



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 25 August 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](mailto: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.

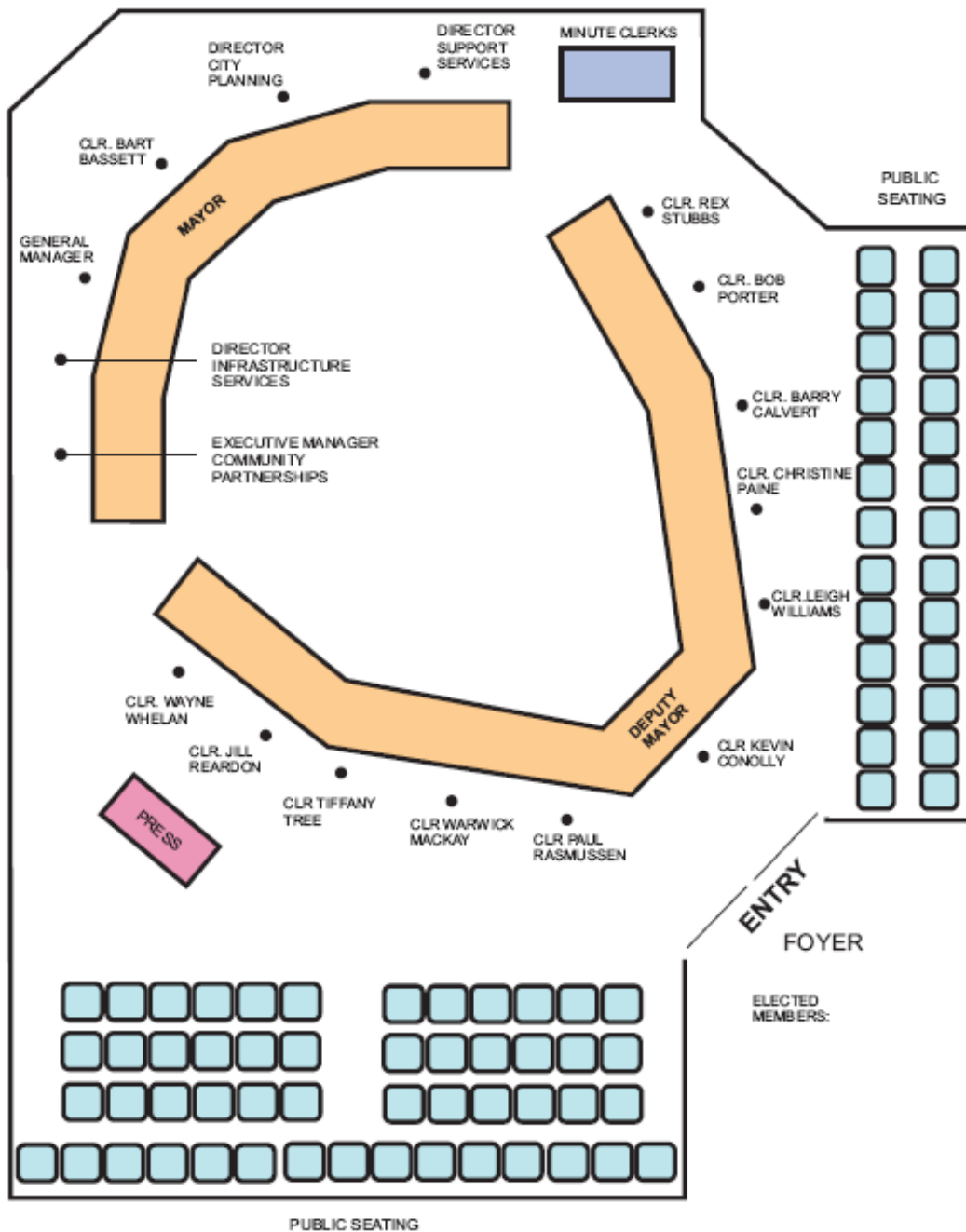
### **Website**

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](http://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



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notices of motion

**ORDINARY MEETING**

Notices of Motion

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Notices of Motion

**SECTION 3 - Notices of Motion**

**NM1 - Clean Up and Beautification Program for South Windsor - (95495)**

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**Submitted by:** Councillor Paine

**NOTICE OF MOTION:**

That Council undertake a clean up and beautification program of the main street and lane in South Windsor.

**NOTE BY MANAGEMENT:**

It is acknowledged that the main street of South Windsor (George Street), similar to the main streets of other shopping centres, could do with some improvement. The rubbish receptacles and concrete planter tubs were provided in consultation with the South Windsor Main Street Committee at that time on the understanding that the Committee would be responsible for maintaining the planters and keeping the stainless steel lids of the receptacles cleaned. The concrete paving was also replaced with pavers which were also selected by the Committee.

There has been some work identified in terms of removing litter from beneath, and graffiti from rubbish bins, which will be carried out, however in relation to the planter tubs, other than identify an additional funding source from which to carry out ongoing maintenance, the choice would appear to be to remove the tubs or alternatively obtain a commitment from businesses within the area to undertake that work.

In relation to the laneway at the rear of the shopping centre, Mullinger Lane, a recent inspection has revealed a number of areas which may be given attention with funds currently available within the adopted budget. These works include some concrete paving and kerb and gutter repairs, rehabilitation to areas of road pavement, more regular attention given to sweeping the gutters, removal of grass and repainting the line marking within the designated car parking spaces. The most significant visual impact within the laneway and this is common to surrounding laneways (and streets for that matter) is the volume of vandalism caused by graffiti being applied to fences. This defacing of property is of significant concern and well outside Council's budgetary capability to attend to on a regular basis.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

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Notices of Motion



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**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 158**      **GM - Feeding Sydney - Inaugural Hawkesbury Conference - (100491, 41917, 79351)**

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**REPORT:**

The UWS Hawkesbury Foundation, in association with the University of Western Sydney will host the inaugural Hawkesbury Conference on Thursday, 24 September 2009 at the UWS Hawkesbury Campus, Richmond.

The theme of the 2009 Conference will be Feeding Sydney. The one-day interactive Conference will focus on the issues associated with feeding a growing world population. Alternative food supply options will be explored together with issues of food security. The Conference includes a growers and suppliers panel discussion.

Costs of attendance at the Inaugural Hawkesbury Conference will be \$150.00 per delegate.

Budget for Delegates Expenses – Payments made

- Total budget for Financial year 2009/2010      \$41,000.00
- Expenditure to date      \$ 1,554.55
- Budget balance as at 14/8/09      \$39,445.45

**Conformance to Strategic Plan**

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

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

**Funding**

Funding for this proposal will be provided from the Delegates Expenses Budget.

**RECOMMENDATION:**

That the attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2009 Inaugural Hawkesbury Conference – Feeding Sydney, to be held on Thursday, 24 September 2009 at a cost of \$150.00 per delegate be approved.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 159            GM - Local Government Association of NSW - Possible establishment of One Association - (79633, 112608, 79351)**

---

**REPORT:**

A letter dated 23 July 2009, addressed to the Mayor, Councillor Bart Bassett, has been received from the President of the Local Government Association of NSW requesting Council to complete a survey regarding the possible establishment of one Association to represent local government in NSW.

A copy of this letter, attached survey and "explanatory memorandum" is included as Attachment 1 to this report.

As pointed out in the attached documents, traditionally local government in NSW has been represented by two bodies, namely the Local Government Association of NSW (LGA) and Shires Association of NSW (SA). Generally speaking the LGA represents metropolitan councils (Sydney and "country" metropolitan areas) and the SA represents country councils separated into 9 Divisions.

The two Associations also operate on a joint basis where appropriate with this being governed by a Joint Venture Agreement and a Board of Management comprised of representatives of both Associations.

The attached "Explanatory Memorandum" provides further details of the structures of the two Associations and issues related to the possible formation of a single Association.

Whilst it could be said that a desirable situation would be for local government in NSW to be represented by one Association, it is suggested that there would be a number of practical difficulties in the one Association being able to effectively represent the views of both metropolitan and rural councils, which can be quite diverse in a number of significant areas, and with both types of councils considering they were appropriately represented.

The issue of voting, would also be difficult to resolve to the satisfaction of all parties as presently members of the LGA are entitled to a number of votes depending on population and members of the SA only have a single vote.

Given that the LGA and SA both individually and on a "joint basis" as appropriate, generally appear to satisfactorily represent the interests of both metropolitan and rural councils, and that there can at times be a significant variation to the "community of interest" that exists, it is suggested that sufficient benefit may not be achievable to warrant changing the present structure.

Accordingly, the following suggested response to the survey questions are submitted for Council's consideration.

1.            No
2.            Not applicable
3.            No
- 4.A.        Not applicable
- 4.B.    i        Not applicable
- ii        Not applicable
- iii       Not applicable

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5.
  - i No
  - ii Yes
  
6. It is considered that in view of the circumstances, that the interests of both metropolitan and rural councils, and jointly in appropriate circumstances, is satisfactorily represented under the present structure and that it is unlikely that sufficient benefit would be achieved to warrant the formation of a single Association.

**Conformance to Strategic Plan**

Not applicable in this case.

**Funding**

The issue does not affect any funding matters.

**RECOMMENDATION:**

That the survey from the Local Government Association of NSW regarding the possible establishment of a single Association to represent local government in NSW be completed in the manner suggested in the report.

**ATTACHMENTS:**

**AT - 1** Letter dated 23 July 2009 from Local Government Association of NSW and attachment

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**AT - 1 Letter dated 23 July 2009 from Local Government Association of NSW and attachment**

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**ORDINARY MEETING**

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**Item: 160**            **GM - Hawkesbury Heritage Farm (formerly Australiana Pioneer Village) - (95496, 79351)**

---

**REPORT:**

At its meeting held on 12 May 2009, Council considered a report concerning the future of the Hawkesbury Heritage Farm (formerly the Australiana Pioneer Village and referred to hereafter as the APV) and a submission, by way of a Business Plan, from the Friends of the Australiana Village Society Inc (the Friends) to lease and operate the APV.

Subsequently, Council resolved:

*"That:*

1. *The contents of this report outlining the various options available to Council in relation to the future of the property known as 496 Wilberforce Road, Wilberforce be noted.*
2. *Council, on the basis of least risk and financial exposure, proceed with the sale of the property known as 496 Wilberforce Road Wilberforce in accordance with Council's appropriate policies for the sale of Council property at public auction and subject to:*
  - a. *The sale not including the artefacts and display items currently at the subject property; and*
  - b. *Appropriate legal arrangements being entered into for unrestricted access to, and the continued operation of the Sewage Treatment Plant until such time as the Wilberforce Sewerage Scheme is completed.*
3. *Appropriate action be taken to contact the owners of the artefacts and display items on loan, and subject to proof of ownership they be offered the opportunity to remove them. The remaining artefacts and display items be offered in the first instance to Council's Regional Museum and then if necessary to the purchasers of the property for prices determined by a qualified valuer.*
4. *Council thank The Friends of the Australiana Pioneer Village Society Inc. for its commitment and dedication to the Australiana Pioneer Village and be advised of the reasons for Council's decision.*
5. *Authority be given for the Seal of Council to be affixed to any documentation in regard to this matter."*

Action to implement Council's resolution has been commenced, however, in view of the work required, in particular, in relation to addressing parts 2b and 3 of Council's resolution, it is considered that Council will not be in a position to offer the property for sale for some time as these issues need to be resolved before this occurs.

By letter dated 10 August 2009 (received 11 August 2009), the Friends have now submitted an updated Business Plan for Council's consideration in relation to their proposal to lease and operate the APV which will require further assessment by management if it is to be considered by Council.

In view of Council's resolution of 12 May 2009, and on the basis that Council wishes to consider the amended Business Plan submitted by the Friends, it is suggested that Council should formerly resolve to defer action in relation to that part of its resolution relating to the actual sale of the APV until such time as the amended Business Plan has been assessed by management and subsequently considered by Council.

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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:

*"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**

Not applicable to this particular aspect of the matter.

**RECOMMENDATION:**

That action in relation to that part of Council's resolution of 12 May 2009 concerning the actual sale of the property known as 496 Wilberforce Road, Wilberforce (Hawkesbury Heritage Farm, formerly the Australiana Pioneer Village) be deferred until Council has considered a report in relation to the revised Business Plan recently submitted by the Friends of the Australiana Village Society Inc. in respect of the site.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**Item: 161            GM - Proposed Redistribution of Federal Electoral Boundaries in New South Wales - (79351)**

---

**REPORT:**

The Australian Electoral Officer for New South Wales recently released the report by the Redistribution Committee for New South Wales detailing proposals for the redistribution of federal electoral boundaries in New South Wales.

As part of this process interested persons or organisations may lodge written objections to the proposed redistribution by 6:00pm on Friday, 4 September 2009. Subsequent to that objections are available for inspection at the Office of the Australian Electoral Officer and/or the Australian Electoral Commission (AEC) website with comments on the objections being able to be made until 6:00pm on Friday, 18 September 2009.

A copy of the Redistribution Committee's Report and maps showing proposed boundaries can be accessed and viewed on the AEC website at <http://www.aec.gov.au/Electorates/Redistributions/2009/nsw>

Following previous redistributions a vast majority of Council's area is currently located in the seat of Greenway together with sections of Blacktown and Penrith City Council areas located in the southern section of the seat. A small portion of Council's area in the vicinity of where Bells Line of Road crosses into Blue Mountains City Council area is currently located in the seat of Macquarie.

The boundaries now being proposed by the Redistribution Committee would see significant changes to the boundaries of the seats of Greenway and Macquarie. As a result, Hawkesbury City Council's area would be located entirely within the seat of Macquarie together with the Blue Mountains City Council area and the portion of Wollondilly Council area located to the north of Lake Burragorang. Those parts of Blacktown and Penrith City Council areas currently in the seat of Greenway would be allocated to the seats of Lindsay and Chifley or remain within the seat of Greenway.

A detailed plan showing the existing and proposed boundaries of the seats of Greenway and Macquarie, together with surrounding seats, is available on the AEC website referred to previously and will also be on display at the meeting.

The current boundaries of the seats of Greenway and Macquarie resulted from a Federal redistribution that occurred in 2006. At that time Council made a submission objecting to any change to the then boundaries of the seat of Macquarie and argued that there was a "strong community of interest based on bushfire risk and recurrent experience" which had "cemented strong interdependence between Hawkesbury and Blue Mountains residents".

Based upon submissions made in the past it would appear that the location of Hawkesbury City Council entirely within the proposed new boundaries of the seat of Macquarie, together with Blue Mountains City Council area and part of Wollondilly Council, would address Council's previous concerns and that Council would not wish to make a submission objecting to the current proposals.

**Conformance to Strategic Plan**

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

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

**Funding**

No applicable in this instance.

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**RECOMMENDATION:**

That the information concerning proposals for the redistribution of Federal electoral boundaries in New South Wales be noted and that Council not lodge an objection to such proposals as related to their effects on Council's area.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 162            GM - Contractual Conditions of Senior Staff - Annual Report - (79351)**

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**REPORT:**

Under the provisions of Section 339 of the Local Government Act (the Act) the General Manager is required to "at least once annually, report to the Council on the contractual conditions of senior staff".

Section 334 of the Act provides that the position of General Manager is a "senior staff position" and in determining the organisational structure of the organisation a council must, under Section 332 (1) of the Act, determine those positions that are also to be "senior staff positions". There are certain criteria that apply before a position can be classified as a "senior staff position" and in Hawkesbury's case Council has determined that, in addition to the position of General Manager, that the following positions are "senior staff positions":

1. Director Infrastructure Services
2. Director City Planning
3. Director Support Services

The "contractual conditions" of senior staff are dictated by a "standard form of contract" approved by the Director General of the Department of Local Government (the DLG) under Section 338 of the Act. The current "standard form of contract" for general managers can be reviewed on the DLG's website at [www.dlg.nsw.gov.au/dlg/dlghome/documents/information/SCE\\_General\\_Managers.pdf](http://www.dlg.nsw.gov.au/dlg/dlghome/documents/information/SCE_General_Managers.pdf) and the current "standard form of contract" for senior staff can be viewed on the DLG's website at [www.dlg.nsw.gov.au/dlg/dlghome/documents/information/SCE\\_Senior\\_Staff\\_Excluding\\_General\\_Manager\\_s.pdf](http://www.dlg.nsw.gov.au/dlg/dlghome/documents/information/SCE_Senior_Staff_Excluding_General_Manager_s.pdf).

