



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 13 September 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 Manager Corporate Services and Governance on 4560 4426 or by email at arouse@hawkesbury.nsw.gov.au.

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

A Point of Interest

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

Planning Decision

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

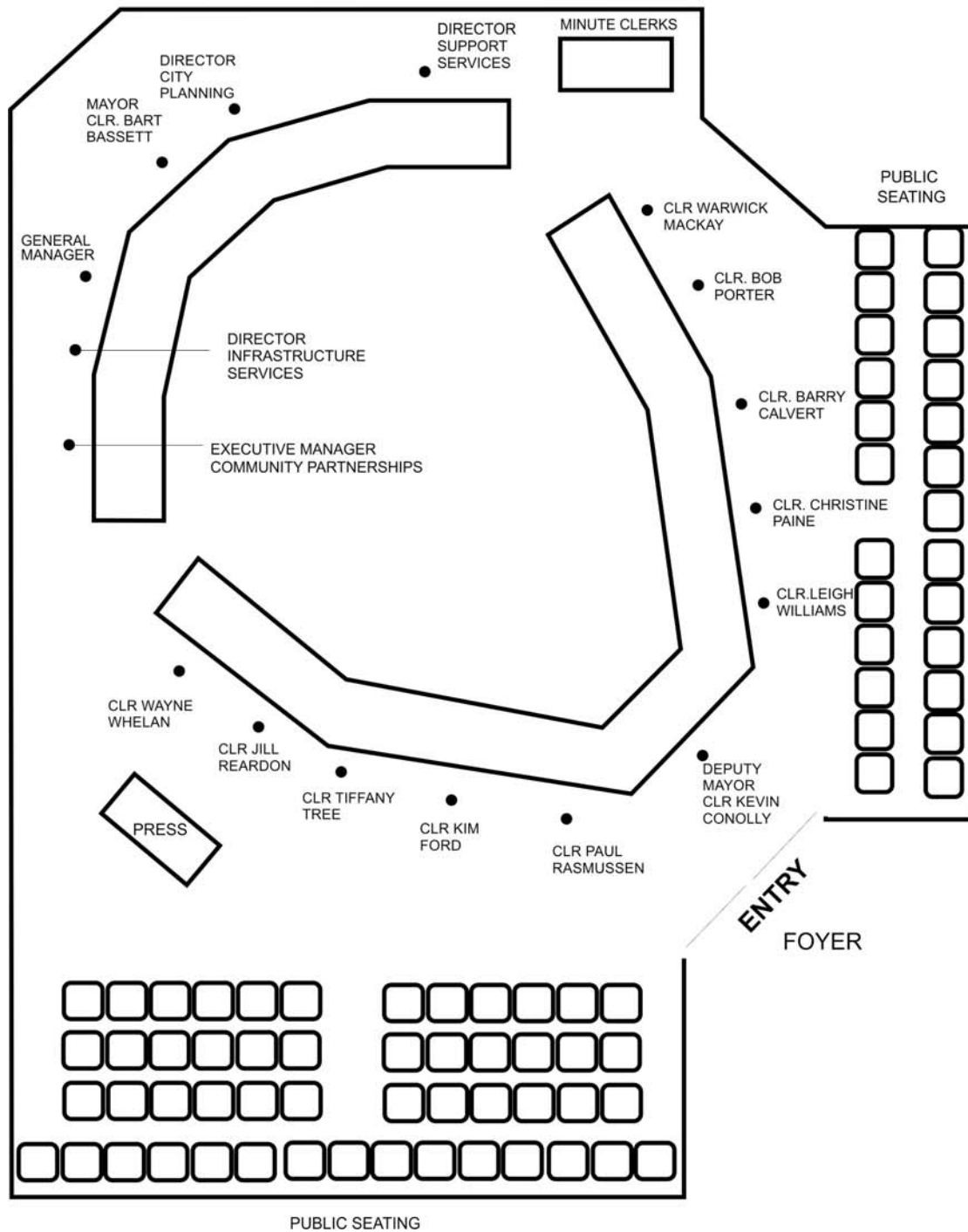
Website

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

Further Information

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

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 201 **GM - Royal Australian Air Force - Review of Civil Aviation Access to Air Force Airfields RAAF - (79351)**

Previous Item: 22, Ordinary (23 February 2010),
 23, Ordinary (23 February 2010)

REPORT:

Executive Summary

The Minister for Defence, the Hon. Stephen Smith MP, on 16 June 2011, released the Royal Australian Air Force's review into the Civil Aviation Access to Air Force Airfields (RAAF Review). The Minister indicated that the Review is an action of the National Aviation White Paper. The Public Consultation period for the RAAF Review is open until 31 October 2011.

The RAAF Review has been undertaken to:

- address the provision of access for civil aircraft operations at Defence airfields;
- consider the impacts and consequence of civil use of Defence airfields;
- outline Defence concerns about the development and maintenance of military capability in the National interest at Defence airfields, alongside civil use; and
- outline recommendations for future Defence policy for civil use of Defence airfields.

In releasing the RAAF Review, the Minister for Defence stated:

"The Australian Government is committed to allowing civil access to military airfields where this can be balanced with Air Force and Defence's need for security, operation and training."

The key message of Air Force in the RAAF Review is that military needs are paramount over civil use of Defence airfields. While there are examples of Defence airfields that have successfully shared civil use models, there are models that are less successful where civil commercial use needs are higher (e.g. stakes and volumes) or increasing and are not in balance with Defence use of airfields needs to maintain military capability e.g. RAAF Base Williamtown/Newcastle Airport.

The RAAF Review is to be used to inform Defence Policy (and the Defence White Paper) and will be considered by the Federal Government in the National Aviation White Paper, so that civil access to Defence airfields is compatible with military needs.

While the RAAF Review is aimed at the civil aviation industry, it is considered that Council should make a submission to the review in light of Council's interest in RAAF Base Richmond. Council's standing position on RAAF Base Richmond is that there is no change in its Defence use.

A submission would support Council's position on the Base; and provide support to the Air Forces' position on Defence airfields and in turn support the RAAF Review's consideration in the Aviation White Paper along side other actions of the paper. Of interest, another action of the Aviation White Paper is the Sydney

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Aviation Strategic Plan Steering Committee (Joint Federal-State Planning Taskforce) which is meeting now to solve/ address the Second Sydney Airport issue and is due to report on a "Sydney Aviation Strategic Plan" by the end of 2011. The findings of the RAAF Review should be considered by the Taskforce and hence the review is timely. The Sydney Basin is a large urban centre and the findings of the RAAF Review, would indicate that RAAF Base Richmond would not be a suitable shared airfield.

Consultation

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

Background

(1) RAAF Review

The RAAF Review was conducted at the direction of Air Vice Marshal G.C. Brown, Deputy Chief of Air Force, and was completed in September, 2010.

The RAAF Review states:

"23. The aim of this Review is to address the impacts and consequence of the use of Air Force Airfields by civil aircraft, with recommendations to enable the drafting and implementation of policy that supports the current and future needs of military aviation. In drafting this report, the Review Team has also been cognisant of the obligations on CASA that are inherent in Civil Aviation legislation and regulation. Notwithstanding these considerations, the retention of Defence Capability, and flexibility, for the conduct of Air Force flying operations remains paramount."

The RAAF Review provides insight into Air Force's concerns about civil use of Defence airfields across a number of matters including the National interest, priority of Defence needs, operational and costs issues of civil use (e.g. transferred to Defence, business models of civil operators), CASA requirements, commercial operator interests and civil aviation trends.

The RAAF Review is also to be considered by the Australian Government in the Aviation White Paper to ensure civil use of Defence airfields is compatible with current and future military needs. This paper included consideration of Defence airfields in the mix to meet civil/ commercial aircraft operations as 'secondary airports' at key locations. It should be noted that a Defence White Paper (i.e. Minister for Defence) was undertaken at a similar time to the Aviation White Paper. It is the Minister for Infrastructure and Transport who has carriage of the Aviation White Paper and informing the Australian Government on this and making recommendations.

As mentioned previously, an action of the Aviation White Paper is the Sydney Aviation Strategic Plan Steering Committee, which will be reporting on a "Sydney Aviation Strategic Plan" later this year (i.e. presented to committee). RAAF Base Richmond is an airport in the mix for solving the second Sydney airport issue, as are other sites in and outside the Sydney Basin (e.g. northwest of the City, in Camden, Central Coast). Council sought inclusion on the taskforce because RAAF Base Richmond is being considered as a site and for our knowledge on local issues, but was declined.

Not only should the RAAF Review findings be considered by the Australian Government in its ongoing implementation of the Aviation White Paper, they should also be considered by the Sydney Aviation Strategic Plan Steering Committee to ensure it is informed in its assessment process and so RAAF Base Richmond is not proposed as a second Sydney airport site when there is evidence that a shared Defence airport near large urban areas is not the best option for any parties involved in the model and does not consider the future needs of Defence and military capability nor that of commercial operators. Achieving balance would only come from clear agreement and commercial users being subservient to Defence needs. It was also evident from the RAAF review that Defence was to some extent underwriting some commercial user costs in current share Defence airfields models, and this would need to be addressed.

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(2) Council's position on RAAF Base Richmond

The RAAF Review is of interest to Council in regard to Council's interest in RAAF Base Richmond's

- (a) ongoing Defence role
- (b) priority Defence use
- (c) secondary aviation support activities
- (d) contribution to the local economy and community, and
- (e) inclusion in the review as a Defence airfield.

The RAAF Review is also of interest to Council as its findings support Council's position that RAAF Base Richmond's priority use should be for military needs and it should remain available for this purpose alone. It confirms Council's standing position on RAAF Base Richmond that the Base be retained as a National Defence facility and as a local economic anchor.

Council's interest in RAAF Base Richmond has been long standing and opportunities through various Federal Government Departments, policy proposals and consultations have been taken up to progress this position on the base. Recent and relevant opportunities include the following actions and hence resolutions.

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

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

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

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

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

"That:

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

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

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

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

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

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Council at its meeting on 23 February 2010, addressed the Defence White Paper and resolved:

"That:

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

Council at its meeting on 23 February 2010, addressed the National Aviation White Paper and resolved:

"That:

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

(3) Premier of NSW position on second Sydney airport and Sydney Basin

In recent statements, the NSW Premier has indicated he does not support a second airport within the Sydney basin sighting too much impact on communities. A fast train to address commercial transport needs appears to be favoured.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together and Supporting Business and Local Jobs statements;

- Maintain its independent identity and voice through strong local government and community institutions.
- Plan a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.

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.
- Develop economic development strategy that promotes local industry in a regional context.

It will also contribute to Goals:

- Work together with community to achieve a balanced set of decisions that integrate jobs, housing, infrastructure, heritage and environment.
- Jobs across a greater range of industry sectors.

Financial Implications

There are no funding implications for considering the RAF Review, as the recommended action is a submission.

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RECOMMENDATION:

That:

1. The information regarding the Royal Australian Air Force – Review of Civil Aviation Access to Air Force Airfields (RAAF Review) be received.
2. Council make a submission to the RAAF Review in regard to proximity to shared Defence airfields near large urban centres, RAAF Base Richmond and the National Aviation Policy based on the position indicated in previous resolutions in this regard.
3. The Minister for Infrastructure and Transport be requested to advise on how the RAAF Review will be addressed in the National Aviation White Paper to ensure priority military capability at Defence airfields are not compromised by any shared Defence airfields.
4. The Minister for Defence be requested to advise on how the RAAF Review will be addressed in Defence policy and how Defence will progress priority military needs at Defence airfields in the National Aviation White Paper.

ATTACHMENTS:

- AT - 1** Royal Australian Air Force – Review of Civil Aviation Access to Air Force Airfields. September 2010 (released 16 June 2011) - *(To be Distributed Under Separate Cover)*

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CITY PLANNING

Item: 202 **CP - Development Application - Tourist Facility - 30 Tourist Cabins - Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North, Webbs Creek - (DA0026/11, 102260, 27637, DA0026/11)**

Development Information

File Number: DA0026/11
Property Address: Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North, Webbs Creek
Applicant: Montgomery Planning Solutions
Owner: Bebrovo Holdings Pty Limited
Proposal Details: Tourist Facility - 30 Tourist Cabins
Estimated Cost: \$3,000,000
Current Zone: Environmental Protection - Mixed Agriculture under Hawkesbury Local Environmental Plan 1989
Draft Zone: E4 Environmental Living under DRAFT Hawkesbury Local Environmental Plan 2011
Date Received: 19 January 2011
Advertising: 11 February 2011 to 25 February 2011

Key Issues: ♦ Temporary Accommodation - Flood Liability - SEPP 1 Objection - Relocatable Dwelling Provisions

Recommendation: Approval

REPORT:

Executive Summary

The application seeks approval for the construction of 30 cabins to be used to provide short term accommodation for customers of the Del Rio Tourist resort located on Lot 77 in DP 211935 and Lot 2 in DP 1080830 Chaseling Road North Webbs Creek.

It is intended that the proposed cabins will be constructed on the 30 sites approved on the subject land under DA140/77A located between the existing golf course and the river.

An objection pursuant to State Environmental Planning Policy No. 1 has been submitted seeking a variation to Clause 25 (2) (to erect a building on land greater than three metres below the 1:100 year flood level) and Clause 25 (3) (The habitable floor level of the building is proposed to be below the 1:100 year flood level) contained within Hawkesbury Local Environmental Plan 1989.

It is considered that the applicant has been able to satisfactorily justify the non compliances in relation to the above Clauses and it is recommended that the application be supported.

The application is being reported to Council as the variation to the flooding control contained within Hawkesbury Local Environmental Plan 1989 exceeds 10% and it is a requirement for all State Environmental Planning Policy No. 1 variations greater than 10% be considered by Council. The proposal requests a 10% to 33% variation to Clause 25 (2) and a 41.6% variation to Clause 25 (3) of Hawkesbury Local Environmental Plan 1989.

Should the variation requested be supported by Council the application will be required to be forwarded to the New South Wales Department of Planning for their concurrence.

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Description of Proposal

The application has been submitted in response to a previous application DA0140/77B which approved the use of 30 sites as a 'tourist facility' to accommodate relocatable dwellings in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The applicant has indicated that although the approved sites can accommodate relocatable dwellings the Local Government (General) Regulation 2005 requires relocatable dwellings be constructed off site. Given the location and constrained ferry (Webbs Creek Ferry) and bridge (Webbs Creek Bridge) access to the site the applicant has stated that they will not be able to transport relocatable dwellings to the sites. Therefore the application seeking the construction of 30 tourist cabins has been submitted.

The application is supported by an Objection pursuant to State Environmental Planning Policy 1, a Statement of Environmental Effects, a Bushfire Assessment Report and a Flooding Report.

The proposed cabins will be located within existing approved sites and contain three bedrooms, kitchen, living room, dining room, ensuite, bathroom and a deck. Each cabin will have dimensions of 15m by 6.5m with a height of 4.2m and will be of steel frame construction with Hebel panelling for the walls and colorbond metal sheeting for the roofing.

The cabins will be accessed from a driveway located at the rear of the cabins with 43 parking spaces proposed for the development.

History

29 June 1977	Interim Development Consent 68A/140/77 approved ' <i>Caravan park and supporting amenities, caretakers residence and store, holiday farm village comprising three dormitories and communal hall, 70 holiday apartments, country club and motel and chapel generally in accordance with plans and documents accompanying the application</i> '.
12 February 2003	Section 96 Modification application DA0140/77A approved 30 sites to be relocated along the river frontage.
7 October 2010	Section 96 Modification application DA0140/77B approved the use of the 30 approved sites along the river frontage to allow relocatable dwellings.
19 January 2011	Application seeking consent for the construction of 30 short term tourist accommodation buildings on the sites was received.
4 February 2011	Applicant advised that current development application is required to be referred to the NSW Office of Water being Integrated Development.
5 April 2011	Applicant advised that the NSW Rural Fire Service and the NSW Office of Water require additional information to further consider the application.
28 April 2011	Applicant provided a response to the additional information requested by the NSW Rural Fire Service and the NSW Office of Water.
26 May 2011	Applicant advised that the variation requested in respect to the flood related development controls cannot be considered under SEPP 1 based on previous legal advice received by Council.
30 June 2011	Council Officers sought clarification from lawyers regarding SEPP 1 objection and interpretation of Clause 25 of HLEP 1989.
14 July 2011	Legal advice obtained clarifying that an objection to Clause 25 (2) and (3) of HLEP 1989 can be considered under SEPP 1.

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- 9 August 2011 Discussions held with applicant regarding SEPP 1 objection received and the need to address the percentage of variation sought regarding flood controls.
- 20 August 2011 Amended SEPP 1 objection received.

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy No. 1 (SEPP 1)
State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)
Sydney Regional Environmental Plan No 20 (SREP 20) Hawkesbury Nepean River
Hawkesbury Local Environmental Plan (HLEP) 1989
Draft Hawkesbury Local Environmental Plan (DHLEP) 2011
Hawkesbury Development Control Plan (HDCP) 2002

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:

The provisions of any:

a. Environmental Planning Instrument:

The relevant environmental planning instruments are:

State Environmental Planning Policy No. 1 – Development Standards

An objection under SEPP No. 1 was lodged in respect to the flood related development controls contained within Hawkesbury Local Environmental Plan 1989, specifically Clause 25 (2) and Clause 25(3).

The predicted 1-in-100 year flood level for the area is 7.2m AHD with the development proposing the erection of permanent cabins on land lying between 3.2m and 3.9m with a proposed floor height of 4.2m AHD.

Clause 25 (2) of this plan prohibits the construction of a building on land that is more than 3 metres below the 1-in-100 year flood level for the area in which the land is situated and Clause 25 (3) requires each habitable room in a building to be no lower than the 1-in-100 year flood level for the area which the land is located.

The proposal requests a 10% to 33% variation to Clause 25 (2) and a 41.6% variation to Clause 25 (3) of Hawkesbury Local Environmental Plan 1989.

The grounds for objection under State Environmental Planning Policy No. 1, submitted with the development application states:

1. *The NSW Government's Floodplain Development Manual, 2005 clearly advocates that a merit approach should be adopted for all development decisions in the floodplain to take into account, social, economic and ecological factors as well as flooding considerations.*
2. *The cabins are to be erected on existing sites approved for the installation of relocatable buildings.*
3. *The cabins will be used for short term accommodation only. They are not for permanent occupation.*
4. *The cabins are not permanent dwellings and therefore the development controls relating to dwellings should not apply.*

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5. *The cabins have been designed to withstand the 1-in-100 year flood event and are constructed of materials which can withstand prolonged immersion in water.*
6. *There is adequate warning of impending floods as the site is at the lower end of the catchment. Any persons who may be occupying the cabins when a flood warning is issued will have sufficient time to leave the site prior to access roads being cut by floodwaters*
7. *The 30 cabins represent a small portion of the overall resort and therefore form part of a comprehensive evacuation plan for the site.*
8. *There is no potential for individual property loss.*
9. *The cabins are owned and managed by Bebrovo Holdings Pty Ltd. Therefore any property loss or damage in times of flood is factored in to the commercial decision to build cabins.*
10. *The cabins represent a significant investment which improves the site and has economic benefits in terms of the local tourism industry.*
11. *The flooding hazard for cabins used for short term tourist accommodation is acceptable in this location. This view is confirmed by the Judgement of Pearlman, CJ in Denis Gelle Pty Ltd and Integrated Site Design Pty Ltd v Baulkham Hills Shire Council.*

The applicant has also argued that compliance with this development standard in this instance is unreasonable in the circumstances as compliance would hinder the attainment of the objects of the Environmental Planning and Assessment Act 1979, particularly Section 5 (a) (ii) which is to allow for “the promotion and co-ordination of the orderly and economic use and development of the land”.

Assessment of Grounds for objection under SEPP 1

In determining whether or not an objection to SEPP 1 should be supported it is recommended any assessment use a set of tests provided by his honour Chief Judge Preston in Land and Environment Court hearing *Wehbe v Pittwater Council* [2007] NSWLEC 827 - 21 December 2007. The Chief Judge suggests that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Comment: The objectives of the development standards are to prevent the intensification of development of flood prone areas and provide standards for the development of flood liable land.

The SEPP 1 objection attempts to demonstrate that the objectives of the development standards are met notwithstanding non-compliance with the development as Council has previously approved the use of the sites for the installation of moveable dwellings, the cabins will not be used for permanent accommodation and the buildings have been designed to withstand prolonged the prolonged period of immersion of water in a 1-in-100 year flood event.

It is considered that the objectives of Clause 25 are upheld as the land currently has approval for the use of flood liable land to provide temporary accommodation and the overall objectives of Clause 25 are to control inappropriate development of flood liable land.

