



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 09 December 2008

location: council chambers

time: 5:00 p.m.

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 9 December 2008

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 9 December 2008

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>SECTION 4 - Reports for Determination</b>		<b>4</b>
<b>GENERAL MANAGER</b>		<b>4</b>
Item: 252	GM - Sister City Program - Annual Report 2007/2008 - (79351, 110165)	4
<b>CITY PLANNING</b>		<b>16</b>
Item: 255	CP - Modification to Development Consent - Clarendon Tavern, Lot 1 DP730903 S/P 73508, 244 Richmond Road, Clarendon - (DA0341/91, 95498, 82728, 10517)	16
Item: 258	CP - Hawkesbury Employment Lands Strategy 2008 - (95498)	32
<b>INFRASTRUCTURE SERVICES</b>		<b>44</b>
Item: 260	IS - Compulsory Acquisition of an Easement for Drainage Purposes - 149 Longleat Lane, Kurmond - (79344, 21018, 21020)	44
<b>SECTION 5 - Reports of Committees</b>		<b>51</b>
ROC - Local Traffic Committee - 19 November 2008 - (80245, 95494)		51

ordinary

section 4

reports  
for determination

**ORDINARY MEETING**

**Meeting Date:** 9 December 2008

**ORDINARY MEETING**

**Meeting Date:** 9 December 2008

**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 252**            **GM - Sister City Program - Annual Report 2007/2008 - (79351, 110165)**

**Previous Item:**        129, Ordinary (10 July 2007)

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**REPORT:**

Council at its meeting held on 10 July 2007, adopted its (International) Sister City Program Policy (Attachment 1). Council in adopting the Policy, also delegated authority to the Hawkesbury Sister City Association (Association) to undertake some exchange activities on Council's behalf with our two sister cities, under Section 377 of the Local Government Act, 1993.

The Sister City Program (Program) includes provision for culture, sport and youth exchanges. To support the activities of the Program, Council allocates funds in the budget.

The purpose of this report is to provide Council with an overview of the Program during the 2007/2008 financial year to enable an annual review of exchange activities and performance.

Hawkesbury Sister City Association was established in 1983 and has been involved in the Program since then.

Councillor Finch and Councillor Paine were the Councillor Delegates on the Association during the reporting period.

**Program Financials**

Table (1) shows Council's budgeted funds and actual expenditure for the Program for the year ended 30 June 2008. Council's full year budget was \$17,000 as general funds for the Program (which includes payments to the Association) and \$10,000 towards donations to student participating in exchange visits.

The Program for the year ended 30 June 2008 had an operating surplus, due to under expenditure of the donation to students (based upon a set rate). The Programs general contribution had an operating deficit of \$315. Overall, the financial position at the end of 2007/2008 was in line with planned Program costs, including both Association and Council exchange activities.

Attachment 2 is the Association's financial statements as at 30 June 2008. It shows Council's contribution to the Association for the year as \$15,240, being the majority of the general contribution funds. Balance of these funds were used by Council, including direct pay of other Association expenses e.g. printing and postage, Sister Cities Australia membership, insurance. Table (2) shows the funds held by the Association at the start and end of 2007/2008, based on its Statement of Financial Position. It should be noted that the Association's expenditure is influenced by the timing of its exchange activities. The statements also includes any carried forward monies from the previous year.

**Program Activities by the Association**

Attachment 3 is the Association's Presidents' report presented at its AGM on 10 November 2008. The Association primarily undertakes student exchange and adult exchange activities (and associated functions). During 2007/2008, the following activities were undertaken:

## ORDINARY MEETING

Meeting Date: 9 December 2008

1. Monthly meetings and AGM;
2. President retirement functions for Jean Peare, OAM;
3. Governance - Incorporation process completed;
4. Selection process and information sessions (10) for student exchanges;
5. Farewell, Welcome Home and Welcome Functions for student exchanges;
6. Certificates and presentation at a Council meeting for student exchanges. All exchange students were presented to Council at the meeting on 12 August 2008;
7. Student Exchange – Hawkesbury students travel to sister cities;

Temple City - April 2008

- |      |                     |                          |
|------|---------------------|--------------------------|
| i.   | Ms Emily Bakowski   | St. Pauls Grammar School |
| ii.  | Ms Jessica Coulter  | Colo High School         |
| iii. | Ms Katrina Howard   | Richmond High School     |
| iv.  | Mr James Lang       | St. Pauls Grammar School |
| v.   | Ms Amy Mares        | Arndell Anglican College |
| vi.  | Ms Madeleine Thorpe | Colo High School         |

Kyotamba City - June 2008

- |      |                    |                      |
|------|--------------------|----------------------|
| i.   | Mr. Blake Milne    | Bede Polding College |
| ii.  | Ms Bethany O'Brien | Bede Polding College |
| iii. | Mr. Ian Richardson | Colo High School     |

8. Student Exchange – sister cities students travel to Hawkesbury;  
Temple City and Kyotamba visit at same time – July/August 2008, 8 students
9. Adult Exchange – Hawkesbury adults travel to sister cities;  
Association President and members visit to sister cities (own expense). President meets with Mayor of Kyotamba. Hosted by counterpart sister city associations
10. Adult Exchange – sister cities adults travel to Hawkesbury; and  
Temple City delegation visits during year.  
Kyotamba delegation invited to visit in next two years.
11. Future Direction – start discussions to help guide growth of Association activities and ways to work with other cultural activities of Council.

### Program Activities by Council

Council provides support to the Association and undertakes (corporate) Program activities and maintains the Sister City Agreement relationship. During 2007/2008 the following activities were undertaken:

1. Program Policy review and adoption;
2. Student Donation. Council approved donations for nine students at its meetings on 11 March 2008 and 29 April 2008;
2. Association support, for Program funds, student attendance at Council meeting, printing and postage, budget management, systems advice, meetings etc;

**ORDINARY MEETING**

**Meeting Date:** 9 December 2008

3. Sister City Agreement, communication with the Mayors and council officers of the sister city councils; and

With regard to the future direction of the Association, it is proposed to meet with the Association early in the New Year to assist it scoping any new direction, but also with a view to exploring the possibility of, and nature of its involvement with and development of Council's City-Country Alliances with Cabonne Council and Weddin Council.

**Conformance to Strategic Plan**

This proposal is deemed to conform to the objectives as set out in Council's Strategic Plan, viz:

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

Strategic Statement:

*Support business development activities that facilitate business networks, and encourage entrepreneurial alliances. [Strategic Activities]*

Strategic Objective: *An informed community working together better through strong local and regional connections.*

Strategic Statement:

*Manage grants and donations programs to met the community's social, health, safety, leisure and cultural needs.*

**Funding**

All costs were met from approved budgets for the year 2007/2008.

**RECOMMENDATION:**

That the 2007/2008 annual report for the Sister City Program be received.

**ATTACHMENTS:**

**AT - 1** Sister City Program Policy

**AT - 2** Hawkesbury Sister City Association - Financial Statement to 30 June 2008.

**AT - 3** Hawkesbury Sister City Association - President's Report present at AGM on 10 November 2008.

**AT - 1 Sister City Program Policy**

**Hawkesbury City Council**

**Sister City Program Policy**

Hawkesbury City Council in implementing its Corporate Plans undertakes a Sister City Program, to develop networks of communication between the cities of the world through understanding and friendship and the International Sister City Movement.

That Council pursue its Sister City Program with its existing two sister cities being Temple City, California (USA) and Kyotamba, Kyoto (Japan), and any other sister city partnerships from time to time as adopted by Council:

- (a) in accordance with a Sister City Agreement with each sister city (supported by Exchange Action Plans); and
- (b) in accordance with an executed Sponsorship Agreement with the Hawkesbury Sister City Association, as required by Council's Sponsorship Policy (adopted 13 March 2007).

That the Sister City Program include provision for culture, sport and youth exchanges, and:

- a) A Hawkesbury Sister City Association - Contribution. That Council make annual funds available to the Hawkesbury Sister City Association (established 1983) to undertake certain Sister City Program activities on behalf of Council, including student exchange and adult exchange activities.
- b) A Student Exchange activity - Contribution. That Hawkesbury high school students, who are residents or attend school in Hawkesbury City and participating in an annual exchange visit to Temple City or Kyotamba be given \$500 towards expenses. Maximum 12 students per year (up to \$6,000), being up to six students visiting Temple City and up to six students visiting Kyotamba. Selection process by Hawkesbury Sister City Association.



**ORDINARY MEETING**

**Meeting Date: 9 December 2008**

**AT - 2 Hawkesbury Sister City Association - Financial Statement to 30 June 2008.**

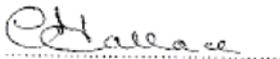
**Hawkesbury Community Sister City Committee**

Statement of Financial Position

as at 30 June 2008

	30-Jun-08	30-Jun-07
<b><u>Accumulated Funds</u></b>		
Balance as at 1 July 2007	4,586.56	5,782.57
Add Net Surplus/ Deficit	8270.08	-847.64
Adjustment (GST receivable and 2 unrepresented cheques)		-348.37
Accumulated Funds as at 30 June 2008	<u>12,856.64</u>	<u>4,586.56</u>
 <b><u>Represented by:</u></b>		
<b><u>Current Assets</u></b>		
CBA Account 2622 0090 4644 less any unrepresented cheques	12,856.64	4,586.56
 <b><u>Non Current Assets</u></b>		
Equipment	1,778.14	1,778.14
Less accumulated depreciation	-1,778.14	-1,778.14
 Total	<u>12,856.64</u>	<u>4,586.56</u>

We certify that the above Financial Statements of the Hawkesbury Community Sister City Committee present a true and fair view of its financial position.



Chairperson



Treasurer

I have checked the accounting records of the Hawkesbury Community Sister City Committee, and based on the information provided, the receipts and payments reconcile to the Bank Statements as at the balance date noted above.

  
(Auditor)

**ORDINARY MEETING****Meeting Date: 9 December 2008****Hawkesbury Community Sister City Committee**

Statement of Financial Performance

For the Year Ended 30 June 2008

	<u>30-Jun-08</u>	<u>30-Jun-07</u>
<b><u>Income</u></b>		
Contribution from HCC	15,240.00	15,000.00
Interest	17.38	30.64
GST Refund	88.00	-
American Delegation	4,738.00	-
Subscriptions	59.40	-
Westbus Refund - Student Passes	90.00	-
Catering Refund	200.00	-
Total	20,432.78	15,030.64
<b><u>Less Expenditure</u></b>		
Travel	1,308.70	1,642.51
Food	2,710.47	4,390.65
Donations and Subscriptions	824.00	2,300.00
Contributions to Students	1,340.54	1,302.13
Event Entertainment	1,122.44	1,615.27
Fuel, Tolls, Mileage and Parking	430.45	1,208.59
Phone, Fax, Postage and Stationery	522.32	439.85
Accommodation	1,399.00	918.06
Advertising and Photos	985.78	594.02
Sundries	1,519.00	1,467.20
Total	12,162.70	15,878.28
<b>Net Result Surplus/ Deficit</b>	<b>8,270.08</b>	<b>-847.64</b>

**ORDINARY MEETING**

**Meeting Date: 9 December 2008**

**Hawkesbury Community Sister City Committee**

Bank Account Reconciliation

as at 30 June 2008

	<u>30-Jun-08</u>	<u>30-Jun-07</u>
<b>Account No. 06 2622 0090 4644</b>		
Opening Balance	4,586.56	5,649.57
<u>Add:</u> Receipts	20,432.78	16,623.14
Sub total	<u>25,019.34</u>	<u>22,272.71</u>
<u>Less:</u> Payments (inc. cheques 643696 and 643700)	12,162.70	17,686.15
Total	<u>12,856.64</u>	<u>4,586.56</u>
Balance per Bank Statement at year end	12,856.64	4,908.55
<u>Less:</u> Unpresented Cheques		
	-	643696 185.00
		643700 136.99
Closing Cash at Bank	<u>12,856.64</u>	<u>4,586.56</u>

**Notes**

Expenditure/ GST (as presented in records of expenditure):

GST	8,034.61	-
Non-GST	4,128.09	-
Total	<u>12,162.70</u>	<u>0</u>

**AT - 3 Hawkesbury Sister City Association - President's Report  
present at AGM on 10 November 2008.**

**Hawkesbury Sister City Association**

**President's Report – November 2007 to November 2008**

I am delighted to be presenting my report on the past 12 months and I am amazed at how quickly the time has gone by.

Personally, my most important objective this year was to gain a greater knowledge of the history of the Hawkesbury Sister City Association and our two sister cities, Temple City in America and Kyotamba in Japan and I would like to extend grateful thanks to the many members who have helped me in this aspect.

In March we honoured outgoing President Jean Peare OAM at an afternoon tea at the Butterfly Farm. This venue has hosted many sister city functions over the years so it was fitting that Jean's afternoon tea be held there plus it accommodated the many people who attended, including the Mayor and a number of Hawkesbury City Councillors. Messages were received from both Temple City and Kyotamba, and our Association Secretary, Mrs Yvonne Whalan who has worked with Jean for many years and is renowned for her dislike of public speaking, made a speech on behalf of the Association. The successful event was well covered in the media and, as well as showing the Association's admiration for Jean, it was also a reflection of the high level of esteem Jean commands within the Hawkesbury community.