The current total remuneration packages (TRP) payable under the senior staff contracts are as follows:

1. General Manager	\$227,000.00
2. Director Infrastructure Services	\$194,750.00
3. Director City Planning	\$183,859.00
4. Director Support Services	\$174,250.00

The above TRP's include the following:

- Salary component of the package
- Defined employers contribution to any superannuation scheme
- The total value of non-cash benefits elected under the package (i.e. Council supplied vehicle)
- FBT payable by Council for any non-cash benefits.

It should be noted that as required by the relevant regulation, the TRP amounts payable for all senior staff positions are also detailed in the Annual Report provided by Council each year at the level applicable at the end of the year to which the report relates.

**Conformance to Strategic Plan**

Not applicable as this is an annual report required under the Act.

**Funding**

Not applicable.



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**RECOMMENDATION:**

That the annual report under Section 339 of the Local Government Act concerning the contractual conditions of Council's senior staff be noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

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**Item: 163**      **GM - Code of Conduct Complaints - Annual Report - 1 July 2008 to 30 June 2009 - (79351)**

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### REPORT:

Council adopted its current Code of Conduct (Code) (based on the Model Code of Conduct for Local Councils issued by the Department of Local Government) on 8 July 2008.

Clause 12.33 of the Code, in relation to "reporting on complaints", provides as follows:

*"The General Manager must report annually to Council on Code of Conduct complaints. This report should include, as a minimum, a summary of the:*

- a) *number of complaints received*
- b) *nature of issues by complainants, and*
- c) *outcomes of complaints"*

In accordance with the above provisions of the Code, this report is submitted to Council in respect of the period 1 July 2008 to 30 June 2009. Details of complaints received during this period are as follows:

a) Number of Complaints Received

4 (3 in respect of Councillors and 1 in respect of staff).

b) Nature of Issues Raised

- Use of inappropriate language directed to a member of the public during a Council meeting.
- Nature of comments allegedly made in relation to a development application.
- Inappropriate use or implied use of position of Councillor.
- Inappropriate use of position and interaction with members of the public by a staff member.

c) Outcomes of Complaints

- Breach of Code of Conduct found. Apology issued by Councillor and other recommended actions implemented.
- Breach of Code of Conduct not found.
- Complaint resolved under Clause 12.9 (b) of Code by apology by Councillor.
- Member of staff counselled concerning manner of interaction with members of public and appropriate apology issued.

In addition, a council is required to review its Code of Conduct within 12 months of an election and as the current Code was only adopted on 8 July 2008, a report will be submitted to the next meeting to allow Council to "formally" review the Code.

### Conformance to Strategic Plan

Not applicable as this is an annual report required under Council's Code of Conduct.

### Funding

Not applicable.

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**RECOMMENDATION:**

That the annual report under Clause 12.33 of Council's Code of Conduct in respect of complaints received under the Code for the period 1 July 2008 to 30 June 2009 be noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**CITY PLANNING**

**Item: 164**      **CP - Development Application - Animal Establishment - Construction of Kennel Building and Outdoor Kennels including above ground rain water tank and front fence - Lot 11 DP 1034864, 262 Grose Wold Road, Grose Wold - (DA0359/08, 85782, 108159, 95498)**

**Previous Item:**      207, Ordinary (21 October 2008)

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**Development Information**

**Applicant:**            Urban City Consulting Pty Limited  
**Applicants Rep:**    Troy Myers  
**Owner:**                Mr GA Sparham  
**Stat. Provisions:**    Hawkesbury Local Environmental Plan 1989  
                              Hawkesbury Development Control Plan 2002  
**Area:**                  1.838 Ha  
**Zone:**                  Hawkesbury Local Environmental Plan 1989  
                              Rural Living  
**Advertising:**        30 May 2008 to 20 June 2008 and 10 July 2009 to 24 July 2009  
**Date Received:**     14 May 2008

**Key Issues:**            ♦ Noise  
                              ♦ Amenity and character  
                              ♦ Zone objectives  
                              ♦ Public safety

**Recommendation:**   Approval

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**REPORT:**

**History**

On the 21 October 2008, the application was presented to Council at the Ordinary Meeting for consideration. A copy of the original assessment report is attached. At this meeting, Council resolved that:

- "1.    The matter be deferred to allow a conciliation process to occur*
- 2.    A report be provided to Council discussing options to review planning controls for Animal Establishments ( dog kennels ) to enable clearer controls for the location and operation of such establishments."*

The conciliation meeting was held on the 17 December 2008. At the meeting, approximately eleven residents, the applicant, members of his family and his consultant attended the conciliation meeting. At the meeting, the residents tabled a list of nine matters to be considered necessary for resolution, before agreement could be reached on the proposal. The nine matters presented are as follows:

- 1)    Dismantle the current large green fenced compound.
- 2)    The proposal for kennels and runs be restricted to the south west corner of the applicant's block, generally using the area on which older sheds sit and not protrude any further east than the current shed area. The compound should open to the east only. The design or replacement

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sheds/compound should be sympathetic and consistent with the present amenity afforded to the neighbours directly to the south and directly across the road to the west.

- 3) Four dogs in total on site with one litter per year, which can remain on site for up to four months.
- 4) A security bond lodged of \$X which is forfeited on a breach of DA consent and conditions.
- 5) A covenant offered to the adjoining neighbours which disentitles any future owner of the block (other than the current applicant) to use the property as a dog kennel for breeding or other intensive dog purposes. Such covenant to be registered on Land Titles.
- 6) Noise protection measure to be agreed as adequate.
- 7) Ensure any air conditioning was not of industrial size to minimise noise.
- 8) That the compound and facility be fenced and secured to an agreed relevant Australian Standard and include double locked gates which ensure that only one gate can open at any one time.
- 9) No obtrusive lighting to be used.

The above listed matters were debated as follows:

- 1) The residents claimed that the green meshed enclosure should be removed as they claimed the structure to be an undesirable impact on the visual amenity of the neighbours on that side of the property. Concern was also raised at the impact of the shed which was located inside the fenced area, currently housing the six dogs on site. The proponent advised the residents opposing the development that he had paid a substantial financial investment in the fencing and associated works and was not prepared to relocate or remove the fencing. Accordingly, no compromise was reached.
- 2) The residents sought that the existing fenced area to be relocated to the south west corner of the site. Justification for the relocation being the issue of several dogs barking late at night. The residents also sought that if the fenced area was relocated to the south west corner of the site, it also had to be smaller and not meshed. The proponent indicated that any relocation of the fenced area was financially beyond his means and that he was intending to utilise the area (south west corner of the site) in the future for a proposed dual occupancy (no proposal currently before Council). The residents view was that relocation would be considered to be appropriate, all other matters considered. No compromise was reached.
- 3) During discussion, the proponent offered to reduce the number of dogs on site from twenty to ten, but still required the same enclosed area as currently exists on site. The proponent advised that ten adult dogs were required in order to continue to breed out faults in this breed of dog. Currently, only one of the six dogs on site is capable of breeding. The residents remained concerned that the number of dogs on site could not be effectively controlled.
- 4-9) At the meeting, general discussion was raised in regards to issues 4 to 9. At the conclusion of the discussions, points 4 and 5 are not legally enforceable and it was felt that the remaining issues raised could be dealt with via conditions of consent, should consent be granted.

Following the conciliation meeting, the applicant revised the proposal on the 14 May 2009, which has been notified to adjoining property owners and the following changes made:

- 1) The number of adult dogs has been reduced from twenty to ten, with the occasional litter.
- 2) The size of the shed had been reduced, including the number and size of the individual sleeping quarters.
- 3) The number of grassed runs has been reduced from ten to nine and the frequency of the use of runs adjacent to 270 Grose Wold Road limited to whelping bitches and puppies.

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- 4) The shed has been relocated a further twenty metres east, down the slope of the property.
- 5) Further vegetative planting for screening purposes along the southern side boundary of the site.

### Description of Proposal (revised)

The application seeks approval for an animal establishment on the subject land involving construction of external kennels for the keeping and breeding of Bullmastiff show dogs. It is proposed to accommodate a maximum of ten dogs, with an occasional litter. The proposal does not involve the boarding of animals as all dogs are purpose bred as show dogs and are the property of the owner of the land.

The following works are associated with the proposal:

- Construction of a kennel building 18m ( length ) x 8m ( width ) x 3.7m ( height ) containing 8 individual kennels and storage area. This building will provide enclosed sleeping quarters with separate runs 1m in width and 2.5m in length. The kennel building is proposed to be constructed of colourbond outer skin walls and colourbond pitched roof. Masonry is to be used to line the individual kennels. The internal colourbond walls and roof are proposed to be internally insulated with 100mm thick insulation. The shed is proposed to be fitted with internal ceiling fans in lieu of air conditioners.
- An enclosure 42m x 56m is proposed to surround the kennel building accommodating 9 separate runs 5m in width x 15m in length, including one at 10m x 15m. The enclosure is to be constructed of 1.8m high wire mesh fencing (existing) upon which a 1m additional 45<sup>o</sup> angled overhang will be installed. The fence is to be lined with a 3mm thick vinyl sheeting to provide an acoustic barrier to adjoining properties. The runs are to be grassed and are to incorporate a covered area to provide shelter.
- Provision of a 1.8m high colourbond fence along the northern ( side ) boundary of the site commencing at the location of the dwelling situated at No. 262 Grose Wold Road and extending to the point adjacent to the north western corner of the outdoor enclosure.
- Installation of double thickness shade cloth material surrounding the outdoor runs to act as a visual buffer to neighbouring properties.
- Landscaping comprising of hedge type planting along the northern and southern (side) boundaries of the site and surrounding the outdoor kennel complex.
- Installation of an on-site effluent treatment and disposal system.
- Installation of an above ground 22,000l rain water tank.
- New post and rail front fence along the entire frontage of the site, including mesh to a height of 1 metre above ground.

### 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:

#### Any Environmental Planning Instrument (EPI) [ Section 79C(1)(a)(i) ]

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
- Clause 18 - Provision of water, sewerage etc. services

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

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.

Having regard to the requirements of SEPP No. 44, it is noted that the subject land has been extensively cleared in conjunction with previous activities undertaken on the site and that no trees would be impacted or removed by the proposed works.

### **Any draft EPI that has been placed on public exhibition [ Section 79C(1)(a)(ii)]**

There are no draft environmental planning instruments applicable to the proposed development.

### **Any DCP in force [ Section 79C(1)(a)(iii)]**

The application has been notified to adjoining property owners in accordance with the requirements of Hawkesbury development Control Plan 2002 Part A, Chapter 3. The submitted landscape plan is considered to be satisfactory and will satisfy the requirements of Section 1.2 of Part C, Chapter 1. However, in respect to development standards for animal establishments, no specific development control plan exists in relation to the proposed use of land.

### **Any planning agreements [ Section 79C(1)(a)(iia)]**

There are no planning agreements applicable to the proposed development.

### **Any matters prescribed by the Regulations [ Section 79C(1)(a)(iv)]**

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

### **Likely impacts, including environmental, on both natural and built environments and the social and economic impacts of the locality [ Section 79C(1)(b)]**

The proposed development would not result in unreasonable amenity impacts to adjoining properties. A feasibility study for the onsite disposal of waste water concludes that the site has the ability to support the proposed use without resultant damage to adjoining land. Waste generated by the facility is proposed to be removed on a daily basis via a worm farm and should the worm farm fail, a commercial contractor will be employed to dispose of waste to minimise odour impact. The application provides for acoustic mitigation measures to lessen the impact of noise from the animal establishment. In addition, extensive landscaping is proposed along the northern and southern side boundaries of the site, including around the enclosure to shield views of the animal establishment from neighbouring properties.

### **The suitability of the site [ Section 79C(1)(c)]**

The site is considered suitable for the development proposed.

### **Any submissions [ Section 79C(1)(d)]**

The application was renotified to adjoining property owners for 17 days in accordance with Hawkesbury Development Control Plan 2002. The second notification period extended from 8 July to 24 July 2009 and a further three letters of objection were received, including one letter of support. A response to each objection raised is provided in the following section of this report.

### **The public interest [ Section 79C(1)(e)]**

Having regard to the relevant planning considerations and the matters raised in public submissions, it is concluded that it would be in the general public interest to approve the proposed development.

**Hawkesbury Development Control Plan 2002**

Part A, Chapter 3 - Notification

The application was renotified to adjoining property owners for 17 days in accordance with the requirements of Hawkesbury Development Control Plan 2002. The second notification period extended from 8 July to 24 July 2009. In response to this notification period, a further three letters of objection were received, including one letter of support.

The main issues raised are summarised as follows:

- 1. Dogs may escape from the property and pose a safety threat to nearby school children.**  
Comment: Appropriately constructed buildings, barrier fencing and management practices will ensure that the chance of dogs escaping the premises is unlikely. The very nature of the proposal, i.e. keeping of valuable show dogs, will also be an incentive for the owner to ensure that animals do not accidentally escape from the site. It is therefore considered that the proposed development will not have a significant impact upon safety.
- 2. Dog manure**  
Comment: It is proposed to remove waste from the facility on a daily basis and place solid material into a worm farm to minimise odour impact and provide usable compost. Should the proposed means of on-site treatment of solid waste be unable to effectively deal with the volume of materials generated by the facility, the statement included with the application has provided that use of a commercial contractor could be engaged to address this issue. An appropriate condition has been included in the recommendation in this regard. The floor of the kennel building is to be graded to facilitate cleaning with wastewater directed into the proposed on-site treatment facility to assist in minimising odours. In addition, a recommended condition is also proposed that requires the regular collection of solid waste from the kennel areas.
- 3. Concern for dogs welfare**  
Comment: Concern has been raised over the dog's welfare in extreme weather conditions in summer and winter months as the applicant's have revised their proposal and air conditioners are no longer sought. In lieu, the applicant's propose internal ceiling fans. The very nature of the proposal, i.e keeping of valuable show dogs is incentive to ensure that the dog's health and wellbeing is paramount to the owner's interest and success in competition. It is therefore considered that the ceiling fans as proposed will be adequate to provide sufficient ventilation for the kennelled dogs.
- 4. The proximity of the site to adjoining residential properties is unacceptable.**  
Comment: The application is satisfactory in regards to the location of the animal establishment to adjoining neighbours in respect to visual and acoustic amenity. The application provides for acoustic mitigation measures to lessen the impact of noise from the establishment. In addition, extensive landscaping is proposed along the northern and southern side boundaries of the site, including around the enclosure to shield views of the animal establishment from neighbouring properties.
- 5. The subject site is not of an appropriate size or well located for the proposed animal establishment.**  
Comment: Animal establishments are a permissible land use within Rural Living zones, however there are no specific development controls and standards which regulate the size of animal establishments. The animal establishment is considered to be of an appropriate size, with the size of the kennel structure having been reduced in size following conciliation. In respect to its location, the kennel building has been relocated a further twenty (20) metres to the east from originally proposed to minimise loss of visual amenity. In addition, the submitted acoustic report details that the location of the animal establishment is satisfactory and subject to the inclusion of appropriate conditions, will satisfactorily address issues of noise disturbances to adjoining properties.
- 6. The development will impact upon visual amenity and will heighten any noise or air quality disturbance.**



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Comment: Extensive landscaping is proposed along the northern and southern side boundaries of the site, including around the enclosure to shield views of the animal establishment from neighbouring properties. In regards to noise disturbance, the application provides for acoustic mitigation measures to lessen the impact of noise from the establishment. It is proposed to remove waste from the facility on a daily basis and place solid material into a worm farm to minimise odour impact and provide usable compost.