Given Council has previously approved the use of flood liable land to provide temporary accommodation and that the proposal does not seek to change the use or intensity of development of the land it is considered that support of the proposal will not hinder the objectives of the standard.

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2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Comment: It is considered that the purpose of the development standard is not relevant to the development of the land as the land has approval to provide temporary accommodation and the purpose of the standard is to control new development of flood liable land.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Comment: The underlying objective of purpose of the development standard will be defeated if compliance was required. The property already has the potential to install re- locatable dwellings on the sites and the objectives of the flooding controls are to control the development of flood prone land. It is considered that the construction of permanent structures which will be able to withstand flood events would be a more appropriate use of flood liable land.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

Comment: It is considered that departing from the standard in this instance will not be abandoned or destroyed by supporting the proposal as the reasons for objection are specific to the site and will not apply to other properties within the Hawkesbury.

5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Comment: It is considered that the zoning of the property is appropriate for the area and the current use of the property as a tourist facility will not change as a consequence of the proposal.

Chief Judge Preston also highlighted the assessment process shall look at the following points:

1. The applicant must satisfy the consent authority that "the objection is well founded", and compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;

Comment: The SEPP 1 objection submitted with the application is considered to be well founded as the applicant has demonstrated that compliance with the development standard would be unreasonable or unnecessary given the previous approved use of the site for temporary accommodation.

2. The consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s 5(a)(i) and (ii) of the *Environmental Planning & Assessment Act 1979*; and

Comment: It is noted that compliance with the development standard may be able to be achieved through the combination of filling works and redesign of the cabins so that the floor level of the building is at 7.2m AHD. However it is considered that filling of that extent would not fit within the context of the area and the development would then have an added adverse visual impact on the river frontage. It is therefore considered that given the sites already have approval to provide temporary accommodation and that

the buildings have been designed to fit within the overall context of the site compliance with this standard would be unreasonable or unnecessary.

Furthermore it is noted that support of the SEPP 1 objection will provide flexibility in a circumstance which is unique to the subject site. In this respect it is identified that the applicant has the ability to apply for relocatable dwellings on the approved sites, however the financial implications in transporting relocatable buildings to the site would be unreasonable given the access constraints of Webbs Creek Ferry and Webbs Creek Bridge.

3. It is also important to consider:

- a) whether non-compliance with the development standard raises any matter of significance for State or regional planning; and

Comment: It is considered that non compliance with this standard does not raise any matter of significance for state or regional planning.

- b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.

Comment: The proposal is contrary to the numerical standard contained within Clause 25 of HLEP 1989. However it is considered that the public benefit will be maintained as support of the proposal would not undermine the objectives of this clause or set an undesirable precedent for the development of short term accommodation on flood liable land.

Given the above, it is considered that the application has demonstrated that compliance with the requirements of Clause 25(2) and 25(3) is unreasonable and unnecessary in the circumstances. It is therefore recommend that Council support the objection submitted and refer the application to the Director General.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The application does not propose the removal of any vegetation or disturbance of vegetation identified as "Potential Koala Habitat" or "Core Koala Habitat" under this plan. It is therefore considered that the proposal is consistent having regard to the relevant provisions of this plan.

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

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

Comments: The proposal meets the overall aim of the plan in that it is consistent with the specific planning policies which apply to the proposal. Clauses 6(1), 6(2), 6(3), 6(4), 6(6) and 6(7) of the Plan apply to the proposal and have been considered in the table below:

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Specific Planning Policies and Recommended Strategies	Compliance	Comment
CI 6(1) Total Catchment Management	Yes	The proposal is unlikely to result in any significant adverse environmental impacts on any downstream local government areas.
CI 6(2) Environmentally Sensitive Areas	Yes	It is unlikely that the proposal will have an impact on the water table or result in the formation of acid sulphate soils.
CI 6(3) Water Quality	Yes	It is unlikely that the proposal will have an impact on the water quality of the locality.
CI 6(4) Water Quantity	Yes	The proposal will not increase water run-off from the site or the rate at which it leaves.
CI 6(6) Flora and Fauna	Yes	The proposed works are in an area previously cleared and disturbed by previous activities. It is considered that there will be no significant adverse impact on flora and fauna species.
CI 6(7) Riverine Scenic Quality	Yes	<p>It is considered that the proposal is not contrary to the landscape character as described in the Scenic Quality Study.</p> <p>It is noted that the Hawkesbury – Nepean Scenic Quality states that this portion of the river has been identified as being occupied by a combination of high quality landscapes and recreational water ski activities. The scenic quality study suggests that the scale of new development be setback appropriately from the riverbank and that the screening of the development to be provided appropriate in density and species composition to the river locality.</p> <p>It is considered that the development is appropriately setback from the river and conditions recommending that the proposed cabins be screened from the river have been included as part of the recommended conditions of consent.</p>

The proposal is further considered to be consistent with development controls specified under Clause 11(16) Land uses in riverine scenic areas and Clause 11(14) Recreation and Tourism.

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

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject property is zoned Environmental Protection - Mixed Agriculture (Scenic).

The application states that *'the cabins will be used for short term tourist accommodation only and are owned and managed by Del Rio Resort'*. The proposal is best defined as a *'tourist facility'* which

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is a permissible form of development that can be considered within the Environmental Protection - Mixed Agriculture (Scenic) zone.

The proposal will result in the construction of 30 permanent buildings (cabins) below the 1 in 100 year flood level of the area which is contrary to Clause 25 (2) and 25 (3) of this plan. An objection under SEPP No.1 seeking a variation to Clause 25 was submitted and, as mentioned previously in this report, it is recommended that variation be supported.

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

Clause 5 - Definitions

Clause 9 - Carrying out of development

Clause 18 - Provision of water, sewerage services, etc

Clause 20 - Development below high-water mark etc

Clause 24 – Development in certain environmental and other zones

Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

An assessment of the Development Application reveals that the proposal complies with the matters raised in the above clauses of Hawkesbury Local Environmental Plan 1989, with the exception of satisfying flood controls contained in Clause 25.

b. 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 2011

Draft Hawkesbury Local Environmental Plan 2011 applies to the proposal. The subject site is identified as being zoned E4 Environmental Living under DRAFT Hawkesbury Local Environmental Plan 20011.

Clause 2.3 of this plan permits tourist and visitor accommodation within the E4 Environmental Living zone. The proposal is further considered to be consistent with the objectives of the zone as the proposal will support an existing tourist development and will unlikely conflict with other land uses in the locality.

The proposal is further considered to be consistent with the Flood Planning objectives of Clause 6.7. The application has been submitted with a flooding report detailing that the development has been designed to withstand prolonged periods of submersion of water in a 1-in 100 year flood event and flood velocities of 1.5m/s. That application also states that the evacuation of the property will be consistent with the existing flood evacuation management plan which has been developed for the site.

c. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

An assessment of the proposal against Hawkesbury Development Control Plan has revealed that the proposal is generally in accordance with the requirements of this plan, specifically Part A General Information as sufficient information has been provided in order to make a determination of the application and the application has been notified in accordance with the requirements of this plan.

The proposal is considered to be consistent with the requirements of Part C - Car Parking and Access chapter as access is considered satisfactory and sufficient parking is being provided onsite with at least one parking space being provided per cabin.

- d. **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 are no planning agreements applicable to the proposed development.

- e. **Matters prescribed by the Regulations:**

The proposed development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation 2000 and the development will be required to comply with the requirements of the Building Code of Australia.

- f. **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:**

Access, Transport & Traffic

It is considered that the traffic generated by the proposal will have no significant impact on traffic movements within the locality. The proposal does not seek to change the use or intensify development of the site as the cabins will be constructed on existing approved sites.

Utilities

It is considered that the proposed development will not place unreasonable demands on the provision of services.

Flora & Fauna

The site is relatively cleared with no vegetation proposed to be removed as part of the application. It is therefore considered that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

Natural Hazards

The site is subject to Bushfire, prior to the issue of any development consent it would be required that the NSW RFS issue a bushfire safety authority for the development.

The site is inundated by the 1 in 100 year flood level of 7.2m AHD. An assessment against the relevant flood controls affecting the site have been addressed previously in this report.

The flood report submitted has detailed that the proposed buildings have been designed to withstand a 1-in-100 year flood event and estimated flood velocities of 1.5m/s.

The application has indicated that a flood evacuation plan has been prepared for the Del Rio Riverside Resort, involving the notification of anyone on the site to move to higher ground and the removal of floating items from the vicinity. This evacuation plan has considered that the site can be evacuated within appropriate timeframes as there is likely to be 24 hours of notice in a 1 in 100 year flood event.

Context and Setting

The locality consists of lots used for agriculture, tourist facilities and residential purposes. The proposed development is consistent with these surrounding land uses and the cabins have been designed to fit within existing structures located on site.

It is considered that a detailed landscaping plan should be provided as part of a condition of consent ensuring that the development will be appropriately screened from the river as recommended in the Hawkesbury Nepean River Scenic Quality Study.

Cumulative Impacts

It is considered that the proposal would unlikely set any undesirable precedents for the development of flood liable land as the reasons for support of the SEPP 1 objection submitted are specific to the subject site and previous approvals that relate to the land.

g. Suitability of the site for the development:

There are no constraints from surrounding land uses that would make this development prohibitive and it is considered that the development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

Adequate services and utilities are available to the site and access to the site is satisfactory for the intended use.

A Report on Flooding prepared by H.J. Fiander was submitted in support of the application. The Report concluded that:

- *Using the Bathurst Reach Model developed in this study, at the one in 100 year flood event the velocity of flow at the Del Rio Riverside Resort is less than 1.5m/s; the 30 cabins are anchored to the ground and are considered that they have been designed to withstand the force of flood water with a greater velocity.*
- *There is a long history of occupancy at the Del Rio Riverside Resort and evacuation of the site is possible and has occurred within the memory of some residents and visitors.*
- *As a tourist facility, it is unlikely that there will be any tourists present in the cabins or any other facility during flooding.*
- *Based on past experience there will be 24h notice or more of the requirement of evacuation of the site.*

It should be emphasised that this assessment relates to the merits and flood characteristics of this site only and should not/cannot be translated or used as justification for development on another site, as flood characteristics, behaviour and evacuation circumstances vary from site to site. In view of the above considerations, it is concluded that the flood liability of the land is not prohibitive to the development in this case.

However there would be a genuine risk if the cabins were used on a permanent basis. For this reason it is appropriate to monitor the occupancy of the cabins to ensure the usage is on a temporary/short term basis.

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

No submissions were received as a result of the neighbour notification process. The following agency submissions were received by Council as a result of the application being identified as integrated development under the Environmental Planning and Assessment Act 1979.

New South Wales Rural Fire Service (RFS)

In their letter dated 15 February 2011 the RFS requested additional information from the applicant. Additional information was provided by the applicant on the 17 March 2011. To date the RFS have not yet issued a bush fire safety authority under section 100B of the Rural Fires Act 1997.

Should the objection submitted pursuant to SEPP1 be supported by Council it will be required that a bushfire authority be issued from the NSW RFS prior to the issue of any consent.

New South Wales Office of Water (NOW)

In their letter dated 28 March 2011 the NOW issued a general terms of approval and requested that the applicant change the location of the proposed access driveway and parking areas to behind the proposed cabins to maximise evacuation potential and have the works more than 40m from the river.

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On the 28 April 2011 the applicant provided amended plans consistent with the NOW requests.

i. The Public Interest:

The proposed development is generally consistent with the relevant planning controls affecting the site and will allow for the continued use of the site as a tourist facility which provides temporary accommodation for the holidaying public. It is therefore considered to be consistent with the public's interest.

It is considered that support of the SEPP 1 objection is not contrary to the public interest as the variation requested is specific to the subject site.

Conclusion

The proposed development is considered to be satisfactory, subject to the implementation of conditions recommended in the report. The cabins are generally consistent with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan 2002, with the exception of Clause 25 of the Local Environmental Plan.

It is considered that the objection submitted pursuant to State Environmental Planning Policy No. 1 has satisfactorily demonstrated that adherence to the requirements of Clause 25(2) and (3) of Hawkesbury Local Environmental Plan 1989 is unreasonable and unnecessary. It is considered that the risks in respect to flooding of the land are acceptable for this development and that the flood liability of the land is not prohibitive to this particular development.

Under the provisions of State Environmental Planning Policy No. 1 (SEPP No.1), Council cannot determine the application without the concurrence of the Director General. It is recommended that Council support the application and request that the Director General grant concurrence to the application. Should concurrence be granted, the application can be approved. Should concurrence not be granted, then the application must be refused. Both of these determination options may be undertaken under the delegated authority of the General Manager.

Developer Contributions

The development is exempt from contributions under Council's Section 94A Contributions Plan as contribution fees have been previously levied on the land.

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:

1. The objection under SEPP No. 1 be supported and that the application be referred to the Department of Planning to request that the Director General grant concurrence to the application.
2. Upon receipt of the concurrence, or otherwise, of the Department of Planning and the approval, or otherwise, of the NSW Rural Fire Service the determination of Development Application No. DA0026/11 at Lot 77 DP 211935 Lot 2 DP 1080830, Chaseling Road North Webbs Creek for Tourist Facility - Thirty (30) tourist cabins be delegated to the General Manager.

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ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Aerial Photograph

AT - 3 Plans

AT - 4 Draft Conditions of Consent

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AT-1 Locality Plan

Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North WEBBS CREEK NSW 2775



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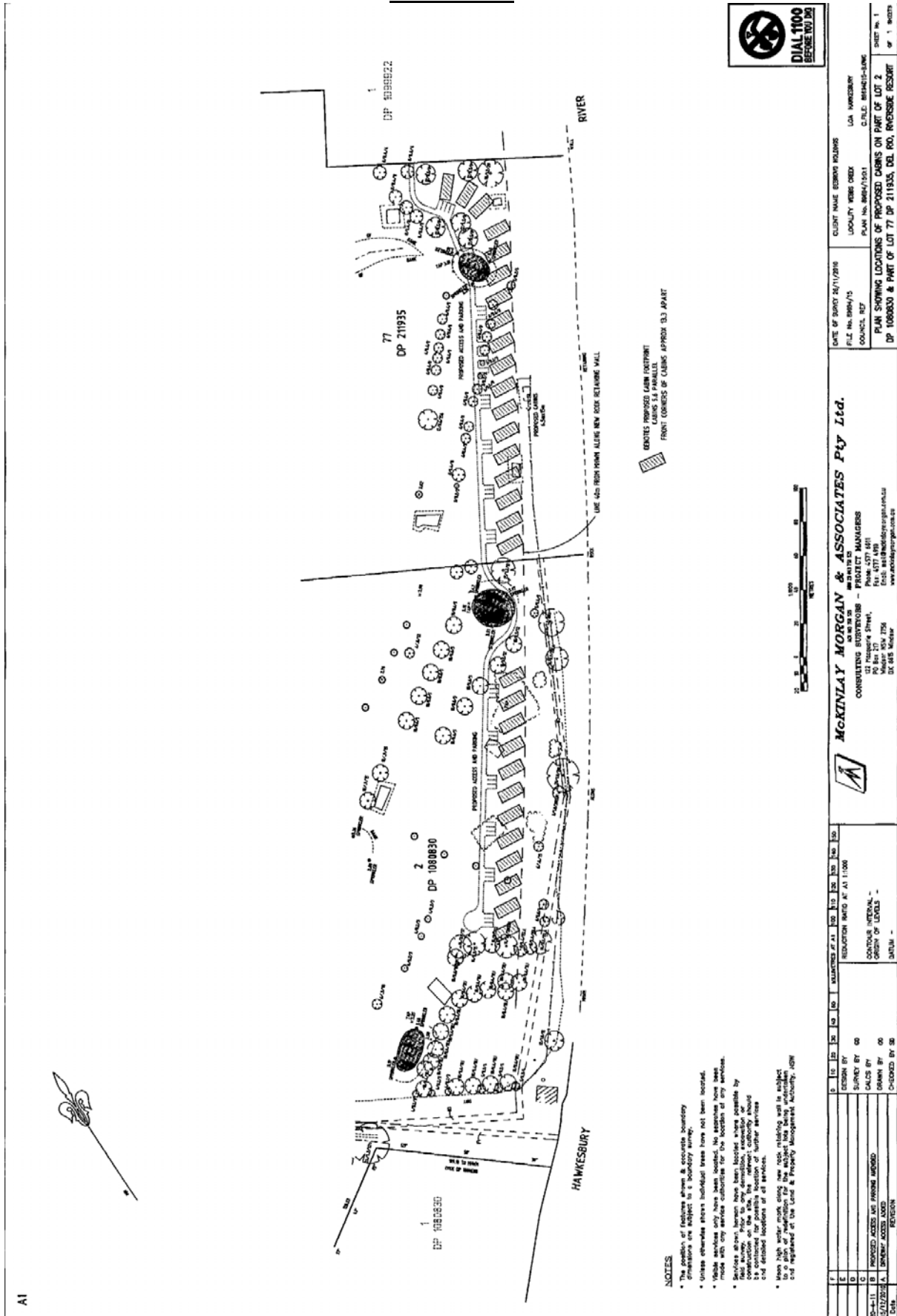
AT - 2 Aerial Photograph

Lot 77 DP 211935 and Lot 2 DP 1080830, Chaseling Road North WEBBS CREEK NSW 2775



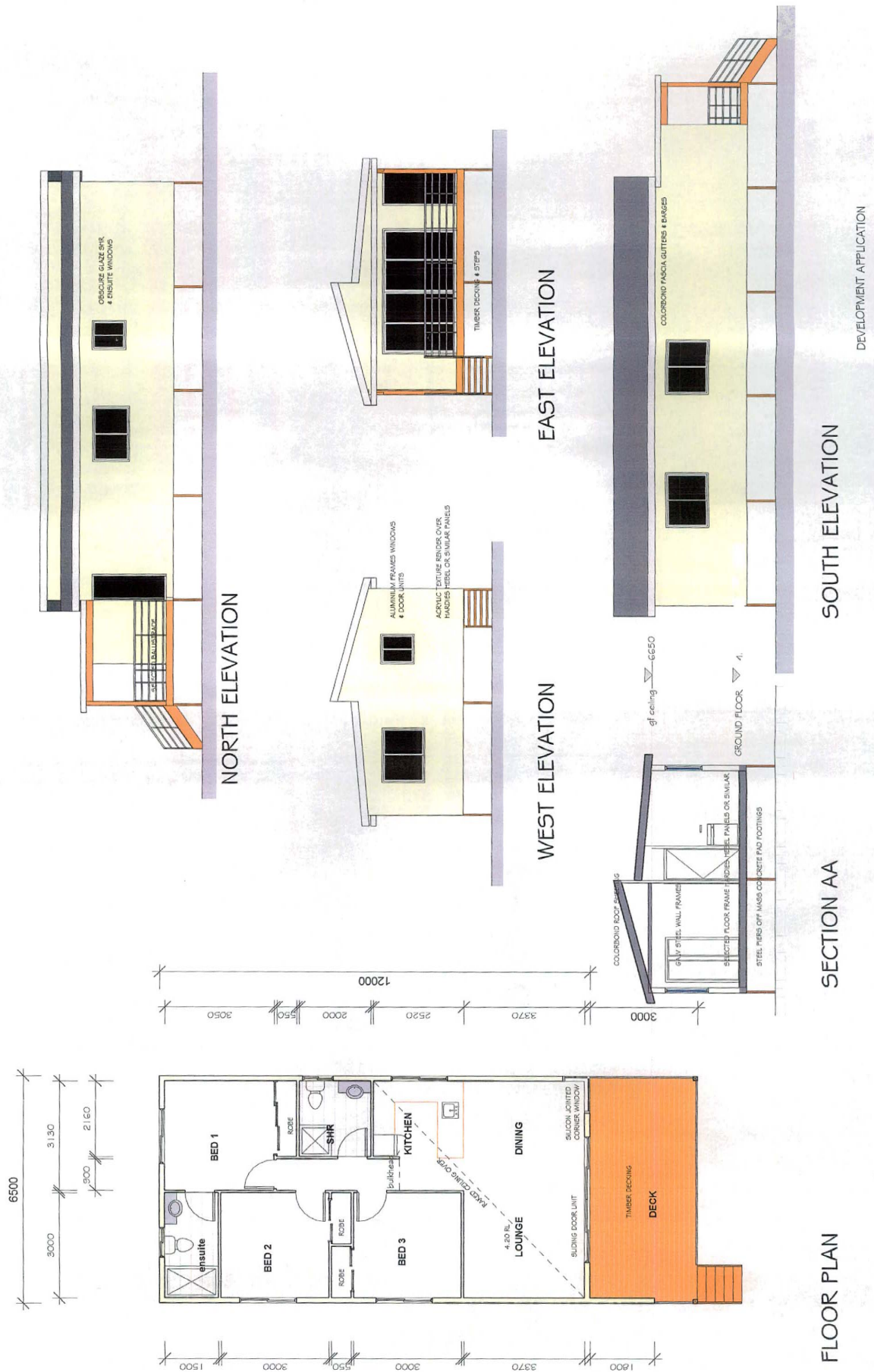
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AT - 3 Plans



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FLOOR PLAN

SECTION AA

SOUTH ELEVATION

DEVELOPMENT APPLICATION

EAST ELEVATION

WEST ELEVATION

NORTH ELEVATION

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AT - 4 DRAFT Conditions of consent

The application be approved as a deferred Commencement Consent.

1. Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
2. The "Deferred Commencement" consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

1. A detailed landscaping plan prepared by a suitably qualified person shall be submitted to and approved by Hawkesbury City Council. Landscaping shall be provided to suitably screen the development from the river using a combination of trees and shrubs endemic to the locality.
2. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan.

Schedule 2

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall comply with the provisions of the Building Code of Australia at all times.
3. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.
4. No excavation of site works shall be commenced prior to the issue of a Construction Certificate.
5. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
6. The development shall comply with the conditions contained in the bushfire safety authority issued for the development by the NSW Rural Fire Service.
7. The development shall comply with the conditions contained in the controlled activity approval issued for the development by the NSW Office of Water.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.

Prior to Issue of Construction Certificate

10. Details of stormwater management shall be submitted to Council for approval.
11. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of

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vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

12. Construction of the access and car park are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
13. Payment of a Construction Certificate checking fee and a Compliance Certificate inspection fee of when submitting Civil Engineering Plans for approval With Council.

Prior to Commencement of Works

14. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
15. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
16. 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.
17. 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.
18. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such facility shall be located wholly within the property boundary.
19. 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.

During Construction

20. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
21. 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.
22. 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.
23. During the construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.

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24. 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.
25. 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.
26. A suitably qualified person shall certify that the works identified on the approved landscape plan have been satisfactorily completed.
27. All materials used in the construction below the level of 7.2 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
28. The flood emergency evacuation and management plan shall be permanently fixed within each cabin in a prominent location and maintained at all times.
29. A flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may subject to inundation during times of flood.

Use of the Development

30. No internal or external alterations shall be carried out without prior approval of Council.
31. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
32. All waste materials shall be regularly removed from the property.
33. The cabins shall not be used for permanent occupation as a residence. The cabins shall only be used for short term tourist accommodation and are not to be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to not more than four (4) weeks.
34. A copy of the guest register is to be provided to Council every 6 months from the date of commencement of the use of the cabins.
35. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

Advisory

- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** The applicant is advised to consult with the relevant:
- (a) water and sewer provider

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- (b) electricity provider
- (c) natural gas provider
- (d) telecommunications carrier
- (e) road authority

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

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

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

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

oooO END OF REPORT Oooo

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Item: 203 CP - Planning Proposal for Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave - (95498)

REPORT:

Executive Summary

This report discusses a planning proposal which seeks to rezone Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave from Rural Living to Mixed Agriculture under Hawkesbury Local Environmental Plan 1989 (LEP 1989) or RU1 Primary Production under draft Hawkesbury Local Environmental Plan 2011 (dLEP 2011).

Consultation

The planning proposal has not been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and associated Regulations.

Site and Surrounds

The site is generally rectangular in shape and has an area of approximately 26.42ha. The site fronts Mulgrave Road to the east with industrial zoned land beyond, the McGraths Hill Sewage Treatment Plant to the north, South Creek to the west with Mixed Agriculture zoned land beyond, a mushroom substrate production facility to the south. The Hawkesbury Valley Way Flood Evacuation Route/Jim Anderson Bridge passes through the middle of the site.

Most of the site is cleared low lying flood liable land with an elevation less than 11.1m AHD (i.e the 1 in 5 year flood event height). A small raised part of the site is located near the northern boundary between the Jim Anderson Bridge and Mulgrave Road. This area has a maximum height of approximately 16.5m AHD and contains a dwelling, various sheds, animal pens, motor vehicles, and assorted farm machinery.

A minor water course runs through the property and incorporates three dams.

The site falls within the South Creek Catchment Area and is partly within an area of Regional Scenic Significance (Landscape Unit No 3.3.1) under of *Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (No.2 – 1997)*.

Description of Proposal

The planning proposal seeks to rezone Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave from Rural Living to Mixed Agriculture under Hawkesbury Local Environmental Plan 1989 (LEP 1989) or RU1 Primary Production under draft Hawkesbury Local Environmental Plan 2011 (dLEP 2011).

The applicant for the planning proposal is Montgomery Planning Solutions (MPS). MPS claim that the current Rural Living zone is somewhat of an anomaly in this location due to the surrounding land uses, which include the sewage treatment plan, mushroom substrate production facility and various industrial uses. Further MPS claim the current Rural Living zone precludes a number of uses which are suitable for the site and that the objectives of the Rural Living zone are not valid in respect of the subject land. In particular, MPS note that road transport terminals, rural industries, sawmills, stock and sales yards and truck depots are prohibited in the Rural Living zone however permitted with consent in the Mixed Agriculture zone.

The objective of the planning proposal is:

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To provide a more suitable zoning for 46 Mulgrave Road Mulgrave, than the current Rural Living Zone, which has more appropriate objectives and which will permit a broader range of land uses which are more in character with the locality.

MPS offer the following justification for the rezoning:

- 1. The Rural Living zone is clearly no longer appropriate for the site, considering the flood prone nature of the land, the surrounding land uses and the severing of the land by the elevated Hawkesbury Valley Way flood evacuation route.*
- 2. The residential amenity of the land is extremely poor.*
- 3. The land has the appropriate physical characteristics to support more intensive agriculture or other uses permitted in the Mixed Agriculture zone.*
- 4. Intensive agriculture or other suitable uses may be inconsistent with the objectives of the current Rural Living zone.*
- 5. The proposed rezoning will make use of existing infrastructure.*
- 6. The proposal is appropriate in terms of the NSW Flood Plain Development Manual.*
- 7. There will be no adverse environmental or visual impact as a consequence of more intensive use of the land.*

NSW Department of Planning's Gateway Process

In July 2009, the NSW Government changed the way that local environmental plans (LEPs) are developed and approved. This system is known as the 'gateway' plan-making process.

The gateway process has the following steps:

Planning proposal - This is prepared by a Council or the Minister for Planning and Infrastructure and is to explain the intended effect of a proposed local environmental plan and sets out the justification for making that plan.

Gateway - The Minister (or delegate) determines whether the planning proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultation occurs with relevant public authorities and, if necessary, the proposal is varied.

Community consultation - The proposal is publicly exhibited for a minimum period of either 14 or 28 days depending on the nature of the proposal. Any person making a submission may also request a public hearing be held.

Assessment - The relevant planning authority considers public submissions and the proposal is varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan, the legal instrument.

Decision - With the Minister's (or delegate's) approval the plan becomes law and is published on the NSW legislation website.

Assessment

Section 117 Directions

Section 117 directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the 117 directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. The key 117 directions, given the objective of the planning proposal, are as follows:

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1.2 Rural Zones - planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The proposal seeks to change the rural zone of the land but not change it to a residential, business, industrial, special use or special purpose zone.

4.1 Acid Sulfate Soils - requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of Department of Planning and Infrastructure (DP&I). The subject site is partly Class 4 and partly Class 5 on the Acid Sulfate Soils Map held by Council. MPS notes that LEP 1989 contains the model acid sulfate clause, i.e. clause 37A. MPS advise that no works are proposed as part of the planning proposal that would trigger an assessment of acid sulfate soils and the proposal is of minor significance. Given the current provisions LEP 1989 and the minor nature of the planning proposal it is considered that a detailed consideration of the DP&I's Acid Sulfate Soils Planning Guidelines is not required at this stage. The DP&I will consider this as part of their "gateway" determination and if required can request further information/consideration of this matter.

4.3 Flood Prone Land - this direction applies when a planning proposal creates, removes or alters a zone or provisions that affect flood prone land. The planning proposal seeks to change the rural zone of the land. However, it does not affect the current flood related development controls in LEP 1989. Given the minor nature of the planning proposal it is considered that strict compliance with this direction is not required.

4.4 Planning for Bushfire Protection - requires consultation with the NSW Rural Fire Service and compliance with Planning for Bushfire Protection 2006.

7.1 Implementation of the Metropolitan Strategy - requires planning proposals to be consistent with the NSW Government's Metropolitan Strategy City of Cities, A Plan for Sydney's Future.

The 117 directions do allow for planning proposals to be inconsistent with the directions. In general terms a planning proposal may be inconsistent with a direction only if the DP&I is satisfied that the proposal is:

- (a) justified by a strategy which:
 - gives consideration to the objectives of the direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) is of minor significance.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy No. 55 Remediation of Land* and *Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (No.2 – 1997)*.

SEPP 55 requires consideration as to whether or not land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require remediation. The SEPP may require Council to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. MPS advise that the land has been used for

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agriculture for many years and the planning proposal does not rezone the land for residential use or for any purpose which may expose people to any potential contamination.

Further MPS note that the Department of Planning and Infrastructure's Local Plan Making Guidelines States:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

MPS claim that in terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP. Any future development application for the use of the land may then require further investigation.

The aim of SREP No 20 (No. 2 – 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water quality, water quantity, flora and fauna, riverine scenic quality, agriculture, and metropolitan strategy. It is considered that the planning proposal achieves satisfactory compliance with the provisions of SREP No 20 (No. 2 – 1997).

Land Use Permissibility differences between Rural Living and Mixed Agriculture

Under the current provisions of LEP 1989 extractive industries, forestry, junk yards, mineral sand mines, mines, poultry farms, piggeries, road transport terminals, rural industries, rural workers dwellings, sawmills, stock and sale yards, truck depots are permitted in the Mixed Agriculture zone however prohibited in the Rural Living zone. Hence, rezoning the land to Mixed Agriculture would make these uses permitted with consent on the subject site.

The site is in a highly visible location, in particular when viewed from Jim Anderson Bridge, hence the visual impact of these uses would have to be carefully considered in the event of a development application being submitted to Council. Given the flood affectation of the land, its relatively low height and close proximity to South Creek it is considered that the potential for the site to be developed for these uses is limited and would most likely occur within the vicinity of the current structures on the land. Such development potential however could also act as an incentive to improve the current relatively poor appearance of the site and provide for a more visually acceptable and formalised structures, parking areas, and storage areas.

Draft Hawkesbury Local Environmental Plan 2011

Under Draft LEP 2011 the subject site is proposed to be zoned RU4 Rural Small Holding (now known as RU4 Primary Production Small Lots due to a recent amendment to the Standard Order Instrument). MPS request that the land be zoned RU1 Primary Production being the equivalent zone to Mixed Agriculture in LEP 1989.

The McGraths Hill Sewage Treatment Plant to the north of the site is proposed to be zoned RU4 and the mushroom substrate production facility to the south of the site is proposed to be zoned partly RU4 and IN2 Light Industry. If this rezoning occurs then the subject site would be an isolated parcel of RU1 Primary Production land on the eastern side of South Creek. So as to bring about consistency in zone application, however not to complicate or delay this rezoning, it is recommended that the zoning of the McGraths Hill Sewage Treatment Plant and the mushroom substrate production facility be considered in the event that the subject site be rezoned to RU1.

ORDINARY MEETING

Meeting Date: 13 September 2011

Flooding

As mentioned above, most of the site has an elevation less than 11.1m AHD (i.e the 1 in 5 year flood event height) and a small raised part of the site is located near the north boundary has a height of approximately 16.5m AHD. The 1 in 100 year flood event level for the area is 17.3m AHD.

MPS note that the New South Wales Floodplain Development Manual, April 2005, encourages a merit based approach for development decisions in the floodplain and argues that the flood prone nature of the land renders it unsuitable for rural residential development and that the land is better suited for the range of uses permitted in the Mixed Agriculture zone.

As mentioned previously there are a number of uses that are permissible with consent in the Mixed Agriculture zone which are prohibited in the Rural Living zone. The flood affectation of the land does not necessarily make the land unsuitable for these additional uses however the flood affectation will impact upon the location, design, scale and operation of any such development.

Conformance to Community Strategic Plan

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

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

Financial Implications

The applicant has paid the fees required by Council's Revenue Pricing Policy for the preparation of a local environmental plan.

Planning Decision

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

RECOMMENDATION:

That the planning proposal for Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave be supported and forwarded to the Department of Planning and Infrastructure for a "gateway" determination.

ATTACHMENTS:

- AT - 1** Planning Proposal for Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave prepared by Montgomery Planning Solutions dated November 2010 and letter by Montgomery Planning Solutions dated 12 January 2011.

**AT - 1 Planning Proposal for Lot 12 DP 1138749, 46 Mulgrave Road, Mulgrave
prepared by Montgomery Planning Solutions dated November 2010**

Planning Proposal



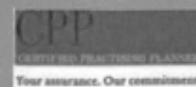
Lot 12 DP 1138749 (No. 46) Mulgrave Road Mulgrave



Submitted to
Hawkesbury City Council

November 2010

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Planning Proposal: 46 Mulgrave Road Mulgrave

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1. Introduction

Montgomery Planning Solutions has been engaged by the owner of the land to prepare a rezoning submission (Planning proposal) to Hawkesbury City Council. The current owner has recently purchased the land, which became somewhat rundown and neglected over a number of years by previous owners. A preliminary discussion was held with the Council's Director of City Planning in January 2009, where no objection was raised in principle to the proposal and it was conceded that the current Rural Living zone is not the most appropriate zone for the land.

The land, which is 26.42 hectares in area, is currently zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989. The land is bisected by the Hawkesbury Valley Way flood evacuation road, which is elevated some metres above the ground. The land contains a dwelling and large farm building.

The Rural Living zoning is somewhat of an anomaly in this location due to the surrounding land uses, which include the Windsor Sewerage Treatment Plant, Elf Farms mushroom substrate production facility and various industrial activities. The current Rural Living zone precludes a number of uses which are suitable for the land.

This submission provides a review of environmental considerations and the information necessary to allow Council to make an informed decision with respect to preparing a draft local environmental plan.

It is recommended that Council prepare a draft local environmental plan to rezone the land to either:

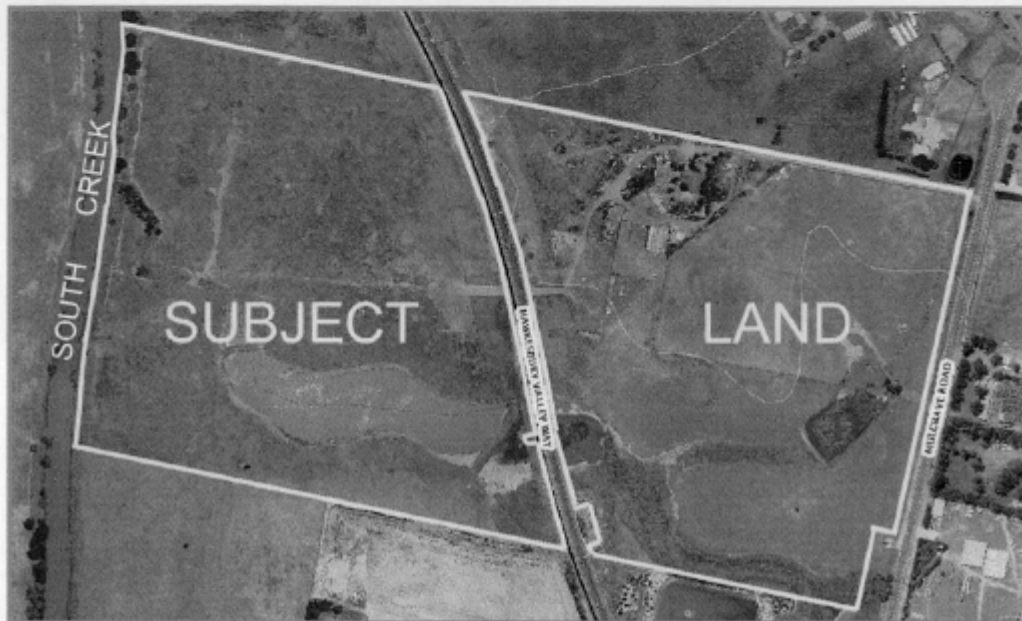
- Mixed Agriculture under Hawkesbury Local Environmental plan 1989; or
- RU1 Primary Production under Hawkesbury Draft LEP 2009 (when gazetted)

2. The Site

2.1 Description of Site

The land is described as Lot 12 DP 1138749 (No. 46) Mulgrave Road Mulgrave. The land is 26.42 hectares in area and is rectangular in shape. The land has a frontage to Mulgrave Road of 308.8m and a similar length frontage to South Creek.

Figure 1: Site Boundary Source – NSW LPMA SIX Viewer



The land is severed by the Hawkesbury Valley Way flood evacuation route. The road is elevated in this section, and access from the eastern part to the western part of the land is gained under the elevated road. There is no constructed access and it appears that there is no easement or right of way in favour of the subject land. Access under the roadway is therefore gained on an informal basis only.

Figure 2: View West towards Hawkesbury Valley Way



The land is gently undulating and ranges in height from approximately 5m AHD at the top of the bank of South Creek, to 16.5m AHD near the northern boundary.

Figure 3: Contours Source HCC GIS map (contours at 0.5m intervals)



A minor watercourse (currently dry) runs through the property and incorporates three dams.

Figure 4: Dam near Mulgrave Road



A dwelling house and farm building are located on the higher parts of the land.

Figure 5: Dwelling and Farm Buildings (view from Mulgrave Road)



Figure 6: Farm buildings



Figure 7: View to northwest across subject land from Mulgrave Road



2.2 Surrounding Land Use

The land is surrounded by a variety of land uses. Hawkesbury Sewage Treatment Plant adjoins to the north. The Elf Farms mushroom substrate production facility adjoins to the south, while a range of industrial land uses and Windsor High School are located on the eastern side of Mulgrave Road.

Figure 8: Surrounding Land Use Source – NSW LPMA SIX Viewer



3. Statutory Context

3.1 Hawkesbury Local Environmental Plan 1989

The land is zoned "Rural Living" under the provisions of Hawkesbury LEP 1989.

The Hawkesbury Sewage Treatment Plant and the Windsor High School sites are both zoned Special Uses 5(a). The subject land and the adjoining land to the south¹ are zoned Rural Living. Land on the eastern side of Mulgrave Road is zoned 4(a) and 4(b) Light Industrial. The land on the western side of South Creek and the southern side of the rail line is zoned Mixed Agriculture.

Figure 9: Surrounding Zoning Source - LEP 1989 Map Sheet 3



¹ Draft Hawkesbury LEP 2009 proposes to zone the majority of the property to the south as IN2 Light Industry.

The objectives of the Rural Living Zone are:

- (a) *to provide primarily for a rural residential lifestyle,*
- (b) *to enable identified agricultural land uses to continue in operation,*
- (c) *to minimise conflict with rural living land uses,*
- (d) *to ensure that agricultural activity is sustainable,*
- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*
- (f) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*
- (g) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,*
- (h) *to ensure that development occurs in a manner:*
 - (i) *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
 - (ii) *that satisfies best practice guidelines and best management practices,*
- (j) *to prevent the establishment of traffic generating development along main and arterial roads,*
- (k) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

In our view it is clear that these objectives are not valid in respect of the land. There is no rural residential lifestyle available, as the closest neighbours are a sewerage treatment plant and industrial development. The property is overlooked by vehicles travelling on the elevated roadway. In particular there is no privacy for the existing dwelling due to the recent construction of Hawkesbury Valley Way.

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

The aim of SREP 20 is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Part 2 of SREP 20 provides general planning considerations, specific planning policies and recommended strategies. The following specific policies and strategies are relevant to the Planning Proposal:

2) Environmentally sensitive areas

Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.

Note. Environmentally sensitive areas in the Hawkesbury-Nepean catchment are: the river, riparian land, escarpments and other scenic areas, conservation area subcatchments, national parks and nature reserves, wetlands, other significant floral and faunal habitats and corridors, and known and potential acid sulphate soils.

There are a number of strategies which may be relevant in the context of any future development application for a land use permitted in the Mixed Agriculture zone. It is considered that the Planning Proposal is consistent with the relevant strategies.

(3) Water quality

Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.

Note. *Aquatic ecosystems and primary contact recreation have the same meanings as in the document entitled Australian Water Quality Guidelines for Fresh and Marine Waters, published in 1992 by the Australian and New Zealand Environment and Conservation Council.*

It is considered that the Planning Proposal will not have create adverse impact on water quality.

(6) Flora and fauna

Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

The land is cleared pasture, with a few trees associated with the dwelling house and in the vicinity of the dams. It is considered that future development in accordance with the proposed Mixed Agriculture zone would not create adverse impact in terms of flora and fauna.

