



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 25 November 2008

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

Planning Decision

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

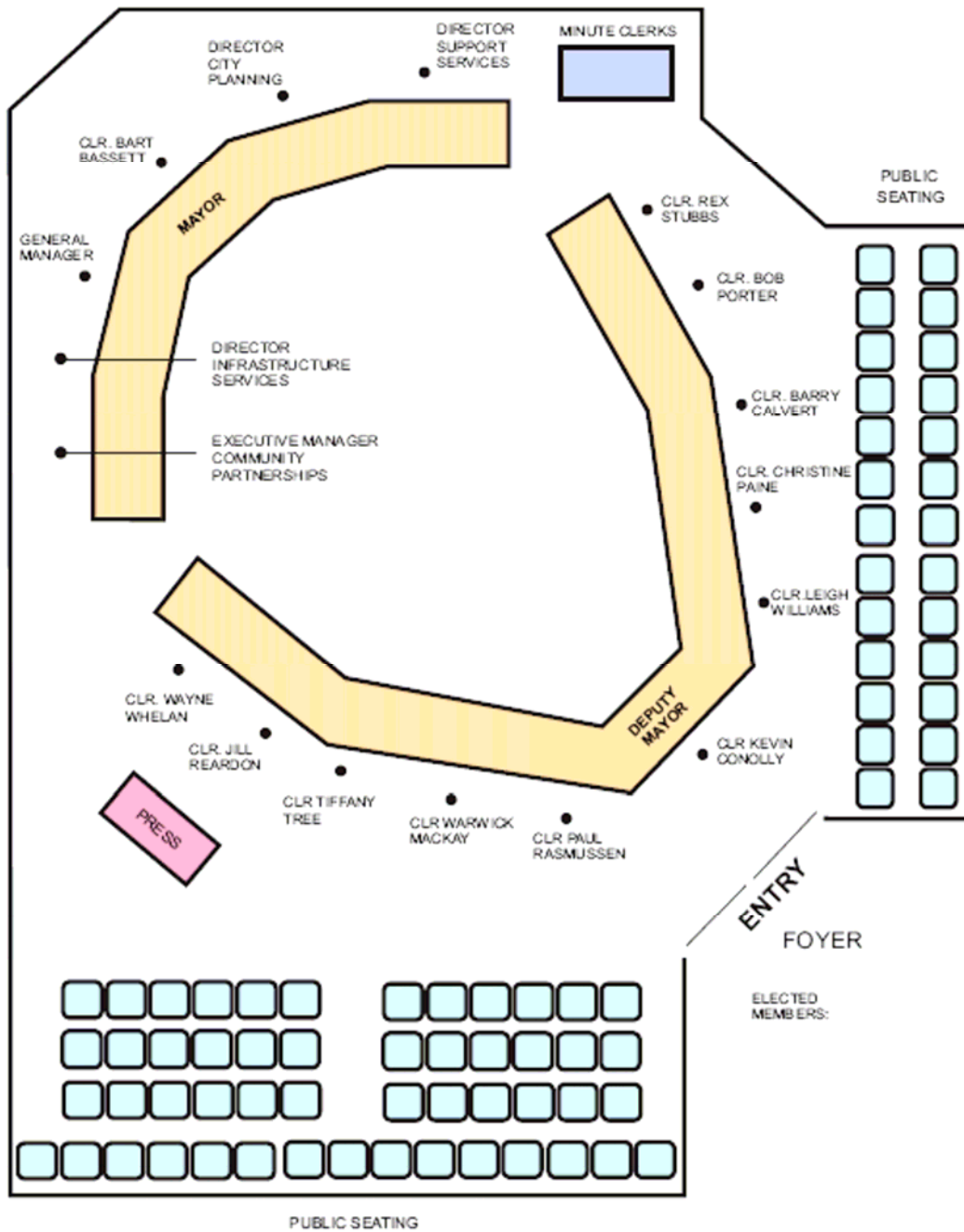
Website

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

Further Information

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

hawkesbury city council council chambers



ORDINARY MEETING

Table of Contents

Meeting Date: 25 November 2008

AGENDA

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

General Manager

City Planning

Infrastructure Services

Support Services

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

ORDINARY MEETING

Table of Contents

Meeting Date: 25 November 2008

ORDINARY MEETING**Table of Contents**

Meeting Date: 25 November 2008

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
SECTION 1 - Confirmation of Minutes		3
SECTION 3 - Notices of Motion		7
NM1 - Economic Planning and Preparations - (79351, 80106)		7
NM2 - Reducing Carbon Emissions in the Hawkesbury - (79351, 80105)		8
SECTION 4 - Reports for Determination		13
GENERAL MANAGER		13
Item: 236	GM - Richmond Club Limited - Proposed Expansion of Hawkesbury Living Nursing Home, 116 March Street, Richmond - (79351, 95498, 3996)	13
Item: 237	GM - Pitt Town Residential Precinct - Representation by Pitt Town Progress Association Regarding Proposed Pitt Town Bypass - (79351)	17
CITY PLANNING		21
Item: 238	CP - Development Application - Shop - Aldi Store with Associated Carparking, Signage and Landscaped Area - 5 Curtis Road and 230 Windsor Road, Vineyard NSW 2765 - (DA0603/08, 95498, 12831, 111131)	21
Item: 239	CP - Development Application - Change of Use of Existing Restaurant and First Floor Residential Flat - Including Additions and Alterations to the Existing Building - 230 Windsor Street, Richmond - (DA0537/08, 95498, 110797)	50
Item: 240	CP - Application for Rezoning - Lot 1 DP 129442 and Lot 1 DP779913 - 739 George Street, South Windsor (Windsor Baptist Church) - (85593, 95498)	62
Item: 241	CP - Proposed Briefing to Council for Land at Grose Vale Road, North Richmond - (105365, 103235, 77679, 103461, 95498)	75
Item: 242	CP - Hawkesbury City Council - Annual Report - 2007/2008 - (95498, 107)	79
Item: 243	CP - Works in Kind Agreement Stormwater and Section 94 Contributions Pitt Town Development - (95498)	81
INFRASTRUCTURE SERVICES		83
Item: 244	IS - Proposed Removal of the Road Closures at Old Hawkesbury Road and Henry Road, Vineyard - (79346, 75845, 12791, 95238)	83
Item: 245	IS - Pughs Lagoon and Smith Park Draft Plan of Management - (95495, 79354)	88

ORDINARY MEETING

Table of Contents

Meeting Date: 25 November 2008

ITEM	SUBJECT	PAGE
SUPPORT SERVICES		91
Item: 246	SS - Monthly Investments Report - October 2008 - (96332, 95496)	91
Item: 247	SS - September 2008 Quarterly Review - 2008/2009 Management Plan - (96332, 95496)	94
Item: 248	SS - Pecuniary Interest Returns - (79337, 95496)	98
Item: 249	SS - Councillor Membership of Public Libraries NSW - Metropolitan Association - (112062, 82780, 95496)	100
CONFIDENTIAL REPORTS		102
Item: 250	SS - Property Matter - Assignment of Leases from Hutchison Telecommunications (Australia) Limited to Hutchison 3G Australia Pty Limited - Wilberforce Works Depot, Old Sackville Road, Wilberforce - (95496, 79337, 73984) CONFIDENTIAL	102

ordinary

section

1

confirmation of minutes

ORDINARY MEETING
Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

SECTION 1 - Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

ordinary

section

3

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 3 - Notices of Motion

NM1 - Economic Planning and Preparations - (79351, 80106)

Submitted by: Councillor P Rasmussen

NOTICE OF MOTION:

That Council asks for a Report to cover the following aspects:

- a) The most likely financial and economic impact of the Global economic slowdown on Council revenues and activities;
- b) What measures, not limited to financial and economic, Council is able to devise to mitigate any negative impact on receipts and activities;
- c) What economic planning tools and mechanisms Council can call upon to assist not only itself, but also Council dependent community entities, in preparing for any downturn which might result from the Global economic slowdown; and
- d) The benefits, or otherwise, of establishing an Economic Planning Committee of Council with members drawn from the business community, but not limited to that area of expertise.

BACKGROUND:

- 1. A Global economic slowdown is clearly underway with daily reports and economic data highlighting this fact. How severe this will be in Australia is not yet known, but the Reserve Bank of Australia and the Federal Government are clearly concerned and are doing what they can to prepare for and mitigate the worst of the likely impacts.
- 2. Council needs to plan its own economic future, as well as that of the community, in the light of the Global economic slowdown and make plans and take actions to ensure that the best possible measures are in place to mitigate any adverse impacts on the local economy and its own revenue streams.
- 3. Many people within our community will likely be affected by this economic slowdown and Council needs to consult as widely as possible in its preparations for the economic future of the area. The business communities, as well as many others, have planning, financial and economic analysis skills which would be invaluable in making economic plans and preparations for our future.
- 4. The formation of an Economic Planning Committee of Council, comprising local business people and other community members, would seem to be an invaluable mechanism to consult with, engage, and prepare the whole community for what lies ahead, economically.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2 - Reducing Carbon Emissions in the Hawkesbury - (79351, 80105)

Submitted by: Councillor Leigh Williams

NOTICE OF MOTION:

That:

1. Hawkesbury Council commits to becoming carbon neutral in its operations and service delivery by not later than December 2011, with carbon neutrality being achieved through a combination of reduced demand for energy and products, energy efficiency, increased use of renewable energy and offsetting of emissions that cannot be otherwise avoided;
2. To facilitate achieving this aim and other issues related to global warming, Council establish a sustainability committee of councillors, staff and community representatives;
3. To assist Council in achieving carbon neutrality by 2011, Council support a three month scoping project commencing early 2009 to analyse the opportunities available to reduce carbon emissions through the placement of PV solar panels on available roof space in the Hawkesbury LGA and investigate the feasibility and cost of such a multifaceted project and report back to Council. This scoping report should take into account but not be limited to:
 - a) Determination of the square metres of roof space available in the LGA able to accommodate PV solar panels;
 - b) Determination of the amount of power able to be generated by these PV panels;
 - c) Determination of the amount of power required by council infrastructure and operations, including street lighting;
 - d) Opportunities for carbon emission trading;
 - e) Opportunities for funding initial and ongoing Capital costs;
 - f) Operational costs.

NOTE BY MANAGEMENT:

The matter of carbon emissions and trading has been raised at Council a number of times with the most recent being in relation to Questions With Notice on 31 July 2007. A related Notice of Motion was also considered by Council on 29 April 2008 which resolved to *"Apply for grant funding from the NSW Government through the Public Facilities Program of the NSW Climate Change Fund"* for the investigation to install solar panels to Council buildings. Enquiries made to the criteria for these funding applications indicated that significant background work was required to demonstrate the justification for the expense, benefits and cost savings, etc, and that the Department required work, such as the Energy Savings Action Plan, to undertaken as a first step.

Water and energy savings initiatives were introduced by the NSW Government in May 2005 via the *Energy Savings Order 2005*. This Order requires business and government agencies, including Hawkesbury City Council, to prepare Energy Savings and Water Savings Action Plans for approval by the Minister for Utilities. The program is administered by the Sustainability Programs Division of the Department of

ORDINARY MEETING

Notices of Motion

Environment and Climate Change. Hawkesbury City Council, in accordance with the above statutory provisions, has prepared these plans and in September 2008 sent them to the Minister for adoption.

The plans require Council to include:

- Details of baseline energy consumption.
- Management review and associated management actions related to energy and water use.
- Details of audits and reviews carried out to identify energy savings opportunities.
- List actions for implementation.

There is a range of monitoring and reporting programs and actions contained in the Action Plans that include costing of actions and potential cost savings if those actions are implemented. This information may assist to focus the intentions of the current Notice of Motion. It is intended to report the Action Plans to Council upon adoption by the Minister.

Measuring and reporting of carbon emissions is currently a relatively ad-hoc process nationally. The Australian Government is working on a streamlined system for greenhouse and energy reporting by Australian companies which is expected to be in a draft form this year. (It should be noted that to date there are no formal Carbon Emissions Trading schemes developed). The Action Plans are a first step in standardising some of this reporting.

With regard to part 3 of the Notice of Motion, it is considered that it would be difficult to undertake the suggested project within the proposed timeframe with existing resources and that to be achieved, if resolved by Council, it would be necessary for additional resources to be allocated to the project.

It is recommended that the Energy and Water Savings Action Plans be reported to Council as a first step in considering this Motion. That report will outline the actions and monitoring programs proposed in the Plans and provide a clearer understanding of work to date in this matter. It is recommended that Council use the following wording:

“That upon receipt of notice from the Minister for Utilities of adoption of the Energy and Water Savings Action Plans, the details of those plans be reported to Council.”

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ordinary

section 4

reports
for determination

ORDINARY MEETING

Meeting Date: 25 November 2008

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 236 **GM - Richmond Club Limited - Proposed Expansion of Hawkesbury Living Nursing Home, 116 March Street, Richmond - (79351, 95498, 3996)**

REPORT:

The Richmond Club Limited (the Club) has previously made a presentation to Council and has had subsequent discussions with Council staff regarding their proposals for the expansion of Hawkesbury Living Nursing Home (HLNH) located at 116 March Street, Richmond.

The HLNH is located at the rear of the Hawkesbury Seniors Leisure & Learning Centre (the seniors centre), sharing the Centre's car park, is adjacent to the Richmond Pre School (RPS) and associated car parking and the Richmond Community Health Centre (RCHC), which is operated by the Western Sydney Area Health Service. See **Attachment 1** for an aerial view of the location showing these facilities.

The HLNH currently provides a total of 76 beds and the Club's proposals for the expansion of the HLNH basically provides for the follow:

- Stage 1 – An addition within the existing building envelope to increase the current capacity from 76 beds to 84 beds.
- Stage 2 – Construction of an extension to the building over the existing parking area (containing 22 spaces) located to the immediate south of the senior citizens centre to provide 14 additional beds.
- Stage 3 – Construction of an extension providing an additional 30 beds to be provided within the western portion of the HLNH facility.

Development consent has recently been granted for Stage 1 of the expansion which involved an acknowledgement of the shared use by the HLNH of the Council car parking area located at the rear of the seniors centre. It is understood that work on this stage is in progress.

Stage 2 of the proposed expansion provides for the extension of the HLNH over the Council's car park at the rear of the seniors centre, being a "shared" facility meeting some of the parking requirements of the current HLNH and the seniors centre.

The purpose of this report is not to provide an assessment of the proposal from a development or planning aspect, which would be addressed at a subsequent development application stage, but to highlight the proposal to Council; to detail some of the "property" issues involved and to gain an indication of Council's support, or otherwise, for the proposal.

The Club's proposal would require the use of Council property (existing car park) for the actual Stage 2 extension. Effectively, this which would require the Club to either acquire the land concerned or obtain a long term lease over the site. In practical terms, acquisition would possibly be the preferred method and an appropriate basis for any acquisition would need to be determined and agreed upon between the parties whilst also ensuring required process and probity issues are addressed.

In a meeting held earlier this year concerning the Club's proposals the issue of car parking provision was a significant point of discussion in light of the Stage 2 proposal providing for the use of Council's car park and raised issues such as replacement of the existing parking; parking requirements of the Stage 2

ORDINARY MEETING

Meeting Date: 25 November 2008

extension; and the effects of these aspects on proposals for the possible expansion of the seniors centre facility and activities conducted therein.

The Club has recently submitted further information in the form of an "Amended Preliminary Parking Impact Assessment" of the proposal. The assessment suggests that Stage 2 of the proposal would require the provision of an additional 26 parking spaces made up of 22 spaces to replace the parking currently on the Council site required for the extension and 4 spaces generated by the extension. Stage 3 would require the provision of a further 3 spaces. A preliminary review of the document by Council's Planning staff suggests some variance to these figures to what would be required under the Seniors Living State Policy, however, these details could be further refined at a later stage in the event of Council wishing to support the proposal.

The Club has submitted proposals as to how these parking requirements could be met on the remaining site, however, consideration also needs to be given to the current and potential requirements of the seniors centre facility, particularly in the light of the possible expansion of this facility and/or its activities. Provision for the proposed extension of the seniors centre is currently incorporated in Council's Section 94 Plan. Council's staff have recently surveyed the users of the seniors centre to identify their views as to the expansion of the centre.

In discussions with the Club possible avenues of addressing this particular issue have been raised. While a resolution has not been reached as yet, should Council wish to support the proposal these and other possible avenues could be further explored with a view to reaching common agreement on a solution to this, and other issues, that is acceptable to both parties.

In providing information regarding their proposals the Club has highlighted the need for the provision of additional nursing home facilities in the Hawkesbury LGA and has demonstrated a strong commitment to their proposal in an attempt to meet some of these needs.

Should Council wish to further investigate its involvement in the facilitation of the expansion of the HLNH it is suggested that Council could indicate its "in principle" support of the proposal. This would enable further detailed consideration and discussion on the proposal to take place with a view to solutions to the issues raised in this report, and any other issues that may arise, being determined and submitted to Council for further consideration.

In addition, the Club has also requested the opportunity to make a further presentation to Council at a Briefing Session to both update continuing councillors and inform new councillors of the Club's proposals.

Accordingly, the following recommendation is submitted for Council's consideration.

Conformance to Strategic Plan

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

"Strategic Direction: Working in partnership with community and government to implement community plans to meet the social, health, safety, leisure and cultural needs of the City."

Funding

There are no direct financial implications from this report at this stage.

RECOMMENDATION:

That:

1. Council, on a without prejudice basis indicate its "in principle" support for the proposals submitted by the Richmond Club Limited in relation to the possible future expansion of the Hawkesbury Living Nursing Home, 116 March Street, Richmond subject to the issues in relation to ownership/tenure of

ORDINARY MEETING

Meeting Date: 25 November 2008

land required for the expansion, car parking and other issues that may arise being resolved and/or addressed to Council's satisfaction.