The application has been reviewed by Council's Environmental Health Officers and subject to recommended conditions of consent, no objection has been raised in respect to the proposal.

**7. The development is contrary to the rural character of the location**

Comment: The Rural Living zone permits a range of landuses, including animal establishments. It is considered that the proposal will not be contrary to the rural character of the location given the location of the proposed building and proposed landscape treatment to be applied.

**8. The proposal will result in noise disturbance to adjoining properties.**

Comment: An acoustic assessment has been submitted in conjunction with the application recommending measures to reduce potential noise impacts to neighbouring properties. It is considered that the design in conjunction with the inclusion of appropriate conditions will satisfactorily address the issue of noise disturbance to adjoining properties.

**9. The noise report doesn't take into account the slope of land.**

Comment: The acoustic report has been prepared in accordance with the sheds location and siting in regards to the nearest neighbouring residences. The acoustic report demonstrates that the development can achieve acoustic compliance subject to mitigation measures to lessen the impact of noise from the establishment. Conditions of consent are recommended to ensure the animal establishment will achieve compliance with the noise criteria established in the acoustic report.

**10. Devaluation of adjacent properties.**

Comment: The proposed land use is already permitted in the zone with Council Consent and, subject to meeting relevant requirements, could be operated without detriment to neighbouring properties.

### Conclusion

The proposed animal establishment has demonstrated satisfactory compliance with the provisions of Sydney Regional Environmental Plan No. 20, Hawkesbury Local Environmental Plan 1989, Hawkesbury Development Control Plan 2002 and other relevant policies.

The plans and supporting documentation submitted in conjunction with the application have demonstrated that the proposal constitutes a satisfactory form of development. Since originally notified, the applicant has revised the proposal and the external shed and numbers of dogs kept on the premises has been reduced. Conditions of consent relating to acoustic measures, wastewater disposal and operational restrictions have been imposed in the recommended consent to minimize environmental impact to adjoining property owners.

### 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 DA0359/08 for an animal establishment – construction of a kennel building and outdoor kennels for the keeping and breeding of show dogs, including above ground rain water tank

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and front fence at Lot 11 DP 1034864, No. 262 Grose Wold Road Grose Wold be approved subject to the following conditions:

1. The development is to be carried out in compliance with the stamped plans, specifications and accompanying documentation submitted with the application except where amended by other conditions of consent.
2. No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
7. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

### Acoustic Conditions

8. The kennel building shall be designed to achieve a minimum acoustic rating of RW30 as detailed in the Acoustic Report titled Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008.
9. The intersection between walls and roof structure shall be designed to incorporate acoustically effective elements that ensure the achievement of positive and effective closure with no signs of acoustical leakage. Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
10. The kennel buildings are to incorporate the following:
  - (a) silencers on ventilation system; and
  - (b) noise masking using vent system or electronic masking system.Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
11. The acoustic consultant shall be retained to inspect the construction of the buildings at each critical phase to ensure compliance with design intent and shall identify defects and ensure their correction. The airborne sound attenuation characteristics of the as-finished structures shall be objectively measured to confirm compliance with design intent prior to the consultant signing off on the project.

### Prior To Issue Of Construction Certificate

12. Appropriate areas shall be provided for the storage of garbage/waste material and recycling material and all waste and recyclable material generated by this premises. Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

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The following requirements shall be met:

- (a) The storage areas shall be designed to prevent entry of vermin/insects and are to incorporate a smooth surface, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and
  - (b) The storage areas shall be adequately screened from the street/adjacent property boundaries;
13. The external colour of the proposed kennel building and rainwater tank shall be of earth/natural tones so as to blend with the rural character of the area. The proposed acoustic fencing is to be treated in earth/natural tones to assist in reducing its visual impact upon the locality. Prior to issue of the Construction Certificate, the certifier shall verify that the external components are in accordance with that specified above.
14. Details demonstrating high quality external lighting for security without adverse affects on public amenity from excessive illumination levels and glare are to be submitted with the Construction Certificate.
15. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:
- a) The Building Code of Australia.
  - b) AS 1668 Part 1 & 2.
  - c) The Public Health Act.
  - d) Public Health (Microbial Control) Regulation.
  - e) Work Cover Authority.

Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.

16. A separate application is to be lodged with Council for approval under Section 68 (Part C) and Section 68A of the Local Government Act 1993 for the installation of a Centralised Sewage Management Facility at the premises to receive, treat, and dispose of all wastewaters from all sources in the proposed development.

At the Construction Certificate stage, the Applicant is to provide, as part of the Section 68 Application:

- a. Further details and plans regarding design of the STP including specification of all pumps, aeration devices and UV disinfection system.
  - b. The odour controls on each tank will consist of a proprietary vent with carbon filter for odour extraction and a fan to inject fresh air into the tank. As fresh air is injected, waste air is vented through the filter.
  - c. Details of STP are to provide for separate treatment of human and animal wastes.
  - d. Details to exclude humans and animals from the disposal area.
17. The kennel floors are to be drained by gravity to deep spoon drains and thence to a grit arrester. Liquid waste from the grit arrester shall discharge into a Council approved waste management system.

Details satisfying the above are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

18. The internal fencing surrounding the outdoor kennel areas is to be covered with 3mm heavy duty vinyl sheeting. This sheeting is to be extended at the top of the fence and shall extend on a 45

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degree angle into the kennel areas. Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.

19. An opaque material shall cover the fence surrounding the exercise yards so as to restrict the line of sight for the dogs so as to minimise external visual stimuli that may encourage barking. Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.
20. A 1.8 metre high solid fence (not colorbond) is to be constructed on the property boundary, starting immediately adjacent to the dwelling at 262 Grose Wold Road and ending at an angle nearest the dog fence line's north west corner. This fence is to provide a solid noise barrier to the property immediately to the north of the site. Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.
21. Dense screen planting is to be established around the external kennel areas and along the boundaries of the site so as to create a vegetative buffer to the facility and to minimise the potential for external factors to encourage the dogs to bark. Landscape scheme details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.
22. An automated irrigation system is to be installed to the proposed hedge planting surrounding the outdoor kennel area. Water for the irrigation system shall be drawn from the roof water collection tank/s. Details are to be submitted and approved by the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.

### Prior To Commencement Of Works

23. A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.
24. 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.
25. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
26. Toilet facilities shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
27. 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.
28. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

### During Construction

29. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality.
30. 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.

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31. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
32. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
33. Building construction (including the delivery of materials to and from the property) shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 4.00 pm inclusive, with no work on Sundays and Public Holidays.
34. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builder's waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
35. All roof water shall be drained to appropriate water storage vessel/s. Any overflows are to be designed so as to disperse flows so as to minimise erosion and scouring.
36. 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.
37. A bitumen sealed rural footway crossing 5.0 metres wide shall be constructed to the development in accordance with the Hawkesbury DCP Appendix "E", "Civil Works Specification". Prior to works commencing the applicant shall consult with Hawkesbury City Council regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
38. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
39. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.

**Prior to Issue of Occupation Certificate**

40. Compliance with all conditions of this development consent.
41. The facility shall be tested and a report prepared by an appropriately qualified acoustic consultant for approval by the Principal Certifying Authority prior to issue of the final occupation certificate. Subject to ambient noise levels during the test it may be necessary to increase the Sound Power Levels to adequately measure the noise contribution from the facility to compare with the criterion. Weather conditions shall be reported at the time and any adjustments due to differences in upwind or downwind noise propagation included. Any adjustments necessary shall be explained in the report.

The noise levels shall be measured at the site boundaries and from receiver locations at adjacent residences in each direction to determine compliance with the noise criteria contained in Acoustic Report *Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008* for the kennel building and the outdoor exercise yards.

42. A certificate from an appropriately qualified Acoustic Engineer is to be submitted prior to the issue of any Occupation Certificate certifying that all sound producing plant, equipment, machinery, fittings or

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dogs shall not exceed 5dBA above the background level during the day and not exceeding the background level at night (10.00pm -6.00 am) when measured at any neighbouring boundary, allowing for modifying factors in accordance with the requirements of the Environment Protection Authority Industrial Noise Policy .

### Use of the Development

43. The animal establishment is to be restricted to accommodate Bullmastiff dogs only.
44. The kennel facility is to accommodate not more than fifteen dogs at any given time.
45. No boarding of other dogs shall occur at the kennels and premises at any time.
46. Waste material generated by the operation of the premises is to be stored in a manner that minimises odour nuisance to adjoining properties and reduces the potential for vermin infestations.
47. Faeces (stools) shall be collected daily from kennels, pens and runs and are to be placed in an approved onsite management facility (composted in a worm farm or similar) and/or removed off the site by a commercial contractor.
48. Between the hours of sunset and 8:00am all dogs housed on the premises are to be kept in acoustically treated kennels so as to minimise noise impact to adjoining properties.
49. The care and management of all animals shall be consistent with NSW Agriculture Animal Welfare Code of Practice No. 5 – “The Care and Management of Dogs and Cats in Animal Boarding Establishments” or industry best practice standards as updated.
50. Strict adherence to the Operational Management Plan Titled: Fence and Shed Application 262 Grose Wold Road Grose Wold dated 23 April 2008 having regard to the management of the facility.
51. No dogs are to be exercised outside of the area of the nominated enclosures or associated runs.
52. The automated irrigation system required by Condition No. 22 is to be operated and maintained so as to ensure the establishment and vigour of the proposed hedge planting areas.
53. Regular maintenance and replacement planting is to be undertaken so as to ensure the long term viability of the landscape scheme provided for the site.
54. Feeding of the dogs shall not be carried out between the hours of 8.00pm to 7.00am so as to prevent noise nuisances.
55. The animal establishment is to be under constant supervision by an experienced canine handler.
56. Any disturbance shall be investigated by the canine handler immediately to eliminate any barking that may occur. Corrective behaviours and training are to be implemented to limit further noise.
57. Any distressed or injured animals shall be housed whilst in recovery in enclosed kennels to eliminate and noise from the animal.
58. All feeding, washing and grooming of dogs is to be carried out in the enclosed kennels.
59. The dog runs and enclosures shall be kept clean, uneaten food, refuse and faecal waste must be removed at least once a day.
60. The premises are to be monitored for fly breeding and appropriate immediate remedial action is to be taken should fly breeding be detected.
61. The use of the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

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- 62. Feed is to be stored in containers with close-fitting hinged lids to prevent the entry of vermin.
- 63. If signs of disease are observed in the animals, appropriate treatment must be promptly provided to prevent the spread of disease.
- 64. Appropriate dust mitigation measures shall be applied to the outdoor kennel areas to limit dust nuisance impact upon neighbouring properties.

**Advisory Notes**

- \*\*\* The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- \*\*\* Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

**ATTACHMENTS:**

- AT - 1** Assessment report presented to Ordinary meeting dated 21 October 2008.
- AT - 2** Amended Site Plan
- AT - 3** Amended Landscaping and Planting Plan
- AT - 4** Amended Shed Elevations

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### AT - 1 Assessment report presented to Ordinary meeting dated 21 October 2008

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#### Development Information

**Applicant:** Urban City Consulting Pty Limited  
**Applicants Rep:** Troy Myers  
**Owner:** Mr GA Sparham  
**Stat. Provisions:** Hawkesbury Local Environmental Plan 1989  
Hawkesbury Development Control Plan 2002  
**Area:** 1.838 Ha  
**Zone:** Hawkesbury Local Environmental Plan 1989  
Rural Living  
**Advertising:** 30/5/08 to 20/6/08  
**Date Received:** 14/5/08

**Key Issues:**

- ◆ Noise
- ◆ Amenity and character
- ◆ Zone objectives
- ◆ Public safety

**Recommendation:** Approval

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#### REPORT:

##### Background

The subject site and adjoining property have been the subject of a site inspection on Thursday, 9 October 2008 as requested by Councillor Rassmussen. The inspection of the subject property was attended by Councillors Bassett (Mayor), Conolly (Deputy Mayor), Rassmussen and Reardon. Also in attendance were Council's Director City Planning, the property owner (Mr Sparham) and the applicant, Mr Myers. Following the site inspection the adjoining property to the north, 270 Grose Wold Road, was also inspected by the above with the addition of the property owner, Ms Fjellheim, Ms G Raby and Mr G Swain.

##### Description of Proposal

The application seeks approval for an animal establishment on the subject land involving construction of internal and external kennels for the keeping and breeding of Bullmastiff show dogs. It is proposed to accommodate a maximum of 20 dogs generally comprising of 10 - 15 adult dogs with an occasional litter at any given time. The proposal does not involve the boarding of animals as all dogs are purpose bred as show dogs and are the property of the owner of the land.

The following works are associated with the proposal:

- Construction of a kennel building 20m (length) x 10m (width) x 4m (height) containing 11 individual kennels and storage area. This building will provide enclosed sleeping quarters with separate runs 2.0m in width x 3.5m in length. The kennel building is proposed to be constructed of colourbond outer skin walls and colourbond pitched roof. Masonry is to be used to line the individual kennels. The internal colourbond walls and roof are proposed to be internally insulated with 100mm thick insulation. The building will be fully air conditioned with no windows facing the adjoining residence.
- An enclosure 42m x 56m is proposed to surround the kennel building accommodating 10 separate outdoor runs 5.0m in width x 15.0m in length. This enclosure is to be constructed of 1.8m high wire mesh fencing (existing) upon which a 1.0m additional 45° angled overhang will be installed. The



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fence is to be lined with a 3mm thick vinyl sheeting to provide an acoustic barrier to adjoining properties. The runs are to be grassed and are to incorporate a covered area to provide shelter.

- Provision of 1.8m high fencing along the northern (side) boundary of the site commencing at the location of the dwelling situated at No. 262 Grose Wold Road and extending to the point adjacent to the north western corner of the outdoor enclosure.
- Installation of double thickness shade cloth material surrounding the outdoor runs to act as a visual buffer to neighbouring properties.
- Landscaping comprising of hedge type planting along the northern (side) boundary of the site and surrounding the outdoor kennel complex.
- Installation of an on-site effluent treatment and disposal system.

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

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are addressed as follows:

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

The subject site falls within the Middle Hawkesbury Nepean River Catchment area defined by SREP No. 20 (No. 2 - 1997). It is considered that the proposal is consistent with the aims and objectives of the plan and that suitable consideration has been given to the requirements of this planning instrument.

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

SEPP No. 44 applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare. Having regard to the requirements of SEPP No. 44 it is noted that the subject land has been extensively cleared in conjunction with previous activities undertaken on the site and that no trees would be impacted or removed by the proposed works.

#### Hawkesbury Local Environmental Plan 1989

The relevant clauses from Hawkesbury Local Environmental Plan 1989 are discussed as follows:

##### *Clause 2 - Aims, objectives etc*

The general aims, objectives etc. of the Hawkesbury Local Environmental Plan 1989 are as follows:

- a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury;*

*Comment:* It is considered that the proposal involves the orderly and economic development of the site.

- b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;*

*Comment:* The subject site is considered to be of an appropriate size and within an appropriate location for the proposed animal establishment.

- c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways;*

*Comment:* It is considered that the proposal will not compromise the rural character of the locality and will not have an adverse impact on any waterways. No wetland areas have been identified within the immediate area.

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- d) *to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations; and*

*Comment:* The subject site does not contain or adjoin any heritage items or heritage conservation areas.

- e) *to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City*

*Comment:* The proposal does not involve a housing development.

*Clause 5 - Definitions*

The proposed development is defined as an "animal establishment" pursuant to Clause 5 of Hawkesbury Local Environmental Plan 1989. The following definition is provided in Clause 5:

*“animal establishment” means a building or place used or intended for use for the intensive purpose of husbandry, boarding, training or the keeping (or any combination of them) of animals, birds or fish.*

*Clause 9 - Carrying out of development*

The subject site is zoned Rural Living under the provisions of Hawkesbury Local Environmental Plan 1989. An animal establishment is a land use that is permissible with development consent within the Rural Living zone.