(7) Riverine scenic quality

Policy: The scenic quality of the riverine corridor must be protected.

It is considered that the proposed rezoning is consistent with the Riverine Scenic Quality policy of SREP 20.

4. Environmental Considerations

4.1 Flooding

The land is below the 1-in-100 year flood level of 17.3m AHD. The land is gently undulating and ranges in height from approximately 5m AHD at the top of the bank of South Creek, to 16.5m AHD near the northern boundary.

The New South Wales Floodplain Development Manual published in April 2005 states;

"The primary objective of the New South Wales Flood Prone Land Policy, as outlined below, recognises the following two important facts:

- o Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development; and
- o If all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, some appropriate proposals may be unreasonably disallowed or restricted, and equally quite inappropriate proposals may be approved."²

The Manual also includes the following policy statement at page 1:

"The primary objective of the policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. That is:

- o A merit approach shall be adopted for all development decisions in the floodplain to take into account social, economic and ecological factors, as well as flooding considerations."

The Manual clearly advocates that decisions should be made on the merits of each specific proposal. In my opinion, the flood prone nature of the land renders it unsuitable for rural residential development in accordance with the current Rural Living zone. The land is better suited to the Mixed Agriculture zone, which permits a range of uses which are more compatible with the frequency of flooding by South Creek.

4.2 Traffic and Access

Access to the land is from Mulgrave Road. The land has a frontage to Mulgrave Road of some 309 metres. Adequate sight distance is available in both directions. Mulgrave Road is an industrial standard road which services the existing industrial area to the east.

² Floodplain Development Manual: the management of flood liable land, NSW Government, April 2005, pg 1.

4.3 Services

All services are connected to the site, ie water, power, sewer and telecommunications.

5. Appropriate Zone for the Site

Based on the impact of surrounding land uses and the flood affectation of the land, it is considered that the most appropriate zone for the site is Mixed Agriculture under Hawkesbury LEP 1989 or RU1 Primary Production under Hawkesbury Draft LEP 2009 (when gazetted)

This zone provides a wider range of permissible land uses, including a number of uses which are more suited to the site than rural residential development. For example, the following land uses are permissible in the Mixed Agriculture zone, but prohibited in the current Rural Living zone:

- road transport terminals,
- rural industries,
- sawmills,
- stock and sale yards,
- truck depots

Any of these land uses would be suitable for the land, subject to assessment of a development application, and would benefit from the proximity to the existing road network and supporting industrial activities located east of Mulgrave Road.

It is noted that intensive agriculture is permitted in both the Rural Living and Mixed Agriculture zones. However the objectives of the Rural Living zone are at odds with viable intensive agriculture.

6. Strategic Context

6.1 North West Subregional Strategy

This Draft Strategy was released for comment in December 2007. The Strategy identifies an employment capacity target for Hawkesbury of 3,000 new jobs by 2031. This proposal will assist in adding to employment opportunities in an area which is well serviced by road and rail transport.

Although technically not within an existing industrial zone, the land is effectively surrounded by industrial scale activities. The proposal could fall within Category 2 Employment Lands – *Land with Potential to allow for a Wider Range of Employment Uses*. The location is well serviced by public transport and its physical characteristics make it unsuitable for rural living development.

6.2 Hawkesbury Employment Lands Study

The Hawkesbury Employment Lands Study was adopted by Council in December 2008. The study was prepared to provide a planning framework to support and enhance the economic competitiveness of the Region. It was undertaken within the employment lands planning framework set by the Metropolitan Strategy and the draft North West Subregional Strategy.

The subject land was not specifically included in the Employment Lands Study, as the brief was to examine existing industrial and commercial land, some specific sites and gateway areas generally. However, there is no doubt that the current Rural Living zone is not appropriate due to the flood prone nature of the land, the surrounding land uses and the elevated Hawkesbury Valley Way flood evacuation route which bisects the land.

There is the potential for the land to contribute to employment opportunities in the agricultural sector if it was zoned appropriately. Strategy 6 of the Employment Lands Study is relevant in terms of the subject land:

"Strategy 6: Investigate the nature of employment activities on non-employment zoned lands and their contribution to agriculture and tourism sectors.

*The economic analysis found that there are a significant number of jobs located outside the LGA south area and on agriculturally zoned land. Manufacturing and accommodation and other tourism related jobs are additional to agriculture jobs. A deeper picture of the LGAs economy can only be gained through comprehensive analysis of all aspects of employment. This should include a detailed analysis of industrial activities on non-industrial zoned land such as 'rural industries' on mixed agricultural land."*³

Although Hawkesbury City Council has not carried out this further analysis to date, it is clear that the subject site can make a positive contribution to agriculture related jobs, with the appropriate zone.

³ Hawkesbury Employment Lands Strategy, SGS Economics & Planning, December 2008, pg 122.

Preliminary discussions were held with the Council's City Planning Director concerning the subject land. It was indicated that an industrial zone for the site may not be appropriate. However, the site may be suited to the Mixed Agriculture zone.

7. Section 117 Directions

The following S117 Directions (as issued by the Minister for Planning on 17 July 2007) are relevant to the proposal.

Direction	Consistency	Reason
1.2 Rural Zones	Yes	<p>The draft LEP does not rezone land to residential, business, industrial, village, or tourist zone.</p> <p>The draft LEP does not contain provisions which will increase the permissible density of land within a rural zone.</p> <p>The subject land does not have frontage to a classified road..</p>
4.3 Flood Prone Land	Yes	<p>The draft LEP does not rezone land to residential, business, industrial, special use or special purpose zone.</p> <p>The draft LEP does contain any of the provisions listed in clause (6) (a) to (e).</p> <p>The draft LEP is consistent with clauses (4), (7) & (8).</p>

It is submitted that the proposed draft LEP is consistent with all relevant Directions.

8. NSW Department of Planning Circulars

PS 06-005: Local environmental plan review panel – 16 February 2006

The Circular explains the role of the LEP review panel and sets out the evaluation criteria to be used.

Attachment 1 to this submission is the LEP pro-forma evaluation criteria for spot rezoning with comments relevant to the proposal. It is considered that the draft LEP would meet the evaluation criteria.

PS 06-008: Standard Instrument (LEPs) Order 2006 – 3 April 2006

The Circular gives an overview of the Order and its implications for preparing local environmental plans. Council has prepared its draft template LEP conversion. The draft LEP has been exhibited and Council is currently in the process of considering submissions received.

This submission recommends that the land be rezoned to Mixed Agriculture or alternatively RU1 Primary production, should the template LEP precede this draft plan.

PS 06-013: Local environmental studies – 2 May 2006

The Circular explains the processes used to identify when a local environmental study is required for an amendment to a local environmental plan. The Circular gives guidance on process, the information required to support rezoning applications, who prepares a local environmental study, terms of reference and what should occur with material prepared on behalf of a proponent.

In particular, the Circular states:

"The decision to rezone land and the amount of information required to make this decision is a matter for council. However, it is not appropriate that detailed local environmental study style rezoning applications be expected before council or the Director-General has agreed to proceed with a rezoning.

As such councils should refrain from asking for excessive amounts of detail before a proposal is considered by council and the Director-General."

The Circular then provides a list to be used as a guideline for information to be provided.

It is submitted that this report contains sufficient information to allow Council to resolve to prepare a draft local environmental plan.

PS 06-015: Spot rezoning – 15 June 2006

The Circular restates the evaluation criteria set down in PS 06-005 and concludes that the Department will continue to assess spot rezoning proposals on a merit basis.

It is submitted that the proposal has sufficient merit to warrant consideration under this Circular.

9. Justification for Rezoning

The NSW Department of Planning Circular PS 06-013, issued on 2 May 2006, suggests that the information submitted in support of a rezoning application should include compelling reasons for the proposed rezoning.

The reasons in support of the proposed rezoning are summarised as:

1. The Rural Living zone is clearly no longer appropriate for the site, considering the flood prone nature of the land, the surrounding land uses and the severing of the land by the elevated Hawkesbury Valley Way flood evacuation route.
2. The residential amenity of the land is extremely poor.
3. The land has the appropriate physical characteristics to support more intensive agriculture or other uses permitted in the Mixed Agriculture zone.
4. Intensive agriculture or other suitable uses may be inconsistent with the objectives of the current Rural Living zone.
5. The proposed rezoning will make use of existing infrastructure.
6. The proposal is appropriate in terms of the NSW Flood Plain Development Manual.
7. There will be no adverse environmental or visual impact as a consequence of more intensive use of the land.

10. Conclusion

The purpose of this submission is to examine the suitability of the land for rezoning to Mixed Agriculture. The current Rural Living zone is clearly inappropriate given the flood prone nature of the land, the surrounding land uses and the severing of the land by the elevated Hawkesbury Valley Way flood evacuation route.

It is considered that there will be no adverse environmental impacts arising from the proposal and this report has demonstrated that the subject land is suitable for rezoning.

Accordingly it is recommended that Council prepare a draft local environmental plan to rezone the land to Mixed Agriculture. Should the template LEP precede this draft plan, the appropriate zone for the land is RU1 Primary Production.

Attachment 1- LEP Pro-forma Evaluation Criteria Category 1: Spot Rezoning LEP

Attachment 1:**LEP Pro-forma Evaluation Criteria****Category 1: Spot Rezoning LEP**

1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	The LEP will be compatible with the draft North West Subregional Strategy. This is a minor spot rezoning, with no impact in terms of regional strategy.
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	The LEP will be consistent with State and Regional Policies. In regional terms the proposal is relatively minor and should be considered on merit.
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?	No.
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The LEP may facilitate a permanent employment generating activity. There is no loss of employment land.
5.	Will the LEP be compatible/complementary with surrounding land uses?	The LEP will be compatible and complementary with the surrounding land uses. The surrounding uses are a mix of special uses and industrial.
6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	The land is somewhat unique in terms of physical characteristics and location. The draft LEP is unlikely to create a precedent.
7.	Will the LEP deal with a deferred matter in an existing LEP?	No.
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. Land adjoining to the south is proposed to be zoned IN2 under draft Hawkesbury LEP 2009. Land on the corner of Mulgrave and Windsor Roads was recently rezoned to Light Industry 4(b) under Amendment 157 to HLEP 1989.

ORDINARY MEETING

Meeting Date: 13 September 2011

Correspondence by Montgomery Planning Solutions dated 12 January 2011.

Tel: 4572 2042
Fax: 4572 2044
Mobile: 0407 717 612

Our Ref: 10/33
Your Ref: LEP89004/10
12 January 2011

The General Manager
Hawkesbury City Council
PO Box 146
Windsor NSW 2756



ABN: 25087661426

PO Box 49
Kurmond NSW 2757

Attention Philip Pleffer

Dear Philip

I refer to your letter dated 20 December 2010. You raised four matters which in your view require additional information. The following responses are provided.

1. Department of Planning Guide to Preparing Planning Proposals

The Planning Proposal submitted to Council was prepared generally in accordance with the DOP Guide. Your letter is not specific as to why the submitted proposal is not in accordance with the Guide. However, I assume that it is a matter of addressing the specific parts of the Guide under the specific headings.

Part 1 – Objectives or Intended Outcomes

Although not stated as an objective, the objectives are made clear in the Introduction on page 1 and under the heading *Appropriate Zone for the Site* on page 10. However, for strict adherence to the Guide, the objective of the planning proposal is as follows:

To provide a more suitable zoning for 46 Mulgrave Road Mulgrave, than the current Rural Living Zone, which has more appropriate objectives and which will permit a broader range of land uses which are more in character with the locality.

Part 2 – Explanation of Provisions

Section 5 – Appropriate Zone for the Site is in effect the explanation of the proposed provisions. For the sake of clarity, the following explanation is provided:

Given the of surrounding land uses, the impact of the elevated road and the flood affectation of the land, the provisions of the Rural Living zone are not suitable for the land.

This Mixed Agriculture zone provides a wider range of permissible land uses, including a number of uses which are more suited to the site than rural residential development. The following land uses are permissible in the Mixed Agriculture zone, but prohibited in the current Rural Living zone:

- road transport terminals,

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- rural industries,
- sawmills,
- stock and sale yards,
- truck depots

Any of these land uses would be suitable for the land, subject to assessment of a development application, and would benefit from the proximity to the existing road network and supporting industrial activities located east of Mulgrave Road.

It is considered that the proposed LEP provisions will achieve the Objective for this planning proposal.

Part 3 - Justification

The justification is set out on page 14 of the submitted Planning Proposal. Notwithstanding that most of the matters are addressed in various sections of the Planning Proposal, the following specific answers are provided to the questions posed in the DOP Guide.

1. Is the planning proposal a result of any strategic study or report?

No.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. It is considered that the planning proposal is the best means of achieving the objective for this site.

3. Is there a net community benefit?

In our submission, the planning proposal is a minor, site specific LEP. There will be no external benefits or costs associated with the proposal.

4. Is the planning proposal consistent the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is not inconsistent with the North West Subregional Strategy. Refer to Section 6.1 of the Planning Proposal.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

The Council's Strategic Plan is a high level document which does not contain specific objectives which would be relevant to this Planning Proposal.

6. Is the planning proposal consistent with applicable state environmental planning policies?

A review of state environmental planning policies reveals that the following may be applicable and relevant:

SEPP 30 – Intensive Agriculture.
SEPP (Rural Lands) 2008

ORDINARY MEETING**Meeting Date: 13 September 2011**

12 January 2011

Page 3/5

It is considered that the Planning Proposal is not inconsistent with these Policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table lists the S117 Directions which are relevant to the proposal, with commentary re consistency. The table effectively replaces the table on page 12 of the Planning Proposal.

Direction	Consistency	Reason
1.2 Rural Zones	Yes	<p>The draft LEP does not rezone land to residential, business, industrial, village or tourist zone.</p> <p>The draft LEP does not contain provisions which will increase the permissible density of land within a rural zone.</p> <p>The subject land does not have frontage to a classified road.</p>
1.5 Rural Lands	Yes	<p>The draft LEP is consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</p>
4.1 Acid Sulfate Soils	Yes	<p>Figure 1 below is an extract from the Council's Acid Sulfate Map, which shows that the property is part Class 4 and Part Class 5.</p> <p>Hawkesbury LEP 1989 contains the Model acid sulfate clause (37A). No works are proposed as part of the draft LEP which would trigger an assessment of acid sulfate soils. Notwithstanding, the proposal is considered to be of minor significance and is therefore consistent.</p>
4.3 Flood Prone Land	Yes	<p>The draft LEP does not rezone land to residential, special use or special purpose zone.</p> <p>The draft LEP does not contain any of the provisions listed in clause (6) (a) to (e).</p> <p>The draft LEP is consistent with clauses (4), (7) and (8).</p>

Figure 1: Extract from HCC DLEP 2009 Acid Sulfate Sheet 18



8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The Council's biodiversity mapping identifies a riparian corridor along South Creek as "Connectivity Between Significant Vegetation". The remainder of the land is not identified as containing any significant vegetation. Accordingly, the proposal is unlikely to adversely affect any critical habitat or threatened species.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are these to be managed?*

This question is addressed in Section 4 of the Planning Proposal.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The social and economic effects of the proposal are limited to those of the land itself. That is the land is currently zoned inappropriately as *Rural Living* and the proposal will have a positive social and economic effect by applying a more appropriate zone to the land and therefore allowing the land to be used for its best economic use.

There are no negative effects.

11. *Is there adequate public infrastructure for the planning proposal?*

Yes. There will be no additional demands placed on public infrastructure.

2. State Environmental Planning Policy 55 – Remediation of Land

The land has been used for agriculture for many years. The planning proposal does not rezone the land for residential use or for any purpose which may expose people to any potential contamination. In fact the proposal will reduce this risk by zoning the land as *Mixed Agriculture*.

Notwithstanding, it is noted that the Department of Planning Local Plan Making Guidelines states as follows:

In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

In terms of this planning proposal, it is considered that no study is warranted in order to progress the draft LEP. Any future development application for the use of the land may then require further investigation.

3. Section 117 Direction 4.1 Acid Sulfate Soils

As detailed above, Hawkesbury LEP 1989 contains the Model acid sulfate clause (37A). No works are proposed as part of the draft LEP which would trigger an assessment of acid sulfate soils. Notwithstanding, the proposal is considered to be of minor significance and is therefore consistent with this Direction.

4. Zoning of Lot 13 DP 1138749 (84) Mulgrave Road

As you are aware, Montgomery Planning Solutions made a formal submission to Council in response to the exhibition of draft Hawkesbury LEP 2009 on behalf of the owner of this land. The submission, dated 12 April 2010, requests Council to extend the proposed IN2 zone on the land to the northern boundary. Should Council agree to amend draft LEP 2009 as requested there would be no isolated parcel of Rural Living land.

As all matters have now been addressed in accordance with your letter of 20 December 2010, your attention in advancing the draft LEP is now requested.

Yours sincerely



Robert Montgomery MPA, CPP
Principal

Montgomery Planning Solutions

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 13 September 2011

Item: 204 CP - Planning for Youth Services and Facilities - (96328)

Previous Item: 107 Ordinary (31 May 2011)
NM3, Ordinary (30 November 2010)

REPORT:

Executive Summary

This report has been prepared to advise Council of the outcomes of consultation with the Hawkesbury Youth Interagency regarding the proposed establishment of working parties under Council's Community Engagement Strategy to investigate options for mobile/virtual youth centre and the drafting of a Youth Services and Facilities Plan. The report proposed terms of reference and membership for these working parties.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the required level of community engagement under Council's policy.

Background

At its meeting held on 30 November 2010, Council considered a Notice of Motion relating to the provision of drop in programs for young people within the Hawkesbury. Council resolved:

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

The report was subsequently prepared and considered by Council at its meeting held on 31 May 2011. This report outlined the scope and operations of the youth services sector within the Hawkesbury and provided a brief run-down of the history of previous youth drop-in centres within the Hawkesbury including information about the likely cost of establishing a district wide youth drop-in service. The report also highlighted trends in the provision of services to young people and the use of on line technologies and identified a need for Council to sponsor an integrated and evidence-based approach to the planning of youth services and facilities. In considering this report, Council subsequently resolved that:

1. *A working party be commissioned to investigate options for a mobile youth centre as outlined in this report. The working party to also investigate ways of augmenting the 'Hawkesbury Loudspeaker' online communication hub to operate as a possible virtual youth drop in centre.*
2. *The Hawkesbury Youth Interagency be consulted in the development of the terms of reference and membership of the proposed working party. The agreed terms of reference and membership to be reported to Council for determination under Council's Community Engagement Policy.*
3. *Council approach the WYSH Coalition (through the Hawkesbury Youth Interagency) to establish their willingness to work with Council staff on the development of draft Youth Services and Facilities Plan for Council's consideration. The terms of reference and scope of the proposed planning process be reported to Council for determination under Council's Community Engagement Policy.*

ORDINARY MEETING

Meeting Date: 13 September 2011

4. Council assist the Hawkesbury Local Area Command to investigate options for establishing a Police Citizens Youth Club (PCYC) in the Hawkesbury.

Consultation with Hawkesbury Youth Interagency - Mobile/Virtual Youth Centre Working Party.

Council staff attended the August meeting of the Hawkesbury Youth Interagency (HYI) to advise the HYI of Council's resolution and to discuss the membership and terms of reference of the proposed mobile/virtual youth centre working party. HYI was supportive of the proposal. There was a concern expressed that any working party investigating mobile and/or virtual drop-in centres should not duplicate existing programs such as the mobile program operated by the Hawkesbury Community Outreach Service. HYI were invited to nominate members to sit on the working party - the following proposal is put forward to progress this matter.

Proposal: That a Mobile/Virtual Youth Centre Working Party be established under Council's Community Engagement Policy with the following parameters:

- (i) *delegated decision-making power* - members of the working party are authorised to prepare a draft report for Council's consideration regarding options for establishing or augmenting mobile and virtual youth centres within the Hawkesbury local government area.
- (ii) *terms of reference* - the working party is authorised to prepare a draft report which should include the following elements:-
 - a. an outline of existing youth drop-in programs and on-line communication mechanisms and their strengths and weaknesses;
 - b. the viability, feasibility and cost of augmenting or expanding existing mobile youth activity programs and on-line tools with the analysis to calculate the indicative capital, operational and staffing costs for these services;
 - c. preferred options for improving or expanding youth activity programs and digital communication tools;
 - d. possible options for funding and resourcing the preferred options;
- (iii) *timing* - The draft mobile/virtual youth centre report to be reported to Council within nine-months following the establishment of the working party.
- (iv) *membership* - It is proposed that the membership of the working party include the following persons (based on nominations received from members of the HYI);
 - a. Council staff from Community Services.
 - b. Representatives from the Hawkesbury Community Outreach Service.
 - c. Representative from jobquest.
 - d. Representative from the Nepean Youth Accommodation Service.
 - e. Representative from Marist Youth Care.
 - f. Representative from Peppercorn Services Inc.
 - g. A Councillor representative (should Council wish to appoint a Councillor representative).

