting, a process has been put in place to allow councils to have input into the formulation of the WSROC regional submission. As indicated previously, it is proposed that this submission will address the matters raised in the Issues Paper with appropriate emphasis being placed on the five options referred to above.

In view of the above it is suggested that it would be appropriate for Council to have input into and support the WSROC regional submission as distinct from lodging an individual submission.

Conformance to Strategic Plan

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

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

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Funding

Whilst the issue of an appropriate revenue framework for local government has potentially significant financial impacts for all councils the actual issue of a submission in respect of the IPART Issues Paper does not have a direct funding effect.

RECOMMENDATION:

That in respect of the Issues Paper released by the Independent Pricing and Regulatory Tribunal in relation to a "Revenue Framework for Local Government" that Council support those submissions being prepared by the Local Government & Shires Association of NSW and WSROC and also work with WSROC in relation to the regional submission being prepared by that organisation.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 168 **GM - Proposed 2010 Bicentenary Celebrations - (79351)**

Previous Item: MM1, Ordinary (8 April 2008)

REPORT:

At the meeting of Council held on 8 April 2008 a Mayoral Minute in connection with correspondence received from the Chairperson of the Lachlan and Elizabeth Macquarie Bicentenary Celebrations 2010 Committee concerning the proposed 2010 Bicentenary Celebrations was considered. A copy of this Mayoral Minute is included as **Attachment 1** to this report.

Subsequently, the Council resolved as follows:

"That:

1. *Council make representations to the Premier of NSW, the Hon M Iemma, Mr J Trevillian AM, CEO of the Australia Day Council and Deputy Director-General of the Premier's Department and Mr A Smith Deputy Director-General in order to:*
 - a) *Request the NSW Government to unequivocally endorse the Macquarie 2010 Bicentenary Celebration proposals.*
 - b) *Request the NSW Government to fund this most worthy project and establish an appropriate secretariat to administer the project.*
 - c) *Advise that the Macquarie 2010 Celebrations is an opportunity that should not be missed and an historic occasion that should not go unmarked by the Macquarie Towns and their people.*
2. *An amount of \$5,000 be included in Council's 2008/2009 budget to allow Council to provide support as appropriate associated with the planning of Macquarie 2010 Celebrations.*
3. *Ms M Sullivan, MA LLB, Chairperson of the Lachlan and Elizabeth Macquarie Bicentenary Celebrations 2010 Committee be advised of Council's actions in this regard.*
4. *A copy of this Mayoral Minute and details of Council's resolution be forwarded to other "Macquarie Town" councils.*
5. *The three Local State Members of Parliament be requested to support Council's representations in this regard."*

Appropriate representations have been made in accordance with Council's resolution and a response has been received, effectively in the same terms, from Mr A Smith in his capacity as Deputy Director General of the Department of Premier and Cabinet and on behalf of the Premier. This response was as follows:

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

A response from Mr J Trevillian AM has not been received to date but is likely to be in similar terms to the response received from Mr A Smith.

As indicated in the Mayoral Minute the proposed Macquarie 2010 Celebrations have considerable significance for not only this Council's area but also those other councils that encompass the "Macquarie Towns". As such, it would have been desirable for any celebrations undertaken to have been done on an overall coordinated basis rather than on an individual council-by-council basis. Unfortunately, it would appear that Council's representations have not, at this stage, assisted in facilitating such an approach.

Accordingly, it will now be necessary for the Council to consider what action it wishes to take to support any proposed 2010 Celebrations.

In this regard, it is acknowledged that there are a number of community groups interested in participating in and promoting 2010 Celebrations. Whilst the Council does not have sufficient resources to coordinate and/or run these events it may be appropriate for the Council to take a facilitation role in the establishment and functioning of a local community committee to become involved in the coordination of possible 2010 Celebrations activities and/or events.

If this were to be done it would need to be strongly emphasised that it was on the basis of Council playing a facilitation role to enable the community to appropriately celebrate the historical event. In playing this facilitation role Council may also take a participative role but this would only be in relation to events, if any, it actually proposed as part of the celebrations.

In order to commence this process it is suggested that Council should call a meeting of interested parties with a view to forming a "community committee" to plan and coordinate proposed 2010 Bicentenary Celebrations on the basis suggested above.

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Conformance to Strategic Plan

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

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

Funding

In accordance with Council's resolution of 8 April 2008, an amount of \$5,000 has been included in the 2008/2009 budget in support of activities associated with the planning of proposed Macquarie 2010 Celebrations.

RECOMMENDATION:

That in association with proposed Macquarie 2010 Celebrations the Council call a meeting of interested parties with a view to forming a "community committee" in accordance with Council's Community Engagement Policy to plan an approach to proposed celebrations on the basis, as outlined in the report in this regard, of the Council taking a facilitation role to enable the community to appropriately celebrate this historic event.

ATTACHMENTS:

AT - 1 Mayoral Minute to Council Meeting held on 8 April 2008

ORDINARY MEETING

Meeting Date: 12 August 2008

AT - 1 Mayoral Minute to Council Meeting held on 8 April 2008

Ordinary Meeting Agenda - 12 August 2008

REPORT:

I have received correspondence from, and recently met with, Ms M Sullivan, MA LLB, Chairperson of the Lachlan and Elizabeth Macquarie Bicentenary Celebrations 2010 Committee seeking Council's support in connection with proposals for celebrations in 2010.

