



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 01 February 2011

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 Acting Manager Corporate Services and Governance on 4560 4426 or by email at nspies@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.

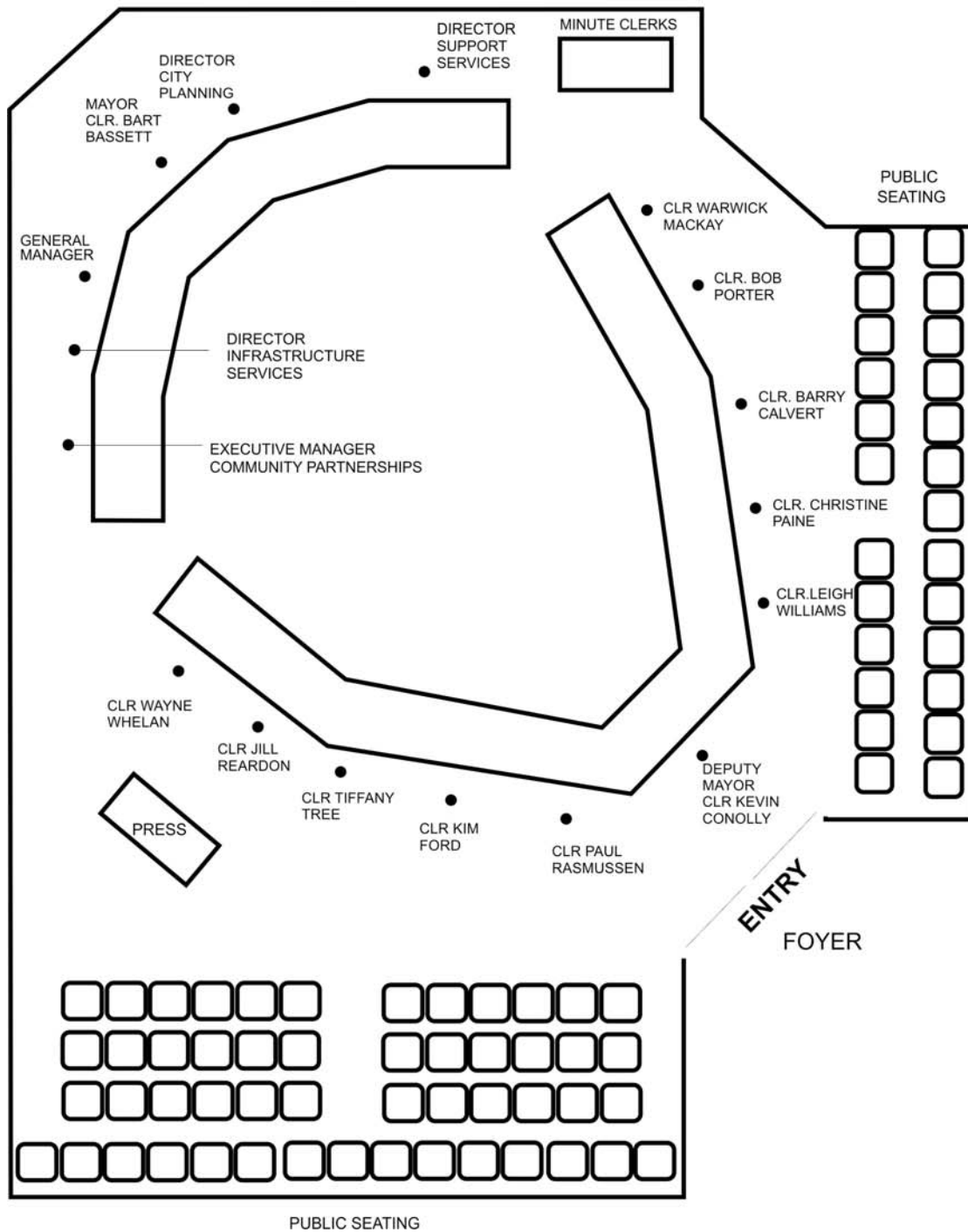
Website

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.

council chambers



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SECTION 1 - Confirmation of Minutes

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Notices of Motion

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Notices of Motion

SECTION 3 - Notices of Motion

NM1 - Release of Flood Free Land in Vineyard Area - (80093)

Submitted by: Councillor Calvert

NOTICE OF MOTION:

That in view of Council's previous support for the early release of land in the Vineyard area for residential subdivision Council write to the candidates for the seats of Hawkesbury, Riverstone and Londonderry and ask them to commit in writing to facilitating the release of all flood free land in the Vineyard area for residential subdivision before the end of 2014.

BACKGROUND:

On several occasions in the last four years, Hawkesbury City Council has declared that it supports the early release of the land in the Vineyard area for residential subdivision. The general understanding is that possible subdivision of the Vineyard area has been delayed by the NSW Government's decision to effectively freeze development at Vineyard by placing the area within the North West Growth Sector Plan. A number of resolutions have been put forward by this Council urging the NSW Government to allow this residential subdivision to occur as quickly as possible.

This Notice of Motion requests that because of Council's strong and consistent position on this matter, Council write to the candidates for the seats of Hawkesbury, Riverstone and Londonderry and ask them to commit in writing to facilitating the release of all flood free land in the Vineyard area for residential subdivision before the end of 2014.

The letters to the candidates are to be sent before 10 February 2011, with a response requested before 28 February 2011.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

**NM2 - Removal of Garbage from Queensland Flood Relief Appeal at Australiana Pioneer Village -
(80104)**

Submitted by: Councillor Paine

NOTICE OF MOTION:

That in view of the unprecedented nature of the disaster Council provide financial assistance towards the removal of garbage from the fund raising event to aid the Queensland Flood Relief Appeal being organised by Glossodia resident Kate Watson at the Australiana Pioneer Village on Saturday, 19 February 2011 and that the necessary funds be allocated from the Community Donations Program and, if necessary, an appropriate adjustment be included in the March Quarterly Budget Review.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM3 - Roberts Creek Road Creek Crossing - (80105)

Submitted by: Councillor Williams

NOTICE OF MOTION:

That:

1. A report be brought to council indicating the most cost-effective way of providing an effective road crossing where Roberts Creek Road crosses Roberts Creek.
2. Consideration be given to providing funding in the 2011/2012 budget to provide a low cost, environmentally effective crossing of the creek.

BACKGROUND:

There has been great concern in the East Kurrajong - Blaxlands Ridge area for some time regarding the Roberts Creek Road/Roberts Creek crossing, a crossing which is best described as essentially "un-constructed". Council has for many years been in the practice of depositing coarse gravel in the creek bed to provide a crossing. It is estimated that there are currently 100 plus vehicles per day using the crossing, including water trucks carrying loads to Blaxlands Ridge from the hydrants at Glossodia.

The downside of this is that any "flush" in the creek washes the gravel away and down the creek, requiring more gravel to be installed to reopen the crossing. Additionally, vehicles fording the creek push a wash ahead of them which surges up the unsealed road and then runs back carrying large amounts of turbidity back into the creek, made worse by water pouring from the vehicles underside. It is an unacceptable environmental situation and needs to be addressed.

It is also a social justice issue, as residents vehicles suffer from suspension, brake and steering problems because of ingress of water into the lower parts of vehicles.

Attached are photographs of a "national park" type crossing as an example of a simple, low-cost, low maintenance type of crossing commonly used in our National Parks and which Councillor Williams believes would be suitable for Roberts Creek. Councillors will see from the photos it is a slab laid across the creek bed with "ag-lines" installed underneath, ducts formed in the upper surface of the crossing to allow low-flows to pass through without requiring the vehicle to get wet and blockwork keyed to the sides to provide safety markers for times when higher flows occur.

ATTACHMENTS:

AT - 1 Photographs of a "national park" type crossing

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AT - 1 Photographs of a “national park” type crossing

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

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM4 - Public Toilets - (80105)

Submitted by: Councillor Williams

NOTICE OF MOTION:

That:

1. A report be brought to Council listing the locations public toilets are needed throughout the City, the likely cost of providing the toilets and prioritising the urgency of individual toilets.
2. Consideration be given in the 2011-2012 budget preparations for providing funding for the provision of a toilet block considered to be the most urgently required.
3. Consideration be given to providing funding for consecutive years until those toilets regarded as urgently needed can be developed on a one-per-year basis.

BACKGROUND:

Late last year a motion to provide toilets at the Clarendon skate park was narrowly defeated on the casting vote of the Mayor. Debate on the issue indicated that the motion would have been successful had it called for a list of toilets needed and then prioritised the urgency of that need. It was also indicated that the Clarendon toilets were regarded as the most needed.

Councillor Williams is proposing this motion in the hope that, at least, we will be able to provide toilets commonly regarded as the most needed, namely the Clarendon toilets and toilets adjacent to Windsor Mall, and then any others as identified in the report.

It should be remembered that some years ago Council provided an "annual allowance" for sealing St Albans road over a period of consecutive years. Even in a time of fiscal restraint, it is regarded by the community as proper that new infrastructure be provided, and the St Albans road project was widely acclaimed.

Clarendon skate park cannot be fully utilised until there are toilets, and Windsor CBD cannot be a comfortable experience for visitors until convenient toilets are provided. The provision of toilets to these places can only have a positive impact on our investment at Clarendon, and on our historic town of Windsor.

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: 1 **GM - Queensland Flood Disaster - Donation to Queensland Premier's Flood Relief Appeal - (79351)**

REPORT:

Executive Summary

As a result of the recent devastating floods in Queensland, and following email consultation with councillors, a donation by Council of \$5,000.00 has been made to the Queensland Premier's Flood Relief Appeal. In addition, the Staff Social Club has raised donations totalling \$2,000 from staff towards the Appeal.

This report seeks endorsement of the donation made by Council towards the Appeal and also recommends that the Council matches the level of donations raised from staff by the Staff Social Club for the Appeal.

Consultation

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

Background

Following the recent tragic events associated with the devastating Queensland Flood Disaster, and following consultation via email with councillors, a donation of \$5,000 by Council was made to the Queensland Premier's Flood Relief Appeal on Wednesday, 12 January 2011. The purpose of this report, in part, is to now seek Council's "official" endorsement of this donation.

The response from the entire Australian community in support of those who have and are suffering from this tragedy, particularly for those who may have lost family members; loved ones; friends and neighbours, has been overwhelming, both in financial and physical terms, and can only be admired and commended. The situation will continue to be monitored with a view to providing further assistance, be it in a financial or physical form, if and when necessary or appropriate.

Council's Staff Social Club has also conducted a fund raising drive amongst the staff on 13 January 2011 which resulted in an amount of \$2,000 also being raised and donated to the Appeal. As a show of further support to the Appeal, and of the action taken by the Staff Social Club and the staff, it will be recommended that Council also matches this donation to the Appeal.

Conformance to Community Strategic Plan

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

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

Financial Implications

An appropriate adjustment can be made as part of the March Quarterly Review in respect of these donations.

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RECOMMENDATION:

That:

1. Council place on record its sincere and deepest regrets in respect of the recent tragic Queensland Floods and the devastation and loss of life that has occurred in that State and express its sympathy to all those effected by the floods, particularly for those who may have lost family members; loved ones; friends and neighbours.
2. The donation of \$5,000 made by Council to the Queensland Premier's Flood Relief Appeal be endorsed.
3. Council make a further donation of \$2,000 to the Queensland Premier's Flood Relief Appeal to match the donation raised from the Council's staff by the Staff Social Club.
4. An appropriate adjustment in respect of these donations be made as part of the March 2011 Quarterly Budget Review.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 1 February 2011

Item: 2 **GM - Commemoration for former Councillor (Dr) Rex Stubbs OAM - (79351)**

Previous Item: MM – Ordinary meeting 11 May, 2010

REPORT:

Executive Summary

Following consideration of the Mayoral Minute to Council's Ordinary meeting of 11 May, 2010, Council resolved that a report be prepared in relation to procedures and/or processes required to name the open space garden area on the George Street frontage of the Deerubbin Centre and establish an annual art prize or scholarship in honour of former Councillor (Dr) Rex Stubbs OAM and to recognise his support of, and dedication to the Hawkesbury and its community.

Consultation

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

Background

A Mayoral Minute was considered by Council at the Ordinary meeting held on 11 May, 2010. The Mayoral Minute reported the passing of Councillor (Dr) Rex Stubbs OAM and acknowledged the achievements and commitment Councillor Stubbs gave to the Hawkesbury and its community.

Council felt it befitting to acknowledge the contribution that Councillor Stubbs made to the Hawkesbury community during his lifetime and following consideration of the Mayoral Minute, Council resolved;

"That:

- 1. Council, following the adoption of this recommendation, observe a minutes silence in recognition of the passing of former Councillor (Dr) Rex Stubbs OAM.*
- 2. Council place on record its sincere and deepest regret and sense of loss to both the Council and the community on the passing of Councillor (Dr) Rex Stubbs OAM on Saturday, 24 April 2010 and convey its condolences to Linda, Alicia and Phillip Stubbs, his mother Nancy and the extended family.*
- 3. A report be prepared in consultation with the immediate family of former Councillor (Dr) Rex Stubbs OAM and submitted to Council regarding the procedures and/or processes required to name the open space garden area on the George Street frontage of the Deerubbin Centre and to establish an annual art prize or scholarship in honour of former Councillor (Dr) Rex Stubbs OAM and to recognise his support of and dedication to the Hawkesbury and its community."*

Parts 1 & 2 of the abovementioned resolution have been observed and completed. This report will provide information for consideration of Council in relation to part 3 of the resolution.

The Mayor, General Manager and Senior Staff/Directors have met and consulted with Mrs Linda Stubbs on Part 3 of Council's resolution. As a result of these discussions, the following options are now submitted for Council's consideration.

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Naming of open space garden area – Deerubbin Centre, Windsor

Advice has been sought from the Geographical Names Board (GNB) in relation to the naming of the open space garden at the Deerubbin Centre.

The GNB has indicated that providing the area in which the garden is located is officially named, the Board would be happy to let Council name this feature, and recommends that Council use the GNB guidelines when naming these types of features.

In general terms the naming of these areas are based on the principles recommended by the GNB, which are:

- Avoid duplications
- Retention of euphonious names
- Preference for names of aboriginal origin, names with a historical background or thematic names such as flora, fauna or ships
- Preference for retention of long established place names appropriate to the physical, historical or cultural character of the area concerned
- Avoid naming places after living persons
- Perpetuating names of eminent persons now deceased, i.e. explorers, settlers, etc.
- Avoid attempts to restore the original form of place names changed or corrupted by long established general usage

The proposal to name the open space garden area on the George Street frontage of the Deerubbin Centre in Windsor (the Library and Gallery) in honour of a former Councillor (Dr) Rex Stubbs OAM, is within the principles recommended by the GNB. As such it would appear that Council could support the naming of the open space garden as supported by a previous resolution of Council. It is suggested that it be named the "Dr Rex Stubbs OAM Memorial Garden".

Given that the area in question is not a public road or park/reserve in that context, it is considered that it is not necessary for Council to place the proposed naming on public exhibition.

In addition to the naming of the open space garden area, it is proposed that improvements be made to the garden area by installing a pathway and commemorative plaque in an appropriate location in the area. Depending on the final concept for these, this could involve the existing outdoor furniture being relocated within the garden area. It is estimated that the costs for this project will be approximately \$5,000.

Establishment of Historical Society Conference and Travel Scholarship

In recognition of Clr Stubbs' interest and commitment to history and maintaining the historical significance of the Hawkesbury area, it is proposed that Council establish a scholarship to fund the attendance of 2 residents, with 1 resident to be a young person, at the annual Royal Australian Historical Society State conference. It is further recommended that the scholarship also include a 2 year membership to the Royal Australian Historical Society for the 2 residents. It is estimated that the annual costs to fund this scholarship will be approximately \$4,500.

The scholarship would be advertised annually, specifically targeting museum and gallery volunteers, members of historical societies, young people and other lay people who are Hawkesbury residents. Submissions/applications will be assessed and reported to Council for determination. It is proposed that Scholarship recipients be invited to talk at the Regional Museum to present a conference report as a part of their scholarship.

As indicated, these options have been discussed with Mrs Linda Stubbs who has supported these proposals and feels that they would provide a valuable, on-going recognition of the significant contribution made to the community by former Councillor (Dr) Rex Stubbs OAM.

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Conformance to Community Strategic Plan

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

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

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

Funding for the proposed changes to the garden area could be provided for in the March 2011 Quarterly Budget Review with funding for the proposed scholarship being incorporated in the 2011/2012 Draft Budget.

RECOMMENDATION:

That:

1. Council name the open space garden area on the George Street frontage of the Deerubbin Centre as the "Dr Rex Stubbs OAM Memorial Garden" in honour of former Councillor (Dr) Rex Stubbs OAM, involving the improvement of the area and the installation of a plaque as detailed in the report.
2. Council establish the "Dr Rex Stubbs OAM Memorial Scholarship" to fund the attendance of 2 residents (1 to be a young person) at the Royal Australian Historical Society State conference and to also fund 2 years membership for the 2 residents with the Royal Australian Historical Society on the basis outlined in the report.
3. Funding required in connection of part 1 above be incorporated in the March 2011 Quarterly Budget Review and that funding in respect of 2 above be included in the 2011/2012 Draft Budget.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 3 **CP - Development Application - Dwelling Additions and Construction of Shed to Contain Sawmill Operation - Lot 4 in DP 224860 30 Chapman Road, Vineyard - (DA0737/09, 102260, 116177, 95498)**

Development Information

File Number: DA0737/09
Property Address: 30 Chapman Road, Vineyard NSW 2765
Applicant: Montgomery Planning Solutions
Owner: Liddell Investments Pty Limited
Proposal Details: Dwelling additions and construction of shed to contain a sawmill operation
Estimated Cost: \$45,000
Zone: Rural Living under Hawkesbury Local Environmental Plan 1989
Date Received: 3 December 2009
Advertising: 28 July 2010 to 11 August 2010

Key Issues: ♦ Existing Use Rights

Recommendation: Refusal

REPORT:

Executive Summary

An application has been received for Dwelling additions and construction of a shed to contain a sawmill operation on Lot 4 in DP 224860 30 Chapman Road Vineyard.

The application originally proposed additions to the existing dwelling and the erection of a 312.8m² rural shed on the subject site. Following a preliminary assessment of the proposal the applicant was advised that the proposed rural shed was inconsistent with the rural shed provisions of the Hawkesbury Development Control Plan 2002 and it was requested that the application be amended to comply with the specific rules of this plan.

The applicant amended the application asking for the proposed building to be considered as ancillary to the use of the site as a sawmill (instead of a rural shed). The applicant is claiming that the site has existing use rights as a sawmill. However, the assessment of the proposal has revealed that insufficient information has been provided in respect to the permissibility and potential impacts of the development.

The application is being reported to Council for the determination of the application at the request of Councillor K. Ford.

