



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 12 October 2010
location: council chambers
time: 6:30 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 6:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held it will usually start at 6:30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

Planning Decision

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

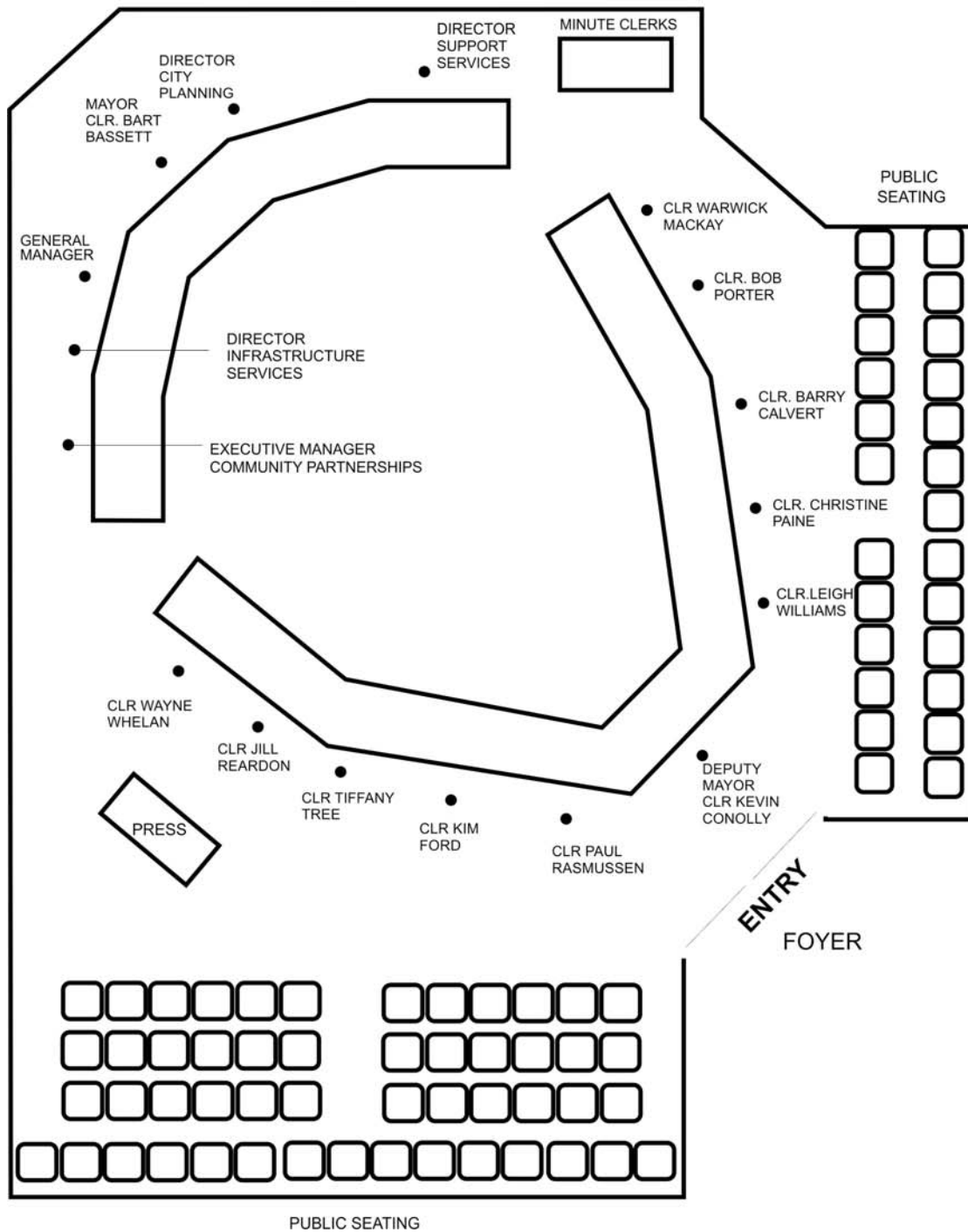
Website

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

Further Information

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

council chambers



ORDINARY MEETING

Table of Contents

Meeting Date: 12 October 2010

AGENDA

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

General Manager

City Planning

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS FOR NEXT MEETING**

ORDINARY MEETING

Table of Contents

Meeting Date: 12 October 2010

ORDINARY MEETING**Table of Contents**

Meeting Date: 12 October 2010

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
SECTION 1 - Confirmation of Minutes		3
SECTION 2 - Mayoral Minutes		7
	MM - Traffic Issues - Grose Vale Road/William Street/Riverview Street Intersections, North Richmond - (90479)	7
SECTION 3 - Notices of Motion		11
	NM1 - Heritage/Tourist Trail, Mulgrave Station to Windsor Station - (111630)	11
SECTION 4 - Reports for Determination		15
GENERAL MANAGER		15
Item: 228	GM - Hawkesbury Civic and Citizenship Committee Constitution and Award Program Criteria Changes - (79351, 96972)	15
Item: 229	GM - Australian Local Government Women's Association Inc - National Conference 2010 - (79351, 105808)	19
Item: 230	GM - Local Government and Shires Association of NSW - Nominations and Applications for the Greater Blue Mountains World Heritage Area Advisory Committee - (79351, 79633, 112608, 118820)	21
CITY PLANNING		23
Item: 231	CP - Development Application - Torrens Title Subdivision Into Two Lots - Lot 2 DP 846501, 533 Wilberforce Road, Wilberforce - (DA0029/10, 817, 35757, 95498)	23
Item: 232	CP - Disability Advisory Committee - Appointment of Community Representatives - (88324)	39
Item: 233	CP - Representations to Community Services, Department of Human Services NSW Regarding Reduction in Funding under the Families NSW Program - (119366)	42
INFRASTRUCTURE SERVICES		46
Item: 234	IS - State Heritage Listing, McQuade Park and Wilberforce Park - (95495, 79354)	46
SUPPORT SERVICES		49
Item: 235	SS - Suspension of Alcohol Free Zone and Restricted Alcohol Zone within Windsor Town Centre for the Sydney Blues Festival - Windsor 2010 - (95496, 107, 112106)	49
Item: 236	SS - Code of Meeting Practice - Questions For Next Meeting - (95496,	53

ORDINARY MEETING

Table of Contents

Meeting Date: 12 October 2010

ITEM	SUBJECT	PAGE
	79337)	
Item: 237	SS - Public Libraries NSW Metropolitan Association - (95496)	55
Item: 238	SS - General Purpose Financial Report and Special Purpose Financial Report for 2009/2010 - (96332, 95496)	58
Item: 239	SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)	62
	CONFIDENTIAL REPORTS	66
	SUPPORT SERVICES	66
Item: 240	SS - Update - Sale of 139 Colonial Drive, Bligh Park - (95496, 113106, 96333) CONFIDENTIAL	66
	QUESTIONS FOR NEXT MEETING	67
	Councillor Questions From Previous Meetings and Responses - (105109)	67

ordinary

section

1

confirmation of minutes

ORDINARY MEETING
Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

SECTION 1 - Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

ordinary

section 2

mayoral minutes

ORDINARY MEETING

Mayoral Minutes

ORDINARY MEETING

Mayoral Minutes

SECTION 2 - Mayoral Minutes

MM - Traffic Issues - Grose Vale Road/William Street/Riverview Street Intersections, North Richmond - (90479)

REPORT:

The Deputy Mayor and I recently met with representatives from the North Richmond Action Group where it was pointed out to me that one of the major concerns identified within the area is the traffic issues around the Grose Vale Road, William Street/Riverview Street intersections.

I was certainly aware of the traffic congestion at this location during the morning peak and the "rat-run" occurring during the evening peak caused by the inadequate capacity of the Bells Line of Road intersection with Grose Vale/Terrace Roads.

Staff have indicated to me that there was a traffic study carried out in the late 1990s with a view to providing traffic calming within the area bounded by Pecks Road/Grose Vale Road/Campbell Street and Bells Line of Road, however competing priorities and funding have precluded its implementation.

I would see it as appropriate to review the work done on the previous study and update traffic movements particularly around the intersections of Grose Vale Road with Elizabeth Street, William Street and Riverview Street, North Richmond with a view to providing improvement works which may improve traffic flows within that area.

RECOMMENDATION:

That a review of the work done on the previous traffic study undertaken in the late 1990s be carried out, with updated traffic movements particularly around the intersections of Grose Vale Road with Elizabeth Street, William Street and Riverview Street, North Richmond with a view to recommending works which may improve traffic flows within that area.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

ORDINARY MEETING

Mayoral Minutes

ordinary

section

3

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 3 - Notices of Motion

NM1 - Heritage/Tourist Trail, Mulgrave Station to Windsor Station - (111630)

Submitted by: Councillor B Whelan

NOTICE OF MOTION:

That a report be prepared for Council's consideration, identifying a "heritage/tourist trail" including appropriate signage and costs, from Mulgrave station to Windsor station, via Windsor Road and Windsor shopping centre, with a view to extending the trail to Clarendon when the pedestrian link between Windsor and Clarendon is constructed.

BACKGROUND:

Following the success of the pedestrian/cycleway from Clarendon towards Richmond through Ham Common, the adoption of the interpretive signage policy and the mobility plan, it is my view that there is an opportunity to develop additional "trails", expanding on work already completed to enhance tourist experiences within the Hawkesbury. As an initial stage I would anticipate that tourists would be able to park at Mulgrave station, utilise the already existing pathways along Mulgrave Road and Windsor Road via the Tollhouse, Windsor Court House, the site of the Government Cottage in George Street, traverse through the shopping centre and/or Howe Park, continue along the Terrace, and George Street to Windsor station and catch the train back to Mulgrave. Ultimately I see the ability to continue to Clarendon or Richmond once the pedestrian link between Windsor and Clarendon is completed in accordance with the mobility plan.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ordinary

section 4

reports
for determination

ORDINARY MEETING

Meeting Date: 12 October 2010

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 228 **GM - Hawkesbury Civic and Citizenship Committee Constitution and Award Program Criteria Changes - (79351, 96972)**

REPORT:

Executive Summary

The Civic and Citizenship Committee has made recommendations for changes to their constitution to include representatives from The Richmond Club and the Hawkesbury Sports Council and to change the criteria of the Citizen of the Season/Year Award and the Young Citizen of the Season/ Year Award Programs.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, the public will be informed of the changes to the criteria of the Awards in promotional material, via the website and in nomination forms.

Background

At the meeting of the Civic and Citizenship Committee (the Committee) held on 30 June 2010 the Committee made the recommendation:

"That:

1. *The Committee record its appreciation of the late Councillor (Dr) Rex Stubbs's OAM service on the Civic and Citizenship Committee and acknowledge that the input of Councillor Stubbs was an enormous asset to the Committee.*
2. *The Committee note that the Councillor representative position on the Committee will remain vacant until considered at an Extraordinary meeting of Council to be held 21 September 2010.*
3. *A request be made to Council to amend the structure and membership of the Hawkesbury Civic and Citizenship Advisory Committee to specifically include a representative of the Richmond Club and the Hawkesbury Sports Council and the constitution be amended to reflect this."*

The applicable section of the Committee's current constitution reads:

1. **Structure and Membership**
 - (a) *The structure and membership of the Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:*
 - (b) *Four Councillors of the Hawkesbury City Council;*

ORDINARY MEETING

Meeting Date: 12 October 2010

- (c) *Five community appointments, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution; Representatives of sponsor organisations to the award programs will receive priority for membership and*
- (d) *A representative of the Hawkesbury Historical Society, nominated by the Society to sit on the Committee, in respect of the Hawkesbury Cultural Heritage Award only.*

The reason that clause 1) (c) of the Constitution allowed for the representatives to be of "sponsor organisations" and did not state who those sponsors were to allow for flexibility in attracting new or additional sponsors. Currently the Hawkesbury Sports Council is an in-kind sponsor of the Hawkesbury Sports Medal Award Program and Ceremony and The Richmond Club is an in-kind sponsor of the Citizen of the Season Program and the Australia Day Awards Ceremony.

The Richmond Club nor the Hawkesbury Sports Council have made any formal requests in writing to this effect. It seems pre-emptive of the Committee to decide for these organisations that they need to have a representative on the Committee considering that both organisations received an invitation to nominate a representative for the community member election process prior to their election by Council on 22 September 2009.

Currently David Bertenshaw and Barry Adams have been elected onto the Committee as individuals with the knowledge that the Hawkesbury Sports Council and the Richmond Club were supportive of these nominations.

If there was to be a change in the Constitution regarding these organisations having a representative on the Committee it would be appropriate for the wording to reflect that the organisation then has the authority to provide a representative and replace them in a similar manner to that provided for the Hawkesbury Historical Society as in 1) d) above.

It is recommended that the wording of the clause 1. *Structure and Membership* of the Constitution be amended as follows:

- (c) *Three community appointments, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution;*
- (e) *A representative from each of the sponsor organisations: Richmond Club and Hawkesbury Sports Council, nominated by these organisations for the period that these organisations remain as sponsors to their respective award programs.*

The Richmond Club has been contacted and is in support of the proposed change in the Constitution. This clause will take effect in the next round of community representative committee appointments which will take place following the September 2012 general local government election.

At the same Committee meeting the following recommendation was also made:

"That:

1. *The age requirement for the Citizen of the Season/Year award be over 25 as at 26 January of the following year to be in line with the age requirement of the Young Citizen of the Season/Year award.*
2. *The length of time between which the same awards can be presented to a previous recipient would be five years.*
3. *Nominees for the Citizen of the Season and Young Citizen of the Season Awards who are not local residents, but who have made a significant contribution to the local community over an extended period of time or demonstrated extensive commitment, and the local community directly benefits from this, will still be eligible nominees for the award.*

ORDINARY MEETING

Meeting Date: 12 October 2010

4. *Council staff contact previous nominators who had ineligible nominees, due to being not local residents, to inform them of this change in criteria and inform them that their nominations will now be considered."*

This resolution resulted after the Committee reviewed the current criteria for the Citizen of the Season (COS) and Young Citizen of the Season (YCOS) Program and discussed whether the criteria needed to be amended in regards to the inclusion of non-residents who contribute to the Hawkesbury, the length of time between which the same awards can be presented to a previous recipient and the age of the nominees for each category.