It is understood that similar approaches are being made to other "Macquarie Town" councils with a request that representations be made to Mr J Trevillian AM, CEO of the Australia Day Council and Deputy Director-General of the Premier's Department and Mr A Smith Deputy Director-General and also to the Premier of NSW, the Hon M Lemma, in order to:

- a) Request the NSW Government to unequivocally endorse the Macquarie 2010 Bicentenary Celebration proposals;
- b) Request the NSW Government to fund this most worthy project and establish an appropriate secretariat to administer the project;
- c) Advise that the Macquarie 2010 Celebrations is an opportunity that should not be missed and an historic occasion that should not go unmarked by the Macquarie Towns and their people.

The proposed Macquarie 2010 Celebrations obviously not only have significance for this Council's area but also for those other councils that encompass the "Macquarie Towns". As such, it is suggested that any celebrations actually undertaken should be done so as an overall coordinated approach rather than on an individual council-by-council basis.

In an earlier submission to the Premier the Chairperson of the Lachlan and Elizabeth Macquarie Bicentenary Celebrations 2010 Committee made, in part, the following comments:

"The Macquarie 2010 Committee is experiencing a ground swell of interest and support from across metropolitan and regional NSW for a set of events during 2010 to commemorate the 200th Anniversary of the arrival of Governor Major-General Lachlan Macquarie and his wife, Elizabeth Campbell Macquarie, on 1 January 1810.

The bicentenary presents a wonderful opportunity for the whole of the community to reflect on its shared history and the legacy left by the Macquaries. This can be accomplished in many ways including through a series of events during 2010 and can be undertaken as part of our usual New Year (the day Macquarie was sworn in) and Australia Day celebrations.

The Macquarie 2010 Committee is fast gathering a great deal of support for marking this important event in our colonial history. The planning undertaken so far is quite extensive and most of New South Wales' major educational and cultural institutions are involved. Macquarie University is particularly involved as is The University of Western Sydney (the location of Mrs Macquarie's Female Orphanage) which has expressed support for the proposal."

In view of the potential significance of these celebrations it is suggested that Council should lend its support to the Committee by making the representations referred to earlier in this Mayoral Minute.

It is also suggested that an initial amount of \$5,000 should be included within Council's 2008/2009 budget to assist with any contingencies (such as a reception, assistance with external functions and activities, etc.) that may arise as a result of Council's support of these celebrations. Council would then be in a position to assess its involvement in the celebrations and make provision for any additional financial support that may be required as part of the 2009/2010 budget.

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RECOMMENDATION:

That:

- 1) Council make representations to the Premier of NSW, the Hon M lemma, Mr J Trevillian AM, CEO of the Australia Day Council and Deputy Director-General of the Premier's Department and Mr A Smith Deputy Director-General in order to:
 - a. Request the NSW Government to unequivocally endorse the Macquarie 2010 Bicentenary Celebration proposals;
 - b. Request the NSW Government to fund this most worthy project and establish an appropriate secretariat to administer the project;
 - c. Advise that the Macquarie 2010 Celebrations is an opportunity that should not be missed and an historic occasion that should not go unmarked by the Macquarie Towns and their people.
- 2) An amount of \$5,000 be included in Council's 2008/2009 budget to allow Council to provide support as appropriate associated with the planning of Macquarie 2010 Celebrations.
- 3) M/s M Sullivan, MA LLB, Chairperson of the Lachlan and Elizabeth Macquarie Bicentenary Celebrations 2010 Committee be advised of Council's actions in this regard.
- 4) A copy of this Mayoral Minute and details of Council's resolution be forwarded to other "Macquarie Town" councils.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 August 2008

CITY PLANNING

Item: 169 CP - Construction of premises - Commercial Development - Lot 121 DP 771719, Lot 3 DP 748866, Lot 100 DP 776172, Lot 103 DP 776172, Lot 1 DP 577444, Lot 2 DP 577444, 47 Bells Line of Road, North Richmond - (DA0750/07, 85782, 87967, 95498)

Development Information

Applicant: Urban City Consulting Pty Limited
Applicants Rep: Troy Myers
Owner: Botanica Property Developments Pty Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No. 20 (No. 2) - Hawkesbury Nepean River
State Environmental Planning Policy No. 11 - Traffic Generating Development
State Environmental Planning Policy No. 55 - Remediation of Land
Area: 2640.7m²
Zone: Business General 3(a) under Hawkesbury Local Environmental Plan 1989
Advertising: Not required under Hawkesbury Development Control Plan
Date Received: 5 November 2007

Key Issues:

- ◆ Bulk and Scale
- ◆ Car parking
- ◆ Access
- ◆ Use of Council Carpark for Access
- ◆ Removal of trees
- ◆ Land and Environment Court Appeal - Proceedings No. 10298 of 2008 - Deemed Refusal

Recommendation: Refusal

REPORT:

Introduction

This development application seeks approval for the construction of a retail-commercial development (Supermarket) at 47-53 Bells Line of Road, North Richmond. The development relies on access from Riverview Street via the Council car park.

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 application is being reported to Council as it involves Council Land.