Description of the proposal

The application seeks approval for the relocation of a 312.8m² shed to contain an existing sawmill operation and dwelling additions at the above address. The shed is an existing airport hanger currently located at Hoxton Park Airport.

Issues relating to the Application

- Existing use rights

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Recommendation

Refusal

History

- | | |
|-------------------|---|
| 11 July 1973 | Development Consent No. 51/1973 to "Establish a Sawmill" issued for Lots 4 and 5, DP 224860 and DP2249152 Chapman Road Vineyard. |
| 3 December 2009 | Current Development Application Received |
| 11 December 2009 | Advice received from NSW Office of Water requesting the shed to be located 35m from the Killarney Chain of Ponds Creek. |
| 23 December 2009 | Applicant was advised that the proposed rural shed does not comply with various rules of HDCP 2002 including shed size. Floor plans and elevation plans of the shed were also requested. |
| 5 January 2010 | Site inspection with applicant undertaken. |
| 16 February 2010 | Applicant provided partial information in response to Council's letter dated 23 December 2009 with the submission of floor plans and elevation plans for the proposed shed. |
| 29 March 2010 | Telephone conversation with the applicant advising that the proposed shed size of 313m ² is not supported and information about the dwelling history was also requested. |
| 19 April 2010 | Details of dwelling history submitted and a land use survey comparing the proposed shed size with other developments in the locality. |
| 7 May 2010 | Telephone conversation with the applicant advising that the land use survey does not justify why a rural shed of that size should be supported. |
| 30 June 2010 | Applicant amended application to seek approval for the proposed building as being ancillary to the existing use of the site as a sawmill (so that the building does not have to be assessed against the requirements for rural sheds contained within HDCP 2002). |
| 28 July 2010 | Amended application notified to adjoining neighbours. |
| 24 August 2010 | Additional information requested from the applicant in relation to amended plans, history of the sawmill operation, possible site contamination and assessment of the amended proposal against the Hawkesbury Development Control Plan 2002. |
| 13 September 2010 | Applicant requested additional time to provide information requested. |
| 6 October 2010 | Applicant submitted the additional information seeking endorsement of the sawmill as an "existing use". |

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)
Draft Hawkesbury Local Environmental Plan 2009
Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)
Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 106 Definition of “existing use”

The existing use rights provisions contained in the Environmental Planning and Assessment Act allow land or a building to be lawfully used for a particular purpose, notwithstanding that an environmental planning instrument has subsequently *prohibited* the use of the land or building for that purpose.

These provisions provide an exception to a prohibition contained in an environmental planning instrument. Section 106 of the EP&A Act defines an existing use as follows:

- (a) *the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for [the exceptions provided in the EP&A Act], have the effect of prohibiting that use, and*
- (b) *the use of a building, work or land:*
 - (i) *for which development consent was granted before the commencement of a provision of an EPI having the effect of prohibiting the use, and*
 - (ii) *that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.*

The applicant has provided the following commentary having regard to the sawmill and the operation of Section 106 of the EPA Act:

In relation to the history of the sawmill, you are advised that the sawmill is an existing use pursuant to Section 106(b). Development consent was issued on 11 July 1973, at which time the sawmill was permissible with the consent of Council. Sawmill was permissible with consent until the gazettal of Hawkesbury LEP 1989 Amendment 108 on 18 August 2006, which zoned the land Rural Living.

For the purposes of Section 106(b)(ii), the development commenced in 1973 in accordance with the consent and was in operation well before August 2006, when HLEP amendment 108 was gazetted. The consent has therefore not lapsed and the question of abandonment or continued use beyond the securing of the consent does not arise.

It is considered that the issue of the continuity of this use has not been adequately demonstrated in conjunction with this application. Correspondence on Council’s file relating to the property has been reviewed and this suggests that the site has been used for the purpose of a second hand building materials supply yard subsequent to the sawmill use.

Council has previously investigated the extent of which existing use rights apply to the subject property and advised the previous property owner that Council did not have any documentary proof of any approvals granted by Windsor Municipal Council or Hawkesbury City Council for the use of the land as a second hand building materials supply yard.

Section 107 Continuance of and limitations on existing use of the EPA Act

Section 107 of the EPA Act clarifies existing use rights and sets the limits on their operation. The provisions contained in Section 107 are detailed as follows:

107 Continuance of and limitations on existing use

- (1) *Except where expressly provided in this Act, nothing in this Act or an [environmental planning instrument](#) prevents the continuance of an existing use.*
- (2) *Nothing in subsection (1) authorises:*
 - (a) *any alteration or extension to or rebuilding of a [building](#) or work, or*

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- (b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or
 - (c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of an existing use, or
 - (d) the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 80A (1) (b), or
 - (e) the continuance of the use therein mentioned where that use is abandoned.
- (3) Without limiting the generality of subsection (2) (e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

The information supplied in association with the application has not adequately demonstrated that the sawmill has operated continuously on the site and as such evidence is required to be submitted that this use has not in fact been abandoned as detailed by Section 107 above.

In this regard it is noted that the Land and Environment Court have considered the issue of existing use rights and abandonment. In the case of Star Property Investments Pty Ltd & Anor -v- Leichhardt Municipal Council [2000] NSW LEC 235, His Honour Justice Talbot considered circumstances where existing use rights for the purpose of light industry on a particular site had been established, however, the site had subsequently been used for a six year period for a use inconsistent with the existing use right. His Honour had regard to the subjective intention of the owners of the site to preserve existing use rights contrasted with the actual maintenance of the existing use on the site, and determined that the actual use of the site for a period of six years was manifestly inconsistent with an intention to maintain the continuance of that particular existing use.

In his conclusion, His Honour summed up the position of the Court in relation to the continuance of an existing use right:

The applicants have not established the fact that the properties have been used continuously for an existing use upon which they can rely for the purpose of the development application.

The Respondent Council has successfully demonstrated that the existing use has been sufficiently interrupted to justify a finding that the use for woodworking purposes has been relevantly abandoned, even though it may have been subsequently recommenced in part.

Clause 42 of the EP&A Regulations identifies that any enlargement, expansion or intensification of existing use rights must "be carried out only on the land on which the existing use was carried out immediately before the relevant date". Based upon inspections carried out of the property it appears that the existing use has been abandoned (as a result of the site being used as a second hand building materials supply yard).

Ordinarily Clause 42 would permit the sawmill to be relocated into a new building in circumstances where the existing use has not been abandoned. As noted above it is considered that the sawmill operation has been abandoned and therefore Council are prevented from granting consent to the development pursuant to Clause 41 of the Regulation.

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

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

a. **The provisions of any:**

i. **Environmental Planning Instrument:**

State Environmental Planning Policy No. 55 - Remediation of Land

This policy requires Council to consider prior to the issue of any consent whether or not land subject to development is contaminated. If the land is contaminated Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed.

Comment: The applicant was asked to provide a preliminary contamination report for the site to verify that the activities undertaken on the site in relation to the sawmill operations did not result in the contamination of the site. The applicant provided a letter from the original owner and operator of the sawmill who has indicated that no hazardous chemicals were used or stored on the site. It is considered that the letter provided does not satisfactorily address concerns of potential contamination and SEPP 55 requirements. Therefore Council is unable to fully consider whether or not the land is suitable for the development which is proposed on the site.

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

The proposal is consistent with the aims and objectives of SREP No. 20. It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

Hawkesbury Local Environmental Plan 1989

An assessment of the proposal against the relevant clauses of HLEP 1989 is made below:

Clause 9 - Carrying out of development

The proposed dwelling additions and alterations are consistent with the requirements of HLEP 1989 being a permissible form of development within the Rural Living Zone.

The proposed shed will be used to contain a sawmill. Sawmills are a prohibited form of development under HLEP 1989.

The applicant has suggested that Council can consider the use of the shed under the existing use right provisions of the Environmental Planning and Assessment Act 1979, as Council has previously issued approval for the establishment of a sawmill on the premises under Development Consent No. 51/1973.

A site inspection of the property on 5 January 2010 revealed that no sawmilling activity was being undertaken on the premises, with only a variety of old machinery and second-hand building materials being stored on the site.

Although it is noted that equipment previously used in conjunction with the sawmill is in-situ on the property, the applicant was requested to provide evidence demonstrating that the use of the property as a sawmill has not been abandoned and has continued lawfully since the issue of the consent.

The applicant provided a letter from the previous owner of the land detailing that the property was being used as a second hand building supply yard and sawmill. The use of the premises as a

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second-hand building supply yard and a sawmill is contrary to Council's previous approvals issued on the property.

It is considered that the use of the premises as a sawmill has not continued lawfully since the issue of the original consent with no suitable documentary evidence, including receipts or registration of the sawmill business being provided by the applicant to justify the continued use of the sawmill operation.

In addition to the above it is noted that the application originally proposed the construction of a rural shed for the storage of the property for the occupiers of the land with no mention of the existing use of the site as a sawmill. This further raises the question of whether or not the property owner originally intended to use the property for a sawmilling purpose or is merely seeking the construction of a shed larger than what is permitted by the Rural Shed Chapter of HDCP 2002.

Based on the information above, it is believed that the use of the proposed shed as a sawmill cannot be considered under the existing use right provisions of the Environmental Planning and Assessment Act 1979 as it is considered that the sawmill operation has been abandoned with no suitable evidence being provided demonstrating that the sawmill has lawfully continued in operation since the issue of its original consent.

Clause 9A - Zone objectives

It is considered that the proposal is inconsistent with the overall objectives of the Rural Living zone and has been assessed below:

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

Comment: The proposed dwelling works are consistent with this objective of the zone however it is considered that the sawmill activity will not promote the preservation of the rural residential character of the area which will in turn have negative impact on the rural residential lifestyle of the locality.

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

Comment: The proposal will not have any significant impact upon agricultural land uses situated in the immediate area.

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

Comment: The proposed sawmill if supported will lend itself to conflict with surrounding rural living land uses in that it will result in a development that is prohibited in the zone.

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

Comment: The application does not seek an agricultural use of the land.

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

Comment: The proposed dwelling alterations are consistent with this objective. The site contamination potential has not been adequately addressed.

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

Comment: It is considered that the shed proposed to be constructed will not assist in the preservation of the rural landscape character of the area as the application proposes the construction of a 312.8m² shed which is industrial in nature and far greater than

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what would typically be expected in a rural living area. HDCP 2002 prescribes limiting the cumulative total of outbuildings within a rural living area to be limited to a maximum of 150m².

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

Comment: The application does not seek an agricultural use of the land.

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

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

Comment: It is considered that the proposal would not have an adverse impact having regard to water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands.

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

Comment: Traffic generation has not been adequately addressed in the application.

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

Comment: It is not envisaged that the proposal would contribute to significant demand for the provision or extension of services.

Clause 25 Development of Flood Liable Land

The subject site is affected by the predicted 1 in 100 year flood level of the area which is 17.3m AHD.

The proposed dwelling additions are consistent with Clause 25 (4) of this plan with the existing dwelling being located at approximately 16.5m AHD.

The proposed building envelope for the shed is at approximately 15.5m AHD. It is considered that the application has not adequately assessed the likely frequency of flooding, potential flood damage or measures for evacuation of the property associated with the construction of a new shed building below the 1 in 100 year flood level for the area.

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

Draft Hawkesbury Local Environmental Plan 2009 was exhibited 5 February 2010 to 12 April 2010. The subject lot is identified as being zoned RU4 Rural Small Holdings.

The dwelling alterations and additions proposed are permissible with the consent of Council under this plan.

The proposed use of the shed being defined as a *sawmill or log processing works* is a prohibited form of development within the RU4 Rural Small Holdings zone under this draft plan.

iii. **Development Control Plan applying to the land:**

Hawkesbury Development Control Plan (HDCP) 2002

The proposed development is generally consistent with the requirements of HDCP 2002. An assessment of the proposal against the relevant provisions of this Plan follows:

Part A Chapter 2 - General Information

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

Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP. Two (2) submissions were received in response to the neighbour notification process. The issues raised as a result of the neighbour notification process have been listed under the submissions section of this report.

Part C Chapter 1 - Landscaping

Landscaping has been proposed and is considered to be appropriate.

Part C Chapter 2 – Carparking and Access

Suitable parking is available for the dwelling.

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

Not applicable.

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

The proposal has been considered against the existing use right provisions of the Environmental Planning and Assessment Regulation 2000.

Existing use right provisions under the regulation do not apply to this land as discussed under the assessment of HLEP 1989 previously in this report. Council is prevented from granting consent to the use of the new shed for the purposes of containing a sawmill as the applicant has not been able to satisfactorily demonstrate that the sawmill has lawfully operated since the issue of its approval.

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:**

The application proposes the construction of a shed of greater size than what would typically be considered within a rural area under HDCP 2002. Whilst it is acknowledged the building proposed to contain the sawmill is not restricted by the rural sheds chapter, it is considered that the proposal, apart from being prohibited development in the zone, will have an unacceptable impact on the locality as the application proposes a prohibited form of development that is inconsistent with the overall objectives of the rural living zone.

c. **Suitability of the site for the development:**

The site does not benefit from the existing use right provisions set out under the Environment Planning and Assessment Act 1979 and in turn the application proposes a prohibited form of development under HLEP 1989.

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As the proposed use of the shed is inconsistent with the various planning controls affecting the site it is considered that the site is not suitable for the proposed development.

Insufficient information in regards to potential site contamination has been provided to enable Council officers to determine whether or not the site is suitable for the proposed development.

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

Public Submissions

The application was publicly notified to adjoining owners from 28/07/2010 - 11/08/2010. Two (2) submissions were received. The issues raised in these submissions are listed below:

Sawmill operation

- Sawmill has not operated for at least 35 years
- The application originally proposed a rural shed and did not mention continued use of the sawmill operation.

Traffic

- The construction and operation of the sawmill will have a negative impact in terms of noise and dust on the locality.

Water pollution

- The activity will result in chemicals entering the Killarney Chain of Ponds during a flood.
- Stormwater or effluent details of the shed have not been provided.

Flooding

- The shed to be constructed will be inundated by the predicted 1 in 100 year flood.

Inconsistent with HDCP 2002

- Proposal does not meet the specific requirements for Rural Sheds under HDCP 2002.

Illegal issues relating to the existing site

- The property owner has previously undertaken illegal filling works.
- New driveways have been constructed without consent.

Comment: It is considered that the matters raised above are justified in that insufficient information has been provided to demonstrate that the development is consistent with the relevant planning controls affecting the site.

Council's Regulatory Services department have investigated the concerns raised in regards to illegal earthworks on the premises where it was found that the works undertaken were associated with the maintenance of the premises and did not require development consent.

Integrated development - NSW Office of Water

The application was referred to NSW Office of Water seeking concurrence under Section 91 of the Environmental Planning and Assessment Act 1989 as the proposal involves works within 40m of a watercourse.

In their letter dated 22 October 2010, the NSW Office of Water granted concurrence to the proposal subject to the applicant obtaining a controlled activity approval for the works.

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e. The Public Interest:

Without sufficient information to fully assess the application to determine the permissibility of the use, suitability of the site to sustain the use and potential impacts of the development, the application is considered not to be within the public interest.

Developer Contributions

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

Conclusion

The assessment has identified various concerns regarding the permissibility and visual impacts of the development. The sawmill proposal is not a permissible form of development within the Rural Living zone and is inconsistent with the stated objectives of the zone in that the development does provide a positive contribution to the rural residential character of the area.

Notwithstanding the permissibility aspect, it remains that the contamination potential of the site has not been adequately addressed in the application and does not meet the requirements of SEPP 55. Therefore, based on the assessment of the proposal against the relevant planning controls affecting the site, it is recommended that the application be refused.

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 DA0737/09 at Lot 4 DP 224860, 30 Chapman Road Vineyard for dwelling additions and construction of shed to contain a sawmill operation be refused for the following reasons:

1. 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.
2. The development application has failed to provide suitable evidence demonstrating that the sawmill activity has existing use rights under the Environmental Planning and Assessment Regulation 2000.
3. The proposal is inconsistent with State Environmental Planning Policy No. 55 – Remediation of Land. The proposal has not satisfactorily addressed whether or not the land is contaminated or suitable for its intended use.
4. The proposal constitutes a "Sawmill" being a prohibited land use in the Rural Living Zone under the provisions of Clause 9 - Carrying out of Development of Hawkesbury Local Environmental Plan 1989.
5. The proposal is inconsistent with the stated objectives contained in Clause 9A of Hawkesbury Local Environmental Plan 1989 in respect of the Rural Living Zone in that:
 - (a) The construction of a shed to contain a sawmill does not provide primarily for a rural residential land use.
 - (b) The development of the sawmill will create conflict with existing rural living land uses.

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- (c) The construction of a shed for a sawmill will not assist in the preservation of the rural landscape character of the area.
- 6. The proposal is inconsistent with Draft Hawkesbury Local Environmental Plan 2009.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 4 **CP - Development Modification - 10 Bed Extension to Existing Nursing Home - Lot 100 DP793048 and Lot 5 DP596107, 116 March Street, Richmond - (DA0781/09A, 91720, 3996, 95498)**

Previous Item: 84, Ordinary (11 May 2010)

Development Information

File Number: DA0781/09A
Property Address: 116 March Street RICHMOND NSW 2753, Lot 5 DP 596107 & Lot 100 DP 793048
Applicant: Urban City Consulting
Owner: Richmond Club Limited
Proposal Details: Modification of Condition No. 34 of Development Consent Notice DA0781/09 - Residential Care Facility - Ten bed extension to existing Nursing Home
Estimated Cost: Not applicable
Zone: 5 (a) Special Use under Hawkesbury Local Environmental Plan 1989
Draft Zoning: R2 Low Density Residential under Draft Hawkesbury Local Environmental Plan 2009.
Date Received: 29 December 2010
Advertising: Not required under HDCP 2002
Key Issues: ♦ Timing of agreement finalisation
Recommendation: Approval

REPORT:

Executive Summary

The application seeks to modify condition number 34 of Development Consent DA0781/09, which gave approval for a Residential Care Facility - Ten bed extension to the existing Nursing Home at Lot 100 in DP793048 and Lot 5 in DP596107 No. 116 March Street Richmond.

The original application was determined by Council at its ordinary meeting on the 11 of May 2010. As part of the approval of the application it was resolved that:

"Council enter into legal arrangements with the developer in order to formalise the use of 20 parking spaces on Council owned land located on Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at No.114, 110, 110A, 110B and 110C March Street, Richmond."

Subsequently, a condition of development consent was issued requiring that the legal agreements be finalised prior to the issue of an interim occupation certificate for the building.

The application seeks to change the stage in which this condition is required to be satisfied by requiring the condition to be met prior to the issue of a final occupation certificate, as opposed to an interim certificate.

It is intended that the proposed modification will allow for an interim occupation certificate to be issued for the building so that the new portion of the nursing home can be occupied whilst the carparking agreement between Council and the developer is finalised.