A submission regarding the current criteria was received and reiterated issues where in the past nominations had been received regarding non-residents who had contributed greatly to the area, for instance through their volunteer work but whom are currently not eligible for the COS or YCOS Awards.

Age was determined previously for the Young Citizen of the Year Award but not explicitly for the Citizen of the Year Award. As a result of the change of both awards to seasonal awards the length of time between when a person was eligible for the award again was also discussed.

It is recommended that the amendments to the criteria of the Citizen of the Season/Year award and Young Citizen of the Season/Year award be made in line with the recommendations of the Committee.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have transparent, accountable and respected leadership and an engaged community
- Have constructive and productive partnerships with residents, community groups and institutions

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Have ongoing engagement and communication with our community, governments and industries
- Develop and implement a community participation and partnership program

The provision of community and sponsor organisation representation on the Committee engages the community in the selection process for awards and the criteria system demonstrates transparent, accountable and respected leadership. The awards process itself promotes ongoing communication and participation with our community and institutions and provides opportunities for partnerships.

Financial Implications

There will be no financial implications applicable to this report. All changes will be instituted administratively.

RECOMMENDATION:

That:

1. The wording of the clause 1, (c) and (e), Structure and Membership in the Civic and Citizenship Committee Constitution be amended to the following:
 - (c) Three community appointments, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution;

ORDINARY MEETING

Meeting Date: 12 October 2010

- (e) A representative from each of the sponsor organisations: Richmond Club and Hawkesbury Sports Council, nominated by these organisations for the period that these organisations remain as sponsors to their respective award programs.
2. The current criteria for Citizen of the Season/Year and Young Citizen of the Season/Year Awards be amended as follows:
- (a) The age requirement for the Citizen of the Season/Year award be over 25 as at 26 January of the following year to be in line with the age requirement of the Young Citizen of the Season/Year award.
 - (b) The length of time between which the same awards can be presented to a previous recipient be five years.
 - (c) Nominees for the Citizen of the Season and Young Citizen of the Season Awards who are not local residents, but who have made a significant contribution to the local community over an extended period of time or demonstrated extensive commitment, and the local community directly benefits from this, will still be eligible nominees for the award.
 - (d) Council staff contact previous nominators who had ineligible nominees, due to being not local residents, to inform them of this change in criteria and inform them that their nominations will now be considered.
3. The necessary changes be made to the Citizen of the Year Policy, including reflecting the change from Citizen of the Month to the Citizen of the Season format, previously resolved by Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 October 2010

Item: 229 GM - Australian Local Government Women's Association Inc - National Conference 2010 - (79351, 105808)

REPORT:

Executive Summary

Registrations are now open to the Australian Local Government Women's Association Inc National Conference which will be held 25 to 27 November 2010 in North Ryde, NSW.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

The Australian Local Government Women's Association Inc National Conference will be held 25-27 November, 2010 in North Ryde, NSW. Key themes of the Conference include:

- Nothing but the facts, statistics on women and work
- Social Networking – Not what you know but how many contacts
- Retiring to Nothing: why systems made for men don't work for women
- Educating Rita: women are more educated now, how to get the top jobs
- The role of quotas and targets in solving gender inequity

Cost of attendance at the Australian Local Government Women's Association Inc National Conference will be approximately \$800.00 (excluding accommodation) plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made

Total Budget for Financial Year 2010/2011	\$42,000
Expenditure to date	\$10,992
Budget balance as at 5/10/10	\$31,008

It should be noted that commitments of approximately \$5,916.00 are not included in the abovementioned expenditure figure. The outstanding commitments relate to the forthcoming Riversymposium and the Annual LGA Conference, both to be held in October, 2010,

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have transparent, accountable and respected leadership and an engaged community.
- Have constructive and productive partnerships with residents, community groups and institutions.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

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

ORDINARY MEETING

Meeting Date: 12 October 2010

RECOMMENDATION:

That attendance of nominated Councillors, and staff as considered appropriate by the General Manager, at the Australian Local Government Women's Association Inc National Conference at an approximate cost of \$800.00 (excluding accommodation) plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 230 **GM - Local Government and Shires Association of NSW - Nominations and Applications for the Greater Blue Mountains World Heritage Area Advisory Committee - (79351, 79633, 112608, 118820)**

REPORT:

Executive Summary

The Local Government and Shires Association of NSW (LGSA) have written to Council by letter dated 29 September 2010, advising that the NSW Department of Environment, Climate Change and Water (DECCW) have called for nominations for the Greater Blue Mountains World Heritage Area Advisory Committee (the Committee).

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

Nominations for the Committee were previously offered and accepted in 2007 for a three year term. A report was considered by the Council at its meeting on 10 July 2007 at which time Council resolved:

"That Councillor Paul Rasmussen be nominated to the Local Government and Shires Association of NSW as a representative of the Greater Blue Mountains World Heritage Area Advisory Committee."

Councillor Rasmussen's nomination was successful and he has been a representative on this Committee.

By letter dated 29 September 2010 the LGSA has advised that nominations to the Greater Blue Mountains World Heritage Area Advisory Committee (the Committee), for the next term are now called for by the Department of Environment, Climate Change and Water (DECCW). Nominations close on Wednesday, 15 October 2010.

The Terms of Reference for the Committee require it to include two Local Government representatives and as such, DECCW has requested the LGSA to nominate three or four nominees for the Minister's consideration for appointment.

The Committee's role is to advise on matters relating to the protection, conservation, presentation and management of the Greater Blue Mountains World Heritage Area, including strategic policies in relation to Australia's obligations under the World Heritage Convention. The Committee plays a crucial role in achieving conservation outcomes by facilitating the development and cooperative, constructive and innovative relationships between National Parks and Wildlife Service (NPWS), Jenolan Caves Reserve Trust, the Department of the Environment, Water, Heritage and the Arts (DWSHA) and the community.

Under the terms of appointment, members of the Committee will be appointed for a three-year term and shall be appointed in their own right and not as representatives of any particular organisations, institutions, disciplines or interest sectors.

The Committee meets quarterly in locations around the Greater Blue Mountains. In applying for membership of the Advisory Committee, applicants should be prepared to make a commitment to attend the meetings regularly and to participate in Committee activities.

Accordingly, this matter is referred to Council for its consideration as to whether it wishes to again submit a nomination for this Committee to the LGSA.

ORDINARY MEETING

Meeting Date: 12 October 2010

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statement;

- To look after our cultural and environmental assets for future generations so that they too can enjoy and benefit from a clean river and natural eco-systems, rural and cultural landscapes.
- Take active steps to encourage lifestyle choices that minimise our ecological footprint.
- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Encourage and educate the community to care for their environment.

Financial Implications

No financial implications applicable to this report

RECOMMENDATION:

That the matter of the nomination of a representative to the Local Government and Shires Association of NSW for the Greater Blue Mountains World Heritage Area Advisory Committee be considered by Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 October 2010

CITY PLANNING

Item: 231 **CP - Development Application - Torrens Title Subdivision Into Two Lots - Lot 2 DP 846501, 533 Wilberforce Road, Wilberforce - (DA0029/10, 817, 35757, 95498)**

Development Information

File Number: DA0029/10
Property Address: 533 Wilberforce Road Wilberforce NSW 2756
Applicant: Warren Douglas Wilson
Owner: Gullbraith Pastoral Company Pty Limited
Proposal Details: Torrens Title Subdivision into Two Lots
Estimated Cost: Not Applicable
Zone: Housing, Environmental Protection – Agriculture Protection (Scenic), 9(b) Proposed Road
Draft Zoning: R2 Low Density Residential, RU2 Rural Landscape, SP2 Infrastructure
Date Received: 21/01/2010
Advertising: 3/03/2010 - 17/03/2010

Key Issues:

- ◆ Objection under State Environmental Planning Policy No.1
- ◆ Allotment Area
- ◆ Flooding

Recommendation: Refusal

REPORT:

Executive summary

The application seeks approval for the Torrens title subdivision into two lots at Lot 2 DP846501, 533 Wilberforce Road, Wilberforce to create allotment areas of 5338m² and 8653m² respectively.

The application is being reported to Council as the variation to the minimum allotment area exceeds 10% and it is Council's Policy for all State Environmental Planning Policy (SEPP) No. 1 variations greater than 10% to be considered by Council. The applicant's also seek variation to the requirements of providing an area of land above the 1 in 100 year flood level.

Introduction

An application has been received seeking approval for a two lot subdivision of Lot 2 DP 846501 at 533 Wilberforce Road, Wilberforce. The existing lot contains an approved building pad, partially constructed with piers only subject to BA1081/93/DA188/96, located at the south western corner of the allotment.

The subdivision would result in an area of 5338m² forming an allotment fronting Wilberforce Road and another allotment having an area of 8653m² with access from Earl Street. A part rural (Environmental Protection – Agriculture Protection (Scenic)) and part residential (Housing) zoning applies to the land. In addition, the entire frontage of the development along Wilberforce Road is zoned 9(b) Proposed Road of variable width. The minimum lot size required for the housing zone is 4000m² in this instance as the area is not yet serviced by reticulated sewerage. The minimum lot size required for the Environmental Protection – Agriculture Protection (Scenic) zone is 10 ha.

The purpose behind the subdivision proposal is to divide the land so that the zone boundary is the subdivision boundary to eliminate the split zoning that applies to the land. The applicant's Statement of

ORDINARY MEETING

Meeting Date: 12 October 2010

Environmental effects states that the subdivision will “allow future residential development in the Housing zone if and when services are provided”.

History

3 February 1994 - SA163/93 – Development Consent for a boundary adjustment between No. 543 and 533 Wilberforce Road, Wilberforce granted.

3 August 1995 - SA37/95 – Development Consent for a two lot subdivision creating areas of 5336m² and 8649m² granted. This consent was never acted upon and has subsequently lapsed.

17 October 1996 - DA188/96 – Refusal issued for the erection of dual occupancy.

19 November 1996 - BA1081/93 – Building approval granted for one dwelling.

8 April 1997 - DA188/96 – Reconsideration of the application made and consent granted for the erection of a dual occupancy.

7 September 2001 - BA1081/93 – Inspection of piers made and considered satisfactory. Accordingly, physical commencement of work has secured development consent for the residential development.

21 January 2010 – Current Development Application lodged.

11 February 2010 – SEPP 1 fee requested.

16 February 2010 – SEPP 1 request referred to the Department of Planning

3 March -17 March 2010 – Notification period

10 June 2010 – Additional information requested about SEPP 1, regional wetland, flood levels and effluent disposal.

3 August 2010 – Revised SEPP 1 report, effluent report and Statement of Environmental Effects received

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy No. 1
Sydney Regional Environmental Plan No 20
Hawkesbury Local Environmental Plan 1989
Draft Hawkesbury Local Environmental Plan 2002
Hawkesbury Development Control Plan 2002

Section 79C Matters for Consideration

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

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

The relevant environmental planning instruments are:

State Environmental Planning Policy No. 1 – Development Standards

An objection under SEPP No. 1 was lodged in respect to the minimum allotment size requirement for land zoned Environmental Protection – Agriculture Protection (Scenic) and in respect to an area of land above the 1 in 100 year flood level. Commentary on the use of SEPP No.1 to consider the variation to allotment size is firstly discussed followed secondly by consideration of flood levels.

Minimum Allotment Size

Within their SEPP No. 1 objection the applicant's claim that compliance with the development standard is considered unreasonable and unnecessary, for the following reasons:

- *Each of the proposed lots would not be distinguishable in an overall context from those that exist in the surrounding lot pattern.*
- *The allotments are of a size and shape adequate to contain dwellings in a housing and agricultural environment.*
- *Lot 2 is justifiably less than the 10ha minimum area requirements and in any case the existing land is already less than the 10ha requirement.*
- *Lot 1 is more than the required 4000m² minimum area.*
- *There would be no adverse impact on amenity or streetscape arising from the subdivision.*
- *The subdivision has been designed to account for environmental and physical features and allows the best long term management opportunities for the total landholding. Particularly it creates lots of better shape and ratio than is the existing landholding whilst at the same time conforming to the zone requirements.*
- *The underlying objectives of the standard are achieved notwithstanding non-compliance with the standard.*
- *The underlying objective would be defeated or thwarted if compliance with the standard is required given that the land is better able to be used for relevant zone purposes than if left in its current state divided by the boundary between two zones.*

Comment:

The minimum lot size for the Environmental Protection – Agriculture Protection (scenic) zone is 10ha, with the applicant seeking a variation to consider an allotment with an area of 8653m², which equates to 0.86ha considerably less than the 10ha minimum required. A part rural (Environmental Protection – Agriculture Protection (Scenic)) and part residential (Housing) zoning applies to the land.

The allotment is one of many allotments in the Hawkesbury Local Government Area that has split or numerous zonings which apply to the land. Adjacent lots in the immediate vicinity of the site are also zoned part Housing and part Environmental Protection – Agriculture Protection (Scenic).

The underlying objective and purpose of the development standard in respect to rural subdivision within the Environmental Protection – Agriculture Protection (Scenic) zone is to determine minimum allotment areas, to promote, preserve and encourage agricultural production to protect its agricultural potential. However, in this instance it should be noted that the rural zoned portion of the site is already significantly undersized and that the small size is likely to be a prohibitive constraint to sustaining an agriculture use, even if the entire site was utilised. At present, the land is not utilised for any agricultural use, despite the Housing zoned portion of the site capable of sustaining the permissible use of 'Agriculture' as defined by Hawkesbury Local Environmental Plan 1989.

Given that the existing property is currently split by two different zonings, which don't follow any identified cadastral or topographic feature and that the small area of the site limits the agricultural viability of the site, it is considered unreasonable to allow the site to maintain a split zoning. It is considered that in the circumstances of the case the departure to the minimum allotment size criteria contained in Hawkesbury Local Environmental Plan 1989 is acceptable.