The annual student exchange program again proved to be extremely successful, although it was disappointing that only three Hawkesbury students visited Kyotamba and two students from Kyotamba visited the Hawkesbury.

The 2008 Hawkesbury exchange students were –

- Emily Bakowski of Kurrajong
- Jessica Coulter of Kurrajong
- Katrina Howard of Richmond
- James Lang of Kurrajong
- Amy Mares of Oakville
- Madeleine Thorpe of North Richmond
- Blake Milne of Windsor Downs
- Bethany O'Brien of Windsor
- Ian Richardson of Bilpin

A program consisting of six sessions was run to prepare these students for their visits, with a further four sessions on language and culture being held for the students visiting Kyotamba. I would like to extend thanks to Jo Thomas, Carlie O'Neill, Jan Nash and Ashlie O'Neill for assisting with the preparation sessions, and to Noriko Rudyk for running the Japanese language and culture sessions.

This year the Hawkesbury Student visit to Temple City was held in April and the visit to Kyotamba was held in June.

## ORDINARY MEETING

Meeting Date: 9 December 2008

During the Hawkesbury students' visit to Kyotamba, celebrations were held commemorating the 20<sup>th</sup> group of exchange students. During their celebrations Kyotamba conducted a telephone interview with past HSCA President Jean Peare and they also screened a video of Jo Thomas and me giving speeches which had been taped during our visit to Kyotamba earlier in the year.

The reciprocal visit was held in July / August and the students and their host families were –  
From Temple City :

- Vivian Chao hosted by Howard family
- Nick Der hosted by Lang family
- Joshua Lin hosted by Thorpe family
- Aly Mendoza hosted by Mares family
- Alexis Nowak hosted by Bakowski family
- Jennie Wong hosted by Coulter family

And from Kyotamba :

- Takehiro Yamashita hosted by Milne family
- Sera Nomura hosted by O'Brien family

Both the Hawkesbury and visiting students were presented with a certificate at the 12<sup>th</sup> August meeting of Hawkesbury City Council during which a representative of each student group addressed Council. All the students were very impressive with the way they conducted themselves and spoke and were well received by Council.

A big thank you must go to the host families, schools and the many volunteers who assisted with the visit by the Temple City and Kyotamba students and the overall success of the program. The majority of the feedback on the 2008 program was good, but there was one issue of a sensitive and confidential nature that is being managed by the Association Executive

Organisation for the 2009 student exchange program is already underway. Due to the lack of applications for the 2008 program we made some changes to the promotion of the program. Promotional leaflets were produced and sent to the Principal, appropriate teachers and the P & C of high schools attended by Hawkesbury students, and the 2008 students also promoted the program to their peers. Banners were also produced and placed on the Council banner poles. To alleviate sending out application forms and other necessary paperwork, a website – [www.hscg.org.au](http://www.hscg.org.au) – was set up that included the paperwork and could be downloaded by interested students.

Applications for the 2009 have closed and the students have been selected. The visit to Temple City will take place in April and the successful applicants are –

- Luke Simpson of Hawkesbury High School
- Hugh Bonner of St Pauls Grammar
- Sharna Ford of Bede Polding College
- Joel Barrett of Penrith High School
- Gemma Carter of Richmond High School
- Nick Howard of Richmond High School

## ORDINARY MEETING

Meeting Date: 9 December 2008

The visit to Kyotamba will take place in June and the successful applicants are –

- Sterling Thomas of Hawkesbury High School
- Elizabeth Thompson of Bede Polding College
- Rebecca Brown of Colo High School
- Zoe McMillan of Colo High School
- Sally O'Brien of Bede Polding College

Thank you to Sue Fava, Chris Paine, Brian Russell, Jan Nash, Carlie O'Neill and Ashlie O'Neill for participating in the interview process. The initial information session for students and their parents has been held and the preparation sessions will commence in the new year.

Two other visits have been coordinated this year with our sister cities with representatives of Hawkesbury visiting Kyotamba in April and a group representing Temple City visiting Hawkesbury in June/July.

Along with my husband Peter and Association member Jo Thomas I was fortunate to visit Japan and Kyotamba during what is probably the most beautiful time in Japan – Cherry Blossom season.

Upon arrival in Kyotamba our Hawkesbury group were welcomed with a reception at which we had the opportunity to speak with members of the Kyotamba Town Council, members of KIEA, past exchange students and some of the host families who hosted the 2008 Hawkesbury students. Unfortunately the Kyotamba Mayor was unable to attend the reception but we had the opportunity to meet with him at his office and extend greetings from Hawkesbury City.

During our stay in Kyotamba we visited high schools including the schools located outside the original Tamba Town area that are now included in Kyotamba. We were well received by the schools who indicated they were supportive of our student exchange program. We also visited many of the sights visited by our Hawkesbury students which I am sure Jo will agree will make the job of preparing students for their visit and welcoming students from Kyotamba much easier.

On a number of occasions I extended invitations for a visit to Hawkesbury City by a Kyotamba citizens delegation and for a exchange visit by a group with a common interest in areas such as sport, craft or cultural and was advised that a citizens delegation would visit Hawkesbury in either 2009 or 2010.

The Temple City delegation was led by their Association's new President Anita Aemmer so it was a great opportunity for our Association to get to know her and discuss our respective programs. The delegation members had a common thread in that they all worked in education and was also quite a well balanced group being made up of three younger and three older people. A big thank you must go to the host families and volunteers who escorted the delegation on their trips to the Hunter Valley, Canberra, Sydney and around the Hawkesbury region in what was a very successful visit.

## ORDINARY MEETING

Meeting Date: 9 December 2008

Association members and volunteers have again assisted the Merroo Conference Centre by providing participants at social gatherings attended by visiting Japanese groups. Thank you to those who have organised or participated and have again demonstrated the friendliness of the Hawkesbury community.

During the year we have held numerous functions. In addition to the afternoon tea for Jean I mentioned earlier, there have also been welcomes and farewells for various delegations, and also our Christmas party last December. To Yvonne and her husband Eddie, thank you for opening your home to us, and to our Catering Officer Jan Nash, plus Brian Russell, Carlie and Ashlie O'Neill and their mother Jenny who stepped in when Jan was away, thank you for the delicious spreads you have organised. I would also like to acknowledge the many other members have been part of preparing gourmet delights or helping out with the catering, and also setting up and clearing away for the functions.

For some time now we have touched on the subject of "Australian Sister Cities" – the main subject of debate at our meetings being should we or should we not be members of the Australian Association. To aid us in our deliberations of this issue Mr Peter Filmer, a member of the Australian Sister Cities Executive attended our October meeting and spoke about the national association and gave some insight into the programs and management of other sister city organisations in Australia. The next conference is in Tamworth and it may be worthwhile for consideration being given to a representative of our Association attending that conference. From what Peter said about other sister city organisations it was evident that, in comparison, the Hawkesbury Sister City Association is a very efficient and capable volunteer team whose role incorporates work often undertaken by professional staff in other LGA's.

In September local government elections were held which resulted in Cllr Dianne Finch, who has been a Council representative on our Association for a number of years not being re-elected. I would like to extend thanks to Dianne for her efforts over the years. Cllr Christine Paine was re-elected and continues to sit on our Association and she is joined by Cllr Wayne (Bill) Whelan who is serving his first term as a Hawkesbury Councillor. To Christine thank you for your efforts over the past 12 months, both as a representative of Hawkesbury City Council and also as Vice President of the Association, and to Bill welcome and we look forward to working with you.

I would now like to look to the future. From discussions we have had during our meetings; from comments that members have made to me; from the fact we have a newly elected Council; it is probably appropriate for 2009 to be the year of review.

It has already been agreed that once our new Management Committee is elected our executive will meet with representatives of Council, including our two Council representatives. With Council's expansion of cultural assets through the art gallery and new museum, the region's upcoming celebrations in 2010, plus the establishment of domestic city relationships, it is probably timely that there is dialogue on possible future sister activities, and what role our Association may have.

**ORDINARY MEETING**

**Meeting Date: 9 December 2008**

Over the years there have been factors that impact on the programs we run, especially our annual student exchange program. Factors such as the current economic climate, more schools running their own international excursions, the Child Protection Act, feedback from our students and host families, changes to travel conditions, and attracting members to our Association. I therefore recommend that the Association consider setting up a group to review how we manage our various programs. As I mentioned previously, our Association is very competent and I am certainly not advocating we change what we do; I am recommending that we review it and address factors that impact on our programs.

In closing I would like to extend my thanks to Mayor Bart Bassett for his continued support, and I would be grateful if Councillors Paine and Whelan could pass this on to the Mayor.

I would like to thank all the members of the Hawkesbury Sister City Association Management Committee. You are a great team. We have a wealth of talent among our members and a great camaraderie.

While I don't want to mention individuals it would remiss of me not to acknowledge the members of the Executive and I would like to thank my Vice President Christine Paine for her support, Association Secretary Yvonne Whalan for the enormous amount of work she does and the advice and assistance she has given to me so that I could undertake the role of President this year, and to our Treasurer Sue Fava who is so wonderfully efficient.

So all the Hawkesbury Sister City Team – congratulations on a great year and thank you.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 9 December 2008

**CITY PLANNING**

**Item: 255**      **CP - Modification to Development Consent - Clarendon Tavern, Lot 1 DP730903  
S/P 73508, 244 Richmond Road, Clarendon - (DA0341/91, 95498, 82728, 10517)**

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**Development Information**

**Applicant:** Pacific Islands Express Pty Limited  
**Owner:** Pacific Islands Express Pty Limited  
**Stat. Provisions:** Hawkesbury LEP 1989  
**Area:** 8812m<sup>2</sup>  
**Zone:** Mixed Agriculture  
**Advertising:** 30 October 2008 to 13 November 2008  
**Date Received:** 1 September 2008

**Recommendation:** Approval - Trial Period

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**REPORT:**

**Description of Proposal**

The application seeks modification of Condition No. 28 of Development Consent No. DA0341/91 relating to the approved operating hours associated with the premises. Condition No. 28 presently provides the following limitations on the operating hours of the Clarendon Tavern:

28. *Operating hours of the tourist facility being limited to 5am to 12am (midnight), Monday to Saturday, and 10am to 12am (midnight) on Sunday.*

The proposal seeks approval to extend the trading hours associated with the premises to 3:00am on Thursday, Friday and Saturday evenings as follows:

28. *Operating hours of the tourist facility being limited to 5am to 12am (midnight), Monday to Wednesday, 5am to 3am, Thursday to Saturday, and 10am to 12am (midnight) on Sunday.*

The extended trading hours are being sought for the ground floor public bar only and no entertainment is proposed to be provided during the extended hours.

The applicant has provided the following justification for the extension of trading hours:

- *The Clarendon Tavern is the only hotel of its type in Clarendon - there will be no detrimental cumulative impact arising from trading until 3.00am as there are no other hotels in the immediate vicinity;*
- *The proposed extension of the Tavern's trading hours on Thursday to Saturdays will better meet the reasonable needs of and expectations of patrons and provide a more gradual dispersal of patrons from the Tavern;*
- *The extended operating hours will be subject to a 12-month trial period within which the owners and managers of the hotel can demonstrate that they can operate the establishment without adverse amenity impacts;*

## ORDINARY MEETING

Meeting Date: 9 December 2008

- *The extended trading hours at the Clarendon Tavern will be subject to a Management Plan which will minimise the potential for adverse amenity impacts through measures such as:*
  - *preventing patron access to the hotel building on Thursday, Friday and Saturday after 12am (that is, patrons can depart but no new patrons can arrive). This will have the effect of more gradually dispersing patrons from the Tavern over a longer period, as opposed to a mass exodus at one point in time;*
  - *the provision of a courtesy bus on Thursday, Friday and Saturday nights for patrons to utilise upon their departure from the premises; and*
  - *the provision of security staff who will patrol the area around the hotel and along Richmond Road (300m either side of the Tavern)*
- *Compliance with the LAB after midnight noise criteria on the basis that the ground floor public bar is the area used after midnight, ingress and egress is via a door to Richmond Road and there is no entertainment provided.*

### Recommendation

Approval - Trial Period

### Issues Relevant to the Decision - In Point Form

- Noise Impact
- Residential Amenity

### Section 96(2) of the Environmental Planning and Assessment Act 1979

The proposed development is considered to be a modification made pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979. This section provides that the consent authority may modify the consent if:

- (2) *Other modifications: A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
  - (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The development, as modified, remains substantially the same development as that originally granted.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment: The proposal did not require consultation with the Minister, public authority or approval body in respect to any condition imposed by any such authority.

