



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 26 June 2007

location: council chambers

time: 5:00 p.m.



mission  
statement

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

## **How Council Operates**

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

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

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

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

### **Public Participation**

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

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

### **A Point of Interest**

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

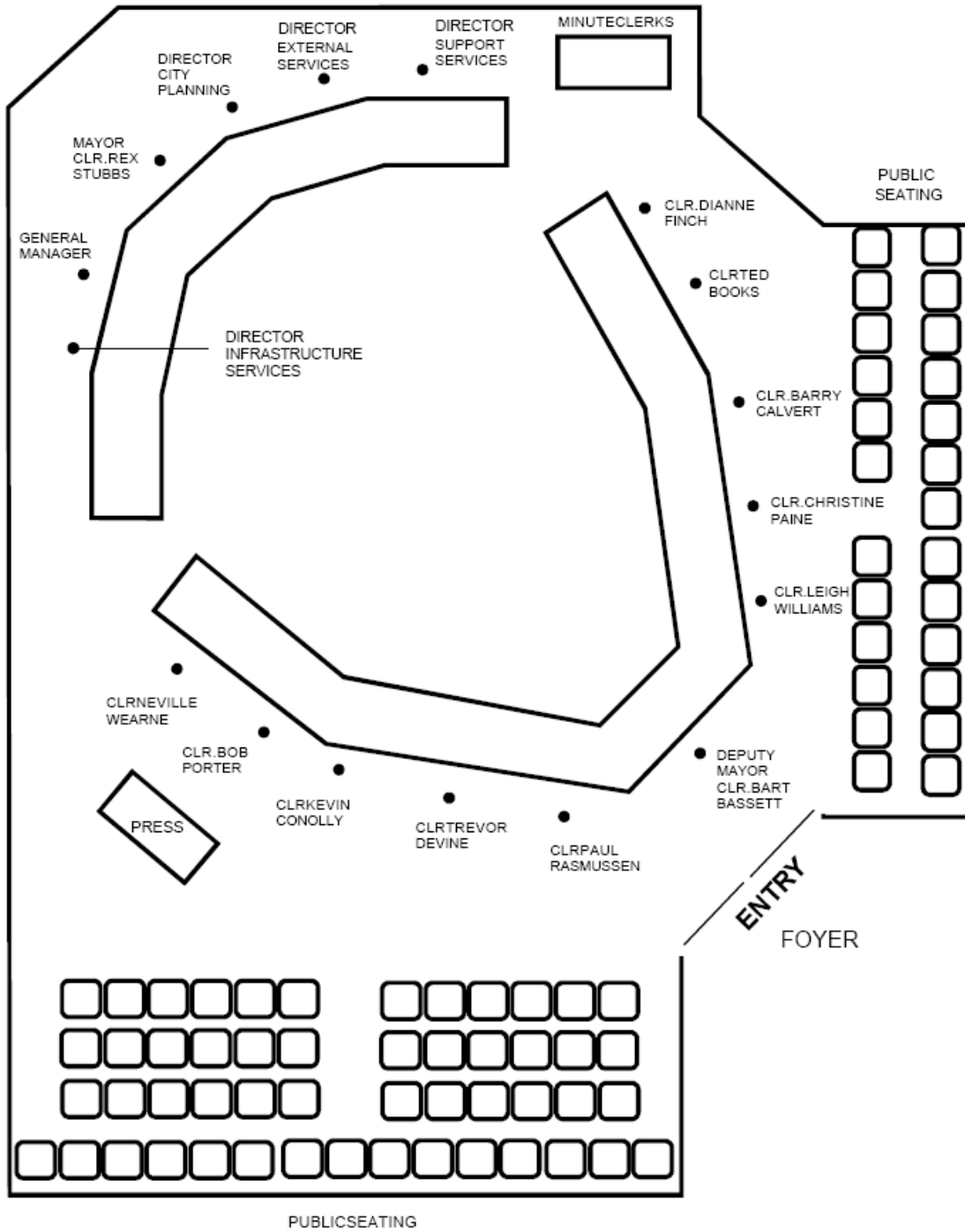
### **Website**

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au).

### **Further Information**

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

# council chambers



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**SECTION 1 - Confirmation of Minutes**

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**ORDINARY MEETING**

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**SECTION 2 - Mayoral Minutes**

**MM - Council's Conflict Management Policy - (79353, 79351)**

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**REPORT:**

As members are well aware for a wide range of reasons it is necessary for Council to enter into legal action on many occasions. This action may relate to Council's decisions in respect of development applications it has determined; orders issued for non-compliance with conditions of development approvals; orders issued in relation to unauthorised development or activities; etc.

Inevitably, this legal action involves both the Council and the person and/or organisation concerned in legal expenses that can, depending upon the nature of the matter involved, be considerable.

Whilst it is not considered nor suggested that Council enters into unnecessary or unwarranted legal action it is possible that there may be other avenues that could be explored in an endeavour to resolve issues that may lead to expensive legal proceedings before they reach that point.

To this end Council has previously adopted a Conflict Management Policy that is utilised in an endeavour facilitate a mediation process to resolved issues and conflict situations where possible.

This policy has been in place for some time and it may now be appropriate for the Council to request Management to submit a report on the manner in which the policy has been implemented and utilised since its adoption and to consider any suggestions for its review, if necessary.

**RECOMMENDATION:**

That Council's Management be requested to submit a report to Council regarding the effectiveness of Council's current Conflict Management Policy, the manner in which it has been utilised since adoption and to suggest any changes to the policy, if considered necessary.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF MAYORAL MINUTE Oooo**

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**SECTION 3 - Notices of Motion**

**NM1 - Unapproved Signs Relating to Development at Pitt Town - (95498, 95494, 80096)**

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**Submitted by:** Councillor K Conolly

**NOTICE OF MOTION:**

That while there is a proposal before Council for further rezoning of land at Pitt Town, no further action be taken in relation to unapproved signs relating to development at Pitt Town.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

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**SECTION 4 - Reports for Determination**

**ACTING GENERAL MANAGER**

**Item: 109            AGM - 10th International RiverSymposium & Environmental Flows Conference - 3  
- 6 September 2007 in Brisbane, Queensland - (79351)**

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**REPORT:**

The 10<sup>th</sup> International RiverSymposium & Environmental Flows Conference will be held 3 - 6 September, 2007 in Brisbane, Queensland.

Held in partnership with The Nature Conservancy, this year's Symposium will focus on the emerging field of river management and environmental flows. The program will feature presentations on innovative practices and case studies from all over the world and a wide range of perspectives on managing river flows for people and ecosystem health.

The RiverSymposium presents a holistic view of river management and provides an opportunity to celebrate the ecological and social value of rivers. This year, the RiverSymposium program incorporates the International Environmental Flows Conference resulting in a program rich in themes related to all aspects of environmental flows covering science, institutions, community and business.

Cost of attendance at the conference would be approximately \$2,912.00 per delegate.

Budget for Delegate Expenses - payments made:

- |                                             |             |
|---------------------------------------------|-------------|
| • Total Budget for Financial Year 2006/2007 | \$55,593.00 |
| • Expenditure to date                       | \$20,102.00 |
| • Budget balance as at 19/6/07              | \$35,491.00 |

**Conformance to Strategic Plan**

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

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

**Funding**

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

**RECOMMENDATION:**

That attendance of nominated Councillors, and staff considered appropriate by the Acting General Manager, at the 10<sup>th</sup> International RiverSymposium, 3 - 6 September, 2007 in Brisbane, Queensland at a cost of approximately \$2,921.00 per delegate be approved.

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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



**Item: 110          AGM - Smoke Free Workplace Policy - (79351, 79356)**

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**REPORT:**

Council is currently in the process of reviewing all of its policies and suggesting changes to those that may be out of date, superseded or require rewording due to new circumstances, guidelines or regulations.

This report covers the deletion of three current policies in the Council's policy register regarding smoking and recommends they be amalgamated, deleting any unnecessary information.

The current policies are as follows:

***Smoking Policy***

Effective 10 July, 1996 the amended non-smoking policy is that:

- *All council vehicles including plant, be smoke-free.*
- *All council offices and buildings including covered verandahs, be smoke-free.*
- *There are to be no smoke breaks for any staff. Although responsibility for implementation rests with Management, all staff are involved in monitoring the restrictions.*

***Non-Smoking Policy***

*That Council:*

1. *Support the draft report produced by the Australian Institute of Health Surveyors (now the Australian Institute of Environmental Health).*
2. *Maintain its role in prohibiting smoking in Council buildings, including offices, halls and centres under its control, as well as Council vehicles undertaking Council business.*
3. *Support and encourage food premises throughout the City to provide a smoke-free environment within its premises or to offer the choice of smoking or non-smoking areas.*
4. *Issue certificates to all food premises that are totally smoke free as per Council's resolution on 14th July, 1992.*

***Congratulatory Certificates - Smoking Not Permitted***

*Council may issue a congratulatory certificate suitably inscribed to any restaurant, food shop or the like which has made the decision and has in place signage to the effect that smoking in said premises is not permitted. The Certificate to be of a size approximately 300 x 200 mm and suitable for framing*

The revised new draft policy which incorporates some of the current guidelines but which provides a more comprehensive, broader based strategic approach to the prevention of staff being exposed to passive smoke, is highlighted in the attached document.

As the new policy does not essentially change the current stance of Council in regards to this issue but merely expands on the intent referenced in each of the current policies, it is not seen as essential for this draft Policy to go on Public Exhibition.

Any other issues currently covered which are deleted from the Policy are not considered to be strategic and can be handled with the implementation of internal procedures outlining operational activities within the capacity of the current service levels.

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There are also a range of issues which are now covered by State legislation and therefore do not need to be repeated in Council's Policies. In NSW, there are several pieces of legislation relating to tobacco control which are outlined below. These now take the place of any previous attempt by Council to encourage commercial businesses to be smoke free.

- The Smoke-free Environment Amendment Act 2004, Smoke-free Environment Amendment Regulation 2005, and Smoke-free Environment Amendment (Enclosed Places) Regulation 2006 which provide for three incremental phases in the lead up to a total smoking ban in enclosed public areas of licensed premises by July 2007, and define what constitutes an enclosed outdoor area. (NOTE: These amendments have been integrated into the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2000).
- The Smoke-free Environment Act 2000 and the Smoke-free Environment Regulation 2000, which ban smoking in most other enclosed public places.
- Tobacco advertising provisions under the Public Health Act 1991 and the Public Health (Tobacco) Regulation 1999, which prohibit overt advertising of tobacco products as well as regulating how tobacco products can be displayed at point of sale.
- Sales to minors provisions under the Public Health Act 1991, which prohibits the sale of tobacco and non-tobacco products to anyone under the age of 18 years.
- There are also provisions under the Public Health Act 1991 which prohibit tobacco related promotions, sponsorships, competitions and offers of free samples of tobacco. This Act also bans the sale of single cigarettes as well as the sale of loose tobacco and tobacco products in packets that do not display health warnings.