2. The General Manager be authorised to have further discussions with the Richmond Club Limited as a result of part 1 of Council's resolution and that a further report be submitted following these discussions detailing any proposals to address issues associated with the proposal.
3. The Richmond Club Limited be invited to make a presentation at a future Briefing Session in connection with their proposals for the expansion of the Hawkesbury Living Nursing Home.

ATTACHMENTS:

AT - 1 Aerial View of Hawkesbury Living Nursing Home and surrounding facilities.

ORDINARY MEETING

Meeting Date: 25 November 2008

AT - 1 Aerial View of Hawkesbury Living Nursing Home and surrounding facilities.

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 237 **GM - Pitt Town Residential Precinct - Representation by Pitt Town Progress Association Regarding Proposed Pitt Town Bypass - (79351)**

REPORT:

At the meeting of Council held on 29 July 2008 a report by the Director City Planning was considered in relation to the approval on 10 July 2008 by the Minister for Planning under Part 3A of the *Environmental Planning and Assessment Act* of a proposal by the Johnson Property Group (JPG) for the provision of additional residential lots at Pitt Town.

Part of this approval also provided for a revised Section 94 Contributions Plan. In respect of the proposed Pitt Town Bypass the report, in part, noted:

“The amendment provides for the following additional infrastructure and services to that which is already catered for in the current Section 94 plan:

-
-
-
-
-
-
-
- *Contribution to construction of Pitt Town Bypass of \$6,000,000 - this contribution is payable upon the development of **all** land within Catchment 5.*
- *Contribution to construction of Pitt Town Bypass of \$6,100,000 - this contribution is payable upon the development of land within Catchment 5 that is not subject to a voluntary planning agreement.”*

Subsequently, the Council resolved in part that:

“Council write to the Minister for Roads requesting that the construction of the Pitt Town bypass be expedited in the knowledge that a funding stream is available through Section 94 Contributions and that a roundabout is not going to be constructed.”

Representations have been made to the Minister in accordance with Council's resolution.

In connection with the proposed Pitt Town Bypass a meeting of the Pitt Town Progress Association Inc. (PTPA) was held on 13 October 2008 to discuss the issue. As a result of this meeting a letter dated 24 October 2008 has been received from the PTPA advising the meeting had resolved to write to Council *“with a view to them establishing a delegation to meet with the Department of Planning and the Roads and Traffic Authority, the delegation to include the Progress Association and the Johnson Property Group.”* A copy of the letter from the PTPA is included as **Attachment 1** to this report.

The PTPA has suggested that the purpose of this delegation would be *“to have the by-pass expedited as a matter of urgency by way of having the developer levies that were to be collected for the planned road*

ORDINARY MEETING

Meeting Date: 25 November 2008

shoulder and intersections (5) upgrade from McGraths Hill to Pitt Town, diverted for the purpose of the early construction of the by-pass."

The proposal suggested by the PTPA would be a possible manner of achieving the early completion of the proposed Pitt Town Bypass but would require the amendment of the current Section 94 Contributions Plan as approved by the Minister and the Voluntary Planning Agreement Entered into between the State Government and JPG.

In view of the history associated with the proposed Pitt Town Bypass it is suggested that Council may wish to support the suggestion and request made by the PTPA and seek an a delegation to further the proposal. If this were the case it is suggested that Council should seek such a delegation to both the Minister for Planning and the Minister for Roads, including appropriate representatives of their respective departments rather than simply to the Departments concerned as it would be necessary to amend the Section 94 Contributions Plan and the Planning Agreement between JPG and the State Government.

Accordingly, the following recommendation is submitted for Council's consideration.

Conformance to Strategic Plan

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

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

Funding

There are no direct financial implications from this report at this stage.

Planning Decision

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

RECOMMENDATION:

That:

1. Council seek a delegation to meet with the Minister for Planning and the Minister for Roads and appropriate representatives of their respective Departments, together with representatives of the Pitt Town Progress Association Inc. and the Johnson Property Group, with a view to facilitating the early provision of the proposed Pitt Town Bypass as suggested by the Association.
2. The Pitt Town Progress Association Inc. be advised of the Council's actions in this regard.

ATTACHMENTS:

AT - 1 Letter from Pitt Town Progress Association Inc. dated 24 October 2008.

ORDINARY MEETING

Meeting Date: 25 November 2008

AT - 1 Letter from Pitt Town Progress Association Inc. dated 24 October 2008

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

ORDINARY MEETING

Meeting Date: 25 November 2008

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

CITY PLANNING

Item: 238 **CP - Development Application - Shop - Aldi Store with Associated Carparking, Signage and Landscaped Area - 5 Curtis Road and 230 Windsor Road, Vineyard NSW 2765 - (DA0603/08, 95498, 12831, 111131)**

Development Information

Applicant: Aldi Stores C/-Hassell Limited
Owner: Winford Motors Pty Limited
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No. 20
Hawkesbury Development Control Plan
Area: 4690sqm
Zone: 3 (b) Business Special
Advertising: N/A
Date Received: 13 August 2008

Key Issues:

- ◆ Economic Impact on Established Commercial Centres
- ◆ Consistency with Zone Objectives
- ◆ Building Floor Level
- ◆ Asbestos Contamination

Recommendation: Deferred Commencement Approval

REPORT:

Description of Proposal

The application seeks consent for a free standing ALDI store, associated signage, at-grade car parking and landscaped area. The proposal involves the following:

- Construction of a retail building having a gross floor area of 1532 sq metres, including loading dock and ancillary storage areas;
- Provision of 63 on-site car parking spaces;
- Access driveway provided at the south western corner of the site from Grier Crossing;
- Installation of signage incorporating two ALDI logo signs on the building façade and three free-standing pole signs; and
- Landscaping works within the car parking area and adjacent to the perimeter of the site.

External materials:

Roof: Colorbond Steel
Walls: Face Brick
Window Frames: Powdercoated Aluminium

ORDINARY MEETING

Meeting Date: 25 November 2008

Proposed Hours of Operation:

Monday to Wednesday: 9.00am - 7.00pm
Thursday: 9.00am - 9.00pm
Friday: 9.00am - 8.00pm
Saturday: 8.30am - 6.00pm
Sunday: 9.00am - 6.00pm

Recommendation

Deferred Commencement Approval

Issues Relevant to the Decision - In Point Form

- Economic Impact on Established Commercial Centres
- Consistency with Zone Objectives
- Building Floor Level
- Asbestos Contamination

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No 20
Hawkesbury Development Control Plan

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:

Issue	Comments (in point form)
Any Environmental Planning Instrument (EPI)	<ul style="list-style-type: none">• Refer discussion on HLEP 1989 and SREP No. 20 in this report
Any draft EPI that has been placed on public exhibition	<ul style="list-style-type: none">• There are no draft environmental planning instruments that apply to the subject site
Any DCP in force	<ul style="list-style-type: none">• Refer to discussion on Hawkesbury DCP 2002 in this report
Any matters prescribed by the Regulations	<ul style="list-style-type: none">• None applicable
Likely impacts, including environmental, on both natural and built environments and the social and economic impacts of the locality	<ul style="list-style-type: none">• The environmental impacts of the proposed development on the natural and built environment are addressed in the main body of this report.• The proposed development will not have a detrimental social impact in the locality.• The proposed development will not have a detrimental economic impact on the locality.
The suitability of the site	<ul style="list-style-type: none">• The site is of sufficient area and does not contain significant environmental constraints

ORDINARY MEETING

Meeting Date: 25 November 2008

Issue	Comments (in point form)
	therefore is considered suitable for the proposed development.
Any submissions (see attached scheduled for details)	<ul style="list-style-type: none">• One (1) submission has been received and is addressed separately in this report.
The public interest	<ul style="list-style-type: none">• Approval of the application would be in the public interest

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

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

Hawkesbury Local Environmental Plan 1989

Clause 2 - Aims, objectives etc

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

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

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

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

Comment: The subject site is considered to be of an appropriate size and the location is satisfactory for the proposed retail premises.

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

Comment: It is considered that the proposal will not compromise the character of the locality and will not adversely impact on any wetland areas or waterways.

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

Comment: The proposed works are not situated adjacent to any identified heritage items or heritage conservation areas.

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

Comment: The proposed development does not involve housing development.

Clause 5 - Definitions

The proposed development is defined as a *shop* pursuant to Clause 5 of Hawkesbury Local Environmental Plan 1989. The following definition is provided in Clause 5:

“shop” means 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;

Clause 9 - Carrying out of development

The subject site is zoned Business Special 3(b) under the provisions of Hawkesbury Local Environmental Plan 1989. Shops are uses that are permissible with development consent within the Business Special 3(b) zone.

Clause 9A - Zone objectives

The objectives of the Business Special 3(b) zone are described as follows:

- (a) *promote office development to meet the optimum employment and social needs of the City of Hawkesbury*

Comment: The application does not involve an office development being classified as a retail shop. Whilst not satisfying this objective it is noted that the proposed development will provide for an increase in employment opportunities in the area. It is considered that the proposal is generally consistent with this objective.

- (b) *permit non-commercial development within the zone where such development is compatible with the commercial character of the locality;*

Comment: The application involves a retail shop development that is considered consistent with the existing character of the locality.

- (c) *ensure that there is adequate provision for car parking facilities within the zone;*

Comment: The proposal satisfies the on site car parking requirements contained in Hawkesbury Development Control Plan 2002. A detailed assessment is included later in this report.

- (d) *minimise conflicts between pedestrians and vehicular movement systems within the zone; and*

Comment: The car parking design is considered satisfactory having regard to the principle of minimising potential conflict between pedestrian and vehicular movements throughout the site. It is considered that the proposal satisfies this objective.

- (e) *to 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.*

Comment: There are no items of identified heritage significance situated adjacent to the site or in the immediate vicinity of the subject land.

Clause 18 - Provision of water, sewerage etc. services

The subject site benefits from a full range of services and accordingly is considered to satisfy the requirements of this clause.

Clause 25 - Development of flood liable land

Clause 25 (2) of Hawkesbury Local Environmental Plan 1989 provides the following:

ORDINARY MEETING

Meeting Date: 25 November 2008

- (2) *A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).*

The portion of the subject land that is proposed to accommodate the building has existing ground level of 15.5m AHD being approximately 1.8m below the predicted 1-in-100 year flood level for the area of 17.3m AHD. Therefore the proposal is able to satisfy the provisions contained in Clause 25 (2).

The architectural plans submitted with the application detail that the ground floor level of the building is to have a constructed level of 17.8m AHD. This floor level provides a 500mm freeboard above the predicted 1-in-100 year flood level.

Given the design intent detailed above for the provision of a floor level above the predicted 1-in-100 year flood level, the ground floor of the building is proposed to be situated between 1.7m to 2.9m above adjacent ground levels. This will require the provision of a series of ramped walkways and stairways to provide access to the building. Whilst the design does not achieve an optimal functional relationship with the adjacent car parking areas it is noted that the ramps have been designed to satisfy the provisions of AS 1428 - Design for Access and Mobility.

Hawkesbury Development Control Plan 2002

Landscaping

A landscaping strategy for the site has been developed by Site Image Landscape Architects being detailed on Plan No. SS08-1777 Drawing 101:C. The accompanying landscape report provides that the strategy addressed the following matters:

- *Provide visual amenity generally against the built form;*
- *Provide shade amenity as well as allow for solar access during the colder months;*
- *Create/maintain passive surveillance of the site; avoiding anti social behaviour;*
- *Soften the ground plane;*
- *Provide species of low - medium water demands; and*
- *Observe and maintain necessary safety sightlines.*

It is considered that the proposed landscape scheme is satisfactory and satisfies the design principles contained in Hawkesbury Development Control Plan 2002.

Car Parking

Clause 2.5.2 in Part C of Hawkesbury Development Control Plan 2002 requires the following on site parking provision in conjunction with commercial premises and shops:

Commercial Premises and Shops: 1 space per 30 sq metres of GFA

The following table details the existing and proposed floor areas associated with centre:

	Area (sqm)	Required (spaces)	Provided (spaces)
Proposal	1532	52	63

As detailed above, the proposal satisfies the car parking provisions contained in Hawkesbury Development Control Plan 2002. It is considered that the proposed car parking layout is satisfactory and an appropriate condition has been included in the consent requiring that the design be in accordance with Australian Standard AS2890.1 and AS2890.2.

Signage

Hawkesbury Development Control Plan 2002 provides the following design objectives relating to signage in Commercial zones:

ORDINARY MEETING

Meeting Date: 25 November 2008

- *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 of sight of vehicular traffic.*

The signage proposed in conjunction with the application is detailed as follows:

- Eastern elevation: internally illuminated wall mounted sign 2000mm in width x 2400mm in height;
- Western elevation: internally illuminated wall mounted sign 2000mm in width x 2400mm in height;
- Freestanding directional pole signs: internally illuminated sign having a sign face 2000mm in width x 2700mm in height having an overall height of 5400mm one situated on the south western corner and one situated on the south eastern corner of the site; and
- Freestanding pole sign: internally illuminated having a sign face 2000mm in width x 2400mm in height having an overall height of 10000mm between Winford Drive and Windsor Road adjacent to site.

In addition to the above, the submitted plans detail the provision of three (3) 6200mm in width x 3200mm in height display panels along the southern elevation of the building and one similar sized panel along the eastern elevation.

The signage proposed in conjunction with the application is considered satisfactory with the exception of the freestanding pole sign proposed between Winford Drive and Windsor Road. This sign exceeds the maximum 6000mm height restriction contained in Chapter 3.2 in Part C of Hawkesbury Development Control Plan 2002. Given the above limitation an appropriate condition has been included in the recommended consent restricting the height of this sign to a maximum of 6000mm.

In addition, conditions restricting the hours and intensity of illumination have been included in the recommendation.

State Environmental Planning Policy No. 64 – Advertising and Signage

This Policy aims to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish. It also aims to regulate signage (but not content) under Part 4 of the Act and to provide time-limited consents for the display of certain advertisements.

SEPP No. 64 provides definitions for certain type of signs. The relevant definitions applicable to the subject application are detailed as follows:

business identification sign means a sign:

(a) *that indicate:*

- (i) *the name of the person, and*
- (ii) *the business carried on by the person,*

at the premises or place at which the sign is displayed

(b) *that may include the address of the premises or place and a logo or other symbol that identifies the business,*

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

Schedule 1 Matters for Consideration

Schedule 1 to the Plan provides the 'assessment criteria' that needs to be considered for an application for signage:

Character of the area

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

Comment: The proposed signage is considered compatible with the character of the immediate area and will not detract from the existing streetscape.

Special areas

Does the proposal detract from the amenity or visual quality of any environmentally sensitive area, heritage area, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

Comment: Given the signage area proposed it is considered that the proposal would not have a detrimental impact upon the existing visual quality of the area.

Views and vistas

Does the proposal obscure or compromise important views?

Does the proposal dominate the skyline and reduce the quality of vistas?

Does the proposal respect the viewing rights of other advertisers?

Comment: The proposed signage does not obscure views, or features of adjoining buildings. The signs do not protrude into the skyline or obscure signage associated with adjoining/nearby businesses.

Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

Does the proposal reduce clutter by rationalizing and simplifying existing advertising?

Does the proposal screen unsightliness?

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

Comment: Subject to the imposition of a height restriction on the freestanding pole sign it is considered that the scale, proportion and form of signage is satisfactory in the existing streetscape and commercial business setting.

Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

Does the proposal respect important features of the site or building, or both?

ORDINARY MEETING

Meeting Date: 25 November 2008

Does the proposal show innovation and imagination in it's relationship to the site or building, or both?

Comment: It is considered that the signage is compatible with the scale, proportion and characteristics of the proposed building.

Associated devices and logos with advertisements and advertising structures?

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Comment: The proposal does not incorporate any of the above-described features.

Illumination

Would illumination result in unacceptable glare?

Would illumination affect safety for pedestrians, vehicles or aircraft?

Would illumination detract from the amenity of any residence or other form of accommodation?

Can the intensity of the illumination be adjusted, if necessary?

Is the illumination subject to a curfew?

Comment: The proposal includes the provision of illumination of the proposed signage. Subject to inclusion of appropriate conditions it is considered that the proposal is satisfactory having regard to the principles relating to illumination detailed above.

Safety

Would the proposal reduce the safety for any public road?

Would the proposal reduce the safety for pedestrians or bicyclists?

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Comment: It is considered that the proposed signage will not have a significant impact upon pedestrian/traffic safety.

Site Contamination

A *Preliminary Contamination and Acid Sulphate Soil Assessment*, dated 2 April 2008 was undertaken by Geotechnique Pty Limited. This report provided that asbestos fibre was detected in the surface topsoil/fill at two (2) of the twelve (12) sampled locations on the site.

Given the information contained in this report it is considered appropriate that further site assessment, remediation of contaminated areas and site validation be undertaken demonstrating that the site is rendered suitable for use as a retail shop prior to the consent for this use becoming operational. An appropriate deferred commencement condition has been included in the recommendation in this regard.

Access, Transport & Traffic

Access

A single vehicular access to the site is proposed from Grier Crossing at the south west corner of the site. The driveway is to cater for customer entry/exit in addition to service delivery movements associated with the site. It is noted that this driveway is situated opposite ten (10) x 90° parking spaces located at the

ORDINARY MEETING

Meeting Date: 25 November 2008

southern side of Grier Crossing. Given the number of spaces affected and the anticipated level of traffic generation attributable to the proposal it is considered that the access location is satisfactory.

The access driveway design provides for the swept turning paths of passenger and heavy vehicles anticipated to service the development as detailed in AS 2890.1 - Parking Facilities – Off-Street Carparking and AS 2890.2 - Parking Facilities Off-street Commercial Vehicle Facilities. The traffic report submitted in conjunction with the application provides that service vehicle access and circulation arrangements will be combined with a portion of the customer car parking area. This arrangement is considered acceptable given the number of deliveries anticipated generally up to four (4) per day.

