



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 11 October 2011

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 arouse@hawkesbury.nsw.gov.au.

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

A Point of Interest

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

Planning Decision

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

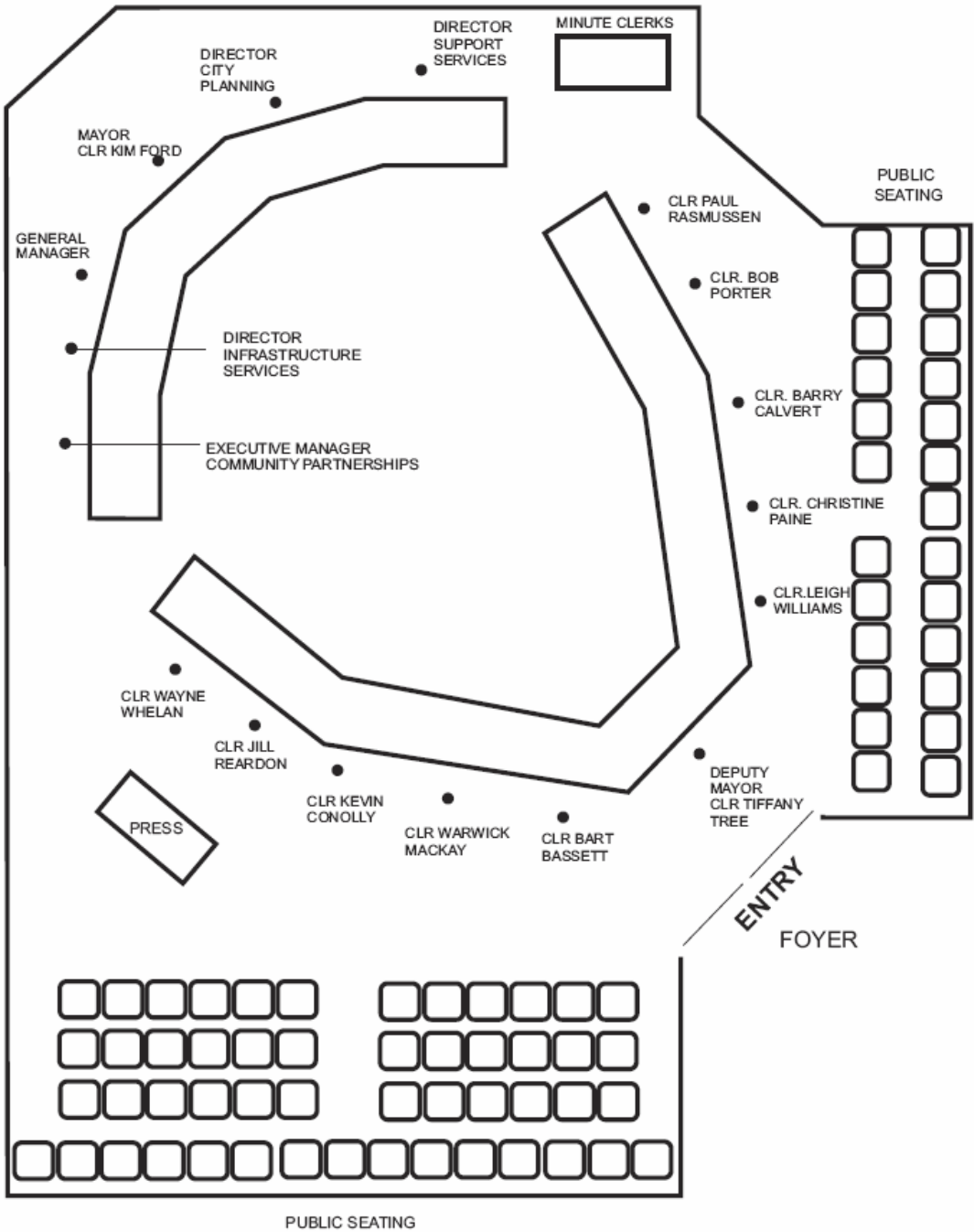
Website

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

Further Information

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

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Notices of Motion

SECTION 3 - Notices of Motion

NM - Residents Reporting Acts of Vandalism - (79351, 111628)

Submitted by: Councillor J Reardon

NOTICE OF MOTION:

That a report be submitted to Council regarding ways in which Council could encourage and facilitate residents reporting acts of vandalism generally and in Council's sporting facilities, parks and reserves.

BACKGROUND:

Acts of vandalism generally, and in Council's sporting facilities, parks and reserves is an ongoing problem and incurs considerable costs and inconvenience for the Council and community. In view of recent significant incidents of vandalism, and in an endeavour to curb this anti-social behaviour, it may be appropriate for Council to instigate an awareness program that both encourages and provides information to residents to assist the reporting of these activities. An appropriate information program may hopefully result in a reduction in these activities and enable action to be taken against those individuals responsible for vandalism.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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for determination

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 228 GM - Conduct of 2012 Local Government Elections - (79351)

REPORT:

Executive Summary

Since 1995 local government elections have been undertaken on behalf of councils by the Electoral Commission of NSW.

The Local Government Amendment (Election) Act 2011 (LG Election Act) was recently assented to and provides, in part, an opportunity for councils to conduct their own elections, as the LG Election Act provides that council elections are to be administered by the General Manager or a council may elect to appoint the Electoral Commissioner of NSW to administer elections for the council. Councils must make this nomination within 12 months after an ordinary election in future and by 30 November 2011 in respect of local government elections to be held in 2012.

The Electoral Commissioner forwarded a letter to the General Manager seeking an appointment to discuss the conduct of the local government elections in 2012 given the recent passing of the LG Election Act. A meeting was subsequently held and was attended by the General Manager and a number of appropriate staff.

The Division of Local Government (DLG) has now issued "Guidelines for Council Administered Elections 2012" and the Local Government & Shires Association of NSW (LGSA) has recently held a meeting with the Premier of NSW to discuss the matter further.

Given the additional work and resources that would be required to be utilised if Council were to undertake the 2012 local government election it is considered that there would not be any significant variance between the costs that would be incurred by Council itself or the cost if the election were to be undertaken by the Electoral Commission of NSW. In addition, given the time since local government last conducted its own elections and significant changes that have occurred in the electoral process and requirements it is considered that Council's staff no longer have the required expertise to successfully undertake the election process without the use of significant external resources.

It is proposed to recommend that Council appoint the Electoral Commission of NSW to undertake the 2012 local government election on its behalf.

Consultation

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

Background

Since 1995 local government elections have been undertaken on behalf of councils by the Electoral Commission of NSW. In this intervening period the manner in which local government elections are conducted and the associated legal requirements have changed significantly.

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The Local Government Amendment (Election) Act 2011 (LG Election Act) was recently assented to and provides, in part, an opportunity for councils to conduct their own elections, as the LG Election Act provides that council elections are to be administered by the General Manager or a council may elect to appoint the Electoral Commissioner of NSW to administer elections for the council.

The LG Election Act has inserted the following provisions into the Local Government Act (the Act) in respect of the conduct of council elections:

"296 Elections to be administered by general manager of council or Electoral Commissioner"

- (1) *Elections for the purposes of this Chapter are to be administered by the general manager of the council concerned.*

Note: *Section 18 provides that certain provisions of this Act (relating to the conduct of elections) apply to council polls and constitutional referendums, with such modifications as may be necessary, in the same way as they apply to elections.*

- (2) *Despite subsection (1), a council may resolve that the council is to enter into a contract or make arrangements with the Electoral Commissioner for the Electoral Commissioner to administer all elections for the council for the purposes of this Chapter.*
- (3) *Such a resolution may only be made within 12 months after an ordinary election of councillors for the council's area.*
- (4) *If such a contract is entered into or such arrangements made, the Electoral Commissioner is to administer all the elections of the council until the conclusion of the following ordinary election for councillors.*
- (5) *In this section, "election" does not include an election of the mayor or a deputy mayor by the councillors.*

(Note: For the purposes of the 2012 ordinary elections relevant provisions provide that a council may resolve, before 30 November 2011 to retain the Electoral Commissioner to administer its elections, etc., until the conclusion of the 2012 ordinary election for councillors.)

296A Elections administered by a general manager

- (1) *This section applies to an election administered by the general manager of a council.*
- (2) *The general manager is to appoint a returning officer and a substitute returning officer for the election. In the absence of the returning officer, the substitute returning officer is to exercise the functions of the returning officer.*
- (3) *The returning officer is to appoint one or more electoral officials.*
- (4) *An employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.*
- (5) *A general manager cannot be appointed as a returning officer, substitute returning officer or electoral official for any area.*
- (6) *For the purpose of conducting an election, the returning officer and substitute returning officer for an area are entitled to access to any relevant records of the council for the area.*
- (7) *For the purpose of administering an election, the general manager is to:*

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- (a) *appoint the polling places, and*
 - (b) *determine the fees payable to the returning officer, substitute returning officer and electoral officials.*
- (8) *For the purpose of conducting an election, the returning officer is to determine any matter not provided for by this Act or the regulations.*
- (9) *Expenses incurred by the returning officer, substitute returning officer and electoral officials in connection with an election are to be met by the council.*
- (10) *The returning officer and the substitute returning officer must not vote at any election that they are conducting.*

296B Elections administered by the Electoral Commissioner

- (1) *This section applies to an election administered by the Electoral Commissioner.*
- (2) *The Electoral Commissioner is to appoint a returning officer and a substitute returning officer for each area. The returning officer is to conduct elections on behalf of, and under the direction of, the Electoral Commissioner. In the absence of the returning officer, the substitute returning officer is to exercise the functions of the returning officer.*
- (3) *The returning officer is to appoint one or more electoral officials.*
- (4) *An employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.*
- (5) *For the purpose of conducting an election, the returning officer and substitute returning officer for an area are entitled to access to any relevant records of the council for the area.*
- (6) *For the purpose of conducting an election, the Electoral Commissioner is to:*
 - (a) *appoint the polling places, and*
 - (b) *determine the fees payable to the returning officer, substitute returning officer and electoral officials, and*
 - (c) *determine any matter not provided for by this Act or the regulations.*
- (7) *The Electoral Commissioner, the returning officer and the substitute returning officer must not vote at any election that they are conducting.*

297 Delegation of functions by the Electoral Commissioner

The Electoral Commissioner may delegate to a person any of the Electoral Commissioner's functions under this Act, other than this power of delegation."

In summary, and as detailed by the DLG:

- Where a council decides to conduct its own elections, constitutional referendums and polls, Section 296 of the Act makes it clear that the General Manager is responsible for their conduct and part (2) of this Section enables a council to appoint the Electoral Commissioner for this purpose.

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- Section 296A of the Act provides that the responsibilities of the General Manager include appointing a suitably qualified independent returning officer and a substitute returning officer for the council's area, appointing the polling places and determining the fees payable to the returning officer, substitute returning officer and electoral officials. The returning officer is to appoint one or more electoral officials.
- Importantly, Section 296A provides that an employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.
- Section 296A also provides that a General Manager cannot be appointed as a returning officer, substitute returning officer or electoral official for any area.
- The General Manager will also be responsible for managing the relevant election costs and preparing a report for the Minister for Local Government on the conduct of each election. The report must disclose, among other things, full and transparent costings for that election. It is already the practice of the Electoral Commissioner to report to the NSW Government on the outcome of council ordinary elections.

Following the passage of the LG Election Act correspondence was received from the Electoral Commissioner of NSW seeking a meeting with the General Manager to discuss the question of the conduct of Council's elections, specifically the 2012 election. This meeting was subsequently held on 4 August 2011 and the Electoral Commissioner, Mr C Barry, outlined the requirements Council would need to be responsible for if Council elected to conduct the elections without the assistance of the Commission.

It was pointed out that if Council conducted the elections the Electoral Commission would not be in a position to provide any assistance other than to provide the electoral rolls to be utilised. In effect, this would mean that Council would be required to develop its own manuals, procedures and practice notes for use in the election; source its own polling staff, facilities and supplies; develop its own security procedures and processes in association with the conduct of the election; source and operate its own count facilities; obtain its own legal advice in relation to election provisions and requirements as such would not be provided by the Electoral Commission, etc.

In considering the above, it must also be borne in mind that given the time since Council last conducted its own elections there have been significant changes in electoral procedures and requirements. As such, it is considered that the expertise, and associated historical supporting documentation, is not sufficiently available within the organisation to successfully undertake the election without significant external resources, including the appointment of an independent, external Returning and Substitute Returning Officer as required.

The issue of the cost of conducting the election was also discussed with the Electoral Commissioner and he subsequently provided details of predicted increases to the costs incurred for the 2008 election. Issues relating to the number of polling and pre-polling places utilised in 2008 were also discussed and it was suggested that the Commission would be prepared to be flexible in this regard if Council considered that a reduction in these numbers was warranted in 2012 if the election was conducted by the Commission. The Electoral Commissioner also advised that they have already identified some cost savings with regard to printing and stationery and also the election centre costs.

It was also indicated that whilst the Electoral Commission was proposing a number of on-line processes for voters in association with future elections these would not be available if the election was conducted by Council.

The Electoral Commission has also released a "Checklist" and "Service Charter" for the 2012 Local Government Elections, copies of which are attached to this report as Attachments 1 and 2, respectively.

In addition, the DLG has now released "Guidelines for Council Administered Elections 2012" dated September 2011 and a copy of these are included as Attachment 3 to this report. It will be noted that Section 5 of these Guidelines deal with the "Responsibilities of the General Manager" where a council

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decides to conduct the election itself as distinct from appointing the Electoral Commissioner for this purpose.

Advice has also been previously received that the LGSA was to meet with the Premier of NSW to discuss issues surrounding the 2012 Local Government elections with such meeting occurring on 19 September 2011. As a result of this meeting and by Circular No. 37/11 dated 23 September 2011 the LGSA advised:

“The LGSA’s Presidents met with NSW Premier, the Hon. Barry O’Farrell MP, and the Minister for Local Government, the Hon. Don Page MP on Monday 19 September to discuss various aspects of the elections.

The LGSA Presidents reiterated to the Premier and the Minister that the purpose of changing the legislation was to give councils the choice to manage their own elections, which was an election promise. The meeting then went on to discuss various matters including:

30 November 2011 Deadline

The LGSA argued that the 30 November 2011 deadline should be extended to the end of March 2012 to enable those councils who wished/were required to tender to be able to do so with all proper process and due diligence.

Section 55 Exemption Provisions

The Premier was urged to clarify the position relating to the Section 55 (3) exemption provisions. The LGSA argued that councils are specifically exempt from tendering if a council chooses to utilise the services of the NSWEC (Sect 55 (3)). However they are required to tender for the provision of election services (totalling greater than \$150,000) if they choose an alternative supplier. Given there appears to be a limited number of potential alternatives, it was argued that the Section 55 Exemption should apply, but this should be made clear by the Division of Local Government.

Regardless of whether the Division clarified the situation concerning Section 55, it was argued that many councils still wished to conduct a tender process, meaning an extension to the 30 November deadline was still important.

The NSWEC’s role as a Regulator

The LGSA questioned how the NSWEC as a regulator was affected by the changes to the Act. As was correctly pointed out by NSROC, “The Commissioner is an independent statutory appointment whose responsibilities for general oversight and the good governance of the electoral process remains, irrespective of his capacity as a contracted provider of the electoral services.”

It was argued that “the Commissioner remains obligated to provide procedural and technical advice to Councils to ensure the integrity of the election system is not compromised.”

It was put to the Premier and the Minister that the NSWEC should actually engage, for the purposes of the elections, in a functional split having the advisory and oversight role on the one side (available to all councils regardless of who they choose to run their elections) and having a service delivery arm on the other (to which councils could engage if they so chose).

Failure to Vote Fines

The LGSA noted that at the 2008 Local Government elections, 398,489 Failure to Vote penalty notices were issued at \$55 each totalling \$21,916,895, all of which was forwarded to the NSW Government’s Consolidated Fund (Source: NSWEC 2008/2009 Annual Report Page 33). It was further noted that the total amount charged to all Councils by the NSWEC for the elections was \$25,911,000.

The LGSA argued that the NSW Government should share the revenue derived from Failure to Vote penalties, the money which would significantly defray the costs to local communities.

Whilst the general feeling of the meeting was positive, neither the Premier nor the Minister committed to anything beyond considering the matters discussed. The LGSA will provide further updates and any response from the Premier or the Minister as they become available.”

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With regard to costs, the 2008 election conducted by the Commission incurred a charge of \$273,500.

Based upon the increases (wages and operational cost) suggested by the Commission it is estimated that the election in 2012, if conducted by the Commission, would cost approximately \$313,000 if conducted on the same basis as in 2008. However, it is considered that some savings could be achieved in respect of polling and pre-polling places and other costs incurred in 2008 at Council's nomination (i.e. an Information Brochure was distributed to all electors in 2008 at Council's request at a cost of \$23,190).

If the election was undertaken by Council, due to the extensive work that would be required, as referred to previously, it is considered that the Returning Officer, Substitute Returning Officer and other staff would need to be engaged for a considerable period prior to the election (possibly early 2012) whereas due to documentation, facilities and experience already available to the Commission this usually only occurs within 6-8 weeks of the election. This would considerably increase the wages component of the election if conducted by Council.

In addition, the Guidelines indicate that when assessing the cost of a council run election all "hidden" costs (i.e. the cost of the time of existing staff, including the General Manager, who may work on the election, the use of council facilities and equipment, etc,) must also be incorporated in the final reported cost. In the light of this it is considered that it would be likely that the cost of an election undertaken by Council would be similar to a charge made by the Electoral Commission if it were appointed to conduct the election.

Council currently has an amount of \$347,355 in the Election Reserve and this should be sufficient to meet the anticipated costs of the 2012 Council Elections whether undertaken by the Electoral Commission or Council.

As pointed out previously in this report "it must also be borne in mind that given the time since Council last conducted its own elections there have been significant changes in electoral procedures and requirements. As such, it is considered that the expertise, and associated historical supporting documentation, is not sufficiently available within the organisation to successfully undertake the election without significant external resources, including the appointment of an independent, external Returning and Substitute Returning Officer as required".

It would be appreciated that a successful and independent electoral process is important in any election that may be undertaken. A significant element related to the successful running of an election is risk management and it is suggested that the best approach is to appoint those with the most expertise and experience in undertaking the process and in this case it is suggested that this is the Electoral Commission.

Accordingly, in view of the contents of this report and the difficulties that would be encountered if Council were to conduct the election with little if any real cost savings, it is strongly recommended that Council nominate the Electoral Commission to undertake the 2012 Council Elections.

After the 2012 elections but before the expiry of a 12 month period Council will be able to make a further determination as to whether its elections, referendums or polls are to be conducted by the Electoral Commission or the Council.

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.

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Financial Implications

Council currently has an amount of \$347,355 in the Election Reserve and this should be sufficient to meet the anticipated costs of the 2012 Council Elections whether undertaken by the Electoral Commission or Council.

RECOMMENDATION:

That:

1. The Electoral Commissioner be advised that Council wishes to engage the Commission to conduct the Hawkesbury Local Government Elections in 2012.
2. In conducting the election the Electoral Commissioner also be requested to ensure that appropriate consultation occurs with Council regarding the location and number of polling and pre-polling places based upon voting numbers from such facilities in the 2008 election.

ATTACHMENTS:

- AT - 1 Checklist for 2012 Local Government Elections prepared by New South Wales Electoral Commission.
- AT – 2 Service Charter for the 2012 Local Government Elections
- AT – 3 Division of Local Government, "Guidelines for Council Administered Elections 2012" - September 2011 - (*Distributed Under Separate Cover*).

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AT - 1 Checklist for 2012 Local Government Elections prepared by New South Wales Electoral Commission.

Checklist for 2012 Local Government Elections Prepared by New South Wales Electoral Commission			
Consideration	Description	✓	x
Impartiality & Integrity	Elections must be conducted at arms length from mayor & councillors and be seen as such Council employee appointed as returning officer could be seen as compromising that impartiality		
Electoral Administration & Legal	Ensure there is uniform interpretation of electoral legislation inline with NSWEC and other councils, and maintain uniformity with established electoral practices, especially in relation to alleged offences		
Election Forms & Manuals	Identify, prepare and print all forms, declaration envelopes, election official manuals.		
Resources	Acquire, pack & dispatch all materials for polling places, including stationery, ballot boxes, voting screens etc. NSWEC may make dyes available for cardboard equipment		
Ballot Papers	Ballot papers must be printed and held in a secure environment		
Returning Officer	Assuming a council employee would not be appointed, a returning officer will have to be recruited, trained to necessary level of competence and supported for up to 10 weeks (Note: NSWEC ROs would not be available and AEC staff do not have LG election experience) A returning officer would require professional insurance and/or indemnification by council		
Returning Office	Provide adequate office accommodation for returning officer for pre poll voting, secure storage of materials, packing for polling places, vote counting, etc Council would be required to provide computers, printers, copier, phones, etc and ongoing support throughout the election. Council will not have access to a computerised election management system to provide polling place vote estimates; recruitment of election officials; nominations; postal & pre-poll voting & results.		
Clerical Assistance	Council would be required to provide and/or recruit sufficient clerical assistance for enquiries, pre poll & postal voting, visiting declared institutions, recruitment of polling place staff etc		
Polling Place Staff	Returning officer would be required to advertise for, and recruit and train polling place staff, Returning officer would need to develop & implement training program for polling place managers		
Communication & Information	Provide consistent, relevant & timely information to all stake holders, including RPPs, candidates, voters, media, etc Avoid duplicated effort and cost in advertising elections with NSWEC and other councils Stake holders will expect to see election night polling place counts, Sunday check counts, distribution of preferences for optional preferential/proportional representation at least to the NSWEC level		

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	Council would need to provide ongoing website management to display general information, candidate information, results		
Polling Places	Councils would need to negotiate with schools etc for the use of their facilities		
Nominations & Candidates	NSWEC would not conduct candidate seminars however Council run seminars would require EF&D presentation by EFA staff Returning officer must be able to verify candidate & proposer enrolment status when nominations lodged Returning officers must deal with nominations in terms of their link to candidates' EF&D obligations		
Election Material	Registration of candidate election material		
Electoral Rolls	NSWEC will provide councils with scannable rolls to enable NSWEC to identify non-voters. Council will need to advise number of issuing points for each polling place, pre-poll & postal		
Proportional Representation Counts	Councillors must be elected according to the prescribed counting system. NSWEC vote counting software could be made available to count ballot papers with Group Voting Squares		
Post Election	Council would need to deal with ongoing issues related to payments to election officials, including superannuation payments etc Election may be subject to appeal to Administrative Decisions Tribunal Council would need to prepare a Report to Parliament on the conduct of the election Council would be required to make submissions to, and appearances before Joint Standing Committee and be subject to JSC recommendations Responsibility for ongoing storage & security of election materials		

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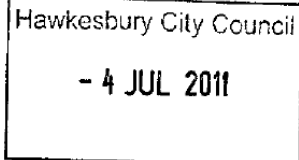
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AT – 2 Service Charter for the 2012 Local Government Elections



28 June 2011

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756



Dear Mr Jackson

2012 Local Government Elections – Service Charter for NSW Councils

Attached for your information is a copy of the NSW Electoral Commission's (NSWEC) 2012 Local Government Elections Service Charter.