*Clause 9A - Zone objectives*

An assessment of the proposal's degree of compliance with the objectives of the Rural Living zone is detailed as follows:

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

*Comment:* The design of the proposed development has been developed so as to minimise adverse impact upon adjacent properties. In this regard appropriate conditions have been included in the recommended consent so as to limit potential impacts attributable to the proposal.

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

*Comment:* The proposal will not cause significant adverse impact on identified agricultural activities given the design and scale of the development and requirement for the implementation of appropriate measures so as to enable these uses to continue.

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

*Comment:* The proposal has been designed so as to minimise impact upon adjoining land uses given the design of the kennel building and associated outdoor enclosures. In addition, it is noted that a combination of fencing, barrier screening and landscape treatment are proposed so as to assist in this regard.

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

*Comment:* The application seeks approval for the establishment of an animal establishment that will not require the physical modification of the site such as ploughing, irrigation, application of fertilisers or chemicals. As such, the proposed activity is not deemed to have significant implications relating to concepts involving sustainability.

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

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*Comment:* The application does not seek consent for rural residential development.

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

*Comment:* The proposed kennel building is of similar design to buildings situated in the immediate area. In addition, a landscape plan has been prepared detailing extensive planting surrounding the outdoor kennel area and northern boundary of the site assisting in reducing the visual impact of the proposal.

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

*Comment:* The application does not seek consent for an agricultural land use.

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

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

*Comment:* An agricultural use of the site is not proposed. Notwithstanding this, the proposal is not anticipated to cause any significant adverse impacts on water catchments, land surface conditions or significant ecosystems.

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

*Comment:* Grose Wold Road is not classified as a main or arterial road. The degree of traffic anticipated to be generated by the development will be able to be adequately accommodated within the surrounding road system.

- (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 or economic demands on the provision or extension of public amenities or services.

*Clause 18 - Provision of water, sewerage etc. services*

Satisfactory arrangements have been proposed for the provision of services for the proposed development.

Water - Council records indicate that the site is not serviced by reticulated water supply. An appropriate condition of development consent has been included in the recommendation requiring the provision of on-site water storage to provide for the demands associated with the proposed use.

Sewerage – A detailed overview relating to wastewater management associated with the proposal is provided in a separate section in this report. Subject to the inclusion of appropriate conditions included in the recommendation it is considered that the proposed wastewater treatment facility is appropriate for the development.

It is noted that a separate application is required to be lodged with Council for approval under Section 68 and Section 68A of the Local Government Act 1993 for the installation of the Centralised Sewage Management Facility.

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Drainage – Stormwater runoff from the roof of the proposed kennel building will be required to be directed into an appropriate water storage tank/s and any overflow dispersed onsite. It is considered that the proposed means of stormwater disposal is satisfactory.

Electricity - The site is serviced by electricity supply.

### *Clause 37A – Development on land identified on Acid Sulfate Soils Planning Map*

The land is identified as Class 5 Land on the Acid Sulfate Soils Planning Map. As the proposal does not involve significant earthworks no impact upon the watertable is anticipated.

## **Hawkesbury Development Control Plan 2002**

### Part A, Chapter 1 - Purpose and Aims

The proposed development is considered to be consistent with the general aims and objectives of Hawkesbury Development Control Plan 2002.

### Part A, Chapter 2 – General Information

It is considered that sufficient information has been submitted with the application for Council to assess the application.

### Part A, Chapter 3 - Notification

The application was notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002. The notification period extended from 28 May 2008 to 20 June 2008. In response to this notification a total of twelve (12) submissions were received.

In addition to the above the applicant has included a petition containing one hundred and four (104) signatures and ten (10) letters of support for the application.

The main issues raised are summarised as follows:

#### **1. The proposed development is inconsistent with the objectives of the Rural Living zone.**

*Comment:* It is noted that 'animal establishments' are a permissible land use within the Rural Living zone and it is considered that the proposal is consistent with the stated zone objectives as detailed previously in this report.

#### **2. The animal establishment will have an appearance that is unattractive being inconsistent with the character of the locality.**

*Comment:* It is considered that the proposal will not be out of keeping with the nature of development situated in the immediate area given the location of the proposed building, associated outdoor kennels and proposed landscape treatment to be applied.

#### **3. The proposal will result in noise disturbance to adjoining properties.**

*Comment:* An acoustic assessment has been submitted in conjunction with the application recommending measures to reduce potential noise impact to neighbouring properties. It is considered that the design in conjunction with the inclusion of appropriate conditions will satisfactorily address the issue of noise disturbance to adjoining properties.

#### **4. Approval of the application may set an undesirable precedent for the development of further boarding kennel facilities in the locality.**

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*Comment:* 'Animal establishments' are a permissible land use within the Rural Living zone and any similar applications would need to demonstrate that such uses would not result in unacceptable impact upon adjoining land. It should also be noted that the current application is not for a "boarding kennel" that provides intermittent accommodation for dogs, but is to be used as a kennel facility for the keeping and breeding of a limited number of show dogs owned by the applicant. As this use is a permitted use in the zone, approval of such a use does not, in itself, set a precedent.

**5. The number of dogs proposed to be accommodated within the facility is considered excessive and actual numbers may exceed those stated in the application.**

*Comment:* The details submitted in conjunction with the application provide that the number of dogs proposed to be housed on the property will not result in a significant adverse impact upon adjoining properties. An appropriate condition has been included in the recommended consent restricting the total number and breed of dogs that may be accommodated on the site as nominated in the application.

**6. The proximity of the site to an existing school and adjoining residential properties is unacceptable.**

*Comment:* An appropriate condition has been included in the recommended consent requiring the installation of appropriate fencing around the perimeter of the kennel enclosure so as to provide suitable means for the control of animals on the site.

**7. The soil situated on the site has high clay content and the potential for faecal contamination of waterways is high.**

*Comment:* The proposed on-site wastewater system, utilising sub-surface irrigation, will dispose of waste generated by the development in an appropriate manner thereby minimising the potential for the impacts as described. A recommended condition is also proposed that requires the regular collection of solid waste from the kennel areas.

**8. The development has the potential to cause odour problems.**

*Comment:* It is considered that this issue has been adequately addressed in conjunction with the application and through conditions that have been included in the recommendation. In addition, it is noted that a further assessment of the wastewater system will occur under Section 68 and 68A of the Local Government Act and should future odour impact occur a Direction to Take Preventative Action is able to be served under Section 96 of the Protection of the Environment Operations Act 1997.

**9. The proposal has the potential to spread disease and contaminate adjacent waterways and dams.**

*Comment:* It is considered that the proposed on-site wastewater system will dispose of waste generated by the development in an appropriate manner thereby minimising the potential for the impacts as described.

**10. Fencing surrounding the site will not prevent accidental escape of animals.**

*Comment:* Appropriately constructed buildings, barrier fencing and management practises will ensure that the chance of animals escaping the premises is unlikely. The very nature of the proposal, ie, keeping of valuable show dogs, will also be an incentive for the owner to ensure that animals do not accidentally escape from the site. It is therefore considered that the proposed development will not have a significant impact upon safety.

**11. Devaluation of adjacent properties.**

*Comment:* It is difficult to determine the full impact that development may have on land values as they are a relative measure that depends on the use that is permitted in the zone. Generally the true value of land is based on the highest and best use of the land. In some cases that may not be solely residential but a combination of uses. In relation to this submission no evidence to support the claim of change in land values has been submitted to Council.

**12. Proposal is inconsistent with Council's Policy for Construction of Rural Sheds.**

*Comment:* The proposal should not be considered under the Rural Sheds Chapter of the DCP as the application does not fit within the definition of rural shed as defined in Clause 5 of Hawkesbury Local Environmental Plan 1989. The definition detailed in Clause 5 specifically makes reference that this definition "does not include a building or structure elsewhere specifically defined in this clause or a building or structure used for a purpose elsewhere specifically defined in this clause." The application, involving the keeping and breeding of dogs, is defined as an "animal establishment". As such, it is appropriate to assess the application under that defined use.

**13. The proposal would limit available parking in the area should the use be orientated towards a business use.**

*Comment:* It is considered that adequate area is available on the subject site to cater for the anticipated level of car parking demand associated with the proposal.

**14. The acoustic assessment has not considered the dwelling currently under construction to the south of the site.**

*Comment:* A suitable condition has been included in the recommendation requiring the design of the proposal to provide an acceptable acoustic environment to all properties adjacent to the subject site. Validation by an appropriately qualified acoustic engineer would be required to be undertaken and necessary works completed prior to occupation.

Part C, Chapter 1 - Landscaping

A landscape plan has been prepared in conjunction with the application detailing the provision of landscape treatment along the northern (side) boundary of the site and surrounding the kennel enclosure as described previously in this report. The landscape plan has satisfied the requirements of Section 1.2 of the Landscaping Chapter of Hawkesbury Development Control Plan 2002. It is considered that the plan will provide for satisfactory screening of the proposed development assisting in reducing the visual impact of the proposal from adjoining properties and Grose Wold Road. It is also noted that, as observed at the site inspection on 9 October, some of the landscaping (that does not require separate consent) has already been undertaken.

Part C, Chapter 2 - Car Parking and Access

The stated aims of the car parking chapter are outlined as follows:

- *Ensure that adequate and convenient off-street parking facilities are provided for all vehicles generated by new development;*
- *Encourage the efficient flow of traffic through car parks and to minimise the potential for pedestrian/vehicle and vehicle/vehicle conflict;*
- *Ensure minimum of interference to the flow of traffic on the street network; and*
- *Ensure adequate traffic safety and management and to improve the amenity of car parking areas.*

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It is noted that no specific standard for on-site car parking provision has been provided in Hawkesbury Development Control Plan 2002 for 'animal establishment' development.

It is noted that the application involves the establishment of a facility for the purpose of housing and breeding of show dogs. Accordingly, car parking demand associated with this type of usage would not significantly vary from a residential use.

It is considered that the existing level of on-site car parking provision and current access arrangements are satisfactory for the proposed use.

An appropriate condition has been included in the recommendation requiring the vehicle crossing to be constructed of a durable all weather sealed surface.

### **Planning Assessment**

#### Context and Setting

The locality is characterised by rural properties containing single dwellings with variable setbacks. These properties, whilst primarily used for residential purposes, include the keeping of a variety of animals including horses, cattle and alpaca. Grose View Public School is situated on the opposite (western) side of Grose Wold Road.

Scattered stands of mature native trees and vegetation exist throughout the locality. Given the setbacks proposed, the minimal impact upon existing trees situated on the site and the degree of landscape treatment proposed in conjunction with the application it is considered that the proposal will not have a detrimental impact upon the existing character of the area.

#### Flora and Fauna

The subject site will not impact upon any significant vegetation situated on the subject land. Accordingly a formal flora and fauna assessment was not required in this instance.

#### Noise Impact

In conjunction with the subject application for the animal establishment the applicant engaged RSA Acoustics to undertake an acoustic assessment of the proposal (*Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008*). This report describes the anticipated environmental noise impact upon adjacent residential dwellings and the calculations were based upon a maximum of 20 dogs.

This report recommends the following noise control measures to be implemented so as to minimise noise impact to adjoining residential land uses:

- *The property will be under continuous supervision by an experienced canine handler 24 hours per day.*
- *The installation of a 1.8 metre high fence on the adjoining property boundary. This fence will form a solid noise barrier towards the northern residential property. This fence will start immediately adjacent to the dwelling at 262 Grose Wold Road and end at an angle nearest the dog fence line's north west corner.*
- *The fence surrounding the exercise yards is to be covered in 3mm thick heavy duty clear vinyl sheeting.*
- *Any disturbance shall be investigated immediately to eliminate any barking that may occur.*
- *Veterinary attendance will occur on a regular basis.*
- *Distressed or injured animals shall be housed whilst in recovery in the enclosed kennels to eliminate any noise from the animal.*

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- *All feeding, washing and grooming of dogs will be carried out in the kennels.*

In order to limit the potential for external stimuli to affect the behaviour of the dogs when contained in the external runs it is recommended that the outer enclosing fence be covered by a suitable material that would prevent any opportunity for such distraction. Subject to this additional requirement the remaining recommendations contained in this report have been included as draft conditions.

In addition to the above the acoustic report provides the following conclusions having regard to the proposed animal establishment:

*Based on the noise levels at the nearest residence as calculated, it is clear that acceptable noise criteria will be achieved for both daytime and night time kennel usage. As well, this report demonstrates that the sleep arousal criteria will be achieved.*

*Bullmastiffs are a low key, quiet breed and have been developed for their ability to know when making noise is appropriate. They are not prone to constant barking or being overly alert to external stimulus.*

*As such it is expected there will be very little noise from the entire kennel of dogs even compared to that of a single dog of other breeds.*

*The dogs will be let out of a day time between 0800 and 1700 hours and housed within the acoustically treated shed complex at night. This will shield any night time stimuli such as feral and wild animals.*

*The dogs will only be out in their runs for extended periods of time when a responsible adult is on site.*

*Noise will be easily monitored and corrective behaviours and training can be used to limit further noise.*

*The dogs at this facility have been bred in a rural environment and are rarely stimulated by domesticated animals.*

*Apart from the noise recommendations contained within this Noise Assessment Report there will be a comprehensively fast growing screening of vines and hedges along the external perimeter. This will minimise any visual stimulus that may encourage the dogs to bark. The adjoining property at 260 Grose Wold Road has planted mature conifers along the fence line that will further obscure any view from the dog complex.*

*It is therefore concluded that the noise impact of the proposed kennel facilities at 262 Grose Wold Road, Grose Vale, the subject of this report, will be acceptable and meet the 'NSW Industrial Noise Policy' and the noise provisions of Hawkesbury Council provided that compliance with the recommendations is maintained.*

Based upon this information it is considered that the proposal will maintain an acceptable noise environment to adjoining properties. In addition, a suggested condition has been included in the draft consent requiring a performance assessment of the kennel building and associated external areas by an acoustic engineer to ensure that the noise levels do not exceed the design levels contained within the report.

### Wastewater Management

An on-site effluent disposal assessment has been prepared by Toby Fiander & Associates in conjunction with the proposed development (*Feasibility Study for Onsite Disposal of Wastewater 262 Grose Wold Road Grose Wold Report No. TFA3176/01, dated 10 March 2008*). This report has determined the feasibility of the site to support the proposed dog kennel facility. The report has identified suitable areas



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situated on the site capable of accepting wastewater disposal and has concluded that the proposal is able to be undertaken without resultant damage to adjoining land.

In addition, a separate Application for Installation of a Sewage Management Facility has been included as a proposed condition of Development Consent.

### Waste Management

It is proposed to remove waste from the facility on a daily basis and place solid material into a worm farm to minimise odour impact and provide usable compost. Should the proposed means of on-site treatment of solid waste be unable to effectively deal with the volume of material generated by the facility the statement included with the application has provided that use of a commercial contractor could be engaged to address this issue. An appropriate condition has been included in the recommendation in this regard.

The floor of the kennel building is to be graded to facilitate cleaning with wastewater directed into the proposed on-site treatment facility to assist in minimising odours.

### **Conclusion**

The proposed animal establishment – construction of a kennel building and outdoor kennels for the keeping and breeding of show dogs has demonstrated satisfactory compliance with the provisions of Sydney Regional Environmental Plan No. 20, Hawkesbury Local Environmental Plan 1989, Hawkesbury Development Control Plan 2002 and other relevant policies.

The plans and supporting documentation submitted in conjunction with the application have demonstrated that the proposal constitutes a satisfactory form of development. In addition, appropriate conditions relating to acoustic treatment, wastewater disposal and operational restrictions have been included in the recommended consent to ensure that the proposed use would be compatible with the zone objectives and minimise environmental impact. Accordingly, it is recommended that the application be approved.

### **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 No. DA0359/08 for an Animal Establishment – Construction of a Kennel Building and Outdoor Kennels for the keeping and breeding of show dogs at Lot 11 DP 1034864, 262 Grose Wold Road, Grose Wold be approved subject to the following conditions:

1. The development is to be carried out in compliance with the stamped plans, specifications and accompanying documentation submitted with the application except where amended by other conditions of consent.
2. No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia.