Transport

The site is serviced by bus services running along Windsor Road providing access to Windsor, Rouse Hill, Kellyville, Castle Hill and surrounding districts. Accordingly, these services would be available to both staff and customers to the site.

Traffic

The traffic report titled *Transport Report for Proposed ALDI Store, Mulgrave*, dated August 2008, prepared by Colston Budd Hunt & Kafes Pty Limited details that traffic generated by the proposed development will have its greatest impact during Thursday afternoon and Saturday lunchtime peak periods when it combines with commuter and retail traffic. Surveys undertaken of similar ALDI stores have indicated peak hour traffic generation rates ranging between 160 and 240 vehicles per hour. The report has concluded that the additional traffic generated by the proposal would be able to be satisfactorily accommodated in the adjacent road network given current available capacity.

Roads and Traffic Authority

The application was forwarded to the Roads and Traffic Authority in accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007. To date no correspondence has been received from the Roads and Traffic Authority and accordingly it is recommended that any conditions/comments received by Council from the Authority be incorporated as consent conditions.

Safety, Security & Crime Prevention

In order to provide details relating to the proposal's compliance with the criteria established through Crime Prevention Through Environmental Design principles an assessment was undertaken by Hassell Limited. This assessment provides that the design has adopted the following principles:

- *The key customer/pedestrian areas of the site are the car park and entrance to the ALDI store; both of these spaces are highly visible from the surrounding road network and therefore provide excellent opportunities for visual surveillance by passing pedestrians and traffic.*
- *The store entry is elevated and highly visible from surrounding street and car park area, this ensures that the entry point and access to it is clearly identifiable.*
- *Pedestrian areas, including walkways are clearly delineated through use of line marking, raised pavements and signage. Barriers also provide clear indicators to restrict entry to back of house areas of the retail store.*
- *The development uses perimeter landscaping to clearly delineate the development from the surrounding public street network.*
- *The proposed landscape design consists of ground level shrubs and canopy level trees, this provides a high level of visibility for pedestrian and does not obstruct key sight lines through to key pedestrian access ramps and entries.*
- *The high level of passive surveillance between the surrounding street network and the retail store significantly reduces opportunity for graffiti and vandalism. It is understood that ALDI will implement a range of security and maintenance measures to further discourage vandalism and promptly remove graffiti.*

In addition to the measures detailed above appropriate conditions have been included in the recommended consent relating to provision of security surveillance equipment, exterior lighting, management of landscape planting and control of graffiti to minimise the potential for crime related activities on the site.

Economic Impact in the Locality

In order to address the economic impact of the development upon established retail centres within the Hawkesbury area a report *Economic Impact Assessment Proposed ALDI Store at Mulgrave*, dated August 2008 prepared by Don Fox Planning was submitted in conjunction with the application. The following summary relating to the proposal's anticipated economic impact has been provided:

The catchment area of the proposed store has been estimated taking into account the location of other supermarkets and grocery stores and centres around the area.

We estimate that there could be \$70 million of supermarket expenditure available from all catchment area households in 2011. Existing outlets and the proposed ALDI could attract \$59 million of available supermarket expenditure from households within the catchment area, which is \$11 million less than the available expenditure of \$70 million. The balance of sales at Woolworths and Coles is likely to originate from households beyond the local area.

And, even in 2008, the ALDI can be supported by available expenditure, along with existing shops. Most importantly, in economic terms, ALDI is not large and does not constitute a separate 'shopping centre'.

Furthermore, in our opinion, Windsor will continue to be the dominant centre in the Hawkesbury LGA and this role is unlikely to be undermined or threatened by the proposed Mulgrave ALDI as this will be a 'stand alone' facility without the necessary support infrastructure associated with a conventional retail and commercial centre.

Our analysis indicates that the proposal is unlikely to result in a detrimental economic impact on existing retailers in the centres in which they are located. We note that current local planning policy does not set out a hierarchy of retail centres upon which to base store locations, therefore our assessment can be considered under S79C of the EP & A Act as a consideration of the potential economic impacts of the proposal.

Further, we note that the Draft Northwest Subregional Strategy (which sets out a draft hierarchy of centres), identifies Mulgrave as a neighbourhood centre. In the context of supporting the objective that retail activities be focused in centres this proposal can be considered as being consistent with the Draft Northwest Subregional Strategy Plan.

We emphasise that the 'catchment' for ALDI is very much a shared catchment – in which both Mulgrave ALDI and all of the existing shopping facilities within that catchment can coexist (in terms of potential available household expenditure).

A development such as the ALDI is also an expression of economic confidence in the area. There is the potential for it to lead to increased expenditure in other retail outlets as a result of the synergistic effect of new development. The catchment area will benefit from the introduction of the ALDI as it will provide a service not readily available to the local community.

Therefore, in terms of its potential to attract expenditure, its capacity to provide competition, and its ability to offer a complementary service needed by the catchment area population, the ALDI proposal can be assessed as having a positive economic impact in the locality.

In order to assist the analysis an independent review of the Economic Impact Assessment submitted in conjunction with the application was undertaken by SEMF. The review, requested by Hawkesbury City Council, was based on the following criteria:

ORDINARY MEETING

Meeting Date: 25 November 2008

- *Studies and information used as a basis for the conclusions*
- *Validity of assumptions*
- *The rigor and breadth of the analysis*
- *The ability to verify the figures (SEMF has not been contracted to undertake any economic analysis)*
- *Whether there is adequate basis for the conclusions drawn*
- *Whether the document is likely to satisfy a test that Council has taken the requirements of s79C(1)(b) of the Environmental Planning and Assessment Act 1979 (EP&A Act) – through a review of relevant judgments in the Land and Environment Court*

The SEMF review concludes that the Economic Impact Assessment prepared by Don Fox Planning in conjunction with the application is generally sound in its findings being detailed as follows:

While we have listed various analyses that have not been included in the DFP report, and conclude that the DFP report may therefore reflect a more positive economic assessment without such analysis, the report is not misleading in its assessment, and appears rigorous in its methodology and approach.

We conclude that if Hawkesbury City Council determines the proposal, then Council is able to reasonably conclude it has taken into consideration the economic impacts of the proposed development in the locality as required by s 79C of the EP&A Act.

Accordingly, based on the above it is considered that the degree of economic impact of the proposal upon the established commercial centres would not be of a magnitude to warrant refusal of the application on such grounds.

Notification

The application was not required to be notified as detailed in Chapter 3 of Hawkesbury Development Control Plan. One (1) submission was received by Council raising objection to the proposal with the matters raised being detailed as follows:

1. **The proposal is considered premature in terms of strategic planning in that Council has yet to finalise its Employment Lands Strategy and the State Government needs to finalise its draft North-West Sub Regional Strategy and enabling Centres Typology prior to determination of the application.**

Comment: Whilst Council has not yet finalised its Employment Lands Strategy it is noted that the subject development constitutes a permissible land use within the Special Business 3(b) zone. The proposal is generally consistent with the objectives of this zone and the established character of the area.

2. **The proposal is considered inappropriate in terms of existing supporting residential population surrounding the site and significant intensification is considered an essential prerequisite prior to any proposed supermarket development within the planning guidance of the draft North-West Sub Regional Strategy.**

Comment: It is noted that the subject site is not situated within a major commercial centre surrounded by a significant neighbouring residential catchment. Given that the proposal constitutes a permissible form of development within the Special Business 3(b) zone and that the site is favourably located having regard to future residential growth associated with Pitt Town it is considered that it would be unreasonable to place the development on hold pending finalisation of the North-West Sub Regional Strategy.

3. **The proposal would have a detrimental impact upon the economic viability of the existing Windsor Town Centre.**

ORDINARY MEETING

Meeting Date: 25 November 2008

Comment: The matter of economic impact associated with the proposed development has been independently reviewed by SEMF as detailed previously in this report. This assessment has concluded that the proposal would have a negligible impact upon the established centres and as such this issue is not considered to be of such nature so as to be given determining weight.

4. The Notification Table in Council's Development Control Plan restricts its criteria primarily to physical attributes of development excluding the equally important broader economic considerations.

Comment: Any review of Council's notification requirements is a matter that would need to be dealt with separately to that of the subject application.

Conclusion

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979; Sydney Regional Environmental Plan No. 20; Hawkesbury Local Environmental Plan 1989; Hawkesbury Development Control Plan 2002 and other relevant codes and policies.

It is considered that the proposal represents a satisfactory form of development, should not result in an unreasonable economic impact upon existing commercial centres and is generally consistent with the stated objectives of the 3 (b) Business Special zone.

Accordingly, the application is recommended for approval subject to the conditions contained in the recommendation.

Planning Decision

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

RECOMMENDATION:

That Development Application No. DA0603/08 for a Shop - Aldi Store with Associated Car parking, Signage and Landscaped Area at Proposed Lot 6 in the subdivision of Lot 2 DP 270412, 5 Curtis Road and Lot 4 DP 270412, 230 Windsor Road Vineyard by granting a Deferred Commencement Consent subject to the conditions in Schedules 1 and 2:

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

Schedule 1 - Deferred Commencement Condition

1. The following investigation/works are to be undertaken having regard to the findings contained in the *Proposed Aldi Store Development Preliminary Contamination & Acid Sulphate Soil Assessments* undertaken by Geotechnique Pty Limited Report No. 11688/2-AA, dated 2 April 2008.
 - (a) A *Stage 2 Detailed Investigation* must be completed in accordance with Clause 3.4.1 of the SEPP 55 Guidelines and the Department of Environment and Climatic Change (DECC)

ORDINARY MEETING

Meeting Date: 25 November 2008

Guidelines for Consultants Reporting on Contaminated Sites (1997) by an Accredited Site Auditor to define the nature, extent and degree of contamination; to assess potential risks posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required, to be submitted to Hawkesbury City Council with a site audit report.

This investigation is to be undertaken in order to ascertain the presence or otherwise of asbestos contamination, delineation of the lateral and vertical extent of contamination and determination of the quantity of soil requiring remediation.

- (b) A *Stage 3 Remedial Action Plan*, if required by the accredited site auditor, any site audit report or by Hawkesbury City Council, must be submitted to Hawkesbury City Council.
- (c) The site must be remediated in accordance with the *Stage 3 Remedial Action Plan*.

Any stockpiles of contaminated materials shall be stored in a secure position on the site so as not to be exposed to surface waters, pedestrian activity, or wind.

In the event that the surface topsoil is confirmed as contaminated with asbestos, the soils are to be classified as "Industrial Waste" (Asbestos Waste). The "Industrial Waste" (Asbestos Waste) is to be transported in accordance with DECC requirements and disposed of at a Solid Waste Class 1 and Class 2 (EPA Licensed) Landfill.

- (d) A *Stage 4 Validation and Monitoring Report* must be submitted to Hawkesbury City Council together with notice of completion of remediation pursuant to clause 18 of SEPP 55.

Following disposal of asbestos contaminated soils, validation of residual soils within the site, by sampling and testing, must be carried out to ensure the success of remediation. A validation report in accordance with NSW EPA guidelines is to be forwarded to Hawkesbury City Council for approval within one month of completion of remediation works. The report is to include documents relevant to any soils brought onto the land.

Schedule 2

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:

Architectural Drawing Number	Dated
P07017 DA 01A - Cover Sheet, Location Plan & Drawing List	11 August 2008
P07017 DA 02A - Site Plan & Signage Details	11 August 2008
P07017 DA 03A - Car Park Level Plan	11 August 2008
P07017 DA 04A - Ground Floor Plan	11 August 2008
P07017 DA 05A - Roof Plan	11 August 2008
P07017 DA 06A - South & East Elevations	11 August 2008
P07017 DA 07A - North & West Elevations	11 August 2008
P07017 DA 08a - Sections	11 August 2008
Landscape Plan	
SS08-1777 101 C - Landscape Plan	11 July 2008
Civil Drawings	
06S017MLDA C01 01 of 02 Rev 0 - Siteworks Plan	8 August 2008
06S017MLDA C02 02 of 02 Rev 0 - Erosion & Sediment Control Concept Plan	8 August 2008

Document Name/Number	Dated
Statement of Environmental Effects - Proposed ALDI Store 5 Curtis	12 August 2008

ORDINARY MEETING

Meeting Date: 25 November 2008

Road Mulgrave	
Transport Report for proposed ALDI Store Mulgrave (Report No. 6941)	August 2008
Economic Impact Assessment (Project No. 7128A)	August 2008
Crime Prevention Through Environmental Design (CPTED) Assessment: ALDI Stores Winford Drive and Grier Crossing Mulgrave	August 2008
Waste Management Plan	8 August 2008
Preliminary Contamination & Acid Sulphate Soil Assessments: Proposed ALDI Store Development (Report No. 11688/2-AA)	2 April 2008

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
7. 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.
8. The building design shall ensure that unimpeded access to the manhole labelled 1B on the sewer plan approved in conjunction with Development Consent No. DA0044/08 will be maintained for Council.

Prior to Issue of Construction Certificate

9. 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 \$34 370.00 shall be paid to Hawkesbury City Council.

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

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

10. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

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

11. A Construction Management Program shall be submitted and approved by Council prior to the issue of any Construction Certificate. Any use of Council property shall require appropriate approvals. The program shall detail:

ORDINARY MEETING

Meeting Date: 25 November 2008

- (a) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area.
 - (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
 - (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
 - (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
 - (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
 - (g) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer and shall not involve any permanent or temporary encroachment onto Councils property;
 - (h) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of hoardings over footpaths and laneways;
 - (i) The location and operation of any on site crane;
 - (j) A "Works Zone", if required, is to be installed adjacent to the site frontage/s as part of the Construction Program;
 - (k) An application for a "Works Zone" is to be lodged with Council for approval; and
 - (l) Parking of workers vehicles during construction.
12. Construction of the drainage works, 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 City Planning or an Accredited Certifier.
13. 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 2009.
14. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
15. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
16. A minimum of sixty three (63) off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, Australian Standard AS2890.1 and AS2890.2 and industry best practice as appropriate. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted with the Construction Certificate.

ORDINARY MEETING

Meeting Date: 25 November 2008

17. The texture and substance of all external components of the building and hard surfaced areas being generally in accordance with following plans submitted in conjunction with the application:

Drawing Number	Dated
P07017 DA 01A - Cover Sheet, Location Plan & Drawing List	11 August 2008

External components/materials/finishes are to be selected so as to provide a suitable level of durability to withstand graffiti and damage through vandalism.

Final details of all external materials and colours are to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

18. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.

(Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

19. The roof shall utilise non reflective materials so as to limit interference with aircraft operations. Details being submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
20. 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 6.00 am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy. Details being submitted with the Construction Certificate.
21. Details demonstrating the provision of high quality external lighting for security without adverse affects on public amenity due to excessive illumination levels/glare are to be submitted with the Construction Certificate.
22. Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.

The building being adequately adjusted where required complying with the provisions of the *Disability Discrimination Act (1992)*. Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the *Disability Discrimination Act (1992)* and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA:

- a) AS 1428.1 (2001) - Design for Access and Mobility
- b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- c) Disability Discrimination Act (1992)

Details being submitted and approved by Council/Accredited Certifier prior to the issue of the Construction Certificate.

23. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's water mains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

ORDINARY MEETING

Meeting Date: 25 November 2008

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriate stamped the plans before the issue of any Construction Certificate; or
- If there is a combined Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

24. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual. In this respect the following design precautions must be adhered to in all respects:
- (a) all electrical, heating and air conditioning service installations are to be located above the 2% AEP flood level of 15.7m AHD;
 - (b) the building is to be constructed of flood compatible materials such as galvanised steel frame, galvanised zinc alum cladding doors and door frames; and
 - (c) the structure and walls shall be strengthened to a level of 17.3m AHD to increase resistance to floodwater flow and debris impact.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

25. If required, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Construction Certificate being issued.
26. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

27. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.
28. An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises.

The following requirements shall be met:

- (a) The area is to be provided with a roof to prevent stormwater entering the sewer;
- (b) All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained into Council's sewer with a tap in close proximity to facilitate cleaning;
- (c) Include provision for the separation and storage in appropriate categories of material suitable for recycling;
- (d) The storage area shall be adequately screened from the street and adjacent residential properties;

ORDINARY MEETING

Meeting Date: 25 November 2008

- (e) Garbage enclosures serving non-residential uses are not to be located within areas designated for dining purposes.

Details of the storage area are to be provided to, and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

29. Plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building that are not visible from areas surrounding the subject site. Details demonstrating compliance are to be submitted with the Construction Certificate application.
30. Construction of any mains sewer work or any structure to be constructed within the Zone of Influence of a sewer main must not commence until three (3) copies of the plan submitted with a Major/Minor Sewer Works Application is submitted to Hawkesbury City Council's Waste Management Branch for assessment and approval.
31. The applicant must submit a copy of the approved plans associated with the major/Minor Sewer Works Application to the Principal Certifying Authority. This plan must be stamped *Sewer Works Approved for Design Only*.
32. The pylon sign situated on Lot 4 DP 270412 shall be reduced in height so as not to exceed 6 metres in height. Details demonstrating compliance with this requirement are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
33. A Traffic Management Plan prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council.
34. Council must be consulted regarding acceptable discharge limits to the sewage system. A trade waste agreement application if required, must be submitted and assessed by Council prior to the application for a Construction Certificate. Hawkesbury City Council's Trade Waste/Technical Officer should be consulted to determine if this is required.

Prior to Commencement of Works

35. 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.
36. 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.
37. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
38. A Waste Management Plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
39. 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.
40. 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

ORDINARY MEETING

Meeting Date: 25 November 2008

plans shall be lodged with the Principal Certifying Authority. Any easements must be shown on the Survey Certificate.

41. 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.
42. 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.
43. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
44. 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.
45. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Hawkesbury City Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

During Construction

46. The site shall be secured to prevent the depositing of any unauthorised material.
47. Vehicle entrances and exits shall be clearly signposted and be visible from both the street and site at all times.
48. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
49. The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.
50. 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.
51. 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

ORDINARY MEETING

Meeting Date: 25 November 2008

- (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.

