



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 29 November 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.

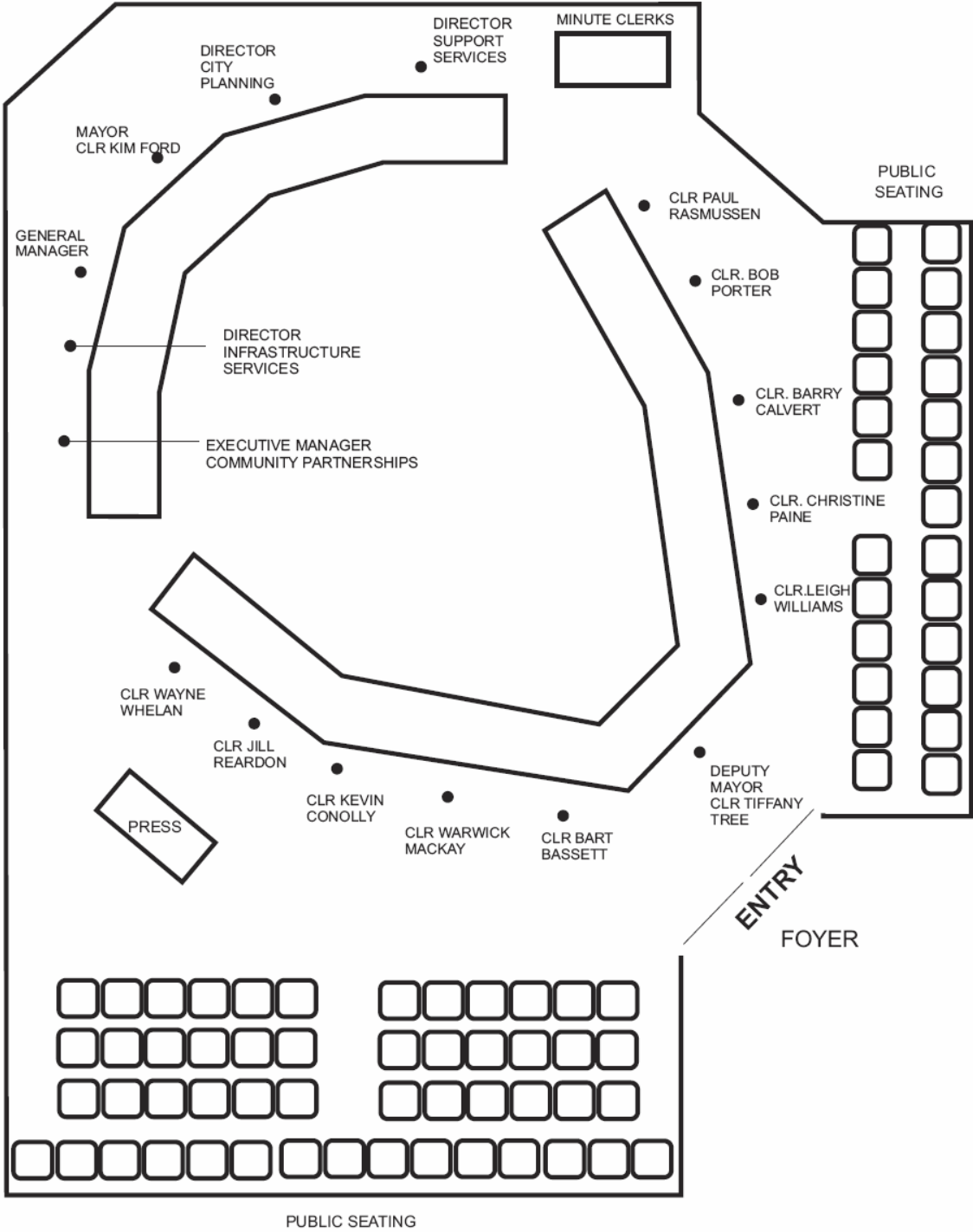
Website

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.

council chambers



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Notices of Motion

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Notices of Motion

SECTION 3 - Notices of Motion

NM - Car Parking Arrangements at the Hawkesbury Seniors Leisure and Learning Centre - (79351, 80104)

Submitted by: Councillor C Paine

NOTICE OF MOTION:

That a report be prepared into current car parking arrangements at the Hawkesbury Seniors Leisure and Learning Centre. The report to identify possible options for improving the turnover and availability of car parking spaces at the Centre including the possibility of introducing timed parking in and around the Centre.

BACKGROUND:

I have received representations from residents who use the Hawkesbury Seniors Leisure and Learning Centre in March Street, Richmond drawing attention to the difficulties they experience in trying to park at the Centre. The residents have expressed concern that the carpark at the Centre may be being inappropriately used by commuters or other persons who are not visiting or using the Centre or the other community facilities with shared access to the car park. The residents, who are elderly, have indicated that the lack of car parking is impacting on their capacity to use and enjoy the Centre and the programs which it offers.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

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section 4

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for determination

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 258 GM - Review of Model Code of Conduct for Local Councils - Request for Submissions on Position Paper by Division of Local Government, Department of Premier and Cabinet - (79351)

REPORT:

Executive Summary

Earlier this year the Division of Local Government (DLG) within the NSW Department of Premier & Cabinet announced its intention to review the Model Code of Conduct for local councils and invited initial submissions.

Circular No. 11-32 dated 24 October 2011 has now been received from the DLG regarding the review of the Code, releasing a Position Paper that had been prepared in association with the review and inviting submissions on the Position Paper.

The DLG has indicated that it *"is currently only seeking views on the general direction of the proposed changes"* and that *"once we have finalised the broad direction of the proposed changes we will be seeking your further views"* and indicates that a draft of the revised Code and associated procedures and proposals will be released for comment.

The purpose of this report is to advise Council of the Position Paper and to recommend that a submission in relation to the *"general direction of the proposed changes"* be made by Council.

Consultation

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

Background

As part of its reform program referred to previously by the DLG, and highlighted by the recent *"Destination 2036"* workshop/seminar, earlier this year the DLG announced its intention to review the Model Code of Conduct (MC of C) for local councils and invited initial submissions.

As required by the Local Government Act, all councils must adopt a Code of Conduct (C of C) and regularly review this document. To this end the DLG prescribes a MC of C and whilst councils can supplement/alter this it can only do this if it strengthens its requirements and can't occur if its requirements were to be lessened.

Circular No. 11-32 dated 24 October 2011 has now been received from the DLG regarding the review of the MC of C, releasing a Position Paper (PP) that had been prepared in association with the review and inviting submissions on the document. A copy of the Circular is included as Attachment 1 to this report. A copy of the Circular and PP has also previously been forwarded to all Councillors. The PP can also be viewed at the following link:

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Review of the Model Code of Conduct for Local Councils in NSW.pdf>

In addition, the Circular also indicates:

"The Division requests that general managers bring the position paper to the attention of their councillors and staff. Councils may also wish to notify their communities of the position paper on their own websites or by other means."

As indicated, the DLG Circular and PP has been forwarded previously to Councillors. Copies have also been circulated to all staff and information about the review has also been included on Council's website the link to which is:

<http://www.hawkesbury.nsw.gov.au/community/consulting-the-community/review-of-the-model-code-of-conduct>

The DLG has indicated that it *"is currently only seeking views on the general direction of the proposed changes"* and that *"once we have finalised the broad direction of the proposed changes we will be seeking your further views"* and indicate that a draft of the revised MC of C and associated procedures and proposals will be released for comment.

The PP released by the DLG is a significant document comprising some 40 pages. As the DLG has indicated that it is, at this stage, *"only seeking views on the general direction of the proposed changes"* the comments in this report will attempt to retain a *"general direction"* focus.

It will be readily acknowledged within the local government sector that the current MC of C needs to be reviewed and its implementation and operation improved and, hopefully, simplified and streamlined. Unfortunately, the PP released by the DLG does not suggest that this will occur.

Section 3 of the PP refers to what has been gleaned from submissions to date while section 4 commences by indicating:

"Based on the above considerations, we are proposing to:

- make a number of amendments to the standards of conduct prescribed under the code;*
- create a regional framework for the administration of complaints;*
- prescribe the procedural requirements of the code more clearly;*
- include provisions designed to protect the integrity of the code which will be administered directly by the Division;*
- seek amendments to the misbehaviour provisions of the Act to allow the Division more flexibility to exercise its powers under those provisions and to expand and enhance the sanctions available to it and the Pecuniary Interest and Disciplinary Tribunal with respect to misbehaviour."*

It is not proposed to comment on all aspects of, or proposed changes suggested by the PP but rather focus on those areas considered to be of significance. As such, relevant headings from the PP will be utilised for this purpose.

4.1.3 Prohibition of binding caucus votes

It is proposed that the new MC of C will contain a provision that prohibits participation in binding caucus votes in relation to any matter. As it is made clear that this does not prevent councillors meeting to discuss any matter provided they remain free to deal with such matters on their merits this is not seen as a significant issue.

4.1.6 Relationships between council officials

It is proposed to add a section to the existing clause 9.7 to provide that councillors should not meet alone with developers to discuss DAs or proposals.

While this may be appropriate it will need to be ensured that what is meant by the term “developers” is clearly defined. This term could as easily apply to an individual property owner planning to improve/develop their own property as it could to a persons/organisation proposing a large scale, multi-million dollar development. Clearly, there could be many situations in the former case where this type of requirement would not be appropriate or necessary.

4.1.7 Gifts and benefits

The PP suggests:

"We also propose to mandate the written disclosure of all offers of gifts and benefits regardless of their value and whether or not the gift or benefit was accepted or refused. Council officials will be required to disclose the following in writing:

- *The nature of the gift or benefit*
- *Its estimated value*
- *Whether it was accepted or refused*
- *If it was accepted why it was not refused*
- *If it was accepted, what was done with it (ie was it surrendered or kept)"*

The current MC of C contains a significant section addressing this issue. Council's C of C includes these provisions and in addition provides:

"In considering issues of personal benefit raised in this section Council has adopted a Policy titled "Gifts and Benefits Policy - Guidelines for Councillors and Staff" which supplements these provisions and should be referred to for further guidance and assistance in this regard."

Council's Gifts and Benefits Policy was developed and based upon guidelines issued by the Independent Commission Against Corruption (ICAC).

It is suggested that the existing MC of C is appropriate, particularly when supplemented by a specific policy as in this Council's case. The requirement to disclose all offers of gifts, whether or not accepted, is considered to be a disproportionate response to an issue which could more appropriately be addressed by the requirement for councils to develop a supplementary policy.

In an extreme case, if an officer was participating in an onsite meeting with a contractor, for instance, and the contractor buys two coffees then the officer would be required to make a disclosure about the coffee, even if he refused the beverage. Clearly, this is an absurd case, however, would appear to be caught by this suggestion.

4.2.1 A regional approach to the administration of complaints

The DLG proposes to prescribe regional groups of councils, which may be based on existing Regional Organisations of Councils (ROCs), and these regional groups of councils would be required to establish a regional panel of conduct reviewers. The DLG would prescribe minimum selection criteria for the appointment of persons to the regional panel. Individual councils could opt out of the use of the regional panels but only with the consent of the DLG after demonstrating the availability of suitable alternate arrangements.

As with this and a number of other suggestions in the PP, the DLG appears to be demonstrating a very prescriptive approach to this issue which gives a clear indication that it considers that councils, in general, are not able to appropriately deal with these issues themselves. It is suggested that in a majority of the cases this is not the situation and recognition should be given to the fact that councils are generally significant organisations with the capability and ability to appropriately deal with many matters affecting them, such as the situation with the MC of C, without the requirement or need for an overly prescriptive approach by the DLG.

Currently, this Council participates in a regional panel of conduct reviewers established with the support of the Western Sydney Regional Organisation of Councils (WSROC). It is understood that a similar situation exists in a number of other cases. While it may be appropriate for the DLG to more clearly detail selection criteria for conduct reviewers it is suggested that the current situation regarding the appointment of a panel should remain, perhaps with the encouragement, rather than requirement, for these to be established on a regional basis.

Other provisions are proposed regarding reviewers, however, these are considered to be reasonable and appropriate.

4.2.2 The appointment of complaints coordinators

4.2.3 The appointment of complaints assessors

The Position Paper suggests that the complaint handling procedures in respect of complaints against staff, other than the General Manager, will remain the same, which is that they will be dealt with by the General Manager. This is considered appropriate as all staff are ultimately responsible to the General Manager.

In respect of C of C complaints against councillors these are currently referred to the General Manager who is responsible for assessing them and determining an appropriate course of action in accordance with the C of C which could include referral to an independent reviewer from the panel appointed by the council.

The PP suggests that a General Manager will be required to appoint a suitably qualified member of staff as a "complaints co-ordinator" who would manage the complaint process but would not assess or determine complaints. The General Manager would not be able to perform this role.

In addition, it is suggested that councils will be required to nominate, by resolution, a General Manager of another council within a regional group (a ROC or the group nominated for establishing a panel of Reviewers) to act as the council's "complaints assessor" and one or more others as an alternate to that role. The "complaints assessor" role will be to make a preliminary assessment of complaints which is assumed to be similar to the process now required of the General Manager under the current requirements.

The PP suggests that this will have the following advantages:

- *"He or she will be independent of the council the complaint relates to*
- *He or she will have a practical understanding of how councils operate*
- *He or she will understand the local context, and*
- *The use of neighbouring general managers to make preliminary assessments is more cost effective than the use of contractors."*

While this may initially appear a reasonable suggestion it is considered that this may be inappropriate as:

- A council or its General Manager may not be prepared to accept a nomination by another council to fill this role.
- Given the varying nature and individuality of councils it is suggested that a General Manager of another council may not necessarily “understand the local context”.
- It could be suggested in individual cases that a General Manager could be inadvertently influenced in assessing a complaint from another council due to the circumstances that exist at the time at that council.
- It is suggested that it may not be “cost effective” to divert the resources of another council’s General Manager for this purpose particularly when the demands of this role would be largely unknown.

It is acknowledged that it has been perceived that there are difficulties with the current assessment process, however, it is suggested that it is more appropriate for this to be kept within the council concerned. A possible alternative if the General Manager is to be removed from this role would be to nominate another position to fill the role. The position of Internal Auditor, which now exists within many councils, and is somewhat guided by DLG guidelines, may be suitable. It is suggested that this position, as a “complaints assessor” may be seen to be more removed from the situation; it has a level of independence within the organisation due to the nature of the role and is removed from general direct regular contact with councillors.

4.3.1 Separation of procedural requirements from the Model Code

In this regard it is of some concern that the PP suggests:

“To remove the ambiguities of the current version of the Model Code, we are proposing to make the procedural requirements of the code more prescriptive. This will necessarily result in a larger, denser document.”

- *We are concerned that this may have the effect of making it less user-friendly to council officials and members of the community seeking to identify the standards of conduct council officials are required to comply with. To overcome this we are proposing to split the Model Code into two instruments:*
- *A Model Code of Conduct for Local Councils in NSW (comprising solely of the prescribed standards of conduct), and Procedures for the Administration of the Model Code (comprising of the procedural requirements of the Code) (referred to below as the “Model Code procedures”).*

Councils will be required to adopt a code of conduct and procedures for the administration of their code of conduct that incorporate the provisions of the Model Code and the Model Code procedures respectively.”

One of the issues with the current C of C is suggested to be the fact that it is a somewhat complex and difficult document to understand, particularly by members of the public who may not regularly deal with documents such as this or the expectations that flow from it. Therefore, to suggest that there may be two sets of documents in future will make the situation more complex rather than acting to “remove ambiguities” as being suggested.

The overall aim, it is suggested, of the review of the MC of C should be to simplify the process and associated procedures; and produce both a process and associated documentation that is easily understood by all parties concerned, both in the public arena and in councils, rather than produce a multiplicity of documents and process that the general public may have difficulty in interpreting. Therefore, it is also suggested that the review should focus more directly on simplifying the process not producing a “larger, denser document”.

4.3.2 How will complaints be made

Complaints will continue to be made to the General Manager in the first instance, or the Mayor in the case of a complaint against the General Manager. The General Manager will continue to deal with complaints against staff, delegates and community members of committees. The role of General Managers and Mayors in respect of complaints about councillors and the General Manager will be restricted to the receipt of complaints. The assessment process proposed for these complaints was referred to previously, that is that the Complaints Co-ordinator will refer them to the Complaints Assessor, etc.

Complaints in this category alleging a breach of pecuniary interest provisions; management of conflicts of interest arising from receipt of a political donation and misuse of the C of C will be required to be referred to the DLG.

4.3.4 Referral of a matter to a conduct reviewer

Currently, if a matter is to be referred to a conduct reviewer it can be referred to a single reviewer or a committee of reviewers selected for the purpose. The PP proposes the MC of C procedures will only provide for the referral of matters to sole conduct reviewers. It is considered to be a suitable arrangement and it should be noted that in Council's case a committee of reviewers has not been utilised to consider referred complaints with only individual reviewers being utilised.

Sections 4.3.5 to 4.3.9

These sections largely deal with the requirements and manner in which complaints will be assessed and investigated by conduct reviewers and the preparation and consideration of conduct reviewers' reports. Whilst the PP suggests that there will be a more prescriptive approach and requirements in this regard it is suggested that this may be appropriate in this circumstance and may ensure the uniform handling of complaints by conduct reviewers.

4.4 Measures to ensure the integrity of code of conduct process

4.4.1 The role of the division of local government

The PP suggests that the DLG will take a *"more active role in the oversight of the implementation by councils of their codes of conduct"*. The DLG has established a separate Council Governance and Investigations Unit which *"will, among other things, be responsible for the oversight of the implementation of the Model Code."*

This, as well as other sections of the PP, strongly indicates that the DLG intends to take a much more prominent and prescriptive role in relation to the MC of C than has been the case in the past. Possibly this is due to difficulties that may have been encountered by some councils in the past that has drawn some significant media attention. Unfortunately, this tends to continue the trend that has occurred over the years where more and restrictive requirements have been placed upon local government in general in order to address problems that may have involved only a small number of councils.

This particular issue was raised at the recent "Destination 2036" seminar and appeared to be a trend acknowledged by the Minister with a positive approach being suggested in that both state and local government needs to work together to better handle appropriate situations so that issues with individual or a small number of councils does not result in over regulation of local government in general. Perhaps it would be appropriate for the PP to be reviewed to reflect the positive view and direction suggested by the Minister.

4.4.2 Rights of review

The current MC of C does not provide for any rights of review or appeal and the PP proposes to provide for this in the new MC of C by providing two avenues of review, both to the DLG, where it is considered that a procedural requirement under the C of C has not been complied with, or after a

final determination has been made by a council under the C of C but only where it is suggested that a council has failed to comply with a procedural requirement or has misapplied the prescribed standards of conduct under the C of C.

As review or appeal provisions do not currently exist this is considered to be an appropriate suggestion for improvement to the MC of C.

4.4.4 Disclosure of the identity of complainants

The PP proposes to provide *“greater guidance on the disclosure of the identity of complainants.”* However, where the complainant is a councillor it goes on to suggest:

“This requirement will not apply where the complainant is a councillor unless the complaint made by the councillor is a public interest disclosure for the purposes of the Public Interest Disclosures Act 1994. We believe that because of the position councillors occupy, the potential for a councillor to suffer detriment as a result of their having made a complaint is not the same as it is for other persons. We are also concerned that some councillors have exploited the opportunities confidentiality offers to make complaints about political opponents.”

Whilst there may have been situations occur in the past, as suggested by the last sentence of the above quoted paragraph, it is suggested that the proposal in relation to councillor confidentiality is unreasonable as the same benefits, requirements and protections that apply to other persons who may make a complaint under the C of C should also apply to a councillor who may make a complaint.

4.4.5 Provisions to prevent the misuse of the code

New provisions are proposed to prevent the misuse of the C of C, including:

“It will be a breach of the code of conduct for a council official to make a complaint or to cause a complaint to be made under the code of conduct for a substantially improper purpose. The Code will define what constitutes an “improper purpose”.

- It will also be a breach of the code of conduct to take detrimental action or to cause detrimental action to be taken against any person substantially in reprisal for a complaint they have made under the code of conduct or any action or function they have exercised under the Model Code procedures. The definition of “detrimental action” will align with the definition of that phrase used in the Public Interest Disclosures Act 1994.*
- As is currently the case, it will be a further breach of the code of conduct for a person who a council has determined to be in breach of the code of conduct to fail to comply with any council resolution requiring the person to take action as a result of that breach without a reasonable excuse.*
- It will also be a breach of the code of conduct to fail to comply with a reasonable and lawful request made by a person exercising a function prescribed under the Model Code procedures without a reasonable excuse.*
- It will also be a breach of the code of conduct to fail to comply with a practice ruling by the Division (see above) without a reasonable excuse.*
- As is currently the case, it will be a breach of the code of conduct to make allegations of suspected breaches of the code of conduct at council meetings or in other public forums.*

- *It will also be a breach of the code of conduct to publicly disclose information about the consideration of a matter under the code of conduct unless the disclosure is otherwise permitted under the Model Code procedures."*

Whilst the incorporation of provisions such as suggested above is laudable it does not appear to address a current situation that exists in relation to the use of the C of C for purposes that it was not intended by complainants in relation to trivial or vexatious complaints or those not made in good faith. This aspect is incorporated in current complaint assessment criteria; however, it may be possible to incorporate further appropriate provisions in any new MC of C to attempt to circumvent some of the current problems and issues in this regard.

4.5 Proposed amendments to the misbehaviour provisions

In relation to this aspect, the PP suggests:

"We propose to seek amendments to the Act to simplify and streamline the process for taking action under the misbehaviour provisions. We also propose to seek amendments to give the Division more options for managing misbehaviour under the Act. Accordingly the misbehaviour provisions will no longer focus simply on "suspension" as the sole form of action available for misbehaviour but will also refer to a broader range of options known collectively as "disciplinary action".

The amendments will maintain the existing two avenues for seeking disciplinary action to be taken against councillors under the misbehaviour provisions. These are:

- *Action by the Chief Executive as delegate of the Director General (referred to below as the Director General).*
- *Action by the Local Government Pecuniary Interest and Disciplinary Tribunal (referred to below as the Tribunal)."*

Other proposed amendments referred to in this section only appear to refine and enhance current provisions contained within the MCof C and Local Government Act in this regard.

As indicated earlier, the intention of this report was not to comment on all aspects of, or proposed changes suggested by the PP but rather focus on those areas considered to be of significance or interest to Council. Assuming Council agrees with the comments made within this report I would recommend that Council make a submission to the DLG in response to the PP along the lines of these comments. Submissions should be lodged by 5 December 2011.

Following this date, the PP indicates:

"We will consider your submission in finalising our reform proposal.

In order to give effect to our proposed changes, it will be necessary to do the following:

- *draft an amended Model Code,*
- *draft Model Code procedures,*
- *seek amendments to Act and Regulation to support the changes.*

Prior to doing so, we intend to issue the following for comment:

- *the draft amended Model Code,*
- *the draft Model Code procedures, and*

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- a summary of the proposed amendments to the Act and Regulation.

This will provide you with a further opportunity to provide comment on the technical detail that will underpin our proposal.

We will consider your comments prior to finalising the Model Code and Model Code procedures and seeking the necessary amendments to the Act and Regulation.

As with previous versions of the Model Code we intend to supplement the new Model Code and procedures with amended Guidelines to assist in their interpretation. We also intend to reissue an updated education package to assist councils to raise awareness among councillors, staff, delegates and committee members of any new requirements under the new Model Code and procedures."

Conformance to Community Strategic Plan

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

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

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

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

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That Council make a submission in response to the Position Paper dated October 2011 released by the Division of Local Government, Department of Premier and Cabinet, in relation to the Review of the Model Code of Conduct for Local Councils in NSW based upon the comments contained in the General Manager's report in this regard.

ATTACHMENTS:

AT - 1 Division of Local Government - Circular No. 11-32 dated 24 October 2011 – Review of the Model Code of Conduct for Local Councils – Request for Submissions on Position Paper

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AT - 1 Division of Local Government - Circular No. 11-32 dated 24 October 2011 – Review of the Model Code of Conduct for Local Councils – Request for Submissions on Position Paper



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-32
Date 24 October 2011
Doc ID. A261051

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REVIEW OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS - REQUEST FOR SUBMISSIONS ON POSITION PAPER

The purpose of this circular is:

1. to advise councils of the progress of the Division of Local Government's review of the *Model Code of Conduct for Local Councils in NSW* (the Model Code),
2. to invite submissions on a position paper prepared by the Division in relation to its reform proposal,
3. to invite registrations from persons interested in participating in regional workshops to be held to discuss the Division's reform proposal, and
4. to advise of other events the Division will be participating in for the purposes of seeking stakeholder feedback.

Progress of the review

The original version of the Model Code commenced operation on 1 January 2005. A revised version of the Model Code subsequently came into force on 27 June 2008 and operates to this day.

The Division sees the Model Code as an evolving document. While the framework for managing complaints about council officials has vastly improved over the six years the Model Code has been in operation, the Division agrees that there remains scope for further refinement and improvement.

Over the three years in which the revised Model Code has been in operation, the Division has identified or has had brought to its attention a number of areas where the Model Code has not operated in the manner in which it was intended or where its operation could be improved. The Division therefore considered it timely to undertake a further comprehensive review of the Model Code.

The Division commenced the review process earlier this year. A discussion paper was issued in June 2011 outlining issues raised about the operation of the current version of the Model Code. The discussion paper sought views about any other areas where the Model Code required improvement and asked for suggestions on how best to make those improvements. The discussion paper also sought submissions on possible options for improving the Model Code to address the issues that had been raised with the Division.

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A total of 122 submissions were received in response to the discussion paper from a range of sources including councils, individual council officials, conduct reviewers, unions and industry bodies, Members of Parliament, NSW Government agencies such as the ICAC and the Ombudsman and members of the community.

The submissions received reflected the diversity of the local government sector, the different contexts that councils operate in and the range of stakeholders' interests that the sector impacts upon. As a result, submissions expressed a broad diversity of views on the Model Code and how it might be improved.

The position paper

Based on the Division's consideration of submissions, a reform proposal has been prepared with respect to the Model Code and the misbehaviour provisions of the *Local Government Act 1993* (the Act). The Division now seeks stakeholders' views in relation to the reform proposal.

To this end, the Division has prepared a position paper outlining its reform proposal. This may be found on the 'Publications' page of the Division's website at www.dlg.nsw.gov.au.

The Division is currently only seeking views on the general direction of the proposed changes. Once the broad direction of the proposed changes has been determined, the Division will be seeking stakeholders' further views on the technical detail that will underpin and give effect to the proposed changes. To this end, the Division will issue a draft of the revised Model Code and associated procedures and any ancillary proposals for the purposes of seeking comment on the technical detail of the proposed changes.

The Division requests that general managers bring the position paper to the attention of their councillors and staff. Councils may also wish to notify their communities of the position paper on their own websites or by other means.

The Division requests that submissions be made in writing to the following postal address:

Division of Local Government
Department of Premier and Cabinet
Locked Bag 3015
NOWRA NSW 2541

Alternatively, submissions may be made by email to dlg@dlg.nsw.gov.au.

The Division requests that submissions be received by **5 December 2011**.

Regional workshops

To assist in hearing the views of stakeholders involved in the administration of the code of conduct on the proposed reforms, the Division will be holding a series of workshops in a number of locations around the State.

Workshops are to be held on the following dates and locations:

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Thursday, 10 November 2011 at 6pm: Discovery Room, Novotel Sydney Brighton Beach, Cnr The Grand Parade and Princess Street, Brighton le Sands

Monday, 21 November 2011 at 6pm: Tamworth Regional Council Chambers - Ray Walsh House, 4th Floor, 437 Peel Street, Tamworth

Tuesday, 22 November 2011 at 6pm: Dubbo Civic Administration Building – Central Conference Room, Ground Floor, Church Street, Dubbo (entry from Darling Street)

Wednesday, 23 November 2011 at 6.30pm: Wagga Wagga Civic Centre, Cnr Baylis and Morrow Street, Wagga Wagga.

Workshop numbers will be restricted to 40. For this reason, participation in the workshops will be limited to council officials involved in the administration of the code of conduct (including current conduct reviewers). Numbers will be limited to 4 persons per council. However if there are vacancies we may consider allowing additional persons to attend.

Members of the community, or other interested parties who wish to offer their views on the position paper, may do so by way of the written submission process.


Interested parties may register their interest in participating in any of the above workshops via the Division's website at www.dlg.nsw.gov.au before **4 November 2011**.

Other consultation

In addition to these workshops, staff of the Division will also be participating in the following events for the purposes of considering stakeholder feedback on the reform proposal:

- The Division will have a stall at the Local Government Association NSW Conference in Nowra between 23 and 26 October 2011 at which staff of the Division will be available to consider feedback and answer questions.
- Staff of the Division will also be attending the LGMA Governance Network meeting at Rockdale on 11 November 2011 to consider feedback from and discuss the proposal with council governance staff.

Should anyone wish to contact the Division to discuss the position paper or the Model Code of Conduct Review, they may contact Mr John Davies, Model Code of Conduct Review Project Officer, on telephone 02 4428 4139.



Steve Orr
Acting Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

oooO END OF REPORT Oooo

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Item: 259 GM - 52nd Floodplain Management Association Conference 2012 (79351,80286)

REPORT:

Executive Summary

The 52nd Floodplain Management Association Conference will be held in Batemans Bay from 21 - 24 February 2012. Due to its relevance to Council's area it is recommended that the 52nd Floodplain Management Association Conference be attended by Councillors and appropriate staff.

Consultation

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

Background

The 52nd Floodplain Management Association Conference will be held in Batemans Bay from 21 - 24 February 2012. This annual conference brings together practitioners from around Australia and overseas who work in or are interested in floodplain management and related fields. The conference attracts presenters from NSW, interstate and overseas, and provides an opportunity to meet and extend contacts within the industry.

Cost of attendance at the 52nd Floodplain Management Association Conference will be approximately \$1,955 plus travel expenses, per delegate.

Budget for Delegates Expenses - Payments made:

- | | |
|---|----------|
| • Total Budget for Financial Year 2011/2012 | \$43,000 |
| • Expenditure to date | \$27,721 |
| • Budget balance as at 21/11/11 | \$15,279 |

Conformance to Community Strategic Plan

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

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure.

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

- Develop disaster response and community safety plans.
- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.

Financial Implications

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

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RECOMMENDATION:

The attendance of nominated Councillors and staff members as considered appropriate by the General Manager, at the 52nd Floodplain Management Association Conference at an approximate cost of \$1,955 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 260 **CP - Development Application - Retrospective Application - Rural Tourist Facility
- 123 Commercial Road, Vineyard - (DA0295/11, 95498, 85782)**

Development Information

File Number: DA0295/11
Property Address: 123 Commercial Road, Vineyard
Applicant: Urban City Consulting Pty Limited
Owner: Mrs SE Pedersen
Proposal: Retrospective Application - Rural Tourist Facility
Estimated Cost: \$50000
Zoning: Rural Living under Hawkesbury Local Environmental Plan 1989
Date Received: 19 May 2011
Advertising: 1 June 2011 - 20 June 2011

Key Issues:

- ◆ Privacy
- ◆ Visual Impact and Character
- ◆ Amenity
- ◆ Bushfire
- ◆ Effluent disposal

Recommendation: Approval

REPORT:

Executive Summary

The application is seeking approval for a 'rural tourist facility' on Lot 12 DP 601366, No. 123 Commercial Road Vineyard. The application proposes the use of two existing buildings for tourist accommodation. These existing buildings have been erected without the approval of Council.

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

- Privacy
- Visual impact and character
- Amenity
- Bushfire
- Effluent disposal

The application is being reported to Council for determination at the request of a number of Councillors.

The application was notified for the period 1 June 2011 to 20 June 2011 and seven submissions were received. A summary of the matters raised in the submissions follows:

- Wastewater and stormwater run off to the watercourse at the rear of the property
- Visual impact/Out of character
- Loss of amenity – loss of privacy and increased noise, loss of safety and security
- Viability of development

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- Decrease in land value
- Intensification of the use in the future
- Impact/conflict with future development as part of the North West development area

The matters raised within the submissions do not warrant refusal of the application.

The application does not demonstrate that the unauthorised buildings comply with the Building Code of Australia or meet the required standards in respect to sustainability under the Basix Scheme. Whilst this is the case, it is considered that these details can be obtained through conditions of a Deferred Commencement Consent, whereby the applicant would need to provide the additional information to Council's satisfaction prior to the consent becoming operational and being able to be acted upon.

It is recommended that the application be conditionally approved.

Description of Proposal

The application seeks approval for the use of two unauthorised buildings as a rural tourist facility. The details are as follows;

Cabin 1 – Pre-painted steel clad building (floor area of 144sqm) containing one bedroom, living room, kitchen, bathroom, double garage and carport with stables to the rear of the cabin.

Cabin 2 – Pre-painted steel clad building (floor area of 55.5sqm) containing one bedroom, living room, family room, kitchen, bathroom, laundry and attached pergola. This structure has been constructed from two portable buildings. The building at present has a flat roof form and it is proposed to construct a pitched roof over a portion of the building to improve its appearance.

Access to the cabins is from the existing driveway access off Commercial Road. Off-street parking is provided adjacent to the cabins, with covered parking available for Cabin 1.

An on-site sewerage management system for the cabins has been installed.

Existing Site

The subject land has an area of 2.467 ha, road frontage of 139.3m and depth of about 198m.

Approximately two thirds of the site is cleared, with significant native tree cover to the rear and at the road frontage adjacent to the existing two storey house. Council's records indicate that the vegetation on the land is identified as Shale Plains Woodland (a form of Cumberland Plains Woodland), which is listed as a Critically Endangered Ecological Community under the Threatened Species Conservation Act, 1995.

The land has a moderate fall from the road frontage to the rear (south to north) and a watercourse is located in the north eastern (rear) corner of the property.

The land is located above the 1 in 100 year flood level.

Background

The two existing buildings proposed to be used as tourist cabins have been constructed without the approval of Council. In addition, a sewerage management facility has also been installed to service these buildings, without the approval of Council. These buildings were being used for residential occupation on a permanent basis.

Statutory Framework - Unlawful Structures

The Environmental Planning and Assessment Act 1979 does not make provision for development consent to be granted retrospectively for a building, but under section 109A of the Act there is a distinction between the *unlawful erection of a structure* and the *unlawful use of land or a structure*. Section 109A reads:

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the use of a building, work or land which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except:

(b) the granting of development consent to that use.

Therefore, the development application is required to be considered on its merits and should the use of the structures be deemed consistent with relevant planning controls then an application for a Building Certificate is required to be submitted to Council.

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 44 - Koala Habitat Protection
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989
- Draft Hawkesbury Local Environmental Plan 2011
- Hawkesbury Development Control Plan 2002

Section 79C Matters for Consideration

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

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The proposed development does not require the removal of native vegetation and will therefore not disturb habitat areas within the site. Consequently, an investigation into whether or not the land is a potential koala habitat is not required for the development in accordance with the requirements of the Guidelines for the implementation of the SEPP.

State Environmental Planning Policy No. 55 - Remediation of Land

Where a proposed development involves a change in the use of the land, this Policy requires consideration as to whether the land is potentially contaminated.

Council records indicate that the land has been used for rural residential purposes in the past. Given the use of the land it is considered that the land would not be contaminated to such a degree as to cause harm. The land is considered suitable for the proposed development and a Preliminary Site Investigation is not required.

The application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Clause 164A of the Environmental Planning and Assessment Regulations 2000 provides the circumstances under which a BASIX certificate is required and the information that must be contained within the certificate.

Comment:

A Basix Certificate for the proposal has not been provided, however this can be resolved through conditions of a deferred commencement consent. In addition, conditions will also be imposed to ensure

that the development meets the necessary performance requirements as set out in the BASIX certificate, therefore complying with SEPP (BASIX 2004). The proposed development is consistent with the requirements of the Environmental Planning and Assessment Regulations 2000 and State Environmental Planning Policy (BASIX) 2004 in relation to the BASIX scheme.

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

An assessment of the proposed development against the relevant clauses of Hawkesbury Local Environmental Plan 1989 follows:

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

The subject proposal is defined as a rural tourist facility by Hawkesbury Local Environmental Plan 1989. Clause 5 of Hawkesbury Local Environmental Plan 1989 provides the following definition for rural tourist facilities:

“ rural tourist facilities” means a building or place in a rural area that is used to provide low scale holiday accommodation, recreation or education for the travelling or holidaying public, and may consist of holiday cabins, horse riding facilities, refreshment rooms or the like.

Clause 8 - Zones indicated on the map

The subject land is within the Rural Living zone.

Clause 9 – Carrying out development

‘Rural tourist facility’ is permissible with development consent within the Rural Living 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 the development is consistent with the relevant objectives of the zone.

The objectives of the Rural Living zone are as follows:

(a) to provide primarily for a rural residential lifestyle,

Comment

The use of the site for low scale tourist accommodation is a permissible use in the zone and is considered compatible with adjoining and nearby rural residential development.

(b) to enable identified agricultural land uses to continue in operation,

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Comment

Not applicable.

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

Comment

The use is a low scale, short stay tourist facility well separated from adjoining houses with some screening due to existing vegetation. There is unlikely to be any adverse impact on the existing visual and acoustic amenity of the immediate area. It is not considered that the use will create any unreasonable rural land use conflicts.

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

Comment

The use would not affect the sustainability of any agricultural activity in immediate area.

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

Comment

Not applicable

(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 external design, siting and finish/colours of the two existing cabins (tourist accommodation), are considered to be in keeping with the rural character of the area. They are reflective of the form and design of other rural buildings in the area.

(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

Not applicable

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

- 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 subject land is not used for agricultural purposes and the proposal is for a low scale tourist facility. There is likely to be no significant adverse impacts on water catchments (surface and groundwater quality & flows), land surface conditions and important ecosystems including the River.

The tourist facility is to be operated in accordance with a management plan submitted with the application, together with appropriate operational conditions.

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

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Comment

The proposal is not considered to be a “traffic generating development” as defined by HLEP

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

Comment

There is adequate provision for necessary amenities and services and is not considered that the tourist facility will create unreasonable demands for the provision or extension of public amenities or services.

Summary

It is considered that the proposed development is consistent with the relevant objectives of the Rural Living zone. The proposal is considered to be compatible with a rural residential life style and in particular adjoining residential development. The proposed proposal is compatible with the rural character of the locality and is unlikely to have any adverse impact on the natural environment.

Specific Provisions of HLEP 1989

Clause 18 - Provision of water, sewerage etc. services

The land will be subject to onsite collection of water and disposal of effluent. It is considered that the site is suitable for the onsite disposal of wastewater and that the installed system, with some modifications, will be suitable to cater for the proposed development. A condition will be imposed requiring that a sewerage management facility application be submitted for approval. The provision for the onsite collection of water will also be ensured through conditions of consent.

Conditions of consent will be imposed requiring written evidence to be provided demonstrating that satisfactory arrangements for the provision/extension of telephone and electrical services have been made to this development.

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

The land is within Class 5 as shown of the Acid Sulfate Soils Planning Map. The proposal does not require any works, as defined in this Clause. The proposed development is consistent with the requirements of this Clause.

Clause 43- Rural tourist facilities and educational establishments

The Council may consent to development to which this clause applies only if the Council is satisfied that:

- (a) *the proposed development will have no significant adverse effect on the present and potential agricultural use of the land and of the lands in the vicinity, and*

Comment:

The land is currently being used for rural residential proposes. No adverse effect on the agricultural potential of the land is envisaged as a result of this proposal.

- (b) *the proposed development will be compatible with the rural environment and of minimal environmental impact, and*

Comment:

It is considered that the proposal is low scale in nature and is compatible with the surrounding environment. The property contains suitable space for onsite effluent disposal and it is expected that the development will not have any significant adverse environmental impacts.

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- (c) *adequate separation distances will be incorporated to minimise the potential for land use conflict between the proposed development and existing or potentially conflicting land uses, such as intensive agriculture on adjoining land, and*

Comment:

The proposal is not within the vicinity of any identified intensive agricultural activities. The surrounding area is predominately occupied by rural residential developments. The proposal is for a low scale rural tourist facility and is permissible with development consent within the zone. Therefore it is not considered that the proposed development will create any unreasonable rural land use conflicts.

- (d) *the proposal incorporates adequate landscaping and screen planting for visual amenity as viewed from a public road or dwelling-house on other land in the locality, and*

Comment:

The existing cabins are well separated from adjoining houses with some screening due to existing vegetation. There is unlikely to be any adverse impact on the existing visual amenity

- (e) *all proposed buildings and other uses are clustered so as to reduce impact on the rural amenity, and*

Comment:

The existing cabins and two storey residence are appropriately clustered towards the front part of the property and will be unlikely to adversely impact on the rural amenity of the area.

- (f) *there will be no significant adverse visual impact of the proposed development on the scenic quality of the area.*

Comment:

It is considered that the development will not have an adverse impact on the scenic quality of the area. The external design and siting of the existing buildings are considered to be generally appropriate within the rural area.

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 proposes to zone the subject site RU4 Rural Small Holdings. The development is defined as 'tourist and visitor accommodation' which is permissible with development consent under this draft Plan.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002 (HDCP 2002)

Part A, Chapter 1 – Purpose and aims

The development is considered to be consistent with the general aims and objectives of HDCP 2002.

Part A, Chapter 2 - General Information

The subject application does not provide adequate information for the assessment of the proposal. However, additional information can be sought through conditions of a deferred commencement consent.

Part A Chapter 3 - Notification

The adjoining neighbours were notified as per the requirements of this Chapter. Seven (7) submissions were received. The matters raised in these submissions are addressed further in this Report.

Landscaping Chapter

A landscape plan for the development has not been provided. Additional landscaping/screen planting, adjacent to the cabins, is considered appropriate. A suitable condition has been included in the Recommendation to this Report.

Car Parking Chapter

All vehicles can enter and exit the site in a forward direction.

This Chapter does not nominate a specific parking rate for tourist facilities. Both cabins contain one (1) bedroom. Two (2) parking spaces are available within the Cabin 1 building and one (1) parking spaces is available adjacent to Cabin 2. It is considered that adequate parking arrangements have been made on site for the development.

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 has been no planning agreement or draft planning agreement entered into under Section 93F of the Environmental Planning and Assessment Act, 1979.

v. Matters prescribed by the Regulations:

Conditions to be imposed to ensure that:

All development is 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 and Setting

Surrounding land uses predominantly consist of single dwelling houses. The proposal is considered to be compatible with the existing uses, the rural character of the locality and the Rural Living zone.

The scale of the proposed tourist facility cabins is compatible with adjoining development. The design and appearance of Cabin 1 is considered to be consistent with the rural residential character of the locality. However, the design and appearance of Cabin 2 is not considered to be satisfactory in this regard. The applicant proposes to alter the roof form of Cabin 2 to include a pitched roof to one component of the building, thereby assisting in enhancing its presentation. It is considered that the visual impact of Cabin 2 can be mitigated through appropriate landscaping.

Existing vegetation provides some screening between the development and adjoining houses. Additional landscaping will be required to improve the appearance of the development when viewed from surrounding properties and the public domain.

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

It is considered that the location of the development will ensure the minimisation of any land use conflicts between adjoining properties and within the subject property itself.

Access, Transport and Traffic

Access to the site is considered satisfactory, however it is considered that the existing driveway to Cabin 2 be constructed with an all weather seal and that rural crossovers be provided from the road to the property at each driveway access point. This will be ensured through conditions of consent.

It is considered that the traffic generated by the development is unlikely to have any significant impact on the safety and efficiency of traffic using Commercial Road or surrounding streets.

Utilities

On site effluent disposal system is available and needs to be upgraded to cater for the proposed use. An appropriate condition has been included in the Recommendation to this Report. Other utilities and services are available to the subject land.

Heritage

The subject land is not identified as a heritage item or located within the vicinity of a heritage item.

Water

The proposed development is not likely to have a significant impact on water quality.

Soils

The proposed development will not result in any adverse impacts on the locality in terms of erosion and sedimentation.

Flora and Fauna

The proposal does not involve the disturbance or removal of native vegetation communities. It is therefore 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. All buildings, asset protection zones and effluent disposal areas proposed by this application can be provided without any adverse impacts on native vegetation on the property.

Noise and Vibration

It is considered that the proposed development will not result in a significant adverse impact on the locality due to noise.

Natural Hazards

The subject land is located within an area of moderate bush fire risk. This affectation does not prevent the development.

