



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 14 July 2009

location: council chambers

time: 5:00 p.m.



mission
statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

Planning Decision

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

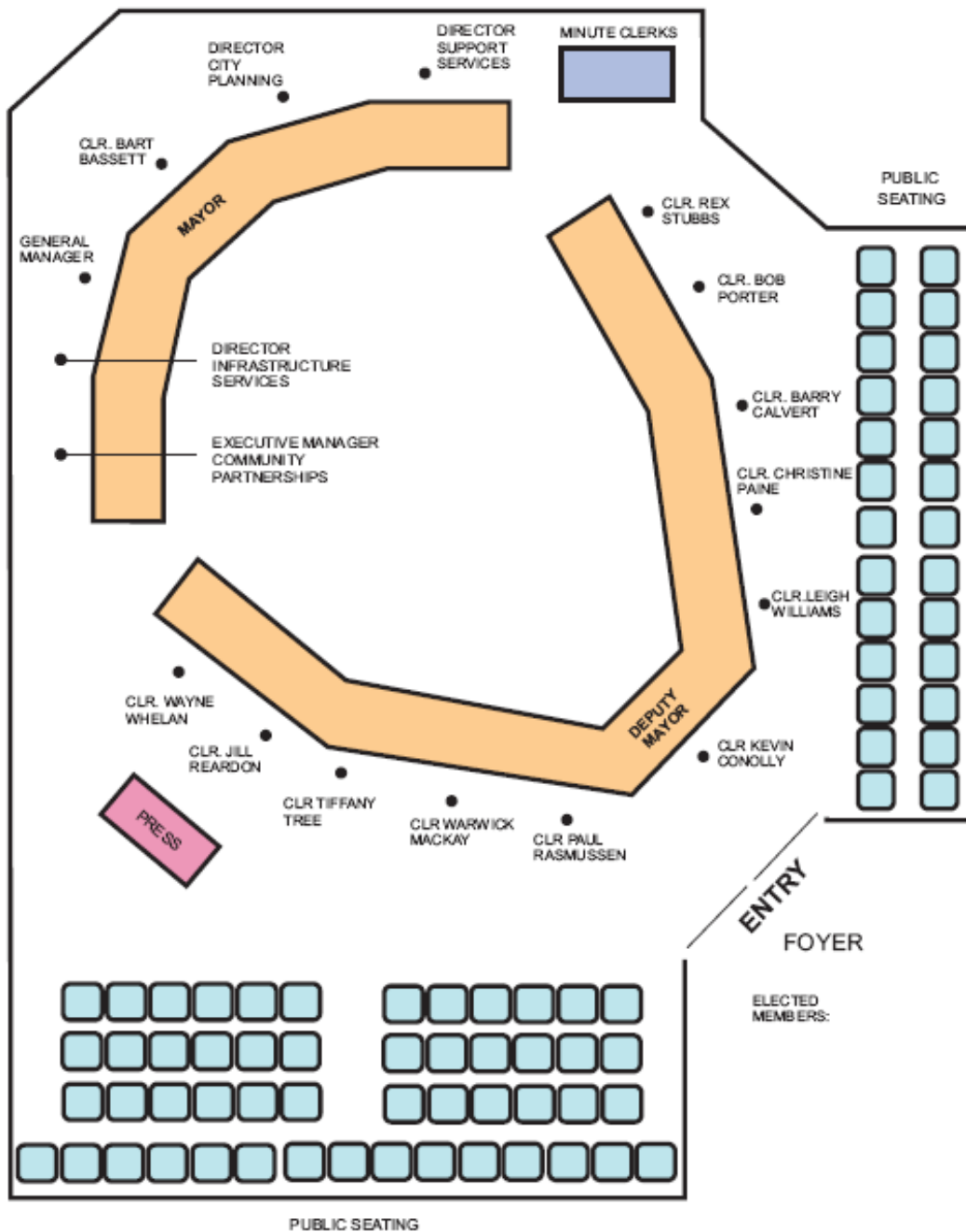
Website

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

Further Information

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

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Notices of Motion

SECTION 3 - Notices of Motion

NM1 - Acknowledgement of Important Works Carried Out by Community Groups - (79351, 80105)

Submitted by: Councillor Leigh Williams

NOTICE OF MOTION:

That Council:

1. Acknowledge the important work community groups do in a voluntary capacity to improve our public lands by carrying out bush-regeneration, rubbish removal and the like.
2. Waive tip fees at Council's waste depot for community groups disposing of waste generated by such work.

NOTE BY MANAGEMENT:

There are three components in relation to waiving the fees for community groups at Council's Waste Depot. Firstly, any recyclable materials, steel plastics etc., which are separated from other waste may be disposed of without charge. All other waste, whether it be green waste, or material which will be disposed of into the landfill, attracts a charge which Council must pay to the Department of Energy and Climate Change (DECC) via a levy, with that levy being currently \$52.40 per tonne. For any material which is reprocessed and taken off the site, Council may claim back the levy amount.

The second component relates to any general waste generated from sites by community groups. This material, which would be disposed of into the landfill, would cost Council the amount of the levy plus the cost of the general operation of the facility and it would be necessary to identify funding sources to cover those direct costs.

Thirdly, in relation to green waste, the levy of \$52.40 per tonne applies to the material being brought into the facility, however, when processed the levy can be recouped. The processing of the green waste costs approximately \$15 per tonne and the mulch is currently priced at \$15 per tonne to sell. As such it would appear that there would be no cost to Council to allow free disposal of green waste. However, the issue is that there is very little demand for the mulch which is being produced on site and as such there is an ever increasing stockpile of mulch at the waste facility and the direct charges of \$52.40 and \$15.00 per tonne are not being recouped. Added to this is the normal charge to accept green waste of \$55 per tonne for material with a diameter of less than 300mm and \$130 per tonne for material with a diameter of greater than 300mm would be forgone resulting in reduced income at the site which would have a negative impact upon the operating budget.

When bush regeneration works are being undertaken it is often quite acceptable to leave green material on site as a measure to protect the ground surface from erosion and provide native habitat and also reduce the re-growth of weeds. In this regard it would be preferable for community groups to work in conjunction with Council's bush regeneration staff to determine the most appropriate methodology for the work that is being undertaken.

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Notices of Motion

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 128 GM - 3rd National Landfill & Transfer Stations Conference - (79351)

REPORT:

The 3rd National Landfill & Transfer Stations Conference will be held 26-28 August 2009 in Hobart, Tasmania.

This year's Conference theme "*Operating in a Carbon Constrained Environment*" has been adopted to focus transfer stations and landfill operations on the new challenges now faced in the approach to the introduction of emissions trading and the effects it will have on the waste management industry.

Cost of attendance at the 3rd National Landfill & Transfer Stations Conference will be approximately \$2,500.00 per delegate.