- 52. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
- 53. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 up to the 1:100 year storm at pre-development levels.
- 54. 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.
- 55. A heavy duty layback and footway vehicular crossing minimum 12m wide shall be constructed to the development. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
- 56. All necessary street signage and pavement markings shall be installed.
- 57. Disabled parking shall be provided in accordance with AS2890.1-1993.
- 58. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
- 59. 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.
- 60. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
- 61. Council records indicate that the building site is at a level of approximately 15.5 metres AHD. All materials used in the construction below the level of 17.3 metres AHD shall be capable of withstanding prolonged immersion in water without swelling or deteriorating.
- 62. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
- 63. Registered Surveyor's identification report indicating the finished ground floor levels to a nominated fixed datum point are in accordance with the levels indicated on the approved plans. Surveyor's

ORDINARY MEETING

Meeting Date: 25 November 2008

report is to be submitted for confirmation to The Principal Certifying Authority prior to pouring of the slab or construction of the floor platform.

64. Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
65. Vehicles entering and leaving the site with soil or fill material must be covered.
66. Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.
67. Inspections and Compliance Certificates for sewer works are only to be undertaken by Hawkesbury City Council.
 - In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's City Planning Branch. Contact details to arrange inspections: (02) 4560 4565 (fees are to be paid prior to inspection/s).
 - In the case of any sewer work constructed under a major/minor Sewer Works Application, the inspection must be conducted by Hawkesbury City Council's Waste Management Branch. A Compliance Certificate will not be issued until Works as Executed Details have been received, assessed and approved by Council's Waste Management Branch. Contact details to arrange inspections: (02) 4560 4519 or (02) 4560 4529.
 - In the case of major sewer works where the contractor is permitted to independent quality control, the independent assessor shall be approved by the Branch Manager of Hawkesbury City Council's Waste Management Branch.

In all cases inspections must be conducted on the exposed pipes prior to any backfilling this includes poured concrete slabs or concrete encasement.

It is advised that a statutory declaration will not be accepted in lieu of the compliance inspection.

68. Proposed tree planting within and adjacent to the car parking area is to utilise advanced species, appropriate protection measures and maintenance schedule are to be implemented so as to ensure long term viability of the landscape scheme.
69. Any part of the building to be used for food preparation shall comply with Council's Code for the Fitting out of Food Premises.
70. Any area used for storage of food or food appliances/equipment is to comply with the relevant section of Hawkesbury City Council's *Food Premises Fit Out Code* including Section 7.0 - Storerooms.
71. Ceilings throughout the premises are to be solid in food preparation areas and are to comply with section 4.0 of Hawkesbury City Council's *Food Premises Fit Out Code*. "Drop in" ceiling panels are not permitted over food preparation areas.
72. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture, and capable of being easily cleaned with a disinfectant. Fittings and equipment should be constructed so as not to harbour food, insects or vermin.

ORDINARY MEETING

Meeting Date: 25 November 2008

73. The floors are to be covered with a durable, non-toxic, impervious surface, graded to trapped floor waste outlets (where necessary), and connected to an approved drainage installation. The floor covering is to be free of protrusions or gaps.
74. All wall/floor junctions in the food preparation area(s), including any prefabricated low temperature rooms/freezer rooms, shall be covered according to Hawkesbury City Council's *Food Premises Fit Out Code*. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. "Stick on" coving is not permitted. Feather edge skirting is not permitted.
75. Any additional internal walls should be durable and of solid construction with no internal cavities. The wall should be sealed to the floor, and should comply with Hawkesbury City Council's *Food Premises Fit Out Code*, and the Building Code of Australia.
76. The premises is to be fitted with adequate hand washing facilities for the preparation of food. Handwashing basins are required in addition to other basins and sinks in any toilet, AND in any food preparation area. Where separate additional food preparation areas are provided, an additional hand washing basin is needed. Handwashing basins are required;
 - (a) to be fitted with hand's free taps such as knee or foot operated devices;
 - (b) with hot and cold running potable water;
 - (c) with a common spout delivering water of at least 40° Centigrade;
 - (d) to be easily accessible at all times.
77. A slop sink should be installed so that mop water does not contaminate the kitchen sinks. Mop water and water used for washing garbage receptacles must not be disposed of using a storm water drainage inlet.
78. The area used for storage of garbage receptacles is to be undercover, graded to a drain connected to the sewer, constructed with a surface that is easily cleaned, and shall have a supply of water under pressure available within the enclosure. Any stormwater or rainwater entering the garbage area should be adequately directed away from this drain.
79. In food preparation areas, the exhaust hood, filters and flue are to be installed and maintained as per Australian Standard AS 1668. The system should be adequate so that a smoke or odour emission nuisance does not occur as a result of the development.
80. A supply of soap and single use paper hand towels should be fitted to the wall in an appropriate and durable dispenser adjacent to any hand washing basin.
81. Equipment and appliances are to be installed on legs or castors as specified by Hawkesbury City Council's *Food Premises Fit Out Code*. Where plinths are to be used, the plinths shall be sealed to the floor, be covered in an equivalent finish to the floor, and the equipment/appliance effectively sealed to the plinth. Coving should also be provided to the plinth where necessary.
82. Food preparation and storage areas are to be adequately protected from flies, insects, and vermin. Windows are to be screened, and doorways are to be provided with self-closing doors. External doors are to be provided with self-closing screen doors.
83. Provide toilet and washing facilities in accordance with part F2 of the Building Code of Australia relevant to class 3 to 9 buildings.
84. Refrigerators and frozen food cabinets should be installed so as to comply with Hawkesbury City Council's *Food Premises Fit Out Code* .
85. Non-commercial refrigeration is not permitted in new food premises.

ORDINARY MEETING

Meeting Date: 25 November 2008

86. The inaccessible cavities formed between the low temperature room and the ceiling, and the low temperature room and a wall are to be made vermin proof, and are to comply with Section 9.0 of Hawkesbury City Council's *Food Premises Fit Out Code*.
87. Adequate provision for the disposal of condensation from low temperature rooms and refrigeration shall be provided. Condensation waste is to be disposed of to the sewer in accordance with the requirements of Hawkesbury City Councils' Water Management branch.
88. An appropriate temperature gauge is to be provided externally to each low temperature room, refrigerated display unit, and refrigeration device.
89. All panels of the low temperature room are to be neatly cut and finished smooth to eliminate any cracks, crevices, or imperfections, which may provide access for food, vermin or insects.
90. Storage racks for the low temperature room shall be constructed of pipe, angle iron, "T" iron, channel iron, flat metal or other approved materials. The material should be galvanised and/or adequately treated to prevent corrosion.
91. The refrigeration equipment and all associated fittings are to be installed in such a manner that it is capable of operating without causing a noise or vibration nuisance for adjoining property holders.
92. An appropriately qualified person is to monitor excavation or similar activities, as per the 'Preliminary Contamination and Acid Sulphate Soil Assessment' report number 11688/2-AA prepared by Geotechnique Pty Ltd, regarding the potential presence of acid sulphate soils on the site or in any fill material imported to the site. Further testing/assessment is to be undertaken if required by the geotechnical engineer and results are to be submitted to the Principal Certifying Authority.

Appropriate measures shall be incorporated in the conjunction with the construction of the building relating to the presence or otherwise of acid sulphate soil.

93. Noise from the proposed machinery and excavation activities should be managed so that *offensive noise* as defined by the Protection of the Environment Operations Act does not occur at any sensitive receiver such as a residential property boundary.

Prior to Issue of the Occupation Certificate

94. 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 infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

95. 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.
96. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
97. A Compliance Certificate from Hawkesbury City Council's Waste Management Branch confirming sewer works constructed under a Major/Minor Sewer Works Application must be submitted to the Principal Certifying Authority.
98. A Compliance Certificate issued by Hawkesbury City Council's City Planning Branch confirming completion of internal and external drainage must be submitted to the Principal Certifying Authority.

ORDINARY MEETING

Meeting Date: 25 November 2008

99. A Trade Waste Agreement must be entered into with the Hawkesbury City Council for the discharge of trade waste to Council's sewer.
100. The applicant shall prepare a flood emergency evacuation and management plan for the development. The plan shall advise occupants of flood evacuation procedures and emergency telephone numbers. The applicant shall contact Council and the NSW State Emergency Service for advice in the preparation of the plan. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.
101. Prior to occupation provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Parts 1 and 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).
102. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:
 - (a) The Building Code of Australia,
 - (b) AS 1668 Part 1 & 2,
 - (c) The Public Health Act,
 - (d) Public Health (Microbial Control) Regulation,
 - (e) Work Cover Authority,
 - (f) AS 3666 Air Handling and water system of building microbial control:
 - Part 1 - Design installation and commissioning
 - Part 2 - Operation and maintenance
 - Part 3 - Performance based maintenance of cooling water systems

An application to register any regulated system installed must be made to Council prior to commissioning of the system and the issuing of any Occupation Certificate.

103. 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.
104. 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.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

105. Submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Stormwater Detention System in relation to the approved design.
106. Prior to occupation of the development, a grease trap of an appropriate size may be required to be installed on the drainage line at a location approved by the Manager of Regulatory Services.

ORDINARY MEETING

Meeting Date: 25 November 2008

Hawkesbury City Council's Trade Waste/Technical Officer should be consulted to determine if this is required.

Use of the Development

107. No internal or external alterations shall be carried out without prior approval of Council.
108. 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

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.
109. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available on line at www.foodstandards.gov.au
110. All waste materials are to be stored adequately, away from food areas, and disposed of at regular intervals to the satisfaction of the Manager Regulatory Services.
111. All packaged foods prepared for presentation at a different premises, are to be packed and labelled in compliance with the current Food Standards Code. Hawkesbury City Councils' Environmental Health Officers can assist with this requirement.
112. All food and food handling equipment is to be stored at least 300mm clear of the floor on an approved shelf or appliance. No food is to be stored on the floor in a low temperature room or freezer.
113. A portable thermometer accurate to $\pm 1^{\circ}\text{C}$ is to be available at the premises at all times for the purposes of checking cold and hot foods for compliance temperatures.
114. Materials and equipment for cleaning are to be stored in a place physically separated from any food storage, display, or preparation area. Separate cleaning equipment is required for cleaning of toilets.
115. A separate area should be made available for the purposes of storing personal items. A locker or cupboard is to be provided away from any food preparation or storage area.
116. Potentially hazardous foods should be stored below 5°C , or above 60°C at all times in accordance with The Food Act 2003.
117. Noise generated as a result of the development shall be managed so that the L_{Aeq} noise levels, measured at any point in accordance with the NSW DECC's *Industrial Noise Source Policy*, do not exceed 5dB(A) (L_{Aeq}) above background levels (L_A90) with respect to noise amenity of other properties and associated outdoor areas.
118. The owner/manager of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.
119. Security cameras must be installed and maintained in good operational order and placed in strategic places such as the external entrance, exit doors and secluded accessways. The DVDs/tapes/discs must have the time and date automatically recorded and be kept in a secure place to ensure their integrity for a minimum period of 28 days before being reused or destroyed. The DVDs/video tapes/discs are to be made available to the Police upon request.

ORDINARY MEETING

Meeting Date: 25 November 2008

Note: Digital recordings are the preferred form of surveillance recording.

120. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
121. The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises or public road.
122. Illumination to the approved signage associated with the subject premises shall be extinguished outside the approved hours of operation.
123. The trading hours of the premises shall be limited to:

Monday to Wednesday:	9.00am - 7.00pm
Thursday:	9.00am - 9.00pm
Friday:	9.00am - 8.00pm
Saturday:	8.30am - 6.00pm
Sunday:	9.00am - 6.00pm
124. The following activities shall only occur between the hours of 7.00am to 10.00pm Mondays to Saturdays and 8.00am to 6.00pm, Sundays and public holidays:
 - (a) Delivery or loading of goods;
 - (b) Stock movement within the loading area; and
 - (c) Garbage Collection.

125. All cooling towers and cooling and warm water systems must be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the *Public Health Act 1991*, and *Public Health (Microbial Control) Regulation 2000*.

A true copy of the annual certificate as stipulated in clause 9(2) of the *Public Health (Microbial) Regulation 2000* which certifies the effectiveness of the process of disinfection used for the water cooling system, must be submitted to Council prior to the period ending 30 June each year.

Prior to commencement of the use the owner or occupier of the premises must apply to Council for the registration of water cooling systems warm water systems installed on the premises in accordance with the *Public Health (Microbial Control) Regulation 2000*.

126. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

Roads and Traffic Authority Conditions

127. Due to the traffic generation from the proposed development, at the intersection of Windsor Road and Curtis Road, a dedicated left turn deceleration lane shall be provided on Windsor Road at this location. Detailed plans need to be submitted to the RTA for approval. Should a Works Authorisation Deed (WAD) be required in order to carry out these works, then this must be completed prior to any plan checking being undertaken by the Authority. All costs associated with this work including the execution of the deed are to be met by the applicant.
128. A traffic management plan is to be prepared to control the servicing of the site so as to ensure that all associated activities are undertaken outside of normal store trading hours.
129. The design of the car parking area including parking space dimensions, access driveway, aisle widths, manoeuvring areas, sight distances, ramp grades and loading areas, etc are to conform to AS 2890.1-2004 and AS 2890.2-2002 for loading areas.
130. All vehicles are to enter/exit the premises in a forward direction.
131. All vehicles are to be wholly contained within the property before being required to stop.

ORDINARY MEETING

Meeting Date: 25 November 2008

132. All works associated with the development are to be at no cost to the RTA.

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.
- *** The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrierregarding 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 development. 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.
- *** The development falls within the Zone of Influence of a Council owned sewer main. The applicant is required to seek advice from the Waste Management Branch prior to an application for a Construction Certificate being made given that a specific foundation design will be required to be provided to the proposed building.

ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Site Plan

ORDINARY MEETING

Meeting Date: 25 November 2008

AT - 1 Locality Plan

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

ORDINARY MEETING

Meeting Date: 25 November 2008

AT - 2 Site Plan

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 239 **CP - Development Application - Change of Use of Existing Restaurant and First Floor Residential Flat - Including Additions and Alterations to the Existing Building - 230 Windsor Street, Richmond - (DA0537/08, 95498, 110797)**

Development Information

Applicant: Alchemy Holding Pty Ltd
Applicants Rep: John Budin
Owner: Wing Ying Pty Limited
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No. 20
Area: 954.8sqm
Zone: 3 (a) Business General
Advertising: Not required under Hawkesbury DCP
Date Received: 18 July 2008

Key Issues: ♦ Carparking and Access

Recommendation: Approval by Deferred Commencement

REPORT:

Description of Proposal

The application seeks approval for change of use of the existing restaurant and first floor residential flat to a shop (pharmacy) and commercial premises (office) at Lot 1 DP 1107029, 263 Windsor Street Richmond. The application also includes additions and alterations to the existing building.

The proposed additions will result in an additional 172.8m² of floor area resulting in total Gross Floor Area of 575m² on the ground floor for the proposed pharmacy with the first floor office space to remain unchanged at 46.7m²

The proposal includes the removal of the existing Chinese restaurant façade with the addition of a new awning and installation of a glass shop front to be provided on the Windsor Street frontage. All new construction and materials are to match the existing.

It is proposed that the pharmacy will be open seven days a week with hours of operation being:

- 8:30am to 6:00pm on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays
- 8:30 am to 9:00 pm on Thursdays; and,
- 10:00am to 6:00pm on Sundays

The following supports the application:

- A Statement of Environmental Effects dated July 2008 prepared by Berzins Environmental Planning Pty Ltd: and,
- A Traffic and Parking Assessment Report ref No.08207 dated 3 November 2008 prepared by Varga Traffic Planning Pty Ltd, transport, traffic and parking consultants.

Recommendation

Approval by granting of a Deferred Commencement

ORDINARY MEETING

Meeting Date: 25 November 2008

History

The site currently contains a two storey building at the front of the property with a ground floor area of 402.2m² and first floor area of 46.7m² and an 80.705m² office building at the rear of the property. Onsite carparking four (4) vehicles in a stacked arrangement is available on the existing concrete driveway.

The following approvals relate to the subject property:

Consent No.	Consent Date	Development
DA 40/1975	10/09/75	Renovation of existing building for conversion into a restaurant and residential flat above
DA 81/1980	10/09/80	Erect a single storey shop at rear of property facing parking area.
DA 789/81	3/12/1981	Use of the existing shop at rear of property for a greengrocer business
DA 1677/89	12/12/1989	Carport
SEPP 0010/97	24/01/1997	Change of use of the rear shop from a fruit shop to a furniture shop
MA 0530/00	6/06/2000	Change of use of the rear shop from a furniture shop to an office

Issues Relevant to the Decision

- Car parking & Access

Council Policies, Procedures and Codes to Which the Matter Relates

Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No 20
Hawkesbury Development Control Plan

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:

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context." SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

Conclusion

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

Hawkesbury Local Environmental Plan 1989

Clause 2 - Aims, objectives etc,

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

ORDINARY MEETING

Meeting Date: 25 November 2008

Clause 5 - Definitions

The proposed development is best defined as a 'Shop' for the proposed pharmacy and 'Commercial Premises' for the proposed office under Hawkesbury Local Environmental Plan 1989 as;

"Shop" means 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; and

"Commercial Premises" means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.

Clause 8 - Zones indicated on the map

The subject property is zoned 3(a) Business General under Hawkesbury Local Environmental Plan 1989.

Clause 9 – Carrying out development

Shops and commercial premises are permissible with development consent in the 3(a) Business General zone.