The Service Charter was developed following a recommendation in 2008 from the Joint Standing Committee on Electoral Matters. A similar Charter was trialled in the 2011 State Election and was found to be a very useful means of managing expectations of service levels and to guide performance within the NSWEC.

Changes to the arrangements for the conduct of the 2012 Local Government Elections mean the Charter is a tool for both communicating and marketing the NSWEC's approach to the 2012 Local Government Elections. The Charter sets out the services the NSWEC can provide and how its performance can be measured.

If required the NSWEC will be pleased to discuss this Charter with you at our forthcoming meeting.

Yours sincerely

A handwritten signature in black ink that reads 'Colin Barry'.

Colin Barry
Electoral Commissioner



SCANNED

New South Wales Electoral Commission

Level 25, 201 Kent Street Sydney 2000 GPO Box 832, Sydney 2001 T 02 9290 5999 F 02 9290 5991 www.elections.nsw.gov.au

2012 LOCAL GOVERNMENT ELECTIONS

Service Charter for NSW Councils



Issue date: June 2011

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1. A Message from the NSW Electoral Commissioner

Impartial, well conducted elections build a stronger Local Government sector and contribute to building stronger communities. The NSW Electoral Commission aims to make the 2012 Local Government Elections, which it has been engaged by councils to conduct, the best in NSW's history.

Local government is an elected system of government directly accountable to the local community. With each council being an independent, statutory corporation responsible for administering the local government area over which it has jurisdiction, the proper election of councillors who oversee the functioning of the council, is important. Maximising the participation of local communities in Local Government elections is a goal that both councils and the NSW Electoral Commission (NSWEC) share.

The NSWEC's objectives for the 2012 Local Government Elections which it is engaged to conduct, are to:

- Protect the institution of Local Government by conducting fair and impartial elections
- Conduct elections in accordance with the law
- Ensure community confidence in the election of local representatives to councils
- Work with councils to maximise the participation of the local community in the elections

The Service Charter:

- promotes open and timely communication and consultation between councils and the NSWEC on election services

- recognises the interests of each in the elections
- sets out the NSWEC's accountability in providing election services for councils and areas where councils' assistance is sought
- outlines the targets for efficiency, effectiveness and co-ordination of elections for which we are accountable
- promotes transparency and customer service commitment to successful elections in 2012

I undertake that the NSWEC will provide impartial and quality election services for those councils who are utilising the NSWEC's services in 2012. I understand how important proper electoral processes are to safeguarding the standing of Local Government in NSW.

For those councils that select the NSWEC to conduct their elections, the following key components will be provided:

- consultation with councils on election services and timely provision of budgets
- single point of contact Client Service Officers assigned to be the councils' dedicated contact within the NSWEC on all aspects of their elections
- Returning Officers recruited on expertise and capacity to deliver successful elections for the NSWEC and councils
- well publicised information on election services for electors, candidates, groups



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- of candidates and registered political parties
- accurate vote counting
- results on election night from polling places as soon as they become available and timely publication of provisional and final results
- public accountability by reporting to the NSW Parliament and councils on the conduct of the elections.

The detail of election services and specific service level targets are outlined in the Charter.

At our initial meeting with each council I propose we discuss the Charter as part of our dialogue on the elections. Councils now have a choice as to who has responsibility for the conduct of the elections. I encourage all councils to seriously consider selecting the NSWEC.

A handwritten signature in black ink that reads "Colin Barry". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Colin Barry
NSW Electoral Commissioner

2. Service Standards for the 2012 Local Government Elections

The NSWEC has established service standards against which its performance can be measured for the Local Government Elections in 2012. Service standards also applied to the NSWEC for the 2011 NSW State General Election.

The Service Charter covers the services to be provided and the standards to be applied in providing these services. The principles underpinning these are set out below as are the specific standards for budget delivery, election services for electors and for candidate/registered political party stakeholders.

The Legislative Context for Local Government Elections 2012

The parameters for the conduct of the Local Government elections are set down in legislation (the *Local Government Act 1993*), and the Local Government (General) Regulation 2005 and policy decisions that have given effect to these provisions.

The election of persons to civic office at a Local Government level is set down in Chapter 10 of the *Local Government Act 1993*. In the conduct of elections the NSW Electoral Commissioner is accountable to the Governor, Premier and Parliament by section 21AB of the *Parliamentary Electorates and Elections Act 1912*. The Electoral Commissioner is also oversighted by the Joint Standing Committee on Electoral Matters of the NSW Parliament.

Recent legislative change has made councils responsible for the conduct of their elections. Councils can now choose to conduct their elections themselves using their own resources or by engaging the NSWEC. If the NSWEC is selected,

then the Electoral Commission is responsible for the elections.

Elections whether Federal, State or Local Government must be conducted at arms length from the elected representatives. This is a key pillar on which to build public confidence in the impartiality of the election processes and the outcome. The NSWEC is well placed to ensure that councils' elections are conducted with absolute impartiality.

Service Charter Principles

Both the NSWEC and the councils in NSW have the right to:

- undertake their respective roles and responsibilities for these elections as set out in relevant legislation and administrative instruments
- receive services, facilities and information which meet their respective needs and responsibilities in a timely manner
- access relevant, current and timely information about the elections
- raise issues and have these considered courteously and confidentially.

Councils' Rights

Councils can expect:

- their elections to be conducted impartially, effectively, efficiently and according to law
- consultation on key aspects of the elections including their budget, polling places, timetable for the counts and results
- access to information on the planning, progress and timetable for the elections

- regular and timely updates of progress on the preparation for the elections
- dedicated Client Service Officers for all councils who will consider councils' requests and advice seriously and courteously
- Returning Officers equipped to undertake the complex responsibility of conducting Local Government elections
- enquiries and correspondence answered within a reasonable timeframe and interim responses where a delay is anticipated
- information on how to prepare the non-residents' rolls¹
- electors and those seeking election, informed of arrangements for the elections, the electoral services being provided and how to utilise these
- options for electors with particular needs on how they participate in the elections
- surveys seeking feedback on the conduct of the election reported to the NSW Parliament, Minister for Local Government and councils.

The assistance of councils is sought for:

- advising the NSWEC in a timely manner of any ward boundary changes
- providing information on accessible, available and cost effective office accommodation and suitable polling place venues
- commenting on proposed pre-poll and polling place locations
- placing advertisements in local newspapers about the elections

¹ The NSW Electoral Commission's responsibilities are different for the Council of the City of Sydney. For this council the NSW Electoral Commission prepares the non-residents' rolls.

ORDINARY MEETING

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- in certain locations, accepting candidates' nominations and deposits
- responding to requests for information by the NSWEC accurately, thoroughly and in a timely manner
- abiding by any legal requirements and other obligations regarding payment for electoral services
- treating NSWEC election staff courteously.

Communication with Councils

In mid 2011 the NSWEC will commence meetings with councils participating in the 2012 Local Government Elections.²

The purpose of these meetings will be to:

- discuss the timetable for councils to select the NSWEC to conduct their elections
- assist councils make an informed decision whether to conduct their own elections or to contract the NSWEC
- outline the election services the NSWEC can provide and the expertise and experience held by the NSWEC.

² Both Wollongong and Shellharbour Councils will not be holding elections in 2012.

3. NSWEC Proposed Service Standards for Council Elections

The NSWEC undertakes to provide:

- capable, informed and competent Returning Officers and election officials
- useful, accessible and timely information on electoral services and the electoral system applying to Local Government elections
- efficient voting services provided by trained and courteous election staff
- a range of voting options that, within legislative parameters, allows choice and greater convenience to electors
- appropriate assistance with council, elector and candidate enquiries
- adequate numbers of well located, accessible and advertised polling places
- services for electors from communities with culturally and linguistically diverse backgrounds
- services for electors from indigenous and remote communities
- services for electors with disabilities
- accurate enrolment details for electors
- roll and ballot paper production services
- election day voting options
- clear advice on how to vote formally
- easy to understand information on vote counting
- accessible, accurate and timely election results
- non-voter processing services.

Service Standards specifically for Results are:

Counting of votes on election night to equal or better the percentage completion figures shown below:

Election Night Counting	Mayoral Elections	Councillor Elections	Referenda
By 9pm	75%	56%	54%
By 10pm	91%	83%	73%
By midnight	100%	100%	97%



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Service Standards specifically for Budget delivery for councils are:

- provision of payment schedule to councils four weeks following councils' advice that they choose the NSWEC to conduct their elections
- final budget and payment schedule to councils by date agreed with councils
- final invoice to councils by 31 January 2013
- refund of overpayments (if any) by 28 February 2013.

Service targets are:

- General Managers who state that Local Government Elections of 2012 were conducted impartially, fairly and in accordance with the law equal or exceed the 2008 Local Government Elections figure of 87.0%
- General Managers' satisfaction with the quality of services provided by and professionalism of Returning Officers equals or exceeds the 2008 Local Government

Elections figures of 83.8% and 82.0%

- General Managers' satisfaction with accuracy of the electoral roll for their council equals or exceeds the 2008 Local Government Elections figure of 63.1%
- General Managers' satisfaction with the location and number of pre-poll and polling places equals or exceeds the 2008 Local Government Elections figures of pre-poll places 81.1% (location) and 83.2% (number), and polling places 84.2% (location) and 81.0% (number)
- General Managers' satisfaction with the efficiency of the 2012 Local Government Elections significantly exceeds the 2008 Local Government Elections figure of 25.2%
- General Managers' satisfaction with time taken to announce the results on the NSWEC website significantly exceeds the 2008 Local Government Elections figure of 38.2%.

4. Service Standards for Electors are:

Electors expect high quality election services. The NSWEC commits to the following service standards for electors in the elections it conducts:

- 80% enrolment of eligible citizens aged 17 – 25 years
- 94% enrolment amongst eligible citizens aged 26 years or over
- voter turnout equalling or exceeding the 2008 Local Government Elections figure of 83.4%
- formality rate equalling or exceeding the rate for 2008 Local Government Elections of 92.9%
- timely provision of results on election night as per 'Service Standards for Results'.
- electors' satisfaction with information provided by the NSWEC's Call Centre improves upon the 2008 Local Government Elections figure to approach that of the NSW State Election 2011 (60%)
- electors' satisfaction with the NSWEC's website equals or exceeds that for the NSW State Election 2011 (56%)⁴
- electors' satisfaction with the length of time it took to vote at pre-poll and election day equals or exceeds the 2008 Local Government Elections figures of 62% and 72.2%
- electors' satisfaction with the accessibility of pre-poll and polling places equals or exceeds the 2008 Local Government Elections figures of 61.9% and 82.5%
- electors' satisfaction with the postal vote application process equals or exceeds the 2008 Local Government Elections figure of 68.8%
- electors' satisfaction with the manner of NSWEC election officials equals or exceeds the 2008 Local Government Elections figure of 80.7%
- electors' satisfaction with the speed of results provision on election night equals or exceeds that for the NSW State Election 2011 (77.0%)⁵

Service targets are:

- electors satisfied with election services equal or exceed the 2008 Local Government Elections figure of 72.2%
- electors' confidence in the NSWEC's impartial and fair conduct of the elections equals or exceeds that for the NSW State Election 2011 of 81%³
- the proportion of electors reporting that their enrolment details are correct equals or exceeds the 2008 Local Government Elections figure of 96.5%

³ No comparable figure exists for the 2008 Local Government Elections

⁴ No comparable figure exists for the 2008 Local Government Elections

⁵ No comparable figure exists for the 2008 Local Government Elections



5. Service Standards for Candidates and Registered Political Parties are:

The NSWEC commits to the following election service standards for candidates, groups of candidates and registered political parties in the elections it conducts:

- useful, accessible and timely information on election services and the electoral system applying to Local Government elections
- timely, clear instructions on the rules of the elections such as how to register electoral material
- efficient electoral services provided by trained and courteous election staff
- appropriate assistance with enquiries
- efficient nominations process
- refunding of candidates' nomination deposits within 14 days of the declaration of the poll
- advice as to how to appoint scrutineers and receive information specific to the role of scrutineers
- easy to grasp information on timetable and processes for vote counting
- timely response to complaints including allegations of breaches of electoral requirements
- timely information of status of counts, any recount and declaration of polls
- accessible, accurate and timely election results with provision of results on election night as per 'Service Standards for Results'.

Service targets are:

- candidates' satisfaction with electoral services provided equals or exceeds the 2008 Local Government Elections figure of 76.7%
- candidates who believe the 2012 Local Government Elections were conducted impartially, fairly and in accordance with the law equal or exceed the 2008 Local Government Elections figure of 91.4%
- candidates' satisfaction with information provided regarding election funding and disclosure requirements equals or exceeds the 2008 Local Government Elections figure of 84.7%
- candidates' satisfaction with information provided by the Candidates' Enquiry and Help Desk equals or exceeds the 2008 Local Government Elections figure of 80.6%
- candidates' satisfaction with local result counts equals or exceeds the 2008 Local Government Elections figure of 87.5%
- candidates' satisfaction with the NSWEC's website equals or exceeds the 2008 Local Government Elections figure of 72.2%
- ability to confirm candidate details on the NSWEC website
- candidate information sheets placed on the NSWEC website
- registration of electoral material occurs within a short time frame (usually 24 hours) and reasons are provided for any refusal to register electoral material

- 100% of Local Government areas complete the distribution of preferences within 72 hours of all votes being available (6pm Wednesday after election day)
- for any vote recount, the difference between the count and the recount for any candidate is less than ten votes.

These standards also apply for registered political parties with the additional standard that the registration and re-registration services conducted 12 months before the 2012 Local Government Elections are well communicated and conducted in a timely manner.

6. Council enquiries, feedback and complaints

The NSWEC welcomes feedback, whether this is in the form of complaints, compliments or suggestions.

The NSWEC has established an on-line complaint facility located on the website www.elections.nsw.gov.au under 'About Us'. The NSW Election Funding Authority's (EFA) enquiry email is enquiries@efa.nsw.gov.au

If correspondence is preferred, the postal address for the NSWEC is GPO Box 832, Sydney 2001. Correspondence should be marked to the Attention: Ms Helen Robinson, NSW Electoral Commission.

Councils can request a review of a decision and lodge a complaint with the NSWEC via its formal complaint process.

The NSWEC records data on complaints, compliments and suggestions and this is used to help improve services.

The NSWEC will also be undertaking post elections surveys to obtain feedback from councils that will assist the planning of future elections.

Contact details for the NSWEC:

Locally:

The NSWEC will establish Returning Officers' offices across NSW. The location, hours of opening and contact details for each of the Returning Officers will be provided to councils in 2012.

Sydney:

The names and contact details for Council Client Service Officers will be provided for those Councils that choose to contract the services of the NSWEC. These officers will provide dedicated enquiry support to councils.

The permanent office of the NSWEC is Level 25, 201 Kent Street, Sydney. The office is open from 9am to 5pm Monday to Friday.

Contact with the NSWEC can be made outside of these hours using the website www.elections.nsw.gov.au.

The NSW EFA provides an email facility enquiries@efa.nsw.gov.au

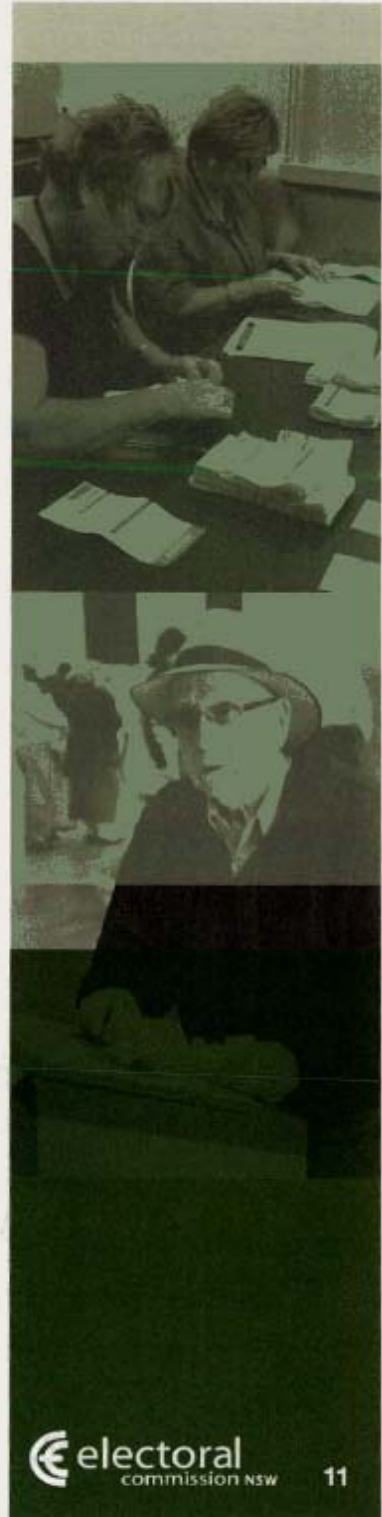
The NSW Electoral Commission's postal address is GPO Box 832, Sydney 2001.

The general reception number for the NSWEC is 9290 5999.

For callers with speech or hearing disabilities, the NSWEC can be contacted via the National Relay Service. The details are:

Speech and Listen users: phone 1300 555 727 and then ask for 1300 135 736

Internet relay users: connect to the National Relay Service and then ask for 1300 135 736



LOCAL GOVERNMENT ELECTIONS

2012

ORDINARY MEETING

Meeting Date: 11 October 2011

Item: 229 **GM - Disability Advisory Committee, Audit Committee and Peppercorn Services Inc. - (79351)**

Previous Item: 214, Extraordinary (20 September 2011)

REPORT:

Executive Summary

At the Extraordinary Meeting of Council held on 20 September 2011 a report was considered regarding the appointment of Council representatives to various committees for the 2011/2012 Mayoral Term. At the time, Council also resolved, in part, that the Disability Advisory Committee and Peppercorn Services Inc. meetings should be held on Mondays.

Due to the change in the meeting date of the Disability Advisory Committee Councillor C Paine, a previous member and nominee for that Committee, advised she would not be available on Mondays and, as such, declined nomination.

It has since been agreed that the meetings of these bodies would be held on the fourth Thursday of the month. This change of meeting day would enable Councillor Paine to attend the Disability Advisory Committee meetings.

In respect of the Audit Committee, the Mayor has been nominated as an alternate representative to the Committee, however, as the Division of Local Government's Guidelines in respect of this Committee suggest that the Mayor should not be a member it is recommended that Council nominate another alternate to the Committee.

Consultation

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

Background

At the Extraordinary Meeting of Council held on 20 September 2011 a report was considered regarding the appointment of Council's representatives to various committees for the 2011/2012 Mayoral Term.

Council resolved, in part, that Councillor W Whelan be appointed to the Disability Advisory Committee; that the Mayor be appointed as the alternate member to the Audit Committee and that meetings of the Disability Advisory Committee and Peppercorn Services Inc. should be held on Mondays.

At the time, Councillor C Paine, a previous member and nominee for the Disability Advisory Committee, advised she would not be available on Mondays and, as such, declined nomination.

Following discussions with representatives of both the Disability Advisory Committee and Peppercorn Services Inc., including Council's representatives, it has been agreed that the meetings of these bodies would be held on the fourth Thursday of the month, with the Disability Advisory Committee meeting on a bi-monthly basis. This change of meeting day would enable Councillor Paine to attend the Disability Advisory Committee meetings. Accordingly, it is proposed to recommend that Councillor C Paine be appointed to this Committee, resulting in two councillor representatives in accordance with the Committee's constitution.

In respect of the Audit Committee, the Mayor has been nominated as an alternate member for the Committee, however, the Division of Local Government's (DLG) Guidelines in respect of this Committee suggest, in relation to "Independence and Objectivity" that:

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"Ideally the audit committee should consist of at least three and preferably no more than five members comprised of independent external members, who should be in the majority, and councillors other than the Mayor (or an Administrator). Staff should not be members of the audit committee."

In addition, in relation to "Structure and Membership" the Guidelines also provide:

"The structure and membership of an audit committee in the NSW local government environment will depend on the size of the council. Membership should have a majority of independent members and councillors (excluding the Mayor), with between 3 and 5 members. Good practice in governance is that council staff should not be members of the committee. However, this may not be practical for some councils. The chair should be an independent member. A suggested membership is:

- *1 or 2 councillors (excluding the mayor)*
- *2 or 3 independent members, at least one with financial expertise and one of whom should be the chair."*

In establishing the Audit Committee Council has acted to ensure the DLG guidelines have been complied with and as the Guidelines suggest that the Mayor should not be a member (this would also cover the position of alternate member) it is suggested that the Mayor should not be the alternate member of the Committee and it is recommended that Council nominate another alternate.

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:

That:

1. Further to Council's resolution of 20 September 2011 it be noted that meetings of the Disability Advisory Committee and Peppercorn Services Inc. will now be held on the fourth Thursday of the month following agreement with representatives of those bodies.
2. Councillor C Paine be appointed as a councillor representative to the Disability Advisory Committee.
3. Council nominate an alternate member for the Audit Committee in lieu of the appointment of the Mayor for this position.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 October 2011

Item: 230 **GM - Expert Panel on Constitutional Recognition of Local Government - (79351)**

Previous Item: 124, Ordinary (28 June 2012)

REPORT:

Executive Summary

Council, at its meeting held on 28 June 2011, considered a report in relation to a request received from the Australian Local Government Association (ALGA) for Council to pass a resolution supporting the ALGA's position regarding a referendum to be held by 2013 to change the Constitution to recognise Local Government. Council subsequently resolved in the terms requested by the ALGA.

The establishment of an independent Expert Panel on Constitutional Recognition of Local Government (the Panel) was announced by the Australian Government on 21 June 2011. The Panel has distributed "media material" for use by organisations, released a discussion paper and invited submissions by 4 November 2011. The ALGA is encouraging councils to make a submission to the Panel generally in line with its supported resolution.