Cumulative Impact

The proposed development is compatible with the surrounding land uses and no significant negative cumulative impact is foreseen.

c. The suitability of the site for the development

The area is characterised by rural land uses and it is considered that the size and shape of the allotment can sustain the proposed land use. The location and design of the development will ensure minimal impact on the amenity of the adjoining properties.

Adequate access is available to the site and the proposed use will not generate unmanageable traffic demand for the existing road network. The subject site area is adequate to accommodate on-site effluent disposal. Other utilities such as electricity and telephone are also available to the site.

Ambient noise levels are suitable for the development. The site is not critical to the water cycle of the catchment. The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

There are no constraints from surrounding land uses that would make this development prohibitive.

d. Any submissions made in accordance with the EPA Act or Regulations**Public submissions**

The application was notified to adjoining property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002. In response to this notification seven written submissions were received. The pertinent concerns raised are as follows:

Wastewater run off and sub-soil filtration of wastewater to the watercourses.**Comment:**

The proposed wastewater disposal systems for the proposed cabins have been assessed and are considered satisfactory for the disposal of wastewater with minimal environmental impacts. The land application areas for each system are located so as to provide the required buffer distances from watercourses, dams, boundaries and dwelling houses.

Visual impact – inappropriate design of the cottages; out of character with open rural landscape**Comment:**

It is considered that the design of Cabin 1 is not inconsistent with the rural character of the locality. The proposed modifications to the roof form of Cabin 2 will improve the appearance of this building, and it is considered that, with appropriate landscaping, the development will have no significant visual impact when viewed from surrounding properties given the size of properties and the distance between the cabins, adjoining properties and associated dwellings.

Loss of Privacy – overlooking**Comment:**

Given the open rural landscape of the locality, it is considered that the tourist cabins will not unreasonably reduce the privacy of residents of adjoining properties. The subject site is landscaped and provides screening of the development from adjoining land as well as limiting views of the cabins from these properties. It is therefore considered that the proposed development will not result in a loss of privacy for adjoining residents.

Noise – late night partying of guests, vehicles entering property at night (headlights, engine noise)**Comment:**

Given the low scale nature of the development, consisting of two (2) x one (1) bedroom cabins, it is unlikely that there would be an unreasonable impact on surrounding properties from noise. However, the development is required to be conducted in accordance with the NSW EPA's Industrial Noise Policy (2000), with respect to noise amenity of residential dwellings. An appropriate condition is included in the Recommendation to this Report.

Viability of the development**Comment:**

Should the cabin development cease, the buildings may be converted to another use, or removed, with Council approval. Should they remain, their upkeep will be a requirement of the consent. The economic viability of an individual proposal is not a relevant planning consideration in this case.

Use of the cabins for permanent occupation**Comment:**

The applicant is seeking approval for short term tourist accommodation. To ensure that the development is not used for permanent occupation, it is proposed to provide operational restrictions in respect to maximum length of stay. In addition, the recommended consent includes a requirement that a copy of the guest book be provided to Council every three (3) months.

Adverse impact upon land value.

Comment:

The proposed land use is permitted in the zone with Council consent and, subject to meeting relevant requirements, can be operated without detriment to neighbouring properties. There is no evidence that the proposal will impact on property values.

Intensification of the Use

Comment:

Any intensification of the proposed use will require Councils approval, and subject to public notification in accordance with Hawkesbury's Development Control Plan.

Impact/conflict with future development as part of the North West development area

Comment:

The subject property is not located within the area subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. However, properties opposite the subject land on the other side of Commercial Road are within the Growth Centres area. It is considered that the proposed development will not conflict with future development within the Growth Centres area due to the nature and scale of the proposal.

NSW Rural Fire Services

The application was referred to NSW Rural Fire Services, as integrated development, for approval under Section 91 of the Environmental Planning & Assessment Act 1979. In their letter of 5 August 2011, the NSW Rural Fire Service granted a bush fire safety authority subject to conditions. These conditions have been included in the recommended consent.

e. The Public Interest:

The proposed development will provide low scale accommodation options for the travelling public and is consistent with the relevant planning controls which affect the site. The proposed development is considered to be in the public interest.

Conclusion

The rural tourist facility is considered to represent a satisfactory form of development and is not considered to have any significant adverse impact upon the rural character and amenity of the area. The proposal is considered to be consistent with the relevant objectives of the zone and the rural tourist facilities requirements under Clause 43 of the HLEP 1989. The development will not have an adverse impact on the scenic quality, or on the rural and bushland character of the subject site and locality.

Hawkesbury Section 94A Development Contributions Plan 2006

This Plan allows Council to impose a requirement for a monetary payment where it approves a development that will, or is likely to, require the provision of or increase the demand for public amenities and public services within the area.

The Contribution Plan applies a levy on most development at the rate of 0.5% for development with a value of works not exceeding \$200 000. The estimated cost of works associated with this application is \$50,000 and therefore a contribution is not required.

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:

1. That Development Application No. DA0295/11 for a Rural Tourist Facility at Lot 12 DP 601366 Vol 13831 Fol 39, 123 Commercial Road, Vineyard be approved as a Deferred Commencement Consent subject to the following conditions:-
 - A. Upon compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.
 - B. The 'Deferred Commencement' consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

Schedule 1

- A. The submission of a comprehensive Building Code of Australia (BCA) report for a 'Class 1b Building', prepared by an accredited certifier with a minimum A1 or A2 Accreditation Level, issued by the NSW Building Professionals Board. The report must comment on the existing and proposed building works in relation to relevant sections of the Building Code of Australia including:
 - a. Site preparation
 - b. Footings and slabs
 - c. Framing
 - d. Roof and wall cladding
 - e. Glazing
 - f. Fire Safety
 - g. Health and amenity
 - h. Safe movement and access
 - i. Energy efficiency

The report must comment on the specific deemed-to-satisfy requirement of the BCA, level of compliance, where applicable and recommendation to achieve compliance where required. If an 'alternative solution' or 'performance based' solution is proposed to achieve compliance with these Sections of the Building Code of Australia, it must be prepared by a properly qualified and accredited person. If necessary, the report may be accompanied by 'certificates of compliance' from suitably licensed tradespersons or other qualified persons demonstrating compliance with particular components of construction in accordance with the BCA or Australian Standards.

- B. The submission of a report by a structural engineer confirming the structural adequacy of the existing building works.
- C. The submission of amended plans and specifications demonstrating compliance with the requirements of the Rural Fire Service as stated in the letter dated 5 August 2011, with regard to the protection of the buildings against bushfire.

Schedule 2

NSW Rural Fire Service Conditions

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

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1. Proposed Tourist Cabins 1 and 2 on Lot 12 DP601366 require an asset protection zone of 70 metres or to the boundary if this is less. This is to be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access roads shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. An emergency/evacuation plan is to be prepared that is consistent with section 4.2.7 of Planning for Bush Fire Protection 2006.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. The existing dwelling and the proposed tourist accommodation cabins on Lot 12 DP601366 are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, open-able windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Hawkesbury City Council Conditions

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The buildings must not be used or occupied prior to the issue of an Occupation Certificate.
4. The development shall comply with the provisions of the Building Code of Australia.

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5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
6. Water supplied for human consumption must comply with the Food Safety Standards 3.2.3, Australian Drinking Water Guidelines 2004 and Private Water Supply Guidelines 2007.
7. A copy of a water supply management plan is to be provided to Council prior to operation of the business. Council's Environmental Health Officer can be of assistance in the development of such a plan.
8. Section 10(m) of the Public Health Act requires you to establish and adhere to a quality assurance program designed to ensure that the drinking water you supply is consistently safe to drink. Initial tests should be undertaken to obtain base line water quality data to assess compliance to the guidelines and the amount of chlorination required for potable purposes. After sampling has been undertaken and analysed a monthly monitoring program should be designed and implemented with details of the program forming the water supply management plan that shall be forwarded to Council.
9. The following services need to be supplied with potable water: hand washing basins, showers, food preparation areas, including water used specifically for drinking as well as water used in food preparation and cleaning. Only potable water must be used for making ice. Other services such as toilets, laundries, facility cleaning and irrigation taps do not need to be supplied with potable water. Where it is considered that the public may access these services it is necessary to provide a clearly visible sign stating "water unsafe to drink".
10. The business is to be registered with Council as a private water supplier prior to operation of the business.

Prior to Issue of a Construction Certificate

11. A landscape plan is to be submitted for approval. Landscaping is to provide suitable screening of the cabins when viewed from surrounding properties and the public domain. Landscaping is to include a mix of trees, shrubs and ground cover, and are to be native species of local provenance (i.e. species that form part of the ecological community Shale Plains Woodland).
12. A 149D Building Certificate application shall be submitted to Hawkesbury City Council and approval be granted prior to the issue of the construction certificate.

Prior to Commencement of Works

13. An Application to Install a Sewage Management Facility must be submitted and approved by with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
14. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
15. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
16. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
17. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.

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- (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
- (d) The name and contact number of the Principal Certifying Authority.

During Construction

- 18. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
- 19. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- 20. All roof water shall be drained to an approved on-site water storage facility or to an approved disposal system.
- 21. Landscaping of the development shall be completed in accordance with the approved landscape plan.
- 22. A pavement 4m wide shall be constructed along the access strips to the Cabins appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section.

- 23. A heavy duty layback and footway vehicular crossing 4m wide shall be constructed to the Cabins. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification. Prior to works commencing the applicant shall consult with Infrastructure Services regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.
- 24. One off-street car parking space, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, adjacent to Cabin 2.

Prior to Issue of the Occupation Certificate

- 25. An automatic fire detection and alarm system shall be installed within the building in accordance with the Building Code of Australia for Class 1A and 1B Dwellings. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, a certificate of the installation shall be provided prior to occupation of the building or addition.

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26. A statement or other suitable evidence shall be submitted to the Principal Certifying Authority, certifying that all commitments made on the BASIX certificate have been implemented and installed as approved.

Use of the Development

27. No internal or external alterations shall be carried out without prior approval of Council.
28. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
29. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), does not exceed 5 dB(A) (LAeq) above background noise levels at any property boundary in the day and evening (defined by the NSW EPA Industrial Noise Policy).
30. The development shall be conducted in such a manner as to prevent the emission of offensive noise as defined by the Protection of the Environment Operations Act 1997 during the night ('night' defined by the NSW EPA Industrial Noise Policy).
31. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
32. The subject development, including the approved landscaping, is to be maintained in a clean and tidy manner.
33. All waste materials shall be regularly removed from the property.
34. The rural tourist facility buildings shall not be used for permanent occupation as a residence.
35. The rural tourist facility building shall only be used for short term tourist accommodation with a maximum stay of two (2) weeks in any one period.
36. A copy of the guest register is to be provided to Council every 3 months from the date of commencement of the use of the existing building as a rural tourist facility.
37. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Councils officers as necessary/required. These premises are required to comply with the Food Act 2003, associated Regulations, and the Food safety standards 3.2.2 and 3.2.3.
38. Only pre-packaged foods are to be provided on the premises as part of the business activity.
39. All materials, equipment and utensil for use in the operation of the business (including food products) are to be stored separate to those used for personal use.
40. Food preparation and storage areas are to be adequately protected from flies, insects and vermin. Windows are to be screened. External doors are to be provided with self-closing screen doors.
41. No domestic animals are to be allowed access to the food preparation or storage areas at any time.
42. All equipment, utensils, and food preparation surfaces are to be sanitized before each use.

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43. Food storage areas are to be of a construction that is impervious to moisture and can easily be cleaned. Food storage areas are to be cleaned at regular intervals to ensure there is no build up of dirt or debris.
44. The particulars of the business are to be notified to the NSW Food Authority (www.foodnotify.nsw.gov.au) prior to commencement of operation of the business.

Advisory

- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

ATTACHMENTS:

- AT - 1** Locality Plan & Aerial Photo
- AT - 2** Site Plan
- AT - 3** Floor Plan and Elevation Plan – Cabin 1
- AT - 4** Floor Plan and Elevation Plan – Cabin 2

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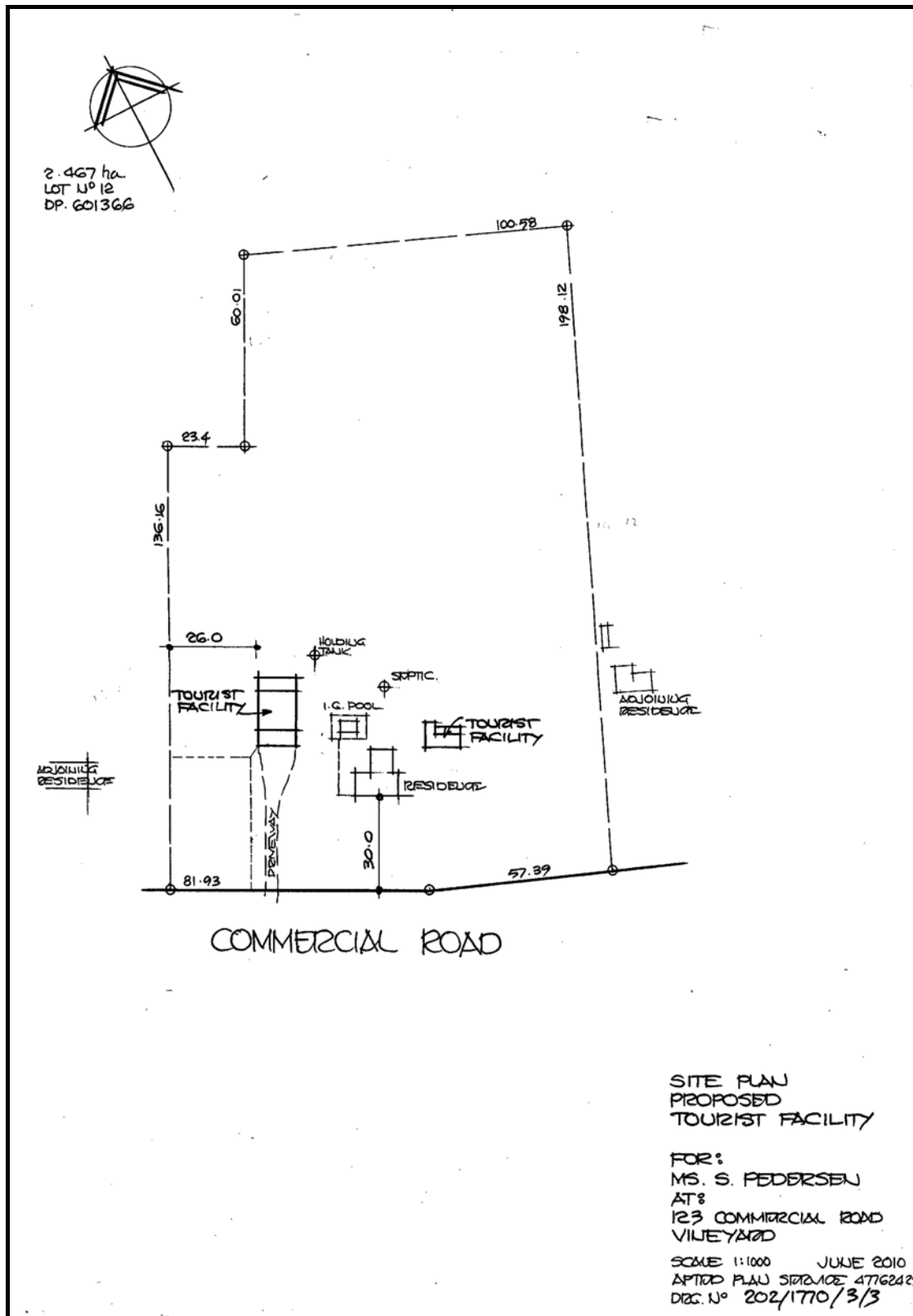
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AT - 2 - Site Plan

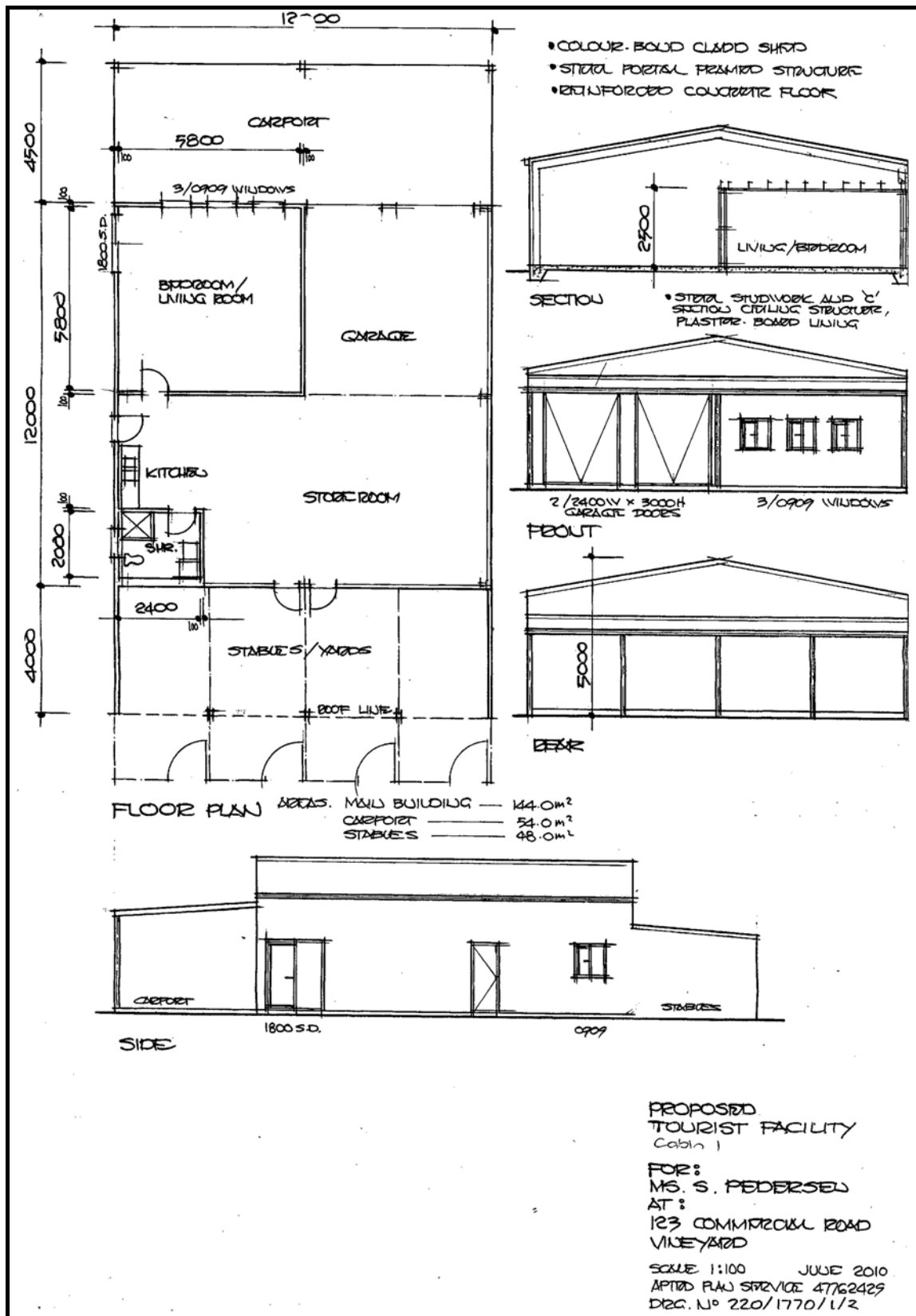
Lot 12 DP 601366, No. 123 Commercial Road, Vineyard



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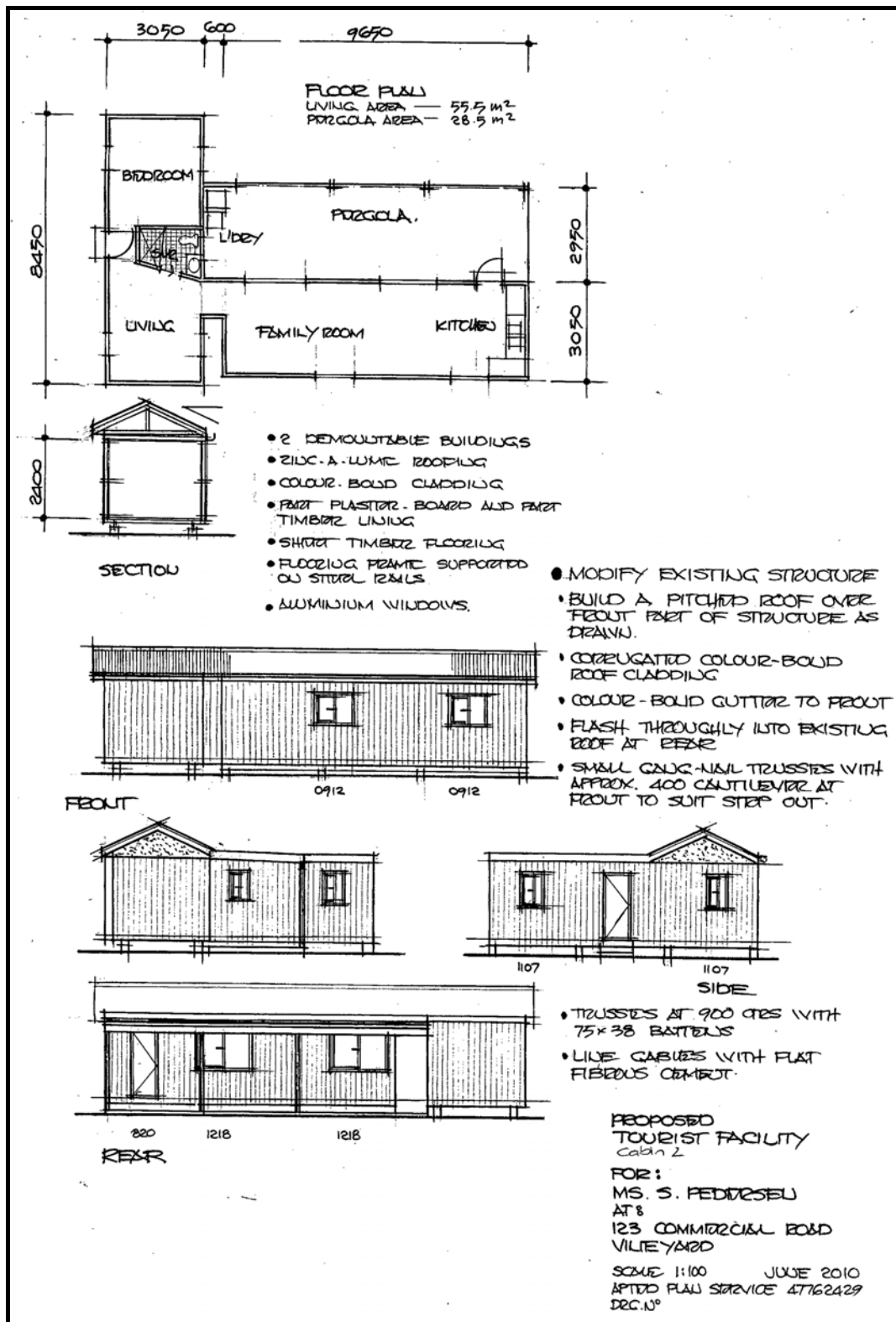
AT - 3 - Floor Plan and Elevation Plan – Cabin 1 Lot 12 DP 601366, No. 123 Commercial Road, Vineyard



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AT - 4 - Floor Plan and Elevation Plan – Cabin 2 Lot 12 DP 601366, No. 123 Commercial Road, Vineyard



oooO END OF REPORT Oooo

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Item: 261 **CP - Development Application - Three Lot Torrens Title Subdivision - 3 Duke Road, Wilberforce - (DA0514/11, 95498, 36026, 36025, 85782)**

Development Information

File Number: DA0514/11
Property Address: 3 Duke Road, Wilberforce
Applicant: Urban City Consulting Pty Limited
Owner: Mr GM Pellew & Mrs DK Pellew
Proposal: 3 lot Torrens Title Subdivision
Zoning: Housing
Date Received: 2 September 2011
Exhibition Dates: 22 September 2011 - 7 October 2011

Key Issues:

- ◆ Inconsistency with the aims and objectives of Hawkesbury Local Environmental Plan 1989 and Draft Hawkesbury Local Environmental Plan 2011.
- ◆ Inconsistent with Hawkesbury Development Control Plan 2002
- ◆ Increased residential density of flood affected land
- ◆ Amenity of adjoining neighbours

Recommendation: Refusal

REPORT:

Executive summary

The application seeks approval for a three lot Torrens Title subdivision of Lot 15 in DP84383, 3 Duke Road Wilberforce.

The proposal is contrary to Council's requirements relating to subdivision of flood liable land contained within Hawkesbury Development Control Plan 2002 and is inconsistent with the overall objectives of Hawkesbury Local Environmental Plan 1989 and Draft Hawkesbury Local Environmental Plan 2011. It is considered that the application has not satisfactorily justified support of a variation to the flood related development controls relating to the land and it is recommended that the request to vary this requirement not be supported.

The application is being reported to Council as the land is situated within Wilberforce and at Council's Ordinary Meeting held on 15 February 2011, Council resolved that:

- "1. A draft Interim Policy for Wilberforce Subdivision and Development be drafted in accordance with this report and be publicly exhibited for a period of 28 days.
2. A further report be brought to Council to consider submissions after the exhibition period.
3. The current development applications for Wilberforce village mentioned in this report, i.e. DA0586/10, DA0029/10, DA0515/10, DA0585/10, DA0874/10 and DA0879/10 be determined on their merits as if this Policy was not proposed or made.
4. No development applications, beyond the development of a dwelling on a vacant allotment, are to be accepted in the Wilberforce priority sewer scheme area until the interim Policy has been finalised and adopted by Council."

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The draft Policy and the above resolution are the subject of a separate report on this meeting agenda.

Description of Proposal

The application proposes the subdivision of Lot 15 in DP 84383, 3 Duke Road Wilberforce into three separate allotments consisting of the following:

- | | |
|------------------|--|
| Proposed Lot 151 | Proposed frontage to the cul-de-sac of Duke Road – 1,544sqm in area and will contain an existing dwelling and detached garage. |
| Proposed Lot 152 | Accessed via a Right of Carriageway to Duke Road – 1,003.3sqm in area and will be vacant. This proposed allotment requires 0.8 to 1.3 metres of fill to raise the land to 14.3m AHD (i.e., 3m below the 1 in 100 year flood level of 17.3m) to enable the future construction of a dwelling. |
| Proposed Lot 153 | Proposed battleaxe handle lot to Duke Road – 1,001.3sqm in area (excl. access) and will be vacant. This proposed allotment requires up to 1.8 metres of fill to raise the land to 14.3m AHD (i.e., 3m below the 1 in 100 year flood level of 17.3m) to enable the future construction of a dwelling. |

The land is flood prone and, as mentioned above, the subdivision application also proposes land filling between 300mm and 1.8m to provide a building envelope for future dwellings to be located on Proposed Lots 152 and 153. The purpose of this subdivision is to create two additional allotments for residential use.

Description of the Land

The site is located at the end of the cul-de-sac on the western side of Duke Road. The subject site adjoins a concrete drainage channel to the eastern boundary. The subject land ranges in level between 12.5m - 15m AHD and is below the 1 in 100 year flood level of the locality being 17.3m AHD.

Attachments to this report have been provided to show an aerial photograph of the site, the subdivision plan received, a map showing the extent of the 1 in 100 year flood level and site photos.

Background

The subject land was created as a result of a subdivision approved under Development Consent No. DA0049/93 approved on 2 August 1993. The plan submitted with DA0049/93 was originally for a three lot subdivision. However, due to flooding, difficulties of providing a building platform and the poor amenity of the land due to the adjacent open drain to one of the allotments, the proposal was revised to a two lot subdivision.

On 31 January 2007 Development Application No. DA0052/07 was received for the subject site seeking a two lot subdivision and filling for a building envelope. The applicant was advised that there were a number of issues identified on the property regarding flooding, effluent disposal and minimum allotment size requirements. On July 2007 the application was refused under delegated authority.

On 23 September 2008 Development Application No. DA0710/08 was submitted proposing a two lot subdivision incorporating land filling to create a building envelope. The application was considered at Councils Ordinary meeting held on 26 May 2009. The planning assessment report presented to Council recommended refusal of the application based on issues regarding, flooding, effluent disposal, amenity and minimum allotment size. Council resolved that the application be refused based on the above issues.

Since the determination of Development Application No. DA0052/07 and DA0710/08 Wilberforce has been connected to a limited reticulated sewer system as part of the Sydney Water 'Priority Sewerage Program'. As a consequence of the installation of reticulated sewer the limitation of on-site effluent is no longer relevant. However, the remaining reasons for previous refusals of subdivision applications, i.e., flooding affectation and adjoining amenity, remain relevant and are required to be satisfactorily addressed in any application.

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Council Policies, Procedures and Codes to Which the Matter Relates

- Sydney Regional Environmental Plan 20. (No.2 - 1997) - Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan (HLEP)1989
- DRAFT Hawkesbury Local Environmental Plan (DHLEP)2011
- Hawkesbury Development Control Plan (HDCP) 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 of any:

i. Environmental Planning Instrument:

Sydney Regional Environmental Plan 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 contained in this plan.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject property is zoned Housing under the provisions of Hawkesbury Local Environmental Plan 1989. Subdivision is permissible with the consent of Council.

An assessment of the proposal reveals that the development is inconsistent with the overall aims and objectives of this plan.

The application proposes the creation of two new residential allotments on land located more than 3m below the predicted 1 in 100 year flood level of the locality. The applicant has indicated that the establishment of fill to a maximum height of 1.9m will enable Council to consider the construction of a dwelling on the Proposed Lots 152 and 153 in accordance with Clause 25 of this plan.

Whilst it is acknowledged that filling could be supported in order to enable a dwelling to be constructed consistent with Clause 25, it is considered that the increase in residential density in areas affected by the 1 in 100 year flood and the potential adverse impacts filling, and subsequent development, of the subject land are significant issues. In this regard it is considered that there is a potential cumulative impact associated with supporting increased residential development in flood prone areas especially when the development does not comply with Council's standards (see assessment under HDCP section of this report). It is considered that the increase in intensity of development of land affected by a 1 in 100 year flood does not allow for the orderly and economic development of land within the Hawkesbury or for the provision of appropriate land for residential uses.

A review of the proposal has revealed that the development is inconsistent with the objectives of the Housing zone as:

- The proposal will not provide land in a location of high amenity and accessibility. The levels of the site are more than 3m below the 1 in 100 year flood level for the area and the development will rely on filling to be provided to achieve a minimum building envelope for development. Access to the site will be affected by the 1 in 20 year flood level of 13.6m AHD. This access will also be significantly adversely impacted by local stormwater drainage.

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- The location of the proposed building envelopes is not in character with the established residential development and streetscapes. The proposed building envelopes associated with the new allotments, that are to be filled up to 1.8m, will adjoin the rear boundaries of neighbouring properties situated to the south west and the filling of these areas and the subsequent additional height of the future structures will likely have an adverse impact on those adjoining properties.
- The location of the proposed building envelopes has the potential to adversely impact the privacy and amenity of adjoining properties, due to their filling, and on the nature of water flows and flooding in the locality.
- The creation of new allotments on land affected by the 1 in 100 year flood event will have the potential for an increased demand for emergency services in the event of a flood.
- The filling required to be imported to the site to create the required level for the building envelopes for the proposed lots is considered to be contrary to the natural amenity of the area. The application proposes filling in an area that has already been developed to drain into the existing open drainage channel.

It should also be noted that Clause 25(5) requires consideration of flood liability of access to the land. In this regard it is considered that the application has not adequately addressed these provisions. Given that the land is more than 3m below the 1 in 100 year flood level it is considered that the possibility of isolation of the land by flood, and the localised stormwater flows leading up to these events, would be high and unacceptable in terms of evacuation and potential property damage with the increased residential development of the land.

Apart from the issues identified above an assessment of the proposal has revealed that the development otherwise complies with the following clauses of Hawkesbury Local Environmental Plan 1989:

Clause 2 - Aims, objectives etc
Clause 5 - Definitions
Clause 9 - Carrying out of development
Clause 10 - Subdivision general
Clause 12 - Residential Subdivision
Clause 18 - Provision of water, sewerage services, etc
Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

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

Draft Hawkesbury Local Environmental Plan 2011 applies to the proposal. This draft plan was adopted by Council on 7 June 2011 and is currently awaiting gazettal.

The proposal is consistent with Clause 4.1 of this plan which permits subdivision with development consent. However, the development is subject to the earthworks planning requirements of Clause 2.6 and flood planning requirements of Clause 6.7.

As previously detailed the land levels associated with the subject land are entirely below the 1 in 100 year flood level for the locality and the proposal relies on the importation of fill to create a minimum building envelope for future dwellings.

An assessment of the proposal against Clause 4.1 and Clause 6.7 has revealed the development is inconsistent with the draft plan. The application has not been able to satisfactorily demonstrate that the proposed earthworks will not have an impact on the amenity of adjoining neighbours, disrupt drainage patterns in the locality or that the proposed allotments would enable the safe occupation or evacuation of the land in the event of a flood.

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

Hawkesbury Development Control Plan (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 notified to adjacent property owners in accordance with this plan. Three submissions were received in response to the application and are discussed under the public submission section of this report.

Part D Chapter 1 - Residential development

Whilst the application does not propose the construction of dwellings on the site, an assessment into the requirements of this chapter has highlighted that there will be a number of issues which would affect the design of a dwelling to be constructed on the site given the location of the building envelopes. Specifically in respect to building within the building height plane, private open space being provided behind the front boundary setback, overshadowing, visual and acoustic privacy for adjoining properties. Attachment 4 includes photographs of the site, with Figure 6 showing the relationship between the subject sites, and adjoining neighbours to the east and west of the property.

It is considered that the location of the proposed building envelopes would have the potential to affect the amenity and privacy of adjoining neighbouring land situated adjacent to the western property boundary. The creation of allotments of land that would likely result in future development being unable to comply with the building envelope and other standards contained in HDCP 2002 is not considered to be best practice and would be contrary to the overall objectives for residential development within this chapter.

Part D Chapter 3 - Subdivision

An assessment of the proposal against the requirements of this chapter has revealed that the proposal is inconsistent with the following rules:

Rule 3.6 - Flooding, Landslip & Contaminated Land

The proposal does not comply with rule 3.7.1(a) of this plan which requires access to the subdivision to be located above the 1 in 100 year flood level of the area.

The applicant has requested a variation to this rule based on the on the following:

- access will be available to the lots up until the predicted 1 in 20 year flood event,
- there are a large number of existing properties in the Hawkesbury which have similar flood access restrictions, and
- Council has approved similar developments in the past.

It is considered that the creation of additional lots which have the potential to be impacted by a 1 in 20 year flood event is inconsistent with the overall aim of this rule which is to minimise the risk of life and or property from flooding. When assessing development of flood prone land it is accepted practice, as detailed in the Floodplain Development Manual, to assess proposals on their individual merits rather than on previous or similar cases. This approach is taken due to the very different circumstances of each case of flood prone land and also, as information improves, it is not good practice to perpetuate poor or marginal decisions made in the past that did not have the benefit of up to date information. The building envelopes are proposed at 3m below the 1 in 100 year flood level, even if a dwelling was to be constructed consistent with clause 25 of HLEP 1989 it is considered that the likelihood of property damage is high.

Whilst there are numerous lots within the Hawkesbury affected by flood access it is considered that there are no unique circumstances applying to the land that would warrant support of a variation to this rule.

It should also be noted that the nearby drainage channel is likely to adversely impact flood access for any future residential occupation or evacuation of the site due to the localised stormwater impacts.

Rule 3.7.5 – Lot Size and Shape

The proposal does not satisfy this section of Hawkesbury Development Control Plan in that the building platform proposed to be constructed for the lots exceeds the maximum 1m fill requirement of Rule 3.7.5 (f).

The applicant states that should the fill be supported the building envelope will be flat. Whilst the building envelope will be flat the subdivision relies on creating a building platform up to 1.8m above existing ground levels. Therefore, the design of the subdivision relies on fill in excess of 1m to create a building envelope and does not comply with this requirement.

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:

Not applicable.

v. Matters prescribed by the Regulations:

Not applicable.

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 area surrounding the subject land comprises lots in varying sizes and configuration ranging from 1000m² and greater. Whilst the proposed subdivision may be consistent with the lot sizes in the locality, it is considered that the specific site constraints including flooding and low lying nature of the land makes the site unsuitable for further development.

The proposal has the potential to significantly adversely impact adjoining neighbouring properties in terms of amenity and loss of privacy. (See assessment against residential chapter of HDCP 2002).

Natural Hazards

The subject site is affected by 1 in 100 year flood which is predicted at 17.3m AHD. The proposed building envelope level for the two additional lots is proposed at 14.3m AHD and access to the lots will be at approximately 13m AHD or lower. Attachment 3 of this report is a map showing the area affected by the 1 in 100 year flood event.

It is noted that the subdivision of the property will rely on fill to be provided to achieve a minimum ground level for the construction of a building. However, it should also be noted that the existing land levels are located more than 3m below the 1 in 100 year flood level. It is considered that increased residential development on a property that is impacted by flooding to such an extent, greater than 4 metres from natural surface, is inappropriate as the natural hazards affecting the land cannot be adequately managed.

Councils engineer has reviewed the information submitted in regards to drainage, flooding and proposed land fill and has indicated that the matters raised in the previous development applications No. DA0052/07 and DA0710/08 remain unchanged, in this respect the major issues affecting the proposal are:

- Mainstream flooding
- Local flooding; and
- The effect land filling will have on flooding.

It was also noted that that while the flood risk assessment report submitted with the application concluded that the proposed land filling would not locally impact on the 1 in 100 year ARI storm event, the report did not look into more frequent 1 in 5 and 1 in 20 year ARI events. Whilst the overall impact upon the storage capacity of the catchment associated with the 1 in 100 year flood event may not be significant the affect on adjoining properties due to affect of existing natural drainage paths has not been adequately considered.

Flora and Fauna

The application is not likely to result in the impact of any significant flora or fauna communities within the locality.

Social Impacts

The proposal is for the three lot subdivision of an existing allotment in Wilberforce. At Councils Ordinary Meeting held on 15 February 2011 a report was presented highlighting the need to investigate the subdivision and development of Wilberforce given that sewer has been provided to the locality and the capacity of the system is currently limited.

Council resolved that a Draft Interim Policy for *Wilberforce Subdivision and Development* be developed in an effort to equitably distribute the capacity of the sewer system for increased residential development. That resolution stated that no development applications, beyond the development of a dwelling on vacant allotments, were to be accepted in the Wilberforce priority sewer scheme area until the interim Policy had been finalised and adopted by Council.

The Draft Interim Policy has been delayed due to significant internal resourcing problems and has not yet been finalised. (A report on the draft Policy is the subject of a separate report to this Council meeting agenda). However, it is noted that the report of 15 February 2011 to Council established a set of criteria that should be considered in the creation of a draft interim policy for the subdivision of Wilberforce. The assessment criteria were detailed as follows:

- (a) *Available capacity, based on the number of subdivision approvals that have proceeded to linen release stage, is to be recorded and considered upon lodgement of any new applications. In this regard, a tally is to be kept by Council and approvals are not to result in an allocation over 100 ET.*
- (b) *Lot size - new lots to be created are to have a minimum area of 1000m².*
- (c) *Flooding - any new lots created are to be wholly above the 1 in 100 level.*
- (d) *Proximity - new lots to be created are to be within 800m from existing community facilities, i.e. shops.*
- (e) *Priority will be given to residential development in excess of a single dwelling house, for the purposes of secondary dwellings, dual occupancies, seniors housing and for community purposes.*
- (f) *Development applications lodged with Council prior to 15 February 2011, as mentioned in this report, will be assessed on their merits and will not be subjected to this Policy.*
- (g) *The interim Policy is to be reviewed within two years of adoption.*

(Note: The proposed Draft Policy, whilst proposing some minor changes to these criteria, will be primarily based on the above criteria.)

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As detailed above the future subdivision of properties in Wilberforce should not only consider the available sewer capacity but also focus on supporting lots which are appropriate in terms of lot size, flooding and proximity to services. It is considered that the creation of lots which are entirely affected by flood is inconsistent with the criteria presented to Council on the 15 of February 2011.

Whilst the proposal for an additional two allotments would most likely be accommodated by the new sewer scheme it is considered that the social implications of approving a development which does not comply with Council's subdivision requirements, particularly in relation to flood prone land, will have an effect on future subdivision applications received for Wilberforce. It is considered that Council has an obligation to consider whether or not the subdivision of flood affected land is best practice when it is known that the sewer service available is scarce and there are numerous lots within the locality which are not subject to flood which would be more appropriate and suitable for subdivision.

The Draft Policy for the subdivision of Wilberforce is not likely to relax the restrictions on the development of flood prone land (as seen from the above resolution). As such, it is prudent to ensure that any new lots to be created within Wilberforce are not subject to issues such as flooding and the requirement of landfill to create a building platform.

Cumulative Impacts

The cumulative impact of approving subdivisions below the 1 in 100 year flood level which do not comply with Council's access requirements could compromise the ability of State Emergency Services (SES) and other emergency services to serve the community and would adversely impact on overall community safety.

If subdivisions were to be supported on the basis of the reasons submitted it is considered that approval could set an undesirable precedent, as there are number of allotments without flood free access within the Hawkesbury which can be filled in order to create a building platform for subdivision.

Furthermore it is considered that while the future residential development of the land may be able to be constructed consistent with the flood requirements of Clause 25 of HLEP 1989, it should be noted that these rules are minimum requirements which generally relate to existing lots, rather than creation of new allotments, which are subject to flooding.

It is considered that compliance with HDCP 2002 is not unreasonable in this circumstance and that support of the variation requested to this development would set an undesirable precedent with respect to breaching the Council's flood related development controls.

Economic Impact on the Locality

Impacts associated with increased residential development on land affected by flood may have an adverse economic impact on the locality, particularly in regards to property damage and services required for evacuation in the event of a flood.

c. Suitability of the site for the development:

The proposal is inconsistent with the various planning controls affecting the site and the site is not considered suitable for subdivision due to flood affectation, proximity to the open drainage channel, location of proposed building envelopes to adjoining properties and the extent of fill required to achieve a minimum building platform.

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

The application was publicly exhibited between 22 September 2011 and 7 October 2011. Three submissions were received. The matters raised in these submissions are listed below:

- The property is affected by the 1 in 100 year flood level and development of flood prone land should be restricted.

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- Loss of privacy, possible future development of proposed lots will require dwellings of two storey construction to be located on rear fence line of adjoining properties.
- Loss of views from adjoining neighbours with the future development of proposed lots.
- Fill will change flood patterns of the locality and current drainage flows of neighbouring properties as the land naturally falls towards the open drainage channel.
- Increase of traffic, noise and pollution associated with increased residential development of land.
- Future development will not be able to comply with the building height plane requirements of the HDCP.
- Details included in the application have not been surveyed and flood report submitted has not been updated since 2008.
- Overshadowing of adjoining properties from future residential development of the proposed lots.
- Proposal is against Councils residential land strategy for Wilberforce.
- Wilberforce does not have sufficient infrastructure for increased residential development.
- Proposal does not fit within the context of the area.
- Proposal will disturb existing vegetation on site.

The applicant has provided a response to the issues raised by the submissions highlighting that:

- the privacy of adjoining properties can be better considered once a development application for a dwelling on the proposed lots is submitted,
- the lots are consistent with existing lot areas in Wilberforce, and
- Council previously rejected the applications for subdivision as sewer was not available to the land.

Comment: The issues raised by the submissions are supported as discussed in the previous sections of this report.

In relation to the applicant's response to the issues raised by the submissions, the following comments are provided:

It is noted that privacy can be considered in detail in future development applications for dwellings. However, in this case the issues are so significant that they are readily identifiable at the subdivision stage. It would be very poor practice to create an allotment by approval of a subdivision where it is known that future development of that allotment will result in adverse impacts on adjoining properties.

Whilst the previous applications submitted for the subdivision of the site were refused for reasons such as minimum allotment size and effluent disposal the application was also considered to be inappropriate on the basis that the proposal would have an adverse impact on adjoining properties in terms of visual amenity and that the proposal did not comply with Councils flood related development controls contained within HDCP 2002.

e. The Public Interest:

The current planning controls require subdivisions to provide access above the 1 in 100 year flood level for the locality and sufficient area for the erection for a dwelling. The application requests that Council consider a variation to the flood access rules and consider the proposal to import fill to create a building envelope for the proposed lots.