Clause 9A – Zone objectives

The objectives of this zone are to:-

- (a) promote the development and expansion of business activities to meet the optimum employment and social needs of the City of Hawkesbury,
- (b) permit non-commercial development within the zone where such development is compatible with the commercial character of the locality,
- (c) ensure that there is adequate provision for car parking facilities within the zone,
- (d) minimise conflicts between pedestrians and vehicular movement systems within the zone, and
- (e) 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.

Comment: The proposed development will promote the development and expansion of business, provide additional employment and is compatible with the commercial character of the locality. Additionally it is considered unlikely that the proposed development will have an impact on the surrounding historic buildings.

Clause 18 – Provision of water, sewerage etc. services

The site is currently serviced by water, electricity, telephone and sewage, it is expected that the proposal will not create an increase on demands for these services.

Clause 25 - Development of flood liable land

The proposed development site is above the 1-in-100 year flood level for the area.

Clause 27 - Heritage items

The subject property is not identified as a heritage item.

Clause 28 - Development in the vicinity of heritage items

The subject land is located adjacent to number 255 and 257-259 Windsor Street Richmond, which is identified under Hawkesbury Local Environmental Plan 1989 as heritage item Number 119.

It is considered that the proposal will not have a significant impact on the heritage significance or setting of the adjoining heritage items as the proposed addition will be built within character of the locality.

Conclusion

The proposed development is consistent with Hawkesbury Local Environmental Plan 1989 including the zone objectives

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

No Draft Environmental Planning Instruments apply

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan

The proposed development is generally consistent with the aims, objectives and rules of Hawkesbury Development Control Plan. However a variation is sought relation to Hawkesbury City Councils Development Control Plans carparking requirements. An assessment of this chapter follows:

Part C Chapter 2 - Car Parking and Access

The aims of this chapter of the DCP 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 interference to the flow of traffic in the street network; and
- Ensure adequate traffic safety and management and to improve amenity of car parking areas.

The objectives of this chapter of the DCP are to take into account:

- the size and type of development and its traffic generation;
- the availability and accessibility of public car parking areas;
- the degree of accessibility by public transport; and
- traffic volumes on the street network, including expected future traffic volumes relating to Hawkesbury road hierarchy.

In accordance with this Chapter, car parking for shops and commercial premises shall be provided at a rate of:

- 1 space per 30m² of Gross Floor Area (GFA)

Comments:

The site currently contains space for the tandem parking of up to four (4) vehicles with access to the Magnolia Mall carpark located at the rear of the site.

An assessment under the provisions of the DCP indicates that, as the proposed development will increase the existing floor space by an additional 172.8m² to a total ground floor area of 484m², it is considered that a total of 16.1 carparking spaces would need to be provided for the proposed development. A credit then needs to be given for the existing floor area being 311m², or 10.4 carparking spaces. As a result a total of 6 additional parking spaces are required for this proposed development.

As a result of the proposed development there would be no carparking available onsite as the entire site will be covered with the building. However, one of the objectives of Hawkesbury Development Control Plan is to take into account the availability of public car parking spaces.

ORDINARY MEETING

Meeting Date: 25 November 2008

In this regard the subject site adjoins at the rear the Council owned Magnolia Mall carpark and is within close proximity to on-street carparking available on nearby Francis Street, Bosworth Street, Windsor Street and West Market Street. In response to the potential availability and use of the surrounding public parking spaces the applicant has provided a Traffic and Parking Assessment Report dated 3/11/2008 prepared by Varga Traffic Planning Pty Ltd.

Parking accumulation surveys have been conducted in relation to the availability of public parking within the vicinity of the site for both on-street carparking and parking within the Magnolia Mall carpark. The report states that there are a total of 546 publicly accessible carparking spaces located within the vicinity of the site with:

- 244 vacant carparking spaces available at peak parking demand on Thursday at 12 noon; and,
- 272 vacant parking spaces available at peak parking demand on Saturday 11am

Based on these figures the report concludes that *“the carparking accumulation survey results indicate that significant kerbside and off-street carparking tends to be readily available in the vicinity of the site during business hours.”*

The report also predicts that the proposed development will result in *“a slight decrease in the level of traffic activity generated by the site of approximately 6 vph (vehicles per hour)”* (page 11) based on the projected future traffic flows and existing traffic flows for commercial premises in the Roads and Traffic Authority’s publication *Guide to Traffic Generating Developments, Section 3 – Landuse Traffic Generation (October 2002)*

In light of the above, the traffic report considered that there is a sufficient amount of public carparking spaces available within the locality and that the proposed development will not have a significant impact on surrounding traffic flows and public carparking spaces. Despite this the applicant has offered to enter into a Planning Agreement to off-set the lack of provision of car parking on the site.

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:

In 2001 council set a Section 94 contribution plan for developments not being able to provide on-site carparking in land zoned 3(a) general business and 3(b) special business. The contribution was based on the cost of construction + (Area of Land to be Acquired x value of the land). Based on the values of \$1,428 for the cost of construction, an area of 35m² and land value of \$250/m² as set out in the 2001 plan it is estimated that the proposed development would have been required to pay a contribution of approximately \$10,178 per space.

As council does not have a current Section 94 Contribution plan for carparking and proposed development will be deficient at least 6 carparking spaces, the applicant has proposed to enter into a voluntary planning agreement under Section 93F (1) of the Environmental Planning and Assessment Act 1979, whereby a contribution of \$50,000 will be paid to council in lieu of providing any onsite carparking. The contribution may be in the form of cash or for the *“embellishment and beautification of community infrastructure in the immediate Richmond business and commercial centre”* (letter dated 10/11/2008, pg 4). Under the circumstances, ie, no Section 94 contribution plan and associated works schedule, it is preferred that this contribution be in the form of “works-in-lieu” to the value of \$50,000. This work can be in the form of embellishment of the existing amenities block within the carpark or some other embellishment works within the carpark, ie, landscaping, etc.

In this case the applicant has offered the Planning Agreement and it is recommended that Council agree. Under Section 93 I (3), consent for development can be granted where the applicant is required to enter into a planning agreement as a condition of consent (where both sides agree) with Hawkesbury City Council in lieu of the 6 deficient carparking spaces.

v. Matters prescribed by the Regulations:

Conditions of consent have been imposed requiring the development to comply with the Building Code of Australia.

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

Adjoining land uses predominantly consist of commercial use.

It is considered that the proposed development will not unreasonably impact on adjoining properties in terms of overshadowing, loss of visual or acoustic privacy, or loss of views and vistas.

It is considered that the bulk and scale of the proposed works are generally consistent with the scenic quality of the surrounding area.

Access, Transport & Traffic

Access to the subject site is proposed via both the Windsor street frontage and council owned 'Magnolia Mall' car park situated at the rear of the site.

Utilities

Services are available to the site and the proposal is not expected to create unreasonable demands on the provision of those services.

Heritage

It is considered that the proposal will not have an impact on the heritage significance or setting of the adjoining heritage items

Waste

A condition has been included on the consent requiring all waste materials to be regularly removed from the property

Safety, Security & Crime Prevention

Restricted access to the site is provided via the Windsor Street frontage and Magnolia Mall carpark. Additionally it is considered that visibility from the front and rear of the development for pedestrians entering and exiting the premises is satisfactory.

Economic Impact in the Locality

It is considered that the proposal will not have any significant social or economic impacts on the locality.

Site Design and Internal Design

It is considered that the design and layout of the proposal is satisfactory having regard to the immediate area, existing and future level of amenity to adjoining properties.

Construction

Construction is not expected to unreasonably impact upon surrounding neighbours. Suitable conditions in relation to construction have been recommended in the consent.

ORDINARY MEETING

Meeting Date: 25 November 2008

Cumulative Impacts

The proposed development is compatible with the surrounding land uses and no negative cumulative impact is expected. Although no onsite parking will be available as a consequence of the proposed development it is considered satisfactory, in this case, that the site relies on offsite carparking as similar sites within the locality rely on offsite carparking. However, the cumulative impact of permitting redevelopment of surrounding sites without including plans for future carparking will result in the existing public parking to be consumed and will create a parking problem for the locality. It is recommended that the issue of parking in the Richmond, North Richmond, Windsor and South Windsor areas be reviewed and a contributions plan be developed for these areas to deal with the future redevelopment of these localities.

c. Suitability of the site for the development:

It is considered that the site is suitable for the proposed development

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

Nil

e. The Public Interest:

The proposal is not contrary to public interest.

Planning Decision

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

RECOMMENDATION:

That:

- A. Development application DA0537/08 at Lot 1 DP 1107029, 263 Windsor Street, Richmond for Change of use of the existing restaurant and first floor residential flat to a shop (pharmacy) and commercial premises (office), including additions and alterations to the existing building at the front of the property be approved by granting of a Deferred Commencement consent subject to the conditions in Schedules 1 and 2.
 - a) Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
 - b) The "Deferred Commencement" consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1 - Deferred Commencement Condition

1. A Planning Agreement under 93F of the Environmental Planning and Assessment Act 1979 must be entered into with the Hawkesbury City Council making provision for the applicant to provide works, as specified in the agreement, to the value of \$50,000 in lieu of the parking spaces not being provided onsite as a result of the proposed development.

ORDINARY MEETING

Meeting Date: 25 November 2008

Schedule 2

General Conditions

2. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.

Prior to Commencement of Works

7. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

ORDINARY MEETING

Meeting Date: 25 November 2008

14. 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.
15. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

During Construction

16. The site shall be secured to prevent the depositing of any unauthorised material.
17. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
18. External colours and material of the new work are to match the existing.
19. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
20. 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.
21. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.

ORDINARY MEETING

Meeting Date: 25 November 2008

- (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
 - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
 - (k) No material is to be burnt on site.
22. 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.
23. A hoarding is required to be provided to the footpath prior to the commencement of any works associated with the new awning. Hawkesbury Council's Infrastructure Services Department must be contacted in this regard.

Use of the Development

- 24. No internal or external alterations shall be carried out without prior approval of Council.
- 25. All waste materials shall be regularly removed from the property.
- 26. All work and the storage of goods or materials shall be confined within the building at all times.
- 27. Operating hours of the pharmacy shall be limited to the following hours:
 - 8:30am to 6:00pm on Mondays, Tuesdays, Wednesdays, Fridays, Saturdays
 - 8:30am to 9:00pm on Thursdays; and
 - 10:00am to 6:00pm on Sundays.

ORDINARY MEETING

Meeting Date: 25 November 2008

28. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
29. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
30. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
31. 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.

Advisory Notes

32. 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.
33. 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.

- B. The Seal of Council be affixed to any necessary documentation in this matter.

ATTACHMENTS:

- AT - 1** Site and Elevation Plan

ORDINARY MEETING

Meeting Date: 25 November 2008

AT - 1 Site and Elevation Plan

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 240 **CP - Application for Rezoning - Lot 1 DP 129442 and Lot 1 DP779913 - 739 George Street, South Windsor (Windsor Baptist Church) - (85593, 95498)**

Previous Item: 104, Ordinary (27 May 2008)

REPORT:

Introduction

Council has received a request from Montgomery Planning Solutions, acting on behalf of the Winten Property Group and the land owners, the Baptist Church of NSW Property Trust, to rezone land at Lot 1 DP129442 and Lot 1 DP 779913 - 739 Corner George Street and Richmond Road, South Windsor.

The applicant requests that three hectares of the subject land be rezoned to facilitate the development of a *"small local centre which will be a gateway to the City of Hawkesbury"*.

The matter was previously considered by Council at the meeting of 27 May 2008 where the following resolution was made:

"That:

1. *Council recognise the importance of the site as a major gateway to the City, in providing significant local employment opportunities and in capturing escape expenditure.*
2. *Council recognise that the proposal could assist in meeting the employment targets within the subregional strategy.*
3. *Council recognise that the site is suitable for the following uses:*
 - a. *Food and drink premises*
 - b. *Tourist and visitor accommodation*
 - c. *Service Station*
 - d. *Childcare centre*
 - e. *Information and education facilities*
4. *This resolution and the application be forwarded to the employment lands consultant for consideration.*
5. *The applicant be advised that the seniors living consent would need to be surrendered upon gazettal of a draft LEP.*
6. *The matter be reported to Council at the first meeting after the Employment Strategy is released."*

The resolution and application was submitted to the consultant preparing the Strategy and the Strategy has addressed the issue of "gateway" locations as discussed later in this report.

On 24 July 2008 the applicant requested that the rezoning application be withdrawn.

On 17 October 2008 the applicant submitted a letter to Council formally re-submitting the rezoning application for consideration by Council.

The purpose of this report is to provide an assessment of the proposal in light of the draft employment strategy.

ORDINARY MEETING

Meeting Date: 25 November 2008

Proposed Development

The application seeks to rezone part of the land from Special Uses 5(a) (Church) to SP3 Tourist zone under the NSW Standard LEP Template. The proposed development comprises the following:

- Service station
- Day Care Centre
- Motel
- Two Fast food restaurants
- Family restaurant
- Car Wash
- Garden Supplies
- Associated carpark and internal road

An indicative concept plan is attached to this report.

The existing Baptist Church and associated facilities would retain the current Special Use 5(a) zone and its equivalent NSW Standard Template LEP Zone.

Description of Site and Surrounds

The subject land is located on the northern corner of Richmond/Blacktown Road and George Street and has an area of approximately 6 hectares. The site is generally triangular in shape with a south-western frontage to Blacktown Road and a south-eastern frontage to George Street. A small section of the north-western boundary adjoins Rickabys Creek.

The existing access to the site is from George Street and existing structures include the church, car park and several structures ancillary to the church, including emergency accommodation and a residence.

The land is currently zoned Special Uses 5(a) (Church) and the uses proposed in the subject application are not permissible within the zone. In July 2004 consent was issued for a re-subdivision of the 2 lots and the construction of an aged persons housing development under State Environmental Planning Policy No.5 comprising nineteen buildings containing sixty-four units. The applicant has advised that this proposal is not proceeding at this stage.

The height of 1 in 100 year flood event for the locality is 17.3m and approximately one third of the site is below this level.

The land adjoining to the west along George Street consists of a service station, directly adjacent to the subject land, and the land further to the west includes a Masonic lodge, landscape supplies, costume hire and a landfill facility. The remainder of the uses are predominantly rural residential living in character. Under the provisions of Hawkesbury LEP 1989 the land is zoned Rural Living until just short of the Rifle Range Road intersection. The eastern side of George Street land uses include a fish hatchery, rural fire brigade, bus depot and the Bligh Park residential area. The zone in this locality is Rural Living from Richmond Road to Thorley Street, Open Space 6(a) to Colonial Drive and Housing to the Windsor Leagues Club on the corner of Rifle Range Road.

Previous submissions

The application was originally lodged on 31 January 2008 and previous discussions were held with the proponent prior to this time. A letter was issued in June 2007 to the applicant advising the matter could not be considered in the current conversion of Hawkesbury LEP 1989 to the NSW Standard Template LEP.

Applicant's Justification of the Proposal

In summary the applicant's justifications are:

ORDINARY MEETING

Meeting Date: 25 November 2008

1. *The land is surrounded by a mixture of commercial uses and rural residential on land which is largely degraded. This site presents an opportunity to provide a suitably designed and much enhanced gateway to Windsor and Richmond.*
2. *The land has the appropriate physical characteristics to support a small local centre which caters for passing traffic, tourists and local residents.*
3. *The proposed rezoning will make use of existing infrastructure.*
4. *The proposal will provide suitable sites for tourist development, restaurants, information centre and fast food which are not currently available within this part of the region.*
5. *The proposal will provide significant permanent employment opportunities (250 – 300 jobs) for residents of the Hawkesbury and the adjacent Bligh Park in particular.*
6. *The proposal will promote walking and reduce vehicle trips from the adjacent Bligh Park.*
7. *The proposal provides a better urban outcome than would be achieved by constructing the approved DA for 70 aged care units.*
8. *The proposal will have a positive affect on the local economy by capturing expenditure from outside the area (ie motorists driving through the LGA on Blacktown Road).*
9. *The proposed development will not threaten existing local centres or town centres as the primary focus of activity will be on passing motorists and tourists.*
10. *There will be no adverse environmental or visual impact as a consequence of development of the land.*
11. *The proposed development will provide a more appropriate use for this prominent gateway site than the current seniors living approval.*

Assessment

Draft North West Subregional Strategy

The Draft North West Subregional Strategy was released in December 2007 by the NSW Department of Planning and was exhibited for comment until March 2008. The strategy is yet to be finalised by the State Government.

As previously reported to Council, the Strategy acts as a broad framework for the long-term development of the region, guiding government investment and linking local and state planning issues. The key directions for the subregion are as follows:

- Plan to meet employment and housing capacity targets
- Develop Penrith as a regional city
- Strengthen the role of centres
- Improved access to, from and within the subregion
- Protect rural and resource lands
- Promote the environmental and scenic qualities of the region
- Improve access to open space and recreation opportunities

The Strategy acts as a framework for local councils in preparing new Local Environmental Plans (LEP) and therefore LEP's will need to be consistent the Strategy. It is clear that Council must operate within the framework of a Metropolitan Strategy and Subregional plan and therefore must work to ensure that LEP's are consistent with the actions of the Subregional strategy. These are essentially "tests" that must be applied by Councils in preparing new strategies and subsequent LEP's.

The draft Subregional Strategy contains employment targets for the city and the subregion as a whole. For the Hawkesbury the draft figure is 3,000 jobs over the next 23 years. Councils are required to plan for sufficient land and infrastructure to achieve employment capacity targets. In relation to the current rezoning proposal, an assessment of this matter is made later in this report.

Hawkesbury Employment Strategy 2008

In March 2008 Council engaged SGS Economics and Planning to assist in developing an employment strategy. The purpose of the strategy is to develop a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region.

The outcomes which will be deliverable to Council will include:

- analysis of the existing supply of employment (industrial, commercial, retail) land;
- identification of the drivers of employment land development;
- identification of competitive opportunities for employment land development;
- projections of future employment land requirements by type over 25 years;
- development of criteria for the spatial distribution of employment lands;
- strategic planning approach for future employment land provision;
- identification of future investigation areas for industrial and commercial uses;
- definition of an implementation strategy for the investigation areas;
- consideration of infrastructure capacity, identifying limitations/augmentations.