It is recommended that Council issue appropriate media releases in support of the process and make a submission as requested by the ALGA.

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 meeting held on 28 June 2011, considered a report in relation to a request received from the ALGA for Council to pass a resolution supporting the ALGA's position regarding a referendum to be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in the Constitution.

Subsequently, Council resolved:

"That:

1. *Hawkesbury City Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.*
2. *The Australian Local Government Association and the Local Government & Shires Association of NSW be advised of Council's resolution."*

The establishment of an independent Expert Panel on Constitutional Recognition of Local Government (the Panel) was announced by the Australian Government on 21 June 2011.

The Panel has now distributed "media material" for usage by organisations encouraging people to consider and "have a say" on the question of constitutional recognition of local government; released a discussion paper and invited submissions by 4 November 2011. A copy of the discussion paper released by the Panel is included as Attachment 1 to this report.

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Meeting Date: 11 October 2011

A letter dated 23 September 2011 has also been received from the ALGA encouraging councils to make a submission to the Panel generally in line with its supported resolution and has included an attachment outlining the basis of the ALGA's proposed submission. A copy of this letter and attachment is included with this report as Attachment 2.

Council has supported efforts by both the ALGA and LGSA in the past in support of the constitutional recognition of local government and it is suggested that it should continue this support by issuing appropriate media releases in support of the process and making a submission as requested by the ALGA.

Conformance to Community Strategic Plan

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

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.
- 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 other levels of government to ensure an equitable share of taxes.

Financial Implications

Whilst the constitutional recognition of local government has implications for the long term financial position of councils in general there are no direct financial implications applicable to this report.

RECOMMENDATION:

That Council:

1. Support the process being undertaken by the Expert Panel on Constitution Recognition of Local Government by issuing appropriate media releases supporting the process as suggested by the Panel.
2. Make a submission to the Expert Panel on Constitution Recognition of Local Government in support of Council's resolution of 28 June 2011 and as requested by the Australian Local Government Association.

ATTACHMENTS:

- AT - 1** Expert Panel on Constitutional Recognition of Local Government – Public Discussion Paper – September 2011 - *(Distributed Under Separate Cover)*.
- AT - 2** Australian Local Government Association – Letter dated 23 September 2011 and attachment.

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Meeting Date: 11 October 2011

**AT - 2 Australian Local Government Association – Letter dated
23 September 2011 and attachment.**



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Hawkesbury City Council

26 SEP 2011

23 September 2011

To the Mayor, Councillors and CEO,

I am writing to encourage your council to consider making a submission on the Discussion Paper issued by the Expert Panel on the Constitutional Recognition of Local Government and highlight the case that the Australian Local Government Association (ALGA) will be putting forward in its submission. The Expert Panel's Discussion Paper, released on 22 September, canvasses four options for constitutional change to recognise local government. Submissions from interested parties are sought by 4 November 2011.

Constitutional recognition has been a priority of local government for a long time but the issue has advanced significantly in recent years after ALGA began a comprehensive process in 2008 aimed at considering possible options and developing a united voice on the type of constitutional change, and preferred options.

The Discussion Paper issued by the Expert Panel and the establishment of the Expert Panel itself are the most recent steps in the Government's progress towards a referendum by 2013.

The Expert Panel is chaired by the former Chief Justice of New South Wales, the Hon Jim Spigelman and comprises parliamentary, academic and local government representatives, including myself and former ALGA President, Cr Paul Bell.

I encourage each and every council to make a submission. It is important that the Expert Panel gains an understanding of the level of local government support for constitutional recognition. In this regard I am pleased to note that over 400 councils across Australia have passed resolutions supporting a simple change which would remove any doubt about the capacity of the Commonwealth to continue to directly fund local government through programs such as Roads to Recovery. Councils which have passed those resolutions might find them useful as a basis for submissions.

ALGA will be working with your state and territory local government associations to make a comprehensive submission to this important process and I have included an **attachment** to this letter which outlines the case ALGA will be putting forward in its submission.

I urge your council to also make a submission to the Panel, putting your views on the record about constitutional recognition and, if appropriate, your support for any particular option.



SCANNED

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WEB www.alga.asn.au

ORDINARY MEETING

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The Expert Panel has been tasked by the Government to assess whether there is sufficient support in the Australian community to recognise local government in the Constitution and to provide recommendations to the Government on specific changes which could be made.

It is important that all councils take the opportunity to register their support for constitutional change. I hope you will find the outline of ALGA's submission helpful in identifying issues which might be covered in your own submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Genia McCaffery', written in a cursive style.

Mayor Genia McCaffery

President



AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

Outline of ALGA's Submission to the Expert Panel

The Expert Panel on Constitutional Recognition of Local Government released its Discussion Paper on 22 September for public comment by 4 November. ALGA will be making a submission on the Discussion Paper, as will state and territory local government associations.

ALGA urges all councils to take the opportunity to make a submission.

The Expert Panel has been asked by the Government to assess whether there is sufficient public support to recognise local government in the Constitution and to provide recommendations on options for changing the Constitution.

The Discussion Paper seeks to gauge public support for recognition in general and for one or more of four specific options for change:

- Symbolic recognition of local government by including it in a new Preamble or Statement of Values;
- Financial recognition of local government, which would allow the Commonwealth to directly fund local government;
- Democratic recognition of local government, which would require states to establish and maintain local government; and
- Recognition through federal cooperation, which would seek to encourage cooperation between the levels of government, including local government.

ALGA's submission will emphasise our preference for financial recognition of local government and outline the comprehensive process undertaken by ALGA in reaching that view, including our assessment of broad public support and support by councils.

Throughout 2008 ALGA worked with state and territory local government associations and with councils to explore the need for constitutional recognition, the level of support for change and the options for recognition. Initial council conversations, held by many councils in the first half of 2008, led to an experts' forum and then to a major national constitutional convention, held in Melbourne in December 2008 and attended by around 600 delegates, which identified possible options for consideration by the ALGA Board.

In-depth public research in mid 2009 (which showed that the public would not support symbolic or more complex institutional recognition, but would support financial recognition) and the outcome of the Pape Case in the High Court (which cast strong doubts on the validity of direct federal funding of local government) led the ALGA Board to determine that its preference was for the financial recognition of local government. This option would allow the direct funding of local government by the Commonwealth.

There is overwhelming support for the financial recognition option amongst local government, with more than 400 councils already passing resolutions in support of this option.

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ALGA's submission will highlight the strong support which clearly exists for ensuring that the Commonwealth can continue to fund local government directly, by removing any doubts about the constitutional validity of such funding. The Commonwealth already directly funds local government for the Roads to Recovery program and the Regional and Local Community Infrastructure Fund - part of the stimulus funding provided by the Nation Building – Economic Stimulus Plan during the global financial crisis.

The High Court decision in *Pape v Commissioner of Taxation* (2009) cast doubt on the Commonwealth's power to provide this funding directly to local government. There is no general power in the Constitution which allows the Commonwealth to provide direct funding to local government to maintain services and infrastructure, including roads, and, because of this, the validity of this funding is not certain. Local government requires certainty if it is to remain financially sustainable in the long-term and to be able to deal with the growing needs of its communities. The High Court decision clearly signals a need for change and change cannot occur without amending the Australian Constitution.

The financial recognition of local government can be achieved through a relatively simple change to Section 96 of the Constitution which allows the Commonwealth to fund the states. Adding local government into this section is a pragmatic response to the doubt identified in the Pape case. It will confirm the right of the Federal Parliament to fund local government directly, but it will not affect the relationships between local government and the state governments, which will continue to have the power to determine how councils operate.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 October 2011

CITY PLANNING

Item: 231 **CP - Development Application - Rural Shed - 661 East Kurrajong Road, East Kurrajong - (DA0291/11, 17227, 17228, 85782)**

Development Information

File Number: DA00291/11
Property Address: 661 East Kurrajong Road, East Kurrajong
Applicant: Urban City Consulting Pty Limited
Owner: Mr David Hastie and Ms Debra Cotter
Area of Property: 5.66 Ha
Proposal Details: Rural Shed
Estimated Cost: \$78,000
Zone: Rural Living
Date Received: 18 May 2011
Advertising: 6 June 2011 to 20 June 2011

Key Issues:

- ◆ Size and Height of Shed
- ◆ Potential Commercial Use

Recommendation: Refusal

REPORT:

Executive Summary

The application seeks approval for the construction of a shed at Lot 8, DP 207530, 661 East Kurrajong Road, East Kurrajong.

The proposed shed does not comply with Hawkesbury Development Control Plan (HDCP) in relation to its size and height. The proposed shed has a floor area of 225sqm, and a mezzanine floor level of 135 sqm, giving a total floor area of 360 sqm.

The use of the shed will be for the parking of motor vehicles, storage of a tractor, mower, lathes, workbench, sheet metal folder and bathroom facilities. Vehicular access and vehicular movement within the rural shed have not been addressed. The mezzanine area above the shed will be used for storage of unknown items. The machinery and layout proposed within the rural shed suggests that the shed may be used for commercial or business purposes. The shed has a total height of 7.798m and a total volume of 1462 cubic metres. It is considered that the height and bulk of the shed will give it an appearance of an industrial unit.

The applicant has advised that the shed will be used for the storage of personal items and items that will be inherited. However, details that have been provided are vague and a merit based assessment on a variation to the provisions of HDCP is not supported.

The application is being reported to Council at the request of Councillor Bassett.

Introduction

The application is proposing the construction of a rural shed. The proposed use of the shed is for the storage of personal items to be inherited by the property owners and for the parking of the owner's vehicles.

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The shed area is 9 x 25 metres (225 square metres) with a mezzanine floor occupying approximately 60% of the floor area of the shed giving a total floor area of 360m square metres. The shed is 7.798m in height.

The property has an area of 5.66 Ha and is serviced by a battle axe handle from East Kurrajong Road. The site contains a dwelling and detached outbuilding associated with the main dwelling. There is a free standing structure that would appear to be unauthorised and is used for storage. This structure is proposed to be demolished upon completion of the proposed new development. There is currently no provision for under cover parking of vehicles on the property.

The applicant has indicated that there is no intention to conduct any business activity from the premises. The applicant claims that the machinery holds sentimental value, likewise, the applicant claims that the mezzanine level is proposed to store items of sentimental value.

Council Policies, Procedures and Codes to Which the Matter Relates

Sydney Regional Environmental Plan No 20
Hawkesbury Local Environmental Plan 1989
Draft Hawkesbury Local Environmental Plan 2011
Hawkesbury Development Control Plan 2002

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (EPA Act).

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

- a. **The provisions (where applicable) of any:**
 - i. **Environmental Planning Instrument:**

Sydney Regional Environmental Planning Policy No. 20

The proposal is not inconsistent with the aims and objectives of SREP No. 20.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

An assessment of the proposal against the relevant clauses of HLEP 1989 is made below:

Clause 9 - Carrying out of development

A Rural Shed is consistent with the requirements of HLEP 1989 and is a permissible form of development within the Rural Living Zone.

However, the design, layout and equipment and other machinery proposed to be provided within the structure, suggest an activity of a commercial nature which is a prohibited use in the Rural Living Zone.

The equipment and machinery consist of four (4) motor vehicles, a tractor, mower, three (3) lathes, a central workbench, a sheet metal folder, a pedestal drill, a radial drill and a universal milling machine. This equipment is used in metal fabrication and engineering work.

In this regard, the use of the structure would be prohibited.

Clause 9A - Zone Objectives

The site is zoned as Rural Living. The Objectives of the Rural Living Zone are as follows:

- (a) *to provide primarily for a rural residential life style;*

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Comment: The potential use of the shed for a commercial purpose is considered to be inconsistent with this objective as a commercial operation would have an adverse impact upon the amenity of the locality due to noise and increased vehicle movements.

- (b) *to enable identified agricultural land use to continue in operation;*

Comment: The proposal will not adversely affect any existing agricultural operations on this or any other land.

- (c) *to minimise conflict with rural living land uses,*

Comment: The potential use of the shed for a commercial purpose is considered to be inconsistent with this objective given that a commercial operation would have an adverse impact upon the amenity of the locality due to noise and increased vehicle movements.

- (d) *to ensure that agricultural activity is sustainable,*

Comment: The proposal is not considered to adversely impact upon agricultural activities on this or other land.

- (e) *to provide for rural residential development on former agricultural land if the land has been remediated,*

Comment: The proposal is not inconsistent with this objective.

- (f) *to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,*

Comment: The materials proposed to be used (being colourbond steel) and the position of the structure are considered to be consistent with this objective. The access road is existing and there is no additional landscaping proposed as the structure is suitably surrounded by existing vegetation.

However, the proposed choice of building colours is considered to be unacceptable and not sympathetic to the bushland setting. This will be discussed in greater detail as part of the assessment of the proposal against the provisions of Hawkesbury Development Control Plan.

- (g) *to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,*

Comment: The proposal is not proposing any agricultural activity.

- (h) *to ensure that development occurs in a manner:*

- (i) *that does not have significant adverse effects on water catchments, including surface and ground water quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*

- (ii) *that satisfies best practice guidelines and best management practices,*

Comment: There will be no significant impact upon water quality as a result of the proposal.

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

Comment: The proposal is not considered to be traffic generating development.

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

Comment: The proposal is not considered to have an adverse impact in this regard.

It is considered the potential use of the proposed development for a commercial purpose is inconsistent with the zone objectives and may create conflict within other rural living land uses.

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

Draft Hawkesbury Local Environmental Plan 2011 applies to the land. The Draft Instrument identifies the zoning of the land as being RU4 – Rural Small Holdings.

The objectives of the RU4 – Rural Small Holdings zone are:

- a) *To enable sustainable primary industry and other compatible uses,*
- b) *To maintain the rural and scenic character of the land,*
- c) *To ensure that development does not unreasonably increase the demand for public services or public facilities,*
- d) *To minimise conflict between land uses within the zone and land use within adjoining zones*
- e) *To ensure that development occurs in a manner that does not have significant adverse effects on water catchments, including surface and groundwater quality and flows; land surface conditions and important ecosystems such as waterways.*

The shed structure would be best defined as a “Farm Building”. Farm Buildings are permitted with consent. The use of the shed for a commercial operation/business is prohibited.

The proposal is considered inconsistent with proposed zone objectives for the same reasons as mentioned above in the current Rural Living zone in that the potential commercial use would have an adverse impact upon the amenity of the area.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

Hawkesbury Development Control Plan (HDCP) 2002 applies to the land.

Given that the height and size of the shed exceeds the requirements as set out in the HDCP, the proposed development is inconsistent with the requirements of HDCP 2002.

Part D – 1.4 Setbacks

The subject allotment is a battleaxe lot. The location and setback of the shed complies with the provisions of HDCP.

Part D – Chapter 8 Rural Sheds

8.2.1 Siting – the proposed shed will not be visually prominent or create unnecessary disturbance to the natural environment.

8.2.2 Size – the proposed shed has a footprint of 225sqm which is greater than the maximum of 170 metres square that the HDCP permits. The floor area of the structure (including the mezzanine level) is 360m sqm. This exceeds the maximum permitted floor area for Rural Sheds.

8.2.3 Height – the proposed shed has a ridge height of 7.798m which is greater than the maximum height of 5.0m as specified in the HDCP. This additional height is proposed to accommodate the mezzanine level. The floor to ceiling height on the ground floor under the mezzanine is generally 2.6m (2.3m under beams

only) There is insufficient justification for the height proposed if the mezzanine level is generally for storage. It would seem the intention is to use the mezzanine as ancillary storage area.

8.2.4 Form – Given the rectangular shape of the proposed shed, the structure is simple and the roof form is a gable end roof design. The steeper pitch on the roof (30 degrees) gives the shed an improved character and better proportion as opposed to a flatter roof pitch.

8.2.5 Colour – The objective of the DCP clause is to encourage attractive developments by controlling the colour of rural sheds so as to blend in with the rural landscape and existing buildings on a property. The proposed colours are:

“Windspray” (grey tone) on the walls;
 “Surfmist” (off-white) on the roof; and
 “Ironstone” (dark grey/blue) on the doors, windows and gutters.

In a recent Land and Environment Court case involving Hawkesbury City Council (Vella v’s Hawkesbury City Council - February 2011), the court determined in relation to colours of that proposal (a landscape feature - lighthouse) that:

“The colours considered to be bushland tones are as follows: Sandbank, Jasper, Dune and Bushland. The colour cream is not an earth tone colour suitable for the landscape.”

It is considered that the use of grey tones and blue tones are similarly not sympathetic to the bushland setting. Colours that incorporate brown tones (with the exception of “Cream”) or green tones are considered to compliment the bushland environment.

In this regard, the use of colourbond “Surfmist,” “Ironstone” and “Windspray” are considered unacceptable.

Conclusion: The height and colour of the shed are not consistent with the provisions of the Rural Sheds Chapter of HDCP. It would appear that the reason for the additional height is to accommodate a potential use of the shed which cannot be supported in this instance.

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

There are no planning agreements applicable to the proposed development.

v. Matters prescribed by the Regulations:

There are no prescribed matters that affect the proposal.

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:

Flora & Fauna

The site where the proposed shed is to be constructed is on an existing cleared platform. The applicant is not proposing to clear vegetation. This should ensure that there is minimal impact on the flora and fauna. The scale and bulk of the structure are likely to have an adverse visual impact upon the scenic qualities of the locality. The use of the structure for commercial purposes is likely to adversely affect the amenity of the locality due to noise and vehicle movements.

c. Suitability of the site for the development:

The subject site does not contain any significant constraints that would make this development prohibitive. The site is suitable for a Rural Shed, however the use of the structure for any commercial nature is considered unsuitable for the site.

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

The application was required to be notified to adjacent property owners in accordance with HDCP. No submissions were received regarding this application.

e. The Public Interest:

The proposal is inconsistent with the relevant planning instruments affecting the site and its ability to be used for commercial purposes is not in the public interest. Approval of the development may set a precedent for similar inappropriate development which would not be in the public interest.

Developer Contributions

Development contributions are not required where the works are a class 10a Building as classified in the National Construction Code. The development is exempt from Section 94A contributions.

Planning Decision

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

RECOMMENDATION:

That Development Application DA0291/11 for the construction of a Rural Shed at 661 East Kurrajong Road, East Kurrajong be refused for the following reasons:

1. The proposed development is inconsistent with the objectives of the Local Environmental Plan.
2. The use of the shed for a commercial purpose is prohibited in the Rural Living zone.
3. The development is inconsistent with the objectives of the Draft Local Environmental Plan.
4. The proposed development does not comply with the provisions of Hawkesbury Development Control Plan, in particular the Rural Sheds Chapter.
5. In the circumstances, approval of the development may create an undesirable precedent for similar inappropriate development which would not be in the public interest.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Aerial Photograph

AT - 3 Plans

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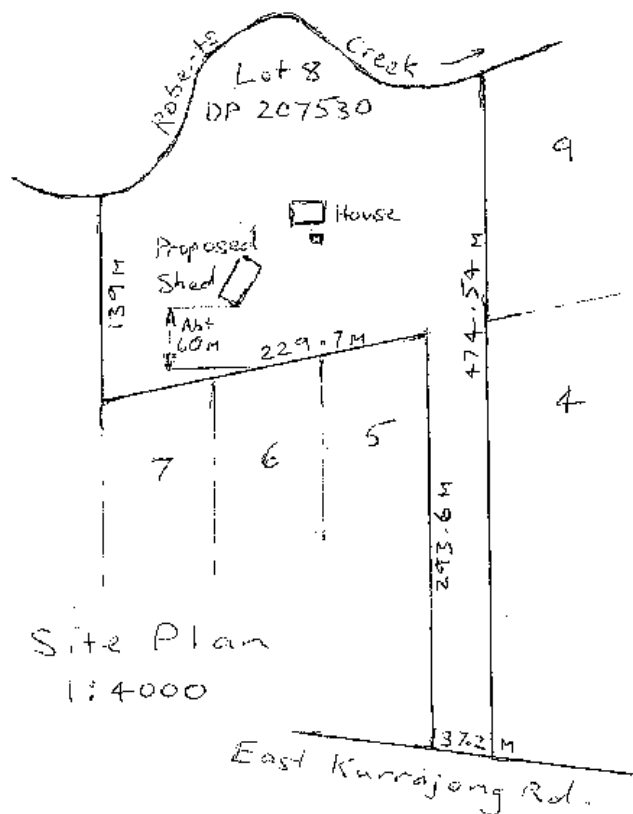
AT - 2 - Aerial Photograph



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AT - 3 - Plans

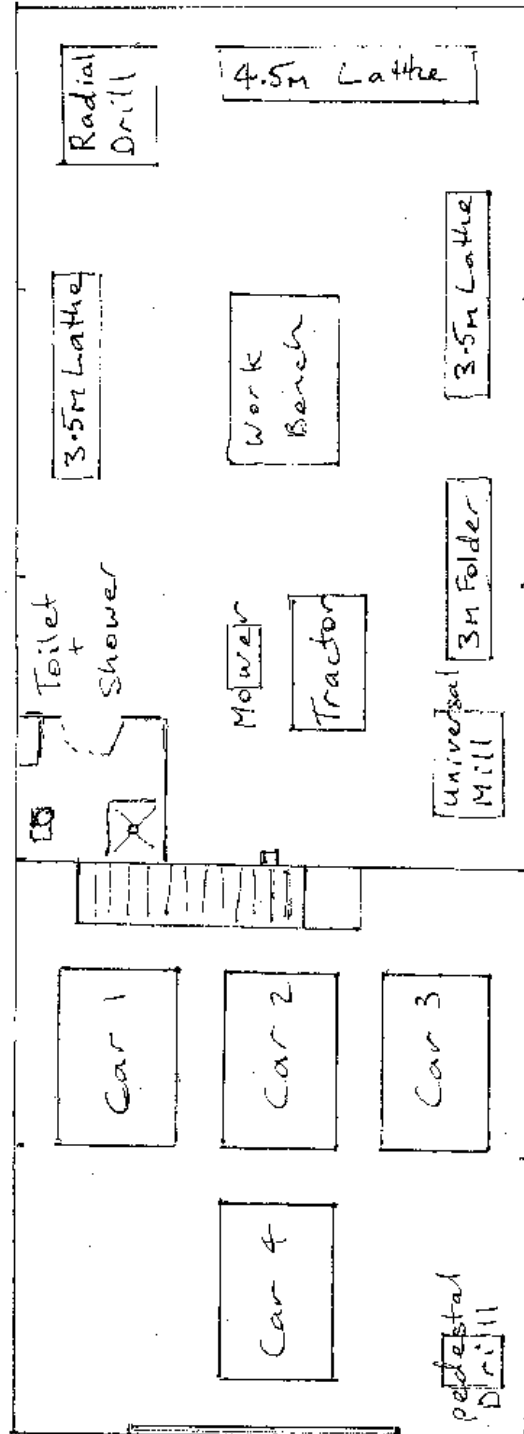


Haste
661 East Kurrajong Road
EAST KURRAJONG

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↓ lower level floor plan. ↓



Mezzanine level general storage

Floor Plan
661 East Kurrajong Rd
East Kurrajong

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Item: 232 **CP - Development Application - Rural Shed - 72 Bells Lane, Kurmond - (DA0266/11, 95498, 74563, 77535, 97523)**

Development Information

File Number: DA0266/11
Property Address: 72 Bells Lane, Kurmond
Applicant: Falson & Associates Pty Limited
Owner: Mr JGD Cornish & Mrs NL Cornish
Area of Property: 4 Ha
Proposal Details: Rural Shed
Estimated Cost: \$28,000
Zone: Mixed Agriculture
Date Received: 12 May 2011
Exhibition Dates: 6 June 2011 - 20 June 2011
Submissions: 1 submission received.