Budget for Delegates Expenses - Payments made:

- | | |
|---|-------------|
| • Total Budget for Financial year 2009/2010 | \$41,000.00 |
| • Expenditure to date | \$ 0 |
| • Budget balance as at 7/7/09 | \$41,000.00 |

Conformance to Strategic Plan

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

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

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 3rd National Landfill & Transfer Station Conference to be held 26-28 August, 2009 at a cost of approximately \$2,500.00 per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 129 **CP - Development Application - Two Storey Mixed Use Commercial Complex - 8 Groves Avenue, Mulgrave - (DA0640/08, 95498)**

Development Information

Applicant: PGH Environmental Planning
Applicants Rep: PGH Environmental Planning
Owner: Regenta Pty Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 7330sqm
Zone: 3(b) Business Special
Advertising: 10 October 2008 to 24 October 2008
Date Received: 28 August 2008

Recommendation: Approval

REPORT:

Description of Proposal

This application seeks approval to construct a two storey mixed use commercial complex which in summary comprises:

Ground Floor:

- Total floor area of 2022.2m² divided into 8 retail shops ranging in size from 125m² - 848m².
- Loading dock and garbage recycling area serving the hotel, Shop 1 and Shop 8.
- 105 car parking spaces and associated landscaping

First Floor:

- A hotel comprising dining area, public bar, gaming room with 30 gaming machines, kitchen, cellar, amenities, outdoor terrace and garden. Access to the hotel is via a foyer, stairwell and lift which is located within, but separate to, Shop 2.

Use of the Building:

The application seeks approval for the following uses within the building:

- Shop 1 is to be occupied as a retail bottle shop. The operating hours are from 7:00am until 10:00pm, seven days per week.
- The first floor to be used as a hotel. The operating hours are 9:00am until Midnight, seven days per week.

Description of the Land and its Surroundings

This site is located on the northern side of Groves Avenue, Mulgrave in proximity to the intersection with Windsor Road.

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The allotment is essentially rectangular with a street frontage of 60.7m, a maximum depth of 105m and a total area of 7,330m². Gradients are level with fall of about one metre between the rear site boundary and the frontage to Groves Avenue. The land is vacant, but partly sealed, and is partly used as an informal parking area for surrounding businesses. The land is burdened by easements for drainage and a Right of Way (ROW) for access, and is benefited by ROW for access, and a covenant that allows for the use of parking spaces on certain adjacent allotments.

Adjoining the site the west, fronting Windsor Road, are two fast food outlets (McDonalds and KFC). Surrounding development to the north, east and south of the site comprises a mix of commercial and industrial uses.

History

Prior Applications on this Land:

- | | |
|------------------|---|
| 16 June 2000 | Consent granted to DA 584/00 for the construction of two restaurants, a tavern and boundary adjustment on the subject land. |
| 28 December 2000 | Consent granted to DA 1711/00 for the construction of 12 factory/showroom units. |

Related Applications:

- | | |
|--------------|--|
| 19 July 2007 | Consent granted to DA 0050/07 to change the use of an existing restaurant (Valentino's) to a hotel. That restaurant is located immediately to the north of the land the subject of this application.

As part of DA 0050/07 it was intended to transfer an existing Hotelier's licence from the subject site to that new hotel. However, that licence would be retained to instead apply to the hotel the subject of this application should this proposal be approved. In that instance the applicant has offered to surrender the consent granted to DA 0050/07. |
|--------------|--|

This Proposal:

A preliminary assessment identified:

- Various concerns relating to design, patron safety, access and parking, servicing, drainage and comments received from NSW Police.
- The need for additional information to address the potential economic impacts from this proposal.

The applicant subsequently submitted:

- An Economic Impact Assessment report.
- Traffic and Parking Assessment report.
- Amended architectural plans.
- Stormwater drainage and sediment and erosion control plans.
- Amended architectural plans.

This additional information essentially adds to the detail of the proposal without fundamentally altering its form, function or operation. Further discussions with the proponent and council staff were held regarding:

- Design and appearance.
- Adequacy of parking supply.
- Adequacy of the facilities for service vehicles.
- Crime prevention and patron safety.

The applicant subsequently provided amended architectural plans that have modified the location and design of the hotel entry, the roof design and the elevations. Clarification was also received regarding the shared parking arrangement provided by the Section 88B instrument on the land.

Section 79C Matters for Consideration

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

a. **The provisions (where applicable) of any:**

i. **Environmental Planning Instrument:**

State Environmental Planning Policy 55- Remediation of land

SEPP 55 provides a framework for the assessment, management and remediation of contaminated land. Clause 7 (1) prevents Council from consenting to a development unless it has considered whether the land is contaminated, and whether the land is suitable in its contaminated state (or will be suitable, after remediation) for land use for which consent is sought.

Table 1 within the Department of Planning's *Planning Guidelines for Contaminated Lands* identifies activities which may cause land contamination. The land the subject of this application has not been used for any activity listed in that Table. Further, this application is not seeking to use the site for a sensitive land use as identified in clause 7(4) of the SEPP.

Accordingly, determination of this application can proceed without need for consideration of a preliminary contamination investigation report.

State Environmental Planning Policy 64 - Advertising and Signage

This Policy aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of a high quality design and finish.

The architectural plans nominate locations for future signage for each of the eight retail shops along the parapet above each tenancy. Signage in accordance with these arrangements would satisfy the objectives and assessment criteria of this Policy. No signage details are provided with regard to the hotel.

This report recommends that all future signage is to be the subject of separate development applications.

State Environmental Planning Policy (Infrastructure) 2007

Section 104 of the Policy requires that applications for certain types of traffic generating development must be referred to the Roads and Traffic Authority (RTA) for consideration.

By virtue of its size and proximity to a classified road this proposal triggers the referral provisions of the Policy. The RTA provided the following concerns in their response:

- Subject to the approval of Council's Local Traffic Committee, 'No Stopping' restrictions should be imposed along a section of the southern side of Groves Avenue to maintain traffic movements for vehicles using Groves Avenue.
- All parking spaces, aisle widths, grades, sight distances and turning paths comply with relevant Australian Standards.
- The supply of off-street parking to be to Council's requirements.
- All vehicles to enter/exit the site in a forward direction.

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- All vehicles to be wholly contained within the property before being required to stop.
- All works/signage associated with traffic management to be at no cost to the RTA.

Traffic, parking and related matters are addressed later in this report.

Hawkesbury Local Environmental Plan 1989

General Provisions of HLEP 1989

Clause 2 - Aims, Objectives etc.

The proposed development is consistent with the general aims and objectives as outlined in this clause.

Clause 5 - Definitions

The ground floor retail premises of the building satisfy the definition of a 'shop' being:

'a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause'.

The upper level of the proposal satisfies the definitions of a 'hotel' being:

'means the premises to which a hotelier's licence granted under the [Liquor Act 1982](#) relates'.

Clauses 8 and 9 - Zones and Permissibility

The subject land is within Zone No. 3(b) Business Special. All of the land uses, as defined above, are permissible with consent within that zone.

Clause 9A - Zone Objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the development is consistent with the objectives of the zone, which in this instance are:

- promote office development to meet the optimum employment and social needs of the City of Hawkesbury;*
- permit non-commercial development within the zone where such development is compatible with the commercial character of the locality;*
- ensure that there is adequate provision for car parking facilities within the zone,*
- minimise conflicts between pedestrians and vehicular movement systems within the zone; and*
- preserve the historic character of the City of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.*

This proposal meets these objectives.

Specific Provisions of HLEP 1989

The following provisions of the LEP are relevant in the assessment of this proposal:

Clause 18 - Provision of water, sewerage etc. services

Required utility services are available for connection to this development.

Clause 25 - Development on flood liable land

The levels of the site vary from 16.5m AHD to 17.5m AHD, with the majority of the site marginally below the 1-in 100 year flood level 17.3m AHD.

