



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 26 May 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 Extra-ordinary 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.

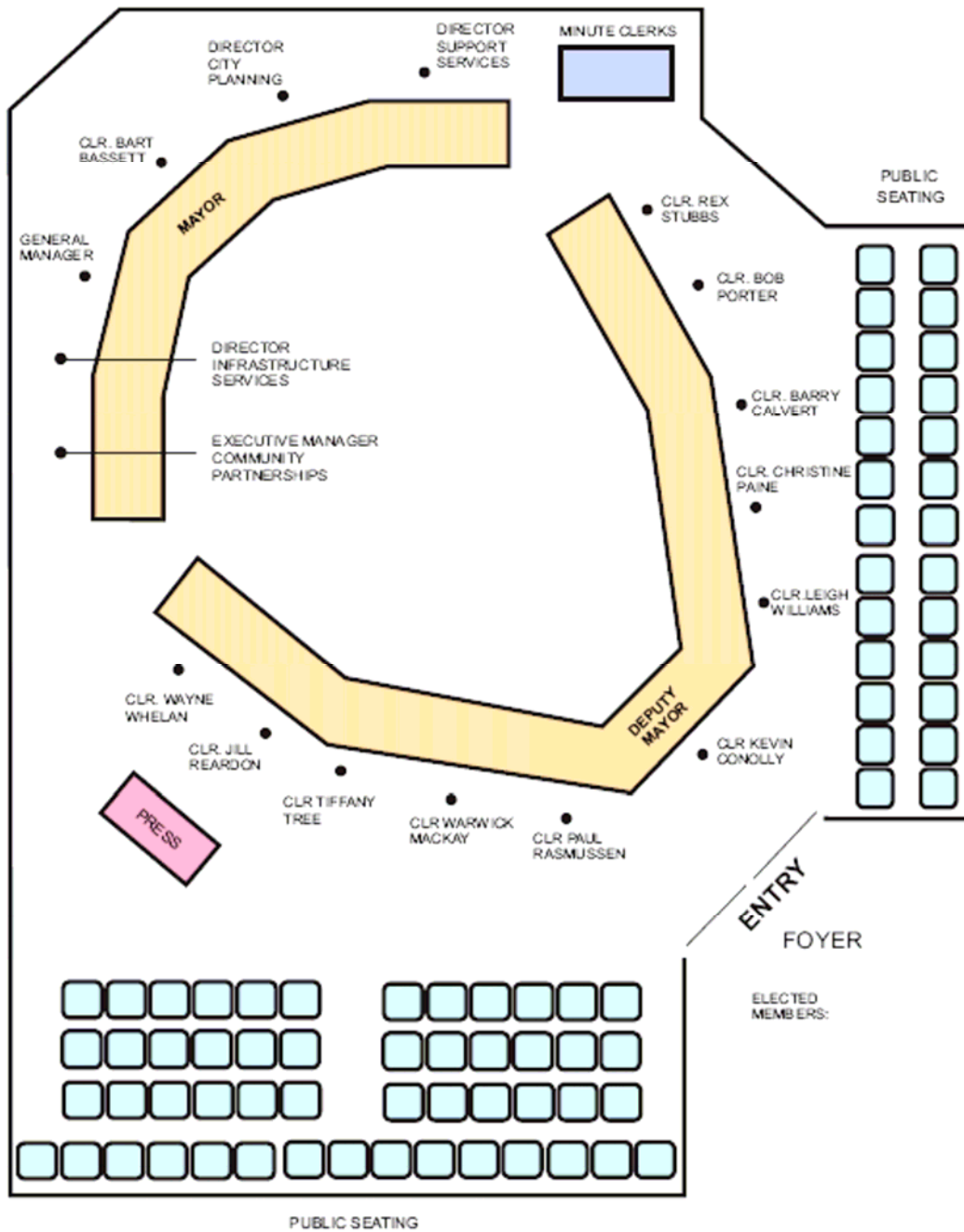
Website

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.

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 101 **CP - Development Application - Subdivision - 3 Duke Road, Wilberforce - (DA0710/08, 95498, 102260, 36025, 36026)**

Development Information

Applicant: Montgomery Planning Solutions
Applicants Rep: Montgomery Planning Solutions
Owner: M G M Pellew and Mrs D K Pellew
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 3,856m²
Zone: Housing
Advertising: 1 October 2008 to 15 October 2008
Date Received: 23 September 2008

Key Issues:

- ◆ Inconsistency with Hawkesbury Local Environmental Plan 1989
- ◆ Objection under State Environmental Planning Policy No. 1
- ◆ Flooding
- ◆ Effluent Disposal
- ◆ Amenity

Recommendation: Refusal

REPORT:

Description of Proposal

The application seeks approval to subdivide the land described as Lot 15 DP 843883, comprising an area of 3856m², into two lots with the following attributes:

Proposed Lot 151 2156m² (approx) - is rectangular in shape with an approximate dimensions of 60m X 44m and contains an existing dwelling house which is to be retained.

Proposed Lot 152 1700m² (approx) - (1485m² excluding the access handle) - is also a rectangular allotment with an approximate dimensions of 47m X 31m with an access handle between 5m and 8m wide and 30m long off Duke Road.

The application includes an "ECOMAX" wastewater treatment system for proposed Lot 152. This is to be located along the north western boundary of the proposed lot.

The site is located at the end of the cul-de-sac on the western side of Duke Road, Wilberforce. The subject site adjoins a concrete drainage channel to the north-eastern boundary. The subject land is flood prone and the site levels vary from 12.9 metre - 14.4 metre AHD. The locality is characterised by low density development with a mix of single and two storey dwellings adjoining the site.

The proposal includes the filling of the building envelope, as shown on the submitted plans, to a level of 14.9m AHD.

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History

A previous subdivision approval (DA0049/93) created the subject land and one other lot. DA0049/93 was originally for three lots but, due to flooding, difficulties providing a building platform and poor amenity, the proposal was revised to two lots.