By having this legislation in place, NSW is well positioned to:

- Reduce community exposure to environmental tobacco smoke in most enclosed public places.
- Reduce the marketing, advertising and promotion of tobacco products and tobacco brands.
- Discourage non smokers from smoking.
- Limit young people's persuasion to take up smoking.

### **Conformance to Strategic Plan**

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

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

### **Funding**

There are no funding implications in adopting this policy.

### **RECOMMENDATION:**

That:

1. The current policies entitled: Smoking Policy, Non-Smoking Policy and Congratulatory Certificates - Smoking Not Permitted be archived.
2. The new Smoke Free Workplace Policy as attached to the report be adopted.

**ATTACHMENTS:**

**AT - 1** Draft Smoke-Free Workplace Policy

**AT - 1 Draft Smoke-Free Workplace Policy**

**Smoke Free Workplace Policy**

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**1.0 PURPOSE**

Council is committed to ensuring that Staff, Contractors, Customers or any other individuals or groups associated with Councils activities are not exposed to the dangers associated with tobacco smoke in Council Buildings, Workplaces and Vehicles.

**2.0 SCOPE**

Council's Smoke Free Workplace Policy applies to anyone working for Hawkesbury City Council in any capacity (this includes but is not limited to: staff of a permanent, casual or temporary nature; consultants and contractors). Prohibition of smoking on Council premises also applies to Councillors, Volunteers and members of the public.

Council's decision to be a non-smoking workplace is based on research that indicates:

***"Smoking cigarettes contributes to a number of diseases, including upper respiratory irritation and inflammation, emphysema Asthma, lung cancer and cardio vascular disease".***

There are major health risks associated with **passive smoking** i.e breathing in other people's cigarette smoke.

**Passive Smoking**

- Increases the risk of lung cancer and heart disease
- Is dangerous for people with existing heart or respiratory disorders
- Can trigger asthma attacks
- Can increase the risk of chest infections, and
- Can cause eye irritations, headaches and sore throats.

This policy does not extend to cover Council owned buildings that are leased to private individuals or companies and at which no Council staff work. The only exception to this is if no smoking requirements are specifically detailed in the lease agreement.

**3.0 DEFINITIONS**

**Workplace**

Smoking is prohibited in **ALL** Council enclosed workplaces, this includes but is not limited to the following locations:-

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- Council Chambers and Administrative Buildings, Libraries, Halls, Community Centres, Child Care Centres/Facilities, Depot Buildings and all other Council buildings inclusive of site facilities **such as portable toilets and lunchrooms or designated work from home sites** where Council employees carry out their duties.
- Other work areas which are enclosed (*see definition below*) or where there is a likelihood of others being directly affected by tobacco smoke.
- All vehicles, trucks or items of plant including vehicles subject to private use lease agreements.
- On Council property where it may cause a hazard or explosion i.e near fuel pumps, sewerage treatment works, waste depots or other confined and enclosed areas where explosive/inflammable fumes are likely to be present.
- In or near any covered walkway, under building eaves or other roofed areas, or any area that could cause others to encounter cigarette smoke.
- Within 10m of any Council building.
- In any area that is in plain view of the public and could by its location or situation bring or contribute to the discrediting of Council.

**Enclosed Areas:** are any areas that are not fully open to the natural elements. It can be defined as any area influenced by part or all of any structure that has some form of roofing and or wall(s) which could in some way trap and impede the natural dispersion of tobacco smoke. This can include walls, covered walkways, carports, park shelters and areas of foliage such as under pergolas covered with vines etc.

#### 4.0 ROLES AND RESPONSIBILITIES

**The General Manager** is responsible for:

- Ensuring a safe place of work.

**Directors, Managers and Supervisors** are responsible for:

- Communicating this Policy to staff and others as necessary.
- Ensuring that this Policy is applied fairly and consistently.
- Ensuring appropriate action is taken where a staff member or other fails to comply.

**All Employees and others associated with Council's Activities** are responsible for:

- Complying with this policy.
- Co-operating with Council in regard to implementing this policy.
- Reporting incidents where this policy is not being adhered to by others.

#### 5.0 GOVERNING POLICY/DOCUMENTS

OHS Act (2000)

OHS Regulations (2001)

HCC OHS&IM Manual

Council Resolution for Smoke free events, children's playgrounds, playing fields and sporting fields - 12 August 2003

#### **Supporting Organisations / documentation**

NSW State Cancer Council, Head Office

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PO Box 153 Dowling Street  
WOOLLOOMOOLOO NSW 2011  
Phone (02) 9334 1900  
Website [www.cancercouncil.com.au](http://www.cancercouncil.com.au)

### Information on Quit Smoking programs:

- Phone the Quitline - 131 848
- University of Sydney Smoking Research Unit  
Ph (02) 9515 5841
- St Vincent's Hospital Quit Smoking Group  
Ph (02) 9361 8020
- Seventh Day Adventist "Quit Now" program  
Ph (02) 9868 6522
- Sharewest Health and Fitness (Parramatta Health Service)  
Ph (02) 9843 3245
- Ask your doctor or pharmacist about Nicotine Replacement Therapy

### 6.0 RELATED SAFE WORK METHOD STATEMENTS (SWMS)

Council's smoke free workplace initiative is intrinsic to all workplace activities and as such is inherent in all SWMSs.

### 7.0 TRAINING REQUIRED

Council's Smoke Free Workplace Policy is included in the Staff OHS Guide and is included in the induction process for new staff. Additionally reference to this policy is included in OHS Awareness training undertaken by all Council staff.

### 8.0 AMENDMENTS

All proposed amendments must be forwarded to the Manager Human Resources for consideration and will be considerate of:

- Changes to relevant legislation
- Improvements in support of Council's safety systems
- Changing community expectations
- **New Council resolutions**

### 9.0 POLICY

**All Councils buildings, vehicles, worksites and plant as defined in this Policy are smoke-free.**

**Staff are reminded that there are no smoke breaks** and any Staff observed smoking in working hours should note that they will be subject to disciplinary action.

#### Smokers Are Required To:

- Ensure they adhere to this policy,
- Ensure that they keep all areas free of litter especially cigarette butts,

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- Are considerate of the rights of others, and take all reasonable steps to ensure their habit does not impinge on the health, safety and welfare of all others,
- Comply with fire restrictions and ensure that their actions will not contribute to the starting of any fire.

***Hawkesbury City Council recognises that smoking is an addictive habit and will support staff in their attempts to quit. Any staff member requiring assistance to kick the habit should talk with their Supervisor / Manager***

### **Failure to Comply**

If a staff member fails to comply with this policy and disciplinary action is to be taken as a result of serious or ongoing breaches, the Disciplinary Procedures Clause contained in the Notional Agreement Preserving the State Award (NAPSA) or any other equivalent documentation which covers disciplinary action for staff, will apply.

Members of the public, contractors or others who ignore no smoking signs or the requirement to conform with Council's smoke free workplace policy are to be reminded of the Policy and requested to stop smoking immediately. If the request is ignored the appropriate Manager should be advised and corrective action taken which can include the issue of a non-conformance notice to contractors and/or a regulatory fine to any one in breach of this policy.

**oooO END OF REPORT Oooo**

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**CITY PLANNING**

**Item: 111**            **CP - Rural Shed, Lot 25, DP 192412, 193 Crooked Lane, North Richmond NSW 2754 - (DA1020/06, 103511, 104622, 95498)**

**Previous Item:**        92, Ordinary Meeting (29 May 2007)

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**Development Information**

**Applicant:**            Des Durieu  
**Applicants Rep:**    Mrs R M Jones  
**Owner:**                Hawkesbury Local Environmental Plan 1989  
                              Hawkesbury Development Control Plan  
**Area:**                  14.560H  
**Zone:**                  Mixed Agriculture  
                              Mixed Agriculture under Hawkesbury Local Environmental Plan 1989  
**Advertising:**        8 March 2007 to 22 March 2007 - No submissions received.  
**Date Received:**     21 December 2006

**Key Issues:**            ♦ Permissibility  
                              ♦ Compliance with Hawkesbury Development Control Plan  
                              ♦ Visual Impact

**Recommendation:**   Refusal

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**REPORT:**

**Introduction**

At Council's Ordinary Meeting on 29 May 2007, Council considered a proposal for the erection of a rural shed on Lot 25 DP 192412, No. 193 Crooked Lane, North Richmond. It was resolved:

*"That this matter be deferred and reported to Council's next Ordinary Meeting on 26 June 2007 as the applicant may be resubmitting a revised application."*

The owners engaged Mr Craig Crowther, Architect, to prepare and submit amended plans and details. Mr Crowther met with Council officers on 12 June 2007 to discuss the matters of non compliance with Hawkesbury Development Control Plan and visual impacts.

The amended application was submitted to Council on 14 June 2007. This application differs from the original application in the following manner:

1. The use of the shed in association with Mr Jones building business has been deleted;
2. The amount of cut and fill required is a max two metres of cut and max 900mm of fill;
3. Site plan showing the amended location for the proposed new dwelling house on the site. This house is to have a street presentation to Crooked Lane;
4. The setback of the shed from Branders Lane has been increased from 10 metres to 12 metres.

**Planning Assessment**

**Hawkesbury Local Environmental Plan 1989**

*Clause 5 - Definitions*

The proposed amended development is defined as 'rural shed'. The storage of materials and equipment associated with the owners building business is not longer proposed within the shed.

'Rural shed' means "a building or structure used for the storage of the property of the occupiers of the subject land or property associated with an agricultural use or other permissible land use conducted on the same parcel of land, but does not include a building or structure elsewhere specifically defined in this clause or a building or structure used for a purposes elsewhere specifically defined in the clause."

The proposal is considered to be consistent with the definition of a Rural Shed and is a permitted use in the zone.

*Clause 8 - Zones indicated on the map*

The subject land is zoned Mixed Agriculture.

*Clause 9 - Carrying out of Development*

'Rural sheds' are permissible with consent within the Mixed Agriculture zone.

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The objectives of the Mixed Agriculture zone are:

- (a) to encourage existing sustainable agricultural activities;

**Comment:**

At present the property is not being used for agricultural purposes.

- (b) to ensure that development does not create or contribute to rural land use conflicts;

**Comment:**

The proposed amended development will not create land use conflicts.

- (c) to encourage agricultural activities that do not rely on highly fertile land;

**Comment:**

The proposed development is not considered to be inconsistent with this objective.

- (d) to prevent fragmentation of agricultural land;

**Comment:**

The proposed development will not result in the fragmentation of agricultural land.

- (e) to ensure that agricultural activities occur in a manner:

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



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**Comment:**

No agricultural activity is currently being carried out on the land.

- (f) *to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,*

**Comment:**

The proposal does not require the removal of native vegetation.