The ground floor level of the building would be at 17.3m AHD which satisfies the requirements of this clause.

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

The site is categorised as Class 5 land on the Acid Sulfate Soils Planning Map. Site works associated with this proposal are minor, and will not lower the water table by more than 1m. Therefore an acid sulfate management plan is not required.

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

The development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context given that is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies of this Plan.

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

Not applicable.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

An assessment of the proposal against the relevant provisions of this Plan is provided below:

Part A - Chapters 1 - 3 : General Information

This Part of the DCP comprises Chapters which:

- Describe the purpose and aims of the DCP.
- Sets out general information about the operation of the DCP and outlines the submission requirements for development applications.
- Sets out Council's requirements and procedures for the public notification of development applications.

In response it is noted:

- The proposed development is consistent with the general aims and objectives of DCP 2002.
- Sufficient information has been submitted with the application.
- The application was publicly notified in accordance with the DCP. Issues raised in submissions received from this process are addressed later in this report.

Part C - Chapter 1: Landscaping

Indicative landscaping is described on the site plan and comprises a 5m landscape strip across the Groves Avenue frontage supplemented by small garden beds where opportunities allow within the car parking area.

The quantity and distribution of landscaped open space is suitable given the setting, context and intended use of the site.

The recommendation to this report includes a condition requiring the submission of a formal landscape plan for approval with any Construction Certificate.

Part C - Chapter 2: Car Parking and Access

The aims of this Chapter are to:

- 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.

Although the parking provided by this development is less than that required by the DCP, it is adequate given the overall quantity of parking available and the operating characteristics of the complex, as discussed later in the report.

Arrangements for access and manoeuvring of service vehicle will be satisfactory subject to minor design modifications.

All of these matters are discussed in detail later in this report.

Part C - Chapter 3: Signs

The relevant objectives for signs in commercial zones are as follows:

- The design and location of signs are to:
 - be integrated and in proportion with the architecture and structure of the host building;
 - be placed to ensure that architectural features of the building, views or vistas are not obscured;
 - consider existing signs to avoid visual or physical clutter; and
 - avoid obstruction of pedestrian access or line or sight of vehicular traffic.
- Signs shall be simple, concise and uncluttered in appearance. Emphasis should be on clarity of communication.

Arrangements for the location of future signage for Shops 1-8 nominated with this application are consistent with these objectives.

Part C - Chapter 4: Soil Erosion and Sediment Control

This application is accompanied by a Sediment and Erosion Control Plan which satisfies the objectives and controls of this Chapter of the DCP.

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

Not applicable.

v. Matters prescribed by the Regulations:

None of the prescribed matters are relevant to this application.

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

Context & Setting

The locality is comprised mainly of business and industrial uses, and with rural living zones east of Windsor Road. This results in a diverse mix of function, built form and landscape presentation.

Constraints which should be used to inform an appropriate built form outcome for this site (such as bulk, height and massing) relate to the visual prominence of the land from key traffic routes through the area (Windsor Road and Hawkesbury Valley Way) and the need to ensure the building properly responds to the functions associated with the proposed land-uses.

An initial assessment identified a range of concerns regarding various design and operational elements of this development. These matters are now resolved through the amended plans which achieve an improved design. These enhancements include activation of the hotel entry to the ground floor, a modified roof form which improves the presentation of the building to Groves Avenue and the use of a more contemporary palette of external materials, colours and finishes.

Notwithstanding, this report identifies additional, minor, design changes to further improve the design, presentation and function of the building. These changes have been discussed with the applicant.

Access, Transport & Traffic

Parking

Council's DCP nominates specific calculations for both commercial premises and hotels which are to be used to determine the required parking supply for this proposal.

In applying these DCP calculations this development generates a total of 137 on-site parking spaces. However, the proponent's Traffic and Parking assessment report contends that only 107 spaces are needed. The proponent's figures vary from Council's assessment for the following reasons:

- Parking for the dining area of the hotel has been calculated using a lesser rate which the DCP prescribes for refreshment rooms.
- The area of the external terrace has not been included in any parking calculation.
- Ancillary areas have been included in the parking calculation.

The proponent's contentions regarding the manner in which parking is to be calculated are not accepted for the following reasons:

- The dining area is not a separate element and will clearly be used as service area for the hotel. Therefore a lesser parking rate should not be applied to this area of floor space.
- Similarly the external terrace must also be treated as service area for the hotel and must therefore also be included in any overall calculation of parking supply.
- The DCP excluded ancillary service areas from any parking calculation for hotel premises.

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Accordingly it is concluded that the proper application of Council's DCP to this proposal results in the need for the supply of 137 on-site parking spaces. This application proposes 105 spaces and consequently a shortfall of 32 spaces results.

In response to any conclusion that this development would result in an undersupply of parking the proponent seeks to rely upon existing covenants over the subject land and adjoining Lots 2 and 3 DP 1038565 which allows for all development over these allotments to share all on-site parking.

This arrangement means that the subject lot has the benefit of use of a further 51 spaces, giving a total of 156 spaces, which readily exceeds the 137 spaces required by the DCP. This total supply of 156 spaces is acceptable given:

- The peak times of the hotel will generally not overlap with the peak times of most of the development on adjacent Lots 2 and 3 DP 1038565. Therefore, it is reasonable to conclude that a substantial portion of the additional 51 spaces would be available for hotel patrons. This conclusion is supported by a parking survey completed by the proponent as part of their traffic and parking assessment.
- Although the future use of the proposed new retail premises within the subject development is unknown, it is also likely that the peak trading times of most of those uses will not overlap with the peak times of the hotel. Consequently, a substantial portion of the on-site parking provided with this development would also be available for hotel patrons.

Given the above circumstances it is concluded that the parking supply is adequate.

Access

The subject land benefits from a Right of Way (ROW) over a combined entry/exit driveway on adjacent Lots 2 and 3 DP 1038365 which serves all three allotments. This ROW is located along the western site boundary and provides a direct connection to Groves Avenue.

This access is adequate to cater for the level of traffic generated by the proposed development and existing activities on adjoining Lots 2 and 3.

Service vehicles and loading

The application provides details demonstrating that the loading dock is able to be accessed by a Heavy Rigid Vehicle. However analysis of this information reveals that minor modifications to the design of the building would be necessary to ensure compliance with the relevant Australian Standard. This matter is able to be resolved through conditions requiring such changes to be incorporated into plans associated with the Construction Certificate.

A further concern with this proposal is that it incorporates only 1 loading dock (serving the hotel and Shops 1 and 8) and only 1 garbage storage area for the entire complex. It is difficult however to assess the adequacy of this element of the proposal as Council's DCP does not prescribe requirements for the supply of loading or garbage storage facilities. This issue has nevertheless been discussed with the applicant who has subsequently provided details to support their claim that arrangements will be sufficient.

Conditions to manage service vehicles attending the site are included in the recommendation to this report.

Traffic

Accompanying the application is a traffic report which has:

- Established the likely level of traffic for the hotel component of this proposal based upon a comparative analysis with a similar development.

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- Established the estimated level of traffic generation of the retail component in accordance with RTA guidelines.
- Analysed the impact of this likely additional weekday and weekend peak hour traffic upon the efficiency of traffic movements for intersections and roads within proximity to this site.
- Reviewed the predicted impacts of the operation of this proposal upon the local road network, including the operation of key intersections.