If a variation to the flood access requirements and maximum fill requirements was to be repeated on other allotments below the 1 in 100 year flood level, it will further increase the number of occupants upon land subject to the risk of flooding, thereby increasing the potential for risk to life and property. Having regard to the relevant planning considerations and the objections received, it is concluded that the proposal is contrary to the public interest.

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Conclusion:

An assessment of the proposal has revealed that the development is inconsistent with the aims and objectives of Hawkesbury Local Environmental Plan 1989 and Draft Hawkesbury Local Environmental Plan 2011.

The proposal does not comply with the flood related development controls contained within Hawkesbury Development Control Plan 2002 and it is recommended that the request to vary this plan not be supported and that the controls be upheld.

The circumstances of this application are not unique to the site and therefore approval of the proposed subdivision would most likely set an undesirable precedent when considering the subdivision of flood affected lots.

Furthermore it is considered that the future development of the proposed allotments building envelope will have an adverse impact on neighbouring properties with respect to loss of privacy and overshadowing.

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.

Developer Contributions

The development is exempt from contributions under Council's Section 94A Contributions Plan.

RECOMMENDATION:

That Development Application No. DA0514/11 at Lot 15 DP 843883, 3 Duke Road, Wilberforce for a three lot Torrens Title Subdivision be refused for the following reasons:

1. The proposed development is inconsistent with the aims and objectives and requirements of Hawkesbury Local Environmental Plan 1989.
2. The proposal is inconsistent with the Draft Hawkesbury Local Environmental Plan 2011.
3. The proposed development is inconsistent with the rules, aims and objectives of Hawkesbury Development Control Plan 2002.
4. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties in terms of solar access, privacy and drainage.
5. The site is considered unsuitable for increased residential development given its flood affectation.
6. The cumulative impact of subdivision of land below the 1 in 100 year flood level will increase the number and risk of future occupants upon land subject to flooding.
7. Due to the above reasons, and the objections received, the proposal is considered to not be in the general public interest.

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ATTACHMENTS:

AT - 1 Aerial Photograph

AT - 2 Subdivision Plan

AT - 3 Plan Showing 1 in 100 year flood level

AT - 4 Site Inspection photos

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AT - 1 Aerial Photograph

Lot 15 in DP 84383, 3 Duke Road Wilberforce 2756

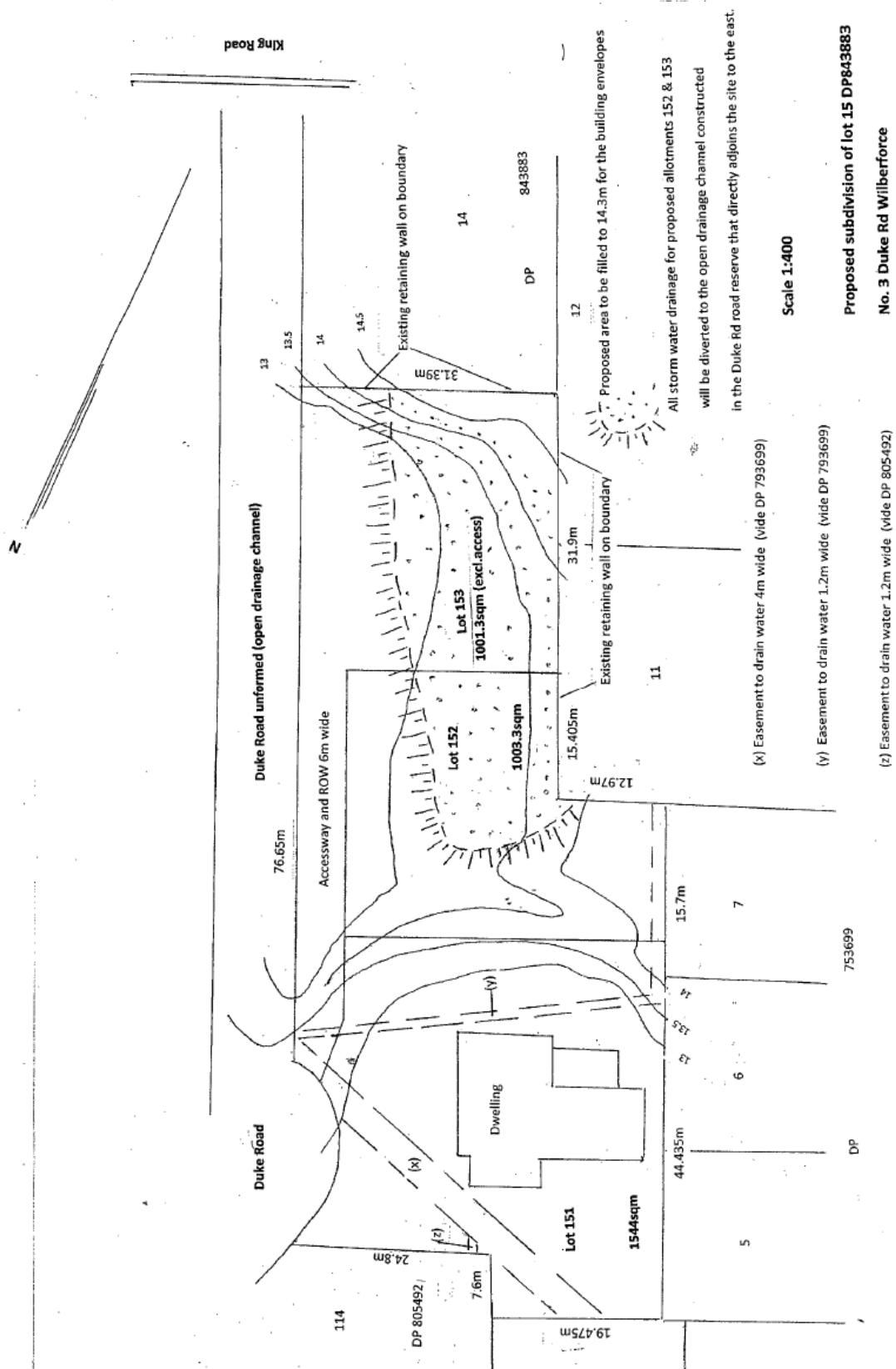


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AT - 2 Subdivision Plan

Lot 15 in DP 84383, 3 Duke Road Wilberforce 2756



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AT - 3 Plan Showing 1 in 100 year flood level
Lot 15 in DP 84383, 3 Duke Road Wilberforce 2756



AT - 4 Site Inspection photos



Fig 1: View of property from Duke Road



Fig 2: View of Duke Road from King Road



Fig 3: Location of proposed building envelopes



Fig 4: Location of proposed building envelopes

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Fig 5: Open drainage channel and neighboring properties to the East



Fig 6: View of property towards the West

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Item: 262 **CP - Section 96 Application - Modifications to Noise Level and Extension of Deferred Commencement (Kurri Burri Music Festival) - 216 Edwards Road, Richmond Lowlands - (DA0116/08B, 95498)**

Development Information

File Number: DA0116/08B
Property Address: 216 Edwards Road, 78 Powells Lane, 55 and 77 Cornwells Lane, Richmond Lowlands
Applicant: Marshall Rural Pty Ltd
Owner: Marshall Rural Pty Ltd
Proposal Details: RU2 – Rural Landscape
Zone: Environmental Protection – Agriculture Protection (Scenic) and 7(a) Environmental Protection (Wetland) under the Hawkesbury Local Environmental Plan 1989
Date Received: 16 February 2011
Advertising: 29 September to 18 October 2011

Key Issues:

- ◆ Noise Levels
- ◆ Amenity Impacts
- ◆ Extension of timeframes to satisfy Deferred Commencement Conditions

Recommendation: Approval of Modification

REPORT:

Executive Summary

Pursuant to Section 96(2) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks the consent of Council to modify Deferred Commencement Consent No. DA0116/08 for a music and arts festival at 216 Edwards Road, 78 Powells Lane, 55 and 77 Cornwells Lane, Richmond Lowlands.

The submitted Section 96 Application proposes an increase in the noise criteria for the event and an extension in the timeframe allowed to satisfy the conditions of the deferred commencement consent.

It is acknowledged that the proposed noise level of 65dB(A) LA_{max} will possibly result in offensive and intrusive noise. However, should the initial event be limited to a single day only and the amplified music cease at 11:30pm it is considered that the modified proposal will not unreasonably impact on the amenity of residents within the locality. To limit impacts, and allow Council to review the management of noise levels, it is recommended that the increased noise criteria be restricted to a single day only.

The modified proposal is therefore recommended for conditional approval.

Proposal

This Section 96 Application proposes the following modifications to the consent:

- Condition 33 is to be altered to allow a maximum noise criteria of 65dB(A) LA_{max} . This condition currently restricts noise levels to no more than 5dB $LA_{eq, (15min)}$ above background noise levels; and
- The timeframe to satisfy the deferred commencement conditions is to be extended from three to five years.

The deferred commencement conditions of the consent are yet to be satisfied and as such the consent is

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not yet operative. The timeframe to satisfy the deferred commencement conditions was to lapse on 25 November 2011. However, this current application was lodged with Council prior to that date and the deferred commencement will not lapse whilst there is an undetermined application with Council.

Should the consent become operative, one festival is allowed per year for up to and including three events.

As way of background, the original consent was issued for a two day music and arts festival. This event was originally modelled on, and was to take the name of, the overseas Coachella Music and Arts Festival. The event may be held over two days, consist of multiple stages and cater for up to 30,000 patrons.

However, documentation supplied by the applicant suggests that the first event would be at a much lower scale. The Applicant has detailed that the first event will consist of the following:

- The event will be limited to one day only, with no overnight camping.
- The event will be limited to one stage only, with two to three bands performing.
- The event will commence early afternoon and cease at 11:30pm;
- The event is to cater for approximately 5,000 patrons, although a separately provided draft traffic management plan refers to up to 10,000 patrons.

The above details will fall within the operational details of the existing consent. A specific date for the music festival is unknown at this stage.

Recommendation

The acoustic report has been reviewed by Council's Environmental Health Officers who have advised that the event will possibly result in offensive and intrusive noise. However, the applicant has advised that the initial event will occur on a single day only and conditions previously imposed will require amplified music is to cease at 11:30pm. Given these limitations it is considered that the raised noise levels will not unreasonably impact on the amenity of area. On this basis it is recommended that Condition 22 be modified to allow increased noise criteria for a single day only.

Such a condition would satisfy the applicant if they are genuine with their intent to hold a single day festival for the first year. It will also allow Council to review the raised noise levels in relation to neighbourhood amenity, operational and management performance.

Should the applicant wish to hold future events with the raised noise criteria or have the raised noise criteria extend over two days, the submission of a further Section 96 Application to amend Condition 33 would be required. Again, the assessment of such an application would allow Council to review noise impacts and consider any complaints received. Council will also have the benefit of reviewing real data and resident feedback, instead of relying on desktop modelling and the assurances of the applicant.

As such the proposal is recommended for conditional approval.

Background

Development History

On 11 November 2008 Council approved Deferred Commencement Consent No. DA0116/08 for a two day music and arts festival. This festival was approved as a 'place of assembly' which is a permissible form of development within the Environmental Protection – Agricultural Protection (Scenic) zone.

The deferred commencement conditions require the submission of a detailed acoustic report and a traffic management plan (approved by the Roads and Traffic Authority (RTA) and the Police) prior to the consent becoming operational. Whilst the acoustic report has been provided to Council the traffic management plan is yet to be agreed upon and as such the consent is not yet operative.

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The event was originally modelled on the Coachella Music and Arts Festival held in Indio, California. The original promoter, Frontier Touring, is no longer involved with festival and the applicant is pursuing other opportunities.

Subject to the deferred commencement consent becoming operational, the music and arts festival has been approved with the following operational details:

- The event may be held over two days, although the Condition 20 of the consent allows patrons (campers) to be present onsite two (2) days before and after the music event;
- Three (3) stages may be present onsite, with up to one-hundred (100) bands and acts performing over the course of the festival;
- Pursuant to Clause 23 of the consent all entertainment and amplified music was to cease by 11:30pm;
- The event may cater for up to 30,000 patrons; and
- Up to 1,015 campsites may be set up to the north of the site (216 Edwards Road – Lot 2 DP: 229549).

Condition 1 of the consent allows the running of one festival per year for up to and including three events.

The original consent was modified by DA0116/08A on 21 December 2009. This modification allowed a three year timeframe to satisfy the deferred commencement consent conditions.

A number of development approvals have also been issued on the subject land in conjunction with the polo activities currently being undertaken on the site.

Application History

A brief timeline on the assessment of the current Section 96 Application is included below:

- The application was submitted to Council on 16 February 2011 and originally proposed a maximum noise level of 75 dB(A) LA_{max} . Concerns in relation to this noise level and the methodology used in the originally submitted acoustic report were raised by Council staff on 20 April 2011.
- In response to these comments a revised acoustic report was submitted on 16 September 2011. A maximum noise level of 65 dB(A) LA_{max} was also proposed.
- The proposal was publicly notified from 29 September to 18 October 2011.
- In response to a meeting held with Council staff, the applicant submitted additional information on 17 October 2011 with respect to the operation of the music event. In addition to information on the operation of the event an extension of time to satisfy the deferred commencement consent conditions was proposed.

Assessment

Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 1989 (HLEP1989)
- Draft Hawkesbury Local Environmental Plan 2011 (Draft HLEP 2011)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

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Section 96 Assessment

The proposal has been considered against the Section 96(2) provisions of the EP&A Act:

EP&A Act 1979 – Section 96(2) Assessment	
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
Clause:	Officer comments:
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The submitted application proposes modifications to conditions imposed on the consent, one of which relates to the operation of the festival and the other relating to timeframes for the deferred commencement. The altered noise criteria directly relate to the operation of the music festival and the EP&A Act dictates maximum time periods for deferred commencements.</p> <p>It is therefore considered that the modified proposal comprises substantially the same development as the original consent.</p>
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	<p>Not applicable. No concurrence conditions or terms of approval were imposed on the original consent by any external government bodies.</p> <p>As the application relates to noise levels the modified proposal will not further impact on any water bodies in comparison to the original approval.</p>
(c) it has notified the application in accordance with: <ul style="list-style-type: none"> (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and 	<p>The application was notified in accordance with the HDCP 2002.</p> <p>The extension of the timeframe to satisfy the deferred commencement conditions was not formally notified. However, like the previous application DA0116/08A, this aspect of the proposal is seen to have no environmental impact and therefore does not require notification.</p>
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	The submissions received are discussed separately in this report.
Subsections (1), (2) and (5) do not apply to such a modification.	Noted.

As detailed above the proposed modifications are seen to comprise substantially the same development as that which was originally approved, and the proposal has been notified as required.

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Section 79C Matters for Consideration

In accordance with Clause 96(3) of the EP&A Act an assessment of the amended proposal has been undertaken against the relevant matters of Section 79C(1):

EP&A Act 1979 – Section 79C(1) Assessment	
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
Clause:	Officer comments:
(a)(i) any environmental planning instrument, and	<p>Hawkesbury Local Environmental Plan 1989</p> <p>The original consent approved the development as a 'place of assembly' which is a permissible form of development within the Environmental Protection – Agricultural Protection (Scenic) zone. The submitted Section 96 Application does not alter the nature of the use so as to affect compliance with HLEP 1989.</p> <p>Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River</p> <p>The amended proposal will not alter the development's approved level of compliance with SREP No. 20.</p>
(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	<p>Draft Hawkesbury Local Environmental Plan 2011</p> <p>The subject site is to be zoned RU2 Rural Landscape under Draft HLEP 2011. Music festivals would generally be defined as 'recreational facilities (major)', which are not permissible within the RU2 Rural Landscape zone.</p> <p>Given that this application proposes a modification to an existing consent, little weight has been given to the provisions of this draft instrument in the assessment of this application.</p>
(a)(iii) any development control plan, and	<p>Hawkesbury Development Control Plan 2002</p> <p>The proposal will not alter the development's approved levels of compliance with the HDCP 2002.</p>
(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	These matters have been considered in the assessment of this application.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	This matter is discussed in detail below.
(c) the suitability of the site for the development,	<p>The suitability of the site for a music festival was considered in the assessment of the original development application and ultimately approved by Council.</p> <p>A single event each year is considered suitable given the context of the locality.</p>

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(d) any submissions made in accordance with this Act or the regulations,	The submissions received are discussed separately in this report.
(e) the public interest.	The concerns raised in submissions have been considered in the assessment of this application. The approval of this modified proposal is therefore seen to be in the public interest.

Impacts of the Development

Section 79C(1)(b) of the EP&A Act requires a consideration of the “*likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*”.

Condition 33 of the consent currently imposes the following noise criteria for the music festival:

When the noise level exceeds 5dB LA_{eq, (15min)} above background levels, the acoustic consultant is to implement reduction strategies to reduce the noise level. The acoustic consultant is to conduct further noise testing using LA_{eq}, L90, LA₁ and LA_{max} at the subject site immediately after the reduction occurs until the noise level is reduced and meets guidelines levels, with the readings provided in the acoustic report.

This Section 96 Application proposes an amendment of this condition to allow a maximum noise criteria of 65dB(a) LA_{max}. An acoustic report has been submitted in support of the increased noise levels.

Council's Environmental Health Officers have reviewed the amended proposal and provide the following comments:

The consultant has referred to several case studies to support their justification of the noise level that they want set. However, the case studies selected are distinctly different than the proposed festival. The prevention notice referred to in the Noise Guide for Local Government for Centennial Park and Moore Park Trust has an LAMax level not exceeding 65dB(A). However, the event should conclude at 10:30pm. The prevention notice referred to in the Noise Guide for Local Government for Sydney Cricket and Sports Ground Trust advised that concerts are not to exceed three (3) hours in duration. Additionally, monitoring was selected to be undertaken within 1 metre of the boundary of an affected residential premise. The background noise level in the metropolitan area as opposed to a rural area would be expected to additionally be different.

The case study discussed in the Noise Guide for Local Government gave a LAMax of 75dB(A) at the nearest residential boundary. However, consultation was undertaken with both with the Council and the community to develop a noise management plan.

The other case study they have used to justify the level for the event being ‘a day on the green in Bowral’ is distinctly different to the proposed festival. The festival in March 2011 went from approximately 4:30pm – 8:45pm on one day and was not an event for several days. The noise measurement was taken at the boundary of the receiver not at the residence, with a few noise complaints being received. The other difference is that approximately 270 degrees on most sides sits vacant rural land. Officers from the local council have advised that they have received noise complaints from previous events. The tolerant level of residents for several hours compared with several days is distinctly different for noise.

The consultant has not satisfied Council in their justification for the alternative noise criteria (they have requested to use a 65 dB(A) LAMax). They have taken into account source specific noise only, and not cumulative noise. Predicted noise levels have only been assessed in respect to amplified music, with background noise readings not being taken into account. There are a number of concerns with respect to this oversight:

- Without a cumulative noise assessment of all noise sources (background noise,

generators, music, patrons, vehicles, loud speakers, any other noise sources), it is unclear the cumulative impact of noise the event will generate.

- Without a cumulative noise impact assessment of the amplified music and the background noise, Council is unable to determine the likely noise impact the development will have on residential properties.

The consultant has advised that complying with the Industrial Noise Source Policy will be too restrictive and they believe that its use in this instance is not warranted. However, they have not provided suitable adopted criteria (INP, intrusive noise, offensive noise) but have used case studies that are different to the proposed event. They have advised that they cannot comply with the criteria of the Industrial Noise Source Policy, if a 65dB(A) L_{Amax} is selected.

For position 1 for the background noise readings, the average noise background readings for day – 37dB(A), evening – 34dB(A) and night 30 dB(A). The concern with having a 65dB(A) L_{Amax} is that the difference between background noise level and the source noise will vary considerably. Notwithstanding the fact that the consultant has not done a cumulative noise impact assessment with amplified music noise (including background noise), the perceived music noise will increase during the evening and night periods. Assuming according to the consultant that the LAeq noise levels are 8dB(A) less than the L_{Amax} noise levels, this is a LAeq level of 57dB(A). Therefore, the predicted LAeq noise levels based on this modelling is 20dB(A) daytime, 23dB(A) evening and 27dB(A) night above the background noise level.

The previous selected criteria for the event that was used is the Intrusive Noise Criteria (5dB(A) above background noise). As the background noise level reduces in the evening and night, this criteria stipulates that the source noise stays 5dB(A) above the background noise. This would mean that the source noise would need to be reduced when the background noise reduces (staying inline with 5dB(A) above). The level selected by the consultant being 65dB(A) L_{Amax} at the receptor is being requested to be set regardless of the time period and regardless of the background noise. In the night time period based on the modelling of the consultant (if there is a 65dB(A) L_{Amax} or 57dB(A) LAeq), the receptor will be experiencing a noise source of 27dB(A) above background. As a 3dB(A) increase doubles the sound, the sound based on the above night time noise will be nine (9) times louder than background noise.

Conclusion

Based on the above, the consultant has advised that in order to make the festival viable, a 65dB(A) L_{Amax} should be used as the criteria. They have advised that based on their modelling, they should be able to comply with this criteria, based on mixing desk level variances depending on wind conditions. The noise from the event will result in offensive and intrusive noise under the POEO Act being generated likely to result in complaints received.

A possible condition for the event could be:

Noise from amplified music is not to exceed 65dB(A) L_{Amax} and 85dB(C) L_{Amax} at the boundary of any affected residential property. A statement regarding a review of the noise criteria after the event is strongly recommended (It is strongly recommended that a condition is placed on any consent giving Council the authority to alter the noise criteria after the event, depending on the level of complaints received. Should the noise criteria set being considered unreasonable or not suitable subsequent to the event, having the ability to alter the condition would be extremely beneficial).

As detailed above the Environmental Health Officers acknowledge that the proposed noise criteria will likely result in offensive and intrusive noise.

However, as detailed previously the initial event will likely occur on a single day only. A condition of the consent will also require amplified music is to cease at 11:30pm. Whilst there will likely be an impact to

nearby residents, it is considered that this impact will not be so unreasonable so as to require the refusal of the application. Instead it is recommended that Condition 22 be modified to allow increased noise criteria for a single day only.

Such a condition will allow Council to review the raised noise levels in relation to neighbourhood amenity, operational and management performance.

Should the applicant wish to hold future events with the raised noise criteria or have the raised noise criteria extend over two days, the submission of a further Section 96 Application would be required. The assessment process would allow Council to review the actual noise impacts and consider any complaints received. Council would then have the benefit of reviewing real data and resident feedback, instead of relying on desktop modelling and the assurances of the applicant and perceived impacts from surrounding residents.

The modified noise criteria is therefore seen to be acceptable for a single day.

Extension of Deferred Commencement Timeframe

The application proposes an extension of the timeframe to satisfy the deferred commencement conditions from three to five years. Section 95(6) of the EP&A Act allows deferred commencement consent conditions to be satisfied in a maximum of five years. The lapse date to satisfy the deferred commencement consent conditions of DA0116/08A was 25 November 2011.

Legal advice obtained during the proceedings of *Hawkesbury Council ats Vella* (DA0060/09A) details that deferred commencements do not lapse should an application be received before the lapse date. In this instance the Section 96 Application DA0116/08B was received by Council on 16 February 2011.

Council is therefore able to consider the merits of this extension.

This proposed modification simply relates to a timeframe to provide additional information; it will not, in and of itself, result in any environmental impacts. It is further acknowledged that the matters to be addressed, in particular the traffic management report which involves liaising with the RTA, Police and Council, will take some time. The proposed extension is therefore seen to be reasonable.

Notification of Proposal

The proposal was notified from 29 September to 18 October 2011 in accordance with the HDCP 2002.

Nineteen submissions, including a petition containing nineteen signatures, were received. The majority of the submissions objected to the proposed development, with the receipt of a single submission supporting the proposal.

The matters raised in these submissions are detailed below in italics, followed by a response from the assessing officer:

The festival will result in unreasonable noise impacts.

Officer's comment: This issue is discussed in the body of this report.

The running of a two day festival is inappropriate within a rural setting.

Officer's comment: A deferred commencement consent has previously been issued for a two day event. In this regard, this matter is not open for review in this current Section 96 application. However, recent discussions with the applicant suggest a single day event will be held for the first year at least.

Noise generated by polo matches can be heard by residents within the locality. The noise generated by a music festival will be much greater than this existing noise.

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Officer's comment: This issue of noise is discussed in the body of this report. The fact that the amplified music will be audible is not disputed.

Residents on the escarpment overlooking the site do not have the benefit of vegetation or screening to help shield the noise. Such properties will therefore be highly affected by the development.

Officer's comment: As discussed elsewhere in this report, the noise to be generated by the festival will be audible to nearby residents. However, the amplified noise is to cease at 11:30pm and will be limited to a single event once a year. The submitted acoustic report requires noise levels to be monitored at a variety of locations, including properties on the raised escarpment.

It should also be noted that the stage, and hence speakers, is to face away from northern properties on the escarpment.

Noise readings taken in the preparation of the acoustic report should reflect the conditions and time of the year of the festival.

Officer's comment: The acoustic report has taken into account worst-case meteorology and the Environmental Health Officers have not objected to this aspect of the report. It is acknowledged however that weather conditions will influence how noise travels and desk-top modelling is not 100% accurate.

The imposition of a time-limited condition for the amended noise levels will allow Council to monitor and review the proposed noise level.

Should the event proceed Council officers should attend neighbouring properties to monitor noise levels and impacts.

Officer's comment: Conditions 31 and 32 of the consent require noise monitoring to be undertaken by a noise consultant and a report prepared for the consideration of Council staff. The use of Council staff in this regard is not necessary.

The amplified music will adversely impact and cause stress to livestock and wildlife within the vicinity.

Officer's comment: This issue was previously considered in the assessment of the original development application. Condition 21 was imposed to ensure that the operators contact adjoining property owners to make arrangements to reduce impacts that may distress animals.

Light overspill from the festival will result in a nuisance for neighbours.

Officer's comment: This matter does not relate to the submitted Section 96 modification application. However, conditions were previously imposed in relation to this issue.

The sale of alcohol onsite will likely result in anti-social behaviour in and around the site.

Officer's comment: This matter does not relate to the submitted Section 96 modification application. The operators of the event are required to provide security and there is also likely to be a Police presence.

Providers of alcohol are also required to satisfy Responsible Service of Alcohol (RSA) and licensing laws.

There is the potential for the use of drugs and other illegal substances.

Officer's comment: This matter does not relate to the submitted Section 96 modification application. The operators of the event are required to provide security and there is also likely to be a Police presence.

The event will generate large amounts of rubbish in surrounding streets.

Officer's comment: This matter does not relate to the submitted Section 96 modification application. Conditions were previously imposed on the original approval with respect to onsite waste disposal.

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The event should be relocated to the Hawkesbury Showground

Officer's comment: A deferred commencement consent has previously been issued for a music festival on the subject site.

The development will result in unreasonable traffic congestion within the area.

Officer's comment: This matter does not relate to the submitted Section 96 modification application.

A traffic management plan, approved by the RTA and Police, is required to be submitted prior to the activation of the deferred commencement consent.

The existing road network and infrastructure are insufficient to cater for the volume of traffic generated by the development.

Officer's comment: See comments above.

The development may result in positive economic benefits for the community.

Officer's comment: The economic benefits of the event were considered in the assessment of the original application. The applicant has also addressed Council's Draft Sustainable Events Policy, although this is a best practice guide only and carries no regulatory weight.

The festival is acceptable on the basis that the amenity impacts for neighbours will be limited to a single day or two days only.

Officer's comment: This opinion is generally supported.

Planning Decision

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

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all the matters specified under Section 79C(1) and 96(2) having been taken into consideration. The altered noise criteria is seen to be acceptable on the proviso that it is limited to a single day and subject to some form of review.

The proposed modifications are seen to comprise substantially the same development as that which was previously approved. As such the approval of this Section 96 Application is recommended.

RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) modify Development Application No. DA0116/08 for a music and arts festivals on Lot 2 DP: 229549, Lot 1 DP: 1120860, Lot 2 DP: 1120860 and Lot 3 DP: 1120860, known as 216 Edwards Road, 78 Powells Lane, 55 and 77 Cornwells Lane, Richmond Lowlands, in the following manner:

The "Deferred Commencement" Condition is to be modified as follows:

The HAWKESBURY CITY COUNCIL, hereby grants a "Deferred Commencement" consent for:

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Music and arts festival (Annual two (2) day event)

Upon compliance with the conditions appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.

This "Deferred Commencement" consent will lapse in five (5) years from the date of this Notice unless all conditions appearing in Schedule 1 have been complied with.

Condition 33 is to be modified as follows:

33. Noise from amplified music is not to exceed 65dB(A) LA_{max} and 85dB(C) LA_{max} at any affected receiver. Should these noise levels be exceeded the acoustic consultant is to implement reduction strategies to reduce the noise level. The acoustic consultant is to conduct further noise testing using LA_{eq} , L90, LA_1 and LA_{max} at the subject site immediately after the reduction occurs until the noise level is reduced and meets guideline levels, with the readings provided in the acoustic report.

The above noise criteria may be used for the first day of the initial event only, i.e. this noise criteria is valid for one (1) day only.

The following noise criteria will apply for any subsequent days or events:

When the noise level exceeds 5dB $LA_{eq, (15min)}$ above background levels, the acoustic consultant is to implement reduction strategies to reduce the noise level. The acoustic consultant is to conduct further noise testing using LA_{eq} , L90, LA_1 and LA_{max} at the subject site immediately after the reduction occurs until the noise level is reduced and meets guideline levels, with the readings provided in the acoustic report.

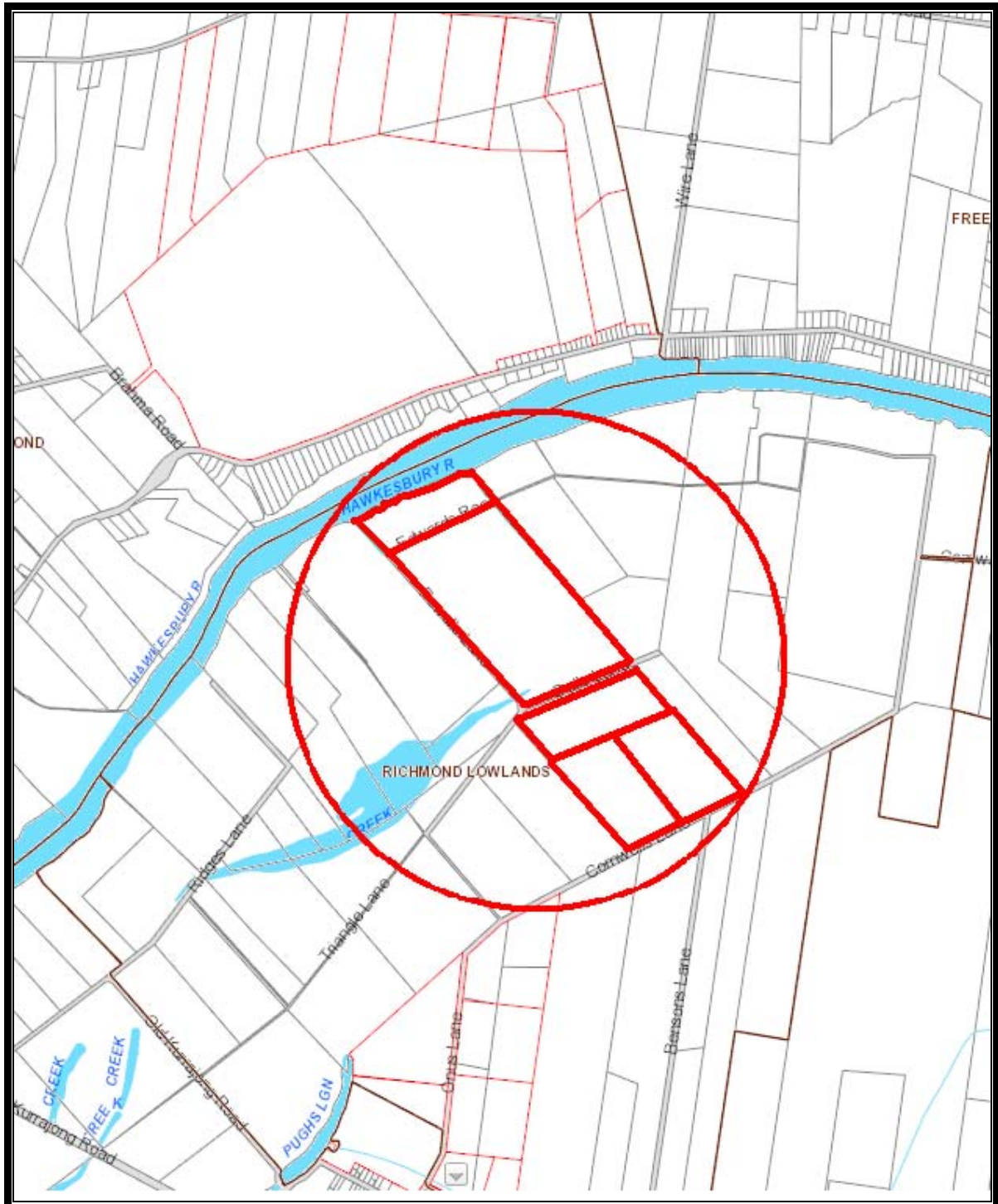
ATTACHMENTS:

- AT - 1 Locality Map
AT - 2 Aerial Map
AT - 3 Site Plan

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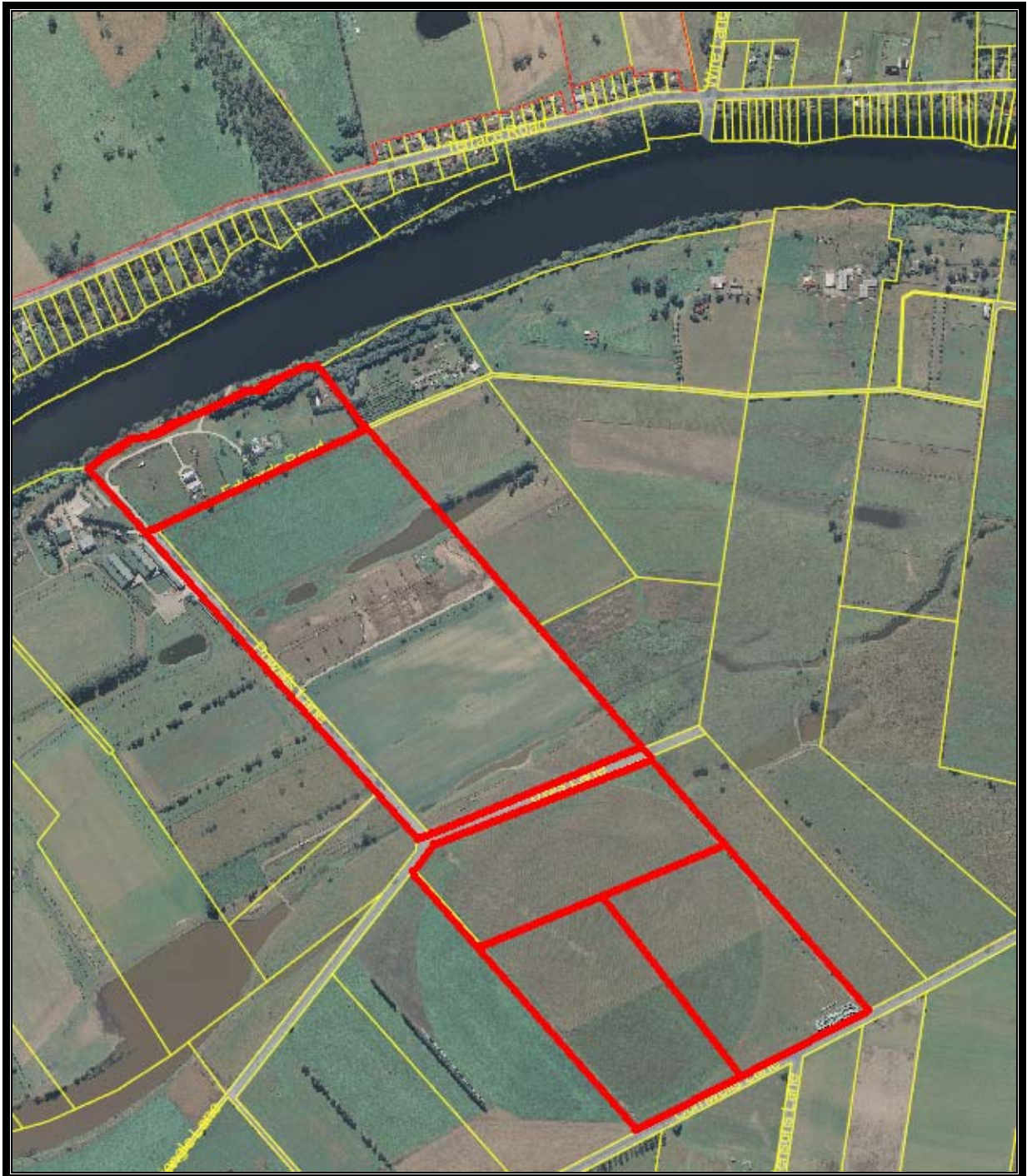
Attachment No. 1 – Locality Map



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Attachment No. 2 – Locality Map



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Item: 263 **CP - Planning Proposal for Jacaranda Ponds, Glossodia - (LEP89001/10, 111745, 120418, 95498)**

Previous Item: 161, Ordinary - (26 July 2011)

REPORT:

Executive Summary

This report discusses a planning proposal which seeks to rezone land immediately to the south of the Glossodia township to allow for a 179 rural-residential subdivision and the retention of an existing egg production farm.

This matter was reported to Council on 26 July 2011 where Council resolved to defer the matter pending reconsideration of a Council policy dealing with residential development west of the Hawkesbury River.

The policy matter has been resolved and, in response to the previous report to Council, the proponent has provided additional information.

This report provides commentary on the additional information and is to be considered in conjunction with the previous report to Council. The report of the 26 July 2011 is attached to this report.

Consultation

The planning proposal has not been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and associated Regulations.

Background

On 26 July 2011 Council considered a report concerning a planning proposal for the rezoning of land known as Jacaranda Ponds for 179 rural-residential allotments. At the same Meeting, Council considered a report regarding a policy for the provision of infrastructure for rezoning matters.

With respect to the planning proposal the recommendation to Council was:

1. *Council support, in principle, the preparation of a Planning Proposal for the land comprising of:*

Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia
Lot 20 DP 214753, 213 Spinks Road, Glossodia
Lot 75 DP 214752, 361 Spinks Road, Glossodia
Lot 3 DP 230943, James Street, Glossodia
Lot 44 DP 214755, 3 Derby Place, Glossodia
Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach
Lots 1, 2 and 3DP 784300, 780A - 780C Kurmond Road, North Richmond

to rezone the land for large lot residential development.
2. *The planning proposal, submitted by the applicant, in its current form not be supported.*
3. *The concept plan titled "Jacaranda Ponds Planning Proposal Concept Plan, July 2011" attached to this report be adopted for the purposes of investigating the issues raised in this report and preparing an amended planning proposal.*

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4. *The Department of Planning and Infrastructure and NSW Roads and Traffic Authority be advised of this planning proposal and invited to provide comment on the current proposal and input into the preparation of an amended planning proposal.*
5. *The applicant be responsible for preparing an amended planning proposal to be reported back to Council.*

Council subsequently resolved as follows:

"That this matter be deferred pending the resolution of the "Policy for Provision of Infrastructure for Rezoning Matters" report (Item 160) deferred from the Ordinary Meeting on 26 July 2011."

This Policy was reconsidered by Council on 30 August 2011 and Council resolved as follows:

"That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.

Note 1:

In relation to the term "adequately considered the existing infrastructure" above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.

Note 2:

The requirements of the term "appropriate provision for the required infrastructure" are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011."

The report to Council of 26 July 2011 identified a number of concerns with the proposal with the key immediate issues being character of the area, topography, wastewater, ecology, traffic, and odour. As a result an alternative concept plan that would yield approximately 75 lots was proposed by Council staff.

The proponent has provided additional information with respect to all of these matters except character of the area and these are discussed below.

Topography

Additional Information Submitted by the Applicant

The Officers' Report expresses concern that "[a] steep sloping section of land, generally in excess of 15% passes through the middle of the site in an east west direction" and then states that land slope of this magnitude is unsuitable for development. In fact, the map published in the Report, appears to show that between 80-100 lots are affected by a slope of greater than a 15% gradient.

JWP analysed the survey data taken at the site and determined that, in fact, only 23 individual - non contiguous lots (or only 13% of the total site area) have slopes greater than 15%. Significantly, JWP also found that each of these 23 lots was suitable for development. It seems that Council's map incorrectly designated a large portion of the site as having a slope of greater than 15%

Response

The report to Council and accompanying map states that the relevant hatched area is “generally” greater than 15%. It did not claim that the subject land was entirely greater than 15%. The hatched area was derived from a detailed slope map which identified the following land slope categories, 0-6%, 6-10%, 10-15% and > 15%. The hatched area represents a “line of best fit” band between the substantially contiguous areas that are greater than 15%, hence the categorisation as “generally” greater than 15%.

The proponents slope map was compared with the slope map generated by Council staff and both maps were consistent with each other in terms of the greater than 15% slope category.

This area represents a constraint to development and one of the sustainability criteria of Council’s Residential Land Strategy (G3.2.1) states that urban development is to be limited to areas with a slope of 15% or lower. In this regard, the purpose of the comments is to define a constraint to the site that can be taken into account when revising any proposed lot layout.

WastewaterAdditional Information Submitted by the Applicant

In relation to the treatment of wastewater, the Officers’ Report raised the following concerns:

- (1) That AWT systems located on properties with greater than 6% slopes would require benching.**

The JWP report demonstrates that for lots with slopes greater than 6% sub surface land application by either traditional absorption trench, evapotranspiration beds or sub-surface drip irrigation systems are all suitable (in fact they are suitable for slopes up to 25%) and no benching is required.

- (2) That the Land Application Area required by the AWT (1200sqm as outlined in the Worley Parson report submitted with the application) is too large and constrains the location of proposed dwellings, swimming pools, gardens play areas etc**

A series of alternative approaches and calculations in the determination of the required Land Application Area (LAA) are presented in the JWP report. All of these alternative methods have indicated that the required LAA is significantly less than the 1200 m2 identified in the Worley Parson report.

The reduction in required LAA, frees up land within the proposed lots to allow for other domestic uses such as swimming pools, garden areas and outbuildings to be easily accommodated within the average lot size of 4000 m2. The required LAA is actually shown to be as little as 98 m2 – ten times smaller than the original size first suggested to Council.

- (3) That 179 individual on-site AWT systems would have an adverse cumulative effect on the water quality of the Currency Creek catchment**

The JWP report modelled rainfall data at hourly intervals in the local area over a 40-year period. This modelling showed that effluent run-off from a lot would only occur approximately 1.8 days per year if the AWT system did not have a 3 day storage tank. If a 3-day storage tank was in place then there would only be effluent run off in every 1 day in 2.7 years.

JWP’s modelling showed that even on these rare occasions where run-off occurs the 98 m2 LAA area on each site would be sufficient to ensure there is virtually no (significantly less than 1% risk) of wastewater runoff from the site, let alone travelling to Currency Creek.

The JWP report demonstrates that all of Council’s concerns regarding wastewater can be satisfactorily addressed and that none should be a barrier to a planning proposal being drawn up for this site on the basis of the original 179-lot density.

Response

The proponent has provided a report prepared by J. Wyndham Prince (JPW) which reconsiders the proposed onsite wastewater solutions proposed by the proponent's original consultant Worley Parsons. The JWP report confirmed that the Worley Parsons strategy would satisfy requirements for the on-site management of effluent however the JWP report also investigated a wider range of aerated wastewater treatment systems, alternative Land Application Area (LAA) techniques, and considered AS 1547:2000 On-site domestic-wastewater management.

As stated in the previous report to Council, slope of land is a potential constraint that needs careful consideration when choosing a system and the type of disposal system. AS1547:2000 provides guidance with respect to slope and, in summary, recommends:

- a maximum slope of 6% for surface irrigation systems (spray and drip). When this is exceeded there is an increased risk of polluted surface water run-off when the ground becomes saturated.
- sub-surface irrigation can be installed on a higher slope gradient. Installation is more difficult on slopes of greater than 25% and there is an increased risk of polluted surface run-off when the ground becomes saturated.
- conventional absorption trenches can be difficult to install on slopes greater than 25% and there is more soil disturbance and erosion during construction on steep slopes. During extended rainy periods there is an increased risk of polluted surface run-off.
- evapo-transpiration/absorption seepage trenches and beds are recommended for a maximum slope of 5%.