Area of land above the 1 in 100 year flood level

Comment

It is the applicant's opinion that Clause 11(6) is a development standard rather than a prohibition citing "*the planning control that requires a minimum area and height of land for the erection of a dwelling at clause 11(6) is therefore, a development standard.*" Council's view is that the flooding provisions contained within clause 11(6) are not considered a Development Standard and that the use of SEPP No. 1 in this instance

ORDINARY MEETING

Meeting Date: 12 October 2010

can not be used to overcome a prohibition. This view is reinforced by comments received from the Department of Planning dated 12 March 2010, who advised Council in respect to the application that:

"The proposed site does not have land above the 1 in 100 year flood level, and as such the applicant may need consent for a landfill first before a subdivision would be allowed."

The requirements of Clause 11(6) specify that:

"Consent must not be granted to a subdivision of land in Zone No. 7(d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection – Agriculture Protection (Scenic) or Environmental Protection – Mixed Agriculture (Scenic) zone that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1 in 100 year flood level on the allotment that is:

- a) sufficient for the erection of a dwelling house, and*
- b) at natural surface level or at a level achieved by filling carried out with the consent of the Council."*

The applicant's claim, submitted with the development application, is that compliance with the development standard is considered unreasonable and unnecessary, for the following reasons:

- *The allotment on which exists the dual occupancy development and the subject of this SEPP 1 objection is consistent with other lots in the locality.*
- *The allotment would not be distinguishable in an overall context from those that exist in the surrounding lot pattern.*
- *The allotment is of a size and shape adequate to contain the existing dual occupancy development.*
- *The allotment is only marginally flood liable and there will be no property impact or personal safety matters arising given that the habitable space of the existing dual occupancy building is above the 1:100 level.*
- *There would be no impact on amenity or streetscape as the dual occupancy exists on this lot.*
- *The subdivision has been designed to account for environmental and physical features and allows the best long-term management opportunities for the total landholding.*
- *There is nothing to be gained by not approving of the subdivision as a dual occupancy development exists already on the Environmental Protection zone lot and the proposed vacant lot will be contained within the Housing zone and able to be developed independently of the Environmental Protection zone lot.*

Additionally, within the applicant's submission, they claim that there is inconsistency within Hawkesbury Local Environmental Plan 1989, which requires land to be at a certain level if subdivided, but also allows dwellings to be constructed if not at that level. The provisions of Clause 25 of Hawkesbury Local Environmental Plan 1989 do allow dwellings to be constructed within flood liable land. However, the proposal must first meet specified criteria. In some instances, the level of the land is too low to grant development consent for residential occupation.

The subject property ranges from 16.05m AHD adjacent to Wilberforce Road to as low as 10.76m AHD centrally within the site, with the highest natural land level within proposed Lot 2 (sited within the Environmental Protection – Agriculture Protection (Scenic) zone) at 15.36m AHD. The assessed 1 in 100 year flood level for the locality is 17.3m AHD. Accordingly, the site is completely inundated by the 1 in 100 year flood event with no natural levels of land of the site available above the 1 in 100 year flood event. An earlier development approval for the construction of a dual occupancy has been secured on site through the construction of piers; however the first floor of the dual occupancy is set at 17m AHD, below the 1 in 100 year flood event of 17.3m AHD.

The applicants have not proposed the filling of land, which would be significant, to satisfy clause 11(6) requirements. To consider the application under the provisions of SEPP 1 both of the above issues must be development standards to enable a merit assessment of those matters. As the flood issues is not considered to be a development standard, the merits of the application cannot be used. SEPP No. 1 is not the correct planning mechanism to overcome site constraints in the circumstances. The provisions of

ORDINARY MEETING

Meeting Date: 12 October 2010

clause 11(6) are clear in that 'consent must not be granted... unless the Council is satisfied that there is an area of land above the 1 in 100 year flood level on the allotment.' In this instance, Council is unable to approve any form of subdivision where the level of land is below the 1 in 100 year flood event.

Sydney Regional Environmental Plan No. 20 (No.2 – 1997) – Hawkesbury – Nepean River (SREP No. 20)

The site contains a mapped wetland centrally located within the site. Evidence has been submitted by the applicant, which suggests that the wetland is in fact a dam and has existed on site for many years. It is claimed that in the late 1980's the capacity of the dam was increased to safeguard against possible water restrictions and ensure the survival of a nursery, operating on No. 543 Wilberforce Road, Wilberforce.

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

The proposal is consistent with the aims and objectives of SREP No. 20.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject property contains three separate zones. A portion of the land fronting Wilberforce Road is zoned Housing, with the majority of the site zoned Environmental Protection – Agriculture Protection (Scenic). Subdivision of land within the Housing zone is permissible only if the area of each of the allotments to be created is not less than 4000m², with the minimum lot size required for the Environmental Protection – Agriculture Protection (Scenic) zone being 10ha. In addition, the entire frontage of the development along Wilberforce Road is zoned 9(b) Proposed Road of variable width.

The subdivision would result in an area of 5338m² being created for the proposed Housing zone lot fronting Wilberforce Road and the remaining allotment having an area 8653m². An objection under SEPP No.1 seeking a variation to the allotment size and an area of land above the 1 in 100 year flood level in respect to the Environmental Protection – Agricultural Protection (Scenic) zone was submitted and, as mentioned previously in this report, it is recommended that Council decline support and refuse the application.

In addition to the above, the following clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 - Aims, objectives etc
Clause 5 - Definitions
Clause 9 - Carrying out of development
Clause 9a - Zone objectives
Clause 10 - Subdivision general
Clause 11 - Rural Subdivision
Clause 12 – Residential Subdivision
Clause 18 - Provision of water, sewerage services, etc
Clause 22 – Development fronting a main or arterial road
Clause 25 – Development of flood liable land
Clause 28 – Development in the vicinity of heritage items
Clause 31 – Acquisition and use of reserved land
Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

An assessment of the Development Application otherwise reveals that the proposal complies with the matters raised in the above clauses of Hawkesbury Local Environmental Plan 1989, with the exception of satisfying allotment size and an area of land above the 1 in 100 year flood level contained in Clause 11. The applicant has made an objection to this clause under SEPP No.1, which has been discussed earlier in the report.

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

ORDINARY MEETING

Meeting Date: 12 October 2010

Within the Draft Hawkesbury Local Environmental Plan 2009, the subject site is part zoned R2 Low Density Residential, RU2 Rural Landscape and SP2 Infrastructure. The subject development is permissible only if the area of the RU2 allotment to be created is not less than 10 hectares. Within the R2 zone, the development standard requires an allotment area to be no less than 4000m². In the proposed development, an area of 5338m² will be created within the R2 zoned allotment, thus achieving compliance. However, within the RU2 zoned allotment, an area of 8653m² will be created, which fails to achieve the minimum allotment area. An exception to this development standard can be considered where it is demonstrated by the applicant that:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) that there are sufficient planning grounds to justify contravening the development standards.

As detailed earlier in the report, in respect to allotment size only, it is considered that the SEPP No. 1 objection has demonstrated that compliance with the development standard is unreasonable or unnecessary or has provided sufficient justification on planning grounds to warrant contravening the development standard.

However, the development is subject to the flood planning requirements of clause 6.7. Clause 6.7(3)(c) states that:

"Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

will enable safe occupation and evacuation of the land."

The subject property ranges from 16.05m AHD adjacent to Wilberforce Road to as low as 10.76m AHD centrally within the site, with the highest natural land level within proposed Lot 2 (sited within the RU2 Rural Landscape zone) at 15.36m AHD. The assessed 1 in 100 year flood level for the locality is 17.3m AHD. Accordingly, the site is completely inundated by the 1 in 100 year flood event with no portion of the site available above the 1 in 100 year flood event.

In this regard, it is considered that the site is unable to provide a suitable area that is not flood liable to enable the safe occupation of the land. An earlier development approval for the construction of a dual occupancy has been secured on site through the construction of piers; however the first floor of the dual occupancy is set at 17m AHD, below the 1 in 100 year flood event of 17.3m AHD. The flood planning requirements contained within Draft HLEP 2009 are not development standards and cannot be varied. In this instance, Council remains unsatisfied that the subdivision proposal will enable the safe occupation and evacuation of land.

i. Development Control Plan applying to the land:

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan 2002 applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follows:

Part A Chapter 3 – Notification

The application was notified to adjacent and adjoining property owners in accordance with HDCP. During the neighbour notification period, two submissions were received and are discussed later in this report.

Subdivision Chapter

The following is an assessment against the relevant Rules of the Subdivision Chapter in respect to Part D.

ORDINARY MEETING

Meeting Date: 12 October 2010

Element	Rule	Complies
General		
Flora and Fauna Protection	<p>a) Any subdivision proposal which is likely to result in any clearing of native vegetation or impact on any environmentally sensitive area is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the Eight Part Test pursuant to the Act (Section 5A), State Environmental Planning Policy 44 – Koala Habitat protection.</p> <p>b) Vegetation cover should be retained where ever practicable as it acts to stabilize soils, minimize runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.</p> <p>c) Degraded areas are to be rehabilitated as part of the subdivision.</p> <p>d) Vegetation should be retained where it forms a link between other bush land areas.</p> <p>e) Vegetation which is scenically and environmentally significant should be retained.</p> <p>f) Vegetation which adds to the soil stability of the land should be retained.</p> <p>g) All subdivision proposals should be designed so as to minimize fragmentation of bushland.</p>	<p>Yes. No vegetation is proposed to be removed. No environmentally sensitive area is remnant within the site.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Visual Amenity	<p>(a) Building envelopes, accessways and road shall avoid ridge tops and steep slopes.</p> <p>(b) Subdivision of escarpments, ridges and other visually interesting places should:</p> <ul style="list-style-type: none"> • Be managed in such a way that the visual impact rising from development on newly created allotments is minimal; and • Retain visually significant vegetation such as that found on ridge tops and other visually prominent locations. 	<p>Yes. Not located upon a steep site or ridge top.</p> <p>Yes</p> <p>Yes</p>

ORDINARY MEETING

Meeting Date: 12 October 2010

Element	Rule	Complies
	(c) Development Applications for subdivision shall take into consideration the provisions of SREP No. 20 in relation to scenic quality.	Yes
Heritage	(a) A subdivision proposal on land which contains or is adjacent to an item of environmental heritage as defined in Schedule 1 of the Hawkesbury LEP should illustrate the means proposed to preserve and protect such items.	Yes.
Utility Services	(a) Underground power provided to all residential and industrial subdivisions. Where infill subdivision is proposed, the existing system, whether above or underground shall be maintained. (b) All lots created are to have the provision of power. (c) Where reticulated water is not available, a minimum storage of 100,000 litres must be provided. A minimum of 10,000 litres must be available during bush fire danger periods.	Condition if approval granted. Available. Yes. Reticulated water available.
Flooding, Landslip & Contaminated Land	(a) Compliance with clause 25 of Hawkesbury Local Environmental Plan 1989. (b) Access to the subdivision shall be located above the 1% AEP flood level. (c) Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdivision the land and provide recommendations as to the siting and the type of buildings which could be permitted on the subject land. (d) In the event the Council deems that there is the potential that land subject to a subdivision application is contaminated then the applicant shall engage a suitably qualified person to undertake a soil and ground water assessment. (e) Contaminated Land shall be remediated prior to the issue of the Subdivision Certificate.	No. No. Both street frontages sit below the 1 in 100 year flood level. N/A Not considered to be contaminated. N/A

ORDINARY MEETING

Meeting Date: 12 October 2010

Element	Rule	Complies
Rural Lot Size and Shape	<p>(a) The minimum allotment size for land within rural and environmental protection zones are contained within Hawkesbury Local Environmental Plan 1989.</p> <p>(b) Lots should be able to accommodate a building envelope of 2000m² with a minimum dimension of 20 metres. Building envelopes should be located a minimum of 30 metres from significant trees and other significant vegetation or landscape features. Building envelopes will contain the dwelling house, rural sheds, landscaping, and on-site effluent treatment and disposal areas, and bushfire mitigation.</p> <p>(c) In calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle axe handle should be included.</p> <p>(d) The width to depth ratio of allotments should not exceed 1:5.</p> <p>(e) Lot layout shall consider the location of watercourse vegetation and other environmental features.</p>	<p>No (See SEPP 1 comments)</p> <p>Yes. However, site levels are below flood level.</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
Effluent Disposal	<p>(a) An effluent disposal report prepared by a suitably qualified person is required to accompany any development application for rural and rural-residential subdivisions.</p> <p>(b) Any system proposed other than a Household Aerated Wastewater Treatment System is required to be installed prior to release of Subdivision Certificate.</p>	<p>Yes</p> <p>Yes</p> <p>Note: The land is eligible for connection under the Sydney Water Sewerage Scheme</p>
Rural Road and Access Way Design	<p>(a) The design specifications in Figure 4 at the end of this clause are to be met.</p> <p>(b) Where the road width is insufficient or unsatisfactory, an applicant should dedicate or provide land required for local road widening or new roads at no cost to Council.</p> <p>(c) Upgrading of the access way from the nearest sealed road to the proposed subdivision to an all weather standard suitable for the expected traffic</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

ORDINARY MEETING

Meeting Date: 12 October 2010

Element	Rule	Complies
	<p>generation arising from the subdivision. This work may require the sealing of the pavement dependent upon traffic generation.</p> <p>(d) Where access to the subdivision is via a Crown or Reserve road in addition to the above, the road should be fully constructed to a standard commensurate with roads in the locality and linked to the nearest Council road. Prior to any construction works being undertaken the relevant section of Crown road is to be transferred to Council.</p> <p>(e) The road fronting the subdivision shall be sealed into half width (minimum 3.5 metres). An all weather standard of road construction may be acceptable where the expected traffic volume generated by the subdivision proposal is low and no sealed road in the vicinity.</p> <p>(f) Water courses should be piped where they cross roads and the applicant should create drainage easements generally 10 metres long and 4 metres wide over the point of any discharge of any water from any public road onto private property.</p> <p>(g) All internal driveways shall be constructed to an all weather standard suitable for the expected traffic generation. An all weather access should also be provided across the footway to any battle-axe lot. Such access should be sealed within the vicinity of existing houses on adjoining lots where dust nuisance may occur and also on steeply sloping land.</p> <p>(h) Where 3 or more individual access handles are proposed, common roads are to be provided.</p> <p>(i) Battle-axe handles shall have a minimum width of 6 metres.</p> <p>(j) Access ways should have a maximum grade of 25% (1:4) and be sealed if the grade exceeds 1:6, concrete if exceeds 1 in 5.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Can condition if approved.</p>

ORDINARY MEETING

Meeting Date: 12 October 2010

Element	Rule	Complies
	(k) Where an access way meets a public road there should be a minimum sight distance of 70 metres. This may be increased on roads with a high speed limit.	N/A
	(l) Cul-de-sacs for rural roads should have a minimum seal radii of 12.0 metres and boundary radii of 17.0 metres.	N/A

As detailed above, the development proposal fails to satisfy the flooding and access and rural allotment size requirements of Hawkesbury Development Control Plan 2002.