Land and Environment Court Appeal

A Class 1 Appeal has been lodged to the NSW Land and Environment Court (Appeal No 10298 of 2008) under Section 97 of the Environmental Planning and Assessment Act, 1979, as amended against Council's deemed refusal of the development application. A conciliation conference under s34 of the Land and Environment Court Act 1979 is scheduled on-site for 20 August 2008. The conciliation conference will be conducted by a Commissioner of the Court and will include two phases.

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In the first phase the parties will endeavour to agree, resolve or reduce issues. If total agreement is reached at this stage then the Court will be asked to make orders by consent.

If the parties remain at issues at the end of the conciliation stage then the Commissioner can proceed to hear and determine the matter at that point, if the parties wish him to do so.

If, however, either of the parties does not want the matter determined at that point then the Commissioner simply files a report of the conference generally and the matter goes back to the Court for a hearing date to be fixed in due course.

Council's Solicitors have advised that the Council officers attending the conference "*have the appropriate delegations from Council to conciliate and also to make decision at the conclusion of the conciliation phase as to whether or not the Commissioner is to be permitted to hear and determine the matter to finality at that point.*"

Background

The subject site has a previous development application No. 0488/04 approved in 2005 for the construction of a mixed use development comprising 32 residential units, 6 shops used for retail/commercial activities, 99 basement car parking spaces and the demolition of existing buildings including the heritage item.

The heritage item has been demolished.

The current Development Application 0750/07 was submitted to Council on 5 November 2007.

The Proposal

The development application seeks approval for the following:

1. Construction of a single storey retail - commercial building comprising a total floor area of 1898.18m². The building is to be occupied by Franklins Supermarket.
2. Provide roof top car parking for 58 vehicles.
3. Remove two trees within Council's car park and undertake necessary works for the construction of vehicle access and manoeuvring within the carpark.

Vehicular access for the development is from the rear, across Council's car park which has access off Riverview Street. The manoeuvring area for service vehicles is also proposed on Council's land. This land is currently used as a pedestrian access way between the subject land and the Bendigo Bank leading to Council's car park adjacent to a commercial development to the south east of the subject land (Coles development). Both the Council car park and service vehicle manoeuvring area are classified as Community Land under the provisions of the Local Government Act.

The building is proposed to be constructed on a 1.5m setback to Bells Line of Road, and a nil setback to all other property boundaries. Main pedestrian entrance to the building is via the Council car park. Vehicular access to the roof top car parking is along the south western boundary of the site. The loading bay is located along the south eastern corner of the building. No direct access, apart from emergency exits, is available from Bells Line of Road.

The proposed building will be constructed of concrete tilt up panels with cement rendering applied to the walls. Aluminium framed glazed windows and entry doors and metal framed awning structure at the entrance are provided.

Description of the Site and Surrounds

The site is within the Business General 3(a) zoned land and is located on the south eastern side of Bells Line of Road near its intersection with Grose Vale Road, North Richmond. The site is rectangular in shape

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having a 60.93m street frontage to Bells Line of Road and a depth of 43.34m with a total land area of 2640.7 sqm.

The site is currently vacant. It is located in the vicinity of old Police Station Building which is a heritage item under Hawkesbury Local Environmental Plan 1989. The surrounding area is characterised by a mixture of residential, commercial and industrial development consisting of single and two storey buildings. A single storey commercial building comprising four shops is being constructed on the adjoining land to the south between the subject site and the old Police Station.

Community Land

Vehicular and pedestrian access for the development is from the rear across the Council's car park. The manoeuvring area for service vehicles also uses Council's car park. The car park is zoned Business General 3(a) and is classified as 'Community' Land under the Local Government Act 1993.

Under the Community Land classification, Council is unable to legally issue any rights of carriageway for access purposes until such time as the land classification is changed from Community to Operational. Council is in the process of preparing a Local Environmental Plan for Hawkesbury Local Government area and the matter of classification of this and other lands is being addressed in the conversion of the current LEP to the Standard Template LEP.

Planning Assessment

1. Section 79C Matters for Consideration

In determination of the application, Council is required to take into consideration the following matters:

- (a) the provisions (where applicable) of:
- (i) **any Environmental Planning Instrument:**

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

- Hawkesbury Local Environmental Plan 1989.
- Sydney Regional Environmental Plan No 20 (No2) - Hawkesbury Nepean River.
- State Environmental Planning Policy No 11 – Traffic Generating Development.
- State Environmental Planning Policy No 55 – Remediation of Land.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The land is zoned Business General 3(a) under the provisions of HLEP 1989. Clause 9 of HLEP 1989 provides that commercial development constitutes a permissible development within the zone subject to the development being consistent with the zone objectives detailed under Clause 9A.

Clause 9A – Zone Objectives

The zone objectives listed under Clause 9A are detailed as follows:

- (a) *To promote the development and expansion of business activities to meet the optimum employment and social needs of the City of Hawkesbury.*

Comment: The proposed development is considered consistent with this objective.

- a) *To permit non-commercial development within the zone where such development is compatible with the commercial character of the locality.*

Comment: The proposal is not for a non-commercial development.

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(c) *To ensure that there is adequate provision for car parking facilities within the zone.*

Comment: The proposed development does not provide the required on-site car parking under Hawkesbury Development Control Plan. Whilst the site is adjacent to a public car park, off-setting car parking for private developments and use of public car parks is not considered appropriate. This zone objective is considered to be satisfied for reasons indicated later in the report.