Development Application DA0052/07, from the same current applicant was received on 31 January 2007 and sought consent for the subject subdivision. This application was refused on 20 July 2007 under delegated authority for the following reasons:

1. The proposed development is inconsistent with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
2. The proposed subdivision fails to comply with the minimum allotment size of 4000sqm as required under Clause 12(3) of Hawkesbury Local Environmental Plan 1989.
3. The proposed subdivision fails to comply with Clause 25(2) of Hawkesbury local Environmental Plan 1989 relating to development of flood liable land.
4. The site is unsuitable for the proposed development due to the impact of flooding.
5. The design of the proposed development will not provide an acceptable level of amenity for future residents.
6. The proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
7. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D Chapter 1., Residential Clause 1.18 - Effluent Disposal, Part D Chapter 3, Subdivision Clause 3.6 -Flooding, Landslip & Contaminated Land, Part D Chapter 3., Subdivision Clause 3.7.5 - Lot Size and Shape.
8. The development application does not demonstrate whether the site is suitable for the disposal of effluent generated by the proposed development.
9. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties due to filling required on the land and privacy and solar access issues associated with the future construction of any buildings on proposed Lot 152.

No appeal was lodged. However, a s.82A review request was received but not able to be considered within the timeframe allowed under the provisions of s.82A of the Environmental Planning and Assessment Act, 1979. Hence the current development application has been re-lodged.

Issues Relevant to the Decision

- Inconsistent with Hawkesbury Local Environmental Plan 1989
- Objection under State Environmental Planning Policy No. 1
- Flooding
- Effluent Disposal
- Amenity

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No 20
Hawkesbury Development Control Plan
State Environmental Planning Policy No. 1

Section 79C Matters for Consideration

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

a. The provisions of any:

i. Environmental Planning Instrument:

The relevant Environmental Planning Instruments are considered below:

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 proposal does not achieve compliance with general aims and objectives of the LEP 1989 as:

- The proposed subdivision does not represent orderly development of land due to the physical constraints affecting the land and non compliance with the minimum lot area requirements as stipulated in Hawkesbury Local Environmental Plan 1989.
- The subject land is flood prone, being affected by the 1 in 100 year flood regime and adjoins an open, concrete stormwater drain. The existing natural ground levels are such that substantial filling will be required to achieve a building platform for any future dwelling. The flood affectation together with the proximity to the adjoining drain will affect the quality of living on the proposed new lot and therefore the objective of the plan is not satisfied.
- The proposed subdivision has the potential to impact adversely on water quality within the adjoining drainage channel due to excessive fill and onsite effluent disposal. Filling of the land has potential to adversely impact adjoining properties with respect to drainage and flooding impacts. A loss of amenity of the adjoining neighbours may result due to loss of privacy and overshadowing from the location of any future buildings within the proposed building envelope area.

Clause 9 - Carrying out of development

The subject property is zoned Housing under Hawkesbury Local Environmental Plan 1989. Subdivision is permissible with the consent of Council.

Clause 9A - Zone objectives

The proposed development is considered to be inconsistent with the objectives of the Housing zone as follows:

- The allotments resulting from the proposed subdivision will provide for low density housing. However, physical constraints including flooding, natural ground levels and excessive filling required to achieve a building area will impact adversely on the amenity of future residents and that of the adjoining properties.
- The proposed additional allotment would require excessive filling of the land which may be detrimental to the existing amenity of the neighbouring properties.
- The proposed development, due to flooding and filling required for the additional allotment, is considered to be contrary to the natural amenity and ecological processes of the area.

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- Water is available in the locality and Sydney Water is responsible for the supply. The subject land is not connected to a reticulated sewer system and therefore relies on an onsite effluent disposal system. Hawkesbury Local Environmental Plan 1989 requires a minimum 4,000m² allotment size for any subdivision to ensure that onsite effluent disposal on the land is sustainable. The proposed allotments are approximately 1485m² and 2100m² in area and onsite effluent disposal, whilst possible in the short term, is not sustainable in the long run.

Clause 12 - Residential Subdivision - General Provisions

The subject land is zoned Housing and the land is not serviced by a reticulated sewerage system. Therefore, under the provisions of the HELP, any proposed allotment that is to contain a dwelling is not to be less than 4,000m². The proposed allotments are approximately 2156m² and 1485m² (internal lot) and therefore do not comply. An objection under State Environmental Planning policy No. 1 has been submitted in respect to the variation of the proposed lots from the minimum allotment size requirement. This objection is not supported and is discussed further in the Report.

Clause 18 - Provision of Water, Sewerage etc. Services

Clause 18 requires Council to be satisfied that adequate utilities and services are available to the site. The site is not connected to reticulated sewerage. The application is accompanied by a report in respect to onsite disposal of wastewater, which suggests that wastewater disposal can be achieved. However, this report does not provide adequate details in respect to the effects of filling of the land on the proposed disposal area or the effects of localised flooding from the swale on wastewater disposal.

Clause 25 - Development of Flood Liable Land

The proposal involves the subdivision of land within the flood plain. The predicted 1 in 100 flood level for the locality is 17.3m AHD. Clause 25 (2) prohibits the erection of a building on land lying at a level lower than three metres below the 1-in-100 year flood level for the area. The survey details provided in conjunction with the application indicates that the levels of the new building envelope vary between 12.9m and 14.4m AHD. The proposed Lot 152 does not contain a suitable building platform at or above 14.3m AHD and would require filling to achieve the required levels. The application proposes the filling of the land within the proposed building envelope to a level of 14.9m AHD. The access driveway to the proposed dwelling will also require substantial filling. The filling of the land is not supported as the application does not provide adequate details demonstrating that such filling will not have an adverse impact on the drainage of adjoining properties or on the nature of flooding in the locality.

The subject application therefore fails to satisfy the requirements contained in Clause 25 (2).

In regard to the above it is also noted that:

- details of the full extent of filling is not shown on the plan (including batters);
- access to the proposed dwelling is on land below the 1 in 20 year flood level of 13.6m AHD.
- information regarding the potential for local flooding from the adjoining drainage swale is not known; and
- the filling of the flood plain is considered undesirable as it reduces the available flood storage and may increase impacts on surrounding properties.

A report with respect to localised flooding from the adjacent drainage channel was submitted with the application. However, that Report is not satisfactory, as its primary consideration is the effluent disposal area, and the Report does not consider the impacts the proposed filling will have on the adjoining properties.