The working party would also be able to co-opt Council staff and other persons where specialist advice was required and consider nominations for other persons to sit on the working party where the working party considered that this would assist the working party to complete its delegated task.

Youth Services and Facilities Plan

Pursuant to Council's resolution, the Working to Strengthen Youth Services in the Hawkesbury (WYSH) Coalition has been approached to determine their willingness to work with Council staff on future planning for youth services and facilities. The Coalition has indicated its willingness to be involved in this project.

Council may be aware that considerable resources are required to undertake a district-wide planning process. To this end, there have been recent discussions within the Community Planning Advisory Committee (CPAC) about changing the role and functions of CPAC to realign its mandate in light of changes to the local government planning framework arising from the introduction of the Integrated Planning and Reporting Framework. The aim of the re-alignment would be to strengthen Councils and the community's capacity to establish an integrated human services planning process for the Hawkesbury - which would presumably incorporate a plan for youth services and facilities.

Taking this development into account, and acknowledging that young people have been regularly consulted about their needs and service requirements by different agencies with very-mixed outcomes, it is proposed that Council, at this time, not undertake the preparation of a formal district wide Youth Services and Facilities Plan as initially proposed. It is suggested, that Council staff work with the WYSH Coalition to prepare information which can be fed into the integrated human services planning process identified above.

In practical terms this information would encompass;

- the identification of benchmarks for specific youth services and facilities based on population thresholds;
- the development of agreed criteria to assist in the process of prioritising requests and demands for youth services and facilities;

It is also proposed that the WYSH Coalition work with Council staff to identify the best way of involving young people in putting together this information. There is an opportunity for using the Youth Summit 2012 (which is currently being planned) to maximise the participation of young people within this process. Having regard to these matters - the following proposal is put forward to progress this matter.

Proposal That a Youth Services and Facilities Working Party be established under Council's Community Engagement Policy with the following parameters:

- (i) *delegated decision-making power* - members of the working party are authorised to prepare a draft report for Council's consideration on planning for youth services and facilities within the Hawkesbury local government area.
- (ii) *terms of reference* - the working party is authorised to prepare a draft report which should include the following elements:-
 - a. the identification of benchmarks for specific youth services and facilities based on population thresholds;
 - b. the development of agreed criteria to assist in the process of prioritising requests and demands for youth services and facilities;
 - c. evidence that young people have participated in the process of identifying benchmarks and priority criteria for youth services and facilities;
 - d. possible options for funding and resourcing the preferred options;

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- (iii) *timing* - The draft youth services and facilities planning report be reported to Council within nine-months following the establishment of the working party.
- (iv) *membership* - It is proposed that the membership of the working party be made up of Council staff, members of the WYSH Coalition, and young people

The working party would also be able to co-opt Council staff and other persons where specialist advice was required and consider nominations for other persons to sit on the working party where the working party considered that this would assist the working party to complete its delegated task.

Conformance to Community Strategic Plan

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

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

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

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

The report advocates the establishment of working parties to investigate options for improving service and facilities for young people. This is a core enabling strategy to achieve the goals of the Hawkesbury Community Strategic Plan.

Financial Implications

There are no financial implications arising directly out of this report. If adopted, the recommendation will require the allocation of staff hours to facilitate the proposed working parties. The allocation of staff resources will be negotiated in conjunction with normal workload demands. Any proposed expenditures arising from the deliberations of the working parties will be reported to Council for determination and/or considered as part of Council's budget planning processes.

RECOMMENDATION:

That Council:

1. Establish a Mobile/Virtual Youth Centre Working Party to prepare a report for Council's consideration outlining options for establishing or augmenting mobile and virtual youth centres within the Hawkesbury local government area.
2. Establish a Youth Services and Facilities Working Party to prepare a report for Council's consideration to identify benchmarks and priority criteria for assessing and determining youth service and facilities within the Hawkesbury local government area.
3. Delegate to the working parties the roles, authorities and governance framework as outlined in this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 205 **CP - Partnership Proposal Pound Paddock - Outcome of Community and Stakeholder Consultations - (95498, 96328)**

Previous Item: 108, Ordinary (31 May 2011)

REPORT:

Executive Summary

This report has been prepared to advise Council of the outcome of community and stakeholder consultation regarding a possible partnership proposal for the funding and construction of a community building by a non-for-profit community organisation on a portion of Council owned land at Pound Paddock, Richmond.

The report notes that the proposal has generally received a favourable response. It also documents concerns and issues raised by residents and stakeholders about the proposal.

The report advocates that Council progress the proposal by seeking Expressions of Interest (EoI) from not-for-profit agencies who may be in a position to fund the construction of a community building. It is proposed that the EoI criteria include a requirement for an applicant organisation to respond to the concerns and issues raised by residents and stakeholders.

In view of the pioneering nature of the proposal, the report also advocates the adoption of a staged approach with provision for further consultation and report to Council.

Consultation

The report documents the outcomes of a community consultation strategy that has been implemented in accordance with a previous resolution of Council. It also identifies a requirement for further community consultation and proposes a strategy for its application.

Background

In December 2010 Council was approached by North West Disability Services (NWDS) to explore a partnership proposal which would see NWDS construct and operate a purpose-built disability service centre on Council owned land to deliver funded disability services to residents of the Hawkesbury. NWDS briefed Council on their proposal at a Councillor Briefing Session held on 5 April 2011.

The matter was reported to Council on 31 May 2011. In considering this report Council subsequently resolved:

"That Council implement the consultation strategy as outlined in this report to seek the views of local residents and stakeholders regarding the use of part of Council owned land at Pound Paddock, Richmond for future community services utilising funds provided by third party not-for-profit organisations."

Findings of Community Consultation - local residents

Pursuant to Council's resolution, an information booklet and survey was distributed to 589 households within a 500 metre radius of Pound Paddock (generally an area bounded by Paget St, College St, Francis Street, Pitt St and Blacktown Rd).

113 completed surveys were returned representing a 19% response rate. In summary the findings of the survey indicated that:

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- 76% of respondent households were in favour of Council entering into a partnership with a not-for-profit agency to build a community facility on a portion of Pound Paddock. 24% of respondent households were opposed;
- the most appropriate type of community facility nominated by respondent households were (in descending order) a police citizens youth club (58% of respondent households); a Seniors Centre (54%); a Disability Services Centre (53%), a Child Care Centre (28%), and 'other' community facility (6%);
- when asked to identify their level of concern about the proposal, 52% of respondent households were unconcerned, 13% were neutral (neither concerned nor unconcerned); 13% were concerned and 10% very concerned.

For those respondent households who indicated that they were concerned or very concerned about the proposal, their main reasons for feeling so were;

- loss of open space (8 households);
- the proposal would generate traffic and exacerbate parking problems (5 households);
- the proposal would attract 'undesirables' and lessen community safety (4 households);
- more appropriate to use Pound Paddock as off-leash dog area (2 households)
- the proposal would increase noise and crowds (2 households)

Another three households indicated that the lack of more detailed information about the proposal was the cause of their concern as it prevented them from fully assessing the proposal.

Findings of Stakeholder Consultations (adjoining owners)

Hawkesbury Sports Council

The Sports Council was generally supportive of the proposal. The Sports Council noted that the size, location (fronting two busy roads) and the unfenced nature of Pound Paddock placed restrictions on its use. It was not large enough for a sports field and could not safely be used for ball games. The Sports Council was interested in exploring the opportunity to relocate its North Richmond administration office to the site as it would be closer to the Bensons Lane sporting complex. Any relocation would be dependent on the Sports Council having access to an office (for its exclusive use) and a shared meeting room.

Richmond Golf Club

While supportive of the proposal, the General Manager (GM) of the Richmond Golf Club suggested that a better outcome could be achieved through the consolidation of a number of parcels of land adjoining Pound Paddock. The GM indicated that the Golf Club had approached the Department of Lands to reassign the crown lease for the parcel of land on which the electricity substation was located when it became vacant - the substation was in the process of being relocated to another site.

The GM was of the view that Council should take a broader view of the site and its potential to respond to different community needs. The GM believed that a more comprehensive and integrated solution could be achieved by working with the Golf Club, Richmond Scouts, Richmond Girl Guides and a not-for-profit agency to amalgamate the northern portion of Pound Paddock, the land on which the Scouts and Girl Guides halls were located, and the vacant electricity substation to achieve a more comprehensive and integrated community building solution which could meet the requirements of each respective partner (including the redevelopment of the Scouts and Girl Guides halls). This would deliver a better overall outcome and would provide more scope and flexibility to address the traffic, parking and access issues which would be generated by any development on the Pound Paddock site.

Richmond Scouts

The representatives of the Richmond Scouts expressed some concerns regarding the proposal, specifically the potential for any development of the northern portion of Pound Paddock to generate traffic

and car-parking problems. The Scouts also indicated that while they were not opposed to engaging in a conversation about the broader redevelopment of the site (along the lines of the suggested approach advocated by the Richmond Golf Club) they were happy with their current situation. There was also an issue raised about the impact that the development of the northern portion of Pound Paddock might have on the Scouts Hall sewer connection which was apparently shared with the toilet block on Pound Paddock.

Richmond Girl Guides

The representatives of the Richmond Girl Guides expressed some concerns regarding the proposal, specifically the potential for any community building on the northern portion of Pound Paddock to overshadow the Girl Guides Hall, and for the proposed community facility to interfere with the day-to-day operations of the Girl Guides Hall. The Guides indicated that, should Council proceed to call for expressions of interest from not for profit agencies to construct a community building on the northern portion of Pound Paddock, that they would be interested in talking with the successful agency about opportunities for including the redevelopment of the Girl Guides Hall in the community building project.

Hawkesbury Disability Advisory Committee

The Hawkesbury Disability Advisory Committee considered the issue at its August meeting. It resolved to await the outcomes of the consultations and any subsequent Eol process before determining its view.

Summary of Consultation Outcomes

The findings of the resident and stakeholder consultations suggest that there is broad acceptance of the idea of Council exploring a partnership with a not for profit community agency to fund and construct a community facility on the northern portion of Pound Paddock (i.e. the area above the 1 in 100 flood level as identified in Attachment 1).

Some residents have raised some concerns regarding the impact of the proposal. Should Council proceed to an Eol stage, then interested not for profit agencies should be made aware of these concerns so that they can be considered and responded to as part of the Eol process.

Some adjoining owners have indicated that they would be interested in talking further with Council and a not-for-profit agency regarding opportunities for a combined approach which would either expand the available area for any proposed community building and/or incorporate the refurbishment or replacement of an existing building. It has been suggested that this integrated approach would deliver a better outcome and provide more scope and flexibility to address the traffic, parking and access issues arising from the proposal.

In practice, the realisation of a larger, joint-proposal would be dependent on its scope. Given the land tenure issues involved, a sizeable and relatively complex redevelopment would require a substantial lead in time and would rely on the injection of capital funds from prospective partners. It is also likely that the future use of the decommissioned electricity sub-station may be impacted by the possible presence of industrial contamination. The length of the lead-in time required to finesse these issues may act as a disincentive to a not-for-profit agency, particularly as the partnership proposal for the Pound Paddock site is based on the not-for-profit agency funding and constructing a community building. Within this framework, it may be difficult for Council to require a not-for-profit agency to satisfy demands and issues which do not directly arise from their own proposal. However, it may be appropriate for Council, should it proceed to an Eol stage, to encourage interested not for profit agencies to talk with adjoining owners to explore multi-use or shared options which could reasonably be achieved.

Progression of Partnership Proposal

The outcomes of the Pound Paddock Neighbourhood Survey indicated that local residents wanted clear and concrete details of any partnership proposal so that they could consider its impacts in an informed way. Should Council proceed to call for Eol's this should occur in conjunction with a process which provides for further community consultation.

As previously reported to Council, Pound Paddock is categorised as a 'sportsground' under Council's generic plans of management for Council parks and reserves. While this categorisation does not necessarily preclude the construction of a community facility, it would be preferable to formally re-categorise the land which lies above the 1 in 100 year flood level as 'general community use'. This would be subject to a re-categorisation process including a public hearing.

The requirement for re-categorisation lends itself to a staged approach. In the first instance, Council and the community could consider any proposal received from not-for-profit agencies to fund and construct a community building on a portion of Pound Paddock and for these proposals to be presented to the community so that a preferred option can be identified. If appropriate, Council could provide an "in principle" agreement for the preferred option subject to the finalisation of the re-categorisation process which would provide further opportunity for consultation and public comment.

Expressions of Interest

The outcomes of community and stakeholder consultations suggest that Council should proceed to call for Expressions of Interest from not-for-profit community agencies that may be willing to explore a partnership proposal where the agency funds and construct a community building on a portion of Pound Paddock.

Expressions of Interest should include the following requirements:

- a preliminary sketch design of the proposed community building including car parking, access and other requirements;
- an outline of how the proposed community building would operate - hours, target population, types of activities;
- a response to the list of community concerns outlined in this report;
- indication that the agency has spoken with adjoining owners to discuss multi-use or shared options and the outcomes of these discussions;

The EoI should also advise prospective not-for-profit agencies that the consideration of their proposal will require:

- the presentation of the proposal by an agency representative to a community meeting;
- the participation of the not-for-profit agency in the public hearing process should Council proceed to propose the re-categorisation of Pound Paddock under Council's generic plan of management for parks and reserves;
- finally, it should be stressed that the submission of an EoI proposal should not be taken as binding Council to any particular course of action.

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

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities; and
- Work with public and private sectors to ensure funding and delivery of improved services and infrastructure

The Community Strategic Plan requires Council to work with community agencies and other levels of government to improve local services and infrastructure. The report advocates the further exploration of a partnership proposal which has the potential to achieve a community outcome, through the leveraging of external investment, which otherwise might not be possible.

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Meeting Date: 13 September 2011

Financial Implications

There are no financial implications arising directly from this report. The report proposes the implementation of an expression of interest and consultation process which will require the allocation of staff resources which can be negotiated in conjunction with normal workload demands.

RECOMMENDATION:

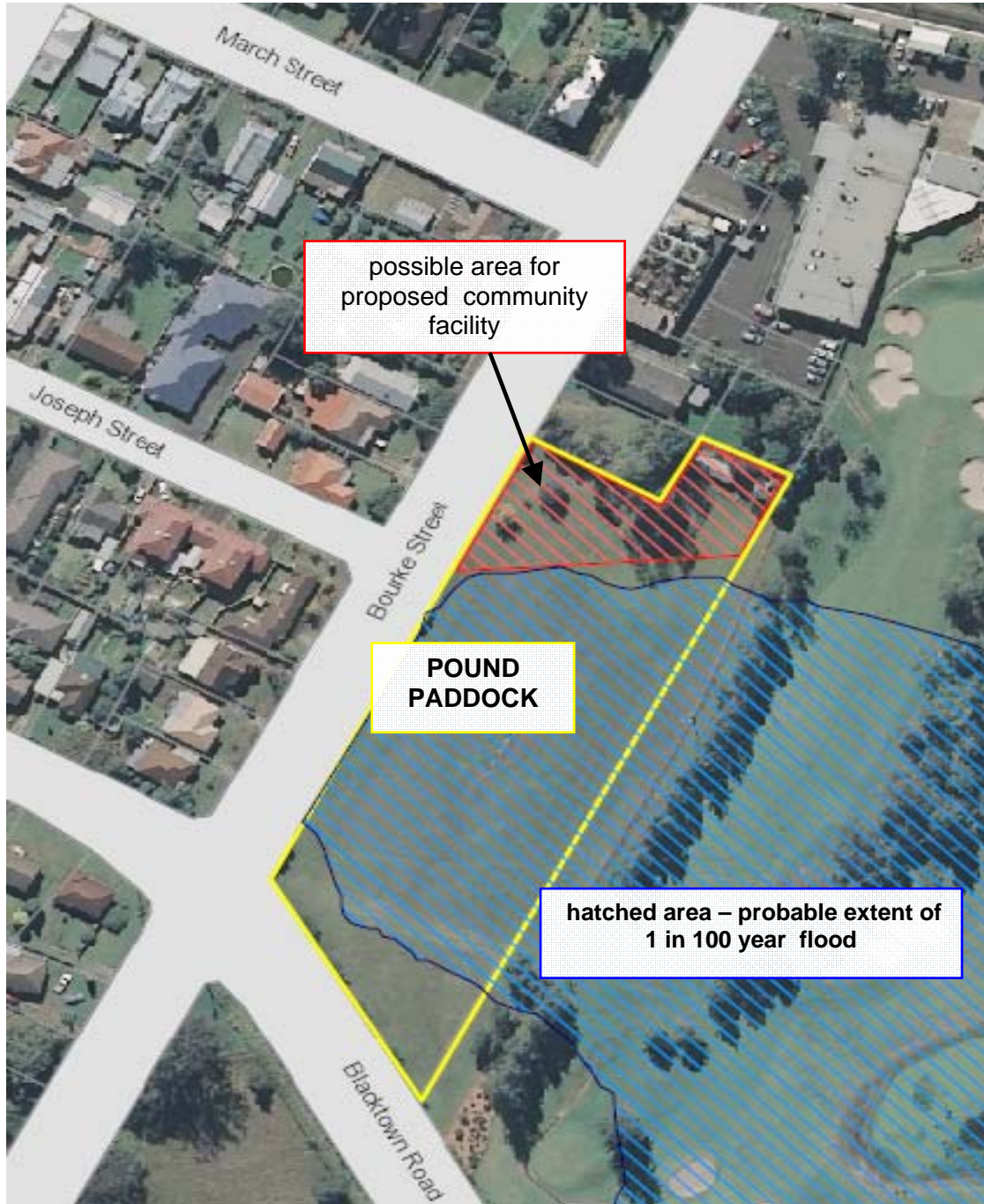
That:

1. Council call for Expressions of Interest from not-for-profit community agencies who may be willing to explore a partnership proposal where the agency funds and constructs a community building on a portion of Pound Paddock, Richmond.
2. Expressions of Interest to be submitted by interested not-for-profit agencies to include the requirements outlined in this report.

ATTACHMENTS:

AT - 1 Locality Plan - Pound Paddock Partnership Proposal.

AT - 1 Locality Plan - Pound Paddock Partnership Proposal



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 13 September 2011

Item: 206 CP - Execution of Service Agreement: Community Services, Department of Human Services NSW - (119761)

REPORT:

Executive Summary

This report has been prepared to seek Council's approval to execute a service agreement with Community Services Department of Human Services NSW to accept \$593,394 in funding for the 2011/2012 financial year. These funds are provided for the operation of community and child care services.

Consultation

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

Background

Hawkesbury City Council receives funding from Community Services, Department of Human Services NSW to operate a number of community services within the City of Hawkesbury. In July 2011, Council received a Service Agreement Variation from Community Services, Department of Human Services NSW for total annual funding of \$593,394 for the services and funded positions as listed below;

Community Builders Salary Subsidy	\$10,763
Community & Youth Worker Salary Subsidies	\$33,094
Early Intervention Family Support Hawkesbury	\$100,000
Community Hub Project	\$107,227
Forgotten Valley Mobile Resources Unit	\$101,015
Forgotten Valley Vacation Care	\$3,428
Richmond Occasional Care	\$31,256
Peppercorn Forgotten Valley Community & Youth	\$105,080
Peppercorn Family Services Forgotten Valley	\$101,531
Total 2011/2012 Funding	\$593,394

With the exception of the Local Government Salary Subsidy Programs, Council has delegated management responsibility for the operation of these funded services to Peppercorn Services Inc. This delegation requires PSI to operate within the policy and operational framework defined by Council's legal and statutory responsibilities as the funding auspice for these services. These responsibilities are clearly outlined in the documents which drive the operations of these services including;

- the funding agreement between Council and Community Services, Department of Human Services NSW;
- the Children's Services Regulation;
- the industrial awards under which staff are employed;
- other legislation relating to workplace safety, child protection etc.
- the *Associations Incorporation Act 2009*

Peppercorn Services Inc. has established a financial, operational and governance systems to manage and operate the services transferred to its control in compliance with these documents and regulations.

To facilitate the remittance of these funds, Community Services Department of Human Services NSW, requires Council to execute a Service Agreement. This Service Agreement is required to be executed under the Seal of Council.

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Meeting Date: 13 September 2011

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.