- (g) *to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*

**Comment:**

It is considered that, due to the size and character of the proposed building, the proposed shed is inconsistent with the existing scenic quality of the locality. (See discussion below - Rural Sheds Chapter of Hawkesbury Development Control Plan)

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

**Comment:**

The proposed development is not considered to be traffic generating.

- (i) *to control outdoor advertising so that it does not disfigure the rural landscape,*

**Comment:**

The proposal does not include advertising signs.

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

**Comment:**

It is considered that the proposed development will not create unreasonable economic demands for the provision or extension of public amenities or services.

**Hawkesbury Development Control Plan**

**Rural Sheds Chapter**

The following is an assessment of the proposal against these design principles:

<b>Design Principles</b>	<b>The Proposal</b>	<b>Compliance</b>
<p><b>Siting</b> Cut and fill shall be limited to 2m of cut and 900mm of fill</p> <p>Sheds shall be located no closer to the road than the existing dwelling house.</p>	The submitted plans indicate a cut of 1.855m and fill of approx 800mm.	<p>Yes</p> <p><b>No</b> <b>See Discussion below</b></p>
Sheds are not to be erected on land which has a slope in excess of 10%		Yes
The erection of rural sheds should involve minimal	The proposal will have minimal disturbance to native vegetation.	Yes

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<b>Design Principles</b>	<b>The Proposal</b>	<b>Compliance</b>
disturbance to native vegetation.	No vegetation to be removed.	
<p><b>Size</b> The maximum size of sheds in the 1(c) and 1(c1) areas shall not exceed 150m<sup>2</sup>. The cumulative total of all outbuildings shall not exceed 150m<sup>2</sup> on any one property in these zones.</p> <p>In zones 1(a), 1(b), 7(d), 7(d1), 7(e), the applicant will need to justify the size of any shed exceeding 150m<sup>2</sup> in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.</p>		<p align="center"><b>Inadequate justification, See discussion below</b></p>
<p><b>Height</b> The total height of a rural shed erected in Rural 1(c) and 1(c1) zones shall be no more than 5m or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less.</p> <p>In other zones the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development.</p> <p>The total height of 'barn style' sheds may exceed 5m based on individual merit.</p>	<p>The total height of the shed is 5m</p>	<p>Yes</p>
<p><b>Form</b> Rural sheds with standard roof form will be limited to rectangular shapes.</p> <p>Sheds of other roof forms, for example barn style, will be encouraged.</p>	<p>The shed has dimensions of 30m by 15m.</p>	<p>Yes</p> <p>N/A</p>
<p><b>Colour</b> The colour of a rural shed will match or blend in with those of existing buildings.</p> <p>On vacant land the colour for</p>	<p>The proposed shed will be 'wilderness' and 'dune' in colour. This is considered satisfactory.</p>	<p>Yes</p> <p>N/A</p>

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<b>Design Principles</b>	<b>The Proposal</b>	<b>Compliance</b>
rural sheds shall be taken from the natural environment.		
<p><b>Type of Building Materials</b> Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective.</p> <p>The use of corrugated iron will be considered subject to the size, height, design and location of the rural shed.</p> <p>Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.</p>	The building materials are new and are prepainted.	<p>Yes</p> <p>N/A</p> <p>N/A</p>
<p><b>Landscaping</b> Plantings are to be a mix of trees, shrubs and ground cover.</p> <p>Trees shall include species that at maturity have a height above the ridgeline of the shed.</p> <p>Shrub mass shall provide adequate screening.</p> <p>Plants endemic to the area are to be chosen.</p>		<p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p>

**Variations**

*Setback*

The DCP requires sheds to be setback further from the road than the dwelling house on the land.

Applicants Justification:

*"The DCP states that a shed be located no closer to the road than the existing dwelling house on the property. This application precedes an application for a new dwelling. The proposed dwelling has a primary frontage to Crooked Lane (refer to attached site plan). Crooked Lane is the prominent road, which runs between Slopes Road and Kurmond Road. The shed has been located 12m off Branders Lane. Branders lane is the secondary street frontage and is an unsealed lane used by residents only. The siting of the shed off Branders Lane is not in a prominent position and it does not visually dominate the proposed dwelling".*

Comment:

Rule (a) to clause 8.2.1 Siting of the Rural Sheds Chapter states:

- Sheds shall be located no closer to the road than the existing dwelling house on the property.

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This Rule was imposed as it was determined that sheds located in front of the dwelling house become the dominant feature. However, this Rule does not refer to primary street frontages or secondary street frontages. Whilst, the location of the shed can be considered given:

- a rural shed is located on the adjoining property, and this shed is located closer than the dwelling house to Branders Lanes.; and
- there is visual separation between the shed and the proposed dwelling house,

it is considered that due to the proposed shed presenting a 30 metre long wall to this elevation, with very little relief, the shed will be the visually dominant feature of the landscape when viewed from properties and roads to the south. Whilst the use of cut will reduce the appearance of height when viewed from the south, the length of the shed significantly contributes to the mass of the building thereby making it visually dominant from this view point. In addition, it is considered that the 5° pitch of the roof adds to the bulky design of the shed.

### Size

The shed will have a size of approximately 450m<sup>2</sup>, having rectangular dimensions of 30 metre by 15 metre.

### Applicants Justification:

*"The DCP states that shed should be limited to 150m<sup>2</sup> in size unless the size can be justified.*

*This application seeks approval for a rural shed that is greater than 150m<sup>2</sup>, the variation is sought because;*

- *the shed is not for a commercial use,*
- *The shed is for the storage and use of agricultural equipment, feed and livestock that is associated with a 14.56 hectare property. The shed will provide stables and other necessary farm equipment for the owners 8-10 horses.*
- *The shed is not visually prominent due to its location, therefore it presents no adverse effects to its locality or surrounds.*
- *The height of the shed has been reduced by excavating the shed into the landscape this reduces its bulk and scale, views from Branders Lane and properties to the south will not be significantly affected".*

### Comment:

The aims and objectives of Clause 8.2.2 Size of the Rural Sheds Chapter of Hawkesbury Development Control Plan are:

- To control the size of rural sheds so as to minimise their visual dominance in the landscape.
- To reduce the number of unnecessarily large sheds.
- The size of rural sheds will be associated with the use of the shed, the use of the land and the size of the property.

It is considered that the proposed shed is inconsistent with the aims and objectives of this Clause as the justification of the size of the shed is not satisfactory. It has not been demonstrated that a shed of 450m<sup>2</sup> is warranted to support the residential, and limited agricultural, component of the land.

A floor plan was submitted demonstrating how the shed will be utilised. This floor plan shows five stables (3.6 metre by 3.6 metre), storage area for farm equipment (8.73 metre by 4 metre), hay storage area (6.1 metre by 7.7 metre), feed stall (4 metre by 1.5 metre), manure container (0.9 metre by 1.5 metre), and a toilet/shower/kitchenette area (3.5 metre by 4 metre). These areas equate to approximately 168m<sup>2</sup>. The floor plan indicates that the rest of the shed will be used for farm machinery storage, however, provide no details as to the types of machinery or the areas/configuration required for their accommodation. As a result, an area of 282m<sup>2</sup> has not been satisfactorily justified in relation to the use of the land for the keeping of up to 10 horses.

*Landscaping*

The application proposes plantings along the Branders Lane frontage of Evergreen Ash and Photinia.

*Comment:*

It is considered that the landscaping is inappropriate in terms of species and is inconsistent with the requirements of this Chapter.

**Context And Setting**

Surrounding properties are predominantly used for rural residential purposes. The character of the locality is rural.

The application provides the following arguments:

*"The proposal will have a minimal visual impact because the proposal has been designed to work with the contours of the site, existing natural vegetation will be left largely untouched where possible, this adds to visual privacy aspects. This impact is neither significant nor adverse because:*

- *The form, scale and function of the building are normal and expected in the context. The proposal is a style suitable to the area of North Richmond.*
- *The proposal is of a comparable height and scale to the adjoining buildings.*
- *The proposal provides extensive planting on the boundary of Branders Lane that will provide visual screening to the rural shed..."*

Vegetation along Branders Lane adjacent to the subject property's boundary consists of sparse trees and shrubs. The shrub layer is mostly lantana. The property bordering the southern side of Branders Lane has a stand of mature trees, however little understory layer to screen the shed when viewed from this direction. There is little vegetation present to screen the shed from the adjoining property to the west, which is the closest neighbour. The proposed landscaping is inconsistent with the requirements of the Rural Sheds Chapter of Hawkesbury Development Control Plan as previously discussed.

The scale of the building is inappropriate as it is not in proportion to the proposed use of the shed as indicated on the submitted floor plan.

The proposed shed is not comparable in scale to buildings on adjoining properties, including sheds within the locality.

It is considered that, due to the location, size and design of the building, the proposed shed will have an adverse impact on the character and scenic quality of the locality.

**The Public Interest**

Given the inconsistency with the Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development control Plan, and due to the visual impact of the development on the locality, it is considered that the proposed development is not in the public interest.

**Conclusion**

The proposed development is inconsistent with Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan - Rural Sheds Chapter. As discussed in this report, the proposed shed will have an adverse impact on the visual quality and rural character of the locality.

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**Conformance to Strategic Plan**

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

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

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

**Funding**

No impact on budget.

**RECOMMENDATION:**

That the application for a rural shed be refused for the following reasons:

1. The proposed development is inconsistent with objective (g) of the Mixed Agriculture zone contained within Hawkesbury Local Environmental Plan 1989.
2. The proposed development is inconsistent with the aims and objectives of the Hawkesbury Development Control Plan.
3. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular Part D, Chapter No.8, Erection of Rural Sheds.
4. The proposed development is inconsistent with the established character of the locality.
5. The proposed development will have an unacceptable impact on the visual quality of the area.
6. The proposed development will have an unacceptable impact on the locality in terms of scale, bulk, mass, form and design.
7. In the circumstances, approval of the development would not be in the public interest.

**ATTACHMENTS:**

**AT - 1** Site Plan

**AT - 2** Floor Plan

**AT-3** Elevation Plan

**AT-4** Elevation Plan

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**AT 1 - Site Plan**

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

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**AT 2 - Floor Plan**

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



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**AT 3 - Elevation Plan**

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

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**AT 4 - Elevation Plan**

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**oooO END OF REPORT Oooo**

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**Item: 112**            **CP - Summary of the Hawkesbury-Nepean River Health Strategy and it's implications for Hawkesbury City Council - (107, 95498)**

**Previous Item:**        NM2, Ordinary (24 April 2007)

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### REPORT:

At the Council meeting of 24 April 2007, a notice of motion was put forward as follows:

*"That Council endeavour to conduct a "River Summit" including all interested parties, such as relevant Ministers, local members of parliament, councils, the Catchment Management Authority, LGAG and commercial representatives, with a view to investigating actions that can be taken, such as appropriate dredging, to improve water quality, reduce and control weed infestation and enhance access to this most important community asset."*

After some debate the following resolution was made:

*"That a summary of the Hawkesbury-Nepean River Health Strategy and it's implications for Hawkesbury City Council be the subject of a future report to Council during May/June 2007."*

The following report identifies the key elements of the strategy and its implications for Hawkesbury City Council as a major stakeholder located along the Hawkesbury Nepean River. The report also refers to a previous report considered by the Floodplain Risk Management Committee on 19 February 2007 that details the Statutory and environmental considerations to be addressed prior to any proposals for dredging the Hawkesbury River.