State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)

An objection under State Environmental Planning Policy No. 1 was lodged in respect to the minimum allotment size requirement for land zoned Housing and not connected to reticulated sewerage. The grounds for objection are:

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1. *The land is zoned Housing. Subdivision is permissible with consent.*
2. *The proposed vacant allotment is 1700m². The site layout plan demonstrates that there is sufficient room for the erection of a dwelling and effluent disposal, with sufficient flexibility for orientation and design of the dwelling.*
3. *The standard in Clause 12(3) is based on an average situation with a conventional aerated treatment system. Whereas the wastewater feasibility report attached to the development application demonstrates that onsite effluent disposal on this site is acceptable with a mound type system.*
4. *The proposed vacant allotment and the allotment containing the existing dwelling comply with the requirements of the subdivision chapter of Hawkesbury Development Control Plan.*
5. *The proposed development will provide the opportunity for the construction of one additional dwelling. Although the land is affected by the 1-in-100 year flood from Hawkesbury River, there are a number of properties in the immediate locality which are similarly affected. The subject land has a rising access which reaches a level higher than the 1-in-100 year approximately 60 metres from the road access to the subject land.*
6. *It is submitted that the proposal will create no additional impact, given that all surrounding properties are developed for residential dwellings.*
7. *The proposal will result in a residential density on the land of 1 dwelling per 2000m² (approx), which is almost half that of adjoining properties. This is demonstrated in the map on the following page.*
8. *With a rising access for evacuation, it is considered that the subject land is more suitable for residential development than some of the properties which have frontage to King Road. The following contour map demonstrates this.*
9. *Detached dual occupancy is permissible with consent on the current land parcel. Should this occur, then subdivision would be permissible in the proposed configuration under the provisions of clause 12(6) of HLEP 1989, notwithstanding the minimum allotment size contained within Clause 12(3).*

Assessment of Applicants' SEPP 1 Objection

The main objective of the standard in Hawkesbury Local Environmental Plan 1989 is to provide a suitable area for residential development relying on onsite effluent disposal. An allotment size of 4,000m² was deemed to be the minimum in which a range of onsite disposal systems could be installed and operated in conjunction with a dwelling house and ancillary structures. This lot size allows for flexibility in the types of systems and their locations, and ensures, that should a system fail, adequate area is available for a replacement system.

The SEPP 1 objection attempts to demonstrate that the objective of the standard is not relevant to the development by asserting that the land is of sufficient size *for the erection of a dwelling and effluent disposal, with sufficient flexibility for orientation and design of the dwelling*. It is considered that the flood liability of the land restricts the location of the future dwelling house, and, that the proposed filling of the land may have an effect on the proposed disposal area. The building envelope on proposed Lot 152 has an approximate area of 257m² (14m by 18.4m) and is located on the highest area of the land. Even so, as the land does not comply with the requirements of Hawkesbury Local Environmental Plan 1989 in respect to flooding, filling in the area of the building envelope is proposed to achieve this compliance. As a result, any future dwelling house would be restricted to this area of the lot, and it is further considered that 257m² provides limited flexibility in respect to design and orientation.

The proposed lots 151 and 152 would result in allotment sizes that would depart approximately 46% and 63% respectively from the size minimum that is required under Hawkesbury Local Environmental Plan 1989. The proposal is inconsistent with Hawkesbury Development Control Plan as flood free access

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cannot be provided. Dual occupancy development on the land would be limited by the same constraint as the proposed subdivision; that is, those of flooding, effluent disposal, and amenity.

The application fails to consider the existing sewage management facility which services the existing dwelling house on proposed Lot 151 and how a decrease in area will affect onsite wastewater disposal in the future. The objection has also stated that the disposal of effluent onsite is possible using a mound system. Whilst this system is technically possible on the site, the operation of a system on the minimum site area is, in the long term, unsustainable, due to the high maintenance requirements, the need for alternate disposal areas in time and the cumulative impacts that these systems have on the catchment as a whole.

The subject land is not considered suitable for subdivision due to flood affectation, proximity to a drainage swale and the extent of fill required to achieve a suitable building platform, and therefore would not constitute 'considered and planned development'.

The proposed subdivision will set a precedent for other properties to be subdivided in the area, which would greatly undermine the purpose of the standard.

In view of the above the objection made under State Environmental Planning Policy No. 1 is not supported.

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

The subject land is not affected by any draft environmental planning instrument.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan

Part D Chapter 1 - Residential - Clause 1.18 – Effluent Disposal

This clause requires that where reticulated sewerage is not available, single lots created on or before 10 August 1999 may be connected to pump out. For all other development a minimum area of 4000sqm is required and it is demonstrated that there is adequate area for onsite effluent disposal.

The proposed subdivision would result in an allotment size which is less than 4000sqm and therefore does not comply. The proposed system, for the reasons mentioned previously in this report, does not warrant a variation to this standard.

Part D Chapter 3 - Subdivision - Clause 3.6 - Flooding, Landslip & Contaminated Land

The proposed additional allotment does not contain a building area which satisfies the requirements contained in Clause 25, as discussed previously, and access to the proposed new allotment is below the 1-in-100 year flood level.

Part D Chapter 3 – Subdivision - Clause 3.7.5 – Lot Size and Shape

The proposal does not satisfy this section of Hawkesbury Development Control Plan in that the building platform for the construction of a dwelling would require a fill in excess of 1m from the natural ground level.

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

Not applicable

v. Matters prescribed by the Regulations:

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

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

Context & Setting

The area surrounding the subject land comprises lots in varying sizes and configuration ranging from 1200m² and more. Whilst the proposed subdivision may be consistent with the lot sizes in the locality, specific site constraints including flooding and low lying land makes the proposed lot sizes inadequate.

Natural Hazards

The subject site is affected by 1 in 100 year flood which is 17.3m AHD. The proposed building envelope area for the additional lot has a level which varies between 12.9m AHD and 14.4m AHD. The proposal would require the site to be filled to achieve a building platform at a maximum three metres below the 1 in 100year flood level. In addition, a substantial part of the site would require filling for access driveways.

Given the location of the drainage swale, need for excessive filling within the floodplain, the effect of filling on the flood storage and inadequate information available to assess the impact of the localised flooding from the swale on the subject land and adjoining properties, the proposal is not supported. The natural hazards affecting the land cannot be adequately managed and therefore the land is considered not to be suitable to create an additional allotment.

c. Suitability of the site for the development:

The subject land is not considered suitable for subdivision due to flood affectation, proximity to a drainage swale and the extent of fill required to achieve a suitable building platform.

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

The application was publicly exhibited between 1 October 2008 and 15 October 2008. Two submissions were received. The matters raised in these submissions are listed below:

- Loss of privacy (overlooking) for adjoining property, given that future dwelling house on the land will be two storey and located along the fence line;
- Loss of views from future development of resultant vacant lot;
- Devaluation of adjoining properties;
- Out of character and loss of amenity;
- Impacts of flooding, in particular in respect to onsite effluent disposal

The lost of privacy and amenity are the result of the requirement for filling of the site to obtain a building envelope on the site. The issue of flooding and filling has been addressed previously in this report.

e. The Public Interest:

The proposal is not considered to be in the public interest.