(d) *To minimize conflicts between pedestrians and vehicular movement systems within the zone.*

Comment: This zone objective is not satisfied as the proposed development would result in vehicular-pedestrian conflict. The proposed manoeuvring of service vehicles is on the adjoining Council land which is currently used as a pedestrian link between the car park and the adjoining shops to the south east which is likely to cause conflict and may impact on pedestrian safety.

(e) *To preserve the historic character of the City of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.*

Comment: The proposed development is separated from the existing old Police Station building, which is an item of heritage significance under Schedule 1 of Hawkesbury Local Environmental Plan 1989, by a commercial and retail development currently under construction. The proposal is considered to have minimal additional impacts on the setting of the heritage item.

Other relevant Clauses applicable to the proposed development

Clause 18 - Provision of water, sewerage etc services

The provisions of Clause 18 require that a site have satisfactory access to water, sewerage and electricity services. It is considered that the site benefits from a range of services. The application fails to provide adequate drainage. Further comments on this matter are provided later in this report.

Clause 22 – Development fronting a main or arterial road

This Clause applies as Bells Line of Road is a main road. This Clause requires Council to have, in addition to the matters specified in Section 79C(1) of the Act, regard to the following principles:

(a) *Development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing scenic character of the locality.*

Comment: There is little scenic merit of the site and the locality at the moment with the exception of the existing heritage old Police Station building in the vicinity of the site. The proposed building, due to its siting and design and especially due to the development on the adjoining land, is unlikely to further deteriorate the existing scenic character of the locality.

(b) *Development should not generate significant additional traffic or create or increase ribbon development directly along a main or arterial road, relative to the capacity and safety of the road.*

Comment: Access to the proposed development, for pedestrians and both cars and service vehicles, is off Riverview Street through Council's car park. Whilst the development will increase traffic in the area, it is considered that Bells Line of Road has sufficient capacity to accommodate the additional traffic generated by the proposed development.

(c) *Any building should be sited and designed to be of an appropriate scale, so as to maintain the character of the area, to minimise disturbance to the landscape, not to intrude into the skyline and to maintain an overall pattern of building development that is consistent with the character of the area.*

Comment: The proposed development envisages a building form of 7m to 10m height fronting the main road with front setbacks consistent with the adjacent developments. The height and bulk of the building is considered not to be inconsistent with other developments in the area.

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- (d) *Any building should be set back, from the nearest alignment of the main or arterial road, the distance to be determined by Council having regard to:*
- (i) *the nature, scale and function of the building;*
 - (ii) *sight distances for drivers;*
 - (iii) *minimisation of driver distraction;*
 - (iv) *future road alignments.*

Comment: The building is setback between 1.5m and 7m. The proposed setbacks will have minimal impact on sight distance for drivers, driver distraction or any future road alignment.

- 4) *Direct vehicular access from any land to a main or arterial road is prohibited. However, if, in the opinion of the Council, there is no reasonable alternative access to the land from another road, the Council may consent to access to a main or arterial road if such access will be located and designed so as to minimise potential traffic hazards.*

Comment: Access to the proposed development is not from Bells Line of Road.

Clause 28 – Development in the vicinity of Heritage Items

This clause requires an assessment of the effect of the proposed development on the heritage significance of the item that is nearby the proposed development. The proposal is in the vicinity of a former Police Station building which is a heritage item and therefore the impact of the development on this building is required to be assessed. This is discussed in the subsequent sections of this report.

Clause 37A – Development of land identified on Acid Sulphate Soils Planning Map

The provisions of this clause require an assessment of the impact of a development on land situated on soils having acid sulphate characteristics. The site is within an identified acid sulphate locality and is Class 5 Land. An appropriate condition can be included to carry out acid sulphate assessment should the application be approved.

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

Sydney Regional Environmental Planning Policy (SREP) 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Given the nature of the proposed development and the minimal environmental impact associated with the proposal, it is considered that the development is consistent with the aims and objectives of the Plan.

State Environmental Planning Policy No 11 – Traffic Generating Development.

This development application was received in November 2007. As such, the provisions of SEPP 11 rather than the SEPP (Infrastructure), which commenced 1 January 2008, apply to this application. In accordance with this policy the application was referred to the Roads and Traffic Authority (RTA) for their consideration. Comments from the RTA were received in a letter dated 15 April 2008 for Council's consideration in determining the application. These comments require the following additional works to be carried out by the RTA both at the intersection of Grose Vale Road and Bells Line of Road and also on the two roads.

- "1. *The intersection of Bells Line of Road and Grose Vale Road is currently operating at capacity during various periods throughout the day. Its current layout and the proposed development will only exacerbate the problem and increase congestion at this intersection. The RTA is also aware of the proposal for future land releases in the North Richmond area within the vicinity of this intersection which would further increase congestion. Therefore major intersection works are required to accommodate existing and future traffic flows.*

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- *Upgrading to improve capacity and efficiency in signal operations at the intersection could include:*
 - *Provision of exclusive left turn slip lane from Grose Vale Road into Bells Line of Road.*
 - *Provision of two exclusive right turn bays FROM Grose Vale Road into Bells Line of Road and one designated through lane.*
 - *Increase the two east bound storage capacity in Bells Line of Road.*
 - *Provision of two through westbound lanes in Bells Line of Road including 100m of departure and merge, west of the intersection.*
 - *Acquisition of land for the above works.*

The RTA has also provided additional comments and its requirements which can be included as conditions of consent should the application be approved.