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

There are no planning agreements applicable to the proposed development.

ii. Matters prescribed by the Regulations:

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

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

Access, Transport & Traffic

It is considered that the traffic generated by the proposal will have no significant impact on traffic movements within the locality.

Utilities

It is considered that the proposed development will not place unreasonable demands on the provision of services.

Flora & Fauna

The site is relatively cleared with no vegetation proposed to be removed as part of the application. It is therefore considered that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

Heritage

The site is not a registered heritage item under any local or state registry. The subject land is however opposite a locally listed heritage item 'Karooa', a single storey sandstone house on Wilberforce Road. Council's Heritage Advisor has reviewed the application and advises that the subdivision of land would not give rise to any adverse impacts on heritage values of the area.

Natural Hazards

The subject site is not affected by bushfire.

The entire site is inundated by the 1 in 100 year flood level of 17.3m AHD. An assessment against the relevant flood controls affecting the site have been addressed previously in this report.

Cumulative Impacts

The cumulative impact of approving subdivisions below the 1 in 100 year flood level could compromise the ability of State Emergency Services (SES) and other emergency services to serve the community and would adversely impact on overall community safety.

c. Suitability of the site for the development:

The subject property ranges from 16.05m AHD adjacent to Wilberforce Road to as low as 10.76m AHD centrally within the site, with the highest level within proposed Lot 2 (sited within the Environmental Protection – Agriculture Protection (Scenic) zone) at 15.36m AHD. The assessed 1 in 100 year flood level for the locality is 17.3m AHD. Accordingly, the site is completely inundated by the 1 in 100 year flood event with no portion of the site available above the 1 in 100 year flood event. In this instance, the site is not considered suitable for the development proposed that will increase the residential density within an area that is flood prone.

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

In their letter dated 16 March 2010, the Department of Planning advised that:

"I note that the proposal involves a variation to the 10 hectare subdivision standard for Environmental Protection – Agricultural Protection (Scenic) under the provisions of Hawkesbury Local Environmental Plan 1989. Under the Environmental Planning and Assessment Act, 1979, concurrence is required if Council proposes to grant development consent to the development application. The correspondence from Council does not indicate Council's intention to grant consent to the DA.

It is noted that the subject land is below the 1 in 100 year flood level for the locality. It is also noted that Clause 11(6) of the Hawkesbury LEP 1989 prohibits subdivision on land zoned Environmental Protection – Agricultural Protection (Scenic) which does not have land above the 1 in 100 year flooding level."

It is recommended that Council decline support for the proposed development. However, should the application be approved, then the application is required to be referred to the Department of Planning to obtain their concurrence.

Public Submissions

The application was publicly exhibited between 3 March 2010 and 17 March 2010. During this notification period, two (2) submissions of objection were received. The matters raised in these submissions are addressed below:

1. Flooding

Comment:

Concerns have been raised by nearby residents that the proposed subdivision will not achieve a high enough area to be out of flood waters during a flood event. The concerns raised by nearby residents are valid, as earlier discussed within the report the entire property is inundated by flood waters during the 1 in 100 year storm event. In this regard the site is not considered suitable for an increase in residential density.

2. Details of submission

Comment:

An objection has been received disagreeing with the applicant's details that a dual occupancy exists on the property and that the levels of land within proposed Lot 1 can achieve 15.5m AHD. In addition, the objector claims that the existing building pad is approximately 13.85m AHD. An earlier

ORDINARY MEETING

Meeting Date: 12 October 2010

development approval for the construction of a dual occupancy, via DA0188/96, has been secured on site through the construction of piers, which were inspected by Council in September 2001.

Survey details of the property reveal that the highest levels of land within proposed Lot 1 are 16.05m AHD adjacent to Wilberforce Road with spot levels of 15.8m AHD and 15.37m AHD within close proximity. The survey details also reveal that the existing building pad located adjacent to Earl Street has been constructed to a level of 14.3m AHD.

e. The Public Interest:

The current planning controls require for rural subdivisions to provide for an area of land above the 1 in 100 year flood level, sufficient for the erection of a dwelling house, either at a natural level or by the filling of land. The highest natural land level within proposed Lot 2 (sited within the Environmental Protection – Agriculture Protection (Scenic) zone) is at 15.36m AHD with the assessed 1 in 100 year flood level for the locality being 17.3m AHD.

The proposed application does not seek to fill the land to achieve the required level and nor does it satisfy a natural land level of 17.3m AHD to satisfy flood planning requirements as per Clause 11(6) of HLEP 1989.

If a lot size variation were to be repeated on other allotments below the 1 in 100 year flood level, it will increase further the number of occupants upon land subject to the risk of flooding. Having regard to the relevant planning considerations and the objections received, it is concluded that the proposal is therefore contrary to the public interest.

Conclusion:

The existing secured approval for a dual occupancy has already fulfilled the applicant's intent of providing residential development despite the zone boundary position.

The current subdivision proposal is not consistent with the minimum allotment size requirement for subdivision as per Clause 11(2) and the area of land above the 1 in 100 year flood level as per Clause 11(6) of Hawkesbury Local Environmental Plan 1989. SEPP No. 1 can only be used in a situation where the LEP requirements are a development standard rather than a prohibition. In this case it is considered that the requirements of Clause 11(6) are not a development standard. The SEPP is also not intended to be used to pre-empt or circumvent the proper strategic planning processes set out in the local environmental planning process.

The highest natural land level within proposed Lot 2 (sited within the Environmental Protection – Agriculture Protection (Scenic) zone) is at 15.36m AHD with the assessed 1 in 100 year flood level for the locality being 17.3m AHD. Thus the development is unable to satisfy the flood planning requirements of Clause 11(6) of HLEP 1989.

SEPP No. 1 is not the correct planning mechanism to overcome site constraints in the circumstances. In this instance, Council is unable to approve any form of subdivision where the level of land is below the 1 in 100 year flood event.

Developer Contributions

The development is exempt from contributions under Section 94E of the Environmental Planning and Assessment Act 1979 or Council's Section 94A Contributions Plan.

Planning Decision

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

ORDINARY MEETING

Meeting Date: 12 October 2010

RECOMMENDATION:

That:

1. The objection under SEPP No. 1:
 - a) To the minimum lot size is supported.
 - b) To the minimum levels for development on land inundated by the 1 in 100 year flood level not be supported.
2. Development application DA0602/09 at Lot 2 DP 846501, 533 Wilberforce Road, WILBERFORCE NSW 2756 for Torrens title subdivision into two lots be refused for the following reasons:
 - a) Failure to comply with the aims and objectives of Hawkesbury Local Environmental Plan 1989.
 - b) The development fails to satisfy flood provisions under Clause 11(6) of Hawkesbury Local Environmental Plan 1989.
 - c) The development is inconsistent with the flood planning requirements of Clause 6.7(3) of Draft Hawkesbury Local Environmental Plan 2009.
 - d) The development does not comply with Hawkesbury Development Control Plan 2002 Part D Chapter 3 – Subdivision in respect to flooding and access and rural allotment size.
 - e) The repeated cumulative impact of subdivision upon land below the 1 in 100 year flood level will increase the number of future occupants upon land subject to the risk of flooding.
 - f) The site is considered unsuitable for increased residential development given its flood affectation.
 - g) Due to the above reasons, and the objections received, the proposal is considered to not be in the general public interest.

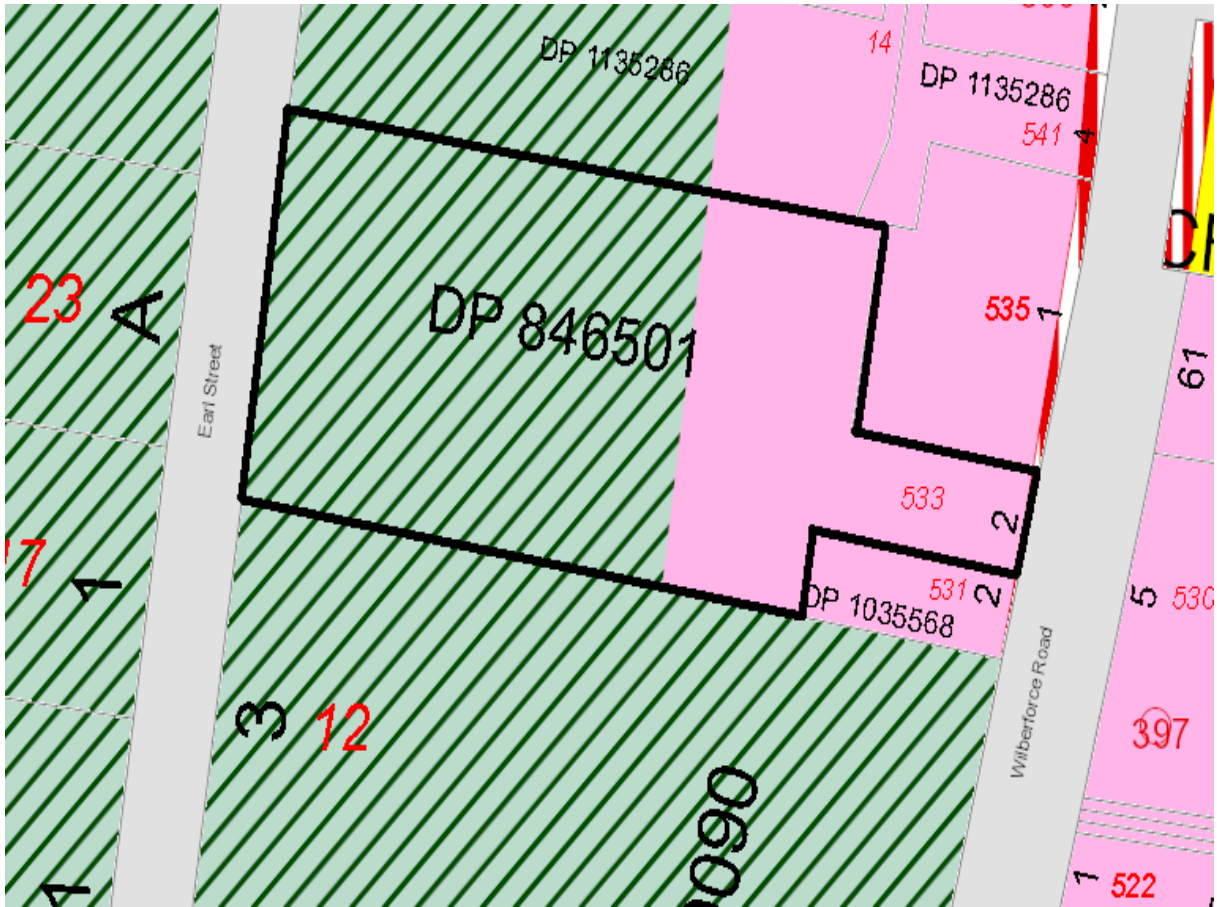
ATTACHMENTS:

- AT - 1** Locality Plan
AT - 2 Plan of Subdivision

ORDINARY MEETING

Meeting Date: 12 October 2010

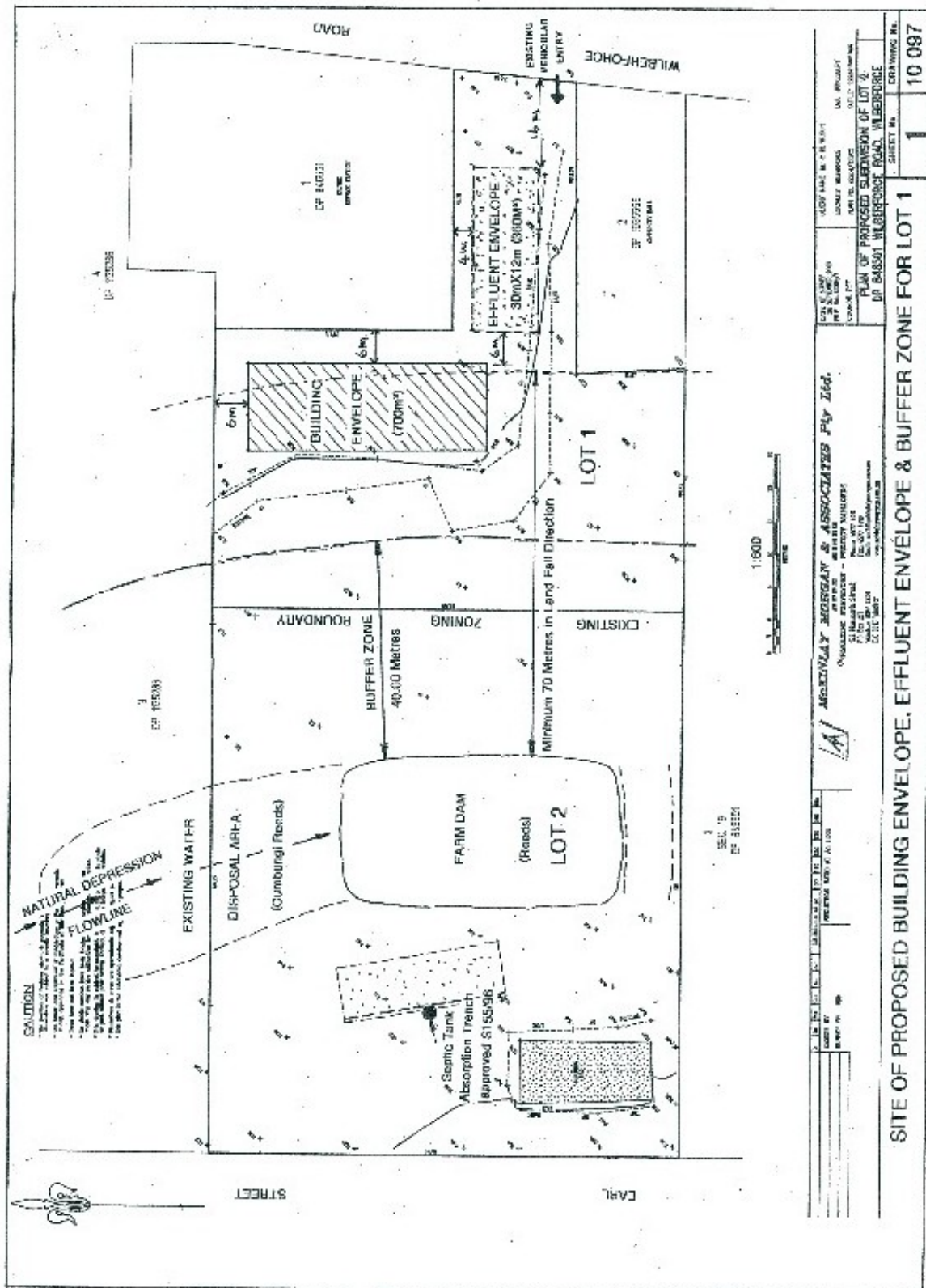
AT - 1 Locality Plan



ORDINARY MEETING

Meeting Date: 12 October 2010

AT - 2 Plan of Subdivision



LIAISON OFFICER NAME: [] PHONE: [] EMAIL: []		DESIGNER NAME: [] PHONE: [] EMAIL: []	
APPROVED BY NAME: [] PHONE: [] EMAIL: []		CHECKED BY NAME: [] PHONE: [] EMAIL: []	
PROJECT NAME: MRS/MAY MORGAN & ASSOCIATES Pty Ltd. PROJECT ADDRESS: [] PROJECT PHONE: [] PROJECT EMAIL: []			
TITLE: PLAN OF PROPOSED SUBDIVISION OF LOT 2 PROJECT NO: DP 648301 WILBERFORCE ROAD, WILBERFORCE			
SHEET NO. 1		DRAWING NO. 10 097	

SITE OF PROPOSED BUILDING ENVELOPE, EFFLUENT ENVELOPE & BUFFER ZONE FOR LOT 1

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 October 2010

Item: 232 **CP - Disability Advisory Committee - Appointment of Community Representatives - (88324)**

Previous Item: 165, Ordinary (13 July 2010)
 NM2, Ordinary (8 June 2010)

REPORT:

Executive Summary

This report has been prepared to advise Council of nominations received for community representatives to sit on the Hawkesbury Disability Advisory Committee. This report recommends that Council consider the nominations to determine community appointments to the Committee.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Applications for membership of the Hawkesbury Disability Advisory Committee were sought pursuant to Council's resolution of 13 July 2010, and in conformance with Council's Community Engagement Policy.

Background

Council at its Ordinary Meeting on 13 July 2010 resolved to establish the Hawkesbury Disability Advisory Committee (HDAC) and ratified the constitution for the proposed Committee. Expressions of interest were subsequently invited from suitably experienced and/or qualified members of the community to act as community representatives on the HDAC by way of advertisement in the Council Notices, the Mayoral Column and through relevant local interagencies.

Community Nominations

Community members are generally appointed to committees on the basis of their experience, industry knowledge, technical skills and/or their ability to interpret the common interests of residents.

The objective of the HDAC is to provide a forum for the discussion of strategies to raise community awareness about disability issues, and to improve access to services and facilities for people with disabilities and promote their participation in community and civic life. The primary vehicle for achieving this objective will involve the drafting and preparation of the Hawkesbury Disability Action Plan for Council's consideration and subsequent public exhibition.

13 expressions of interest were received from the community. These are summarised in Table 1.

Name	Residence	Summary of Information Provided
Alan Aldrich	Oakville	Resident. Member of Bicycle + Access Mobility Committee. Representative of Physical Disability Council NSW. Wheelchair user. Familiarity with disability issues.
Gabrielle Armstrong	Sackville North	Member Community Board of Advice Hawkesbury District Health Services representing aged care and disability portfolio. Twenty five years work in the aged care & disability sector in executive positions
Robert Bosshard	Kurrajong	10 years leader of research at the Royal North Shore Hospital in the spinal units. Founder of medical company manufacturing equipment for disabled persons. Lived in the Hawkesbury Since 1997.
Virginia Kruse	Richmond	Resident. Former President + Public Officer of National Seniors – Hawkesbury Branch. Family member with disability – conscious of access problems facing people with disabilities.

ORDINARY MEETING

Meeting Date: 12 October 2010

Name	Residence	Summary of Information Provided
Desmond Crane	Glossodia	Lived in area for 26 years. Had to assist person with disability for 16 years. On Management Board for Hawkesbury Penrith Respite Services. Treasurer for Acquired Brain Injury group at Richmond.
Deb Emelhain	St Marys	25 years as Occupational Therapist. Manages satellite service to Hawkesbury through Lifestart.
Ken Ferris	Oakville	27 years using a wheelchair. Runs a business servicing people with a disability.
Joan Gow	Hobartville	Resident, dependant on a mobility scooter for access.
Carolyn Lucas	Grose Wold	Degree in Social Work. 30 years experience in the disability sector. Personal experience in the provision of sporting equipment to people with disabilities. Family member with disability.
Jennifer Luke	Bligh Park	Family member with disability. Has worked as recreational facilitator and Co-ordinator of the Watoto and Mission Support Groups through St Johns Church. First hand experience in how the lack of infrastructure impacts people with disability.
Mary-Jo McDonnell	North Richmond	Teacher in Special Education. Have been involved in several NGO and government agencies which advocate for the rights and services of people with disabilities.
Wendy Sledge	Windsor	Previous Mayor of City of Hawkesbury. Director of Wendy's Home Services Pty Ltd.
Lyn Wallace	Doonside	25 years in the disability sector. Advisory board member for Self Advocacy Sydney. On many committees for the improvement of facilities and resources for people with special needs

Table 1 - Community nominations received for Disability Advisory Committee

The constitution for the HDAC provides for the appointment of 8 community representatives (although Council is at liberty to vary this requirement by amending the adopted constitution to provide for additional community appointments). The criterion for appointment to the Committee requires applicants to have a connection with the City of Hawkesbury (to live, work or study in the area) and to have experience and/or qualifications that demonstrate their ability to represent the interests of people with a disability. The list of applicants is submitted for Council's determination.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have constructive and productive partnerships with residents, community groups and institutions.

and is also consistent with the nominated strategy in the Community Strategic Plan being:

- Have ongoing engagement and communication with our community, governments and industries.

As noted above, the HDAC will give practical effect to the community engagement and participation strategies within the Community Strategic Plan and will enable Council to improve the accessibility of services and facilities which is a key direction in the Linking the Hawkesbury Vision within the CSP.

Financial Implications

There are no direct financial implications arising from this report. Should additional resources be required to facilitate the preparation of a Disability Action Plan, this requirement will be reported to Council for consideration.

ORDINARY MEETING

Meeting Date: 12 October 2010

RECOMMENDATION:

That in accordance with the adopted constitution for the Hawkesbury Disability Advisory Committee, Council appoint up to eight community representatives to sit on the Hawkesbury Disability Advisory Committee.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 233 CP - Representations to Community Services, Department of Human Services NSW Regarding Reduction in Funding under the Families NSW Program - (119366)

REPORT:

Executive Summary

This report has been prepared to advise Council of a request from the Board of Peppercorn Services Inc. (PSI) for Council to make representations regarding the proposed reduction in funding for programs funded by Community Services, Department of Human Services NSW under its Families NSW Program. Council is the funding auspice for two Families NSW projects located at South Windsor and operated on Council's behalf by Peppercorn Services Inc. The Board of PSI has been formally advised of a reduction of \$50,000 for these programs in the Hawkesbury to enable these funds to be reallocated to the Penrith area. The report recommends that Council make representations to the Minister and local State Members of Parliament regarding this decision.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

Community Services, Department of Human Services NSW (the Department) administers a number of funding programs which provide grants to community organisations to operate a range of human services. One of these programs is the Families NSW Program.

The Department currently provides grants to a number of community organisations across NSW to operate projects funded under this Program. Council is the funding auspice for two of these projects - The Families NSW Early Intervention Family Support Service and the Hawkesbury Community Hub. These services are managed and operated, on Council's behalf, by Peppercorn Services Inc. and are both located at the South Windsor Family Centre. Council currently receives \$251,000 in funding for these projects.

At its September Board Meeting, Peppercorn Services Inc. was advised of correspondence received from the Manager Regional Strategies: Met West, Communities and Early Year Division - Community Services, Department of Human Services, regarding the need for the Department to reallocate \$50,000 from both the Hawkesbury and Blue Mountains to fund a service expansion in the Penrith Area (a copy of this e-mail correspondence is appended to this report). The justification for this reallocation of funding was based on achieving a more 'equitable' allocation of funding across the Nepean Region. The letter outlined a number of demographic imperatives which suggested that Penrith was experiencing a relative increase in demand for Families NSW services when compared with the Hawkesbury and Blue Mountains.

The Board of PSI was both disappointed and concerned at the proposed reduction in funding from the Hawkesbury (and Blue Mountains) for reallocation to Penrith. The Board does not dispute the probable increase in demand for services in Penrith but is of the view that reducing the funding allocated to the Hawkesbury by 20% to achieve a more 'equitable' outcome across the region is in itself inequitable in that there has not been a corresponding 20% reduction in demand for Families NSW services in the Hawkesbury. In effect, service provision in the Hawkesbury (and Blue Mountains) will be reduced to fund an increase in service provision in Penrith.

The other aspect of the reduction proposal which the Board believes is troublesome relates to the initial intent of funding allocations under the NSW Families Program which was partly based on measures of socio-economic disadvantage. The funding of the Hawkesbury Community Hub Project at South Windsor reflected the status of South Windsor as an area of significant socio-economic disadvantage relative to

ORDINARY MEETING

Meeting Date: 12 October 2010

other localities within the Nepean Region. The approach taken by the Department to use broad Local Government Area (LGA) data to reallocate funding away from South Windsor was presumably made on the basis of a relative comparison between the Hawkesbury and Penrith LGAs - an approach which overlooks the significant variations in socio economic values across individual localities within LGAs. As a locality, South Windsor may well be significantly disadvantaged in comparison to many localities within the Penrith LGA.

For these reasons, the Board is concerned at the impact which the proposed funding reduction will have on the capacity of PSI to respond to the needs of families with young children, particularly in South Windsor. The reduction will require PSI to reduce staffing hours in the Hawkesbury Community Hub Project which will in turn inevitably lead to a reduction in service provision.

The Board therefore resolved to request that Council make representations to the Minister and local State Members of Parliament to express its concern at the obvious inequity of a proposal to reduce service provision in the Hawkesbury to fund an increase in service provision in Penrith and in particular, the impact this decision will have on vulnerable families with young children in South Windsor.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Maintain its independent identity and voice through strong local government and community institutions

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Work with public and private sectors to ensure funding and delivery of improved services and infrastructure

Financial Implications

The report outlines a decision made by a funding body which if implemented, will have an adverse impact on the financial operation of two of Council's externally funded projects managed by Peppercorn Services Inc.

RECOMMENDATION:

That Council:

1. Write to the Manager Regional Strategies: Met West, Communities and Early Year Division - Community Services, Department of Human Services, to express its concern at the decision to reduce funding for Families NSW projects in the Hawkesbury to fund an increase in service provision in Penrith and in particular, the impact this decision will have on vulnerable families with young children in South Windsor.
2. Make representations to the Minister for the State Plan and Minister for Community Services regarding this matter.
3. Request its local State Members of Parliament to support Council's representations in this regard.

ATTACHMENTS:

- AT - 1** Letter received from Manager Regional Strategies: Met West, Communities and Early Year Division - Community Services, Department of Human Services

ORDINARY MEETING

Meeting Date: 12 October 2010

AT - 1 Letter received from Manager Regional Strategies: Met West, Communities and Early Year Division - Community Services, Department of Human Services



Ms Kari l'Anson
Executive Officer
Peppercorn Services Inc

Dear Ms l'Anson

Further to our conversations regarding realignment of Families NSW (FNSW) service provision across the Nepean area I am providing, as per your request, written information so as to clarify Community Services' position.

Communities and Early Years Division, Community Services, are currently planning for the Nepean Families NSW Strategic Plan for 2010/11 - 2013/14. As you are aware there is an inequity in the distribution of FNSW funding in respect of the funding available to the Penrith Local Government Area.

The Nepean FNSW Initiatives Group (FIG) has consistently recognised the greater and increasing needs of the Penrith LGA in relation to the rest of the Nepean Network. The Nepean FIG has confirmed its intention to realign funding to be more proportionate to need (as measured by demographic and other data) across the FNSW Nepean Area for implementation through the next three year strategic plan.