- (c) *it has notified the application in accordance with:*
  - (i) *the regulations, if the regulations so require, or*

## ORDINARY MEETING

Meeting Date: 9 December 2008

- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: The application was notified in accordance with the requirements contained in Hawkesbury Development Control Plan 2002.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: There were eight (8) submissions received in response to the notification of the application. The matters raised in the submissions are detailed in a following section of this report.

### Neighbouring Amenity

The impact on neighbouring amenity associated with extended trading hours revolve primarily around noise disturbance and increased occurrence of anti-social behaviour in the vicinity of the licensed premises. It is noted that the applicant has submitted a proposed management plan that is to be implemented so as to ensure that the operation of the hotel will not unduly diminish the amenity of adjacent property owners/occupiers.

In addition, it is proposed to undertake an evaluation of the extended operating hours through the introduction of a limited trial period to demonstrate that the premises can reasonably operate without significant adverse impact on the amenity of the area. In this regard conditions restricting the extended trading hours to Friday and Saturday evening and for an initial 6 month period have been incorporated in the recommendation.

### Management Plan

A Management Plan (refer Attachment 2) has been prepared by the applicant for the Clarendon Tavern covering the following key management policies:

- Hours of operation of the Hotel
- Responsible service of alcohol
- Patron behaviour and patron control
- Security issues

In addition to the aspects included in the attached Operational Management Plan the following matters are to be addressed to the satisfaction of the Licensing Police and the Director City Planning:

- a) practical measures to protect the amenity of residential properties;
- b) security and crowd control;
- c) drink driving;
- d) larrikin behaviour involving Richmond Road, Racecourse Road and railway line;
- e) noise generally from the entertainment;
- f) usage of outdoor areas associated with the premises;
- g) contact details of security personnel to facilitate investigation of incidents raised by neighbouring property owners/occupiers; and
- h) periodic review of performance

It is considered appropriate to require that the Operational Management Plan constitute a working document and undergo a review after an initial six month trial period. This review shall involve input from relevant stakeholders, including but not limited to neighbouring property owners/occupiers, NSW Police Hawkesbury Local Area Command Licensing Office, hotel owner/licensee and Council.

An appropriate condition has been included in the recommendation in this regard.

## ORDINARY MEETING

Meeting Date: 9 December 2008

### Acoustic Assessment

An acoustic assessment prepared by The Acoustic Group, dated 14 August 2008, was prepared in conjunction with the application for the extension of trading hours of the Clarendon Tavern. This assessment provided the following comments relating to the proposed usage of the public bar area:

*From our inspection of the Tavern and the relatively low ambient background levels at Location 1 & 3, the first floor verandah could not be used after midnight and does not form part of the application.*

*On this basis the ground floor public bar is the area used after midnight, ingress and egress is via the door to Richmond Road and there is no entertainment provided in the Tavern the compliance with the LAB after midnight noise criteria will be achieved.*

The report provided the following conclusion relating to the proposed extension in operating hours:

*Ambient sound level measurements have been carried out to ascertain the background level after midnight at the nearest residential boundaries. The background levels after midnight are lower than before midnight and set the design targets.*

*Provided there is no entertainment after midnight and the extended trading hours are restricted to the ground floor public bar the distance separation from the Tavern to residential boundaries will result in full compliance with the LAB after midnight noise criteria.*

*Accordingly we are able to support the application for extended trading hours.*

Additional acoustic information was requested from the applicant clarifying the anticipated noise impact associated with the usage of the internal and external areas associated with the premises. This additional acoustic assessment was detailed in correspondence dated 1 December 2008 which provided the following conclusion:

*The attached calculations reveal that for the courtyard being used after 1am the number of persons needs to be restricted to a maximum of 10 people and acoustic absorption panels to 40% of the walls is required.*

*Council also requested calculations for the internal usage, which was not considered to be an acoustic issue. The use of the public bar with up to 100 persons with 50% of those persons talking with raised voices complies with the LAB after midnight criteria.*

Given the operational limitations noted in this assessment it is considered appropriate to place these requirements as conditions in the recommendation.

### NSW Police Comments

The application was forwarded to Hawkesbury Local Area Command Licensing Office as part of the consultation process. In response correspondence dated 4 November 2008 was received providing the following comments in conjunction with the proposal:

*In regards to the application a number of concerns would be raised by Hawkesbury Local Area Command. The main concern would be in regards to the increased anti-social behaviour associated with increased trading hours for licensed premises and in this instance the Clarendon Tavern, Clarendon. It is foreseeable that the continual consumption of alcohol past the current 12am (midnight) trading time will impact on the local community with increased reports of malicious damage, assaults and drink driving. I note that the comments in regards to transport are addressed in the attached application however the availability of trains after 2am are almost non-existent in the Hawkesbury and unfortunately the use of "courtesy buses" is not the preferred choice of transport for patrons. I have spoken to neighbour licensees namely the Jolly Frog Hotel and Richmond Club who both concur the use*

## ORDINARY MEETING

Meeting Date: 9 December 2008

*of their courtesy buses is minimal. I have had conversations with residents of the Tavern over the previous days who are concerned about the impact of such an extension on their own personal lives. The operating hours of licensing premises after midnight has become magnified in recent times both through the media and within the Police.*

*It is apparent and my belief that the extended operation is unjustified and not in the best interest of the community with or without the focus on public transport.*

The applicant has detailed that the Tavern will operate a courtesy bus on Thursday to Saturday nights. Security staff are proposed to direct patrons to the courtesy bus, taxis or private vehicles in order to minimise the opportunity for anti social behaviour in the area. Additionally, it is provided that the introduction of a lock-out period after 12 midnight will have the effect of providing a gradual dispersal of patrons from the premises.

### Transportation

The availability of public transportation to the site is limited during the period in which the extended hours are being sought. It is noted that the subject site is situated adjacent to Clarendon Railway Station however the last services that depart from Clarendon on weekdays and weekends are detailed as follows:

#### Weekdays

12.03am to Blacktown  
12.34am to Richmond

#### Weekends

12.23am to Blacktown  
12.54am to Richmond

Given the limited availability of public transportation and the remote location of the site the applicant has detailed the provision of a courtesy bus to transport patrons from the premises. Details relating to the operation of the courtesy bus have been included in the Operational Management Plan submitted in conjunction with the application.

In order to facilitate patrons leaving the area and controlling the incidence of drink driving an updated transportation strategy developed in conjunction with the Management Plan is required to be prepared and is to be implemented dealing with a courtesy bus, taxi and train availability, timetables and provision of information relating to services for patrons.

### Notification

The application was notified in accordance with the requirements of Hawkesbury Development Control Plan. Eight (8) submissions were received by Council raising objection to the proposal with the matters raised being detailed as follows:

- 1. On previous occasions when the Tavern was operating with extended hours there was an associated increase in anti-social behaviour.**

Comment: It is noted that there has been a change of management of the Tavern since the period in which it was trading outside of its approved operating hours. The applicant has provided that it will introduce a lock out period after 12 midnight to control the number of patrons attending the premises from other venues so as to control the incidence of anti-social behaviour. In addition, a revised Operational Plan of Management has been developed for the site to assist in this regard.

- 2. Concern relating to associated risk of damage to property and welfare of public.**

## ORDINARY MEETING

Meeting Date: 9 December 2008

Comment: The applicant has provided that it is proposed to employ security staff to undertake patrols along Richmond Road 300 metres either side of the of the Tavern. It is considered that regular patrols of the neighbouring area would assist in minimising the highlighted risk.

### 3. Band noise impact on properties a significant distance from the Tavern.

Comment: The details submitted with the application provide that it is not proposed to have entertainment extend beyond 12 midnight. An appropriate condition has been included in the recommendation restricting entertainment, live or amplified music beyond 12 midnight.

### 4. Noise impact associated with patrons congregating outside the Tavern and within the associated beer garden.

Comment: Appropriate conditions have been included in the recommendation restricting use of the outdoor areas of the tavern.

### 5. Patrons departing from the tavern are unable to be adequately controlled resulting in burnouts, revving of engines and loud exhaust nuisance.

Comment: It is noted that the control of such behaviour is difficult, however, it is proposed to allow a trial period to be undertaken so as to more accurately gauge the proposal's impact upon the amenity of the adjacent area. Following such a review a further application will be required to continue the extended hours associated with the premises.

### 6. Increase in alcohol related crime in the area.

Comment: It is noted that the applicant has provided that the area will be monitored by security personnel associated with the tavern. It is considered that the implementation of an appropriate security management plan will minimise the potential for such behaviour in the area.

### 7. Safety of patrons given the proximity of main arterial road.

Comment: It is recommended that a revised Operational Management Plan be developed addressing this concern in consultation with the Licensing Police and the Director City Planning.

### 8. Additional burden on police resources.

Comment: As detailed in the main body of this report the proprietor of the hotel proposes to provide private security guards for the purpose of ensuring adequate levels of safety and security associated with the use of the site. In this regard appropriate conditions have been included in the recommendation to ensure appropriate levels of security are provided to ensure the above requirement is satisfied. In addition, it is noted that the hotelier's license applicable to the subject site also contains specific provisions relating to the operation of the premises.

## 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.

The applicant has detailed their willingness to accept a trial period to allow the impacts of the extension of trading hours to be evaluated which is consistent with the judgement of the Court of Appeal in the matter of Tzang v Canterbury Council whereby the Chief Justice stated:

*The incompatible between the imposition of a condition limiting a proposed use to a probationary or trial period, and the statutory requirement the decision maker take into account both the likely impact of the development and the suitability of the site for the development. It is possible to take into consideration matters, even though their full*

## ORDINARY MEETING

Meeting Date: 9 December 2008

*significance cannot be known with precision and therefore a trial period is considered appropriate.*

Concerns of neighbouring property owners have been considered and as detailed previously in this report it is noted that the management of the tavern has changed since the period in which it was operating beyond its approved hours of operation. Given the concerns raised it is considered reasonable to allow a six (6) month trial period in order to determine the impact of the extension of trading hours to neighbouring residential properties. The extended hours are to be limited to Friday and Saturday nights only. Upon expiration of this period a further application will be required in order to enable these hours to continue.

### 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 Consent No. D0341/91 for the Extension of Trading Hours of the Clarendon Tavern at Lot 1 DP 730903 S/P 73508, 244 Richmond Road Clarendon be modified as follows:

1. Condition No. 28 being modified as follows:

28. (a) *The hours of operation of the premises are to be restricted as follows:*

*5.00am to Midnight Monday through to Thursday*

*5.00am to 3.00am Friday and Saturday*

*10.00am to Midnight Sunday*

*Upon expiration of the permitted hours, all service shall immediately cease, no person shall be permitted entry and all patrons on the premises shall be required to leave within the following 15 minutes.*

(b) *Notwithstanding (a) above, all service shall cease 15 minutes prior to closing time.*

(c) *The hours of operation detailed in (a) and (b) above are for a trial period of six (6) months from the date of this modified consent notice. A Section 96 application will be required to be submitted to Council prior to the expiration of the six (6) month period for the continuation of the hours detailed above.*

2. Addition of the following conditions:

34. The maximum patronage of the tavern, exclusive of staff shall not exceed the following:

5.00am to Midnight: 250 persons

Midnight to 3.00am: 100 persons

35. No new patrons are to be given entry to the premises from midnight onwards other than patrons of the premises seeking to re-enter from the designated outdoor smoking area.

36. Security staff are to ensure that patrons of the premises do not loiter or linger in the area and do not cause noise or other nuisance in the immediate area including car parking areas and adjacent businesses to the site.

## ORDINARY MEETING

Meeting Date: 9 December 2008

37. Security staff are to be provided to control patron behaviour within the premises, access to the premises and within the vicinity of the site. An appropriate number of security staff are to be provided to ensure compliance with the security conditions.
38. All bottles and other waste material left by patrons outside the premises are to be removed daily.
39. An amended "Operational Plan of Management" is to be prepared to the satisfaction of Licensing Police and the Director City Planning. This plan is to include, but not be limited to, the following additional requirements:
  - (i) Implementation of practical measures to protect the amenity of residential properties in the immediate vicinity, in particular addressing the potential for after hours disturbance by patrons arriving or departing.
  - (ii) Security and crowd control within the vicinity of the tavern and the method of implementation of the exclusion policy for new patrons from 12 midnight onwards.
  - (iii) Measures to facilitate patrons leaving the area, measures to control the incidence of drink driving and transportation plan developed for the site dealing with courtesy bus, taxi and train availability, timetables and provision of information relating to services for patrons.
  - (iv) Control of behaviour and safety of patrons involving adjacent roadways and railway line.
  - (v) Measures to control noise generally and from entertainment provided in conjunction with the operation of the tavern.
  - (vi) Control and usage of outdoor areas associated with the premises.
  - (vii) Provision of direct contact details of security personnel to facilitate investigation of incidents raised by neighboring property owners/occupiers.
  - (viii) In addition, this Plan is to provide for the periodic review of performance plus directions to achieve improved levels of compliance where necessary by neighbouring property owners/occupiers, NSW Police Hawkesbury Local Area Command Licensing Office and Hawkesbury City Council.
40. A courtesy bus is to be provided and be made available to patrons at no charge so as to facilitate their departure from the site.
41. Compliance with all the requirements of the acoustic reports prepared by *The Acoustic Group* Reference Number 38.4730:R1:ZSC dated 14 August 2008 and report Reference Number 38.4730.L2:ZSC dated 1 December 2008.
42. Provision of acoustic absorption panels to the semi-enclosed external smoking area to 40% of the internal walls. These panels need to be 50mm thick fibreglass building blanket (35 kg/m<sup>2</sup>) faced with perforated metal, or timber. An acoustic assessment is required to be conducted upon installation to confirm compliance with the appropriate noise criteria. Should the assessment indicate that noise levels exceed the criteria further acoustic works are to be carried out to the satisfaction of Hawkesbury City Council so as to achieve the stated requirement. Hawkesbury City Council is to be notified 48 hours prior to the acoustic assessment.
43. The external semi-enclosed smoking area is to comply with the restrictions and requirements of the Smoke Free Environment Act 2000 and the Smoke Free Environment Regulations 2007.