The current development was not referred to the Local Traffic Committee. The previous development application DA0488/04 for the construction of a mixed use development on the subject land was, however, considered by the Committee at its meeting on 18 May 2005. That development also relied on the Council car park for access. The Committee made several recommendations including the provision that there was to be "*nil net loss of parking spaces within the car park;*"

The current application is inconsistent with the above recommendation as it will result in the loss of one public car parking space within the Council car park. This issue is discussed later in the report.

State Environmental Planning Policy No 55 – Remediation of Land.

The policy requires development to comply with certain standards and that land be investigated if contamination is suspected. There should be an assessment undertaken however this can be covered by a condition of consent.

(ii) Any Draft Environmental Planning Instrument that is or has been placed on exhibition

There are no draft planning instrument which affect the subject land.

(iii) Any Development Control Plan in force under Section 72:

Hawkesbury Development Control Plan 2002

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

Car Parking and Access

Car Parking

The proposal provides a total of 1898.16sqm of retail/commercial floor space. Based on Council's requirement of 1 space per 30 sqm of gross floor area (GFA), 64 spaces are required. It is proposed to provide 58 rooftop car parking spaces which leaves a shortfall of 6 car parking spaces.

The Traffic Impact Assessment (TIA) accompanying the application has provided the following reasons in support of the shortfall in the required car parking spaces:

- *The subject development requires 64 car parking spaces whereas the development provides for 58 car parking spaces.*
- *The removal of tree within the car park would allow to create two additional car spaces within the car park and therefore the shortfall as a result of the proposed development would be 4 spaces.*

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- *The TIA argues that the shortfall is considered to be relatively minor in the context of the development as it is considered likely that there will be a high proportion of mixed use trips associated with the customers combining trips to the site with existing trips to the adjoining retail shopping centre and there would be reasonable rationalisation for a minor parking shortfall within the subject site.*
- *The parking demand surveys of the Council car park area undertaken during the peak shopping period indicated that the Council car park is significantly under utilised and there are a minimum of 48 unoccupied car spaces during the peak operation period of the development. The car park therefore has ample capacity to accommodate 4 space parking shortfall associated with this development.*

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 impact on existing car parking in the area. In addition car parking standards are designed to control the bulk and scale of the development.

The applicant proposes to provide 58 car parking spaces at the rooftop level. The shortfall in on-site car parking remains at 6 spaces as the two additional car parking spaces referred to in the TIA are on Council land and should not be counted towards reducing the shortfall in on-site car parking for the proposed development. In fact the number of car parking spaces in Council's Car park would reduce by at least one space due to the reconfiguration of car parking spaces along the northern boundary to allow for the vehicular access to the proposed development. The reconfiguration would also reduce the disabled car parking spaces from 2 to 1. As such, there is no net gain in parking spaces on the Council carpark.

In accordance with the Hawkesbury DCP objectives on car parking, new development is to make provision for off-street car parking to cater for the needs of the residents, visitors, employees and service vehicles. The DCP also notes that in determining the provision of on-site car parking, Council will take into account (in part):

- *The size and type of development and its traffic generation*
- *The availability and accessibility of public car parking spaces.*

The development is located immediately adjacent to a public car park. The area around the North Richmond Shopping Village is undergoing changes with the existing properties being redeveloped for more intensive land uses. Whilst there may be some spare capacity available within the public car parks in the locality at the present time, the cumulative impact of off-setting car parking for private developments and increased reliance on public car parking would ultimately result in the shortage of car parking in the area. In addition, accepting the shortfall would set a precedent for other future developments in the area. As previously stated the objective of the car parking control is to control the bulk and scale of the development, the proposal with a shortfall of 6 car parking spaces is considered to be an over development of the site and is not supported.

Access Via Council Car Park and Manoeuvring Area

Vehicular and pedestrian access to the site is proposed to be provided from Riverview Street via the existing Council car park. It is proposed to utilise the existing car park entrance located on Riverview Street which is approximately 8m metres wide at the kerb and reduces to an approximate 6 metre wide aisle within the car park. Access to the rooftop car parking area will be provided via an access ramp located to the southwest side of the building which is connected to the Council car park through a vehicular access driveway. A loading dock is proposed to be provided within the southern corner of the building. Access to the loading area is also via the Council car park with the manoeuvring area for the loading bay located on public (Council) land.

The development application initially proposed Large Rigid Vehicles for deliveries to the supermarket. This required substantial modifications of the car park and an estimated loss of 15 public car parking spaces. Amended plans and traffic report has now been submitted which show a Medium Rigid Vehicle turning template accessing the service bay. A letter has also been submitted from Franklins which states that "Franklins would be able to use 8.8m rigid vehicle".

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The changes to the size of delivery vehicles has reduced the impact on the car park requiring minor works to the car park entry. The loss of public car parking spaces within the car park will now be one space only which is not unreasonable.

Should the application be approved a condition of consent would be required that limits deliveries to the development by Medium Rigid Vehicles.

In regards to the use of adjoining land (Council owned land used for pedestrian link to the shops from the car park) for manoeuvring of service vehicles, it is noted that the manoeuvring areas for private developments are required to be on-site as a general rule as the DCP does not encourage manoeuvring on public roads. The use of adjoining land for manoeuvring of service vehicles is considered to be an over development of the site and contrary to the provisions of the DCP. In addition, it would give rise to heavy vehicle and pedestrian movement conflicts and therefore pedestrian safety is likely to be compromised. Council has consistently required all other developments in the area to provide manoeuvring of service vehicles on site and on that basis the proposed use of public land for manoeuvring is not supported.