The draft Strategy was placed on public exhibition for 28 days until 10 October 2008. During that time nine (9) submissions were received. The consultant is finalising the draft Strategy after considering those submissions and the draft Strategy will be reported to Council in December 2008.

The draft Employment Lands Strategy has recommended a number of strategies for Council to pursue to address the economic prosperity of the LGA. One of these is to "*Identify appropriate development treatments for gateway areas*" which includes the subject site. The draft strategy recognises the Council resolution of 27 May 2008 with the reservation that significant retail development in this location is not consistent with the government's centres policy, or with supporting the Windsor Town Centre. In this sense, a number of uses may be appropriate for the site, but, retail uses, ie, shops, should be discouraged at the site. With this in mind, many of the uses previously resolved by Council may be suitable for the site, however, site specific controls for the site will be necessary. This may be controlled via a site specific DCP.

Department of Planning Circulars & Sustainability Criteria

Two Department of Planning Circulars are of particular relevance in considering the current rezoning proposal. They are *Spot rezoning*, dated 15 June 2006 and *Local environmental plan review panel*, dated 16 February 2006.

In the *Spot rezoning* circular the Department's objective to reduce the number of spot rezoning is outlined. The main reasons being:

- *Firstly, the aim is to encourage a planning approach which is fair and transparent, deals with all like cases consistently, and provides for planning decisions with a clear strategic basis.*
- *Secondly, reducing the number of amending LEPs in the planning process reduces the administrative load for councils, the Department and the Parliamentary Counsel.*

The circular does state that spot rezonings will continue to be considered by the Department, however justification for the rezoning should take into account the public interest and explain the implications of not proceeding with the spot rezoning.

ORDINARY MEETING

Meeting Date: 25 November 2008

The *Local Environmental Plan Review panel* circular explains the role of the Department of Planning's LEP Review Panel and identifies the information required to be submitted to the Department.

With respect to Spot rezonings the Circular states:

In particular, the proposed plan must be considered in the context of State and regional policy direction, as well as the site context in terms of compatibility with neighbouring uses and the potential to create an undesirable precedent in terms of other rezoning requests.

Further the Circular states that rezonings unlikely to be supported include:

- *a land rezoning or change in development controls in isolation and in the absence of a context and where such a rezoning would be more appropriately included in the preparation of a comprehensive LEP.*
- *the introduction of additional uses to specific zones or to specific sites with no broader economic /employment imperative.*

The current proposal seeks to amend the LEP provisions on the subject land to allow the proposed development. It seeks to introduce a new zone, being the SP3 Tourist zone. This zone or a similar zone does not exist within Hawkesbury LEP 1989 and it is not currently proposed to be adopted in the conversion to the NSW Standard Template LEP as that conversion process does not permit the introduction of significantly different planning controls. However, the SP3 Tourist zone has been viewed as a possible zone for future use in selective areas within the Hawkesbury via a separate rezoning process to the Template conversion.

The site is considered a "gateway" site along with other gateway sites located around the City in the draft Employment Lands Strategy.

The Local environmental plan review panel circular also provides pro-forma evaluation criteria for the consideration of spot rezonings. The applicant has provided a response to these criteria and this is reproduced in the table below along with a comment in reply.

	DOP Evaluation Criteria	Applicant's Response	Comment in Reply
1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	<i>The LEP will be compatible with the draft North West Subregional Strategy). The land will fall within Category 2 Employment Land.</i>	It is agreed that the proposed development will provide for additional jobs. The draft Hawkesbury Employment Lands Strategy has identified this and other sites for limited, non-retail development.
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	<i>The LEP will be consistent with State and Regional Policies. In regional terms the proposal is relatively minor and should be considered on merit as an opportunity to increase employment opportunities within the City.</i>	Compliance with S117 directions are discussed later in this report.
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	No	Agreed.

ORDINARY MEETING

Meeting Date: 25 November 2008

	DOP Evaluation Criteria	Applicant's Response	Comment in Reply
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	<i>The LEP will facilitate permanent employment generating activity. Some 250-300 jobs will be created.</i>	The applicant has provided additional information which indicates the employment generation may be between approximately 230-270 jobs (110 full time).
5.	Will the LEP be compatible/complementary with surrounding land uses?	<i>The LEP will be compatible and complementary with the surrounding land uses. The surrounding uses are a mix of special uses, retail and service land uses. The LEP will provide a suitable gateway for the City.</i>	Compatibility with surrounding land uses discussed below.
6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	<i>No. It is considered that this site is unique as it is a major gateway to the City and will service passing motorists and tourists.</i>	This site is not necessarily unique as there are several locations that may be considered a gateway site as mentioned in the draft Employment Lands Strategy. The consideration of this site for rezoning has raised the expectations of other landowners to the north-east along George Street who may also seek a similar rezoning (submissions to the Employment Lands Strategy have already been received). These other sites will need to be assessed separately in the context of the Employment Lands Strategy.
7.	Will the LEP deal with a deferred matter in an existing LEP?	<i>No.</i>	Agreed
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	<i>There have been no other spot rezonings in recent years in the locality.</i>	Council considered a proposal for a family restaurant/service station at the George/Colonial Drive roundabout in 2000 and resolved not to support the application. The cumulative impacts of the adjoining sites to the north-east will be further assessed in the context of the final Employment

ORDINARY MEETING

Meeting Date: 25 November 2008

	DOP Evaluation Criteria	Applicant's Response	Comment in Reply
			Lands Strategy.

It is considered that the proposed rezoning generally complies with the current Department of Planning guidelines or Circulars. Further, the draft Employment Lands Strategy supports consideration of limited, generally non-retail, development of this site.

Section 117 Directions

As Council is aware the section 117 Directions under the provisions of the Environmental Planning and Assessment Act 1979 direct Council to consider various matters when preparing a draft local environmental plan.

The following information lists the Section 117 Directions that are considered of relevance to the proposed rezoning.

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

The applicant states that the proposal is consistent with this Direction as:

"The draft LEP will give effect to the objectives of the Direction by providing significant long term employment in a suitable location. There is currently no strategy for employment lands in the City".

Comment

As this Direction applies there are several matters relevant to Council, including giving effect to the objectives of this Direction and to ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director General of the Department of Planning.

As noted above the Hawkesbury Employment Lands Strategy is nearing completion and seeks to provide direction for future employment lands within the City. The draft Strategy supports consideration of limited, generally non-retail, development of this site.

Direction 3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances traveled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The applicant comments as follows:

ORDINARY MEETING

Meeting Date: 25 November 2008

"The draft LEP will provide significant employment opportunities within walking and cycling distance for residents of adjacent Bligh Park. The existing bus stop on George Street will service the proposed development."

Comment

The Department of Planning's guidelines *Integrated Landuse and Transport* seeks to improve the integration of landuse and transport planning. The proposed development may provide additional employment opportunities. However, there is no evidence to suggest there will be a direct link to the resident population in Bligh Park, but, it is likely that the employment generation will principally benefit the local population. The pedestrian links between the subject land and Bligh Park are currently inadequate. This issue was not directly addressed in the Traffic Report submitted by the applicant. Further details in this regard should be required as part of the development control planning and development application phase.

Direction 4.3 Flood Prone Land

The objectives of this direction are:

- a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the ***Floodplain Development Manual 2005***, and
- b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The applicant states that the proposal is not consistent with the Directions and comments as follows:

"The provisions of the draft LEP that are inconsistent are of minor significance. Also the hazard is lower for development in accordance with the draft LEP compared to development currently approved on the land."

The existing consent allows the land to provide seniors accommodation for 70 -140 permanent residents, some of whom will be aged, frail or disabled. The consent also approves significant filling of the floodplain."

Comment

The proposal is inconsistent with this objective for the area proposed to be rezoned below the 1:100 year flood level. However, it is agreed that the flood impact of a proposed commercial development would be lower than the currently approved seniors living development and the inconsistency is considered acceptable for this proposal as a commercial development is more consistent than a residential development.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The applicant states that the proposal is consistent with the Direction and that:

ORDINARY MEETING

Meeting Date: 25 November 2008

"The draft LEP will comply with the provisions of Planning for Bushfire Protection 2006 and this Direction.

The fact that the current consent allows for 70 seniors dwellings, makes it clear that the bushfire provisions will be satisfied."

Comment

Agreed.

Direction 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Comment

It is noted that generally a draft LEP may be inconsistent with a Section 117 Direction provided Council can satisfy the Department of Planning that the inconsistency can be justified by way of an environmental study or the inconsistency is of minor significance. Whilst the applicant has not provided any specific information in relation to this matter, it is considered that a commercial development as proposed is not likely to have an adverse impact on Acid Sulfate Soils as it is not expected to involve significant excavation or changes to the water table.

Direction 6.1 Approval and Referral Requirements

Objective

- (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Comment

This direction applies to the preparation of draft LEP's and seeks to minimise concurrence, referrals and consultation requirements in LEP's. An LEP can only contain a provision for referral to a government agency (for example, RTA) if the Director General of the Department of Planning approves.

At this stage it is uncertain if any concurrence, referrals or consultation requirements would be required.

Standard LEP Template Conversion

As Council is aware the provisions of Hawkesbury LEP 1989 are currently being converted to the associated NSW Standard Template LEP zone. In this regard the new zone for the subject site will be SP2 Infrastructure which is similar to the provisions of the existing zone and complies with the directions for the Department of Planning.

In the original application the application proposed the use of a B2 Local Centre zone. However this zone allowed uses such as Bulky Goods, retail premises and office premises and had the potential to significantly undermine the existing centres of Richmond and Windsor. The applicant lodged a revised submission requesting the application of the SP3 Tourist Development.

The mandated objectives of this zone are:

- *To provide for a variety of tourist-oriented development and related uses.*

The mandated permitted uses are *Food and drink premises* and *Tourist and visitor accommodation*. The applicant has also requested that the following land uses be permitted with consent:

ORDINARY MEETING

Meeting Date: 25 November 2008

- Service Station
- Childcare Centre
- Landscape and garden supplies
- Timber and Building Supplies
- Information and education facilities

The applicant has suggested that the five additional use would be consistent with the objectives of the zone which is to provide for a variety of tourist related development and related uses.

Comment

The Department of Planning's Circular advise that the SP3 zone is generally intended to be located where a variety of tourist orientated land uses are to be permitted, and includes uses such as tourist and visitor accommodation, pubs and restaurants.

The SP3 Tourist Development zone is not currently used in the draft Template LEP as Hawkesbury LEP 1989 has no similar zone and the current Template process is a conversion only. If this zone is to be used it needs to be considered in the strategic context, including whether it would be appropriate for other "gateway" locations across the city. As mentioned previously, the SP3 zone may be suitable for other specific areas within the Hawkesbury. However, the extent of uses within the new zone will need to be considered carefully as once a zone is introduced in a locality, all the uses listed in the landuse table for that zone will then be a permitted use.

The proposed uses in the current application would have the effect of allowing uses such as Bunnings or Mitre 10 and landscape supplies. These uses are not generally considered as tourist related development. In this regard the applicant's proposed additional uses for the zone of Landscape and garden supplies and timber and building supplies may not be suitable for this zone.

The other option is to use an enabling clause to allow this (and only this development) on the subject land. This however is no longer recommended as best practice by the Department of Planning as it is contrary to the principle of "simplifying the planning system", and therefore a suitable template zone should be applied should the rezoning proceed.

It is considered that the most appropriate zone for the subject site is the SP3 Tourist zone and should this application be supported, that zone would need to be created for inclusion into the Hawkesbury LEP.

Hawkesbury Local Environmental Plan 1989

The relevant aims and objectives of Clause 2 of HLEP 1989 are:

- To provide a mechanism for the management, orderly and economic development and conservation of land with the City of Hawkesbury;
- To provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;

In order to satisfy these objectives it is recommended that support for any change to zones, as proposed in this particular case, be considered in a wider strategic context such as a Strategy. The draft Hawkesbury Lands Strategy has considered this and other sites as suitable for consideration of limited, generally non-retail, development.

Traffic and Access

The applicant was requested to provide additional information in relation to the traffic and access to the site. The information was submitted and included a traffic report prepared by Traffix dated July 2007.

ORDINARY MEETING

Meeting Date: 25 November 2008

The report is a preliminary assessment of access requirements based on a concept plan and formed the basis of discussion with the RTA by the applicant. The main features are a seagull layout at the Bennett Road/Richmond Road intersection to allow access to the site from Richmond Road. A median strip will also be constructed along Richmond Road along with a 60m deceleration lane for the entry movement. The George Street access is proposed to the northern site boundary, approximately 70m north of Thorley Street and permits left-in/left-out movements. A median strip is also proposed along George Street with a 60m long deceleration lane. The proposed layout has been incorporated into the site plan attached to this report.

The preliminary report states that there is some spare capacity within the traffic network. At this stage the traffic report has not been independently reviewed nor has it been referred to the RTA for comment by Council officers. This would occur should the proposed rezoning be supported by Council

Services

The applicant states that water is available to service the development and the site is connected to Council sewer. There is no commentary about other service providers or the capacity of the existing services. These issues must be investigated and arrangements made for upgrading of any services at the applicant's expense prior to any rezoning being finalised

Conclusions

The draft Hawkesbury Employment Lands Strategy should form the basis of any decision making for rezoning and development of employment lands. The Department of Planning is also clear in its advice to Council about undertaking strategic studies to ensure that there is a proper framework for decision making. The draft Hawkesbury Employment Lands Strategy has considered this and a number of sites as suitable for "gateway" style development. However, the draft Strategy only supports consideration of limited, generally non-retail, development of this and the other sites.

Therefore it is considered that the proposal has been justified in the strategic context. However, the ultimate development of the site should be carefully guided to ensure that what is being proposed in this current application is followed and not discarded for more standard industrial/commercial/retail development of this "gateway" location. As such, it is recommended that a site specific DCP be prepared at the applicant's expense for adoption by Council prior to finalisation of the rezoning.

Conformance to Strategic Plan

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

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

Funding

The processing of a rezoning can have significant impacts on staff time in the processing of the relevant matters. The rezoning fees payable in this regard should cover these expenses. However, the preparation of a site specific DCP would be additional to the rezoning process. The applicant could prepare this DCP for checking and final adoption by Council should the application be supported.

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.

ORDINARY MEETING

Meeting Date: 25 November 2008

RECOMMENDATION:

That:

1. Council prepare a draft LEP under the provisions of Section 54 of the Environmental Planning and Assessment Act 1979, to rezone land at Lot 1 DP129442 and Lot 1 DP 779913 - 739 George Street South Windsor, to SP3 Tourist zone.
2. The SP3 zone be developed, for inclusion in the Hawkesbury LEP, by Council staff in a manner that limits development within that zone to generally non-retail, tourist development.
3. The applicant is to develop a draft site specific DCP for the site, at their own expense, in conjunction with Council staff for final checking, amendment if required, and adoption by Council prior to finalisation of the rezoning.

ATTACHMENTS:

AT - 1 Indicative Concept Plan.

ORDINARY MEETING

Meeting Date: 25 November 2008

AT - 1 Indicative Concept Plan

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 241 CP - Proposed Briefing to Council for Land at Grose Vale Road, North Richmond - (105365, 103235, 77679, 103461, 95498)

REPORT:

On 24 October 2008 representatives from Urbis, consultant for owners of land at Grose Vale Road, North Richmond (Builddev), made a presentation to the Department of Planning's Regional Director, Sydney West, and to Hawkesbury City Council's Director City Planning at the Department's offices at Parramatta. The presentation related to a proposal for release of the land for development of up to 1800 dwellings. The presentation was also to seek comments from the Department regarding issues required to address the Metropolitan Strategy Sustainability Criteria in preparation for a submission to the Land Supply CEO's Group to list the land on the Metropolitan Development Plan (MDP). The Department's website explains the MDP as follows:

"The MDP is the State Government's key program for managing housing supply and assisting in coordinating infrastructure provision. The program covers both infill sites in existing urban areas as well as the release of land not previously urbanised, known as greenfield areas, typically on the metropolitan fringes. By overseeing the release of new home sites, the NSW Government can ensure new suburbs and redeveloped sites have adequate services and amenities - such as water, electricity and open space - along with adequate funding committed for regional facilities such as public transport, roads, schools and health facilities."

Outcome of meeting with the Department of Planning

A number of issues were discussed at the presentation to the Department of Planning by both the Department and Council representatives. Apart from the information raised in the presentation Urbis were advised to investigate the following additional matters:

- Seek direct input from the Department of Environment and Climate (DECC) regarding the presence of Endangered Ecological Communities (EECs) and corridor functions of riparian zones,
- More specific advice from RTA regarding the network performance of the main arterial road into Richmond to define when additional lot release will trigger additional infrastructure,
- Clear outline of infrastructure provision and who will pay for such provision,
- Consultation with SES regarding flooding and evacuation issues.

The advice to Urbis from the Regional Director, Sydney West, of the Department of Planning also stated the following:

"The first step should be to seek to present your rezoning proposal to Council. When receiving an application for inclusion on the MDP, the Government wishes to also have (at the same time) an indication from the local rezoning authority of their level endorsement and willingness to proceed with the rezoning. In particular, if Council is willing to proceed, an indication of any issues that Council may require to be addressed as a pre-requisite for proceeding with rezoning."

As mentioned at the meeting, whilst the Metropolitan Strategy does not preclude a proponent making an MDP proposal direct to the State Government, the Department will, as a very first step, seek to refer any such request to the relevant local Council and seek their views as above.

Once the above step has been undertaken, the proponent may wish to address issues raised by Council as much as is practical. At this stage, the submission of a proposal to Government is recommended. Where it is the case that the proponent has not been able to address

ORDINARY MEETING

Meeting Date: 25 November 2008

issues raised by Council in its amended submission, the proponent should seek to explain to the Government why it has not been practical to address these issues at this stage."