It is considered that the proposed modification will not change the nature in which the development is proposed and it is therefore recommended that the application be supported.

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This application is being reported to Council as the proposal involves Council owned land at Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at No.114, 110, 110A, 110B and 110C March Street, Richmond.

Description of the proposal

The application involves a modification to condition 34 of Development Consent DA0781/09 which reads as follows:

34. *Prior to the issue of the Interim Occupation Certificate submission of evidence, to the Principle Certifying Authority, that legal arrangements have been made between Hawkesbury City Council and the owners of 116 March Street, Richmond in respect to the continued use of 20 carparking spaces located on adjoining Council owned Land at Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at 114, 110, 110A, 110B and 110C March Street, Richmond.*

The modification involves the change of wording of the condition so that the word 'interim' is replaced with the word 'final'.

Council is the principal certifying authority for the development and the works approved as part of DA0781/09 are nearing completion. To date, the legal agreement for the use of the parking spaces is in the final stages of negotiation between Council and the developer.

Section 96(1A) of the Environmental Planning and Assessment Act 1979

The proposed development is considered to be a modification made to Section 96(1A) of the Environmental Planning and Assessment Act 1979, relating to modifications having minor environmental impact. This section provides that the consent authority may modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment: It is considered that the proposed modification is of minimal environmental impact as the proposal does not seek to change the intended use or intensity of development of the subject site.

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

Comment: The proposed modification remains consistent with the original approval granted under Development Consent No. DA0781/09.

- (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 that requires the notification or advertising of applications for modification of a development consent, and*

Comment: Notification not required under Hawkesbury Development Control Plan 2002.

- (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.*

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Comment: No submissions were received in respect to the subject application.

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

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

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The proposed modification is consistent with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Sydney Regional Environmental Plan No. 20 - Hawkesbury–Nepean River

The proposed modification is consistent with the aims, objectives and recommended strategies of SREP No. 20.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The proposal is considered satisfactory having regard to the provisions of HLEP 1989. The proposed modification does not propose the change in use of the site and will remain consistent with the overall objectives of the zone.

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 subject land

This draft plan was publicly exhibited between 5 February 2010 and 12 April 2010. Under this Plan the subject land is proposed to be zoned R2 Low Density Residential.

The proposed modification is consistent with the provisions of this draft plan.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

The proposal is consistent with the requirements of this plan with no physical works proposed as part of the modification.

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:

None applicable

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:

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It is considered unlikely that the proposed modifications will have any detrimental social, economic or environmental impact on the locality.

c. Suitability of the site for development:

Council, as part of the granting of the original approval, has previously agreed that the carpark be used by the Nursing home subject to an agreement being entered into. The proposed amendments simply allow the building to be occupied in the interim until the agreement is finalised.

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

After consultation with Council's Property Department it was found that the legal agreement for the use of Council owned land for car parking was in the final stages of negotiations and that there were no objections to the proposed modification.

e. The Public Interest:

Public interest will be served, as the proposed development will be able to provide additional aged care for the community earlier than what is currently required as set in the current conditions of consent.

Hawkesbury Section 94A Development Contributions Plan 2006

The proposed modification does not involve changes to the development under Councils Contributions Plan.

Conclusion

Based upon the assessment of the application as described in this report, it is considered that the modification be supported.

Planning Decision

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

RECOMMENDATION:

That the modification application be approved subject to the following amendments:

1. Condition No 34 be deleted:

2. Addition of condition:

42a. Prior to the issue of the Final Occupation Certificate submission of evidence, to the Principal Certifying Authority, that legal arrangements have been made between Hawkesbury City Council and the owners of 116 March Street, Richmond in respect to the continued use of 20 carparking spaces located on adjoining Council owned Land at Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at 114, 110, 110A, 110B and 110C March Street, Richmond.

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ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Aerial Photograph
- AT - 3** Amended List of Conditions

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AT - 1 Locality Plan

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

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AT - 2 Aerial Photograph

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

AT - 3 Amended List of Conditions

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The extension shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. Occupation of the accommodation in this development is restricted to those people identified within Clause 18 (1) - Restrictions on occupation of seniors housing allowed under this Chapter of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. **The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.**

7. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$13,880.00 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the Construction Certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

8. A report is to be prepared by an appropriately qualified Acoustic Engineer with the Construction Certificate, certifying that noise levels within the proposed building will not exceed the requirements contained in AS2021-2000 Acoustics - Aircraft Noise Intrusion: Building Siting and Construction having regard to aircraft noise as the site is situated in the 20 - 25 ANEF Contour and satisfy the NSW Environment Protection Authority's guidelines "Environmental Criteria for Road Traffic Noise".

This report is to recommend appropriate materials to be utilized within the building so as to ensure that the acceptable internal noise level criteria are provided.

9. The location of the proposed and existing essential services to the new and existing building shall be provided to the Principle Certifying Authority for assessment and approval.

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Prior to Commencement of Works

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (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.
17. 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.
18. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- If there is a combined Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

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During Construction

19. 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.
20. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
21. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
22. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
23. External colours and material of the new work are to match the existing.
24. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
25. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
26. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
27. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
28. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:

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

- (a) Piers;
- (b) Internal stormwater lines prior to covering;
- (c) Steel reinforcement prior to pouring concrete;
- (d) External stormwater lines, prior to backfilling;
- (e) Framework, after installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;

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- (f) Wet area flashing, after the installation of bath and shower fixtures;
 - (g) Prior to occupation of the building;
 - (h) On completion of the works.
29. All materials and components used in the building shall comply with the early fire hazard indices stipulated in Specification C1.10 of the BCA. A separate schedule detailing such materials and their respective indices and approved in writing prior to the acquisition, installation or fitting of such materials.
30. Portable fire extinguisher/s containing an extinguishing agent suitable for the risk being protected shall be installed in accordance with AS 2444 E1.6.
31. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
32. Appropriate legal arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.
33. The existing adjacent carpark at the north east of the nursing home shall be upgraded to provide 24 off-street carparking spaces.

The works shall include provision for two (2) disabled parking spaces, line marking and vehicle wheel stops. Access manoeuvring and turning areas are to comply with the requirements of AS2890.1:2004.

Prior to Issue of Interim Occupation Certificate

34. Condition Deleted (S96 Modification DA0781/09A).

35. A Fire Safety Certificate shall be issued addressing the requirements of the Fire Safety Schedule.
36. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
37. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

38. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
39. A 'Restriction as to User' against the title of the property, in accordance with section 88E of the Conveyancing Act 1919, limiting accommodation to those people identified within Clause 18 (1) - Restrictions on occupation of seniors housing allowed under this Chapter of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, is to be registered. Evidence of this registration is to be submitted to the Principle Certifying Authority prior to the issue of any Occupation Certificate.

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Prior to Issue of Final Occupation Certificate

40. Compliance with all conditions of this consent.
41. A Surveyor's Certificate stating that all existing buildings on the lots are contained within the subject property shall be submitted to Hawkesbury City Council.
- 41a. Prior to the issue of the Final Occupation Certificate submission of evidence, to the Principal Certifying Authority, that legal arrangements have been made between Hawkesbury City Council and the owners of 116 March Street, Richmond in respect to the continued use of 20 carparking spaces located on adjoining Council owned Land at Lot 101 DP793048, Lot 2 DP 575929, Lot 6 DP560899, Lot 4 DP561147 and Lot 2 DP560898 at 114, 110, 110A, 110B and 110C March Street, Richmond.

New Condition (S96 Modification DA0781/09A).

The Use of the Site

42. No internal or external alterations shall be carried out without prior approval of Council.
43. All waste materials shall be regularly removed from the property.
44. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
45. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
46. No advertising signs or structures shall be displayed on the footpaths, pedestrian ways, roadways or on any land other than the approved development site.
47. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

oooO END OF REPORT Oooo

Item: 5 CP - Proposed Variation of Contract for Floodplain Risk Management Study and Plan for the Hawkesbury River - (95498, 86589)

REPORT:

Executive Summary

The purpose of this report is to seek Council's approval for a variation to Council's contract with Bewsher Consulting Pty Ltd for the Floodplain Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury Local Government Area.

Consultation

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

Background

On 13 April 2010 Council resolved to engage Bewsher Consulting Pty Ltd (Bewshers) to undertake the Floodplain Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury Local Government Area. This resolution was in accordance with Council's Floodplain Risk Management Advisory Committee's recommendation of 29 March 2010.

Bewshers have subsequently commenced the project with part of the consultancy requiring an investigation of evacuation routes and capacities of such routes for the existing and future populations of the Hawkesbury LGA. Bewshers have advised Council staff that there exists an opportunity to obtain up to date evacuation data from another consultancy firm, Molino Stewart Pty Ltd (Molinos), and have subsequently submitted a request to vary their contract with Council in order to engage Molino to undertake this work. The cost of the variation is \$19,550 (exc. GST).

The matter was considered by the Council's Floodplain Risk Management Advisory Committee at a Special Meeting held on 18 January 2011 with the Committee recommending to Council that it adopt the proposal to vary the contract. A copy of the report to the Committee is attached. That report provides details of the proposed variation and the merits of proceeding.

Conformance to Community Strategic Plan

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

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

and is also consistent with the following milestone of the Community Strategic Plan being:

- Prepare flood risk management plan and study

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2009 – 2011.

Financial Implications

This overall project is currently funded one third by Council, with two thirds funding being provided by the NSW Government's Floodplain Management Program. The project will span financial years and provision for this project is made in Component 43.

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The cost of the variation is \$19,550 (exc. GST). This amount can be funded from funds in the current budget with future quarterly budget adjustments as required. Council staff will endeavour to offset the cost of the variation by applying for additional Floodplain Management Program grant funding. If successful, the maximum grant funding available to Council would be two thirds of the cost, i.e. \$13,033.

RECOMMENDATION:

That the variation to Council's contract with Bewsher Consulting Pty Ltd for the Floodplain Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury Local Government Area as outlined in this report be approved.

ATTACHMENTS:

AT - 1 Report to Floodplain Risk Management Advisory Committee re Proposed Variation of Contract for Floodplain Risk Management Study and Plan for the Hawkesbury River.

**AT - 1 Report to Floodplain Risk Management Advisory Committee re
Proposed Variation of Contract**

Introduction

The purpose of this report is to seek the Committee's approval of a variation to the contract with Bewsher Consulting Pty Ltd (Bewshers) for the *Floodplain Risk Management Study and Plan for the Hawkesbury River*.

Nature of Variation

In summary Bewshers are seeking an additional commitment from Council of \$19,550 (ex GST) to engage Molino Stewart Pty Ltd (Molinos) to undertake an assessment of regional flood evacuation routes. Molinos are a very experienced floodplain management consultancy, have undertaken many evacuation assessments for developments within the Hawkesbury - Nepean River area, and are currently undertaking a review of flood evacuation constraints in the Hawkesbury - Nepean for the Department of Planning.

Through Bewshers, Molinos advise that their work for Hawkesbury would be as follows:

We would take the coarse evacuation model which we have developed for the Department of Planning and assess the capacity available for further development within Hawkesbury LGA to evacuate in accordance with the SES Flood Evacuation Plan. This would take into account the potential for proposed developments in other LGAs (e.g. Penrith Lakes, Riverstone West Industrial) to impede evacuation traffic from the Hawkesbury.

We would discuss the results of this analysis with yourself [Bewshers], HCC, SES and DECCW and explore potential structural and non structural options to overcome current capacity deficits and provide additional evacuation capacity. We would test the efficacy of these options for flood evacuation but have not made allowance for costing structural options which may arise from these investigations

In light of the analyses and discussions we would prepare a working paper on evacuation issues for either reference by, or incorporation into, the Floodplain Risk Management Study. We have also allowed for our attendance at two FMC meetings at Hawkesbury City Council chambers.

Bewshers see the advantages of engaging Molinos as follows:

It will allow the study team to access the findings of Molino Stewart in relation to the Penrith Lakes Project (and other projects) beyond the Hawkesbury LGA which may impact on regional evacuation. Receipt of the findings of the Molino study for the DoP is critical to the Hawkesbury FRMS&P.

If engaged as part of the FRMS&P, Molino will be able to prepare an evacuation report focussed on the local issues in the LGA, which take account of the other developments in adjacent LGAs (such as Penrith Lakes Project). The impact of these changes to the regional evacuation which Molino has been investigating would otherwise be unavailable to the Study Team. This work is over and above that included in our proposal for the FRMS&P.

Consistency of evacuation assessments. We are aware that Molino Stewart have provided advice to both government and private enterprise and we believe it is important that any inconsistencies that could potentially arise between the results of the Hawkesbury FRMS&P and Molino Stewart's assessments be resolved internally between us before the FRMS&P is published.

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Molino's prompt engagement will facilitate the timely and efficient completion of the study by June 2011.

Compliance with Consultant's Brief

The consultant's brief approved by the Committee allows for project variations, and, in terms of evacuation matters, the brief requires a review of the current regional flood evacuation strategy identified in the *Hawkesbury Nepean Floodplain Management Strategy*, November 1997.

Bewshers in their original fee proposal committed to undertaking this review however noted that they did not expect that a major revision would be required.

From discussions between Council staff, DECCW staff and Bewshers it is understood that the work Molinos is currently undertaking for the DoP is a review and revision of the current regional flood evacuation strategy and that work proposed in the variation is additional work to that required by the brief.

Potential for Reduction in Fees Payable to Bewshers

The proposed variation and any potential reduction in fees payable to Bewshers has been discussed at length with Council staff, DECCW staff and Bewshers.

In response Bewshers have provided the following comment:

You will note that on the last occasion that we discussed the potential involvement of Molino Stewart, I suggested that the inclusion of Molino Stewart might be offset by a reduction in the fees payable to Bewshers. Nevertheless, given that Molino Stewart's role is somewhat reduced from that originally anticipated, and there may be a need for Bewshers to provide some additional cost estimates flowing from Molino's work, we believe it's not appropriate that there now be a fee offset. Further we note that there is minimal duplication of tasks by Molino Stewart (compared with the tasks in our existing commission) and there will likely be additional tasks associated with our liaison with Molino which have not previously been accounted for.

Access to Department of Planning Report

Council staff have contacted relevant staff in DoP and enquired as to whether or not Council will be provided with a copy of the Molinos report for DoP. This request is currently being considered by the DoP.

It is understood that the report is still in draft and it is not known if it will be provided to Council/Bewshers in time for it to be considered within the FRMS&P process. If the FRMS&P study is delayed awaiting receipt of the DoP study, Council may incur additional costs that have not been included in Bewshers proposal.

Opinion of Council Staff and DECCW Staff

Relevant staff from Council and DECCW have discussed the Bewsher/Molino proposal and believe that Molinos are appropriately qualified and experienced to undertake the work and that their work is critical to the project. Molinos current commission with DoP, will ensure that their report for the Hawkesbury will include the most up to date assessment of evacuation route capacities and proposed road upgrades.

Upon receipt of Molinos report Bewshers will review it as per the consultant's brief and provide costings of any structural options proposed to overcome evacuation difficulties.

Molinos have advised that there are no 'proprietary rights' to the previous analyses that they have undertaken for others that would prevent them freely sharing this information with the project team.

The proposed variation represents an 8% increase in the original agreed fee proposal. To assist in offsetting this cost to Council, staff will seek additional grant funding from DECCW and/or agreed cost saving with Bewshers in other elements of their commission (eg investigating potential cost saving by Council printing various documents rather than Bewshers).

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RECOMMENDATION:

That the variation outlined in this report be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 6 CP - Results of Community Consultation Process on Future Options for Household Bulky Waste Clean-up Service and Resulting Actions Required - (96330)

Previous Item: 127, Special (22 June 2010)

REPORT:

Executive Summary

At the special meeting of 22 June 2010, Council considered a report regarding Council's Kerbside Household Clean up Service. At that meeting Council resolved that a public consultation process be undertaken to review the kerbside collection service with the results of such consultation being reported to Council. This review was to determine future service alternatives with a view to a new/revised service being commenced in the 2011/2012 financial year.

Consultation

A public consultation process was undertaken between October and December 2010, utilising the services of A Prince Consulting Pty Ltd, trading as APC Environmental Management, who conducted a multi-faceted program which included, background research, press releases for distribution to local media, telephone surveys (for those in and out of the current service areas), a web based survey and focus group sessions.

A copy of the report on the results of the public consultation, together with numeric results, details of comments made by the public, and the consultant's observations and recommendations are attached to this report for consideration.

Background

Due to mandatory cost increases from Section 88 Waste Disposal Levy and the significant cost of disposing of mattresses collected, Council agreed to two previous requests from the current contractor, Transpacific Cleanaway, to increase contract payments for the Kerbside Household Cleanup service. The second increase for payment was considered by Council at the Special meeting of 22 June 2010, where the resolution, in part, stated the following:

"The public consultation process to review the extent of the kerbside collection service be commenced immediately and the results of that consultation process be reported back to Council for a determination of the extent of that future service with a view to a new/revised service commencing by approximately 1 July 2011."

The public consultation process that was undertaken reviewed, amongst other questions, whether the service should be continued, kept the same or expanded, and how the service should be performed.

Results from the surveys indicate that the majority of those completing the surveys want some form of kerbside household cleanup service, with only approximately 8% saying that they didn't need a service and 83% wanting the service in various frequency rates (see Page 18 Table 11 of the attached consultants report).

There was an even split of the community that preferred an "on-call" collection (40%) to a "scheduled collection" (39%) with 16% wanting a combination of the two types of service (see Page 19 Table 12 of the consultants report).

It was evident from the focus group sessions and the responses on the surveys, that the community does not understand the true costs of waste disposal. This was evident from the questions fielded at these

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meetings and the surprise at the 'hidden' costs of the service when these were explained and discussed. This may have been part of the reason for the results showing that 65% of the respondents stated that they would prefer a "user pays" service compared to 27% preferring a cost sharing on rates system. User pay systems are inherently much more expensive for the individual using the service than the alternative.

Whilst the aforementioned are significant indicators from the consultation process, there are many more indicators in the report that will need to be considered in making a decision on how the future service should be provided.

Apart from the consultation results, Council also has a responsibility to provide the most cost effective and environmentally responsible method of providing the service, to make the costs affordable to the majority of its community, and not just those in the community who are in the higher earning bracket. This means that there are a number of options that should be considered by Council prior to determining the most appropriate level of service. One of the most critical pieces of information that is required prior to assessing these options is the costs involved in providing these services.

The consultant has prepared tender specifications and contract documents that will allow Council to explore a number of different methods and associated costs of providing the Kerbside Household Cleanup service. These options are based on the results of the consultation process as detailed in the attachment to this report. At the same time, the prepared tender documents have also included an opportunity for tenderers to give prices for an organics collection service in a 240 litre waste cart (third bin), which Council may consider introducing sometime in the future.