Community Consultation

The development application does not require notification under Notification Chapter of Hawkesbury Development Control Plan. However one submission was received on behalf of the owners of ICA property (Development Fund No. 3 Pty Ltd) who own land at No. 6 Riverview Street, North Richmond which comprise Coles Supermarket and associated retail shops. The issues raised in the submission are outlined below and addressed within this report:

- Adverse economic impact.
- Prohibited development as the development relies on access from Council's car park which is Community Land and Council has no power to entertain an application of this type.
- Sterilisation and isolation of Council-owned land.
- Non-compliance with zone objective (b), (c) and (d) of Business General 3(a) zone.
- Inconsistent with Clause 22 of Hawkesbury Local Environmental Plan 1989 - Development Fronting Main or Arterial Road.
- Non-compliance with Hawkesbury Development Control Plan - Part C - Chapter 1 – landscaping.
- Non-compliance with Hawkesbury Development Control Plan - Part C - Chapter 1 - 2 - Car Parking and Access.
- Non-compliance with Hawkesbury Development Control Plan - Part C - Chapter 3 - Signs.
- Traffic impact.
- Insufficient car parking.
- Concerns on use of public land for loading/unloading bays.
- Amenity Impact - noise on adjoining residential area.
- Concern with the removal of trees on public land.
- Overdevelopment of site.

Planning Assessment

Context & Setting

The existing built character of the North Richmond commercial precinct and adjacent industrial and residential land primarily consists of single and two storey development. The proposed development envisages a building form of between 7m to 10m which is acceptable considering other developments in the area.

In regards to street presentation, it is noted that the adjacent development on both sides of Bells Line of Road have formal shop fronts and entries fronting Bells Line of Road. However, the proposal presents the rear of the supermarket to the street with a large expanse of blank wall with no glazing, shopfront or pedestrian entry to the road. The development essentially turns it's back on Bells Line of Road and provides only large signage along the main road. In order to compensate for the lack of formal shop front, the applicant has amended the façade treatment by incorporating different colours, materials and finishes to the Bells Line of Road frontage. In addition, the size of the proposed signage has also been reduced to

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make it less intrusive. Given that North Richmond is developing into a main centre for the locality, it is considered that developments of this type should be required to consider streetscape and design matters appropriately and be expected to provide a more pedestrian friendly façade to the road frontage.

Heritage

The site is located in the vicinity of a heritage item, the old Police Station on 39 Bells Line of Road.

Council's Heritage Advisor provided the following comments on the original proposal:

"The proposed development has the potential to impact adversely on the former Police station and to this effect the proposed new supermarket is of style (form, bulk, colour, siting) that would diminish the setting of the Police Station. Of course the setting has already changed and it will continue to change. Nevertheless I would recommend several design changes including greater setback, to minimise impact."

In response to the above comments the applicant has submitted a Statement of Heritage Impact Assessment. This report concludes that the proposed Franklins development is appropriate in terms of its potential heritage impacts, particularly in light of the existing and emerging character of the area in which it is to be located.

The amended plans and the Statement of Heritage Impact were reviewed by Council's Heritage advisor and provided the following additional comments:

"Taking into account the approved & partly constructed development between this proposed development and the adjoining heritage item (Former Police Station) I feel that the setback as shown on the design proposal drawings would be acceptable, and that the potential impact on the heritage item would be largely screened and therefore low. I would not raise any other concerns."

The subject site is not directly adjoining the heritage item. The siting of the building in its current form is considered to have no significant impacts on the setting of the old Police Station building.

Tree Removal

The large palm trees at the front of the site are to be incorporated into the development and it's landscaping. The proposal is to remove two forest Red Gum trees, one located outside the Bendigo bank within the pedestrian way to the car park and the other within the car park. Both the trees are located on Council land.

The application provided an Arborist Report. The report recommends to remove these trees due to their location within the building envelope including on-site stormwater detention and are unable to be retained.

The Eucalyptus tree near the Bendigo Bank is not a good specimen and could be removed. Whilst the tree located near the proposed car park entry contributes to the landscape quality of the area, the close proximity of the tree to proposed building works is likely to have adverse impacts on the health and integrity of the tree and therefore no objection is raised to its removal subject to planting of replacement trees in the area. A condition of consent requiring replacement trees can be included, should the application be approved.

Suitability of the Site

The subject land is zoned Business General 3(a) under Hawkesbury Local Environmental Plan 1989 which permits commercial and retail development with Council's consent. Due to its location on the main road in close proximity to the intersection with Grose Vale Road, the RTA has not supported access off Bells Line of Road. The development therefore must rely for access on the Council car park.

Council previously granted approval to a mixed use development on the subject land which relied on the Council car park for access (However, it should be noted that Council does not have the power to grant

formal access over Community Land). The commercial component comprised six individual retail tenancies. In regards to service vehicles the maximum size of vehicles required to service the site were small rigid vehicle (7.1m Length) and the RTA also allowed egress of service vehicles onto Bells Line of Road.