This report concludes that the road network, including intersections, would operate at satisfactory levels of service with minimal delays and spare capacity notwithstanding the additional traffic that would be generated by this development.

The report has been reviewed and its analysis and conclusions are accepted.

Water

Nominated arrangements for the collection and disposal of stormwater are satisfactory.

Waste

Accompanying the application is a Waste Management Plan which makes provisions for the collection and disposal of wastes, both during the construction of the building and upon commencement of trading. These details are satisfactory.

Noise and Vibration

Construction Noise

This matter is addressed by appropriate conditions.

Operational Noise

No details have been provided regarding the type or location of mechanical plant and equipment associated with the occupation of this building, particularly the operations of the bottle shop and hotel.

The nearest residential building is located about 220m east of the site, on Windsor Road opposite the intersection with Groves Avenue. The separation between the subject site and those dwellings, intervening development and the noise from Windsor Road is such that it is unlikely the operations of this proposal would be audible from those homes.

Nevertheless it is appropriate to impose conditions which place limitations on the level of noise associated with the operation of mechanical plant and equipment installed in this building.

Safety, Security and Crime Prevention

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

The four principles which define the CPTED model are:

Surveillance	The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.
Access control	Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. Such barriers minimise opportunities for crime and increase the effort required to commit crime.
Territorial reinforcement	Well-used places reduce opportunities for crime and increase risk to criminals. If people feel that they have some ownership of public space, they are more likely to

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	gather and to enjoy that space. Community ownership increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it.
Space management.	Space management ensures that space is appropriately utilised and well cared for. Strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.

This proposal will reasonably respond to the above principles for the following reasons:

- Modifications to the upper level windows, as recommended, will improve passive surveillance of the wider site from the upper level hotel.
- Modifications to improve the hotel tower entry element, as recommended, will provide the site with a clearly defined entry which is visible from the wider public domain.
- Access to the garbage store room and loading dock will be restricted via security grills/doors. This will prevent these recessed areas being used as entrapment spots.
- External lighting will be provided around the site.

Social Impact in the Locality

There is no basis to conclude that the proponent would not operate these premises other than in accordance with relevant obligations and requirements under the Liquor Act 2007, Liquor Regulation 2008 and any licensing conditions imposed by the NSW Casino, Liquor and Gaming Control Authority.

It is noted that NSW Police (Windsor Local Area Command) have reviewed this application and do not raise any objections to this proposal.

Notwithstanding included in the recommendation to this report are conditions which seek to limit the potential for adverse social impacts from the operation of the hotel.

Economic Impact in the Locality

Accompanying this application is an Economic Impact Assessment report the purpose of which is to identify and evaluate possible impacts upon existing retail centres as a consequence of the of additional retail floor space proposed by this application.

The report identifies:

- The extent and function of existing business centres in the Hawkesbury Local Government Area.
- A notional catchment that would be served by this new retail development, including works and visitors to the immediate locality around the site, the local resident population and passing trade.
- The retail expenditure characteristics and trends within that catchment.
- Impacts that the proposed retail component of the development might have.

Arising from this analysis the report provides the following conclusions:

- The development is not of a type or scale that would capture most or all of an individual shopper's expenditure. Rather it can function as a complement to other shops and centres in the area.
- There is more than sufficient expenditure available from various sources to support existing retail facilities within identified centres, together with the additional floor space proposed as part of this development.
- The proposal can be accommodated within the retail network without the likelihood of significant or adverse impacts upon existing retail centres.

The report has been reviewed and its analysis and conclusions are accepted.

Site Design and Internal Design

The proposal is described on plans prepared by Regency Design Centre and is summarised as follows:

- An essentially rectangular footprint centrally located on the site.
- The massing and volume of the building is divided into two, largely symmetrical, elements each comprising a simple shopfront and parapet format capped with a curved steel roof element.
- The retail tenancies are set across each frontage of the building with exposure to the perimeter car parking areas.
- The northern, rear, elevation of the building incorporates service areas such the garbage storage room and loading dock.
- Entry to the hotel is positioned within the eastern elevation, towards the northeast corner of the building, and is defined by a glazed tower element.
- A continuous awning extends across all elevations providing weather protection to the pedestrian pathway around the centre.

Central to the assessment of this application has been consideration of the adequacy of the built form and presentation of this proposal, particularly given the visual prominence of this land from Windsor Road and Groves Avenue.

The design, appearance and function of the development as described on the plans originally lodged with the application was considered unsatisfactory for various reasons relating to:

- Building mass and volume.
- Relationship to the public domain.
- Elevations and external materials.
- Connectivity between the upper and lower levels of the building.

These matters have since been resolved through amended plans which include the following improvements:

- Activation of the hotel entry to the ground floor.
- A modified roof form which improves the presentation of the building to Groves Avenue.
- The use of a more contemporary palette of external materials, colours and finishes.

However, notwithstanding these outcomes further modifications are considered necessary to maximise the overall design and operational benefits which have been negotiated to date. Those amendments comprise:

- Increasing the height of the hotel entry element above the level of the main roof to give greater definition to the entry feature and improve the visual presentation of the building.
- Increasing the size of the ground floor lobby area to improve patron safety and comfort.
- Increasing the size of the hotel windows adjacent to the dining room (northern and eastern elevations) and the gaming room (western elevation) to improve passive surveillance between the hotel and the surrounding car parking areas. Shading devices are to be provided over these windows for both comfort and external design.
- Altering the windows in the eastern and western gable walls of the southern roof element to match the size/proportion of the windows in the corresponding location at the northern end of the building. As an alternative, the windows in the southern gable walls could instead be recessed elements.
- Altering the line of the shopfront so that the recessed elements correspond with location of the entry doors to each tenancy.

The applicant has indicated a general acceptance to these changes. This matter is therefore addressed by means of conditions in the recommendation to this report.

Construction

Should this application be approved it would be appropriate to include conditions to manage construction works to ensure that disruption to the locality is minimised.

c. Suitability of the site for the development:

The attributes of this site are suitable for the land-use mix proposed by this application.

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

Public Consultation

The application was publicly notified to adjoining owners from 10 October 2008 until 24 October 2008. Four submissions were received raising various objections or concerns. The issues raised in these submissions are identified and considered below:

Design

- *The loading dock is extremely small and insufficient to cater for the proposed uses.*
- *The provision of 1 loading dock for the entire complex is inadequate.*
- *Car parking requirements are incorrectly calculated and underestimate the supply required. Failure to properly calculate the quantity of parking required in accordance with Council's DCP would result in the developed using off site parking to satisfy demand.*
- *It is difficult to accept that the hotel would only employ 6 staff on site at any one time as is suggested in this application.*
- *No indication is given as to the future use of 7 of the retail shops.*
- *Car parking for the proposal and the adjacent fast food outlets are connected and therefore peak parking for existing and proposed uses can overflow from either site to the other.*
- *It is inappropriate to locate the hotel entrance close (about 24m) from the adjacent McDonalds outlet, which is a family destination.*
- *The right of carriageway in favour of an adjacent allotment should not be impeded.*

Comment

Refer to comments under the heading 'Access, Transport & Traffic' above.

Security

- *Security staff should be on duty at all times during the operating hours of the hotel.*
- *The Plan of Management accompanying the application should be formalised as a condition of consent.*

Comment

These matters would be addressed via conditions should consent be granted to this application.