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6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
7. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

### Acoustic Conditions

8. The kennel building shall be designed to achieve a minimum acoustic rating of RW30 as detailed in the Acoustic Report titled Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008.
9. The intersection between walls and roof structure shall be designed to incorporate acoustically effective elements that ensure the achievement of positive and effective closure with no signs of acoustical leakage. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
10. The kennel buildings are to incorporate the following:
  - (a) silencers on ventilation system and associated motors or machinery; and
  - (b) noise masking using vent system or electronic masking system.Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
11. The acoustic consultant shall be retained to inspect the construction of the buildings at each critical phase to ensure compliance with design intent and shall identify defects and ensure their correction. The airborne sound attenuation characteristics of the 'as-finished' structures shall be objectively measured to confirm compliance with design intent prior to the consultant signing off on the project.

### Prior To Issue of Construction Certificate

12. Appropriate areas shall be provided for the storage of garbage/waste material and recycling material and all waste and recyclable material generated by this premises. Details are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

The following requirements shall be met:

  - a) The storage areas shall be designed to prevent entry of vermin/insects and are to incorporate a smooth surface, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and
  - b) The storage areas shall be adequately screened from the street/adjacent property boundaries;
13. The external colour of the proposed kennel building shall be of earth/natural tones so as to blend with the rural character of the area. The proposed acoustic fencing is to be treated in earth/natural tones to assist in reducing its visual impact upon the locality. Prior to issue of the Construction Certificate, the certifier to verify that the external components are in accordance with that specified above.
14. Details demonstrating high quality external lighting for security without adverse affects on public amenity from excessive illumination levels and glare are to be submitted with the Construction Certificate.

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15. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- f) The Building Code of Australia.
- g) AS 1668 Part 1 & 2.
- h) The Public Health Act.
- i) Public Health (Microbial Control) Regulation.
- j) Work Cover Authority.

Details are to be submitted to the Principal Certifier satisfying the above prior to the issue of the Construction Certificate.

16. A separate application is to be lodged with Council for approval under Section 68 (Part C) and Section 68A of the Local Government Act 1993 for the installation of a Centralised Sewage Management Facility at the premises to receive, treat, and dispose of all wastewaters from all sources in the proposed development.

At the Construction Certificate stage, the Applicant is to provide, as part of the Section 68 Application:

- a. Further details and plans regarding design of the STP including specification of all pumps, aeration devices and UV disinfection system, including noise attenuation measures.
  - b. The odour controls on each tank will consist of a proprietary vent with carbon filter for odour extraction and a fan to inject fresh air into the tank. As fresh air is injected, waste air is vented through the filter.
  - c. Details of STP are to provide for separate treatment of human and animal wastes.
17. The kennel floors are to be drained by gravity to deep spoon drains and thence to a grit arrester. Liquid waste from the grit arrester shall discharge into a Council approved waste management system.

Details satisfying the above are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

### Prior to Commencement Of Works

18. A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.
19. 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.
20. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
21. Toilet facilities shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
22. 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.
- e) Unauthorised access to the site is prohibited.
  - f) The owner of the site.
  - g) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).

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- h) The name and contact number of the Principal Certifying Authority.
- 23. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
- 24. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) 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.
- 25. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

### During Construction

- 26. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
- 27. 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.
- 28. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 29. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
- 30. Building construction (including the delivery of materials to and from the property) shall be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 4.00 pm inclusive, with no work on Sundays and Public Holidays.
- 31. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - c) Builder's waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
- 32. All roof water shall be drained to appropriate sized water storage vessel/s. Any overflows are to be designed so as to disperse flows so as to minimise erosion and scouring.
- 33. 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.
- 34. A bitumen sealed rural footway crossing 5.0 metres wide shall be constructed to the development in accordance with the Hawkesbury DCP Appendix "E", "Civil Works Specification". Prior to works commencing the applicant shall consult with Asset Services and Recreation regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
- 35. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.

## ORDINARY MEETING

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36. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
37. The fencing surrounding the outdoor kennel areas is to be covered with a heavy duty vinyl sheeting or similar acoustic rated material. This sheeting is to be extended at the top of the fence and shall extend on a 45 degree angle into the kennel areas. This sheeting is to be securely fixed to prevent it being damaged or removed and to restrict excessive movement in adverse weather conditions.
38. An opaque material shall cover the fence surrounding the exercise yards so as to restrict the line of sight for the dogs so as to minimise external visual stimuli that may encourage barking. This material is to be securely fixed to prevent it being damaged or removed and to restrict excessive movement in adverse weather conditions.
39. A 1.8 metre high solid fence (not colourbond) is to be constructed on, or adjacent to the northern property boundary, starting immediately adjacent to the dwelling at 262 Grose Wold Road and ending at an angle nearest the dog enclosure fence line's north west corner. This fence is to provide a solid noise barrier to the property immediately to the north of the site.
40. Dense screen planting is to be established around the external kennel areas and along the boundaries of the site so as to create a vegetative buffer to the facility and to minimise the potential for external factors to encourage the dogs to bark.
41. An automated irrigation system is to be installed to the proposed hedge planting surrounding the outdoor kennel area. Water for the irrigation system shall be drawn from the roof water collection tank/s.

### Prior to Issue of Occupation Certificate

42. Compliance with all conditions of this development consent.
43. Prior to occupation, the facility shall be tested and a report prepared by an appropriately qualified acoustic consultant. Subject to ambient noise levels during the test it may be necessary to increase the Sound Power Levels to adequately measure the noise contribution from the facility to compare with the criterion. Weather conditions shall be reported at the time and any adjustments due to differences in upwind or downwind noise propagation included. Any adjustments necessary shall be explained in the report.

The noise levels shall be measured at the site boundaries and from receiver locations at adjacent existing and proposed residences in each direction to determine compliance with the noise criteria contained in Acoustic Report *Noise Assessment Show Dog Kennels 262 Grose Wold Road Grose Vale Job No. 3285, dated March 2008* for the kennel building and the outdoor exercise yards.

44. A certificate from an appropriately qualified Acoustic Engineer is to be submitted prior to the issue of any Occupation Certificate certifying that all sound producing plant, equipment, machinery or fittings shall not exceed 5dBA above the background level during the day and not exceeding the background level at night (10.00pm -6.00 am) when measured at any neighbouring boundary, allowing for modifying factors in accordance with the requirements of the Environment Protection Authority Industrial Noise Policy .

### Use of the Development

45. The animal establishment is to be restricted to accommodate Bullmastiff show dogs only.
46. The kennel facility is to accommodate not more than a total of twenty (20) dogs at any given time. House or domestic dogs on the remainder of the property are limited to a maximum of three.
47. Waste material generated by the operation of the premises is to be stored in a manner that minimises odour nuisance to adjoining properties and reduces the potential for vermin infestations.

## ORDINARY MEETING

Meeting Date: 25 August 2009

48. Faeces (stools) shall be collected daily from kennels, pens and runs and are to be placed in an approved onsite management facility (composted in a worm farm or similar) or regularly removed off the site by a commercial contractor.
49. Between the hours of 5:00pm and 8:00am all dogs housed on the premises, except domestic pets, are to be kept in acoustically treated kennels so as to minimise noise impact to adjoining properties.
50. The care and management of all animals shall be consistent with NSW Agriculture Animal Welfare Code of Practice No. 5 – “The Care and Management of Dogs and Cats in Animal Boarding Establishments” or industry best practice standards as updated.
51. The Operational Management Plan Titled: Fence and Shed Application 262 Grose Wold Road Grose Wold dated 23 April 2008 having regard to the management of the facility is to be strictly adhered to at all times during the operation of the development.
52. No dogs are to be exercised or are to be located outside of the area of the nominated animal establishment buildings or associated outdoor exercise yards, with the exception of domestic pets.
53. The automated irrigation system required by Condition No. 41 is to be operated and maintained so as to ensure the establishment and vigour of the proposed hedge planting areas.
54. Regular maintenance and replacement planting is to be undertaken so as to ensure the long term viability of the landscape scheme provided for the site.
55. Feeding of the dogs shall not be carried out between the hours of 8.00pm to 7.00am so as to prevent noise nuisances.
56. The property is to be under constant supervision by an experienced canine handler.
57. Any disturbance shall be investigated immediately to eliminate any barking that may occur.
58. Any distressed or injured animals shall be housed whilst in recovery in enclosed kennels to eliminate and noise from the animal.
59. All feeding, washing and grooming of dogs will be carried out in the enclosed kennels.
60. Noise is to be monitored and corrective behaviours and training are to be implemented to limit further noise.
61. The dog runs and enclosures shall be kept clean, uneaten food, refuse and faecal waste must be removed at least once a day.
62. The premises are to be monitored for fly breeding and appropriate immediate remedial action is to be taken should fly breeding be detected.
64. Feed is to be stored in containers with close-fitting hinged lids to prevent the entry of vermin.
65. If signs of disease are observed in the animals, appropriate treatment must be promptly provided to prevent the spread of disease.
66. Appropriate dust mitigation measures shall be applied to the outdoor kennel areas to limit dust nuisance impact upon neighbouring properties.

### Advisory Notes

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

**ORDINARY MEETING**

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- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- \*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- \*\*\* Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

**ATTACHMENTS:**

- AT - 1** Site Plans
- AT - 2** Landscaping and Planting Plan
- AT - 3** Sound and Screening Details

**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

AT - 1 Site Plans (Former Proposal)

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



**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

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**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

AT - 2 Landscaping and Planting Plan (Former Proposal)

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Attachments Document (Maps)**

**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

AT - 3 Sound and Screening Details for Northern Property Boundary (Former Proposal)

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Attachments Document (Maps)**

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**AT - 2 Amended Site Plan**

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**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**AT - 3 Amended Landscape and Planting Plan**

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Attachments Document (Maps)**

**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**AT - 4 Amended Shed Elevations**

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**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

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## ORDINARY MEETING

Meeting Date: 25 August 2009

**Item: 165**            **CP - Request for Council to Resume Management of Yarramundi Community Centre - (86820, 96328)**

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### REPORT:

This report has been prepared to advise Council of correspondence received from the management committee of Yarramundi Community Centre requesting that Council resume management of the Centre.

### Background

The Community Centre in Thornbill Way Yarramundi was built in conjunction with the development of the Nepean Park Estate. The Centre was built by the developer of the Estate and funded through 'in-kind' Section 94 Contributions.

Since its official opening in 2001, the Centre has been managed by a community committee. Care and control of the centre has been delegated to the committee under Section 377 of the *Local Government Act (1993)*. Mr Steve Foster is the current president of the committee, a role he has held since the establishment of the committee.

### Current Situation

For a number of years, the Centre Committee has been struggling to maintain the viability of the Centre. In the last three financial years, income from hall hire has consistently fallen below \$1,000 a year, barely sufficient to meet the minimum day-to-day operating expenses of the Centre. The Committee has attempted a number of strategies to increase the use of the Centre, but these have not been successful. It would appear that the location of the Centre, and its relatively small population catchment, has impacted on its usage.

In June 2009, Mr Foster contacted Council staff to request that Council resume management of the building. Mr Foster expressed concern that the use of the facility had declined in recent years and as a result of this, the committee was experiencing financial difficulties in generating funds required to maintain the building. Mr Foster also pointed to an apparent lack of community interest in the management of the Centre as he and one other resident, Mrs Sheila Coghlan, had been the only committee members since 2003.

Following discussion with staff, Mr Foster agreed to call an extra-ordinary general meeting of local residents to discuss the future management of the centre. Mr Foster placed a Public Notice in the Hawkesbury Gazette and the meeting was held 22 July 2009. Mr Foster and Mrs Coghlan were the only community members to attend the meeting. Consequently Mr Foster has formally written to Council to request that Council resume management of the building (Attachment 1).

### Future of the Yarramundi Community Centre

It seems clear that the current operating arrangements for the Centre are not viable. The Centre appears to be little used by local residents or by community groups. There are a number of options which Council may wish to consider in relation to the future management of the Yarramundi Community Centre. These include;

- (a) delegating management of the Centre to a new committee of local residents;
- (b) delegating management of the Centre to a 'third party' such as Peppercorn Services Inc., who currently manage 6 community facilities on behalf of Council;
- (c) delegating management of the Centre to a funded community group who may be in a position to use the Centre as a base for the provision of funded programs and services (as currently occurs with, for example the North Richmond and Bligh Park Community Centres).



## ORDINARY MEETING

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The efforts of the current committee suggest that Option (a) is unlikely to resolve the financial situation of the Centre. Options (b) and (c), or a combination of these options, appear to be the more viable options as they may attract a tenant to the building who could use the Centre for the provision of funded services and also manage the centre to ensure that it can be available for hire.

In any event, it will be necessary to consult with local residents regarding the future of their Community Centre. Council's adopted Community Engagement Policy identifies the possibility of 'a significant change or loss to any facility or service to a local community' as a Level 2 Community Engagement 'trigger'. A Level 2 trigger requires Council, at a minimum, to consult with the community.

The most appropriate strategy would be to call a public meeting of residents in conjunction with a mail-out to the 220 households in Yarramundi. The mail out will ensure that all residents are notified of the meeting and are provided with information as to its purpose and the issues and options to be discussed. The outcomes of the meeting can then be reported to Council.

In the interim it will be necessary for Council to assume management of the Centre. Mr Foster has kindly agreed to act as 'caretaker' of the Centre and assist Council staff in its day- to-day operations.

### **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 for the city's future in consultation with our community, and co-ordinating human and financial resources to achieve this future".*

### **Funding**

Whilst there are no significant funding issues arising from this report, Council may be required to meet any operating shortfall incurred by the Centre. While these costs are likely to be minimal, they have not been budgeted for.

### **RECOMMENDATION:**

That Council:

1. Call a public meeting of residents of Yarramundi, in conjunction with a mail-out to all households in Yarramundi, to discuss and consider options for the future management of the Yarramundi Community Centre with the outcomes of the meeting to be reported to Council.
2. Resume direct management of the Yarramundi Community Centre pending the outcomes of the community consultation process.
3. Write to Mr Steve Foster and Mrs Sheila Coghlan to thank them for their commitment and effort in managing the Yarramundi Community Centre on behalf of the residents of Yarramundi.

### **ATTACHMENTS:**

- AT - 1** Correspondence from Mr Steve Foster - President of Yarramundi Community Centre dated 23 July 2009.

**ORDINARY MEETING**

**Meeting Date: 25 August 2009**

**AT - 1 Correspondence from Mr Steve Foster**

**President of Yarramundi Community Centre dated 23 July 2009**

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

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 25 August 2009

### INFRASTRUCTURE SERVICES

**Item: 166**      **IS - NSW Local Infrastructure Fund - (95494, 112179)**

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#### **REPORT:**

On 16 June 2009, the NSW Government, as part of the 2009/2010 State Budget announced the creation of the NSW Local Infrastructure Fund.

The NSW Local Infrastructure Fund offers interest free loans to local councils to bring forward urban development infrastructure works, including roads, water, sewer, and drainage projects. It is anticipated that these projects will assist local councils to increase the supply of serviced land for housing, as well as provide an economic boost to local communities.

Council has been invited to review the eligibility criteria and submit infrastructure project proposals to the NSW Local Infrastructure Fund. Applications will be received until 31 August 2009.

In addressing the funding guidelines the following considerations need to be addressed:

- Projects submitted are required to support future urban development
- Projects are required to cost at least \$1 million
- All projects must commence in the 2009/2010 financial year and be completed within 18 months of receiving funds.
- The loan must be repaid within 10 years.
- Ongoing operational and maintenance funding will not be provided, this will be the responsibility of respective Councils to fund.

In determining possible projects that fall within the eligibility criteria, an upgrade to existing sewer infrastructure within the South Windsor area would appear to be suitable for consideration.

Future upgrade works are necessary as a direct result of future urban development within South Windsor (Amendment 130) included within Council's current Local Environmental Plan, plus the need to remove an existing sewer overflow point into the stormwater system at Bell Street, South Windsor. The design overflow was originally constructed to direct sewer overflow, in the event of a sewer main blockage and wet weather, into the stormwater system rather than residential properties which would pose a potential health risk to the public.