However, the proposed development now proposes a supermarket which by nature of its operation requires a specific building footprint, internal and external form, car parking and service vehicle requirements. The proposal requires Medium Rigid Vehicles to service the site. Whilst the use of Council Land for temporary access may be acceptable (Council does not have the power to grant formal access over Community Land), the manoeuvring of service vehicles on Council land would result in significant impacts and loss of amenity for car park users and pedestrians and require the imposition of unnecessary encumbrances on public land. It is acknowledged that the site is zoned for commercial development, however it is considered not to be suitable for the development as proposed.

Construction

The proposed development would result in a short term disruption to the operations of Council's car park.

Economic Impacts

The submission received raises issues in regards to economic effect of the development and that the application does not provide any economic impact assessment with the application. The adjacent development comprises retail shopping including a Coles Supermarket. The use of the site for a Franklins Supermarket will result in a variety and choice of grocery shopping in the area. Further development of the business zoned land for retail/professional purposes is essentially a commercial decision of the proponent. The proposed development is not likely to have a negative economic impact for the community in terms of employment generation and income both during the construction phase and use of the site.

Signage

The proposal includes two signs on the building façade facing Bells Line of Road. These signs will be within a metal frame each having dimensions of 2m x 8m. The actual lettering will have dimensions of approximately be 0.7m X 3m. These signs are proposed to be used as a design feature to mitigate the large expanse of wall area.

The proposed signage is defined as Business Identification Sign under the State Environmental Policy No 64 - Advertising and Signage. Under SEPP No.64 Part 2 Signage Generally,

"A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3(1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1."*

The applicant has provided assessment of the proposed signage in accordance with the criteria contained in Schedule 1 of the policy to demonstrate compliance.

An assessment of the proposed signage has been carried out in accordance with Schedule 1 of SEPP 64 which indicates that the scale of the signage is not considered to be excessive relative to the size and nature of the host building and is not considered to be offensive to the adjacent commercial or industrial zones. The proposed signage allows for effective communication displaying the corporate logos and identifying the building. The signage is therefore considered to be consistent with the provisions of SEPP 64.

(b) The suitability of the site for the development:

The site is suitable for a commercial development, however, the physical constraints are such that it is not considered suitable for development for the purposes of a supermarket.

(c) Any submissions made in accordance with this Act or the Regulations:

One submission was received in relation to this development application and the issues raised in the submission have been discussed previously in this report.

(d) The public interest

For the reason outlined above the proposal is considered not to be in Public interest.

Conclusion

The site is highly constrained due to its frontage to the main road and therefore relies for access on the adjoining Council's car park which is Community land. Fundamental to the development is the reclassification of Council land from Community to Operational, impact on the operations of the public car park, reliance of the development on Council land to offset car parking and for manoeuvring of service vehicles and the shortfall in on-site carparking. For the development to proceed these constraints must be satisfactorily resolved prior to support being obtained.

Given the above matters, the development in its current form is considered to be an over development of the site. It is also considered contrary to the public interest and therefore not supported.

RECOMMENDATION:

That the development application DA0750/07 for the construction of a commercial building to accommodate Franklins Supermarket on Lot 121 DP 771719, Lot 3 DP 748866, Lot 100 DP 776172, Lot 103 DP 776172, Lot 1 DP 577444, Lot 2 DP 577444, 47 Bells Line Of Road North Richmond be refused for the following reasons:

1. There is no appropriate access available to the site as the proposed access to the development is from Council's car park which is Community Land and under the provisions of the Local Government Act 1993 Council has no powers to grant formal access for a private development.
2. The proposal is inconsistent with objectives (d) of the 3(a) (Business General) zone contained in Clause 9A of Hawkesbury Local Environmental Plan 1989 in that the proposal would have an adverse impact on the current use of the Community Land as car park and on the adjoining public lane because its proposed manoeuvring and loading area would unduly impact upon the current car park and adjoining community land and adversely impact on safe pedestrian usage and amenity.
3. The proposal is considered an overdevelopment of the site as it fails to provide on-site car parking in accordance with the requirements of Hawkesbury Development Control Plan Part C - Chapter 2 – "Car Parking and Access".
4. The proposal is considered an overdevelopment of the site as it fails to provide on-site service vehicle areas in accordance with the requirements of Hawkesbury Development Control Plan Part C - Chapter 2 – "Car Parking and Access".
5. The proposal is not considered to be in the public interest having considered the impacts of the development on Community Land.

ORDINARY MEETING

Meeting Date: 12 August 2008

ATTACHMENTS:

- AT - 1** **Locality Plan**
- AT - 2** **Site Context Plan**
- AT - 3** **Floor Plan - Ground Floor**
- AT - 4** **Floor Plan - First Floor Car Parking**
- AT - 5** **Elevations**
- AT - 6** **Elevations**
- AT - 7** **Landscaping Plan**
- AT - 8** **Plan with Turning Paths**

ORDINARY MEETING

Meeting Date: 12 August 2008

AT - 1 Locality Plan

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

ORDINARY MEETING

Meeting Date: 12 August 2008

AT - 2 Site Context Plan

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

ORDINARY MEETING

Meeting Date: 12 August 2008

AT - 3 Floor Plan - Ground Floor

**To View This Image,
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ORDINARY MEETING

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AT - 4 Floor Plan - First Floor Car Parking