Key Issues:

- ◆ Siting of Shed
- ◆ Visual Impact of Shed
- ◆ Proximity to Adjoining Dwelling
- ◆ Objection Received

Recommendation: Refusal

REPORT:

Executive Summary

The application seeks approval for a Rural Shed at Lot 41 – DP 7565, 72 Bells Lane, Kurmond.

The proposed rural shed does not comply with Hawkesbury Development Control Plan in relation to the position/ siting of the structure.

The proposed shed size is 16 metres long by seven metres wide totalling 112m² and there are no other structures of this type on the property.

The applicant has indicated in the Statement of Environmental Effects that the rural shed is to be used for the storage of various farm and household equipment including tractors, a slasher, a trailer and furniture items.

This application is being reported to Council at the request of Councillor MacKay.

Introduction

The subject site fronts Bells Lane, Kurmond and the property is reasonably regular in shape.

The land area of the property is approximately four hectares and contains a dwelling which is accessed via Bells Lane, Kurmond. The property is undulating and slopes gently from the north western corner to the south east corner. There are a variety of property improvements which include fencing and landscaping. The site is mostly cleared for horse agistment and grazing. There are scattered trees around the property. There is a small dam located in the middle of the lower portion of the property.

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Description of Proposal

The application is for a Barn Style Rural Shed with a total floor area of 112m². The colours proposed are “Dune” for the roof and doors and “Bushland” for the walls. The shed is proposed to accommodate the storage of various farm and household equipment including tractors, a slasher, a trailer and furniture items.

History

12 May 2011	Application lodged
20 May 2011	Initial review letter sent to applicant regarding the value of works and notification fees.
10 June 2011	1 submission received.
27 June 2011	Site inspection. Earthworks associated with the shed observed to have commenced. Photos taken of the site and proposed location of the Rural Shed.
30 June 2011	Further information requested from applicant regarding the proposed colours, the non-compliance with Hawkesbury Development Control Plan and the quality of the plans submitted.
1 July 2011	Email received from the applicant responding to issues raised in letter dated 30 June 2011.
4 July 2011	Email received from applicant with further response to letter dated 30 June 2011.
18 July 2011	Further information provided by applicant. Amended plans provided and amended colours chosen (“Dune” and “Bushland”). Location of shed not altered.
16 August 2011	Email received from the applicant requesting a status update.
17 August 2011	Email response provided to advise of status of application.
18 August 2011	Application presented to Development panel for determination. Panel not in support of location. Applicant advised to consider alternative locations for the proposed Rural Shed.

Council Policies, Procedures and Codes to Which the Matter Relates

Sydney Regional Environmental Plan No 20
Hawkesbury Local Environmental Plan 1989
Hawkesbury Draft Local Environmental Plan 2009
Hawkesbury Development Control Plan

Section 79C Matters for Consideration

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

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

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

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

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

An assessment of the proposal against the relevant clauses of HLEP 1989 is made below:

Clause 2 – Aims and Objectives (General)

The general aims and objectives of Hawkesbury Local Environmental Plan 1989 are:

- (a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury,*
- (b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,*
- (c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- (d) *to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations, and*
- (e) *to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City.*

The proposal is not inconsistent with the General Aims and Objectives of Hawkesbury Local Environmental Plan 1989.

Clause 9 - Carrying out of development

The proposed shed is consistent with the requirements of HLEP 1989 within the Mixed Agriculture zone.

Clause 9A - Zone Objectives

The subject land is zoned Mixed Agriculture. The objectives of the Mixed Agriculture Zone should be met where they are applicable. The objectives of this zone are:

- (a) *to encourage existing sustainable agricultural activities*

Comment: The proposal is consistent with this objective.

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

Comment: The proposal will not create further land use conflicts in regards to use of the development. However, the proposed position of the shed will adversely impact upon the scenic quality of the Kurmond area

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

Comment: The development is consistent with this objective.

- (d) *to prevent fragmentation of agricultural land*

Comment: The proposal will not fragment land.

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

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- (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and

- (ii) that satisfies best practice guidelines and best management practices

Comment: The development does not involve an agricultural activity.

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

Comment: The proposal does not involve the removal of any vegetation.

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

Comment: The proposed position of the shed will adversely impact upon the scenic quality of the Kurmond area.

The proposal in its current form does not protect or enhance the landscape values of the area and will adversely affect the rural character of the Kurmond area. It is considered that there are other alternative locations for the shed to be constructed to ensure the existing landscape is protected and reduce adverse impacts on adjoining properties.

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

Comment: The proposal is not traffic generating development.

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

Comment: There is no outdoor advertising proposed with this development.

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

Comment: The proposal does not create unreasonable economic demands for the provision or extension of public amenities or services as the development does not propose any works of this nature.

Clause 25 – Development of flood liable land

The subject site is above the 1 in 100 year flood level and therefore is not subject to flood related development controls for flood events up to the 1 in 100 year flood level

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

The application does not propose to carry out works below the natural ground level or works that would result in raising the water table.

Assessment of the Development Application reveals that the proposal meets the matters raised in the above clauses of Hawkesbury Local Environmental Plan 1989.

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

Draft Hawkesbury Local Environmental Plan 2011 is currently with the Department of Planning and Infrastructure awaiting gazettal. The subject lot is proposed to be zoned as RU1 – Primary Production. The proposed Rural Shed is permissible in the draft zone.

iii. **Development Control Plan applying to the land:**

Hawkesbury Development Control Plan applies to the land.

The proposed development is inconsistent with the requirements of HDCP 2002.

An assessment of the proposal against the relevant provisions of this Plan follows:

Part A – Chapter 2 - General Information

The subject application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

The application was required to be notified to adjacent property owners in accordance with HDCP.

One submission was received as a result of the notification. This submission will be discussed in part (d.) of this report.

Part D – Chapter 8 Rural Sheds

8.2.1 Siting – The objective of this Clause is to integrate rural sheds into the landscape so that they complement the rural character of the area and are not visually dominant.

Comment: The location of the proposed shed is not considered suitable as the shed is proposed to be constructed in front of the existing dwelling and due to the location the shed will increase the visual dominance of the structure in this locality. The proposal will create adverse impacts on both the rural landscape of the Kurmond area and adjoining properties. Another suitable location should be considered to reduce these impacts.

8.2.2 Size – The objective of this Clause is to control the size of rural sheds to minimise their visual dominance in the landscape

Comment: The proposed shed has a total area of 112m². Although the size and height of the proposed rural shed comply with the requirements set out under Hawkesbury Development Control Plan the proposed location of the shed will visually dominate the rural landscape of the Kurmond area.

8.2.3 Height – The objective of this Clause is to control the height of rural sheds to minimise their dominance and bulk in the landscape.

Comment: The proposed shed has an overall height of 4.56 metres above natural ground level at the ridge. This height is consistent with the DCP in this regard.

8.2.4 Form - The objective of this Clause is to encourage the design of rural sheds so that they enhance the rural landscape and character of an area.

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Comment: The proposed design does not enhance the rural landscape or character of the Kurmond area. This is due to the location of the proposed structure and the prominence created by the shed being located in front of the existing dwelling.

Notwithstanding the proposed location, the barn style of shed is encouraged by the DCP and is considered to be an attractive form of development.

8.2.5 Colour – The objective of this Clause is to encourage attractive developments by controlling the colour of rural sheds so as to blend in with the rural landscape and existing buildings on a property.

Comment: The colour schedule provided has adequately addressed this requirement. The colours proposed are “Dune” and “Bushland”. These colours are acceptable.

General Comment: The proposed development complies with the requirements of Hawkesbury Development Control Plan with the exception of the proposed position of the Rural Shed on the allotment. The shed in its proposed location will create an undesirable impact on the scenic quality of the area.

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

There are no planning agreements applicable to the proposal.

v. Matters prescribed by the Regulations:

There are no discernable matters prescribed by the regulations.

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:

The development, due to its location, is likely to result in an undesirable precedent on the natural, built and socio-economic environments.

c. Suitability of the site for the development:

The subject site does not contain any significant constraints that would make this development prohibitive. In this regard, the site is considered suitable.

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

The development was notified in accordance with Part A – Chapter 3 and the notification dates were from 6 June 2011 to 20 June 2011. One (1) submission was received from an adjoining neighbour and the following concerns have been raised:

1. *“Proximity of the shed to the objector’s residence”.*

Comment: The proposed shed location will impact upon the neighbour’s view of the rolling hillside and the attractive natural landscape of the Kurmond area that exists.

2. *“Landfill on the property prior to approval”.*

Comment: Minor earthworks associated with benching the building platform have commenced and this is a matter of investigation for Council’s Compliance Branch who will take action as appropriate.

3. *“Beautiful existing rural view would now be replaced by a huge farm shed”.*

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Comment: The shed location will detract from the natural landscape and scenic quality of the area. Placement of a shed in the proposed position will reduce, or potentially remove, the benefits of these uninterrupted views.

4. *"Why is a two storey building required? We are concerned that in future, the proposed shed could be used for dog kennels or any other commercial type business".*

Comment: The structure has an effective height of 4.56 metres and is not considered a two storey structure as there are no separating floors to divide it into two levels. Further, the barn style design of the proposed shed is encouraged by Hawkesbury Development Control Plan.

The applicant is not seeking approval for a commercial/business use associated with the property and if any such activities were undertaken without prior approval would be investigated by Council's compliance team and action taken as appropriate.

5. *"As can be confirmed by Council inspection, the entry to this property situated on the most dangerous bend on our lane and the area is well known as a non vehicular passing point to two way traffic".*

Comment: There is an existing driveway to access the property on the bend of Bells Lane and the proposed shed is approximately 16.70 metres set back from Bells Lane. Therefore there is no increased impact upon the roadway as a result of this proposal.

6. *"We consider resiting the shed to a less visible part of the property would help protect the character and rural aspect of our area and be a much better solution for everyone".*

Comment: The proposed shed location will affect the neighbour's view and the attractive natural landscape of the Kurmond area. The shed location will detract from the natural landscape and scenic quality of the views of the area. In this regard the applicant has been repeatedly encouraged to consider another alternative location to site the shed and amend the application accordingly.

e. The Public Interest:

Approval of the shed in its proposed location may create an undesirable precedent for the siting of rural sheds which would not be in the public interest.

Conclusion:

The proposed Rural Shed is not consistent with the objectives or provisions of the Hawkesbury Local Environmental Plan 1989 (HLEP) or the Rural Shed Chapter of Hawkesbury Development Control Plan. For this reason the proposal in its current form is not supported.

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.

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RECOMMENDATION:

That Development Application DA0266/11 at Lot 41 DP 7565, 72 Bells Lane Kurmond for a Rural Shed be refused for the following reasons:

1. The proposed development is inconsistent with the established character of the locality.
2. The proposed development will have unacceptable impact on the visual quality of the area.
3. The proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
4. The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan, in particular 'Chapter 8', 'Erection of Rural Sheds'.
5. In the circumstances, approval of the shed in its proposed location may create an undesirable precedent for the siting of rural sheds which would not be in the public interest.

ATTACHMENTS:

- AT - 1** Site Locality Map
- AT - 2** Aerial Photograph
- AT - 3** Site Plan
- AT - 4** Floor Plan
- AT - 5** Elevations

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Meeting Date: 11 October 2011

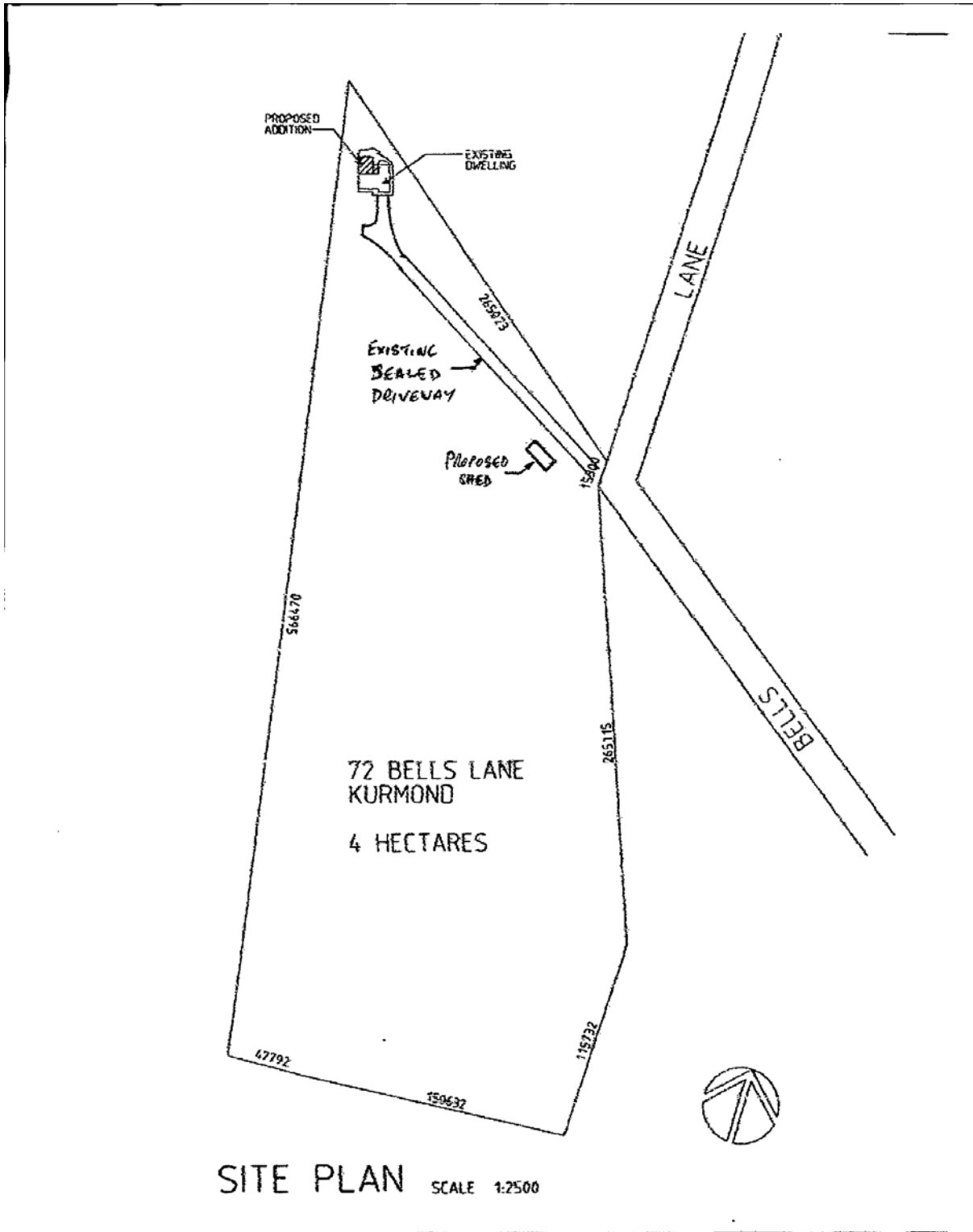
AT - 2 Site Aerial Map



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AT - 3 PLANS - Site Plan



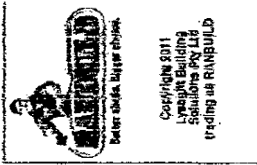
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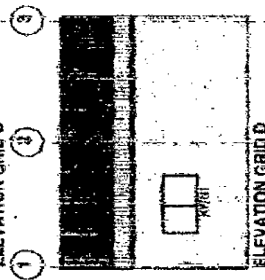
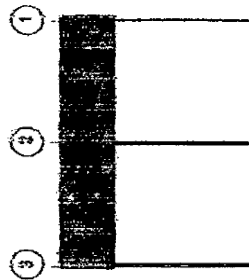
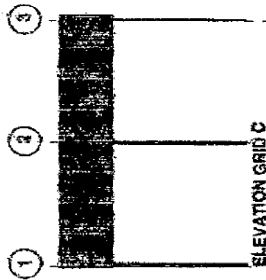
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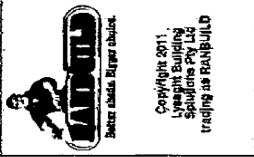
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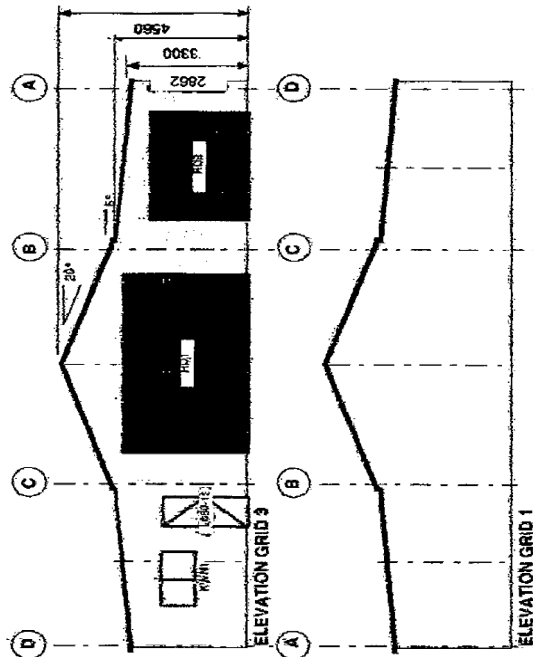
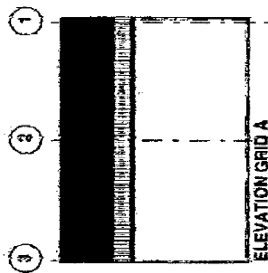
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Item: 233 **CP - Development Application - Construction and Operation of a Concrete Batching Plant - 306 Racecourse Road, South Windsor - (DA0230/10, 95498, 117902, 102375)**

Development Information

File Number: DA0230/10
Property Address: 306 Racecourse Road, South Windsor
Applicant: Glenella Quarry Pty Ltd
Owner: DJL Management Pty Limited
Proposal Details: Industry - Concrete batching plant
Estimated Cost: \$2,000,000
Zone: 4 (a) Industry General
Date Received: 31 March 2010
Advertising: 27 May 2010 - 3 July /2010

Key Issues:

- ◆ Inconsistency with SEPP 55, Remediation of Land
- ◆ Insufficient information regarding stormwater and uncontrolled fill

Recommendation: Refusal

REPORT:

Executive Summary

The applicant proposes the construction and operation of a concrete batching plant, with the construction of associated infrastructure to support the new plant.

The concrete batching plant is proposed to be constructed on a 6,260m² leased land holding within a larger site on which the landowner currently undertakes the business of storage, processing and on-selling of recycled construction and associated materials. The existing premises are a licensed waste storage, waste processing (non – thermal treatment) and resource recovery facility for which an Environment Protection Licence 4849, issued by the Department of Environment, Climate Change and Water exists.

The assessment of the proposal highlights the following relevant issues for consideration in the determination of the application:

- Uncontrolled fill
- Noise
- Non-compliance with AS2890.2 – 2002 for driveway width.
- Impact upon the critically endangered ecological community Cumberland Plain Woodland
- Insufficient information providing details in respect to a rear all traffic entry gate, diesel tank height, cumulative noise impacts, stormwater management and uncontrolled fill.
- Analysis of alternatives not provided.

As the application is designated development, the applicant submitted an Environmental Impact Statement (EIS) following consultation with the Director General. The EIS contains the following expert reports:

- Traffic and parking assessment
- Air quality assessment report
- Noise impact assessment report
- Surface water assessment and plan
- Geotechnical investigation

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The application was reported to the Joint Regional Planning Panel on 3 March 2011 with a recommendation for refusal due to a lack of information. The Panel, at the request of the applicant, deferred the matter pending submission of the required information. Much of the information has been submitted, however, information relating to the soil contamination is still outstanding.

This application was to again be reported to the Joint Regional Planning Panel for determination in accordance with Clause 13B(1)(e) of the State Environmental Planning Policy (Major Developments) 2005 as the development is identified as being 'designated development'. However, with the commencement of the State Environmental Planning Policy (State and Regional Development) 2011, the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011 and the Environmental Planning and Assessment Amendment on 1 October 2011, the subject application no longer meets the criteria for determination by the Joint Regional Planning Panel. The Panel Secretariat advised on 26 September 2011 that this application will not be further considered by the Panel and Council is now the determining Authority.

The application was advertised from 3 June 2010 to 3 July 2010. One submission of objection was received.

Whilst the use of the site for a concrete batching plant is generally supported, it is recommended that the application be refused as it does not provide sufficient details in relation to unauthorised fill of the property and stormwater management. Without these details Council Officers do not know if the fill material is contaminated or not, the nature and degree of any contamination, the extent of the filling, level of compaction of the material etc. and therefore would be unable to undertake an appropriate assessment as to whether the material is suitable for retention, and if retained under what conditions, or whether it would require removal.

Should the fill material require removal, this may have significant implications on the proposed development with regard to drainage. In addition, further earthworks and filling may be required to rehabilitate the land following removal which would require consideration of the impacts prior to any application being determined.

For these reasons it is not considered appropriate to resolve the matter through conditions of consent. It is also confirmed that the matter of the uncontrolled fill may relate to the whole property and not just the portion proposed to be used for the concrete batching plant.

Due to this outstanding information not being received by the applicant to address issues raised and the significant time that has elapsed to provide the requested information, it is recommended that the application be refused.