Conclusion

The current proposal is not consistent with the minimum allotment size requirement for subdivision under the Hawkesbury Local Environmental Plan 1989. The application submission has not adequately demonstrated that strict compliance with the minimum lot size requirement is unreasonable or unnecessary. The existing development standards are imposed due to the flooding and effluent impacts of the site. The application has only provided technical argument to engineer a solution to the issues rather than demonstrate that the controls are unreasonable or unnecessary. As these engineering solutions are unlikely to be sustainable in the long term, the objection under SEPP No. 1 cannot be supported. The circumstances of this application are not unique to the site and therefore approval of the proposed subdivision would result in an undesirable precedent to consider onsite disposal on land less than 4000m².

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The application includes the filling of the land to enable development of the property for a dwelling house in the future. The application fails to demonstrate that the filling of the land will have no adverse impact on adjoining properties or the nature of flooding in the locality. It is considered that future development of the land within the building envelope will have an adverse impact on neighbouring properties with respect to loss of privacy and overshadowing.

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 DA0710/08 at Lot 15 DP 843883, 3 Duke Road WILBERFORCE NSW 2756 for Subdivision - Two Lot Subdivision be refused for the following reasons:

Reasons for Refusal

1. The proposed development is inconsistent with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
2. The proposed subdivision fails to comply with the minimum allotment size of 4000m² as required under Clause 12 (3) of Hawkesbury Local Environmental Plan 1989.
3. The proposed subdivision fails to comply with Clause 25 (2) of Hawkesbury Local Environmental Plan 1989 relating to development of flood liable land.
4. The application does not demonstrate that the proposed development is consistent in respect to Clause 18 of Hawkesbury Local Environmental Plan 1989 in that arrangements satisfactory to Council has not been provided in respect to the provision of sewerage disposal.
5. The site is unsuitable for the proposed development due to the impact of flooding.
6. The design of the proposed development will not provide an acceptable level of amenity for future residential development on the land.
7. The proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
8. The proposed development does not comply with the requirements of Hawkesbury Development Control Plan, in particular Part D Chapter 1 - Residential, Clause 1.18 - Effluent Disposal; Part D Chapter 3 - Subdivision, Clause 3.6 - Flooding, Landslip & Contaminated Land; Part D Chapter 3 - Subdivision, Clause 3.7.5 - Lot Size and Shape.
9. The development application does not demonstrate that the site is suitable for the sustainable disposal of effluent generated by the proposed development.
10. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties due to filling required on the land and amenity issues associated with the future construction of any buildings on proposed Lot 152.

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ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Subdivision Plan

AT - 1 Locality Plan

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

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AT - 2 Subdivision Plan

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

oooO END OF REPORT Oooo

Item: 102 CP - Nominations for Council Representatives on Joint Regional Planning Panels (JRPPs) - (95498)

REPORT:

Introduction

On 11 May 2009 Council received a letter from the Hon Kristina Keneally MP, Minister for Planning, advising that the recent planning reforms provide for the commencement of Joint Regional Planning Panels (JRPPs) to commence on 1 July 2009 and requests Council to nominate two representatives, plus an alternate member, for the JRPP. The core functions of the JRPP will be to:

1. Exercise certain consent authority functions in regard to regional development applications; and
2. Where requested, advise the NSW Minister for Planning on planning or development matters or environmental planning instruments in respect to the JRPPs' region.

A copy of the letter from the Minister and the Information Package for Council Nominees for JRPPs is attached for information. The package contains information about the functions of the JRPPs, membership, Council's role, selection criteria, responsibilities and other administrative information.

The purpose of this report is to recommend nominees for Council to consider as its representatives on the JRPP for matters in the Hawkesbury. The Minister's letter also advises that nominations are to be submitted by 5 June 2009.

Functions and Operation of Joint Regional Planning Panels

"The objective of a JRPP is to create a panel of people with appropriate expertise to determine development proposals of regional significance providing stronger decision making through greater expertise, independence and regional knowledge." Regional development (relevant to the Hawkesbury), as announced by the Minister last year, includes the following:

- Commercial, residential, retail and tourism with a capital investment value (CIV) between \$10M and \$100M,
- Public and private community infrastructure and ecotourism with a CIV of more than \$5M, e.g., schools, community halls, libraries etc,
- Designated Development (Environmental Impact Assessment (EIS) required),
- If Council is the proponent or is conflicted in relation to a development with a CIV of more than \$5M.

Development Applications for projects classed as regional development, as above, will be assessed by Council officers first. The Council officer's assessment and recommendations will then be referred to a JRPP for determination.

JRPPs will consist of five members. Three members will be appointed by the Minister to participate in JRPP matters across the region, and two members appointed by Council, to participate in JRPP development and planning matters in the Hawkesbury.

A regional panel is not subject to the direction or control of the Minister, except in relation to the procedures of a regional panel and to the extent provided for in the Environmental Planning and Assessment Act.

Selection Criteria for JRPP Members

Members of a JRPP will need to have a broad range of skills and experience in development and planning matters and the selection criteria include the following:

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- High level communication skills,
- Capability to drive high profile outcomes in a credible and authoritative manner,
- High level analytical skills; and
- Knowledge of the assessment of complex developments and planning matters.

In addition to the above, at least one of the Council panellists must have a high level of expertise in one or more of the following fields: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering and tourism.

From the selection criteria, it seems that at least one nomination and the alternative member should be a technical expert, being either a staff member or an external consultant. Given that the nominee is to represent Council, it is recommended that the Director City Planning and the Planning Manager, as alternate, be nominated.

The Director and Manager meet the main selection criteria as part of the pre-requisite for their employment at Council. The Director and Manager are both Certified Practicing Planners (CPP) which meets the expertise criteria in relation to planning. The Director has had experience running a formal Design Review Panel and the Planning Manager has had experience with similar panels in another State. The previous employment experience of both these staff also indicates a level of expertise in urban design, architecture, engineering and the environment.

As the second nominee it is recommended that Council, should it see fit, nominate a Councillor as a representative on the JRPP.

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 our community, and co-ordinating human and financial resources to achieve this future."

Funding

There are no funding implications relating to the nomination of staff and Councillors to be representatives on these panels. Should the Council wish to nominate an external person as a representative there will be costs for that person's time and travel expenses.