Further, the NSW Department of Local Government's "On-site Sewage Management for Single Households" advises:

- slope greater than 12% present as a major limitation and slopes between 6-12 present as a moderate limitation for surface irrigation
- slope greater than 20% present as a major limitation and slopes between 10%-20% present as a moderate limitation for sub-surface irrigation and absorption trench

The subject land is essentially a "greenfield" site and hence there exists now, at the planning proposal stage, an opportunity to avoid lands which are unduly constrained due to excessive slope and which may present run-off and erosion problems in the future.

The LAAs proposed by JWP have been derived from a design flow of 1080 litres per day and are based on both clay type soils and loam type soils. A range of LAAs have been proposed based on "typical" and "best" AWTs and a leading brand AWT. The difference between the "typical", "best" and leading brand AWTs primarily comes down to how technologically advanced the system is and how it will be configured and operated in order to reduce nitrogen and phosphorus levels in the waste water to be irrigated.

JWPs report states that if using a "best" AWT on a site that has predominately clay type soils the LAAs would be 423m² for evapotranspiration beds and 298m² for spray irrigation/subsurface drip irrigation. Using a "best" AWT on sites that have predominately loam soils the LAAs would be 98m² for evapotranspiration beds and 250m² for spray irrigation/subsurface drip irrigation. The LAAs for the leading brand AWT would be 682m² for clay sites and 406m² for loam sites. JWP advises that the "best" system has a base cost of \$21,000 whereas the leading brand cost is \$10,500 – \$11,500 for surface irrigation and \$14,500 - \$15,500 for subsurface irrigation.

JWP advise that these LAAs have been determined by using the Clarence Valley Onsite Wastewater Model (CVOWM). This model has been developed by Clarence Valley Council and is a spreadsheet based tool which allows for the inputting of various parameters to suit particular block sizes, water supplies, water usages, soil types, system configurations and methods of irrigation. JWP advise that the

model complies with AS1547-2000 and claim that it is more relevant than the basic methodology outlined in NSW Department of Local Government's "On-site Sewage Management for Single Households" which was employed by Worley Parsons.

A key consideration in determining the size of LAAs is the local climatic conditions in particular rainfall and evaporation rates. The CVOWM relies on climate conditions relevant to the Clarence Valley. JWP advises that the results from the CVOWM would be conservative because the Jacaranda Ponds site experiences less rainfall and has a higher evaporation rate than Clarence Valley and therefore waste water applied to the site would be disposed of more quickly or over a smaller area than is estimated in the CVOWM.

Hawkesbury City Council staff contacted Clarence Valley Council staff to discuss the model and its appropriateness to be used in this case. The Clarence Valley staff advised that whilst they have confidence in the outputs of the model as it relates to the Clarence Valley. However, they did not recommend its use for this site because the model is based on the specific soil types and climatic conditions of the Clarence Valley. Further, they advised that in addition to the LAAs calculated by the model a secondary (or reserve) LAA of the same size is also required. This secondary LAA allows for the primary LAA to be periodically rested.

The proposed spray/subsurface irrigation areas are significantly smaller in area than what may be considered the norm for the Hawkesbury LGA which is generally 1000m² to 1200m². Whilst evapotranspiration beds are a solution, Council staff's experience is that they are generally only used when no other solution is suitable, i.e. they are typically a solution of last resort. Based on Council staff's experience and precautionary approach with relatively small irrigation areas an additional secondary LAA equivalent to 100% of the primary LAA would most likely be required. This means that the LAAs nominated by JWP would need to be doubled to create primary and secondary LAAs.

Buffer distances to dams and to Currency Creek will need to be adhered to help prevent the water quality of Currency Creek being compromised. Monitoring of each individual system by council through the "Approval to Operate" inspection regime will be required to protect the Currency Creek Catchment and each system will be required to be inspected every 3 months as per NSW Health's Accreditation.

Ecology

Additional Information Submitted by the Applicant

The proposed 70m riparian corridor contained in the original site plan is in excess of NSW Office of Water requirements despite . . . the fact that there is negligible risk of effluent pollution discharges. It appears that the need for an increase in the riparian corridor to 100 m as proposed by HCC is unwarranted.

The largest buffer zone designated by the NSW Office of Water is 50m. The Nepean River commands a 50m buffer. Currency Creek is arguably a less significant waterway, yet EJC has still provided a 70m buffer.

EJC also plans to design walking tracks that connect through the riparian corridor. To place these tracks at a 100m distance from Currency Creek puts them in close proximity to the houses that will be occupied by sub-division residents. That is not a good land use outcome for the residents or those using the walking tracks.

Response

The proposed riparian buffer and wildlife corridors shown in the concept plan attached to the report to Council on 26 July 2011 seek to provide opportunity for fauna to travel between isolated patches of vegetation in order to access water and suitable habitat, encourage regeneration of Cumberland Plain Woodland and River-flat Eucalypt Forest on Coastal Floodplains (both ecologically endangered communities) and provide protection to Currency Creek. Furthermore, passive recreation areas and walking tracks would be permitted within the riparian buffer and do not have to be located outside of the buffer. Hence the 100m wide riparian buffer adjacent to Currency Creek would be inclusive of land required for walking tracks.

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The proposed width of the buffer and corridor is in recognition of the criteria of the Hawkesbury Residential Land Strategy, existence of threatened fauna (e.g. East-coast Freetail-bat, Eastern Bentwing-bat and a Large-footed Myotis on the site and Yellow Bellied Gliders within vicinity of the site), the existence of endangered ecological communities on the site, the significance of Currency Creek, and the proximity of the site to downstream OEH defined "priority conservation lands" (PCLs) in Wilberforce/Ebenezer (this comprises an area of land along Currency Creek east of McKinnons Road extending to Sackville Road).

OEH in the *Cumberland Plan Recovery Plan*, January 2011 state that PCLs represent the best remaining opportunities in the region to maximize long-term biodiversity benefits for the lowest possible cost, including the least likelihood of restricting land supply and that they are the highest priority for future efforts to conserve the threatened biodiversity of the region. Further OEH recognize that smaller remnants and corridors outside of the PCLs are important and may play a role in linking the PCLs and/or supporting biodiversity in the PCLs. They may also contain biodiversity that is otherwise significant and play a role in assisting species movement in the face of climate change.

Discussion with Office of Water staff reveal that their guidelines for riparian corridors are based on stream order classification and seek to address matters such as bank stability and water quality. They have not been based on other considerations such as use as a wildlife corridor, the preservation or regeneration of endangered ecological communities, or the extent of flood water inundation. Hence, in this case Council is not bound by the Office of Water's guidelines.

It should be noted that the concept plan is not a final plan and the recommendation to Council on 26 July 2011 was that the concept plan be adopted for the purposes of further investigation of issues, i.e., identify and agree on site constraints, and preparing an amended planning proposal. Hence, it is envisaged that further detailed consideration of the buffer and its width would occur during preparation of an amended planning proposal.

If the planning proposal is to proceed it would be referred to the NSW Office of Water and NSW Office of Environment and Heritage for comment, including assessment of the proposed width of the riparian buffer.

Traffic

Additional Information Submitted by the Applicant

EJC understands that the local community believes development should be accompanied by a commensurate increase in infrastructure provision.

EJC is therefore prepared to enter into a voluntary planning agreement that will specifically designate up to 2/3rds of its development contributions to local road upgrades.

Furthermore, EJC understands that the Windsor Bridge upgrade is now on exhibition. Stage One, which will provide for one lane in each direction, is to be fully funded by the NSW State Government.

It is also apparent that there is no funding for Stage Two of the project. Stage Two is necessary in order to deliver the works that will allow the bridge to become three lanes. Currently, it appears that there is no funding available from any level of Government for this second stage of the project, which means that the bridge will remain one lane in each direction for the foreseeable future.

EJC would be more than willing to, as part of its voluntary planning agreement with Council, designate 1/3rd of its total contributions specifically to Stage Two of the Windsor Bridge upgrade (being 1/2 of the contributions for local road upgrades referred to above). Depending on the density achieved at Jacaranda Ponds, this would be several million dollars worth of contributions set aside specifically towards delivering three lanes over the Hawkesbury at Windsor.

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Response

This response attempts to address one matter of concern discussed in the report of 26 July 2011, that being the capacity of Windsor Bridge. It does not address the other concerns relating to the development's likely impacts on the Grose Vale Road/Terrace Road/Bells Line of Road intersection, the proponent's claim that the new community would be flexible during peak periods in switching between using either North Richmond or Windsor bridges, and the undesirable proposed northern access point located along the bend section of Spinks Road.

In principle no objection is raised into entering into a voluntary planning agreement for infrastructure upgrades. The rationale behind the proposed ratio of 2/3 for local roads and 1/3 for Windsor Bridge has not been explained by the proponent and there is no indication as yet in regards to the quantum of contributions applicable. However, this could be further examined by Council, RTA and the proponent.

Odour

Additional Information Submitted by the Applicant

At the Council meeting on July 26th 2011 some councillors raised concerns about approving a residential subdivision next to an operational poultry farm. Even though odour reports have been conducted at the site that show a negligible odour impact on the planned subdivision, there is still concern at the prospect of accommodating successfully the two land uses at the site.

As the poultry farm is a well-established local employer and an efficient modern operation, the owner has been reluctant to relocate it. Indeed, the land upon which the farm is located is proposed to remain zoned rural by the applicant to reflect the ongoing use as a poultry farm.

Despite the loss of employment that would result, given the concerns raised by some councillors of the potential for land use conflict, the owner has indicated its willingness to consider relocating the farm, if that is indeed a desired outcome.

Relocation would be subject to agreement and on the basis that the land upon which the farm is located would also be rezoned for residential uses for consistency and to assist in offsetting relocation costs to another site in the LGA (which will be substantial). The agreement would include a sunset provision giving Council the power to serve notice upon the poultry farm to cease operations within an agreed time period not less than three years. This period would be the minimum time required to acquire an alternative property, obtain all necessary approvals and construct the farm.

The terms of this agreement would need to be determined at a later stage of the detailed design process and would be publicly exhibited with the Voluntary Planning Agreement and other rezoning documentation.

Response

The proposed removal of the poultry farm is supported in terms of minimising potential future land use conflict, however this would mean that all current agricultural activity would be removed from the site and this would have a negative impact on the local economy and employment. If the planning proposal is to precede this matter can be investigated in greater detail and reported back to Council for consideration.

Open Space

In addition to responding to the key matters of concern raised in the report of 26 July 2011 the proponent has made the following offer with respect to the provision of open space.

EJC also wishes to put 1/3 of its contributions towards a myriad of parks, walkways and open space at the Jacaranda Ponds site. We have also been approached by residents of

Glossodia who would like a skate park developed at the site. EJC would be happy to build the skate park as part of its open space contribution in the VPA.

The proponent has provided an artist's impression of this open space area and Skate Park and this is attached to this report.

Whilst this offer is noted the preferred method of determining future public service and amenity requirements is to firstly determine the likely additional lot yield and population, calculate the corresponding additional demand for open space, recreational facilities, community facilities, road works etc generated by the additional population, estimate the cost of these works, and apportion this cost across the number of additional lots. In this case the proponent has, in a similar manner to their offer in relation to road contributions, merely nominated an arbitrary proportion of an unknown contribution amount towards open space and its embellishment. If the planning proposal is to proceed these matter can be investigated in greater detail and reported back to Council for consideration.

Conformance to Community Strategic Plan

The planning proposal's compliance with Council's Community Strategic Plan in the previous report to Council.

Financial Implications

The applicant has paid the fees required by Council's Revenue Pricing Policy for the preparation of a local environmental plan.

Conclusion

The report to Council of 26 July 2011 raised a number of concerns with the proponent's planning proposal and recommended that it not be supported in its current form. Notwithstanding these concerns, it was considered that the site did have development potential and hence the main purpose of the report was to obtain Council's "in principle" support to an amended large lot residential planning proposal and agreement on a concept plan identifying various constraints of land.

In recommending an alternative development scenario it was intended that the proponent would be provided with sufficient direction and incentive to pursue a rezoning of the land within the confines imposed by the constraints of the land.

The additional information provided by the proponent has assisted in resolving odour concerns and, in part, waste water concerns. Although, it is noted that the proponent, in relation to waste water concerns, still seeks to rely on a single type of individual, lot based, system. Other individual waste water systems or a package treatment plant has not been investigated.

It is considered that the additional information relating to topography and ecology do not, at this stage, warrant amendment to the constraints shown on the concept plan. Although with further detailed investigation the map could be refined.

The additional information regarding traffic impacts only examines Windsor Bridge and not the other matters raised in the previous report dealing with the intersection of Grose Vale Road/Terrace Road/Bells Line of Road and the capacity of North Richmond Bridge.

It is therefore recommended that the planning proposal submitted by the applicant not be support in its current form. However, as previously recommended to Council, it is considered that the site does have development potential and the preparation of an amended planning proposal should be pursued. Furthermore, it is recommended that Council adopt the concept plan and therefore define the constraints of the land and provide the proponent and Council staff with direction for the preparation of an amended planning proposal.

It is noted that the July concept plan showed indicative lot sizes and densities. These lot sizes and densities were primarily based on assessments concerning rural-residential character, traffic impacts and

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effluent disposal. Council is advised that due to the potentially significant costs involved in resolving the concerns regarding traffic impacts and possibly waste water, higher lot yields than that shown on the July concept plan, and even possibly higher than that shown on the proponents plan, may be required in order to make the development economically viable. For this reason a revised concept plan (attached to this report) has been prepared that has removed the indicative lot sizes and densities. Further it is recommended that the amended planning proposal not be restricted to only large lot residential development and that other forms of residential development be considered, noting that higher density development would require a different approach to waste water solutions, such as a package treatment plant.

Planning Decision

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

RECOMMENDATION:

That:

1. Council support, in principle, the preparation of a Planning Proposal for the land comprising of:

Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia
Lot 20 DP 214753, 213 Spinks Road, Glossodia
Lot 75 DP 214752, 361 Spinks Road, Glossodia
Lot 3 DP 230943, James Street, Glossodia
Lot 44 DP 214755, 3 Derby Place, Glossodia
Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach
Lots 1, 2 and 3DP 784300, 780A – 780C Kurmond Road, North Richmond

to rezone the land for large lot residential and/or residential development.

2. The planning proposal, submitted by the applicant, in its current form not be supported.
3. The concept plan titled “Jacaranda Ponds Planning Proposal Concept Plan, November 2011” attached to this report be adopted for the purposes of investigating the issues raised in this report and the report to Council on 26 July 2011, and for the purposes of preparing an amended planning proposal.
4. The Department of Planning and Infrastructure and NSW Roads and Traffic Authority be advised of this planning proposal and invited to provide comment on the current proposal and input into the preparation of an amended planning proposal.
5. The applicant be responsible for preparing an amended planning proposal to be reported back to Council.

ATTACHMENTS:

AT - 1 Previous report to Council on 26 July 2011.

AT - 2 Jacaranda Ponds Planning Proposal Concept Plan, November 2011.

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AT - 1 Previous report to Council on 26 July 2011.

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CP - Planning Proposal for Jacaranda Ponds, Glossodia - (LEP89001/10, 111745, 120418, 95498)

REPORT:

Executive Summary

This report discusses a planning proposal which seeks to rezone land immediately to the south of the Glossodia township to allow for a 179 lot rural-residential subdivision and the retention of an existing egg production farm.

The applicant for the proposal is E J Cooper & Son Pty Ltd (represented by EG Property Group) and the planning proposal has been prepared by Urbis Pty Ltd. The planning proposal is supported by expert assessments of traffic, heritage, flora and fauna, bushfire, stream classifications, contamination, noise, odour and agricultural land capability.

The applicant's objectives for the planning proposal are:

- "1. To refine the boundary of the current Rural – Mixed Agriculture zoning across the site in order to incorporate a Rural Housing zone that will provide rural residential lots that will compliment the rural village-like character of the area.
2. To ensure that future development on the site creates a natural expansion of the town of Glossodia allowing for a seamless southward extension.
3. To retain full employment in the area. The existing free-range egg farm will continue to be one of the region's most important employers. Appropriate buffers will be created to ensure that the free range farm does not impose upon the site's residential amenity.
4. To create a riparian corridor along Currency Creek as well as preserve and enhance other environmentally-significant areas within the site in a manner that achieves a harmonious relationship between the site and its surrounds."

A plan showing the indicative lot layout is attached to this report. This layout shows a number of proposed lots which are severely constrained due to existing vegetation and dams and/or have poor street access. The applicant's representative has advised that the lot layout is indicative only and they are open to amendment subject to the lot yield of 179 being achieved. Accordingly, this report will not focus too greatly on the difficulties of the proposed lot layout, but rather make recommendations for amendments to the lot layout and yield in the event that the planning proposal is to proceed.

This report identifies various constraints to development of the site as proposed by the applicant and recommends that the planning proposal in its current form not be supported. However, in order to progress this matter it is also recommended that the applicant, in consultation with Council and other relevant public authorities, submit an amended planning proposal.

Consultation

The planning proposal has not been exhibited. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and associated Regulations.

Site and Surrounds

The site is irregular in shape and in total has an area of approximately 185.3ha consisting of the following properties:

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Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia
Lot 20 DP 214753, 213 Spinks Road, Glossodia
Lot 75 DP 214752, 361 Spinks Road, Glossodia
Lot 3 DP 230943, James Street, Glossodia
Lot 44 DP 214755, 3 Derby Place, Glossodia
Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach
Lots 1, 2 and 3DP 784300, 780A – 780C Kurmond Road, North Richmond

213 and 361 Spinks Road, Glossodia are currently zoned Housing under *Hawkesbury Local Environmental Plan 1989* (HLEP 1989) and are proposed to be zoned R2 Low Density Residential under *Draft Hawkesbury Local Environmental Plan 2011* (DHLEP 2011). Clause 12(5) of HLEP 1989 prohibits the subdivision of Housing zoned land in Glossodia, except for the purposes of a boundary adjustment. All of the other properties are currently zoned Mixed Agriculture under HLEP 1989, proposed to be zoned RU1 Primary Production under DHLEP 2011, with a minimum lot size for subdivision of 10ha.

The site is bounded to the north by Spinks Road and Housing zoned land, to the east by Mixed Agriculture zoned land, to the south by Currency Creek with Mixed Agriculture zoned land beyond, and to the west by Spinks Road and Housing and Mixed Agriculture zoned land. The adjoining Housing zoned land to the north and west is generally 1ha – 2 ha in area with smaller 550m² to 4000m² (approx) properties fronting Spinks Road. Surrounding Mixed Agriculture zoned land to the west, south and east is generally 10ha – 15ha in area.

The majority of the site is cleared and undeveloped. The site is undulating and varies in elevation from approximately 80m westerly, 70m northerly, 40m easterly, and 30m southerly. A steep sloping section generally in excess of 15% passes through the middle of the site in an east-west direction.

The primary development on the site is a free range egg production farm (Pace Eggs) consisting of 10 sheds each with up to 19,000 birds located in the north western portion of the site and a chicken rearing farm (Baiada) consisting of 24 sheds is located in the south and south western portion of the site. The rearing farm is proposed to be removed as part of the development of the site. The site also contains eight dwellings and associated farm buildings.

The site also contains a number of dams. Eight are proposed to be retained the others will be filled in. Currency Creek forms the southern boundary of the site and is bounded by riparian vegetation. The planning proposal describes Currency Creek as being a watercourse with significant value, the main creek channel is continuously flowing, it provides habitat for riparian fauna, and the creek holds aquatic fauna.

The site is not subject to flood water inundation from the Hawkesbury River. The extent of any localised flooding from Currency Creek is unknown, however preliminary advice provided by the applicant suggests that the 1 in 100 year flood event level extends approximately 70m from the top of Currency Creek's bank.

All of the site is "bushfire prone land" (primarily vegetation category 2) according to NSW Rural Fire Service's Bushfire Prone Land Map and the site is "Class 5" land as shown on Council's Acid Sulfate Soils Planning Map.

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury – Nepean River (No.2 – 1997)* and is not within an area of scenic significance under this SREP.

Views to the site are primarily from the north-east, west and south. The north-eastern portion of the site is primarily visible from James Street and Spinks Road east of James Street. The western and southern portions of site are primarily visible from Spinks Road and Kurmond Road, these views are partially obscured by the existing vegetation adjoining Currency Creek however the views to the southern face of the ridgeline running through the site are generally unobscured.

Description of Proposal

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The proposal is to create 179 rural-residential lots and to retain the existing egg production farm. The rural-residential lots are proposed to vary in size from 4000m² up to 2ha with most lots being between 4000m² and 6000m².

Vehicular access to the development would be via an extension of James Street and two new access points from Spinks Road.

Amplification of existing electricity, telecommunications and potable water infrastructure services would be required to serve the development. The applicant proposes that each lot is to have its own aerated wastewater treatment system (AWTS).

A 50m rehabilitated riparian zone adjoining Currency Creek is proposed as well as a north-south ecological corridors between the egg production farm and the Currency Creek riparian area and along the western boundary of the site. Riparian buffer area for the two watercourses is 13.2ha.

Eight dams are to be retained. The land surrounding the large dam in the north-eastern corner of the site is proposed for public open space with walking and cycling tracks, picnic and entertainment areas.

The applicant advises that the egg farm currently contributes \$10-\$15 million annually to the local economy and employs up to 15 people depending on the time of year/production cycle. Enhancements to the egg farm are not proposed as part of the planning proposal however the applicant advises that the owner intends to use the proceeds of the subdivision to upgrade the packing floor with a grading and packing machine which would allow eggs produced at the farm and other affiliated egg farms to be graded and packaged on the property. This would be a \$5 million plus investment in new equipment and directly employ an additional 12 – 15 employees.

To achieve the proposed rezoning and resultant subdivision the applicant proposes that the zoning map of HLEP 1989 be amended to incorporate a Rural Housing zone over most of the site and Clause 10 of the LEP be amended to include a site specific Lot Size Map.

If the planning proposal is to proceed through to gazettal, it is unlikely that it would result in an amendment to HLEP 1989 as it is expected that DHLEP 2011 will be made before this proposal would be gazetted. In this case the proposal would result in an amendment to the new LEP 2011 by way of zoning the affected land R5 Large Lot Residential and amending the Lot Size Map and other affected maps.

NSW Department of Planning's Gateway Process

In July 2009, the NSW Government changed the way that local environmental plans (LEPs) are developed and approved. This system is known as the 'gateway' plan-making process.

The gateway process has the following steps:

Planning proposal — This is prepared by a Council or the Minister for Planning and Infrastructure and is to explain the intended effect of a proposed local environmental plan and sets out the justification for making that plan.

Gateway — The Minister (or delegate) determines whether the planning proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultation occurs with relevant public authorities and, if necessary, the proposal is varied.

Community consultation — The proposal is publicly exhibited for a minimum period of either 14 or 28 days depending of the nature of the proposal. Any person making a submission may also request a public hearing be held.

Assessment — The relevant planning authority considers public submissions and the proposal is varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan, the legal instrument.

Decision — With the Minister's (or delegate's) approval the plan becomes law and is published on the NSW legislation website.

The Department of Planning and Infrastructure (DP&I) has published two guides to assist in understanding the gateway process. These are *Guide to Preparing Local Environmental Plans* and *Guide to Preparing Planning Proposals*. Throughout this report some matters will be identified as requiring further investigation. Key issues of concern have been raised with the applicant during the initial assessment of the proposal however, in the absence of a resolution of Council regarding the progression of the proposal, the applicant has not been requested to undertake further detailed and potentially costly investigations. Upon Council resolution and any subsequent gateway determination these areas of concern can be further examined. This approach is supported by the *Guide to Preparing Planning Proposals* which states:

"In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations."

The applicant has prepared a planning proposal in accordance with DP&I's guide and is supported by expert assessments of traffic, heritage, flora and fauna, bushfire, stream classifications, contamination, noise, odour and agricultural land capability. Furthermore the applicant, through the planning proposal, has advised that:

"All relevant supporting material to the Planning Proposal will be made available during the community consultation period. If required by Council, the proponent will provide a response to questions or queries raised by stakeholders at any point during the process."

Conformance with Hawkesbury Community Strategic Plan 2010 – 2030 (CSP)

Provisions of the CSP which are of most relevance to the planning proposal are:

Looking after people and place

Vision: In 2030 we want the Hawkesbury to be a place where we have: A community in which the area's character is preserved and lifestyle choices are provided with sustainable planned, well serviced development, within strongly connected, safe and friendly neighbourhoods.

Directions:

- *Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.*
- *Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.*
- *Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.*
- *Have development on both sides of the river supported by appropriate physical and community infrastructure.*
- *Have friendly neighbourhoods, connected communities, and supported households and families.*
- *Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.*

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Goals:

- *Maintain and foster the rural character of villages within the Hawkesbury.*
- *Accommodate at least 5,000 new dwellings to provide a range of housing options (including rural residential) for diverse population groups whilst minimising environmental footprint.*
- *Towns and villages to be vibrant place that people choose to live in and visit.*
- *Plan, provide and advocate for a range of community, cultural, recreational, sporting, health and education services and facilities to meet the needs of residents and visitors.*

Caring for Our Environment

Vision: *In 2030 we want the Hawkesbury to be a place where we have: A community dedicated to minimising its ecological footprint, enjoying a clean river and an environment that is nurtured, healthy, protected and provides opportunities for its sustainable use.*

Directions:

- *Be a place where we value, protect, and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.*
- *To look after our cultural and environmental assets for future generations so that they too can enjoy and benefit from a clean river and natural eco-systems, rural and cultural landscape.*
- *Take active steps to encourage lifestyle choices that minimise our ecological footprint.*
- *Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment.*

Goals:

- *Balance the needs of our ecology, recreational and commercial activities.*
- *Sustainable use of potable and recycled water.*
- *Reduce greenhouse gas emissions*

Linking the Hawkesbury

Vision: *In 2030 we want the Hawkesbury to be a place where we have: A community which is provided with facilities and services efficiently linked by well maintained roads and accessible and integrated transport and communication systems which also connect surrounding regions.*

Directions:

- *Have a comprehensive system of transport connections which link people and products across the Hawkesbury and with surrounding regions.*
- *Be linked by accessible, viable public transport, cycleways and pathways to the major growth and commercial centres within and beyond the Hawkesbury.*
- *Have a comprehensive system of well maintained local and regional roads to serve the needs of the community.*
- *Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses.*

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Goals:

- *An efficient transport network that links the Hawkesbury internally and to regional growth centres.*

Supporting Business and Local Jobs

Vision: *In 2030 we want the Hawkesbury to be a place where we have: New and existing industries which provide opportunities for a range of local employment and training options, complemented by thriving town centres.*

Directions

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

Goals:

- *Increased patronage of local businesses and attract new residents and visitors.*

Shaping Our Future Together

Vision: *In 2030 we want the Hawkesbury to be a place where we have: An independent, strong and engaged community, with a respected leadership which provides for the future needs of its people in a sustainable and financially responsible manner.*

Directions

- *A balanced set of decisions that integrate jobs, housing, infrastructure, heritage, and environment that incorporates sustainability principles.*

Goals

- *Work together with the community to achieve a balanced set of decisions that integrate jobs, housing, infrastructure, heritage and environment.*
- *Council demonstrate leadership by implementing sustainability principles.*

The planning proposal in its current form would assist in the achievement of some of the above mentioned Directions and Goals, e.g., the 5000 dwelling house target, provision of recreational facilities, increased patronage of local business, attracting new residents to the Hawkesbury. However, there are some key environmental, traffic generation and sustainability impacts of the proposal that would be in conflict with the above mentioned Directions and Goals. These impacts are discussed later in the report.

Council Policy – Rezoning of Land for Residential Purposes - Infrastructure Issues

On 13 October 2009 Council adopted the following Policy:

"That as a matter of policy Council indicate that it will not consider nor support any further applications to rezone land for residential purposes in the area west of the Hawkesbury River until such time as the existing infrastructure issues, particularly as related to traffic, have been addressed to Council's satisfaction."

The existing infrastructure issues as referred to in the Policy mainly relate to the traffic volume capacity of the intersection at Grose Vale Road/Terrace Road/Bells Line of Road, North Richmond, the traffic volume capacity of North Richmond bridge and the construction of a second bridge across the upper Hawkesbury, and provision of sewer infrastructure. These issues are yet to be addressed to Council's satisfaction. The

planning proposal if made would rezone the affected land to R5 Large Lot Residential and, hence, Council support of this planning proposal would therefore be in conflict with this Policy.

However, there is another report on this agenda that proposes an amendment to this Policy that, if supported, would allow for consideration of this matter in relation to the Hawkesbury Residential Land Strategy and the sustainability criteria contained in that Strategy.

Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's Metropolitan Strategy and Draft North West Subregional Strategy establishes the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

The Hawkesbury Residential Land Strategy (HRLS) is in part a response to these strategies and has identified residential investigation areas and sustainable development criteria which are consistent with the NSW government's strategies. The HRLS was adopted by Council on 10 May 2011. This section of the report will focus on the provisions of the HRLS as, of the three strategies, it is the one most directly applicable to the proposal.

Section 5.6 of the HRLS identifies future investigation areas for new housing development. The HRLS nominates the existing Housing zoned land of Glossodia and land immediately to the south as an investigation area. The subject site is within this investigation area. The HRLS recommends that within the Glossodia investigation area, the extent and type of residential zoned land be reviewed subject to resolution of transport, access and traffic issues particularly road infrastructure crossing the river, provision of sewerage, the expansion of commercial, retail and community services to accommodate a larger population, and that larger lot residential is to be investigated within the urban zoned land around fringe.

The capability of the land to adequately cater for onsite sewerage disposal, from 179 lots, and the environmental constraints and impacts of the proposal will be discussed in detail later in this report.

Glossodia currently satisfies many of the Neighbourhood Centre criteria, specified in the HRLS, as it contains 840 private dwellings, 99% being detached dwellings (ABS Census 2006) and is currently served by a small shopping village, community centre, public school, child care centre, before and after school care, Woodbury Park, rural fire service brigade, reticulated water, sewer, electricity, communications, roads connecting to key centres. However, Glossodia does not meet the public transport target of a bus interchange and 14hr bus service with a 10-15 minute frequency.

The proposal can be described as a rural residential / large lot residential development on the fringe of the Glossodia residential area. The HRLS contains the following specific criteria for such development:

- be able to have onsite sewerage disposal,
- cluster around or on the periphery of villages,
- cluster around villages within services that meet the existing neighbourhood criteria services as a minimum (within 1km radius),
- address environmental constraints and with minimal environmental impacts,
- within the capacity of the rural village.

The HRLS also contains Sustainability Criteria which is to be applied to residential development. Where relevant the criteria are provided in various sub-sections of the "Assessment of Key Environmental Impacts" section of this report. Some of the criteria refer to "urban development". Rural residential / large lot residential development should be seen as a limited or reduced type of "urban development" given that the relatively low density of development and relatively small future population will still create the need for similar services and transport and access, albeit on a reduced scale, as urban development. In fact "rural residential" development will also create some additional servicing issues that urban development may not necessarily create, e.g., additional need for parking at commercial centres, additional costs in

servicing/maintenance for waste and roads etc. Hence, consideration and application of the “urban development” criteria should be weighted accordingly.

Section 117 Directions

Section 117 directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the 117 directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. The key 117 directions are as follows:

1.2 Rural Zones –planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

1.3 Mining, Petroleum Production and Extractive Industries – requires consultation with NSW Industry and Investment.

2.1 Environment Protection Zones – planning proposals must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

3.1 Residential Zones – planning proposals must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and
- reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

Furthermore a planning proposal must contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

3.4 Integrating Land Use and Transport –planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001)

In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 “Accessible Development” principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

The document is very much centres based and not readily applicable to consideration of a rural-residential planning proposal. Notwithstanding this, it is considered that the principles of most relevance would be those relating to public transport (for access to Richmond and Windsor), pedestrian and cycle access (for access to Glossodia shops). The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken. It is recommended that if this planning proposal is to proceed Council seek guidance from the DP&I, via the gateway process, regarding the applicability of this document.

4.1 Acid Sulfate Soils – requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&I. The applicant has submitted a report which investigates the potential for acid sulphate soils. The report found that of the soil samples taken from the site none of them contained acid sulfate soils.

4.3 Flood Prone Land – planning proposals must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A planning proposal must not rezone land within the flood planning areas from special use, special purpose, recreation, rural or environmental protection zones to a residential, business, industrial, special use or special purpose zone. As stated previously the site is not subject to flood water inundation from the Hawkesbury River. The extent of any localised flooding from Currency Creek is unknown, however preliminary advice provided to the applicant by one of their consultants suggests that the 1 in 100 year flood event level extends approximately 70m from the top of Currency Creek's bank. If this planning proposal is to proceed it is recommended that flood modelling of the local catchment applicable to the site be undertaken.

4.4 Planning for Bushfire Protection – requires consultation with the NSW Rural Fire Service, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

7.1 Implementation of the Metropolitan Strategy – requires planning proposals to be consistent with the NSW Government's Metropolitan Strategy City of Cities, A Plan for Sydney's Future.

The 117 directions do allow for planning proposals to be inconsistent with the directions. In general terms a planning proposal may be inconsistent with a direction only if the DP&I is satisfied that the proposal is:

- (a) justified by a strategy which:
 - gives consideration to the objectives of the direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) is of minor significance.

State Environmental Planning Policies

Relevant State Environmental Planning Policies (SEPPs) are SEPP No.1 Development Standards, SEPP No. 19 Bushland in Urban Areas, SEPP No. 55 Remediation of Land, SREP No. 20 Hawkesbury - Nepean River (No.2 – 1997).

The planning proposal is consistent with the provisions of SEPP No.1 Development Standards, SEPP No. 19 Bushland in Urban Areas, SEPP No. 55 Remediation of Land.

The aim of SREP No 20 (No. 2 – 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water quality, water quantity, cultural heritage, flora and fauna, agriculture, rural-residential development and metropolitan strategy. These matters are discussed in the following section of this report.

SREP No 20 recommends that priority be given to agricultural production in rural zones, that zone objectives and minimum lot sizes support the continued agricultural use of Class 1, 2 and 3 agricultural land and any other rural land that is currently sustaining agricultural production; incorporation of effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts; protection of agricultural sustainability from the adverse impacts of other forms of development; consideration of the ability of a site to sustain over the long term the development concerned (including on-site effluent disposal); maintenance or introduction of appropriate separation between rural-residential use

and agricultural use on the land that is proposed for development; consideration of any adverse environmental impacts of infrastructure associated with the development concerned.

Assessment of Key Environmental Impacts

Character of the area

Relevant HRLS Criteria:

- A2.4 Provide suitable transition between different dwelling densities*
- G8.2.1 Urban development to minimise impacts on view corridors to significant rural and natural landscapes*
- I2.2.2 Be cognisant of the character of surrounding areas*
- I2.2.3 Be cognisant of the landscape character and its setting*

A key goal of the CSP in the *Looking after people and place* theme is to:

Maintain and foster the rural character of the villages with the Hawkesbury

Furthermore, community surveys undertaken on behalf of Council in 2007 and 2009 show that “rural lifestyle” was by far the dominant response when residents were asked to describe the character of the Hawkesbury.

Rural character/lifestyle can be defined by such matters as the existence of agricultural uses, size of lots, density of development, the type, location, bulk and size of buildings and outbuildings, vegetation and fencing.

The area surrounding the subject site has a mix of lot sizes ranging from small residential lots of 550m² to 1000m², large residential lots of approximately 4000m², rural-residential lots of 1ha to 2ha, and then rural lots of 10ha and greater. The lots immediately adjoining the site to the north and east are generally 1ha – 2ha in area, lots immediately to the south are typically 10ha – 16ha in area, and lots immediately to the west range from 2ha to 10ha.

Most adjoining properties to the west and north contain a substantial coverage of open woodland with dwellings and outbuildings located amongst the woodland vegetation. Separation between adjoining dwellings is typically 40m to 80m. Fencing is typically post and rail along the frontage of properties with star picket and wire fencing for the other boundaries.

Adjoining properties to the east and south are typically used for agricultural purposes such as grazing, turf farming and market gardening. Dwellings, outbuildings and native vegetation are sparse.

In summary the immediately surrounding area has two distinct visual characters. One area having a residential/rural-residential character, the other area having an agricultural production character. As discussed earlier, views to the site are primarily from the north-east (i.e the residential/rural-residential area) and the west and south (i.e the agricultural production area). The site sits between these areas and it is considered that if the planning proposal is to proceed the site should act as a transition between these two areas. The current proposal does not act as a transition between these two areas. Rather, it proposes an extensive coverage of lots which are typically smaller than surrounding lots and will result in a relatively dense form of dwelling and outbuilding development and place at risk the proposed retention of native vegetation.

Traffic and Public Transport

Relevant HRLS Criteria:

- E2.1 Upgrade road transport infrastructure to facilitate economic development and enhanced access within the Hawkesbury LGA*
- E2.2 Promote high level public transport to minimise car usage.*

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- E2.3 *Urban development to be accessible to transport options for efficient and sustainable travel between homes, jobs, services and recreation:*
- *in proximity to City Rail train stations*
 - *in proximity to regular and reliable bus networks and services*
- E2.4 *Frequency and servicing of public transport services to be upgraded to meet current and future community needs*
- E2.5 *Bicycle networks to be expanded to facilitate recreation and commuter use in a safe environment*
- E2.6 *Pedestrian footpaths are provided in all urban areas and centres*

A traffic impact study has been submitted with the planning proposal. The study examined the likely impacts of the development on the surrounding road networks as well as the Bells Line of Road/Terrace Road/Grose Vale Road, Bells Line of Road/Crooked Lane and Freemans Reach Road/Wilberforce Road intersections and both Windsor and North Richmond bridges.

The study investigated current, and with development, morning (AM) and afternoon (PM) peak hour traffic conditions and congestion/delays at the two bridge crossings over the Hawkesbury River at Windsor and North Richmond and three nearby adjoining intersections at Grose Vale Road/Terrace Road at North Richmond, Crooked Lane, North Richmond and Freemans Reach Road, Windsor.

The study is based on the following assumptions:

- an external vehicular traffic generation rate of 10 vehicle trips per day per household and 1 vehicle trip per hour per household in both the morning and afternoon peak hours
- approximately 40% peak hours traffic will be to and from Richmond or regional destinations, most likely via the North Richmond bridge
- approximately 40% peak hours traffic will be to and from Windsor or regional destinations, most likely via the Windsor bridge
- approximately 15% peak hours traffic to and from local destinations in Glossodia, North Richmond and Kurrajong area
- approximately 5% peak hours traffic to and from other local destinations eg Freemans Reach and Wilberforce
- that East Market Street, Richmond and Macquarie Street, Windsor are not heavily congested and impact from the proposed development will be dispersed by the time they reach these locations and no significant traffic impacts are likely

The study did not examine in detail the existing and future traffic conditions at the main Windsor and Richmond Town Centre intersections.

The study included intersection performance assessment, which is described by a level of service (LOS) ranging between A to F. LOS are based on delay for any vehicle movement at intersection with the criteria shown in the following table:

Level of Service Criteria for Intersection Modelling

Level of Service	Average Delay Per Vehicle (seconds)	Traffic Signals, Roundabout	Give way & Stop Signs
A	< 14	Good operation	Good operation
B	15-28	Good with acceptable (min) delays & spare capacity	Acceptable delays (min) & spare capacity
C	29-42	Satisfactory	Satisfactory, but accident study required
D	43-56	Operating near capacity	Near capacity and accident study required
E	57-70	At capacity; at signals, incidents	At capacity and requires other

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Level of Service	Average Delay Per Vehicle (seconds)	Traffic Signals, Roundabout	Give way & Stop Signs
		will cause excessive delays; Roundabout require other control mode	control mode
F	>70	Unsatisfactory and requires other control modes	Unsatisfactory and requires other control modes

The key findings of the study were:

Traffic Volumes

There will be likely peak hour traffic increases of approximately 3-4% on the two major road bridge crossings of the Hawkesbury River and likely peak hour traffic increases generally in the range 10-12% on all major local roads in the affected area. These increases will all, however, be below the general threshold limits of any significant or noticeable adverse traffic related amenity or safety impacts on any of these roads, thus requiring minimal or no road upgrade works as a result of the proposed development. Beyond the two Hawkesbury River bridge crossings at Windsor and North Richmond, the future peak hour traffic increases on other major roads will be 1 – 2% as the site generated traffic disperses onto a range of other regional traffic route.

The traffic volume count reveals that the peak traffic on Bells Line of Road at the North Richmond Bridge is significantly busier in the AM peak compared to the PM peak period while correspondingly the Windsor Bridge traffic is less busy in the AM peak but significantly busier in the PM peak period.

The study concludes that given these differences some local traffic in the area already switches routes between the two bridges in the AM and PM peak periods, most probably in response to specific traffic congestion factors at critical locations on the road network during either the morning or afternoon peak traffic periods.

Freemans Reach Road/Wilberforce Road intersection at Windsor

During peak hours vehicles queue on Freemans Reach Road waiting for gaps to turn right into Wilberforce Road, approaching the Windsor Bridge. The intersection analysis reveals that the intersection is functioning safely and operating reasonably smoothly with minimal overall traffic delays. The current Level of Service 'A' at AM Peak and 'B' at PM Peak periods remains unchanged as a result of the proposed development, although there is a marginal increase in delay pre and post development (AM Peak from 10.8 to 11.3 sec (+0.5 sec) and PM Peak from 16.4 to 17.1 sec (+0.7 sec) however the values are within the LOS range.

Terrace Road/Grose Vale Road/Bells Line of Road at North Richmond

This major intersection is relatively congested at both AM and PM peak hour. The intersection has limited capacity to accommodate additional traffic without deterioration in the LOS. The current LOS is AM Peak 'D' and PM Peak 'E'. With development, the LOS will change the AM Peak to 'D' and PM Peak to 'F'. This means that the average delay for pre and post development will change AM Peak from 52.1 sec to 53.4 sec (+1.3 sec) and PM Peak from 62.2 to 71.4 sec (+9.2 sec). It is worth noting that the 53.4 sec and 71.4 sec delay is equivalent to a maximum queue length of 303 and 532 metres respectively.

The study recommended changing the PM Peak hour intersection cycle time from 120 seconds to 150 seconds to bring the LOS back from 'F' to 'E' without undertaking any physical works at the intersection.

Crooked Lane/Bells Line of Road at North Richmond

The intersection is moderately congested during AM and PM peak hour (Level of Service C/B) but still has spare capacity to service additional traffic generated from proposed development. The current Level of

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Service 'C' at AM Peak and 'B' at PM Peak periods remain unchanged with the proposed development, although there is a marginal increase in delay pre and post development (AM Peak from 28.9 to 29.2 sec (+0.3 sec) and PM Peak from 27.0 to 27.9 sec (+0.9 sec) however the values are within the LOS range.

Capacity of Bridges

The bridge traffic capacity calculation is carried out based on AUSROADS guide. The study indicates that the North Richmond Bridge capacity varies in range between approximately 2250 and 2480 vph during AM and PM peak periods, while the Windsor Bridge capacity is generally much lower at approximately 1750 vph during both peak periods.

The analysis reveals that North Richmond Bridge is now effectively operating at capacity at AM peak traffic period and the Windsor Bridge is operating at capacity at PM peak periods.

The study concludes that the future traffic growth in the area from the proposed Glossodia rural-residential lots should ideally be flexible in terms of its ability to use either bridge during AM and PM peak periods.

Public Transport

Glossodia is currently serviced by WestBus Route 668 which traverses between Richmond-Windsor and Windsor-Richmond via Glossodia and Wilberforce. The bus services are infrequent and does not provide many day time travel options outside the peak hours.

Comments on Traffic Study Findings

Initial assessment of the traffic report raised the following matters of concern.

The recommended change in traffic light cycle from 120 to 150 seconds for the Grose Vale Road/Terrace Road/Bells Line of Road intersection is outside of Council's jurisdiction and must be referred to RTA for their comment. Notwithstanding this it is considered that there is high likelihood of significant community opposition to the proposed cycle change.

The study does not take into account the potential traffic growth or impacts on the Grose Vale Road/Terrace Road/Bells Line of Road intersection and North Richmond Bridge capacity at AM and PM peak hour from the approved seniors living development at 108 Grose Vale Road, North Richmond (the old Peels Dairy farm site). The bridge and the intersection are already operating at full capacity during the AM peak period and cumulative additional traffic of developments will have significant impact on this intersection and the bridge. More detailed investigation is needed that takes into account the traffic from the seniors living development.