### Background

The Hawkesbury Nepean River Health Strategy was launched on the 13<sup>th</sup> March 2007 by the Hon Ian Macdonald MLC Minister for Natural Resources.

The Strategy identifies the Hawkesbury Nepean catchments as the protector of a huge range of flora and fauna, and is a major destination for recreation and the tourism industry. The rivers of the Hawkesbury Nepean catchments:

- Supply drinking water for over 4 million people living in Sydney, the Illawarra and the Blue Mountains
- Help generate over \$1 billion annually in agriculture production (12% of all NSW's agriculture) including much of Sydney's fresh vegetables, flowers and fruit.
- Support a \$6 million a year commercial fishing industry
- Support 43,000 recreational fishers
- Supply 80% of the sand and gravel used in Sydney's construction industry worth an estimated \$100 million a year
- Attract more than 10 million visitors to the catchments each year generating over \$60 million annually in tourism and recreation
- Provide 23% of NSW's electricity using water from catchments rivers
- Supports an extensive underground coal mining industry

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- Help sustain the environmental values of the 1 million hectare Greater Blue Mountains World Heritage Area.

These many and varied activities place enormous pressure on the river. Without appropriate management, the health of the catchments could be compromised.

The Hawkesbury-Nepean Catchment Management Authority (CMA) has consulted widely with groups across the catchments in the development of this strategy. This includes more than 20 local councils and countless interest groups and individuals from across the catchments.

The "Hawkesbury Nepean River Health Strategy" has been built upon the latest science as well as reflecting the wishes and aspirations of the Hawkesbury-Nepean community. The Strategy is an integral part in the puzzle which the NSW Government is constructing to protect the river system and ensure that we are able to achieve this goal for the catchments well into the future.

### **Working Towards River Health**

In the Hawkesbury Nepean, river management must integrate the essential economic and social values of its many rivers with strategies and programs that aim to move the condition of waterways towards sustainable ecological health. The Hawkesbury Nepean Catchment Management Authority (HNCMA) has a charter to carry out on-ground actions to meet regionally defined state wide targets contained in the Hawkesbury Nepean Catchment Action Plan. The River Health Strategy provides detailed recommendations and priorities to help meet the targets set in the Catchment Action Plan.

There are four management objectives that underpin the River Health Strategy:

1. Maintain the condition of river reaches where they are in natural or near natural condition
2. Maintain and improve river reaches where they are in good condition
3. Improve the environmental condition of the remaining river reaches
4. Achieve the highest environmental and community gain for the resources invested

Following on from these objectives, the Strategy is based on eight Management Themes that represent the major groups of action for the Catchment Management Authority to improve river health:

1. Improving the management of riparian lands
2. Managing severe immediate threats and severe downstream impacts
3. Managing important wetlands
4. Improving aquatic habitat condition and connectivity
5. Aquatic weeds management
6. Improving management of public recreation on riverbanks
7. Supporting the community to take action
8. Managing habitat for flagship species

These Management Themes link closely with targets in the Hawkesbury Nepean Draft Catchment Action Plan, which is a ten year, regional natural resource management plan.

The Strategy helps to identify high value subcatchments that are making a valuable contribution to river health. These subcatchments will generally be those with a high proportion of its river reaches in a good or near intact condition with low recorded threats.

Opportunities to make further improvements in these subcatchments or to prevent further degradation are important and thus a high priority in the action plan.

### **Current Subcatchment Assessments and Identified Pressures**

The Strategy identifies the following subcatchments within the Hawkesbury Local Government Area:

1. Colo River

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2. Grose River
3. Hawkesbury River (freshwater)
4. Hawkesbury River Estuary
5. Macdonald River
6. Nepean River
7. South Creek
8. Webbs Creek

The Strategy summarises the various subcatchments characteristics, values and pressures. The identified pressures across the above subcatchments have been summarised below.

### Sub-catchment Pressures.

It is reported that the rivers and riparian lands of the Hawkesbury Nepean are experiencing significant pressure from urban and rural residential development and run off from agricultural and urban areas, clearing of riparian lands, and altered aquatic habitats that support fewer species.

The following pressures were identified within the above mentioned subcatchments:

- Damaging access both of private and public lands due to stock and human activity causing erosion and decreased water quality.
- Potential Acid Sulfate Soils.
- Barriers to ecosystem functioning.
- Modified/ engineered channel (de-snagging, weirs, sand mining).
- Flow regulation.
- Flow extraction.
- Poor Water quality (Sewage Treatment Plant discharges, storm water, agricultural runoff).
- Urban development altering hydrology and sediment input to river.
- Pest animal damage- pigs
- High woody weed and vine invasion (*Privet, African Olive, Willows, Arundo donax*).
- Frequent aquatic weed outbreaks (*Salvinia, Water Hyacinth, Egeria densa*).
- Sand dredging.

The Strategy identifies the challenge to balance these pressures of development whilst attempting to protect the environment.

### Dredging

A report on dredging the Hawkesbury River was considered by the Floodplain Risk Management Committee on 19 February 2007. A summary of the main issues regarding dredging follows.

The 1997 Hawkesbury Nepean Flood Management Strategy investigated a number of options for improving flood conditions, including dredging to depths varying from 1m to 10m for the length of the river from Sackville to Brooklyn. The dredging options in the flood report were modelled for comparative purposes only and were ruled out in the study as not being viable based on environmental, economic and recreational grounds. Whilst this report viewed the option of dredging from a flood perspective, there are a number of issues that are relevant to the River Health Strategy.

There are a variety of approvals, and associated studies, required prior to consideration of any dredging. These include, but are not limited to, the following:

- Environmental Planning and Assessment Act, 1979
- Crown Lands Act, 1989
- Threatened Species Conservation Act, 1995
- Fisheries Management Act, 1994
- Environment Protection and Biodiversity Conservation Act, 1999
- National Parks and Wildlife Act, 1974

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- Aboriginal Land Rights Act, 1983
- Water Management Act 2000

The requirement for the above approvals does not preclude the option of dredging. However, it should be noted that, depending on the extent of any proposed dredging, the cost of preparation of the studies and investigations required to make these applications would be considerable. In most cases the application would require a full Environmental Impact Statement (EIS).

It should also be noted that the river bed is Crown Land and the consent of the Crown, as landowner, is required. This may also have implications under Native Title Legislation. Under the provisions of the Crown Lands Act, the Department may also require the payment of royalties for material removed from the site and sold.

The report also detailed potential impacts of estuary dredging including:

- Increased trapping of littoral sediments
- Channel banks could be undermined leading to slumping with a loss of riparian vegetation
- Altered flow patterns which could initiate bank erosion
- Bed degradation along main channel, upstream of dredged area, possibly aggravated during river floods, could occur as dredge holes fill
- Increased mobility of bed sediments outside dredged area (possibly negating localised benefits obtained from partial dredging)
- Increased water depths results in a decrease in velocities and an increase in the resident times of the flushing of the estuary
- If dredging is too deep a reduced level of mixing occurs resulting in decreased water quality
- Loss of aquatic vegetation and reduction in habitat
- Initial dredging costs (dependant on extent proposed)
- Maintenance dredging costs (Approximately 5% of initial cost)
- Indirect costs (eg, compensation for loss of farmland from bank erosion, loss of irrigation water due to salt intrusion, cost of bank stabilisation and protection)

In order to properly and fully investigate the impacts of dredging, a better understanding of the geomorphology of the river system is required.

### **Geomorphology of the Hawkesbury-Nepean River System**

Knowledge of the river and catchment landforms and the processes of erosion and deposition that are involved is known as geomorphology.

The study of the landforms within the Hawkesbury - Nepean have been carried out since the 1860's. In late 1996 the Hawkesbury Nepean Trust contracted Martens and Associates to collate the extensive geomorphological literature relating to the Hawkesbury Nepean River system and catchment. The results were compiled on a compact disc and distributed in 1998 to State and local government authorities.

Professor Wayne Erskine was the author of papers such as "Extractive Industries", "Channel Morphology", "Channel Changes" which were included within the Study. His research interests are wide, including historical river channel changes and their causes, fish passage problems, estuarine sedimentation, soil erosion rates and riparian vegetation and has specialist knowledge on the Hawkesbury Nepean River system.

Professor Wayne Erskine was appointed Head of the School of Applied Sciences at the University of Newcastle, Ourimbah Campus. He went to the University from Forests NSW where he was Senior Specialist Scientist with responsibility for Soils, Soil Erosion, Fish and Forest Hydrology. Prior to that he worked in the Commonwealth Department of Environment and Heritage as a Hydrologist and Environmental Scientist responsible for the regulation of uranium mining at Jabiluka, Nabariek and Ranger.

Given Professor Erskine's expertise and local system knowledge it would be useful, if possible, to engage his services to address Councillors and senior staff on extractive industries and the impacts these have on

the river system. It would be helpful if the members of the Floodplain Risk Management Committee also attend.

### Conclusion

The Strategy helps to identify the value of subcatchments and pressures to river health. Opportunities to make further improvements in these subcatchments or to prevent further degradation are important and thus a high priority to the Catchment Management Authority.

The HNCMA will be using the information in the "River Health Strategy" to develop subcatchment management plans to guide the activities of its on ground river health projects. The HNCMA will eventually be developing Integrated Subcatchment Management Action Plans which will have three major components:

1. River Health actions
2. Biodiversity actions, and
3. Soil and Land actions

As with all community based environmental activities willing participation of landholders is the overriding factor of success. Target reaches can be selected for action, however, community uptake of recommendations is crucial. Hawkesbury City Council is a valuable stakeholder and should ensure that its operational works and on ground projects are compliant with the underlying management objectives identified within the River Health Strategy.

Knowledge of the river and catchment landforms and the processes of erosion and deposition is essential to provide a sound basis for management of natural resources. Council undertaking further briefing on the geomorphology of the Hawkesbury- Nepean River Systems would be beneficial.

### Conformance to Strategic Plan

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

*"Objective: Investigating and planning the Coty's future in consultation with our community, and coordinating human and financial resources to achieve this future"*

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

### Funding

There is funding available in the training budget to engage Dr Erskine for a one-off address to Council and staff. Some of this cost may be offset if adjoining Councils were interested in sending staff or Councillors to this address. This can be further investigated.