The tender documents would be structured in such a manner as to ensure that Council is not bound to accept contracts for the Kerbside Collection Service *and* an Organics collection service. As such the documents would contain the following statement:

"Council may award separate contracts for the Organics Service and the Kerbside Bulk Waste Service. Feasibility studies are still being undertaken on the Organics Service and no formal decision has been made to adopt the service therefore Council may chose not to proceed with an Organics Service contract."

For Council to be able to make a fully informed decision on the future of the Kerbside Household Cleanup Service, it is suggested that the tender process be run as soon as possible, covering the following different methods of servicing:-

- On call collection 12,000 services - once per year
- On call collection 12,000 services - once per year, user pay for any additional services
- On call collection 21,000 services - once per year
- On call collection 21,000 services - once per year, user pay for any additional services
- On call collection 12,000 services and scheduled collection for 9,000 rural services once per year

Note: The current service is an 'on call', (i.e. each property arranges a time for collection) service to 12,000 properties twice per year. The above extension to 21,000 is based on the 21,000 properties that currently have a domestic waste collection service.

By using these combinations of servicing options, Council will be able to ascertain the cost of each option which would assist in the consideration of the most appropriate service to be provided to the Hawkesbury community whilst Council still achieves its waste reduction targets and responsibilities.

Once the tender process has been completed, a further report will be submitted to Council.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statement;

- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

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and is also a nominated strategy in the Community Strategic Plan being:

- Review, develop and implement waste and recycling strategy

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2010-2012.

Financial Implications

The cost of providing the service will need to be included for consideration in the 2011/2012 Draft Budget currently being prepared, with funding coming from the Domestic Waste budget.

RECOMMENDATION:

That:

1. Tenders be called for the provision of a Kerbside Household Cleanup Service based upon the following combinations of providing the service:
 - On call collection 12,000 services - once per year
 - On call collection 12,000 services - once per year, user pay for any additional services
 - On call collection 21,000 services - once per year
 - On call collection 21,000 services - once per year, user pay for any additional services
 - On call collection 12,000 services and scheduled collection for 9,000 rural services once per year
2. The tender process also includes a tender for the provision of an organics collection service using a 240 litre waste cart for future consideration of providing such a service.
3. Following the tender process, a further report be provided to Council recommending options for the proposed future method of providing the kerbside household cleanup service that are based on consideration of the results of the public consultation process, environmental responsibility, and cost effectiveness for the Hawkesbury community.

ATTACHMENTS:

- AT - 1** APC Environmental Management Community Consultation Report for Hawkesbury City Council on Future Options for Household Bulky Waste Clean-up Service - December 2010 - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

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Item: 7 CP - Implementing the Integrated Planning and Reporting Framework - (95498)

Previous Item: 255, Ordinary (24 November 2009)

REPORT:

Executive Summary

The NSW Division of Local Government introduced a new planning and reporting framework for NSW local government via the *Local Government Amendment (Planning and Reporting) Act 2009* (the Act), on 9 October 2009. Councils were required to nominate a group for the timeframe to complete the implementation of the changes and at the meeting of 24 November 2009 Council nominated to be in Group 3.

The Division of Local Government has given councils the opportunity to amend their nominations and requested that the Group 2 and Group 3 councils amend or re-confirm their nominations. The purpose of this report is to obtain a Council resolution that re-confirms Council's previous nomination for inclusion in Group 3.

Consultation

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

Background

On 24 November 2009 Council considered a report on the implementation of the Integrated Planning and Reporting framework (*See attachment 1*). The resolution of that meeting was as follows:

"That the Division of Local Government be advised that Council nominates to be included in "Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012", for the implementation of the integrated planning and reporting framework."

Group 1 councils completed the implementation work in July 2010 and the Division of Local Government recently wrote to all councils in Groups 2 and 3 to provide the opportunity for those councils to amend their nominated timeframes. (*See attachment 2*). The Division's letter also requires Council to re-confirm the nominated timeframe via a resolution of Council.

Council has completed the Community Strategic Plan and is currently working on the development of the Resourcing Strategy, Delivery Program and the amended Operational Plan. Whilst this work is proceeding it is recommended that Council remain in Group 3. This requires the work to be finalised for adoption by Council in June 2012.

Conformance to Community Strategic Plan

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

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

and is also consistent with all the Directions and Strategies in the Community Strategic Plan as the process of implementation of the Integrated Planning and Reporting is the process that requires the preparation and implementation of the Community Strategic Plan and all the associated Directions and Strategies.

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Financial Implications

Funding for some of the required work is already included in the current budget as the work will essentially involve modifications to current practices. As the need for additional budget allocations are identified, the proposed changes will be developed and reported via future Quarterly Budget Reviews and the Draft 2011/2012 Budget.

RECOMMENDATION:

That the Division of Local Government be advised that Council re-confirms its nomination to be included in "*Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012*", for the implementation of the integrated planning and reporting framework.

ATTACHMENTS:

- AT - 1** Council report from Ordinary Meeting of 24 November 2009
- AT - 2** Letter from NSW Division of Local Government dated 30 December 2010)

AT - 1 Council Report from Ordinary Meeting of 24 November 2009

Implementing the Integrated Planning and Reporting Framework

REPORT:

Introduction

The NSW Division of Local Government has introduced a new planning and reporting framework for NSW local government. The *Local Government Amendment (Planning and Reporting) Act 2009* (the Act), was assented to on 9 October 2009. The purpose of this report is to further advise Council of the requirements of the amendment to the Act, and to nominate a Group for the timeframe to complete implementation of the changes.

Division of Local Government's - Planning for a Sustainable Future: Integrated Planning and Reporting Framework

The reforms replace the former Management Plan and Social Plan with an integrated framework, consisting of a hierarchy of documents which include a long-term Community Strategic Plan, a Resourcing Strategy and a Delivery Program for each elected council term. An Operational Plan is then developed for each year to outline the specific details of Council's activities and budget and report on the progress of its activities to the community through the Annual Report.

The Division of Local Government (DLG) released for public consultation, in May 2009, the Integrated Planning and Reporting Legislation and Guideline Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009, and the Local Government (General) Amendment (Planning and Reporting) Regulation 2009. The draft legislation was supported by draft Planning and Reporting Guidelines (compliance is mandatory), and a draft Planning and Reporting Manual (supporting information to assist councils).

The Bill was tabled in the NSW Parliament in early July 2009 and was assented to (commenced) on 9 October 2009.

Councils will be required to address all essential elements of the legislation in their plans and prepare a compliance report in accordance with the Act. The following diagram shows the basic structure of the proposed new planning and reporting system.

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The contents of the Manual are not mandatory requirements. However, councils are required to consider the content of the Manual when they are making decisions on the transition to the new planning and reporting system.

The implementation of the new requirements will be staged, to comply with the requirements of the legislation. However, all councils by 2012 will need to have in place the following planning processes:

- a community engagement strategy that sets out how each council will engage its community when developing or reviewing its Community Strategic Plan,
- a Community Strategic Plan,
- a Resourcing Strategy that includes a long term financial plan, a workforce management strategy and an asset management policy, strategy and plans,
- a Delivery Program,
- an Operational Plan, including a statement of revenue policy, and a detailed annual budget.

To comply with the requirements of the legislation and the *Planning and Reporting Guidelines for local government in NSW*, councils will also need to have in place the following reporting processes:

- an Annual Report outlining achievements against the Delivery program,
- a State of the Environment Report as part of the Annual Report, which outlines achievements in relation to the environmental objectives in the Community Strategic Plan,
- audited financial statements as part of the Annual Report,
- an end of term report by each outgoing council outlining the achievements in implementing the Community Strategic Plan presented to the final meeting of that council.

The implementation of the new integrated planning framework is proposed over a three year period. The Division of Local Government wrote to Council on 14 October 2009 (copy attached) requiring Council to nominate, by resolution, its choice of Group for the implementation of the new requirements. The timeframe groups are as follows:

- Group 1: Community Strategic Plan and Delivery Program adopted by 30 June 2010.
- Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011.
- Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012.

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The Division has suggested that Councils should consider the following matters in determining which Group to nominate:

- its capacity to meet the new legislative requirements within the timeframe,
- if there is sufficient time to effectively engage the community in preparing the relevant plans,
- the status of its Resource Strategy development. The Council should have an asset management strategy developed that identifies how it will manage its assets and how and over what timeframe it will develop asset management plans for all classes of assets.

The letter from the Division also states that if councils are well progressed, or have already adopted, a Community Strategic Plan, that consideration should be given to nominating for Group 1, i.e., to be completed by 30 June 2010.

As Council is aware, the Hawkesbury Community Strategic Plan was adopted at the meeting of 13 October 2009. Notwithstanding, there is a significant amount of work still required prior to Council fully implementing the legislative requirements. These include Resource Strategy matters, such as asset management processes, preparation and budgeting, Delivery Plan preparation and necessary amendments to Council operations and development of Council processes to enable the necessary reporting regime.

The adoption of the Community Strategic Plan will ensure that Council is well placed to embrace and comply with the planning reform requirements. However, given the amount of work required and the impact this work will have on Council's limited resources, it is recommended that Council nominate for Group 3, i.e., implementation of the requirements by 30 June 2012.

Conformance to Strategic Plan

The implementation of the Integrated Planning and Reporting framework is a legislative requirement. However, it should also be noted that this framework involves the development and implementation of strategic policy throughout Council and its operations. The first part of this strategic policy has been the development and adoption of the Community Strategic Plan. All future decisions of Council will need to be consistent with, or flow from, the directions and strategies articulated in the Community Strategic Plan.

Funding

Funding for some of the required work is already included in the current budget as the work will essentially involve modifications to current practices. As the need for additional budget allocations are identified, the proposed changes will be developed and reported via the usual budget process.

RECOMMENDATION:

That the Division of Local Government be advised that Council nominates to be included in "*Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012*", for the implementation of the integrated planning and reporting framework.

ATTACHMENTS:

AT - 1 Correspondence from the Division of Local Government dated 14 October 2009.

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AT - 1 Correspondence from the Division of Local Government dated 14 October 2009

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AT - 2 Letter from NSW Division of Local Government dated 30 December 2010)

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Item: 8 **CP - Water Skiing on Bushells Lagoon, Wilberforce - (95498, 103329)**

Previous Item: NM2, Ordinary (30 November 2010)
 QWN 12, Ordinary (14 December 2010)

REPORT:

Executive Summary

Council through a notice of motion (30 November 2010) and a question for next meeting (14 December 2010), have raised concerns about the use of Bushells Lagoon for water skiing.

Following discussions with Council officers, NSW Maritime has now written to Council seeking its views regarding the operation of a water ski vessel and the issue of an aquatic licence. (See Appendix 1).

This report recommends that NSW Maritime be informed of Council's concerns as outlined in this report and Council's request for a stakeholders meeting to be convened if a licence is to remain in place for water skiing.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake the following community engagement process in compliance with Council's policy:

- Council has previously resolved to consult with relevant stakeholders. That meeting is yet to be convened pending the clarification of legislation and the co-operation of NSW Maritime to participate in that meeting.
- This report provides public information as to the status of this matter.
- Those persons who addressed Council were notified of this matter and will be provided with a copy of Council's resolution following this meeting.
- The licence holder was notified of this matter.

Background

In July 2010 NSW Maritime issued a conditional aquatic licence to Western Water Ski Club Inc to use Bushells Lagoon for water ski training during the hours of 8am until 8pm from 1 August 2010 until 31 July 2011.

After considering a Notice of Motion at its meeting of 30 November 2010 Council resolved that:

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

On 6 December, 2010, the Acting Director City Planning contacted NSW Maritime both by phone and by email to advise of Council's resolution and request they suspend consent for skiing. Council's concerns

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were expressed about the potential impacts on the flora and fauna at the lagoon from the water skiers and also the safety of people skiing and risk of hitting submerged objects.

On 13 December 2010 the Acting Director City Planning met onsite with representatives from NSW Maritime, National Parks and Wildlife and Lands Department to firstly, reinforce the Council's request for skiing to be suspended and secondly, to establish the background of the site and the licence. It was decided that further investigation was required from all agencies in relation to the relevant legislation and land tenure.

On the morning of 20 December 2010, the Acting General Manager and the Acting Director City Planning met with representatives from NSW Maritime, National Parks and Wildlife and Lands Department to again reinforce the Council's request for skiing to be suspended and secondly, for further clarification and discussion about relevant legislation and land tenure.

On the afternoon of 20 December 2010, the Acting Director City Planning received verbal advice by phone from NSW Maritime that the licence holder has agreed not to ski on the lagoon for "the next few weeks".

On 29 December 2010, Council received a letter from NSW Maritime asking that Council advise them of any concerns and the impacts that waterskiing has on the waterway. A copy of this letter is included as Attachment 1 to this report.

Summary of Concerns

The following have been identified as key concerns about the issuing of the licence and the potential impacts on the waterway:

1. **Wildlife Refuge Proclamation**

Bushells Lagoon was proclaimed on 26 April 1967 as "Bushells Lagoon Wildlife Refuge - No. 162".

2. **Water Supply Proclamation**

Bushells Lagoon was proclaimed as a water supply on 19 April 1940.

In 2009 Council provided a letter of Support/Commitment to the CMA for the Bushells Lagoon Grant Application under the Hawkesbury Nepean Catchment Management Authorities' Wetland Management Program. Council has been continuing to support bush regeneration activities at the lagoon in conjunction with the Catchment Management Authority with some works being undertaken during December 2010.

3. **Ownership**

The land is owned by the Crown but care, control and management is vested in Council. However, Council was not consulted prior to the licence being issued. The Development and Crown Land Fact Sheet Guidelines state the following:

The Views of any Reserve Trust

"Crown land may be managed by a reserve trust, for which a manager (which could be a local council or a community trust board) is appointed. Where this is the case, early discussion should be held with that manager in addition to LPMA to determine the views of the trust and, for development on the reserve itself, whether it would issue any required authorisations." (Source: http://www.lpma.nsw.gov.au/_data/assets/pdf_file/0018/130653/Development_and-Crown_land_Fact_Sheet.pdf).

There is concern that Council was not consulted (as the land manager of the lagoon) prior to the issue of the licence.

4. Flora and Fauna

The lagoon (wetland) is one the largest in the Hawkesbury. The National Biodiversity Audit, Biodiversity Strategy Case Study: Cumberland Plain Subregion, Sydney Basin Bioregion New South Wales SB8: Cumberland; contains information about Bushells Lagoon starting on page 8 of this document. This document indicates that Bushells Lagoon is of Subregional Importance. (Source: http://www.anra.gov.au/topics/vegetation/pubs/case_studies/sb8_casestudy.pdf) and states that:

*“The NPWS wildlife atlas recorded the vulnerable species Black-tailed godwit (*Limosa limosa*), Australasian bittern (*Botaurus poiciloptilus*), Comb-crested jacana (*Irediparra gallinacea*), painted snipe (*Rostratula benghalensis*) and Red-crowned Toadlet (*Pseudophryne australis*. Cumberland Plain Woodland and other vegetation listed under either Threatened Species and Ecologically Endangered Species are likely to be on site.”*

It would appear that an assessment was not undertaken by NSW Maritime to consider the potential impacts of water skiing on the flora and fauna prior to issuing the licence in question.

5. Wetlands Listing

The Catchment Management Authority (CMA), Planning NSW and others list Bushells Lagoon as a wetland of regional significance:

- *“Wetland communities listed on the NSW Threatened Species Conservation Act (as of Dec 05) **SREP 20** Freshwater Wetlands such as **Bushells Lagoon**”* [emphasis added]. (Source: http://www.hn.cma.nsw.gov.au/multiversions/3271/FileName/Vol1_48-52.pdf) and in its Catchment Action Plans (Source: <http://www.hn.cma.nsw.gov.au/multiversions/3083/FileName/CAP62-82.pdf>).
- *Wetland communities listed as endangered ecological communities: montane peatlands and swamps and Sydney freshwater wetlands in the Sydney basin bioregion. The wetlands protected under this instrument were described in New South Wales Department of Urban Affairs and Planning (1996) Significant wetlands of the Hawkesbury-Nepean river valley. A study prepared by P & J Smith Ecological Consultants, Sydney.”*
- *“The largest area of freshwater wetlands are along Wrights Creek off the Macdonald River, along Wheeny Creek off the Colo River, at Halls and Irwins Swamps, along Howes and Currency Creeks, along Little Cattai Creek, at **Bushells Lagoon** and Neighbouring lagoons...”* [emphasis added]. “Significant Wetlands of the Hawkesbury-Nepean River Valley.” Author(s): P & J Smith, Ecological Consultants Year Of Publication: 1996 (Source: <http://www.markevans.org/geomsOld/html/results.asp?view=Keyword&Keyword=Wetlands>)

There is concern that an assessment was not undertaken by NSW Maritime to consider the potential impacts of water skiing on the wetland.

6. History

The land at Bushells Lagoon has early colonial links:

- *“Paul Bushell - ...[who] arrived on the Surprise with the second fleet on the 26th June 1790. He was a trusted assigned servant on Williamson’s farm and was eventually allowed to launch out on his own. He was granted land across the river by a lagoon then known as Robinson’s. This lagoon is, still to this day (as far as we know), known as Bushells Lagoon. Paul was pardoned in 1801 ... Paul became one of the founders of the Ebenezer church, an inaugural member of the Wilberforce Bible Association, a collector for the Waterloo fund of 1816 and a supporter of the Benevolent Society. He also represented Wilberforce on the Committee of Emancipated Colonists of 1821...By 1828 he owned 310 acres of land around Wilberforce where he had become a most exemplary citizen.”* (Source: <http://www.woodfamilytree.com.au/Frank%20Wood%20bios.htm> & <http://www.easystreetretreat.com.au/australianroyalty/individual.php?pid=143488&qed=purnellmccord.ged>)

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- *Benjamin Cusley - "...Probably as member of the contingent serving at the Hawkesbury in 1795, he acquired a 25-acre portion of a land grant jointly awarded to military personnel. Two hundred acres in his own right was granted in 1799 on Robinson's (Bushell's) Lagoon..." (Source: <http://www.cursley.org.uk/id149.html>).*

It would appear that an assessment may not have been undertaken by NSW Maritime to consider the potential impacts of water skiing on the historical significance of the lagoon prior to issuing a licence for this purpose.

7. Assessment under Part V

The recreational activities on navigable waters do not require development consent from Council under Part 4 of the *Environmental Planning and Assessment Act 1979*. However, it remains unclear whether or not NSW Maritime carried out a review of environmental factors as required under Part 5 for development without consent.

The Part 5 obligations are acknowledged on the Land and Property Management Authority (LPMA) "Development and Crown Land" fact sheet as follows:

"...development that does not need consent", LPMA (or a reserve trust) will generally be required, under Part 5 of the Environmental Planning and Assessment Act 1979, to assess the environmental impact of that development when deciding whether to issue an authorisation under the Crown Lands Act 1989. The proponent may be required to prepare a 'review of environmental factors' to assist..."