## ORDINARY MEETING

Meeting Date: 9 December 2008

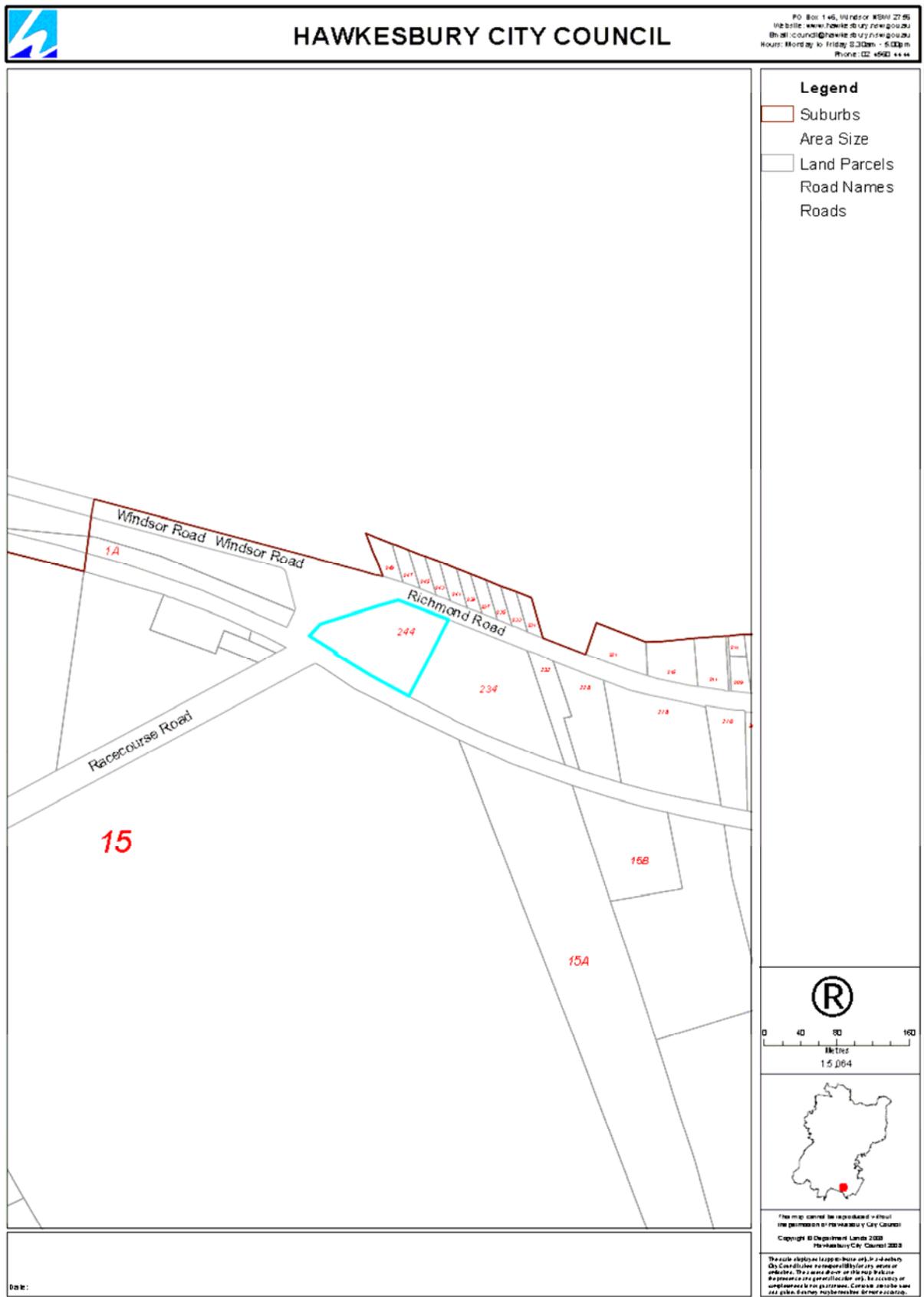
44. A maximum of ten (10) persons at any given time shall be permitted to be within the external semi-enclosed smoking courtyard area between the hours of 12am to 3am. No drinking is to occur in this area between the hours nominated above.
45. Noise testing by a suitably qualified acoustic consultant is required to be conducted at Locations 1, 2 & 3 (locations identified in acoustic report Reference Number 38.4730:R1:ZSC dated 14 August 2008), or other locations as determined by the consultant or Hawkesbury City Council at three months and six months from the date of approval. The acoustic report is to be submitted to Hawkesbury City Council upon completion. Hawkesbury City Council is to be notified 48 hours prior to the acoustic assessment.
46. The acoustic consultant is to make recommendations where the NSW Liquor Administration Board noise criteria or the offensive noise criteria (as defined by the POEO Act) where appropriate are contravened. The acoustic report with any recommendations is to be provided to Hawkesbury City Council for any comments prior to any rectification works commencing.
47. The extended trading hours are to be restricted to the ground floor public bar area only. Patrons are to be excluded from the other areas excluding the semi-enclosed external smoking courtyard. Doors, windows and other openings (including the airlock to the smoking area) are to be kept closed except when patrons are leaving the ground floor public bar.
48. No entertainment is to occur between the hours of 12am to 3am. The applicant is to liaise with the acoustic consultant to determine suitable levels of amplified music to be contained within the premises and these levels are not to exceed the NSW Liquor Administration Board (LAB) noise criteria.
49. No speakers or PA systems are to be used in any external areas between the hours of 12am to 3am, excluding emergencies.
50. No amplified music or entertainment shall be provided in any external areas associated with the premises. This is inclusive of the semi-enclosed smoking area.
51. Compliance is required in regard to the NSW Liquor Administration Board (LAB) noise criteria. The post midnight criteria is to be complied with. The operation of the licensed premises is not to exceed the background noise levels at any residential boundary between the hours of 12am to 3am.
52. The noise readings are to be measured at any point in accordance with the New South Wales Environment Protection Authority Industrial Noise Source Policy 2000. The readings are additionally to comply with Australian Standard AS1055.2 Acoustics - *Description of measurement of environmental noise*.
53. Generators, sound generating equipment, noise from the semi-enclosed external smoking area (where no drinking occurs) should be constructed, maintained and managed so that the  $LA_{eq, (15min)}$  noise levels, measured at any point in accordance with the New South Wales Environment Protection Authority Industrial Noise Source Policy 2000, do not exceed 5dB  $LA_{eq, (15min)}$  above background levels with respect to noise amenity of residential dwellings and associated outdoor areas, where the NSW Liquor Administration Board noise criteria does not comply.

### ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Management Plan

**AT - 1 Locality Plan**



ORDINARY MEETING

Meeting Date: 9 December 2008

AT - 2 Management Plan

MANAGEMENT PLAN

FOR:

CLARENDON TAVERN

244 RICHMOND ROAD

CLARENDON 2756

LICENCE No: 109547

This and the following *6* page(s) is the  
Annexure marked *B* in the Affidavit  
of *David William de Klerk*  
sworn before me on *20/12/2008*  
*[Signature]*  
Justice for the Peace/Practising Solicitor

## ORDINARY MEETING

Meeting Date: 9 December 2008

### 1.0 Introduction

This document sets out the methods by which the Hotel Management dose & will address potential issues which may be of concern to neighbours of the Hotel, the Police and the owners of the Hotel.

The key aspects of the Management Plan relate to:

- \* The hours of operation of the Hotel.
- \* Responsible Service of Alcohol.
- \* Patron behaviour and patron control.
- \* Security issues.

### 2.0 Hours of Trading

*Q* The Hotel <sup>is to be</sup> authorised to trade:

- (a) Monday through to Wednesday 5.00am - 12.00am
- (b) Thursday 5.00am - 3.00am
- (c) Friday 5.00am - 3.00am
- (d) Saturday 5.00am - 3.00am
- (e) Sunday 10.00am - 10.00pm

- No entertainment on Thursday, Friday or Saturday is to extend past 12am.

### 3.0 Key Management Policies

#### 3.1 Responsible Service of Alcohol

It is the Management policy, in addition to being a condition of the Liquor Licence that all laws are complied with, in particular with regard to the sale/consumption of alcohol on the premises. It dose & will be the Management's responsibility to educate the staff in order to help ensure the safety of customers. The Management's primary response is for the safety and well being of all the customers. Equally important is the protection of staff and Management. The law holds the server/bartender and the Manager on duty responsible for not serving alcohol to intoxicated persons and minors. Management and staff are responsible for adhering to all the policies on alcoholic beverage service. Prior to any staff member serving alcoholic beverages, they must undergo and complete a Responsible Service of Alcohol Course approved by the Authority (NSW Liquor Administration Board).

## ORDINARY MEETING

Meeting Date: 9 December 2008

### 3.2 Identification Policy

A strict identification policy dose & will be enforced to ensure that proper, valid identification of age is presented upon request before patrons are allowed to enter the premises. Minors may enter to attend the Bistro & Beer Garden area only if accompanied and in the immediate presence of a parent or guardian. No children will be permitted to the gaming area which is screened from view.

The Management dose & will only accept the following as forms of identification:

- \* A valid driver's licence with a photo; or
- \* A valid passport with photo; or
- \* A valid proof of age card with photo.

### 3.3 Gambling

The Management dose & will focus on the following measures and strategies in relation to gambling:

- \* Management and security personnel dose & will be vigilant to make sure there is no underage gambling on the premises.
- \* Brochures are & will be available to provide information about gambling responsibility and contact phone numbers available for problem gambling.
- \* Signs are & will be displayed advising the unavailability of credit.
  - Signs are & will be displayed advising of the availability of problem gambling counselling services.
  - Links are & will be established with community organisations in the area such as problem gambling and other counselling services, health centres, local doctors, hospitals, local councils, legal centres and welfare organisations.
- \* All signage required to be placed on or in the immediate vicinity of any gaming machine in the premises are & will be so placed. Management dose & will regularly (weekly) conduct an audit to ensure such signage remains posted as required,

### 4.0 Security & Safety

#### 4.1 Code of Conduct for Security Personnel

(a) All Security Personnel dose & will:

## ORDINARY MEETING

Meeting Date: 9 December 2008

- All staff and security personnel dose & will ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the area.
- Report to Police any drinking or antisocial behaviour of persons in the area (be they by patrons or other parties) in particular in the Alcohol Free Zones immediately surrounding the Hotel premises.
- All employed security officers are to have completed an approved course in the Responsible Service of Alcohol.
- All employed security officers are to perform security duties only and are not to be employed or used for other duties at the hotel.

### 4.2b Extended Trading

- On days when the Hotel trades through to extended trading hours the following will be complied with:  
From 9.00pm until 3.30am on the following morning;
- 1 or 2 Security dose & will patrol the area of the Hotel, including the car park of the Hotel to ensure that patrons do not loiter or linger in the area or cause nuisance or an annoyance to the neighbourhood.
- 1 or 2 Security dose & will regularly (at least every hour) patrol along Richmond Road 300 metres either side of the Hotel
- 1 or 2 Security dose & will be situated on the doors giving access to the Hotel.
- Notwithstanding the above a minimum of 1 licensed uniformed security guard dose & will be at each entry or exit point during the extended trading hours from 12am.
- On Thursday, Friday or Saturday nights when extended trading hours are used a minimum of 2 licensed uniformed security guards dose & will be employed at the premises from 9.00pm until 3.30am or until the last patrons have left the area (whichever is the earlier).

### 4.3 Door Policy/Dress Code

The Management shall direct Security to refuse entry if guests:

- \* Do not meet the dress code requirements; and/or
- Exhibit signs of intoxication; and/or
- Behave in a quarrelsome or unruly manner

Guests must at a minimum be dressed in smart or casual attire, wearing suitable footwear having regard to the locality of the Hotel.

## ORDINARY MEETING

Meeting Date: 9 December 2008

No guests will be allowed access (except from designated smoking areas) to the Hotel building on Thursday, Friday or Saturday after 12am.