It is clear from the above advice from the Department to Urbis that, whilst there is a mechanism for the landowner to go directly to the State Government with a proposal of this size, the Department of Planning is keen to include the Council early in the process and to have the Council's concerns addressed prior to proceeding.

Proposed briefing to Council

A letter was received from Urbis on 10 November 2008 requesting *"the opportunity to brief Councillors and Council staff on this project prior to lodgement of this submission."* (See attachment)

It is proposed that representatives from Urbis be invited to attend the next regular Councillor briefing session (scheduled for 2 December 2008) to make a presentation to Councillors and relevant staff that outlines the submission that they intend to lodge with the Department of Planning. It is noted that the briefing session is not a formal meeting of Council and, as such, no formal position of Council can be resolved. However, the briefing will be an opportunity for Urbis to update Councillors on their proposal and for Councillors to decide whether a formal resolution on the matter is warranted.

It should be noted that the proposal in the presentation is a concept only and does not include detailed information in relation to proposed development. The concept detail in any such submission must be sufficient to show that further investigation, usually in the form of an environmental study or the like, is warranted to locate and design development suitable for the site.

Should Council wish to make a formal submission to Urbis and the Department of Planning in relation to the proposed submission for MDP inclusion, the matter can be considered at the Council meeting of 9 December 2008.

Planning and Policy Impact

The proposal by the landowner, via Urbis, is essentially pre-empting Council's preparation of a residential strategy. However, as advised by the Department of Planning, the MDP is a mechanism that permits a proposal of this size, potentially approximately 1800 dwellings, to be submitted directly to the State Government for consideration.

The requirements of the draft North West Subregional Strategy include dwelling targets for Council and for the investigations for these targets *"to consider opportunities for further growth around local centres to the north of the Hawkesbury River, cognisant of flooding and flood evacuation issues"*.

Council, at the meeting of 8 July 2008, made, in part, the following resolution in relation to criteria for the preparation of a residential strategy:

- "1. Council note that the sustainability criteria contained in the Metropolitan Strategy and the actions contained in the draft North-West Sub-Regional Strategy must be included for implementation in Council's Strategy work.*
- 2. It be noted that the criteria for inclusion into the Residential Strategy, as specified in the "Proposed Broad Local Criteria" of this report is an extension of the Statutory criteria and this be adopted for use in the preparation of the Residential Strategy."*

The proposal to place the land in Grose Vale Road, North Richmond (known as Peels Dairy) on the MDP, whilst ahead of Council's formal strategy, is not inconsistent with the State Strategies and Council's resolution of 8 July 2008.

The proposal is that the land be considered for release for future development. This process should not be confused with the DA process and does not mean that development of the land will commence immediately. The process of listing land on the MDP allows the land to be further investigated in relation to environmental impacts and also assists relevant infrastructure providers, such as the RTA, electricity

ORDINARY MEETING

Meeting Date: 25 November 2008

providers, Sydney Water, Telstra, etc, to incorporate the possibility of development of the area into their planning for infrastructure provision. Without this MDP listing, the land or potential development is not considered in future planning for infrastructure.

Conformance to Strategic Plan

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

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

Funding

Consideration of the current proposal as a briefing to Council will not have any funding implications apart from staff time. The future consideration of the proposal in conjunction with the residential strategy work should be possible within the budget for that strategy. Work on this specific site, if required, should be covered by the necessary rezoning application fees.

Planning Decision

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

RECOMMENDATION:

That Council agree to the request from Urbis to make a presentation to the Councillor Briefing Session on 2 December 2008.

ATTACHMENTS:

AT - 1 Letter from Urbis dated 10 November 2008

ORDINARY MEETING

Meeting Date: 25 November 2008

AT - 1 Letter from Urbis dated 10 November 2008

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 242 CP - Hawkesbury City Council - Annual Report - 2007/2008 - (95498, 107)

REPORT:

The attached annual report has been prepared in accordance with the requirements of Section 428 of the Local Government Act 1993 and Department of Local Government Circular to councils number 08-65 dated 17 October 2008.

Background

Section 428 of the *Local Government Act 1993* has set a requirement that "within five months after the end of each year, a council is required to prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year".

The Act also prescribes specific reporting requirements, that govern the content of the report, and submission of audited financial statement (as reported to Council on 11 November 2008) and State of the Environment report for the year ending 30 June 2008.

The annual report is a Statutory requirement for all New South Wales Councils and must be submitted to the Department of Local Government by the 30 November 2008.

Conformance to Strategic Plan

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

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

Funding

There are no funding implications from the preparation of this report.

RECOMMENDATION:

That:

1. The completion of Council's 2007/2008 Annual Report information be received and noted and a copy be forwarded to the Department of Local Government and any other necessary authorities prior to the end of November as required.
2. Council display the full Annual Report on Council's website by the 30 November 2008.

ATTACHMENTS:

AT - 1 Annual Report 2007/2008 - *(Distributed Under Separate Cover)*

AT - 2 General Purpose and Special Purpose Financial Report and Special Schedules for the period ending 30 June 2008 - *(This document has already been distributed under separate cover as an attachment to the Business Paper for 11 November 2008 Ordinary Agenda).*

AT - 3 State of the Environment Report - *(Distributed Under Separate Cover)*

ORDINARY MEETING

Meeting Date: 25 November 2008

- AT - 4** Council's Policy on the Provision Facilities for Use by Councillor's and Payment of Councillors Expenses - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 243 **CP - Works in Kind Agreement Stormwater and Section 94 Contributions Pitt Town Development - (95498)**

Previous Item: 154, Ordinary (29 July 2008)

REPORT:

To allow the development of the new Pitt Town residential area as approved in the Part 3A Concept approval, a new Section 94 contributions plan was prepared by the Department of Planning. Council considered that contributions plan at the meeting of 29 July 2008 where it was resolved to request the Minister for Planning adopt that plan. A response from the Minister is expected shortly.

The Section 94 plan sets out a range of works, including Roads, Open Space, Community Facilities and other relevant infrastructure and facilities, to be apportioned to all new lots created in Pitt Town. The current contribution per new allotment for land subject to the existing Planning Agreement between the Johnson Property Group (JPG) and the State Government is approximately \$25,709 per lot. The Johnson Property Group (JPG) will be developing approximately two thirds of the new lots in Pitt Town and are currently, or will be, undertaking much of these works at their cost and have requested that Council enter into a works-in-kind agreement. The works-in-kind agreement would acknowledge the value of works undertaken by them and this value would be credited against the Section 94 and other charges for the lots that they are developing in lieu of providing a cash contribution. The provisions of the Section 94 plan allow for the contributions to be paid either in cash or as a works-in-kind. Regardless of whether the payment is made in cash or in kind, the required infrastructure will be provided in accordance with the Section 94 plan.

The proposal is considered reasonable subject to Council's Solicitor being in agreement with the documentation.

Conformance to Strategic Plan

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

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

Funding

Nil impact on current budget.

Planning Decision

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

RECOMMENDATION:

That the:

1. Request for Council to enter into a works-in-kind agreement for the provision of Stormwater, Roads, Open Space, Community Facilities and other relevant infrastructure and facilities, identified in the

ORDINARY MEETING

Meeting Date: 25 November 2008

Section 94 contributions plan, to Pitt Town in lieu of a cash payment for Section 94 costs for that infrastructure be agreed, subject to Council's solicitor being in agreement to the documentation.

2. Seal of Council be affixed to any necessary documentation.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

INFRASTRUCTURE SERVICES

Item: 244 **IS - Proposed Removal of the Road Closures at Old Hawkesbury Road and Henry Road, Vineyard - (79346, 75845, 12791, 95238)**

Previous Item: Item 2.3, Ordinary (10 June 1997)
 Item 3, General Purpose Committee (26 August 1997)
 Item 3, Ordinary (09 September 1997)

REPORT:

Road closures within Old Hawkesbury Road and Henry Road, Vineyard were undertaken in 1997 in response to community representations to resolve a continuing dust problem affecting the amenity of residents not only along these roads but also parts of the McGraths Hill residential area. The problem evolved due to Old Hawkesbury Road being an unsealed road combined with the fact that the road was being used as a short cut; particularly during the PM peak period on Windsor Road where there were often long delays at the traffic lights at the intersection of Windsor Road and Pitt Town Road.

Community concern was also expressed in relation to the volume and speed of vehicles traversing unsealed roads and the inherent safety problems. The purpose of the road closures was to confine through traffic to the surrounding sealed road network, principally Windsor Road and Pitt Town Road. The road closures were located at:

- Old Hawkesbury Road, just north of the access to Part Lot B, DP 3894490 (Brennans Dam Road end), and
- Henry Road at the boundary of Lot C, DP 403787 & Part Lot D in DP 645589 (approximate mid point)

In undertaking the road closures, Council resolved on 9 September 1997, that:

"... action proceed under the Roads Act, 1993 to close Old Hawkesbury Road at Henry Road at the previously designated points and the closure be reviewed following the completion of the current study being undertaken by the Roads & Traffic Authority and advice from the Government as to the implementation of works to relieve the current traffic congestion and those works being undertaken."

The review of the road closures of both Old Hawkesbury Road and Henry Road was to be undertaken upon the completion of the upgrading of Windsor Road to a four lane carriageway and the construction of the Windsor Flood Evacuation Route (WFER). Both projects have been completed and these roads have been in full operation for over 12 months.

The Roads and Traffic Authority have undertaken a Post Opening Traffic Study to model the effects of the WFER on the traffic flows along Windsor Road. It is evident that there has been a redirection of traffic onto the WFER via Groves Avenue, thus reducing the traffic volume and impact at the intersection of Windsor Road and Pitt Town Road. Results of the study are listed in Table 1:

ORDINARY MEETING

Meeting Date: 25 November 2008

Table 1: Average Daily Traffic (ADT) volumes before and after the opening of the WFER

Location	Before WFER (ADT)	After WFER (ADT)	Difference (ADT & %)
Windsor Rd – North of Pitt Town Rd	32918	20710	-12208 (-37%)
Pitt Town Rd – West of Charles St	11402	10971	-431 (-4%)
Windsor Rd – North of Groves Ave	24176	15670	-8506 (-35%)
Windsor Rd – South of Groves Ave	23686	25021	+1335 (+6%)
Groves Ave – West of Windsor Rd	4592	13656	+9064 (+197%)

Given the changes in traffic flow along Windsor Road as a result of the WFER and the reduced traffic congestion at the intersection of Windsor Road and Pitt Town Road, there is sufficient evidence to support the possible removal of either one or both road closures.

As part of the initial step of this review, comments of all residents/property owners within the affected streets (Old Hawkesbury Road, Henry Road, McGrath Road and Brennans Dam Road) were sought as well as service authorities such as the NSW Ambulance Service, Police, SES, NSW Rural Fire Service, NSW Fire Brigade, NSW Taxi Council, Ministry of Transport and the Transport Workers Union. The survey was undertaken by forwarding a package which included a covering letter, questionnaire and plan indicating the points of the existing road closures.

Comment was sought in relation to either Support or Object to the removal of the road closure at;

- both Old Hawkesbury Road and Henry Road, Vineyard; or either
- Old Hawkesbury Road, Vineyard, or
- Henry Road, Vineyard

Approximately 140 packages were distributed resulting in 28 questionnaires being returned with 11 objecting to the proposed removal of the road closures and 17 in support of the proposed removal of the road closures.

Comments from the survey are provided in the following two tables.

Table 2 - Comments received **objecting** to the proposed removal of the road closures (11);

Road Closure Site	Comment
Both Old Hawkesbury Road and Henry Road	<ul style="list-style-type: none"> • Wouldn't object if the road was sealed but the road creates too much dust and would affect the resident's health and life style. • If the road was sealed then might re-consider. Worried about people speeding down the road. • The increase in traffic and high speeds that some of the drivers reach is dangerous to children and other motorists, not to mention the increase of noise. • Old Hawkesbury Road is a Speedway as it is. Also the increase of traffic would be damaging to children. • The increase of dust & traffic is dangerous to residents. If the road was to be sealed then it may not be as bad. • "What for it works well as it is". What about the increased traffic from Pitt Town using Old Hawkesbury & McGraths Road, what are you going to do about that? • Concerns regarding reasons for original closure, increased traffic, dust problems and cost to maintain. • Increased traffic on Old Hawkesbury Road would be a safety concern for young families that live here, I would strongly oppose the removal of the closure. • Due to lack of consideration of the new Pitt Town Development and the speeds at which drivers fly up and down our road, we want the road to remain closed.

ORDINARY MEETING

Meeting Date: 25 November 2008

Road Closure Site	Comment
Old Hawkesbury Road	<ul style="list-style-type: none"> ▪ Will not support unless maintenance of Curtis Road is carried out. Old Hawkesbury Road is dangerous due to speed and road surface.

Table 3 - Comments received to **support** the proposed removal of the road closures (17);

Road Closure Site	Comment
Both Old Hawkesbury Road and Henry Road	<ul style="list-style-type: none"> • Seal the road • But only if roads are sealed • Support the opening & wants both roads sealed • Old Hawkesbury Road should become a sealed road. Its an important road • Concerns regarding pedestrian safety, high speeds and condition of road surface • By opening the road it will allow residents access to Vineyard shops and access when traffic is built up on Windsor Road • This will save the residents time and Petrol as it is less distance to travel • Request for Council to use recycled bitumen
Henry Road	<ul style="list-style-type: none"> • Removal of Road closure will decrease the use of drugs around boom-gate (needles found) & provide access back to Windsor Road • Being closed & dark at night attracts undesirables i.e., whilst walking kids to bus-stop find needles and broken glass, rubbish etc. Car costs - maintenance and Petrol

The results of the survey provide a balanced view of support and objection to the proposed removal of the road closures. The majority of comments supporting the proposed removal of the road closures are conditional on both Henry Road and Old Hawkesbury Road being sealed. The issue of traffic on the unsealed road is not acceptable for the residents. The problem of dust was one of the main reasons these 2 roads were closed initially. There is also a concern that the road may become a 'speedway' if opened be it sealed or unsealed.

Table 4: Road inventory for Henry Road and Old Hawkesbury Road

Road Name	Road Section	Surface	Length (m)	Summary
Henry Road	Windsor Road to Start of Gravel	Sealed	85	Sealed = 85 m
	Start of Gravel to Locked Gate	Unsealed	93	Unsealed = 253 m
	Locked Gate to Old Hawkesbury Road	Unsealed	160	
Old Hawkesbury Road	Pitt Town Road to McGraths Road	Sealed	936	Sealed = 936 m
	McGraths Road to Henry Road	Unsealed	836	Unsealed = 1196 m
	Henry Road to Locked Gate	Unsealed	252	
	Locked Gate to Brennans Dam Road	Unsealed	108	

The combined length of unsealed road for both Henry Road and Old Hawkesbury Road is 1449 metres. The estimated cost to reconstruct these 2 roads and provide a sealed surface is estimated at \$910,000.

It is considered that sealing both Henry Road and Old Hawkesbury Road may attract additional traffic onto these roads away from the State Road network and create a "Rat-Run" regardless of the improvements undertaken along Windsor Road. This would have an impact in particular, on the section of Old Hawkesbury Road between Pitt Town Road and McGrath Road, which is within the McGraths Hill residential catchment. The road closures have been in place for over 10 years and generally accepted by the surrounding community as they confine through traffic to the surrounding sealed road network,

ORDINARY MEETING

Meeting Date: 25 November 2008

principally Windsor Road and Pitt Town Road. Taking into account the comments received from the community it is proposed that the road closures remain in place.

The attached plan indicates the locations of the existing gates.

Conformance to Strategic Plan

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

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

Funding

Nil impact on the current budget should the road closures remain in place.

RECOMMENDATION:

That the existing road closures in Old Hawkesbury Road and Henry Road, Vineyard, remain in place.

ATTACHMENTS:

AT - 1 Points of Existing Road Closure At Old Hawkesbury Road and Henry Road, Vineyard.

ORDINARY MEETING

Meeting Date: 25 November 2008

AT - 1 Points of Existing Road Closure At Old Hawkesbury Road and Henry Road, Vineyard

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 245 **IS - Pughs Lagoon and Smith Park Draft Plan of Management - (95495, 79354)**

Previous Item: 233, Ordinary (11 November 2008)

REPORT:

Following the resolution of the previous Council meeting, this report has been amended and is submitted for further consideration.

In 2006/2007 \$10,000 funding was received from the Department of Lands to assist with the \$19,000 funding identified within the Section 94 program for the 2006/2007 financial year to undertake the Pughs Lagoon and Smith Park Plan of Management. In September 2006 the services of LandArc Pty Limited were engaged to undertake the development of the Plan of Management and Master Plan.

As part of the community consultation process to assist in the development of the Plan of Management, a community meeting/workshop was held on 1 March 2007. Residents were notified by way of advertisements, and invitations to attend the community meeting were forwarded to adjoining landowners and other key stakeholders. Response was well received with 11 residents attending the meeting to provide input into the Plan of Management.

The Draft Plan of Management and Draft Master Plan for Pughs Lagoon and Smith Park were completed and in accordance with the Crown Lands Act, were forwarded to the Department of Lands for their comment. No comments were received from the Department of Lands, and the proposed plans were placed on public exhibition for a period of 42 days, commencing on 13 August 2008.

At the end of the exhibition period, four responses to the draft plans were received, three of which were directly related to the Plan of Management and the fourth was a petition relating to the closure of Francis Street at the Park.