There is currently no budget available for the investigation or undertaking of dredging of the river. Similarly, there does not seem to be any grant money for river dredging readily available. It is true that there may be some returns to Council via the sale of dredged material. However, the returns would depend on the quality of the dredged material (currently unknown as it would vary depending on location) and there would be a need for the outlay of significant costs to undertake the investigations prior to making application for dredging (with no guarantee of approval or return).

### RECOMMENDATION:

That:

1. Council endorse the Hawkesbury Nepean River Health Strategy and the principles and actions of the Strategy be given consideration in Councils landuse and strategic planning.

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2. Design and operational works have due consideration of the subcatchment pressures and incorporate where possible the principles of the strategy.
3. Council engage the services of Dr Wayne Erskine to address Council and senior staff on extractive industries, channel morphology, and channel changes within the Hawkesbury Nepean River.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



## ORDINARY MEETING

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**Item: 113 CP - Proposed Rezoning of Lot 1 DP827148, No. 820 Richmond Road, Clarendon - (74563, 95498)**

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### REPORT:

#### Introduction

An application has been received from Falson and Associates requesting land at Lot 1 DP827148, No. 234 Richmond Road, Clarendon be rezoned to allow for Monaghans Mitre 10 to develop the site.

#### Background

The application was received on 21 December 2006 following discussions with Monaghans during 2006. Council was advised of these discussions at a briefing session in October 2006. Additional information was requested in March 2007 and this information was provided on 14 May 2007.

#### The Proposal

The application seeks a rezoning to permit the subject land to be used for bulky goods sales room and showroom to facilitate the relocation of the existing Monaghans Hardware in Mileham Street Windsor to the subject site.

A preliminary site layout plan indicates a purpose-designed building with an overall area of 4500sqm comprising the following:

- 2200sqm of retail store area
- 900sqm garden centre
- 1400sqm of trade area
- 2800sqm of timber yard
- parking for 146 vehicles
- Access from Richmond Road

The proposed layout is attached to this report.

#### Applicants Justification

The application was accompanied by a statement supporting the proposed rezoning. In its summary the statement states as follows:

*"The premise of the proposal is that it recognizes that the subject property is an isolated zoning anomaly and is separated from the main portion of Club land by the Blacktown/Richmond rail line. Additionally there are business uses adjoining the site so that a suitable business use if would not be out of character in the context of overall development in the locality.*

*The site is vacant at this time and a proper business use of it would be able to fund opportunities at the Club for improved course facilities including a lengthening of the main straight. The Minister for Gaming and Racing is supportive of the proposal....*

*This statement culminates in a belief that the land is suitable for use of bulky goods sales room or showroom (subject to good design) and that such a use would not be inconsistent with other nearby business uses. Further that there will be positive community benefit arising from such a use of the land and accordingly Council's local environmental plan should be altered to permit consideration of such a use to proceed.*

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*... The Club has been advised of interest to develop the site by the existing Monaghan's Mitre 10 Hardware outlet at Mileham Street. This relocation is required due to impact from the major flood evacuation works adjacent to the Mileham Street site and the difficulty of access that will occur once this major bypass route is completed. Monaghans wish to take the opportunity to relocate so as to maintain their local market share and to obtain better exposure so as to better service the Hawkesbury community".*

The applicant has also indicated a willingness to enter into a voluntary planning agreement to ensure that the resultant development and associated works are of good design and high standard.

### **Statutory Situation**

#### Hawkesbury Local Environmental Plan 1989

The land is currently zoned Open Space 6(c)(Private Recreation) under the provisions of Hawkesbury Local Environmental Plan 1989. The objective of this zone is to identify and set aside certain private land where private recreational activities are and may be developed.

The proposed use of bulky goods sales and showroom is prohibited within this zone.

### **Department of Planning Local Environmental Plan Review Panel**

As Council is aware in February 2006 the Department of Planning advised Council that the all Delegations with respect to Local Environmental Plan (LEP) making would be revoked. The removal of delegations became effective on 22 February 2006 and a new process of preparing LEP's commenced.

To make amendments to LEP's all Councils in New South Wales now have to request a "Written Authorisation to Exercise Delegation" for individual LEP amendments. The requests are then assessed by the LEP Review Panel, consisting of senior staff at the Department of Planning,.

Therefore all draft LEP's are now subject to review by the panel at the Section 54(4) notification stage (notification to the Department that Council resolved to prepare the draft LEP) and may be further reviewed by the panel prior to the issue of a Section 65 (public exhibition) Certificate or when a draft LEP is submitted to the Department under Section 68 (following public exhibition) of the Act.

The Department has identified six categories of LEP's and established a set of pro-forma evaluation criteria to guide the panel and Councils in preparing LEP's. This matter was addressed in the statement of support prepared by the applicant. The following table identifies the evaluation criteria and the compliance of the rezoning request.

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**Department of Planning - LEP Pro-forma Evaluation Criteria  
(Circular PS 06-015) Category 1: Spot rezoning**

1.	<b>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?</b>  <i>Explain:</i>	Not inconsistent. The proposed rezoning is not inconsistent with this criteria.  The land is located within 800m of a transit node (Clarendon Railway Station) however it unlikely to be developed for residential purposes due its flood affectation.
2.	<b>Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?</b>  <i>Explain:</i>	Not inconsistent. The subregional plan for the North West Region has not been prepared at this stage.  A detailed evaluation of the Section 117 Directions is provided below.
3.	<b>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?</b>  <i>Explain:</i>	No. The land is not nominated in the Metropolitan Strategy. The subregional plan for the North West Region has not prepared at this stage.
4.	<b>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</b>  <i>Explain:</i>	Yes (employment generating). The Hawkesbury Race Club is seeking to undertake works to its facilities. The sale of this land will facilitate the achievement of its strategic goals.  Further, the relocation of Monaghans Mitre 10 from its existing site will permit the operation to grow and expand the number of employees and will facilitate additional employment generating land.
5.	<b>Will the LEP be compatible/complementary with surrounding land uses?</b>  <i>Explain:</i>	Yes. As indicated above there are a variety of surrounding land uses and the proposal is not inconsistent with these uses.
6.	<b>Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?</b>  <i>Explain:</i> The opinion of other landowners is a matter for determination following consultation and exhibition.	Unknown. The land has effectively been excised from the remainder of the Race Club by the Richmond/Blacktown Railway. The land can no longer be readily accessed due to the electrification of the railway line.
7.	<b>Will the LEP deal with a deferred matter in an existing LEP?</b>  <i>Explain:</i> There are no deferred matters.	No
8.	<b>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of</b>	Yes

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<b>these considerations?</b>	
<i><b>Explain:</b> There are no other spot rezonings in the locality.</i>	

**Planning Assessment**

Subject land

The subject land is irregularly shaped and has an area of approximately 1.4 hectares. The site has road frontage to Richmond Road and access is available to this road. Directly adjoining the site to the south is the Richmond/Blacktown Railway line and the Hawkesbury Racecourse. Development to the west consists of a service station/convenience store and car wash facility. The eastern boundary adjoins a veterinary establishment and to the north, residential development and the Richmond RAAF Base.

The site is relatively flat and contains no structures or vegetation. A power supply easement dissects the site adjacent to the eastern boundary.

Surrounding Development

Surrounding development consists of variety of land uses including tourist accommodation, commercial development and residential development.

Provision of services

The applicant suggests that the use of the land for a hardware outlet will not require the provision of any services that are not already available to the locality. Should the proposal proceed to a draft LEP, the service agencies would be consulted under section 62 of the Environmental Planning and Assessment Act 1979.

Traffic

Access to the site is via Richmond Road. The applicant was requested to provide a preliminary traffic report so as to ascertain the traffic flows associated with the development. The report concludes that the traffic generated by the proposed development will not have a significant impact on the capacity of Richmond Road and the site distances exceed the standards required by the Australian Standard and RTA guidelines.

Consultation was undertaken by the traffic consultant with the RTA who advised that *“a full traffic report will be required before any conclusions can be drawn as to the type of facility which should be applied”*. The consultant indicates *that a further report will be produced at DA stage or as part of the environment study for the rezoning at a later stage*. In this regard, should a draft LEP be prepared, further consultation with the RTA will occur at the section 62 consultation stage.

**Section 117(2) Ministerial Directions**

An assessment of the Section 117 Ministerial Directions has been carried out and it is considered that the proposal is generally consistent with all Section 117 Ministerial Directions, excluding the following:

1. Direction 12 – Development near Licensed Aerodromes  
This direction aims to ensure the effective and safe operation of aerodromes; ensure that there operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft; and to ensure development for residential purposes or human occupation for land within the ANEF contours of between 20 and 25 incorporates mitigation measures.

The applicant has addressed this matter in the information provided and it was concluded that the proposal is not inconsistent with this Section 117 Directions and would be considered to be of minor significance.

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Notwithstanding the above comments, should the matter proceed to the preparation of a draft LEP, it would be referred to the Department of Defence under section 62 of the Environmental Planning and Assessment Act 1979.

2. Direction 15 – Flood Prone Land

This direction applies to Flood Prone Land and aims to ensure that development of floodplain land is consistent with the Government Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. It also aims to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes the consideration of the potential impacts both on and off the subject land.

3. Direction 16 – Industrial Zones

This direction applies when a council prepares a draft LEP that creates, removes or alters an Industrial Zone boundary or an Industrial Zone provision. The objective of this Direction is to maintain the supply of land primarily for industrial purposes. The proposed rezoning will allow for a small increase in the supply of industrial.

### Comment:

There are a number of tests for Councils if a Section 117 Direction applies and draft LEP's may be inconsistent with the directions in certain circumstances. In particular, in the above directions, a draft LEP may be inconsistent with the Section 117 Directions if it is considered by the Director General that the rezoning is of a minor significance.

The subject site is a portion of the Hawkesbury Race Club land that is isolated from the remainder of the property by the Richmond/Blacktown railway and has independent access to Richmond Road. The adjoining land uses are well established and the proposed zoning will be compatible with these uses. It is not likely that the site will be developed in accordance with the existing zoning (private recreation) due to the adjoining land uses and it being severed from the racecourse.

The locality, due to its location adjacent to the RAAF base and on partially flood prone land, is not suitable for residential or other habitable uses. The future development of Clarendon and the land between Windsor and Richmond is intended to be reviewed as part of the preparation of Council's Land Use Strategy review (resolved by Council on 29 May 2007) to be undertaken following the conversion of the LEP into the Standard LEP format.

Given that Council intends to undertake a strategic review of the locality in the short to medium term, the proposed use is consistent with the adjoining uses that are not likely to change in the long term, the proposal will result in employment generation and the proposed rezoning is consistent with criteria specified in the Department of Planning Circular PS 06-015, the current proposal is considered to be of minor significance and should proceed.