RECOMMENDATION:

That Council nominate the Director City Planning, with the alternate being the Planning Manager and one Councillor to be Council's representatives on the Sydney Metro West Region Joint Regional Planning Panel.

ATTACHMENTS:

AT - 1 Letter from the Minister for Planning and Information Package for Council Nominees.

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AT - 1 Letter from the Minister for Planning and Information Package for Council Nominees.

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oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 103 IS - Proposed Tree removal at No. 15 Lieutenant Bowen Road, Bowen Mountain, for the Purpose of Providing a Piped Drainage System - (79346, 20994)

REPORT:

The construction of a stormwater drainage line within the established drainage easements of the properties; No.15 Lieutenant Bowen Road, No.3 and No.5 Red Gum Crescent, Bowen Mountain has been identified in the 2008/2009 Works Programme. The construction of an underground piped drainage line, for approximately the full length of the easements/side boundary, is proposed to alleviate stormwater flooding experienced within these and adjoining properties.

The situation relating to this drainage issue is not unique in the Bowen Mountain area. When the Bowen Mountain subdivision was approved, there was very little integrated drainage provided, with pipelines being constructed under roads and then allowed to discharge onto properties. At times, drainage easements were provided, but regularly they were only identified as proposed easements for drainage where Council has not only had to provide the funds to construct any drainage infrastructure, but also compensate the property owner for the formalisation of the easement. These situations are being corrected over time as they become evident, usually through properties having flooding problems.

Currently the underground drainage line across Lieutenant Bowen Road in the vicinity of Maple Street, discharges into No.15 Lieutenant Bowen Road and flows through an informal open drain into No.3 Red Gum and No.5 Red Gum Crescent, and onto Red Gum Crescent, with some flow entering the underground drainage line in the vicinity of No.5 Red Gum Crescent with the remaining flows dispersing overland through other properties. The proposed drainage line will connect these 2 existing under road pipes. Refer to Attachment 1 - Drainage Design Plan 08130E1 Rev. C Prepared by Barker Ryan Stewart for details of the proposed drainage line.

The easements within these properties are all 2.44 metres wide. Due to the construction of the proposed 375mm diameter stormwater pipeline, all vegetation (including several trees and shrubs on No.5 Red Gum Crescent and a large eucalypt at No. 15 Lieutenant Bowen Road in the vicinity of Pit [1/4] will need to be removed from within the easements. No.3 Red Gum Crescent has no vegetation.

There are no alternative paths for the construction of the drainage line. Furthermore it is important to confine the construction and placement of the pipeline within the designated easements. Retention of the trees will not be possible due to the terrain of the site in that it is not possible to go around the trees within the 2.44 metre wide easement.

Constructing the drainage line in the vicinity of the root structure of the eucalypt at No.15 Lieutenant Bowen Road was not recommended by Council's Arborist as the removal of a large number of roots would make the tree unstable and cause its health to fail. This in turn would be a safety issue for the surrounding properties.

In accordance with Council's Tree Preservation Order (TPO) a Development Application (DA) was submitted seeking approval for the removal of the trees within the private properties at No.5 Red Gum Crescent and No.15 Lieutenant Bowen Road. The property owners affected were consulted and site meetings undertaken to ensure that they understood the design requirements, the preferred alignment of the proposed drainage line as well as the trees to be removed. Consent was provided by both property owners, at which time they signed the DA forms required.

DA approval was subsequently granted on 1 April 2009 for DA0144/09. The eucalypt at No.15 Lieutenant Bowen Road requires specialist removal and this was arranged to be undertaken on 27 April 2009 by specialist contractors. To maximise efficiencies of the specialist equipment and personnel required to

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remove this large tree within a confined area, this project was coordinated to be undertaken with another project in Kurrajong, resulting in cost sharing and savings. The removal of the smaller trees and shrubs within No.5 Red Gum Crescent are to be undertaken by the drainage contractor.

At the request of Councillor Williams, following representation by a neighbour to property No.15 Lieutenant Bowen Road, a site meeting was undertaken on 22 April 2009 with the Councillor, the property owner from No.13 Lieutenant Bowen Road and a Council Officer. At this meeting the property owner from No.13 Lieutenant Bowen Road expressed an objection to the removal of the eucalypt located within No.15 Lieutenant Bowen Road and was also upset that they had not been notified as an adjoining owner in relation to the removal of this tree. It must be noted that in accordance with Council's DA process for TPO's, adjoining property owners are not required to be notified.

As a result of this site meeting, and at the request of Councillor Williams, the removal of the eucalypt scheduled for 27 April 2009 was put on hold to enable further investigation and consultation with the affected property owners. Subsequently, a further site visit was undertaken on 13 May 2009, with representatives of Council, at which time another examination of the eucalypt was undertaken by Council's Arborist. The findings listed below, combined with the need to carry out the drainage works support the removal of the eucalypt. Photos of the eucalypt will be displayed at the meeting.

a) Photos 1 to 4 show poor branch unions due to past poor lopping practices and may result in major branch failure at any time;

- Photo 1 – Cavity 1: 400mm deep and 300mm wide
- Photo 2 – Cavity 2: 300mm x 300mm
- Photo 3 – Cavity 3: Dry Rot 300mm x 300mm
- Photo 4 – Cavity 4: 250mm x 300mm

b) Photos 5 and 6 show major damage to the trunk.

In accordance with the DA approval, the removal of the eucalypt located at No.15 Lieutenant Bowen Road is recommended based on its current condition and the need to undertake the proposed drainage line to alleviate the stormwater flooding issues to properties in this vicinity.

Conformance to Strategic Plan

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

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

Funding

Funding is currently available in the 2008/09 Works Programme.

RECOMMENDATION:

That in accordance with DA0144/09 approval be granted, the Eucalypt located at No. 15 Lieutenant Bowen Road, Bowen Mountain be removed to allow the proposed drainage works outlined in the Drainage Design Plan 08130E1 Rev. C Prepared by Barker Ryan Stewart to be undertaken.

ATTACHMENTS:

AT - 1 Drainage Design Plan 08130E1 Rev. C Prepared by Barker Ryan Stewart

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AT - 1 Drainage Design Plan 08130E1 Rev. C Prepared by Barker Ryan Stewart

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

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SUPPORT SERVICES**Item: 104 SS - Monthly Investments Report - April 2009 - (96332, 95496)****Previous Item:** 17, Ordinary (3 February 2009)**REPORT:**

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

The following table lists the investment portfolio held by Council at 30 April 2009, in a form compliant with legislative and policy requirements.

All investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

April 2009

The following table indicates that Council held \$37.7 million in investments as at 30 April 2009. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the investments and the percentage of the total portfolio are provided below.

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Rating	Total \$
On Call							
CBA	30-Apr-09		2.95%	9,690,000	25.71%	A1+	9,690,000
Term Investments							
AMP Banking	22-Apr-09	19-Aug-09	4.25%	1,000,000	2.65%	A-1	
ANZ	24-Mar-09	24-Jun-09	4.00%	1,000,000	2.65%	A1+	
ANZ	23-Feb-09	25-May-09	4.00%	3,000,000	7.96%	A1+	
ANZ	25-Mar-09	24-Jun-09	4.00%	2,000,000	5.31%	A1+	
Bank of Queensland	20-Jan-09	20-Jul-09	5.05%	1,000,000	2.65%	A-2	
Bankwest	25-Mar-09	23-Jul-09	4.25%	1,000,000	2.65%	A1+	
CBA – Equity Linked Note	05-Dec-07	05-Jun-09	0.00%	2,000,000	5.31%	A1+	
Citibank	20-Jan-09	20-Jul-09	5.08%	1,000,000	2.65%	A-1	
Macquarie Bank	24-Feb-09	29-May-09	4.30%	1,000,000	2.65%	A-1	
NAB	29-May-08	29-May-09	8.39%	3,500,000	9.29%	A1+	

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St George	25-Mar-09	23-Jun-09	4.30%	1,000,000	2.65%	A1+	
Westpac	26-Feb-09	24-Jun-09	4.20%	2,000,000	5.31%	A1+	
Westpac	20-Feb-09	18-Jun-09	4.20%	3,000,000	7.96%	A1+	
Westpac	02-Mar-09	24-Jun-09	4.20%	2,500,000	6.64%	A1+	
Westpac	24-Mar-09	20-Jul-09	4.20%	3,000,000	7.96%	A1+	28,000,000
TOTAL INVESTMENT AS AT 30 APRIL 2009							37,690,000

	Bench Mark	Actual
Bench Mark - UBSA 90 Day Bank Bill Index	3.41%	4.45%
Bench Mark - 11am Cash Rate	3.00%	2.95%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	9,690,000	2.95%	-0.05%	External Restrictions -S94	7,246,993
Term Deposit	28,000,000	4.45%	1.45%	External Restrictions - Other	10,050,563
				Internal Restrictions	13,326,276
				Unrestricted	7,066,168
	37,690,000	4.07%	1.07%	Total	37,690,000

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

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details below)

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

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

In respect of funds subject to internal restrictions, whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless of a temporary internal loan basis, would not be recommended nor would it be “good business practice,” as these funds have been allocated for specific

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purposes (information technology, plant replacement, risk management, etc.) or to meet future known expenses that should be provided for on an ongoing basis (employee leave entitlements, election, etc.)

Funds referred to as “unrestricted” are, effectively, Council’s daily operational funding for purposes such as the payment of salaries and wages, various works proposed or in progress as adopted in Council’s budget, daily operational expenses, etc. These “unrestricted” funds could only be utilised for other purposes by the reduction of a corresponding amount from a service or provision already included within Council’s adopted budget. The level of these funds also vary depending upon the business cycle in areas such as the payment of creditors, receipt of rate payments, capital works and/or purchases, etc.

Investment Commentary

The investment portfolio decreased by \$0.58 million for the month. The decrease was due to additional expenditure over income for the April period. During April, various income was received totalling \$3.25 million, including rate payments amounting to \$0.87million, while payments to suppliers and staff costs amounted to \$3.8 million.

The investment portfolio is diversified across various investment types. This includes term deposits and on-call accounts.

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

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

"That:

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

Action was taken to comply with the above resolutions, by not optionally guaranteeing amounts invested with the tier one major Australian trading banks (ANZ, CBA, NAB and Westpac), over and above the amounts that are covered by the free Government Guarantee Scheme. Further, at its meeting on 28 April 2009, Council considered a report on a revised Investment Policy and resolved to adopt a revised Investment Policy, despite the fact that the Department of Local Government has not yet released any revised investment guidelines.

As at 30 April 2009, Council has invested \$6 million with 2nd tier financial institutions. The investment of \$1 million with six 2nd tier banks is entirely covered by the free Government Guarantee Scheme, and is in accordance with the revised Ministerial Investment Order, Council’s existing Investment Policy, and Council’s resolution at its meeting on 3 February 2009.

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Effective from 8 April 2009, the Reserve Bank cut official interest rates by one quarter of one percent to a cash rate of 3.00%, taking interest rates to their lowest levels since 1960. The Reserve Bank has reduced official interest rates six times since September 2008, with the interest rate reducing overall by 4.25% in this time. This follows 12 consecutive official interest rate rises between May 2002 and March 2008. Despite the Reserve Bank possibly taking a more cautious approach to monetary policy in the coming months, the forecast is for further interest rate reductions in the near future.

The Governor of the Reserve Bank of Australia released the following statement on monetary policy on 5 May 2009:

"At its meeting today the Board decided to leave the cash rate unchanged at 3.0 per cent.

The global economy contracted further during the first few months of this year. While the near-term outlook remains weak, there are further signs of stabilisation in several countries. The Chinese economy in particular has picked up speed in recent months and many commodity prices have firmed a little. The considerable economic policy stimulus in train in most countries should help contain the downturn and support an eventual recovery.

Conditions in global financial markets remain generally on a path of gradual improvement, with equity prices off their lows, term spreads declining and capital markets re-opening. Nonetheless, confidence remains fragile and balance sheets are under pressure from the effects of economic weakness on asset quality. Credit remains tight. Continued progress in restoring balance sheets remains essential to durable recovery.

The Australian economy contracted in the latter part of 2008, and this has continued in 2009 to date, with both domestic and international demand weaker. Capacity utilisation has fallen back to about average levels, and will decline further over the rest of the year. With demand for labour weakening, growth in labour costs will probably also fall. These conditions are likely to see inflation continue to abate, though this is occurring only gradually so far, as the effects of the decline in the exchange rate are pushing up some prices.

Australian markets have seen a decline in term spreads and firmer equity prices over recent months. Borrowing for housing is picking up, particularly among first-home buyers. Business borrowing, on the other hand, is declining, as companies curtail investment plans and seek to reduce leverage, in an environment of tighter lending standards.