Economic Impacts

A detailed submission addresses the following matters:

- *The planning criteria of the centres typology within the Draft North West Sub-Regional Strategy.*
- *Fundamental trade area considerations.*
- *Adequacy of the assessment criteria within the DCP.*

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- *Inadequacies and omissions within the application.*
- *The likely impacts upon the Windsor town centre.*
- *Council needs to be careful not to approve any application that would diminish the potential for the McGraths Hill Inn (Australian Hotel) on the corner of Pitt Town Road and Windsor Road, McGraths Hill to continue to operate. It is generally accepted that heritage items such as that hotel should operate in their historic role unless exceptional circumstances force a change of use.*

Comment

Refer to comments under the heading 'Economic Impact in the Locality' above.

e. The Public Interest:

Accompanying the application is a Draft Plan of Management which outlines arrangements for the operation and management of the hotel, including:

- Usage of the hotel
- Security measures
- Patron access
- Service access
- Code of conduct
- Staff training
- Trading hours
- Noise control
- Waste Management
- Community commitments

Included in the recommendation to this report is a condition requiring the implementation of this Management Plan and its various undertakings.

Conclusion:

This application seeks approval to construct a two storey mixed used commercial complex comprising eight shops at the ground floor and hotel at the first floor from a vacant allotment located on Groves Avenue Mulgrave.

Assessment of the application has identified various concerns regarding:

- Design and appearance
- Adequacy of parking supply
- Adequacy of the facilities for service vehicles
- Crime prevention and patron safety
- Potential for economic impact

The issues of concern have subsequently been resolved through the submission of amended plans. Given the outcomes of the assessment outlined above this report therefore recommends that this 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.

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RECOMMENDATION:

That development application DA0640/08 at Lot 1 DP 1038365, No. 8 Groves Avenue MULGRAVE NSW 2756 for the construction of a shop, hotel, associated car parking and landscaping be approved subject to the following conditions:

General Conditions

1. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number/Title	Dated
6455A - Sheet 1 of 5	26 June 2009
6455A - Sheet 2 of 5	26 June 2009
6455A - Sheet 3 of 5	26 June 2009
6455A - Sheet 4 of 5	26 June 2009
6455A - Sheet 5 of 5	26 June 2009
5679-C01 - A	24 April 2009
5679-C02 - A	24 April 2009
5679-C03 - A	24 April 2009
5679-C04 - A	24 April 2009

Prior to Issue of Construction Certificate

2. The design of the development shall be modified as follows:
 - a) Increase the height of the hotel tower entry element to a minimum of 1m above the ridge line of the main hotel roof, and a maximum of 4m, to give greater definition to the entry feature and improve the visual presentation of the building.
 - b) Increase the size of the ground floor of the hotel entry lobby area to improve patron safety and comfort.
 - c) Increase the size of the hotel windows adjacent to the dining room (northern and eastern elevations) and the gaming room (western elevation) to improve passive surveillance between the hotel and the surrounding car parking areas. Shading devices are to be provided over these windows for both comfort and external design.
 - d) Alter the windows in the eastern and western gable walls of the southern roof element to match the size/proportion of the windows in the corresponding location at the northern end of the building. As an alternative, the windows in the southern gable walls could instead be recessed elements.
 - e) Alter the line of the shopfront so that the recessed elements correspond with the location of the entry doors to each tenancy.
 - f) The two set down car parking spaces adjacent to Shop 2 shall be deleted and the area reinstated with paving to match the pedestrian footpath.
 - g) A security roller door, grille or the like shall be provided to the garbage recycling dock.

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- h) The loading dock shall be modified as necessary to ensure that a 12.5m Heavy Rigid Vehicle, including allowances for a 300mm overhang, can manoeuvre into and out of the loading dock.

Full details demonstrating compliance with this condition shall be included on any plans approved with a Construction Certificate.

3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
5. No part of the building shall be used or occupied prior to the issue of an Occupation Certificate.
6. The development shall comply with the provisions of the Building Code of Australia at all times.
7. 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.
8. No external signage shall be erected or displayed without the prior consent of Council.
9. A separate development application(s) shall be submitted for the fitout of the hotel and Shop 1.
10. Separate development application shall be lodged for the use of Shops 2-8.
11. Should public entertainment be proposed or required in the hotel, an Entertainment authority approval is required to be obtained prior to this activity occurring. A separate development application is required to be lodged and approved for the use of the hotel as a Place of Public Entertainment.
12. A certificate from an acoustic engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00am) when measured at the boundary of the nearest noise sensitive receiver and will comply with the Environmental Protection Authority Industrial Noise Policy. Details being submitted with the Construction Certificate.

Prior to Issue of Construction Certificate

13. Prior to any Construction Certificate being issued, the applicant shall lodge with Council all information required by the Environmental Planning and Assessment Act 2000 and the Environmental Planning and Assessment Regulation 2000 for the voluntary surrender of the consent, dated 19 July 2007, issued on Development Application 0050/07.
14. A full schedule of all external materials of construction, colours and finishes shall be submitted to Council for approval.
15. A plan detailing arrangements for the installation of exterior lighting around the site, to relevant Australian Standards, shall be provided to the Principal Certifying Authority for approval with any Construction Certificate.
16. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$50,000.00 shall be paid to Hawkesbury City Council.

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

The contribution is to be paid prior to the issue of the Construction Certificate and copies of receipts confirming that the contribution has been fully paid are to be provided to the certifying authority.

17. A landscape plan for the entire site, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority for approval with any Construction Certificate.
18. Hawkesbury city Council is the sewer authority for this development. As this development involves alterations/additions to the existing septic/sewer system, a payment of this prescribed inspection fee for internal/external sewer/septic works is required to be paid prior to the issue of the Construction Certificate.
19. Construction of the road, access, car park, drainage, dam, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
20. Payment of a Construction Certificate checking fee of \$267.00 and a Compliance Certificate inspection fee of \$445.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2010. Fees required if an Accredited Certifier is used will be provided on request.

Prior to Commencement of Works

21. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
22. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
23. The building shall be set out by a Registered Surveyor. The Survey Certificate of the building showing the position of the external walls under construction and in compliance with the approved plans shall be lodged with the principal certifying authority. Any easements must be shown on the Survey Certificate.
24. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
25. 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.
26. 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.
27. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
28. 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.

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- 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.
29. 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.
30. Off street parking associated with the proposed development, including driveway widths, aisle widths, grades parking bay dimensions, sight distance requirements and turning paths are to be in accordance with AS 2890.1-2004 and Council's Development Control Plan and AS2890.2 - 2002 for loading areas as appropriate.
31. Provision of adequate on site loading and unloading facilities to cater for the proposed use of the land.
32. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- a) must preserve and protect the building from damage; and
 - b) if necessary, must underpin and support the building in an approved manner; and
 - c) must, at least 7 (seven) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

During Construction

33. Hawkesbury City Council is the sewer authority for this development. Inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
34. The site shall be secured to prevent unauthorised access during construction.
35. Compliance with the Waste Management Plan prepared by Regency Design Centre, dated August 2008.
36. 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.
37. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
38. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
39. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
40. Disabled parking shall be provided in accordance with AS2890.1-1993.