(Source: http://www.lpma.nsw.gov.au/_data/assets/pdf_file/0018/130653/Development_and-Crown_land_Fact_Sheet.pdf)

In preparing a Part 5 assessment there are a range of potential legislative matters that need to be considered in a review of environmental factors that is undertaken and these include:

- *NSW Threatened Species Conservation Act 1995*
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*
- *National Parks and Wildlife Act 1974*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Rural Fires Act 1997*
- *Native Vegetation Conservation Act 1997*
- *State Regional Environment Plan (SREP) No. 20 - Hawkesbury-Nepean Catchment*

Council should seek clarification as to whether or not a review of environmental factors and Part 5 assessment was undertaken by NSW Maritime before issuing the aquatic licence.

8. Access to Bushells Lagoon

NSW Maritime has indicated that Bushell's Lagoon is deemed to be "navigable waters" as it is a body of water accessible from a public road. Brewers Lane is a public road however the levee bank known as 'Fotheringham's Levee' is not dedicated as public road. (Fotheringham's Levee was installed some 30 years ago and was retrospectively authorised by the Trust Manager at that time).

Access from private land appears to be currently used for the floating pontoon and to launch the water ski boat. Council has not granted development consent for this activity to occur on 69 Blacktown Road. Council was separately considering a DA for the unauthorised use of that land for agricultural igloos. However, that application has been withdrawn, for the time being, and that matter will be separately investigated.

It would appear that access to the lagoon is other than via a public road and that development activity has been supported by NSW Maritime outside the scope of an aquatic licence.

9. Consultation with other Stakeholders

There are a number of different stakeholder interests to consider in the use and management of Bushells Lagoon. These include: power boat users, water-skiers, non motorised boat users (eg kayaks), bird watching groups, photographers, other recreation users, other lagoon landowners, other State agencies (eg. NPWS, CMA, Planning NSW) and the current (and future) broader community.

It would appear that all stakeholders have not been given an opportunity to comment on the potential impacts of the aquatic licence on the lagoon.

Conclusion

The NSW Maritime letter provides Council with the first formal opportunity to comment on this matter. Bushells Lagoon is used for a range of recreational purposes as well as a water supply by surrounding farming properties. It is an area of natural beauty as well as a recognised wetland with high environmental values. Appropriate land use practices are vitally important for the environment to persist for the benefit of future generations. It is important that Council and the community are involved in the decisions that are made about the future use of the lagoon.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statement;

- Work with our communities and business to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

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

- Facilitate ecologically sustainable development through the retention and long term management of natural assets

Financial Implications

No financial implications are applicable to this report. However Hawkesbury City Council's financial contribution to the bushcare project for the lagoon was \$7,000 (exclusive of GST).

RECOMMENDATION:

That:

1. NSW Maritime be informed of the concerns as outlined in this report.
2. NSW Maritime be asked to revoke the current aquatic licence and allow only non-motorised craft to use the lagoon for recreation purposes.
3. If the aquatic licence is revoked, the stakeholder meeting requested by Council in the resolution of 30 November 2010 will not be required.
4. Should NSW Maritime wish to retain the licence for water skiing, they be requested to meet with relevant stakeholders so that amended conditions can be considered to protect the lagoon and the safety of the participants.

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ATTACHMENTS:

- AT - 1** Letter from NSW Maritime
- AT - 2** Location Plan
- AT - 3** Aerial Photo

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AT - 1 Letter from NSW Maritime

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

ORDINARY MEETING

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AT - 2 Location Plan

**To View This Image,
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ORDINARY MEETING

Meeting Date: 1 February 2011

AT - 3 Aerial Photo

**To View This Image,
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oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 9 IS - Fireworks Displays held on Council Managed Land - (79354, 95494)

REPORT:

Executive Summary

This report considers what consents should be required and what issues should be considered prior to granting fireworks display approval for fireworks held on Council Managed Land.

WorkCover being the appropriate authority permitting fireworks displays have, in conjunction with the Division of Local Government, established a set of guidelines for fireworks displays for councils to consider when assessing fireworks notifications received by WorkCover.

It is recommended that fireworks display applications be assessed in accordance with these guidelines.

Consultation

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

Background

In July 2010 a fireworks display was held at Colonial Reserve, Bligh Park, courtesy of a private fireworks company for the benefit and enjoyment of the local community. Whilst the event was very well attended and overall considered successful, a number of concerns were raised from the community in terms of the suitability of the chosen location, danger to animals within the displays vicinity and the limited notification provided to residents.

To hold a fireworks display, the event organiser needs a Pyrotechnician's licence or fireworks (single-use) licence which is issued by WorkCover NSW. Whilst Council has no power to approve the use of fireworks, it may object to or impose conditions on their use on Council managed land.

WorkCover, in conjunction with the Division of Local Government, have established a set of guidelines for fireworks displays for councils to consider when assessing applications - 'Guidelines for Council when Notification of a Fireworks Event is Received'. The Guidelines have been developed to provide councils with a standard framework when assessing a fireworks display notification received by WorkCover. A copy of these Guidelines are included as Attachment 1 to this report.

The Guidelines recommend the following issues be considered when assessing whether to object to or impose conditions on a display:

1. Appropriateness of the location e.g. proximity to residences, hospitals, animal shelters and livestock
2. Reason and length of the display e.g. Is the display in the public interest?
3. Types of fireworks e.g. Aerial fireworks may have greater impact on surrounding areas than ground fireworks
4. Impact on any affected residents and businesses
5. Impact on animal welfare
6. Public liability issues
7. Noise
8. Pollution
9. Public nuisance

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10. Appropriate notification to neighbouring properties. Council may need to decide what it believes to be a reasonable area of coverage for notification, and how this should be done by the applicant e.g. Letterbox drop, media advertisement
11. Proposed procedure for disposal of spent fireworks
12. Whether appropriate crowd and traffic management issues have been addressed where the display is likely to draw crowds
13. Whether a usage fee is charged in cases where Council land assets are utilised
14. Any other local conditions that Council may consider relevant

The WorkCover self-assessment "Fireworks Display Checklist" will need to be lodged with every application. This will assist with the review of any fireworks event.

Fireworks displays will not proceed unless the licensee has been able to resolve any objections raised by Council/Council staff and have met all conditions set for the event.

Any approved events will be subject to set conditions including, but not limited to:

- Public liability of not less than \$20,000,000 with Council noted on the policy;
- Notification of those to be affected will be by the applicant no less than two months prior to the event and at the applicants cost.

In the event of a late notification:

- The matter will be reported to Council for their consideration subject to there being enough time to do so or
- That permission not be granted for the fireworks display due to there being insufficient time to process the application.

Should any objections be raised or permission not granted for an event, Council staff will notify WorkCover no less than 2 working days prior to the event, that it raises an objection.

For future fireworks displays, it is recommended that the 'Guidelines for Council when Notification of a Fireworks Event is Received' be considered prior to giving approval. It is further recommended that applicants are required to provide notification in writing no less than three months prior to the proposed event, to allow sufficient time to consult with the affected community.

Conformance to Community Strategic Plan

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

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

Financial Implications

No financial implications resulting from this report.

RECOMMENDATION:

That:

1. The 'Guidelines for Council when Notification of a Fireworks Event is Received' issued by the Division of Local Government be considered when approving a fireworks display event.

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2. Fireworks display applications are required to be received no less than three months prior to the event.
3. The WorkCover self-assessment "Fireworks Display Checklist" is required to be lodged with each fireworks display application.
4. A fireworks display will not proceed unless the licensee has been able to resolve any objections raised by Council/Council staff and have met all conditions set for the event.

ATTACHMENTS:

AT - 1 Guidelines for Council when Notification of a Firework Event is Received.

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AT - 1 Guidelines for Council when Notification of a Firework Event is Received.

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

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oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 1 February 2011

Item: 10 **IS - Governor Phillip Reserve - Noise Policy - (79354, 95495)**

Previous Item: 59, Ordinary (30 March 2010)

REPORT:

Executive Summary

Correspondence has been received from Australian Barefoot Racers Club Inc, requesting an increase in allowable noise limit for their event to be held on 26 and 27 February 2011, from 95 Db(a) to 100 Db(a).

It is recommended that the 'Governor Phillip Reserve – Noise Policy' be amended to include this increase.

Consultation

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

Background

During 1999/2000, notification was received from Waterways Authority (now known as NSW Maritime) confirming new noise limits. The noise levels adopted by NSW Maritime are based on the recommendations of the Waterways Authority Noise Committee contained in the 1996 Report on the Control of Noise from Vessels on NSW waterways. These noise levels include:

- For recreational vessels (including Personal Water Crafts), the maximum noise level for engines is 85dB(A) at 30 metres. Engines built on or after 1/1/2000 are required to meet a maximum noise level of 80dB(A).
- For racing vessels, the maximum noise level for engines is 95dB(A) at 30 metres, tested in accordance with Australian Standard 1949-1988. The Authority may make it a condition of an aquatic licence for a significant international or national event, for a particular race or meeting to exceed the maximum noise levels, but only if the relevant local council or councils have provided the race organiser with their written approval for this to occur.

Whilst NSW Maritime indicate that only significant international or national events can exceed the 95dB(A) limit with Council's consent, they do indicate that other events that are beneficial to the community can also be endorsed. Council has consequently over the last seven years allowed a number of the requests received from the Australian Barefoot Racers Club Inc events to exceed these noise levels.

In relation to the request received from the Australian Barefoot Racers Club Inc, a discussion with NSW Maritime highlighted that they had no concerns with the proposed increase and it is therefore recommended that the Noise Policy be amended to increase the noise limit for Australian Barefoot Racers Club Inc events from 95 Db(a) to 100 Db(a).

This is a one off event to be held on 26th – 27th February 2011.

Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions statement;

- Help create thriving towns centres, each with its own character that attract residents, visitors and businesses

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Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That:

1. The amendment to the noise limits for specific events, as outlined within the report, be adopted.
2. All other users of the River, within the Hawkesbury LGA, are to observe the noise limits set by NSW Maritime.
3. The noise limits continue to be reviewed following any changes to the noise limits by NSW Maritime.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 1 February 2011

Item: 11 **IS - Gym Equipment on Ham Common - (95495)**

Previous Item: NM1, Ordinary (30 November 2010)

REPORT:

Executive Summary

In September 2010 the installation of the outdoor Gym Equipment at Ham Common was completed, with significant success and public usage.

At the Ordinary Meeting held on 30 November 2010, a Notice of Motion was received where it was resolved:

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

The investigation into the supply of the equipment has consisted of three parts:

- The actual supply of equipment
- The suitability for use as determined by Occupational Therapists from Northcott Disability Services, and
- Services currently provided.

In review of the information found, this report recommends that Council:

- Support the promotion of the Oasis Swimming Centre provision of services for disabled people,
- Support the promotion of the Burn Rubber Burn Program through its appropriate media channels, and

Consultation

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

Background

In September 2010 the installation of the outdoor Gym Equipment at Ham Common was completed, with significant success and public usage.

At the Ordinary Meeting held on 30 November 2010 a Notice of Motion was received where it was resolved:

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

The investigation into the supply of the equipment has consisted of three parts:

- The actual supply of equipment
- The suitability for use as determined by Occupational Therapists from Northcott Disability Services, and
- Services currently provided.

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Following a review of current Australian manufacturers and suppliers, staff were unsuccessful in sourcing suitable equipment for residents with disabilities. Undertaking further investigation of suppliers worldwide Council found one Chinese manufacturer that supplied equipment for people in wheelchairs, however concerns were raised in relation to the suitability for Councils requirements, including:

- Compliance to Australian Standards
- Restrictive to persons in wheelchairs only
- Weight of structure and weight limits on the unit, and
- Core strength of the user to actually use the equipment.

Investigation into the ability to supply fitness equipment lead staff to contact Occupational Therapists from Northcott Disability Services to determine the suitability of equipment and seek recommendations. In reviewing the equipment, it was determined that it would be difficult to cater for a large number of people with disabilities (motor neuron, muscle degenerative diseases, trauma, etc) It is unlikely that all equipment would meet everyone's needs and all users with a disability are encouraged to have a medical check up and be instructed on the safe use of equipment prior to participating. The following recommendations were made in consultation with Northcott's Occupational Therapists and the "Burn Rubber Burn" program (a disability exercise program).

- Encourage appropriate accessible parking at the park
- Encourage the implementation of pathways that meet the Australian Standards (1428.1 -2009) to enable access to equipment
- A plinth to be present in the park (or low lying bench with a soft covering) for users to transfer onto to complete exercises and or stretches

The butterfly and shoulder press may be useable by some people with good trunk control and sitting balance. Again, it would be beneficial to ensure there is enough space present to position a wheelchair or mobility device next to the equipment for transfers.

Council currently supplies the appropriate access to parking with the park and the pathways meeting Australian Standards to access the equipment. In addition, the butterfly press and shoulder press do have suitable access, however assistance would still be required by the carer.

Staff investigated current programs and found there are a number of programs available through local fitness centres, including the Oasis Swimming Centre (run by YMCA), whereby qualified trainers and occupational therapists develop and assist in planned exercise regimes suitable for individual clients. It should also be noted that the Oasis Swimming Centre is an affiliate to the NSW Companion Card Program which has been developed to promote the participation of people with disability in recreational, social and sporting activities.

In addition the "Burn Rubber Burn" Program through the PCYC is a network of accessible and affordable community based gymnasiums throughout Sydney for individuals with a physical disability. Besides the extensive health benefits, the program is also directed at enhancing the social participation and independent functioning of its participants.

In review of the current information provided it is recommended that Council:

- Support the promotion of the YMCA's programs for the provision of services for disabled people at the Oasis Swimming Centre, and
- Support the promotion of the Burn Rubber Burn Program through its appropriate media channels.

Conformance to Community Strategic Plan

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

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

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Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That Council:

1. Support the promotion of the YMCA's programs for the provision of services for disabled people at the Oasis Swimming Centre.
2. Support the promotion of the "Burn Rubber Burn" Program through its appropriate media channels.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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SUPPORT SERVICES

Item: 12 **SS - Local Government and Shires Association of NSW - Request for Financial Assistance with Legal Costs - Ballina Shire Council - (112608, 79538, 95496)**

REPORT:

Executive Summary

Correspondence dated 15 December 2010 has been received from the Local Government and Shires Association of NSW (LGSA) requesting financial assistance towards legal costs incurred by Ballina Shire Council in relation to a court case in the matter of SJ Connelly Pty Limited v Ballina Shire Council [2010] NSWLEC 128.

At its meeting of 19 September 2010, the Joint Executive of the Local Government Association and the Shires Association resolved that *"legal assistance be granted under the terms of the Legal Assistance Policy and Guidelines"*.

This report recommends that Council contribute the sum of \$761.28 towards legal costs incurred by Ballina Shire Council as requested by the LGSA.

Background

Correspondence dated 15 December 2010 has been received from the Local Government and Shires Association of NSW (LGSA) requesting financial assistance towards legal costs incurred by Ballina Shire Council in relation to a court case in the matter of SJ Connelly Pty Limited v Ballina Shire Council [2010] NSWLEC 128.

The correspondence provides advice that although this matter was in a Court of initial jurisdiction, Ballina Shire Council's application for legal assistance was based on the legal assistance policy requirement that this was a test case as to the definition interpretation of "designated development" in an industrial context, and will have significant implications for all councils. Ballina Shire Council also point to the fact that they were the respondent in this matter and that the applicant would not enter into dialogue with the council before instigating legal proceedings.

Facts of the Matter:

Ballina Shire Council was the respondent in a Class 4 Matter in the Land and Environment Court.

Class 4 of the Land and Environment Court deals with environmental planning and protection matters (civil enforcement and judicial review).

The question that the Court was required to answer was whether the development proposed is "designated development" within the meaning of the *Environmental Planning and Assessment Act 1979*.

Council argued that the development was designated development, being an extractive industry, and therefore an environmental impact statement was required and as such would not determine the development application.

The applicant contended that the development was not an extractive industry and therefore was not designated development.

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The site in question was a residue allotment following compulsory acquisition of the land by the RTA for construction of the Ballina Bypass.

There were 2 engineering constraints on the site. Firstly, that the road was being built on land which is subject to flood inundation, and secondly, that road was being constructed on land that was described as soft soil.

In the road construction process excess road material from soft soil road compaction needs to be disposed of so that the construction process can proceed.

The applicant lodged a development application with council being for the temporary stockpile of 100,000m³ of soil and rock on the residue lot.

Council received advice from their solicitors that the proposal came within the definition of extractive industry and therefore was designated development.

The applicant did not enter into discussions with council over this matter but rather made an application to the Court to decide the issue.

Council argued that it was necessary to defend the matter as it was unclear whether the development application was for designated development and therefore council was not in a position to approve the application.

Clause 19 of Schedule 3 of the EP&A Regulations requires that an extractive industry as designated development needed to be an industry that obtains extractive materials including excavating, dredging, tunnelling or quarrying and the industry is one that stores, stockpiles or processes extractive materials by methods that include washing, crushing, sawing or separating those materials.

The court held that while the method requirements of Clause 19 appeared to be fulfilled, the activity must be an "industry" and have an industrial connotation. The word "industry" should therefore be taken to identify "commercial activities carried on through industrial process"

The court held that it did not consider the preparatory works and the maintenance of the static stockpiles as industrial process, and that the stockpiling on the site of preloaded soil and rock is not being undertaken in the course of a particular branch of trade or manufacture, nor is it being undertaken as part of a large scale business.

Ballina Shire Council claim that as a result of these proceedings there is now a definitive interpretation of "extractive industry" and "industry" for the purposes of Clause 19 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Ballina Shire Council also contend that as a result of this decision, all councils can now confidently consider development applications of this nature without requiring the submission of an Environmental Impact Statement and it has the potential to significantly reduce the environmental impacts associated with the use of approved disposal areas such as landfill sites for the inappropriate disposal of clean extractive materials.

Ballina Shire Councils costs in this matter were \$90,000 of which the first \$20,000 must be borne by it. Regarding the balance, the LGSA have apportioned the amount payable by each council based on each council's share of the Association's total membership subscriptions. The amount apportioned to this Council is \$761.28.

It is a longstanding convention for Council to assist other councils with contributions to legal costs, in cases where the court action or decision has relevance to councils, and where the Association recommends such assistance. In this way, councils support each other, and the awareness of legal precedents and legal liabilities is circulated for the benefit of all councils.

ORDINARY MEETING

Meeting Date: 1 February 2011

Conformance to Community Strategic Plan

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

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

Financial Implications

Should Council make the payment as recommended it will be necessary for a budget adjustment to be made in the March 2011 Quarterly Budget Review.