### Conclusions

The proposal to relocate the existing Monaghans Mitre 10 from the Mileham Street to the subject land is supported. The site is unlikely to be developed for the purpose of private recreation associated with the Hawkesbury Race Club due to its physical separation. It is noted that proceeds from the sale of the site will allow for improvements to the Race Club facilities including the extension of the main straight.

The surrounding land is characterised by a variety of land uses and the proposed use will not be incompatible with these land uses.

The most appropriate zone for the proposed use is a Light Industry 4(b) as this would allow for a bulky goods sales and showroom.

The proposed use would contain activities that would generally fall within the definition of **bulky goods sales room or showroom**. Hawkesbury LEP 1989 contains its own definition of bulky goods sales room or showroom *and means a building or place used for the sale by retail or auction, the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require:*

- (a) a large area for handling, storage or display, or

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- (b) *direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase,*

*but does not include a building or place used for the sale of foodstuffs or clothing.*

It is noted that this definition excludes the sale of foodstuffs or clothing. Clothing in a hardware store typically consists of Personal Protective Equipment and work apparel, such as boots, overalls and hats. This is usually considered to be ancillary to the main use and therefore allowed. To remove this ambiguity it is recommended that the draft LEP amend the definition of *bulky goods sales room or showroom to be consistent with the Standard Order (Local Environmental Plans) 2006. This definition is as follows:*

**bulky goods premises** means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) goods that are of such size or weight as to require:

- (a) *a large area for handling, display or storage, or*

- (b) *direct vehicular access to the site of the building or place by members of the public, for the purpose of loading and unloading the items into their vehicles after purchase or hire,*

*but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale of bulky goods.*

If the proposal is to proceed there needs to be some form of guarantee that the particular land owner who makes the submission to Council for rezoning, will in fact be the one who will benefit from it. This is because it is not possible for Council to restrict who owns the land once the rezoning has been achieved, and the proponent of the particular rezoning can simply offload the land and sell it later and a completely different proposal can be presented to Council.

Further, any such applications proposing the rezoning of this land would need to be accompanied by proposed designs prepared by qualified architects of a well-designed building located on this site. Preliminary drawings have been lodged and it is suggested that a voluntary planning agreement may be used to secure this design and the proposed use. It is therefore recommended that Council enter into negotiations towards the preparation of a voluntary planning agreement.

### Conformance to Strategic Plan

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

*"Objective: Investigating and planning the Coty's future in consultation with our community, and coordinating human and financial resources to achieve this future".*

### Funding

No impact on budget.

### RECOMMENDATION:

That:

1. A draft Local Environmental Plan be prepared to rezone Lot 1 DP827148, 820 Richmond Road, Clarendon from Open Space 6(c)(Private Recreation) to 4(b) Light Industry.
2. The draft Local Environmental Plan amend the definition of Bulky goods sales and showroom to be consistent with the *Standard Order (Local Environmental Plans) 2006.*
3. Given the minor nature of the proposed rezoning a local environmental study not be prepared.

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4. The applicant is to submit a full traffic report prior to the assessment and referral of the application under the provisions of Section 62 of the Environmental Planning and Assessment Act, 1979.
5. Council enter into negotiations towards the preparation of a voluntary planning agreement to secure an appropriate design of the development and the proposed use.

**ATTACHMENTS:**

**AT - 1** Site Plan

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**At - 1 Site Plan**

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## ORDINARY MEETING

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### EXTERNAL SERVICES

**Item: 114**            **ES - RID Squad Funding - State and Federal Government Responses to Request for Funding Assistance - (81216, 96330)**

**Previous Item:**        33, Ordinary (27 February 2007)

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#### **REPORT:**

On 27 February 2007 council resolved:

*"That:*

1. *Council write to the Minister for Local Government, the Hon Kerry Hickey, MP, requesting that the funds required for membership of the RID Squad be allowed to be taken from the domestic waste budget.*
2. *Council write to the Minister for the Environment, Mr Bob Debus, MP, and advise that Council is unable to fund membership of the RID Squad from its general budget due to other priorities, however will be seeking permission from the Minister for Local Government for the membership of the RID Squad to be funded from Council's domestic waste budget.*
3. *If unsuccessful in its application referred to in point 1 above, the matter be further reported to Council.*
4. *Council approach State and Federal Governments to subsidise or take over the running of the RID Squad."*

On 8 May 2007 Council received a response to its letter to the Minister for Local Government from the Director General, Department of Local Government (*please refer to Attachment 1*). The Director General has advised Council that "money that has been received as a result of the levying of a special rate or charge may not be used otherwise than for the purpose for which the rate or charge was levied".

Domestic waste management services are defined in the Act as "services comprising the periodic collection of domestic waste from individual parcels of rateable land and services that are associated with those services". While the *RID Squad Annual Review 2003/04* states that the "vast majority of illegal dumping dealt with by the RID Squad is of a domestic nature", the membership fees for the RID Squad do not meet the definition of domestic waste management services and consequently cannot be paid from Council's domestic waste budget.

The Director General also suggests that Council may consider funding the RID Squad fees via an internal loan from the domestic waste management funds.

Council's Financial Services branch has advised that "*there may be issues with the borrowing of funds for recurrent purposes in subsequent years. Therefore, it is not recommended to borrow from the Domestic Waste Management Reserve*".

On 11 May 2007 Council received a response from the Minister for Local Government, Territories and Roads (*please refer to Attachment 2*). Mr Lloyd has advised Council that "*The Australian Government does not have an additional resource of funds available to fund Hawkesbury City Council's membership of the Regional Illegal Dumping Squad*".

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**Conformance to Strategic Plan**

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

*"Implement plans and controls to manage and reduce waste and promote the environmental health of the city."*

**Funding**

Advice received from the RID Squad Project Manager indicates that it will be necessary for councils seeking RID Squad membership in the 2007/2008 financial year to contribute \$40,000.00. However, if the income from regulatory fines is greater than estimated there may be a rebate at the end of the year back to member councils.

**RECOMMENDATION:**

That Council continue its current status of not being a member of the RID Squad.

**ATTACHMENTS:**

- AT - 1** Copy correspondence dated 4 May 2007 from Garry Payne AM, Director General, Department of Local Government, Nowra.
- AT - 2** Copy correspondence dated 8 May 2007 from The Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads.

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**AT - 1 Correspondence dated 4 May 2007 from Garry Payne AM, Director General,  
Department of Local Government, Nowra**

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**AT - 2 Correspondence dated 8 May 2007 from The Hon Jim Lloyd MP,  
Minister for Local Government, Territories and Roads**

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**ORDINARY MEETING**

**Meeting Date:** 26 June 2007

**Item: 115 ES - Provision of Sprung Floor - South Windsor Community Centre - (96328)**

**Previous Item:** NM 3, Ordinary (24 April 2007)

**REPORT:**

This Report has been prepared to provide Council with information pursuant to Council Resolution of 24 April 2007.

**Background**

At its Ordinary meeting of 24 April 2007, Council considered a Notice of Motion in relation to the sale of the Ham Street Hall, South Windsor. Council subsequently resolved:

*"That a report be provided to Council on the possibility of having a sprung wooden floor section included in or as an addition to the South Windsor Community Centre. The report to include details of the use of such a facility".*

**Costings**

In addition to the new South Windsor Community Centre the possibility of installing a sprung wooden floor in the South Windsor Stadium has also been considered.

Provisional costings (for both options) prepared by the Building Services Branch are as follows:

South Windsor Community Centre				South Windsor Stadium			
Item	m <sup>2</sup>	\$ m <sup>2</sup>	Total	Item	m <sup>2</sup>	\$ m <sup>2</sup>	Total
Carpet Removal	68	4.50	306	Carpet Removal			0
Floor preparation	68	6.50	442	Floor preparation			0
Air thrust floor	68	145	9,860	Air thrust floor	221	145	31,072
Contract Management	1	350	350	Contract Management	1	350	350
		<i>Total Cost</i>	<i>10,608</i>	Other Cost (stairs)	1	2250	2250
		<i>+ GST</i>	<i>11,669</i>			<i>Total Cost</i>	<i>31,972</i>
						<i>+ GST</i>	<i>35,170</i>

The construction of the South Windsor Family Centre has been completed and the Centre will be opened on 23 June 2007. The funds allocated for the construction of the Centre have been fully expended. The costs of installing flooring at either venue would require Council to re-prioritise the (draft) building works program.

**Usage**

In terms of usage, the *Accent on Dance* dance studio (currently operating from the Ham Street Hall at 144m<sup>2</sup>) utilises the hall from Monday to Friday between 4:00pm and 7:30pm, and Saturdays between 8:00am and 2:00pm. The studio also runs a Wednesday class from the North Richmond Community Centre.

The small size of the community hall space at the Family Centre (68m<sup>2</sup>) would seem to preclude its use for dance classes and other physical activity programs. However, as the Centre is not yet operating, there are no current users of the community hall (apart from user groups relocating from the Ham Street Hall) and the hall would therefore be available for hire by the dance studio. It should be noted that Council (in response to community needs identified in Council's Social Plan) is currently negotiating with the Department of Ageing, Disability and Home Care to secure funding for a meals program and activity

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program for indigenous and senior residents which may operate daily for five days a week from the hall space (but this should not conflict with the evening use of the hall space).

The mezzanine floor of the Stadium is currently used from Monday to Thursday for evening kick-boxing classes. There are also plans underway to establish gymnastic classes. The *Accent on Dance* dance studio would be therefore required to negotiate usage of the mezzanine space on an equitable basis with existing user groups. It is unlikely that the dance studio could operate on the basis of its current six-day a week schedule. In addition the cost of hiring the mezzanine is \$25 per hour (up to five times the current rental paid by the dance studio for the use of the Ham Street Hall).

### Additional Information

In addition to the Ham Street Hall, there are currently four Council halls with wooden floors - Maraylya (152m<sup>2</sup>); North Richmond (259m<sup>2</sup>); Tiningi - Bligh Park (447m<sup>2</sup>); and Wilberforce (287m<sup>2</sup>). All of these facilities are available for hire. Given existing usage, these facilities would be unable to be made available to the Accent on Dance dance studio on a six day a week basis.

There are (a minimum) of 17 other dance studios operating within the Hawkesbury.

10 studios operate from community venues (five studios operate from Council centres and halls with a further five operating from schools, church and scout halls). Three of these studios operate from more than one centre/hall. It is generally the case that where a dance studio operates from a community hall or centre they do so usually for a maximum of one session per week (at any one hall).

Six studios operate from commercially leased or owned venues, with one studio operating from both commercial and community venues. It is generally the case that where a dance studio operates from a commercial venue they do so for several days per week (and may sub-let their premises to other groups).

### Conformance to Strategic Plan

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

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

### Funding

There are no funding implications directly arising from this report. Should Council wish to allocate funds to install flooring, then additional funding would need to be allocated for this purpose or re-directed from other proposed works in the (draft) building works program.