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41. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
42. 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.
43. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am - 6:00pm and on Saturdays between 8:00am - 4:00pm.
44. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
45. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
46. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
47. Full time "No Stopping" restrictions shall be installed along the southern side of Groves Avenue (opposite the Right of Carriageway driveway connection to Groves Avenue) and extend for a distance of 30m to the east of this driveway connection.
48. On-site detention shall be provided to maintain all stormwater discharges from the 1:20 year storm up to the 1:100 year storm at pre-development levels.

Prior to Issue of Interim Occupation Certificate

49. An Occupation Certificate shall not be issued until such time as Council has confirmed that the voluntary surrender of Development Consent 0050/07 has taken effect.
50. The Right of Carriageway, adjacent to the parking area to be reconstructed, is to be widened to extend to the edge of the new parking spaces. The extension of the Right of Carriageway is to be registered prior to the issue of any Occupation Certificate.
51. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer system.
52. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is connected to the reticulated sewerage system/on-site sewerage management facility is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.
53. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.

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54. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

55. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
56. Written evidence, including turning templates prepared by a prepared by a suitably qualified person, shall be provided to the Principal Certifying Authority confirming that a 12.5m Heavy Rigid Vehicle (per AS 2890.2:2002) can manoeuvre into and out of the loading dock.

Prior to Issue of the Occupation Certificate

57. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.
58. Compliance with all conditions of this development consent.
59. All works shown on the approved landscape plan shall be completed to the satisfaction of the Principal Certifying Authority.
60. The applicant shall repair or reconstruct all damages caused by construction activity relating to the development to Council's satisfaction prior to release of the Occupation Certificate.
61. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
62. The owner shall enter a positive covenant with Council which provides the following:
- a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
 - c) Council only will be entitled to release or modify the Covenant.
63. All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
64. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
65. Works-As-Executed drawings for the One Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
- (a) Invert levels of tanks, pits and pipes
 - (b) Surface levels of pits and surrounding ground levels
 - (c) Levels of surrounding kerb
 - (d) Floor levels of buildings

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- (e) Top of kerb levels at the front of the lot; and
- (f) Extent of inundation

Use of the Development

- 66. Compliance with all provisions within the Draft Plan of Management provided at Appendix 2 of the Statement of Environmental Effects prepared by PGH Environmental Planning dated 22 August 2008.
- 67. The security doors to the loading bay and garbage storage room shall be kept closed at all times when these facilities are not in use.
- 68. The operator shall participate in the Hawkesbury Liquor Accord and shall maintain on-going consultation with NSW Police (Hawkesbury Local Area Command) with regard to high risk times such as the end of the school year, Christmas and New Year.
- 69. An internal and external CCTV security system shall be installed and all staff shall be trained to retrieve footage.
- 70. Trading shall not commence until such time the appropriate license has been issued by the NSW Office of the Casino, Liquor and Gaming Control Authority.
- 71. Management of the store shall be undertaken in accordance with the requirements of the Liquor Act 2007 and Liquor Regulation 2008.
- 72. No internal or external alterations shall be carried out without prior approval of Council.
- 73. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) Been assessed by a properly qualified person, and
 - b) Found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
- 74. The operating hours of the hotel shall be limited to 9:00am until 12 midnight, 7 days per week.
- 75. The operating hours of Shop 1 shall be limited to 7:00am until 10:00pm, 7 days per week.
- 76. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
- 77. All external lighting shall be installed in accordance with details approved with the Construction Certificate and shall otherwise be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 78. All work and the storage of goods or materials shall be confined within the building or approved areas at all times.
- 79. All vehicles being loaded or unloaded shall stand entirely within the property.
- 80. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
- 81. All waste materials shall be regularly removed from the property.
- 82. Noise generated as a result of the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DECC's Industrial Noise Source Policy do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of the nearest noise sensitive receiver and associated outdoor areas.

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83. Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the DECC's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

Advisory Notes

- *** The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.
- *** 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.
- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- *** The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** 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.

ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Floor Plans
- AT - 4** Elevations

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AT - 1 Locality Plan

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

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AT - 2 Site Plan

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

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AT - 3 Ground Floor Plan

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

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AT - 3 First Floor Plan

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

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AT - 4 Elevations

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

ORDINARY MEETING

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**To View This Image,
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ORDINARY MEETING

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Item: 130 CP - Expression of Interest: Regional Climate Change Risk Assessment and Adaptation for Councils in Western Sydney - (95498)

REPORT:

Introduction

Local Government has a wide range of responsibilities, including planning and development, provision of basic services, management of natural resources, property and infrastructure, and health and recreational facilities. Climate change while not specified as a factor for consideration under the Environment Planning and Assessment Act (EPA&A), has been deemed a consideration of Ecologically Sustainable Development (ESD) (by the Land and Environment Court) and ESD is a requirement of the EPA&A under Section 79 (C).

Ecologically Sustainable Development is one of the core duties of NSW Councils, with legislative requirements in a number of Acts that link ESD to Council's activities. Adopting the principles of ecologically sustainable development guides Council's activities is not only a legislative requirement but has potential to drive resource efficient operations within Council.

Managing impacts of climate change is critical as many of the impacts cross over all elements of responsibility. Many councils do not have adequate capacity or the tools necessary to plan and implement adaptation actions that will address the risks arising from the impacts of climate change.

WSROC and representatives of member councils, through the Climate Change Working Party, have been liaising with the CSIRO regarding risk assessment and adaptation to Climate Change by Councils in Western Sydney.

WSROC is seeking from member councils an Expressions of Interest in a Regional Climate Change Risk Assessment and Adaptation for Councils in Western Sydney Project.

The CSIRO have shown a strong interest in working with councils at a regional level on such a project and, subject to the development of an appropriate and agreed research methodology, has offered to contribute 40% of the cost.

WSROC and CSIRO consider that \$750,000 should provide an appropriate outcome. As 40% of this would be covered by the CSIRO, this leaves \$450,000 to be found. WSROC has also sought \$100,000 from the NSW Environmental Trust to contribute to this project, and the outcome of this application should be known by September or October 2009. If successful, this would leave approximately \$350,000 to be contributed by councils, or \$32,000 from each council.

However, as two councils have already allocated funds for this purpose at a local level, it would perhaps be appropriate for these councils to contribute information and support from these projects as an "in-kind" contribution, enabling them to be included in the project. If this were to be the case, the contribution for the remaining nine councils could be approximately \$39,000 each.

At this stage WSROC is not requesting any commitment of funds by member councils, but seeking an indication from Council of whether such a project is worthwhile and, if Council would seriously consider funding it, contingent upon the ultimate research design, the commitment of other councils to the project and financial constraints at the time the project is fully developed.

Outline of the Project

Developed by: The Western Sydney Climate Change Working Party
Partners: WSROC member Councils, the CSIRO and WSROC

Summary

Aim

The project's overall aim is to prepare Councils in Western Sydney for the anticipated impacts of Climate Change by providing the best possible information and management tools appropriate for local government roles, management structures and responsibilities in the context of the Western Sydney geographic region.

The project would meet both individual council needs with regard to Climate Change Adaptation, while also identifying where regional responses are necessary.

Outcomes

A regional systems analysis and risk management strategies responding to Climate Change vulnerability.

Potential impacts for assessment and mapping would include, but not be limited to:

- Flood risk
- Heat stress on populations
- Heat and water stress on ecological communities
- Heat and water stress on civic assets (i.e parks and reserves)
- Changed waterway flow regimes
- Changed fire frequency / intensity and
- Changed storm frequency / intensity

The integration of Climate Change adaptation strategies into council management planning and regional co-ordination.