Description of Proposal

The applicant proposes the construction and operation of a concrete batching plant, proposing to produce 60,000 tonnes (25,000m³) per annum of pre-mixed concrete within the first two years of operation, increasing to 120,000 tonnes (50,000m³) per annum within five years. Thirteen full-time staff would be employed.

The activity involves the transportation of raw materials to the site for the production of concrete and the dispatch of this concrete in transit mixers. The construction of the concrete batching plant comprises:

- Five 40 tonne in-ground aggregate bins;
- Four overhead 100 tonne storage silo nucleus single alley plant;
- Eight aggregate storage bins;
- 400 tonne enclosed overhead bin;
- A batch office, an amenity/ablutions building;
- Weigh hoppers;
- Aggregate weigh bins and covered conveyor;
- Bunded additive/chemical and fuel storage areas;

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- Truck and car parking areas and truck turning circle;
- A series of settlement pits;
- Dual slump stand;
- Dust extraction filter;
- Water storage tanks; and
- Stormwater management system.

The plant is proposed to operate generally between the hours of 5:00am to 6:00pm, Monday to Friday and 5:00am to 3:00pm Saturdays. However, the applicant seeks the flexibility of operating 24 hours a day to supply concrete to out of hour's infrastructure construction projects such as road works. It is also proposed to arrange and accept the delivery of raw materials to the plant 24 hours a day, seven days a week, with materials proposed to be sourced from the applicant's quarry in Cowra.

At a production rate of 25,000m³/per year, the average daily truck movements would be approximately 38 (including dispatch of pre-mixed concrete and raw material delivery). At a production rate of 50,000m³/per year, the average daily truck movements would be approximately 76 (including dispatch of pre-mixed concrete and raw material delivery). There will also be up to 26 light vehicle movements per day.

Description of the Site and Surrounds

The site is located on Racecourse Road and is zoned 4(a) Industry General. All surrounding land is zoned 5(a) Special Uses ("A"), with rural living zoned land in the vicinity of the development to the east. The site connects to Blacktown Road to the south and to Hawkesbury Valley Way to the north, which are both state roads under the control of the Roads and Traffic Authority. The nearest residential receiver is approximately 660 metres east from the project site, 800 metres to the south west and approximately 1 kilometre to the north east.

The concrete batching plant is proposed to be constructed on a 6,260m² leased land holding within a larger site on which the landowner currently undertakes the business of storage, processing and on-selling of recycled construction and associated materials. The subject property has vehicle access from Racecourse Road and is currently vacant. To the immediate east and north of the site, Shale Plains Woodland exists, which forms part of remnant Cumberland Plain Woodland, a listed critically endangered ecological community under Commonwealth and State legislation.

Relevant Policies, Procedures and Codes

- State Environmental Planning Policy No. 33 – Hazardous and Offensive development
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20
- Hawkesbury Local Environmental Plan 1989
- Draft Hawkesbury Local Environmental Plan 2009
- Hawkesbury Development Control Plan 2002
- Section 94A Contribution Plan

Section 79C Matters for Consideration

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

Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulations 2000

Section 77A of the Act defines designated development to be development that is declared designated development by an EPI or the Regulations.

Designated Development

Consideration has been given to Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (Regulations), which relates to designated development. Clause 14 – Concrete works, provides the

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criteria for concrete works, and an assessment of the proposal against this criteria shows that the activity is 'designated development' for the following reasons:

- The development will produce more than 30,000 tonnes of concrete per year (between 60,000 and 120,000 tonnes per year)

Environmental Impact Statement

In accordance with Section 78A (8) of the Act an environmental impact statement has been submitted. Clauses 71, 72, 73 and Schedule 2 of the Regulations stipulate the information to be included within an environmental impact statement. The matters identified in Clauses 72, 73 and Schedule 2 have been addressed.

Notification

The application was publicly notified in accordance with Section 79 of the Act and Clauses 78, 79 & 80 of the Regulations, and referred to the relevant public authorities in accordance with Clause 77 of the Regulations.

One submission was received from an adjoining Council. In compliance with Clause 81 of the Regulations, the submission was forwarded to the Director-General of the Department of Planning. The submission was forwarded on 12 July 2011.

a. The provisions (where applicable) of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP No. 33 Hazardous and Offensive development aims to identify proposed developments with the potential for significant off site impacts, in terms of risk and/or offence (odour, noise) etc. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and / or offensive impact on off site receptors.

The proposal involves the use of diesel fuel and would require the storage of approximately 10,000 litres, Class 3 C1 Combustible liquid and small amounts of other hydrocarbons including lubricating oils and grease, Class 3 C2 Combustible liquids. As the diesel fuel and lubricating oils and greases would not be stored adjacent to any other hazardous materials of the same class, applying SEPP 33 Hazardous and Offensive development application guidelines does not require these to be considered further. Accordingly, the proposal is not considered to constitute a potentially hazardous or offensive development.

However, the concrete batching plant is proposed to be constructed upon a 6,260m² leased land holding within a larger site on which the landowner currently undertakes the business of storage, processing and on-selling of recycled construction and associated materials. The existing premises is a licensed waste storage, waste processing (non-thermal treatment) and resource recovery facility for which an Environmental Protection Licence 4849 issued by the Department of Environment, Climate Change and Water exists. Advice from the Department suggests that the licence may need to be amended if the application is approved.

State Environmental Planning Policy No. 55 - Remediation of Land

The Geotechnical Report submitted in support of the application identifies that uncontrolled fill has been placed on the subject property in the past. This Geotechnical Report addressed investigations carried out in respect to foundation and pavement design for the proposed development. The applicant was requested to provide additional information in respect to the fill material on 22 July 2011, 29 August 2011 and 6 September 2011. No information in this regard has been provided to date.

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In addition, the subject land is subject to two 'Clean-up Notices' issued on 3 February 2011 and 28 April 2011 by the Department of Environment, Climate Change and Water in respect to a number of stockpiles located on the land. These Notices prevent the '*stockpiling, applying, removing or disposing of any waste from the Stockpile*'.

In relation to the uncontrolled fill, concern was raised with the applicant as to how appropriate geotechnical investigations can be carried out given the location of the stockpiles, the constraints imposed by the 'clean up' notices and hence the lengthy timeframe which will result before an assessment of the proposal could proceed.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP No. 55) states:

- 1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated;
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

This Policy prevents Council from approving any development unless it has considered whether or not the land is contaminated etc. To enable the progression of the application, details in respect to the uncontrolled fill identified on the land are required. Without these details Council Officers do not know if the fill material is contaminated or not, the nature and degree of contamination, the extent of the filling, level of compaction of the material etc. and therefore would be unable to undertake an appropriate assessment as to whether the material is suitable for retention, and if retained under what conditions, or whether it would require removal.

Should the fill material require removal, this may have significant implications on the proposed development with regard to drainage. In addition, further earthworks and filling may be required to rehabilitate the land following removal which would require consideration of the impacts prior to any application being determined.

For these reasons it is not considered appropriate to resolve the matter through conditions of consent. It is also confirmed that the matter of the uncontrolled fill may relate to the whole property and not just the portion proposed to be used for the concrete batching plant.

In addition, the Department of Environment, Climate Change and Water have requested additional information in respect to the uncontrolled fill, as they have concerns that the fill material may be waste "*and Licence No. 4849 does not permit the Scheduled Activities of waste disposal (application to land)*".

It is noted that any remediation of the land is defined as Category 1 remediation work under SEPP No. 55, and therefore requires development consent. This has not been sought in the current development application.

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

Clause 11 (4) of SREP No. 20 requires development consent for the remediation of contaminated land. It has been identified that the land could be potentially contaminated as discussed above. In addition, the Department of Environment, Climate Change and Water, have raised concerns in respect to the uncontrolled fill being waste. As a result, it is unknown whether or not the fill can remain on the land until further investigations have been carried out. To date no additional information in this regard has been provided.

Hawkesbury Local Environmental Plan 1989

The following clauses of the Hawkesbury Local Environmental Plan 1989 were taken into consideration:

Clause 2 – Aims, objectives, etc

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

Clause 5 – Definitions

Clause 5 of Hawkesbury Local Environmental Plan 1989 provides definitions to define land use and development, including the definition of ‘industry’.

‘Industry’ means:

- a) *any manufacturing process within the meaning of the Factories, Shops and Industries Act 1962, or*
 - b) *the breaking up or dismantling of any good or any article for trade or sale or gain or as ancillary to any business,*
- but in the Land Use Matrix at the end of clause 9 but does not include an extractive industry, home industry, light industry or rural industry.*

The proposed use is considered to be ‘industry’ as defined within the Hawkesbury Local Environmental Plan 1989 and is a permissible land use within the 4(a) Industry General zone.

Clause 8 – Zones indicated on the map

The subject land is within the 4(a) Industry General zone.

Clause 9 – Carrying out of development

The proposed development is considered to be defined as ‘industry’ and therefore is permissible with consent within the 4(a) Industry General zone.

Clause 9A – Zone objectives

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

The objectives of the 4(a) Industry General zone are:

- a) set aside certain land for the purposes of general industry within convenient distances of the urban centres of the City of Hawkesbury,
- b) allow commercial and retail development involving:
 - i) uses ancillary to the main use of the land within the zone,
 - ii) the display and sale of bulky goods, and
 - iii) the day-to-day needs of the occupants and employees of the surrounding industrial area, and
- c) ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.

It is considered that the proposal is consistent with the objectives of the zone.

Clause 18 – Provision of water, sewerage etc services

Services are available to the site. It is considered that available services are satisfactory for the development.

Clause 25 – Development of flood liable land

The subject land is located below the 1 in 100 year flood level of 17.3 metres AHD. Clause 25 of Hawkesbury Local Environmental Plan 1989 provides development standards for development proposed within land located in flood prone areas, which state:

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- (2) *A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).*
- (4) *Notwithstanding subclauses (2), (3), (10) and (11), a building that was lawfully situated on any land at 30 June 1997 may, with the consent of the Council, be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*
- (5) *The council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this clause have been satisfied.*
- (6) *Minor structures such as outbuildings, sheds, and garages may be erected on land below the 1-in-100 year flood level, with the consent of the Council. The Council shall, in the assessment of a development application for such a structure, consider the likely frequency of flooding, the potential flood damage and measures to be taken for the evacuation of the property.*
- (7) *Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.*

A concrete batch office and amenities building are the only structures, apart from the plant infrastructure proposed to be erected upon the site. The applicant proposes to erect the batch office to a height of 14.3 metres AHD, which is 3 metres below the 1 in 100 year flood event of 17.3 metres AHD.

The batch office and amenities building are considered to be minor structures and thus satisfy the requirements of Clause 25(6) of Hawkesbury Local Environmental Plan 1989.

However, a bunded diesel tank is proposed to be located below the 1 in 100 year flood event. The tank is not considered to be a minor structure as it contains 10,000 litres of diesel fuel, with the ability to pollute the flood plain. In correspondence issued to the applicant dated 24 September 2010, it was advised that the diesel tank should be raised above the 1 in 100 year flood event. The applicant has agreed to this. Whilst details of how this is to be done have not been received it is considered that these details can be obtained via conditions of consent.

Clause 37A – Development on land identified on Acid Sulfate soils planning map

The land affected by the development falls within class 5 as identified on the Acids Sulphate Soils Planning Map. The proposed development does not include any works which are likely to lower the water table below 1 metre AHD on any adjacent class 1, 2, 3 or 4 land. Accordingly, no further investigations in respect to acid sulphate soils are required.

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

Within Draft Hawkesbury Local Environmental Plan 2009, the subject site is zoned IN1 General Industrial. The subject development is defined as 'industry'. The subject development is considered to be consistent with the relevant provisions of Draft Hawkesbury Local Environmental Plan 2009, including the IN1 General Industrial zone objectives.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

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

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Part A Chapter 3 – Notification

Adjoining, adjacent and neighbours selected in the vicinity of the development were notified as per the requirements of this chapter. One submission of objection was received from an adjoining Council. The matters raised in this submission are discussed further in this Report.

Part C Chapter 2 – Carparking and Access

The development provides for separate carparking and agitator truck parking located at the south eastern corner of the site. Fourteen (14) carspaces and nine (9) agitator truck spaces are proposed. No defined carparking rate for a concrete batching plant exists within Hawkesbury Development Control Plan 2002, apart from the carparking rate for industry, factory, warehouse and bulk stores which require four (4) spaces for all development up to 300m² of GFA. The proposed development seeks to erect two buildings (batch office and an amenities building) which will have a cumulative GFA of 54m².

An estimation of the traffic generation was prepared by Traffic Solutions Pty Ltd on the peak production rate of 50,000m³ (optimum production) a year. The modelling assumed that thirteen (13) staff vehicles and four (4) heavy vehicles would approach and depart in the morning peak hour and the situation would reverse in the evening peak hour. Accordingly, the internal layout of the development has been designed to cater for thirteen (13) carparking spaces to satisfy employee demand on the site.

Part D Chapter 2 – Industrial Development

Element	Rules	Proposed	Complies
Building Setback	(b) On all other streets, buildings are to be setback 10 metres from the front property boundary. Consideration will be given to reducing the setback to 4 metres where the proposal demonstrates a high level of design and architectural treatment plus suitable landscaping. This setback can also apply to buildings that are projected at first floor level over car parking areas.	> 35 metres to nearest structure – concrete batch office	Yes
	(d) The area between the street frontage and the minimum required building setback is to be reserved for landscaping and access. The provision of carparking spaces within this setback area will be considered provided the car spaces are not within 5m of the front boundary and are suitably screened by landscaping	10 metres	Yes
Relationship to adjacent development	(a) The applicant may be required to indicate how the industrial land could be developed and also show the location of landscaping, building and other site planning techniques with the aim of minimising impact of adjoining commercial, residential and/or rural uses	Doesn't adjoin residential, commercial or rural use	Yes
	(a) Building facades to street frontages are to be constructed predominantly of face brick, concrete panels or pre-		

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Element	Rules	Proposed	Complies
Building design and construction	coloured masonry blocks (not standard concrete blocks) or glazing. Partial use of pre-coloured metallic sheeting for the street façade will be considered where it enhances the architectural merit of the building.	Minor structures only	Yes
	(b) Front elevations provided with visual relief by varying the façade alignment, incorporating an entrance treatment, and/or orientating office facilities along the front façade. Roller shutters and loading docks should generally not be located on the principal street frontage.	Minor structures only	Yes
	(c) Walls separating factory units constructed in masonry where required by the Building Code of Australia, carried to the underside of the roof and sealed to Council's satisfaction. Sections of units may be partitioned with suitable materials.	Factory units are not proposed	NA
	(d) Where a lot contains a number of buildings, a colour scheme or design feature should be used to unify all buildings on the lot.		
	(e) The maximum reflectivity index permissible for any external glazing is 20%.	Only two detached buildings are proposed	NA
	a) Fencing located behind the landscaped area only. Decorative open style fencing will be considered forward of the building line.	Could be imposed as a Condition of consent	NA
Fencing	(b) Prepainted solid material fencing is not acceptable	No details provided of fencing proposed	Yes
	(a) Open storage areas are to be screened from the road and adjoining land by screen walls or other approved measures.	Can be resolved through conditions of consent	
Open storage areas	(b) Storage areas are to be located behind the building line		
	(a) An acoustic report prepared by a qualified acoustic consultant submitted prior to the approval of any noise generating development. The report	Storage bins located at the rear of the site and screened by plant	Yes

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Element	Rules	Proposed	Complies
Environmental Issues	shall include background noise measurements, suitable noise criteria, an assessment of noise and any noise control measures.	infrastructure	Yes
	(b) Any machinery or activity considered to create a noise nuisance adequately soundproofed in accordance with the provisions of the Protection of the Environment Operations Act 1997.	An acoustic assessment has been prepared for the development	Yes
	(c) All chemical storage areas designed and maintained in accordance with Work Cover Authority guidelines		Yes
	(d) Liquid waste sampling points provided for each industrial development in an easily accessible location above ground.		
	(e) All roofing provided with adequate gutter and down pipes connected to the roof water drainage. Down pipes discharging to an open grated surface inlet pit.		Yes
	(f) No industrial pollutants discharged to the stormwater and sewer without entering into a Trade Waste Agreement with either Council or Sydney Water.		Yes
	(g) The discharge of any pollutants into water courses as defined under the POE Act, controlled to the satisfaction of Council and EPA at all times.		Yes
	(h) Depending on the size, nature of use of the building, particular structures such as bund walls, oil or grit separators, neutralisers, drainage provisions and the like may be required.	Bunded and collected by a licenced contractor	Yes
		As above	Yes
		Bunding provided	Yes

As detailed above, the development is consistent with the rules for industrial development as per 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 or draft planning agreements applicable to the proposed development.

iv. Matters prescribed by the Regulations:

Should the proposal be granted approval, a condition of consent can be provided requiring all works to be carried out in accordance with the Building Code of Australia.

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

Context & Setting

The site is currently isolated from other industrial zoned land within the Hawkesbury Local Government Area and stands alone surrounded by land zoned special uses. Due to the site's isolation and current activity as a licensed waste storage, waste processing (non – thermal treatment) and resource recovery facility, the site is considered to be appropriately located in the context of its proposed use.

In respect to the four (4) silos, proposed to be erected in the centre of the development, the silos are considered to be adequately setback well within the site to limit any adverse visual impact via their form, height and structure as viewed from Racecourse Road. The applicants proposed to create a 10 metre wide landscape strip across the frontage of the site, containing existing mature trees, which will partially screen the silos from the street.

Access, Transport & Traffic

A traffic and parking assessment was prepared by Traffic Solutions Pty Ltd, dated September 2009 was submitted in support of the application. The traffic report concludes that the development is satisfactory in respect to the following:

“Good sight distance is provided to both directions from the access driveway within Racecourse Road, carparking on site is considered to be more than sufficient for day to day activities of the site, good level of service is provided at the intersections of Racecourse Road with Blacktown and Richmond Road, additionally traffic demand on the intersections modelled will only alter marginally the degree of saturation and total average delays and it is considered that the proposal does not warrant the provision of traffic calming in the surrounding road system.”

However, the consultant details that the proposed access driveway width of the development, currently fails to comply with AS 2890.2 – 2002, which the RTA have requested must be satisfied. The site characteristics permit compliance with this Standard and a condition of consent can be imposed in this regard should the proposal be granted approval.

Utilities

The adjoining site has previously been developed and sufficient utilities exist for the development to proceed. No further demand beyond the current supply of utilities is expected.

Heritage

The development site does not contain items of heritage significance, nor is it located adjacent or adjoining sites containing items of heritage significance.

Water

A 'Surface Water Assessment and Plan' prepared by Barker Ryan Stewart Pty Ltd dated January 2010 was submitted in support of the application.

This Report recommends that the following measures be implemented:

- *The storm water from the site is to be collected using a conventional pit and pipe system*
- *All process areas are to be bunded and runoff from these areas is directed back for reuse.*
- *The roof water is to be collected into a 10m³ rainwater tank and reused for non-potable water supply in the amenities and for irrigation purposes.*
- *A first flush is to be installed prior to the rainwater tank and diverted to the storm water first flush system for treatment.*
- *The storm water is treated through a primary settling and screening treatment system, prior to be stored for reuse.*
- *First flush flows are directed after primary treatment to underground storage tank(s) for water re-use (nominally a total capacity of 60m³).*
- *Site discharge controls are implemented and surface detention used to reduce peak flows to pre-developed flow rates.*

These recommend measures address the storm water, water demand and supply and water quality as outlined below.

Stormwater Controls

It is recommended that the following measures be implemented.

- *On-site water be collected using conventional stormwater system comprising of pits and pipes and that all roof and surface drainage systems be designed in accordance with AS3500.3.2 1998 and council engineering guidelines.*
- *Installation of a first flush tank with a volume of 60m³. These tanks would become part of the re-use process water for the plant and by the installation of a diversion pit would be separated from the stormwater discharge and detention system by diverting water once the tanks are full.*
- *The installed diversion pit would divert stormwater to the car park detention storage and then to an outlet in the swale drain on the southeastern corner of the site.*
- *Peak flow rates can be reduced back to peak pre-developed flow rates by a combination of retention and detention. It is recommended that environmental flow rates are maintained by utilising the underground storage tank as part of the retention component and for detention, using surface storage of up to 30m³ to 200mm in depth in the car park area.*

Water Demand and Supply

It is recommended that water harvesting be implemented on the proposed site and harvested water be used in the concrete production to reduce the draw on Mains water supply.

The following components would be used:

- *Capture and storage of roof stormwater in a 10 m³ tank for non potable use in the amenities*
- *Capture and storage of surface water in a 120 m³ system comprising of a 60m³ first flush and a 60m³ underground storage tank.*

The 10m³ rainwater tank would be installed for non-potable use and irrigation, and the overflow from the rainwater tank diverted to the underground storage tanks. This rainwater tank would capture water from the roofed areas and is estimated to yield an average of 70.05m³/year.

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This would reduce mains demand by approximately 86%. The 120m³ underground storage system would yield an average of approximately 3091m³/year reducing mains demand by approximately 41%.

If both the underground storage and rainwater tanks are implemented, it is estimated that, with an average monthly demand of 625m³ the average daily mains water requirements would be reduced to between 8.08kL/day in January (39% reduction) and 15.54kL/day in August (75% reduction).

Water Quality

To minimise and manage the risk of impacts on downstream waterways, the flows within the site would be separated and treated accordingly. This physical separation of process water and stormwater, particularly in discharge water from the site would be achieved by:

- *Diverting first flows to a first flush tank and then to the storage tank.*
- *Capturing the first 120m³ pf runoff from the site*
- *Bunding all process areas and diversion of this water to first flush tanks.*

By implementing these recommendations it is estimated that 95% of the time there would be no storm water discharge from the site and the volume of runoff would be significantly reduced. A majority of pollution would be captured by the first flush and used in the production of concrete. Given the physical separation by the diversion pit, bunding of process areas, a majority of pollution loads being captured by the first flush and large volume of water to achieve discharge from the site it is anticipated that any residual pollution concentrations would be significantly reduced.

The above controls will reduce the use of mains water and control the water quality for the site in accordance with the ANZECC Guidelines.

In their letter of 9 August 2011, the Department of Environment, Climate Change and Water (DECCW) raised concerns with existing stormwater management of the property, which is not satisfactory, and requested further information to demonstrate that adequate management of stormwater can be achieved for the development without adversely impacting on the existing stormwater management of the property. DCCW also requested that any 'additional information is to consider the impact of diverting stormwater flow on the Premises and how this stormwater runoff will be managed in the limited space available.'

