



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 13 October 2009

location: council chambers

time: 5:00 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

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.

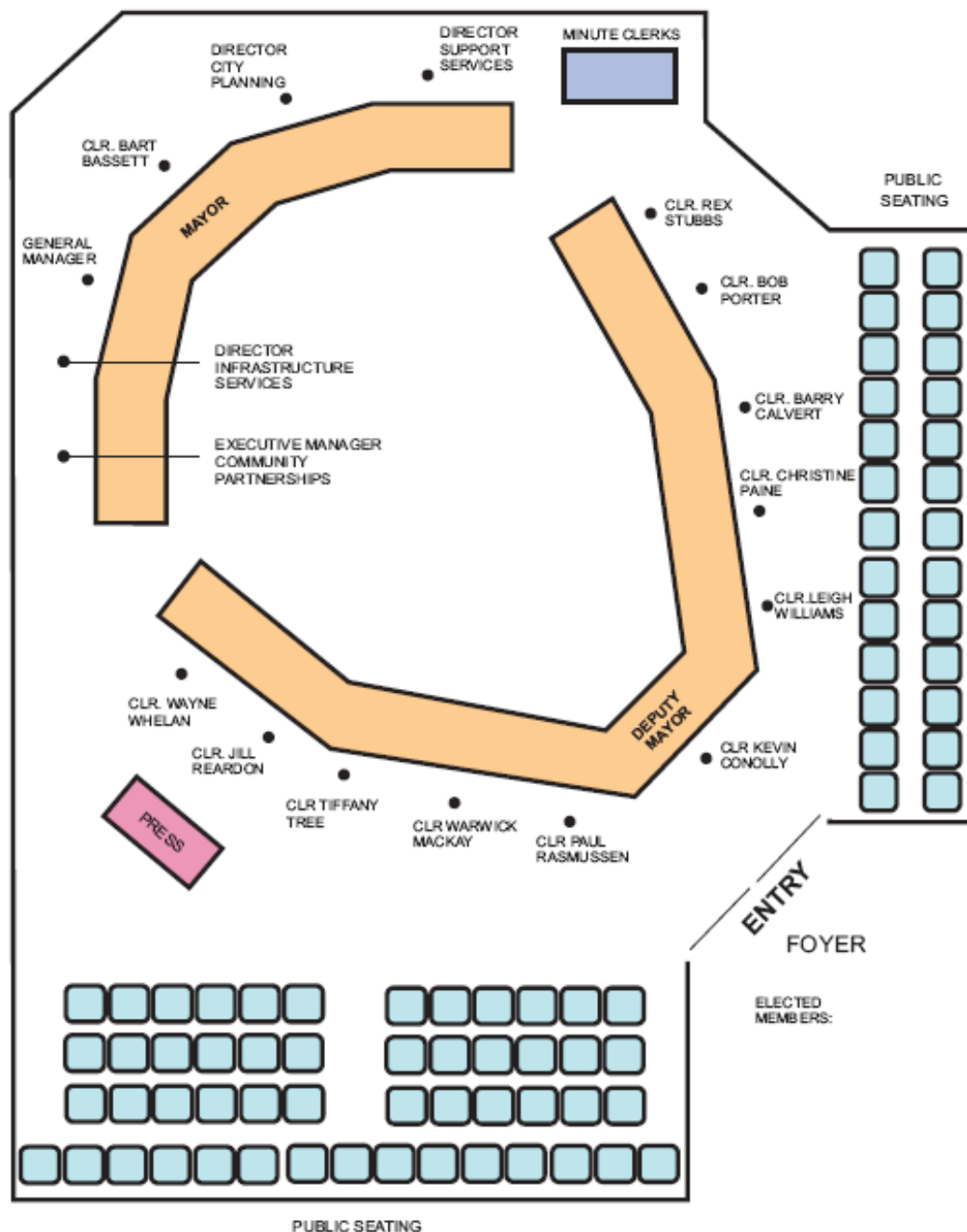
Website

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.

hawkesbury city council council chambers



ORDINARY MEETING

AGENDA

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

General Manager

City Planning

Infrastructure Services

Support Services

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

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SECTION 1 - Confirmation of Minutes

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mayoral minutes

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Mayoral Minutes

SECTION 2 - Mayoral Minutes

MM - Infrastructure Issues - Richmond and North Richmond Areas - (90479, 79353, 79351)

REPORT:

Councillors will be well aware that on a number of occasions in the past infrastructure issues, particularly in relation to traffic problems, in the Richmond and North Richmond areas have been raised and Council has expressed its extreme concern in respect of these important matters.

At the meeting of Council held on 12 August, 2008 I submitted a Mayoral Minute in relation to traffic issues in these areas and Council subsequently resolved:

"That the Minister for Roads be requested to undertake a review of the traffic issues throughout the Richmond and North Richmond areas with a view to identifying strategies to alleviate the significant delays being experienced by motorists during peak traffic periods, and the three Local State Members of Parliament and WSROC be asked to support Council's endeavors in this regard".

Council made appropriate representations in accordance with this resolution, and it has previously been noted that there appears to be little positive response to date.

Again in relation to this important matter, I submitted a further Mayoral Minute to the meeting of Council held on 24 February, 2009 and Council subsequently resolved:

"That the local State Member for Parliament, Mr A Shearan MP, be requested to work with the Minister for Roads to ensure that the Treasurer includes in the 2009/2010 State Budget an allocation for the commencement of intersection upgrades in the Richmond and North Richmond areas and that the State Budget Forward Estimates include funding for a by-pass around Richmond and North Richmond including a new river crossing".

Once again, there appears to be little response from the State Government to this important and significant matter.

Council has recently considered a development application for an important development at North Richmond submitted pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, and while there was significant disagreement relating to the proposal, I would suggest that all parties agreed with concerns that have been long standing in relation to traffic issues in North Richmond.

At the same time concerns were raised about future rezoning proposals that may have been submitted for land adjoining this site, and other potential sites in the area referred to as being west of the Hawkesbury River. Whilst supporting the recent development application, I also clearly indicated that I would not support, nor should Council consider, any future proposals for rezoning of land in this location until such time as existing infrastructure issues, particularly relating to traffic, have been satisfactorily addressed.

Whilst Council may not be in a position to be able to resolve to not accept any such proposals, the purpose of this Mayoral Minute is to suggest that Council should adopt a policy indicating that it will not consider, nor support, any further applications to rezone land for residential purposes in the area west of the Hawkesbury River, until such time as the existing infrastructure issues particularly as related to traffic, have been addressed to Council's satisfaction.

Accordingly, I would submit the following recommendation for Council's consideration.

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Mayoral Minutes

RECOMMENDATION:

That Council adopt the following policy:

"That as a matter of policy Council indicate that it will not consider nor support any further applications to rezone land for residential purposes in the area west of the Hawkesbury River until such time as the existing infrastructure issues, particularly as related to traffic, have been addressed to Council's satisfaction."

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

ordinary

section 4

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 215 **GM - City - Country Alliances - Program Activities Update - (85814, 111215, 79351)**

Previous Item: 279, Ordinary (11Dec 2007)
 26, Ordinary (24 Feb 2009)

REPORT:

Council has two City-Country Alliances, one with Cabonne Council and one with Weddin Council. The Alliances have been in existence since 16 May 2007, when Council formally signed each of the Memorandum of Understandings (after Council adopted the Alliance MOUs at its meeting on 11 December 2007). The Alliance MOUs are shown in the attachments to this report.

Since the Alliances were formed, Council Officers have been working with their counterparts at Cabonne and Weddin Councils to undertake Alliance exchanges and to explore the key areas in which the Alliance exchanges should be developed (or plan of action). Council officers are aware that we have two Alliances to manage in contrast to each of its country councils; and of the need to undertake the program within limited resources. To date, Alliance exchanges have focused on corporate and councillor exchanges with:

- Cabonne Councils officers participating in a staff exchange to Council (Strategic Activities unit)
- Weddin Council officers participating in a staff exchange to Council (City Planning Division)
- Weddin Heritage Committee members, including Weddin Councillors, and Weddin Council officers participating in a heritage exchange to Council (Strategic Activities Unit and City Planning)
- Councillors and Council officers participating in the Cabonne Council's display shed at the National Field Days 2008 as a tourism exchange
- Cabonne Councillors and officers undertaking a strategic planning forum (2009) in the Hawkesbury area
- Council being represented at a welcome function, with Cabonne Councillors and Officers, during the strategic planning forum in the Hawkesbury area
- Cabonne Council officers and Weddin Councillors and officers participating in the Council's display tent at Hawkesbury Agricultural Show 2009
- Cabonne Council officers and Weddin Councillors and officers attending a welcome function with Councillors and Council Officers, during Hawkesbury Show 2009
- Councillors attending a Cabonne community event (the Mulga Bill Bicycle Festival 2009)
- Cabonne Councillors attending a Council corporate event (the Macquarie Rose Planning Day, July 2009)
- Council officers responding to correspondence from Cabonne and Weddin Councils and forwarding information about community events to relevant Hawkesbury community groups.

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Windsor Rotary Group has also hosted a welcome event for the Grenfell Rotarians when they visited The Hawkesbury in 2009 in recognition of the Alliance with Weddin Council that was instigated by the two Rotarian groups.

Council officers have also:

- Updated its former Sister Cities Policy to become the “Sister City and City Country Alliance Program Policy”
- Updated the Delegation to the Hawkesbury Sister City Association (Association) to enable it to also undertake alliance youth and adult exchanges similar to those undertaken with our international sister cities. This recognises the skills and interests of the Association and ability to connect with the community as a key Alliance partner
- Promoted the Alliances in Council publications to promote interest from community groups in establishing their own community exchanges with Cabonne and Weddin community groups
- Attended a Windsor Rotary meeting with the Association Chairperson to promote the Alliance and community exchanges to fulfil the MOU. In particular, Windsor Rotary was invited to continue its relationship with Grenfell Rotary as part of an Alliance community exchange; and to work with the Association as there is synergy in the youth exchanges processes both groups have undertaken.

During 2008 and particularly the current operating year, Council officers have been focused on kick starting the community exchange part of the MOUs along side the Councillor and corporate exchanges. This has been progressed with the Association, Windsor Rotary, and the Hawkesbury Eisteddfod Association who wish to involve the Cabonne and Weddin communities in the annual eisteddfod.

For the current operating year the following Council Alliance exchanges are planned, with the last two items being explored:

- (a) The Mayoral and General Manager attending the opening ceremony of the National Field Days 2009 along side the Mayor and General Manager of Cabonne council. Monday 19 October 2009. (councillor/ staff exchange);
- (b) Council officers participating in the Cabonne Council's display shed at the National Field Days 2009 as a tourism exchange and meeting with Cabonne Council officers to further progress key Alliance program areas. 20 to 22 October 2009. (corporate exchange);
- (c) The Sister City Association Chairperson meeting with Cabonne Councillors, officers and Cabonne community groups to explore interest in developing community exchanges between the Cabonne and Hawkesbury communities. This would be within the scope of the Association's Delegation ie. youth and adult exchanges. The Chairperson is also to be at the first day of the National Field Days. 19 to 20 October 2009. (community exchange);
- (d) Council officers participating in a staff exchange to Weddin Council (City Planning Division - Regularity Services - requested by Weddin and Strategic Activities) and overlapping (e) below. 29, 30 and 31 October 2009. (corporate exchange);
- (e) Hawkesbury joint community exchange to Weddin to meet and greet counterpart groups interested in establishing community exchanges. Representatives of the Sister City Association (about 6), Windsor Rotary (2) and Hawkesbury Eisteddfod (4) have indicated interest in the visit, with each group covering their own costs. 31 October and 1 November 2009. (community exchange);
- (f) Cabonne Council officers participating in a staff exchange to Council (City Planning Division – building surveyor), and vice versa; and
- (g) Cabonne Council officers participating in a staff exchange to Council (City Planning Division – land use planning), and vice versa.

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Alliance exchange activities of Cabonne and Weddin Councils will be further discussed with the Councils as they arise. It is likely that Cabonne and Weddin will participate in the Council's tent at Hawkesbury Show 2010 as a tourism exchange as they found the exercise to be valuable this year.

It should be noted that Council officers have arranged exchanges to overlap in October/ November to get most benefit out of combined corporate and community presence in the Cabonne and Weddin exchanges. The joint community exchange is a good initiative to meet the Weddin community and to show the Hawkesbury community's interest the Alliance program.

Councillor Paine and Councillor Whelan have been appointed as Council's representatives to the Sister City Association. As part of their role on the Association both are aware of Council's planned Alliance community exchanges. Councillor Paine is on the Executive of the Association and will be participating in the joint community exchange to Weddin. Councillor Whelan, as an Association representative, has advised he would like to participate in the joint community exchange to Weddin. Further information regarding the community exchanges will be provided to councillors when available.

Conformance to Strategic Plan

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

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City."

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

Funding

All costs will be met from the approved 2009/2010 Budget.

RECOMMENDATION:

That the information about the City-Country Alliance activities for 2009/2010 be received.

ATTACHMENTS:

AT - 1 Memorandum of Understanding between Weddin Shire Council and Hawkesbury City Council.

AT - 2 Memorandum of Understanding between Cabonne Council and Hawkesbury City Council.

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AT - 1 Memorandum of Understanding between Weddin Shire Council and Hawkesbury City Council



MEMORANDUM OF UNDERSTANDING



Hawkesbury City Council Weddin Shire Council

Hawkesbury City Council and Weddin Shire Council have this day signed a Memorandum of Understanding that will promote a greater awareness and understanding of our respective areas, lifestyles, to seek and explore areas of mutual benefit for our communities.

Under this agreement both Councils agree to act as facilitators within their local government areas to bring together local community groups and organisations in the sporting, education, business and cultural fields and to encourage them to participate in exchanges between the two areas that will lead to greater understanding and involvement between the two communities.

The Councils also agree to undertake activities that will benefit both Councils through the exchange of staff and the sharing of information on processes and procedures which may also lead to the formation of strategic alliances in areas of mutual interest.

The Councils trust that through this Memorandum of Understanding many lasting friendships will be formed and many activities undertaken to the long-term benefit and advantage of our respective communities.

Signed this 16th Day of May, 2008

A handwritten signature in black ink.

Councillor Bart Bassett
Mayor
Hawkesbury City Council

A handwritten signature in black ink.

Councillor Maurice Simpson
Mayor
Weddin Shire Council

A handwritten signature in black ink.

Peter Jackson
General Manager
Hawkesbury City Council

A handwritten signature in black ink.

Trevor Lobb
General Manager
Weddin Shire Council

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AT - 2 Memorandum of Understanding between Cabonne Council and Hawkesbury City Council



MEMORANDUM OF UNDERSTANDING



Hawkesbury City Council Cabonne Council


Hawkesbury City Council and Cabonne Council have this day signed a Memorandum of Understanding that will promote a greater awareness and understanding of our respective areas, lifestyles, to seek and explore areas of mutual benefit for our communities.

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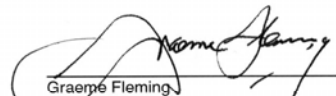
The Councils trust that through this Memorandum of Understanding many lasting friendships will be formed and many activities undertaken to the long-term benefit and advantage of our respective communities.

Signed this 16th Day of May, 2008


Councillor Bart Bassett
Mayor
Hawkesbury City Council


Councillor John Farr
Mayor
Cabonne Council


Peter Jackson
General Manager
Hawkesbury City Council


Graeme Fleming
General Manager
Cabonne Council

oooO END OF REPORT Oooo

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Item: 216 **GM - Complaint Under Council's Code of Conduct against Councillor B Porter - (90477, 114047, 79351)**

REPORT:

On 28 July 2009, a complaint was received under the Council's Code of Conduct (the Code) against Councillor B Porter in respect of comments he allegedly made towards the complainant during the Council Meeting held on 28 July 2009.

In accordance with Clause 12.9(d) of the Code, the General Manager decided to refer the matter to an independent Conduct Reviewer and subsequently appointed Ms R Hill of Way Forward Pty Ltd, a member of Council's recently appointed panel of Independent Reviewers under the Code for this purpose, with the matter being referred to Ms Hill on 11 August 2009.

Ms Hill has now submitted her "Investigation and Findings Report", a copy of which is included as Attachment 1 to this report. This report is now submitted to Council for its consideration in accordance with Clause 14.9 of the Code.

In respect of reports from conduct review committees/sole conduct reviewers, the guidelines issued by the Department of Local Government provide "advice" on a number of aspects of a reports submission to Council, and some of these issues, together with comments, are as follows:

- *"The conduct review committee/sole conduct reviewer should be mindful that there may be a need to protect the identity of the person making the complaint when preparing the report to Council".*

The "Investigation and Findings Report" from Ms Hill indicates that due to the nature of the complaint it was necessary to reveal the identity of the complainant to Councillor Porter and this had been previously agreed to by the complainant. It is understood that subsequently the complainant advised the Conduct Reviewer that the complainant's identity should not be revealed in the Conduct Reviewer's report.

- *"The report will generally be dealt with in open session of Council. Council can only close a meeting to the public if the matter is one that meets the requirements of Section 10A (2) of the Act. In most cases, a report from the conduct review committee/sole conduct reviewer will not meet those requirements".*

It is not considered that this particular matter meets any of the requirements of Section 10A (2) of the Act.

- *"The Primary role of the conduct review committee/reviewer is to establish the facts of the allegation. The conduct review committee/reviewer will make findings of fact and may make recommendations that Council takes action.*

The Council is the appropriate body to determine whether or not a breach of the Code has occurred and has the discretion as to whether or not a sanction is applied. Councillors need to ensure that there is no re-hearing of the evidence when debating the report from the conduct review committee/reviewer. The debate should focus on the outcome of the reviewer's enquiries and the appropriateness of any sanctions to be applied where there is a finding or a breach of the code of conduct".

The issues and facts surrounding the allegation have been addressed in the "Investigation and Findings Report" and Ms Hill has made a number of findings, including that the Code of Conduct had been breached at the meeting of Council held on 28 July 2009.

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As previously requested by Council, it is advised that the Conduct Reviewer's account in respect of conducting this review was \$7,100.00, excluding GST.

Accordingly, the following recommendation is submitted for Council's consideration in connection with this matter.

RECOMMENDATION:

That the Review Report by the Sole Conduct Reviewer, Ms R Hill of Way Forward Pty Ltd, dated 29 September 2009 in respect of a complaint under the Council's Code of Conduct regarding Councillor B Porter and matters occurring at the Council Meeting held on 28 July 2009 be received and the findings and recommendations contained therein be adopted by Council.

ATTACHMENTS:

AT - 1 Investigation and Findings Report" by Ms R Hill of Way Forward Pty Ltd dated 29 September 2009.