#### 4.4 Occupancy/Capacity

Management does & will ensure that security personnel monitor and maintain occupancy/capacity levels in the premises in accordance with their approved capacity of the Hotel, namely 375 persons in the whole of the Hotel building.

#### 5.0 Operational Procedures

##### 5.1 Incident Report

Management or security shall record in the "Incident Book" details of any matters upon which security has reported. Security or Management shall note in the incident report book:

- 1) the date and time of any incident
- 2) the details of the incident
- 3) action taken including the name and status of the person or persons notified of the incident and the time notified
- 4) The outcome of any action.

For the purposes of this section of the Management Plan, an incident shall be taken to include any matter involving intoxication, unruly behaviour in or about the premises or where physical contact has been required to evict a patron from the premises or refuse entry to the premises.

##### 5.2 Registering of Complaints

The Hotel shall make known to any complainants the Hotel phone number.

Any complaints received must be directed to the Manager on duty who must upon receipt of such complaint;

- a) Enter same into the Complaints Log to be kept at the Hotel;
- b) Investigate the complaint and take action to alleviate any disturbance to the quiet and good order of the neighbourhood if necessary;
- c) Record details of what action has been taken;
- d) Ensure that the complainant is spoken to the next day to determine that action taken to successfully resolve the matter complained of.

#### 6.0 Bus Service

**ORDINARY MEETING**

**Meeting Date: 9 December 2008**

The Hotel shall provide a bus service on Thursday, Friday & Saturday nights for patrons to utilise upon their departure from the premises. The route of that bus service will be displayed inside the entrance to the premises. Announcements will be made from 12.00am to close of business that the bus service is available and the times that it will be leaving. Security is to register the names of any patrons wishing to utilise the bus service and advise such patrons when the bus service is leaving. Security dose & will ensure that patrons waiting for the bus remain inside the premises. Security will use their best endeavours to ensure that those patrons waiting for the bus service are notified that the bus is leaving at least 5 mins prior to its departure.

The Bus Driver remains in contact with Security and shall advise security when he/she they are returning to the Hotel.

**7.0 Signage Board**

The Licensee will erect a signage board, at the entrance of the Hotel, which shall include the Departmental policy posters for the Responsible Service of Alcohol and Proof of Age poster. That signage board will also have clearly written on it that no glasses are to be taken from the premises together with a request that patrons leave quietly. The signage posted will advise of the availability of the Hotel bus service including the route the bus service takes and the expected departure times from the Hotel as well as the capacity of the bus.

Signed .....  
.....  
Licensee Pacific Islands Express Pty  
Limited

oooO END OF REPORT Oooo

**Item: 258** CP - Hawkesbury Employment Lands Strategy 2008 - (95498)

**Previous Item:** 257, Ordinary (24 October 2006)

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**REPORT:**

**Background**

Council at its meeting of 24 October 2006 considered a report in relation to the Hawkesbury Employment Lands Strategy. At this meeting Council resolved, in part as follows:

*"That subject to the General Manager confirming probity issues involved in the matter:*

1. *Council advise Buildev Group that it is prepared to accept its offer to carry out a study of suitable employment lands in the Local Government Area subject to the Buildev Group entering into a Deed of Agreement with Council to fund a review of this study once it is finished."*

It was subsequently considered that rather than the Buildev Group actually undertaking the study for review by Council it would be more appropriate for Council to commission the consultant and have full carriage of the study, with the funding of the study sourced from Buildev, in a similar fashion to the last consultant's report undertaken in respect of subsequent Pitt Town rezoning proposals.

The draft Hawkesbury Employment Lands Strategy was reported to Council on 26 August 2008 with a recommendation that the draft be placed on public exhibition. The resolution from that meeting was as follows:

*That the Draft Hawkesbury Employment Lands Strategy:*

1. *Be placed on public exhibition for a minimum of 28 days and relevant industry groups be advised of the exhibition period and be invited to submit comments during that period.*
2. *Any issues raised in submissions received during public exhibition be workshopped with the new Council prior to the finalisation of the Strategy.*

The draft Strategy was placed on public exhibition for a period of 28 days ending on 10 October. Several requests for additional time were received and those requests were granted. During the exhibition a total of ten (10) submissions were received. The issues raised in the submissions and the planning responses are detailed in this report.

**Project Control and Supervision of Consultant**

The project was managed by Council's Senior Strategic Planner with supervision by Council's Director City Planning. A Deed of Agreement was drafted and signed by both parties prior to commencement of the study. This Deed set out the responsibilities of each party and the timing of the various steps in the process. The brief for the study was written by Council staff.

Council staff invited quotations for the study from suitably qualified consultants and, after assessing the quotations and submissions, appointed SGS Economics & Planning to undertake the work. SGS were appointed due to their experience in the preparation of Employment studies; provided a suitable response to the project brief, and had also undertaken a significant amount of economic work in Sydney and western Sydney for the Department of Planning. Buildev were advised of this appointment and raised no objection and Council was the only party with direct access to SGS.

## ORDINARY MEETING

Meeting Date: 9 December 2008

Upon completion of the draft Strategy by SGS a copy was forwarded to Council staff for checking. This draft was checked only by Council's Senior Strategic Planner and Director of City Planning and was not provided to any other parties until the draft was reported to Council on 26 August 2008.

The purpose of the study/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 requested deliverables of the Study included:

- 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.
- Provision for a review of submissions received during the public exhibition of the draft report.

It is considered that the submitted draft strategy has satisfactorily addressed the above requirements.

The findings and recommendations of the draft Strategy were reported to Council on 26 August 2008 prior to public exhibition and the submissions and resultant changes have been discussed with Council at a separate briefing session on 2 December 2008. The following report will summarise the issues raised in submissions, outline the changes made to the recommendations following assessment of the submissions and outline the principle findings and recommendations of the Strategy.

### **Consideration of Submissions received during Public Exhibition**

During the exhibition of the draft Hawkesbury Employment Lands Strategy a total of ten (10) submissions were received. The following is a summary of each submission and comments on the issues. A review of the submissions by SGS was also undertaken and the response from SGS is attached to this report.

#### **Glenys Gilling**

1. *Strategy is centred on High St retail and industrial land but has "ignored rural zoned land for non residential use such as tourist facilities and associated agricultural and rural land based uses."*
2. *Planning controls should encourage investment in rural employment activities, eg, permit Community Title subdivision for tourist related and non residential developments.*

#### **Comments**

This submission related to a perceived lack of consideration of non-residential uses on Rural Zoned Land, particularly in relation to Tourism, agriculture and other non-residential uses.

The brief for the Employment Lands Strategy set the limits of *Analysis of the existing supply of employment (industrial, commercial, retail) land* for the preparation of the draft strategy. This limit was placed on the study in order to direct the limited resource available to focus on the primary land requirements for employment in the vicinity of the bulk of the population in the southern parts of the Hawkesbury.

The Employment Land Strategy has recommended (*Strategy 6*) "*Investigate the nature of employment activities on non-employment zoned lands and their contribution to agriculture and tourism sectors*". This strategy is recommended due to the finding from the economic analysis that there are a significant number of jobs (approximately 40%) located outside the industrial/commercial zoned land in the southern area of the LGA. This includes tourism, agricultural and home business activities. In order to get a better

## ORDINARY MEETING

Meeting Date: 9 December 2008

understanding of the extent, makeup and needs of these employment activities, further targeted study will be required and is recommended in the Strategy.

### **Montgomery Planning Solutions on behalf of Winten Property Group (Cnr George St & Richmond Road, South Windsor)**

1. *Refers to land on corner Blacktown Rd & George St, South Windsor.*
2. *Statements in draft Strategy support the Winten proposal for rezoning.*
3. *Strategy does not address this site specifically.*
4. *Does not mention the Council resolution of 29 May 2008 regarding this site.*
5. *Strategy should mention gateway design principles.*
6. *Strategy should recommend appropriate zone for site*

#### **Comments**

This submission was made essentially supporting the inclusion of the subject land in the Employment Lands Strategy. The draft Strategy has included the land on the corner of Blacktown Road and George Street, South Windsor as a possible development treatment for gateway areas (Proposed Strategy 8). This strategy action suggests low impact visitor or tourist uses that would be in keeping with the character and that would complement the surrounding area. The principle recommendation in relation to this site in the draft Strategy is that significant retailing from the site is not recommended.

Council at the meeting of 25 November 2008 considered a report and resolved to create a SP3 Tourist zone in the Hawkesbury LEP, with only limited retail uses permitted, and to commence the process to rezone this site to that SP3 zone.

### **Montgomery Planning Solutions on behalf of Buildev Pty Ltd (Clarendon)**

1. *Supports Strategy 4 – High amenity office and business development at Clarendon.*
2. *General discussion re dwelling approvals and how these have dropped.*
3. *Statement – “Hawkesbury will not achieve population growth, and therefore employment growth, without rezoning additional land for housing.”*
4. *Comments on employment containment*
5. *Role of Agriculture – comments further work needed to determine employment in growing separated from processing. Also, identify suitable and viable agricultural land for protection.*
6. *Resolution to rezone Clarendon site should be brought forward (immediate)*
7. *Rezoning process should include integrated design approach to site.*
8. *South of river suitable for employment (flood affected) whilst north of river for residential (flood free)*

#### **Comments**

This submission was submitted to support the recommended strategic action number 4 being – *“Capitalise on the LGA’s strategic assets and provide high quality jobs by considering the future of land at Clarendon for a high amenity office and business development”*. This strategic action is included in the Strategy with some discussion relating to preserving and planning this location for a “Business Park” style development in accordance with the draft Northwest Subregional Strategy of the Department of Planning. The key comments in the draft Employment Lands Strategy are the following:

*“Development of a business park at this location may take many years. An early planning exercise is necessary but a long term development perspective should be adopted. To preserve the long term prospects a minimum lot size of 2 ha should be established in the planning controls.”*

In this regard the suggestion in the submission that a “resolution to rezone Clarendon site” should be made immediately is not supported. Despite this, following finalisation and adoption of the Employment Lands Strategy, Council should consider a report on this matter to determine a position and approach for dealing with the future of this strategic site.

This submission has also made several comments on residential development that are not directly relevant to the exhibition of the draft Employment Lands Strategy. However, the issue of residential strategies have been the subject of previous Council reports and the brief for the preparation of a residential strategy is currently being drafted.

#### Montgomery Planning Solutions on behalf of South Windsor landowner - Willoughby

1. *Argue to include the land on western side of George St from Blacktown Rd to Colonial Dr, Bligh Park.*
2. *Suggests addition to Strategy 8 to include that area. Proposed wording:  
"At South Windsor, visitors to the LGA from the M7 and Blacktown Road drive along George Street when heading towards Windsor. The amenity of this corridor is poor, in particular the section along the western side of George Street, between the Baptist Church and Colonial Drive, with its assortment of retail, industrial and commercial uses. A boulevard treatment would also be appropriate here, with some higher amenity highway activities."*

#### Comments

This submission requests the inclusion of the subject land in the Employment Lands Strategy. A number of the submissions received requested that their land be included in the Strategy. The key finding of "there is no immediate shortage of industrial or business zoned land in the Hawkesbury LGA" should be kept in mind when considering requests for inclusion of certain lands in the Employment Lands Strategy. This is not to say that all requests should be discarded, but rather any requests should be considered in context of the surroundings, the nature of the land and the timing of release, if at all, of the land for employment uses.

The Employment Lands Strategy has included a strategic action to "Investigate the nature of employment activities on non-employment zoned lands and their contribution to agriculture and tourism sectors." The land suggested in the submission should be considered in this further investigation and in the future investigations undertaken for the residential strategy in order to determine the most appropriate uses and zone for this land as there may be a case for changing the zoning of this land. However, the consideration or rezoning of this land is not supported in the short to medium term.

#### Montgomery Planning Solutions on behalf of the Tolson Group

1. *Supports Strategy 6 – Investigate the nature of employment activities on non-employment zoned lands and their contribution to agriculture and tourism sectors.*
2. *General background on Mushroom Industry provided.*
3. *Request to Council:*
  - a. *Mushroom industry be recognised as an "Employment Precinct" (Industry in general rather than one location),*
  - b. *Draft LEP Amendment No. 148 be expedited,*
  - c. *Implement recommended Strategy 6 as a priority.*

#### Comments

This submission requests the inclusion of the subject land in the Employment Lands Strategy. Whilst this is similar to the above request, the specific site referred to in the submission, the Tolson mushroom compost facility, is currently the subject of a draft LEP (LEP Amendment No.148). In relation to the issues raised in the submission the following comments are made:

- Support for the strategic action No.6 is noted.
- The general background information supplied in the submission has been noted and some of the information has now been included in the Employment Lands Strategy as background regarding the contribution of agricultural production to the local and regional economy. This may assist with the future investigation work recommended by the Strategy. The inclusion of the background information on the mushroom industry is recognition of the industry in general.