RECOMMENDATION:

That:

1. As requested by the Local Government and Shires Association of NSW, Council agree to contribute an amount of \$761.28 towards the legal costs incurred by Ballina Shire Council in relation to the matter of SJ Connelly Pty Limited v Ballina Shire Council [2010] NSWLEC 128 as outlined in the Association's letter dated 15 December 2010.
2. An adjustment be made in the March 2011 Quarterly Budget Review in respect of this contribution.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 1 February 2011

Item: 13 **SS - Development Application - Ventilated Poultry Sheds - 89 Boundary Road, Glossodia - (DA0657/10, 116927, 102260)**

Previous Item: MM, Ordinary (14 December 2010)

REPORT:

Executive Summary

Council, at its meeting on 14 December 2010, resolved that a report be prepared regarding the submission of a technical report to the Joint Regional Planning Panel (JRPP) in respect of Development Application No. 0657/2010 proposing the erection of four tunnel ventilated poultry sheds at 89 Boundary Road, Glossodia.

The JRPP's Operational Procedures Manual indicates that Council can make a submission to the JRPP, and that Council may engage a consultant to prepare such a submission.

As the subject development application is with the JRPP, with a determination possible in the near future, Montgomery Planning Solutions were engaged to prepare a submission. The submission has now been received and is attached to this report.

It is recommended that the submission be accepted by the elected body of Council and be forwarded to the JRPP as its submission in this matter.

Consultation

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

However, this development application has already been the subject of a public consultation process.

Background

Council, at its meeting on 14 December 2010, considered a Mayoral Minute regarding the concerns of local residents and the local poultry industry to Development Application No. 0657/2010, from Aconsult Development and Environmental Planning Consultants, proposing the erection for four tunnel ventilated poultry sheds at Lot 7, DP 7571, 89 Boundary Road, Glossodia. At that meeting, Council resolved as follows:

"That the:

- 1. Mayoral Minute regarding the concerns of local residents and the local poultry industry to Development Application No. 0657/2010 for the erection of poultry sheds at 89 Boundary Road, Glossodia be forwarded to the Joint Regional Planning Panel.*
- 2. Joint Regional Planning Panel be advised that the elected body of Council agrees with the community and industry concerns regarding the inappropriateness of the location of the proposed poultry farm."*

In accordance with the above resolution, correspondence dated 20 December 2010 was forwarded to the Joint Regional Planning Panel (JRPP).

In addition, Council at its meeting on 14 December 2010 adopted the following foreshadowed motion regarding this matter:

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"That a report be prepared for Council's consideration that addresses the issues of submitting a technical report to the Joint Regional Planning Panel taking into account the Mayoral Minute of 14 December 2010 regarding 89 Boundary Road, Glossodia."

With regard to the above resolution in respect of Council submitting a technical report to the JRPP, Clause 4.12 of the JRPP's Operational Procedures Manual is as follows:

"4.12 Council representation to the Regional Panel

A council may make a submission on a DA that is to be determined by a Regional Panel during and up to seven (7) days before the Panel meeting. The applicant may consider it appropriate to provide a briefing to council prior to the council framing its submission to the panel.

After the assessment report prepared by the council's planning officer has been completed and forwarded to the Panel Secretariat, it may be provided to the council to assist council in determining if it wishes to make its own submission to the Regional Panel.

The council's submission should not be prepared by persons involved in the assessment of the application, but may be prepared by another council officer, or alternatively the council may engage a consultant."

Based on the above, Council can make a submission to the JRPP, and Council may engage a consultant to prepare such a submission.

As the subject development application is with the JRPP, with a determination possible in the near future, quotations were sought from two consultants to review the development application and supporting information, review public submissions, and prepare a technical planning report that takes into account the content of the Mayoral Minute, and Council's resolutions of 14 December 2010 in respect of 89 Boundary Road, Glossodia.

Proposals to prepare the submission to the JRPP have been received from the following:

- Montgomery Planning Solutions
- City Plan Services Pty Ltd

The proposals from both consultants satisfied the selection criteria used to assess the quotations, including being able to submit a final report by Monday, 24 January 2011. The proposal from Montgomery Planning Solutions was the lower of the two quotations and therefore was the preferred consultant.

An email dated 7 January 2011 was forwarded to Councillors advising of the fee proposals received. In this email it was indicated that due to the urgency of this matter, and as only a relatively small amount of funds was required for a consultant to prepare a technical report, that Montgomery Planning Solutions would be engaged in accordance with its fee proposal.

Subsequently, Montgomery Planning Solutions was engaged and has now forwarded a technical report in regard to this matter. A copy of the technical report is attached to this report as Attachment 1.

It is considered that based on Council's previous resolutions outlined earlier in this report, that the technical report from Montgomery Planning Solutions be forwarded to the JRPP as the elected body of Council's submission regarding this development application.

Conformance to Community Strategic Plan

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

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

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

The fee to engage Montgomery Planning Solutions in regard to this matter can be met from within Component 32 - Development Control - Consulting Fees of the 2010/2011 Adopted Budget.

Planning Decision

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

RECOMMENDATION:

That the technical report dated January 2011, and attached as Attachment 1, from Montgomery Planning Solutions regarding Development Application No. 0657/2010 for the erection of poultry sheds at 89 Boundary Road, Glossodia be accepted by the elected body of Council, and be forwarded to the Joint Regional Panel as its submission in this matter.

ATTACHMENTS:

- AT - 1** Montgomery Planning Solutions - Technical Report dated January 2011 (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

Item: 14 SS - Pecuniary Interest Returns - (79337, 95496)

REPORT:

Executive Summary

The Local Government Act, 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This Report provides information regarding a Return recently lodged with the General Manager by a Designated Person. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Return lodged with the General Manager has been tabled in accordance with the Local Government Act 1993.

Consultation

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

Background

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

"450A Register and tabling of returns:

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

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

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

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

Table with 3 columns: Position, Return Date, Date Lodged. Row 1: Compliance and Enforcement Officer, 20/9/2010, 21/9/2010

The Return has been lodged prior to the due date for the receipt of the Return, being three months after the return date.

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

Conformance to Community 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 (or is a nominated) strategy in the Community Strategic Plan being:

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

Financial Implications

No financial implications applicable to this report.

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: 1 February 2011

Item: 15 SS - Monthly Investments Report - December 2010 - (96332, 95496)

Previous Item: 17, Ordinary (3 February 2009)
82, Ordinary (28 April 2009)

REPORT:**Executive Summary**

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

This report indicates that Council held \$44.4 million in investments at 31 December 2010.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$44.4 million in investments as at 31 December 2010. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term and the percentage of the total portfolio, are provided below.

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA	31-Dec-10		5.25%	4,400,000	9.96%	4,400,000
Term Investments								
AMP	A1	A	20-Jan-10	21-Jan-11	6.86%	1,000,000	2.25%	
ANZ	A1+	AA	20-Oct-10	20-Jul-11	6.30%	1,500,000	3.38%	
ANZ	A1+	AA	17-Nov-10	17-Aug-11	6.30%	1,000,000	2.25%	
ANZ	A1+	AA	02-Sep-10	23-Mar-11	6.10%	2,000,000	4.50%	
ANZ	A1+	AA	11-Aug-10	27-Jan-11	6.10%	500,000	1.13%	
ANZ	A1+	AA	29-Nov-10	26-Oct-11	6.36%	1,500,000	3.38%	
ANZ	A1+	AA	26-Aug-10	09-Feb-11	6.20%	2,000,000	4.50%	
ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	1,000,000	2.25%	
ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	2,000,000	4.50%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
Bank of Queensland	A-2	BBB+	21-Dec-10	22-Jun-11	6.45%	1,000,000	2.25%	
Bankwest	A1+	AA	19-Aug-10	23-Feb-11	6.05%	1,000,000	2.25%	
Bankwest	A1+	AA	21-Jul-10	20-Apr-11	6.25%	1,000,000	2.25%	
Bankwest	A1+	AA	04-Aug-10	04-May-11	6.15%	1,000,000	2.25%	
Bendigo and Adelaide Bank	A-2	BBB+	13-Oct-10	15-Jun-11	6.10%	1,000,000	2.25%	
Credit Union Australia	A-2	BBB+	26-Jul-10	23-Feb-11	6.21%	1,000,000	2.25%	
Defence Force Credit Union Ltd	unrated	unrated	17-Nov-10	18-May-11	6.30%	1,000,000	2.25%	
IMB	A-2	BBB	11-Aug-10	11-May-11	6.20%	1,000,000	2.25%	
ING Direct	A-1	A+	19-Aug-10	23-Feb-11	6.36%	1,000,000	2.25%	
Members Equity	A-2	BBB	21-Dec-10	22-Jun-11	6.30%	500,000	1.13%	
NAB	A1+	AA	03-Jun-10	20-Jan-11	6.21%	4,000,000	9.01%	
NAB	A1+	AA	20-Jul-10	20-Jul-11	6.24%	1,000,000	2.25%	
NAB	A1+	AA	17-Nov-10	16-Nov-11	6.46%	1,000,000	2.25%	
NAB	A1+	AA	08-Dec-10	10-Aug-11	6.39%	2,000,000	4.50%	
NAB	A1+	AA	02-Dec-10	07-Dec-11	6.44%	1,000,000	2.25%	
NAB	A1+	AA	03-Dec-10	07-Dec-11	6.45%	2,000,000	4.50%	
NAB	A1+	AA	08-Dec-10	07-Dec-11	6.44%	500,000	1.13%	
Newcastle Permanent	A-2	BBB+	15-Jun-10	15-Jun-11	6.10%	1,000,000	2.25%	
Qantas Staff Credit Union	unrated	unrated	25-Aug-10	23-Feb-11	6.10%	500,00.00	1.13%	
Rural Bank	A-2	BBB	16-Jun-10	15-Jun-11	6.40%	1,000,000	2.25%	
Suncorp	A-1	A	15-Jun-10	15-Jun-11	6.50%	1,000,000	2.25%	
Westpac	A1+	AA	26-May-09	27-Jan-11	6.10%	1,000,000	2.25%	
Westpac	A1+	AA	23-Sep-10	20-Apr-11	6.15%	2,000,000	4.50%	40,000,000
TOTAL INVESTMENT AS AT 31 DECEMBER 2010								44,400,000

Bench Marking

Bench Mark	Bench Mark %	Actual %
UBS 90 Day Bank Bill Rate	Not Available	
90 Day BBSW	4.96%	6.30%
Reserve Bank Cash Reference Rate	4.75%	5.25%

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Performance by Type

Category	Balance \$	Average Interest	Difference to Benchmark
Cash at Call	4,400,000	5.25%	0.50%
Term Deposit	40,000,000	6.30%	1.34%
Total	44,400,000	6.20%	1.24%

Restricted Funds

Restriction Type	Amount \$
External Restrictions -S94	6,368,784
External Restrictions - Other	11,113,991
Internal Restrictions	15,841,628
Unrestricted	11,075,597
Total	44,400,000

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

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details below)

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

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

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

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

Investment Commentary

The investment portfolio decreased by \$0.60 million for the month of December, 2010. During December, various income was received totalling \$5.61 million, including rate payments amounting to \$2.43 million, while payments to suppliers and staff costs amounted to \$7.02 million.

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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.

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

Council's investment portfolio complies with the adopted policy.

As at 31 December 2010, Council has \$14 million invested with 2nd tier financial institutions, noting that one of these institutions is a subsidiary of a major Australian trading bank. The investment of up to \$1 million with 2nd tier Authorised Deposit Taking Institutions (ADIs) is entirely covered by the free Government Guarantee Scheme, and is in accordance with Council's Investment Policy. Also, Council's adopted Investment Policy allows Council to invest above \$1 million with 2nd tier Authorised Deposit Taking Institutions that are wholly owned subsidiaries of major Australian trading banks.

Investment Certification

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

Conformance to Community Strategic Plan

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

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

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

- Maintain and review a sustainable long term financial framework.

Financial Implications

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

RECOMMENDATION:

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 1 February 2011

CONFIDENTIAL REPORTS

SUPPORT SERVICES

Item: 16 **SS - Sale of 8 Yarwood Road, Bligh Park (Lot 9156 in DP 843382) - (95496, 112106, 84160) CONFIDENTIAL**

Previous Item: 85, Ordinary (13 July 2004)

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 sale and/or purchase 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.

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.

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Meeting Date: 1 February 2011

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Mobility Plan Implementation Committee Minutes - 18 November 2010 - (119668)

The meeting commenced at 4.00pm in the Meeting Room, Peppercorn Place.

Present:	Councillor Leigh Williams Councillor Christine Paine Mr Alan Aldrich Mr Doug Bathersby Mr Chris Cameron Senior Constable Brad Phillips	Chair, Councillor Representative Councillor Representative Community Representative Community Representative Community Representative Hawkesbury Area Local Command
Apologies:	Nil	
In Attendance:	Ms Denise Oakes Mr Joseph Litwin Mr Chris Amit Mr Richard Vaby	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council

REPORT:

Councillor Williams welcomed everyone to the meeting and introduced Senior Constable Phillips to the meeting as the police representative on the Committee.

There were no apologies received.

SECTION 1 - CONFIRMATION OF MINUTES

As this was the inaugural meeting of the Hawkesbury Mobility Plan Implementation Committee there were no previous minutes.

SECTION 2 - REPORTS FOR DETERMINATION

Mr Litwin proposed that the agenda be amended so as to permit the Committee to consider Item 3 prior to other listed items as Council staff were in attendance to brief the Committee on this matter. The proposal was agreed to.

Item 3 2010 - 2012 Implementation of Mobility Plan (RTA funding applications)

DISCUSSION:

- Route maps for proposed shared pathway were tabled. Mr Litwin advised that given Council's adoption of the Hawkesbury Mobility Plan, Council staff have submitted a request to the RTA to amend the proposed scope of works for 2010 - 2011. The request if approved would enable Council to commence work on the priority Windsor to Richmond shared pathway link (in place of the previously approved continuation of an on-road cycleway on Terrace Rd).

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Reports of Committees

- Councillor Williams sought clarification as to the reason that the funding submissions were not brought before the Committee prior to their submission to the RTA. Mr Litwin advised that due to the time required to formally establish the Committee, the date of the first meeting of the Committee occurred after the deadline for the funding submission to be forwarded to the RTA. Accordingly the submissions were unable to be tabled at a Committee meeting prior to their remittance to the RTA. Mr Litwin advised that in future, the Committee would be able meet to discuss construction and funding proposals related to the implementation of the adopted Mobility Plan.
- Manager Design and Mapping briefed the Committee on the details on the funding submissions to the RTA for cycleway facilities and pedestrian facilities for 2011 - 2012, and revisions to the 2010 - 2011 funding submission.
- The Committee discussed the proposals and expressed their support for the priority being given to the Hawkesbury Valley Way shared path cycleway project. Mr Aldrich asked for clarification that the pedestrian crossing point at Racecourse Rd would be access friendly for other pedestrian users including vulnerable road users, as well as cyclists. Discussion occurred about the various design and construction issues that will need to be considered along the route, and particularly this intersection.
- Councillor Paine expressed the opinion that it would be preferable to seek further funding to allow additional construction in the next 2 financial years for priority cycleway/shared pathways. Councillor Paine and Councillor Williams indicated that they would approach local state members to pursue this option.
- Manager Construction and Maintenance tabled the proposals for pedestrian access (PAMP) projects.

RECOMMENDATION TO COMMITTEE:

That the information be received

MOTION:

RESOLVED on the motion of Councillor Paine and seconded by Doug Bathersby.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That the information be received.

Mr Vaby and Mr Amit left the meeting.

Item 1 Constitution - Hawkesbury Mobility Plan Implementation Committee

DISCUSSION:

- Mr Litwin drew the Committee's attention to the report in the Business Paper advising that Council had adopted the draft Constitution for the Hawkesbury Mobility Plan Implementation Committee. Mr Litwin further advised that Council had amended the Constitution (as ratified by the Committee) to include a representation of the Hawkesbury Area Local Command to sit on the Committee.
- Councillor Williams noted the Constitution provided for the appointment of the Councillor representative as Chairperson and that the Committee was also required to appoint a Deputy Chairperson to act in the absence of the Chair. Mr Litwin advised that the appointment of the

ORDINARY MEETING
Reports of Committees

Deputy Chair could be simply by a call for nominations for this position. Mr Alan Aldrich was subsequently nominated and as there were no other nominations Mr Aldrich was appointed as Deputy Chairperson.

- Membership of the Committee was discussed. It was agreed that additional membership be sought and that Council advertise in the local newspaper for additional community members to apply. The Constitution allows for up to 8 community representatives. Discussion occurred regarding whether membership could be sought from persons with specialised backgrounds or interest in the areas of cycling issues or access and disability issues. The Committee determined that this membership be left open to all, and if more than an additional 5 representatives applied, then they would be reviewed by members of the Committee and 5 members selected.

RECOMMENDATION TO COMMITTEE:

That the:

1. Information be received.
2. Committee to determine whether additional nominations should be sought for membership of the Hawkesbury Mobility Plan Implementation Committee.

MOTION:

RESOLVED on the motion of Chris Cameron and seconded by Councillor Paine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That:

1. That the information be received.
2. Expressions of Interest be sought for community representatives to fill the five casual vacancies as provided for in Clause 5 (a) (iii) of the Committee's Constitution.
3. Councillor Leigh Williams to be appointed as Chairperson - as per Clause 5 (d) of the Committee's Constitution.
4. Alan Aldrich to be appointed as Deputy Chairperson.

Item 2 - Committees of Council - Formation and Committee Procedures

DISCUSSION:

- Mr Litwin drew the Committee's attention to the report in the Business Paper which outlined the operating procedures for the Committee. Mr Litwin advised that the report was similar to the report previously tabled at the inaugural meeting of the Hawkesbury Bicycle and Access Mobility Committee (HBAMC), but was being re-reported to the Committee as the HBAMC had been replaced by the Hawkesbury Mobility Plan Implementation Committee.

RECOMMENDATION TO COMMITTEE:

That the:

1. Information be received.
2. Committee to note that the business of the Committee will be conducted in accordance with the practice guidelines detailed in this Report.

MOTION:

RESOLVED on the motion of Councillor Paine and seconded by Chris Cameron.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That the:

1. Information be received
2. Committee to note that the business of the Committee will be conducted in accordance with the practice guidelines detailed in this Report.

SECTION 3 - GENERAL BUSINESS

- Mr Aldrich raised an issue regarding a future need for pedestrian access along Chapman Rd Vineyard toward Commercial Rd - this query had previously been forwarded to Mr Litwin prior to the meeting. Mr Litwin had already provided a response to Mr Aldrich, and agreed to send this request to Mr Richard Vaby.
- Discussion occurred regarding timeframe for the meeting. It was determined that the most appropriate time would be to review future funding applications in line with the draft Budget. A meeting date of 19 May 2011 was decided.
- In order to review the applications for membership which may be received after advertising, the Committee decided that these applications could be dealt with via correspondence initially, and then if needed a small number of Committee representatives would meet to further determine. This information would be sent to the Committee members for their information.