### RECOMMENDATION:

That the information be received.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date:** 26 June 2007

**Item: 116**            **ES - Hawkesbury City Council Outdoor Dining and Footpath Trading Policy - (95494, 96330)**

**Previous Item:**        75, Ordinary (24 April 2007)

**REPORT:**

On 24 April 2007 Council resolved to:

*“establish categories of outdoor dining locations for:*

- (a) Thompson Square and Windsor Mall environs;*
- (b) elsewhere in Windsor, Richmond and North Richmond; and*
- (c) elsewhere in the City*

*and establish usage fees relative to their trading locations to be charged annually.”*

In an endeavour to reflect the various retail activity levels, location, image and surrounding facilities of business precincts in the Hawkesbury it is recommended that the following differential fee be charged annually for the usage of Council’s footpath

<b>Business Precinct</b>	<b>Annual Footpath Usage Fee Per m<sup>2</sup></b>
Thompson Square and Windsor Mall environs (excluding the use/licensing of areas where specific facilities have been provided by Council)	\$85.00
Elsewhere in Windsor, Richmond and North Richmond	\$70.00
Elsewhere in the City	\$50.00

**Conformance to Strategic Plan**

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

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

**Funding**

The extent of the additional income which may be received by Council for the use of its footpaths for outdoor dining and/or trading will be dependent upon the uptake of this activity in Hawkesbury’s business precincts.

**RECOMMENDATION:**

That Council place on public exhibition for a period of 28 days its intention to charge the following fees for the usage of Council's footpath areas for outdoor dining and/or trading:

<b>Business Precinct</b>	<b>Annual Footpath Usage Fee Per m<sup>2</sup></b>
Thompson Square and Windsor Mall environs (excluding the use/licensing of areas where specific facilities have been provided by Council)	\$85.00
Elsewhere in Windsor, Richmond and North Richmond	\$70.00
Elsewhere in the City	\$50.00

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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



**ORDINARY MEETING**

**Meeting Date:** 26 June 2007

**Item: 117**            **ES - Draft Community Engagement Policy - (96328)**

**Previous Item:**        45, Ordinary (13 March 2007)

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**REPORT:**

This report has been prepared to advise Council of submissions received in relation to the public exhibition of the Draft Community Engagement Policy which had been placed on public exhibition. The report recommends that Council adopt the Community Engagement Policy.

**Background**

- A range of legislative and statutory instruments require Council to notify the community of its activities and to consult with them to develop plans to guide the environmental, social, economic and cultural development of the City of Hawkesbury.
- The *Local Government Act 1993* makes clear reference to the principles of community engagement and participatory decision making. The Act also recognises that Councillors have a representative role in considering the views of constituents and communicating with them. These principles have been reinforced in the position paper recently issued by the Department of Local Government 'A New Direction for Local Government' which has placed 'meaningful community engagement' on its reform agenda.
- Hawkesbury City Council regularly undertakes community engagement activities. However, changing community expectations coupled with a recognition of the increasing importance of collaboration between Council, stakeholders and the community, has required Council to more clearly define its approach to building relationships with the community and other stakeholders.
- To establish a more defined community engagement framework, Council resolved (at its March 13 meeting) to place the Draft Community Engagement Policy on public exhibition.

**Current Situation**

The draft Community Engagement was placed on public exhibition between 23 March 2007 and 4 May 2007. One submission was received during the exhibition period from the Community Planning Advisory Committee. The following table summarises the issues/comments raised in this submission.

<b>Comment/Issue</b>	<b>Response</b>
The draft policy limits Council to undertake community engagement only in relation to 'specific issues' (as may be determined by Council).	The draft policy sets out in broad terms possible 'triggers' for community engagement (CE) to establish if a requirement for CE exists. Thereafter the draft Policy requires Council staff to assess the particular context of a community issue - its scope, objective, stakeholders involved etc - to determine the specific CE tool to be applied. There are no prescriptions which would prevent Council from undertaking CE in relation to an issue.
The draft policy does not appear to explicitly indicate that community engagement is considered to be a 'normal, usual practice of Council'.	Part 3 of the Draft Policy unequivocally outlines the obligations and responsibilities of Council in relation to public notification, community consultation and participatory decision making. Part 5 of the Draft Policy unambiguously recognises CE as a cornerstone of good governance and commits Council to implementing best practice CE.
The draft policy limits Council to undertaking a minimum level of community engagement.	The policy does provide for a minimum level of CE as a 'mandatory' requirement. The draft policy does not prevent Council from undertaking CE in excess of the minimum requirement - the policy provides for this to be assessed on a case-by-case basis.
The policy appears to restrict	The draft Policy does not prescribe which CE approach will be undertaken.

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<p>Council to community engagement approaches which do not go beyond the 'involve' category. The 'empower' level should be removed from the Policy as Council is unlikely to implement this approach.</p>	<p>The purpose of the policy is to outline a framework for CE which mirrors good practice guidelines developed by the <i>International Association for Public Participation</i>. The actual CE approach taken by Council will be dependent on assessment of particular circumstances. As a matter of record, Council, through Sec 377 delegations) 'empowers' a number of community groups to make decisions on its behalf (e.g. Hawkesbury Sports Council, Peppercorn Services Inc. and community centre committees).</p>
<p>The policy should include a statement to the effect that Council should seek to maximise the time available for community engagement and minimise the negative impacts of time constraints.</p>	<p>The draft Policy requires Council to allocate sufficient time to a CE approach to ensure that the community are provided with a reasonable opportunity to participate. In practice the time required to undertake a CE approach will be dictated by the CE tool employed by Council. Imposing an imprecise requirement on Council to 'maximise' time available for CE would require Council to accept a standard of CE which would be difficult to achieve and which could be used to challenge the validity of any CE outcome on the basis that Council <i>could</i> have extended the period for CE.</p>
<p>The draft policy should include an explicit reference to the Community Planning Advisory Committee (CPAC) and should outline a role for CPAC as the 'key mechanism' in the application of CE.</p>	<p>The draft policy is a generic document which focuses on broad CE principles and practice. It does not refer to any specific committee but allows Council to establish a range of committees, working parties, panels and working parties in response to specific CE requirements. The proposal for CPAC to be accorded a specific operational role for CE appears to be inconsistent with Council's community advisory committee structure and CPACs objectives, roles and authorities. It would also impose additional operational requirements which would increase the time period required to implement CE.</p>
<p>The draft Policy should include discussion of the concepts and practicalities of 'responsibility', 'accountability' and 'power'.</p>	<p>It would be difficult to achieve a practical consensus as to how to define and 'theorise' these terms. People may wish to refer to the Reference documents cited in the draft Policy for the conceptual and philosophical context of the draft Policy.</p>
<p>The draft policy does not outline the manner in which the Policy is to be implemented.</p>	<p>These issues will be outlined in the <i>operational management standard and procedures</i> which will sit under the draft Policy. These are operational matters which are correctly the responsibility of the General Manager.</p>
<p>There is little discussion of what funding can be allocated to the CE process - this needs to be made explicit.</p>	<p>The policy outlines the resource requirements of different CE tools. The draft Policy does not detail funding requirements as these will be determined on a case-by-case basis - these are operational matters which are correctly the responsibility of the General Manager.</p>
<p>The draft policy should define what constitutes and 'efficient and effective [CE] collaboration'.</p>	<p>What constitutes an effective and efficient CE collaboration can only practically be determined on a case-by-case basis with reference to the specific 'rules of engagement' - i.e. the terms of reference, objectives and required outcomes of that collaboration. In practice any generic' performance measure would be meaningless.</p>
<p>The draft policy should include outcome measures to track improvements based on HCCs Community Services expenditure statistics measured by the DLG.</p>	<p>The DLG data does not specifically measure CE outcomes and there appears to be no direct correlation between DLG comparative data and CE performance. As above the outcomes of CE need to be determined on a case-by-case basis with reference to the rules of engagement of the CE strategy employed by Council.</p>

The issues and comments raised by the Community Planning Advisory Committee have been noted. The matters raised in the submission were the subject of discussion and clarification at the CPAC meeting held on 26 April 2007.

The issues raised by CPAC members appear to relate to conceptual or philosophical approaches to community engagement, or fall into the domain of what appear to be operational concerns. In practice it is probably not possible to reconcile differing conceptual approaches to what constitutes effective community engagement practice. Council's policy is modelled on good practice guidelines developed by the *International Association for Public Participation* - which is generally accepted as the local government template for effective community engagement. The other issues raised by CPAC would generally fall outside the scope and jurisdiction of a policy statement - these issues can only be resolved on a case-by-case basis and are best dealt with at an operational level.

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**Conformance to Strategic Plan**

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

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

**Funding**

There are no funding implications arising from this report. The policy outlines the resource requirements of different community engagement tools. These requirements would need to be considered by Council in resolving to commission a community engagement activity. In most circumstances the costs attached to a community engagement activity would be met from approved operating budgets.

**RECOMMENDATION:**

That the Community Engagement Policy, prepared in accordance with the good practice guidelines developed by the *International Association for Public Participation*, be adopted.

**ATTACHMENTS:**

**AT - 1** Draft Community Engagement Policy - (*Distributed Under Separate Cover*)

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 26 June 2007

**Item: 118**            **ES - Draft Cultural Collections Policy - (95494, 96328)**

**Previous Item:**        34, Ordinary (27 February 2007)

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### REPORT:

This report has been prepared to seek Council's approval to place on public exhibition a draft *Cultural Collections Policy*. The Draft Policy has been developed to provide a framework for Council to support the management, preservation and storage of cultural collections and cultural heritage assets within the City of Hawkesbury.

### Background

- At its Ordinary meeting of 27 February 2007, Council considered a report on a proposed Deed of Agreement between Hawkesbury City Council, the Hawkesbury Historical Society (HHS) and the Friends of the Hawkesbury Art Collection and Regional Art Gallery (FOHACaRAG). The Deed outlined arrangements for the relocation of cultural collections owned by HHS and FOHACaRAG to the Hawkesbury Cultural Precinct.
- Council resolved to conduct a community consultation session and invited representatives of HHS, FOHACaRAG and the Hawkesbury Cultural Precinct Advisory Committee to attend.
- The consultation session was held on Monday, 23 April 2007. The outcome of the session was an agreement that a revised Deed of Agreement would provide the starting point for further negotiations for individual agreements with HHS and FOHACaRAG. Council staff were to meet with HHS and FOHACaRAG to finalise the wording of these Deeds of Agreement with the matter to be finalised and re-reported to Council by July 2007.

### Current Situation

Negotiations on the wording of individual Deeds of Agreements are proceeding with HHS and FOHACaRAG and will be finalised shortly.

To provide a policy framework to inform these negotiations, Council staff had prepared a draft *Cultural Collections Policy* which was distributed to all participants prior to the 23 April consultation session. The Policy was broadly endorsed by participants.