## ORDINARY MEETING

Meeting Date: 9 December 2008

- Draft Amendment No.148 has been the subject of several discussions with the Department of Planning and it has been agreed by the Department that this amending LEP is to be included in the conversion of the Hawkesbury LEP to the Standard Template LEP.
- It is recommended that the timing for strategic action No.6, short term (within 3 years), be retained.

### T Lonsdale

1. *Encourage redevelopment of land around Windsor Station, particularly 5 Brabyn Street.*
2. *Support the development of mixed use development at 5 Brabyn St.*
3. *Does not agree with the designation of 'Bulky Goods' on the site.*
4. *Land at 48 Rifle Range Road should be designated for commercial/retail.*

### Comments

This submission relates to two separate properties owned by the respondent. In relation to the land at 5 Brabyn Street, Windsor, the draft Strategy proposed that this site be considered, as part of investigation of land surrounding Windsor Station, for "possible bulky goods site". After consideration of the submission this proposal was reviewed by SGS and Council staff. The Employment Land Strategy has now removed the suggestion of bulky goods use on this site due to the existing supply of land permitting that use and constrained access in the vicinity of Windsor Station.

The submission also made various suggestions that the site at 5 Brabyn Street would be best for a higher density residential use. These issues of residential density are not relevant to the current consideration of the Employment Lands Strategy. However, the issue of residential density will be included for consideration in the preparation of a residential strategy.

The submission also suggested that the site at 48 Rifle Range Road should be designated for commercial or retail use. Again in this regard the key finding of "*there is no immediate shortage of industrial or business zoned land in the Hawkesbury LGA*" should be kept in mind when considering this request. The issue of need for commercial or retail land in this vicinity cannot be justified at this time. However, once the issues of residential densities and potential have been resolved the matter of the need for further commercial or retail land in this area can be further considered.

### **Daniel McNamara Planning Solutions (DMPS) on behalf of Vineyard Landholders Group**

1. *Essentially puts case forward for including land at Vineyard, between Level Crossing Road & Bandon Road (South-west of railway) as employment land.*
2. *Take advantage of servicing upgrades from Riverstone,*
3. *Flood free,*
4. *Good access to rail and road.*

### Comments

This submission has requested that the land between Level Crossing Road and Bandon Road, west of the rail line be included in the Employment Lands Strategy. The submission has recognised the key finding of the Strategy being that "*there is no immediate shortage of industrial or business zoned land in the Hawkesbury LGA*". The submission states that it "*seeks Council's support to extend the Mulgrave investigation area as far south as Bandon Road, supporting the growth of proposed town and village centres, promoting connectivity of employment land on the western side of the railway.*"

It should be noted that the investigation area, west of the rail line, in Mulgrave proposed in the Employment Lands Strategy extends from north of Groves Avenue to Park Road in the south. The submission states that this should be extended to include the land from Level Crossing Road to Bandon Road to provide "connectivity of employment land on the western side of the railway". However, there is a significant amount of land located between Park Road and Level Crossing Road that has not been mentioned in the submission. This land, if it is proposed to extend the Mulgrave investigation area, would need to be considered first prior to any additional land as proposed in this submission.

## ORDINARY MEETING

Meeting Date: 9 December 2008

The consultants, SGS, have reviewed the submissions received during exhibition and made the following comments in relation to this submission:

*“SGS has included lands at Mulgrave for investigation as a short term option for re-zoning to industry. This would be a substantial addition to supply in the context of a current notional over-supply (through recognising there are servicing and development constraints). The current investigation area is well located near the station and with road access to the existing industrial area. The Bandon Park area (the subject of this submission) would be worthy of consideration in the future if the current investigation area was developed and proved to be successful.”*

Given that there is an additional portion of land between the recommended investigation area and the land proposed in this submission; the finding of “no immediate shortage” of land in the strategy and the above comments by SGS, consideration of this land at Vineyard is not justified in the short to medium term.

### **Pirasta Pty Limited**

The submission from Pirasta Pty Ltd was a detailed submission that progressed from section to section and page to page of the draft Strategy. Some of the comments made in the submission related directly to extracts from the draft Northwest Subregional Strategy.

#### **Comments**

The submission queried methodology and assumptions particularly in regard to retail floorspace supply and demand. SGS have supplied detailed comments on the Pirasta submission as attached.

The submission review has resulted in some amendments to the Strategy to include additional background material supplied in the submission, clarify the intent of the Strategy and statements and to correct some minor errors in the document.

The author of the submission has been advised that the statements and comments made in relation to the extracts from the Draft Northwest Subregional Strategy should be directed to the Department of Planning.

### **A Scelzi – Landowner, South Windsor**

This email submission requested the inclusion of the landowner’s land, in George Street, South Windsor in the Employment Lands Strategy.

#### **Comments**

This subject land is adjacent to the land owned by Willoughby (see submission by Montgomery Planning Solutions above). See the comments to the Willoughby submission above. The land suggested in the submission should be considered in this further investigation and in the future investigations undertaken for the residential strategy in order to determine the most appropriate uses and zone for this land as there may be a case for changing the zoning of this land. However, the consideration or rezoning of this land is not supported in the short to medium term.

### **Falson and Associates Pty Ltd**

1. *Strategy is flawed as research for residential strategy and rural land/agricultural strategy required first then tourism.*
2. *In the absence of a housing strategy there is no proper assessment of likely future population.*
3. *Strategy focuses on south-western area whilst employment widely dispersed.*
4. *No mention how to secure growth, ie, lobbying, etc.*
5. *Need long term strategies to address the constraints in LGA.*
6. *Hawkesbury should promote its attributes, floodplain, rural hinterland.*
7. *Need to consolidate towns and villages, sensible rural development, tourism.*
8. *Question whether 5000 dwellings is an acceptable basis for recommendations.*

**ORDINARY MEETING**

**Meeting Date:** 9 December 2008

9. *Need to critically examine State Government projections.*
10. *Housing needs changing, aging population but no aging strategy.*
11. *RAFF agriculture and tourism not mentioned on page 2.*
12. *Focus growth on transport nodes.*
13. *Not all rural land is suitable for agriculture but is needed for amenity. Need an agricultural analysis of the LGA. Use non-agricultural rural for tourism accommodation and agricultural rural industries.*
14. *Opportunity for Hawkesbury to be food storage and distribution as well as agriculture.*
15. *Need to encourage headquarters for rural and regional based activities.*
16. *Agree that need for investigation into employment use of non-employment land, eg, home industries.*
17. *Not agree with Clarendon as higher order office precinct as this will join Windsor & Richmond and contribute to the loss of identity.*
18. *Consider reviewing S94 plan to allow for equitable reimbursement of first in developers to ease burden of servicing.*
19. *Should consider Vineyard for employment and not just agree with State Government residential plan for this area.*
20. *Comments on strategies:*
  - a. *Strategy 1 – Agree*
  - b. *Strategy 2 – Agree but should include lobbying for rail duplication.*
  - c. *Strategy 3 – Generally agree except for bulky goods at Windsor rail station. Also Richmond renewal should properly account for heritage. Need heritage analysis. Should also consider other centres not just Windsor, Richmond, North Richmond.*
  - d. *Strategy 4 – Concerns with recommendation for Clarendon.*
  - e. *Strategy 5 – Growth should be based on residential strategy. Concerns with South Windsor extension when access is a constraint. North Richmond needs a DCP.*
  - f. *Strategy 6 – Agree with employment types on non-employment land investigation.*
  - g. *Strategy 7 – Agree to support specialised industries such as RAAR & UWS, but need fallback position if RAAF base closes.*
  - h. *Strategy 8 – Agree design guidelines required for gateways.*
21. *Should use previous rural lands studies rather than reinventing the wheel.*
22. *Noise restrictions due to RAAF base should be reviewed and in some cases relaxed.*
23. *Should encourage redevelopment of older commercial areas, eg, relax parking requirements close to transport nodes or permit increased densities subject to design criteria.*
24. *Redevelopment of Richmond rail station area should include residential.*
25. *Query the funding arrangement by a developer that has an interest in the Clarendon area.*

**Comments**

This detailed submission queried the scope of the study, suggested the need for a variety of other investigations and questioned the timing of this Strategy suggesting that a Residential Strategy should have been undertaken first.

SGS have supplied detailed comments on the Falson submission as attached.

In relation to some of the specific comments above:

- The comments regarding the preparation of a residential strategy are noted and work on this strategy will commence shortly. It is not agreed that the residential strategy is required prior to an employment lands strategy. An employment lands strategy primarily addresses the gross demand/supply land requirements for employment and indicates where the principle investigations and releases should be considered. Whilst the demand/supply calculations are based on an assumed population growth (set by the Department of Planning Target of 5000 dwellings) the Strategy is robust enough to incorporate changes to the predicted or actual population growth rate without compromising the basic principles of the Strategy. However, it is agreed that prior to the investigation work into employment types on non-employment land (Strategy 6 in the Employment Lands Strategy) commencing, the preparation of a residential strategy should be completed.

- The errors in the draft strategy pointed out in this submission (eg, RAAF not mentioned on page 2, and bulky goods at Windsor Station) have been corrected.
- The funding arrangements and control of the preparation of the Strategy have been addressed previously in this report.

### Key Findings of Employment Study

In relation to the strengths of the local economy the study found that:

**"Hawkesbury has a growing economy** - Hawkesbury's employment has consistently grown in the last 10 years though at a reduced rate since 2001. The economic analysis found that Hawkesbury LGA has:

- relatively high employment self-containment (ratio of local jobs to resident workers) and high self sufficiency (share of local residents working locally);
- a large proportion of qualified residents; and
- A comparable, or higher, proportion of managers and professionals in the key industries of Manufacturing and Construction, Education and Health sectors compared to the Sydney Region and North West subregion.

**Hawkesbury has clear industry strengths** - The City also has clear industry strengths, being Agriculture and Government Administration sectors which are key sectors connecting Hawkesbury to regional and international markets. Local industry sectors such as Manufacturing and Construction will benefit from the southern LGA's proximity to the North West Growth centre and expected 67,000 new dwellings.

**Employment in the LGA is spread further than southern LGA employment lands** - The economic analysis found that 40 percent of employment in the LGA is located outside the employment land precincts. This is a significant finding and suggests that further investigation is required to examine the nature of employment uses on non-employment land. As well as agriculture, such land uses include 'rural industries' on mixed agricultural land (e.g. Rural Press, Mushroom composting at Mulgrave) and also accommodation jobs which are part of the Agricultural and Tourism economies. Given the identified high specialisation of the Agricultural industry sector, this further analysis is considered an important part of supporting and enhancing the economic competitiveness of the LGA.

**Hawkesbury LGA has key strategic assets to build on** - The strategic site cluster of the RAAF base, UWS Richmond and Hawkesbury Racing Club near Clarendon Station may provide an opportunity to provide 'higher order' office functions around an underused heavy rail asset. There are significant undeveloped land areas in the vicinity of Clarendon Station suitable for investigation for such a development.

The draft study also highlights some challenges for the City, including the following:

**Unlocking capacity of existing employment land** - There is currently a mismatch between the type of land available and the nature of land desired for industrial and business activities. This differs for industrial and business zoned land.

There is currently a large stock of vacant industrial employment land, with some lots vacant for more than 5 years. Industry anecdotes suggest that there is demand potential but it does not have the value or volume to bridge up-front land servicing costs which will typically confront the 'first' developer. Unlocking the capacity of existing lands will require addressing this servicing issue.

With regards to retail and commercial floor space, there is potential within existing controls but the configuration of existing sites or the barrier of existing development constrains demand.

**ORDINARY MEETING**

**Meeting Date: 9 December 2008**

*There are few opportunities for prime commercial development given the current supply opportunities.*

**Certain employment precincts lack road and service infrastructure** - While Mulgrave and South Windsor are accessible by rail, Mulgrave is the only employment precinct with superior access to a major road (Windsor Road). South Windsor has secondary road access via residential roads. There is no provision in the subregional strategy for upgrades or extensions to major roads into the LGA.

*Sites within these precincts lack servicing. Servicing industrial land for power and water has become a barrier to development as the first developer of an unserviced area must provide the upfront costs that tend to benefit subsequent developers.*

**Management of Hawkesbury’s agricultural lands will gain in importance as food security becomes a more pressing issue** - This will require forward planning to assess the scale and nature of land that would become more valuable for food production for the Sydney Basin in the future. Land auditing and an assessment of land uses on these lands would be a key requirement of such investigations.

The study also provided the following employment land supply/demand gap analysis

**Industrial land**

*Net additional industrial floor space demand (130,755 square metres) was compared to the net potential supply (273,588 square metres) to reveal a supply surplus of 143,000 square metres or around 28 hectares (at a notional FSR of 0.5:1). It should be noted that this is an indicative figure, indicating a moderate supply ‘buffer’. The buffer could be eroded quickly by a couple of big occupiers and a surge in development.*

Table 1 - Industrial Land Supply/Demand Analysis, Floor space (square metres).