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**AT-1 Investigation and Findings Report” by Ms R Hill of Way Forward Pty Ltd
dated 29 September 2009**

WAY FORWARD PTY LTD

**Investigation and Findings Report
For Hawkesbury City Council**

**Regarding a
Code of Conduct Complaint**

**Reviewer: Robin Hill
Date of Report: 29th September 2009**

© Way Forward Pty Ltd 2009

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Background

On 11th August 2009, Robin Hill, Director, Way Forward Pty Ltd was engaged to investigate and report on a complaint against a Councillor (Respondent) by a resident of the Hawkesbury Local Government Area (Complainant) within the parameters of the Hawkesbury City Council Code of Conduct, adopted by Council on July 8th 2008.

This Report

This report is designed for consideration by Hawkesbury City Council as prescribed by the Code of Conduct.

During the course of the interviews references were made about a history of other interactions between the Complainant and Respondent which have been unproductive. However, the Reviewer was engaged to review the complaint made about conduct by the Respondent at the council meeting on 28th July 2009. Accordingly the Reviewer has only made findings related to the specific complaint of 28th July 2009 by the Complainant.

However, in order to assist council with the resolution of what appears to be ongoing tension between the parties the Reviewer has made some other recommendations for council consideration.

It should be noted that interviewees frequently referred to the Complainant, her family members or other colleagues but this report focuses on the Complainant, her complaint and the interaction on the night of 28th July 2009 between the Complainant and Respondent.

The Reviewer

Robin Hill has Masters in Leadership and Organisation Dynamics and has extensive experience in organisation development and in the investigation and management of work place disputes, grievances and claims of inappropriate conduct within organisations. She has undertaken this kind of work through a series of Executive roles in the public health sector and Local Government in NSW and Victoria since 1998 and through the work of her company "Way Forward Pty Ltd" since February 2008. Prior to 1998 she held management positions in Local Government in both NSW and Victoria.

Robin Hill was appointed to Hawkesbury City Council's Panel of Code of Conduct Reviewers in 2009.

The Reviewer was contracted by the General Manager to:

1. Independently review the documentation and interview the Complainant, Respondent and Witnesses';
2. To make a finding of fact within the parameters of the Hawkesbury City Council Code of Conduct, and
3. To make recommendations with respect to the complaint.

The Reviewer cannot and will not make any finding with respect to the law or any legal implications of the facts, other than in regard to the Hawkesbury City Council Code of Conduct which was developed to ensure councils compliance with section 440 of the Local Government Act 1993. It is therefore recommended that the General Manager of Hawkesbury City Council seek legal advice with respect to the application of any legal definition to the behaviours found to have occurred.

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The Investigation and the Interview Process

The Reviewer interviewed three councillors and a resident of the Hawkesbury Local Government Area. The Reviewer also reviewed a series of documents.

This report is structured around one specific complainant.

Initially the report was written as a confidential draft document to the Complainant and Respondent in order for them to make a written statement to the Reviewer.

The Complainant responded to the Reviewer by email on 23rd September indicating that she was happy with the results, the comments made by the Reviewer and the way the Reviewer handled the matter. The Respondent did not provide a written response to the Reviewer but informed the Reviewer on Wednesday 23rd September that the report was a reasonable representation of his statements and issues of concern.

The complaint from a resident of the local government area was forwarded to the Acting General Manager, Chris Daley, by email on 28th July 2009.

The complaint was provided to the Reviewer on Tuesday August 11, 2009. The complaint related to the conduct of Councillor Bob Porter (the Respondent) at a Council meeting on 28th July 2009.

The Reviewer also interviewed two Witnesses whose names have not been included in this report in order to maintain their confidentiality

The Reviewer was also provided with a selection of material related to the complaint by the General Manager and other parties. The documents are as follows:

- Hawkesbury City Council Code of Conduct, adopted 8th July 2008.
- An email of the complaint dated 28th July 2009 from the Complainant to the Acting General Manager, Chris Daley and the General Manager, Peter Jackson, in which the Complainant lodges a formal complaint in regard to the conduct of Cr Porter at a council meeting on 28th July 2009 with particular regard to comments directed to her.
- An email from the General Manager, Peter Jackson to the Complainant on 3rd August 2009, in response to the Complainant's complaint about Cr Porter's conduct and seeking her permission for her identity, as complainant, to be made known to Councillor Porter as part of his assessment of the complaint under Clause 12.9 of the Code of Conduct.
- An email from the Complainant to the General Manager, Peter Jackson on 3rd August 2009 providing her permission for her identity, as Complainant, to be made known to Councillor Porter.
- An email of 11th August 2009 from the General Manager, Peter Jackson to the Complainant stating his decision, under Clause 12.9 d of Council's Code of Conduct to refer her complaint to a Conduct Reviewer for consideration. Mr Jackson further stated in his email to appoint Ms Robin Hill, a member of Council's "Panel of Independent Reviewers" as the Conduct Reviewer.
- The Hawkesbury City Council Code of Meeting Practice, adopted 28th June 2005.
- An email from the General Manager, Peter Jackson to the Reviewer, Robin Hill of Way Forward Pty Ltd on 11th August 2009, engaging her to conduct a review of the complaint under the terms of Council's code of Conduct.
- An email from the Complainant to Cr Bob Porter on 28th July 2009 titled "national swimmers as opposed to people who think they can"
- An email from Cr Bob Porter to the Complainant on 3rd August 2009 titled "national swimmers as opposed to people who think they can."
- An email from the Complainant to all Hawkesbury City councillors on 31st March 2009 titled "Council Meetings" and expressing an opinion on the behaviour of the four new councillors in council meetings
- An email from the Complainant to all Hawkesbury City Councillors on 2nd April 2009 titled "Council Meetings" and expressing an opinion about the competence of some of the current councillors on Hawkesbury Council

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- An email from Cr Warwick Mackay to the Complainant (& copied to Cr Bart Bassett , Mayor and Peter Jackson , General Manager) on 1st April 2009, titled "Council meetings" addressing some of the matters outlined by the Complainant in her email of 31st March 2009.
- An email from the Complainant to Cr Warwick Mackay on 2nd April 2009 titled "Council Meetings" thanking him for his reply to her email and suggesting changes to the starting times of Council meetings and allowing questions from the gallery.
- An email from Witness 1 to the Reviewer, Robin Hill, on August 19th 2009 regarding information included in a previous email from the Complainant.
- An email from Witness 1 to the Reviewer, Robin Hill, on 21st August 2009 regarding comments she overheard which, she stated, were made by the Complainant at the Council meeting of 28th July 2009.
- An email to the Reviewer, Robin Hill on 8th September 2009 from the General Manager, Peter Jackson with data on complaints against councillors since January 2007.

Notes from interviews conducted by the Reviewer with the Complainant, Cr Bob Porter and two witnesses which were also used in the preparation of this report:

The General Manager was also contacted by the Reviewer for telephone numbers and for statistics on the number of complaints against councillors with particular reference to the Respondent.

Interview Process

The Complainant was interviewed by telephone on 18th August 2009 and 27th August 2009. The interview of 27th August 2009 sought to provide the Complainant with an opportunity to respond to the statements made by the Respondent.

The Complainant was asked by the Reviewer if it was acceptable for the interviews to be conducted by telephone. The Complainant agreed to a telephone interview. The Complainant was asked if she wished to provide the names and contact details of any witnesses present at the council meeting of 28th July 2009 that she wished the Reviewer to interview. The Complainant stated that she did not wish to provide any witnesses for the review.

The Respondent was interviewed by telephone on 14th August 2009 and on 3rd September 2009. The Interview of 3rd September 2009 sought to provide the Respondent with an opportunity to respond to the statements made by the Complainant.

The Respondent was asked by the Reviewer if it was acceptable for the interview to be conducted by telephone. The Respondent agreed to a telephone interview. The Respondent provided the names of several witnesses for interview. One of those recommended by the Respondent was interviewed

The Reviewer interviewed two witnesses

In total the Reviewer had contact with the Complainant, the Respondent and the Witnesses from 12th August 2009 to 23rd September 2009.

All who participated in the interview were advised of the following:

1. The voluntary nature of the process such that any individual could withdraw at any time, or stop the interview to seek advice and/or reconvene with support people and/or advisors at a later time.
2. The limits of confidentiality of this process, and the likely reporting of statements made in interviews. Otherwise all notes would be reviewed for the report. That the final report would go to the General Manager for consideration by council.
3. That the notes taken during the interview process would be used to prepare a report for the General Manager but would otherwise remain confidential.
4. The neutrality of the Reviewer

All who participated in the interviews agreed to work with the Reviewer under the above principles.

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RECOMMENDATIONS

1. In response to the finding that the Respondent breached the Hawkesbury City Council Code of Conduct it is recommended that;
 - (a) The Respondent make an apology at the next full council meeting to the Complainant, members of gallery and the Mayor and councillors for his conduct at the meeting of 28th July 2009.
 - (b) The Mayor remind all councillors of their obligation as community leaders to “act in a way that enhances public confidence in the integrity of local government” (Part 1.3 The Model Code of Conduct for Local Councils in NSW), to set the standard of behaviour that they expect of the community and to abide by the Hawkesbury City Council Code of Conduct and the Code of Meeting Practice.
 - (c) The Mayor and councillors manage presentations from members of the public at council meetings, emails and other correspondence from members of the public formally and respectfully, that is, respond only to the issues being addressed and not personal or other comments.
 - (d) Council offer an opportunity for mediation between the Complainant and Respondent. It is acknowledged that mediation may be more effective if it involves additional councillors and the Mayor and some colleagues of the Complainants. The decision on the participants should be made by the Complainant and Respondent.
 - (e) The Mayor reminds councillors that emails are discoverable documents and that councillors are not covered by parliamentary privilege.
2. In response to the statements from the Respondent and the Witnesses that on occasion the conduct of members of the gallery is not in accord with Council's Code of Conduct and Code of Meeting Practice it is recommended that the Mayor reinforce the provisions of the codes particularly in terms of calling out and interruptions from members of the gallery which may interrupt the proceedings of the council meetings
3. In response to the statements from all interviewees that the relationship between the Complainant (and her colleagues) and some councillors is unproductive it is recommended that;
 - (a) Council review its current community engagement policy
 - (b) Council offer all councillors training in the Code of Conduct to support its successful implementation.

Robin Hill
Director Way Forward Pty Ltd,
Reviewer, Hawkesbury City Council,
Panel of Independent Reviewers.
29th September 2009.

oooO END OF REPORT Oooo

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Meeting Date: 13 October 2009

CITY PLANNING

Item: 217 **CP - Development Application - Extractive Industry - Quarry Rehabilitation - Lot 2 DP587166, 263 Tizzana Road, Ebenezer - (DA0893/07, 96075, 10055, 10056, 95498)**

Development Information

Applicant: N F Billyard Pty Ltd
Owner: Mr GJ Kirk & Mrs JA Kirk
Zone: Mixed Agriculture under Hawkesbury Local Environmental Plan 1989
Exhibition: 14/01/2008 - 29/01/2008
Date Received: 19/12/2007

Key Issues: Number of truck movements
Road safety, including pedestrian safety and safety of school children
Loss of amenity due to traffic noise, traffic pollution, and dust generation

Recommendation: Deferred Commencement Approval, subject to conditions

REPORT:

1 Executive Summary

The proposed development involves the rehabilitation of a disused quarry approximately 7.1 hectares in size. It is proposed to import 50,000m³ of excavated material to the site over a five year period. The development is to be carried out in five yearly stages comprising of the importation of 10,000m³ of fill material each year, as well as the revegetation of each stage. The purpose of the development is to restore the land to a more consistent topography to enable use of the land for agricultural purposes and/or for purposes ancillary to the residential use of the land. To this end, revegetation of the site will include a mix of native vegetation and pasture. The fill will be provided through one contractor, Jeffersann Excavations.

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

- Number of truck movements;
- Road safety, including pedestrian safety and safety of school children;
- Loss of amenity due to traffic noise, traffic pollution, and dust generation.

In response to public submissions, it is recommended that the following restrictions be imposed as conditions of consent:

- Hours of operation be limited to Monday to Friday 9:30am to 2:30pm
- Limit the number of truck movements to 18 per day (9 truck loads).
- Implementation of a staged Rehabilitation Management Plan, which includes a Dust Management Plan, Soil and Erosion Control Plan and Stormwater Management Plan.

The application provides the basic information to enable an assessment of the impacts of the proposal. However, detailed information on the proposed methods to mitigate these impacts has not been submitted. This detailed information can be provided and assessed via conditions of a 'Deferred Commencement' consent.

The application is being reported to Council at the request of Councillor Porter.

2 Description of Proposal

The application seeks consent for the rehabilitation of a disused quarry on Lot 2 DP 587166, No. 263 Tizzana Road, Ebenezer.

It is proposed to rehabilitate the disused quarry site by filling and contouring the land and providing new vegetation cover in accordance with a schedule of work undertaken progressively over five years.

The rehabilitation will occur in five yearly stages. Each stage will be completed prior to the commencement of the next stage.

The amount of excavation material to be placed on the site is approximately 10,000m³ per stage/year.

The application states *“This quantity of fill materials provides sufficient soil strata depth to promote substantial vegetation growth and enables the project to be self sustainable financially.”*

The final batter is indicated on the plans to provide a suitable transition slope of approximately 1:10 from the filled area levels or year 5 to the regrowth areas beginning to occur in the year 6 area. This batter is required to be carefully placed to avoid interference with any established vegetation.

Topsoil may also be brought on site dependant on the type and composition of the fill materials and its suitability as a growing medium.

The application proposes hours of operation Monday to Saturday from 7:00am to 6:00pm.

The subject land is approximately 15.9 hectares. The disused quarry occupies approximately 7.1 hectares of the land. The property is currently used as a residence.

The application is supported by Statement of Environmental Effects, Stormwater Drainage Report, and Traffic Impact Assessment.

3 Background

On 29 August 1969, Colo Shire Council (File 68A/392/69) approved *‘the establishment of an extractive industry for the purpose of winning extractive material in the form of sand’* on the subject land. The consent included a condition (No. (d)) requiring *“Re-instatement of the area of operations shall be carried out to the satisfaction of Council.”*

Land fill was brought to the site in the beginning of 2006. The applicant was advised in letter of 10 August 2006 that the importation of large amounts of fill material did not meet the intent of the condition for rehabilitation of the site in Development Consent 68A/392/69, and that a development application was required. This was following receipt of legal advice that the importation of large amounts of fill did not constitute re-instatement of the site.

Initially the application proposed a development comprising of 7 stages, however, it was identified that the area corresponding to stages 6 and 7 supported substantial native vegetation identified as an endangered ecological community under the Threatened Species Conservation Act, 1995. As a result, a flora and fauna report, including an Assessment of Significance under Part 5A of the Environmental Planning and Assessment Act, 1979 was requested. In response, the applicants deleted stages 6 and 7 from the proposed development, and amended the plans accordingly.

4 History of Application

19 December 2007	Application received.
9 January 2008	Application notified 9 December 2008 to 29 January 2008, extended to 8 February 2008

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6 March 2008	Letter to applicant requesting additional information in respect to a site survey, location of existing vegetation, extent/depth of fill, reduction in the amount of fill to be imported to the site, reassessment of traffic movements, importation of topsoil, access road, as well as a response to the matters raised on the submissions.
5 May 2008	No response from the applicant received. Second request to applicant to provide the additional information.
16 May 2008	Letter in response to request for additional information received. Information inadequate. Council officer met a number of times with the applicant to discuss the information required for assessment of the application.
4 November 2008	No response from applicant received. Third request for additional information.
17 December 2008	Amended plans received.
3 March 2009	Site meeting with Council officers.
4 March 2009	Letter to applicant requesting additional information, including matters raised in previous letters.
15 May 2009	Amended plans and details received, and assessed.
10 July 2009	Letter to applicant advising that information provided is not detailed enough for assessment.
21 July 2009	Applicant requests site meeting.
10 August 2009	Site meeting held.

5 Council Policies, Procedures and Codes to Which the Matter Relates

The following planning instruments are relevant in the assessment of this application:

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment Regulation, 2000
- State Environmental Planning Policy No. 44 – Koala Habitat
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989
- Hawkesbury Development Control Plan

6 Section 79C Matters for Consideration

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

6.1 Environmental Planning Instrument

The relevant Environmental Planning Instruments are considered below:

6.1.1 Environmental Planning and Assessment Regulations, 2000

Designated Development

Consideration has been given to Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (Regulations), which relates to designated development. Waste management facilities or works, as defined within this Schedule, include filling. It is considered that the proposed filling does not satisfy the criteria to be classified as 'designated development', for the following reasons:

- (a) The proposal will not import more than 100,000 tonnes of excavated material to the site. It has been calculated that approximately 90,000 tonnes in total will be brought to the site.
- (b) It is considered that the proposal will not have a significant adverse impact on drainage or flooding within the locality having regard to the recommendations and conclusion of the Stormwater Drainage Report submitted in support of the application.

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- (c) The proposed works are not located within 100 metres of a natural waterbody, wetland or environmentally sensitive area as defined by Schedule 3 of the Regulations.
- (d) The proposal is not considered to be in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils.
- (e) The land is not located within a drinking water catchment.
- (f) The proposed works will not be carried out on land within a flood plain.
- (g) It is considered that the proposed development will have no significant adverse impact on the amenity of the locality or of dwellings located within 250 metres of the proposed development as discussed within this Report. There are a number of dwellings located to the east of the subject land and within 250m of the quarry site and the access driveway to the site. The closest dwellings being approximately 120m from the access driveway and 140m from the quarry site.

Hence the proposal does not require an Environmental Impact Statement and can be determined by Council.

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

The proposed land filling requires development consent under SREP 20. It is considered that the proposal is consistent with the aims of the plan as well as the general and specific planning policies, recommended strategies and development controls outlined in Parts 1, 2 and 3 of SREP No. 20 (No. 2).

6.1.3 State Environmental Planning Policy No. 44 - Koala Habitat Protection

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

6.1.4. State Environmental Planning Policy No. 55 - Remediation of Land

Where a proposed development involves a change in the use of the land, this Policy requires consideration as to whether the land is potentially contaminated. Given the use of the land as a quarry is not listed as a potentially contaminating landuse under the Contaminated Land Planning Guidelines, it is considered unlikely that the land is contaminated. It is therefore considered that the land is suitable for the proposed development and that a Preliminary site investigation is not required. Material brought to the site as part of the rehabilitation works can be monitored to ensure no contaminated fill is deposited on site. In this respect Conditions 27 and 29 under Schedule 2 is included in the Recommendation.

6.1.5 Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

An assessment of the proposed development against the relevant Clauses of Hawkesbury Local Environmental Plan 1989 follows:

Clause 2 - Aims, objectives etc,

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

Clause 5 - Definitions

The proposed development is defined as 'Landfill' under the provisions of HLEP 1989. 'Landfill' means *"the filling of land with clean fill or demolition fill, or both, which alters the natural ground surface level or affects pre-existing drainage. This fill material may be imported to or obtained from the site, but does not include top dressing."*

Clause 8 - Zones indicated on the map

The subject land is within the Mixed Agriculture zone.