The RTA propose to replace the Windsor Bridge in the near future. The preferred option (Option 1) proposes a new bridge about 35 metres downstream of the existing bridge. It is assumed that the design and construction of the new bridge at this location will address the current intersection issues at Freemans Reach Road and Wilberforce Road. However, until this option and design is confirmed it would be premature to assume this improvement.

The study emphasised the need for the community to be flexible during peak periods in using either North Richmond or Windsor bridges. This flexibility cannot be assured as route and bridge usage will solely depend on the individual and is too subjective to use as a basis for development decisions. In any event, both of these bridges and approaches already have significant problems.

A section of the proposed western access road from Spinks Road will also service the existing egg production farm road. Further investigation is required to determine traffic volume and type that will service the egg production farm and to determine whether it is appropriate or if any control measure is needed along the shared section of residential road to mitigate traffic risk.

The proposed northern access point located along the bend section of Spinks road is not desirable and further investigation (e.g. safe sight distance etc) will be needed.

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As a result of this initial assessment Council staff expressed concern to the applicant regarding the proposed increase to the traffic lights cycle, requested more information regarding the cumulative affects of development on the Grose Vale Road/Terrace Road/Bells Line of Road intersection, potential impacts on the Windsor and Richmond townships, and the operation of the egg production farm.

In reply the applicant has advised:

- a re-run of the traffic model incorporating the senior living development finds that it does not affect the findings of the original traffic report and that all the conclusions in that report remain valid.
- the traffic impact on Windsor and Richmond town centre intersections will be very negligible and does not warrant undertaking traffic modelling to assess the impact on those intersections from proposed development.
- as an alternative to increasing intersection cycle time from 120 to 150 seconds the following three options were considered, with the consultant recommending options 2 and 3 as suitable:
 - Option 1 - to reconfigure and add an extra left turn lane, westbound into the intersection, for about 60 metres on the Terrace Road approach, which would make three lanes on this approach
 - Option 2 - to reconfigure the Grose Vale Road approach as three lanes heading north-east into the intersection and one lane heading south-west away from the intersection. This would mean some loss of existing on street car parking downstream from the intersection.
 - Option 3 - make Bells Line of Road no right turn south-eastbound at the intersection, remove the right turn lane and reconfigure the north-eastbound as two through lanes eg one through and one through plus left lane. Traffic lights and a longer right turn lane would need to be installed at Charles Street on Bells Line of Road to accommodate the diverted right turn traffic.

The consultant's comments regarding the cumulative impacts of the proposal and the senior living development and the likely impacts on the Windsor and Richmond town centres are accepted for the interim. If the planning proposal is to proceed these comments should be further tested by Council and RTA staff.

It is considered that Option 2 is not practical and may not be acceptable to the community and business owners as this involves removing street parking along the Grose Vale Road adjacent to the intersection along a 60 metre strip. However, again this would need to be modelled and considered following community consultation.

Option 3 involves removing right turn south-eastbound lane at the intersection and reconfiguring the north-west bound lane as two through lanes. This change would retain the existing level of service in the AM Peak at D and an improvement in the PM Peak from current level of service E to D. However, this option requires new traffic lights at Charles Street on Bells Line of Road and a longer right turn lane to accommodate the diverted right turn traffic. The consultant's report does not address the issue of traffic flow and capacity along Charles Street and does not address access to shops on Riverview Street for traffic coming down on the south-eastbound lane along Bells Line of Road. This traffic will have to use the right turn bay at Charles street to access the shops. This is a major change which may be opposed by the affected business owners and community.

The reconfiguration, traffic light installation and traffic diversion proposed in Option 3 is a major change in the traffic flow and intersection configuration. This matter must also be referred to the RTA as the road is under state control. At this stage proposed Option 3 solution cannot be accepted without a full and thorough investigation with all relevant stakeholders. The applicant's representative has not suggested who should pay for or implement such options other than to state the applicant is open to a traffic solution that works for the intersection provided it is adequately costed.

It should be noted that the RTA is currently undertaking traffic assessment and modelling of Bells Line of Road between Richmond and North Richmond. These options could be referred to the RTA for testing as part of the existing work, prior to serious consideration of any option. However, the traffic study does

indicate that, whilst the impact may be relatively small, an immediate amendment to the traffic issues, at least at North Richmond, is required prior to full consideration of the planning proposal. As mentioned, the RTA are currently undertaking the modelling work with a range of actions to be considered that would address the immediate, medium and long term options for this issue.

Topography

Relevant HRLS Criteria:

G3.2.1 Urban development to be limited to areas with a slope of 15% or lower

The site is undulating and varies in elevation from approximately 80m westerly, 70m northerly, 40m easterly, and 30m southerly. A steep sloping section of land, generally in excess of 15%, passes through the middle of the site in an east-west direction. Land in the southern portion of the site towards Currency Creek is relatively flat, being generally less than 6%. Land in the north-eastern portion of the site towards is of moderate slope, generally 6-10%.

The Sustainability Criteria of the HRLS recommends that urban development be limited to areas with a slope of 15% or lower. The steep sloping section through the middle of the site therefore represents a constraint to development of the site and, as will be discussed in the following section, areas greater than 6% slope act as a constraint to the on-site irrigation of waste water.

Water Management

Relevant HRLS Criteria:

D1.2.4 Urban development in small villages and neighbourhood centres be limited to areas capable for onsite disposal and/or waste water irrigation.

G1.2.3 Protect and enhance biodiversity, air quality, heritage and waterway health.

G5.2.4 Be consistent with catchment and stormwater management planning (CMA and local council) and the NSW Floodplain Development Manual.

G6.2.2 Maintain or improve existing environmental condition for water quality and quantity.

G6.2.3 Development to be consistent with community water quality objectives for recreational water use and river health.

G7.2.1 Development is to avoid wetland areas.

G7.2.2 Future urban development to be located outside of riparian zones.

G7.2.3 Development should not adversely impact on the drainage regime of wetland areas.

A water management strategy has been submitted with the planning proposal. The strategy proposes:

- individual lots being provided with individual aerated waste water treatment systems (AWTS) with surface irrigation areas of 1200m² and 3 kilolitres for wet weather storage
- stormwater being treated initially in local rain gardens (250m² in area) before being discharged to a trunk drainage network where together with runoff from roads and swales it will be treated in bio-retention basins prior to being discharged offsite
- peak stormwater flow rates from the proposed development not to exceed existing conditions in the 5, 20 and 100 year Average Recurrence Intervals (ARI) events

Concern was raised with the applicant regarding the proposed AWTSs to serve the subdivision. In particular concern was raised that only one type of waste water treatment system was proposed and that the water management strategy appeared not to adequately consider the significant slope of parts of the site. The applicant was requested to give consideration to the suitability of other types of systems, provide advice regarding the ongoing management of proposed systems, and consider the constraints imposed by the slope of the land bearing in mind that the relevant Australian Standard recommends a maximum slope of 6% for surface irrigation systems.

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In reply the applicant advises:

- the appropriateness of other systems such as a centralised sewage treatment system and various lot based sewage solutions was considered and as a result AWTSS were selected
- given the topography of the site it is likely that some lots will not be capable of providing a maximum 6% grade for the irrigation area. For these lots it has been assumed that the irrigation area will be benched to match the design requirements or sub-surface irrigation will be installed
- it is proposed to incorporate a series of measures to manage the risk associated with the inclusion of AWTSS on each lot. Throughout the life cycle of the AWTSS the lot owner will be responsible for:
 - the inspection and servicing of the AWTSS four times per year by a Council approved contractor
 - the inspection of sludge and scum levels in each of the AWTSS' tanks and performance of irrigation areas
 - the de-sludging of each tank every three years as a minimum
 - quarterly inspection and testing of the disinfection chamber to ensure that the correct disinfection levels are capable of being achieved on an ongoing basis
 - the cleaning of the grease trap every two months as a minimum
 - maintaining records of de-sludging activities, inspections and all other maintenance associated with the AWTSS
 - AWTSS will be equipped with an emergency alarm containing both visual and audible components. This emergency alarm will be triggered when the AWTSS is not operating effectively. The emergency alarm will only be able to be reset by an approved contractor. In the event that the AWTSS is not operational the wet weather storage component of the AWTSS will provide sufficient capacity to enable tankering of the sewerage by an approved contractor.

The landowner will also be responsible for the licensing to operate the system with Council.

Notwithstanding this, concern is still raised that only one system is proposed and hence there is no alternative system available in the event that upon site specific investigation an AWTSS is unsuitable or after a period of time requires replacement with another type of system. The applicant has not provided any reasons why an AWTSS was selected instead of other types of communal or individual systems. An option for "pump-out" systems (not proposed by the applicant) is unsustainable and should not be considered acceptable by Council.

Benching of some lots to cater for the irrigation areas is considered unacceptable due to potential visual impacts and long term soil stability. Sub-surface irrigation can be installed on slope greater than 6%; however, there is an increased risk of polluted surface run-off when the ground becomes saturated.

The land area required by an AWTSS (1200m² irrigation area plus area required for buffer zones and tanks) would take up a considerable portion of a 4000m² lot constraining the location of any proposed dwelling, outbuildings, swimming pools, gardens, play areas and alternative disposal areas should the disposal area become unsuitable in the long term.

Finally, the water management strategy did not make an assessment of the potential cumulative impacts of the proposed 179 individual systems on Currency Creek catchment, groundwater, and long term water logging of the site. In this regard additional investigation of the 'catchment' capacity to accept on-site waste water systems should be considered to determine the density of systems that the catchment could sustainably accept.

It is considered that a larger minimum lot size would assist in overcoming these concerns as other systems could be considered/used, steep slopes could be avoided, and the land area required by the system would not be such a significant portion of the site and hence provide more land area for dwellings, outbuilding, swimming pools, gardens and play areas.

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Ecology

Relevant HRLS Criteria:

- G1.2.1 No urban development in areas identified for conservation, environmental sensitivity and recreation*
- G1.2.2 Maintain a high quality natural environment and respect elements of natural environment*
- G1.2.3 Protect and enhance biodiversity, air quality, heritage and waterway health*
- G1.2.4 Future urban development to occur in areas where there is limited impacts on significant vegetation communities*

A flora and fauna assessment has been submitted with the planning proposal. In summary the assessment reveals that whilst the majority of the site consists of grassland, the existing vegetation has a medium to high quality condition and large portions of the site's vegetation will need to be retained. The assessment found:

- three threatened fauna species (East-coast Freetail-bat, Eastern Bentwing-bat and a Large-footed Myotis)
- one threatened flora species (*Pimelea spicata*)
- two endangered ecological communities - 18.4ha of Cumberland Plain Woodland (CPW) and 7.45ha of River-flat Eucalypt Forest on Coastal Floodplains (RFEF). Most of the RFEF is contained within the Currency Creek riparian corridor

The assessment concluded that the proposed residential development of the site would be constrained by the presence of the following ecological features:

- two large dams that provide high aquatic habitat for a diversity of bird species. These large dams are located in the north-eastern corner of the site and in the western part of the site
- the two endangered ecological communities
- hollow-bearing trees that provide suitable habitat for recorded threatened bats and other hollow-dependent species
- riparian buffers along Currency Creek and one unnamed watercourse located in the north-western corner of the site

The assessment made the following recommendations:

- To adopt a Vegetation Management Strategy that conserves as much of the existing vegetation as possible, offsets the loss of significant vegetation in the form of wildlife corridors, riparian corridors, retained vegetation and waterbird reserves
- Ongoing ecological site management of the site would need to be firmly incorporated within the sites development layout and managed in the form of a Vegetation Management Plan. Ecological site management would need to include restoration of native vegetation within the proposed riparian corridor, the two wildlife corridors, within and adjoining the two large dams to be retained onsite and within natural retained vegetation. Restoration works will need to specifically restore CPW and RFEF vegetation communities onsite.
- In regard to the Cumberland Plain Land Snail, a further target search in more appropriate conditions (during and following rain) is recommended to provide a conclusive assessment for this species. The presence of Cumberland Plain Land Snail within a remnant patch of vegetation would result in full protection of that remnant and the need to provide vegetated connectivity to support the population.

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- A comprehensive assessment of hollow bearing trees will be required to identify the potential impact of the proposed development on threatened hollow dependent threatened species for the Section 5A assessment of the EPA Act 7-part test
- Stormwater management of the site will need to maintain or improve the management of water on-site

The assessment included a Constraints / Opportunities map which is included as an attachment to this report. The map shows:

- a 50m riparian buffer zone adjoining Currency Creek
- retention of scattered stands of CPW throughout the western part of the site
- waterbird reserves around the two large dams
- a 20m riparian buffer zone adjoining watercourses in the north-west of the site
- fenced, revegetated and regenerated CPW areas of variable width along the western and part of the northern boundary of the site and
- a north-south 50m wide fenced, revegetated and regenerated CPW area in the eastern part of the site

Whilst it is agreed that the majority of the site consists of open grassland it is important to note that CPW can exist in an open grassy woodland formation and the importance of partially native grassland should not be overlooked in assessing whether the vegetation (including ground layer) is of environmental significance. These open grasslands can provide habitat and a food source for many faunal species that developed land cannot and open grasslands do not restrict movement that can cause faunal fatalities, unlike structures such as roads, solid fencing and buildings.

Whilst the proposal provides for the retention of CPW and RFEF the resultant subdivision will fragment these endangered ecological communities and place these communities at greater risk to harm from "key threatening processes" identified by the *Threatened Species Act 1995*. These processes include clearing of native vegetation, dieback associated with over-abundant psyllids and bell miners, high frequency fire resulting in the disruption of life cycle processes in plants and animals and loss of vegetation structure and composition, infection of native plants by *Phytophthora cinnamomi*, invasion and establishment of exotic vines and scramblers, invasion, establishment and spread of *Lantana camara*, invasion of native plant communities by exotic perennial grasses, predation by feral cats, and removal of dead wood and dead trees.

As discussed above the site adjoins Currency Creek along its southern boundary. Currency Creek is an iconic catchment that feeds many reserves and inhabits a range of threatened species. The proposal does have the potential to have substantial ecological impacts both locally and regionally on this catchment. In particular increased hard surfaces can increase weed infestation and erosion along the creek and fenced boundaries restricts fauna movement.

Therefore, in addition to the above mentioned recommendations it is considered that the following should be incorporated into the proposal:

- amendment to the lot layout in order to create greater connectivity/vegetation paths between existing dams and vegetation. In some cases this will serve a dual purpose of enhancing habitat, connectivity and biodiversity values to the site for the threatened species and acting as a visual screen and windbreak for the poultry sheds. Where recommended connecting vegetation lies to the north of the proposed subdivision this vegetation should mainly comprise CPW i.e. open woodland vegetation as to allow for solar access for properties to the south

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- greater access to the riparian buffer along currency creek. This will ensure greater user enjoyment as it provides a greater area for passive recreation and access for maintenance by authorities and contractors
- provision of a wider riparian buffer. This buffer is to include pathways to prevent vandalism through informal tracks; identify to the community that the area is for public use to encourage visitation and hence the aforementioned passive surveillance. The widening of the buffer will also assist to protect the creek bank from erosion and compaction
- greater open space and recreation areas situated within green areas that can be utilised as play grounds, exercise circuits, dog off leash areas etc
- where development is proposed near the creek line it should be in strict accordance with environmentally sensitive design principles.

It is considered that if these recommendations are implemented the proposal would have greater compliance with the following Sustainability Criteria of the HRLS:

- No urban development in areas identified for conservation, environmental sensitivity and recreation
- Maintain a high quality natural environment and respect elements of natural environment
- Protect and enhance biodiversity . . .and waterway health
- Maintain or improve areas of regionally significant terrestrial and aquatic biodiversity, including regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats

Bushfire Prone Land

Relevant HRLS Criteria:

G2.2.1 Urban development in Category 1 and 2 bushfire areas is to be avoided

G2.2.2 Urban development in Category 1 or 2 bushfire areas is subject to meeting the requirement of the NSW Rural Fire Service "Planning for Bushfire Protection" Version 3 June 2006 guidelines or as amended from time to time

The site predominantly contains a mix of Category 1 vegetation (i.e. forest or woodland) and Category 2 vegetation (open woodlands and grasslands), with the majority of the site being Category 2 vegetation.

A bushfire assessment has been submitted with the planning proposal. The recommendations for residential development asset protection zones (APZ) are based on Level 3 construction under Australian Standard 3959-1999. The depth of recommended APZs vary throughout the site, however are generally 10m to 25m in depth.

The Standard nominates four categories of construction standards that fall within the scope of the Standard. These are Low (no construction requirements), Medium (Level 1), High (Level 2) and Extreme (Level 3). Level 3 has the most onerous and costly construction requirements of the Standard. By building to a higher construction standard the depth of the APZ can be reduced. Alternatively, if larger lot sizes were proposed which offered greater separation distance of the resultant dwelling and to surrounding bushfire prone vegetation then the level and cost of construction could be reduced.

If the planning proposal is to proceed it is anticipated that it will be referred to the NSW Rural Fire Service, being the responsible authority of bushfire protection, for comment.

Noise

An acoustic assessment has been submitted with the planning proposal. The assessment took into consideration the current traffic noise generated from Spinks Road and likely impact on future residences, and the current noise generated from the egg farm and the likely impact on future residences.

The assessment found that:

- predicted noise impacts from Spinks Road affecting the future residences are within acceptable NSW government noise criteria. Therefore, noise treatment will not be necessary for residential building facades facing or near Spinks Road
- measured operational noise from the existing egg farm is within NSW government noise criteria at the nearest proposed residential site

The conclusion of the assessment is that there is no acoustic impediment to the proposed rezoning.

It is noted however that the predicted noise impact of the egg farm on the nearest proposed residence for the “evening” and “night” time periods is above the recommended “acceptable” noise criteria and is marginally below or equal to the “recommended maximum” noise criteria. Whilst compliance with the criteria is achieved physical noise attenuation measures and/or a greater separation distance from the egg farm could bring the noise impacts to within the “acceptable” noise level. Given that the proposed rezoning is a “greenfield” development and not constrained “infill” development it is considered appropriate that the “acceptable” criteria be achieved.

If the planning proposal is to proceed it is anticipated that it will be referred to the OEH, being the responsible authority of noise criteria, for comment.

Odour

Relevant HRLS Criteria:

G6.2.1 Maintain or improve existing environmental condition for air quality

An odour impact assessment has been submitted with the planning proposal. The assessment took into consideration the existing design, operations and odour emissions of the egg farm, local meteorological conditions, the topography of the locality, and the location of surrounding and proposed allotments. As a result predicted odour impact data and maps were produced.

The NSW Office of Environment and Heritage's receptor odour performance criteria of 2 odour units per cubic metre of air (OU/m³) was adopted as the standard to be achieved. This is the highest standard of the OEH and is to be complied with 99% of the time. In summary, the standard means that for 99% of the time the surrounding community should not receive more than 2OU of odour generated from the egg farm. Odour emission less than 2OU are considered to be negligible.

The assessment found that with the retention of the egg farm, proposed Lots E8 to E17, E18 to E28, E42 to E49 and E60 and E61 would experience odour greater than the 2OU. As a result vegetative earth berms and foggers/misters around the facility are proposed to reduce odour below the 2OU threshold.

The author of the assessment claims that the vegetative earth berms will reduce odour in the following ways:

- absorbing some of the odour
- providing windbreaks to winds blowing towards the facility thus preventing strong winds from carrying the odour off site
- preventing disturbance of remaining odour lingering within the proximity of the facility

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- improving the visual appearance of the facility, preventing any biased perspective on odour emission from the farm that could trigger odour complaints (i.e. “out of sight, out of mind”)

The earth berm would typically be 8 metres wide and consist of 4 rows of vegetation. Suitable vegetation includes bamboo, snowy river wattle, and lilly pilly.

It is claimed that foggers/misters will allow odorous substances to be collected on the soil next to the earth berms. Sketches of the proposed earth berms and fogger/misters are attached to this report.

The assessment concedes that “researchers worldwide are still incapable of scientifically determining in detail the exact figure of odour reductions associated with using vegetation”. However, based on the assessment author’s research and experience, odour reduction in the order of 50% is expected, and if foggers/misters are added then an odour reduction of 80% is predicted.

The assessment concludes that with the proposed vegetated earth berms and foggers/misters no proposed lots would experience odour impacts greater than 2OU.

The author of the assessment advises that a range of mechanical options to reduce odour impacts were considered. These included biofilters, biomass filters, washing walls and wet scrubbers, ozonation using ozone generator electrostatic precipitators, dry dust filtration, litter aeration, odour neutralising products, and dust control structures. These were discounted due to a number of reasons including cost of installation and/or operation, maintenance needs, inefficiency of systems; energy needs to operate the system, and health risks associated with some systems.

The recommendations of the assessment do not present a significant impediment to the proposal. However, it is noted that odour impact analysis is a very specialised and complex vocation which can be quite subjective. As a result further detailed examination of the assessment may be required. If the planning proposal is to proceed it is anticipated that it will be referred to the OEH, being the responsible authority of air quality, for comment.

Contamination

The environmental site assessment submitted with the planning proposal records that the site has been variously used for agricultural and grazing purposes with parts of the site being used as orchards. The site is currently being used as a poultry farm, grazing of cattle and horses and for residential purposes. The chicken hatchery commenced around 1971 on Lot 2 and 3 DP 784300, with the egg production farm commencing in 1981 on Lot 3 DP 230943.

The assessment records the presence of asbestos containing materials, dead cows and chickens, stockpiles of assorted building materials, abandoned motor vehicles, tyre stockpiles, concrete stockpiles, fuel storage tanks, the potential for saline soils.

The report found there is the potential for some contamination in limited areas of the site due to past and current uses; however, it is likely that any such contamination can be cleaned up by the application of commonly used methods. The contaminants of concern were heavy metals, pesticides, total petroleum hydrocarbons, asbestos, benzene, toluene, ethylbenzene and xylenes, polycyclic aromatic hydrocarbons, organochlorine pesticides, organophosphorus pesticides, and polychlorinated biphenyls.

It is considered these findings do not present a significant impediment to the proposal. Further sampling can be carried out to inform the preparation and implementation of a Remedial Action Plan. This sampling is not considered necessary at this stage in the planning proposal process. If the planning proposal is to proceed it is anticipated that it will be referred to the OEH, being the responsible authority of land contamination, for comment.

Agricultural Land Resource Assessment

Relevant HRLS Criteria:

- G9.2.1 Prime agricultural land is to be protected*
- G9.2.2 Urban development in rural and agricultural areas should be avoided to minimise conflicts between uses and to maintain economic and tourism resources for the LGA*
- G9.2.3 Protect the potential for future agricultural productions as circumstances and opportunities change*

The agricultural land resource assessment submitted with the planning proposal finds that the soils on the site are generally of fair (Class 3 – 149ha) to poor (Class 4 – 34.6ha) agricultural quality.

The Class 3 land is generally the low level land in the western, southern and eastern portions of the site and the Class 4 land is generally the higher level land in the western and northern portions of the site. The soils on slopes are highly susceptible to soil erosion, and acidic to strongly acidic thus preventing abundant growth of many perennial pastures and crops. The soils along flats are saline at the surface and highly saline at depth, making it difficult for salt sensitive crops to grow. The assessment concludes that the entire site is not suitable for regularly cultivating soil to grow crops.

The NSW Land and Water Conservation's 1988 Agricultural Suitability Classification System describes Class 3 and Class 4 land as follows:

Class 3 – Moderately productive lands suited to improved pasture and to cropping within a pasture rotation. The overall level of production is moderate as a result of edaphic or environmental constraints. Erosion hazard or soil structural breakdown limit the frequency of ground disturbance, and conservation or drainage works may be required.

Class 4 – Marginal lands not suitable for cultivation and with a low to very low productivity for grazing. Agriculture is based on native or improved pastures established using minimum tillage. Production may be high seasonally but the overall level of production is low as a result of a number of major constraints, both environmental and edaphic.

Whilst the site may not be suitable for regular cultivation this does not exclude other agricultural pursuits being undertaken on the land such as grazing, orcharding, greenhouses, poultry farms, aquaculture, hydroponics or other agricultural pursuits not reliant on soil suitability. Indeed the site is currently used for grazing and poultry farms, and orcharding has been a previous use of the land.

Indigenous and Non-Indigenous Heritage

Relevant HRLS Criteria:

- I1.2.1 Future development is cognisant of and responsive to archaeological and cultural heritage*
- I1.2.2 Future urban development to protect areas of Aboriginal cultural heritage value*

The site does not contain any heritage items as listed under HLEP 1989 or DHLEP 2011. An Indigenous and Non-Indigenous Heritage Assessment has been submitted with the planning proposal. The assessment found:

- two isolated indigenous mudstone artefacts, considered to be of low overall significance given their limited research potential and educational value
- one area in the eastern part of the site as having high potential for surface and/or subsurface indigenous archaeological deposits with any identified sites probably being of low to moderate significance

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- the site may have some potential for fragmentary non-indigenous archaeological evidence associated with generic farming activities with limited research potential to contribute new or substantial information about the site
- built structures on the site are limited to twentieth-century houses, sheds and outbuildings
- the site is considered to have little or no non-indigenous archaeological potential or heritage significance

It is considered these findings do not present a significant impediment to the proposal. If the planning proposal is to proceed it is anticipated that it will be referred to the OEH, being the responsible authority for heritage, for comment.

Development Control Plan and Section 94 Development

If the planning proposal is to proceed the need for a site specific Development Control Plan, Development Contributions Plan or Voluntary Planning Agreement should be considered and reported back to Council. This could be considered after the “gateway” determination of DP&I.

Financial Implications

The applicant has paid the fees required by Council’s Revenue Pricing Policy for the preparation of a local environmental plan.

Conclusion

The site falls within the Glossodia Future Investigation Area of the HRLS. The HRLS recommends that for this investigation area:

- *[The] extent and type of residential zoned land to be reviewed subject to sewerage, the expansion of commercial, retail and community services to accommodate a larger population*
- *Larger lot residential is to be investigated within the urban zoned [land] around fringe*
- *Resolution of transport, access and traffic issues particularly road infrastructure crossing the river.*

The site has a relatively large area variously owned by eight persons/companies. It immediately adjoins the Glossodia residential area and the majority of the site is cleared and of gentle to moderate slope. These factors present an opportunity for the site to be considered for some form of residential development.

This report however has identified a number of physical, environmental and development issues that act as a constraint to the proposed development of the site. Key identified issues, at this initial stage of assessment, include:

- the impact of the proposed development on the character of the area
- traffic generation and impact on surrounding road network
- slope of the site
- flora and fauna impacts
- feasibility of on-site effluent disposal
- compatibility of future development with retention of egg production farm

It is considered that these constraints have primarily arisen due to the density of the development and the proposed layout of the development and accordingly it is recommended that the proposal not be support in its current form.

However, in order to progress this matter and examine possible alternatives an amended concept plan for rural-residential development of the site has been prepared by staff for Council’s consideration and is attached to this report. This concept plan has been primarily based on consideration of the physical and environmental constraints of the site and proposes a density and location of development more in keeping

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with the rural / rural-residential character of the area. It is considered that the concept plan could yield approximately 75 lots.

It is not suggested that this alternative concept plan resolves concerns identified with respect to traffic generation and impact on surrounding road network or feasibility of on-site effluent disposal, or should be adopted as a final plan. However, it is recommended that this plan be used as a basis for further consideration of these issues. In doing so it is recommended that the applicant and Council staff, representatives from the RTA and DP&I be involved in further consideration of these matters with the applicant being responsible for preparing an amended planning proposal for consideration by Council.

Planning Decision

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

RECOMMENDATION:

That:

1. Council support, in principle, the preparation of a Planning Proposal for the land comprising of:

Lot 2 DP 533402 and Lot 52 DP 1104504, 103 Spinks Road, Glossodia
Lot 20 DP 214753, 213 Spinks Road, Glossodia
Lot 75 DP 214752, 361 Spinks Road, Glossodia
Lot 3 DP 230943, James Street, Glossodia
Lot 44 DP 214755, 3 Derby Place, Glossodia
Lot 50 DP 751637, 746A Kurmond Road, Freemans Reach
Lots 1, 2 and 3DP 784300, 780A – 780C Kurmond Road, North Richmond

to rezone the land for large lot residential development.

2. The planning proposal, submitted by the applicant, in its current form not be supported.
3. The concept plan titled “Jacaranda Ponds Planning Proposal Concept Plan, July 2011” attached to this report be adopted for the purposes of investigating the issues raised in this report and preparing an amended planning proposal.
4. The Department of Planning and Infrastructure and NSW Roads and Traffic Authority be advised of this planning proposal and invited to provide comment on the current proposal and input into the preparation of an amended planning proposal.
5. The applicant be responsible for preparing an amended planning proposal to be reported back to Council.

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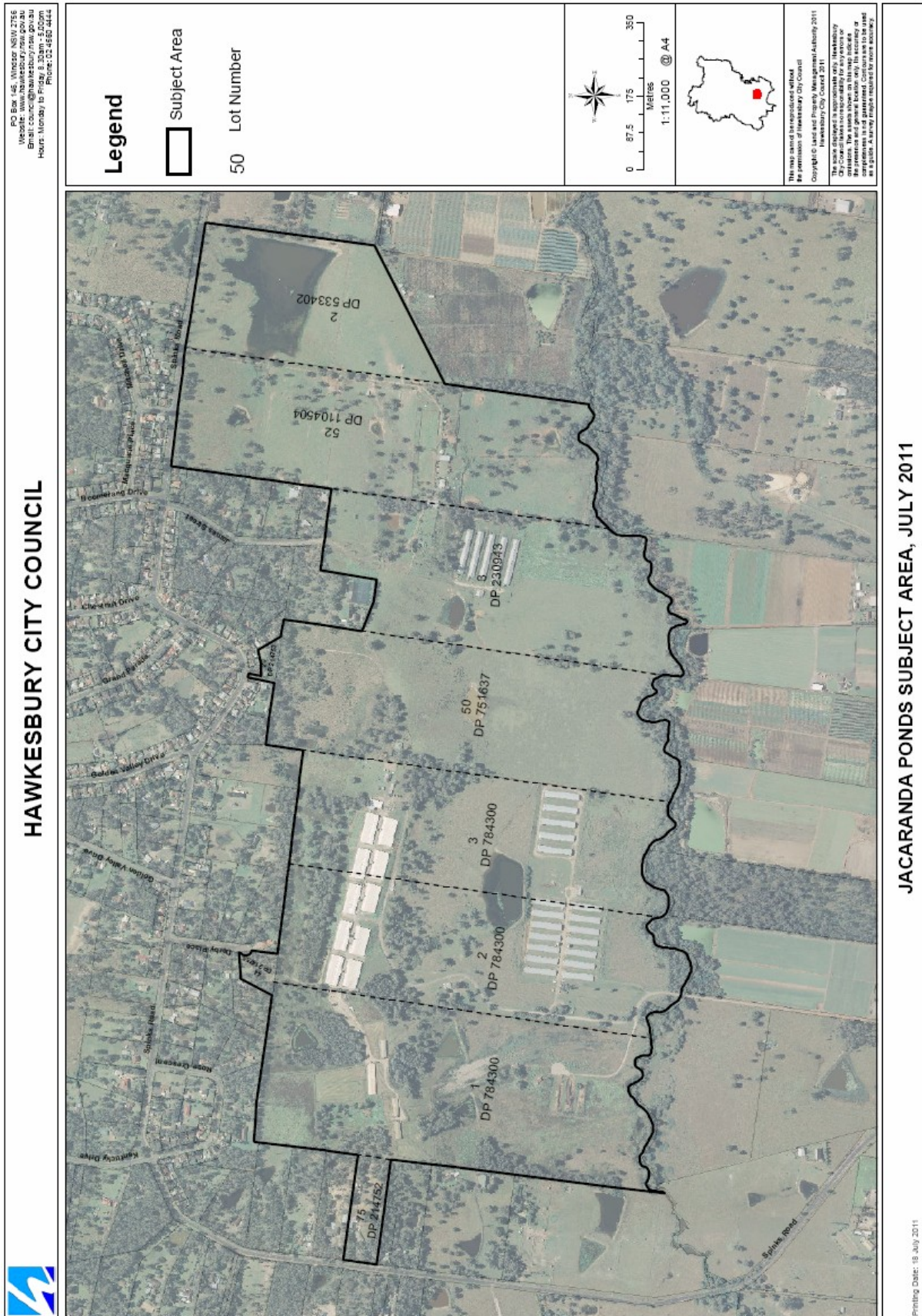
ATTACHMENTS:

- AT - 1** Aerial Photo of Site.
- AT - 2** Plan of Proposed Rezoning and Lot Layout.
- AT - 3** Extract from Hawkesbury Residential Land Strategy 2011 – Glossodia Future Investigation Areas.
- AT - 4** Typical Lot Arrangement for Waste Water Management.
- AT - 5** Flora and Fauna Constraints and Opportunities Plan.
- AT - 6** Plans of Proposed Odour Control Vegetated Earth Berms.
- AT - 7** Jacaranda Ponds Planning Proposal Concept Plan, July 2011.

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AT - 1 Aerial Photo of Site



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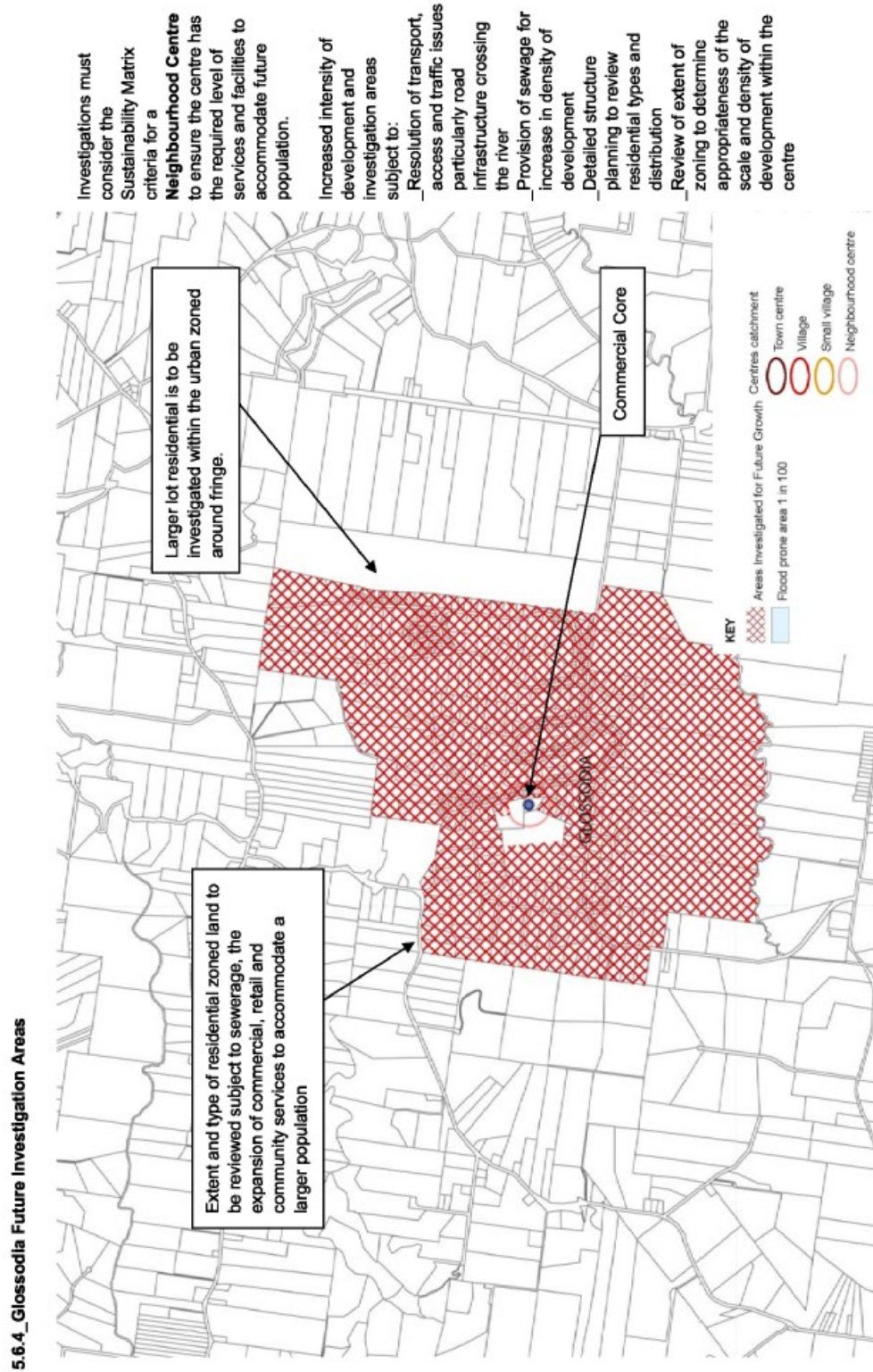
AT - 2 Plan of Proposed Rezoning and Lot Layout



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AT - 3 Extract from Hawkesbury Residential Land Strategy 2011 – Glossodia Future Investigation Areas



Source: HASSELL (September, 2010)

*Investigation areas identified may extend beyond the time scales of this Residential Study.

*The inclusion of the areas for investigation does not guarantee that the whole of that land can be developed in the future.

AT - 4 Typical Lot Arrangement for Waste Water Management

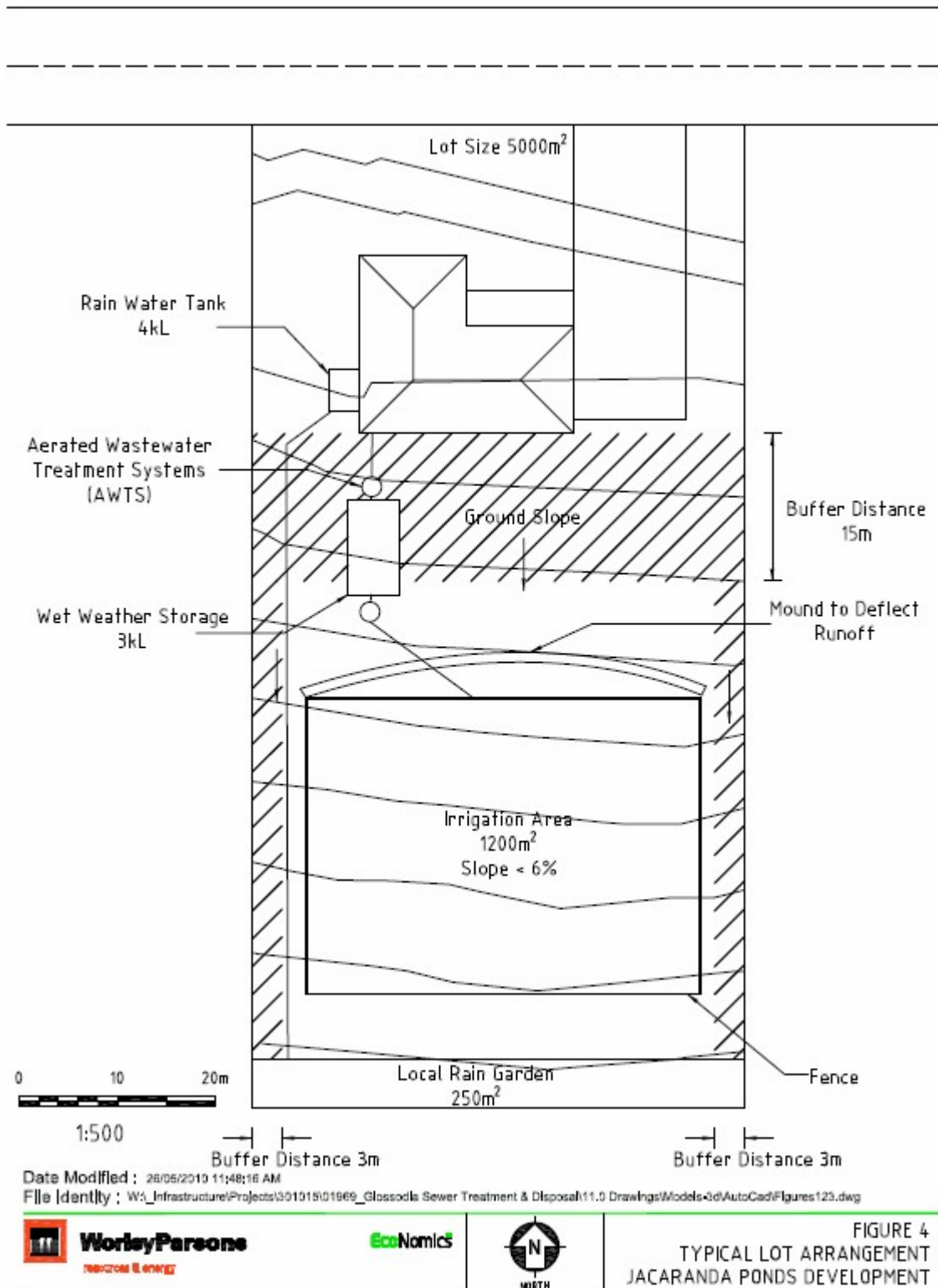
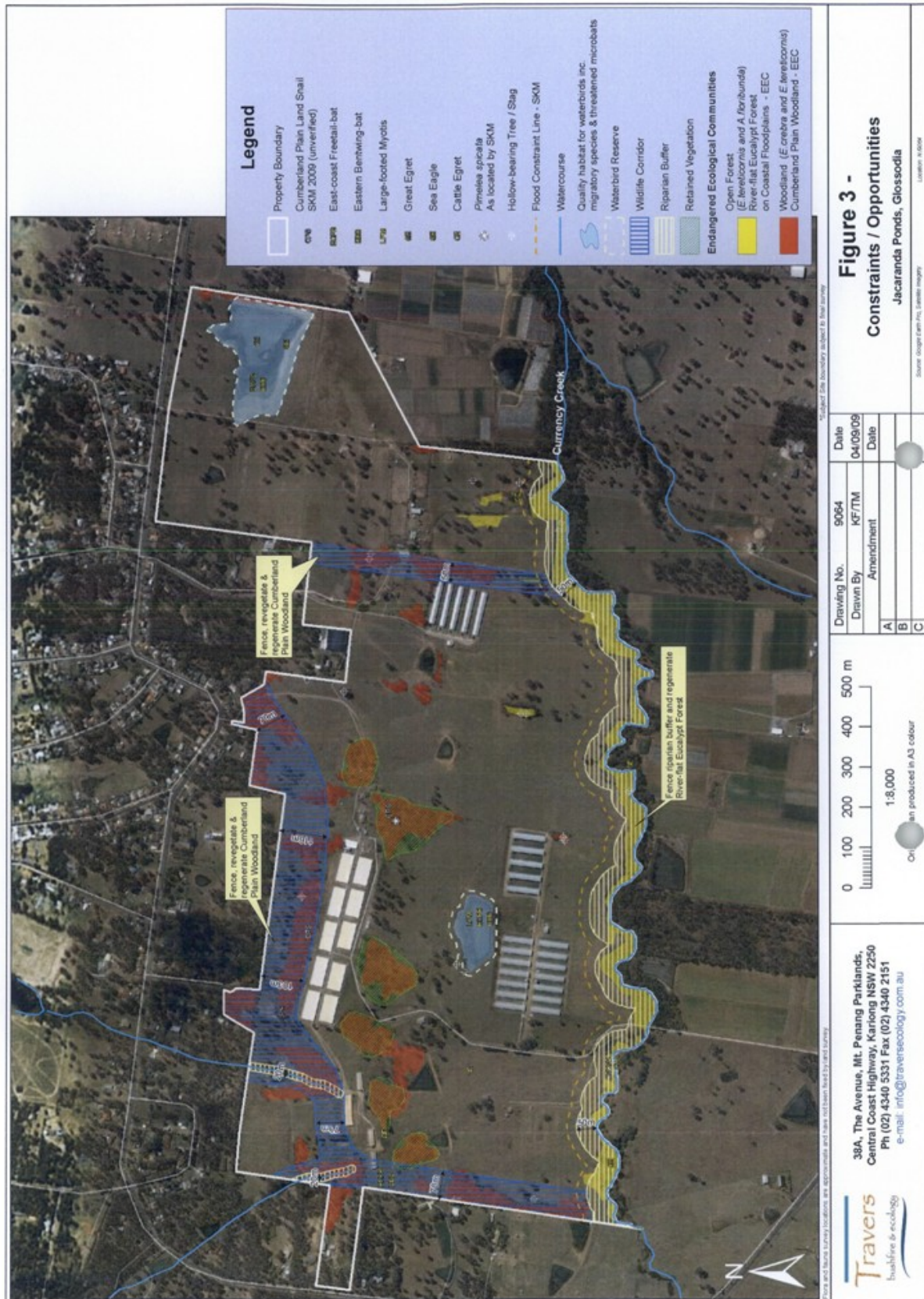