Type	Demand (square metres)	Supply (square metres)	A. Gap/Surplus (square metres)	B. Notional FSR	A ÷ B Gap Land (ha)
Industrial	130,755	273,588	142,833	0.5:1	285,666

Source: SGS 2008

**Business Land**

*Estimated future business floor space demand (56,197 square metres) was subtracted from the estimated net supply (146,072 square metres) to identify a notional supply surplus of approximately 73,400 square metres within existing controls.*

Table 2 - Business land Supply/Demand Analysis, Floor space (square metres).

Type	Demand (square metres)	Supply (square metres)	A. Gap/Surplus (square metres)
Business	56,197	129,574	73,377

Source: SGS, 2008

**Recommendations of the Strategy**

*Based on this finding and the other strengths and challenges identified in the report, it is recommended Council pursue the following strategies to address the economic prosperity of the LGA. An indicative timing is identified but this should be adjusted depending on new findings or an un-anticipated development that requires an earlier resolution of the issue.*

**ORDINARY MEETING**

**Meeting Date: 9 December 2008**

*While some strategies are immediate, and can be considered in the short term (for the next LEP), most will be medium to long term strategies underpinned by further investigation.*

<i>Strategy</i>	<i>Indicative Timing</i>
<i>1. Investigate and facilitate the servicing of vacant industrial lands to unlock existing supply</i>	<i>Immediate</i>
<i>2. Capitalise on underutilised transport infrastructure and lobby for improved servicing particularly an extension of the proposed Metro rail line to the existing Richmond line.</i>	<i>Immediate</i>
<i>3. Facilitate renewal of existing centres with capacity for growth.</i> <ul style="list-style-type: none"> <li><i>• Richmond (around Richmond station and by redeveloping between Windsor Street and Bosworth Street to provide a 'forum' space and mixed use opportunities)</i></li> <li><i>• North Richmond (investigate scope to create a high amenity and mixed use main street along Riverview Street)</i></li> <li><i>• Windsor Station (identify opportunities for minor commercial and retail development for local populations)</i></li> </ul>	<i>Short term (within 3 years)</i>  <i>Short to medium term (within 5 years)</i> <i>Medium to long term (5 to 10 years)</i>
<i>4. Capitalise on the LGAs strategic assets to provide high quality jobs, by considering the future of land at Clarendon for a high amenity office and business development.</i>	<i>Short term (within 3 years)</i>
<i>5. Investigate additional industrial land supply to address future employment growth</i> <ul style="list-style-type: none"> <li><i>• Mulgrave (south of Park Road and on the western side of the rail line)</i></li> <li><i>• South Windsor (the areas east of Fairey Road not currently zoned industrial)</i></li> <li><i>• North Richmond (near the corner of Terrace Road and Bells Line of Road for service industry currently on Bells Line of Rd)</i></li> </ul>	<i>Short term (within 3 years)</i>  <i>Short to medium term (within 5 years)</i>  <i>Medium to long term (5 to 10 years)</i>
<i>6. Investigate the nature of employment activities on non-employment zoned lands and their contribution to agriculture and tourism sectors</i>	<i>Short term (within 3 years)</i>
<i>7. Support specialised industry sectors of Agriculture and Government, Administration and Defence (Richmond RAAF).</i>	<i>On-going</i>
<i>8. Identify appropriate development treatments for gateway areas.</i> <ul style="list-style-type: none"> <li><i>• George Street and Blacktown Road (for low impact visitor and tourist uses with complementary residential and community activities)</i></li> <li><i>• Windsor Road, Mulgrave (for high amenity highway related enterprise)</i></li> <li><i>• Bells Line of Road, North Richmond (boulevard treatment with higher amenity showrooms and larger format retailing)</i></li> </ul>	<i>Short term (within 3 years)</i>  <i>Short term (within 3 years)</i>  <i>Short to medium term (within 5 years)</i>

**Framework for distribution of employment land uses**

*SGS has developed broad land use categories, which cover most land uses that exist within an LGA and subregion, and their site requirements. The employment precincts have been assessed against the criteria to assist in the distribution of future land uses. Along with the*

**ORDINARY MEETING**

**Meeting Date:** 9 December 2008

*recommended strategies the identification of suitable precinct/s where such land uses are appropriate are included in the Strategy map.*

*The key to the preferred activities includes the following:*

<i>Manufacturing Light</i>	<i>Manufacturing which is not hazardous or offensive and smaller scale production.</i>
<i>Local Light Industry</i>	<i>Car service and repair; joinery, construction and building supplies; domestic storage. Wide range of businesses that service other businesses (components, maintenance and support) and subregional populations. Needed at local (LGA) to sub-regional level.</i>
<i>Retail / Small Business</i>	<i>The range of retailing formats including main street, 'big box' shopping and bulky goods, and local business and services including office activities and accommodation.</i>
<i>Higher order office and business</i>	<i>Larger format office in high amenity setting, could include business park with integrated warehouse, R&amp;D, 'back-room' management and administration</i>
<i>Urban Services</i>	<i>Concrete batching, waste recycling and transfer, construction and local and state government depots, sewerage, water supply, electricity construction yards. These typically have noise dust and traffic implications and need to be isolated or buffered from other land uses. They are needed in each sub-region.</i>
<i>Manufacturing General</i>	<i>Higher impact manufacturing and industry, which could include transport, warehousing and distribution activities with significant traffic generation</i>

The Strategy map is displayed in the Council Chambers.

**Conclusion**

The study and Strategy contain some significant findings and recommendations for the future of the Hawkesbury's Employment Lands. This includes recommendations and timing for future investigations and consideration of release and, in some cases, protection of additional land for employment activities. The Employment Lands Strategy has also implied that there is a need for future work and investigation into the development of an Industry Development Plan that would focus on the economic development and attraction of specific industry groups that can locate and grow in the identified employment lands.

It is recommended that the draft study be adopted by Council to provide a framework for the consideration of site specific rezoning proposals and to focus future work on employment activities.

**RECOMMENDATION:**

That:

1. The Hawkesbury Employment Lands Strategy be adopted by Council.
2. A copy of the Employment Lands Strategy be forwarded to the Department of Planning.

**ATTACHMENTS:**

- AT - 1** Employment Lands Strategy Map
- AT - 2** Hawkesbury Employment Lands Strategy – Submission review by SGS Economics and Planning (*Distributed under separate cover*)
- AT - 3** Hawkesbury Employment Lands Strategy (*Distributed under separate cover*)



## ORDINARY MEETING

Meeting Date: 9 December 2008

### INFRASTRUCTURE SERVICES

**Item: 260**      **IS - Compulsory Acquisition of an Easement for Drainage Purposes - 149 Longleat Lane, Kurmond - (79344, 21018, 21020)**

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#### **REPORT:**

Part of the adopted Works Program provides for the construction of a piped drainage system at the southern end of Longleat Lane to alleviate flooding problems in properties 148, 149 and 150 Longleat Lane, Kurmond.

An inlet structure exists at the end of Longleat Lane, on the eastern side of the road, which is connected to a pipeline crossing the corner of the battleaxe access to property No. 150 to discharge into property No. 149. The pipeline within No. 150 is within an easement for drainage, however, the easement ceases to exist at the boundary between property nos. 149 and 150. The pipeline is currently blocked and during periods of heavy rainfall storm water from Longleat Lane discharges onto all three properties in an uncontrolled manner.

The existing drainage system is considered to be in need of an urgent upgrade for the following reasons:

- It only collects storm water discharge from one side of the road, with water from the western side discharging directly into No. 149.
- The headwall outlet is located adjacent to a driveway and garage in No. 149.
- The receiving property (No. 149) is subject to ongoing sedimentation and erosion problems.
- The drainage headwall and flow path (on No. 149) is not covered by any easement.

The current situation cannot continue indefinitely and a complete drainage solution needs to be implemented as soon as possible to alleviate further damage.

A number of design alternatives have been prepared and submitted to the various property owners for their consideration and possible approval. Unfortunately, agreement has not been achieved and is unlikely to occur in the immediate future.

The only way forward appears to be the compulsory acquisition of a drainage easement over the future pipeline located within properties No 148/150 (Mr. & Mrs. Jarvis) or 149 (Mr. & Mrs. Cullen).

Three possible alternatives are considered as follows:

#### **OPTION 1**

Construct the pipeline within properties No's 148/150, generally parallel to the existing battleaxe driveway. This is not the preferred option for the following reasons:

- Construction traffic will need to utilise the existing sealed driveway and any resulting damage will have the potential to significantly increase restoration costs as the driveway extends for nearly the full length of the side boundary.
- If the proposed pipe is fully contained within No 148 it will need to be constructed for nearly the full length of the property (approx 100m) to provide a suitable discharge point. Alternatively, a suitable discharge point exists within an embankment located in No. 149, approximately 60m from the front boundary. If the pipe were redirected into this embankment it will necessitate a driveway crossing of

## ORDINARY MEETING

Meeting Date: 9 December 2008

No. 150 and the creation of an additional drainage easement within property No.149 to cover the discharge point and flow path.

- The later proposal will result in the creation of drainage easements over three properties most likely over all three properties.

### **OPTION 2**

Construction of the pipeline under or immediately adjacent to the common boundary between Nos. 149 and 150 is not recommended due to the close proximity of the driveway on one side and the trees on the other. The owners of property No 149 have expressed a very strong attachment to a significant number of trees and will not accept any damage. Furthermore, any work at this location will incur additional costs associated with driveway restorations and removal and reinstatement of a fence.

### **Option 3**

The existing blocked pipe within No 149 be cleared and extended within the property to an existing embankment located approximately 60m from the front boundary. The proposed pipe alignment should be clear of significant tree clusters and fencing.

This is the preferred option for the following reasons:

- This property has been subject to storm water discharge from a pipe outlet constructed in accordance with an approved Subdivision.
- The cost of the project will be considerably less due to the shorter pipe length.
- Restoration charges for grassed surfaces are generally lower.
- This property will also have a significant benefit from the extension to the drainage system to the western side of Longleat Lane

After consideration of all options it is recommended that the proposed pipeline be constructed within property No149 Longleat Lane, Kurmond, following the creation of a suitable drainage easement.

### **Conformance to Strategic Plan**

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

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

### **RECOMMENDATION:**

That:

1. An easement for drainage purposes be acquired over 149 Longleat Lane, Kurmond, Lot 6 D.P. 7565, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Application for Compulsory Acquisition be made to the Minister for Local Government and the Governor of NSW.
3. All costs associated with the compulsory acquisition be borne by Council.
4. Authority be given for any necessary documentation in association with this matter to be executed under the Seal of Council.

**ORDINARY MEETING**

**Meeting Date:** 9 December 2008

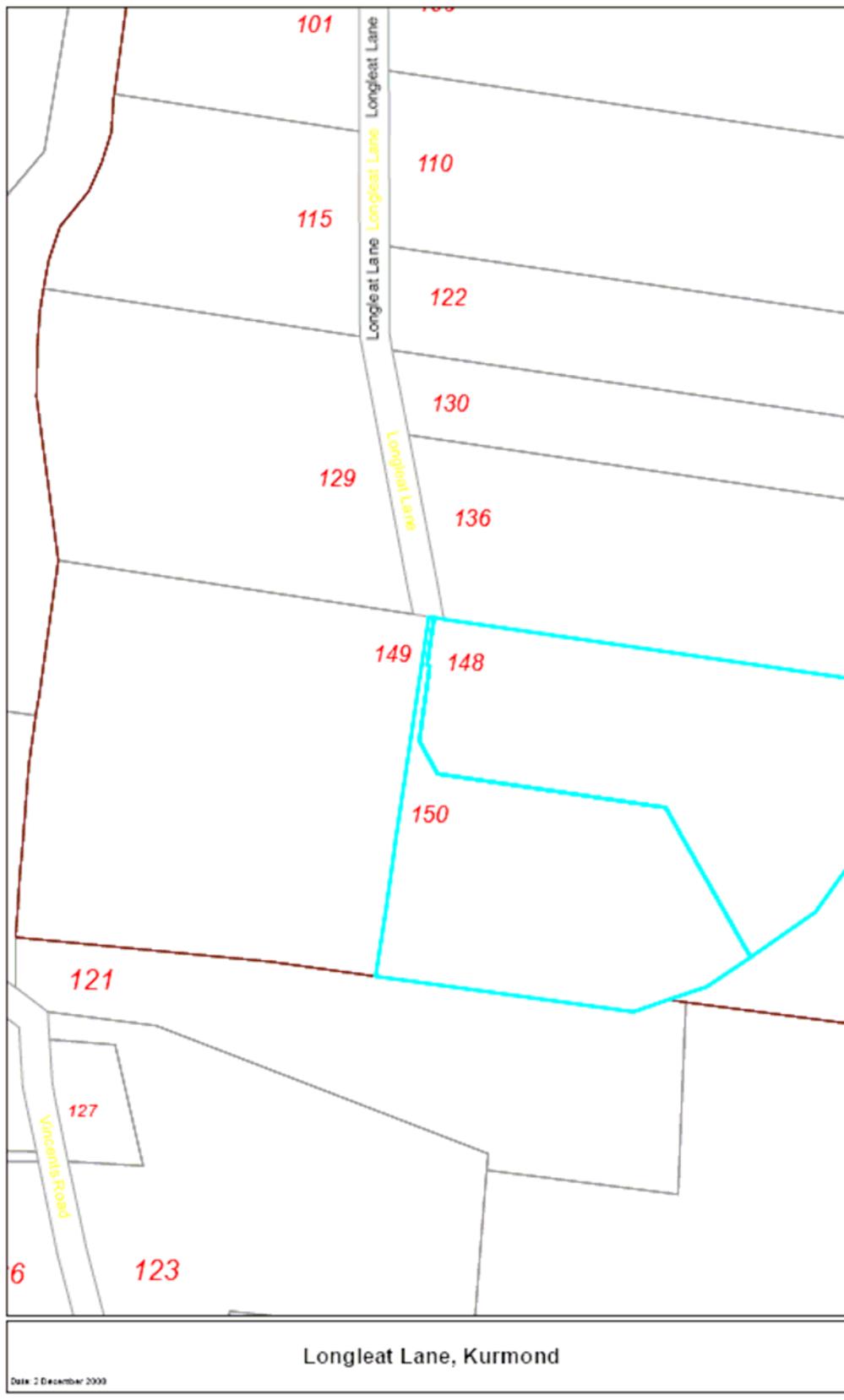
**ATTACHMENTS:**

**AT - 1** Location Plan – Properties 148 and 149 Longleat Lane, Kurmond.

ORDINARY MEETING

Meeting Date: 9 December 2008

AT - 1 Location – Properties 148 and 149 Longleat Lane, Kurmond.