As part of Council's Waste Water Management program for future works, it was proposed to upgrade the gravity reticulation mains from Bell Street, South Windsor along Macquarie Street, Windsor to Pump Station 'C' (behind Windsor Toyota) including the provision of high level lines to service the properties currently connected to the sewer mains proposed for the upgrade. This upgrade was required to cope with flows expected as properties within the South Windsor area develop.

Estimates have been sought from suitability qualified contractors, for the proposed upgrade works in Macquarie Street which were nearing \$10 million. As the estimated costs were seen to be excessive, other options were investigated that could provide capacity for future growth as needed under Amendment 130 of the LEP, plus allow for the deletion of the existing sewer overflow point into the stormwater system at Bell Street, South Windsor.

A proposal was subsequently developed which would provide the same benefits as the Macquarie Street Upgrade, at less than half the indicated costs for that proposal. This was verified by obtaining estimates from the same contractors that provided the estimate for the original proposal.

## ORDINARY MEETING

Meeting Date: 25 August 2009

The alternate proposal involves the construction of new gravity reticulation mains to redirect flows from manholes on Bell Street and George Street, South Windsor to a new pump station south of the railway line on Church Street, South Windsor. (Please refer to attached Plan for details.) The estimated costs for this option is less than \$4 million.

From the proposed pump station in Church Street, a new rising main would be provided to direct sewage via pipelines within the street system to an existing 450 diameter main which makes its way to the South Windsor STP for treatment.

One section of an existing 450 diameter reticulation gravity main will need to be duplicated to cater for the proposed extra flows.

This proposal will divert flow away from a section of sewer mains along Macquarie Street, South Windsor, which is currently at capacity, and thus provide capacity within the Macquarie Street reticulation mains to facilitate future growth within South Windsor under Amendment 130.

It is proposed that a submission be prepared to seek an interest free loan for the construction of new reticulation sewer mains from Bell Street, South Windsor to a proposed Pump Station 'V', south of the railway line of Church Street and a new rising main to Fairey Road, South Windsor, discharging into the South Windsor STP.

To be eligible for this funding quotes from two suitability qualified contractors are required. These estimates have been sought and they are listed in the table below.

Contractor	Works	Estimate of Cost (GST Inclusive)
A	Reticulation, Rising main & Insitu Concrete Pump station	\$3,992,210.20
B	Reticulation, Rising main & Precast Concrete Pump Station	\$1,583,025.40

As this proposal is deemed to be compliant with the essential criteria required under the NSW Local Infrastructure Fund it is recommended that a submission be forwarded to the NSW Local Infrastructure Fund for an interest free loan for an amount of up to \$4 million to fund the project outlined within the report.

### Conformance to Strategic Plan

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

*" Implement infrastructure strategy to underpin the social, cultural and commercial development of the City."*

### Funding

Funding to repay the interest free loan will be provided from contributions received from developers.

### RECOMMENDATION:

That:

1. A submission be made to the NSW Local Infrastructure Fund for an interest free loan of up to \$4 million to fund the project outlined within the report.
2. Should the application be successful, all necessary documentation be executed and the Seal of Council to be affixed as required.

**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 25 August 2009

### Item: 167 IS - Ongoing Maintenance of Wianamatta Bridge Cycleway - (95494)

**Previous Item:** 77, Ordinary (28 April 2009)  
124, Ordinary (24 June 2008)

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#### REPORT:

Council at its meeting of 24 June 2008 in consideration of a report to allow the RTA to lease a 30m<sup>2</sup> area of land to facilitate the construction of a bridge for cyclists over South Creek resolved in part:

*"That Council indicate that it would not be prepared to take on responsibility for the ongoing maintenance of the Cycleway and Bridge when completed"*

It was also resolved at that meeting to request the RTA to redesign the bridge to reduce the cost involved and whilst both the resolutions were advised to the RTA, the cycleway and bridge were constructed and the bridge was opened on Monday, 15 June 2009. As reported to Council at its meeting held on 28 April 2009 in relation to the responsibility for maintenance of the cycleway between McGraths Hill and Bandon Road, legal opinion was received that Council as the "Roads Authority", notwithstanding the fact that the RTA constructed the cycleway, is responsible for the care, control and management of the verge area.

In relation to the Wianamatta Cycleway Bridge, the RTA have forwarded correspondence advising that it is the RTA's current practice to hand over all off-road structures, such as the bridge, to the respective local Councils. The RTA has taken into consideration concerns regarding cost implications for maintaining the bridge, especially in the event of flood situations and has offered to make a once off contribution towards the cost on ongoing maintenance of the bridge.

The RTA has proposed to make a payment equivalent to the estimated Net Present Value of the 10 year maintenance costs for the bridge, an amount of \$58,975. This figure has been calculated on the basis of:

- Inspection cost - \$500 p.a.
- Routine maintenance cost - \$1600 p.a.
- Flood debris cleaning - \$10,000 per two years (including dropping and fixing the handrails upright after a flood event).

The bridge has been designed to be inundated by floodwaters once every two years and it is worthy of note that should a major flood event occur and a "Flood Disaster Area" declared, restoration of damage caused to infrastructure by such flooding can be claimed from Disaster Relief Funding which is made available as a result of such events.

The RTA have sought Councils acceptance of the maintenance responsibility of the Wianamatta Bridge and the upfront payment for future maintenance of the structure.

It is felt that the offer of funding is reasonable and should Council accept the offer, the funds could be placed within an appropriate reserve for use as required.

#### Conformance to Strategic Plan

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

*"Implement infrastructure strategy to underpin the social, cultural and commercial development of the City."*

**ORDINARY MEETING**

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**Funding**

Whilst acceptance of the bridge will impose a long term liability on Council in terms of asset management, the funding provided will defray maintenance cost for an estimated 10 year period.

**RECOMMENDATION:**

That the RTA be advised that Council will accept the maintenance responsibility for the Wianamatta Cycleway Bridge and the upfront payment of \$58,975 for that purpose.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 25 August 2009

**Item: 168**            **IS - Incorporation of Appropriate Provisions within Tenders - (95454)**

**Previous Item:**        NM1, Ordinary (21 October 2008)

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### REPORT:

Council at its meeting of 21 October 2008 resolved:

*"That a report be submitted to Council regarding the adoption of a policy for the incorporation of appropriate provisions within tender documentation, for roadworks or similar services, to require the works to commence within an appropriate time period after the acceptance of the tender, failing which, in the event that delay was not beyond the control of the successful tenderer, the tender would lapse."*

It is understood that this request for a report emanated from the awarding of the tenders for the reconstruction of a portion of East Kurrajong Road and Tennyson Road to a contractor on 11 September 2007 and the reconstruction of a portion of St Albans Road to the same contractor on 25 September 2007, with a considerable time delay occurring prior to the commencement of the East Kurrajong/Tennyson Roads project.

The St Albans Road project was commenced prior to the East Kurrajong/Tennyson Roads project due to the funding for that project being a grant from the Australian Government which had a limited time frame for completion. Due to some concerns with the road base material utilised on St Albans Road and a lengthy period obtaining geotechnical advice to correct the issue, it was decided to not commence the East Kurrajong/Tennyson Roads project until such time as the other issues had been resolved. This meant that the works on East Kurrajong/Tennyson Roads project did not commence until 12 January 2009.

Although there was a sixteen month delay in the project, the contractor held the original tendered price except for a small variation in the bitumen sealing component caused by increases in oil/petroleum prices which were out of his control. The next lowest tender for that project was \$100,000 above that which was awarded for the work.

In terms of the wording that has been suggested to be provided within contract documentation, as the delay was not caused by the contractor, there would have been little net effect on the timing of the projects.

Notwithstanding the explanation regarding the St Albans /Tennyson Roads reconstruction projects, should Council wish to have wording to the effect that *"The delivery/implementation of the works awarded within the contract are to commence within 6 months of the contract being awarded. If a delay in the commencement of the contract is within the control of the contractor, the contract will lapse after the expiration of the specified time period."*

### Conformance to Strategic Plan

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

*"Establish a framework to define and equitably manage the infrastructure demands of the City."*

### Funding

Nil impact on current budget.



**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**RECOMMENDATION:**

That wording to the effect that "*The delivery/implementation of the works awarded within the contract is to commence within 6 months of the contract being awarded. If a delay in the commencement of the contract is within the control of the contractor, the contract will lapse after the expiration of the specified time period*" be included within contract documentation for tenders for roadworks or similar projects.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**Item: 169**            **IS - Foot Paving between Bligh Park and South Windsor, and Gibson Street, Richmond - (95494)**

**Previous Item:**        QWN 7, Ordinary (30 June 2009)

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**REPORT:**

A Question Without Notice was raised at Council's meeting of 30 June 2009, requesting additional concrete foot paving in Drummond Street between Mileham Street and Macquarie Street, South Windsor.

Pedestrian traffic at this location is high, as evidenced by a well worn track. The provision of concrete foot paving along the southern side of Drummond Street between Mileham and Macquarie Streets will result in a continuous link between Bligh Park and Windsor.

In addition to the above request, a petition has been received from local residents requesting concrete foot paving in Gibson Street, Richmond. A significant proportion of residents in Gibson Street are elderly people who walk to the nearby Marketplace Shopping Centre. A recent inspection has revealed an uneven well worn track along the nature strip which is considered potentially hazardous, particularly for those elderly pedestrians.

The estimated cost to provide concrete foot paving in Drummond Street, South Windsor is \$12,500 and \$24,500 in Gibson Street, Richmond.

**Conformance to Strategic Plan**

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

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

**Funding**

Funding of \$460,500 has been provided within the 2009/2010 Budget to undertake rehabilitation work to kerb and gutter. Should Council wish to proceed with the foot paving projects indentified, funding could be reallocated from the Kerb and Gutter Rehabilitation Program.

**RECOMMENDATION:**

That:

1. Concrete foot paving be constructed along the Southern side of Drummond Street between Macquarie & Mileham Streets, South Windsor at the estimated cost of \$12,500.
2. Concrete foot paving be constructed along the western side of Gibson Street, Richmond at the estimated cost of \$24,500.
3. Funding in the amount of \$37,000 for the two projects be made available from funds identified within the 2009/2010 Capital Works Program for kerb and gutter reconstruction.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**Item: 170**            **IS - Pitt Town Sewerage Strategy - Proposal from Johnson Property Group - (95494, 87959)**

**Previous Item:**     11, Ordinary (3 February 2009)  
                         243, Ordinary (25 November 2008)  
                         146, Ordinary (8 July 2008)

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**REPORT:**

Sewage disposal services for the existing village of Pitt Town is provided through a combination of a reticulated sewerage system for the majority of the village and on site disposal for the remaining lots.

The reticulated sewerage system is owned and operated by Council and consists of gravity mains carrying effluent from individual lots within the current village to a pumping station (P.S. J) located in Wellesley Street Pitt Town. The effluent is then pumped from P.S.J to the McGraths Hill Wastewater Treatment Plant (MHWWT) via a rising main located generally along Pitt Town Road, for treatment. The pumping station and rising main is almost at capacity, and could accommodate only another 27 lots. The McGraths Hill Wastewater Treatment Plant is in a similar situation, having capacity for an additional 80 lots.

As Council is aware, the State Government approved a rezoning for land at Pitt Town on 10 July 2008, under part 3A of the Environmental Planning and Assessment Act 1979 creating potential for 943 lots within the rezoned area.

To provide reticulated sewerage services to the rezoned area, Council adopted a sewerage strategy in October 2008. The strategy had been developed by the Johnson Property Group (JPG), the major developer within the rezoned area.

The strategy required the construction of a new pumping station at Pitt Town (off Bootles Lane (P.S.T)) and a new rising main to transfer flows to McGraths Hill Wastewater Treatment Plant (MHWWT). This new infrastructure has now been provided and has capacity to service both the existing village and the rezoned area.

As indicated previously, the MHWWT has capacity for an additional 80 lots, however capacity is available at the South Windsor Wastewater Treatment Plant (SWWWT) and as part of the adopted strategy a further pumping station was to be constructed in Windsor which would divert flows from the Windsor area via a rising main to the SWWWT, which would then provide the additional capacity required at the MHWWT to cater for the Pitt Town Development.

The cost to provide the infrastructure at Pitt Town and the new rising main to McGraths Hill is estimated at \$10,234,000. The cost to undertake the flow diversion from Windsor to the SWWWT to give the additional capacity at McGraths is estimated to cost \$11,115,000. This part of the strategy has not yet commenced.

The total cost of this infrastructure is estimated at \$21,349,000, and in accordance with the adopted developer contribution scheme for the provision of sewerage infrastructure to the Pitt Town development, under Section 64 of the Local Government Act, the costs will be spread over the 943 lots at Pitt Town on the basis of \$22,640 per lot.

The Johnson Property Group (JPG) has indicated that it considers that the cost of sewerage infrastructure under this proposal is inequitable and prohibitive for the development of the Pitt Town Release Area and have submitted a revised servicing strategy for Pitt Town. The revised strategy consists of a proposal to construct a "Water Factory" for Pitt Town which treats sewage locally and produces high quality recycled water for non-potable uses within the community. JPG maintain that this proposal will reduce the infrastructure cost and improve the viability of the new development.

## ORDINARY MEETING

Meeting Date: 25 August 2009

A copy of the document outlining this strategy and titled "Hawkesbury City Council Pitt Town Water Utility" as submitted by JPG is included as an attachment to this report.

This option has become available to JPG through recent legislation, the "Water Industry Competition Act 2006" (WICA) enacted in August 2008.

In brief this legislation enables private entities to become a Water Authority with all the powers of any current Water/Sewer Authority. The legislation falls under the responsibility of the Minister for Water and is regulated through the Independent Pricing and Regulatory Tribunal (IPART).

Councils play no part in the determination of granting a licence. The process is governed by IPART and the Minister for Water. IPART has strict guidelines as to who can be granted a licence, however once a licence is granted under WICA, residents connected to a private sewerage supply will fall outside Hawkesbury City Council's authority for sewer services.

This does not mean that residents or proposed development sites within the designated operational area of a private Water Authority are required to connect to the private Water Authority's sewerage system. Residents or developers may choose to connect to any sewer available to their properties that is provided by any sewer authority.

A WICA fact sheet is included in the submission by JPG referred to above.

The JPG has submitted three options in relation to the alternative strategy for the Pitt Town development:

### ***Option 1 – Council Owned infrastructure***

- Council **retains ownership** of existing sewerage assets.
- The Private Pitt Town Water Utility builds and **transfers ownership** of the new Water Factory, all new sewerage and recycled water reticulation to Council.
- The Private Pitt Town Water Utility operates and maintains the whole of the Pitt Town sewerage and recycled water system for 25 years minimum in order to generate a suitable commercial return on investment to the Private Pitt Town Water Utility.

This option would see Council as the responsible entity and as such would be required to obtain a 3<sup>rd</sup> wastewater treatment plant license. The cost to Council is based on a "cost plus" basis for both the maintenance and renewal program and fee for service for the operation of the sewerage system. This option also has issues under the Local Government Tendering Regulations.

### ***Option 2 – Separate Ownership of assets - transferred to Council after 99years***

- Council **retains ownership** of existing sewerage assets and leases these assets to a Private Pitt Town Water Utility.
- The Private Water Pitt Town Utility builds and **owns** the new Water Factory, all new sewerage and recycled water reticulation and transfers ownership to Council after 99 years.
- The Private Pitt Town Water Utility operates and maintains the whole of the Pitt Town sewerage and recycled water system for a 99 year term. Thereafter, the parties may choose to revert to Option 1 or Council may become the operator.

This option provides the following lease conditions (for infrastructure owned by Council) to the Private Pitt Town Water Utility to operate the entire system under a Private Pitt Town Water Utility – WICA water license.