FIGURE 4
TYPICAL LOT ARRANGEMENT
JACARANDA PONDS DEVELOPMENT

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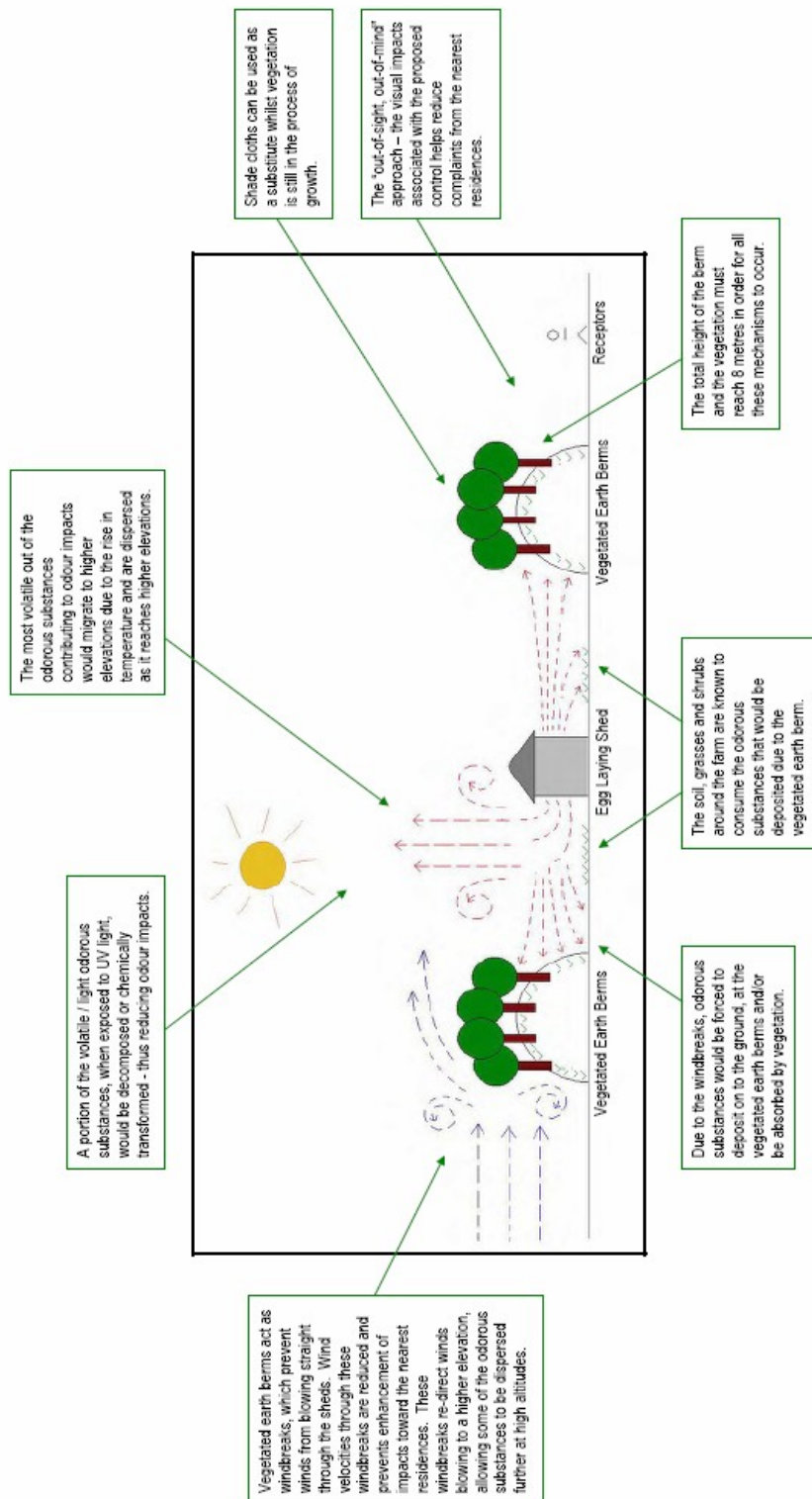
AT - 5 Flora and Fauna Constraints and Opportunities Plan



AT - 6 Plans of Proposed Odour Control Vegetated Earth Berms



Figure 1: Simple Sketch of How the Proposed Odour Control Works

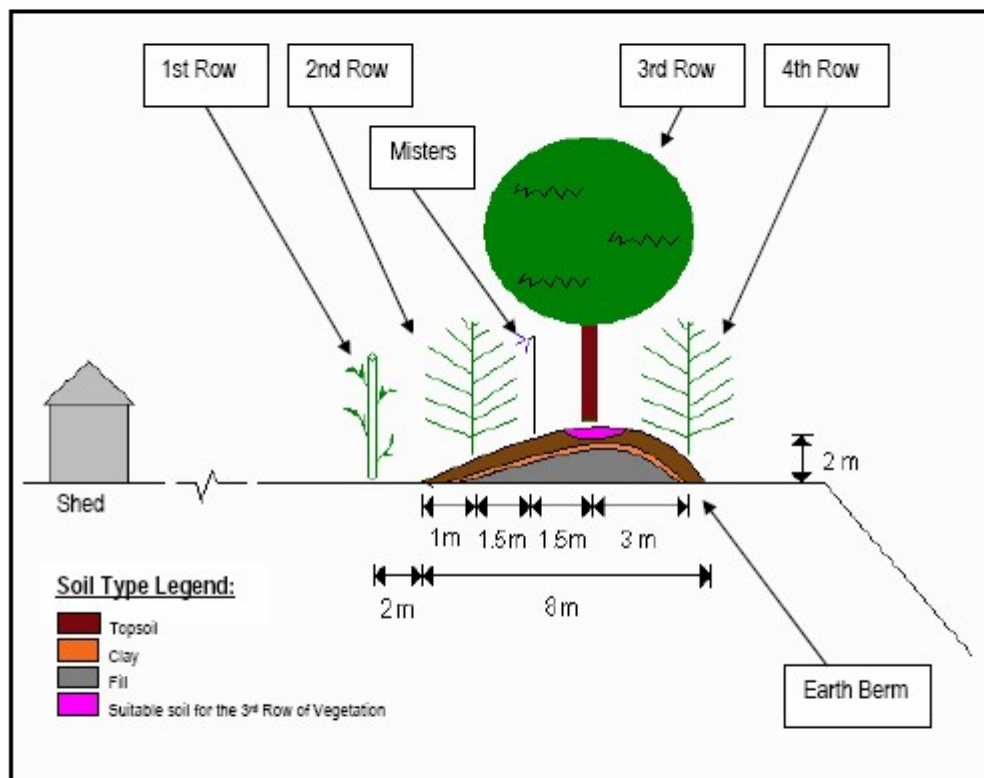


Proposed Vegetative Earth Berm Plan

Figure 2 below provides a schematic diagram of a cross-sectional area of the vegetated earth berms, which also shows the location of where the foggers / water misters would be located with reference to the dimensions of the proposed earth berms.

Figure 3 shows a site plan highlighting the locations of the proposed vegetated earth berms. This is based on Benbow Environmental's recommendation with consideration to the location of the egg-laying sheds.

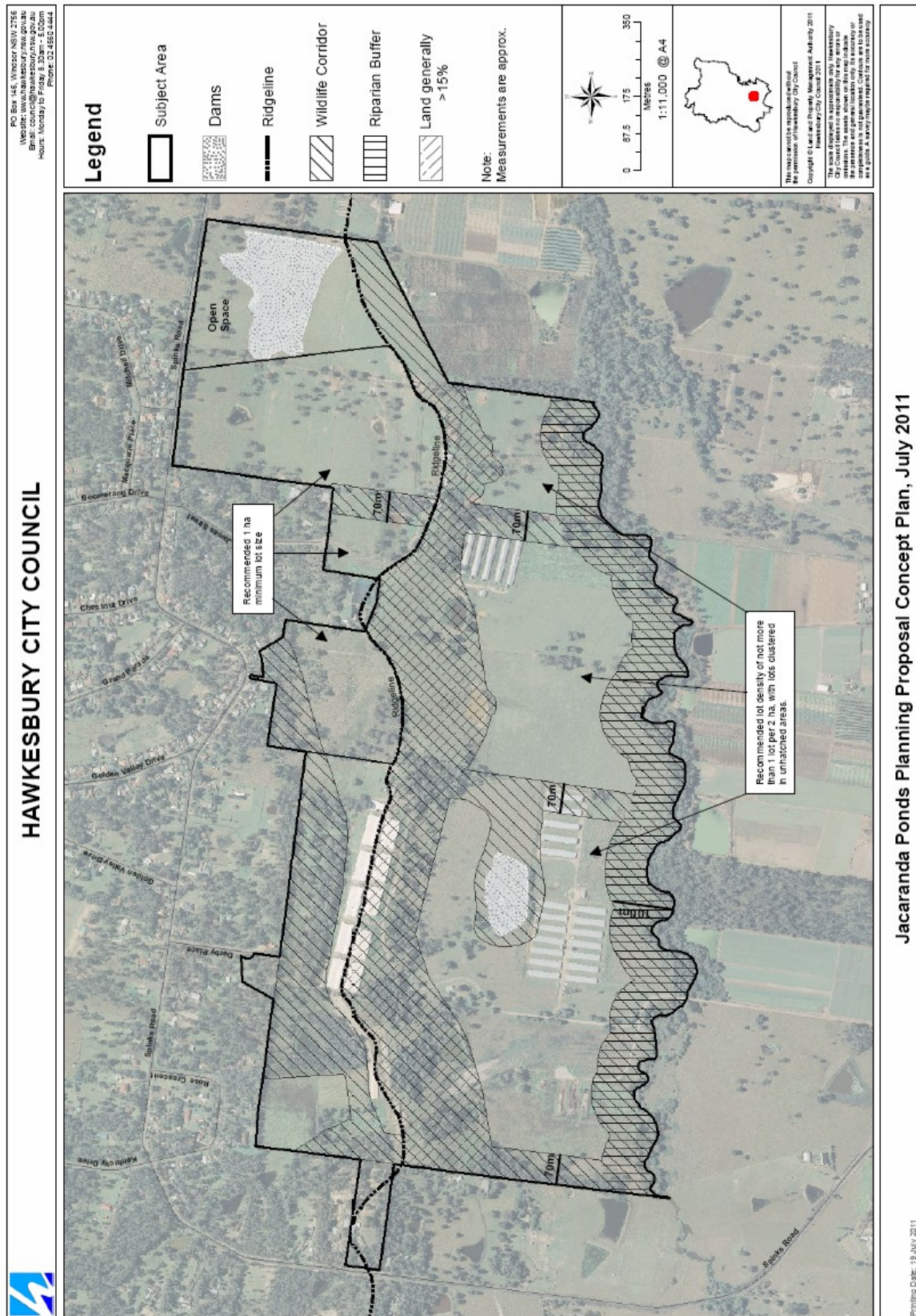
Figure 2: Schematic Diagram of the Cross Sectional Area of a Vegetated Earth Berm



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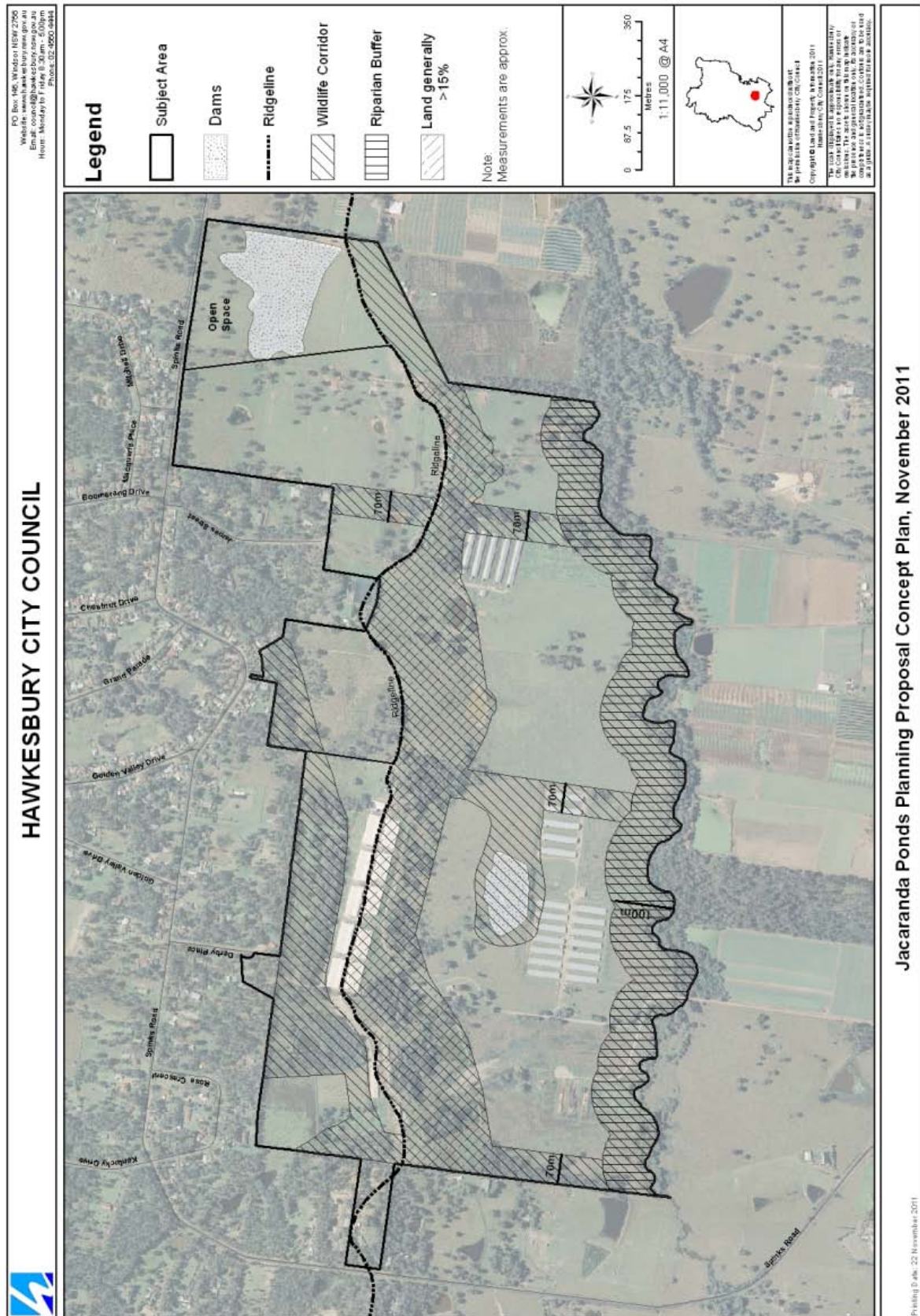
AT - 7 Jacaranda Ponds Planning Proposal Concept Plan, July 2011



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AT - 2 Jacaranda Ponds Planning Proposal Concept Plan, November 2011.



oooO END OF REPORT Oooo

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Item: 264 **CP - Development Applications in Wilberforce - (95498)**

Previous Item: 19, Ordinary (15 February 2011)

REPORT:

Executive Summary

On 15 February 2011 Council resolved to prepare a Policy to provide guidance on dealing with the limited sewer capacity in Wilberforce. The resolution also nominated specific development applications that were to be dealt with and also resolved to not "accept" further applications, beyond a single dwelling, until the Policy had been finalised.

The preparation of the Policy has been delayed due to shortage of resources and workload priorities. However, a draft Policy has been prepared for exhibition and is attached to this report. During this time three additional development applications for subdivisions have been lodged with Council. One of the recommendations of this report is that the resolution of 15 February 2011 be extended to assess these applications in accordance with the proposed Policy criteria and determine those additional development applications. One of those development applications (DA 514/11, 3 Duke Road, Wilberforce) is the subject of a separate report on this meeting agenda.

This report also recommends minor changes to the draft Policy criteria and also that Council prepare a Planning Proposal to amend the lot size map for Wilberforce in the draft LEP 2011.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

It is proposed that the draft Interim Policy for Wilberforce Subdivision and Development be publicly exhibited for a period of 28 days and then a further report be brought to Council to consider submissions after the exhibition period. The proposed Planning Policy will be exhibited in accordance with the Gateway approval when issued by the Director-General.

Background

On 15 February 2011 Council considered a report on the implementation of an interim Policy in relation to development at Wilberforce. A copy of that report is attached. The interim Policy is proposed due to the limited capacity of the sewer scheme (an additional 100 Equivalent Tenements, or about 100 allotments). The resolution of that meeting was as follows:

"That:

- 1. A draft Interim Policy for Wilberforce Subdivision and Development be drafted in accordance with this report and be publicly exhibited for a period of 28 days.*
- 2. A further report be brought to Council to consider submissions after the exhibition period.*
- 3. The current development applications for Wilberforce village mentioned in this report, i.e. DA0586/10, DA0029/10, DA0515/10, DA0585/10, DA0874/10 and DA0879/10 be determined on their merits as if this Policy was not proposed or made.*

4. *No development applications, beyond the development of a dwelling on a vacant allotment, are to be accepted in the Wilberforce priority sewer scheme area until the interim Policy has been finalised and adopted by Council."*

The preparation of the draft Policy has been delayed due to shortage of resources and workload priorities. However, a draft Policy has been prepared, with some minor amendments, and proposed be placed on public exhibition as recommended in this report. The preparation of the draft Policy involved a detailed assessment of the development and redevelopment potential of each individual allotment in the residentially zoned land in Wilberforce. The findings of this detailed assessment are as follows:

- If the allotments capable/likely to redevelop were permitted to subdivide to the current minimum allotment size of 450m² then there is a potential for an additional 451 new allotments. (This is 351 in excess of the design capacity of the existing sewer scheme.)
- If the minimum allotment size was increased across the board for the residentially zoned land in Wilberforce, to 750m² the potential for additional allotments is reduced to 151. (This is 51 in excess of the design capacity of the existing sewer scheme.)
- If the minimum allotment size was increased, for all the residentially zoned land in Wilberforce, to 750m² for the flood free land and 1,000m² for the flood affected land, the potential for additional allotments is reduced to 122. (This is 22 in excess of the design capacity of the existing sewer scheme.)
- The draft Policy is recommending an allotment size for the residentially zoned land in Wilberforce, of 750m² for the flood free land and 1,000m², with a building platform equal to the 1 in 100 year flood level (achieved either from natural ground level or separate filling application with a maximum fill depth of approximately one metre) for flood prone land. This proposal will result in approximately 109 additional allotments. (Whilst this is in excess of the design capacity of the existing sewer scheme, it is considered that this approximate number is a "best fit" outcome.)

From the assessment above, it is clear that there is a need to review the allotment sizes in Wilberforce due to the limited design capacity of the Sydney Water sewer scheme making provision for only 100 additional infill allotments.

The draft Policy to be placed on exhibition is consistent with the capacity of the Priority Sewer Program for Wilberforce, as advised by Sydney Water. Following public exhibition of the draft Policy the matter will be reported back to Council for consideration of submissions.

New Development Applications

Council has received three development applications (DA0067/11, DA0440/11 & DA0514/11) for subdivision in Wilberforce since 15 February 2011. The following is a brief explanation of these applications:

DA0067/11, 117 King Road, Wilberforce

This application is for the subdivision of the current battle-axe allotment into two lots, being 588.8m² (containing the existing dwelling and garage and carport) and 707.2m² being a vacant allotment. This property is located in the area not affected by the 1 in 100 year flood. However, the site was not identified in the detailed assessment for the preparation of the draft Policy as being capable of subdivision into 750m² allotments. The detailed assessment did identify that subdivision was only possible if the 450m² allotment size was retained. As stated previously in this report, subdivision into 450m² allotments are not sustainable under the capacity restrictions of the sewer scheme.

It is recommended that this application be determined by way of refusal due to servicing limitations or the applicant be given the opportunity to withdraw the application until the finalisation of the draft Policy early in 2012.

DA0440/11, 66 George Road, Wilberforce

This application is for the subdivision of the current allotment into two lots, being 1,031m² (containing the existing dwelling and timber clad building) and 1,000m² being a vacant allotment. This property is located in the area not affected by the 1 in 100 year flood. The site was identified in the detailed assessment for the preparation of the draft Policy as being capable of subdivision into 750m² allotments.

It is recommended that this application be determined, under delegated authority, prior to the finalisation of the draft Policy as it is generally consistent with the criteria in the draft Policy and the allotment size is not an impediment to its determination. The full assessment of this application has not yet been completed.

DA0514/11, 3 Duke Road, Wilberforce

This application is for the subdivision of the current allotment into three lots, being 1,544m² (containing the existing dwelling), and two other allotments being 1,003.3m² and 1,001.3m² being vacant allotments. This development application is the subject of a separate report on this agenda for Council to determine the application.

Planning Proposal

The proposal to develop an interim Policy has been explained in the report to Council on 15 February 2011 and previously in this report. The need for this Policy is clear from the above details regarding the potential for development in Wilberforce and the limitations to that development from the sewer scheme capacity. It is also clear that there is a need to address this matter in the LEP as, despite a previous resolution of Council, three additional development applications (and multiple development enquiries) have been lodged with Council.

It is proposed that the matter of allotment sizes be the subject of a Planning Proposal to change the lot size map that the Hawkesbury LEP 2011 will introduce upon gazettal. The Planning Proposal would be consistent with the Policy provisions as in force when the Policy is adopted by Council. The Planning Proposal is proposed in this report so that the preparation of this matter can commence and be suitably progressed prior to the finalisation of the Policy. Should the Policy provisions be changed by Council following public exhibition of the Policy, the Planning Proposal can also be amended in accordance with those changes.

Should the development circumstances for Wilberforce change in the future, e.g., additional sewer capacity comes on line, the Policy and lot size map can be changed to be consistent. Sewer capacity and development patterns, do not usually change dramatically quickly, as such, the proposed Policy and lot size map changes can usually be accommodated within these timeframes.

Conformance to Community Strategic Plan

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

- Population Growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities

Financial Implications

No financial implications applicable to this report

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Planning Decision

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

RECOMMENDATION:

That:

1. The draft Policy “Wilberforce Subdivision and Development” as attached to this report be publicly exhibited for a period of 28 days.
2. A further report be brought to Council to consider submissions after exhibition of the draft Policy.
3. Council prepare a Planning Proposal to amend the “Lot Size Map”, prepared as part of the draft Hawkesbury Local Environmental Plan 2011, to be consistent with the attached draft Policy, as adopted, and the Planning Proposal be forwarded to the Department of Planning and Infrastructure for a “gateway” determination.
4. The additional current development applications for Wilberforce village mentioned in this report, i.e., DA 0067/11 and DA0440/11, be determined on their merits giving weight to the provisions of the Council report of 15 February 2011 and the draft Policy attached to this report.
5. All future development applications for development of the residentially zoned land in Wilberforce are to be assessed against the provisions of the Policy as proposed or amended until the finalisation of the Planning Proposal proposed in Part 3 above.

ATTACHMENTS:

AT - 1 Report to Council meeting dated 15 February 2011 (Item 19)

AT - 2 Draft “Wilberforce Subdivision and Development” Policy - (*Distributed Under Separate Cover*)

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AT - 1 Report to Council meeting dated 15 February 2011 (Item 19)

ITEM: 19 CP - Interim Policy for Wilberforce Subdivision and Development - (95498)

REPORT:

Executive Summary

Glossodia, Freemans Reach and Wilberforce are part of the "Three Towns" or "Priority Sewerage Scheme" (the Scheme).

With the imminent availability of sewer to properties there is now an expectation that development (including subdivision), which was previously restricted by lack of services, to proceed without further delay. Development Applications (DAs) have been lodged for subdivision and other development, in Wilberforce, in the expectation that approval can now be granted as capacity has been indicated by Sydney Water and therefore that services will be soon made available.

However, the Scheme is a limited coverage scheme and does not provide for unlimited connections. It provides for a limited infill growth but does not provide guidance on the location of that growth area. Council does not have a policy currently in place to guide that future development. This report discusses how an interim policy may assist in providing that guidance until such time as master plans are prepared for the villages and the actual spare capacity of the system is known.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

It is proposed that the draft Interim Policy for Wilberforce Subdivision and Development be publicly exhibited for a period of 28 days and then a further report be brought to Council to consider submissions after the exhibition period.

Background

In 2007 the New South Wales Government announced the Priority Sewerage Program and identified the communities of Glossodia, Freemans Reach, and Wilberforce as three townships that required servicing.

Sydney Water started construction of the Glossodia, Freemans Reach and Wilberforce Sewerage Scheme in March 2009. The Scheme will provide improved wastewater services to about 1,660 properties in the three towns. Wastewater system connections are now available to Wilberforce.

In February 2009 Council adopted the "Glossodia, Freemans Reach and Wilberforce Sewerage Scheme Connection Policy". The Policy encouraged existing residential and commercial development to connect to the sewerage scheme being provided by Sydney Water. The Policy requires certain types of properties to connect within six months of the Sewerage Scheme becoming available including:

- Council properties;
- commercial properties;
- properties with pump-out systems;
- properties with failing onsite sewage management systems.

Wilberforce was split into two sections for connections availability;

- First section (green zone) has been released already.
- Second section (red zone) were released from 31 January.

Subdivision of land within the Housing zone in Glossodia is currently prohibited by Clause 12(5) in the Hawkesbury LEP 1989 (HLEP) and, as such, the need for an interim policy regarding sewer capacity allocation is not required at this time.

Statutory Situation

An integral part of determining whether certain land uses are suitable for a site involves assessing whether the appropriate utilities and services are available on the site to service the proposed development, and whether they have sufficient capacity to meet the demand of the proposal (and any future increase in demand) in the area.

As shown below, at the legislation and the local planning level Council is given the direct responsibility for ensuring that the allocation of land occurs in an orderly way and based on services availability.

The objectives under Clause 5 of the *Environmental Planning and Assessment Act 1979* specifically require:

“(ii) the promotion and co-ordination of the orderly and economic use and development of land,

The objectives under Clause 2 of the HLEP (and the draft HLEP) both specifically require Council:

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

Clause 18 (1) of the Hawkesbury Local Environmental Plan (HLEP) states that:

“Council shall not consent to any development on land to which this plan applies unless arrangements satisfactory to the Council have been made for the provision to the land of water, sewerage, drainage and electricity services.”

Under Clause 12 of the HLEP, the minimum lot size for residential subdivision in the Housing Zone is 450m². Although Wilberforce has had that zone in place for some time, the availability of sewer services had meant that the minimum lot size up until now was 4000m² by virtue of Clause 12(3)(a) of HLEP which states that:

“Council must not grant consent to the subdivision of land in the Housing Zone if:

(a) the land is not serviced by reticulate sewerage, and

(b) the area of any proposed allotment that is to contain a dwelling is less than 4000m².”

The current Housing Zone will become under the Draft LEP “Zone R2 Low Density Residential” and the objective for that zone requires Council:

- *“To control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council.*
- *To ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities or services.”*

Availability versus Capacity

Sydney Water provides letters about the future *feasibility* to service an area at some future time with water and sewerage services. Sydney Water also provides a Subdivider/Developer Certificate (also known as a Section 73 Certificate) to confirm that services are *available*. The feasibility letter indicates that the services are available to an area generally, whilst the Certificate is a guarantee that the service is available to a site and specific development. In respect of the Wilberforce area, Sydney Water has been issuing *feasibility* letters.

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For Council to release a Subdivision Certificate (also called linen plan) it is the Section 73 Certificate that is the critical requirement. At the Development Application (DA) stage a capacity letter is usually sufficient where there is clearly a large capacity available. However in this case the concern is that a few "first-serve" customers may obtain the benefit of the approvals and assume they can proceed. However when they actually go to develop that capacity may have already been absorbed and may no longer be available for their needs.

Current applications

As already mentioned feasibility letters are issued by Sydney Water. Council was not initially aware of the full implications of this limited servicing issue and so far one DA was approved as follows:

- **DA0269/10 - 20 Castlereagh Road Wilberforce.** 4 lot subdivision. Approved under delegated authority on 13 September 2010. Status - Compliance Certificate lodged for drainage design.

Once Council officers become aware of the situation, new DAs have been held in abeyance pending the resolution of the matter. Customers with those DAs have all been advised of the situation with a letter stating that:

"I wish to advise that Council is currently in discussions with Sydney Water about the location and actual sewerage capacity available in your area. There may be some locations not permitted to subdivide (or be developed) given the limited capacity available. Clause 18 to Hawkesbury Local Environmental Plan 1989 prevents Council from granting consent to any development unless Council is satisfied that suitable arrangements have been made for the provision of sewerage to the land.

At this point it is unknown what actual spare capacity is available in your area, hence Council cannot be satisfied that the provision of sewerage to your proposal can be provided. As a result, your application will be held pending until discussions between Council and Sydney Water are complete, and you will be advised of the outcome in due course."

In that situation, there are currently six DAs with Council for consideration that (if supported) could result in a total of 15 new lots. These are summarised below:

- **DA0586/10 - 7 Macquarie Road, Wilberforce** - 4 lots. Called to Council by Councillor Porter and not yet reported. (2 x lots 450 m² and 2 lots x 550 m².)
- **DA0029/10 - 533 Wilberforce Road, Wilberforce** - 2 lots. Previously deferred from Council meeting of 12 October 2010. Status - pending resolution of SEPP 1 objection, flooding and landfill issues. (5338m² and 8653m²). NOTE: Land is partly zoned part (Environmental Protection - Agriculture Protection (Scenic)
- **DA0515/10 - 28 George Road, Wilberforce** - 2 lots (650m² and 680m²)
- **DA0585/10 - 39 Castlereagh Road, Wilberforce** - 3 lots (1 existing dwelling and 2 lots x 500m²)
- **DA0874/10 - 1 George Road, Wilberforce** - 2 lots (1 existing dwelling 1500m² and 1 lot x 1500m²)
- **DA0879/10 - 70 Macquarie Road, Wilberforce** - 2 lots (1 existing dwelling 649.69m² and 1 lot x 454.31m²)

During December 2010, Council officers met with Sydney Water to ascertain the actual sewer capacity of the Wilberforce for future development. Sydney Water has advised that a total of approximately 100 equivalent tenements (ET) (1 ET = one allotment/dwelling. This is measured in ET as other non-residential uses or multi-unit residential uses take up different proportions of that capacity) is available for infill allocation (this figure is in addition to the allowance made for the existing dwellings, caravan park, butterfly

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farm, Go Cart Track, additional residential development (200 lots) off King Road as resolved previously by Council in late 1990's).

The available capacity of 100 allotments has to cater for ALL future development in the Housing zone that Council may be asked to consider as well as all development that is exempt and complying (which could also be approved by a private certifier). This includes:

- Home industries and occupations
- Secondary dwellings (granny flats)
- Dual occupancy
- Multi-unit housing
- Seniors housing (including nursing homes)
- Bed and Breakfast accommodation
- Schools
- Places of Public worship
- Child care centres
- Hospitals
- Community facilities
- Recreation facilities
- Extensions/Intensification of existing residential premises
- Extensions/Intensification of existing business premises and community facilities
- Residential Subdivision

Interim Policy for Wilberforce Subdivision and Development

Background

The available capacity of the Scheme is limited. Each development application that Council endorses enables an applicant (subject to services being made available) to subdivide their land or develop it to a higher intensity than one dwelling. The Scheme however has a very small capacity in excess of a one dwelling/lot capacity.

It is prudent to ensure that the allocation of that limited capacity occurs in a way that best serves the public interest. It is also important to not raise a false expectation that a DA approval guarantees that the service will be available when the developer proceeds.

A consent notice is valid for 5 years it is possible that one subdivision could be approved but does not commence until say the 4th year. In the meantime other applications have been approved and have already commenced thereby using the available capacity. When the original applicant then goes to commence they are refused a section 73 certificate from Sydney Water as the service capacity is no longer available as the supply has, by then, been exhausted.

The objectives of an Interim Policy would be as follows:

- Ensure development decisions do not prejudice the orderly and economic use of scarce resources.
- Seek to avoid a "first-in-first served" allocation and instead enable development (including subdivision) to occur in a fair and equitable way.
- Provide efficient subdivision layouts that do not substantially alter the established character of Wilberforce.
- Establish criteria to enable the systematic approval of suitable development (including subdivision).

Future Planning and Character for Wilberforce

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As part of the Community Strategic Plan (CSP), and hence Council's Local Environmental Plan, it is important to establish future character directions partly based on the availability of services and facilities. The allocation of the limited servicing has implications for the availability of sewer for future development (including subdivision).

For example if a school, community or emergency services facility was proposed then arguably these should be given priority access to the limited sewer capacity available ahead of subdivision of land for residential purposes. However Sydney Water has no obligation to allocate the capacity on this type of 'community-first' basis.

Similarly it is best practice to locate new development closest to existing services. Hence, on that basis, any new allotments should be within easy walking distance of the facilities. Sydney Water's program does not give consideration to proximity of facilities or flood levels. Again these are matters for Council's consideration at the DA stage.

The character of Wilberforce has, in part, been established by the previous subdivision pattern and by inference the minimum lot size. Overall the predominant lot size is about 1,000m² with a few isolated pockets of lots at about 600m². The Housing Zone provisions in the LEP apply to residential land throughout the Hawkesbury, including Bligh Park, Windsor and Richmond, and not just in Wilberforce. The provisions assume a standard residential layout and a range of services with a typical residential area.

The LEP assumes that in a Housing Zone there would be (over time) widespread development down to the minimum lot size of 450m². However due to the absence of services until recently this has not been the actual situation in Wilberforce. Instead, for subdivision, the minimum lot size has been 4000m².

Clearly, regardless of services being available, the change from 4,000m² to 450m² lot sizes is significant, particularly amongst mainly 1000m² lots. Also, given that lodgement of a subdivision proposal is a choice made by individual owners there is no guarantee that the remaining large parcels would be the ones to subdivide first. It may be that owners of existing lots of 900m² in size may seek to subdivide as well. Owners of any lot size could also seek to develop for a range of purposes.

Criteria

Hence, until such time as additional sewer services are made available to all lots in the Housing Zone of Wilberforce the following criteria is proposed to be used to assess development applications for subdivision and other development proposals assessed by Council:

- (a) Available capacity, based on the number of subdivision approvals that have proceeded to linen release stage, is to be recorded and considered upon lodgement of any new applications. In this regard, a tally is to be kept by Council and approvals are not to result in an allocation over 100 ET.
- (b) Lot size - new lots to be created are to have a minimum area of 1000m².
- (c) Flooding - any new lots created are to be wholly above the 1 in 100 level.
- (d) Proximity - new lots to be created are to be within 800m from existing community facilities, i.e. shops.
- (e) Priority will be given to residential development in excess of a single dwelling house, for the purposes of secondary dwellings, dual occupancies, seniors housing and for community purposes.
- (f) Development applications lodged with Council prior to 15 February 2011, as mentioned in this report, will be assessed on their merits and will not be subjected to this Policy.
- (g) The interim Policy is to be reviewed within two years of adoption.

Conclusion

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Council has a responsibility to provide for the orderly use of scarce resources and to enable development to occur without unduly burdening the demand for public utilities. Equally it is important that the character of Wilberforce is managed carefully over time and in conjunction with the development of master plans as intended by the Community Strategic Plan.

The proposed Interim Policy for Wilberforce Subdivision and Development seeks to provide an opportunity with this responsibility to be shared by the community in setting out a fair and equitable allocation of the Sydney Water service. The draft Policy seeks to provide an allocation approach based on impartial criteria regardless of when a development application has been lodged.

Conformance to Community Strategic Plan

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

- Population Growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities

The Community Strategic Plan (CSP) has set a milestone in 2011-2012 of developing Master Plans for towns and villages. Work is yet to formally commence on these master plans.

Financial Implications

No financial implications applicable to this report.

Planning Decision

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

RECOMMENDATION:

That:

1. A draft Interim Policy for Wilberforce Subdivision and Development be drafted in accordance with this report and be publicly exhibited for a period of 28 days.
2. A further report be brought to Council to consider submissions after the exhibition period.
3. The current development applications for Wilberforce village mentioned in this report, i.e. DA0586/10, DA0029/10, DA0515/10, DA0585/10, DA0874/10 and DA0879/10 be determined on their merits as if this Policy was not proposed or made.
4. No development applications, beyond the development of a dwelling on a vacant allotment, are to be accepted in the Wilberforce priority sewer scheme area until the interim Policy has been finalised and adopted by Council.

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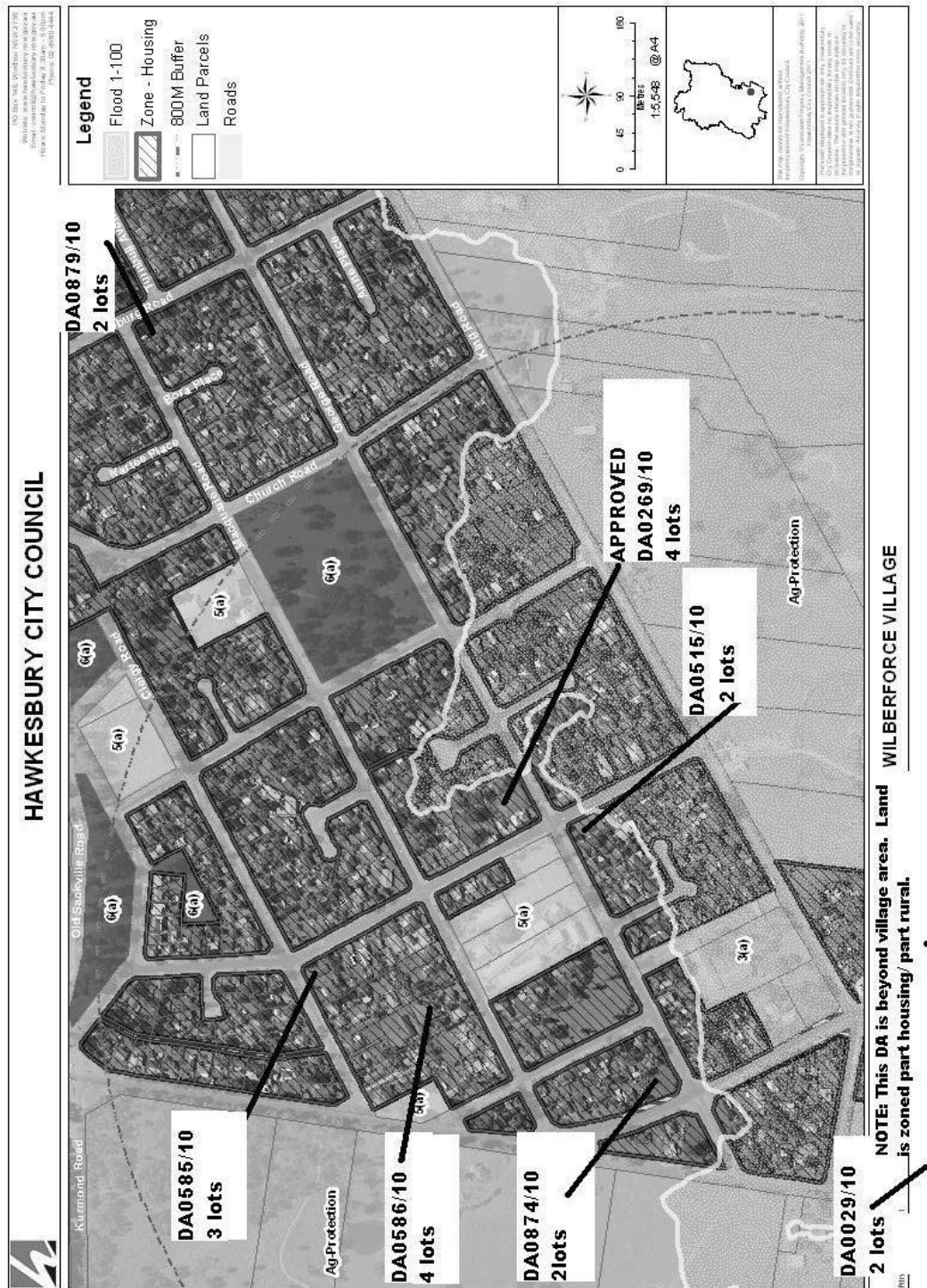
ATTACHMENTS:

- AT - 1** Aerial Photo of Wilberforce Village (showing 800m radius and 1 in 100 year flood level) and location of Existing Development Applications (approved and proposed).

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AT - 1 Aerial Photo of Wilberforce Village (showing 800m radius and 1 in 100 year flood level)
and location of Existing Development Applications (approved and proposed)



oooO END OF REPORT Oooo

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Meeting Date: 29 November 2011

Item: 265 **CP - Draft Design Brief - Expansion of Seniors Centre, Richmond - Update - (95498)**

Previous Item: 247, Ordinary - (8 November 2011)

REPORT:

Executive Summary

The report seeks Council's approval to proceed to the preparation of design sketches and preliminary costings for the proposed expansion of the Hawkesbury Seniors Leisure and Learning Centre in March Street, Richmond. The report also provides additional information in response to issues raised at the Council meeting held on 8 November 2011 which were the subject of a presentation to the Councillor Briefing Session held on 15 November 2011.

Consultation

As previously advised, this report presents the outcome of a community working party which Council resolved to establish under Council's Community Engagement Policy for the specific purpose of preparing a draft design brief for Council's consideration.

Background

Background information in relation to this report was provided in the Council report of 8 November 2011 which has been appended to the report (Attachment 1). The draft design brief has been resubmitted and is also appended to this report (Attachment 2 - distributed under separate cover)

Additional Matters

Additional information was provided to Councillors in relation to the justification and location of the project, consultation undertaken in the preparation of the draft design brief, and existing car parking issues at the site. This information is reproduced below in point form.

Justification for the Project

- The project has been identified as a priority community infrastructure project and has been included in Council's adopted Sec 94 and Sec 94a Plans since 2005. The proposed completion date for the Project was originally scheduled for 2009. However, Sec 94 and 94a receipts were less than anticipated and prior to 2011 insufficient funds had been collected to commence the project. The project is now scheduled for 2012/2013 and is included in Council's Works Program.
- The population of the Hawkesbury is ageing and the number of people aged 65 and over is projected to double over the next two decades from 5,900 persons in 2011 to 12,400 by 2031. In 2031 it is projected that people aged 65 and over will make up 37% of the population of Richmond. The expansion of the Seniors Centre is a key part of Council's long term strategy to respond to the needs of an ageing population.
- The Hawkesbury Residential Strategy has identified that investment in new community facilities should focus on meeting the needs of an ageing population and that such facilities should be located in close proximity to transport links and community services.
- The contemporary thrust of government policy has been to build capacity for the community to assist older people to 'age in place' i.e. to cater for the needs of the 'well aged' in a way that supports their continued active involvement within their communities.

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- Operationally, the current Seniors Centre has outgrown its accommodation. The Centre currently has 240+ members and offers a range of social support, lifelong learning and active recreation programs. The draft design brief will add additional floor space and reconfigure the existing floor space within the Centre to increase the overall functionality of an expanded Seniors Centre.

Location of the Project.

- Practically, the location of the proposed extension to the Seniors Centre is dictated by its current position. The most successful seniors centres are located in close proximity to transport hubs, commercial centres and human services. The current location of the Centre is the optimal location within the Richmond CBD. There are no alternate Council owned sites with the advantages of the current location.
- There have been suggestions that the site (which includes the Richmond Nursing Home and Richmond Pre-School) may be required to facilitate the expansion of the Richmond Nursing Home operated by the Richmond Club at some time in the future. The possibility of relocating the Richmond Pre-School and the Seniors Centre to another site has been raised in informal discussions by the Richmond Club. Council is not in receipt of any firm proposal or plan regarding such a proposal. The cost of the proposal would be substantial and would need to be borne by the Richmond Club. Given past experience, it would be reasonable to suggest that the current members and users of the Seniors Centre would be concerned by such a proposal and Council has received representations from members of the Seniors Centre to this effect.
- There has been a suggestion that Council could relocate the Seniors Centre to the Pound Paddock site which is currently the subject of an Expression of Interest process seeking submissions from not-for-profit agencies to fund and construct a community facility on this site. In relative terms, the Pound Paddock does not compare favourably with the existing Richmond CBD location of the Seniors Centre. Council does not have funds to reconstruct the existing Seniors Centre plus the proposed extension and it is doubtful whether the Pound Paddock site could accommodate the logistical requirements of an expanded Seniors Centre complex.
- A proposal to relocate the Seniors Centre to another site (ostensibly to accommodate the projected future needs of the Richmond Nursing Home) would delay the completion of the project. There is a requirement for Council to complete projects within its Sec 94 and 94a Plan within a reasonable time frame. For the reasons outlined above the project stands by itself as a critical piece of community infrastructure within its current location.