Activities of councils to be reviewed for their adaptation potential would include:

- Stormwater management and Water Sensitive Urban Design
- Flood risk assessment and mapping
- Land use management
- Conservation planning and revegetation strategies
- Building and urban design
- Biodiversity management practices
- Road and associated infrastructure standards and
- Resource and asset management generally
- Asset maintenance regimes
- Emergency management planning
- Resource allocation
- Health and social planning

Increased capacity of WSROC member councils to meet community expectations.

Conformance to Strategic Plan

Preparing Hawkesbury City Council for the anticipated impacts of Climate Change by providing the best possible information and management tools appropriate would be considered as an integral part of Council's 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."

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Funding

The cost to Council is proposed to be \$39,000. There may be some scope for further grant funding from the Department of Conservation and Climate.

At the moment there is no specific budget allocation for the preparation of a Regional Climate Change Risk Assessment and Adaptation Plan, however a regional plan is cost effective.

A number of current operations within the organisation will have some input into the process, particularly in the gathering of background data phase. However, the project will require a significant additional input of money and staff resources.

RECOMMENDATION:

That Council:

1. Provide WSROC with an Expressions of Interest that such a project is worthwhile.
2. Consider funding a Regional Climate Change Risk Assessment and Adaptation for Councils in Western Sydney, contingent upon the ultimate research design; the commitment of other councils to the project and financial constraints at the time the project is fully developed.

ATTACHMENTS:

AT - 1 WSROC Letter and Project Proposal.

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AT - 1 WSROC Letter and Project Proposal

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ORDINARY MEETING

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oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 131 IS - Richmond Park - Draft Plan of Management - (95494, 79354, 13157)

REPORT:

A Plan of Management and Master Plan for the continuing management of Richmond Park, Richmond has been prepared. This Plan of Management will ensure the management of the reserve is inline with Council's commitment to the Conversation Management Plan and its obligation under the NSW Heritage Act 1977.

As part of the community consultation process, a community meeting/workshop was held on 15 April 2009. Notice was given by advertisements and advice to other key stakeholders. Attendance to the meeting was low with only three residents and representatives of Council present.

The draft Plan of Management has made some recommendations to alter the Master Plan that was developed in 2005. These include not putting up an arris rail fence around the park and reducing the proposed garden beds to the proposed pathway entry points. Investigation is also recommended to ensure that the pathways to be installed do not have a great impact on the heritage trees. Other suggestions are to monitor the impact of the Markets and to stop all vehicles entering the park with exception of emergency vehicles or for staging special events on the oval.

The Draft Plan of Management for Richmond Park, Richmond is now complete as part of the comprehensive documentation for the park. It is proposed to place the Plan on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Following the community consultation period, results will be reviewed and any significant changes implemented into the Plan prior to consideration of adoption by Council.

Conformance to Strategic Plan

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

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

Funding

Future improvements to the Reserve are proposed to be funded from the Park Improvement Program, Section 94 funds and Grants depending upon availability of funding.

RECOMMENDATION:

The Richmond Park Draft Plan of Management and Master Plan be placed on public exhibition for the mandatory 28 day consultation period, with a further two week period for the completion of written submissions.

ORDINARY MEETING

Meeting Date: 14 July 2009

ATTACHMENTS:

AT - 1 Richmond Park Draft Plan of Management and Master Plan - (*To be distributed under separate cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 July 2009

Item: 132 **IS - Streeton Lookout - Plan of Management - (95454, 79354)**

Previous Item: 60, Ordinary (31 March 2009)

REPORT:

A Plan of Management and Master Plan for the continuing management of Streeton Lookout, Freeman's Reach has been prepared.

As part of the community consultation process, a community meeting/workshop was held on 16 October 2008. Notice was given by advertisements and advice to other key stakeholders. Attendance to the meeting was high with over 21 residents and representatives of the local indigenous community present.

The Draft Plan of Management and Master Plan for Streeton Lookout, Freeman's Reach is now complete and has been placed public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Following the public exhibition period, Council has received no submissions relating to any changes to the Management Plan and Master Plan.

Whilst Council received no submissions relating to the draft Plan of Management, it was noted that there are issues relating to the existing irrigation lines that transect the reserve and extend down the escarpment to the River. Under the Local Government Act 1993 (Division 2 Sect 47) these irrigation lines are not permissible within Community Land. This issue has been noted within the action plan of the draft Plan of Management as a high priority to be resolved.

Whilst it is recognised that local residents and businesses require access to the Hawkesbury River for current water rights, access to community lands for the provision of private use is not permissible. To address these issues there is a number of alternatives available to Council.

1. The provision of access within Streeton Lookout is possible through the reclassification of a strip of land approximately six metres wide from Cliff Road to the River generally on the prolongation of the eastern boundary of Terrace Road from Community Land to Operational to allow access. The necessary River access and subsequent leasing of this access would potentially provide income for ongoing maintenance and management of the reserve.
2. Removal of the water access to the River over a 12 month period and owners to find alternative access through private property.
3. Re-location of the water access to Cliff Road Reserve a further 600m east along Cliff Road, but this would still require the reclassification of Community Land to Operational Land with the same conditions as outlined with alternative 1.

With each of the alternatives Council would be required to consult with the owners of the current irrigation lines, with alternative 1 being the preferred option. Reclassifying the Community Land to Operational Land would require that Council undertake further community consultation in relation to the proposal and seek a majority acceptance of the proposal. It is recommended that the Plan of Management be adopted, with the provision that Council seek further community consultation in relation to the reclassification of a strip of land approximately six metres wide to Operational Land.

A plan of the park showing the proposed area to be reclassified will be displayed at the meeting

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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:

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

Funding

It is proposed to fund future improvements to the Reserve from the Park Improvement Program, Section 94 funds and Grants depending upon availability of funding.

RECOMMENDATION:

That:

1. The Streeton Lookout Plan of Management and Masterplan be adopted.
2. The six metre wide strip of land as identified in the report be reclassified from Community Land to Operational Land.

ATTACHMENTS:

- AT - 1** Streeton Lookout Draft Plan of Management and Master Plan - (*To be distributed under separate cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 July 2009

Item: 133 **IS - Ham Common - Plan of Management - (95494, 79354)**

Previous Item: 59, Ordinary (31 March 2009)

REPORT:

A Plan of Management and Master Plan for the continuing management of Ham Common, Clarendon has been prepared.

As part of the community consultation process, a community meeting/workshop was held on 7 October 2008. Notice was given by advertisements and advice to other key stakeholders. Attendance to the meeting was low with only four residents and representatives of the local indigenous community present.

The Draft Plan of Management and Master Plan for Ham Common, Clarendon is now complete and has been placed on public exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Following public exhibition period, Council has received no submissions relating to any changes to the Management Plan and Master Plan.

Whilst the Plan of Management has identified the wetland in the western area, it is necessary to undertake a degree of drainage works to reduce flooding impact on the surrounding area.

Conformance to Strategic Plan

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

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

Funding

It is proposed to fund future improvements to the Reserve from the Park Improvement Program, Section 94 funds and Grants depending upon availability of funding.

RECOMMENDATION:

That the Ham Common Plan of Management, including Landscape Master Plan, be adopted.