Clause 9 - Carrying out development

'Landfill' is permissible with development consent within the Mixed Agriculture zone.

Clause 9A - Zone Objectives

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

The proposed development is consistent with the objectives of the Mixed Agriculture zone as follows:

(a) *to encourage existing sustainable agricultural activities,*

Comment: The property is currently used for residential purposes. The rehabilitation works would enable the use of the land for agricultural purposes.

(b) *to ensure that development does not create or contribute to rural land use conflicts,*

Comment: It is considered that the proposed rehabilitation of the land, subject to the imposition of conditions restricting the number and times of truck movements, will not create conflicts with the use of properties in the locality for residential and/or agricultural uses. A school is located on Sackville Road, near the intersection of Sackville Road with Tizzana Road, and approximately 3 kilometres from the quarry site. Whilst trucks will travel past this school to access the subject property, it is further considered that the truck movements associated with the rehabilitation will have no significant impact on traffic safety in the locality subject to the proposed restrictions. This matter is discussed further in Section 6.8 of this Report.

(c) *to encourage agricultural activities that do not rely on highly fertile land,*

Comment: The proposed development will improve the potential of the land to be used for agricultural purposes.

(d) *to prevent fragmentation of agricultural land,*

Comment: The proposal will not result in the fragmentation of agricultural land.

(e) *to ensure that agricultural activities occur in a manner:*

- a. *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*
- b. *that satisfies best practice guidelines and best management practices,*

Comment: It is considered that the proposed development will have not result in any significant adverse impacts on water catchments, surface and groundwater quality and flows, land surface conditions, important ecosystems, streams or wetlands. The rehabilitation works will improve land surface conditions and the revegetation of the site will enhance the vegetation community on the land, which is listed as an endangered ecological community under the Threatened Species Conservation Act, 1995.

(f) *to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,*

Comment: The revegetation of part of the land will assist in the enhancement of the vegetation community located on the land and will provide additional habitat and corridors for native fauna.

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(g) *to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*

Comment: Upon completion of the works, it is considered that the proposal will be in keeping with the rural character of the locality and enhance the landscape value of the land.

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

Comment: The proposed development is not classified as traffic generating development under the provisions of State Environmental Planning Policy (Infrastructure) 2007.

(i) *to control outdoor advertising so that it does not disfigure the rural landscape,*

Comment: The proposal does not involve signage.

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

Comment: The proposed development will not create unreasonable demands for the provision/extension of public amenities or services.

Specific Provisions of HLEP 1989

Clause 18 - Provision of water, sewerage etc. services

It is considered that the existing services to the site are adequate for the proposed development.

Clause 25 - Development on flood liable land

The proposed development is to be carried out on land that is located above the 1 in 100 year flood level for the locality.

Clause 27 - Heritage items

The site does not contain any heritage items as listed in the schedule 1 of the HLEP.

Clause 28 - Development in the vicinity of a heritage item

The subject land is not located within the vicinity of heritage items

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

The subject land is identified as being located within Class 5 on the Map. The proposed works are within 500m of land within Class 4 however the proposed works will not lower the water table to below 1 metre AHD on the land within Class 4. The proposal is consistent with this Clause.

Clause 40B - Use of tyres for landfill prohibited.

The application advises that all fill to be brought to the site will be Virgin Excavated Natural Material. Certification of the material brought to the site can be required as a condition of consent to ensure that appropriate monitoring, validation and recording of the material is undertaken and that the material is suitable for the proposed use and free of contamination. In this respect Condition 27 under Schedule 2 is included in the Recommendation.

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

There are no draft environmental planning instruments relevant to this application.

6.3 Development Control Plan applying to the land:

Hawkesbury Development Control Plan

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

Notification Chapter

The adjoining neighbours were notified as per the requirements of this Chapter of the Development Control Plan. Sixteen submissions were received, and are discussed further in this report.

Erosion and Sediment Control Chapter

Erosion and sediment control will be ensured through conditions of consent. Measures include sediment ponds, silt fencing, revegetation, shake-down bed, water trucks and maintenance of these measures.

Landscape Chapter

A concept Landscape Plan has been submitted with the application and is considered satisfactory with respect to the areas proposed to be revegetated with native species. However, the plant list provided is not considered to be extensive enough to achieve restoration of the ecological community found in the area. Additional species will be required and conditions of consent can be imposed in this respect. Given that this ecological community (Sandstone Shale Transition Forest) is listed as an endangered ecological community under the Threatened Species Conservation Act, 1979, it is recommended that the revegetation of the land be supervised by a suitably qualified and experienced person such as a bush regenerator. Seed used for restoration works will be required to be locally sourced to maintain genetic integrity of the site.

A Landscape Plan suitable for construction, and incorporating the above, will be required. A Vegetation Management Plan, addressing weed management, maintenance and irrigation of plants, will also be required. In this respect Conditions B and C under Schedule 1 is included in the Recommendation.

Landfill Chapter

The proposed development is considered to be consistent with the relevant provisions of the Landfill chapter of the Development Control Plan, as:

1. The proposed landfilling will enhance any future use of the land.
2. Council's Subdivision Engineer has provided comments on the effect on drainage. Appropriate drainage of the filled land can be achieved. A condition of consent requiring a detailed Stormwater Management Plan to be submitted for approval can be imposed. Condition A under Schedule 1 is included in the Recommendation.
3. Suitable conditions of consent can be imposed with respect to compaction. Condition 22 under Schedule 2 is included in the Recommendation.
4. Suitable conditions can be imposed with respect to erosion and sediment control devices. Condition A under Schedule 1 and Condition 12 under Schedule 2 is included in the Recommendation.
5. The proposed extent of land filling is not expected to adversely impact on the visual and scenic quality of the locality. Finished levels will be consistent with the topography of the area.
6. All material will be restricted to clean fill. The site will be revegetated with a combination of pasture and native vegetation and will not sterilise future use of this area.
7. The proposed landfilling works on the property will have no adverse impact on adjoining properties.
8. The proposed landfilling is unlikely to adversely impact on health and safety of residents.
9. The landfill will improve the potential use of the land. The fill will have no adverse impact on the rural character of the locality.

10. The proposal is not expected to affect water quality within the catchment.
11. The proposed importation of landfill is not expected to expose any acid sulphate soils, sodic soil or saline soils.

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

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

6.5 Matters prescribed by the Regulations:

There are no matters prescribed in the regulations which would affect the proposal.

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

Context And Setting

Adjoining landuses consist of a mixture of rural/residential and agricultural uses. The proposal is compatible with the existing use and character of the locality subject to restrictions on truck movements. This is further discussed in Section 6.8 of this Report.

It is considered that the proposed development will not impact on adjoining properties in terms of overshadowing, loss of visual or acoustic privacy, or loss of views and vistas. In addition, due to the size of the subject land, the location of the quarry within the land and the topography of the land, any impacts from the works can be contained and managed on the subject property.

Access, Transport and Traffic

A Traffic Impact Assessment prepared by Traffic Solutions Pty Ltd was submitted in support of the application. The Traffic Assessment recommends:

"As well as restricting operating times to business hours the following restrictions upon the application are suggested to assist in mitigating the impacts of the proposal:

1. *The maximum number of truck loads per day is limited to 42 or a maximum of 745m³ per day.*
2. *No trucks to travel in convoy to or from the site.*
3. *No heavy vehicle access from the north."*

It is considered that the proposed 42 truck loads per day (84 truck movements) will have a significant adverse impact on the amenity of the locality due to traffic generation and associated noise and safety issues. This matter is discussed in detail in Section 6.8 of this Report.

Other Land Resources

The proposed filling will enhance the use of the property in the future for agricultural or residential purposes.

Water

A Stormwater Drainage Report prepared by AKY Civil Engineering was submitted in support of the application. This Report provides the following recommendations and conclusion:

"Any filling and rehabilitation of the quarry should be such that:

- *The proposed finished surface levels are reinstated at a level no higher than its naturalized form (i.e. pre-quarry activities).*

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- *The fall of the land post rehabilitation be directed to the ponds (to be retained) so that any overland flow does not get directed or redirected to the adjacent properties. The existing sediment basin should be retained and initial overland flow from the site directed to this basin.*
- *The existing vegetation near the existing ponds and near/within the existing sediment basin should be retained.*

Based on this investigation, we can conclude the proposal to rehabilitate the quarry will have no significant impacts on the drainage or flooding of the area."

The finished filled levels will be lower than the pre-existing levels prior to the operation of the quarry. The existing ponds and sediment basin are to be retained and no works are proposed within this area. As a result no vegetation within this area will be removed or disturbed. A Stormwater Management Plan, which provides details demonstrating how stormwater will be managed so that no overland flows will impact adjoining properties, can be required as a condition of consent. In this regard Condition A under Schedule 1 is included in the Recommendation.

Soils

Erosion and sedimentation controls will be required during all works, and appropriate controls (including use of the existing sediment basin) can be ensured through conditions of consent.

Air and Microclimate

To reduce the impacts of dust from the landfill area conditions can be imposed requiring monitoring of dust generation and the implementation of dust suppression measures. It is considered that these measures are satisfactory in minimising any nuisance to adjoining properties. In this respect Condition A under Schedule 1 and Condition 25 under Schedule 2 is included in the Recommendation.

Flora and Fauna

The proposed development is located within the previously disturbed quarry area.

A vegetated area to the rear of the property is mapped as being Sandstone Shale Transition Forest, which is identified as an endangered ecological community under the Threatened Species Conservation Act, 1995. No works are proposed within this area by this application.

Some vegetation regrowth has occurred within the quarry floor, however this is minimal. Substantial regrowth has occurred on the embankment areas, mostly along the northern boundary, and this vegetation is to be retained. In addition, supplementary plantings along the northern and southern boundary (10m wide) are required to provide vegetative corridors for native fauna. Revegetation of these areas is to utilise plants commensurate with those species of the ecological community Sandstone Shale Transition Forest.

The proposal involves minimal disturbance/removal of native vegetation regrowth and weeds. It is therefore considered that the requirements of Part 5A of the EP & A Act are satisfied in that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

The owners intend to use the site for small acreage agricultural uses (horses, cattle grazing) and for leisure pursuits (walking, picnics, children playing). As such, revegetation of the site will include both pasture and native vegetation.

6.7 Suitability of the site for the development:

The site is considered suitable for the development proposed.

6.8 Any submissions made in accordance with the Act or the Regulations:

The application was publicly exhibited between 18 January 2008 and 8 February 2008. As a result sixteen submissions were received. The matters raised in these submissions are addressed below:

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Traffic Safety – The predominant concern related to road safety as a result of:

- the condition of Tizzana Road;
- the width of Tizzana road;
- safety of school children;
- poor sight distances from the driveway to the subject site,
- traffic generation;
- damage to road;
- vegetation needs to be trimmed along Tizzana Road;
- lack of footpaths for pedestrians along Tizzana Road;
- proximity to Ebenezer Public School (Sackville Road).

The Traffic Impact Assessment submitted with the application advises that the increase in traffic resulting from the proposed development is minor and will not change the existing level of service of Tizzana Road, taking into consideration existing traffic volumes, and the width and condition of the road. It further advises that the sight distances to and from the existing access driveway to the proposed development exceed the requirements of Australian Standard AS 2890.2:2002 – Off Street Commercial Vehicle Facilities in this respect.

The Assessment also states that:

"The site inspection also indicated that trucks generated by the proposal will travel past the Ebenezer Primary School as well as residential properties. Site observations reveal the Ebenezer Primary School has an existing 40 Km/h school zone with a supervised children's crossing across Sackville Road and the existing signposting and line marking is highly visible. Jeffsann Excavation Pty Ltd has advised that employed truck drivers (including) contractors are regularly reminded to take particular care at school zones."

Comment: In addition to the above, the applicant's submission provides details in respect to the number of truck movements proposed to bring the fill material to the site. To enable comparison, these details are summarised in Column A of the table below. Column B provides some suggested scenarios to demonstrate conditions under which the impacts of truck movements can be reduced to an acceptable level.

TABLE				
	A Calculations based on details provided with application		B Alternative scenarios	
Volumes of fill imported per day	743.3m ³	495.6m ³	79.4m ³	153.8m ³
Amount of fill per truck	17.7m ³	17.7m ³	17.7m ³	17.7m ³
No. of truck loads per day	42	28	4.5	8.69
No. of truck movements	84	56	10	18
Time between each truck movement (minutes) 9:00am to 5:00pm	6	8	48	27
Time between each truck movement (minutes) 9:30am to 2:30pm	3.4	5.4	30	16.6
No. of days to complete each stage (10,000m ³)	13.5	20	126 (6 months, Mon – Fri)	65 (3 months, Mon – Fri)

In view of the above calculations, it can be seen that the importation of fill at the rate of 84 truck movements over 13.5 days will have a significant adverse impact on road safety given that between the proposed hours of 9:00am to 5:00pm one truck will be entering or leaving the premises every 6 minutes. This also results in one truck passing by Ebenezer Primary School every 6 minutes.

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Given each stage, requiring the importation of 10,000m³ of fill, is to be carried out over a maximum twelve month period, it is not considered unreasonable that the fill be transported to the site over a minimum period of three (3) months or longer. A restriction on the hours in which trucks can travel to the property to 9:30am to 2:30pm is proposed to protect the safety of school children, as well as pedestrian and other road users. With this time restriction in place, as well as limiting truck movements to Monday to Friday, over a three (3) month period the number of trucks movements per day will be 18 movements. This equates to 1 truck movement approximately every 16 minutes. The benefits of limiting the number and times of truck movements in this way are:

- It will ensure that trucks do not travel in a convoy. The Traffic Assessment Report proposed a restriction that no trucks travel in a convoy to or from the site. It is considered that the number of maximum truck movements per day proposed by the application (84) will make it difficult to achieve this.
- It will prevent potential queuing of trucks along Tizanna Road.
- It will reduce the impact of traffic noise on residents in the locality and the school.
- It will reduce any potential conflicts between truck movements and safety of school children, pedestrians and other road users.

Loss of Amenity

Concern was raised in respect to the loss of amenity in relation to:

- Pollution – tracking of sediments on road,
- Noise – including hours of operation,
- Dust control;
- Excessive truck movements

Comment: It will be a requirement of any consent that monitoring and management of dust be implemented while landfilling and works are being carried out. A Dust Management Plan will be required and this Plan is to identify dust sources and provide measures to mitigate dust nuisance, including the tracking of sediments onto the road. In this regard Condition A under Schedule 1 and Conditions 25 and 26 under Schedule 2 is included in the Recommendation.

The applicant's submission sought overall hours of operation for both works and truck movements to be 7:00am to 6:00pm, Monday to Saturday. However as discussed, the hours in which trucks can access the locality should be limited to 9:30am to 2:30pm Monday to Friday to ensure public safety and amenity is achieved.

The hours of operation for works being carried out on site are proposed to be 7:00am to 6:00pm Monday to Saturday. Council's standard condition restricts construction works to the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 4:00pm on Saturdays. To ensure a reasonable level of amenity during site works, and to maintain consistency with the proposed restricted truck movements, it is considered that site works and truck movements only be allowed Monday to Friday. In this respect Conditions 16 and 17 under Schedule 2 is included in the Recommendation.

6.9 The Public Interest

The proposed rehabilitation of the disused quarry is considered to be beneficial in both improving the useability of the land and to the environment in general. Whilst the proposal, as presented, will have a short-term adverse impact on the locality in terms of amenity and traffic safety, it is considered that the imposition of restrictions on the number of trucks movements and times than can operate will mitigate these impacts. With the imposition of these restrictions the proposed development can be considered to be in the public interest.

7 Conclusion

The proposed development is consistent with the relevant provisions of Hawkesbury Local Environmental Plan 1989, Sydney Regional Environmental Plan No. 20, State Environmental Planning Policies No. 44 & 55, Hawkesbury Development Control Plan, and other relevant policies.

It is considered that the proposal will have no significant adverse impact on the locality, subject to the implementation of appropriate control measures. Details of these measures can be obtained via conditions of consent and in this respect, it is recommended that a Deferred Commencement Consent be granted.

8 Developer Contributions

The following developer contributions apply to this development - \$2,450.00. Accordingly, a condition of consent is required to be imposed in this regard.

Planning Decision

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

RECOMMENDATION:

That development application DA0893/07 at Lot 2 DP 587166, 263 Tizzana Road, Ebenezer for Quarry Rehabilitation be approved as a Deferred Commencement Consent subject to the following conditions:

1. Upon compliance with the conditions 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

- A. A staged Rehabilitation Management Plan shall be submitted to, and approved by Council. The Plan shall incorporate, but not be limited to the following:
 - a. Plans and details demonstrating how the filling within each stage will be blended into the next stage.
 - b. Plans clearly showing areas of existing vegetation to be retained. Methods to protect this vegetation from damage during rehabilitation works;
 - c. Sediment and erosion control measures for each stage;
 - d. Stormwater management plan for each stage;
 - e. The proposed areas for storage of fill material, topsoil and mulch for each stage;
 - f. A Dust Management Plan is to be submitted for approval identifying the potential sources of dust, addressing how monitoring of dust is to be carried out and the measure proposed to minimise dust generation and nuisance.
 - g. Location of truck waiting area on site
- B. A Landscape Plan suitable for construction is to be submitted for approval. The Landscape Plan, in particular, is to:
 - (i) include a more extensive range of species which are of local provenance.

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- (ii) use seeds that are locally sourced to maintain genetic integrity of the site.
- (iii) detail the planting regime and the methods of revegetation (such as brush matting).
- (iv) provide plans for the progressive revegetation of each stage (or part stage);

The revegetation of the land is to be supervised by a suitably qualified and experienced person, such as a bush regenerator. This person is also to be consulted in respect to the compilation of the Landscape Plan and the Vegetation Management Plan.

- C. A Vegetation Management Plan is to be submitted for approval detailing the proposed methods for protecting and maintaining vegetation on completion of filling for each stage (or part stage), and shall address the following:

- (i) weed management;
- (ii) maintenance of revegetated areas;
- (iii) replacement planting
- (iv) irrigation

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. This consent is limited in time and shall expire 5 years from the operational date of this consent.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
4. The quantity of fill material to be imported to the site over the life of this consent shall be limited to a maximum of 50,000m³. A maximum limit of 10,000m³ of material shall be brought to the site in each stage/12 month period.
5. No work is permitted within the Crown Road reserve.
6. The preceding stage is to be satisfactorily completed and revegetated prior to the commencing of the subsequent stage. A compliance certificate for each stage, to indicate that works have been satisfactorily completed, is to be obtained from the Principle Certifying Authority prior to the commencement of the subsequent stage.