Some of the relevant data includes that for Penrith LGA from 2011 there will be:

- Over 12,000 children in the 0-4 age group
- Predicted births to be over 3,000 compared to Hawkesbury 1,017 and Blue Mountains 996
- Over 1,200 Aboriginal children in the 0-8 age group in Penrith. Hawkesbury LGA 216 and Blue Mountains 172 according to 2006 ABS
- Evident trend within Penrith LGA of increasing numbers of families with young children from newly arrived and emerging communities

Communities and Early Years Division have recognised the need to reduce FNSW funding in both Blue Mountains and Hawkesbury areas by approximately \$50,000 in each area in order to reallocate funds to the Penrith area and move the regional allocation towards a more equitable basis. FNSW funding is of a fixed-term nature in order to enable just these sorts of adjustments to funding allocations over time, so that FNSW remains strategic in its work.

Partnerships and Planning have been conducting the preliminary negotiations. It is our understanding that to maintain as smooth as possible transition Peppercorn Inc will receive the total FNSW funding as per the Service Agreements for both FNSW services for 2010/11. The reduction in FNSW funding by \$50,000 to Peppercorn Inc will be effective at December 2011.

The Director of Partnerships and Planning, Nepean, Robynne Cole, and myself, are available to meet with Peppercorn Inc. and Hawkesbury City Council.

ORDINARY MEETING

Meeting Date: 12 October 2010

We wish to confirm that the reduction in funding is not a reflection on the service provision of Peppercorn Inc. and that Community Services values the FNSW partnership with Peppercorn.

Thank you for your commitment to the FNSW Strategy and for your constructive input to discussions of this re-alignment. If you or others have any questions or concerns please contact Marilyn Fischer on 9354 1640 or myself on 9354 1675.

Yours sincerely

Ross Beaton
Manager Regional Strategies: Met-West
Communities and Early Year Division- Community Services
Department of Human Services

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 234 **IS - State Heritage Listing, McQuade Park and Wilberforce Park - (95495, 79354)**

REPORT:

Executive Summary

In 2004 Council undertook and completed the development of the McQuade Park and Wilberforce Park Conservation Management Plans to provide guidance and development of the Parks.

On the 19 August 2010, Council received notice from the NSW Heritage Council, that as part of the Governor Macquarie thematic listing it is proposed to nominate both McQuade Park and Wilberforce Park for State Heritage Listing and are inviting submissions regarding the proposed listings.

The Heritage Office provides listed sites with tools to allow for the maintenance and management of sites, which are Standard Exemptions and Site Specific Exemptions under Section 57 (2) of the Heritage Act 1977.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

In 2004, Council undertook and completed the development of the McQuade Park and Wilberforce Park Conservation Management Plans to provide guidance and development of the Parks.

In 2006, Council commissioned consultants to develop a Landscape Master Plan for Wilberforce Park that applied the recommendation of the Conservation Management Plan and provides guidance for the future development of the park that befits a Park of Regional and State Significance.

To assist in the implementation of the Conservation Management Plan and Landscape Master Plan for Wilberforce Park, Council was successful in obtaining Metropolitan Greenspace funding to undertake the on-ground works that see the Park in its current state, new fencing, play space, pathways and the restored War Memorial.

On the 19 August 2010, notice was received from the NSW Heritage Council, that as part of the Governor Macquarie thematic listing it is proposed to nominate both McQuade Park and Wilberforce Park for State Heritage Listing and submissions are invited in relation to the proposed listings.

The Heritage Office provides listed sites with tools to allow for the maintenance and management of sites, which are Standard Exemptions and Site Specific Exemptions under Section 57 (2) of the Heritage Act 1977.

The purpose of the standard exemptions is to clarify for owners, the Heritage Branch and local councils what kind of maintenance and minor works can be undertaken without needing Heritage Council approval. This ensures that owners are not required to make unnecessary applications for minor maintenance and repairs. Specific exemptions apply to sites with specific exemptions for works other than those in the standard list.

The effects of listing of McQuade Park and Wilberforce Park on the State Heritage List is minimal in the normal operations of the parks management and maintenance regimes as the Heritage Office applies the

ORDINARY MEETING

Meeting Date: 12 October 2010

Standard Exemptions under section 57(2) of the Heritage Act, 1977, however a number of functions that occur within the park require the implementation of site specific exemptions.

The site specific exemptions that can be applied to both McQuade Park and Wilberforce Park include the following:

1. Removal, construction or alteration of garden beds, hard landscaping and plantings to implement the Plan of Management and other policies (2004 Conservation Management Plan) for McQuade Park where it is satisfied that the activity will not materially effect the heritage significance of the park as a whole, or the area in which they are to be undertaken. This exemption does not apply to excavation, unless Council can demonstrate the subject site is previously disturbed or comprises previous fill;
2. The maintenance of any building, monument or work on the site, where maintenance means the continuous protective care of existing or non significant material;
3. Horticultural maintenance, including lawn mowing, cultivation, pruning and remedial tree surgery;
4. Removal of non-significant trees considered by a qualified tree surgeon to be dead or dangerous and replacement where it is satisfied that the activity will not materially effect the heritage significance of the park as a whole, or the area in which they are to be undertaken;
5. Erection and dismantling of temporary structures, signs, crowd control barriers, banners, stages, lighting and sound and public address equipment associated with special events and functions held in the Park. This exemption does not apply to excavation, unless Council can demonstrate the subject site is previously disturbed or comprises previous fill;
6. Maintenance and repair of existing roads, paths, fences, gates, drains, water reticulation facilities and other utilities. This exemption does not apply to excavation, unless Council can demonstrate the subject site is previously disturbed or comprises previous fill.

Whilst a submission by the owner is not mandatory, it is recommended that Council draft a submission outlining its endorsement with the listing of McQuade Park and Wilberforce Park, and detailing aforementioned site specific exemptions to ensure the effective management of each park.

In April 2010 Council sought funding through the Metropolitan Greenspace Program for the development of a detailed Plan of Management and Master Plan of McQuade Park to ensure the ongoing management is consistent with the Conservation Management Plan and Council objectives. It is envisaged that consultation with the NSW Heritage Office will be undertaken to ensure any significant planned changes to McQuade Park are sympathetic with the heritage significance of the site.

It is recommended that Council endorse the State Heritage listing of both parks to ensure their heritage significance, and which will also enable funding for future works to be sourced through the NSW Heritage Office, and other funding avenues.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.

and is also consistent with (or is a nominated) strategies in the Community Strategic Plan being:

- Develop and implement a plan to conserve and promote heritage.
- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

ORDINARY MEETING

Meeting Date: 12 October 2010

Financial Implications

The listing of both parks on the Heritage Register will enable funding to be sourced through the NSW Heritage Grants Program, and may open up other avenues for funding.

RECOMMENDATION:

That:

1. The proposal for McQuade Park and Wilberforce Park to be listed as State Heritage Items be endorsed.
2. A submission be forwarded the NSW Heritage Council requesting the inclusion of additional site specific exemptions as outlined within the report to ensure the effective management of McQuade Park and Wilberforce Park.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

SUPPORT SERVICES

Item: 235 SS - Suspension of Alcohol Free Zone and Restricted Alcohol Zone within Windsor Town Centre for the Sydney Blues Festival - Windsor 2010 - (95496, 107, 112106)

REPORT:

Executive Summary

The representatives of the Sydney Blues Festival have submitted an application to Council to temporarily suspend an area of an established Alcohol Free Zone (AFZ) in Windsor Mall, George Street, Windsor and the Restricted Alcohol Zone (RAZ) within Thompson Square Park, Windsor during the holding of the special event known as the Sydney Blues Festival – Windsor 2010.

The Sydney Blues Festival – Windsor 2010 has received Council approval subject to conditions which were adopted at the Council Meeting on 10 August 2010. The proposed areas in which these suspensions will effect will be clearly identified and restricted during this event.

The Police within the Hawkesbury Local Command have been consulted and have raised no objections to this proposal. It is therefore recommended that the application to partially suspend the AFZ within the Windsor Mall, and partially suspend the RAZ within Thompson Square Park, for the dates and times approved for this event rather than the suspension for the entire weekend. This is a precautionary measure to ensure enforcement action may be taken, if needed, after the finishing time each night of the event. The representative for the Sydney Blues Festival has no objection to the modified times.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, in accordance with the Ministerial Guidelines on AFZs, the NSW Police Service was consulted and no objections were raised regarding the suspension of the AFZ within the Windsor Mall, and suspension of the RAZ within the Thompson Square Park, during the event. Also, public notification of the suspension will be required, should the proposal be approved.

Background

Section 645 of the Local Government Act 1993 (the Act) provides for Council, by Resolution, to allow for the temporary suspension of AFZs. The Act and associated guidelines provide a specific procedure which must be followed in relation to suspending AFZs, and this includes a requirement to seek Council's endorsement. Following the adoption of this suspension, Council must publish a notice in a local newspaper informing of the suspension. Street signs must be covered immediately on commencement of the timeframe, and the covers removed immediately following the suspended time. This is the responsibility of the organiser of the event but will be overseen by Council staff. Liaison with local Police both before and after the Council Resolution is an essential requirement.

In relation to parks and reserves and other public areas like Thompson Square Park, Council may in accordance with Section 632 of the Local Government Act, prohibit the consumption of alcohol in these areas. A sign indicating that the activity is prohibited, is placed on the subject area, however, public consultation is not required. The restriction can be enforced by authorised Council Officers.

The representatives of the Sydney Blues Festival have submitted an application to Council to temporarily suspend an area of an established Alcohol Free Zone (AFZ) in Windsor Mall, George Street, Windsor and the Restricted Alcohol Zone (RAZ) within Thompson Square Park, Windsor. The suspension requested is

ORDINARY MEETING

Meeting Date: 12 October 2010

for the duration of the Sydney Blues Festival - Windsor 2010 weekend being 29 October at 4pm to 31 October at 10.00pm. However, Council's approval for the Festival is for the following dates and times:

Friday 29 October 2010 – 7.00pm to 10.30pm
Saturday 30 October 2010 – 1.00pm to 1.00am
Sunday 31 October 2010 – 1.00pm to 10.30pm

Attachment 1 shows the proposed areas (hatched) where the AFZ and the RAZ are proposed to be lifted.

It is therefore appropriate to align the suspension periods to the approved times for the Festival. This precautionary measure is to ensure appropriate enforcement action can be taken in the Mall and the Park following the end of each night's activities, if needed. This does not impact on the various licensed establishments serving alcohol within their licensed areas in accordance with their liquor licenses.

This will be the 2nd Annual Sydney Blues Festival to be held in Windsor. It is expected that approximately 2,000 patrons per day will attend the Festival over the duration of the weekend. This event will be a ticketed event.

The Festival is intending to run between Friday evening and Sunday evening and will be held in a variety of venues throughout the Windsor central business precinct including hotels, restaurants, cafes, outdoor venues including Thompson Square Park and the Hawkesbury Paddle Wheeler. All venues are intended to be within walking distance of each other. Some of the venues participating are the Fitzroy Hotel, The Vault 146 Bar and Restaurant, and Macquarie Arms Hotel.

The special event was approved subject to conditions by Council at its Meeting of 10 August 2010.

This application was assessed in accordance with the Local Government Act 1993, Part 4 – Street Drinking and Ministerial Guidelines. The Windsor Business Group supports the Festival. The NSW Police Service was consulted and it raised no objection to the temporary suspension of the AFZ and the RAZ within the effected areas, for the approved dates and times of the Festival, subject to:

- a. The licensed premises adjoining the suspended zones monitor Responsible Service of Alcohol within those areas.
- b. The licensed premises ensure that only plastic glasses are used within those areas.
- c. Those areas being barricaded off and relevant security be in place by the licensed premises to prevent clients entering or exiting those areas with alcoholic beverages.

Conclusion

Council has recently approved the special event Sydney Blues Festival – Windsor 2010 subject to a number of conditions including approval from the NSW Police Service, approval from the RTA for road closures, public liability cover for both on-road and off-road activities, and notification to all residents and businesses affected by the event.

The ability to serve alcohol within specific defined public place areas and specified dates and times is considered reasonable, provided it is within the dates and times specifically approved for the event. In relation to specified area within Windsor Mall and Thompson Square Park, these will be barricaded. The NSW Police Service has no objection to the lifting of the alcohol restrictions for the event subject to conditions.

As a precautionary measure for enforcement issues, it is appropriate that the suspension be lifted for the specific dates and times approved for the Festival. The Festival representative has no objection to this requirement.

It is considered that the proposal be approved for the dates and times of the Festival.

Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions statement;

ORDINARY MEETING

Meeting Date: 12 October 2010

- Help create thriving town centres, each with its, own character and attract residents, visitors and businesses.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Develop economic strategy that promotes local industry in a regional context.

Financial Implications

The proposal will require advertising and this cost will be met from Council's advertising budget.

RECOMMENDATION:

That:

1. The Alcohol Free Zone within Windsor Mall, George Street, Windsor in the area indicated in Attachment 1 to this report as "*AFZ area*" be suspended between Fitzgerald Street and Kable Street, Windsor for the purpose of holding the Sydney Blues Festival – Windsor 2010 during the following dates and times:

Friday 29 October 2010 - 7.00pm to 10.30pm
Saturday 30 October 2010 – 1.00pm to 1.00am
Sunday 31 October 2010 – 1.00pm to 10.30pm
2. The Restricted Area Zone within Thompson Square Park in the area indicated in Attachment 1 to this report as "*RAZ area Thompson Square Park*" be suspended for the purpose of holding the Sydney Blues Festival – Windsor 2010 during the following dates and times:

Friday 29 October 2010 - 7.00pm to 10.30pm
Saturday 30 October 2010 – 1.00pm to 1.00am
Sunday 31 October 2010 – 1.00pm to 10.30pm
3. The suspension of the AFZ and RAZ as outlined in Parts 1 and 2 above, be subject to the following:
 - a. The licensed premises adjoining the suspended zones monitor Responsible Service of Alcohol within those areas.
 - b. The licensed premises ensure that only plastic glasses are used within those areas.
 - c. Those areas being barricaded off and relevant security be in place by the licensed premises to prevent clients entering or exiting those areas with alcoholic beverages.
 - d. The licensed premises adhere to any other requirements of the NSW Police Service and relevant authorities in relation to the service of alcohol within those areas.
4. The period of suspension of the Alcohol Free Zone within Windsor Mall between Fitzgerald Street and Kable Street, Windsor be advertised.
5. Any Alcohol Free Zone and Restricted Area Zone signage within the affected areas are to be covered by the event organiser during the period of the suspension.
6. The event organiser and the NSW Police Service be advised of Council's decision and relevant consultation continue until the conclusion of the event.