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

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

The Community Strategic Plan plans and advocates for the continued provision of a range of human services to address the diverse needs of the Hawkesbury community. Executing funding agreements for the provision of these human services in partnership with government agencies and community organisations is a primary strategy for achieving the broad thrust of the Community Strategic Plan.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That authority be given to execute, under the Seal of Council, a Service Agreement with Community Services Department of Human Services NSW to accept funds for the 2011/2012 financial year as outlined in this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 207 **IS - Naming of Two Un-Named Roads off Teale Road, East Kurrajong - (95495)**

Previous Item: 136, Ordinary (28 June 2011)

REPORT:

Executive Summary

This report has been prepared following Council's Resolution of 28 June 2011 to seek public comment under the New South Wales Roads Act 1993 on the naming of two un-named roads located of the northern side of Teale Road, East Kurrajong.

Public comment has now been sought with two submissions being received in relation to the proposed name.

The report makes the following recommendations:

- The eastern un-named road located on the northern side of Teale Road, East Kurrajong between property numbers 16 and 46 (Teale Road) and bounded by DP's 751656, 1129398, 1015870 and 1006968 be named Carmichael Place, East Kurrajong.
- The western un-named road located on the northern side of Teale Road, East Kurrajong between property numbers 46 and 78 (Teale Road) and bounded by DP's 1008143, 1015870 and 1008142 be named Colvin Place, East Kurrajong.

Consultation

The issues raised in this report do not require further Community Engagement under Council's Community Engagement Policy. The community engagement process undertaken meets the criteria for the minimum level of community engagement required under Council's policy.

Public consultation was sought by way of advertisement in the local press, Council's web page under Consulting the Community, correspondence addressed to adjoining and surrounding owners of the two un-named roads and various organisations. The public comment period expired on 19 August 2011. No further public consultation is required for the names of Carmichael Place and Colvin Place.

Background

Council at its meeting held on the 28 June 2011, resolved in part that:

2. *"Public comment be sought under the New South Wales Roads Act, 1993 for the naming of the eastern un-named road as Carmichael Place which is along the northern side of the Teale Road extension, between property numbers 16 and 46 (Teale Road) and bounded by DP's 751656, 1129398, 1015870 and 1006968."*
3. *"Public comment be sought under the New South Wales Roads Act, 1993 for the naming of the western un-named road as Colvin Place which is along the northern side of the Teale Road extension, between property numbers 46 and 78 (Teale Road) and bounded by DP's 1008143, 1015870 and 1008142"*

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The names Carmichael Place and Colvin Place were suggested following consultation with Council's Local Studies and Outreach Librarian for appropriate names for the two un-named roads. With the details pertaining to the names as follows:

- **Carmichael Place**
The Carmichael family came to East Kurrajong from Tasmania and settled in East Kurrajong in 1927, they purchased Portion 15 Parish of Currency, County of Cook from Arthur Case in 1926. Harry Alfred Carmichael was a boot maker, he died in 1957. His son Ian M. B. Carmichael (1913 - 1949) was prominent in local affairs since his boyhood. He was a member of various committees including the Progress Association, School of Arts, served with AIF in Word War II, represented the district on the Hawkesbury Valley Water Conservation committee and was the youngest person at the time (aged 35 years) to be elected to Colo Shire Council. He was also a member of the cricket and tennis clubs, member of the RSL, participant in the social life of the district including dances and euchre parties for fundraising for various causes. A promising career in Local Government was cut short when he was accidentally killed in May 1949 on the family property.
- **Colvin Place**
Elizabeth Colvin was an accomplished and respected teacher at East Kurrajong School between 1898 - 1909. She was acknowledged by the Department of Education for her high standard of teaching and excellent discipline. She raised funds for school library books by holding entertainment such as lantern slide evenings. Recipients of awards won by pupils during her time at the school included Ethel Packer aged 12 who won an award for her essay "A short excursion in the bush" (WRG 5.1.1907). Elizabeth Colvin boarded with the local Legatt family while teaching at East Kurrajong School. She married Edward Hennessey of Blaxlands Ridge in 1909. Elizabeth was a popular member of the community all her life.

The information for the names was sourced from:

- A View of Bullridge - The settlement, development and progress of the East Kurrajong district By C McHardy in "Hawkesbury Crier" September 2005 pages 11 -17.
- The Windsor & Richmond Gazette (WRG) newspaper.
- Hawkesbury Pioneer Register Vol.1 (1994) and Vol.2 (2001).

The names "Carmichael Place" and "Colvin Place" do not currently exist within the Hawkesbury LGA and the names conform to the guidelines set by the Geographical Names Board of NSW and the requirements of the Roads Act 1993.

At the end of the public consultation period, two submissions where received as follows:

- No objection to the use of the names "Carmichael Place" and "Colvin Place" from the Geographical Names Board of New South Wales.
- One objection from a resident for the road proposed to be named Carmichael Place. The resident has suggested an alternate naming proposal.

The alternate naming proposal as received appears to be based on the resident using Teale Road as their address and the inconvenience of having to change these details. The alternate naming proposal is as follows:

- *"The western section off Teale Road be called as you propose Colvin Place . The section of Teale Road running East West from the first junction to its end near Roberts Creek you can call Carmichael Place and the original road from Putty Rd down to and including the first turn to the right should be left as Teale Rd."*

In considering the alternate naming proposal submitted, it is noted that the alternate proposal does not take into account the following:

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- Teale Road runs east to west from the intersection of Putty Road for approximately 1305 metres and has been known as this name for some time by the residents fronting this road.
- All properties fronting Teale Road have been numbered to Teale Road as per the Australia New Zealand Standard - AS/NZS 4819:2003 Geographic Information, Rural and Urban Addressing and would need to be re-numbered based on the alternate naming proposal.
- The two un-named roads that are proposed to be named Carmichael Place and Colvin Place have never officially been named or known as Teale Road and both roads have been numbered independently from Teale Road as per the Australia New Zealand Standard - AS/NZS 4819:2003 Geographic Information, Rural and Urban Addressing.
- To name the section of road proposed as Carmichael Place to Teale Road would require the road to be re-numbered as per the Australia New Zealand Standard - AS/NZS 4819:2003 Geographic Information, Rural and Urban Addressing. The re-numbering would still cause an inconvenience to the resident with regards to the changing of their address details. To re-number one section of road such as Carmichael Place would in turn require the re-numbering of the section of Teale Road between Carmichael Place to its western end.

If Council were to proceed with the alternate naming proposal all of the above points would need to be taken into consideration and further public consultation would also be required under the New South Wales Roads Act 1993 and Council's Community Engagement Policy.

It is noted that from the 21 letters forwarded to the surrounding owners, only 1 objection was received. Generally with public consultation, a high proportion of recipients do not respond if they agree with a proposal. Responses are usually received from people wishing to object or provide an alternative. In this case, one objection has been received suggesting an alternate proposal. Based on the information outlined in the report and the responses received, on balance, it is felt that the naming of the two un-named roads proceed as Carmichael Place and Colvin Place.

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

The advertising and administrative expenses associated with this matter have been provided for within Component 22 of the 2011/2012 Adopted Budget.

RECOMMENDATION:

That:

1. The eastern un-named road located on the northern side of Teale Road, East Kurrajong between property numbers 16 and 46 (Teale Road) and bounded by DP's 751656, 1129398, 1015870 and 1006968 be named Carmichael Place, East Kurrajong. An advertisement be placed in the New South Wales Government Gazette making notification of the name.

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2. The western un-named road located on the northern side of Teale Road, East Kurrajong between property numbers 46 and 78 (Teale Road) and bounded by DP's 1008143, 1015870 and 1008142 be named Colvin Place, East Kurrajong. An advertisement be placed in the New South Wales Government Gazette making notification of the name.

ATTACHMENTS:

AT - 1 Locality Plan - Proposed road names: Carmichael Place and Colvin Place, East Kurrajong

Item: 208 IS - Recycled Water Policy - (95495, 112179)

REPORT:**Executive Summary**

Council, with Australian Government Funding, is undertaking the South Windsor Water Recycling Scheme. This Scheme has been developed in accordance with the Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1) (AGWR).

The AGWR required Council to have a "Recycled Water Policy" to comply with the Guidelines. Attached is a copy of the Draft Recycled Water Policy.

It is recommended that the Draft Recycled Water Policy be adopted to enable Council to operate and provide recycled water for use.

Consultation

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

Background

Council, with Australian Government Funding, is undertaking the South Windsor Water Recycling Scheme. This Scheme has been developed in accordance with the Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1) (AGWR).

The AGWR requires any water authority proposing to provide a recycled water program to:

- Develop a recycled water policy, endorsed by senior managers, to be implemented within an organisation or by participating agencies.
- Ensure that the policy is visible and is communicated, understood and implemented by employees and contractors.

The AGWR recommends that a Recycled Water Policy should provide a basis for developing more detailed guiding principles and implementation strategies. As such, it should be clear and succinct, and should address broad issues and requirements, such as:

- commitment to responsible use of recycled water, and the application of a risk management approach.
- recognition and compliance with relevant regulations and other requirements
- communication and partnership arrangements with agencies with relevant expertise, and with users of recycled water
- communication and engagement with employees, contractors, stakeholders and the public
- intention to adopt best-practice management and a multiple-barrier approach
- continuous improvement in managing the treatment and use of recycled water

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- the opinions and requirements of all partnership agencies, employees, users of recycled water, other stakeholders and the wider community.

A recycled water policy is important in formalising the commitment to responsible, safe and sustainable use of recycled water.

In accordance with the AGWR requirements, a Draft Water Recycling Policy has been developed and provided for consideration and is attached to this report. It is recommended that the Draft Water Recycling Policy be adopted to ensure compliance with the AGWR.

Conformance to Community Strategic Plan

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

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

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

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

Financial Implications

No financial implications are applicable to this report.

RECOMMENDATION:

That the Draft Water Recycling Policy as attached to the report be adopted.

ATTACHMENTS:

AT - 1 Draft Water Recycling Policy

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AT - 1 Draft Water Recycling Policy

Hawkesbury City Council is committed to managing the South Windsor recycled water scheme effectively. Council will provide a fit-for-purpose recycled water that consistently meets the requirements of the current Australian Recycled Water Guidelines, other regulatory requirements and recycled water user agreement(s). To achieve this, in partnerships with recycled water user(s), relevant agencies and other stakeholders, Council will:

- Manage recycled water quality through a multiple barrier approach encompassing all points along the delivery chain from wastewater catchment to point of supply.
- Implement and maintain a risk-based Recycled Water Management Plan consistent with the current Australian Guidelines for Recycled Water
- Establish regular monitoring of the quality of recycled water and report performance to regulators, recycled water users and other stakeholders.
- Maintain appropriate contingency planning and incident response capability.
- Continually improve practices through reviewing scheme performance against commitments, stakeholder expectations and best practice.

All staff and contractors involved in the supply of recycled water are responsible for understanding, implementing, maintaining and continuously improving the Recycled Water Management Plan.

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 209 **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

Previous Item: 254, Ordinary (9 November 2010)
 205, Ordinary (31 August 2010)

REPORT:

Executive Summary

Councils are required by the Local Government Act 1993 (LGA) to adopt a Policy on the provision for the payment of expenses and the provision of facilities to Councillors. The LGA requires that the Policy be reviewed annually and be publicly exhibited prior to the Policy being adopted.

The annual review of Council's Policy has been undertaken and minor amendments are proposed involving recordings of Council Meetings and the model of the motor vehicle provided to the Mayor.

The report recommends the amended Policy be placed on public exhibition and the matter be reported back to Council at the conclusion of the exhibition period.

Consultation

The LGA requires the Policy to be placed on public exhibition for a period of 28 days prior to its adoption, to allow the public an opportunity to review and comment on the Policy and any proposed amendments.

Background

At the meeting of Council, held 9 November 2010, Council adopted a revised "Policy on the Payment of Expenses and Provision of Facilities to Councillors". Last year's review of the Policy took into account the latest Guidelines issued by the Division of Local Government, Department of Premier and Cabinet (DLG) in October 2009.

Section 252 of the LGA requires each council, within five months after the end of each financial year, to adopt a policy in this regard.

Section 253 of the LGA also details requirements to be complied with prior to such a policy being adopted or amended and is in the following terms:

- "(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submission and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsection (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*

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- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
- (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy."*

A review of the Council's Policy has been undertaken and the following minor amendments are proposed to the Policy:

- Council at its Extraordinary Meeting on 19 April 2011 considered a report regarding the 2011/2012 Draft Management Plan and resolved, in part, as follows:

"4. *Councillors be entitled to three recordings of Council Meetings annually without charges, and that the fee, in accordance with Council's Fees and Charges, be applied for any further recordings".*

The entitlement has been included as Section 14 of Part 3 of the Policy.

- Part 3, Section 4(a) (ii) of the Policy provides for a fully maintained and fuelled motor vehicle for the Mayor. The vehicle is to be to the standard of a Ford Falcon G Series or Holden Statesman. It is noted the Holden Statesman is no longer in production and its equivalent is now a Holden Caprice. Accordingly, it is proposed that the Policy be updated to reflect this amendment.

A copy of the existing Policy updated to reflect the above changes (in Bold) is attached to this report, as Attachment 1. The proposed amended policy, as attached, is recommended for public exhibition and a report back to Council.

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 the strategy in the Community Strategic Plan being:

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

Financial Implications

The cost providing up to three free recordings of Council Meetings to each Councillor (annually) would be minimal and would be met from the existing budget allocations. The cost of advertising the Policy would be met for Component 22 of the 2011/2012 Adopted Budget.

RECOMMENDATION:

That the amended Policy for Payment of Expenses and Provision of Facilities to Councillors attached as Attachment 1 to the report be placed on public exhibition for a period of 28 days and that the matter be reported back to Council at the conclusion of the exhibition period.

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ATTACHMENTS:

AT - 1 Amended Policy for Payment of Expenses and Provision of Facilities to Councillors - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

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Item: 210 **SS - Suspension of Alcohol Free Zone and Restricted Alcohol Zone within Windsor Town Centre for the 2011 Sydney Blues and Roots Festival - (95496, 107, 112106)**

Previous Item: 150, Ordinary 12 July 2011

REPORT:

Executive Summary

At its meeting on 12 July 2011, Council gave consideration to a report regarding a proposal for the use of Thompson Square Park and Windsor Mall for the 2011 Sydney Blues and Roots Festival.

At that meeting, Council resolved to grant exclusive use of Thompson Square Park and Windsor Mall to hold the Sydney Blues and Roots Festival from 28-30 October 2011, subject to a number of conditions.

Council also resolved to suspend the Alcohol Free Zone (AFZ) in the Windsor Mall, and the Restricted Alcohol Zone (RAZ) in Thompson Square Park, subject to a number of conditions and subject to the approval of the Hawkesbury Local Area Command of the NSW Police Force (the Police) during the following dates and times:

Friday, 28 October 2011 - 7:00pm to 1:30am
Saturday, 29 October 2011 - 1:00pm to 1:30am
Sunday, 30 October 2011 - 1:00pm to 10:30pm

In this regard, consultation has been carried out with the Police and, as a result, some issues have been raised which are addressed throughout the report.

The report recommends that the amendments be made in accordance with the Police requests.

Consultation

In accordance with the Ministerial Guidelines on AFZs, and Council's resolution of 12 July 2011, the Police have been consulted and some issues have been raised regarding the suspension of the AFZ within the Windsor Mall, and suspension of the RAZ within the Thompson Square Park, during the event.

This report addresses the issues raised by the Police.

Subject to a resolution of Council, based on this report, public notification of the suspension of the AFZ within the Windsor Mall and RAZ within the Thompson Square Park will be published within a local newspaper prior to the event.

Background

At its meeting on 12 July 2011, Council gave consideration to a report regarding a proposal for the exclusive use of Windsor Mall and Thompson Square Park to hold the Sydney Blues and Roots Festival and resolved, as follows:

"That:

- 1) *Approval be granted to Sydney Blues and Roots Festival for "Exclusive Use" of Thompson Square and Windsor Mall as identified in their application for 28, 29 and 30 October 2011.*
- 2) *The approval be subject to the following conditions/documents:*

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- a) *Council's general park conditions.*
 - b) *Council's Fees and Charges.*
 - c) *The Windsor Foreshore Plan of Management.*
 - d) *Approval of a Traffic Management Plan as part of the Special Event Application.*
 - e) *Approvals from the NSW Heritage Office*
- 3) *The Alcohol Free Zone within Windsor Mall, George Street, Windsor in the area indicated in Attachment 1 to this report as "AFZ area" be suspended between Fitzgerald Street and Kable Street, Windsor, subject to the approval of the Hawkesbury Local Area Command (Police) for the purpose of holding the Sydney Blues Festival – Windsor 2011 during the following dates and times:*
- a) *Friday, 28 October 2011 - 7:00pm to 1:30am*
 - b) *Saturday, 29 October 2011 - 1:00pm to 1:30am*
 - c) *Sunday, 30 October 2011 - 1:00pm to 10:30pm*
- 4) *The Restricted Alcohol Zone within Thompson Square Park in the area indicated in Attachment 1 to this report as "RAZ area Thompson Square Park" be suspended subject to the approval of the Hawkesbury Local Area Command (Police) for the purpose of holding the Sydney Blues Festival – Windsor 2011 during the following dates and times:*
- a) *Friday, 28 October 2011 - 7:00pm to 1:30am*
 - b) *Saturday, 29 October 2011 - 1:00pm to 1:30am*
 - c) *Sunday, 30 October 2011 - 1:00pm to 10:30pm*
- 5) *The suspension of the AFZ and RAZ as outlined in Parts 3 and 4 above, be subject to the following:*
- a) *The licensed premises involved in the event monitor the Responsible Service of Alcohol within those areas.*
 - b) *The licensed premises involved in the event ensure that only plastic glasses are used within those areas.*
 - c) *Those areas being barricaded off and relevant security be in place by the licensed premises to prevent clients entering or exiting those areas with alcoholic beverages.*
 - d) *The licensed premises adhere to any other requirements of the NSW Police Service and relevant authorities in relation to the service of alcohol within those areas.*
- 6) *The period of suspension of the Alcohol Free Zone within Windsor Mall between Fitzgerald Street and Kable Street, Windsor be advertised.*
- 7) *Any Alcohol Free Zone and Restricted Area Zone signage within the affected areas are to be covered by the event organiser during the period of the suspension.*
- 8) *The event organiser and the NSW Police Service be advised of Council's decision and relevant consultation continue until the conclusion of the event.*
- 9) *The report on the request for financial assistance under Council's financial assistance program also address the question of what occurred regarding fees for the event in 2010."*

In relation to parts 3, 4, 5, 6 and 7 of the above resolution relating to the suspension of the AFZ within Windsor Mall and the RAZ within Thompson Square Park, consultation has been carried out with the Police as required by the Ministerial Guidelines on AFZs and Council's resolution above.

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The Hawkesbury Local Area Command of the NSW Police Force has forwarded a letter dated 24 August 2011 outlining some issues regarding this matter. This letter is attached as Attachment 1 to this report. The contents of the letter are, in part, as follows:

"The Windsor Craft Markets which are to be held on the Sunday of the Festival, I have concerns that if allowed persons will consume alcohol in and around the Craft Markets, which are not equipped to deal with that type of person.

Police believe that someone should be held accountable for each public area of the festival to ensure the responsible sale of alcohol, that minors do not consume alcohol and the general good order of the patrons during the Festival.

Due to the above, Police request that a number of conditions be placed on the applicant to ensure the good order of the patrons and safety of the Windsor Craft Markets and nearby residents. Regular consultation has been made, and will continue to be made with the organisers of the Festival. They have been made aware of our concerns and have agreed to the conditions suggested by the police.

These conditions are:

- *A limited licence must be applied for and granted by the Casino, Liquor and Gaming Control Authority for Thompson Square Park.*
- *That the hours of suspension are reduced to:*
Friday, 28 October 2011 – 7:00 pm – 12 midnight
Saturday, 29 October 2011 – 1:00 pm – 12 midnight
Sunday, 30 October 2011 – 1:00 pm – 10:00 pm
- *The suspension of the alcohol free zones are only within the fenced areas of the Zones. Any areas not fenced remain Alcohol Free Zones.*
- *No alcohol is to be removed from within any fenced area.*
- *No glass is permitted within the current Alcohol Free Zones and Restricted Alcohol Zones.*
- *Uniformed licensed security guards to remain at the entrances and exits of each of the Alcohol Free Zones and Restricted Alcohol Zones to ensure no persons leave the area with alcohol.*
- *Uniformed Licensed security guards to patrol within the fenced areas to ensure there is no intoxication or anti-social behaviour.*
- *A limit of 300 patrons are to be allowed in the fenced area of Windsor Mall.*
- *A limit of 1200 patrons are to be allowed in the fenced area Thompsons Square Park".*

Accordingly, revised plans of the AFZ and RAZ barricaded areas have been provided to Council and the Police by the Festival Organisers. The revised plan for the AFZ in Windsor Mall is attached as Attachment 2, and the revised plan for the RAZ in Thompson Square Park is attached as Attachment 3 to this report.