Prior to Issue of Construction Certificate

7. Construction of the access road and earthworks 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.
8. Payment of a Construction Certificate checking fee and a Compliance Certificate inspection fee when submitting Civil Engineering Plans for approval. A fee quote will be provided on request.
9. A traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the traffic guidance scheme is to be approved by the Roads and Traffic Authority before submission to Council.
10. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act, 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$2,450.00 shall be paid to Hawkesbury City Council.

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

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

Prior to Commencement of Works

11. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
12. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
13. 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.
14. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
15. 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

16. Site works shall be carried out only on Monday to Friday between 7:00am – 6:00pm. No works shall be permitted on Saturdays, Sundays or Public Holidays.
17. Trucks delivering fill material or machinery to the site shall be restricted to the hours of 9:30am to 2:30pm Monday to Friday. No truck shall pass Ebenezer Primary School prior to 9:15am or after 2:45pm.
18. All work shall be carried out in accordance with:
 - (a) the stamped approved plans;
 - (b) the approved Rehabilitation Management Plan;
 - (c) the approved Landscape Plan;
 - (d) the approved Vegetation Management Plan;
 - (e) the approved Dust Management Plan.

Implementation of the Rehabilitation Management Plan shall be supervised by an appropriately qualified person.

Implementation of the Landscape Plan and Vegetation Management Plan shall be supervised by an appropriately qualified person, such as a bush regenerator.

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19. A report shall be submitted to Council's Director of City Planning every three (3) months from commencement of works detailing the amount of fill brought to the site within this timeframe and providing certification of the fill in accordance with Condition 27 of this Consent.
20. The preceding stage is to be satisfactorily completed and revegetated prior to the commencing of the subsequent stage.

The following are to be submitted to Council upon completion of each stage:

- a. Submission of all dockets relating to filling to confirm quantities, sources and validation of all fill brought to the site for the preceding stage,
- b. Submission of a works as executed and contoured depth of fill plan for the completed stage.

Upon submission of the above, a final inspection of the stage is required to confirm that the works have been satisfactorily completed and revegetated.

A compliance certificate for each stage, to indicate that works have been satisfactorily completed, is to be obtained from Council prior to the commencement of the subsequent stage.

21. To mitigate the impacts to surrounding properties deliveries of materials to the site are to be strictly in accordance with the following:
 - a. The maximum number of heavy vehicle movements to the site is limited to 18 per day.
 - b. No heavy vehicles are to travel in convoy to or from the site.
 - c. No heavy vehicle access from the north of the site.
22. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
23. The top 300mm of fill shall be topsoil in order to ensure site revegetation.
24. The site shall be secured to prevent the depositing of any unauthorised material.
25. 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.
26. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
27. A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
28. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
29. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
30. 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.
31. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.

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32. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
33. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix E Civil Works Specification, Part II, Table 1.1.
34. A pavement 4m wide shall be constructed to provide suitable construction access and appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section.

Prior to Issue of Final Compliance Certificate

35. The following are to be submitted to Council upon completion of the 5th and final stage:
- Submission of all dockets relating to filling to confirm quantities, sources and validation of all fill brought to the site,
 - Submission of a works as executed and contoured depth of fill plan for the full extent of the completed development.

Upon submission of the above, a final inspection of the stage is required to confirm that the works have been satisfactorily completed and revegetated.

A final compliance certificate for is to be issued by Council prior to indicate that the works have been satisfactorily completed in accordance with the conditions of consent.

Advisory Notes

- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** Should any Aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- ** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

ATTACHMENTS:

- AT - 1 Locality Plan
AT - 2 Staging Plan
AT - 3 Concept Landscaping Plan

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AT - 1 Locality Plan

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

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AT - 2 Staging Plan

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ORDINARY MEETING

Meeting Date: 13 October 2009

AT - 3 Concept Landscaping Plan

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ORDINARY MEETING

Meeting Date: 13 October 2009

Item: 218 **CP - Section 96 Modification - Condition 94 to Original Approval to Demolish Existing Structures and Construct an 18 Hole Golf Course and Club House - Lot 1, DP 546915, Lot 2, DP 546915, 329 Pitt Town Road, Pitt Town - (DA1150/04D, 110850, 95498**

Previous Item: 289, Ordinary (27 September 2005)
370, Ordinary (29 November 2005)

REPORT:

Applicant:	MSK Architects on behalf of Lynwood Country Club
Owner:	Lynwood Country Club Ltd
Statutory Provisions:	Hawkesbury Local Environmental Plan 1989 Hawkesbury Development Control Plan 2002
Area:	43.950 Ha
Zoning:	Environmental Protection - Agriculture Protection (Scenic) & Rural Living
Brief Description:	Demolish existing structures and construct an 18 hole golf course and club house S96 - Deletion of condition 94
Advertising:	15/09/2009 to 29/09/2009
Date Received:	25/08/2009
Key Issues:	<ul style="list-style-type: none">• Roadworks/intersection• Condition of consent imposed by the RTA
Recommendation:	Approval
No. of submissions	Four (4) submissions of objection were received.

Introduction

This modification request is submitted to Council for consideration as the original development application was determined by Council.

History

On the 27 September 2005, at its Ordinary Meeting, Council approved, by way of Deferred Commencement consent, DA1150/04D.

On 29 November 2005 Council considered a Section 96 application for modifications to conditions of consent. Within this modification request, conditions relating to stabilisation works at Lynwood and road intersection works were amended.

In February 2006, the consent became operational, with the deferred commencement requirements of providing a construction management plan, a site remediation plan, a conservation management plan and stabilisation plan for Lynwood having been satisfied.

At present, 9 holes of the golf course have been completed, including the clubhouse. However, intersection works have not physically commenced. This aspect is discussed in more detail later in the report.

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Current Situation

An interim occupation certificate has been issued for the clubhouse and for 9 holes of the golf course. The Lynwood Country Club has two remaining aspects to complete in order to enable opening of the remaining 9 holes. Firstly, completion of the intersection works at the corner of Pitt Town Bottoms Road and Pitt Town Road and secondly, stabilisation of Lynwood. The Club has indicated an intention to open in early December 2009.

In respect to the stabilisation works of Lynwood, the applicant advises that tender documents have been prepared. Tenders are due to close in October 2009, with construction forecasted to commence by the first week in November 2009. Stabilisation works are estimated to be completed by April 2010.

Council's Heritage Advisor has reviewed the applicant's stabilisation proposal and raises no objection, advising that the work will give the building protection and provide for future restoration. A further discussion in respect to the stabilisation works at Lynwood is contained at the end of the report.

The Proposal

The applicant seeks approval to delete condition 94 from the development consent, which relates to the intersection works at Pitt Town and Pitt Town Bottoms Road. At present, Condition 94 reads:

An auxiliary right turn lane is to be provided in Pitt Town Road on the southbound carriageway for cars turning into Pitt Town Bottoms Road to be completed upon the practical completion date of the Golf Course Works.

The applicant has sought for the deletion of Condition 94. However, the Roads and Traffic Authority (RTA), has agreed to modified works not a total deletion of works. The modified works are discussed later in the report. Accordingly, Council cannot consent to the removal of the condition. In lieu, a modified Condition 94 can be imposed.

ASSESSMENT OF SECTION 96

Planning Assessment

Section 96 of the Environmental Planning & Assessment Act permits a Development Consent to be modified, if the Consent Authority:

- a) is satisfied that the proposed modification is of minimal environmental impact, and
- b) is satisfied that the proposed development to which the consent as modified related is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) and
- c) it has notified the application in accordance with:
 - i) the regulations if the regulation so require, or
 - ii) a development control plan if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- d) it has considered any submission made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan as the case may be.

The proposed modification seeks to delete Condition 94, which previously required an auxiliary right turn lane to be provided in Pitt Town Road on the southbound carriageway for cars turning into Pitt Town Bottoms Road. The RTA has agreed with this request, however has requested the developer to construct a left turn deceleration lane from Pitt Town Road to Pitt Town Bottoms Road.

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As construction work is still required to upgrade the intersection, the proposed modification is considered to be of minimal environmental impact. The proposed intersection work modifications do not alter the general site layout. The overall development remains essentially the same as was previously approved by Council.

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

a) the provisions of:

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

Statutory Situation

The site is zoned part Rural Living and Environmental Protection - Agriculture Protection (Scenic) under Hawkesbury Local Environmental Plan 1989 and is also subject to:

- Sydney Regional Environmental Plan 20 (Hawkesbury Nepean)
- Hawkesbury Development Control Plan 2002.

The following clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 - Aims, objectives etc
Clause 5 - Definitions
Clause 9 - Carrying out of development
Clause 9a - Zone objectives

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of Hawkesbury Local Environmental Plan 1989.

The proposal is consistent with the aims and objectives of SREP No. 20.

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

There are no planning agreements applicable to the proposed development.

iii) any development control plan applying to the land

The application has been notified to adjoining property owners in accordance with the requirements of Hawkesbury Development Control Plan 2002 Part A, Chapter 3.

iv) any matters prescribed by the regulations

The proposed development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

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

The application was originally referred to the RTA as a traffic generating development within State Environmental Planning Policy (SEPP) No.11, which is now known as SEPP (Infrastructure) 2007. It should be noted that Pitt Town Road is a main road under the control of the RTA and any works proposed would require the consent of the RTA. The RTA has granted its concurrence to this proposal via the requirement in condition 94.

The applicant has approached the RTA proposing to reduce the scope of works in relation to the intersection works as originally imposed. In advice from the RTA to the applicant, the RTA has accepted the deletion of the right turn lane, however the following works are now required in lieu:

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" - Redesign the subject intersection by providing a left turn deceleration lane from Pitt Town Road to Pitt Town Bottoms road to access the golf club and resubmit the design to RTA for review and acceptance.

- All necessary utility adjustments and land acquisition has to be accommodated under the revised scope of works.

- The club has to dedicate all the land as public road which forms part of the road corridor under the construction of the slip lane.

- The cost of redesign and construction of the slip lane including relocation of services has to be financed by Lynwood Country Club and at no cost to the RTA. "

Comment

The RTA has specified that the design and construction works are to be completed by the end of December 2009.

Whilst the intersection works sought under this application are proposed to be amended, the conditions of approval for the subdivision, at 18 Johnston Street, Pitt Town (DA0577/06) still remain and will require that developer (Johnson Property Group) to upgrade 5 intersections along Pitt Town Road. This includes the intersection immediately opposite, at Pitt Town Bottoms Road and Saunders Road, being upgraded with localised widening to provide appropriate left and right turn bays in accordance with RTA's intersection treatments.

The proposed modification to Condition 94 of the development consent is not considered to result in unreasonable amenity impacts to adjoining properties and the immediate locality. The revised scope of works have been endorsed by the RTA in principle and will improve the intersection and allow vehicles travelling north approaching the golf course to enter a left hand deceleration lane, thus allowing following vehicles to pass unobstructed towards Pitt Town improving traffic flow. Other intersections along Pitt Town Road will be also upgraded in the near future as a result of other developments and overall public safety will be improved.

c) the suitability of the site for the development

Intersection works are required to improve the access of people entering the golf course from Pitt Town Bottoms Road, in addition to allowing vehicles to pass and manoeuvre at this intersection towards Pitt Town and Saunders Road. Intersection works, as specified by the RTA, still form part of the golf course redevelopment and will improve the existing intersection. Accordingly, the modification to Condition 94, as required by the RTA, of the development consent will still ensure that the site is considered suitable for the development proposed.

d) any submissions made in accordance with the EPA Act or Regulations

Community Consultation

The application was notified to adjoining property owners for 14 days in accordance with Hawkesbury Development Control Plan 2002 from the 15 to 29 of September 2009. Within this period, four (4) letters of objection were received.

1 Safety

Concern has been raised that the deletion of Condition 94 will result in safety consequences as intersection works will not occur.

Comment

It should be noted that intersection works, as required by the RTA, will still be required by the RTA, albeit in a modified format. The applicant has approached the RTA independently seeking to revise the scope of works at the Pitt Town Bottoms Road and Pitt Town Road intersection. The RTA have reviewed the

applicants request and have agreed to a modified design involving a left turn deceleration lane from Pitt Town Road to Pitt Town Bottoms road to access the golf club.

2 Authority to remove condition of consent imposed by the RTA

A submission has been received questioning whether Council has the authority to remove a condition of consent imposed by the RTA.

Comment

Condition 94 was originally imposed at the request of the RTA in its assessment of the application as a Traffic Generating Development, in accordance with SEPP No. 11. As discussed earlier in this report, it would be more appropriate for Council not to permit the removal of Condition 94, rather to modify the wording of the condition to be consistent with the RTA's latest requirements for the intersection. In accordance with Section 96 of the Environmental Planning and Assessment Act, 1979, Council, as a consent authority, may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent.

e) the public interest

Intersection works are required to improve the access of people entering the golf course from Pitt Town Bottoms Road, in addition to allowing vehicles to pass and manoeuvre at this intersection towards Pitt Town and Saunders Road. Intersection works still form part of the golf course redevelopment within this modification request and will improve the existing intersection. Having regard to the relevant planning considerations and the matters raised in public submissions, it is concluded that it would be in the public interest to approve the proposed modification to Condition 94 to allow the revised intersection works to physically commence in accordance with the RTA's endorsement.

Stabilisation works at Lynwood

This modification request only relates to the intersection treatment. However, in order for the golf club's remaining 9 holes to open the remaining conditions to be met relate to the stabilisation of Lynwood (a listed heritage building). The club has undertaken some stabilisation work as required by their conservation plan. However, there are a number of key items still to be undertaken. The application was originally approved with 25 items to be completed. There are still a number of items to be completed including stabilisation of walls, roof and interior works. Council requested a progress report to be submitted to indicate when the works would be completed. The progress report indicates that tenders have been commenced but that stabilisation works will not be completed before the intended opening of the remaining 9 holes in December 2009.

For major development projects it is not uncommon for some works (not critical to operation of the development) to be incomplete upon opening of a facility. Accordingly, the applicant, in a letter dated 1 October 2009, has requested Council consider whether the golf club could open with an undertaking relating to the delayed timeframe for completing stabilisation works for the Lynwood homestead. Those discussions are underway and a further report to Council will be provided if a further modification to consent conditions is required. Currently, a modification report has not been lodged.

Conclusion

Further intersection works will commence in the future as per the conditions of consent pertaining to DA0557/06 to upgrade several other intersections along Pitt Town Road, including the intersection of Pitt Town Bottoms Road and Pitt Town, subject to this modification request.

The revised scope of works considered under this modification application have been endorsed by the RTA in principle and will improve the intersection of Pitt Town Bottoms Road and Pitt Town Road. The intersection works will allow vehicles travelling north approaching the golf course to enter a left hand deceleration lane, thus permitting following vehicles to pass unobstructed towards Pitt Town improving traffic flow.

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The modification request to delete the condition is not able to be supported but a modified condition is proposed to achieve the same intent as proposed by the applicant, i.e., to enable the RTA's requirements to be met and the intersection design to be modified.

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 request to modify the consent relating to DA1150/04 be approved subject to Condition 94 being modified to read:

94. A left turn deceleration lane is to be provided from Pitt Town Road to Pitt Town Bottoms Road to access the golf club. A design plan shall be submitted to the Roads and Traffic Authority for review and acceptance prior to the operation of the remaining 9 holes of the golf course.

ATTACHMENTS:

AT - 1 Location Plan

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Meeting Date: 13 October 2009

AT - 1 Location Plan

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

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Meeting Date: 13 October 2009

Item: 219 **CP - Conversion of Hawkesbury Local Environmental Plan 1989 to NSW Government' Standard Local Environmental Plan- Progress Report - (95498)**

Previous Item: 201, Ordinary (29 September 2009)

REPORT:

Introduction

The purpose of this report is to update Council on the progress of the conversion of Hawkesbury Local Environmental Plan 1989 (HELP 1989) to the NSW State Government Standard Instrument. This matter was last reported to Council on 11 December 2007 and since then further amendments have been made to the draft plan as a result of discussion and directions from the Department of Planning (DoP) and other government authorities.

The latest version of the draft plan [known as Draft Hawkesbury Local Environmental Plan 2009 (DHLEP 2009)] has been submitted to DoP and it is expected that DoP will shortly provide Council with permission to exhibit the draft plan.

This report outlines the major changes to DHLEP 2009 since it was last reported to Council.

This report was considered by Council at the Ordinary Meeting of 29 September 2009 where the following resolution was made:

"That the matter be deferred to the Councillor Briefing Session on 6 October 2009."

The report content was discussed at the Briefing Session on 6 October 2009 and the report is now referred to Council for reconsideration.

Addition of Waterway zones and E4 Environmental Living zone

In previous reports to Council it was advised that the Hawkesbury River would be unzoned as per its current unzoned status. Following subsequent direction from DoP, the Hawkesbury River upstream of the Windsor Bridge is proposed to be zoned W1 Natural Waterway and downstream of the Windsor Bridge is proposed to be zoned W2 Recreational Waterway. This is not expected to have a significant effect on the uses permitted as the approval process will remain essentially the same. The advantage to the River being zoned is that it will give some certainty as to what uses are permitted in the River.

In April 2009 DoP released a LEP Practice Note providing guidance on the use of Environment Protection zones. As a result land which is currently zoned Environmental Protection- Mixed Agriculture (Scenic) and the 7(d) Environmental Protection (Scenic) that was proposed to be zoned RU2 Rural Landscape is now proposed to be zoned E4 Environmental Living. The Environmental Protection- Mixed Agriculture (Scenic) zone is generally located along the Hawkesbury River downstream of its confluence with the Colo River, at Mountain Lagoon, within the Colo River, Webbs Creek and MacDonald River valleys, and part of the Blue Mountains Eastern Escarpment land extending from the Grose River in the south to "The Islands" in the north. As this process is a conversion, whilst the zone names change there is little or no change to the uses permitted in those zones.

An updated simplified zoned conversion table is attached to this report.

Amendments to Exempt and Complying Development

As a result of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and further direction from DoP the exempt of complying schedule have been amended. The major changes have been the deletion from the schedules of the exempt and complying developments that are also mentioned in the SEPP and the inclusion of complying development conditions of consent.

Deletion of HLEP 1989 and insertion of new Flood Clause

DoP have directed that Clause 25 Development of Flood Liable Land in HLEP 1989 not be carried over to the draft plan. Instead a model flood planning clause is to be included in the plan. The model clause is attached to this report. It is proposed that the development controls currently in Clause 25 will be transferred into the Hawkesbury Development Control Plan 2002 or as a policy of Council pending the completion of the *Floodplain Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury Local Government Area*.

Challenge to "Lot Averaging" Subdivision Provisions

DoP have requested that the transfer of the current "lot averaging" subdivision provision contained within Clauses 11 and 41AA of HLEP 1989 be reconsidered because they have advised that that "lot averaging" provisions are only to apply to lands that are within the Environment Protection zones.