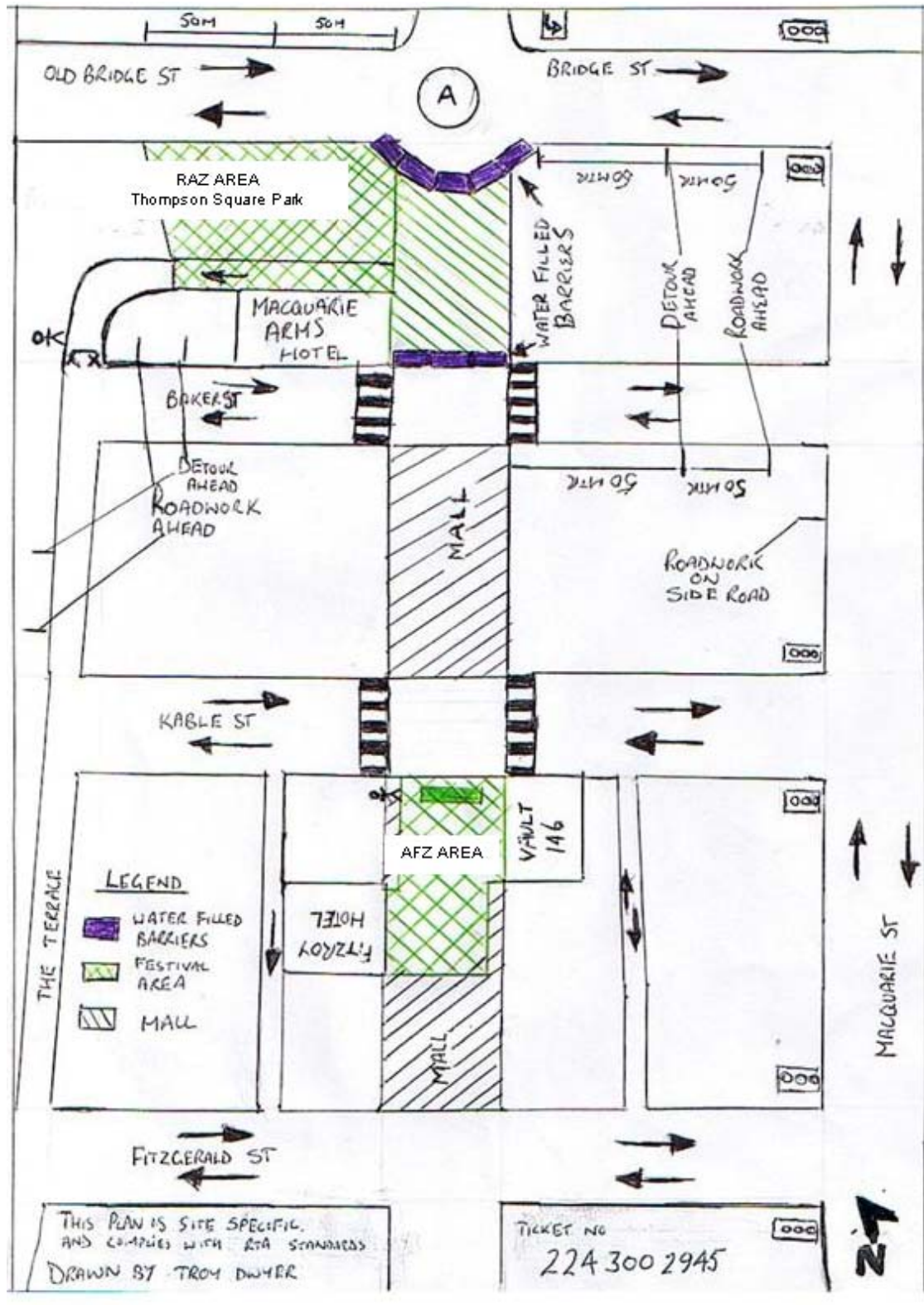
ATTACHMENTS:

AT - 1 Sydney Blues Festival AFZ and ARZ Suspension Area Details

ORDINARY MEETING

Meeting Date: 12 October 2010

Attachment 1 - Sydney Blues Festival AFZ and ARZ Suspension Area Details



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 October 2010

Item: 236 SS - Code of Meeting Practice - Questions For Next Meeting - (95496, 79337)

Previous Item: 204, Ordinary (31 August 2010)
 107, Ordinary (25 May 2010)
 11, Ordinary (2 February 2010)
 210, Ordinary (29 September 2009)
 123, Ordinary (30 June 2009)
 NM, Ordinary (12 May 2009)
 201, Ordinary (28 June 2005)
 62, Ordinary (9 November 2004)

REPORT:

Executive Summary

Council, at its meeting held on 31 August 2010, considered a report concerning the adoption of an amended Code of Meeting Practice (Code) following its earlier public exhibition.

In preparing the report, wording was inadvertently used in relation to the section dealing with Questions For Next Meeting, which was not consistent with Council's intention or the copy of the draft Code that was placed on public exhibition. There were no public submissions during the exhibition period.

The purpose of this report is to correct this inconsistency and ensure the Code is in accordance with Council's intentions and the document placed on public exhibition.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The draft Code has previously been placed on public exhibition as required.

Background

Following the meeting of Council held on 25 May 2010, an amended draft Code of Meeting Practice was placed on public exhibition as required. No submissions were received from the public during this exhibition period.

The draft Code, as exhibited in accordance with Council's earlier resolution, contained the following wording in respect of Questions For Next Meeting:

"3.3.12 Questions For Next Meeting

1. *At all Council meetings, each Councillor may ask questions for the next Council meeting under the segment of the business paper designated for that purpose. The Mayor or Chairperson of the meeting may exercise discretion in limiting questions or ruling any question out of order.*
2. *Questions for the next meeting should relate to questions concerning items not on the business paper of the Meeting where the question is raised.*
3. *The chairperson must not permit discussion or any reply to a question under this clause.*

ORDINARY MEETING

Meeting Date: 12 October 2010

4. *Councillor questions for the next meeting and responses shall be included on the next Council Meeting's business paper or, if this is not possible, the one following the next or an explanation given as to the reasons for delay and anticipated time of final response.*
5. *The subsequent reports responding to the questions are not subject to public address at the meeting answered.*
6. *This clause does not apply to an extraordinary meeting of the Council.*
7. *Nothing in this clause affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting."*

A previous version of the wording of this Clause, which only differed in respect of Part 5, was inadvertently used in the last recommendation that was adopted by Council at its meeting on 31 August 2010, resulting in an inconsistency between Council's resolution and the wording placed on public exhibition.

In order to rectify this situation, it is proposed to recommend that Council note and confirm that its resolution of 31 August 2010, in respect of Part 5 of Clause 3.3.12 of its Code, should be as indicated above in accordance with the document placed on public exhibition.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement;

- Have transparent, accountable and respected leadership and an engaged community.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That Council note and confirm, that its Resolution of 31 August 2010 in respect of Part 5 of Clause 3.3.12 of the Code of Meeting Practice, should have read as follows in accordance with the document placed on public exhibition:

- "5. *The subsequent reports responding to the questions are not subject to public address at the meeting answered."*

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 237 **SS - Public Libraries NSW Metropolitan Association - (95496)**

Previous Item: 221, Extra-Ordinary (21 September 2010)

REPORT:

Executive Summary

Council, at its Extra-Ordinary Meeting on 21 September 2010, resolved that a report be submitted to Council regarding the Public Libraries NSW Metropolitan Association (Association).

Council's Manager - Cultural Services and Councillor Paine are currently Council's representatives of the Association.

This report outlines various details regarding the Association including its purpose, goals and membership and also the holding of meetings.

It is recommended that this report be received and noted.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

Council at its Extra-Ordinary Meeting held on 21 September 2010 gave consideration to a report regarding the appointment of Council Committees, Delegates and Representatives for the 2010/2011 Mayoral Term, and resolved, in part, as follows:

"2. A report be brought to Council regarding the holding of the Public Libraries NSW Metropolitan Association Committee meetings."

The following details are provided regarding the Association including information in relation to the Association's meetings.

Public Libraries NSW Metropolitan Association

The Association represents and supports the interests of public libraries in the Greater Sydney Region of New South Wales.

The purpose of the Association is to assist in the positioning, sustaining and developing of public libraries in the Greater Sydney Region for the social, cultural and economic benefit of their communities.

The Association's focus is on four strategic themes, each with its own goals, which are as follows:

1. Leadership and positioning

- To take a lead role in policy setting for public library development and sustainability.
- To position the Greater Sydney Region's public libraries interests to Local, the NSW and Australian Governments.

2. Member capability development

- To encourage and support relevant networking, collaboration and joint projects within the Association's membership.

ORDINARY MEETING

Meeting Date: 12 October 2010

- To progress and support the capability development and enhancement of the Association's members.

3. Stakeholder relationship management

- To create, support and sustain meaningful networks, partnerships and collaboration with key stakeholders.

4. Governance

- To ensure a relevant governance model that enables the pursuit of the Association's strategic direction, focus, strategies, initiatives and actions.
- To ensure the financial sustainability of the Association.

The Association is governed by an eleven person Executive that includes an elected President, Vice President, Secretary and Treasurer as well as seven Ordinary Members. The Executive is elected at the Annual General Meeting of the Association. The Association also employs a part-time Executive Director.

The current President and Vice President of the Association are:

- President: Councillor Win Gaffney, Lane Cove Council
- Vice President: Councillor Anne Cannon, Mosman Council

General Meetings, including the Annual General Meeting (AGM), are held quarterly. During the last twelve months one AGM, three General Meetings and one Special General Meeting have been held as follows:

- 6 November 2009 (AGM 2009) - Sydney
- 19 February 2010 - Parramatta
- 28 May 2010 - Rockdale
- 13 August 2010 - Lane Cove
- 15 September 2010 (Special) - Concord

Each member Council can have two authorised representatives at all meetings of the Association, with one of the representatives being an elected Councillor. Hawkesbury Council's current representatives are the Manager - Cultural Services and Councillor Paine.

The Association's Executive Director emails various information to members including meeting agendas and minutes. Councillor Paine indicated at the previous Council Meeting that she had not been receiving any advice from the Association for some time.

Investigations have found that Councillor Paine's Council email address had been blocked by some sites preventing communications between herself and the Association. Council's Information Services staff have arranged for the blocking to be rectified and for the laptop to be tested to ensure that there are no issues.

Membership of the Association is extremely important as it is the peak body representing the state-wide network of public libraries. It provides networking benefits and vital information exchange regarding new research, training and development, industry trends, challenges and issues, funding and lobbying matters.

The above details are provided for Council's information.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.

ORDINARY MEETING

Meeting Date: 12 October 2010

Financial Implications

Annual membership of the Association is \$750 which has been included in the 2010/2011 Adopted Budget.

RECOMMENDATION:

That the report regarding the Public Libraries NSW Metropolitan Association be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 October 2010

Item: 238 SS - General Purpose Financial Report and Special Purpose Financial Report for 2009/2010 - (96332, 95496)

REPORT:

Executive Summary

Section 413 (1) of the Local Government Act 1993 (LGA) requires that *“a council must prepare financial reports for each year, and must refer them for audit as soon as practicable.”* The unaudited Annual Financial Reports for 2009/2010 have been completed and are ready for audit.

The purpose of this report is to refer the annual financial reports to audit.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council’s Community Engagement Policy.

Background

Section 413 (1) of the Local Government Act 1993 (LGA) requires that *“a Council must prepare financial reports for each year, and must refer them for audit as soon as practicable.”* Section 416(1) of the LGA requires Council’s financial reports for a year to be prepared and audited within four months after the end of the year concerned.

The unaudited Annual Financial Reports for 2009/2010 have been completed and are ready for audit and are attached as Attachment 1 to this report. This report recommends that Council refer the draft financial reports for audit by completing the statements attached as Attachment 2 to this report.

Clause 215 (1) of the Local Government (General) Regulation 2005 (Regulation) determines the format of Council’s declaration. It requires that the statement must:

- (a) Be made by resolution of Council; and
- (b) Be signed by -
 - (i) the Mayor and
 - (ii) at least one other member of the council and
 - (iii) the General Manager and
 - (iv) the Responsible Accounting Officer

Clause 215 (2) of the Regulation also requires that Council’s statement must indicate:

- (a) Whether or not Council’s annual financial reports have been drawn up in accordance with:
 - The Local Government Act 1993 and the Regulations made there under
 - The Australian Accounting Standards and Professional Pronouncements
 - The Local Government Code of Accounting Practice and Financial Reporting
- (b) Whether or not those reports present fairly the Council’s financial position and operating result for the year; and
- (c) Whether or not those reports are in accordance with the Council’s accounting and other records; and

ORDINARY MEETING

Meeting Date: 12 October 2010

- (d) Whether or not the signatories know of anything that would make those reports false or misleading in any way.

Council's financial reports have been prepared in accordance with the requirements detailed in Clause 215 (2) (a) to (c) of the Local Government (General) Regulation 2005 as outlined above. Council's Chief Financial Officer, as the Responsible Accounting Officer, considers that these statements fairly present Council's financial position.

This report recommends that Council refer the draft financial reports for audit by completing the attached statements (Attachment 2). Council's Auditor, PricewaterhouseCoopers, will provide a presentation of Council's position following the audit.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have transparent, accountable and respected leadership and an engaged community.