NEXT MEETING - to be held at 4.00 pm on Thursday 19 May 2011, at the Meeting Room Peppercorn Place, 320 George St. WINDSOR.

The Meeting Closed at 5.35 pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Floodplain Risk Management Advisory Committee Minutes - 6 December 2010 - (86589)

The meeting commenced at 4.30pm in Council Chambers.

Present: Councillor Kevin Conolly - Chair
Councillor Bob Porter - Deputy Chair
Councillor Jill Reardon
Councillor Paul Rasmussen
Mr John Miller
Mr Alexander (Phil) Windebank
Mr Chris Ransom
Mr David Avery
Mr Les Sheather
Mr Ian Johnston
Mr Geoffrey Bessell
Mr Bill McMahon
Mr Peter Cinque

Apologies: Councillor Warwick Mackay
Mr Allan Shearan MP - Member for Londonderry
Mr Ray Williams MP - Member for Hawkesbury
Mr Kevin Jones
Mr Matthew Owens

Non Attendance:: Snr Inspector Robert Bowman

In Attendance: Mr Philip Pleffer
Mr Chris Amit
Mr Wafaa Wasif

REPORT:

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr John Miller and seconded by Mr Phil Windebank that the Minutes of the Floodplain Risk Management Advisory Committee held on 1 November 2010, be confirmed.

ORDINARY MEETING
Reports of Committees

Attendance Register of Floodplain Risk Management Advisory Committee - 2010

Member	8/02/10	29/03/10	01/11/10	06/12/10
Councillor Kevin Conolly - (Chair)	✓	✓	✓	✓
Councillor Bob Porter - (Deputy Chair)	✓	✓	✓	✓
Councillor Warwick Mackay	X	A	A	A
Councillor Paul Rasmussen	✓	A	✓	✓
Councillor Jill Reardon	✓	✓	✓	✓
Mr Peter Cinque OAM - (SES Sydney Western Division)	✓	A	A	✓
Mr David Avery - (Dept. of Environment and Climate Change)	✓	✓	✓	✓
Mr David Scott - (Dept of Defence)	✓	✓	Mr Chris Ransom In lieu	Mr Chris Ransom In lieu
Snr Inspector Robert Bowman (Department of Primary Industries)	X	X	X	X
Mr Les Sheather - (Community Member)	✓	✓	✓	✓
Mr Kevin Jones - (SES Headquarters)	✓	✓	✓	A
Mr Geoffrey Bessell - (Community Member)	✓	X	✓	✓
Mr John Miller - (Community Member)	✓	✓	✓	✓
Mr Bill McMahon - (Community Member)	✓	A	✓	✓
Mr Alexander (Phil) Windebank	✓	✓	✓	✓
Mr Ian Johnston	✓	✓	✓	✓

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 5 - General Business

Item 1: Update on Thorley Street Flood Evacuation Route

- Mr Amit updated the Committee on the Modification of Thorley Street Flood Evacuation Route, advising construction works commenced in June 2010. It was advised the original completion date for construction was anticipated to be by the end of 2010, however due to prolonged and ongoing inclement weather, the contractor may not be able to complete this project until February 2011.

Mr Amit further advised funding to the value of \$2,100,000 has been provided to Council under the NSW Floodplain Management Program, with the total project expected to be delivered within the funding budget provided by DECCW.

- Mr Sheather sought information regarding the lowest point of evacuation routes from Bligh Park.

Item 2: Update on Evacuation Route Option Study (Overland Flow) - Bligh Park and Hobartville

- Mr Amit updated the Committee on the Evacuation Route Option Study (Overland Flow) - Bligh Park and Hobartville, advising the project is nearing completion. It was reported the Draft reports produced have been reviewed by the Technical Working Group with comments provided back to Bewsher Consulting. It was further reported some delays had been experienced on the project due to the various complexities such as the modelling parameters. In addition to the original scope of works, the project has been expanded to outline the viability of the pedestrian laneways which have the potential to serve as part of an alternative local flood evacuation route for both localities.

At the completion of the Evacuation Route Options Study for both localities, all the reports will be provided to the Committee members with a view to undertaking a presentation of the information at a FRMAC meeting.

Councillor Conolly asked for the reports to be distributed prior to the Committee meeting.

The following suggestions were put forth to promote a greater awareness of evacuation options:

- A map of evacuation routes be distributed to the community.
- The Hawkesbury Nepean Flood Emergency Sub Plan (HNFESP) - (Sub Plan of the State Disaster Plan (DISPLAN) and SES State Flood Plan) be displayed on Council's website.

Item 3: Presentation - WaterRIDE Flood Viewer

- Mr Pleffer presented a demonstration of the WaterRIDE Flood Viewer software.

Item 4: Proposal by Mr John Miller re Flood Notice on back of Council Envelopes

Mr John Miller referred to his request for an item to be placed on the Agenda for the Committee's consideration in relation to flood mitigation. Mr Miller's proposal pertains to placing a message "*Flood Mitigation for Hawkesbury - Nepean Valley to Protect Our Community NOW!*" on the back of Council envelopes. Mr Miller raised concern much of the community have not seen a flood and advised they need to be made aware of the risks and the need for State and Commonwealth funds to be made available for the mitigation of major flooding of the Hawkesbury- Nepean Valley.

The item was further discussed, put to the vote and unanimously carried.

Councillor Conolly left the meeting at 5.50pm - Councillor Porter assumed the Chair

Item 5: Encroachment of Sand - Bens Point

- Mr Johnston referred to the issue of encroachment of sand at Bens point (raised at a previous meeting) and enquired if action had been taken in investigating same. Councillor Porter advised this issue would be raised at the Councillor Briefing Session on 7 December 2010.

MOTION:

RESOLVED on the motion of Mr Ian Johnston, seconded by Mr Les Sheather.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That Council act on the problem with sand build-up on Bens Point opposite the Terrace.

The meeting closed @ 6.00pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Hawkesbury Civic and Citizenship Committee - 15 December 2010 - (96972, 79356, 79351)

The meeting commenced at 5.35pm in Council Chambers.

- Present:** Councillor Bart Bassett
Councillor Barry Calvert
Councillor Kevin Conolly
Councillor Warwick Mackay
David Bertenshaw representing Hawkesbury Sports Council
Barry Adams representing Richmond Club
Jean Peare (community representative)
Dianne Finch (community representative)
- Carol Caruthers (Hawkesbury Historical Society Rep. for Cultural Award only)
- Apologies:** Todd Miladinovic (community representative)
- In Attendance:** Esther Perry, Corporate Communication Manager
Suzie Vlaming - Public Relations Coordinator
-

REPORT:

Apologies – Todd Miladinovic. Accepted by Committee.

RESOLVED on the motion of Clr Kevin Conolly and seconded by David Bertenshaw that the apologies be accepted.

Clr Barry Calvert declared an interest determining awards for Citizen of the Year as a Citizen of the Season recipient, Peter Ford is associated with Hawkesbury Skills, of which Clr Calvert is an Executive on the Hawkesbury Skills Board.

The Committee accepted his declaration of interest and Clr Calvert refrained from discussion and voting regarding Citizen of the Year.

Section 1: Confirmation of Minutes

Minutes of last meeting

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams that the minutes of Hawkesbury Civic and Citizenship Committee Meeting held on the Wednesday, 30 June 2010, be accepted.

Section 2: Reports for Determination

Item: 1 Selection of Australia Day Award Recipients

Motion: Citizen of the Year

Following a voting procedure, RESOLVED on the motion of Jean Peare and seconded by Dianne Finch.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Jean Peare and seconded by Dianne Finch.

That Joan Opbroek be awarded the 2011 Citizen of the Year Award.

The resolution was carried unanimously by the Committee.

Motion: Young Citizen of the Year

Resolution:

RESOLVED on the motion of Dianne Finch and seconded by David Bertenshaw.

That Kelsie Wakeham be awarded 2011 Young Citizen of the Year Award.

Motion: Sport Person of the Year

RESOLVED on the motion of Dianne Finch and seconded by Barry Adams.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Dianne Finch and seconded by Barry Adams.

That Jacob Woodhouse be awarded the 2011 Sport Person of the Year Award.

Motion: Community Arts Award

RESOLVED on the motion of Clr Kevin Conolly and seconded by Jean Peare.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Clr Kevin Conolly and seconded by Jean Peare.

That Margaret Ginnings be nominated and awarded the 2011 Community Arts Award.

ORDINARY MEETING
Reports of Committees

Motion: Cultural Heritage Award – change nomination

RESOLVED on the motion of Dianne Finch and seconded by David Bertenshaw
Refer to RESOLUTION

RESOLVED on the motion of Dianne Finch and seconded by David Bertenshaw that the nomination for Hawkesbury Macquarie 2010 Committee be moved to the Special Achievement Award category for consideration.

Motion: Cultural Heritage Award

RESOLVED on the motion of Clr Mackay and seconded by Barry Adams.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Clr Mackay and seconded by Barry Adams.

That Ted Brill be nominated and awarded the 2011 Cultural Heritage Award.

Motion: Commemorative Plaque

RESOLVED on the motion of Clr Calvert and seconded by Clr Conolly.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Clr Calvert and seconded by Clr Conolly.

That Doug Bowd be awarded the 2011 Commemorative Plaque Award.

Motion: Community Organisation of the Year

RESOLVED on the motion of Dianne Finch and seconded by Barry Adams.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Dianne Finch and seconded by Barry Adams.

That McMahon Park Management Association be awarded the 2011 Community Organisation of the Year Award.

ORDINARY MEETING
Reports of Committees

Motion: Special Achievement Award

RESOLVED on the motion of David Bertenshaw and seconded by Dianne Finch.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of David Bertenshaw and seconded by Dianne Finch:

That the Hawkesbury Macquarie 2010 Committee be awarded the 2011 Special Achievement Award.

Motion: Special Achievement Award – second nomination by Committee

RESOLVED on the motion of Clr Conolly and seconded by Dianne Finch.

Refer to RESOLUTION

RESOLVED on the motion of Clr Conolly and seconded by Dianne Finch:

That the Hawkesbury Girl Guides also be awarded the 2011 Special Achievement Award, in acknowledgment of the national centenary of girl guides.

Item: 2 2010 NSW Local Citizens of the Year Awards

Motion:

That the nominators of citizens of the Hawkesbury for Australian of the Year Awards be contacted and advised of Council's Citizen of the Season program.

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of David Bertenshaw and seconded by Barry Adams.

That:

The Australia Day Council's nominators of citizens of the Hawkesbury for Australian of the Year Awards be contacted and advised of the Citizen of the Season program and encouraged to nominate these worthy citizens for Awards during 2011 except for nominators of Bill Shields (previous recipient of Citizen of the Year award) and Lisa Flood. Corporate Communication staff contact the Commonwealth Bank to suggest the Bank consider a nomination for Lisa Flood for an internal customer service award.

Section 3 - Reports for Information

ITEM 1: Annual Report Hawkesbury Civics and Citizenship Committee

Motion:

RESOLVED on the motion of Clr Barry Calvert and seconded by Jean Peare.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Clr Barry Calvert and seconded by Jean Peare.

That the Annual Report of the Hawkesbury Civics and Citizenship Committee 2009/2010 as reported to Council at its Special Meeting held on 21 September 2010 be noted.

ITEM 2: Committee Membership and Award Criteria

Motion:

RESOLVED on the motion of Clr Mackay and seconded by Barry Adams.

Refer to RESOLUTION

Resolution:

RESOLVED on the motion of Clr Mackay and seconded by Barry Adams.

That the information regarding Council's resolutions be noted.

General Business:

The Committee suggested that the contributions of the late Councillor (Dr) Rex Stubbs OAM to this committee be officially acknowledged on Australia Day. The Mayor advised that this would be undertaken in his speech on Australia Day. He would also be informing the guests to the ceremony of the two initiatives Council is taking to acknowledge his work in the community.

Esther Perry noted that the number of nominations for Australia Day were significantly low again this year and asked the Committee to consider ways they could assist in raising the number of nominations for next years awards program.

Next Meeting

TBA

The meeting closed at 6.15 pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

**ROC - Floodplain Risk Management Advisory Committee - Special Meeting Minutes - 18 January
2011 - (86589)**

The meeting commenced at 4.34pm in Council Chambers.

- Present:** Councillor Kevin Conolly - Chair
Councillor Bob Porter - Deputy Chair
Councillor Jill Reardon
Councillor Paul Rasmussen
Mr John Miller
Mr Alexander (Phil) Windebank
Mr Peter Cinque
Mr Kevin Jones
Mr David Avery
Snr Inspector Robert Bowman
Mr Ian Johnston
Mr Geoffrey Bessell
Mr Bill McMahan
- Apologies:** Councillor Warwick Mackay
Mr Les Sheather
Mr Ray Williams MP - Member for Hawkesbury
Mr Chris Amit
- Non Attendance:** Mr Chris Ransom
- In Attendance:** Councillor Bart Bassett - Mayor
Mr Peter Jackson - General Manager
Mr Drew Bewsher - Bewsher Consulting Pty Ltd
Mr Allan Shearan MP - Member for Londonderry
Mrs Louise Markus, MP - Federal Member for Macquarie
Mr Michael Vassili (representative for Mr John Aquilina, MP)
Mr Matthew Owens
Mr Philip Pleffer
Ms Robyn Kozjak

REPORT:

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

The Chair opened the meeting, acknowledging the presence of Mrs Louise Markus MP and Mr Michael Vassili (representing John Aquilina MP).

The chair moved that the Committee observe one minute's silence for those affected by the Queensland flood crisis.

ORDINARY MEETING
Reports of Committees

The Chair acknowledged the presence of observers at the meeting and notified all parties should discussion move into an area deemed to be confidential, the meeting would be closed for the duration of such discussion.

Mr Allan Shearan arrived at the meeting - 4.40pm

Mr Peter Cinque arrived at the meeting - 4.41pm.

- Councillor Porter asked if members of the public present at the meeting would be given an opportunity to address the Advisory Committee. The Chair consulted with the General Manager to ascertain the correct procedure in this regard and after examination of the Code of Meeting Practice (the Code), it was advised that as the public address provisions of the Code only applied to Ordinary and Extraordinary meetings of Council, members of the public did not have an automatic right to address the Committee, and in terms of Clause 5.2.7(1) of the Code that the Advisory Committee could regulate its own procedure in this regard subject to the terms of its constitution. It was further indicated that in the terms of the Act and Code, only meetings of committees where all members were councillors were automatically open to the public and once again, it was effectively up to the Advisory Committee to determine its procedures in this regard.

Councillor Rasmussen arrived at the meeting - 4.45pm.

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Committee agree to the two observers being in attendance at the meeting and acknowledges Mr Drew Bewsher (Council's consultant engaged to prepare the Floodplain Risk Management Study and Plan), intends to address the meeting.

ORDINARY MEETING
Reports of Committees

Attendance Register of Floodplain Risk Management Advisory Committee - 2010/11

Member	8/02/10	29/03/10	01/11/10	06/12/10	18/01/11
Councillor Kevin Conolly - (Chair)	✓	✓	✓	✓	✓
Councillor Bob Porter - (Deputy Chair)	✓	✓	✓	✓	✓
Councillor Warwick Mackay	X	A	A	A	A
Councillor Paul Rasmussen	✓	A	✓	✓	✓
Councillor Jill Reardon	✓	✓	✓	✓	✓
Mr Peter Cinque OAM - (SES Sydney Western Division)	✓	A	A	✓	✓
Mr David Avery - (Dept. of Environment and Climate Change)	✓	✓	✓	✓	✓
Mr David Scott – (Dept of Defence)	✓	✓	Mr Chris Ransom in lieu	Mr Chris Ransom in lieu	X
Snr Inspector Robert Bowman - (Industry & Investment NSW) - Primary Industries	X	X	X	X	✓
Mr Les Sheather - (Community Member)	✓	✓	✓	✓	A
Mr Kevin Jones - (SES Headquarters)	✓	✓	✓	A	✓
Mr Geoffrey Bessel - (Community Member)	✓	X	✓	✓	✓
Mr John Miller - (Community Member)	✓	✓	✓	✓	✓
Mr Bill McMahon - (Community Member)	✓	A	✓	✓	✓
Mr Alexander (Phil) Windebank	✓	✓	✓	✓	✓
Mr Ian Johnston	✓	✓	✓	✓	✓

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 3 - Reports for Determination

Floodplain Risk Management Study and Plan for the Hawkesbury River - Proposed Variation of Contract

DISCUSSION:

- Councillor Rasmussen enquired if Council would be provided with any funding assistance for the variation of contract and it was advised staff would seek additional grant funding from DECCW. Mr Avery responded he believed DECCW would view the variation favourably, and given the variation represents an 8% increase in the original agreed fee proposal, DECCW would (potentially) offset the costs to Council by providing two thirds of the costs in funding assistance. However, this is subject to the grant application being successful.
- Enquiry was made as to the completion date of the Study and it was advised it was anticipated the Study would be available, in draft form, by June 2011.
- Concern was raised the report indicates there may be additional costs involved (exceeding the additional commitment requested from Council) in engaging Molino Stewart P/L (Molinos). Mr Bewsher advised his firm, as principal consultants, would cover the costs of additional tasks associated with liaison with Molinos and would also cover the provision of costings of any structural options proposed.
- Councillor Porter addressed Mr Avery, seeking his opinion on dredging as a means of flood mitigation. Mr Avery responded DECCW and various other government departments had previously investigated this matter and it was deemed dredging was not a viable option for major flood mitigation and was cost prohibitive.

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Committee adopt the proposal to vary the contract with Bewsher Consulting Pty Limited as outlined in this report.

The meeting closed at 5.32pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee - 19 January 2011 - (95495, 80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 19 January 2011, commencing at 3.00pm.

ATTENDANCE

Present: Councillor B Bassett (Chairman)
Mr J Suprain, Roads and Traffic Authority
Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP
Snr Constable B Phillips, NSW Police Service
Ms P Millar, Westbus

Apologies: Mr R Williams, MP (Hawkesbury)
Mr P ramshaw, NSW Taxi Council
Mr C DeSousa, Hawkesbury Valley Bus Service

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

"The Chairman tendered an apology on behalf of Ray Williams MP, advising that Ray Williams MP concurred with the recommendations as contained in the formal agenda and had granted proxy to himself to cast votes on his behalf"

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

Resolved on the motion of Mr J Christie and seconded by Mr J Suprain, that the Minutes of the meeting of the Local Traffic Committee held on 17 November, 2010 be confirmed.