The Police indicated in their letter dated 24 August 2011 that the Event Organiser is aware of the Police concerns and have agreed to a number of conditions suggested by the Police.

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Conclusion

Based on the advice from the Police, it is recommended that parts 3, 4, 5, 6 and 7 of the resolution made at the Council's Meeting on 12 July 2011 be amended to incorporate the Police requests for the reduced suspension times on the AFZ and RAZ and suspension conditions.

Conformance to Community Strategic Plan

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

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

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

- Develop economic strategy that promotes local industry in a regional context.

Financial Implications

The proposal will require advertising and this cost will be met from Component 22 of Council's 2011/2012 Adopted Budget.

RECOMMENDATION:

That:

1. Parts 3 to 7 of Council's resolution dated 12 July 2011, be amended as follows:
 - a) The Alcohol Free Zone within Windsor Mall, George Street, Windsor in the area indicated in Attachment 2 to this report as "*AFZ suspension area*" be suspended between Fitzgerald Street and Kable Street, Windsor for the purpose of holding the Sydney Blues and Roots Festival – Windsor 2011 during the following dates and times:

Friday, 28 October 2011 – 7:00 pm – 12 midnight
Saturday, 29 October 2011 – 1:00 pm – 12 midnight
Sunday, 30 October 2011 – 1:00 pm – 10:00 pm
 - b) The Restricted Alcohol Zone within Thompson Square Park in the area indicated in Attachment 3 to this report as "*RAZ suspension area*" be suspended for the purpose of holding the Sydney Blues and Roots Festival – Windsor 2011 during the following dates and times:

Friday, 28 October 2011 – 7:00 pm – 12 midnight
Saturday, 29 October 2011 – 1:00 pm – 12 midnight
Sunday, 30 October 2011 – 1:00 pm – 10:00 pm
 - c) The suspension of the AFZ and RAZ, as outlined in Parts (a) and (b) above, be amended and subject to the following conditions that are required to be complied with by the Event Organiser:
 - i) The licensed premises adhere to any other requirements of the NSW Police Service and relevant authorities in relation to the service of alcohol within those areas. A limited licence must be applied for and granted by the Casino, Liquor and Gaming Control Authority for Thompson Square Park.

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- ii) The suspension of the alcohol free zones are only within the fenced areas of the Zones as shown in Attachments 2 and 3 of this report. Any areas not fenced remain Alcohol Free Zones.
 - iii) No alcohol is to be removed from within any fenced area
 - iv) No glass is permitted within the current Alcohol Free Zones and Restricted Alcohol Zones.
 - v) Uniformed licensed security guards to remain at the entrances and exits of each of the Alcohol Free Zones and Restricted Alcohol Zones to ensure no persons leave the area with alcohol.
 - vi) Uniformed Licensed security guards to patrol within the fenced areas to ensure there is no intoxication or anti-social behaviour.
 - vii) A limit of 300 patrons are to be allowed in the fenced area of Windsor Mall.
 - viii) A limit of 1200 patrons are to be allowed in the fenced area of Thompsons Square Park.
 - ix) The AF2 and RA2 suspension areas as indicated in Attachments 2 and 3 of this report be barricaded off.
 - x) Signage advising the suspension of the AFZ and RAZ within the designated barricaded areas indicated in Attachments 2 and 3 of this report are to be displayed on the outer side of the barricade fences.
2. The period of suspension of the AFZ and RAZ within the barricaded areas indicated in Attachments 2 and 3 of this report be advertised.
3. The Event Organiser and the NSW Police Service, Hawkesbury Local Area Command, be advised of Council's decision.

ATTACHMENTS:

- AT - 1** NSW Police Force correspondence to Council dated 24 August 2011
- AT - 2** AFZ - Windsor Mall
- AT - 3** RAZ - Thompson Square Park

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Attachment 1: NSW Police Force correspondence to Council dated 24 August 2011

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Attention: Carmen Waters

General Manager,
Hawkesbury City Council,

Hawkesbury City Council

- 1 SEP 2011



NSW Police Force
www.police.nsw.gov.au

Proposed suspension of Alcohol Free Zones – Windsor Area

I acknowledge receipt of letter dated 21st July 2011 from your office in relation to the suspension of Alcohol Free Zone within Windsor Mall and the Restricted Alcohol Zone within Thompson's Square Park. I appreciate being given the opportunity to comment on this proposal.

Sydney Blues Festival is planned to be held in the Windsor CBD area between the dates of Friday 28th October 2011 and Sunday 30th October 2011. A number of stages will be erected in the Windsor Mall and Thompson's Square Park. Blues style bands are to be playing in these areas during the Festival, these bands include The Baby Animals and Diesel. These two bands are expected to attract large crowds. On the map attached to your letter it is indicated that there is an expectation that about 2,000 persons will be attending per day.

A number of local licensed premises are involved in the Festival and are holding separate bands within their premises. These licensed premises include The Fitzroy Hotel situate at 161 George Street, Windsor, Vault 146 situate at 146 George St, Windsor, Trentino's on George situate at 3/89 George St, Windsor, Restaurant 22 situate at 22 Fitzgerald Street, Windsor and Hawkesbury Paddle Wheeler. All these premises are licensed under the Liquor Act 2007 and as such have certain conditions placed on their licence and trading hours.

I understand that the Alcohol Free Zone within Windsor Mall and the Restricted Alcohol Zone within Thompson's Square Park are proposed to be suspended between specified times.

These times being:

Friday 28th October 2011 – 7.00pm to 1.30am

Saturday 29th October 2011 – 1.00pm to 1.30am

Sunday 30th October 2011 – 1.00pm to 10.30pm.

The restrictions on these areas are being suspended to allow persons to consume alcohol within the mentioned Zones.

The premises that hold an On-premises (Restaurant) liquor licence are Trentino's on George and Restaurant 22. Under Division 4 'On-Premises Licenses' of the Liquor Act 2007 restaurant licenses must be open to the general public, their primary purpose must be the sale of food and the sale of alcohol is for consumption on the premises only. Therefore these restaurants cannot sell alcohol to be consumed anywhere other than within the boundary of their defined licensed

Hawkesbury Local Area Command
13 Mileham Street, Windsor NSW 2765

Telephone 02 4587 4099 Facsimile 02 4587 4011 ENet 75099 EFax 75011 TTY 9211 3776 (Hearing/Speech Impaired)
ABN 43 408 613 180



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area. All of the three restaurants currently have standard trading hours. These trading hours only allow them to trade until midnight on Monday to Saturday and 10.00pm on Sunday.

The Fitzroy Hotel holds a hotel licence. Under Division 2 'Hotel licenses' of the Liquor Act 2007, hotels must be open to the general public. The trading hours for this premise allows them to trade until 3am Friday and Saturday and 10.00pm Sunday.

The Fitzroy Hotel is currently making application to extend their trading hours for Sunday 30th October 2011 to allow them to trade up until 12 midnight. This application has been objected to by police, however should not effect the times of the Alcohol Free Zone.

The map supplied depicts, specifically within the mall area, the planned Festival area. This area is to be barricaded off, as a condition suggested in your letter. I have spoken to the organisers of the Festival and they have given police a revised map of the areas. These maps are attached.

The Windsor Craft Markets are being held on the Sunday of the Festival. I have concerns that, if allowed persons will consume alcohol in and around the Craft Markets, which are not equipped to deal with that type of person.

Police believe that someone should be held accountable for each public area of the Festival to ensure the responsible sale of alcohol, that minors do not consume alcohol and the general good order of the patrons during the Festival.

Due to the above, Police request that a number of conditions be placed on the applicant to ensure the good order of the patrons and safety of the Windsor Craft Markets and nearby residents. Regular consultation has been made, and will continue to be made with the organisers of the Festival. They are aware of our concerns and have agree to a number of conditions suggested by police.

These conditions are:

- A limited licence must be applied for and granted by the Casino, Liquor and Gaming Control Authority for Thompsons Square Park.
- That the hours of suspension are reduced to:
Friday 28th October 2011 – 7.00pm to 12 midnight,
Saturday 29th October 2011 – 1.00pm to 12 midnight
Sunday 30th October 2011 – 1.00pm to 10.00pm.
- The suspension of the alcohol free zones are only within the fenced areas of the Zones. Any areas not fenced remain Alcohol Free Zones.
- No alcohol is to be removed from within any fenced area.
- No glass is permitted within the current Alcohol Free Zones and Restricted Alcohol Zones.

NSW POLICE FORCE RECRUITING NOW 1800 222 122

WWW.POLICE.NSW.GOV.AU/RECRUITMENT

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- Uniformed licensed security guards to remain at the entrances and exits of each of the Alcohol Free-Zones and Restricted Alcohol Zones to ensure no persons leave the area with alcohol.
- Uniformed licensed security guards to patrol within the fenced areas to ensure there is no intoxication or anti-social behaviour.
- A limit of 300 patrons are to be allowed in the fenced area of Windsor Mall.
- A limit of 1200 patrons are to be allowed in the fenced area of Thompsons Square Park.

Userpay and rostered police will be working during this function. Due to the large crowds expected we request that Hawkesbury City Council Rangers are made available not only during the Festival but after the completion of the suspension of the Alcohol Free Zone and Restricted Alcohol Zone on each day and night of the Festival to ensure compliance with traffic and to enforce the Alcohol Free Zone and Restricted Alcohol Zone.



Rochelle Blue
Senior Constable
Licensing Officer
Hawkesbury LAC
24th August 2011

1. Crime Co-ordinator, Hawkesbury LAC

I agree with recommendations made by s/c Blue. Forwarded for information
 M. CLARKE
26/8/11

2. Crime Manager, Hawkesbury LAC

I support the recommendations as requested by s/c Blue. I look forward to the support of Hawkesbury City Council on these issues.

P. MICHUM INSIP 26/8/11.

3. General Manager, Hawkesbury City Council

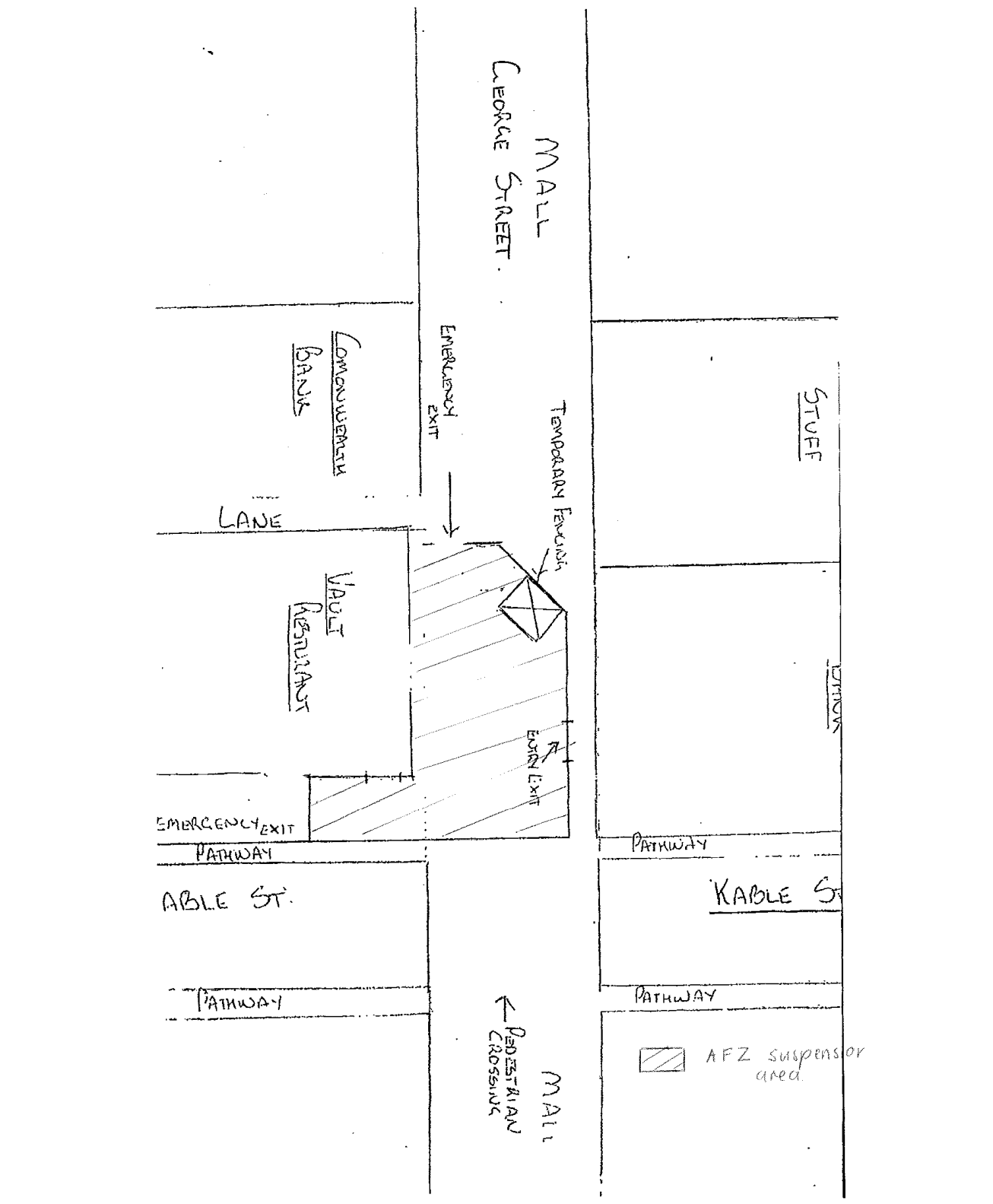
NSW POLICE FORCE RECRUITING NOW 1800 222 122

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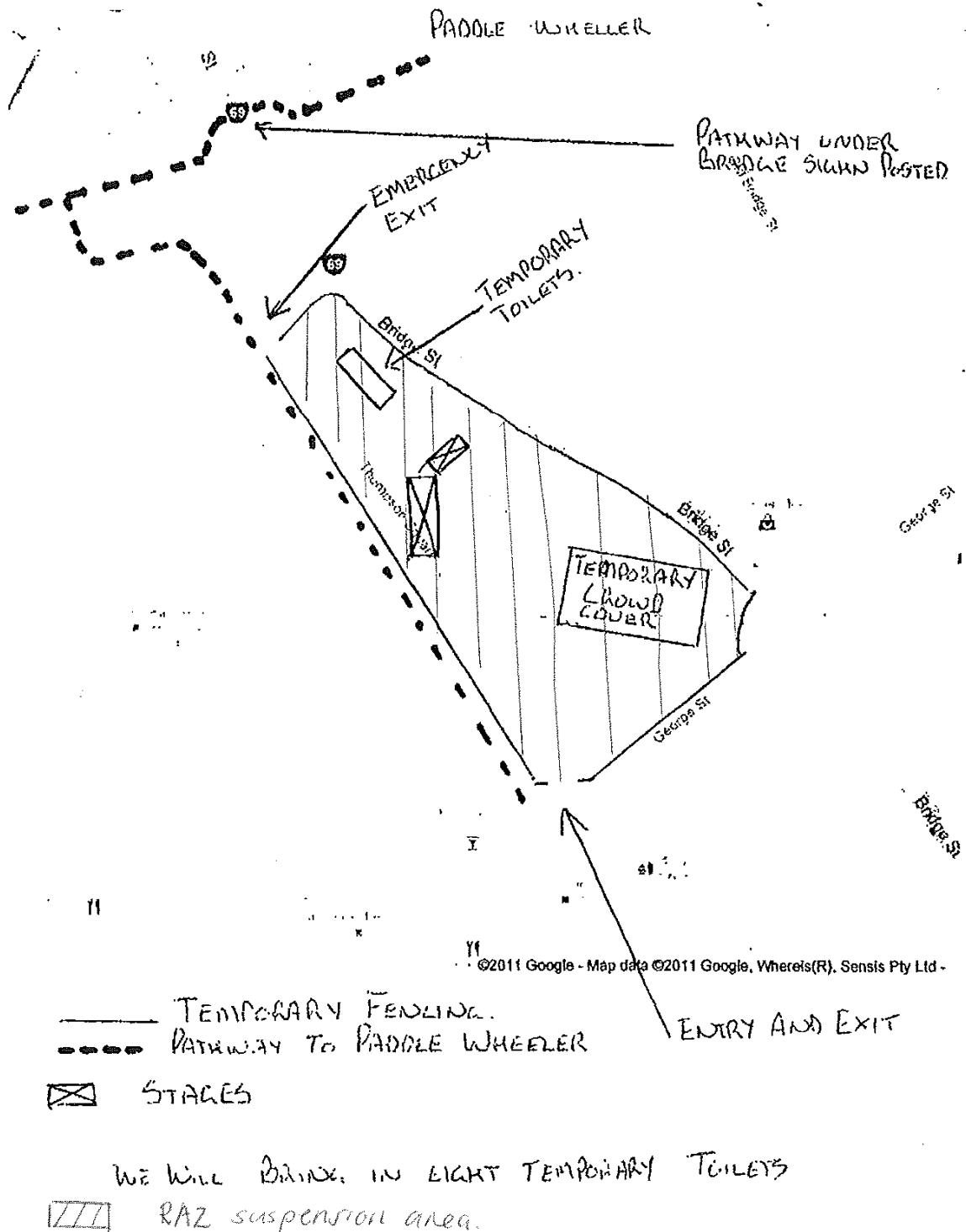
Attachment 2: AFZ – Windsor Mall



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Attachment 3: RAZ - Thompson Square Park



oooO END OF REPORT Oooo

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CONFIDENTIAL REPORTS

**Item: 211 SS - Property Matter - Lease to Brian Davis - Shop 2/1 Hawkesbury Valley Way,
Clarendon - (95496, 109848, 74459) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 13 September 2011

Item: 212 Mayoral Minute - Staff Matter - (79351, 79353) CONFIDENTIAL

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Disability Advisory Committee Minutes - 4 August 2011 - (88324)

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

Present:	Councillor Christine Paine Alan Aldrich Desmond Crane Carolyn Lucas Jennifer Luke Ken Ferris Robert Bosshard Wendy Sledge Debbie Court Kate Murdoch	Councillor Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Hawkesbury Oasis Local Health District Representative
Apologies:	Rahim Lalani Mary-Jo McDonnell	Hawkesbury Oasis Community Representative
In Attendance:	Meagan Ang Joseph Litwin	Hawkesbury City Council Hawkesbury City Council

REPORT:

Councillor Paine opened the meeting and welcomed Wendy Sledge to the Committee.

There were no apologies

SECTION 1 - CONFIRMATION OF MINUTES:

1. Confirmation of Minutes

RESOLVED on the motion of Ms Lucas and seconded by Mr Aldrich that Minutes of the Disability Advisory Committee held on 16 June 2011 be confirmed.

2. Matters arising from Previous Minutes

In response to a question, Mr Litwin provided an update on the Pound Paddock proposal advising that a neighbourhood survey had been distributed and discussions held with adjoining owners. It was noted that a number of community groups had expressed an interest in exploring the proposal. Mr Litwin advised that the survey was the first phase of the consultation process and that any decision to progress the proposal would be made by Council taking into account the survey results.

Ms Ang provided details on progress of other actions arising from the June minutes including the proposed letter seeking donations for a replacement wheelchair hoist and meeting to review Council's Access Policy.

SECTION 2 - REPORTS FOR DETERMINATION

Item 10 - Report – ‘Addressing Access in the Built Environment’

DISCUSSION:

- Mr Aldrich offered to train Committee members in use of a digital level so that information gathered through audits could be fed into future Mobility Plans. Mr Litwin advised that the Disability Action Plan and Mobility Plans were separate undertakings and this it would be important to keep the focus of access audits on the development of the Disability Action Plan.
- There was some discussion about the focus of the Disability Action Plan (DAP). Mr Litwin advised that the DAP's intended focus was on Council owned or managed facilities and that the intent of access audits was to identify barriers to these facilities. However, there was no limitation of facilities or public spaces which could be subject to access audits but logistically there would be a need to prioritise possible audit targets.
- Ms Murdoch asked if there were other strategies where the public could raise access issues directly to Council. Mr Litwin provided advice on Council's customer request mechanisms. A need to gather access information from residents was identified. Mr Litwin advised that this was the intent of the consultation strategy component of the DAP planning process.
- It was agreed that Mr. Litwin would prepare a report on consultation options for the Committees consideration. It was further agreed that committee members should forward recommended locations for access audits to Ms Ang. Mr Litwin and Ms Ang would then develop a prioritisation matrix for the Committees consideration to facilitate the prioritisation of access audit sites.