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Reports:
 - (a) Council's Annual Financial Reports for 2009/2010 have been drawn up in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulations made there under,
 - The Australian Accounting Standards and Professional Pronouncements, and
 - The Local Government Code of Accounting Practice and Financial Reporting; and
 - (b) The reports present fairly the Council's financial position and operating result for the year; and
 - (c) The reports are in accordance with the Council's accounting and other records; and
 - (d) The signatories do not know of anything that would make these reports false or misleading in any way.
2. Council sign the "Statement by Councillors and Management". The statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its External Auditor, PricewaterhouseCoopers, at a Council Meeting following the completion of the audit.

ATTACHMENTS:

- AT - 1** Unaudited Annual Financial Reports for 2009/2010 - *(Distributed under separate cover)*
- AT - 2** Statements by the Council on the General Purpose Financial Report and Special Purpose Financial Report for the year ended 30 June 2010.

Attachment 2: Statements by the Council on the General Purpose Financial Report and
Special Purpose Financial Report for the year ended 30 June 2010

HAWKESBURY CITY COUNCIL

**General Purpose Financial Report
FOR THE YEAR ENDED 30 June 2010**

**STATEMENT BY COUNCILLORS AND MANAGEMENT
MADE PURSUANT TO SECTION 413 (2) (c)
OF THE LOCAL GOVERNMENT ACT 1993 (as amended)**

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made there under.
- The Australian Accounting Standards and Professional Pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, this Report:

- Presents fairly the Council's operating result and financial position for the year, and
- Accords with Council's accounting and other records.

We are not aware of any matter that would render the Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 12 October 2010

Councillor Bart Bassett, Mayor

Councillor Kevin Conolly, Deputy Mayor

Peter Jackson, General Manager

Emma Galea, Responsible Accounting Officer

HAWKESBURY CITY COUNCIL

Special Purpose Financial Reports

FOR THE YEAR ENDED 30 June 2010

STATEMENT BY COUNCILLORS AND MANAGEMENT MADE PURSUANT TO THE LOCAL GOVERNMENT CODE OF ACCOUNTING PRACTICE AND FINANCIAL REPORTING

The attached Special Purpose Financial Reports have been prepared in accordance with:

- NSW Government Policy Statement “*Application of National Competition Policy to Local Government*”.
- Department of Local Government Guidelines “*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*”.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The Department of Water and Energy Best Practice Management of Water Supply and Sewerage Guidelines.

To the best of our knowledge and belief, these Reports:

- Present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the Reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 12 October 2010

Councillor Bart Bassett, Mayor

Councillor Kevin Conolly, Deputy Mayor

Peter Jackson, General Manager

Emma Galea, Responsible Accounting Officer

oooO END OF REPORT Oooo

Item: 239 **SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)**

REPORT:

Executive Summary

The Local Government Act, 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This Report provides information regarding Returns recently lodged with the General Manager by Councillors and Designated Persons. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Returns lodged with the General Manager have been tabled in accordance with the Local Government Act.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

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 subsections (a), (b) and (c).

ORDINARY MEETING

Meeting Date: 12 October 2010

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

Position	Return Date	Date Lodged
Community Program Co-ordinator	9/07/10	12/08/10
Design Engineer	9/07/10	31/08/10
Richmond Swimming Pool Superintendent	9/07/10	1/09/10
Technical Officer – SMF	9/07/10	26/08/10
Technical Officer – SMF	9/07/10	26/08/10
Wastewater Maintenance/Project Engineer	9/07/10	31/08/10
Wastewater Maintenance/Project Engineer	9/07/10	30/08/10
Works Supervisor (Treatment Plant)	9/07/10	6/09/10
Compliance Officer – Parking	12/07/10	8/9/2010

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

With regard to Section 450(2) (b), the following Section 449(3) Returns have been lodged.

Councillor	Return Period	Date Lodged
BASSETT, Bart	1/07/09 - 30/06/10	13/07/10
CALVERT, Barry	1/07/09 - 30/06/10	3/08/10
CONOLLY, Kevin	1/07/09 - 30/06/10	31/08/10
FORD, Kim	23/6/10 - 30/06/10	27/07/10
MACKAY, Warwick	1/07/09 - 30/06/10	29/07/10
PAINE, Christine	1/07/09 - 30/06/10	31/08/10
PORTER, Bob	1/07/09 - 30/06/10	20/07/10
RASMUSSEN, Paul	1/07/09 - 30/06/10	21/09/10
REARDON, Jill	1/07/09 - 30/06/10	27/07/10
TREE, Tiffany	1/07/09 - 30/06/10	28/09/10
WHELAN, Wayne	1/07/09 - 30/06/10	13/07/10
WILLIAMS, Leigh	1/07/09 - 30/06/10	20/07/10

Position	Return Period	Date Lodged
General Manager	1/07/09 - 30/06/10	21/07/10
Human Resources Manager	1/07/09 - 30/06/10	5/08/10
Human Resources Officer	6/07/09 - 30/06/10	31/08/10
Corporate Communication Manager	1/07/09 - 30/06/10	29/07/10
Corporate Communication Manager	6/07/09 - 30/06/10	4/08/10
Manager Risk Management	1/07/09 - 30/06/10	27/07/10
Senior Strategic Planner	1/07/09 - 30/06/10	9/08/10
Director City Planning	1/07/09 - 30/06/10	6/08/10
Planning Manager	1/07/09 - 30/06/10	27/07/10
Senior Strategic Planner	22/02/10 - 30/06/10	30/08/10
Senior Strategic Co-ordinator	1/07/09 - 30/06/10	26/07/10
Senior Strategic Planner	1/07/09 - 30/06/10	26/07/10
Senior Strategic Planner	1/07/09 - 30/06/10	30/08/10
Senior Strategic Planner	1/07/09 - 30/06/10	30/08/10
Subdivision & Development Engineer	1/07/09 - 30/06/10	28/07/10
Subdivision & Development Engineer	1/07/09 - 30/06/10	17/08/10
Senior Town Planner	3/08//09 - 30/06/10	8/09/10
Town Planning Co-ordinator	1/07/09 - 30/06/10	23/08/10
Senior Town Planner	1/07/09 - 30/06/10	30/08/10
Town Planner	1/07/09 - 30/06/10	4/08/10

ORDINARY MEETING

Meeting Date: 12 October 2010

Position	Return Period	Date Lodged
Town Planner	14/12/09 - 30/06/10	4/08/10
Building and Development Co-ordinator	1/07/09 - 30/06/10	16/08/10
Building & Development Officer	1/07/09 - 30/06/10	21/07/10
Building & Development Officer	1/07/09 - 30/06/10	26/07/10
Executive Manager - Community Partnerships	1/07/09 - 30/06/10	30/08/10
Customer Services Manager	1/07/09 - 30/06/10	9/08/10
Manager Regulatory Services	1/07/09 - 30/06/10	11/08/10
Senior Environmental Health Officer	1/07/09 - 30/06/10	27/08/10
Environmental Health Officer	1/07/09 - 30/06/10	26/07/10
Environmental Health Officer	6/01/10 - 30/06/10	3/08/10
Environmental Health Officer	1/07/09 - 30/06/10	10/09/10
Environmental Health Officer	1/07/09 - 30/06/10	29/07/10
Environmental Health Officer	1/07/09 - 30/06/10	21/07/10
Companion Animals Team Leader	1/07/09 - 30/06/10	23/07/10
Companion Animals Controller	1/07/09 - 30/06/10	23/07/10
Companion Animals Controller	1/07/09 - 30/06/10	23/07/10
Administration Officer	1/07/09 - 30/06/10	23/07/10
Compliance & Enforcement Co-ordinator	1/07/09 - 30/06/10	13/08/10
Compliance & Enforcement Officer	1/07/09 - 30/06/10	6/09/10
Compliance & Enforcement Officer	1/07/09 - 30/06/10	23/07/10
Parking Patrol Officer	8/03/10 - 30/06/10	03/08/10
Parking Patrol Officer	1/07/09 - 30/06/10	03/08/10
Parking Patrol Officer	22/03/10 - 30/06/10	04/08/10
Director Infrastructure Services	1/07/09 - 30/06/10	31/08/10
Manager Building Services	1/07/09 - 30/06/10	26/07/10
Building Services Officer	1/07/09 - 30/06/10	8/09/10
Building Services Officer	1/07/09 - 30/06/10	30/08/10
Building Services Officer	1/07/09 - 30/06/10	31/08/10
Manager Construction & Maintenance	1/07/09 - 30/06/10	13/08/10
Construction / Maintenance Engineer	1/07/09 - 30/06/10	10/08/10
Manager Parks & Recreation	1/07/09 - 30/06/10	29/07/10
Land Management Officer	1/07/09 - 30/06/10	10/09/10
Land Management Officer	1/07/09 - 30/06/10	21/07/10
Project Officer	1/07/09 - 30/06/10	22/07/10
Parks Foreman	1/07/09 - 30/06/10	28/07/10
Manager Water & Waste Management	1/07/09 - 30/06/10	22/07/10
Waste Management Officer	1/07/09 - 30/06/10	24/08/10
Manager Design & Mapping Services	1/07/09 - 30/06/10	11/08/10
Design Investigation/Project Engineer	1/07/09 - 30/06/10	22/07/10
Project Engineer	1/07/09 - 30/06/10	10/08/10
GIS Co-Ordinator	1/07/09 - 30/06/10	18/08/10
Director Support Services	1/07/09 - 30/06/10	6/08/10
Manager Corporate Services & Governance	1/07/09 - 30/06/10	21/07/10
Senior Property Officer	1/07/09 - 30/06/10	21/07/10
Property Officer	1/07/09 - 30/06/10	21/07/10
Publishing Manager	1/07/09 - 30/06/10	22/07/10
Senior Financial Accountant	1/07/09 - 30/06/10	20/08/10
Senior Management Accountant	1/07/09 - 30/06/10	22/07/10
Rates Team Leader	1/07/09 - 30/06/10	11/08/10
Supply Co-ordinator	1/07/09 - 30/06/10	21/07/10
Administration Officer (Purchasing)	1/07/09 - 30/06/10	26/07/10
Administration Officer (Purchasing)	1/07/09 - 30/06/10	22/07/10
Corporate Systems and Database Administrator	1/07/09 - 30/06/10	22/07/10
Senior Network Administrator	1/07/09 - 30/06/10	02/08/10

ORDINARY MEETING

Meeting Date: 12 October 2010

Position	Return Period	Date Lodged
Manager Cultural Services	1/07/09 - 30/06/10	27/07/10
Information & Lending Services Librarian	1/07/09 - 30/06/10	6/08/10
Local Studies & Outreach Librarian	1/07/09 - 30/06/10	12/08/10
Museum & Gallery Director	1/07/09 - 30/06/10	23/08/10

All Councillors and Designated Persons have lodged their Section 449(3) Returns prior to the due date of 30 September 2010 as required by the Act for the receipt of the Returns.

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

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have transparent, accountable and respected leadership and an engaged community.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

No financial implications applicable to this report.

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: 12 October 2010

CONFIDENTIAL REPORTS

SUPPORT SERVICES

Item: 240 **SS - Update - Sale of 139 Colonial Drive, Bligh Park - (95496, 113106, 96333)**
CONFIDENTIAL

Previous Item: 85, Ordinary (13 July 2004)
 26, Ordinary (26 February 2008)

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

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

ORDINARY MEETING

Meeting Date: 12 October 2010

QUESTIONS FOR NEXT MEETING**Councillor Questions From Previous Meetings and Responses - (105109)****REPORT:****Questions - 28 September 2010**

#	Councillor	Question	Response
1	Williams	Enquired if staff could delay moving the temporary skate park in Glossodia until the end of school holidays.	The Director Infrastructure Services advised that the skate park will remain at its current location until the week commencing 11 October 2010, at which time it will be relocated to a site at Glossodia Park in accordance with Council's resolution of 28 September 2010.
2	Williams	Enquired about the Development Application for the Kurmond Wine Bar & Grill and the proposed operating hours. He requested if additional residents in the surrounding area would be notified and that the period for submissions be extended.	The Director City Planning advised the matter will be reported to Council. Notification was made in accordance with Council's Development Control Plan for notification which resulted in 21 letters being sent to adjoining residents. The exhibition period has been extended to 8 October 2010.
3	Williams	Advised that there is a mattress and other rubbish in Currency Creek approximately 100m upstream from Sackville Road and requested if the landowner could be contacted and requested to remove the items from the Creek.	The Director City Planning advised the matter is under investigation by Compliance staff.
4	Williams	Requested if grading work be carried out on Packer Road.	The Director Infrastructure Services advised that Packer Road is scheduled for maintenance grading in mid October 2010.

ORDINARY MEETING

Meeting Date: 12 October 2010

#	Councillor	Question	Response
5	Conolly	Referred to the fourth point of the resolution of Council in December 2009 regarding the Residential Strategy being reported to Council including details of the flood evacuation options for the south eastern side of the river and enquired when the report will come to Council and how staff propose to address that issue.	<p>The Director City Planning advised that regional flood evacuation capacity is currently being reviewed by the SES. Council's consultant undertaking the Hawkesbury Floodplain Risk Management Study and Plan will be working with the SES consultant so that the flood evacuation capacity for Hawkesbury can be determined. That will be reported to the Floodplain Risk Management Advisory Committee and to Council when finalised.</p> <p>The issue will be reported to Council in the first half of 2011 upon the above review being completed and considered in the Flood Risk Management Plan and Study work.</p>
6	Rasmussen	Requested if maintenance work could be carried out on Yarramundi Lane.	The Director Infrastructure Services has advised that Yarramundi Lane was patched on Tuesday, 21 September 2010. It is noted that a few shallow potholes have developed since this time. The situation will be monitored and further maintenance will be scheduled when necessary.
7	Rasmussen	Enquired about the progress of the sale of the Colonial Drive property.	The Director Support Services has advised that an update on the sale of 139 Colonial Drive, Bligh Park was provided at the Councillor Briefing Session held on 5 October 2010 and that a report will be submitted to the Council Meeting of 12 October 2010.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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