The current "lot averaging" subdivision provisions apply to certain Mixed Agriculture and Rural Living zoned land throughout the City and parts of the Rural Housing zone at Pitt Town. In the conversion these lands are proposed to be zoned RU1 Primary Production zone, RU4 Rural Small Holdings zone and Large Lot Residential.

Council staff have responded to DoP by stating that the Environment Protection zones are not suitable for these lands. Further argument, regarding the benefit of retaining the current "lot averaging" subdivisions has also been provided to the Department. Essentially, it is argued that the retention of the "lot averaging" provisions in the localities nominated provide for flexible controls that do not increase the lot yield of a property, but allow for the design of the subdivision to retain areas of environmental importance. DoP are currently considering this response.

Clauses not permitted to be carried over into DHLEP 2009

DoP have directed that the clauses listed below cannot be carried over to DHLEP 2009 because these clauses introduce a prohibition or permissible land use outside of the Land Use Table, are matters which are dealt with in other legislation (e.g. another Act, SEPP), are outdated, can be dealt with as a matter for consideration under Section 79(c) of the *Environmental Planning and Assessment Act 1979*, or are of a minor nature. Accordingly, no objection is raised to DoP's direction.

- Clause 22 Development fronting a main or arterial road
- Clause 24 Development in certain environmental and other zones
- Clause 33B Certain development in the vicinity of the Richmond Railway Station
- Clause 35 Bush rock removal
- Clause 38 Community use of school facilities and sites
- Clause 39 Carrying out of development specified in Schedule 4
- Clause 40A Certain development at Windsor and Bosworth Streets, Richmond
- Clause 40AA Vehicular access - Windsor Street, Richmond
- Clause 40B Use of tyres for landfill prohibited
- Clause 41A Certain development at Comleroy Road, Kurrajong - subclause (6)
- Clause 41AA Certain development in the Grose Wold area - sub clause (5)
- Clause 41B Development of land at Nos 34-36 Macquarie Street, Windsor
- Clause 43 Rural tourist facilities and educational establishments
- Clause 43A Poultry farms and piggeries in Rural Living zone
- Clause 45 Prohibited signs
- Clause 46 Erection of dwellings in industrial zones
- Clause 51 Service shops in industrial zones
- Clause 52 Development for the purpose of certain commercial premises or shops on land within the Zone No 3(b)
- Clause 53 Recreation areas on land classified as community land

Temporary Use of Land Clause

DoP have advised a temporary use of land clause is to be included in the draft instrument. The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. The clause allows for the granting of consent for any development on land in any zone for a temporary purpose for a maximum period of [*Council to insert number*] (whether or not consecutive days) in any period of 12 months.

Development consent must not be granted unless the consent authority is satisfied that:

- (a) the temporary use will not prejudice the subsequent carrying out of development on the land, and
- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
- (d) at the end of the temporary use period the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

The temporary use of a dwelling as a sales office for a new release area or housing estate may exceed the nominated number of days in any period of 12 months.

A period of 14 days has been nominated by Council staff for this clause.

Deletion of wetland zone at McGraths Hill

The proposed zoning of the "wetland" north of the McGraths Hill Sewerage Treatment Plant (STP) has been reconsidered. This "wetland" is made up of a series of effluent treatment ponds and a natural wetland. The natural wetland is zoned 7(a) Environmental Protection (Wetlands) under HLEP 1989 and is identified as wetland number 143 under *Sydney Regional Environmental Plan No. 20 (No.2 - 1997)*. This "wetland" was previously proposed to be zoned E2 Environmental Conservation in accordance with the proposed zone for other wetlands.

The land form of this area has been modified many years ago in order to utilise the natural wetland and surrounding low lying areas as a polishing basin for treated effluent from the McGraths Hill STP prior to discharge into South Creek. The polishing basin performs an important role by removing nutrients from the discharged treated effluent. It is considered that it is not appropriate that this land be zoned E2 as it would preclude works for sewerage system purposes. Accordingly the land is now proposed to be zoned the adjoining zone of RU4 Rural Small Holdings.

It is considered that appropriate protection of this wetland will still be afforded by the relevant provisions of *Sydney Regional Environmental Plan No. 20 (No.2 - 1997)* and *Threatened Species Conservation Act 1995* and therefore it is considered that this zone change will not adversely affect the wetland. It should also be noted that the land is not under any threat from development due to the location of the STP and the fact that the site is flood prone.

Conclusion

As stated at the beginning of the report it is anticipated that the DoP will soon issue Council with permission to exhibit the plan. It is hoped that this permission will be provided to enable exhibition to commence prior to Christmas. In a previous report to Council it had been suggested that the exhibition period would be approximately 2 months. It is considered that this timeframe is still appropriate however if the exhibition period extends over the Christmas/January holidays the exhibition period could be extended.

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Conformance to Strategic Plan

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

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

Funding

There is no budget implication as funding for the conversion has been provided by the Department of Planning

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. Council endorse the proposed changes to the LEP as detailed in this report to enable public exhibition of the draft LEP.
2. Council advise the Department of Planning that it strongly supports the retention of the "lot averaging" provisions in the LEP as this provides for flexibility in retaining areas of environmental significance whilst not increasing or decreasing the development yield of the affected lands.
3. Upon receipt of permission from the Department of Planning to exhibit the Draft Hawkesbury Local Environmental Plan 2009, the Plan be exhibited for a period of not less than 60 days and that if this period includes the Christmas/January holidays the exhibition period be appropriately extended.

ATTACHMENTS:

AT - 1 Zone Conversion Table

AT - 2 Proposed Flood Clause

ORDINARY MEETING**Meeting Date:** 13 October 2009**AT - 1 Zone Conversion Table****Hawkesbury Local Environmental Plan 1989 General Zone Conversion Table**

The table below shows how zones within the current HLEP 1989 have been converted into the Standard Instrument zones.

Symbol	HLEP 1989 Zone	Symbol	Standard Instrument Zone
MA	Mixed Agriculture	RU1	Primary Production
MA	Mixed Agriculture at Nepean Park	R5	Large Lot Residential
RL	Rural Living excluding Windsor Downs	RU4	Rural Small Holdings
RL	Rural Living at Windsor Downs	R5	Large Lot Residential
RV	Rural Village	RU5	Village
CL	Consolidated Land Holdings	RU4	Rural Small Holdings (with large minimum lot size)
H	Housing	R2	Low Density Residential
MU	Multi-Unit Housing	R3	Medium Density Residential
MU	Multi-Unit Housing (with cross hatching)	R1	General Residential
RH	Rural Housing at Pitt Town	R5	Large Lot Residential
3A	Business General	B1	Neighbourhood Centre
		B2	Local Centre (Richmond 3(a) and Windsor 3(a))
3B	Business Special	B6	Enterprise Corridor
4A	Industry General	IN1	General Industrial
4B	Industry Light	IN2	Light Industrial
5A	Special Uses "A"	SPI	Special Activities (Designated Use) &
		SP2	Infrastructure (Designated Use)
5B	Special Uses (Railways)	SP2	Infrastructure (Railways)
6A	Open space (Existing Recreation)	RE1	Public Recreation
6B	Open space (Proposed Recreation)	RE1	Public Recreation
6C	Open space (Private Recreation)	RE2	Private Recreation
7A	Environmental Protection (Wetlands)	E2	Environmental Conservation
7D	Environmental Protection (Scenic)	E4	Environmental Living
7D	Environmental Protection (Scenic) at Bowen Mountain	RU5	Village

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Symbol	HLEP 1989 Zone	Symbol	Standard Instrument Zone
7D	Environmental Protection (Scenic) at The Islands	R5	Large Lot Residential
EP-MA	Environmental Protection - Mixed Agriculture (Scenic)	E4	Environmental Living
EP-AP	Environmental Protection - Agricultural Protection (Scenic)	RU2	Rural Landscape
7E	Environmental Protection (Consolidated Land Holdings)	E3	Environmental Management
8(a)	Nature Reserve	E1	National Parks and Nature Reserves
9B	Proposed Road (adjoining "Classified Road")	SP2	Infrastructure (Classified Road)
9B	Proposed Road (not adjoining "Classified Road")		Adjoining zone adopted
	Hawkesbury River upstream of Windsor Bridge	W1	Natural Waterway
	Hawkesbury River downstream of Windsor Bridge	W2	Recreational Waterway

AT - 2 Proposed Flood Clause

Flood Planning

- (1) The objectives of this clause are:
 - (a) to maintain the existing flood regime and flow conveyance capacity; and
 - (b) to enable safe occupation and evacuation of land in a flood event; and
 - (c) to avoid significant adverse impacts upon flood behaviour; and
 - (d) to avoid significant adverse effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank/watercourse; and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) This clause applies to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event.
- (3) Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties; and
 - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment; and
 - (c) will enable safe occupation and evacuation of the land; and
 - (d) will not significantly detrimentally affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank/watercourse; and
 - (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding; and
 - (f) if located in a floodway,
 - (i) is compatible with the flow conveyance function of the floodway; and
 - (ii) is compatible with the flood hazard within the floodway.
- (4) In this clause, **floodway** has the same meaning as it has in the Floodplain Development Manual 2005.

oooO END OF REPORT Oooo

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Item: 220 **CP - Draft Hawkesbury Community Strategic Plan - Public Exhibition of Draft Plan - (95498)**

Previous Item: 280, Ordinary (11 December 2007)
 76, Ordinary (29 April 2008)

REPORT:

Introduction

On 31 March 2009 Council considered a report proposing the public exhibition of the Draft Hawkesbury Community Strategic Plan 2010 - 2030 (HCSP) and resolved as follows:

- "1. *The Draft Community Strategic Plan as attached to the report be adopted for public exhibition purposes.*
2. *The public consultation process as outlined in the report be adopted for the purposes of the public exhibition of the Draft Community Strategic Plan subject to the exhibition period being for 12 weeks.*
3. *A further report be submitted to Council at the conclusion of the public exhibition period."*

This report details the exhibition process and the submissions received as a result of the exhibition of the HCSP.

Public Exhibition and Participation

The HCSP was publicly exhibited from 23 April to 20 July 2009 being a period of 12 weeks.

The outcomes of the communication strategy adopted by Council on 31 March 2009 are provided in an attachment to this report. In summary the exhibition of the HCSP included distribution of the HCSP, by newspaper and radio media, advertising, a "Frequently Asked Questions" fact sheet, information available on Council's website, messages on hold, a pro-forma submission form, an enquiries phone number, a telephone answering machine service, a dedicated email address, unmanned physical displays, staffed road shows, community participation forums, notification to Council committees, and Mayoral speeches.

The two main methods by which persons, groups and government agencies could provide comments to Council were directly in the form of a standardised Submission Form, letter, email or phone message, or by way of attending one of three Community Feedback Forums.

Responses Received

This section is divided into two sections, the first summarising submissions received by way of the submission form, letters and emails, the second part of this section summarises the outcomes of the Community Feedback Forums.

Submission Forms, letters and emails

At the time of preparing this report 96 submissions had been received via these methods. This included 56 submissions from the public, 5 submissions from government authorities (DPI - Agriculture, Office of Hawkesbury Nepean, Department of Defence, NSW Fire Brigade, Western Sydney Area Health), 9 submissions from groups such as Hawkesbury Harvest, Heritage Advisory Committee, Environmental Network Group, and 26 from the North Richmond District Community Action Group.

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Of those respondents that provided relevant details in the submissions, the following statistics were obtained:

Gender	Male	Female
Number	47	37

Age Group	12-18	19-34	35-54	55+
Number	2	5	18	36

Suburb	Windsor	Richmond	North Richmond	Grose Vale	Kurrajong	Other
Number	3	4	21	6	12	32

It is clear from the above statistics, and those from the community forums, that there is an over representation of submissions from the age group of 35+, i.e., limited response from youth and working families, as well as a locational over representation from North Richmond and "west of the river" locations. This is possibly due to the perceived development issues that were current at the time of the exhibition of the HCSP. This fact is mentioned not to imply that the submissions received were not of value. Rather, the potential over representation of the comments made in the submissions needs to be carefully weighed when considering changes to the HCSP, as this Strategic Plan is for the whole of the Hawkesbury Local Government Area. Any changes proposed need to consider the wider potential impacts rather than concentration on more localised issues. Localised issues are better catered for in the subsequent Resourcing, Delivery and Operational Plans that are prepared as a result of the HCSP.

Detailed summaries of the submissions are provided as an attachment to this report. The summaries seek to sort the submissions received with respect to overall comments on the HCSP and comments against each vision. For the most part, these summaries are a "word for word" translation of the relevant part of the submission received.

In general terms respondents either stated what they liked about the HCSP, what they disliked or wanted changed, or suggested matters to be considered when the HCSP is implemented. This report will not comment in detail on the implementation suggestions. However, they are provided for the sake of completeness and context and they may be considered in greater detail when various elements and actions of the HCSP are implemented or in the preparation and implementation of the Resourcing Strategy, Delivery Program and Operation Plan which will be prepared after adoption of the HCSP.

Below is a summary of the submissions received:

Summary of Overall Feedback from Submission forms, letters and emails

What respondents liked

Things that respondents like about the HCSP were that Council was showing initiative in preparing the HCSP and engaging the community, and that Council was looking to the future with a "big picture" plan. Some respondents thought the HCSP had a good layout, was easy to understand, was well thought-out, comprehensive, realistic, and achievable.

The accent on conservation of heritage and rural character was liked and there was support for the focus on making provisions for a growing community.

Dislikes or suggested changes

A number of respondents were critical of the HCSP saying that it was vague, full of motherhood statements, of little substance, banal, unimaginative, bureaucratic, ambiguous, weak and not inspirational.

A number of respondents did not understand what terms meant (e.g. goals, measures), how various sections of the HCSP related to each other (e.g. strategies, goals, measures and milestones), how the plan related to Council's previous community survey and other plans of Council and relevant government

agencies, how the HCSP would be implemented and managed, and some thought measures were subjective (e.g. community satisfaction).

Others thought that the HCSP did not adequately express the uniqueness or importance of the Hawkesbury (e.g. heritage, rural character, agricultural significance, tourism potential, environmental and scenic beauty) and thought that the HCSP had the potential for Hawkesbury to be turned into another Sydney suburb.

A major concern was the view that the HCSP lacked detail. Respondents wanted greater attention paid to identification of where growth is to occur (in particular the additional 5000 dwellings and associated infrastructure), impacts of growth on surrounding landholders/occupiers, character of area and environment, the retention of environment and landscape, the costs associated with implementing the HCSP, the proposed new bridge over the Hawkesbury River, the importance of tourism and tourism initiatives, provision of sporting facilities and land for these facilities, community assets, waste and recycling strategies, the future of the RAAF and UWS, promotion of the Hawkesbury Race Club, the rural character of the Hawkesbury and importance of agriculture, and the provision and promotion of recreation.

Suggestions to amend the HCSP included providing a "uniting vision" and incorporation of ecologically sustainability development principles.

Hawkesbury Sports Council was concerned that they had not been consulted prior to the exhibition period.

Public Suggestions for Implementation

In general terms a number of respondents encouraged Council to concentrate on and commit to the things that Council can deliver and there was a view that once the HCSP was adopted, Council needed to monitor action through regular reporting and evaluation.

To do this, respondents encouraged an increase in the number and capabilities of staff, suggested the establishment of specific working groups, and requested that Councillors and staff accept the community's directions.

Respondents also wanted to know how the HCSP would be delivered and who would be responsible for delivery of the HCSP. Some were concerned that the HCSP would be just another strategic plan to be forgotten. References were made to previous plans/strategies of Council such as "*Our City Our Future*" and "*Windsor Master Plan*" with respondents requesting greater incorporation of these plans into the HCSP.

Some respondents were critical that costing had not been mentioned, that the value of volunteers was not recognised and thought that this plan might be used as a way to increase administration and rates. Ongoing consultation with the community was also called for.

Looking After People and Place

What respondents liked about this section

Respondent comments about what they like included "generally well presented", "visionary", "strategies with infrastructure are good", "underpinned by social justice principals", "generally agree but needs more information to give clarity".

A number of respondents emphasised the importance of protecting the Hawkesbury's environmental assets in particular applying sustainability principles to all planning and development.

The respondents highly valued and wanted to preserve and promote the rural landscape and the Hawkesbury's character, commenting that they preferred to retain large acreages and disliked large residential and industrial developments (particularly west of the river).

Respondents also valued the Hawkesbury's history and heritage.

Dislikes or suggested changes

Respondents generally expressed a desire for more details about what will be undertaken and a need to more clearly define how it will be delivered.

Respondents were concerned about the provision of infrastructure and that any growth should be accompanied by the necessary infrastructure and, in areas such as North Richmond, did not believe that the infrastructure was meeting the current demands. Generally, respondents did not support any growth without first ensuring the provision of appropriate infrastructure.

In terms of specific areas, respondents did not support further development west of the Hawkesbury River (particularly the area commonly known as Peels Dairy at North Richmond) due to concerns about the limited capacity of existing roads, bridge, other infrastructure and services, the increased pressure that development would bring on these roads, infrastructure and services, and the impact on Hawkesbury's rural character.

Strong concern was expressed about the impacts of development (again particularly west of the river) on heritage significance and historical character. The desire to retain the Australiana Pioneer Village at Wilberforce was also expressed.

A number of respondents wanted Council to retain, protect and promote agriculture in the Hawkesbury. A number of respondents also wanted more emphasis and better planning for flooding and fire, in particular evacuation planning.

Other matters requiring attention included a greater emphasis on planning for the health services in the area, more focus on sport and recreation, improved public facilities (parks and playgrounds), more services and programs for young people, provision of reticulated sewerage and water, and more focus on education, arts, aged care housing, and community safety.

Specific suggested amendments to the HCSP included:

Directions:

Dot point 1 - Would like to see the word "protect" inserted, i.e. "Be a place where we value and protect the..."

Dot point 4 - Insert " and character" after heritage values.

Include additional direction of "Provide new residential development in appropriate areas"

Strategies

Dot point 4 - include preservation of Australiana Pioneer Village at Wilberforce

Goals

Include additional goal of "To provide additional housing opportunities around existing villages to ensure continued viability"

Public Suggestions for Implementation

In general terms the matters raised in the above section provide Council with a guide as to how to implement the HCSP. This includes:

- ensuring adequate provision and capacity of roads, infrastructure and services to cater for the existing and future population growth
- preservation of agricultural uses and agricultural potential

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- preservation of the rural character and heritage significance of the Hawkesbury
- taking great care in considering development west of the river
- ensuring all sections and needs of the community are catered for

Specific suggestions included:

- possible sites/areas for residential and employment development, including areas other than development west of the river
- support for additional growth around existing major residential centres, complete the heritage study, and restore funding to the Community Heritage Grant Scheme
- educate the community about the value of heritage
- timing of residential land strategy and flood risk management plan and study, these should coincide
- milestone required regarding implementation of Windsor Masterplan

Caring for our environment

What respondents liked about this section

Respondents commented that they thought the "plan has some wonderful statements that need to be fleshed out", commended the planned target to "Achieve 20% reduction in greenhouse gas emission" but emphasised that more needs to be done.