The DECCW request for additional information was forwarded to the applicant on 10 August 2011. To date no response to the matters raised by the Department has been received.

As a result a full assessment of the stormwater management of the proposed development cannot be undertaken.

Air & Micro-climate

An 'Air Quality Assessment' was prepared by PAEHolmes, dated September 2009 and submitted with the application. This Report concluded:

"This Report has assessed the potential impacts associated with the operation of a proposed concrete batching plant at Clarendon. There are a number of dust control strategies that will be put into place in order to reduce the potential emissions from the plant. These will include fully enclosing the batching tower and storage silos, partially in-ground aggregate storage bins with water sprays at the unloading area and paving the site to reduce dust generation from vehicle movement.

Dispersion modelling has been used to predict off-site dust levels due to both the plant on its own and in combination with the adjacent recycling operation. The modelling results showed that both the 24-hour and annual average PM₁₀, as well as the annual average TSP and

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deposition levels are all predicted to be below the DECCW's assessment criteria at the nearest residences, even when considering existing levels. It is concluded that air quality impacts due to operations at the proposed concrete batching plant would be at acceptable levels.

It was estimated that the proposed production level would release approximately 354 t/y CO₂-e, which represents an increase of less than 0.00007% in the NSW emissions based on the 2008/2009 emissions."

The report concludes that air quality impacts based on the operations of the concrete batching plant would be acceptable levels, with predicted levels below DECCW assessment criteria.

Management of potential dust impacts will be implemented through the following measures:

- *Use of water sprays at aggregate unloading areas;*
- *Completely paved area (excepting the landscaped area at the front of the site);*
- *Covered conveyors;*
- *Shielded storage bins,*
- *An enclosed pneumatic transfer system fitted with reverse pulse filters for cement and flyash delivery;*
- *Wetting down of areas during protracted dry or windy conditions; and*
- *Covered truck loads.*

It is considered that these measures be included in an Operational Management Plan for the development, which can be provided by way of conditions of consent should the proposal be approved.

Flora & Fauna

To the immediate east and north of the site, Shale Plains Woodland exists, which forms part of remnant Cumberland Plain Woodland, a listed critically endangered ecological community under Commonwealth and State legislation.

A Report prepared by Geoff Cunningham Natural Resource Consultants Pty Ltd was submitted to address concerns raised in respect to the impact of the development on the adjoining Shales Plain Woodlands. This Report concludes "*It is my opinion that, based on the available evidence, the construction of the proposed concrete batching plant would not have any significant impact on the adjoining endangered Shale Gravel Transition Forest endangered ecological community. In fact the current impacts (given the undeveloped state of the site) may well be lessened once the proposed development and associated safeguards are in place*".

Given the above, it is considered that the requirements of Part 5A of the EP & A Act are satisfied in that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats

Waste

The operation will generate waste in the form of excess concrete being brought back to the concrete batching plant in the transit mixers. Other wastes include waste slurry from the wedge pits and from tank clean-outs, packaging, used drums and containers as well as waste oil and general waste from the lunchroom. It is proposed by the applicant that any waste concrete not needed on the destination site would be returned to the project site and then made into concrete blocks for use at the proponents quarry. Wastes from the clean out of wedge pits and tanks would be transferred to the adjacent waste recycling facility. Waste oils and chemicals will be stored in containers in a bunded storage area and disposed of by a licensed contractor.

Noise & Vibration

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A 'Noise Impact Assessment' report prepared by Spectrum Acoustics dated December 2009 was submitted in support of the application. This Report concluded:

"An assessment has been conducted to determine the noise impacts of the proposed operation of a concrete batching plant at 306 Racecourse Road, Clarendon, NSW.

No exceedance of construction, operational, cumulative or off-site traffic noise criteria have been predicted at any residential receiver. The only exception is that no more than one truck (2 movements) should pass by residences on Racecourse Road prior to 7am in order to achieve the night time traffic noise criterion at these residences.

Since the residential receivers are sufficiently distant from the project site, and predicted noise levels are sufficiently below the relevant criteria, no noise compliance monitoring has been recommended."

In their letter of 2 July 2011 the Department of Environment, Climate Change and Water (DECCW) raised concerns in respect to noise modelling and the cumulative impact of noise associated with the adjoining waste recovery activity. Additional information in respect to noise was provided by the applicant on 21 June 2011.

Following an assessment of the additional information, it is considered that the proposed development will have no adverse impact on the locality respect to noise.

Natural Hazards

The development site is bushfire prone land and is entirely inundated by the 1 in 100 year flood event. The site constraint of bushfire is unlikely to affect the construction of the concrete batching plant and associated plant infrastructure. In respect to the flooding impacts upon the development, Clause 25(6) of Hawkesbury Local Environmental Plan 1989 permits minor structures to exist upon land within flood affected areas. As the concrete batch office and amenities building are considered to be minor structures, the development can satisfy the requirements of Clause 25(6) of Hawkesbury Local Environmental Plan 1989.

However, a bunded diesel tank is proposed to be located below the 1 in 100 year flood event. The tank is not considered to be a minor structure as it contains 10,000 litres of diesel fuel, with the ability to pollute the flood plain. In correspondence issued to the applicant dated 24 September 2010, it was advised that the diesel tank shall be raised above the 1 in 100 year flood event. The applicant has agreed to this. Whilst details of how this is to be done have not been received it is considered that these details can be obtained via conditions of consent should the proposal be approved.

Site Design and Internal Design

The internal site design demonstrates that the development has the ability to satisfy AS2890.2 – 2002 and AS2890.1 - 2004 with regard to off street parking facilities for cars and commercial vehicles, and driveway widths for trucks.

Cumulative Impacts

The application was referred to DECCW in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their most recent letter of 9 August 2011, DECCW raised concerns with existing stormwater management of the property, which is not satisfactory, and requested further information to demonstrate that adequate management of stormwater can be achieved for the development without adversely impacting on the existing stormwater management of the property. DECCW also requested that any 'additional information is to consider the impact of diverting stormwater flow on the Premises and how this stormwater runoff will be managed in the limited space available.'

This information was requested on 10 August 2011. No details have been received to date.

c. Suitability of the site for the development:

In the absence of critical information to make an informed assessment of the impacts of the proposal relating to soil contamination and stormwater management, it is considered that the site is not suitable to support the proposed development in its current form.

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

The application was advertised for the period 3 June 2010 to 3 July 2010. One submission of objection was received from an adjoining Council, raising the following concerns: access and traffic, hours of operation and the impact on Cumberland Plain Woodland.

The hours of operation, given the site location and distance to residential properties, are considered acceptable. The other issues raised in this submission have been addressed previously in this report.

Department of Defence

The application was referred to the Department of Defence for comment. In their letter of reply dated 13 July 2010, the Department of Defence advised:

Structural height

The proposed concrete batching plant has been checked against the Obstruction Clearance surfaces (OCS) for RAAF Base Richmond. Given a total structure height of 20 metres above ground level in the proposed location, Defence can advise that the concrete batching plant will not infringe any fixed winged OCS at RAAF Base Richmond.

Dust generation

As dust can pose a potential hazard to the safety of aircraft, Defence notes the importance of ensuring the proposal is not a significant generator of dust.

It is considered that measures can be implemented to ensure that any dust emissions from the development do not cause a nuisance by way of conditions of consent should the proposal be approved.

Roads and Traffic Authority (RTA)

The application was referred to the RTA in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their letter of reply dated 25 June 2010, the RTA advised:

The information provided has been reviewed and the RTA has no objection in principle to this development application subject to the following comments being included as conditions of consent:

1. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 -2004 and AS 2890.2 – 2002 for heavy vehicle usage.
2. The type BAR Right Turn Treatment on Racecourse Road shall be designed to meet Council's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia).

The design requirements shall be in accordance with Austroads and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Council for consideration and approval prior to the release of Construction Certificates.

3. It is noted that the sight distance requirements are obscured to the south by trees. To minimise the intermittent restriction to these sight lines and to improve safety for vehicles exiting the site it is recommended that consideration be given to the removal of some of these trees (subject to expert consideration) at full cost to the developer.

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4. All works associated with the proposed development shall be at no cost to the RTA.

Department of Environment, Climate Change and Water (DECCW)

The application was referred to DECCW in accordance with Section 77 of the Environmental Planning and Assessment Regulation, 2000 for comment. In their letter of reply dated 2 July 2010, DECCW advised:

Currently the Premises is a licensed waste storage, waste processing (non-thermal treatment), and resource recovery facility (Environmental Protection Licence 4849). The proposed batching plant is proposed to be co-located within the Environmental Protection Licence 4849 Premises. The licence may therefore need to be amended if the development application is approved.

Following the submission of additional information by the applicant and referral to DECCW, the Department requested further additional information in respect to alleged fill at the Premises, details of the location and size of the concrete batching plant in relation to stockpiles being the subject of a 'clean-up' notice and stormwater management.

e. The Public Interest:

Without sufficient information to fully assess the application to determine the potential impacts of the development having regard to stormwater management and uncontrolled fill, the application is considered not to be within the public's interest.

Conclusion:

The development site has been filled in the past. It is unknown as to the extent of filling on the property or whether or not this fill is contaminated and therefore suitable or not for retention on the site. Removal of the fill may have implications on the stormwater management of the development, and the site as a whole. In addition, the Department of Environment, Climate Change and Water have raised concerns in relation to the material on the site and its suitability. Additional information, as requested, in relation to the uncontrolled fill has not been submitted to enable an assessment of these matters. As a result, it is difficult to be satisfied, in accordance with State Environmental Planning Policy No. 55, as to whether or not the land is contaminated, and if so the appropriate method of remediation.

In the absence of critical information about uncontrolled fill and stormwater management to make an informed assessment of the impacts of the proposal, it is considered that the site is not suitable to support the proposed development in its current form.

Developer Contributions

Section 94A Development Contribution Plan

A contribution plan applies to the land under Section 94A of the Environmental Planning and Assessment Act, 1979 and requires a levy of 1% to be imposed on development. In this instance, as the recommendation is for the refusal of the application, no contributions have been levied against the development. However, the applicable amount would be \$20,000.00 should the proposal be approved.

Planning Decision

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

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RECOMMENDATION:

That Development Application DA0230/10 at Lot 178 DP 752032 Lot 178 DP 752032, 306 Racecourse Road, South Windsor for Industry - construction and operation of a concrete batching plant be refused for the following reasons:

1. The proposed development is inconsistent with the provisions of State Environmental Planning Policy No. 55.
2. Insufficient information about uncontrolled fill and stormwater management was supplied to enable a full assessment of the application.
3. The proposed development does not satisfactorily address all likely impacts of the development upon the natural and built environment, specifically the issues of potential contamination of the land and stormwater management.
4. Due to the above reasons, the proposal is considered to not be in the general public interest.

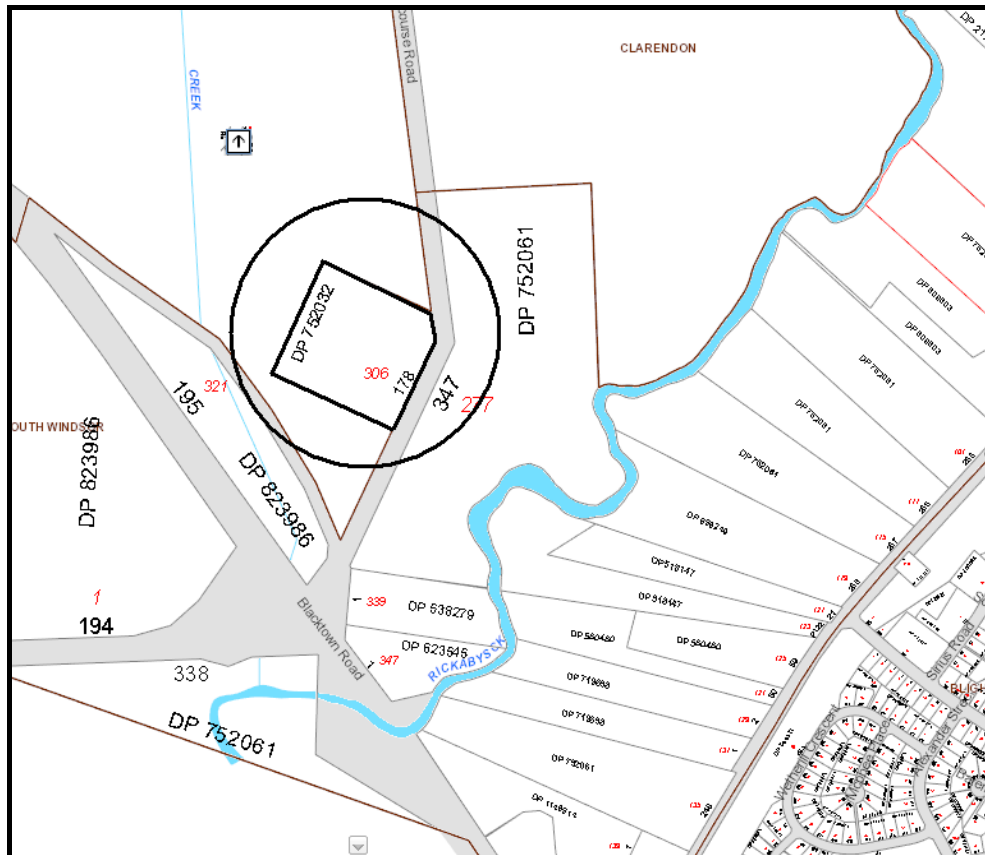
ATTACHMENTS:

- AT - 1** Locality Plan and Aerial Photo
- AT - 2** Project Site Layout
- AT - 3** Site Layout
- AT - 4** Batching Plant Front and Side Elevations

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AT - 1 - Locality Plan and Aerial Photo
Lot 178 DP 752032, No. 306 Racecourse Road, South Windsor



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The site plan shows Lot 178 DP752032, which is a rectangular area with a total area of 6460m². The lot is bounded by Racecourse Road to the north and east. The project site boundary is shown in red, and the cadastral boundary is shown in black. The dimensions of the lot are as follows:

- North boundary: 91.1m
- West boundary: 52.8m
- East boundary: 24.7m
- South boundary: 7.8m

The dimensions of the project site boundary are as follows:

- North boundary: 44.8m
- West boundary: 41.8m
- East boundary: 48.5m
- South boundary: 3.3m

The area of the project site is 6460m². The site is located in the Remainder of Lot 178 DP752032.

SCALE 1:1 000

Figure 2.1
PROJECT SITE

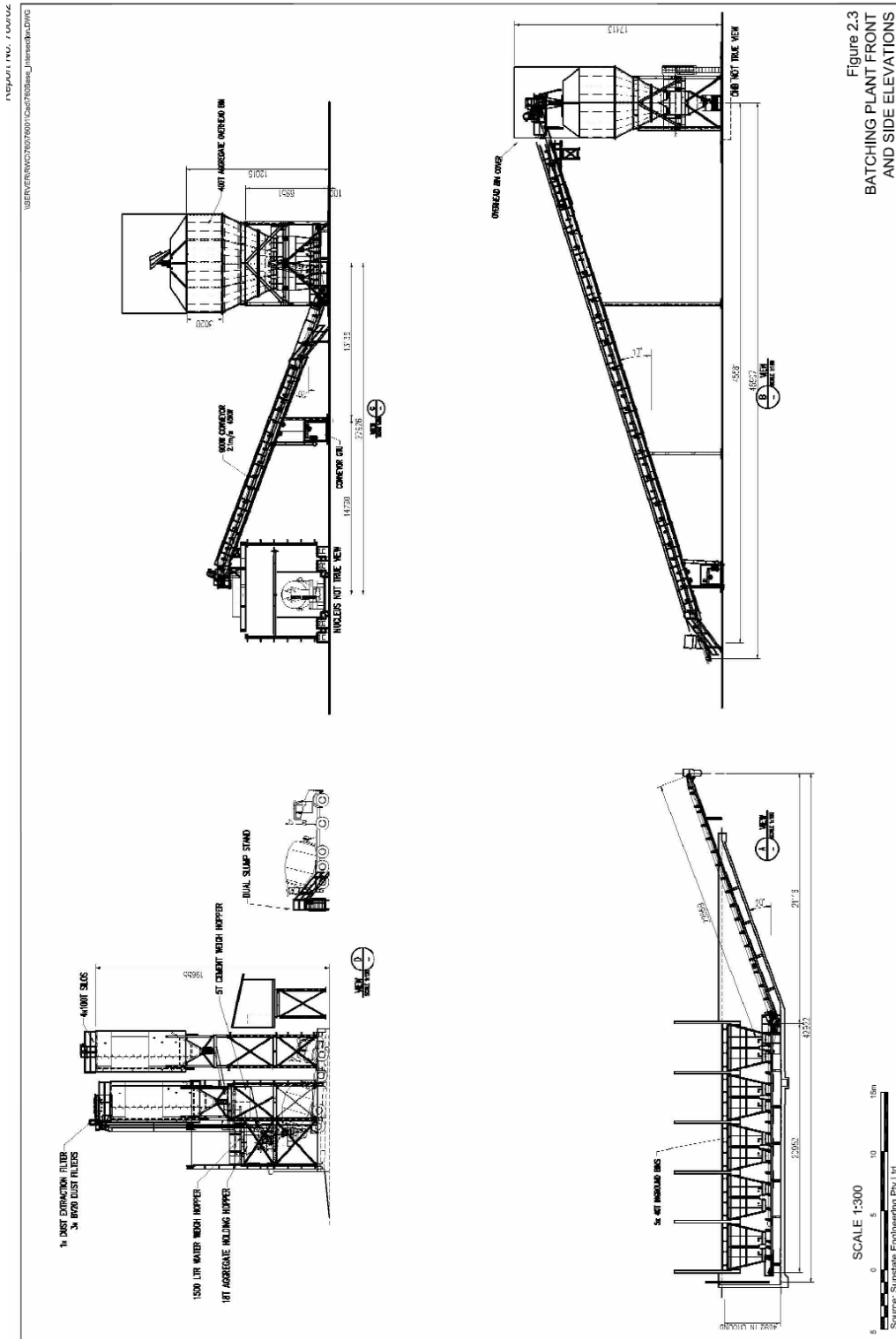
Meeting Date: 11 October 2011

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AT - 4 - Batching Plant Front and Side Elevations Lot 178 DP 752032, No. 306 Racecourse Road, South Windsor



oooO END OF REPORT Oooo

Item: 234 CP - Changes to Operation and Makeup of Joint Regional Planning Panel - (95498, 117061)

REPORT:

Executive Summary

The NSW Government has now introduced changes, forecast earlier this year, to the operation and makeup of the Joint Regional Planning Panel (JRPP). One of the key changes will result in some categories of development applications previously determined by the JRPP now being returned to local councils for determination.

The changes are further outlined in this report for Council's information.

Consultation

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

Background

Earlier this year the NSW Government signalled that it would repeal Part 3A of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and replace it with an alternative system for the assessment of projects of genuine State significance.

The Government statement at that time advised:

The changes will:

"...result in a reduction in the number of projects dealt with by the State, and those that do not qualify as State significant will go to the local council for assessment.

The new system is intended to serve as an interim measure while an overall review of the NSW planning system is carried out by the government."

The changes include

- *"...An increase in the capital investment threshold for most development types assessed by regional panels from \$10 million to \$20 million;*
- *A change in membership of the regional panels so that one of the State-appointed members will be appointed by the Minister for Planning and Infrastructure as an independent chairperson with the concurrence of the Local Government & Shires Association; and*
- *That the regional panels will no longer be the consent authority for development applications for certain types of subdivisions, certain coastal development and some designated development."*

Current Situation

The Regional development criteria is currently outlined in the State Environmental Planning Policy (Major Development) 2005. Changes to the legislation came into effect on 1 October 2011 with the commencement of the State Environmental Planning Policy (State and Regional Development) 2011

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(SEPP), the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011 and the Environmental Planning and Assessment Act Amendment.

As a result of the new SEPP, there are a number of development applications types which will no longer meet the criteria to be considered as “Regional development”.

The SEPP does not provide for 'Savings and Transitional' provisions hence any current applications that would have previously been categorised as “Regional Development” now revert to the local planning delegations. There is currently only one development application for the Hawkesbury City Council area that would be affected by this change:

- DA0290/11 – Concrete Batching Plant – Racecourse Road, Clarendon

This application is also the subject of a separate report on this meeting's agenda.

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

No financial implications applicable to this report.

RECOMMENDATION:

That the information regarding the changes to the Joint Regional Planning Panel be received and noted.

ATTACHMENTS:

AT - 1 Planning Circular from Department of Planning dated 30 September 2011.

AT - 1 Planning Circular from Department of Planning dated 30 September 2011.

**Planning &
Infrastructure**

PLANNING circular

PLANNING SYSTEM

State environmental planning policies

Circular	PS 11-020
Issued	30 September 2011
Related	PS 09-016; PS 09-017; PS 10-009

Return of certain regional development to councils for determination

This circular is to advise councils, applicants and the community about the reduction in the classes of regional development, changes to joint regional planning panels (regional panels) and procedures relating to them. Regional redevelopment is development that is assessed by councils but determined by regional panels. Development no longer included in the classes of regional development will now be determined by councils.

Introduction

As part of the government's commitment to reform of the NSW planning system, from 1 October 2011 regional panels will no longer determine:

- development applications for some designated development
- development applications for smaller coastal subdivisions and other coastal development
- development applications lodged from 1 October 2011 for residential subdivisions of more than 250 lots
- development applications lodged from 1 October 2011 for 'general development' with a capital investment value (CIV) of between \$10 million and \$20 million.

Development applications for these development types will now be returned for determination by the council of the area concerned. This will see about 55 per cent of the development applications determined by regional panels returned to councils.

Changes to regional development and regional panels

The *Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011* (the Repeal Act) commences on 1 October 2011. New classes of regional development are now set out in Schedule 4A, of the *Environmental Planning and Assessment Act 1979* (the Act). This schedule replaces the former classes of regional development set out in Part 3 of State Environmental Planning Policy (Major Development) 2005 (MD SEPP).

Savings and transitional provisions are set out in Schedule 6A clause 15 of the Repeal Act.

The new State Environmental Planning Policy (State and Regional Development) 2011 sets out the functions of regional panels in determining applications for regional development. These functions have been transferred from Part 3 of the MD SEPP, which has been repealed.

The Repeal Act also makes changes to the way the chairpersons of regional panels are appointed.

As a result of these changes the operational procedures and code of conduct for regional panels will be reviewed in the coming months. This circular includes some interim changes to the operating procedures pending the updating.