Monetary policy has been eased significantly. Market and mortgage rates are at very low levels by historical standards and business loan rates are below average, reducing debt-servicing burdens considerably. Much of the effect of these changes is yet to be observed. The stance of monetary policy, together with the substantial fiscal initiatives, will provide significant support to domestic demand over the period ahead.

In assessing whether further reductions in the cash rate are required over the period ahead, the Board will monitor how economic and financial conditions unfold, and how they impinge on prospects for a sustainable recovery in economic activity."

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

Funds have been invested with the aim of achieving budgeted income in 2008/2009.

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Meeting Date: 26 May 2009

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 May 2009

Item: 105 **SS - March 2009 Quarterly Review - 2008/2009 Management Plan - (96332, 95496)**

Previous Item: 34, Ordinary (24 February 2009)

REPORT:

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

Management Plan

Council adopted its Management Plan for 2008/2009 on 23 June 2008.

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

The March 2009 Quarter Review has been prepared and is attached to this report as Attachment 1.

Financial Position

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

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

The more significant items of the March 2009 review include:

Operating Revenue Variations

Interest Income - Favourable Variance \$200K

Interest income for the 2008/2009 financial year was originally budgeted at \$1.3M. As at the end of the third quarter, interest income earned is \$1.74M. In the first half of the financial year, interest rates exceeded estimates. Also, more funds were available for investment than estimated. Favourable adjustments of \$200K have already been included in each of the first and second quarterly reviews, and a further \$200K is included in this review. Despite recent interest rate cuts by the Reserve Bank, interest earnings for 2008/2009 remain as previously forecast.

Property Investment Income - Favourable Variance \$105K

As a result of higher than forecast rental income from existing and new leases, property investment income has been adjusted by \$105K in this review to reflect the latest forecast for 2008/2009.

Co-Generation Plant Income – Favourable Variance \$65K

Extra income is reflected in the March quarterly review for the Co-Generation Plant of \$65K. This figure includes \$35K from air-conditioning revenue from the Old Hospital Site (Catholic Healthcare) and \$30K from demand management revenue from Integral Energy.

Richmond Pool Income – Favourable Variance \$28K

Income from the Richmond Pool was higher than forecast by \$28K, and has been brought to account in this quarterly review.

Operational Expenditure Variations

Election Expenses - Favourable Variance \$50K

The final election expenses have now been invoiced, resulting in savings of \$50K from the original estimate provided by the NSW Electoral Commission. This favourable adjustment has been brought into account in this review.

Building Maintenance, Vandalism & Graffiti – Unfavourable Variance \$143K

Throughout various areas of Council, an extra \$143K has been allocated in this review for reactive building maintenance, vandalism and graffiti. Council buildings have not been immune from the increased occurrence of vandalism and graffiti. This review also includes an insurance excess of \$10K in respect of the fire damage to the Tiningi Community Centre in Bligh Park.

Construction and Maintenance Operating Costs – Unfavourable Variance \$232K

In this review, extra funds of \$232K have been allocated to roadwork's maintenance. These extra costs have been partly funded from savings in plant replacement costs of \$100K and funds transferred of \$50K from car parking maintenance.

Parks and Recreation Operating Costs – Unfavourable Variance \$287K

This review includes \$287K of unfavourable adjustments in respect of parks expenditure trending higher than estimated. Council is required to ensure that areas and facilities meet the required service standards and do not compromise the health and safety of the community. These adjustments include \$75K in respect of tree maintenance costs and \$226K to fund expected parks maintenance costs. The unfavourable adjustments have been partially offset by savings in other parks expenditure items.

Legal Services – Favourable Variance \$100K

The full year 2008/2009 forecast for legal expenses is projecting savings in this area. Lower than anticipated costs for L&E Court litigation matters and cost recoveries from successful cases have contributed to this result. This favourable adjustment has been brought into account in this review.

Capital Expenditure

Construction and Maintenance – Transfers

The Upper Macdonald bridge project has been deferred in this review, and replaced by the rehabilitation of George Street South Windsor (between Bell and Argyle Streets).

Waste Management – Projects deferred and cancelled – Nil effect

Various sewerage projects that have been deferred from 2008/2009 until next year include Pump Station G, the permanent on-site dewatering project and the ongoing sewer pipe relining project. The Bell Street bypass sewerage project has been cancelled, as has the waste drop off area project at the Waste Management Facility.

Grants Variations

The Regional and Local Community Infrastructure Program - \$834K

The following projects have been included in this review:

- St Albans School of Arts upgrade - \$88K
- Bellbird Hill Lookout, Kurrajong Heights - \$88K
- Bensons Lane Sporting Complex - \$125K
- Pedestrian bicycle and path construction - \$50K
- South Windsor Swimming Centre heating - \$142K
- Kurrajong Community Hall extension - \$150K
- South Windsor netball and tennis court lighting - \$62K
- Various Community Buildings security system upgrade program - \$129K

Windsor Road Funding from the RTA - \$588K

Council has accepted funding from the RTA for landscaping, engineering rectification and upgrading works for Windsor Road, between Boundary Road and South Creek.

Arts NSW 2009 Gallery and Museum Projects - \$100K

Funding of \$100K has been successful from Arts NSW for various exhibitions and projects at the Gallery and Museum.

Various other minor adjustments in relation to grants have been included in this quarterly review. Details can be found in the Management Plan Review attachment.

Provision for Contingencies - Favourable

It is proposed that the surplus of \$77,292 resulting from this quarterly review be transferred to the Contingency Reserve.

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

RECOMMENDATION:

That:

1. The information contained in the report on the 2008/2009 Management Plan – March 2009 Quarter Review be received.
2. The Quarterly Review of the 2008/2009 Management Plan and Financial Statement for the period ending 31 March 2009 be adopted.

ORDINARY MEETING

Meeting Date: 26 May 2009

ATTACHMENTS:

AT - 1 2008/2009 Management Plan Review – March 2009 Quarter - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 May 2009

Item: 106 SS - Pecuniary Interest Returns - (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 Sections 450A(2)(a), (b) and (c) above.

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

Position	Return Date	Date Lodged
Senior Parking & Compliance Officer	16/02/09	25/02/09

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

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

Conformance to 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.