Dislikes or suggested changes

Respondents wanted more details such as a definition of "sustainable", how Council proposed to achieve "an informed community", what was meant by "community satisfaction", how river banks were going to be stabilised, how greenhouse gas emissions were to be reduced by 20%, the threats of climate change, effects of dwindling oil supplies and increased pollution, wasting of resources, decreasing biodiversity and how many people can the Hawkesbury cater for.

In general, greater focus was called for on the environmental benefits of agriculture and agricultural lands, tourism, heritage, river health, scenic beauty and encouragement of environmentally sustainable development and living, monitoring air quality, the environmental impacts of large scale development. More positive and action oriented vision and direction statements were requested.

Respondents wanted to see the river given a higher priority, in particular; weed control, bank erosion, nutrient run-off from farms and overuse of water from the river. The completion of the Mulgrave Treatment Plant was called for.

Some respondents considered that the effectiveness of the Office of the Hawkesbury Nepean should not be used as a measure of river health and that the HCSP should also make reference to the partnership with Hawkesbury-Nepean Catchment Management Authority. It was recommended that measures relating to river health be based on quantifiable outcomes such as water quality parameters, flow, usability of river for swimming, boating etc.

Criticism was received that the HCSP made no mention of threatened species or of the legislation to protect and manage them. It was suggested that

"To identify, protect and manage threatened entities"

should be one of the strategies and that the plan should recognise environmental legislation and contain appropriate goals and measures.

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In terms of biodiversity it was suggested there are numerous strategies already in the public arena prepared by NSW DECC, various catchment management committees, and other agencies, therefore why does Council want to reinvent the wheel.

Suggested goals for inclusion were:

"To have a comprehensive database for items of natural heritage"

with a measure to update this database annually.

Additional measures suggested included:

"Assemble information to allow the establishment of environmental benchmarks"

"A comprehensive census of threatened species, or completing the mapping of native vegetation communities in the LGA"

"Applying for grants to undertake such work"

"Expansion of vegetation"

It was requested that Council develop a policy with respect to noxious weed control and that the plan include a goal:

"To reduce the incidence of noxious weeds in the Hawkesbury"

with a measure of:

"Number of inspections undertaken and /or Noxious Weeds Order issues"

In terms of climate change and greenhouse gases it was suggested that a goal be:

"Investigate and implement carbon locking programs based on good science and on a commercial model"

and that a measure be:

"A carbon locking process is established and locks substantial quantities of carbon from the atmosphere".

Another suggestion was that the proposed "20% reduction on greenhouse gas emission from 1995 baseline" was not enough as the Federal government has set target of 25% reduction below the 2000 levels at the end of this year. It was also requested that an aim should be to achieve carbon neutral status where feasible and concern was raised that the residential development of Peels Dairy, North Richmond would not act to minimise carbon footprint.

Others thought that greenhouse gas emissions were not an issue the Council needed to be a part of.

Other specific amendments to the plan included:

Directions:

Dot point 1 - Insert "protect" to read "value and protect"...

Dot point 2 - Insert "cultural" to read "...our cultural and environmental assets" and insert after eco-systems the words "and rural & cultural landscape."

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Goals:

Include additional goal relating to environmentally sustainable housing

Finally, it was stated that "Council cannot continue to measure community satisfaction with health and environment in dollar terms as it now seems to do".

Public Suggestions for Implementation

This section attracted by far the most number of suggestions. These have been grouped by way of issue and are as follows:

Council and the Community

- the Council needs to be the 'broker' in encouraging relationships between the various communities
- keep talking to the community
- a 20 year plan needs constant revisiting to ensure it reflects the community's needs
- review, change policy and procedures including changing mindset through research and education
- Council to keep accurate and up to date information about the environmental resources of the LGA and keep the community informed about legislative requirements and provide informed and expert advice
- program to encourage communities taking initiatives and pride in street beatification
- environmental education for the community is most important in terms of the environment and this should be done first
- learn from South Australia's environmental care concepts
- inform the community about the Hawkesbury's unique natural and cultural environment and instil pride for what we have.
- Council should increase financial and resource commitment to the environment, include increased natural resource management, bush regeneration, visible and accessible community education program involving urban and rural residents.
- utilise community strengths (i.e. educated residents) to develop a community-leadership-based environmental education program
- Council to lead by example and become a leader in environmental management to demonstrate to other businesses the opportunities that arise from best practice environmental management & triple bottom line decision making

Development and Zoning

- Council should adhere to ecologically sustainable development (ESD), the precautionary principle of intergenerational equity, and protect and preserve the environment
- any new development must contribute towards maintaining existing ecosystems. Rural residential development requires increased infrastructure, water resource depletion, or loss of agriculture, and must be seriously questioned
- only sustainable land use strategies should be implemented, those that protect the environment, keep the rural identity and preserve the historic built environment

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- where environment would not be compromised some development in hidden valleys and hidden areas should be allowed in environmentally protected areas as the protection is about visual protection and if the area cannot be seen it has no visual impact
- Council to look at new model, for example an Eco-Village, where people live in truly sustainable homes with own power and water and a community garden
- Under 1st goal consider tourism, agriculture, cultural pursuits under the umbrella of a balanced entrepreneurship.
- retention of 10 acre (4 hectare) zoning west of the river to preserve and protect nature, creeks, and waterways
- encourage the agricultural use of small land holdings e.g. 5+ acres (2 + hectares) to increase diversity and viability
- Council to provide advice and support program to assist large landholders to get started and become agricultural producers, system could become self sustaining with the formation of co-op, community gardens and the like
- need a clear definition that supports a green belt policy that sustains existing rural productive land areas and emphasis on jobs and selected development
- more building efficiency required in larger development. Need to be better than BASIX. More solar passive designs, solar hot water on all buildings, correct building alignment on all lots
- no gravel or sand mining on the Hawkesbury River flats

Climate Change and Greenhouse Gas

- need to advertise what we are doing to achieve the 20% reduction on greenhouse. An education program with schools and community groups with regular articles in the Gazette to show progress
- increase provision of public and alternative transport to assist with reduction of greenhouse emissions and encourage car pooling

Solid Waste Management and Recycling

- a volunteer recycling program of waste should be established
- people on acreage to take tree lopping and garden refuse to a community mulching machine, where they could refill their trailer with useful reusable material to enrich the soil. Preferably in the Kurrajong district
- high tip fees encourage residents to dump rubbish in the bush or roadside. If charges are to be maintained for the tip, then it is fair that nominal charges be imposed on some of the discretionary services presently offered free to the community
- need for a supporting framework to ensure waste and recycling systems achieve maximum results
- better recycling /collection techniques
- establish green waste collection
- no fee for dumping of privet and weeds collected by volunteers at South Windsor Waste Management Facility

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- better waste depot recycling required especially separation use of organics and green waste to extend tip life
- suggest investigating possibility of a facility at South Windsor Waste Management Facility which converts high carbon waste material into charcoal through the polarising method for use as a soil improver
- reduce waste by offering reduced fee to people who do not produce much waste

Vegetation Conservation and Weed Management

- consider large scale revegetation for environment and air quality
- Council to stop planting unsuitable street trees
- Council should have some control over local nurseries and disallow unsuitable varieties of plants for sale/distribution
- continued support for bush care group in Charles Kemp Reserve
- emphasise greening the LGA, sustainability, regeneration of degraded areas
- turf farms should be turned into vegetable and fruit farms
- organisations doing tree lopping should be educated in pruning skills and should also be removing weeds
- enlarge the concept of "adopt a road" to include Council support of residents in clearing of roadside weeds
- need weed control program to beautify the area and improve tourist impressions. Community groups could be formed to control or eradicate weeds
- private landholders removing weeds are penalised with tip disposal fee, it should be free. Council is requiring private landholders to remove weeds but it is not doing the same on its land

Character of Area

- due to its character, west of the river should be treated totally different to Richmond etc

Sewage, Water and the River

- more recycling and collection required. South Windsor STP can set a model with planned upgrade. We must use recycled water not just process and dump it
- pump sewage effluent into grassed area through contoured flow and into wetlands, creeks, and rivers
- need to provide sewerage to Heights areas - Bowen Mountains, Kurrajong and Kurmond
- no approvals for any development requiring pump outs
- secure environmental flows from Warragamba Dam, do not like drinking water with treated sewage
- keep the Hawkesbury a beautiful place and use the other councils to keep the river free of pollution

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- encourage and promote installation of residential water storage tanks and the use of recycled water
- landholders on the bank of a creek or river should undergo a bank stabilisation management course and should have covenant to allow regular inspections by Council
- dredge river and use royalty to boost income and improve water flow
- remember area prone to flooding and how it affects people movements
- reduce run-off from turf farms

Plastic bags

- ban the use of plastic bags in shops
- have policies in place similar to South Australia re plastic bag consumption e.g. BYO bags/buy bags
- give incentives to businesses to use compostable bags

Linking the Hawkesbury

What respondents liked about this section

Respondents identified the high importance of transport network for access to jobs, education and services, and wanted adequate resources allocated to achieve the goals.

Respondents identified a desire to replace or upgrade the two bridges over the Hawkesbury River (Windsor and North Richmond) to cater for increasing traffic, further growth west of the river, and to provide access west of the river in times of flood. Respondents support and seek to identify the location and details of the proposed new bridge at upper Hawkesbury River.

There was strong support for the direction relating to well maintained roads and improved public transport and the provision of connected cycle ways and pathways that links to public transport and towns.

Dislikes or suggested changes

Respondents generally were dissatisfied with the current transport service level, and cite that limited transport access constrains residents (particularly the youth) in pursuing or advancing their skills and opportunities offered outside of the Hawkesbury area as well as limiting access to services offered at regional centres, e.g. Penrith.

In general terms respondents cited inadequacy of infrastructure to meet the demands of the current population and were highly concerned about the possibility for improvements that could cater for the current deficiencies and demand created by an additional 5000 dwellings by 2030.

Respondents disliked development west of the river where infrastructure is limited and suggested Council only consider development west of the river in areas where infrastructure and facilities are available. Respondents also highly valued the Hawkesbury's rural character and were concerned about loss of this character due to continued subdivision of rural land west of the river.

With ever reducing government resources some respondents questioned whether Council or the state government can deliver adequate infrastructure and services. In particular respondents questioned the mechanism for achieving an integrated transport network and expressed concern that integrated transport may not be affordable or viable in the Hawkesbury due to its large area.

More specifically respondents expressed concern about increasing morning and afternoon peak hour traffic and congestion between Richmond and North Richmond, and stated that the Bells Line of Road between Kurmond and North Richmond cannot cope with current peak traffic. They are fearful that it would get

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worse with proposed development in the North Richmond and cite that some people are already leaving North Richmond due to traffic problems and they want the traffic issues to be addressed in the plan.

Respondents also mentioned possible negative impacts from the proposed new traffic light installation at Kurrajong such as congestion, accident risk, and noise and air pollution from exhaust due to trucks doing hill stop and start. Respondents also identified traffic congestion in Richmond Road and George Street, South Windsor as problem areas.

Respondents commented that the directions were somewhat repetitive and had the same intent.

Suggestions for two additional directions were received, these are:

"Future residential and commercial development within the Hawkesbury should be designed and planned geographically to minimise impacts on local transport systems allowing easy access to main metropolitan gateways."

"A system of by-pass roads to allow individual communities easy access to the main metropolitan gateways without negatively impacting other community areas, for example, a by-pass road linking Bells Line of Road to Richmond Road around the outskirts south of the Richmond area."

The second goal was criticised for being non-specific, it was suggested that the goals and associated measures be more specific in terms of achieving improvements to the current road system.

Public Suggestions for Implementation

General suggestions for implementation of the HCSP included the following.

- no further development before appropriate transport infrastructure is physically in place and that this infrastructure has the capacity to meet future development requirements
- the focus on maintenance and improvement of local and state roads should be a high priority as well as eliminating bottlenecks and consideration of options for town and village by-pass routes
- focus on improved mass transport service across western Sydney in lieu of greater focus on connection to Sydney CBD
- future transport infrastructure development to maintain the regional and rural character of the Hawkesbury and be consistent with all other appropriate elements of the HCSP
- provision of more cycleways that link towns together as well as developing walking tracks for recreational and tourist attraction
- greater emphasis and linkage between environmentally sustainable housing and provision of infrastructure and services, and provision of roads and infrastructure prior to any new development
- lobbying for infrastructure from others levels of government is unrealistic in the current economic climate and therefore Council must consider Infrastructure Levy in addition to developer contributions via s94 plans

Specific implementation suggestions were as follows.

- investigate and plan for town/village centre by-passes around Windsor, Richmond and North Richmond to enable growth within the town centres
- locate the proposed new bridge around Navua Reserve at Grose Wold in order to relieve peak traffic at North Richmond

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- consider the actual placement and design of a bridge in relation to heritage considerations and impact on the natural and rural landscapes
- Council to pressure City Rail to upgrade and duplicate the rail service, a monorail line between Richmond to Penrith or St Marys, and promotion of alternative transport methods such as car pooling
- upgrading of Macquarie Street and George Street, Blacktown/Richmond Road to a four lane traffic
- build cycle ways around RAAF base linking to main thoroughfares east and west surrounding towns to ensure pedestrian and cyclists safety
- build a pathway/cycleway along Bathurst Street, Pitt Town
- enrich the tourist experience from Windsor to Bilpin by providing quality infrastructure and services sensitive to retaining the rural amenity of the region

Supporting business and local jobs

What respondents liked about this section

Respondents were in favour of the promotion of local jobs as they considered it would retain people in the Hawkesbury, promote growth and encourage investment. Another item liked by respondents was the promotion of tourism and the proposed tourism strategy.

Dislikes or suggested changes

Some respondents considered there was a need to provide a stronger emphasis and promotion of agricultural industries, retention of agricultural lands, tourism and recreation, job benefits of new housing activity.

Greater detail was called for in relation to the type of business and industries Council wanted to encourage, how the towns and villages were going to be made more "vibrant", identification of growth areas and tourist locations, and retention of historical significance.

Specific amendments to the plan included:

Directions:

Dot point 1 - Insert "rural and urban" before "industries" and "agricultural activities" inserted after "industries"

Dot point 3 - Reword to "Rejuvenate town centres, each with its own character that attracts residents, visitors and appropriate businesses"

Other specific suggestions to amend the plan included a strategy and goal to identify and develop suitable industry clusters, a marketing strategy to define rural, urban and agricultural opportunities and attract appropriate industries, develop economic strategy that promotes local industry and local produce in a regional context, provide a timeframe and target for increase in level of visitation.

Public Suggestions for Implementation

General suggestions on how Council could implement the plan included:

- Council considering the provisions of the Department of Planning's Metropolitan Strategy and seeking assistance from WSROC

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- promoting the comparative advantages of the Hawkesbury (e.g. tourism and agriculture) and encourage and support Agri-tourism based businesses
- focusing on supporting existing businesses before attracting new businesses
- businesses to be compatible with the Hawkesbury, no large industries
- providing certainty by showing exactly where any future development is proposed and which agricultural land is to remain
- instil a pride to live in the Hawkesbury
- ensuring the provision of infrastructure to match growth
- greater community consultation (e.g. consultation with local businesses, consultation with individual townships, referendum on major decisions)
- Council decisions to be consistent with plan
- development controls relating to buildings to take into account historical values of the area, promotion of tourism based on the importance of rural history, colonial past and scenic beauty.

More specific implementation suggestions included:

- the need to factor in future of the RAAF and UWS
- lobbying for the RAAF base to be the second Sydney airport
- no "ugly modern shopping centres" in Windsor
- opening up of National Parks
- encourage and provide incentives for food producing agriculture and encourage growing of food instead of turf
- use Council land for food production enterprises
- supporting Hawkesbury Harvest
- encourage the development of the "B&B" concept in conjunction with "Hawkesbury Tourism" and "Farm Gate Trail" to highlight the various agricultural sections of our local economy
- commercial and retail development should be aesthetically, architecturally and environmentally acceptable.

Shaping our Future Together

What respondents liked about this section

Respondent praised Council for encouraging the community and other stakeholders to comment on the plan saying that the plan had been well advertised and made readily accessible. Respondents were in favour of Council seeking a fairer share of tax revenue.

Dislikes or suggested changes

Respondents wanted to see a greater focus on respected leadership and references to governance.

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Greater detail was also called for on financial resources to support to plan and the community satisfaction survey, reduced reliance on rates income, whether there would be an increase in rates and borrowings.

Specific amendments to the plan included:

Directions:

Dot point 4 - Change "infrastructure and environment" to "infrastructure, heritage and natural environment"

Public Suggestions for Implementation

General suggestions for implementing the plan included:

- Council being open and transparent
- Councillors to forget party politics and political aspirations and "get on with the job" with strong leadership
- Council to be less politically based (e.g. introduction of ward system)
- Council to be cautious on what it promises
- Councillors and staff to show respect to community
- Council to educate, consult and involve the whole community by surveys
- establish a resident feedback register, strategic plan taskforce
- greater liaison with UWS, government authorities and industries
- Council should assess areas that need improvement or could run more efficiently
- Council needs to commit to the best option and make it happen
- Council's practice to reflect ideals.

Specific suggestions for implementing the plan included:

- lobbying for funding to improve community services
- support and appreciate the work of volunteers
- every household to pay a levy for privilege of living in the Hawkesbury
- engage community to determine appropriate levels of service
- increase rates
- protect heritage and environmental assets
- maintain and improve infrastructure
- ensure regional tourism does not take away from Hawkesbury identity.

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Milestones

What respondents liked about this section

Respondents were interested in providing input to the Residential Land Strategy, the Employment Lands Strategy, and Masterplans for towns and villages. They endorse environmental education in the community, river protection, recycling and waste management, and support solar and other forms of clean energy.

Dislikes or suggested changes

Respondents are concerned about the Residential Lands Strategy preparation, definition of Hawkesbury's character, bi-annual community survey and the development of Community participation and partnership programmes. They cautioned that the preparation of Residential Lands Strategy should not pre-empt release of green field for urban development and options for increasing in-fill in existing urban/villages should be fully examined and that the flood risk management plan and study should be done concurrently.

Respondents expressed concern that Council is only committing to delivering strategies and integrating principles over the next three years and questions how Council aims to achieve its measures.

Some respondents stated that the milestones are fairly superfluous as it is very broad and general, and that the section reflects the lack of specificity and real direction within the Plan.

Community Feedback Forums

Council engaged Mr John Allen of Allen Management Solutions to conduct the Community Feedback Forums. Three forums were held, two at the North Richmond Community Centre (including one focussed on youth) and one at the Tebbutt Room in the Deerubbin Centre in Windsor. A total of 68 people attended the Forums.