**To View This Image,
Please Refer to the Separate
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ORDINARY MEETING

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AT - 5 Elevations

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ORDINARY MEETING

Meeting Date: 12 August 2008

AT - 6 Elevations

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Attachments Document (Maps)**

ORDINARY MEETING

Meeting Date: 12 August 2008

AT - 7 Landscaping Plan

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

ORDINARY MEETING

Meeting Date: 12 August 2008

AT - 8 Plan with Turning Paths

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 August 2008

INFRASTRUCTURE SERVICES

Item: 170 **IS - Argyle Bailey Memorial Reserve Plan of Management - (79354)**

Previous Item: 58, Ordinary (27 March 2007)

REPORT:

In April 2004, an application was made to the Metropolitan Greenspace Program for a grant of \$25,000, to fund a Plan of Management/Master Plan and continued rehabilitation works (bush regeneration) for the Argyle Bailey Memorial Reserve. This application was successful and a consultant was subsequently engaged to develop the Plan.

As part of the community consultation process, a community meeting/workshop was held on 27 September 2006. Residents were notified by way of advertisements in the Hawkesbury Independent and Gazette, and correspondence forwarded to adjoining landowners, residents with a licence to pump from the Reserve and other key stakeholders. Unfortunately, attendance to the community meeting was disappointing, with only one person attending to provide input into the Plan of Management.

The Draft Plan of Management and Draft Master Plan for Argyle Bailey Memorial Reserve (Ebenezer Church Reserve) is now complete. In accordance with the Crown Lands Act, the proposed plans were placed on Public Exhibition for a period of 28 Days, commencing Wednesday, 4 April 2007.

At the end of the exhibition period no correspondence was received in relation to the draft Plan of Management and draft Master Plan and it is therefore recommended that the Plan of Management and Master Plan be adopted.

Conformance to Strategic Plan

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

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

Funding

Future improvements to the Reserve are proposed to be funded from the Park Improvement Program, Section 94 funds and Grants depending upon funding availability.

RECOMMENDATION:

That the Argyle Bailey Memorial Reserve Plan of Management, including Landscape Master Plan, be adopted.

ATTACHMENTS:

AT - 1 Argyle Bailey Memorial Reserve (Ebenezer Church Reserve) Draft Plan of Management, including Landscape Master Plan - (*To be distributed under separate cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 August 2008

SUPPORT SERVICES

Item: 171 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 year ended 30 June 2008.

	Income	Expenses	Surplus / (Deficit)
Operating	\$744,009	\$774,162	(\$30,153)
Capital	\$266,903	\$167,663	\$99,240
Total	\$1,010,912	\$941,825	\$69,087

HSC has reported an operating loss for the year ended 30 June 2008 of \$30,153. The remaining capital program funding of \$99,240 is planned to be spent in 2008/09. Overall, the current financial position is in line with expectations and HSC's balance sheet remains healthy as at 30 June 2008.

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

Council's funding allocation from general funds for 2007/2008 to HSC was \$803,838, which included \$225,994 for Capital works.

HSC's report is as follows:

"Over the last 12 months the following projects have been undertaken by HSC: -

1. Installation of bores, tanks and associated irrigation lines at Woodlands Park and Tamplin Field.
2. Extensions to amenities facilities at Woodbury Reserve.
3. Additional floodlighting at Colbee Park.
4. Installation of a synthetic wicket at Colonial Reserve.
5. Upgrade of cricket nets at Bounty Reserve and Woodlands Oval.
6. Purchase of a shelter shed for Peel Park.
7. Commencement of the extensions to the amenities building at Deerubbin Park.
8. Fencing the entire length of Cornwalls Road at Deerubbin Park.
9. Fencing of Dight Street at Icely Park.
10. Fencing of the soccer goal mouth at Icely Park.
11. Additional lighting and security lighting at Berger Road soccer fields.
12. Security lighting at Bensons baseball.
13. Drainage works at Owen Earle Oval.
14. Gypsum treatment of Woodbury Reserve.
15. Installation of additional bollards and the construction of a garbage compound and a retaining wall at Woodbury Reserve.

ORDINARY MEETING

Meeting Date: 12 August 2008

During 2008/2009 HSC is planning to carry out the following works: -

1. Completion of the extensions to the amenities building at Deerubbin Park.
2. Erection of the shelter shed for Peel Park.
3. Upgrade of floodlighting at Icely Park
4. Upgrade of floodlighting at Turnbull Oval.
5. Construction of the cricket storage area at McQuade Oval."

(Information supplied by Anne Neal from HSCI)

Conformance to Strategic Plan

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

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

Funding

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: 12 August 2008

CONFIDENTIAL REPORTS

**Item: 172 SS - Property Matter - Lease to Daniel Naethuys and Rebecca Gee - Shop 6
Glossodia Shopping Centre - (102921,38869, 95496) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 12 August 2008

Item: 173 **SS - Property Matter - Lease to New South Wales Fire Brigade for Road Reserve - Cnr of March and Paget Streets, Richmond - (95496, 74076) CONFIDENTIAL**

Reason for Confidentiality

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

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

ORDINARY MEETING

Meeting Date: 12 August 2008

Item: 174 **SS - Property Matter - Lease to Mr Stephen Hill trading as "Richmond Trophies" - 139 March Street, Richmond - (98759, 95496) CONFIDENTIAL**

Reason for Confidentiality

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

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ordinary
meeting

end of
business
paper

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