RECOMMENDATION TO COMMITTEE:

That:

1. The information is received.
2. An audit schedule be developed to commence audits of Council facilities

RESOLVED on the motion of Robert Bosshard and seconded by Debbie Courts

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That:

1. The information is received.
2. A report be prepared for the next meeting of the Committee outlining a possible consultation strategy and consultation options for the Committee's consideration.
3. Committee members to forward a list of access audit sites to the Community Programs Co-ordinator.
4. A priority matrix be developed for the Committee's consideration.

SECTION 3 - GENERAL BUSINESS:

National Disability Insurance Scheme (NDIS)

- Mr Ferris has forwarded information to Councillor Paine relating to the National Disability Insurance Scheme. Councillor Paine advised that she had lodged a Notice of Motion for the Council Meeting of 9 August to request that Council express its support for the NDIS on the 'Every Australian Counts' website and to forward representations to State and Federal Members of Parliament. It was agreed that Committee members should register to speak in relation to the NoM and attend the Council meeting where possible. Councillor Paine also advised that she, Mr Aldrich and Mr Ferris will be meeting with local media to promote the NDIS.

MOTION:

RESOLVED on the motion of Robert Bosshard and seconded by Des Crane.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That the Hawkesbury Disability Advisory Committee endorse the Notice of Motion on the national Disability Insurance Scheme to be considered by Council at its Ordinary Meeting to be held on 9 August, 2011.

Local Disaster Response and recovery Plan

- Mr Ferris sought clarification as to Council's role is in local disaster response and recovery plans and whether there was a register of persons with disabilities who reside in the Hawkesbury why may need assistance to evacuate.
- Mr Litwin advised that is a local Committee made up of organisations including SES, Council, Health and the Police and that there was a management and recovery plan for responding to disasters. There was general discussion about evacuation procedures and requirements. Mr. Litwin indicated he would seek further clarification about these issues and report back to the Committee.

MOTION:

RESOLVED on the motion of Ken Ferris and seconded by Wendy Sledge.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

1. That a report be prepared for the next Committee Meeting on Local Disaster Management Committee and Plan.
 - Mr Crane advised the Committee of the official opening on 28 August 2011 of the new premises of the Hawkesbury Penrith Respite Service.
 - Copy of proposed donation letter was circulated and endorsed.

NEXT MEETING - to be held at 4.00 pm on Thursday 6 October 2011, at the Meeting Room Peppercorn Place, 320 George St. WINDSOR.

The Meeting Closed at 5.30pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Hawkesbury Mobility Plan Implementation Committee Minutes - 18 August 2011 - (119668)
Business Paper - Ordinary Meeting Agenda - 13 September 2011

The meeting commenced at 4:00pm in the Stan Stevens Room, The Deerubbin Centre.

Present:	Councillor Leigh Williams Mr Alan Aldrich Mr Doug Bathersby Mr Chris Cameron Ms Sandra Long Mr Phil Williams Mr John Street	Chair, Councillor Representative Community Representative, Deputy Chair Community Representative Community Representative Community Representative Community Representative Community Representative
Apologies:	Councillor Christine Paine Senior Constable Brad Phillips	Councillor Representative Hawkesbury Area Local Command
In Attendance:	Mr Joseph Litwin Ms Denise Oakes Mr Chris Amit Mr Richard Vaby Ms Elizabeth Hole Mr Rob Sterry Mr Tony Woolnough Mr John Holstein	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council Bicycle New South Wales Windsor Cyclists Inc Windsor Cyclists Inc Camwest

REPORT:

Councillor Williams welcomed everyone to the meeting and noted the presence of visitors to the meeting. Ms Oakes advised that the police representative from Hawkesbury Local Area Command has now changed, and will be Senior Constable Debbie Byrnes, Traffic Coordinator.

Mr Litwin proposed that the agenda be amended to allow Mr Amit and Mr Vaby to address Item 5 regarding the next round of cycleway/shared path funding and construction - this was agreed.

SECTION 1: CONFIRMATION OF PREVIOUS MINUTES

Mr Litwin advised that as there was not a quorum present at the HMPIC meeting held on 19 May 2011, the minutes of the meeting held on 18 November 2010 were unable to be confirmed. Mr Litwin further advised that as there was no quorum present at the 19 May meeting, that no formal minutes were taken of the 19 May meeting. Councillor Williams requested that the minutes of the meeting held on 18 November, 2010 be now confirmed

RESOLVED on the motion of Doug Bathersby and seconded by John Street that the Minutes of the Hawkesbury Mobility Plan Implementation Committee held on 18 November 2010 be confirmed.

SECTION 2 - REPORTS FOR DETERMINATION

Item 5: Update to Committee on progress of implementing recommendations of Hawkesbury Mobility Plan

Mr Amit tabled the plan outlining the proposed next stage of the shared path/cycleway to be constructed in the Windsor to Richmond off road link. Mr Amit advised that in the financial year 2010-2011, approximately 400 metres of shared pathway had been constructed in May /June. This length exceeded the length outlined in the previous funding submission due to achieving a favourable rate of construction cost. This enabled Council to construct a further section of shared path at the eastern end of the shared pathway past the skate park and across the Racecourse Rd intersection toward Windsor.

The next stage to be constructed is, as previously reported to the Committee, will be both a further extension to the west toward Richmond CBD near number 32 Windsor St - if site issues regarding drainage are resolved with Railcorp in sufficient time, and also a section C1- C2 toward Windsor - this would occur in the current 2011-2012 year.

The following stage of construction (2012-2013) would then be the section east toward Windsor -marked C2-C3 - from east of the Racecourse Rd intersection - approximately 300 lineal metres. This is the section that will be applied for in the next round of RTA joint funding to be sought - this submission needs to be prepared and submitted by end September 2011.

Further discussion occurred regarding the new bridge currently under construction over Rickabys creek adjoining the Howe Park pathway - this can be used by cyclists as well a pedestrians, but is not technically classified as a shared path as it is not 2.5 metres wide. Discussion occurred regarding the need for a long term crossing of Rickaby's Creek on Hawkesbury Valley Way that is suitable for cyclist and pedestrian traffic. Mr Vaby advised that, in addition to additional funding, and major work required, discussion would need to occur with the RTA on this matter.

Mr Litwin advised that a further funding submission may be able to be lodged under the Federal Regional Development Australia Fund. He advised that Mr Vaby, Mr Amit and he are in early stages of discussion on the technical aspects of this application. If this submission proceeds, a meeting of the Committee will be called to discuss the proposal.

Further discussion occurred regarding submitting for the next round of RTA funding for pedestrian facilities (kerbramps) for the 2012-2013 year. Specific locations have not been selected as yet, although the Mobility Plan outlines a comprehensive schedule of priority sites to be addressed. The Committee determined to apply for funding in the next round, and to seek additional input from the members of the Hawkesbury Disability Advisory Committee. Mr Aldrich mentioned that the Bosworth St /March St intersection was problematic for access by pedestrians and vulnerable road users. Mr Vaby agreed - he advised that placement of Telstra utilities makes remediation difficult in several sites in Richmond CBD. Mr Aldrich also noted that a pedestrian crossing or refuge at Chapel and March St would be beneficial for residents of the nearby aged care facility-safety issues were discussed regarding traffic flows.

Mr Amit and Mr Vaby left the meeting

RECOMMENDATION TO COMMITTEE

That the information be received

RESOLVED on the motion of Alan Aldrich and seconded by Doug Bathersby

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That interested members of the Committee and members of the Disability Advisory Committee be invited to provide comment on the next priorities for kerb ramp installation as recommended in the PAMP section of the Mobility Plan.

SECTION 2 - Reports for Determination (Carried over from May 19 meeting)

As there was not a quorum present at the 19 May 2011 meeting, the items reported in the 19 May Business Paper and the informal discussions held in relation to these items were carried forward for formal consideration.

Item 4: Update to Committee on progress of implementing recommendations of Hawkesbury Mobility Plan

- Discussion occurred regarding progress to date on cycleway works. Mr Amit advised the Committee that the shared path/cycleway adjacent to Hawkesbury Valley Way was currently under construction and due to be completed shortly. Committee members acknowledged that the shared path/cycleway was progressing well, and appeared to be completed in record time. Mr Bathersby asked a number of technical questions regarding construction of the path - the path width and what the funding permitted in terms of construction. Mr Amit clarified that the path was 2.5m in width as per RTA guidelines.
- Mr Amit also clarified that in the next RTA funding round, Council will request funds for the next stage of the Windsor to Richmond link to be completed - this will be section A to A1 as per previous plan submitted to the committee and to RTA (copies available to view by members during meeting), the section across no 22 and 32 Windsor St -approximately 230 metres in length. Mr Amit advised that there were some technical factors regarding drainage and liaison with Railcorp to be finalised prior to any construction works being commenced, subject to funding being received.
- Ms Oakes presented a detailed version of the audit conducted to gauge progress on the recommended schedule of works for bicycle works outlined in the Mobility Plan. Works on state roads under the care and control of the RTA were highlighted, and the committee discussed the option of Council writing to the RTA to request their consideration and response to these recommendations.

RECOMMENDATION TO COMMITTEE:

That:

1. The Committee note the continuation of the Richmond - Windsor bicycle link/shared pathway has been included in the draft 2011-2012 / 2012-2013 budget, in accordance with plans previously reported to the Committee.
2. Council writes to the RTA to request that those bicycle related works identified in the Mobility Plan that are on state roads and under the jurisdiction of the RTA be considered and progressed.

RESOLVED on the motion of Chris Cameron and seconded by Doug Bathersby

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That:

1. The Committee note the continuation of the Richmond - Windsor bicycle link/shared pathway has been included in the draft 2011-2012 / 2012-2013 budget, in accordance with plans previously reported to the Committee.
2. Council writes to the RTA to request that those bicycle related works identified in the Mobility Plan that are on state roads and under the jurisdiction of the RTA be considered and progressed.

GENERAL BUSINESS

- Councillor Williams introduced Ms Elizabeth Hole from Bicycle New South Wales (BNSW) who outlined some of BNSW many activities, events and programs including support for schools, local bicycle user groups, training and the RTA Bike Week events. Ms Hole advised that BNSW can provide support to local councils on bicycle and active travel issues, and that the new state government has endorsed the NSW Bike Plan which commits \$158 million funding. Ms Hole explained the role of local BUG groups in promoting cycling in local areas. Ms Hole tabled a document 'The Rest station' which has been developed by BNSW and outlines a type of combined rest station, water fountain and seat for suggested use on shared path routes. BNSW is supporting the roll out of this type of equipment, and engaging business and other stakeholders to sponsor it. Ms Hole advised that a new website for bicycle information has been launched which had many functions - the site can be accessed at <http://www.bicycleinfo.nsw.gov.au>.
- Mr Aldrich raised the issue of needing a mechanical sweeper for shared path/cycleways as the problem of glass on pathways persists. Mr Litwin advised that rubbish and glass on these paths can be reported to Council via a customer service request, and it will be actioned -at present Council does not have a mechanical sweeper specifically for shared pathways. It was discussed that the RTA has a maintenance budget for cycleways that are under its control. Information regarding specific locations along the Windsor Rd cycleway near licensed premises and driveways was noted. Ms Hole noted that some councils are sharing the cost of cleaning adjacent pathways. Mr Holstein advised that cleaning up of rubbish near licensed premises can sometimes be addressed through licence conditions, and may be able to be discussed at Liquor Accords. The issue of vehicles being required to give way to pedestrians and cyclists using shared paths near driveways was also raised.
- Mr Phil Williams from Hawkesbury High expressed his interest in becoming a member of the Committee. The Committee agreed to accept Mr Williams' nomination to the committee at the meeting, and to pass a resolution to this effect.

RESOLVED on the motion of John Street and seconded by Chris Cameron

That the Committee appoint Mr Phil Williams as a member of the Hawkesbury Mobility Plan Implementation Committee as a community representative.

- Mr Sterry from Windsor Cyclists advised that the group has received Bike Week funds from the RTA, and will be conducting 2 rides during Bike Week on Tuesday 20 September - one shorter ride of 25km and one longer ride of 37 km. These rides will be conducted as part of their BUG's normal activities, and the rides will be opened to the public. The funds will be used to advertise in local media, as well as flyers distributed throughout the Hawkesbury area. Mr Sterry asked if it was possible to place some directional signage along the route to assist riders. Ms Oakes advised she would clarify with Council staff regarding a small scale ride on local and regional roads.
- Ms Oakes advised that Council is supporting Bike Week events by placing events on the calendar, providing resources as required, and gaining some media coverage of the new shared path extension and the Mobility Plan.

ORDINARY MEETING
Reports of Committees

- Mr Cameron advised the committee that further public display and consultations for the new Windsor Bridge are currently occurring, and that any feedback regarding bicycle and pedestrians access can be submitted. The proposed plan includes a 3m shared path.

Next Meeting - Scheduling of the next meeting was discussed - normally this would occur in April/May to discuss Councils budget and funding issues, however, a further meeting may be called if the submission for Federal grant funding progresses.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Heritage Advisory Committee Minutes - 18 August 2011 - (80242)

Minutes of the Meeting of the Heritage Advisory Committee held in Council Committee Rooms, Windsor, on 18 August 2011, commencing at 5:15pm.

ATTENDANCE

Professor Ian Jack	Deputy Chair
Councillor Jill Reardon	Hawkesbury City Council
Ms Michelle Nichols	Community Member
Mr Jonathan Auld	Community Member
Danielle Wheeler	Community Member
Ms Deborah Hallam	Community Member

Apologies:	Mr Graham Edds	Chair
	Ms Jan Barkley Jack	Community Member
	Mr Donald Ellsmore	Heritage Advisor
	Mr Matthew Owens	Hawkesbury City Council
	Ms Shari Hussein	Hawkesbury City Council
	Ms Robyn Kozjak (Minute taker)	Hawkesbury City Council

Ms Hallam assumed the Chair in the temporary absence of Professor Jack.

RESOLVED on the motion of Mr Jonathan Auld and seconded by Councillor Reardon that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Reardon and seconded by Mr Jonathan Auld that the Minutes of the Heritage Advisory Committee held on the 17 February 2011, be confirmed.

Attendance Register of Heritage Advisory Committee

Member	17/02/11	18/08/11	
Councillor Jill Reardon- (HCC)	✓	✓	
Mr Graham Edds	✓	A	
Ms Deborah Hallam	A	✓	
Professor Ian Jack	A	✓	
Ms Jan Barkley Jack	A	A	
Mr Jonathan Auld	✓	✓	
Ms Michelle Nichols	✓	✓	
Ms Danielle Wheeler	✓	✓	
Mr Donald Ellsmore	✓	A	

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

SECTION 3 - Reports for Determination

Item: 1 Heritage Advisory Committee Annual Report -2010/11 and 3 year Heritage Strategy

DISCUSSION:

- Ms Hussein addressed the Committee, reporting the Draft Heritage Strategy had been prepared in accordance with the guidelines developed by the Office of Environment and Heritage. Ms Hussein reported the Strategy would be utilised to satisfy the annual reporting requirements of the NSW Heritage Council's Heritage Strategy Annual Report scheme, through an annual assessment of its implementation, and would be reviewed at the conclusion of the three-year cycle to assist and guide future directions for heritage management in the Hawkesbury LGA.
- The Committee noted the key actions proposed for 2011/2012 and suggested they be prioritised. Ms Hussein agreed, however reminded the Committee the principal purpose of the report was to put the Strategy to the Committee for adoption in the first instance, suggesting it would be more appropriate for an action plan to be discussed at a later date as a separate item.

5.28pm - Professor Jack arrived at the meeting.

- The Deputy Chair made reference to No. 3 in the key actions "Review Heritage Listing Schedule & Engage Consultant", recommending the Heritage Listing Schedule be re-addressed. Ms Hussein confirmed funding had been allocated and set aside to review the Listing Schedule and once a consultant was hired to assist (timeframe to be advised), further direction would be sought from the Committee.
- The Committee reviewed the Strategy and the following amendments were made:

At page 22 - Recommendation 3 - column headed 2011/12, replace with "Provide heritage advisory service including advice on Council assets eg Howes House and Australiana Pioneer Village" and under column headed 2012/13 and 2013/14 add "Continue heritage advisory service including advice on Council assets eg Howes House and Australiana Pioneer Village."

At page 23 - Recommendation 5 - columns headed 2012/13 and 2013/14 add "Seek to continue Heritage Incentive Fund."

At page 24 - Recommendation 8 - column headed 2011/12, add "Support lease holders to maintain and enhance heritage assets owned by Council."

RECOMMENDATION TO COMMITTEE:

That the:

1. Committee note the Annual Report and adopt the three year Heritage Strategy.
2. Committee recommend that Council adopt the three year Heritage Strategy.

MOTION:

RESOLVED on the motion of Ms Michelle Nichols, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Committee note the Annual Report and adopt the three year Heritage Strategy.
2. Committee recommend that Council adopt the three year Heritage Strategy, as amended.

6.10pm - Professor Jack resumed the Chair

SECTION 4 - Reports for Information

Item: 2 Western Sydney Regional Heritage Project

DISCUSSION:

- Ms Hussein reported on her meeting on 3 August at Penrith City Council with representatives from Western Sydney Councils regarding a proposal to join together to work on the Western Sydney Regional Heritage Project. Ms Hussein advised the Project was in its infancy, and would commence with each Council undertaking an audit of information held as resources (eg website, brochures, listings etc).
- The Committee agreed the integration of Councils working together with a common theme would serve as an excellent information sharing opportunity and would potentially bring recognition and/or national significance to the area.
- Ms Hussein advised Project members had resolved to meet on a bi-monthly basis, the outcome of which would be reported back to the Committee.
- Ms Nichols noted the proposal to develop a regional website advertising the "Governor Macquarie Regional Museums" and advised she would forward Ms Hussein the link for a website which may assist the Western Sydney Regional Heritage Project.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Reardon, seconded by Mr Jonathon Auld.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

Heritage Chapter of DCP - previously distributed

- Ms Hussein invited and welcomed comments from the Committee on the draft Heritage Chapter of the Development Control Plan (DCP), prior to draft amendments of the DCP being placed on public exhibition.
- Overall, the Committee was very pleased to see the Chapter being developed, however, felt there should be a less negative style of language used and more positive encouragement for conservation and education about heritage.

DISCUSSION:

- *1.0 Introduction* - should be expanded to include more discussion about the Hawkesbury's unique character and place in Australian history.
- *3.1 (8)* Typographic error at second sentence - the word "*however*" is disjointed.
- *3.7 Development of Archaeological Sites* - Professor Jack noted it was difficult to identify archaeological sites in the absence of an identified plan of sites or a definition of "archaeological site". Ms Hussein agreed to confer with Mr Pleffer, Strategic Planning Co-Ordinator to discuss mapping. Professor Jack reported he was in possession of a plan of sites for Richmond and would provide Council with same.
- *4.0 Demolition of a Heritage Item* - The Committee felt more emphasis should be placed on the importance of conservation and repair works and suggested the addition of a paragraph relating to alternatives to demolition (adaptive re-use; retention as a relic, interpretive site etc) be included. The Committee noted that the draft DCP made reference to items of State significance, however no reference was made to items of Local significance.
- Wording should be included to deter neglect of heritage items.

MOTION:

RESOLVED on the motion of Mr Jonathan Auld, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That matters discussed in the meeting regarding the Draft Heritage Chapter of the DCP be brought to the attention of the Strategic Planning Co-Ordinator.

The meeting closed at 6.55pm

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 - 30 August 2011

#	Councillor	Question	Response
1	Porter	Enquired if letters of congratulations could be sent to the volunteer organisers of the 120 Ski Racing Event as it has only been running for four years and had over 220 entries into event.	The General Manager advised that an appropriate letter would be sent.
2	Porter	Enquired as to what is the maximum size for a mattress that will be collected through Council's Kerbside Waste Pickup.	The Director City Planning advised that there is no size limit for the collection of mattresses in the contract for the kerbside collection service. Transpacific Cleanaway have been contacted about this matter and they have apologised stating that all their staff had not been updated about the new contract conditions. The company expect this to be rectified shortly.
3	Porter	Enquired if it was possible to advise on the receipts issued from the Waste Depot the component of the charge that is the fee placed by the State Government's Department of Environment and Heritage.	The Director Infrastructure Services advised that the matter is being investigated with a view to providing the information requested.
4	Paine	Enquired if a report could be provided to Councillors regarding the recent Destination 2036 meeting held in Dubbo as the Sydney Morning Herald had run many stories regarding the issue.	The General Manager advised that a report would be submitted to the next meeting for Council's information.
5	Paine	Enquired if Council knew anything about the letter from Mr Philip Knox regarding the North Richmond brochure that was distributed to residence in North Richmond regarding the North Richmond to Richmond project.	The Director City Planning advised that the brochure recently distributed to residents at North Richmond was not initiated by Council and Council did not have any input into the preparation or distribution of that brochure.

ORDINARY MEETING
Questions for Next Meeting

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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