The structure of the Community Feedback Forum and associated feedback form was such that it has enabled statistical analysis of the submissions and hence this section of the report will primarily focus on statistical interpretation of the forum and feedback form. The feedback form did also provide limited opportunity for open ended comment on the HCSP. The comments received are generally consistent with the matters raised in the above section dealing with "Submission Forms, letters and emails".

Not all attendees completed and returned a feedback form, however of those respondents that provided relevant details in their feedback form, the following statistics were obtained:

Gender	Male	Female
Number	24	29

Age Group	12-18	19-34	35-54	55+
Number	19	3	17	17

Suburb	Windsor	Richmond	North Richmond	Grose Vale	Kurrajong	Tennyson	Other
Number	2	5	20	3	5	3	17

Across the 3 Forums the majority of people were from west of the Hawkesbury River. The majority of people from all 3 groups indicated that they were members of a volunteer or community organisation.

As mentioned previously in this report, it can be seen from the statistics that there is a potential for age and locational over representation in the submission comments due to the lack of responses from the 19 – 34 age group and the dominance of attendance from people "west of the river". Again this is not to imply that the submissions received were not of value. Rather, the potential over representation of the comments made in the submissions needs to be carefully weighed when considering changes to the HCSP, as this Strategic Plan is for the whole of the Hawkesbury Local Government Area. Any changes proposed need to

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consider the wider potential impacts rather than concentration on more localised issues. Localised issues are better catered for in the subsequent Resourcing, Delivery and Operational Plans that are prepared as a result of the HCSP.

Allen Management Solutions have provided detailed analysis of the Forums and feedback form. A summary of this analysis is provided below using the same groupings as used in the above "Submission Forms, letters and emails" section.

Overall Feedback

Overall endorsement of direction but desire for more specifics and simpler language.

Concerns in regard to "too much development" and affordability and 'do-ability'.

Roughly half the participants did not record an overall impression, but of those that did, the majority either agreed or strongly agreed with the HCSP.

Participants most liked "being asked" and felt good that the Hawkesbury had a vision / direction.

Participants tended to want more specifics and simpler language. There were some comments resisting any or too much development and asking for better infrastructure and transport.

Participants were generally fairly positive about Council's efforts to consult but expressed some cynicism about affordability and Council's will to follow through.

Looking After People and Place

Participants expressed a strong desire to protect the character and atmosphere of the Hawkesbury. Participants were concerned in regard to infrastructure and over-development.

Over 90% of participants either agreed with or strongly agreed with the vision for People and Place.

Participants most liked the recognition of the history and the rural aspect of the Hawkesbury when considering the vision statement for People and Place.

Over 95% of participants either agreed with or strongly agreed with the following direction statements:

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

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

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

Over 85% of participants either agreed with or strongly agreed with the direction statement:

Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.

About a third of participants had strong reservations / disagreement with the direction statement:

Grow our population to a level that matches the provision of infrastructure and is sympathetic to the environmental and heritage values of the Hawkesbury.

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About a quarter of participants had strong reservations / disagreement with the direction statement:

Have development on both sides of the river supported by appropriate physical and community infrastructure.

Caring for the Environment

Strong support for protecting and repairing environment and for recognising our role / responsibilities in doing so.

Several practical suggestions as to how to help people care for environment.

Nine out of ten participants either agreed with or strongly agreed with the vision for “Caring for Our Environment”.

The vision statement for “Caring for Our Environment” attracted only a few comments, mostly positive endorsements and requests to protect the environment.

About 90% of participants either agreed with or strongly agreed with the following direction statements:

Be a place where we continue to value the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.

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

About 95% of participants either agreed with or strongly agreed with the direction statement:

To look after our environmental assets for future generations so that they too can enjoy and benefit from a clean river and natural eco-systems.

About 85% of participants either agreed with or strongly agreed with the direction statement:

Take active steps to encourage lifestyle choices that minimise our environmental footprint.

Linking the Hawkesbury

Choices will need to be made as to the level of transport linkages for private and public transport but there is an opportunity to involve community in that debate.

Over 80% of participants either agreed with or strongly agreed with the vision for Linking the Hawkesbury.

When considering the vision statement for Linking the Hawkesbury, participants were consistent with earlier surveys in regard to need for better / well maintained roads but also raised issues of public transport and affordability.

About 80% of participants either agreed with or strongly agreed with the direction statement:

Have a comprehensive system of transport connections which link people and products across the Hawkesbury and with surrounding regions.

About 90% of participants either agreed with or strongly agreed with the direction statement:

Be linked by accessible, viable public transport, cycleways and pathways to the major growth and commercial centres within and beyond the Hawkesbury.

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About 85% of participants either agreed with or strongly agreed with the direction statement:

Have a comprehensive system of well maintained local and regional roads to serve the needs of the community.

Over 80% of participants either agreed with or strongly agreed with the direction statement:

Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses.

Supporting business and local jobs

Overall endorsement of Supporting Local Businesses and Jobs. Style of industry and township development needs to be compatible with character.

Over 70% of participants either agreed with or strongly agreed with the vision for Supporting Business & Local Jobs.

Most important consideration for "Supporting Business & Local Jobs" expressed by participants is having economic development that is compatible with Hawkesbury character and atmosphere.

Over 75% of participants either agreed with or strongly agreed with the Direction statement:

Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.

About 80% of participants either agreed with or strongly agreed with the Direction statement:

Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times.

About 85% of participants either agreed with or strongly agreed with the Direction statement:

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

Shaping our Future Together

Majority of community participants wanted to "work together" to Shape Future but this remains an ongoing challenge which everybody will need to work on.

About 70% of participants either agreed with or strongly agreed with the vision for "Shaping Our Future Together".

Participants liked the intent of "Shaping Our Future Together" but several expressed some cynicism at the difficulty of achieving this.

About 80% of participants either agreed with or strongly agreed with the following direction statements:

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

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

Over 80% of participants either agreed with or strongly agreed with the direction statement:

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

Over 90% of participants either agreed with or strongly agreed with the following direction statements:

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

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

Response to submissions and suggested amendments to the HCSP for all submissions

This section seeks to respond to the submissions received by Council and, where considered appropriate, make recommendations to amend the HCSP. An amended text version of the HCSP is attached to this report. The amended version is provided in track changes mode to enable comparison with the exhibited version.

Overall

Community feedback

Key overall issues identified by the community consultation were:

- the lack of detail in the HCSP, how will it be implemented and managed, recognition of Hawkesbury's uniqueness
- how the HCSP relates to other Council and State government plans
- how the various sections of the HCSP relate to each other
- incorporation of sustainability principles
- the need for plain english explanation of terms

Management Response

The HCSP is intended to be a high level strategic plan which, in broad terms, provides a number of visions for what the community would like to see the Hawkesbury look like by 2030. From these visions stem directions, strategies, goals, measures and milestones which seek to provide explanation and implementation of the visions.

It is not the purpose of the HCSP, in itself, to provide the particular specific detail that some respondents have requested and nor is it possible to provide such detail for the rather lengthy 20 year lifespan of the HCSP. The HCSP describes the path Council and the community should follow and in doing so, the specific detail requested by respondents (e.g. location and type of housing and employment growth areas; provision of infrastructure, recreation and community services; defining the character of the Hawkesbury) will be investigated, discussed with the community, funded and implemented in the years to come.

To implement the HCSP, the milestones identify the tasks to be completed in the next 3 years. The 3 year timeframe was chosen as it is a manageable timeframe, it will fit in with the local government election cycle, and is consistent with the recommendations of the NSW Department of Local Government (DLG).

In the following section of this report, the DLG's Draft Integrated Planning and Reporting Legislation and Guideline are discussed. This section of the report briefly explains the DLG's proposed new requirements for Council to have a Community Strategic Plan with accompanying Resourcing Strategy, Delivery Program, and Operational Plan. Many of the respondent requests for greater detail in the HCSP will be included in the Resourcing Strategy, Delivery Program, and Operational Plan which Council will be required to develop in a short period of time, i.e., within this current Council term.

In terms of how the HCSP relates to other Council and State Government plans and how the various sections of the HCSP relate to each other, it is recommended that the "About this Plan" be amended as per the attached revised version. This amended section now makes reference to the DLG's requirements, including the Resourcing Strategy, Delivery Program, and Operational Plan.

To assist with the HCSP being in "plain english", it is recommended that, where appropriate, explanation of terms be provided in the HCSP. Samples of the terms are included as an attachment to this report.

Finally, it is recommended that Council's adopted sustainability principles be included in the HCSP in order to provide further background to the HCSP and assist the community in understanding Council's sustainability responsibilities and use of the term "sustainability" throughout the HCSP.

Looking After People and Place

Community Feedback

It is clear from the community consultation that respondents did not support any growth without first ensuring the provision of appropriate infrastructure and services and they placed a high value on the preservation of Hawkesbury's heritage significance and rural character. These matters primarily relate to the first five (5) Directions of the HCSP.

Management Response

In order to address the concerns of the community and in accordance with the suggestions received to amend the 1st and 4th Directions it is recommended these directions be amended to read as follows: (Note: the amended/new words are underlined for easy identification):

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental and heritage values and character of the Hawkesbury.

The respondent suggestion of an additional direction of "Provide new residential development in appropriate areas" is not recommended for support as good planning practice would dictate this and it is considered that the intent of this suggested direction is catered for in the other directions.

The respondent suggestion of an additional strategy of "Preservation of Australiana Pioneer Village at Wilberforce" is not recommended for support because it is not required due to Council's current Local Environmental Plan already protecting it by way of heritage listing and it is too specific a matter for the HCSP. This issue is specific and has and will be addressed separately by Council.

The 3rd direction should be removed as it is really a sub-set of the 2nd Direction - the type of housing (e.g. rural residential) is too specific for the HCSP and will be investigated through the Residential Land Study to provide a range of housing options that meets the needs of Hawkesbury residents (covered in direction 2).

Similarly, the suggested direction "To provide additional housing opportunities around villages to ensure continued viability" is not recommended for inclusion as this can be considered as part of the Residential Land Study. It should also be noted that this direction is contained in the Department of Planning's North West Subregional Strategy and Council's Strategic direction must be aligned with that of the State Government.

Caring for the Environment***Community Feedback***

The community has shown a very strong affiliation with the local environment through their submissions. Their concerns mainly cover water, waste, climate change, sustainability, biodiversity and keeping the community informed.

Submissions highlighted that the effectiveness of the Office of the Hawkesbury Nepean should not be used as a strategy or a measure of river and natural eco-systems health. It was suggested that the use of quantifiable outcomes to measure the health of river e.g. water quality parameters should be used.

Respondents recognised that Council does not have operational control over a navigable water way such as the Hawkesbury River below Windsor Bridge and it's actions are limited to "support and lobby" of other stakeholders of which the plan should reflect.

There was some concern raised as to what does "sustainability" mean for the Hawkesbury. More importance should be placed on the environment and heritage as these are our assets and should be promoted appropriately through protection and tourism. Rather than duplicating the state objectives a specific goal relating to environmentally sustainable housing and green building guidelines should be achieved. It was also raised that Council buildings should be eco friendly and lead by example.

There was confusion by the respondents why Council was planning to develop a strategy to protect and enhance biodiversity when there is an existing state model strategy that can be used thus preventing the "reinvention of the wheel" and allow resources to be directed to where they could be more useful.

Management response

As per comments made in the preceding "Looking after People and Place" section it is recommended the 1st and 2nd Directions be amended to:

- Be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes
- To look after our cultural and environmental assets for future generations so that they can enjoy and benefit from a clean river and natural eco-systems, rural and cultural landscape

In the 3rd direction:

- Take active steps to encourage lifestyle choices that minimise our environment footprint

the word "environment" should be changed to "ecological", as the carbon footprint only relates to 50% of our overall ecological footprint. Similarly, the word "environmental" in the vision should be replaced with "ecological". Note: carbon footprint only considers net greenhouse gases emitted, whereas ecological footprint is broken into four consumption categories: carbon, goods and services, housing and food. This can also be broken down by ecosystem types or biomes. A biome is a large geographical area of distinctive plant and animal groups, which are adapted to that particular environment.

The 2nd strategy:

- Work with the Office of the Hawkesbury Nepean River and other stakeholders to manage the river and implement strategies including the Hawkesbury Nepean River Health strategy

is considered to be too specific and may exclude a broader approach of protecting all designated waterways. This strategy also does not mention other Authorities, such as the Catchment Management Authority or the like, and should be broadened to cover all existing and possible future Authorities. Accordingly it is recommended the strategy be amended to:-

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- Work in partnership with other stakeholders to protect designated waters

It is recommended that the 3rd, 5th and 6th measures of:

- Effectiveness of The Office of the Hawkesbury Nepean River
- Navigability, safety and usability of waterways
- Stabilisation of river banks

be replaced with:

- Reduced nutrients entering waterways to reduce favourable conditions for aquatic weed growth.
- Stakeholder consultation undertaken for improved navigable, safe and usable waterways
- Improved stabilisation of degraded land and riparian vegetation along river banks

Further it is recommended that the following additional measure be added:

- Designated waterways protected in accordance with Australian and New Zealand Water Guidelines

It is considered that these alternate wordings would ensure that other identified concerns such as drinking water, river stabilisation, point source pollution and protecting water quality are also included. This framework supports the Hawkesbury Nepean River Health Strategy, which was completed with the support of regional stakeholders in 2007 by the Hawkesbury Nepean Catchment Management Authority.

To ensure consistency with these amendments to the strategy and measures it is recommended the first milestone:

- Work with the Office of the Hawkesbury Nepean River and other stakeholders to manage the river.

be amended to:

- Develop partnerships with other stakeholders to manage the Hawkesbury-Nepean River system.

Local government is a key player in the conservation and management of biodiversity and threatened species in NSW. As land use planners, local government is responsible for planning and regulating many of the activities which may impact on biodiversity and threatened species. Councils also manage large areas of public land, much of which contains important biodiversity values. In response to the submissions it is recommended to delete the sixth strategy:

- Develop a strategy to protect and enhance biodiversity

and replace it with:

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

and add a related Milestone:

- Prepare a Natural Asset Policy

The 9th measure refers to a previous, outdated greenhouse gas emission target. The carbon pollution reduction legislation is still in draft form and the targets of this legislation have not been agreed upon. As such, the targets being discussed are variable and quoting a target in the HCSP may result in a target that is inconsistent with the State or Federal targets. It is recommended that the measure be broad enough to accommodate the range of targets currently being discussed and should be amended as follows:

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- Meet or exceed relevant State or Federal Government targets as specified from time to time.

It is recommended to insert a second Measure, under the existing Goal "People are living more sustainably", of:

- Improved environmental sustainability of buildings

and insert a related Milestone of:

- Develop environmentally sustainable building guidelines

Concerns raised about sustainability have been addressed by including the Council adopted eight principles and seven objectives on the back page of the Plan and providing clear definitions on sustainability, sustainable development, and ecological footprint. The principles are the aspirations to reach, with the sustainability objectives explaining how it can be achieved. These were adopted by Council at its meeting dated 29 April 2008, as a guide to inform Council's planning and strategy review. The principles are embedded throughout the document and function as a "check" to demonstrate that Council is working towards achieving a sustainable community.

Linking the Hawkesbury

Community Feedback

It is clear from the responses received, that the community were generally dissatisfied with the current transport service level and accord priority to improvement in provision, capacity and frequency of transport services. The submissions also specifically identified current transport constraints and suggested solutions. Importantly respondents also questioned the mechanism and viability of an integrated transport network in the Hawkesbury and what Council can do on this matter given current economic climate.

Management Response

Public transport provision is the responsibility of the State Government. However, Council and the community have a key role in ensuring the State Government meets the community's needs. Provision of a viable public transport network in the Hawkesbury is a challenge and Council should continue to lobby and liaise with service providers, Ministry of Transport, the community and other stakeholders to advocate for improved transport service in the Hawkesbury, specifically to access major employment and regional centres e.g. Penrith. It is then up to the community to ensure that the services are well patronised to ensure the continued viability of those services.

With particular reference to the duplication of the rail line to Richmond, Council has and should continue to pursue this matter at every opportunity with relevant authorities, and as an interim measure, lobby for increased frequency of rail service during peak hours.

With regards to an integrated transport system, the Ministry of Transport is undertaking City Rail's Windsor and Richmond train station upgrade. The improvement work will facilitate a bus/rail interchange, taxi rank, increased car parking, bus shelter, seats, safe pedestrian crossings, disabled access, local access routes to improve walking, cycling, kiss and ride opportunities and improvement to signage, lighting and footpaths. Work at Windsor Station has commenced and is expected to be completed by the end of 2009 and Richmond Station improvement work is currently at design stage.

Community Feedback

Respondents accorded a high priority to maintenance of road condition, and were dissatisfied with current traffic congestion specifically along the Bells Line of Road between Kurmond and Richmond, George Street and Richmond Roads. Suggestion was also made to plan for town and village centre bypass roads to improve traffic flow.

Management Response

Council staff have developed a Draft Road Asset Management Plan and are implementing a long term Infrastructure Renewal Program with existing special rates revenue to restore the ageing and deteriorating condition of the local roads. As will be discussed later in this report, the DLG has prepared a draft bill on Integrated Planning and Reporting and this legislation will further assist Council in strengthening its asset management capability and delivery of a level of service that the community and council can afford and sustain in the long term.

Traffic congestion referred to in the submissions relates primarily to Bells Line of Road, North Richmond Bridge, Richmond Road and George Street in Windsor, which are managed by the Roads and Traffic Authority. Selective safety improvements along the Bells Line of Road is undertaken on an as needed basis (as identified by the RTA), with Council strongly advocating improvements needed to the Blacktown-Richmond Roads and George Street intersection. Council should continue to engage with the relevant State authority and pursue and seek improvements to the North Richmond Bridge and Bells Line of Roads.

Community Feedback

Respondents desired the two existing bridges over the Hawkesbury River, in Windsor and Richmond, be replaced, and strongly supported a bridge across the upper Hawkesbury River.

Management Response

The State Government is already undertaking design work to replace the bridge at Windsor. The alternative new bridge location option plans are currently on public exhibition. Replacement or upgrading of the bridge at North Richmond should continue to be pursued with the State government. Council, and the community, should lobby State and Federal Governments for funding to undertake investigation and provision for a bridge across upper Hawkesbury River.

Community Feedback

Respondents generally disliked development west of the River due to limited capacity of the existing roads, infrastructure and services, wished to maintain the existing rural outlook and the character, and suggested to cater for growth in areas east of the River where infrastructure and services are already available. Respondents also stated that development should not proceed without prior provision of appropriate infrastructure especially the State roads e.g. Bells Line of Road, which is already operating at full capacity.