Consultation

- Consultation regarding the content of the draft design brief commenced in 2005. In July 2005 a survey was conducted to gauge the views of senior residents about how the Seniors Centre could be improved. The majority of survey respondents identified a need to expand the Centre.
- In 2008 a follow up survey of members of the Seniors Centre was conducted to document the specific requirements to be included in an expanded Centre (as listed on page 6 of the draft design brief). The proposed draft design brief incorporates the outcomes of this follow up survey in some form (with the exception of provision for respite accommodation).
- In August 2010 Council appointed a member of the Seniors Advisory Committee to the Design Working Party to prepare the draft design brief.
- As part of the process of collecting information to inform the preparation of the draft design brief, the Working Party invited submissions from Seniors Centre user groups – Seniors Gym, Seniors Computer Club, Seniors Activity Group, and the University of the Third Age (U3A). These submissions are summarised on page 8 of the draft design brief and their contents have been incorporated within the draft brief.

Car Parking Issues

- There are ongoing issues surrounding the perceived adequacy of existing carpark arrangements at the Seniors Centre. The 61 space car park is shared with the Richmond Nursing Home, and the Richmond Pre-School and at certain times of the day the availability of car parking is at a premium. There has been a suggestion that commuters and other 'non centre users' occupy car parking spaces for extended periods. Council has recently installed signage to advise that the car park is intended for the use of staff and visitors only and that the car park may be patrolled. In addition Council has removed signs indicating that 'reserved' car parking spaces for particular services so that the 61 spaces in the car park can be made available to all patrons. Council staff are currently monitoring the impact of these changes.
- Any proposed expansion of the Centre will need to provide the requisite number of additional car-parking spaces as specified in Council's Development Control Plan. This should ensure that the proposed expansion will not exacerbate the current car parking challenges at the site.

Conformance to Community Strategic Plan

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

- Have friendly neighbourhoods, connected communities, and supported households and families.

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.

The planned extension of the Hawkesbury Seniors Leisure and Learning Centre will be an important part of Council's medium to long term strategy for meeting the needs of the well-aged in a way that supports their continued active involvement within their neighbourhoods and communities - a key strategic direction within the Community Strategic Plan. The project has been included in the 2012/2013 Capital Works Program.

Financial Implications

There may be a minor cost associated with the development of draft design sketches but this cost can be met from the appropriate Section 94 Reserve for this project.

RECOMMENDATION:

That:

1. The draft design brief for the proposed expansion of the Hawkesbury Seniors Learning and Leisure Centre be received.
2. The design brief be progressed to develop preliminary designs and costings for the Project
3. The preliminary design and provisional costings be referred to the Seniors Centre Design Working Party for their further consideration.

ATTACHMENTS:

- AT - 1** Previous Council Report – Item 247 Ordinary Meeting, 8 November 2011: Design Brief for expansion of Seniors Centre, Richmond.

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AT – 2 Draft Design Brief: Proposed Expansion of the Hawkesbury Seniors Learning and Leisure -
(*Distributed Under Separate Cover*)

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AT - 1 Previous Council Report – Item 247 Ordinary Meeting, 8 November 2011: Design Brief for expansion of Seniors Centre, Richmond.

ITEM: 247 CP - Design Brief for Expansion of Seniors Centre, Richmond - (95498)

Previous Item: 197, Ordinary - (31 August 2010)
30, Ordinary - (26 February 2008)
318, Ordinary - (1 November 2005)

REPORT:

Executive Summary

This report has been prepared to advise Council of the completion of a preliminary draft design brief for the proposed expansion of the Hawkesbury Seniors Leisure and Learning Centre in March Street, Richmond. The report seeks Council's approval to proceed to the preparation of design sketches and preliminary costings for the proposed project to be considered by the Design Working Party.

Consultation

This report advises Council of the outcome of a community working party which was established under Council's Community Engagement Policy for the specific purpose of preparing a draft design brief for Council's consideration. The report seeks Council's approval to prepare design sketches and preliminary costings to facilitate the next phase in the community consultation process associated with this project.

Background

As previously reported to Council, the projected increase in the population of people aged 65 years and over will require Council to develop new facilities and services for older people.

The contemporary thrust of government policy has been to build the capacity of the community to assist older people to 'age in place' – to support senior residents to remain in their family home for as long as possible. The Hawkesbury Seniors Leisure and Learning Centre currently provides a range of programs which are consistent with this policy goal – the planned extension of the Centre will expand this capacity and will be a key part of Council's medium to long term strategy for meeting the needs of the well-aged in a way that supports their continued active involvement within their neighbourhoods and communities.

The current Section 94 Development Contribution Plan (prepared in November 2005) and the Section 94A Development Contributions Plan (2006) include provision for extensions to the Hawkesbury Seniors Leisure and Learning Centre. The project has been provisionally programmed for 2012/2013 with an indicative cost of \$1.5M.

In August 2010, Council resolved to adopt terms of reference and a governance framework for a design working party to work with Council staff to prepare a draft design brief for the proposed extension to the Hawkesbury Seniors Leisure and Learning Centre. The draft design brief was to be reported to Council within nine months following the establishment of the Working Party.

Completion of Preliminary Draft Design Brief

The first formal meeting of the Design Working Party took place on 24 February 2011. The Working Party met on seven occasions to prepare the draft design brief. The Working Party also toured comparable sites in other localities to assess contemporary trends in the design of community facilities for an ageing population. Members of the Working Party have also spoken with staff in these centres to clarify the strengths and weaknesses of different design options.

The membership of the Working Party included:

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- Christine McGown-Noel – Nepean Blue Mountains Local Health District
- Jeanette Hatch – Hawkesbury Seniors Advisory Committee
- Keri Whiteley – Hawkesbury City Council (Manager Cultural Services)
- Christine Atkins – Hawkesbury Community Care Forum
- Judy Neate – Peppercorn Services Inc.
- Kari l'Anson – Peppercorn Services Inc.
- Meagan Ang – Hawkesbury City Council (Community Programs Co-ordinator)
- Joseph Litwin - Hawkesbury City Council (Executive Manager - Community Partnerships).

The draft design brief provides for the construction of a largely self-contained seniors centre annexe positioned at the front of the existing Centre. The annexe would be linked to the existing Centre by an enclosed walkway, courtyard (or some other device) so that the amenities available within the Hawkesbury Seniors Leisure and Learning Centre could be internally accessed from the annexe.

The additional floor space to be constructed within the annexe extension is intended to compliment the floor space within the existing Hawkesbury Seniors Leisure and Learning Centre in a way that improves the functionality of the existing Centre. The existing Centre was constructed in the early 1970s and it is almost forty years old. Since its construction the activities conducted at the Centre have changed significantly. Unfortunately, for some of these key activities (such as Beaches Seniors Restaurant and Hawkesbury Seniors Computer Group) the current design and layout of the Centre is incompatible with their requirements.

While some of these issues can be addressed through the inclusion of the required elements in the new annexe extension, they are best addressed through modifications to the existing Centre. Accordingly, the design brief also provides for internal building modifications to the existing Centre to improve the overall functionality of the site and to integrate the existing building with the extension.

The preliminary draft design brief is appended to the Report. It is proposed that the draft design brief be progressed to enable a preliminary design to be developed and provisional costings calculated. The design (and costings) can then be considered by the Working Party and altered or amended to ensure that the proposed expansion of the Hawkesbury Seniors Centre can be constructed within the funds available for this project.

Following the confirmation of a (provisional) final design, the project can then be presented to the members of the Hawkesbury Seniors Leisure and Learning Centre for their perusal and comment prior to proceeding to the tender stage.

Conformance to Community Strategic Plan

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

- Have friendly neighbourhoods, connected communities, and supported households and families.

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities.

As noted in this report, the planned extension of the Hawkesbury Seniors Leisure and Learning Centre will be an important part of Council's medium to long term strategy for meeting the needs of the well-aged in a way that supports their continued active involvement within their neighbourhoods and communities - a key strategic direction within the Community Strategic Plan.

Financial Implications

There may be a minor cost associated with the development of draft design sketches but this cost can be met from the appropriate Section 94 Reserve for this project.

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RECOMMENDATION:

That the:

1. Draft design brief for the proposed expansion of the Hawkesbury Seniors Learning and Leisure Centre attached as Attachment 1 to the report be received.
2. Design brief be progressed to develop preliminary designs and provisional costings for the Project.
3. Preliminary design and provisional costings be referred to the Seniors Centre Design Working Party for their further consideration.

ATTACHMENTS:

- AT - 1** Draft Design Brief: Proposed Expansion of the Hawkesbury Seniors Learning and Leisure Centre - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

oooO END OF REPORT Oooo

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Item: 266 CP - Draft Access and Inclusion Policy - (88324, 75816, 119366, 95498)

Previous Item: 87, Ordinary (10 May 2011)
272, Ordinary (12 October 2010)
232, Ordinary (30 November 2010)
165, Ordinary (13 July 2010)
NM2, Ordinary (8 June 2010)

REPORT:

Executive Summary

This report has been prepared to advise Council of the completion of a Draft Access and Inclusion Policy. The report proposes that Council place the Draft Policy on public exhibition. The Policy has been developed pursuant to Council's resolution of 10 May 2011 wherein Council endorsed Terms of Reference (ToR) for the development of a Draft Disability Action Plan to be prepared by the Hawkesbury Disability Advisory Committee. The endorsed ToR outlined a nine step process for the drafting of a Disability Action Plan - Step 1 of this process required Council to review its 'equity and access' policy settings.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake the following community engagement process in compliance with Council's policy:

Place the Draft Access and Inclusion Policy on public exhibition for a period of 56 days.

Background

In response to Council's resolution of 10 May 2011, the requirement to review Council's existing access and equity policy settings was referred to the Hawkesbury Disability Advisory Committee (DAC) for implementation.

The matter was considered at the DAC meeting of 16 June 2011 and a working party was subsequently established to prepare a revised draft policy for Council's consideration

Draft Access and Inclusion Policy.

The Working Party met on 26 August 2011. The Working Party reviewed Council's existing 'Access Policy' and its 'Statement of Equity Principles' as well as a number of access policies from different councils and identified the core matters that needed to be covered in the revised policy and how these could be translated into Council's Policy template. The Working Party recommended that the revised policy should be called an 'Access and Inclusion Policy' to better capture the broad intent of the Policy. It was agreed that if possible a set of access and inclusion principles should be developed and incorporated into the revised Policy together with an outline of how these principles should be interpreted and practically applied.

A revised draft policy was presented to the DAC meeting of 6 October 2011. The Committee resolved to endorse the draft Policy and refer it to Council for determination. The Committee also resolved, in view of the broader scope of the draft Policy, to rename the proposed Draft Disability Action Plan as an Access and Inclusion Plan .

The Purpose of the Draft Access and Inclusion Policy is to:

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1. To broadly define Council's approach to the elimination of barriers which may prevent residents and visitors from participating fully in community and civic life.
2. To establish a framework to assist Council to work with the community and business sector to identify and implement strategies to ensure that residents and visitors are not restricted from accessing services and facilities or participating in community and civic events.

If adopted, the proposed Draft Access and Inclusion Policy will supersede the following existing Council Policies

- Access Policy (Revised 10 May 1998)
- Statement of Equity Principles (Adopted 10 October 2000)
- Reconciliation and Multiculturalism (Revised 16 May 1998)

Conformance to Community Strategic Plan

The proposal is consistent with the "*Shaping Our Future Together*" Direction statement

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

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

- "Develop and implement a community participation and partnership program".

The public exhibition of the draft Policy will provide a mechanism by which interested community groups and individuals can comment on the content of the policy and for these comments to be reported to Council. Facilitating community input into policy development is a key defining principle which underwrites the Community Strategic Plan.

Financial Implications

There are no direct financial implications arising out of this report. If subsequently adopted, the Policy may require the allocation of staff hours and resources to meet Council's obligations as set out in the Policy. The allocation of staffing and financial resources will be negotiated in conjunction with the normal development of Council work plans and within Council's budget planning processes.

RECOMMENDATION:

That the Draft Access and Inclusion Policy be placed public exhibition for a period of 56 days

ATTACHMENTS:

AT - 1 Draft Access and Inclusion Policy (*Distributed under separate cover*)

oooO END OF REPORT Oooo

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Item: 267 **CP - Community Sponsorship Program - 2011/2012 - Round 2 - (96328, 95498)**

Previous Item: 159, Ordinary (26 July 2011)

REPORT:

Executive Summary

This report has been prepared to advise Council of applications for financial assistance to be determined under Round 2 of the 2011/2012 Community Sponsorship Program. The report lists the applications received, the proposed level of financial assistance, and those that will require the execution of Council's standard Sponsorship Agreement.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Applications for Community Sponsorship can be received by Council at any time and are reported to Council up to four times a year. Information about the Community Sponsorship Program is placed on Council's website.

Background

On 13 March 2007 Council resolved to adopt a Sponsorship Policy prepared in accordance with the guidelines issued by the Independent Commission against Corruption. Criteria and administrative arrangements for the Community Sponsorship Program (CSP) were subsequently developed with implementation commencing in 2007/2008.

The CSP provides the opportunity for community groups and individuals to seek assistance from Council. The CSP currently provides for five categories of assistance:

- Minor assistance (MA) – up to \$500
- Event Sponsorship (ES) – for up to 3 years
- Seeding Grants (SG) – for community based programs
- Access to Community Facilities (ACF) – to subsidise the cost of hire of community facilities
- Improvements to Council Facility (ICF) – reimbursement of DA fees for renovations and additions to Council owned buildings or facilities.

The adopted budget for 2011/2012 includes an allocation of \$64,220 for the CSP. At its Ordinary Meeting 26 July 2011 Council approved \$54,165 under Round 1 of the 2011/2012 Community Sponsorship Program.

Community Sponsorship Program 2011/2012

Budget for CSP

Total Budget for Financial Year 2011/2012	\$64,220
Expenditure to date:	
Allocated to Hawkesbury Eisteddfod	\$19,592
Approved under Round 1 (26 applicants)	<u>\$34,573</u>
<u>Total</u>	<u>\$54,165</u>
Balance remaining	\$10,055

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Community Sponsorship Program (2011/2012) – Round 2

In accordance with Council's Community Sponsorship Policy, applications for community sponsorship were called for and closed 28 October 2011 with 18 applications being received. Table 1 summarises the applications received and the proposed level of financial assistance to be provided.

	Applicant	Type	Proposal	Amount requested	Amount proposed
1	Matthew Cranwell	MA	Representative baseball	100	100
2	Kurrajong Scarecrow Festival Inc	ES	Annual Scarecrow Festival		2,250
3	Hawkesbury Woodcraft Co-op	MA	Security equipment in clubhouse	410	410
4	Holly Malpass	MA	Representative karate	100	100
5	Ashleigh Hill	MA	Representative karate	100	100
6	James Hill	MA	Representative karate	100	100
7	Hills, Hawkesbury + Riverlands Tourism (HHART)	SG	HHART Nomad	10,000	Nil
8	Bowen Mountain Association Inc	MA	Bowen Mtn Community Arts Festival	495	495
9	Hawkesbury High P&C Assoc.	MA	Bike education and safety	500	500
10	Windsor Business Group	SG	Funding to offset costs of fees for the use of Thompson Square	4,740	Nil
11	Heart of the Hawkesbury	SG	Carols in the Park Hollands Paddock	3,000	1,500
12	East Kurrajong School of Arts	MA	Repairs to the hall	500	500
13	Windsor Junior Rugby League	MA	Purchase of equipment for players with disability	500	500
14	Hawkes Little Athletics Centre	MA	Purchase of stopwatches	481	481
15	Family Worker Training + Development Programme	SG	Workshop facilitator	1,500	Nil
16	Lions Club of Hawkesbury Line	CF	Hire of McMahon Park Kurrajong	164	82
17	Windsor Preschool Assoc	MA	Purchase of iPad2	500	500
18	Kurrajong Project Youth	MA	Youth music event in McMahon Park	300	300
			TOTAL		7,918

MA= Minor Assistance ES = 3 Year Event Sponsorship SG = Program + Activity Seeding Grant CF = Access to Community Facilities

Table 1 – Requests for financial assistance Round 2 of 2011/2012 Community Sponsorship Program

All the applications were assessed against the applicable criteria outlined in Council's Community Sponsorship program. These reflect the provisions of Council's adopted Community Sponsorship policy and the amounts recommended for approval are consistent with the policy. A more complete summary of the assessment of applications against the Community Sponsorship Program is appended to the report.

Application Recommended for Partial-Funding Only

Application 2 - The Kurrajong Scarecrow Festival (Applicant has not specified a requested amount, recommended amount \$2,250). As a previous recipient of funding under a Three Year Event Sponsorship the previous amount of \$3,000 has been adjusted to 75% of that pursuant of Council's resolution at its Ordinary Meeting 11 August 2009

Application 11 - Heart of the Hawkesbury (Amount requested \$3,000 - recommended amount \$1,500). Applicant has requested funding to stage Community Carols in the Park at Hollands Park in Windsor. Council currently funds two other organisations to stage Carols by Candlelight (Richmond Rotary Club \$1,125) and Carols in Hanna Park (Bridgewater Church \$300). In light of these amounts it is considered that a contribution of \$1,500 for the Hollands Paddock event would seem equitable.

Applications not Recommended for Funding

Application 7 – Hills, Hawkesbury + Riverlands Tourism (HHART) (Amount requested \$10,000). Applicant is already in receipt of funding from Council during this financial year. Council has provided a \$5,000 'membership' payment to HHART and at its Ordinary Meeting of 27 September 2011 Council approved a further allocation of \$2,000 towards a project to promote tourism within the Hawkesbury region.

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Application 10 – Windsor Business Group (amount requested \$4,740). The applicant is seeking funding to cover costs associated with the use of Thompson Square and Windsor Mall, Windsor, during the Sydney Blues and Roots Festival. At the Council Meeting held on 26 July 2011, Council approved the allocation of \$3,000 for this event. Under the CSP Program applicants are only eligible for one grant per financial year - given that the WBG has received a grant in 2011/2012 for the same project a further grant falls outside the CSP guidelines.

Application 15 - Family Worker Training + Development Programme (amount requested \$1,500). The applicant is seeking funding to conduct a training program, a project which is the organisation's core business for which funding is received through Families NSW administered by the Department of Community Services.

The proposed partial funding and non funding of the highlighted applications will ensure that there is a small amount of funds available to process applications which may be received in the latter half of the financial year – particularly in the category of 'minor assistance' which is the most popular application category generally nominated by individuals and community groups with no or limited access to other sources of funding.

There are sufficient funds to cover the total recommended amount of \$7,918 under Round 2 of the 2011/2012 Community Sponsorship Program leaving \$2,137 for allocation in further rounds.

Conformance to Community Strategic Plan

The proposal is consistent with the "*Shaping our Future Together*" Directions statement;

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

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

- Develop and implement a community partnership and participation program

It will also contribute to the Goal within the *Shaping our Future Together* element within the Community Strategic Plan:

- Support community initiatives and volunteers

and assist Council to achieve the following CSP measure:

- Level of support to community organisations

Financial Implications

Funding allocations recommended in the report are available within current budget provisions.

RECOMMENDATION:

That Council:

1. Approve payments under Section 356 financial assistance to the organisations or individuals listed, and at the level recommended in Table 1 of this report.
2. Approve the execution of Council's standard Sponsorship Agreement for applications 2 and 11 identified in Table 1 of this report.

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ATTACHMENTS:

AT - 1 Assessment of Applications under Round 2 of Community Sponsorship Program 2011/2012

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Applicant	Sponsorship Type (1)	Description	Assessment Criteria								Amount requested for ES Sponsorship	Amount recommended	Comments
			Local service	Not-for-profit	Not funded by State/Federal Agency	Co-contribution provided	Reflects agreed community priority	Meets sponsorship criteria	Financially sustainable	Documentation provided			
1. Matthew Cranwell	MA	Representative Baseball, IBA Kara McConnell International in St Louis, Missouri	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
2. The Kurrajong Scarecrow Festival Inc	ES	Annual Kurrajong Scarecrow Festival	✓	✓	✓	✓	✓	✓	✓	✓	2250	2250	Previous recipient of 3 Year Event Sponsorship agreement for this event
3. Hawkesbury Woodcraft Co-operative	MA	Installation of safety equipment in clubhouse at Wilberforce	✓	✓	✓	✓	✓	✓	n/a	✓	410	410	Meets requirements of Minor Assistance category
4. Holly Malpass	MA	Representative Karate – National Championships, Caloundra QLD	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
5. Ashleigh Hill	MA	Representative Karate – National Championships, Caloundra QLD	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
6. James Hill	MA	Representative Karate – National Championships, Caloundra QLD	✓	✓	✓	✓	✓	✓	n/a	✓	100	100	Meets requirements of Minor Assistance category
7. Hills, Hawkesbury + Riverlands Tourism (HHART)	SG	Fit out of caravan (HHART Nomad) to promote tourism in the region	✓	✓	✓	✓	✓	✓	?	✓	10000	Nil	Item 217 Ordinary Meeting 2/9/2011 funded \$2000- for a "family". Council also contributes \$5,000 in annual 'membership'.
8. Bowen Mountain Association Inc	MA	Bowen Mountain Community Arts Festival	✓	✓	✓	✓	✓	✓	n/a	✓	495	495	Meets requirements of Minor Assistance category
9. Hawkesbury High School Parents & Citizens Association	MA	Equipment for bicycle education sessions for students	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of Minor Assistance category
10. Windsor Business Group Inc	SG	Additional funds to offset costs of fees for the use of Thompson Square	✓	✓	✓	✓	✓	✗	?	✓	4740	Nil	Recipient of maximum funding under 3 Year Sponsorship Agreement 2011 - 2013
11. Heart of the Hawkesbury Inc	SG	Carols in the Park (Hollands Park)	✓	✓	✓	✓	✓	✓	✓	✓	3000	1500	Lesser amount is recommended in light of amounts provided to other organisations staging similar event.
12. East Kurrajong School of Arts Inc	MA	Repair to hall	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of Minor Assistance category
13. Windsor Junior Rugby League	MA	Equipment for players with disability	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of Minor Assistance category

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14. Hawkesbury Little Athletics Centre	MA	Purchase of stopwatches	✓	✓	✓	✓	✓	✓	✓	n/a	✓	451	451	meets requirements or minor assistance category
15. Family Worker Training + Development Programme	SG	Hire of a facilitator for a 1 day workshop focusing on Impacts of Domestic Violence on Women and Children	✓	✓	✓	✓	✓	✓	✓	✓	✓	1500	Nil	Organisation funded by Families NSW to deliver the proposed project.
16. Lions Club of Hawkesbury Bells Line Inc	CF	Hire of McMahon Park Kurrajong for fundraising event	✓	✓	✓	✓	✓	✓	✓	n/a	✓	164	82	Meets requirements of Access to Community Facilities
17. Windsor Preschool Association	MA	Purchase of iPad 2 for use by children with disability	✓	✓	✓	✓	✓	✓	✓	n/a	✓	500	500	Meets requirements of Minor Assistance category
18. Kurrajong Project Youth	MA	Music for Youth in McMahon park Kurrajong	✓	✓	✓	✓	✓	✓	✓	n/a	✓	300	300	Meets requirements of Minor Assistance category
		TOTAL											7918	
(1) MA = Minor Assistance ES = 3 Year Event Sponsorship SG = Seeding Grant CF = Access to Community Facilities ICF = Improvement to Community Facilities														

oOoO END OF REPORT OoOo

INFRASTRUCTURE SERVICES

Item: 268 IS - Liquid Trade Waste Policy - (112179)

REPORT:

Executive Summary

Sewerage systems are generally designed to cater for waste from domestic sources that are essentially of predictable strength and quality. Council may accept liquid trade waste into its sewerage system as a service to businesses and industry providing that the waste meets certain minimum standards.

Liquid trade waste may exert much greater demands on sewerage systems than domestic sewage and, if uncontrolled, can pose serious problems to the treatment process and hence public health, worker safety, infrastructure and the environment.

Consultation

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

Background

Council Officers have been using an informal trade waste criteria for quite some time to deal with significant industrial and commercial discharges to the sewer system. However, under Section 68 of the Local Government Act 1993 a person wishing to discharge liquid trade waste to the sewer system must obtain prior approval from Council. It is an offence under the Act to discharge liquid trade waste without approval.

The procedure for approval is governed by the Act as well as the Local Government (General) Regulation 2005

In addition, under operational procedures in Element 4: 'Operational Procedures and Process Control' of the proposed Recycled Water Quality Management Plan, one of the actions is to "identify procedures required for all processes and activities applied within the whole recycled water system (source to use)". It therefore becomes prudent that Council formally adopt the attached Liquid Trade Waste Policy.

Conformance to Community Strategic Plan

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

- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment.

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

- Develop and implement waste and recycling strategies.

Financial Implications

There are no financial implications applicable to this report.

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RECOMMENDATION:

That the Liquid Trade Waste Policy attached as Attachment 1 to the report be adopted.

ATTACHMENTS:

AT - 1 The Liquid Trade Waste Policy - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 29 November 2011****SUPPORT SERVICES****Item: 269****SS - Monthly Investments Report - October 2011 - (96332, 95496)****REPORT:****Executive Summary**

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

This report indicates that Council held \$41.60 million in investments at 31 October 2011.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$41.60 million in investments as at 31 October 2011. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
ANZ	A1+	AA	1-Sep-11		6.00%	4,000,000	9.62%	
ANZ	A1+	AA	5-Sep-11		6.00%	3,300,000	7.93%	
ANZ	A1+	AA	14-Sep-11		6.00%	500,000	1.20%	
CBA	A1+	AA	31-Oct-11		5.25%	2,100,000	5.08%	9,900,000
Term Investments								
ANZ	A1+	AA	18-May-11	16-May-12	6.35%	500,000	1.20%	
ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	1,000,000	2.40%	
ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	2,000,000	4.81%	
ANZ	A1+	AA	23-Feb-11	22-Feb-12	6.24%	1,200,000	2.88%	
ANZ	A1+	AA	10-Mar-11	20-Dec-11	6.35%	2,000,000	4.81%	
ANZ	A1+	AA	14-Mar-11	11-Jan-12	6.35%	2,000,000	4.81%	

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ANZ	A1+	AA	23-Mar-11	21-Mar-12	6.24%	500,000	1.20%	
Bank of Queensland	A-2	BBB+	14-Oct-11	25-Jan-12	6.00%	500,000	1.20%	
Bankwest	A1+	AA	08-Sep-11	07-Mar-12	6.00%	2,000,000	4.81%	
Bankwest	A1+	AA	05-Oct-11	07-Mar-12	5.80%	500,000	1.20%	
Credit Union Australia	A-2	BBB+	14-Oct-11	25-Jan-12	6.00%	1,000,000	2.40%	
NAB	A1+	AA	17-Nov-10	16-Nov-11	6.46%	1,000,000	2.40%	
NAB	A1+	AA	02-Dec-10	07-Dec-11	6.44%	1,000,000	2.40%	
NAB	A1+	AA	03-Dec-10	07-Dec-11	6.45%	2,000,000	4.81%	
NAB	A1+	AA	08-Dec-10	07-Dec-11	6.44%	500,000	1.20%	
NAB	A1+	AA	09-Feb-11	09-Feb-12	6.27%	1,000,000	2.40%	
NAB	A1+	AA	15-Jun-11	25-Jan-12	6.16%	2,000,000	4.81%	
NAB	A1+	AA	27-Jul-11	25-Jul-12	6.29%	1,000,000	2.40%	
NAB	A1+	AA	06-Jul-11	05-Jul-12	6.25%	2,000,000	4.81%	
NAB	A1+	AA	24-Aug-11	22-Feb-12	5.85%	1,000,000	2.40%	
Westpac	A1+	AA	26-Oct-11	26-Apr-12	5.80%	1,000,000	2.40%	
Westpac	A1+	AA	11-May-11	16-Nov-11	6.15%	1,000,000	2.40%	
Westpac	A1+	AA	22-Jun-11	25-Jan-12	6.18%	2,000,000	4.81%	
Westpac	A1+	AA	10-Aug-11	8-Aug-12	6.00%	2,000,000	4.81%	
Westpac	A1+	AA	17-Aug-11	15-Aug-12	6.00%	1,000,000	2.40%	31,700,000
TOTAL INVESTMENT AS AT 31 OCTOBER 2011								41,600,000

Bench Marking

Bench Mark	Bench Mark %	Actual %
UBS 90 Day Bank Bill Rate	4.71%	6.23%
Reserve Bank Cash Reference Rate	4.75%	5.84%

Performance by Type

Category	Balance \$	Average Interest	Difference to Benchmark
Cash at Call	9,900,000	5.84%	1.09%
Term Deposit	31,700,000	6.23%	1.52%
Total	41,600,000	6.14%	1.43%

Restricted/Unrestricted Funds

Restriction Type	Amount \$
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External Restrictions -S94	7,022,760
External Restrictions - Other	7,796,047
Internal Restrictions	16,081,992
Unrestricted	10,699,201
Total	41,600,000

Funds subject to external restrictions cannot be utilised for any purpose other than that specified in line with legislative requirements. Externally restricted funds include funds relating to S94 Contributions, Domestic Waste Management, Stormwater Management and Grants.

Internal restrictions refer to funds allocated through a Council Resolution, for specific purposes or to meet future known expenses. Whilst it would “technically” be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended nor would it be “good business practice”. Internally restricted funds include funds relating to Tip Remediation, Plant Replacement, Risk Management and Election.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

Investment Commentary

The investment portfolio decreased by \$1.90 million for the month of October, 2011. During October, various income was received totalling \$3.40 million, including rate payments amounting to \$1.38 million, while payments to suppliers and staff costs amounted to \$5.67 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

As at 31 October 2011, Council has invested \$4.0 million with 2nd tier financial institutions, with the remaining funds being invested with 1st tier institutions. The investment of up to \$1 million with 2nd tier Authorised Deposit Taking Institutions (ADIs) is entirely covered by the free Government Guarantee Scheme, and is in accordance with Council's Investment Policy. Also, Council's adopted Investment Policy allows Council to invest above \$1 million with 2nd tier Authorised Deposit Taking Institutions that are wholly owned subsidiaries of major Australian trading banks, subject to conditions stipulated in the Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 28 June 2011.

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

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

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

- Maintain and review a sustainable long term financial framework.

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Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2011/2012.

RECOMMENDATION:

The report regarding the monthly investments for October 2011 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 270 **SS - September 2011 Quarterly Review - 2011/2012 Management Plan - (79351, 95496, 96332, 107)**

Previous Item: 121, Extraordinary (21 June 2011)

REPORT:

Executive Summary

Within two months of the end of each quarter, Council is required to review its progress in achieving the objectives set out in its Management Plan. This report and the relevant attachment provide information on Council's financial performance and financial position for the first quarter of the 2011/2012 financial year, and the resulting financial position including the Budget variations proposed.

The September 2011 Quarterly Budget Review Statement recommends a number of variations that result in a balanced budgeted position being maintained.

The report and attachment provide details on the major Budget variations proposed in this Quarterly Budget Review and provide a list of variations requested. The attachment to this report also includes the Quarterly Operational Plan Review, providing an update on the achievement of Council's adopted targets for the 2011/2012 financial year.

The Quarterly Budget Review Statement has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010.

Consultation

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

Background

Council adopted its Management Plan for 2011/2012 on 21 June 2011.

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the council a Budget Review Statement within two months after the end of each quarter (except the June quarter).

The September Quarterly Review of the 2011/2012 Management Plan has been prepared and is attached for Council's information. The Quarterly Budget Review Statement has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010. To comply with this Circular, Budget Review Statements have been prepared for Income and Expenses, the Capital Budget, Cash and Investments, Key Performance Indicators, Contracts, and Consultancy and Legal Expenses and are included in the Quarterly Budget Review Statement Attachment.

Financial Position

As part of the Management Plan Review, Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of income and expenditure for the year. The Income and Expenses Budget Review Statement and Capital Budget Review Statement are included within the Quarterly Budget Review Statement Attachment.

The September 2011 Quarterly Budget Review Statement recommends Budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains

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a satisfactory short term financial position for Council. The Responsible Accounting Officer Statement is included in the Quarterly Review Statement Attachment.

It is not anticipated that the adjustments made to the Full Year Budget will negatively impact upon the delivery of the 2011/2012 Management Plan.

The more significant items of the September 2011 Review include:

- **Public Works Vehicle Sales – Net Favourable Variance \$87K**
(Adopted Management Plan –Part 2 – IS Pg 15, Pg 39, Pg 74)

A net favourable adjustment of \$87K in relation to the sale of public works vehicles is included in this Review. This variance has resulted from unbudgeted sales and better than expected resale values.

- **Town Planning Subdivision Fee Income – Net Favourable Variance \$15K**
(Adopted Management Plan –Part 2 – CP, Pg 32)

A favourable adjustment of \$15K was included in this Review. This variance relates to a one-off, unbudgeted transaction.

- **Street Lighting Expenditure – Net Unfavourable Variance \$40K**
(Adopted Management Plan –Part 2 – IS Pg 42)

A net unfavourable adjustment of \$40K has been included in this Review with respect to street lighting, predominantly as a result of higher than expected costs in street lighting expenditure. These costs will need to be closely monitored to capture any unfavourable trends that may follow on to the 2012/2013 financial year.

- **Park Improvement Program – Unfavourable Variance \$50K**
(Adopted Management Plan – IS Pg 17)

A net unfavourable variance of \$50K has been incorporated into this Review. Included in this, is a variation of \$20K for Dog Leash Free Areas in line with the Council Resolution of 10 May 2011. The proposed location of the first Dog Leash Free Area is at Peel Park. The additional unfavourable variation of \$30K was included as a result of additional unbudgeted expenditure on the Rickaby's Creek Footbridge construction.

- **Financial Assistance Grant – Net Unfavourable Variance \$13K**
(Adopted Management Plan –Part 2 – SS Pg 34; IS Pg 24, Pg 27, Pg 31)

Local Government Financial Assistance Grants are general purpose grants that are paid to local councils under the provisions of the Commonwealth Local Government (Financial Assistance) Act 1995. The grant is comprised of general purpose and roads components.

The Original adopted budget for 2011/2012 for the Financial Assistance Grant is a combined total of \$4.5M. This is made up of a budgeted general purpose component of \$2.9M, with the remaining \$1.6M being attributable to the roads component of the grant. The amount allocated to Council varies from year to year due to population changes, changes in standard costs and disability measures, local road and bridge length variations, and changes in property values, and takes into account any short or overpayments in the previous year as well as any prepayments.

The original budget was based on the amount received in 2010/2011. Council has now been advised that the total financial assistance amount payable for the 2011/2012 financial year is \$13K under the budgeted amount. Consequently, an unfavourable adjustment of \$13K is included in this Review in relation to the Financial Assistance Grant.

The first payment for the 2011/2012 financial year was received in the 2010/2011 financial year and the necessary adjustments to reflect this prepayment have also been included in this Review.

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- **Grants**

A number of adjustments relating to variations between grant funding received and amounts budgeted, are included in this Review. The major adjustments relating to grant funding are outlined below:

- *Waste and Sustainability Improvement Program* – Council participates in the Office of Environment and Heritage's Waste and Sustainability Improvement Program, whereby funds are allocated to fund specific sustainability improvement projects. Council has been advised that an allocation of \$358K has been approved, which will be allocated to specific projects that conform to the requirements of this Program.
- *CCTV Grant Windsor Mall* – Council has been successful in obtaining a grant of \$100K from the Attorney-General's Department for the installation of CCTV Cameras in the Windsor Mall.
- *Rickaby's Creek Footbridge* – In 2007, the NSW Department of Planning approved a grant totalling \$168K for the construction of the Rickaby's Creek Footbridge. The final payment of \$83K was received this quarter. A variation for this amount has been incorporated into this Review.
- *Hawkesbury River Environmental Estuary Management Study* – In line the Council Resolution of 11 October 2011, Council has accepted an offer of a grant for \$75K, to be matched by Council, for the development of a Hawkesbury River Environmental Estuary Management Study and Management Plan. Both the grant and Council's contribution to this Management Study have been incorporated in the Review.
- *Bowen Mountain Fire Reduction* – Council has received a \$60K grant from the Rural Fire Service for Fire Hazard Reduction works in the Bowen Mountain area. This grant, along with a \$40K Council contribution funded from S94, is included in the Review.

- **Reserve Funded Adjustments**

The following adjustments are within internally or externally restricted funds, and consequently have no net impact on Council's overall position.

- *South Windsor Effluent Reuse Scheme* – A favourable adjustment of \$2.17M is included in this Review for the receipt of the final contribution in relation to funding allocated from the Federal Government for the South Windsor Effluent Reuse Scheme.
- *Sewer Rehabilitation Works* – A favourable adjustment of \$468K is included in this Review in respect of the sewer relining program. It is now anticipated that these funds are surplus to the funding required for works to be delivered during the 2011/2012 financial year.
- *Desludge Lagoon at South Windsor Treatment Plant* – A favourable adjustment of \$85K is included in this Review for the desludging of the Waste Activated Sludge Lagoon. A review of the works required at the Lagoon, indicate that the costs are now projected to be lower than what was originally budgeted.
- *Sewer Treatment Operating Expense* – An unfavourable adjustment of \$325K is included in this Review for sewer treatment operating expenses. As at the end of the September, \$350K had been spent, trending above the Full Year Budget of \$1.13M. The additional expenditure has resulted in unforecasted works that are required to be undertaken. These works include stabilisation of the pond embankments, replacement of various pumps and upgrading of a generator.
- *Sullage Contractors* – A favourable adjustment of \$351K is included in this Review for contractor expenses for Sullage disposal. As at the end of the first quarter, \$328K had been incurred, trending below the Full Year Budget of \$1.95M. This decrease in expenditure can be

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attributed to the rate of connections to the Sydney Water system being greater than forecasted.

- Sullage Income – An unfavourable adjustment of \$385K is included in this Review for Sullage Income. This income was levied at the beginning of the financial year and generated a total of \$1.19M, compared to a budget of \$1.77M. This decrease in income has occurred as a result of connections made to the Sydney Water scheme being greater than anticipated.
- Waste Management Section 88 Fees – A favourable adjustment of \$278K is included in this Review for the payment of Section 88 Fees. As at the end of the first quarter, \$123K had been paid and is trending below the Full Year Budget of \$1.8M. A reduction in the tonnage of rubbish received at the Waste Management Facility has reduced the amount of fees to be paid by Council.
- Waste Management Facility Gate Taking Fees – An unfavourable adjustment of \$150K is included in this Review for gate taking fees taken at the Waste Management Facility. As at the end of the reporting period, \$168K had been received, trending below the Full Year Budget of \$759K. This shortfall in income has been attributed to a reduction in the amount of waste received at the Waste Management Facility.

The Review includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.

Various other minor grants adjustments are detailed in the attachment.

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.*

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

- *Maintain and review sustainable long term financial framework.*

Financial Implications

Funding and budget impacts have been specified within this report and attached Review document.

RECOMMENDATION:

That the:

1. Information contained in the report on the 2011/2012 Management Plan – September 2011 Quarterly Review be received.
2. Quarterly Review of the 2011/2012 Management Plan for the period ending 30 September 2011 be adopted.

ATTACHMENTS:

- AT - 1 2011/2012 Management Plan Review – September 2011 Quarter - *(distributed under separate cover)*

oooO END OF REPORT Oooo

Item: 271**SS - Exemption from Rating - 44 Paget Street, Richmond - (107776, 95496)**

REPORT:**Executive Summary**

A rating exemption may be sought by an individual or organisation based on certain criteria as set out in the Local Government Act 1993.

The Local Government Act 1993, Part 6, stipulates the criteria required to be met for a rating exemption to apply. Section 555 (1)(a) of the Act stipulates that land owned by the Crown, not being land held under a lease for private purposes is exempt from all rates.

An application has been received from the NSW Department of Family and Community Services requesting exemption from rating for the property known as 44 Paget Street, Richmond (Lot 1 DP 603033), Property Number 6868.

This report recommends that Section 555 (1) (a) of the Local Government Act 1993 be applied to the rating exemption sought and that the property known as 44 Paget Street, Richmond (Lot 1 DP 603033), Property number 6868 be granted exemption from all rates.

Consultation

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

Background

A rating exemption may be sought by an individual or organisation based on certain criteria as set out in the Local Government Act 1993. The Local Government Act 1993, Part 6, stipulates the criteria required to be met for a rating exemption to apply.

An application has been received from the NSW Department of Family and Community Services requesting exemption from rating for the property known as 44 Paget Street, Richmond (Lot 1 DP 603033), Property Number 6868. A copy of the letter received by Council, dated September 2011 is provided as Attachment 1 to this report.

The application for rating exemption is made in accordance with Section 555 (1) (a) of the Local Government Act, 1993 which provides as follows:

"(1) The following land is exempt from all rates:

(a) land owned by the Crown, not being land held under a lease for private purposes."

The current owner of 44 Paget Street, Richmond is The Minister for Disability Services.

Ageing Disability and Home Care will be operating a Government Group Home on behalf of the NSW Department of Family and Community Services at the subject property. This organisation caters for people with disabilities. The subject property has been inspected by Council officers and consists of a home with disabled facilities, five bedrooms, communal area, functional kitchen and bathroom.

It is recommended that exemption from rating be granted from 1 July 2011, being the beginning of the current rating year. The rates for 2011/2012 from 1 July 2011 to 30 June 2012 total \$1,212.49. As these rates have been levied, if the recommendation in this report is adopted, these rates will be abandoned.

ORDINARY MEETING

Meeting Date: 29 November 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.

Financial Implications

This report recommends the abandonment of an amount of \$1,212.49. This amount will be funded from the Rating budget allocation for 2011/2012 and will subsequently be recovered through the notional yield calculation for 2012/2013.

RECOMMENDATION:

That:

1. NSW Department of Family and Community Services be granted exemption from rating from 1 July 2011 for the property known as 44 Paget Street, Richmond.
2. An amount of \$1,212.49 be abandoned in respect of rates for the period 1 July 2011 to 30 June 2012.

ATTACHMENTS:

AT - 1 Letter from NSW Department of Family and Community Services dated September 2011

ORDINARY MEETING

Meeting Date: 29 November 2011

AT - 1 Letter from NSW Department of Family and Community Services dated September 2011



**Family &
Community Services**
Ageing, Disability & Home Care

Hawkesbury City Council
PO Box 146,
Windsor NSW 2756

September 2011

Rates Section

Reference Number: 68688

Property Location and description

44 Paget Street, Richmond NSW 2753

I wish to advise that the above property is Crown Land recently acquisitioned & will be operating a Government Group Home that is owned by Ageing Disability and Home Care.

This property is exempt from full Council charges with the exception of waste expenses as per local Government Act1993, – Rates and Concessions.

Any further enquiries please do not hesitate to contact myself on the details provided.

Yours sincerely,

Armen Koopelian
Regional Property Officer

Metro North | Ageing, Disability and Home Care, Department of Family and Community Services NSW
Level 5, 93 George Street, Parramatta NSW 2150 | PO Box 3004, Parramatta NSW 2124
T (02) 9841 9500 | F (02) 9841 9322 | TTY (02) 8270 2167 | ABN 82 016 305 789
Translating and Interpreting Service 13 14 50 | www.adhc.nsw.gov.au

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 29 November 2011

Item: 272 SS - Pecuniary Interest Returns - (96333, 95496)

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 two Returns recently lodged with the General Manager by two Designated Persons. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Returns lodged with the General Manager have been tabled in accordance with the Local Government Act 1993.

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 Sections 450A(2)(a), (b) and (c) above.