The Policy is based on international standards of practice and ethics as developed by the *International Council of Museums* and *Museum and Galleries NSW*. The policy establishes for determining the significance of cultural collections and cultural heritage assets which are proposed to be acquired through purchase, gift, or bequest by Hawkesbury City Council or accepted as loans by Hawkesbury City Council, and the storage and management of these collections and assets. The policy:

- documents different cultural collection management arrangements and outlines in broad terms Council's understanding of the concepts which will underpin the negotiation of collection management arrangements between Council and community groups;
- clarifies the responsibilities of Council, and the owners of cultural collections and cultural heritage assets, for the acquisition, assessment, management storage, deaccessioning and disposal of cultural collections and cultural heritage assets;
- outlines the strategies, policies, procedures and controls to regulate Council's Collection Management activities.

**ORDINARY MEETING**

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It is recommended that Council place the draft policy on public exhibition for a period of 28 days. This would allow interested community groups and individuals to comment on the provisions of the draft policy and would enable Council to take into account any submissions received when it considers the further report (due in July) on the finalisation of Deeds of Agreement with HHS and FOHACaRAG.

**Conformance to Strategic Plan**

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

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

**Funding**

There are no funding implications arising directly from this report. The draft policy outlines the resource requirements of different collection management activities. The costs attached to these activities would be met from approved operating budgets.

**RECOMMENDATION:**

That the Draft Cultural Collections Policy be placed on public exhibition for a period of 28 days.

**ATTACHMENTS:**

**AT - 1** Draft Cultural Collections Policy - *(Distributed Under Separate Cover)*

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date:** 26 June 2007

**SUPPORT SERVICES**

**Item: 119            SS - Pecuniary Interest Returns - (96333, 95496)**

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**REPORT:**

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

*"450A Register and tabling of returns*

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

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

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

With regard to Section 450A(2)(a), the following Section 449(1) Returns have been lodged:-

<b>Position</b>	<b>Return Date</b>	<b>Date Lodged</b>
Director City Planning	5/03/2007	14/03/2007
Supply Co-ordinator	5/03/2007	24/04/2007

The Returns have been lodged prior to the due dates for the receipt of the Returns, being three months after the return dates.

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

**Conformance to Strategic Plan**

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

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

**ORDINARY MEETING**

**Meeting Date:** 26 June 2007

**Funding**

Not applicable

**RECOMMENDATION:**

That the information be received and noted.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 26 June 2007**

**Item: 120            SS - Classification of Land - Lot 171 in Deposited Plan 1106484 part of 35 Bells Line of Road, North Richmond - (95496, 96333, 23673)**

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**REPORT:**

In 1997 the previous owner of North Richmond Bakery Pty Limited, submitted a Development Application pertaining to an extension of the premises located at 35 Bells Line of Road, North Richmond.

A condition of Development Consent was, as follows:

*"Parking shall be provided for 10 vehicles in accordance with Council's Regulations and Parking Policy. Parking spaces, accessways and aisles to conform to Council's Development Control Plan and to be constructed, drained, sealed and marked. Full details of works shall be submitted for approval with the building application. The constructed car park area and the 7m wide pedestrian zone on the south western side of shop 8 to be transferred to Council free of cost".*

The current owner of North Richmond Bakery Pty Limited, has now completed the works including the construction of the ten car parking spaces. The land containing the car spaces and pedestrian zone has now been subdivided from 35 Bells Line of Road, North Richmond and the subdivided land, being Lot 171 in DP 1106484 has now been transferred to Council. In accordance with the Local Government Act 1993, the land transferred to Council requires appropriate classification.

In relation to this matter, Section 31(2) of the Local Government Act 1993 is relevant and is as follows:

*"31(2) Before a council acquires land, or within 3 month after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community or operational land".*

It is considered that the land transferred to Council should be classified as "operational" as it's actual zoning reflects the surrounding commercial zoning and Council's practice is to classify all car parks in commercial areas as operational.

In this regard, Section 34 of the Act deals with the requirements concerning public notice and is as follows:

*"34(1) A council must give public notice of a proposed resolution to classify or reclassify public land.*

*34(2) The public notice must include the terms of the proposed resolution and a description of the public land concerned.*

*34(3) The public notice must specify a period of not less than 28 days during which submissions may be made to the council".*

As required, a public notice was placed in the Hawkesbury Independent on 10 April 2007 advising of Council's proposal to classify the land "operational" and seeking submissions in relation to the same.

As at the closing date, being 9 May 2007, no submissions had been received.

Accordingly, it is recommended that the property known as Lot 171 in Deposited Plan 1106484 now be classified as "operational".



**ORDINARY MEETING**

**Meeting Date:** 26 June 2007

**Conformance to Strategic Plan**

This proposal is deemed to conform with the objectives set out in Council's Strategic Plan ie:

*"Implementation of opportunities identified within the property development strategy "*

and

*"Process Miscellaneous Property Matters"*

**Funding**

The proposal to classify the property as *operational* will have minimal effect on the budget, with the only cost being for advertising which was paid from Component 22.

**RECOMMENDATION:**

That Council classify the property known as Lot 171 in Deposited Plan 1106484, being a subdivision of Lot 17 in Deposited Plan 834040 and Lot 18 Section A in Deposited Plan 17017 at North Richmond as Operational Land under Section 31(2) of the Local Government Act 1993

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**Meeting Date: 26 June 2007**

**Item: 121 SS - Monthly Investments Report - May 2007 - (96332)**

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

The following table lists the investment portfolio held by Council at 31 May 2007 in a form compliant with legislative and policy requirements.

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

**May 2007**

The following table indicates that Council held \$33.6 million in investments as at 31 May 2007. Details of the financial institutions or fund managers with which the investment was made, date investments were taken out, the period to maturity, the rate of return achieved and the credit rating of the investments are provided below.

Investment Type	Lodgement Date	Interest Rate %	Principal	Rating	Total
<b>On Call</b>					
CBA	31-May-07	6.20%	\$ 2,160,000.00	A1+	\$ 2,160,000.00
<b>Term Investments</b>					
CBA - CPI Linked Note	04-Apr-07	9.00%	\$ 500,000.00	A1+	
LGFS	21-May-07	6.44%	\$ 1,500,000.00	A1+	\$ 2,000,000.00
<b>Managed Funds</b>					
ANZ Cash Plus Fund	31-May-07	6.76%	\$941,376.65	AA	
Merril Lynch Diversified credit fund	31-May-07	8.43%	\$2,030,964.14	A	
Macquarie Income Plus Fund No 1	31-May-07	6.62%	\$6,791,950.04	A	
Aberdeen Cash-Plus Fund	31-May-07	6.80%	\$7,856,081.76	A	
Perpetual Credit	31-May-07	6.71%	\$6,602,345.90	A	
ING Enhanced Cash	31-May-07	6.83%	\$5,224,677.52	A	\$29,447,396.01
<b>TOTAL INVESTMENT AS AT 31 MAY 2007</b>					<b>\$33,607,396.01</b>

**Managed Funds**

Bench Mark - May 2007	6.55%	Bench Mark - last 12 months	6.38%
Actual - May 2007	6.77%	Actual -last 12 months	6.58%

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**Performance by Type**

Category	Balance	Average Interest	Difference to Benchmark
Cash at Call	\$ 2,160,000.00	6.20%	-0.35%
Term Deposit	\$ 2,000,000.00	7.72%	1.17%
Managed Funds	\$29,447,396.01	6.77%	0.22%
	\$ 33,607,396.01	6.90%	0.56%

Restriction Type	Amount
External Restrictions -S94	\$ 3,909,096
External Restrictions - Other	\$ 11,552,067
Internal Restrictions	\$ 9,063,340
Unrestricted	\$ 9,082,893
<b>Total</b>	<b>\$ 33,607,396</b>

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

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Asset Replacement – Sewer
- Waste Management Reserve
- Heritage
- Parks & Gardens
- Sewerage Operating Reserve
- Sewerage Treatment Reserve
- Unexpended Grants Reserve
- Stormwater Management

Internal Restrictions (reserve details below)

- Drainage
- Employees Leave Entitlements
- Election
- Extractive Industries
- FVMRU
- HLC Risk Management
- Information Technology
- Kerb & Gutter
- Works
- Plant Replacement
- Fleet Management
- Property Development (currently negative balance)
- Risk Management
- Roadworks
- Sullage
- Unspent Contributions
- Workers Compensation

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

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

Funds referred to as “unrestricted” are, effectively, Council’s daily operational funding for purposes such as the payment of salaries and wages, various works proposed or in progress as adopted in Council’s budget, daily operational expenses, etc. These “unrestricted” funds could only be utilised for other purposes by the

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reduction of a corresponding amount from a service or provision already included within Council's adopted budget. The level of these funds also vary depending upon the business cycle in areas such as the payment of creditors, receipt of rate payments, capital works and/or purchases, etc.

### Investment Commentary

The investment portfolio increased by \$3.09m for the month. The increase is mainly due to the fourth quarter rate instalment and financial assistance grant. During May income received including rates payments amounted to \$7.4m, while payment to suppliers and staff costs amounted to \$4.1m.

Managed Fund performance was above the benchmark (UBS Australia) Bank Bill Index in May 2007 with an average return after fees of 6.77%, compared with the index of 6.55%. The managed funds portfolio has achieved a return after fees for the past 12 months of 6.58%, which outperformed the (UBS Australia) Bank Bill Index of 6.38% for the corresponding 12-month period.

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

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

### Conformance to Strategic Plan

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

*"Maximise return on Council's investment portfolio"*

### Funding

Funds are invested with the aim of achieving budgeted income in 2006/2007.

Robert Stalley  
Responsible Accounting Officer

### RECOMMENDATION:

That the information be received and noted.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date: 26 June 2007**

**CONFIDENTIAL REPORTS**

**Item: 122            IS - Tender No. 09/FY07 - Tenders for the 2006/2007 Sewer CCTV Inspections -  
(95495, 79357) CONFIDENTIAL**

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**Reason for Confidentiality**

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

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

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

**ORDINARY MEETING**

**Meeting Date:** 26 June 2007

**Item: 123            IS - Tender No. 010/FY07 - Tender for the Hire of Plant - (79344) CONFIDENTIAL**

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**Reason for Confidentiality**

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

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

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

**ORDINARY MEETING**

**Meeting Date: 26 June 2007**

**Item: 124            IS - Tender No. 014/FY07 - Deeplift Asphalt Reconstruction of Lennox & Paget Streets, Richmond - (79344) CONFIDENTIAL**

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**Reason for Confidentiality**

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

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

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

**ORDINARY MEETING**

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**Item: 125            SS - Property Matter - Council lease to Derwin & Mifsud, Assignment to Nahas & Beiruty re Windsor Function Centre - (99158, 33132, 105643) CONFIDENTIAL**

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**Reason for Confidentiality**

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

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

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





ordinary  
meeting

end of  
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