Revised classes of regional development

Designated development – reduced

The types of designated development that are regional development have been reduced. Only the following types of designated development are now regional development:

- extractive industries
- marinas
- waste management facilities.

Marinas are no longer a type of development considered as state significant development, and the thresholds for extractive industries and waste management facilities as state significant development have been raised. This will result in more applications in these classes being assessed by councils and determined by regional panels.

An undetermined development application (DA) lodged before 1 October 2011 for designated development types not continuing as regional development will now be determined by councils, not regional panels.

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Department of Planning & Infrastructure – Planning Circular PS 11-020

Accordingly, from 1 October 2011 regional panels will only determine a DA for designated development lodged before 1 October 2011 that is for:

- an extractive industry
- a marina
- a waste management facility.

Coastal development – reduced

Several types of coastal development that were formerly regional development have been returned to councils for determination, including:

- caravan parks, tourist and visitor accommodation
- buildings and structures over 13 metres
- small subdivisions.

An undetermined DA lodged before 1 October 2011 for these development types will now be determined by councils, not regional panels.

The coastal development class for regional development now only includes the former Part 3A large coastal subdivision class transferred to regional panels on 13 May 2011. This class comprises the following development within the coastal zone:

- subdivision into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system
- subdivision of land for residential purposes into more than 100 lots, if the land:
 - is not in the metropolitan coastal zone, or
 - is wholly or partly in a sensitive coastal location
- subdivision of land for rural-residential purposes into more than 25 lots, if the land:
 - is not in the metropolitan coastal zone, or
 - is wholly or partly in a sensitive coastal location.

From 1 October 2011 regional panels will only continue to determine existing undetermined DAs in this class that are for large coastal subdivisions and were lodged from 13 May 2011 onwards.

Private infrastructure and community facilities over \$5 million – changed

The description of this class has been changed to simplify the ordering of the types of development and to avoid overlap with development already included in the Crown development class. Notwithstanding these changes the class captures the same development types as it did before 1 October 2011.

As such the relevant regional panel will continue to determine DAs lodged either before or after 1 October 2011.

Residential subdivisions over 250 lots – abolished

This class is no longer regional development. Any DAs lodged for these subdivisions from 1 October 2011 will be determined by the relevant council.

An undetermined DA for these subdivisions lodged before 1 October 2011 will continue to be determined by the relevant regional panel.

General development over \$10 million – threshold raised to \$20 million

The most significant change to the regional development classes is the CIV threshold for general development has been raised from \$10 million to \$20 million. This means that from 1 October new DAs lodged for development with a CIV under \$20 million will generally be determined by the relevant local council.

DAs for development with a CIV between \$10 million to \$20 million lodged with council before 1 October 2011 will continue to be determined by the relevant regional panel.

Development subject to delays in determination – new class and new procedures

This new class provides that general development with a CIV of more than \$10 million but less than \$20 million which remains undetermined 120 days after lodgement with council may be referred by the applicant to the regional panel for determination. The referral will not be accepted if the delay in determining the DA was caused by the applicant.

Councils are still asked to register DAs in this class with the panel secretariat as if they were DAs to be determined by the regional panel and update the regional panel development register at the secretariat when the DA is determined by council. This will enable the secretariat to continue to monitor DA determination times in this class and to act promptly should the DA be referred to the regional panel after 120 days.

The department is developing a template referral form for applicants and councils to keep the referral process simple and consistent. The template and referral procedures will be published shortly.

Modification of development consents

Councils will also be the consent authority for modification applications where the development was approved by the regional panel but where the development is no longer a class of regional development. Councils will now determine those modification applications whether lodged before or after 1 October 2011.

Appointment of regional panel chairpersons

A regional panel comprises three members appointed by the Minister for Planning and Infrastructure, and two members nominated by the relevant local council. The appointment of an independent chairperson from one of the members appointed by the government now requires the concurrence of the Local Government and Shires Associations.

These new arrangements are intended to provide more equitable representation on the panels for local councils.

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Department of Planning & Infrastructure – Planning Circular PS 11-020

The new provisions will only apply on future appointments of chairpersons. The current appointments of regional panel chairpersons expire on 30 June 2012.

Changes to the operational procedures, code of conduct and delegations

The operational procedures and code of conduct will be updated to reflect the changes outlined above. It is proposed that public comment will be sought on the revised procedures before they are adopted by the Minister for Planning and Infrastructure.

The existing delegations of regional panel decision making functions to councils approved by the former Minister for Planning expire on 30 September 2011. No development applications should be determined under those delegations after 30 September 2011.

Given the return to councils of the decision making role for more than half the applications formerly determined by regional panels, the issue of future delegations from the regional panels will be considered as part of the upcoming review of the operational procedures.

Further information

The delegation can be found on the department's website at www.planning.nsw.gov.au.

If you have further enquiries, please contact:

- NSW Department of Planning and Infrastructure
23–33 Bridge Street, Sydney NSW 200
GPO Box 39, Sydney NSW 2001
Email: information@planning.nsw.gov.au
Phone: (02) 9228 6111
Fax: (02) 9228 6455
- The Panel Secretariat
Email: jrppenquiry@jrpp.nsw.gov.au
Phone: 1300 948 344
(02) 9383 2121
Website: www.jrpp.nsw.gov.au

Department of Planning and Infrastructure circulars are available from www.planning.nsw.gov.au/circulars.

Authorised by:

Tom Gellibrand
A/Director-General

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 235 IS - Pitt Town Progress Association - Memorial to the Late Dr Rex Stubbs OAM at Brinsley Park, Pitt Town - (95495)

REPORT:

Executive Summary

Following a request from the Pitt Town Progress Association, it is recommended to support the proposal to place a suitable memorial and plaque in the "Pioneer Memorial Reserve", adjacent to Brinsley Park, Pitt Town in honour of the Late Dr. Rex Stubbs OAM.

Consultation

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

Background

The Pitt Town Progress Association has forwarded a request to place a suitable memorial and plaque in the "Pioneer Memorial Reserve", adjacent to Brinsley Park, Pitt Town in honour of the Late Dr. Rex Stubbs OAM.

The area of land referred to, whilst not officially named Pioneer Memorial Reserve, is situated at the intersection of Eldon and Somerset Streets and is part of Brinsley Park.

As part of Council's Bicentennial Celebrations for 1794 to 1994, privately sponsored trees were planted in this area with plaques placed near the trees as a memorial to pioneer families. Over time many of the trees have died and a number of plaques have disappeared. Whilst it is considered that the replacement of the plaques is not the responsibility of Council, it would seem reasonable that should Council support the Progress Association's request, that the area be replanted with appropriate tree species.

There were a number of other issues identified with the maintenance of the area and these will be addressed as part of normal maintenance activities.

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) strategy in the Community Strategic Plan being:

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

Funding for improvements to the park will be provided from the Parks Maintenance Budget.

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RECOMMENDATION:

That:

1. The request submitted by the Pitt Town Progress Association to place a suitable memorial and plaque within the area known as Pioneer Memorial Reserve being part of Brinsley Park, Pitt Town be supported.
2. Appropriate improvements to the area, within budgetary constraints, be undertaken in conjunction with the Association.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

SUPPORT SERVICES

Item: 236 SS - General Purpose Financial Statements and Special Purpose Financial Statements for 2010/2011 - (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 Statements for 2010/2011 have been completed and are ready for audit.

The purpose of this report is to refer the Annual Financial Statements for 2010/2011 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 a 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 Statements for 2010/2011 have been completed and are ready for audit. This report recommends that Council refer the draft financial statements for audit by completing the Statements attached as Attachment 1 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 Responsible Accounting Officer, and
 - (iv) the General Manager

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

ORDINARY MEETING

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- (c) Whether or not those reports are in accordance with the Council's accounting and other records; and
- (d) Whether or not the signatories know of anything that would make those reports false or misleading in any way.

Council's Financial Statements 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.

The Financial Statements are prepared by Council staff and comply with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting. The Statements are required to be audited by an independent auditor, and lodged with the Division of Local Government (DLG) before 7 November 2011.

An unaudited copy of the Annual Financial Statements for the financial year 2010/2011 was presented to Council's Audit Committee meeting held on 27 September 2011. At that meeting, Council's External Auditor, Mr Dennis Banicevic from PricewaterhouseCoopers summarised the financial results and Council's financial position as presented in the draft financial statements. At that meeting, the Audit Committee sought clarifications on and discussed a number of issues relating to the draft statements presented, and resolved to receive the information concerning the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2011.

The table below provides a summary of the key results. These figures are draft and may be subject to audit adjustments.

Item	2010/2011	2009/2010
Income from continuing operations	\$66.2M	\$78.5M
Expenses from continuing operations	\$68.0M	\$56.5M
Net Operating result	(\$1.8M)	\$22.0M
Capital Grants and Contributions	\$10.4M	\$21.2M
Total Assets	\$799.1M	\$707.2M
Total Equity	\$777.3M	\$687.2M
Cash and Investments	\$44.0M	\$44.6M
Unrestricted Current ratio	4.19	4.35
Rates, Annual Charges, Interest & Extra Charges Outstanding Ratio	7.05%	6.37%

A copy of the audited General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2011, will be submitted for adoption at the Council Meeting on 8 November 2011. A detailed explanation on these key results will be included in the financial statements presented at that meeting. At the Council Meeting on 8 November 2011, a presentation relating to these statements will be given by Council's External Auditor, Mr Banicevic from PricewaterhouseCoopers.

This report recommends that Council refer the draft financial statements for audit, by completing the attached Statements (Attachment 1).

ORDINARY MEETING

Meeting Date: 11 October 2011

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

Funding

There are no financial implications applicable to this report.

RECOMMENDATION:

That:

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 Statements for 2010/2011 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 Statements present fairly the Council's financial position and operating result for the year; and
 - (c) The Statements are in accordance with the Council's accounting and other records; and
 - (d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the "Statements 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** Statements by the Council on the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2011.

ORDINARY MEETING

Meeting Date: 11 October 2011

AT - 1 Statement by the Council on the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2011

HAWKESBURY CITY COUNCIL

**General Purpose Financial Statements
FOR THE YEAR ENDED 30 June 2011**

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

The General Purpose Financial Statements have 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, these Statements:

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

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

Signed in accordance with a resolution of Council made on 11 October 2011

Councillor Kim Ford, Mayor

Councillor Tiffany Tree, Deputy Mayor

Peter Jackson, General Manager

Emma Galea, Responsible Accounting Officer

HAWKESBURY CITY COUNCIL

**Special Purpose Financial Statements
FOR THE YEAR ENDED 30 June 2011**

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

The Special Purpose Financial Statements 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 NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines - "Best Practice Management of Water and Sewerage".

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

- 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 Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 11 October 2011

Councillor Kim Ford, Mayor

Councillor Tiffany Tree, Deputy Mayor

Peter Jackson, General Manager

Emma Galea, Responsible Accounting Officer

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 October 2011

Item: 237 **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.

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).

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

Councillor	Return Period	Date Lodged
BASSETT, Bart	1/07/10 - 30/06/11	13/07/11
CALVERT, Barry	1/07/10 - 30/06/11	27/09/11
CONOLLY, Kevin	1/07/10 - 30/06/11	20/09/11

ORDINARY MEETING

Meeting Date: 11 October 2011

FORD, Kim	1/07/10 - 30/06/11	26/07/11
MACKAY, Warwick	1/07/10 - 30/06/11	20/09/11
PAINE, Christine	1/07/10 - 30/06/11	30/08/11
PORTER, Bob	1/07/10 - 30/06/11	5/07/11
RASMUSSEN, Paul	1/07/10 - 30/06/11	27/09/11
REARDON, Jill	1/07/10 - 30/06/11	12/07/11
TREE, Tiffany	1/07/10 - 30/06/11	27/09/11
WHELAN, Wayne	1/07/10 - 30/06/11	26/09/11
WILLIAMS, Leigh	1/07/10 - 30/06/11	27/09/11

Position	Return Period	Date Lodged
General Manager	1/07/10 - 30/06/11	15/07/11
Human Resources Manager	1/07/10 - 30/06/11	15/07/11
Human Resources Officer	1/07/10 - 30/06/11	8/08/11
Corporate Communication Manager	1/07/10 - 30/06/11	4/08/11
Corporate Communication Manager	1/07/10 - 30/06/11	15/08/11
Manager Risk Management	1/07/10 - 30/06/11	15/07/11
Senior Strategic Planner	1/07/10 - 30/06/11	22/07/11
Internal Auditor	29/03/11 - 30/06/11	4/08/11
Director City Planning	1/07/10 - 30/06/11	19/07/11
Planning Manager	1/07/10 - 30/06/11	24/08/11
Senior Strategic Planner	1/07/10 - 30/06/11	17/08/11
Senior Strategic Co-ordinator	1/07/10 - 30/06/11	29/08/11
Senior Strategic Planner	1/07/10 - 30/06/11	12/08/11
Senior Strategic Planner	1/07/10 - 30/06/11	18/07/11
Senior Strategic Planner	1/07/10 - 30/06/11	22/08/11
Subdivision & Development Engineer	1/07/10 - 30/06/11	8/08/11
Town Planning Co-ordinator	1/07/10 - 30/06/11	12/09/11
Town Planner	1/07/10 - 30/06/11	12/09/11
Town Planner	1/07/10 - 30/06/11	4/08/11
Town Planner	1/07/10 - 30/06/11	18/07/11
Building and Development Co-ordinator	1/07/10 - 30/06/11	19/08/11
Building & Development Officer	1/07/10 - 30/06/11	28/07/11
Building & Development Officer	1/07/10 - 30/06/11	8/08/11
Senior Building Surveyor	19/01/11 - 30/06/11	30/09/11
Executive Manager - Community Partnerships	1/07/10 - 30/06/11	11/08/11
Customer Services Manager	1/07/10 - 30/06/11	10/08/11
Community Programs Co-ordinator	10/07/10 - 30/06/11	7/09/11
Manager Regulatory Services	1/07/10 - 30/06/11	21/07/11
Senior Environmental Health Officer	1/07/10 - 30/06/11	26/08/11
Environmental Health Officer	1/07/10 - 30/06/11	12/09/11
Environmental Health Officer	1/07/10 - 30/06/11	23/09/11
Environmental Health Officer	1/07/10 - 30/06/11	29/07/11
Environmental Health Officer	1/07/10 - 30/06/11	1/08/11
Technical Officer - SMF	10/07/10 - 30/06/11	26/08/11
Technical Officer - SMF	10/07/10 - 30/06/11	26/08/11
Companion Animals Team Leader	1/07/10 - 30/06/11	25/07/11
Companion Animals Controller	1/07/10 - 30/06/11	25/07/11
Companion Animals Controller	1/07/10 - 30/06/11	22/07/11
Administration Officer	1/07/10 - 30/06/11	21/07/11
Compliance & Enforcement Co-ordinator	1/07/10 - 30/06/11	20/09/11
Compliance & Enforcement Officer	21/09/11 - 30/06/11	12/08/11
Compliance & Enforcement Officer	1/07/10 - 30/06/11	24/08/11
Compliance & Enforcement Officer	1/07/10 - 30/06/11	21/07/11
Parking Patrol Officer (Casual)	1/07/10 - 30/06/11	19/08/11

ORDINARY MEETING**Meeting Date: 11 October 2011**

Position	Return Period	Date Lodged
Parking Patrol Officer	13/07/10 - 30/06/11	2/08/11
Parking Patrol Officer	1/07/10 - 30/06/11	11/08/11
Director Infrastructure Services	1/07/10 - 30/06/11	25/07/11
Manager Building and Associated Services	29/03/11 - 30/06/11	28/09/11
Building Services Officer	1/07/10 - 30/06/11	21/09/11
Building Services Officer	1/07/10 - 30/06/11	28/09/11
Building Services Officer	1/07/10 - 30/06/11	24/07/11
Manager Construction & Maintenance	1/07/10 - 30/06/11	29/08/11
Construction / Maintenance Engineer	1/07/10 - 30/06/11	23/08/11
Manager Parks & Recreation	1/07/10 - 30/06/11	29/07/11
Land Management Officer	1/07/10 - 30/06/11	09/08/11
Land Management Officer	1/07/10 - 30/06/11	29/09/11
Project Officer	1/07/10 - 30/06/11	20/07/11
Parks Foreman	1/07/10 - 30/06/11	18/07/11
Swimming Pool Superintendent	10/07/10 - 30/06/11	20/07/11
Manager Water & Waste Management	1/07/10 - 30/06/11	15/07/11
Waste Management Officer	1/07/10 - 30/06/11	18/07/11
Wastewater Maintenance/Project Engineer	10/07/10 - 30/06/11	12/09/11
Wastewater Maintenance/Project Engineer	10/07/10 - 30/06/11	27/07/11
Design Engineer	10/07/10 - 30/06/11	12/09/11
Manager Design & Mapping Services	1/07/10 - 30/06/11	23/08/11
Design Investigation/Project Engineer	1/07/10 - 30/06/11	26/07/11
Project Engineer	1/07/10 - 30/06/11	17/08/11
GIS Co-Ordinator	1/07/10 - 30/06/11	27/07/11
Director Support Services	1/07/10 - 30/06/11	22/07/11
Manager Corporate Services & Governance	10/05/11 - 30/06/11	28/09/11
Senior Property Officer	1/07/10 - 30/06/11	15/07/11
Property Officer	1/07/10 - 30/06/11	15/07/11
Publishing Manager	1/07/10 - 30/06/11	26/07/11
Chief Financial Officer	1/07/10 - 30/06/11	1/09/11
Senior Financial Accountant	1/07/10 - 30/06/11	9/09/11
Senior Management Accountant	7/12/10 - 30/06/11	18/07/11
Rates Team Leader	1/07/10 - 30/06/11	5/09/11
Supply Co-ordinator	1/07/10 - 30/06/11	24/08/11
Administration Officer (Purchasing)	1/07/10 - 30/06/11	25/07/11
Administration Officer (Purchasing)	1/07/10 - 30/06/11	22/07/11
Information Services Manager	1/07/10 - 30/06/11	15/07/11
Senior Network Administrator	1/07/10 - 30/06/11	9/09/11
Manager Cultural Services	1/07/10 - 30/06/11	28/07/11
Information & Lending Services Librarian	1/07/10 - 30/06/11	31/08/11
Local Studies & Outreach Librarian	1/07/10 - 30/06/11	15/08/11
Museum & Gallery Director	1/07/10 - 30/06/11	21/07/11

All the above Councillors and Designated Persons have lodged their Section 449(3) Returns prior to the due date of 30 September 2011 as required by the Act for the receipt of the Returns.

In addition, when the Returns were originally forwarded to Councillors and Designated Persons for completion, a Section 449(3) Return and the associated documentation were inadvertently not forwarded to a casual Parking Patrol Officer. This has now been rectified and the completed Return has now been lodged.

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

ORDINARY MEETING

Meeting Date: 11 October 2011

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: 11 October 2011

CONFIDENTIAL REPORTS

Item: 238 GM - Staff Matter - (79351) CONFIDENTIAL

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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: 11 October 2011

Item: 239 IS - Acquisition of (Part) 144 Redbank Road, North Richmond - (95495, 79344, 25938) **CONFIDENTIAL**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to a purchase 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: 11 October 2011

Item: 240 **SS - Assignment of Lease from Harold Robert Munro and Ena Joy Munro to B & C Munro Investments Pty Ltd - Shop 2 Wilberforce Shopping Centre - (95496, 112106, 32505, 32506, 34779) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Local Traffic Committee - 21 September 2011 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 21 September 2011 commencing at 3.00pm.

ATTENDANCE

Present:	Councillor Kim Ford (Chairman) Mr Kevin Conolly, MP, (Riverstone) Mr Bart Bassett, MP, (Londonderry) – Acting Chair
Apologies:	Mr Ray Williams, MP (Hawkesbury) Mr Michael Kayello, Roads and Traffic Authority Ms Jodie Edmunds, Westbus
In Attendance:	Mr C Amit, Manager, Design & Mapping Services Ms D Oakes, Community Safety Coordinator Ms B James, Administrative Officer, Infrastructure Services

The Chairman tendered an apology on behalf of Mr Ray Williams, MP, (Hawkesbury), advising that Mr Ray Williams, MP, (Hawkesbury), concurred with recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on his behalf.

The outgoing Chairman welcomed Councillor Kim Ford as Mayor and Chair of the Local Traffic Committee. Due to the Mayors recent election Mr Bart Bassett, MP would be acting Chairman for today's meeting

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Mr K Conolly, MP, seconded by Mr B Bassett, MP. That the minutes from the previous meeting held 21 July 2011 be confirmed.

Item 1.2 Business Arising

There was no business arising from the previous minutes

SECTION 2 - Reports for Determination

Item 2.1 LTC - 21 September 2011 - Item 2.1 - Zone One Training Horse Ride - February 2012 - Upper Colo Reserve (Hawkesbury) - (80245, 85005)

REPORT:

Introduction:

An application has been received from Zone One of The NSW Endurance Riders' Association seeking approval (in traffic management terms) to conduct the Zone One Training Horse Ride on Saturday 11 and Sunday 12, February 2012, utilising Upper Colo Reserve as a base area.

The event organiser has advised the following:

- The event has been held for 21 years.
- The Training Horse Ride is non-competitive.
- Each day is a stand alone event between 7.00am and 4.00pm.
- The distance for the Training Horse Ride is 40 kilometres.
- Route for the Ride:

Training Ride - 40 Kilometres:

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
- Travel along Upper Colo Road, and turn left into Comleroy Road,
- Travel along Comleroy Road and turn right into Mountain Lagoon Road,
- Travel along Mountain Lagoon Road, and turn right into Sams Way,
- Travel along Sams Way to Gosper Ridge Trail and through the Wollemi National Park,
- Travel back along the Wollemi National Park down to Upper Colo Road and turn right into Upper Colo Road,
- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).
- Approximately 60 Participants and 60 Spectators are expected each day for the event.
- Where the course covers trafficable roads, the following will be in place:
 - A Marshall is to be in place to stop horses crossing whilst vehicles pass,
 - At any junction where horses cross or access roads that are main access gates, the Marshall is to notify Traffic of the conditions ahead,
 - Signage shall be in place stating the following: Horses on Road, Horses crossing. In areas where the road narrows or is windy; Drive Slowly Horses on Road is to be provided.