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**ORDINARY MEETING**

**Meeting Date: 9 December 2008**

ordinary

section 5

reports  
of committees

**ORDINARY MEETING**  
Reports of Committees

**SECTION 5 - Reports of Committees**

**ROC - Local Traffic Committee - 19 November 2008 - (80245, 95494)**

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Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 19 November 2008, commencing at 3.00pm.

**ATTENDANCE**

- Present:** Councillor B Bassett (Chairman)  
Mr J Suprain, Roads and Traffic Authority  
Sgt A Palmowski, NSW Police Service  
Mr J Christie, Officer of Messrs A Shearan, MP and J Aquilina, MP
- Apologies:** Mr R Elson, Department of Transport  
Mr R Williams, MP (Hawkesbury)
- In Attendance:** Mr C Amit, Manager, Design & Mapping Services
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**SECTION 1 - Minutes**

**Item 1.1 Minutes of Previous Meeting**

The minutes of the meeting held on 15 October 2008 were confirmed.

**Item 1.2 Business Arising**

**1.2.1 LTC - 15 October 2008 - 1.2.1 - Intersection of George Street and Richmond Road (Hawkesbury Valley Way), Windsor - Traffic Lights**

Mr J Suprain advised that the design plans are currently with the RTA Design Section. Following their completion, they will be sent through the appropriate units for sign-off, then to the construction/project management unit for programming of 'construction' (alterations) to the facilities.

Unfortunately, a firm timeframe cannot be provided as the Design Section is heavily burdened with projects and a shortage of staff.

**SECTION 2 - Reports for Determination**

**Item 2.1      LTC - 19 November 2008 - Item 2.1 - Proposed Taxi Zone, George Street, South Windsor adjacent to SW Post Office. (Riverstone) - (80245; 111781)**

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**REPORT:**

**Introduction**

Representations have been received from Taxi drivers operating within the South Windsor commercial area and supported by the NSW Taxi Council Ltd, (Dataworks Document No. 2900580) for the provision of a Taxi Zone in George Street, between Argyle Street and Campbell Street, South Windsor.

**Discussion**

The NSW Taxi Council has indicated that some drivers have received infringement notices as a result of stopping to pick-up and set-down passengers in this area when there has been no specific zone to do so in. The provision of a specific zone will enable both pick-up and set-down in a controlled and safe manner for their clients which include often the elderly, frail, passengers with mobility difficulties, as well as parents with small children that commonly use taxis to get home from shopping trips. In many cases these people have no practical access to other forms of public transport.

The NSW Taxi Council has indicated a preference for the Taxi Zone to be located on the western side of George Street, between the pedestrian crossing and Campbell Street, close to the shops and in the vicinity of the Post Office. The position of the proposed Taxi Zone will primarily be across the frontages of the Deli and Fruit Market, located south of the Post Office. The length of the Taxi Zone required is to accommodate 2 taxis (approximately 12.5 metres). Most of the taxi patronage is generated from the area between the Post Office and the Bottle Shop (LiquorLand). Locating the Taxi Zone adjacent to either of the Bus Zones in this vicinity (Eastern side, South of Argyle Street or Western side, South of Campbell Street near the Park) is not viable as there is very little transfer between these 2 forms of transport.

George Street, between Argyle Street and Campbell Street, provides 1 Hour Parking on both sides for approximately 47 vehicles as well as a Bus Zone on the eastern side, south of the Argyle Street intersection. The provision of the Taxi Zone will reduce the available parking by 2 spaces from 47 to 45 spaces. In addition to the 1 Hour Parking in George Street, Mullinger Lane which backs onto the shops on the western side of George Street, provides unrestricted parking for 78 vehicles and a Loading Zone. Unrestricted parking is also available in the surrounding streets such as Argyle Street and Campbell Street.

Refer to the attached Drawing TR009/08: "Proposed Taxi Zone, George Street, South Windsor."

**Public Consultation:**

As part of the consultation process, a letter, plan and questionnaire, inviting comment to this proposal was sent out to the respective property owners/residents/operators within the bounds of Argyle Street/George Street/Campbell Street/Mullinger Lane/Dickson Lane.

Approximately 100 packages were distributed resulting in 12 responses being returned - 8 in support of the Taxi Zone and 4 against the Taxi Zone.

Comments received in Support of the Taxi Zone:

- Needs it badly for the people of South Windsor,
- This location has no seating. Install a seat or locate the Taxi Stand near the Tab where there is a seat.
- Agree with NSW Taxi Council, nowhere to pick up or put down.

Comments received Against the Taxi Zone:

- Don't want to lose parking spots on main road. Should put taxi rank near park,
- Not enough parking spaces already, why not use space in front of park instead,
- Don't want the Taxi Zone outside their shop which will lead to people congregating outside particularly after hours. Lack of parking in the street. Concerned with this facility being near a pedestrian crossing.
- Supports the Taxi Zone but not outside the post office as customers who deliver heavy items to the post office need to park as close as possible. Also feel that there will be a security risk.

**RECOMMENDATION:**

That:

1. A 12.5 metre Taxi Zone be provided in George Street, South Windsor, on the western side between the pedestrian crossing and Campbell Street, adjacent to the Post Office, in accordance with Drawing TR009/08.
2. Those who participated in the consultation process be invited to attend the Council meeting to which these minutes will be presented.

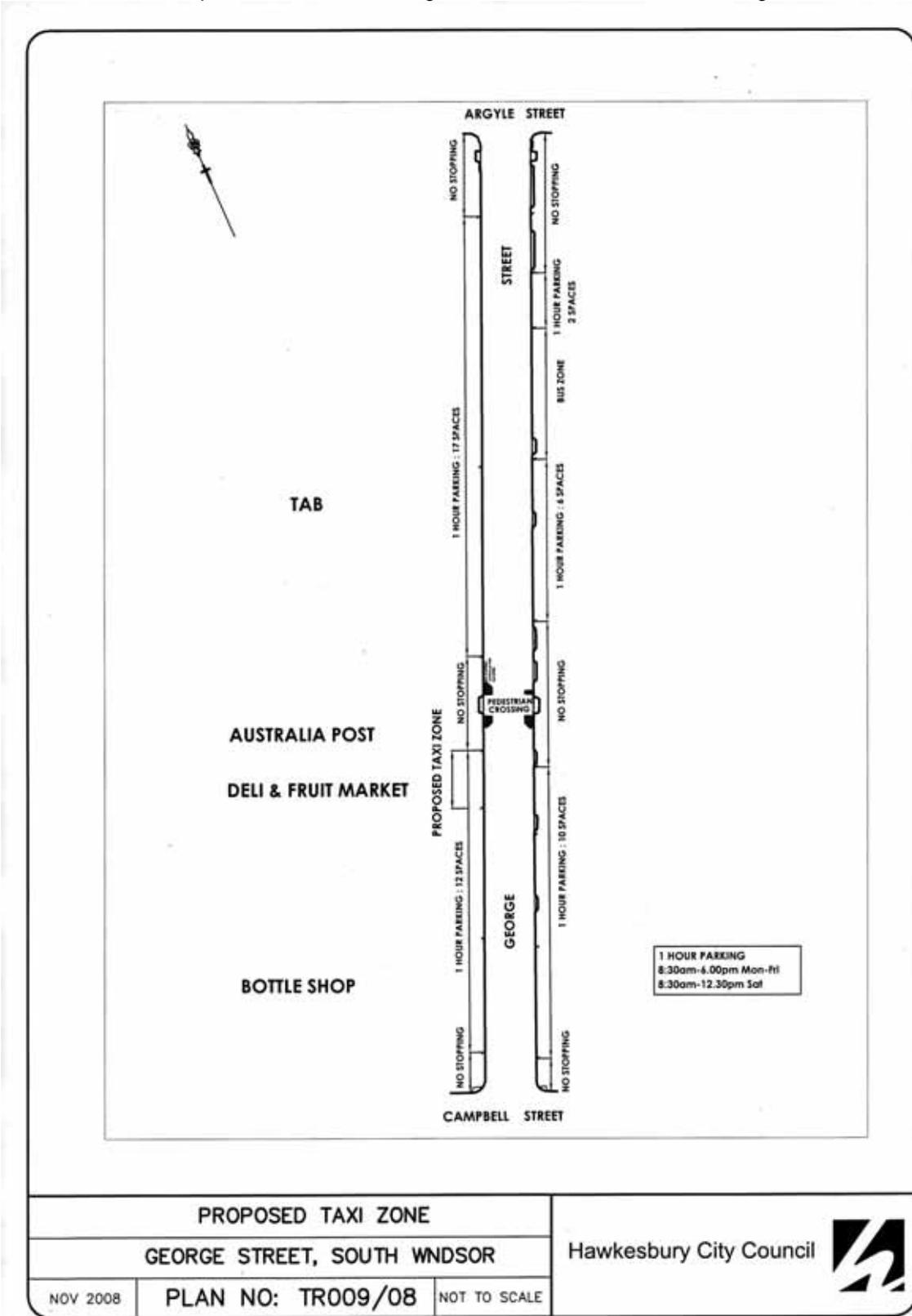
**APPENDICES:**

**AT - 1** Proposed Taxi Zone, George Street, South Windsor - Drawing TR009/08.

**ORDINARY MEETING**

**Reports of Committees**

**AT - 1** Proposed Taxi Zone, George Street, South Windsor - Drawing TR009/08.



**SECTION 3 - Reports for Information**

**Item 3.1      LTC - 19 November 2008 - Item 3.1 - Local Traffic Committee 2009 Calendar - (80245)**

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**REPORT:**

The following 2009 Local Traffic Committee Meeting Calendar is submitted for notation in member's personal diaries:

14 January 2009

18 February 2009

18 March 2009

15 April 2009

20 May 2009

17 June 2009

15 July 2009

19 August 2009

16 September 2009

21 October 2009

18 November 2009

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 4 - General Business**

**Item 4.1      LTC - 19 November 2008 - QWN 4.1 - Intersection of March Street and East Market Street, Richmond - (80245)**

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Councillor B Bassett

**REPORT:**

Advised that there is a problem for vehicles travelling along March Street from North Richmond towards East Market Street, that wish to go straight through the intersections, and who cannot use the kerb lane as it is for left turn only.

These vehicles have to remain in the centre lane, whilst vehicles make a right turn into East Market Street, which does not have a right turn arrow (green phase).

It was requested that the kerb lane in March Street be changed to a left/through lane (March Street - northern side).

Mr J Suprain advised that the RTA are currently investigating a number of the intersections in this vicinity.

Mr C Amit advised that previous correspondence relating to this matter has been forwarded to the RTA.

**RECOMMENDATION:**

That the matter be referred to the RTA.

**APPENDICES:**

There are no supporting documents for this report.

**Item 4.2      LTC - 19 November 2008 - QWN 4.2 - Re-opening of Old Hawkesbury Road and Henry Road - (80245)**

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Sgt A Palmowski

**REPORT:**

Advised that the NSW Police Service objected to these two roads being reopened. Issues such as speed, road safety and the possibility of a 'rat-run' being created were some of their concerns.

**RECOMMENDATION:**

That the information be received.

**APPENDICES:**

There are no supporting documents for this report.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on 14 January 2009 at 3.00pm in the Large Committee Room.

The Chairman thanked all members of the Committee as well as administrative support staff for their contribution and assistance during the past year and wished all a safe and prosperous Christmas and New Year.

The meeting terminated at 4.00pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
Reports of Committees



ordinary  
meeting

end of  
business  
paper

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