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RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Meeting Date: 26 May 2009

CONFIDENTIAL REPORTS

Item: 107 IS - Tender No.01409 - Construction of Kurrajong Community Centre, McMahons Park Road, Kurrajong - (95454, 79340) CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 26 May 2009

Item: 108 **SS - Property Matter - Lease to Melissa Kingcott, Trading as Wilberforce Hair & Nails - Shop 9 Wilberforce Shopping Centre, Wilberforce - (76686, 95466)**
CONFIDENTIAL

Reason for Confidentiality

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

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

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

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Waste Management Advisory Committee Minutes - 18 March 2009 - (95249)

The meeting commenced at 4:00pm.

Present:	Councillor Bart Bassett Councillor Bob Porter Mr Geoffrey Bessell Ass Prof. Basant Maheshwari	Hawkesbury City Council Hawkesbury City Council Community Member University of Western Sydney
Apologies:	Councillor Jill Reardon Mr William Sneddon Mr Matthew Owens	Hawkesbury City Council Community Member Hawkesbury City Council
In Attendance:	Mr Chris Daley Mr Ramiz Younan Ms Dianne Tierney Mr Matthew Collins Ms Robyn Kozjak - Minute taker	Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council Hawkesbury City Council

REPORT:

SECTION 1 - Confirmation of Minutes

RESOLVED on the motion of Councillor Porter, seconded by Councillor Bassett that the Minutes of the Waste Management Committee held on 19 May 2008 be confirmed.

SECTION 3 - Reports for Determination

Item: 1 Election of Chairperson and Deputy Chairperson

Mr Daley conducted the election of Chairperson and Deputy Chairperson.

Nominations were called for the election of Chairperson and one nomination was received for Councillor Porter. Councillor Porter was subsequently elected as Chair.

Nominations were called for the election of Deputy Chairperson and one nomination was received for Councillor Reardon (in her absence). Councillor Reardon was subsequently elected as Deputy Chair, subject to her acceptance of the position.

Councillor Porter assumed the Chair.

Councillor Bassett left the meeting.

RECOMMENDATION TO COMMITTEE:

That an election for the position of Chairperson and Deputy Chairperson of the Waste Management Advisory Committee for the 2008/2009 term of the Committee be carried out.

MOTION:

RESOLVED on the motion of Councillor Bassett, seconded by Mr Geoffrey Bessell.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Councillor Porter assume the position of Chairperson for the Waste Management Advisory Committee.
2. Councillor Reardon assume the position of Deputy Chairperson for the Waste Management Advisory Committee, subject to her acceptance of same.

Item: 2 Tarpomatic

RECOMMENDATION TO COMMITTEE:

That the proposed purchase of the Tarpomatic be postponed until a 10 year plan can be completed outlining the proposed strategic direction for the WMF, the funding required, how the proposed strategies are to be funded and the time frames for their completion.

MOTION:

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the proposed purchase of the Tarpomatic be postponed until a 10 year plan can be completed outlining the proposed strategic direction for the WMF, the funding required, how the proposed strategies are to be funded and the time frames for their completion.

Item: 3 Waste and Recycling Audit Report

DISCUSSION:

- It was advised the contamination rate of the contents of recycle bins is slightly high compared to other councils.
- It was noted a Tender for recycle bins is in progress.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. The information be used to identify materials that require further investigation and education to the community to reduce the amount of recyclables being disposed of to landfill.

MOTION:

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. The information be used to identify materials that require further investigation and education to the community to reduce the amount of recyclables being disposed of to landfill.

SECTION 4 - Reports for Information

Item: 4 Capping of Cell 3

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 5 Drop Off Centre and Education/amenities building

DISCUSSION:

- It was agreed the project be monitored to ensure completion within five years from the date of approval.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 6 List of Suitable Materials for Recycling Supplied to Councillor Bassett

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 7 Tender - Cell 5 Construction and Associated Works

DISCUSSION:

- Enquiry was raised as to the potential to renegotiate with the University to extend the Lease. It was advised the maximum lease possible for Crown Land is 21 years and the Lease cannot be extended or be re-leased without the approval of the Minister for Lands. It was further advised options would be investigated (by way of new agreement or purchase of land) in 2011.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Mr Maheshwari arrived at the meeting.

Item: 8 Waste Education and Recycling

DISCUSSION:

- Enquiry was raised as to the feasibility of supplying a third bin to ratepayers. It was advised this would necessitate an additional fleet of trucks, essentially tripling pick-up costs and gas emissions. It was further advised the results of a community consultation indicated ratepayers did not want an extra bin.
- It was noted the WMF holds a surplus of compost and it was suggested marketable options for compost be investigated. It was further advised DECC are assisting with developing Australian Standards for compost.
- Mr Daley advised he would prepare a report recommending Expressions of Interest be sought with a view to tendering for the operation of all materials (other than material used as infill), eg. concrete, timber, green waste, metals etc.

RECOMMENDATION TO COMMITTEE:

That the information be received.

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 9 Letter to DECC re: Use of Weighbridges as Public Weighbridges

DISCUSSION:

- It was acknowledged additional costs would be incurred to install new software and to have the software calibrated every six months (in lieu of 12 months). It was further acknowledged staff would require training to ensure accurate administration of records.
- It was suggested the weighbridge be available to the public during certain days only, preferably weekdays.
- It was recommended a further report containing updated statistics be provided to the Director Infrastructure Services to determine the viability of operating the weighbridge as a public weighbridge.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the proposal to operate a weighbridge at the Hawkesbury City Waste Facility as a public weighbridge be the subject of a further (updated) report to be provided to the Director Infrastructure Services.

Item: 10 Marketing of Materials

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Geoffrey Bessell, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That a report be brought back to WMAC outlining future management strategies for bulk recycling materials.

SECTION 5 - General Business

- Ms Tierney provided the Committee with documentation from AnaeCo Ltd regarding a waste management system based on the DiCOM bioconversion process. The system incorporates advanced sorting, recycling, anaerobic digestion and aerobic composting to recycle solid waste into renewable energy. It was advised the system promotes maximum diversion from landfill and economic and environmentally sustainable management of solid wastes.
- It was resolved Ms Tierney contact AnaeCo's representative (Mario) inviting him to present the Committee with further information on the DiCOM system. It was agreed a special meeting of WMAC be held on Wednesday on 20 May 2009 for this purpose.
- It was agreed the investigation of the DiCOM system aligns with several objectives of the WMAC constitution, ie, aims to provide Council with future options for waste management strategies, systems and technologies.

The meeting closed at 5:00pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees



ordinary
meeting

end of
business
paper

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