- 99 year term
- Peppercorn asset rental
- Equivalent level of service for existing residents
- Adopt Council's current maintenance and renewal programme

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- Volumetric payment to Council for sewage discharged to McGraths Hill
- Sewerage service charge to residents equal to the average Hawkesbury City Council sewerage charge
- Recycled Water service and usage charges to residents equal to Sydney Water charges for Rouse Hill.

### **Option 3 – Private Pitt Town Water Utility Owned**

- Council **transfers ownership** of the existing sewerage assets to the Private Pitt Town Water Utility.
- The Private Pitt Town Water Utility builds and owns the new Water Factory and all new sewerage and recycled water reticulation.
- The Private Pitt Town Water Utility operates and maintains the whole of the Pitt Town sewerage and recycled water system under its water license for perpetuity. The PPTWU may sell, lease or transfer the system or the operations (or both) to anyone in the private or public water utility market.

The conditions outlined under this option include:

- Equivalent level of service for existing residents
- Determine own maintenance and renewal programme to meet bullet point 1
- Volumetric charge for all sewage discharged to McGraths Hill to Council
- Sewerage service charge to residents equal to the average Hawkesbury City Council sewerage charge
- Recycled Water service and usage charges equal to Sydney Water charges for Rouse Hill.

As stated previously, a private Water Authority can obtain a license under which that Authority can provide sewerage services to an area. The issue to be decided is whether Council wishes to consider the options outlined within the JPG proposal or any other option in relation to the provision of sewerage services to the existing Pitt Town area and the Pitt Town Development Area.

It is considered that the risks involved in the options outlined within the JPG alternative strategy including tendering provisions, the rate of development, over which Council has no control, possible invoking of Public Private Partnership legislation and unknown ongoing operating costs, are such that a conservative approach should be taken based on the knowledge that a license under WICA will most likely be granted for the new development area of Pitt Town.

It is suggested that the status quo should remain in relation to the area of Pitt Town currently being serviced by Council. The new development area would be serviced by the private water authority.

This action, as with any of the other options proposed would require the review of Council's adopted strategy for the provision of sewerage services to the new Pitt Town development and the current development contribution plan for the provision of sewerage infrastructure for Pitt Town.

As a consequence of this approach, should a private water authority be established access to Council's sewerage infrastructure will still be required and this can be dealt with as the process and proposal develops. Alternatively the private water authority would need to obtain a license to discharge into a receiving waterway (ultimately the Hawkesbury River).

It is also considered that Council should obtain its own legal advice in respect of this proposal and the options that are being suggested from the aspects of both the effects of the WICA and the options proposed in this regard from the viewpoint of legislative requirements that may affect Council.

### **Conformance to Strategic Plan**

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

*"Strategic Direction: Implement infrastructure strategy to underpin the social, cultural and commercial development of the City."*

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**Funding**

Nil impact on current budget.

**RECOMMENDATION:**

That:

1. Should a private water authority be granted a license to provide sewerage services to the new development area of Pitt Town, the current servicing strategy for Pitt Town be reviewed on the basis that the existing sewered area of Pitt Town continue to be serviced as part of the existing Council owned sewerage system.
2. In the event that the Pitt Town servicing strategy is altered, a review of the developer contribution plan for sewerage infrastructure for Pitt Town be undertaken and reported to Council.
3. Appropriate legal advice be obtained in respect of this matter as suggested within the report.

**ATTACHMENTS:**

- AT - 1** Submission by Johnson Property Group, titled "Hawkesbury City Council – Pitt Town Water Utility"  
– *(to be distributed under separate cover)*.

**oooO END OF REPORT Oooo**

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### SUPPORT SERVICES

**Item: 171**            **SS - June 2009 Quarterly Review - 2008/2009 Management Plan - (96332, 95496)**

**Previous Item:**        113, Special (23 June 2008)

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#### **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 2008/2009 Management Plan Review for the June 2009 quarter has been prepared and distributed under separate cover.

#### **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 June 2009 Review has been completed and reports an estimated year-end surplus position of \$49,309 subject to final audit.

#### **Operating Income**

For the year ended 30 June 2009, Council's total operating revenue from rates, fees and charges, grants and contributions and other revenue is \$57.3M, exceeding estimates by \$2M. A range of revenue streams have contributed to this variance. Interest revenue earned on Council's investment portfolio exceeded the full year budget by over \$200K. This is in addition to positive variances of \$200K accounted for in each respective quarterly review in the 2008/2009 financial year. Other contributing factors include the write back of the investments market value (\$106K), contributions in relation to the South Windsor Effluent Re-use Scheme (\$110K), road works contributions (\$50K), regulatory fines (\$60K), trade waste income (117K), internal plant hire charges (\$319K) and other revenue (\$329K). Property income also exceeded estimates, resulting in a favourable variance of \$44K. In excess of \$0.5M included in the variance is as a result of profit on sale of assets. During 2008/2009, Council has replaced a number of plant items which were fully written down due to their age. This has resulted in any income derived from the sale of such items being shown as profit. It is to be noted that while this profit inflates the operating revenue figure, it does not have an effect on the retained surplus / deficit available for general funding purposes.

#### **Operating Expenditure**

Council's operating expenditure is required for the provision of core services including road maintenance, parks, cultural and recreational facilities, regulatory services, building and development control, waste management, environmental and sewerage facilities. For the year ending 30 June 2009, total operating expenditure, including grant funded works was \$59M compared to an estimate of \$60M. Contributing to this variance is savings in bad debts (\$38K), interest on loans (\$48K), advertising (\$38K), property legal expenses (\$20K), valuation expenses (\$30K), internal audit (\$10K). The remaining balance consists of

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unexpended grant funded operational expenditure and amounts carried over to the 2009/2010 financial year. \$1.5M of operational funds have been requested to be carried over.

The more significant items of the June 2009 Quarterly Review include:

***Hawkesbury Leisure Centre – Unfavourable Variance \$159K***

During the 2008/2009 financial year and continuing in the 2009/2010 year, a significant amount of works have been undertaken and are still in progress at the Hawkesbury Leisure Centre. Most of these works were long overdue and necessary to maintain the Centre operating safely. Works undertaken include UV light water treatment, a heat pump and dehumidifier, Variable Speed Drives and flow meter, ceiling tile repairs, carpeting, power factor correction equipment, and various essential repairs. In addition to these costs, \$26K was incurred to identify and rectify water leaks in both the indoor and outdoor pools, with an additional \$26K incurred in water consumption resulting from the leaks. To complete all the necessary works at the Centre and to cover over expenditure incurred as a result of the water leaks, an additional \$159K is requested in this review. Additionally, the YMCA contributed considerable staff time and resources to a variety of maintenance activities including extensive painting, repairs to the showers and toilets, garden beds, repairing vandalism, signage and various plant and equipment repairs.

***Kurrajong Community Centre – Unfavourable Variance \$33K***

As previously reported to Council, the construction of the Kurrajong Community Centre was estimated to cost \$960K. These costs are funded by S94, Federal Government funds and the balance by reallocating funds from road works. Subsequent to the report being adopted by Council, further unbudgeted costs amounting to \$33K have been identified. These costs include \$29K for additional excavation and compacted fill due to unsatisfactory ground conditions and \$3.5K for telephone cabling from the public road.

***Regional Museum – Unfavourable Variance \$114K***

As part of the finalisation of the Museum, Council was required by the Heritage Office and National Parks and Wildlife Service to undertake specified archaeological studies in relation to European and Aboriginal remains. Consultants are being engaged to complete these studies and commitments amounting to \$114K have been raised. These funds were not budgeted for and are being requested in this Review.

***Works Depot Building works – Unfavourable Variance \$65K***

Essential repairs and building modifications are required to be undertaken at Council's Works Depot at Wilberforce. Roof repairs costing approximately \$13K are necessary. The fibreglass roof sheeting has deteriorated to a point that holes are developing, requiring significant patching up. Ongoing repairs are not a permanent fix and are expected to rip and detach further if exposed to strong winds. It is therefore recommended that the sheets are replaced by new galvanized sheets. Building modifications are also required at the Depot Store due to OH&S requirements. The current office location of Stores and Depot staff is an OH&S issue due to excessively high temperatures in the hot months. Various options including electrical whirlybirds have been explored or trialed in an effort to lower the temperature in the office, to no avail. Also contributing to the hazardous environment is a high reading of power emissions. In order to address these issues various office modifications and building works are required. These include the office area roof insulation, the upgrading of the air conditioning unit, improved airflow through the installation of roller doors and office modifications. It is estimated these works can be completed within a budget of \$50K.

***Investment Property Building works – Unfavourable Variance \$15K***

Following on a recommendation in an engineers' report, underpinning foundations are required to be constructed at the Rev Turner Cottage site. These costs were originally included in the 2008/2009 budget, but were reallocated in a quarterly review to fund other unbudgeted urgent works which took precedence. These funds are now required and are being requested in this Review.



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### ***Howe's House Museum painting – Unfavourable Variance \$12K***

Grant funds received in 2005/2006 were used for structural building works on the Howe's House Museum. The internal and external painting of the building has been deteriorating and the disturbances of the wall caused by these building works have exacerbated the situation making the need for painting a priority.

### ***Administration Building Air Conditioning – Unfavourable Variance \$223K***

As previously reported to and adopted by Council, the air conditioning unit currently being operated in the administration building needs to be replaced. Tenders were invited for this project, which originally entailed the replacement of the units. However, when tenders were received and assessed it was established that the units as specified in the tender are now obsolete, and the replacement units available are under the required capacity. This issue has resulted in a re-design of the system now being required. The revised design will include extra units, and additional work outside normal working hours to install the new units, including ducting work, ceiling works and furniture removal. This issue will result in an estimated increased total cost of \$550K. An additional unbudgeted amount of \$223K is being requested in this review to supplement the existing funding available for this project.

### ***Tip Remediation – Variance \$424K***

Council has a provision of approximately \$4M to fund tip remediation when it becomes due. In addition Council has been accounting for the Hawkesbury Waste Management Facility as a self-funding program, funding all expenditure and quarantining any surpluses within an internally restricted reserve. As at the end of June 2009 this Reserve amounted to \$2.8M, with a further \$424K being included in this review as a transfer to the Reserve. This transfer is deemed necessary in light of the recently revised remediation costs estimates.

### ***Employee Leave Entitlements Provisions – Variance \$250K***

Council is required to ensure that it maintains its employee leave entitlements provisions at the required level. An ageing workforce and the accumulation of leave entitlements have resulted in an increase in the amount required in the respective provisions for Annual Leave, Leave in Lieu, Long Service Leave and pre 1993 Sick Leave. As at June 2009, the overall increase in provisions amounts to \$250K.

### ***Investment Properties Valuation – Favourable Variance \$330K***

The Local Government Code of Accounting Practice and Financial Reporting set out a requirement for Councils' investment properties to be carried at fair value, which is based on active market prices, adjusted if necessary, for any difference in the nature, location or condition of the specific asset. If this information is not available, Council may use alternative valuation methods such as recent prices in less active markets or discounted cash flow projections. These valuations are reviewed annually by a member of the Australian Property Institute. Changes in fair values are recorded in the income statement as part of other income. In 2007, KD Wood Valuations (Aust) Pty Ltd provided independent market valuations for Council's investment properties. For the year ended June 2009, the increase in fair value of Council's investment properties is \$330K. This increase has been transferred to the Property Reserve.

### ***Contingency Reserve – Transfer \$59K***

The surplus resulting after all the necessary adjustments and subject to final audit is \$49K. In addition, this includes an interest allocation of \$10K, has also been transferred to the Contingency Reserve.

### **Capital Expenditure**

Council manages and maintains \$557M worth of assets and to date has spent \$12M of a \$23M capital budget on road construction, kerb, guttering and drainage works, bridges, footpaths, open spaces, storm water assets, sewerage assets, waste management assets, public works plant, community buildings, fleet replacement and the cultural precinct. Capital works carried over to the 2009/2010 financial year amount to \$12.3M.

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### **Cash and Investments**

As at the end of June 2009 Council's investment portfolio amounted to \$39.7M. Restricted cash amounts to \$35.2M, with \$18.9M being internally restricted, and \$16.3M being externally restricted.

### **Provision for Contingencies - Favourable**

It is proposed that the surplus of \$49,309 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: Investigating and planning the City's future in consultation with our community, and co-ordinating human and financial resources to achieve this future."*

### **Funding**

Funding and budget impacts have been specified within this report and attached review document.

### **RECOMMENDATION:**

That the:

1. Information contained in the report on the 2008/2009 Management Plan – June 2009 Quarterly Review be received.
2. Quarterly Review of the 2008/2009 Management Plan and Financial Statement for the period ending 30 June 2009 be adopted.

### **ATTACHMENTS:**

**AT - 1** 2008/2009 Management Plan Review – June 2009 Quarter - *(distributed under separate cover)*

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date: 25 August 2009**

**Item: 172 SS - Monthly Investments Report - July 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 Regulation and the Council's Investment Policy.

**July 2009**

The following table indicates that Council held \$36.7 million in investments as at 31 July 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 institutions and the investments and the percentage of the total portfolio, are provided below.

Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
<b>On Call</b>								
CBA	AA	31-Jul-09		2.95%	4,270,000	11.61%	A1+	4,270,000
<b>Term Investments</b>								
AMP Banking	A	22-Apr-09	19-Aug-09	4.25%	1,000,000	2.72%	A-1	
ANZ	AA	25-May-09	22-Sep-09	4.25%	3,000,000	8.16%	A1+	
ANZ	AA	29-May-09	25-Nov-09	4.25%	1,000,000	2.72%	A1+	
ANZ	AA	24-Jun-09	31-Dec-09	4.50%	3,000,000	8.16%	A1+	
Bank of Cyprus	A	04-May-09	02-Nov-09	4.50%	1,000,000	2.72%	Moody's P-1	
Bank of Queensland	BBB+	20-Jul-09	19-May-10	4.50%	1,000,000	2.72%	A-2	
Bendigo and Adelaide Bank	BBB+	14-May-09	09-Oct-09	4.00%	1,000,000	2.72%	A-2	
Citibank	A+	20-Jul-09	21-Apr-10	4.60%	1,000,000	2.72%	A-1	
Credit Union Australia	BBB	30-Jul-09	24-Mar-10	4.62%	1,000,000	2.72%	unrated	
Elders Rural Bank	BBB	15-Jun-09	15-Jun-10	4.64%	1,000,000	2.72%	A-2	
IMB	BBB	30-Jul-09	27-Jan-10	4.45%	1,000,000	2.72%	A-2	
Macquarie Bank	A	18-Jun-09	15-Jun-10	4.50%	1,000,000	2.72%	A-1	
Members Equity	BBB	04-May-09	03-Aug-09	4.30%	1,000,000	2.72%	A-2	
NAB	AA	29-May-09	16-Dec-09	4.28%	3,500,000	9.51%	A1+	
NAB	AA	25-May-09	23-Oct-09	4.30%	2,000,000	5.44%	A1+	
NAB	AA	05-Jun-09	16-Dec-09	4.40%	2,000,000	5.44%	A1+	

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Investment Type	Institution Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Investment Rating	Total \$
Newcastle Permanent	BBB+	18-Jun-09	15-Jun-10	4.55%	1,000,000	2.72%	A-2	
Suncorp	A	12-Jun-09	14-Jun-10	4.60%	1,000,000	2.72%	A-1	
Westpac	AA	20-Jul-09	20-Jan-10	4.40%	3,000,000	8.16%	A1+	
Westpac	AA	24-Jun-09	24-Feb-10	4.41%	3,000,000	8.16%	A1+	32,500,000
<b>TOTAL INVESTMENT AS AT 31 JULY 2009</b>								<b>36,770,000</b>

	Bench Mark	Actual
Bench Mark - UBSA 90 Day Bank Bill Index	3.18%	4.39%
Bench Mark - 11am Cash Rate	3.00%	2.95%

**Performance by Type**

Category	Balance	Average Interest	Difference to Benchmark
Cash at Call	4,270,000	2.95%	-0.05%
Term Deposit	32,500,000	4.39%	1.21%
	<b>36,770,000</b>	4.23%	1.05%

**Investment Commentary**

The investment portfolio decreased by \$2.88 million for the month. During July, various income was received totalling \$4.0 million, including rate payments amounting to \$1.6 million, while payments to suppliers and staff costs amounted to \$7.06 million.