ATTACHMENTS:

AT - 1 Ham Common Draft Plan of Management and Master Plan - (*To be distributed under separate cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 July 2009

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Heritage Advisory Committee Minutes - 18 June 2009 - (80242)

The meeting commenced at 5:06pm.

Present:	Mr Graham Edds	Chair
	Professor Ian Jack	Deputy Chair
	Councillor Jill Reardon	Hawkesbury City Council
	Ms Jan Barkley Jack	Community Member
	Mr Jonathan Auld	Community Member
	Ms Michelle Nichols	Community Member
	Ms Danielle Wheeler	Community Member
	Ms Deborah Hallam	Community Member
	Ms Donald Ellsmore	Heritage Advisor

Apologies: Ms Virginia Kruse

In Attendance:	Mr Matthew Owens	Hawkesbury City Council
	Ms Shari Hussein	Hawkesbury City Council
	Ms Robyn Kozjak	Minute Secretary

REPORT:

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Reardon and seconded by Ms Michelle Nichols that the Minutes of the Heritage Advisory Committee held on 26 March 2009, be confirmed.

Discussion was raised on Item 3 of the previous minutes - "NSW Heritage Grant - Slab Barn Study" - A declaration of interest was received from Graham Edds as he was the successful consultant for the study. Mr Owens advised the study was expected to be commenced shortly and it was envisaged the status of the study should be available for reporting at the September meeting.

Ms Shari Hussein, Planning Manager, introduced herself to the Committee.

Ms Jan Barkley Jack and Professor Ian Barkley Jack arrived at the meeting.

Discussion was raised on Item 4 of the previous minutes - "Launch of Thematic Listings". A spreadsheet developed (further) by the Committee containing a list of significant properties was distributed and Professor Jack subsequently reported the Committee had met informally at his home and had enhanced the list by adding several privately owned properties.

MOTION:

RESOLVED on the motion of Professor Ian Jack, seconded by Ms Michell Nichols.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Committee incorporate the revised list of significant properties in its contribution towards the decision making relating to the Macquarie 2010 celebrations.

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SECTION 3 - Reports for Determination

Item: 1 Hawkesbury Seminar Series 2010 – Macquarie’s Influence on Town Planning

DISCUSSION:

- An anomaly was recognised in the third paragraph of the report wherein it reads "seminar series can be run as part of the *Heritage Week* in September 2010." This should read "*History Week*".
- In accordance with the Hawkesbury Seminar Series Heritage Trail: Project Charter, members were invited to nominate for the project team which would be responsible for putting together a seminar program for Hawkesbury Heritage Seminar Series 2010. It was subsequently agreed Ms Michelle Nichols, Mr Donald Ellsmore, Prof. Ian Barkley Jack, Ms Jan Barkley Jack and Councillor Reardon would form the project team.
- It was recognised time constraints would prevent the project team completing the requested tasks by the deadline of 24 June and that an extension of time be sought.
- The project team resolved to meet (informally) on Thursday 25 June at 10.00am at the Library (meeting room to be booked by Ms Nichols) for the purpose of implementing the requested outputs and subsequent reporting of same to the Director City Planning.

RECOMMENDATION TO COMMITTEE:

That:

1. The Heritage Advisory Committee accept the Project Charter for the Hawkesbury Seminar Series – Macquarie’s influence on Town Planning and agree to be responsible for the “outputs” contained in that Charter.
2. The Committee nominate members of the Project Team to assist with the tasks involved.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Heritage Advisory Committee accept the Project Charter for the Hawkesbury Seminar Series – Macquarie’s influence on Town Planning and agree to be responsible for the “outputs” contained in that Charter.
2. Ms Michelle Nichols, Mr Donald Ellsmore, Prof. Ian Barkley Jack, Ms Jan Barkley Jack and Councillor Reardon be nominated as members of the Project Team to assist with the tasks involved.

Item: 2 Visit to Hawkesbury by Weddin Shire Council Heritage Committee

- Mr Owens distributed copies of a proposed itinerary for the Weddin Council visitors.

RECOMMENDATION TO COMMITTEE:

That members of the Committee advise of their availability during the Weddin visit.

MOTION:

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

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That members of the Committee advise of their availability during the Weddin visit by Friday 19 June 2009.

SECTION 5 - General Business

Item 3: Community Strategic Plan

- Mr Owens distributed the Community Strategic Plan (CSP) to the Committee, advising it was on exhibition until 20 July, 2009.
- Discussion arose regarding the CSP's reference to promoting and conserving heritage and concern was raised many heritage items appear to have been dropped from the State Heritage inventory list. Mr Owens acknowledged there had been instances where properties were previously listed and for reasons unknown are no longer listed. Mr Owens advised the issue was being investigated.

Mr Owens indicated the existing LEP contained inaccuracies which would be corrected during the LEP template conversion process and assured the Committee items could not be added or dropped from the LEP without a Council resolution and consent from the Minister. The Committee asked if they could be provided with the names and dates of items removed from the LEP by a Council resolution in an effort to identify items that may have erroneously been removed from the list. Mr Owens agreed to arrange for a search of Council meeting minutes to ascertain which items were removed due to a Council resolution.
- The Committee resolved to meet (informally) at the Chair's home at Kurrajong on Wednesday 1 July @ 5.00pm to discuss the goals, objectives and strategies etc for the CSP with a view to making a submission to Council by 20 July 2009.
- Suggestions were put forth as to how the Committee could assist in achieving the milestone in the CSP "*Review and update heritage list in Hawkesbury LEP 2009/2012*". Mr Owens supported the Committee's suggestion to work on identifying potential listings for Council's consideration for inclusion in the LEP. The Committee subsequently resolved to meet (informally) at the Library on Wednesday 5 August @ 4.00pm (room to be booked by Ms Nichols) to review heritage listings and bring back to the Committee for endorsement and subsequent referral to Council.
- Professor Jack requested comments he previously submitted to Mr Owens on the Windsor Inventory sheets be circulated amongst the Committee.

ORDINARY MEETING
Reports of Committees

MOTION:

RESOLVED on the motion of Ms Jan Barkley Jack, seconded by Ms Deborah Hallam.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. This Committee meet (informally) to discuss goals, objectives and strategies etc in the Community Strategic Plan with a view to making a submission to Council by 20 July 2009.
2. A report be brought to this Committee to enable comment to be made on the items listed in the Heritage Review Study.
3. Staff report back to this Committee with the dates of items, (commencing January 1996), and the grounds upon which listings were removed from the heritage inventory due to resolutions by Council.

DISCUSSION:

- Query was raised if Council had received any grants for works under the May Federal Budget and it was advised a General Purpose and Local Roads Grant had been allocated for infrastructure.
- The subject of the proposed selling off of the Australiana Pioneer Village (APV) arose and during discussion Ms Wheeler declared an interest in the matter as she is Vice President of the Friends of Australiana Pioneer Village.

MOTION:

RESOLVED on the motion of Ms Deborah Hallam, seconded by Ms Jan Barkley Jack.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That Council be encouraged to reconsider its decision to sell State Heritage registered APV for the following reasons:

- a) the statements made in Council's draft Community Strategic Plan;
- b) acknowledgment of the importance of the State Heritage listing of the property;
- c) consideration of the artefact and display collection and its integrity when viewed and stored at the village, and;
- d) is a valued community and heritage asset.

The meeting closed @ 7.46pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees



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