A submission from the Rotary Club of Richmond was one of the four responses and included a number of comments in relation to the plan:

- Ongoing input with the park management and planning by ensuring Rotary Club of Richmond hold a position on any Committee/Trust formed
- Suggest closure of Francis Street at Old Kurrajong Road and the north eastern boundary of the park and create a new entry along the eastern end of the park which is now not used.
- Inspect and repair the existing picnic shelters, erect one more shelter, twice the size but the same design on the closed road area and four more picnic tables on the western side of the southern area of the park
- Install three more barbeques, two in the main park and one in the southern area.
- Close the open drain on the southern area and increase the carpark in this area.
- Encourage visitors.
- Construct handicap toilet and connect existing to approved system
- Construct minibus turnaround and unloading area for wheel chairs.
- Provide accessible water to all barbeques.
- Retain all casuarinas and gum trees – no evidence of damage in described areas.
- Construct concrete pathways in Park and for pedestrians down Francis Street.
- Erect signage to acknowledge the Rotary Club of Richmond's efforts.
- Tables and seats to be cleaned regularly.
- Request on site meeting with Councillors.

Many of the suggestions made by the Rotary Club have been incorporated within the Plan of Management, however there would appear to be one particular issue raised by the Rotary Club requesting the retention of **ALL** the casuarina trees. Whilst it is not proposed to remove all the casuarinas, the report by the

ORDINARY MEETING

Meeting Date: 25 November 2008

landscape consultant identifies issues with these species relating to their root system, the propensity for suckering and scalping of surface roots promoting further secondary woody growth and further suckering. The plan of management (page 37) proposes selective removal and replacement with more appropriate species. This action could be undertaken in consultation with the Rotary Club of Richmond.

It should also be acknowledged that there is existing signage within Smith Park identifying it as a Richmond Rotary Project.

Seekers (Acquired Brain Injury Group) identified four main areas that Council can improve in the provision of amenities in the Park, these include:

- Toilets, the provision of disabled access to toilet provisions,
- Pathways, to consider the widths to allow for disabled access,
- Lay backs and barriers, the installation of barriers reduces the access to the park in various locations. The provision of additional appropriate access is required, and
- Security, the provision of MLACK key system to toilet facilities that allow access to disable person outside normal hours.

The third submission from a resident has made a number of comments relating to ownership, trees, park access, amenities and traffic management. The submission states that Council should not be a trustee. It must be noted that Council is currently trustee of the reserve as gazetted on 20 April 2007. The draft plan exhibited was developed over this period, as such was not amended prior to advertising but will be amended in the adopted plan.

Concerns relating to the pathways and pedestrian access has also been identified. The Master Plan provides a concept to link the current Windsor Street access with the public amenities and through to the lower end of Francis Street via the picnic shelter and parking area. This not only provides a link to Francis Street but provides disabled access to public amenities enhancing the usability of the reserve.

Comment has also been received rejecting the use of traffic management devices to slow traffic. This item can be investigated as part of the fourth submission relating to investigating the possible road closure.

The fourth submission is a petition submitted with 149 signatures requesting the closure Francis Street at the park to provide car parking and a green link between the two open spaces. A proposal to close the road was originally investigated back in April 1987. In December 1998, the proposal was revisited and it was resolved that investigations were to be undertaken with a notice to residents seeking comment on the proposal.

In 27 June 2000 an Infrastructure Report (item 50) was drafted with the recommendation that:

"That the closure of Francis Street and Smith Park proceed and funding for the park upgrading in accordance with the plan of management be further considered in future programs".

Following the Committee meeting of 27 June 2000 the recommendation was changed and adopted at the Ordinary Meeting of 11 July 2000 that:

"That the closure of Francis Street not proceed and that a plan of management be developed with appropriate speed calming devices and a reduction in the speed limit to 40km per hour for the entire length of Francis Street".

Following a review of the current submission and the inclusion of the high volume of signatures requesting the closure of Francis Street, it is recommended that further consultation be undertaken relating to the road closure.

There were a number of factual discrepancies identified by Mr. Ian Johnson when addressing Council at its meeting of 11 November 2008 and these matters have been addressed and corrected in the final report

ORDINARY MEETING

Meeting Date: 25 November 2008

It is recommended that the Pughs Lagoon and Smith Park Draft Plan of Management and Master Plan be adopted, with the provision to allow amendments following consultation on the closure of Francis Street.

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 Capital Assistance Grants depending upon funding availability.

RECOMMENDATION:

That:

1. The Pughs Lagoon and Smith Park Draft Plan of Management be amended identifying Council as the Trust Manager.
2. The Pughs Lagoon and Smith Park Draft Plan of Management and Master Plan be adopted, with the provision of further community consultation being undertaken in relation to the Francis Street road closure.

ATTACHMENTS:

- AT - 1** Pughs Lagoon and Smith Park Draft Plan of Management, including Landscape Master Plan - *(Distributed Under Separate Cover)*.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

SUPPORT SERVICES**Item: 246 SS - Monthly Investments Report - October 2008 - (96332, 95496)****REPORT:**

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

The following table lists the investment portfolio held by Council at 31 October 2008 in a form compliant with legislative and policy requirements.

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

October 2008

The following table indicates that Council held \$36.5 million in investments as at 31 October 2008. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved and the credit rating of the investments are provided below.

Investment Type	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Rating	Total \$
On Call						
CBA	31-Oct-08		5.95%	3,830,000.00	A1+	3,830,000.00
Cash Fund						
LGFS FOCF	31-Oct-08		8.35%	9,675,046.03	AA	9,675,046.03
Term Investments						
Bankwest	29-May-08	1-Dec-08	8.43%	3,500,000.00	A1+	
NAB	29-May-08	29-May-09	8.39%	3,500,000.00	A1+	
NAB	25-Sep-08	25-Mar-09	8.00%	5,500,000.00	A1+	
ANZ	25-Sep-08	24-Nov-08	7.95%	3,000,000.00	A1+	
ANZ	25-Sep-08	24-Dec-08	7.95%	3,000,000.00	A1+	
Westpac	30-Sep-08	26-Feb-09	7.60%	2,000,000.00	A1+	
CBA – CPI Linked Note	04-Apr-07	04-Apr-12	0.00%	500,000.00	A1+	
CBA – Equity Linked Note	05-Dec-07	05-Jun-09	0.00%	2,000,000.00	A1+	23,000,000.00
TOTAL INVESTMENT AS AT 31 OCTOBER 2008						36,505,046.03

ORDINARY MEETING

Meeting Date: 25 November 2008

TOTAL INVESTMENT AS AT 31 OCTOBER 2008

Bench Mark - October 2008 - Cash Rate 6.00%
 Actual - October 2008 7.38%

Performance by Type

Category	Balance	Average Interest	Difference to Benchmark	Restriction Type	Amount
Cash at Call	3,830,000.00	5.95%	-0.05%	External Restrictions -S94	7,129,726
Term Deposit	23,000,000.00	7.21%	1.21%	External Restrictions - Other	9,759,561
Cash Fund	9,675,046.03	8.35%	2.35%	Internal Restrictions	14,281,523
				Unrestricted	5,334,236
	36,505,046.03	7.38%	1.38%	Total	36,505,046

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

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details below)

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

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

In respect of funds subject to internal restrictions whilst it would “technically” be possible for these funds to be utilised for other purposes such a course of action, unless of a temporary internal loan basis, would not be recommended nor would it be “good business practice” as these funds have been allocated for specific purposes (information technology, plant replacement, risk management, etc.) or to meet future known expenses that should be provided for on an ongoing basis (employee leave entitlements, election, etc.)

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

ORDINARY MEETING

Meeting Date: 25 November 2008

Investment Commentary

The investment portfolio decreased by \$3.54m for the month. The decrease was due to additional expenditure over income for the October period. During October, various income was received totalling \$3m, including rate payments amounting to \$1m, while payments to suppliers and staff costs amounted to \$6.6m.

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

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

Conformance to Strategic Plan

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

"Objective: Maximise return on Council's investment portfolio"

Funding

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

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 247 **SS - September 2008 Quarterly Review - 2008/2009 Management Plan - (96332, 95496)**

Previous Item: 113, Special (23 June 2008)

REPORT:

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

Management Plan

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

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

The September 2008 quarter review has been prepared and is attached for your information.

Financial Position

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

The September 2008 review recommends budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains a satisfactory short term financial position for Council.

The more significant items of the September 2008 review include:

Operating Revenue Variations

S149 Certificates Urgency Fees - Unfavourable Variance \$21K

At the Special Council meeting of the 23 June 2008, Council resolved that the S149 urgency fee be deleted from the 2008/2009 Revenue Pricing Policy. As a result, the budgeted income of \$21K will not be received, and is included in this review as an unfavourable variance.

FAG Grant - Favourable Variance \$57K

At the time of preparing the budget estimates for 2008/2009, a conservative approach was taken in relation to the Financial Assistance Grant, expected to be received by Council. The amount fluctuates from year to year and formal advice regarding the amounts payable to each Council was not received until August 2008. The FAG Grant consists of a general component and a roads component. While the increase of \$98K relating to the roads component has been allocated to additional road maintenance works, the \$57K increase in the general component of the grant is a favourable variance in this review and is available for general purposes.

Interest Income - Favourable Variance \$200K

Interest income for the 2008/2009 financial year was budgeted at \$1.3M. This positive trend is a result of higher interest rates compared to estimates as well as more funds available for investment than estimated. As at the end of the first quarter, a favourable variance of \$200K is being included. This income stream will be closely monitored over the next few months. The trend could vary depending on changes in the

ORDINARY MEETING

Meeting Date: 25 November 2008

financial environment, particularly lower interest rates, and any required changes will be included in future budget reviews.

Investment Maturing Income - Favourable Variance \$11K

One of Council's investment products, the CBA Range Accrual, matured. This write down reversal was not budgeted for, resulting in a favourable variance of \$11K.

Co-Generation Plant Income - Favourable Variance \$18K

Income received from various tenants at the Deerubbin Centre in relation to Co-Gen electricity is estimated to exceed budget estimates. A favourable variance is included in this review to reflect this.

Operational Expenditure Variations

Residential Strategy Consultancy - Unfavourable Variance \$50K

The preparation of a Land Use Strategy was adopted by Council at the meeting of the 29 May 2007. A component of this Strategy is the Residential Strategy. The early completion of this Strategy has become more prominent as a result of the Community Strategic Plan, resulting in additional funding being required for external consultants' services.

Asset Valuations Consultancy – Unfavourable Variance \$30K

In accordance with International Financial Reporting Standards, Council's non current assets are being progressively revalued to fair value in accordance with a staged implementation as advised by the Department of Local Government. As from the financial year ending 30 June 2009, roads, bridges, footpaths and drainage, land improvements and other structures and assets need to be revalued and stated at fair value. The estimated cost for these valuations is \$30K.

Co-Generation Plant Consultancy – Unfavourable Variance \$16K

At the Council meeting of the 26 February 2008, Council resolved that an independent investigation is to be carried out, and a report submitted to Council regarding the future of the Co-Generation Plant and its operation. A consultant has been engaged to commission a report on the Co-Generation Plant. The report will involve a detailed analysis of the plant to assess the energy balance and economic viability of the installation. The report will also outline any opportunity recommendations that may be identified to increase the Plant's productivity. The estimated cost is \$16K.

Independent Investment Advisor Consultancy – Unfavourable Variance \$15K

Council's investment strategy is to optimise interest income within acceptable risk parameters whilst ensuring the security of these funds. This can be achieved whilst complying with relevant legislation. To this end, Council has determined to seek services of professional investment advisors. The estimated cost of this consultant for 2008/2009 is \$15K.

Election Reserve - Unfavourable Variance \$25K

A transfer to the election reserve of \$25K is being requested in this review. Based on the current election reserve balance, actual expenditure YTD, and future expected election costs, the increase in the reserve is deemed necessary to ensure adequate funding is available for the next Council Elections in 4 years' time. The estimated cost for the next election is based on the current cost of \$330K, indexed for future cost increases.

Westpool Contributions - Unfavourable Variance \$30K

Council pays an annual insurance premium for public liability and professional indemnity to Westpool. The contribution for 2008/2009 is \$395K, an increase of \$30K above the budgeted amount.

ORDINARY MEETING

Meeting Date: 25 November 2008

FBT Expense – Unfavourable Variance \$24K

Council is liable to pay Fringe Benefits Tax in respect of its fleet. Whilst leaseback vehicles' contributions cover the FBT payable on the leaseback fleet, vehicles included in employment packages are not funded. For the 2008/2009 year the amount payable is estimated to be \$24K.

Rates and Water - Unfavourable Variance \$53K

Rates payable and water for the various community buildings owned by Council are estimated to amount to \$53K. This amount was omitted from the 2008/2009 budget due to an oversight.

Street Lighting – Unfavourable Variance \$48K

An additional \$48K in respect of street lighting expenditure is being requested in this review. Council was advised by the electricity supplier, Energy Australia, that as from the 1 July 2008 increases over and beyond budget estimates in the networks charge will be applicable.

Lower Portland Ferry Costs – Unfavourable Variance \$41K

Council incurs various costs in relation to the Lower Portland Ferry, including annual contract, insurance, and maintenance costs, and overhaul costs every 3 years. In the 2008/2009 budget no provision was made for the overhaul of the ferry, which was undertaken in 2007/2008. Final works and associated expenditure were still in progress as at the end of June 2008, resulting in these costs being allocated to the current financial year. Also, the total provision for contract and maintenance costs is estimated to be short of required funds. Baulkham Hills Shire Council contributes 50% of costs incurred by Council in relation to the Lower Portland Ferry, resulting in a net unfavourable variance of \$41K.

Capital Expenditure

Sealing of Racecourse Road – Nil

The sealing of Racecourse Road, Clarendon is being funded by an Auslink grant of \$723K and contributions from other bodies of \$60K. The actual expenditure on the project is expected to exceed funds available by approximately \$90K. This unfavourable variance has been funded by savings in various other capital road projects.

Fleet Management – Favourable Variance \$56K

Savings were identified in the Fleet Management component. These savings are a result of changes in the timing of vehicle replacements.

Bligh Park – Nil (Reserve Funded)

The development of Bligh Park resulted in the establishment of a reserve holding fund earmarked for various road works in the suburb. Some of these works are now underway and the appropriate budget adjustments are included in this review. Works include \$70K for foot paving and cycle ways and \$25K for landscaping. These works are funded by the Bligh Park Reserve, resulting in a nil overall variance.

Radio Tower – Nil

Funds are being requested to upgrade the Warks Hill Road radio tower. The work undertaken will strengthen the tower to withstand 40% additional wind load, and allow for additional cabling and antennas on the tower. The amount required is \$111K, and is being funded by other building works which have been reprioritised.

Grants Variations

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

ORDINARY MEETING

Meeting Date: 25 November 2008

Provision for Contingencies - Favourable

It is proposed that the surplus of \$23,612 resulting from this quarterly review be transferred to the Contingency Reserve.

Conformance to Strategic Plan

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

"Objective: Preparation of quarterly reviews of management targets and financial information"

Funding

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

RECOMMENDATION:

That:

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

ATTACHMENTS:

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 248 SS - Pecuniary Interest Returns - (79337, 95496)

REPORT:

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

"450A Register and tabling of returns:

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

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

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

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

Position	Return Date	Date Lodged
Parking & Compliance Officer (Casual)	12/08/2008	7/11/2008

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

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

Conformance to Strategic Plan

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

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

Funding

Not applicable.

ORDINARY MEETING

Meeting Date: 25 November 2008

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

Item: 249 SS - Councillor Membership of Public Libraries NSW - Metropolitan Association - (112062, 82780, 95496)

REPORT:

This report has been prepared to advise Council of the invitation from Public Libraries NSW – Metropolitan Association to Hawkesbury City Council to nominate a Councillor Library representative to the Association.

Background

It is well recognised that the public libraries in the greater Sydney region play a key and valued community role in providing educational, informational access, recreational and cultural services. For some communities, the library has become the “third place” behind home and work/school.

Public Libraries NSW – Metropolitan Association represents and supports the interests of forty-two (42) local government library services in the greater Sydney region which:

- Provide services to a population of 4.5 million residents: two-thirds of NSW’s population and 20% of Australia’s population.
- Have 25 million visits per annum, representing 70% of the annual visits to all NSW public libraries, and 25% of total annual visits to Australia’s 1500 plus public libraries.
- Have an annual investment of around \$200m (the annual investment in Australia’s public library system is approaching \$800m based on annual operating expenditure and capital expenditure; for NSW, the figure is nearly \$300m). Over 92% of the current NSW public library investment comes from Local Government, with the remainder from the NSW State Government.
- Provide over 1,100 internet access computers to users, each of which has an average use of 1,800 hours per year.

This year, the Association engaged its inaugural and part-time Executive Director.

Membership of the Public Libraries NSW – Metropolitan Association

The Public Libraries NSW – Metropolitan Association may be represented by two(2) persons: a Councillor Library Representative and the Library Manager. Both persons play key roles with their knowledge and support of the public library network, including attendance at the four general meetings of the Association each year.

In 2008, 60% of the Association’s membership provided a Councillor Library Representative. The Association’s Constitution requires that the President and Vice- President are elected Local Government Councillors.

Hawkesbury City Council is currently represented on the Association by the Manager Cultural Services however, is not represented by a Councillor.

Accordingly, it is recommended that Council consider nominating a Councillor to the Public Libraries NSW – Metropolitan Association.

Conformance to Strategic Plan

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

ORDINARY MEETING

Meeting Date: 25 November 2008

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

Funding

There are no funding implications arising directly from this report.

RECOMMENDATION:

That Council give consideration to the nomination of a Councillor representative to the Public Libraries NSW – Metropolitan Association.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 25 November 2008

CONFIDENTIAL REPORTS

Item: 250 **SS - Property Matter - Assignment of Leases from Hutchison Telecommunications (Australia) Limited to Hutchison 3G Australia Pty Limited - Wilberforce Works Depot, Old Sackville Road, Wilberforce - (95496, 79337, 73984)**
CONFIDENTIAL

Reason for Confidentiality

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

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

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



ordinary
meeting

end of
business
paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.