The investment portfolio currently involves a number of term deposits and on-call accounts.

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

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*

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- 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. Council's revised Investment Policy fully complies with the Department of Local Government Investment Guidelines that were distributed on 25 May 2009.

As at 31 July 2009, Council has invested \$12 million with second tier financial institutions. The investment of \$1 million with twelve second tier banks is entirely covered by the free Government Guarantee Scheme, and is in accordance with the revised Ministerial Investment Order, Council's Investment Policy, and Council's resolution at its meeting on 3 February 2009.

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.

The Governor of the Reserve Bank of Australia released the following statement on monetary policy on 4 August 2009:

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

*With considerable economic stimulus in train around the world, the global economy is stabilising after an earlier sharp contraction in demand. Downside risks to the global outlook have diminished, though they have not disappeared and most observers expect only modest growth overall. There is tentative evidence that the US economy is approaching a turning point, but conditions in Europe are still weakening. Growth in China, in contrast, has been very strong in recent months, which is having an impact on other economies in the region and on commodity markets.*

*Sentiment in global financial markets has continued to improve. Nonetheless, credit conditions remain difficult, and the effects of economic weakness on asset quality present a challenge. For the global economic recovery to be durable, continued progress in restoring balance sheets is essential.*

*Economic conditions in Australia have been stronger than expected a few months ago, with both consumer spending and exports notable for their resilience. Measures of confidence have recovered a good deal of ground. This suggests that the risk of a severe contraction in the Australian economy has abated. The most likely outcome in the near term is a period of sluggish output, with consumer spending likely to slow somewhat and investment remaining weak. Stronger dwelling activity and public spending will start to provide more support to overall demand soon, and growth is likely to firm into 2010.*

*Inflation is gradually moderating, given the earlier decline in energy and commodity prices, and the effects of weaker demand on prices and labour costs. Given the current prospects for demand and output, this moderation should continue over the year ahead. The higher exchange rate over recent months will assist this moderation, at the margin.*

*Housing credit has been solid, and dwelling prices have risen over recent months. Business borrowing, on the other hand, has been declining, as companies have postponed investment*

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*plans and sought to reduce leverage in an environment of tighter lending standards. Large firms have had good access to equity capital, and access to debt markets appears to be improving.*

*The Board's judgment is that the present accommodative setting of monetary policy is appropriate given the economy's circumstances. The Board will continue to monitor how economic and financial conditions unfold and how they impinge on prospects for sustainable growth in economic activity and achieving the inflation target."*

**Investment Certification**

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

**Conformance to Strategic Plan**

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

*"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 2009/2010.

**RECOMMENDATION:**

That the information be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

ORDINARY MEETING

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Item: 173      **SS - Local Government and Shires Association of NSW - Request for Financial Assistance with Legal Costs - Berrigan Shire Council - (112608, 90670, 79633, 95496)**

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**REPORT:**

Council is in receipt of the following letter dated 21 July 2009 from the Local Government and Shires Association of NSW (LGSA), regarding a request from Berrigan Shire Council for assistance with legal costs:

*"Berrigan Shire Council has approached the Associations for assistance with legal costs in litigation in which it has been involved.*

*Summary of Facts*

*Berrigan Shire Council had refused a Development Application by Iramoo Flyer Pty Limited that sought to subdivide two existing rural lots to create two alternative lots. The subdivision would have resulted in two individual lots separated by approximately 8.5 kilometres.*

*A Class 1 application was filed in the Land and Environment Court by the owner of the property, Iramoo Flyer Pty Limited, seeking to review the merits of council's refusal of the development application and council elected to defend the appeal.*

*Council has consistently maintained that defending this application was paramount to ensuring the avoidance of the land owners along the Murray River seeking to consolidate smaller parcels of land adjacent to the river with non contiguous allotments for the purpose of creating dwelling entitlements.*

*In other words, if this development application was approved it would have opened the floodgates on similar applications which would arguably result in detrimental impact on the riverine environment.*

*Council argue that this has significant implications for all councils because if the appeal were to be successful it would have created a range of uncertainty for councils such as:*

- 1. Where non-contiguous lots cross boundaries, which council determines the application?*
- 2. How would performance based standards, such as minimum area requirements be managed?*
- 3. Do non-contiguous lots have any limitations?*

*Council further argue that the matter was of so great a significance to the Department of Planning that the Department has now introduced a Rural Lands SEPP that goes some way to addressing the issues raised by this matter.*

*Although council was successful in the matter, the Court ordered that each party pay their own costs.*

*The Joint Committee of the Associations have considered that the significance of this decision and it was decided that it was sufficiently important to all councils to warrant the giving of support.*

*The Council incurred the sum of \$66,848.62 in defending its position. Your Council's proportion of this amount, calculated in accordance with the formula used to determine your*

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Association fees, is \$606.54. Attached is the invoice, and the Associations appreciate your consideration to contribute towards these legal costs.

You can read about the judgement at:

<http://www.austlii.edu.au/cgiin/sinodisp/au/cases/nsw/NSWLEC/2008/1188.html?query=^berrigan> but should you have any questions or require further information, please contact Frank Loveridge at [frank.loveridge@lgsa.org.au](mailto:frank.loveridge@lgsa.org.au) or (02)9242 4125."

As outlined in the above letter the LGSA has decided that the decision in this matter was sufficiently important to all councils to warrant providing support.

The LGSA have apportioned the amount of \$606.54 to Hawkesbury Council, based on Council's share of the Association's total membership subscriptions. The total cost incurred by Berrigan Shire Council for this Court action is \$66,848.62.

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

Accordingly, it is recommended that the contribution be provided as requested by the LGSA.

### **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**

Funding is available in the Legal Services Component of the 2009/2010 Budget for the requested contribution.

### **RECOMMENDATION:**

That Council contribute the amount of \$606.54 as outlined in the letter dated 21 July 2009 from the Local Government and Shires Association of NSW towards the legal costs incurred by Berrigan Shire Council, in its pursuit of legal action related to an Appeal in the matter of Berrigan Shire Council v Iramoo Flyer Pty. Ltd.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo



**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**CONFIDENTIAL REPORTS**

**INFRASTRUCTURE SERVICES**

**Item: 174**            **IS - Tender No. 01609 - Stage 2 Reconstruction of sealed road sections of Tennyson Road and East Kurrajong Road - (95494, 79344) CONFIDENTIAL**

**Previous Item:**        91, Ordinary (12 May 2009)

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**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: 25 August 2009

Item: 175            IS - Acquisition of (Part) 468 Grose Vale Road, Grose Vale (Lot B in DP 367444) -  
(95495, 18645, 88920) CONFIDENTIAL

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**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 a purchase of property by the Council and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**SUPPORT SERVICES**

**Item: 176**      **SS - Property Matter - Lease to Ahmad Issa, Trading as Wilberforce Charcoal Chicken - Shop 11 Wilberforce Shopping Centre, Wilberforce - (74275, 34779, 28061, 95496) CONFIDENTIAL**

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**Reason for Confidentiality**

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

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

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

**ORDINARY MEETING**

**Meeting Date:** 25 August 2009

**Item: 177**            **SS - Property Matter - Lease to Danny Hall Trading as Glossodia Bakery - Shop  
10 Glossodia Shopping Centre, Glossodia - (75870, 31304, 95496)  
CONFIDENTIAL**

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**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 - Hawkesbury Macquarie 2010 Committee - 13 August 2009 - (114013)**

The meeting commenced at 9.10am in the Council Chambers, Hawkesbury City Council

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<b>Present:</b>	Councillor Rex Stubbs Anthony Miller Carol Edds Dudley Mercer Frank Holland Gai Timmerman Judy Newland Keri Whiteley John Miller Jean Stephens Colin Mitchell Brian Lindsay Donald Cobcroft	Chair, Councillor Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Hawkesbury City Council Community Representative Community Representative Community Representative Community Representative Community Representative
<b>Apologies:</b>	Max Jarman Sonia Porter Jan Barkley Jack Esther Perry Joyce Edwards	Community Representative Hawkesbury City Council Community Representative Hawkesbury City Council Community Representative
<b>In Attendance:</b>	Joseph Litwin	Hawkesbury City Council

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**REPORT:**

**RESOLVED** on the motion of John Miller and seconded by Gai Timmerman that the apologies be accepted.

Mr Litwin advised the Committee that Joyce Edwards had written to the Chair, Councillor (Dr) Rex Stubbs advising that she was resigning from the Committee as she has moved out of the Hawkesbury. Joyce Edwards nominated the Rev. Aleks Pinter to sit on the Committee in her place.

**RESOLVED** on the motion of John Miller and seconded by Gai Timmerman that Rev Aleks Pinter be appointed to the Committee.

**SECTION 1 - CONFIRMATION OF MINUTES**

**1. Confirmation of Minutes**

Mr Holland noted that in relation to Item 17 the minutes had incorrectly noted that he rather than Tony Miller had initiated discussion with the Richmond Club regarding sponsorship. The minutes were corrected.

**RESOLVED** on the motion of Frank Holland seconded by Gai Timmerman that the Minutes of the Hawkesbury Macquarie 2010 Committee held on 9 July 2009 be confirmed.

**2. Matters arising from Previous Minutes**

There were no matters arising.

**SECTION 2 - REPORTS FOR DETERMINATION**

**Item 18 – Confirmation of funding of Council program of events and activities for Macquarie 2010 Celebrations**

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**DISCUSSION:**

- Mr. Litwin advised Committee members that the report had been prepared to advise the Committee of funds approved by Council for the Council sponsored program of events and activities to take place along side community activities.
- Mr. Miller sought clarification of the 'Macquarie Towns of NSW – Spreading the Word Partnership' activity. Mr Litwin advised that this activity was intended to co-ordinate promotion of Mac2010 events across a number of local government areas and was contingent on participating councils matching Hawkesbury Council's allocation of \$5,000. If other council did not wish to participate, than the \$5,000 within the Mac 2010 program for this activity could be reassigned. Mr. Litwin also advised that the program as reported in the Business Paper had been endorsed by the Committee at its February Meeting.

**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

**RESOLVED** on the motion of Gai Timmerman and seconded by Dudley Mercer

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

That the information be received.

**Item 19 – Approval to Establish Macquarie 2010 Seeding Grants**

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**DISCUSSION:**

- Mr Litwin advised the Committee of Council's approval to establish the Macquarie 2010 Seed Funding Program and the likely time frame for its implementation.
- Councillor Stubbs sought clarification as to whether eligibility for funding under Macquarie 2010 Seed Funding Program was dependent on applicants registering their event with Council as part of the Hawkesbury Macquarie 2010 Bicentenary Program. Mr. Litwin confirmed that this was one of the eligibility criteria.



**RECOMMENDATION TO COMMITTEE:**

That the information be received.

**MOTION:**

**RESOLVED** on the motion of Judy Newland and seconded by Colin Mitchell.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION**

That the Information be received.

**Item 20 – State Library NSW – Planning of Macquarie 2010 Bicentennial events**

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**DISCUSSION:**

- Ms Whiteley advised the Committee that as requested by the committee this report had been prepared to inform committee members of activities being planned by the State Library of NSW for the Macquarie 2010 Bicentennial year.

**RECOMMENDATION TO COMMITTEE:**

The information be received.

**MOTION:**

**RESOLVED** on the motion of Donald Cobcroft and seconded by Judy Newland.

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION:**

The Information be received.

**SECTION 3 – REPORTS OF WORKING PARTY MEETINGS**

**ROWP - Hawkesbury Macquarie 2010 Programming Working Party**

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**DISCUSSION:**

- Mr Mercer provided a verbal report to the Committee. The Working Party's primary task at this time was to confirm the timing and sequencing of events as identified in the on-line Mac2010 Events Calendar.
- There was some discussion as to which events the Governor of NSW should be invited to attend. Mr. Litwin advised that Council would be proposing to invite the Governor to two events in October 2010 (Launch of Elizabeth Macquarie Iris) and December 2010 (Proclamation Day/Community Event).

**ROWP – Hawkesbury Macquarie 2010 Branding and Marketing Working Party**

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- Colin Mitchell provided a verbal report to the Committee (noting that the minutes of the Working Party had been electronically distributed prior to the Meeting). Mr. Mitchell advised the Committee of the Working Party's discussions and deliberations regarding the design of a logo for the Hawkesbury Macquarie 2010 Community Celebrations and table a copy of the Corporate (Council) logo and the proposed 2010 Community Celebrations logo.
- There was considerable discussion in relation to the proposed logos. Mr. Litwin confirmed that the Corporate (Council) Logo was already in use. It had been designed by Council staff due to the pressing need to have a logo for the Gov. Macquarie Rose Planting event attended by the Governor of NSW. The Corporate (Council) logo had been well received. It was developed to generate interest in the Mac2010 Celebrations by providing a new 'fresh' logo. The Corporate (Council) logo will be used by Council in conjunction with Council sponsored events and activities.
- Colin Mitchell advised that the proposed Hawkesbury Macquarie 2010 Community Celebrations logo was designed to give the Mac2010 Celebrations a fresh and vibrant feel. The logo could be used flexibly as a banner, letterhead etc., and had been designed to be able to be used in conjunction with the Corporate (Council) logo, the State 2010 logo, and with other logos where required.
- Mr. Miller and Mr. Mercer requested that the Committee give consideration to using the Macquarie Community Crest as its logo. There was considerable discussion in relation to the merits of this logo *vis-à-vis* the new logo designed by the Working Party.
- Ms. Edds sought advice as to whether a reply had been received from the NSW Attorney General's Office requesting permission for the Committee to use the Windsor Courthouse Portrait as a possible logo. Mr. Litwin advised that a letter had been received confirming the receipt of the Committee's request, but no decision had yet been made.
- It was suggested that the decision about the logo should be deferred to the next meeting as Tina Johnson from the State 2010 committee was to brief the Committee on the state committee's work. The strong view was expressed that a decision needed to be made as soon as possible due to the critical need to begin marketing the local celebrations. It was also noted that in the absence of NSW Government financial support to councils for Mac2010 celebrations, then discussion and decision about logos and marketing were probably a matter for local decision making.

**MOTION:**

**RESOLVED** on the motion of Colin Mitchell and seconded by Brian Lindsay .

**Refer to COMMITTEE RECOMMENDATION**

**COMMITTEE RECOMMENDATION.**

That:

1. The Committee adopt the proposed logos as designed by the Branding and Marketing Working Party.
2. Council write to Penrith City Council to advise that the endorsed logo was available to be used by community organisations holding Mac 2010 events and that the wording of the logo could be modified as required.
3. The Branding and Marketing Working Party develop a design guide to regulate the use of the endorsed logo.

**ORDINARY MEETING**  
Reports of Committees

The Motion was passed with 8 votes in favour, 2 votes against and 1 abstention. Mr. Miller requested that his vote against the motion be noted and recorded in the minutes.

**ROWP – Hawkesbury Macquarie 2010 Event Support Working Party**

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Mr Litwin advised that any actions to be undertaken by the Event Support Working Party will be dependent on the outcomes of Hawkesbury Macquarie 2010 Seed Funding Program applications. The Application form will include a section of event support requirements which will enable the working party to determine the kind and level of event support required by organisations seeking to stage events/activities in conjunction with the Mac2010 Celebrations.

**ROWP – Hawkesbury Macquarie 2010 Sponsorship and Grants Working Party**

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Carol Edds briefed the Committee. The Working Party welcomed the inclusion of Brian Lindsay to the Working Party. The Working Party had completed Task 1 in its operating brief and reported that Task 2 was underway.

**GENERAL BUSINESS**

There was no General Business.

**NEXT MEETING** – to be held at 9.00 am on Thursday 10 September 2009, in the Council Chambers Hawkesbury City Council, 366 George St. WINDSOR.

*Meeting Closed at 10.40 am.*

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees



ordinary  
meeting

end of  
business  
paper

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