ORDINARY MEETING
Reports of Committees

- Road Inventory:
 - Hulbert Road – Unsealed
 - Colo Heights Road - Unsealed
 - Upper Colo Road – Unsealed
 - Comleroy Road - Unsealed
 - Mountain Lagoon Road - Unsealed
 - Sams Way - Unsealed
 - Roads on private property and within the National Park
 - The Colo River will not be crossed as part of the route and instead, riders will use the Timber Bridge along Colo Heights Road to cross the Colo River

Refer to attached drawing "Zone One Training Horse Ride 2012 – Plan No. TR007/11": Attachment 1.

Discussion

It would be appropriate to classify the event as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads & Traffic Authority (RTA) as the event may impact minor traffic and transport systems and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 2 (Dataworks Document No: 3842933, 3851663 & 3851664):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA,
4. Transport Management Plan (TMP) – referred to in the application as Traffic Management Plan Risk Assessment (2011 Event), Risk Assessment Plan (Version Date 5-1-07) and Traffic Control Plan (TCP) – from the 2011 Event.
5. Event Route Plan.
6. Copy of Insurances which are valid to 01 January 2012.

Reserve Matters:

The event organiser has made application with Councils Parks and Recreation Section to utilise Upper Colo Reserve as the Base Area as well as for Camping purposes.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr B Bassett, MP, seconded by Mr K Conolly, MP.

That:

1. The Zone One Training Horse Ride event based at Upper Colo Reserve, planned for Saturday 11 and Sunday 12, February 2012 be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the

Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.

4. It is strongly recommended that the event organiser visits Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refers to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they are familiar with the contents and requirements of this information. The approval conditions listed below relate only to matters relating to the traffic management of the event.
5. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 5a. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 5b. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 5c. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 5d. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 5e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Traffic Authority as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 5f. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 5g. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road, the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **a copy of this approval to be submitted to Council;**
- 5h. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to cross the Colo River; **a copy of this approval to be submitted to Council;**
- 5i. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of Wollemi National Park. If the use of a Council Park/Reserve is required, written approval is required from Council's Parks and Recreation section; **a copy of this approval to be submitted to Council;**

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- 5j. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 5k. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**
- 5l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 5m. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 5n. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 5o. the event organiser is to directly notify all the residences and businesses which may be affected by the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 5p. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

During the event:

- 5q. access is to be maintained for businesses, residents and their visitors;
- 5r. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 5s. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;
- 5t. the riders are to be made aware of and are to follow all the general road user rules whilst riding on public roads;
- 5u. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
- 5v. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 5w. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 5x. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

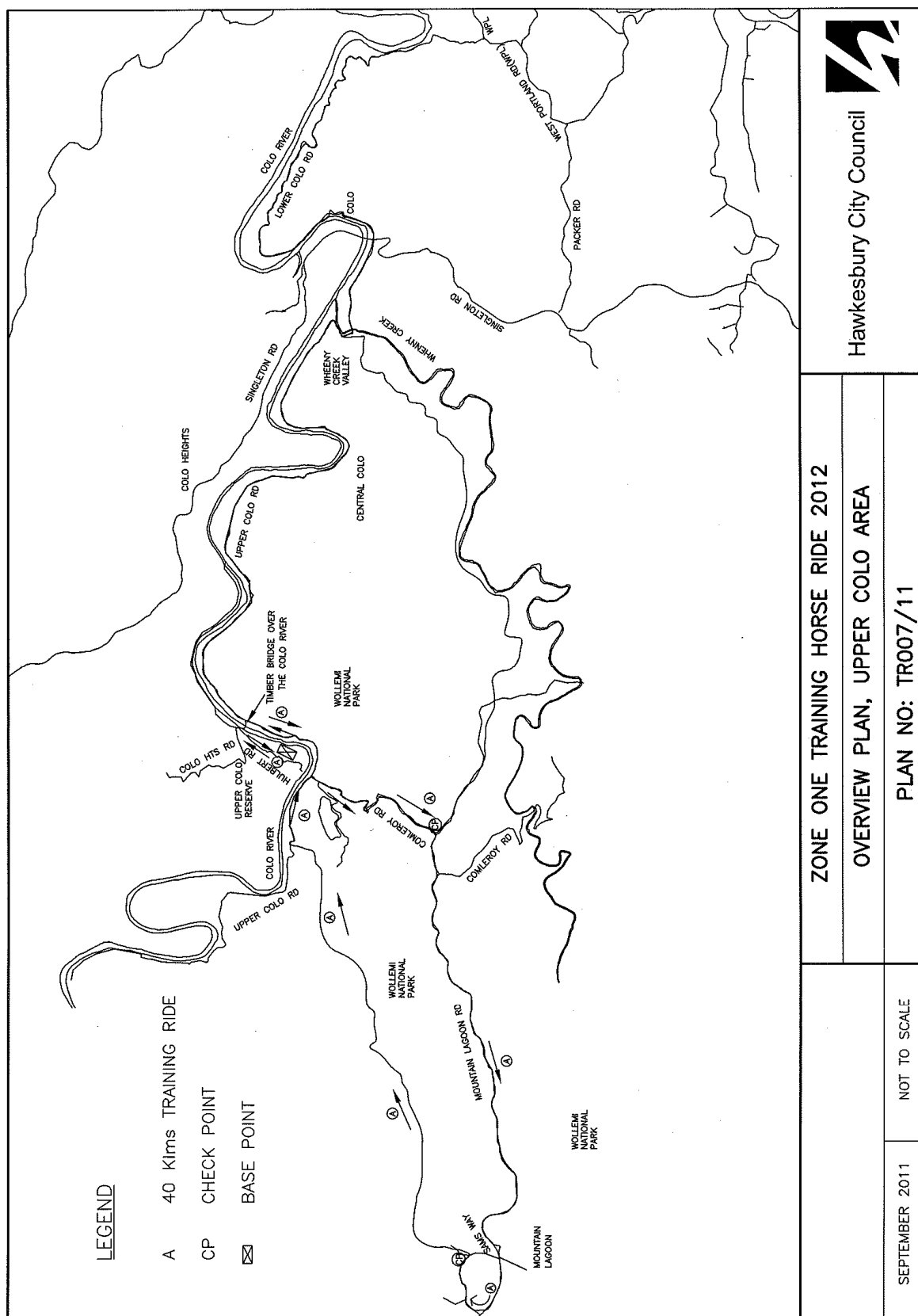
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APPENDICES:

AT - 1 Zone One Training Horse Ride 2012- Plan No: TR007/11.

AT - 2 Special Event Application - (Dataworks Document No 3842933, 3851663 & 3851664) - see
attached

AT - 1 Zone One Training Horse Ride 2012 - Plan No: TR007/11



Item 2.2 LTC - 21 September 2011 - Item 2.2 - Zone One Q60 Endurance Horse Ride - March 2012 - Upper Colo Reserve (Hawkesbury) - (80245, 85005)

REPORT:

Introduction

An application has been received from Zone One of The NSW Endurance Riders' Association seeking approval (in traffic management terms) to conduct the Zone One Q60 Endurance Horse Ride on Sunday, 11 March 2012, utilising Upper Colo Reserve as a base area.

The event organiser has advised the following:

- The event has been held for 21 years.
- The Endurance Horse Ride is a timed event and not a race.
- As part of the event a Training Horse Ride which is non-competitive will also be undertaken.
- The event will be undertaken between 4.00am and 5.00pm.
- Event Schedule – Sunday 11, March 2012:
 - The Endurance Horse Ride is 80 kilometres over 2 legs of 40 kilometres (Leg 1)
 - The Training Horse Ride is 40 kilometres (Leg 2)
- Approximately 50 to 60 Participants and 30 to 40 support people are expected for the event,
- Route for the Rides:

Endurance Ride - Leg 1 - 40 Kilometres:

- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
- Travel along Hulbert Road and turn right into Colo Heights Road,
- Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn left into Upper Colo Road,
- Travel along Upper Colo Road, crossing Wheeny Creek Bridge, Under Singleton Road and into Lower Colo Road,
- Travel along Lower Colo Road and turn around before West Portland Road,
- Travel back along Lower Colo Road, under Singleton Road and into Upper Colo Road,
- Travel along Upper Colo Road, crossing Wheeny Creek Bridge,
- Turn left and travel through private property, and into the Wollemi National Park (Gees Arm Trail)
- Travel along the Wollemi National Park (Gees Arm Trail) and turn right into Comleroy Road,
- Travel along Comleroy Road down to the Upper Colo Road junction and turn right into Upper Colo Road,
- Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base)

Training Ride - Leg 2 - 40 Kilometres:

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- Start Upper Colo Reserve (Ride Base) turn right out of the Reserve into Hulbert Road,
 - Travel along Hulbert Road and turn right into Colo Heights Road,
 - Travel along Colo Heights Road, crossing the timber bridge over the Colo River, and turn right into Upper Colo Road,
 - Travel along Upper Colo Road, and turn left into Comleroy Road,
 - Travel along Comleroy Road and turn right into Mountain Lagoon Road,
 - Travel along Mountain Lagoon Road, and turn right into Sams Way,
 - Travel along Sams Way to Gosper Ridge Trail and through the Wollemi National Park,
 - Travel back along the Wollemi National Park down to Upper Colo Road and turn right into Upper Colo Road,
 - Travel back along Upper Colo Road, Colo Heights Road and Hulbert Road into the Upper Colo Reserve (Ride Base).
-
- Where the course covers trafficable roads, the following will be in place:
 - A Marshall is to be in place to stop horses crossing whilst vehicles pass,
 - At any junction where horses cross or access roads that are main access gates, the Marshall is to notify Traffic of the conditions ahead,
 - Signage shall be in place stating the following: Horses on Road, Horses crossing. In areas where the road narrows or is windy; Drive Slowly Horses on Road is to be provided.
-
- Road Inventory
 - Hulbert Road – Unsealed
 - Colo Heights Road - Unsealed
 - Upper Colo Road – Sealed/Unsealed
 - Comleroy Road - Unsealed
 - Mountain Lagoon Road - Unsealed
 - Sams Way - Unsealed
 - Roads on private property and within the National Park
 - The Colo River will not be crossed as part of the route and instead, riders will use the Timber Bridge along Colo Heights Road to cross the Colo River.

Refer to attached drawing "Event Route Plan - Zone One Q60 Endurance Horse Ride – March 2012": Attachment 1.

Discussion

It would be appropriate to classify the event as a "Class 2" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads & Traffic Authority (RTA) as the event may impact minor traffic and transport systems and there is a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 2 (Dataworks Document No: 3827754 & 3851343):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA,
4. Transport Management Plan (TMP) – referred to in the application as Traffic Management Plan Risk Assessment (2011 Event), Risk Assessment Plan (Version Date 5-1-07) and Traffic Control Plan (TCP) – from the 2011 Event.
5. Event Route Plan,
6. Copy of Insurances which are valid to 01 January 2012.

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Reserve Matters:

The event organiser has made application with Councils Parks and Recreation Section to utilise Upper Colo Reserve as the Base Area as well as for Camping purposes.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr B Bassett, MP, seconded by Mr K Conolly, MP.

That:

1. The Zone One Q60 Endurance Horse Ride event based at Upper Colo Reserve, planned for 11 March 2012 be classified as a “**Class 2**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA.
2. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
3. It is strongly recommended that the event organiser becomes familiar with the contents of the RTA publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package that explains the responsibilities of the event organiser in detail.
4. It is strongly recommended that the event organiser visits Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refers to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they are familiar with the contents and requirements of this information. The approval conditions listed below relate only to matters relating to the traffic management of the event.
5. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 5a. the event organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Occupational Health and Safety Act 2000; (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>);
- 5b. the event organiser is to assess the risk and address the suitability of the entire route as part of the risk assessment considering the possible risks for all; This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 5c. the event organiser is to obtain approval to conduct the event, from the NSW Police Service; a **copy of the Police Service approval to be submitted to Council;**
- 5d. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the RTA to satisfy the requirements of the relevant Work Cover legislation;
- 5e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Traffic Authority as**

interested parties on the Policy and that Policy is to cover **both on-road and off-road activities;**

- 5f. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 5g. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road, the event organiser is to obtain the relevant approval to conduct the event from NSW Maritime; **a copy of this approval to be submitted to Council;**
- 5h. should the Colo River be utilised as the crossing point instead of the Timber Bridge along Colo Heights Road the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to cross the Colo River; **a copy of this approval to be submitted to Council;**
- 5i. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of Wollemi National Park. If the use of a Council Park/Reserve is required, written approval is required from Councils' Parks and Recreation section; **a copy of this approval to be submitted to Council;**
- 5j. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 5k. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**
- 5l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event and the traffic impact/delays expected due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 5m. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 5n. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 5o. the event organiser is to directly notify all the residences and businesses which may be affected by the event for at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 5p. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

During the event:

- 5q. access is to be maintained for businesses, residents and their visitors;
- 5r. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 5s. all traffic controllers / marshals operating within the public road network are to hold

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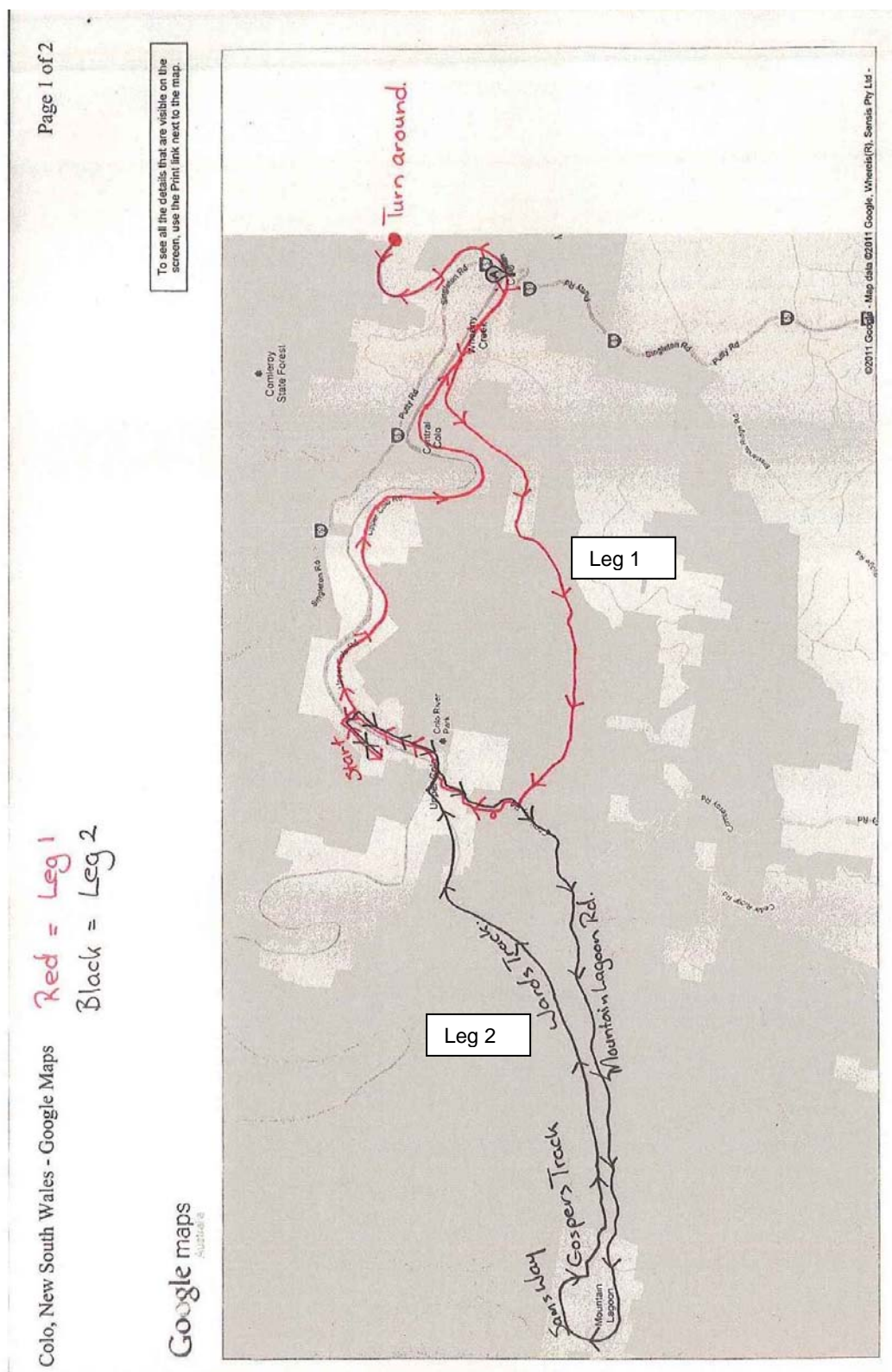
- appropriate certification as required by the RTA;
- 5t. the riders are to be made aware of and are to follow all the general road user rules whilst riding on public roads;
 - 5u. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA;
 - 5v. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
 - 5w. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
 - 5x. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

APPENDICES:

AT - 1 Event Route Plan - Zone One Q60 Endurance Horse Ride – March 2012.

AT - 2 Special Event Application - (Dataworks Document No 3827754 & 3851343) - *see attached*.

AT - 1 Event Route Plan - Zone One Q60 Endurance Horse Ride – March 2012



SECTION 3 - Reports for Information

Item 3.1 LTC - 21 September 2011 - Item 3.1 - RTA Advice on School Zone Flashing Lights for Kurrajong Public School, St Monica's Catholic Primary School, Richmond Public School and Windsor Public School - (Riverstone & Londonderry) - (80245, 73621)

Previous Item: Item 3.1, LTC (22 November 2006)
 Item 3.1, LTC (21 March 2007)
 Item 4.2, LTC (20 February 2008)
 Item 4.2, LTC (16 July 2008)
 Item 3.1, LTC (14 January 2009)
 Item 3.1, LTC (21 October 2009)
 Item 3.1, LTC (17 November 2010)
 Item 3.1, LTC (19 January 2011)
 Item 3.2, LTC (16 March 2011)

REPORT:

Advice has been received from the Roads and Traffic Authority (RTA) indicating that School Zone Flashing Lights are to be installed within the vicinity of Kurrajong Public School, St Monica's Catholic Primary School, Richmond Public School and Windsor Public School. The information provided by the RTA in part is listed below (Dataworks Document No. 3843137).

"The Roads and Traffic Authority (RTA) is pleased to advise that the school zone(s) covering the following school(s) within your LGA have been included in the next round of school zones in NSW to receive school zone flashing lights.

- *Grose Vale Road at Kurrajong Public School, Kurrajong*
- *Francis Street at St Monica's Catholic Primary School and Richmond Public School, Richmond*
- *George Street at Windsor Public School, Windsor*

The selected school zones will be progressively installed and should be fitted with flashing lights by the end on November 2011.

The lights operate automatically when school zone limits are in force and increase drivers' awareness of school zones."

School Zone Flashing Lights were previously installed along the Windsor Street frontage at Richmond Public School in early 2011.

Further to the information provided by the RTA, the following schools within the Hawkesbury Local Government Area have School Zone Flashing Lights:

1. Arndell Anglican College at Wolseley Road,
2. Bilpin Public School at Bells Line of Road,
3. Cattai Public School at Cattai Road,
4. Colo Heights Public School at Putty Road,
5. Colo High School at Bells Line of Road,
6. Ebenezer Public School at Sackville Road,
7. Grose View Public School at Grose Wold Road,
8. Hawkesbury High School at Kurmond Road,
9. Kurmond Public School at Bells Line of Road,
10. Kurrajong North Public School at Bells Line Of Road,

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11. Oakville Public School at Oakville Road,
12. Pitt Town Public School at Buckingham Street,
13. Richmond High School at Castlereagh Road,
14. Richmond High School at Lennox Street,
15. Richmond North Public School at Grose Vale Road,
16. Richmond Public School at Windsor Street,
17. Windsor High School at Mulgrave Road.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr K Conolly, MP, seconded by Mr B Bassett, MP.

That:

1. The information be received.
2. Representations be made to the RTA, requesting Bede Polding College with its road frontage of Rifle Range Road, Bligh Park be included in the RTA School Zone Flashing Lights program.
3. Representation be made to the RTA, requesting that a School Zone be provided in the vicinity of Windsor High School along its Windsor Road frontage or alternatively the speed limit be reviewed with a view to reducing it from 80km/h to 60km/h along the Windsor Road frontage of the School taking into account the section of Windsor Road from Curtis Road through to the Bridge over South Creek.

APPENDICES:

There are no supporting documents for this report.

SECTION 4 - General Business

Item 4.1 LTC - 21 September 2011 - QWN 4.1 - Request Police presence along Sackville Road, Wilberforce where the Speed limit changes from 60km/h to 80km/h

REPORT:

Raised by – Mr B Bassett on behalf of Mr R Williams, MP

Mr Williams, MP advised that he had received correspondence from a resident of Wilberforce, requesting more Police presence along Sackville Road, Wilberforce where the speed limit changes from 60km/h to 80km/h. Drivers are exceeding the 60km/h speed limit because they can see the 80km/h speed sign.

Mr Bassett suggested that Council install a speed counter to monitor the speed of vehicles in this particular area and report those findings when available to Windsor Police. However in the interim the request for increased Police presence be referred immediately to Windsor Police.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr B Bassett, MP, seconded by Councillor K Ford.

That

1. Speed Counters be installed to monitor vehicular speed on Sackville Road, Wilberforce where the speed limit changes from 60km/h to 80km/h. The results of the speed count be forwarded to Windsor Police when available.
2. Windsor Police be requested to have an increased presence along Sackville Road, Wilberforce, where the speed limit changes from 60km/h to 80km/h.

APPENDICES:

There are no supporting documents for this report.

Mr Bart Bassett, MP thanked the Committee for their continued support over the years in his role as Mayor of Hawkesbury City Council and Chair of the Local Traffic Committee, and in particular Mr C Amit. Mr Bassett, MP looks forward to working with each and everyone in the near future.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting is proposed to be held at 3:00pm in the Large Committee Room, during the third week in October 2011 on either the Monday or Wednesday of that week, with the date to be confirmed by all members.

The meeting terminated at 3:55pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions From Previous Meetings and Responses - (105109)

REPORT:

Questions - 27 September 2011

#	Councillor	Question	Response
1	Calvert	Enquired as to the progress of the proposed Dog Off Leash area.	Director Infrastructure Services advised that this matter was considered at the Council meeting of 10 May 2011, where it was resolved that fenced dog off-leash areas be established within Hanna Park, North Richmond; Peel Park, North Richmond; and Macquarie Park, Windsor as funding permits. Potential for funding the Peel Park project within 2011/2012 is to be considered at relevant quarterly reviews. Funding will be investigated at the next quarterly review.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Questions for Next Meeting



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