Item 1.2 Business Arising

No Business Arising items raised at this meeting.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 19 January 2011 - Item 2.1 - Results of Public Consultation relating to the adjustment to the existing No Stopping Zone in George Street, Windsor, adjacent to New Street for the Installation of a New Pedestrian Access Point (Riverstone) - (80245)

Previous Item: Item 2.1, LTC (17 November 2010)

REPORT:

The installation of a new pedestrian access point in George Street, Windsor, north east of New Street was report to the Local Traffic Committee (LTC) meeting on 17 November 2010. The following recommendation of the LTC was reported to Council at its meeting on 30 November 2010:

“That:

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

Council at its meeting on 30 November 2010 requested that public consultation be undertaken prior to any final decision being made on the new pedestrian access point and as a result resolved that:

“Council consult the stakeholders of the outcomes of the report regarding Item 2.1: LTC - 17 November 2010 - Item 2.1 - Adjustment to the existing No Stopping Zone in George Street, Windsor, adjacent to New Street for the Installation of a New Pedestrian Access Point”

Public Consultation:

Public consultation was undertaken during December 2010, whereby the views of stakeholders who may be immediately affected by the proposal to alter the No Stopping zone and 1P Parking zone in George Street adjacent to the proposed pedestrian access point were sought.

Comments received from the public consultation are summarised below (Dataworks Document No. 3632967);

- 0 – Object,
- 3 – Support.

The only comments received as part of the Public Consultation process was from St Vincent De Paul Society who advised the following:

“This has our full support as it will allow the safer movement of customers to our centre. Many of our customers are frail, aged or parents with young children.”

ORDINARY MEETING
Reports of Committees

In view of the positive response received as a result of the public consultation undertaken, it is proposed that the installation of a new pedestrian access point in George Street, Windsor, north east of New Street be supported.

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

COMMITTEE RESOLUTION:

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

That:

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

ATTACHMENTS:

- AT - 1** Pedestrian Access Point - George Street, Windsor adjacent to New Street – Plan No. TR007/10.
- AT - 2** Local Traffic Committee Report – Item 2.1 of the Local Traffic Committee meeting of 17 November 2010.

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

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

ORDINARY MEETING
Reports of Committees

AT - 2 Local Traffic Committee Report – Item 2.1 of Local Traffic Committee meeting of 17 November 2010.

ITEM: Business Paper - Ordinary Meeting Agenda - 1 February 2011

REPORT:

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

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

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

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

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

RECOMMENDATION:

That:

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

ORDINARY MEETING
Reports of Committees

3. Windsor Business Group be notified of the changes to the parking restrictions in George Street due to the installation of the pedestrian access point.

APPENDICES:

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

ORDINARY MEETING
Reports of Committees

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

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

ORDINARY MEETING
Reports of Committees

Item 2.2 LTC - 19 January 2011- Item 2.2 - Speed Review of Sackville Road at Ebenezer Public School, Ebenezer - (Hawkesbury) - (80245, 73581, 79958)

Previous Item: Item 1.2.1, LTC (15 September 2010)

REPORT:

Introduction

At the Local Traffic Meeting on 15 September 2010, Mr R Williams MP requested an update from the RTA in relation to the request made by Ebenezer Public School for a Children's Crossing Supervisor at the School. Mr Suprain (RTA) advised that this request has been denied due to the school not meeting the required warrants for pedestrian and vehicle numbers. Mr Williams expressed his disappointment and advised that he did not apply for further state funding for this school, to enable improvements to the current conditions such as the School Zone Flashing Lights, as it was expected that the Children's Crossing Supervisor would be approved.

Mr Suprain indicated that dragons teeth and flashing lights for Ebenezer Public School are on a priority program. Mr Williams requested a speed count be undertaken at this site following the October 2010 school holiday period.

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 28 September 2010 resolved the following;

That:

1. *The information be received;*
2. *A speed count be undertaken in Sackville Road adjacent to Ebenezer Public School following the October 2010 school holidays.*

Traffic counts have been undertaken in Sackville Road adjacent to Ebenezer Public School (35 metres south of the Children's Crossing) during the period of 12 November 2010 to 29 November 2010. The results of traffic counts undertaken are outlined in Table 1 below;

Table 1: Traffic Counts, Sackville Road adjacent to Ebenezer Public School.

Period	Time of Day	Speed Limit	ADT	Mean (Ave) speed	85th % speed
12 to 29 November 2010	Full Day 24 Hour Count	60kph	3449	59 kph	70 kph
12 to 29 November 2010	School Zone Combined (8.00am to 9.30am and 2.30pm to 4.00pm)	40kph during School Zone	764 (Combined School Zone times)	40 kph	49 kph
12 to 29 November 2010	School Zone AM (8.00am to 9.30am)	40kph during School Zone	385 (AM School Zone time)	39 kph	46 kph

ORDINARY MEETING
Reports of Committees

Period	Time of Day	Speed Limit	ADT	Mean (Ave) speed	85 th % speed
12 to 29 November 2010	School Zone PM (2.30pm to 4.00pm)	40kph during School Zone	379 (PM School Zone time)	41 kph	51 Kph

Based on the results of the November 2010 traffic count, the average speeds travelled in the vicinity of the School are within the speed limit for both the overall Full Day count as well as during the specific School Zone times. The 85th % speeds travelled are in the range of 6kph to 10kph over the prescribed speed limits during these times as well. *(The 85th % speed is the speed at or below which 85% of motorists travel under free flow conditions).*

In relation to the School Zone times, the average speed for the combined School Zone (AM and PM) times is 40 kph with an 85th % speed of 49kph. Sackville Road in the vicinity of Ebenezer Public School is a Regional Road. The existing School Zone is sign posted with static signs without the provision of School Zone Flashing Lights.

The provision of School Zone Flashing Lights has been found by the RTA to be reliable and effective in slowing down drivers when entering a school zone. This treatment would be appropriate at this location in reducing the 85th % speed. It is considered appropriate to request the RTA to consider this site as part of its roll out of School Zone Flashing Lights during 2011.

COMMITTEE RESOLUTION:

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

That:

1. The information be received.
2. Due to the vehicle speeds recorded during the speed survey undertaken on Sackville road at Ebenezer Public School, the Roads and Traffic Authority be requested to install School Zone Flashing Lights in Sackville Road adjacent to Ebenezer Public School, Ebenezer during its roll out in 2011.

APPENDICES:

There are no supporting documents for this report.

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Item 2.3 LTC - 19 January 2011 - Item 2.3 - Zone One Q60 Training Horse Ride 2011 - Upper Colo Reserve (Hawkesbury) - (80245, 85005)

REPORT:

Introduction:

An application has been received from Zone One of The NSW Endurance Riders' Association seeking approval (in traffic management terms) to conduct the Zone One Q60 Training Horse Ride on Saturday 12 and Sunday 13, March 2011, utilising Upper Colo Reserve as a base area.

The event organiser has advised the following:

Event Schedule - (Zone One Q60 Training Horse Ride on Saturday 12 and Sunday 13, March 2011):

- Ride A: 35 Kilometres - Training Ride,
- Ride B: 20.6 Kilometres - Social Ride,
- Duration: between 8.00am and 2.00pm,
- Approximately 50 to 60 Participants and 30 to 40 support people,
- Riders travel as single or small groups of 2 and 3.

Route for the Rides:

Training Ride - 35 Kilometres

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
- Travel along Upper Colo Road, past Comleroy Road, and turn left into the Wollemi National Park,
- Travel through the Wollemi National Park to Mountain Lagoon, and turn left into Sams Way,
- Travel along Sams Way and turn left into Mountain Lagoon Road,
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction, and turn right into Upper Colo Road,
- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

Social Ride - 20.6 Kilometres

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
- Travel along Upper Colo Road, and turn left into Comleroy Road,
- Travel along Comleroy Road and turn right into Mountain Lagoon Road,
- Travel along Mountain Lagoon Road to the Check Point and turn around.
- Travel back along Mountain Lagoon Road and turn left into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction, and turn right into Upper Colo Road,
- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).

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Road Inventory

- Hulbert Road – Unsealed
- Colo Heights Road - Unsealed
- Upper Colo Road - Unsealed
- Comleroy Road - Unsealed
- Mountain Lagoon Road - Unsealed
- Sams Way – Unsealed
- The Colo River will not be crossed as part of the route and instead, riders will use the Timber Bridge along Colo Heights Road to cross the Colo River.

Refer to attached drawing "Zone One Q60 Training Horse Ride 2011 - TR001/11": Attachment 1.

Discussion:

It would be appropriate to classify the 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 submitted the following items in relation to the event: Attachment 2 (Dataworks Document No. 3630761).

1. Special Event – Traffic – Initial Approval Application Form - HCC; Details of Special Event – Traffic;
2. Special Event Transport Management Plan Template – RTA;
3. Transport Management Plan (TMP) - Referred to in the application as Traffic Management Plan Risk Assessment -, and associated TCP;
4. Risk Management Plan dated 31 January 2003;
5. Copies of correspondence forwarded to the NSW Police Service, National Parks and Wildlife Service, NSW Ambulance Service, NSW Rural Fire Service and SES;
6. Copy of the Resident letter;
7. The Public Liability Insurance to the value of \$20,000,000, which expires 1 January 2011.

Reserve Matters:

The event organiser has made application with Councils Parks and Recreation Section to utilise Upper Colo Reserve as the Base Area as well as for Camping purposes.

COMMITTEE RESOLUTION:

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

That:

1. The Zone One Q60 Training Horse Ride 2011, based at Upper Colo Reserve, planned for Saturday 12 and Sunday 13, March 2011 be classified as a "**Class 2**" special event, in terms of traffic management, 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.

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4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and 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 **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;**
- 4c. 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 outlined in writing and added to the TMP;
- 4d. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road, 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. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road the event organiser is to obtain the relevant approval from the Department of Environment, Climate Change and Water to cross the Colo River; **A copy of this approval to be submitted to Council;**
- 4f. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected 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);
- 4g. the event organiser is to notify the details of the event to the NSW Fire Brigade at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4h. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event for 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 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;**
- 4j. 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 Wollemi National Park. Written approval is required from Councils' Parks and Recreation section for the use of a Council Park/Reserve; **A copy of this approval to be submitted to Council;**
- 4k. 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>);
- 4l. the event organiser is to submit the completed "Special Event - Traffic - Final Approval Application Form" to Council;

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During the event:

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 4p. the riders are to be made aware of and are to follow all the general road user rules whilst riding on public roads;
- 4q. 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;
- 4r. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4t. 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

ATTACHMENTS:

- AT - 1** Zone One Q60 Training Horse Ride 2011- Drawing No: TR001/11.
- AT - 2** Special Event Application - (Dataworks Document No. 3630761) - *see attached.*

AT - 1 Zone One Q60 Training Horse Ride 2011 - Drawing No: TR001/11

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

SECTION 3 - Reports for Information

Item 3.1 LTC - 19 January 2011 - Item 3.1 - RTA Advice on School Zone Flashing Lights - Various Schools - (Hawkesbury, Londonderry & Riverstone) - (80245, 73621)

Previous Item: Item 3.1, LTC (22 November 2006)
Item 3.1, LTC (21 March 2007)
Item 4.2, LTC (20 February 2008)
Item 4.2, LTC (16 July 2008)
Item 3.1, LTC (14 January 2009)
Item 3.1, LTC (21 October 2009)
Item 3.1, LTC (17 November 2010)

REPORT:

Advice has been received from the Roads and Traffic Authority indicating that School Zone Flashing Lights are to be installed within the vicinity of Hawkesbury High School, Kurmond Public School, Richmond North Public School, Richmond High School and Windsor High School. The information provided by the RTA in part is listed below (Dataworks Document No. 3619845).

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

The roll out of school zone flashing lights follows an evaluation in the first half of 2007, which found the technology is reliable and is effective in slowing down drivers when entering a school zone.

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

- *Kurmond Road at Hawkesbury High School*
- *Bells Line of Road at Kurmond Public School*
- *Grose Vale Road at Richmond North Public School*
- *Castlereagh Road at Richmond High School*
- *Mulgrave Road at Windsor High School.*

It is not possible to provide you with a date for the installation of the lights, however it is expected that all school zone sites in this rollout will be completed by April 2011."

School Zone Flashing Lights were previously installed along the Lennox Street frontage at Richmond High School in early 2009.

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

1. Pitt Town Public School at Buckingham Street,
2. Cattai Public School at Cattai Road,
3. Bilpin Public School at Bells Line of Road,
4. Colo Heights Public School at Putty Road
5. Richmond High School at Lennox Street
6. Colo High School at Bells Line of Road,
7. Arndell Anglican College at Wolseley Road,
8. Oakville Public School at Oakville Road,
9. Richmond Public School at Windsor Street.

COMMITTEE RESOLUTION:

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

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 4 - General Business

Item 4.1 LTC - 19 January 2011 - QWN 4.1 - Queensland Flood Relief Toiletry Donation Drop, West Market Street, Richmond (Londonderry) - (80245)

REPORT:

Senior Constable Brad Phillips

Senior Constable Brad Phillips informed the Committee that the NSW Police had been contacted by Robyn Spedding from Hawkesbury Spiritual Connections in relation to holding a "Queensland Flood Relief Toiletry Donation Drop Day" on Saturday, 22 January, 2011 from 9.00am to 4.30pm at the CWA Hall in West Market Street, Richmond.

A drive and drop zone will be set up outside the CWA Hall in West Market Street, Richmond (opposite St Andrews Church) between 9.00am – 12.00pm utilising the existing car spaces along West Market Street and volunteers will assist in taking donations from cars whilst ensuring there are no traffic congestion issues. A sausage sizzle will also be held to raise money.

Items being collected include:

- Insect repellent
- Sanitary products
- Tooth brushes
- Tooth paste
- Shampoo/conditioner
- Razors
- Shaving cream
- Soap
- Deodorant
- Hand cream
- Powder
- Sunscreen
- Band-Aids
- Antiseptic cream
- Hair brushes
- Hair elastics
- Nappies

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- Baby wipes
- Baby cream
- Baby powder/lotions

Senior Constable said the NSW Police didn't have any concerns; however they would attend the location should problems arise in relation to traffic congestion.

COMMITTEE RECOMMENDATION:

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

That the information be received.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Wednesday, 16 February 2011 at 3.00pm in the Large Committee Rooms.

The meeting terminated at 3.50pm.

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

REPORT:

Questions - 14 December 2010

#	Councillor	Question	Response
1	Williams	<p>Enquired if the discrepancy between the opening hours of the Oasis Leisure Centre and the times displayed on Council's website could be investigated. The website shows the pool opens at 7am when it actually opens at 8am.</p> <p>He also enquired if the pool could be opened earlier on the weekend during the summer months.</p>	<p>Director Support Services advised that the opening hours at the Oasis Leisure Centre appear twice on Council's website. In one of the displayed areas the opening hours for weekends were incorrect. Council's website has been updated to reflect the correct opening hours.</p> <p>The Director Support Services also advised that the Oasis Leisure Centre opens at 6.00am on weekdays and at 8.00am on weekends in accordance with the current agreement between Council and the YMCA.</p> <p>The 8.00am opening time for weekends has been in place for a number of years and is based on demand and usage patterns. The Centre could be opened earlier on the weekends during the summer months however this would come at an additional cost to Council through salaries and outgoings.</p>
2	Williams	<p>Enquired if the old hospital bed sculpture at the Deerubbin Centre could be repaired if necessary so that it sprays water again.</p>	<p>Director Infrastructure Services advised that the nozzles on the water feature are very small and some calcification had occurred causing a number of them to block. Replacements were arranged and repairs completed just prior to Christmas.</p> <p>In addition the timing of the water spray will be adjusted, so to feature at more regular and lengthy intervals.</p>

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
3	Williams	Enquired if there has been any progress in organising the meeting regarding Bushells Lagoon.	Director City Planning advised preliminary discussions between Council officers and Maritime NSW occurred in December to reinforce Council's request for skiing to be suspended and secondly, to establish the background of the site and the license. Following those discussions, NSW Maritime advised that the license holder had agreed not to ski on the lagoon for a few weeks from 20 December 2010. Maritime NSW will consider Council concerns, to be reported at the 1 February 2011 Ordinary meeting, before a meeting date is set.
4	Williams	Enquired if Councillors could be kept informed about the outcome in relation to the letter received regarding a DA for a garage in Hobartville.	Director City Planning advised Council officers contacted Mr Barrett in December 2010 and advised that a new DA could be considered using colorbond subject to amending the position of the proposed garage.
5	Paine	Enquired if staff could consider holding an exhibition at the Regional Art Gallery of outstanding HSC works from local students.	<p>Director Support Services advised that from 26 August to 16 October 2011 the Hawkesbury Regional Gallery will be one of the few statewide venues that hosts the Art Gallery of NSW's Art Express exhibition. The exhibition features exemplary artworks created by NSW Higher School Certificate students including one from Colo High School.</p> <p>The Director Support Services also advised that the Gallery has ongoing opportunities for Hawkesbury schools to work with the Gallery on exhibitions and projects that meet their particular objectives. The Gallery regularly displays works by Hawkesbury students in the mezzanine foyer/corridor and these are also visible from the Library.</p>
6	Paine	Enquired if an update could be provided regarding the Macquarie Street sites.	General Manager advised that the Project Group has been meeting and a Consultant has been engaged for a market feasibility study. It is anticipated that a presentation will be made to a Councillors Briefing in the near future.
7	Calvert	Enquired if repair work could be carried out on Londonderry Road near The Driftway.	Director Infrastructure Services advised that Londonderry Road has been reclassified as a Main Road under the care and control of the RTA. The RTA is undertaking heavy patching work on the road with a view to resheeting it toward the end of February. It was noted that the Driftway also had some potholes on the approaches to Londonderry Road and these are being repaired.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
8	Calvert	Referred to his previous question regarding the footpath outside McDonalds in Richmond and enquired if staff could work with McDonalds to fix the footpath area.	Director Infrastructure Services advised that the matter is currently being investigated with a view to directing patrons to use the provided footpath in lieu of the shortcut causing the issue.
9	Porter	Enquired if when development applications are lodged and staff recommend that they will be refused are those development applications included in the DA assessment counts that are provided to Councillors in the Councillors Newsletter. He also enquired if the DA goes back to the applicant who then withdraws the DA and a portion of the funding is refunded does it still stay on the system and contribute towards the DA assessment count for the year.	Director City Planning advised the Councillors Newsletter includes all approved and refused DAs in the list of determined applications. Withdrawn DAs are included in the number of DAs received and assessed but not the number determined or the DA count for the year.
10	Mackay	Referred to the Community Appreciation Garden Party at Yarramundi and commented that Yarramundi House was the perfect location for the event.	No further action required.
11	Williams	Enquired if the OHS issues raised by Ms Michelle Carter regarding the sign next to the half pipe at Glossodia Park could be looked at.	Director Infrastructure Services advised that the mobile half pipe was moved back to Woodbury Reserve on Tuesday, 21 December 2010.
12	Reardon	Referred Councillors to the exhibition at the Regional Art Gallery displaying art works of gifted and talented students from the area.	No further action required.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting



ordinary
meeting

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