Management Response

Issues related to development west of the River, identification and retention of rural character and an appropriate infrastructure provision prior to development are identified in the People and Place section of the HCSP and will be addressed in the studies, strategies and further community consultation that will occur as a result of the HCSP. It should be noted that this is also a requirement of the Department of Planning's North West Subregional Strategy.

Council should continue to engage and pursue the Roads and Traffic Authority to carry out road safety and improvement works along the State Roads within the Hawkesbury LGA.

Community Feedback

Respondents generally supported the provision of shared bicycle paths and requested Council consider the provision of paths linking towns and villages.

Management Response

Council should continue to provide shared bicycle paths and is currently developing an access and mobility plan which includes a shared bicycle plan for the Hawkesbury. The routes and action plan outlined in the plan will be considered for implementation in stages in line with Council's funding program and any other external funds.

In summary many of the matters raised rely on Council and the community lobbying for improved transport infrastructure and networks as well as Council ensuring that transport infrastructure under its control is provided, used and funded in a sustainable manner. The HCSP's strategies, goals, measures and milestones identify and provide for such lobbying, provision, usage and funding.

Community Feedback

Two additional directions were proposed by respondents. These are:

- Future residential and commercial development within the Hawkesbury should be designed and planned geographically to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.
- A system of by-pass roads to allow individual communities easy access to the main metropolitan gateways without negatively impacting other community areas, for example, a by-pass road linking Bells Line of Road to Richmond Road around the outskirts south of the Richmond area.

Management Response

The first point noted above is relevant to new development and specifically relates to planning and design of development and is best addressed by an additional Direction in the "People and Place" section.

The second suggestion states a desire to investigate provision of town and village bypass roads to minimise travel times and congestion. It is considered that this matter is too specific for inclusion in this broad, long term Strategy and would require significant public consultation prior to Council adopting a position. It is therefore not recommended for inclusion in the plan. However, it may be something Council will investigate in the future.

Additional Management Comments

It is recommended that the 2nd strategy:

- Develop a hierarchy of roads and long term asset management system

be amended to:

- Develop and implement a sustainable roads asset management system

This change is recommended as it is considered the word "hierarchy" at a strategy level may not be easily understood and may be misconstrued.

To be consistent with this amended strategy, it is recommended that the 2nd milestone be amended to:

- Develop a roads strategy, hierarchy plan and prepare and implement an Asset Management System

Supporting business and local jobs***Community feedback***

Examination of the responses shows a desire for the HCSP to be amended to include:

- a stronger emphasis and promotion of agricultural industries, retention of agricultural lands, tourism and recreation, job benefits of new housing activity
- identification of the businesses and industries Council wants to encourage

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- identification of growth areas and tourist locations
- how the towns and villages were going to be made more "vibrant"
- retention of historical significance

Management Response

The current directions refer to planning for a "range of industries that build on the strengths of the Hawkesbury" and offering an "increased choice and number of local jobs". It is implied in these directions that the comparative advantages of the Hawkesbury, including agricultural industries and tourism opportunities, would be investigated and used to their best advantage. Furthermore, the language used in the directions, and then later in the strategies, goals, measures and milestones was purposely broad so as not to limit or "pigeon hole" future investment, business and employment growth. It should also be noted that the term "Industry" used in the HCSP has the same meaning as defined in the Census. As such, the term incorporates agriculture, tourism, etc. Accordingly, it is not considered necessary to amend the first two directions.

The respondent suggestion to amend the 3rd direction to read "Rejuvenate town centres, each with its own character that attracts residents, visitors and appropriate businesses" is not recommended for support as this direction could be misconstrued that new town centres will not be created and "appropriate" is too subjective.

The respondent suggestions to include a strategy and goal to identify and develop suitable industry clusters, a marketing strategy to define rural, urban and agricultural opportunities and attract appropriate industries, develop economic strategy that promotes local industry and local produce in a regional context is not recommended for support because these are already provided for in the 1st, 2nd and 4th strategies and the 2nd and 3rd goals.

The respondent suggestion to amend the 7th measure to provide a timeframe and target for increase in level of visitation is unnecessary and this will be measured throughout the life of the HCSP and the amount of increase should not be defined or limited by an arbitrary number.

Shaping our Future Together

Community Feedback

Key issues identified in the respondents submissions included;

- a desire for greater focus on respected leadership and references to governance.
- details on financial resources to support to plan
- reduced reliance on rates income and whether there would be an increase in rates and borrowings
- details on the community satisfaction survey.

Management Response

Respected leadership is identified in the second direction and can be implemented and measured by adherence to the HCSP and subsequent Delivery and Operational Plans, and the outcomes of the community survey.

The financial resources to support the plan and the contributions of rates revenue to these actions will be determined by the Resources Strategy required by the DLG.

The community satisfaction survey is the main element of Council's bi-annual community survey and asks residents to rank Council's performance across all operational areas. The survey is run by an independent

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research company and is a random sample survey of Hawkesbury residents. Key strategic areas from the HCSP that require further community consultation will also be included in future community surveys - particularly in the measures that identify 'community satisfaction'.

Community Feedback

Respondent suggested amendments to the HCSP included:

Directions

Dot point 4- Change "infrastructure and environment" to "infrastructure, heritage and natural environment" so direction reads:

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

Management Response

It is recommended that this amendment be supported as it ensures the heritage significance of the Hawkesbury will be considered in relevant decision making processes. The word "natural", however, is not required as "environment" is applicable to both the natural and built environment.

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

The NSW Department of Local Government has introduced a new planning and reporting framework for NSW local government. This reform replaces the former Management Plan and Social Plan with an integrated framework, consisting of a hierarchy of documents which include a long-term Community Strategic Plan, a Resourcing Strategy and a Delivery Program for each elected council term. An Operational Plan is then developed for each year to outline the specific details of Council's activities and the budget and report on the progress of its activities to the community through the Annual Report.

To achieve this objective, the Department of Local Government (DLG) released for public consultation, in May 2009, the Integrated Planning and Reporting Legislation and Guideline Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009, and the Local Government (General) Amendment (Planning and Reporting) Regulation 2009.

The draft legislation is supported by draft Planning and Reporting Guidelines (compliance is mandatory), and a draft Planning and Reporting Manual (supporting information to assist councils).

The Bill was tabled in the NSW Parliament in early July 2009 and is expected to be passed in the upcoming session of Parliament.

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

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

The implementation of the new integrated planning framework is proposed over a three year period.

- Group 1: Community Strategic Plan adopted by 31 March 2010 and Delivery Program adopted by 30 June 2010.
- Group 2: Community Strategic Plan adopted by 31 March 2011 and Delivery Program adopted by 30 June 2011.
- Group 3: Community Strategic Plan adopted by 31 March 2012 and Delivery Program adopted by 30 June 2012.

Councils will be asked to nominate the group they would like to be in after the legislative changes have been passed by Parliament. The DLG have advised (Circular 08-65) that: "It is expected that councils that already have, or are substantially progressing towards having, a strategic plan would be in group 1."

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

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

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

- an annual report outlining achievements against the Delivery program
- a State of the Environment Report as part of the Annual Report, which outlines achievements in relation to the environmental objectives in the Community Strategic Plan
- audited financial statements as part of the Annual Report

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- an end of term report by each outgoing council outlining the achievements in implementing the Community Strategic Plan presented to the final meeting of that council

In view of this impending planning reform, Council has taken proactive steps in preparing a community engagement strategy and developed a draft Hawkesbury Community Strategic Plan (HCSP) 2010-2030.

Council is well placed to embrace and comply with the planning reform requirements. The draft HCSP substantially meets the requirements and intent of the legislative guideline. One area that could be strengthened in the future would be to build capacity within Council and a process to work collaboratively with other State and regional agencies in developing the HCSP and responding to the community aspiration and submissions on infrastructure and services provided by others. Council could also formally contact the Department of Local Government for comment on the compliance of the Plan - given that the release of the Integrated Planning and Reporting Legislation and Guideline Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009, and the Local Government (General) Amendment (Planning and Reporting) Regulation 2009 was in May 2009 (during the consultation period for this Plan).

Conclusion

The draft HCSP was prepared by Councillors, Council staff and members of the community. It has been publicly exhibited and this report has considered the comments of the submissions received and where considered appropriate recommended amendments to the draft HCSP. It is recommended that Council adopt the amended HCSP as attached.

The attached amended HCSP contains the text only and Council is advised that in preparing the document for publication other minor amendments to the HCSP, that do not change the intent or meaning of the Plan, may occur. It is envisaged that these will only be editing and layout issues such as updating of images, selection colour and fonts, positioning of text on the page and correcting any as yet undetected typographical errors.

RECOMMENDATION:

That:

1. Council adopt the amended Hawkesbury Community Strategic Plan as attached to this report.
2. Subject to any necessary minor editing and layout amendments the adopted Hawkesbury Community Strategic Plan be published.

ATTACHMENTS:

AT - 1 Communication Strategy Outcomes (*Distributed under separate cover*)

AT - 2 Detailed summary of submissions (*Distributed under separate cover*)

AT - 3 Amended Hawkesbury Community Strategic Plan text (*Distributed under separate cover*)

AT - 4 Explanation of Terms (*Distributed under separate cover*)

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 221 **SS - Exemption from Rating - 140 Mahons Creek Road, Yarramundi - (92999, 95496)**

REPORT:

An application has been received from Teen Challenge NSW Inc requesting exemption from rating for the property known as 140 Mahons Creek Road, Yarramundi (Lot 2 DP 612226), and Property Number 14838.

Teen Challenge NSW Inc is a public charity and the property is used to offer fulltime residential training programs to equip men between the ages of 16 to 35 with necessary life skills free from addictions and other life controlling problems.

Application for rate exemption is made in accordance with Section 556 (h) of the Local Government Act, 1993 which provides as follows:

"556 - The following land is exempt from all rates, other than water supply special rates and sewerage special rates:

(h) land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purpose of the institution or charity."

In view of the above provision the property is entitled to receive an exemption from rating which should be granted from 1 July 2009, being the beginning of the current rating year.

The rates for 2009/2010 from 1 July 2009 to 30 June 2010 total \$955.17 and will need to be abandoned once the rate exemption is approved.

Conformance to Strategic Plan

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

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City"

Funding

Funding for this proposal will be from the Rates Budget.

RECOMMENDATION:

That:

1. Teen Challenge NSW Inc be granted exemption from rating from 1 July 2009 for the property known as 140 Mahons Creek Road, Yarramundi.
2. An amount of \$955.17 be written off in respect of rates for the period from 1 July 2009 to 30 June 2010.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 222 SS - Exemption from Rating - 7 Grenville Street, Pitt Town - (9050, 95496)

REPORT:

An application has been received from the Pitt Town Anglican Community Church requesting exemption from rating for the property known as 7 Grenville Street, Pitt Town (Lot B DP 154347), and Property Number 3758.

This property, owned by the Anglican Church Property Trust Diocese of Sydney, is now occupied full time by the Assistant Minister.

Application for rate exemption is made in accordance with Section 555 (1)(e)(ii) of the Local Government Act, 1993 which provides as follows:

"555 – What land is exempt from all rates:

(e)(i) land that belongs to a religious body and is occupied and used in connection with;

(ii) a building used or occupied solely as the residence of a minister of religion in connection with any such church or building."

In view of the above provision the property is entitled to an exemption from rating which should be granted from 1 July 2009, being the beginning of the current rating year.

The rates for 2009/2010 from 1 July 2009 to 30 June 2010 total \$1,516.07 and will need to be abandoned once the rate exemption is approved.

Conformance to Strategic Plan

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

"Objective: A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the City"

Funding

Funding for this proposal will be from the Rates Budget.

RECOMMENDATION:

That:

1. Anglican Church Property Trust Diocese of Sydney be granted exemption from rating from 1 July 2009 for the property known as 7 Grenville Street, Pitt Town.
2. An amount of \$1,516.07 be written off in respect of rates for the period from 1 July 2009 to 30 June 2010.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 13 October 2009**Item: 223** **SS - Pecuniary Interest Returns - Councillors and Designated Persons - (79337, 95496)****REPORT:**

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

"450A Register and tabling of returns:

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

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

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

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

Position	Return Date	Date Lodged
Human Resources Officer	6/07/09	23/07/09
Corporate Communications Manager	6/07/09	11/08/09

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

With regard to Section 450A(2) (b), the following Section 449(3) Returns have been lodged.

Councillor	Return Period	Date Lodged
BASSETT, Bart	1/07/08 - 30/06/09	11/8/09
CALVERT, Barry	1/07/08 - 30/06/09	20/8/09
CONOLLY, Kevin	1/07/08 - 30/06/09	28/7/09
MACKAY, Warwick	23/09/08 - 30/06/09	13/8/09
PAINE, Christine	1/07/08 - 30/06/09	25/8/09
PORTER, Bob	1/07/08 - 30/06/09	28/7/09

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Councillor	Return Period	Date Lodged
RASMUSSEN, Paul	1/07/08 - 30/06/09	22/9/09
REARDON, Jill	23/09/08 - 30/06/09	14/7/09
STUBBS, Rex	1/07/08 - 30/06/09	14/7/09
TREE, Tiffany	23/09/08 - 30/06/09	22/9/09
WHELAN, Wayne	23/09/08 - 30/06/09	7/7/09
WILLIAMS, Leigh	1/07/08 - 30/06/09	8/9/09

Position	Return Period	Date Lodged
General Manager	1/07/08 - 30/06/09	5/08/09
Human Resources Manager	1/07/08 - 30/06/09	17/07/09
Corporate Communication Manager	1/07/08 - 30/06/09	27/8/09
Manager Risk Management	1/07/08 - 30/06/09	5/08/09
Senior Strategic Planner	1/07/08 - 30/06/09	1/09/09
Director City Planning	1/07/08 - 30/06/09	27/08/09
Planning Manager	19/1/09 – 30/06/09	28/07/09
Senior Strategic Co-ordinator	1/07/08 - 30/06/09	21/08/09
Senior Strategic Planner	1/07/08 - 30/06/09	24/08/09
Senior Strategic Planner	1/07/08 - 30/06/09	17/07/09
Senior Strategic Planner	1/07/08 - 30/06/09	7/09/09
Subdivision & Development Engineer	1/07/08 - 30/06/09	30/07/09
Subdivision & Development Engineer	1/07/08 - 30/06/09	07/09/09
Town Planning Co-ordinator	1/07/08 - 30/06/09	23/09/09
Town Planner	1/07/08 - 30/06/09	23/09/09
Town Planner	1/07/08 - 30/06/09	17/07/09
Building Co-ordinator	1/07/08 - 30/06/09	10/08/09
Building & Development Officer	19/01/09 - 30/06/09	6/08/09
Building & Development Officer	1/07/08 - 30/06/09	5/08/09
Executive Manager - Community Partnerships	1/07/08 - 30/06/09	18/08/09
Service Manager (Child, Family & Youth Services)	1/07/08 - 30/06/09	7/09/09
Manager Regulatory Services	1/07/08 - 30/06/09	17/07/09
Senior Environmental Health Officer	17/11/08 - 30/06/09	7/09/09
Environmental Health Officer	1/07/08 - 30/06/09	8/09/09
Environmental Health Officer	1/07/08 - 30/06/09	22/09/09
Environmental Health Officer	1/07/08 - 30/06/09	1/09/09
Environmental Health Officer	1/07/08 - 30/06/09	31/08/09
Companion Animals Team Leader	1/07/08 - 30/06/09	31/07/09
Companion Animals Controller	1/07/08 - 30/06/09	24/07/09
Companion Animals Controller	1/07/08 - 30/06/09	24/07/09
Administration Officer	1/07/08 - 30/06/09	24/07/09
Compliance & Enforcement Co-ordinator	1/07/08 - 30/06/09	24/07/09

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Position	Return Period	Date Lodged
Compliance & Enforcement Officer	1/07/08 - 30/06/09	5/08/09
Compliance & Enforcement Officer	1/07/08 - 30/06/09	03/08/09
Parking Patrol Officer	1/07/08 - 30/06/09	23/09/09
Parking Patrol & Compliance Officer	16/02/09 - 30/06/09	29/07/09
Parking Patrol & Compliance Officer	1/07/08 - 30/06/09	10/08/09
Director Infrastructure Services	1/07/08 - 30/06/09	23/07/09
Manager Building Services	1/07/08 - 30/06/09	11/09/09
Building Services Officer	1/07/08 - 30/06/09	10/08/09
Building Services Officer	1/07/08 - 30/06/09	7/09/09
Building Services Officer	1/07/08 - 30/06/09	7/09/09
Manager Construction & Maintenance	1/07/08 - 30/06/09	18/08/09
Construction / Maintenance Engineer	1/07/08 - 30/06/09	26/08/09
Manager Parks & Recreation	1/07/08 - 30/06/09	20/07/09
Land Management Officer	1/07/08 - 30/06/09	23/9/09
Project Officer	8/07/08 – 30/06/09	24/07/09
Parks Foreman	1/07/08 - 30/06/09	8/09/09
Manager Water & Waste Management	1/07/08 - 30/06/09	29/07/09
Waste Management Officer	1/07/08 - 30/06/09	23/09/09
Manager Design & Mapping Services	1/07/08 - 30/06/09	7/08/09
Design Investigation/Project Engineer	1/07/08 - 30/06/09	28/07/09
Project Engineer	1/07/08 - 30/06/09	24/09/09
GIS Co-Ordinator	1/07/08 - 30/06/09	18/08/09
Director Support Services	1/07/08 - 30/06/09	20/08/09
Manager Corporate Services & Governance	1/07/08 - 30/06/09	17/07/09
Senior Property Officer	1/07/08 - 30/06/09	20/07/09
Property Officer	1/07/08 - 30/06/09	16/07/09
Publishing Manager	1/07/08 - 30/06/09	17/07/09
Chief Financial Officer	1/07/08 - 30/06/09	22/07/09
Senior Financial Accountant	1/07/08 - 30/06/09	12/08/09
Senior Management Accountant	1/07/08 - 30/06/09	17/07/09
Rates Team Leader	1/07/08 - 30/06/09	29/07/09
Supply Co-ordinator	1/07/08 - 30/06/09	17/07/09
Administration Officer (Purchasing)	1/07/08 - 30/06/09	4/08/09
Administration Officer (Purchasing)	1/07/08 - 30/06/09	10/09/09
Database and Systems Administrator	8/07/08 - 30/06/09	21/07/09
Senior Network Administrator	8/07/08 - 30/06/09	23/09/09
Manager Cultural Services	1/07/08 - 30/06/09	30/07/09
Information & Lending Services Librarian	1/07/08 - 30/06/09	8/09/09
Local Studies & Outreach Librarian	1/07/08 - 30/06/09	19/08/09
Museum & Gallery Director	1/07/08 - 30/06/09	8/09/09

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All Councillors and Designated Persons have lodged their Section 449(3) Returns prior to the due date of 30 September 2009 as required by the Act for the receipt of the Returns.

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

Conformance to Strategic Plan

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

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

Funding

Not applicable.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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