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

Position	Return Date	Date Lodged
Senior Town Planner	8/8/2011	22/8/2011
Corporate Systems Database Administrator	29/8/2011	12/10/2011

ORDINARY MEETING

Meeting Date: 29 November 2011

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

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

Conformance to 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: 29 November 2011

CONFIDENTIAL REPORTS

Item: 273 IS - Tender No. 01811 - South Windsor STP Biosolids Treatment and Handling Upgrade - (112179) **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 tenders for the supply of goods and/or services to Council) and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING

Meeting Date: 29 November 2011

Item: 274 **IS - Tender No.00112 - Tender for the dry hire of one landfill compactor at the Hawkesbury City Waste Management Facility - (82995) CONFIDENTIAL**

Previous Item: Item 1, Waste Management Advisory Committee (28 April 2010)

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 29 November 2011

Item: 275

IS - Tender No. 00312 – Provision of Repainting Various Sites 2011/2012 - (79340)

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 29 November 2011

Item: 276 **SS - Property Matter - Lease of 20 Bosworth Street, Richmond - (121420, 112106, 95946) CONFIDENTIAL**

Previous Item: 198, Ordinary (30 August 2011)

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 29 November 2011

Item: 277 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

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Disability Advisory Committee - 6 October 2011 - (88324)

The meeting commenced at 4:00 pm in the Meeting Room, Peppercorn Place

Present:	Kate Murdoch Alan Aldrich Desmond Crane Carolyn Lucas Jennifer Luke Ken Ferris Robert Bosshard Debbie Court	Health Representative Community Representative Community Representative Community Representative Community Representative Community Representative Community Representative Hawkesbury Oasis
Apologies:	Clr. Bill Whelan Clr. Christine Paine Mary-Jo McDonnell	Councillor Representative Councillor Representative Community Representative
In Attendance:	Joseph Litwin Meagan Ang	Hawkesbury City Council Hawkesbury City Council

REPORT:

Mr Aldrich welcomed committee representatives.

RESOLVED on the motion of Ken Ferris and seconded by Alan Aldrich that the apologies be accepted.

SECTION 1 – CONFIRMATION OF MINUTES

1. Confirmation of Minutes:

RESOLVED on the motion of Carolyn Lucas and seconded by Des Crane that the Minutes of the Disability Advisory Committee held on 4 August 2011 be confirmed.

2. Matter arising from Previous Minutes

Mr. Litwin advised that he had undertaken some preliminary enquiries in relation to the Committee's request for information about emergency management evacuation procedures particularly pertaining to the evacuation of people with disabilities. Emergency management is co-ordinated by the Local Emergency Management Committee (LEMC) which is chaired by the Local Emergency Operational Controller (LEOC) through the Hawkesbury Local Area Command. Council provides administrative support for the LEMC through the position of Local Emergency Management Officer (LEMO) currently filled by Council's Director of Infrastructure Services. Responses to emergencies are coordinated through a disaster management plan. There was some discussion as to the whether disaster management plans take into account people with special needs be ensuring that designated evacuation centres are accessible, that vehicles used for evacuation are accessible, and whether people involved in emergency management are provided with disability awareness training. The Committee also discussed the need to develop a guide for people with disabilities on emergency management and evacuation procedures.

SECTION 2: REPORTS FOR DETERMINATION

Item 11 – Draft Hawkesbury City Council Access and Inclusion Policy

DISCUSSION:

- Mr Litwin advised the Committee that the Working Party had prepared a draft Policy for the Committee's consideration. The Working Party recommended that the Policy be called an Access and Inclusion Policy which would have flow on implications for the proposed Disability Action Plan. Mr Litwin also outlined Council's policy development and adoption procedures.
- There was some discussion about the content of the draft Policy. The Policy was endorsed in principle subject to any further comments which were to be forwarded to Mr Litwin by the end of October.

MOTION:

RECOMMENDATION TO COMMITTEE:

That:

1. The draft Access and Inclusion Policy be endorsed and referred to Council for determination.
2. The proposed Disability Action Plan be renamed the Access and Inclusion Plan.

RESOLVED on the motion of Jennifer Luke and seconded by Debbie Court

COMMITTEE RECOMMENDATION

That:

1. The draft Access and Inclusion Policy be endorsed and referred to Council for determination.
2. The proposed Disability Action Plan be renamed the Access and Inclusion Plan.

Item 12 – Disability Action Plan (Access and Inclusion Plan) – Proposed Consultation Strategy

DISCUSSION:

- Mr Litwin advised that in preparing the report into a proposed consultation strategy to seek community input into the Access and Inclusion Plan (as per the Committee previous resolution) he thought it would be preferable to seek the view of members of the Committee given their knowledge of effective consultation strategies and stakeholder groups within the disability sector. He recommended that a working party be established to undertake this task.
- Mr Aldrich called for nominations to sit on working party. The Committee appointed Kate Murdoch, Carolyn Lucas and Alan Aldrich to form the working party together with Mr Litwin and Ms Ang.

MOTION:

RECOMMENDATION TO COMMITTEE:

1. A Working Party be established to develop a proposed consultation strategy for further report to the Committee.

RESOLVED on the motion of Ken Ferris and seconded by Robert Bosshard

COMMITTEE RECOMMENDATION

1. That Kate Murdoch, Carolyn Lucas and Alan Aldrich be appointed to a working party to develop a proposed consultation strategy for further report to the Committee.

Item 13 – Proposed priority matrix for conduct of Access Audits

DISCUSSION:

- Mr Litwin drew the Committee's attention the priority matrix outlined in the Business Paper. He indicated that given the potential number of sites which may need to be audited (400+) it may be difficult for the Committee to complete audits in a timely way. Mr. Litwin suggested that the Committee may wish to consider an alternate process for conducting access audits which would involve committee members assisting Council managers to undertake access audits for their areas of responsibility. The aim would be to build the capacity of Council managers to consider access and inclusion issues for the sites for which they are responsible. This would also enable the drafting of the Access and Inclusion Plan to be accelerated as there would not be the requirement for the Committee to have undertaken access audits of all facilities prior to the tabling of the draft Plan. Under this approach the Plan would commit Council to complete 'self assessment' access audits for sites.
- Ms Murdoch stated that a similar process is undertaken in Health where units can undertake a self assessment. Ms Murdoch proposes this tool could also be applied to local business.
- Mr. Litwin proposed that a working party be established to develop a self-assessment access audit tool. It was agreed that the proposed working party to be established in relation to the previous item, be given this task

MOTION:

RECOMMENDATION TO COMMITTEE:

That:

1. A working party be established to work on the draft assessment criteria and access audit tool as outlined in this report.
2. The Committee endorse the proposal to review the scope and content of the proposed Disability Action Plan (Access and Inclusion Plan) and a further report be submitted to the Committee on a possible (draft) template for the Plan.

RESOLVED on the motion of Des Crane and seconded by Carolyn Lucas

COMMITTEE RECOMMENDATION

1. The consultation strategy working party be given the further tasks of developing a self assessment access audit tool for the Committee's consideration.
2. The Committee endorse the proposal to review the scope and content of the proposed Disability Action Plan (Access and Inclusion Plan) and a further report be submitted to the Committee on a possible (draft) template for the Plan.

Item 14 National Disability Insurance Scheme – Notice of Motion

DISCUSSION:

- Mr. Litwin drew the Committees attention to the report in the Business Papers which summarised the outcomes of a Notice of Motion seeking Council support for the proposed National Disability Insurance Scheme.
- Ken Ferris advised that he had addressed Council in relation to the Notice of Motion and noted that the NDIS proposal had been adopted by the Federal Government though the particulars were still to be determined.

MOTION:

RECOMMENDATION TO COMMITTEE:

That:

1. The information is received.

RESOLVED on the motion of Alan Aldrich and seconded by Ken Ferris

COMMITTEE RECOMMENDATION

1. The information be received
2. The Committee forward it's appreciation to Council for its support of the National Disability Insurance Scheme.

Item 15: Update – Partnership Proposal for Development of Community Facility on Council Owned Land

DISCUSSION:

- Mr Litwin advised that a neighbourhood survey had been completed with 76% of respondents agreeing that Council should explore a proposal for a community facility on Pound Paddock. Council will now call for Expressions of Interest (Eoi) from not-for-profit community organisations. Eoi criteria will be developed and the Eoi process would be undertaken in conformance with Council's tendering procedures.

MOTION:

RECOMMENDATION TO COMMITTEE:

That:

1. The information is received.

RESOLVED on the motion of Carolyn Lucas and seconded by Des Cranes

COMMITTEE RECOMMENDATION

1. The information be received

SECTION 3 – GENERAL BUSINESS

- Mr Crane discussed need for pick up and drop off zone outside Hawkesbury Penrith Respite Service (HPRS). Options for progressing the request were discussed.
- Mr. Crane advised that the old wheelchair hoist that was at Hawkesbury Oasis is now in operation at HPRS and a plaque is being engraved with due recognition for those who originally donated the hoist.
- Mr Aldrich discussed Face Book page to publicise Council's access improvements and would like to source 'before' photos of sites where work has been undertaken
- Ms Ang was requested to source costs and availability of 'Burn Rubber Burn' and report back to next committee meeting
- Mr. Litwin advised that Council has refurbished its customer service counter to provide for improved disability access.
- Ms Ang advised that a letter has been sent to RailCorp requesting tactile indicators be installed in conjunction with upcoming platform upgrades at Richmond Station.
- Ms. Court advised that the YMCA is in process of applying for grant under the Community Building Partnerships grant and asks if Committee would endorse grant application.

MOTION:

RESOLVED on the motion of Ms Luke and seconded by Ms Murdoch

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

1. That a letter of support from the Committee be prepared to support YMCA funding application.

NEXT MEETING – to be held at 4:00pm on Thursday, 24 November at the Meeting Room Peppercorn Place, 320 George Street. WINDSOR.

Meeting closed at 5:40pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Waste Management Advisory Committee - 9 November 2011 - (95249)

Minutes of the Meeting of the Waste Management Advisory Committee held in Council Committee Rooms, Windsor, on Wednesday, 9 November 2011, commencing at 4.20pm.

ATTENDANCE

Present:	Councillor Bob Porter	Chair
	Councillor Christine Paine	Deputy Chair
	Councillor Jill Reardon	Hawkesbury City Council
	Mr William Sneddon	Community Member
Apologies:	Councillor Leigh Williams	Hawkesbury City Council
	Mr Peter Jackson	Hawkesbury City Council
	Ass Prof. Basant Maheshwari	University of Western Sydney
	Mr Geoff Bessell	Community Member
In Attendance:	Mr Matthew Owens	Hawkesbury City Council
	Mr Chris Daley	Hawkesbury City Council
	Mr Ramiz Younan	Hawkesbury City Council
	Ms Dianne Tierney	Hawkesbury City Council
	Mr Matthew Collins	Hawkesbury City Council
	Ms Amanda Monaco	Hawkesbury City Council
	Ms Jo Wilbow - Minute taker	Hawkesbury City Council

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Paine that the apologies be accepted.

BUSINESS ARISING FROM PREVIOUS MINUTES

- Nil Business Arising.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Porter that the Minutes of the Waste Management Advisory Committee held on 7 September 2011, be confirmed.

SECTION 3 - Reports for Determination

Item: 1 Election of Chairperson and Deputy Chairperson

DISCUSSION:

Mr Owens conducted the election of Chairperson and Deputy Chairperson.

ORDINARY MEETING
Reports of Committees

Nominations were called for the election of Chairperson and one nomination was received for Councillor Porter, by Councillor Paine and seconded by Councillor Reardon. Councillor Porter was subsequently appointed as Chair.

Nominations were called for the election of Deputy Chairperson and one nomination was received for Councillor Paine, by Councillor Porter and seconded by Councillor Reardon. Councillor Paine was subsequently appointed as Deputy Chair.

Councillor Porter assumed the Chair, and thanked the Committee for its efforts to date. Councillor Porter also took the opportunity to welcome Council's Waste Education Officer, Ms Amanda Monaco, to the Committee.

RECOMMENDATION TO COMMITTEE:

That an election for the position of Chairperson and Deputy Chairperson of the Waste Management Advisory Committee for the 2011/2012 term of the Committee be carried out.

COMMITTEE RECOMMENDATION:

That:

1. Councillor Porter assume the position of Chairperson for the Waste Management Advisory Committee.
2. Councillor Paine assume the position of Deputy Chairperson for the Waste Management Advisory Committee.

SECTION 4 - Reports for Information

Item: 2 Progress Report – Waste Education Officer - Education

DISCUSSION:

- Ms Monaco gave an outline of the report to the committee, highlighting certain points of interest and providing feedback on events where necessary.
- A copy of the newly developed recycling education flyers were distributed to Committee Members for information. Mr Sneddon suggested that Battery World be included for the disposal of Batteries, within the 'A-Z' Reuse and Recycle Guide.
- Ms Monaco advised that 'Corporate Recycling' will be the focus for the impending 3 months.

RECOMMENDATION:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Paine seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 3 Progress Report – Various Matters

DISCUSSION:

Tarpomatic & Landfill Compactor Tender

- Mr Collins gave a brief overview of the Tarpomatic, advising that it was delivered on 26 October 2011. Mr Collins explained that there had been miscommunication with the supplier of the Tarpomatic, resulting in the current equipment at the Waste Facility being unable to carry the Tarpomatic. A substitute machine is currently being delivered from Queensland and is expected to arrive 11 November 2011. It was agreed that an email would be sent to Councillors following the arrival of the equipment.
- Discussion was had in relation to the tender for the compactor, specifically in relation to rates of hire, equipment tonnages etc. The Committee was advised that the tender report is expected to be forwarded to next Ordinary meeting.
- It was requested that communications channels remain open in relation to the arrival of equipment and operation of the tarpomatic, to enable transparent communication and appropriate media opportunities.

Waste Management Options Feasibility Study

- It was advised that the Waste Management Options Feasibility Study would be reported to the Committee prior to the being reported to Council.

Status of Leased Area

- Mr Daley requested an amendment to the last line in the report, to read:
“Agreement has been granted and LPI will be requested to provide the advice.”

RECOMMENDATION:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Paine seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

- Following discussion in relation to the plan for a drop off facility at the Waste Management Facility, Councillor Paine put forward a motion to allow consideration of options to construct such facility.

RECOMMENDATION:

That a report be bought back to the Committee to enable consideration of options for progressing a basic drop off centre, preferably located prior to the weighbridge.

MOTION:

RESOLVED on the motion of Councillor Porter seconded by Councillor Paine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That a report be bought back to the Committee to enable consideration of options for progressing a basic drop off centre, preferably located prior to the weighbridge.

The Meeting closed at 5.15pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee - 16 November 2011 - (80241)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Wednesday, 16 November 2011, commencing at 3.00pm.

ATTENDANCE

Present:	Councillor Kim Ford (Chairman) Mr Michael Kayello, Roads and Maritime Services Snr Constable B Phillips, NSW Police Force Ms Phillipa Millar, Westbus
Apologies:	Mr Bart Bassett, MP, (Londonderry)
In Attendance:	Mr C Amit, Manager, Design & Mapping Services Ms D Oakes, Community Safety Officer Ms B James, Administrative Officer, Infrastructure Services

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

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Snr Constable B Phillips, NSW Police Service seconded by Mr Michael Kayello, Roads and Traffic Authority. That the minutes from the previous meeting held 19 October 2011 be confirmed.

Item 1.2 Business Arising

Item 1.2.1 Item 1.2.1 - Proposed Changes to Bus Route 663 - Pitt town - Hawkesbury Valley Bus Service (Hawkesbury) - (80245, 79305)

Previous Item: Item 2.1 – 19 October 2011

REPORT:

Mr C Amit tabled correspondence (*ECM Doc #: 3703356*) from the Hawkesbury Valley Bus Service outlining the public consultation undertaken regarding the company's proposal to alter bus route 663 and a number of school journeys to service the new development in Pitt Town, east of Bathurst Street, between Bootles Lane and Johnston Street.

ORDINARY MEETING
Reports of Committees

Following on from the LTC meeting on 19 October 2011, Council resolved:

“That

- 1. Hawkesbury Valley Bus Service undertake consultation with residents along the sections of Johnston Street, Bootles Lane and Bona Visa Drive affected by the proposed changes to Bus Route 663.*
- 2. the adjustment to Bus Route 663 be supported along Bottles Lane and Bona Vista Drive, Pitt Town subject to there being no objections from the residents along the sections of Johnston Street, Bootles Lane and Bona Visa Drive affected by the proposed changes to Bus Route 663.”*

As part of the public consultation process, Hawkesbury Valley Buses distributed leaflets to the residents in the subject area and requested feedback on the proposal by Monday 31st October 2011.

Hawkesbury Valley Buses received three responses as a result of advertising the changes. Two in support, not including the initial request (from the Pitt Town Progress Association) and one objection. The one objection did not initially provide a reason, however upon further consultation, it was noted that the resident preferred not to have a bus route operating along their street. The resident's concerns were lessened when it was explained that outside school times there will only be five (5) buses per day travelling the new route on weekends and three (3) buses on Saturdays.

Hawkesbury Valley Buses believes that is in the public's best interest to process and introduce the proposed changes to route 663 and school services. Furthermore, Hawkesbury Valley buses have received approval from the NSW Department of Transport to introduce the changes to the Route commencing on Monday, 28 November 2011.

Based on the information provided by Hawkesbury Valley Buses, the Committee acknowledged that the public consultation requirements to implement changes to bus route 663 have been met by the bus company.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms P Millar, seconded by Mr M Kayello.

That the information be received

APPENDICES:

There are no supporting documents for this report.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 16 November 2011 - Item 2.1 - Hawkesbury Show 2012- Hawkesbury Showground, Clarendon - (Londonderry) - (80245, 74207, 73621)

REPORT:

Introduction

An application has been received from the Hawkesbury District Agricultural Association seeking approval (in traffic management terms) to conduct the Hawkesbury Show on 27, 28 and 29 April 2012 within the Hawkesbury Showground, Clarendon.

The event organiser has advised:

- The Hawkesbury Show is a major community event, featuring agricultural displays, rides, show bags, sideshows, business promotions and arts and craft shows that have been held at the showground for 125 years.
- The times for operation are proposed from 9.00am to 11.30pm for both Friday, 27 and Saturday, 28 April, and 9.00am to 5.00pm for Sunday, 29 April 2012.
- The showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.
- The event is expected to attract approximately 60,000 visitors over the three days it will operate.
- It is estimated approximately 26% of the total number of visitors will attend the show on Friday, 42% will attend the show on Saturday and 32% will attend the show on Sunday.
- It is anticipated that most visitors (an estimated 85%) will travel by car. They will park within the Hawkesbury Showground car parking area, the adjacent Hawkesbury Racecourse car parking area, or in the road reserve areas of Hawkesbury Valley Way (formerly Richmond Road) and Racecourse Road and walk to one of the pedestrian entry gates.
- Patrons travelling by train will use the Gate 1 access – which is located at the northern point of the Showground.
- The majority of the visitors will park within the Hawkesbury Showground in the dedicated “Hawkesbury Showground Car Park” adjacent to the western boundary of the showground; access through Gate 5.
- It is expected that approximately 20,000 vehicles will travel to this area during the three days of the Show.
- Parking is available for more than 20,000 vehicles each day.
- It is expected that there will be some impact on traffic during the opening hours and for 1 to 2 hours before and after closing times. The impact generally will be in the form of minor traffic delays in the vicinity of the site, as vehicles enter and leave the event, and negotiate the intersections with adjoining roads, with moderate delays expected during peak traffic times.
- Traffic from the internal car park of the Showground will be directed onto Blacktown Road.

- Traffic departing the Hawkesbury Racecourse car park during peak periods will be directed right onto Racecourse Road to Hawkesbury Valley Way.
- Windsor Police will be available to assist in directing traffic when and where necessary during the event.
- Application has been made with the Roads and Traffic Authority for the following speed limit reductions to improve safety around the event precinct;
 - Hawkesbury Valley Way, speed reduction from 70Kph to 40Kph: between Percival Street and Hobart Street.
 - Racecourse Road, speed reduction from 60Kph to 40Kph: between Hawkesbury Valley Way and Rickaby Street.
 - Blacktown Road, speed reduction from 80Kph to 60Kph: between Bourke Street and Racecourse Road.

Discussion

Racecourse Road intersects with Hawkesbury Valley Way near the northern boundary of the showground site, and intersects with Blacktown Road approximately 3.5 kilometres to the south. Racecourse Road is a minor rural road of approximately 3.5 kilometres in length with the full length being sealed. The event organiser has indicated that a high proportion of traffic is expected from the Hawkesbury Valley Way intersection. Both Hawkesbury Valley Way and Blacktown Road are main arterial roads.

Considerable pedestrian movements are expected along Racecourse Road. It is likely that visitors to the Show may park in the road reserve areas of Racecourse Road and Hawkesbury Valley Way as well as the parking areas within the Showground, Clarendon Paddocks and the Racecourse.

Traffic congestion is likely to be concentrated in Hawkesbury Valley Way, from where the majority of vehicles will queue to enter Racecourse Road, and in Racecourse Road, as vehicles queue to enter parking areas. To improve traffic and pedestrian safety around the event precinct, the event organiser has applied to the RTA for the following speed limit reductions:

- Hawkesbury Valley Way, speed reduction from 70Kph to 40Kph: between Percival Street and Hobart Street.
- Racecourse Road, speed reduction from 60Kph to 40Kph: between Hawkesbury Valley Way and Rickaby Street

It is likely that some vehicles, to avoid the congestion at Hawkesbury Valley Way, will travel towards the showground along Racecourse Road from the Blacktown Road intersection.

Delays are likely to occur when vehicles are leaving the site during peak times, as vehicles queue to enter Hawkesbury Valley Way from Racecourse Road. The majority of traffic will be directed from the main internal dedicated parking area within the showground, exiting onto Blacktown Road through the University of Western Sydney, Hawkesbury Campus property. To enable the exit into Blacktown Road to work effectively, an application has been made to the Roads and Traffic Authority (RTA) by the event organiser for the speed limit in Blacktown Road to be reduced from 80Kph to 60Kph between Bourke Street and Racecourse Road during the event.

It would be appropriate to classify the event as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the RTA as the event may impact on major traffic and transport systems and there may be significant disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document No. 3870764);

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,

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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 – referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP). The TCP's provided with the application need to be reviewed in relation to the order of signage as well as the position/distances for placement of signage, to comply with the latest standard.
5. Copy of Insurances which are valid to 31 January 2012,
6. Copy of the Speed Zone Applications and Road Occupancy Licence Applications submitted to the RTA.

The TMP and the associated TCP should be submitted to the RTA for authorisation due to the proposed temporary speed restriction applications, and as the event may impact traffic on Hawkesbury Valley Way and Blacktown Road.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable B Phillips, seconded by Mr M Kayello.

That:

1. The Hawkesbury Show 2012 planned for 27, 28 and 29 April 2012, within the Hawkesbury Showground, Clarendon, be classified as a "**Class 1**" 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 obtain approval to conduct the event, from the NSW Police Service; **a copy of the Police Service approval to be submitted to Council;**
- 5c. the application including the **TMP and the associated TCP is to be submitted to the RTA** for authorisation as this is a "**Class 1**" event and due to the traffic impact on Hawkesbury

Valley Way and Blacktown Road as well as the proposed temporary speed restrictions required for the following roads;

- Hawkesbury Valley Way, speed reduction from 70Kph to 40Kph: between Percival Street and Hobart Street,
- Racecourse Road, speed reduction from 60Kph to 40Kph: between Hawkesbury Valley Way and Rickaby Street,
- Blacktown Road, speed reduction from 80Kph to 60Kph: between Bourke Street and Racecourse Road,

a copy of the RTA approval to be submitted to Council;

- 5d. the event organiser **is to submit a Traffic Control Plan (TCP) to Council and the RTA** for acknowledgement. The TCP's provided with the application need to be reviewed in relation to the order of signage as well as the position/distances for placement of signage, to comply with the latest standard. 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 **\$20,000,000 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 obtain approval from respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 5g. the event organiser is to advertise the event in the local press stating the entire extent of the event - including the proposed traffic control measures - 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);
- 5h. 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;**
- 5i. 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 - including the proposed traffic control measures - for at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**
- 5j. the event organiser is to directly notify all the residences and businesses which may be affected by the event - including the proposed traffic control measures- 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;**
- 5k. 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:

- 5l. access is to be maintained for businesses, residents and their visitors;
- 5m. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 5n. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the RTA;

- 5o. in accordance with the submitted TMP and associated TCP, appropriate advisory signs, including temporary speed restriction signs (subject to RTA requirements), shall be placed at the event organiser's expense after all the required approvals are obtained from the relevant authorities, and traffic control devices are to be placed during the event, under the direction of a traffic controller holding appropriate certification as required by the RTA; and,
- 5p. 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.

APPENDICES:

AT - 1 Special Event Application - (ECM Document No. 3870764) - *see attached*

Item 2.2 **LTC - 16 November 2011 - Item 2.2 - Proposed Pedestrian Crossing Points - East Richmond Railway Station; Bourke Street, Richmond (Londonderry) - (80245, 90967)**

REPORT:

Introduction:

Representations have been received from RailCorp in relation to upgrading the road and pedestrian level crossings at both Bourke Street and Moray Street, Richmond to improve safety. The level crossings are along the Western Line between East Richmond and Richmond Railway Stations.

Discussion:

RailCorp has prepared a concept design report which includes concept designs for the proposed upgrade of the two existing level crossings at Bourke Street (road and pedestrian) and Moray Street (pedestrian). The aim of the project was to investigate all current site conditions and constraints, address all current site issues and incorporate comments on required upgrade works in consultation with various authorities such as the RTA and Council.

RailCorp has undertaken consultation with residents in both Bourke Street (including Richmond Golf Club) and Moray Street.

Bourke Street:

The Bourke Street Level Crossing is located on the Western Line adjacent to East Richmond Railway Station. Pedestrian movements are actively controlled by a maze crossing with red lights and audible warning sirens on the Sydney side of the level crossing, adjacent to the platform access to the Station.

Infrastructure Improvement Works to the station building, pedestrian accesses and disabled parking facilities were completed in late 2010 at the Station site. As part of this project, the existing disabled parking has been relocated from the William Street commuter car park to the south eastern side of the rail line on RailCorp land between the Station and Richmond Golf Club.

Existing site issues identified include:

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- Existing pedestrian facilities do not provide for pedestrian movements resulting in dangerous movements diagonally across the road level crossing.
- No physical restrictions to pedestrian movements at the existing level crossing.
- Inadequate provision for pedestrians between the William Street commuter car park and the Station.

Proposed upgrade works to improve safety and accessibility for all users of the road and pedestrian level crossing:

- Upgrade the existing pedestrian level crossing on the Sydney side from an active maze crossing to a 3.0 metre wide active gate protection crossing.
- Provide a new 2.0 metre wide active gate protection crossing on the Country side.
- Provide pedestrian crossing points on the northern and southern side of the rail line.
- The provision of the pedestrian crossing points will require the adjustment to existing parking restrictions as follows:
 - Northern side pedestrian crossing point: extend the No Stopping zone on the eastern side of Bourke Street by 13 metres in a Northerly direction. Loss of 2 parking spaces.
 - Southern side pedestrian crossing point: relocate exiting No Parking/No Stopping sign on the western side of Bourke Street by 15 metres in a southerly direction; affectively increasing the No Stopping zone and reducing the No Parking zone by this distance respectively. No Loss of Parking.
- Provide pedestrian fencing to direct movements around the level crossing.
- Extend existing kerb and gutter on the level crossing approaches to clearly define the road level crossing and provide protection to the existing boom gates.
- Kerb extension and adjustment on the north eastern side of road level crossing to address existing kerb side ponding.
- Upgrade all rail signage and line marking on the level crossing approaches to meet current RailCorp standards including removal of all redundant signs and lines.
- Provision of No Right turn restrictions for vehicles exiting Richmond Golf Club is to be within the Club premises with the recommendation that Club patrons follow signage while exiting the Golf Club car park. The No Right turn signage at the Golf Club car park exit is not enforceable.
- Convert 2 obsolete disabled parking spaces in the William Street commuter car park to 2 standard parking spaces, to compensate for spaces removed in Bourke Street. These 2 disabled parking spaces have been accommodated by 3 spaces in the RailCorp land between the Station and Richmond Golf Club, next to the platform ramps.
- Detailed lighting assessment is to be carried out during the detailed design phase.
- Maintain the existing CCTV camera at the Station.

Positioning of the pedestrian crossing points:

- The provision of pedestrian crossing points immediately adjacent to the rail corridor between the descended boom and the stop line on each approach to best match desire lines was not supported due to the risk that pedestrians may cross diagonally through the level crossing due to the close proximity of the pedestrian crossing points to the boom gates.
- Provision of the kerb ramps on both sides of the carriageway on the northern and southern side of the rail line stop line was considered a better alternative. As the crossing points are not located directly on pedestrian desire lines due to site restrictions such as adjacent accesses and vehicle turning paths, pedestrian fencing is proposed in addition to the pedestrian crossing points to direct pedestrians and discourage dangerous movements around the level crossing.
- The provision of central median islands was not possible due to site restrictions such as existing road width and adjacent accesses.
- Vehicle turning paths were tested for the Golf Club and private accesses using AutoTurn. A painted kerb blister is required adjacent to the Golf Club car park exit as the concrete kerb blister would impede vehicle manoeuvres (approach side). The departure kerb blister was deleted due to the position of the existing bus zone.

Public Consultation:

- Public consultation was undertaken with all properties in the vicinity of the pedestrian crossing points.
- The consultation was undertaken to introduce the proposed location of the pedestrian crossing points as well as to highlight the proposed loss of street parking at the northern pedestrian crossing point and discuss any issues relating to manoeuvring adjacent to the structures.
- Results of the consultation indicated that there was support for the project with an understanding of the benefits associated with providing the pedestrian crossing points for pedestrian safety.

Summary for Bourke Street – Northern side - Pedestrian Crossing Point:

- Proposed installation of a pedestrian crossing point on the northern side of the level crossing, consisting of concrete blisters and kerb ramps on both sides of the carriageway.
- Extend the No Stopping zone on the eastern side by 13 metres in a Northerly direction resulting in the loss of 2 parking spaces.
- Adjustment to the No Stopping zone on the western side is not required.
- The extension of the No Stopping zone is required to satisfy the current standards for the approach sight distance in accordance with AS1742 and RTA Technical direction TDT 2011/01a.
- The loss of 2 parking spaces on the eastern side is offset by the conversion of 2 obsolete disabled parking spaces in the William Street commuter car park to 2 standard parking spaces. The 2 disabled parking spaces have been accommodated by 3 spaces in the RailCorp land between the Station and Richmond Golf Club, next to the platform ramps.

Summary for Bourke Street – Southern side - Pedestrian Crossing Point:

- Proposed installation of a pedestrian crossing point on the southern side of the level crossing, consisting of kerb ramps on both sides of the carriageway with a painted kerb blister on the eastern side and concrete kerb blisters on the western side.
- Adjust the existing No Parking/No Stopping sign on the western side of Bourke Street by 15 metres in a southerly direction; affectively increasing the No Stopping zone and reducing the No Parking zone by this distance respectively. No Loss of Parking.
- Adjustment to the No Stopping and Bus zone on the eastern side is not required.
- The adjustment of the No Parking/No Stopping zone is required to satisfy the current standards for the approach sight distance in accordance with AS1742 and RTA Technical direction TDT 2011/01a.

Moray Street:

The Moray Street pedestrian level crossing is located on the Western Line and to the west (Country side) of the Bourke Street Level Crossing. The existing pedestrian level crossing is an actively controlled maze crossing with red lights and audible warning signs.

On the northern side of the rail line, there is kerb and gutter and concrete footpaths on both sides of the carriageway. On the southern side of the rail line, there is no kerb and gutter or footpaths in the vicinity of the pedestrian level crossing.

Existing site issues identified include:

- No physical restrictions at the existing pedestrian level crossing when activated.
- Pedestrians access the pedestrian level crossing from the centre of the road carriageway from both the north and south side.

Proposed upgrade works to improve safety and accessibility for all users of the pedestrian level crossing:

- Upgrade the existing pedestrian level crossing to a 3.0 metre wide active gate protection crossing.

- Provide footpath connections between existing concrete footpaths and the pedestrian level crossing, pedestrian fencing and adjustments to drainage pits on the north side.
- Provide pedestrian fencing and a footpath on the southern side at the pedestrian level crossing.
- Detailed lighting assessment to be carried out during the detailed design phase.
- Provide a CCTV camera to monitor the pedestrian level crossing.

Positioning of the pedestrian level crossing:

- There were concerns in relation to the existing position of the pedestrian level crossing being located in the centre of the road reserve.
- Relocating the pedestrian level crossing adjacent to the road reserve boundary to address pedestrian safety issues was investigated. This was not supported due to the location of existing infrastructure.
- The existing position of the pedestrian level crossing was supported on the basis of providing a safe link with footpaths and safety fencing with the proviso that there is also an element of high visibility from Windsor Street and March Street.

Public Consultation:

- Public consultation was undertaken with all properties in the vicinity of the pedestrian level crossing
- The consultation was undertaken to introduce the proposed works which includes adjustments to drainage pits on the northern side.
- Results of the consultation indicated that there was support for the project with an understanding of the benefits associated with providing the upgrades to the pedestrian level crossing for pedestrian safety.

Summary for Moray Street; Pedestrian Level Crossing:

- Upgrade the existing pedestrian level crossing from an actively controlled maze crossing with red lights and audible warning sirens to a 3.0 metres wide active gate protection crossing.
- North side: Provide footpath connections and pedestrian fencing between existing concrete footpaths and the pedestrian level crossing. The works to also include the adjustment of existing drainage pits.
- South side: provide pedestrian fencing and concrete footpath to clearly define the end of the road carriageway and safely direct pedestrians to the western side of the road carriageway. The proposed works allow access to the existing rail corridor whilst maintaining future kerb line layout options.
- Provide a CCTV camera to monitor the pedestrian level crossing.

Summary:

The proposed pedestrian facilities identified in the RailCorp Concept Design Report Ref. 10023 for the East Richmond Level Crossing Upgrade Project which includes the proposed upgrade of the Bourke Street pedestrian and road level crossing and the Moray Street pedestrian level crossing be supported subject to RailCorp undertaking a road safety audit and detailed lighting assessment as part of the detailed design phase and submitting the final construction plans to Council for approval, with RailCorp bearing all costs associated with implementing the works.

The following changes to the parking restrictions for Bourke Street, as listed below, are supported:

1. The No Stopping zone be extended by 13 metres in a northerly direction, on the eastern side of Bourke Street, north of the level crossing, resulting in the loss of 2 parking spaces to facilitate the pedestrian crossing point consisting of concrete blisters and kerb ramps on both sides of the carriageway. The existing No Stopping zone on the western side of the pedestrian crossing point is to remain unchanged.

2. Adjust the exiting No Parking/No Stopping sign by 15 metres in a southerly direction on the western side of Bourke Street, south of the level crossing; affectively increasing the No Stopping zone and reducing the No Parking zone by this distance respectively, with no loss of parking spaces, to facilitate the pedestrian crossing point consisting of kerb ramps on both sides of the carriageway with a painted kerb blister on the eastern side and concrete kerb blisters on the western side. The existing No Stopping and Bus zone on the eastern side of the pedestrian crossing point is to remain unchanged.

Refer to Attachment 1 and 2: "East Richmond Level Crossing Upgrade Project – Concept Design Report Ref. 10023 – Issued 11 July 2011".

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms P Millar, seconded by Mr M Kayello.

That

1. the proposed pedestrian facilities identified in the RailCorp Concept Design Report Ref. 10023 for the East Richmond Level Crossing Upgrade Project which includes the proposed upgrade of the Bourke Street pedestrian and road level crossing and the Moray Street pedestrian level crossing be supported subject to RailCorp undertaking a road safety audit and detailed lighting assessment as part of the detailed design phase and submitting the final construction plans to Council for approval, with RailCorp bearing all costs associated with implementing the works
2. the following changes to parking restrictions for Bourke Street, as listed below, are supported:
 - i. The No Stopping zone be extended by 13 metres in a northerly direction, on the eastern side of Bourke Street, north of the level crossing, resulting in the loss of 2 parking spaces to facilitate the pedestrian crossing point consisting of concrete blisters and kerb ramps on both sides of the carriageway. The existing No Stopping zone on the western side of the pedestrian crossing point is to remain unchanged.
 - ii. Adjust the exiting No Parking/No Stopping sign by 15 metres in a southerly direction on the western side of Bourke Street, south of the level crossing; affectively increasing the No Stopping zone and reducing the No Parking zone by this distance respectively, with no loss of parking spaces, to facilitate the pedestrian crossing point consisting of kerb ramps on both sides of the carriageway with a painted kerb blister on the eastern side and concrete kerb blisters on the western side. The existing No Stopping and Bus zone on the eastern side of the pedestrian crossing point is to remain unchanged

APPENDICES:

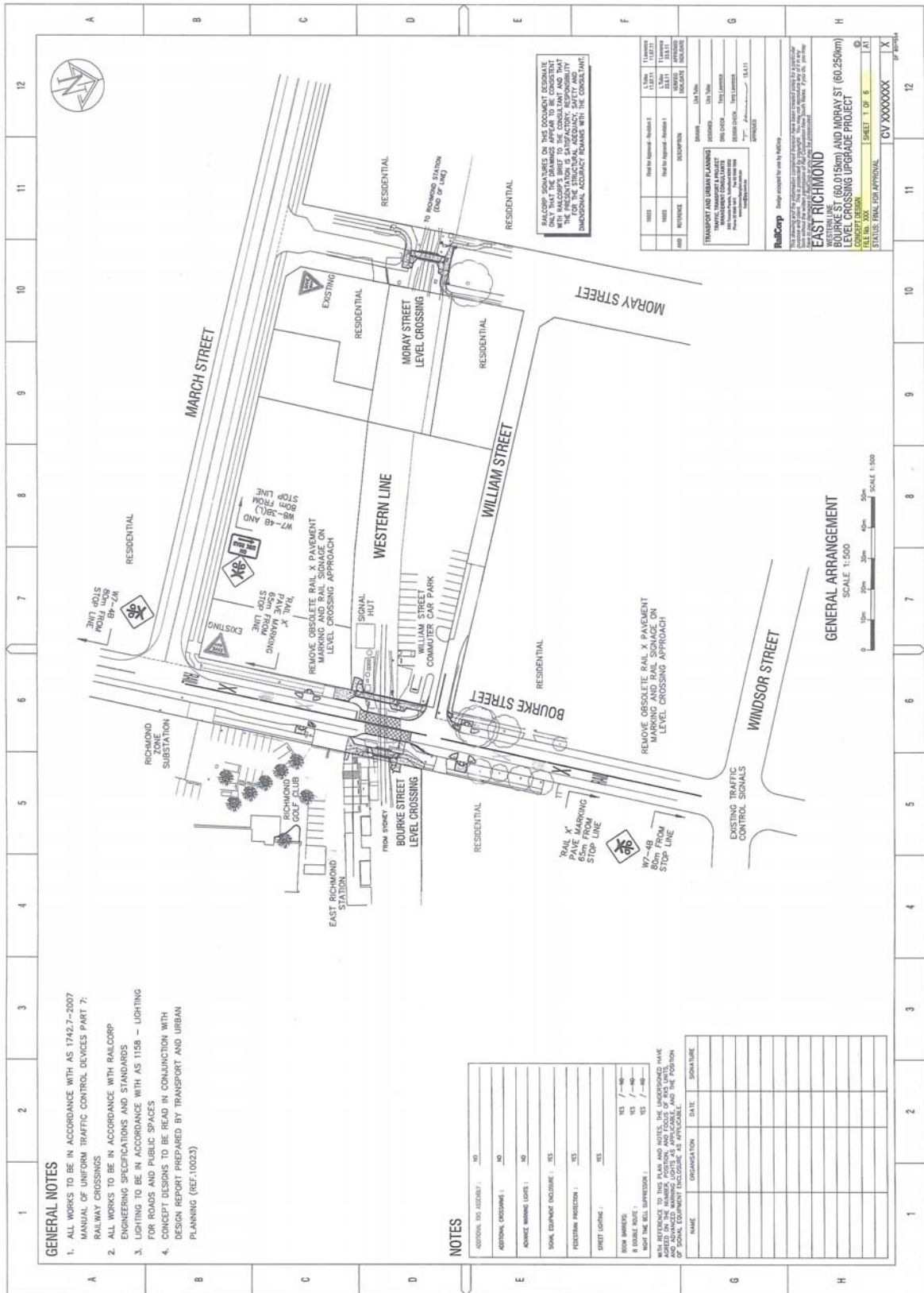
AT - 1 East Richmond Level Crossing Upgrade Project – Concept Design (6 sheets).

AT - 2 East Richmond Level Crossing Upgrade Project – Concept Design Report Ref. 10023 – Issued 11 July 2011. – ECM Document No. 3899751

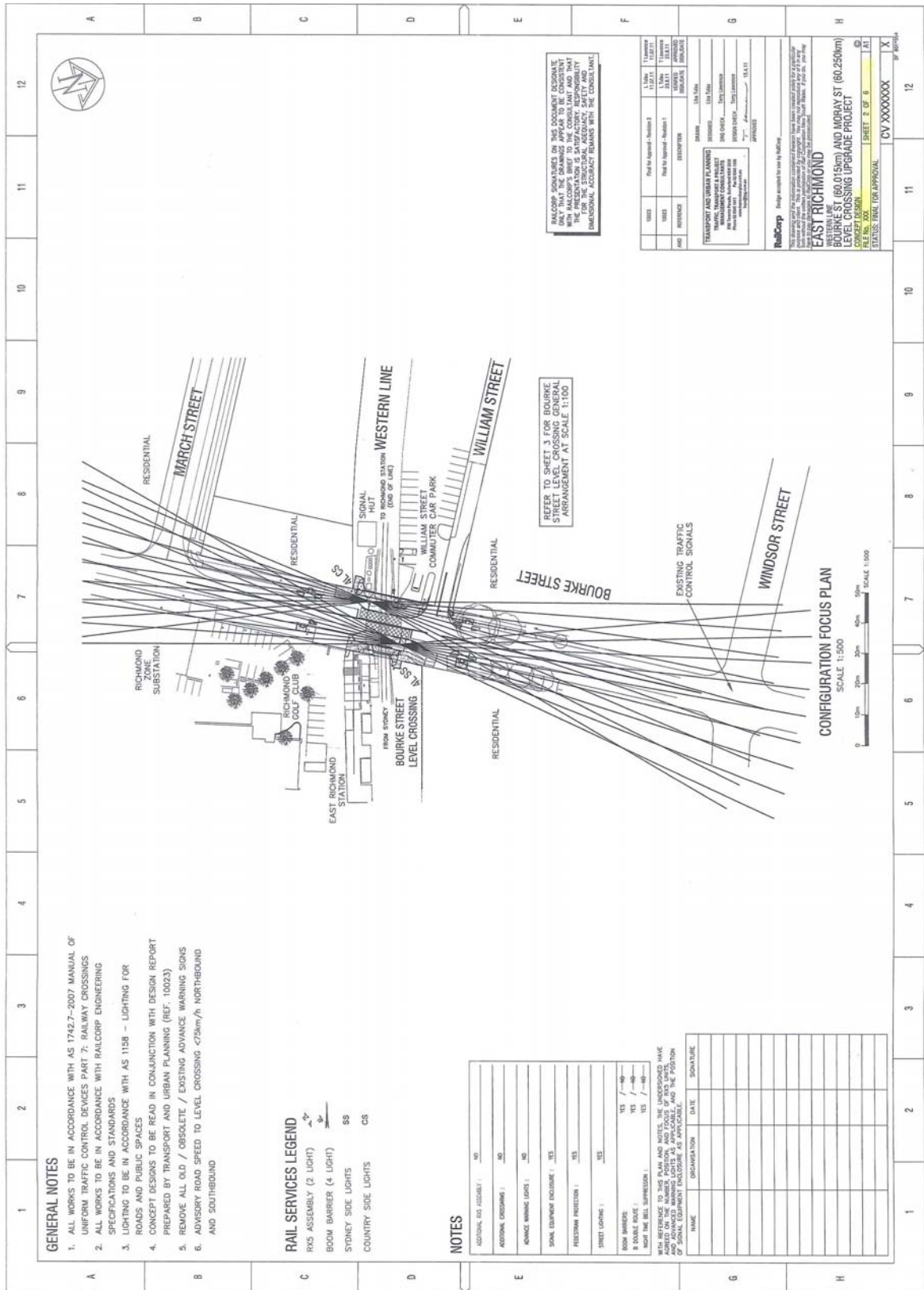
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AT - 1 East Richmond Level Crossing Upgrade Project – Concept Design Sheet 1 of 6:

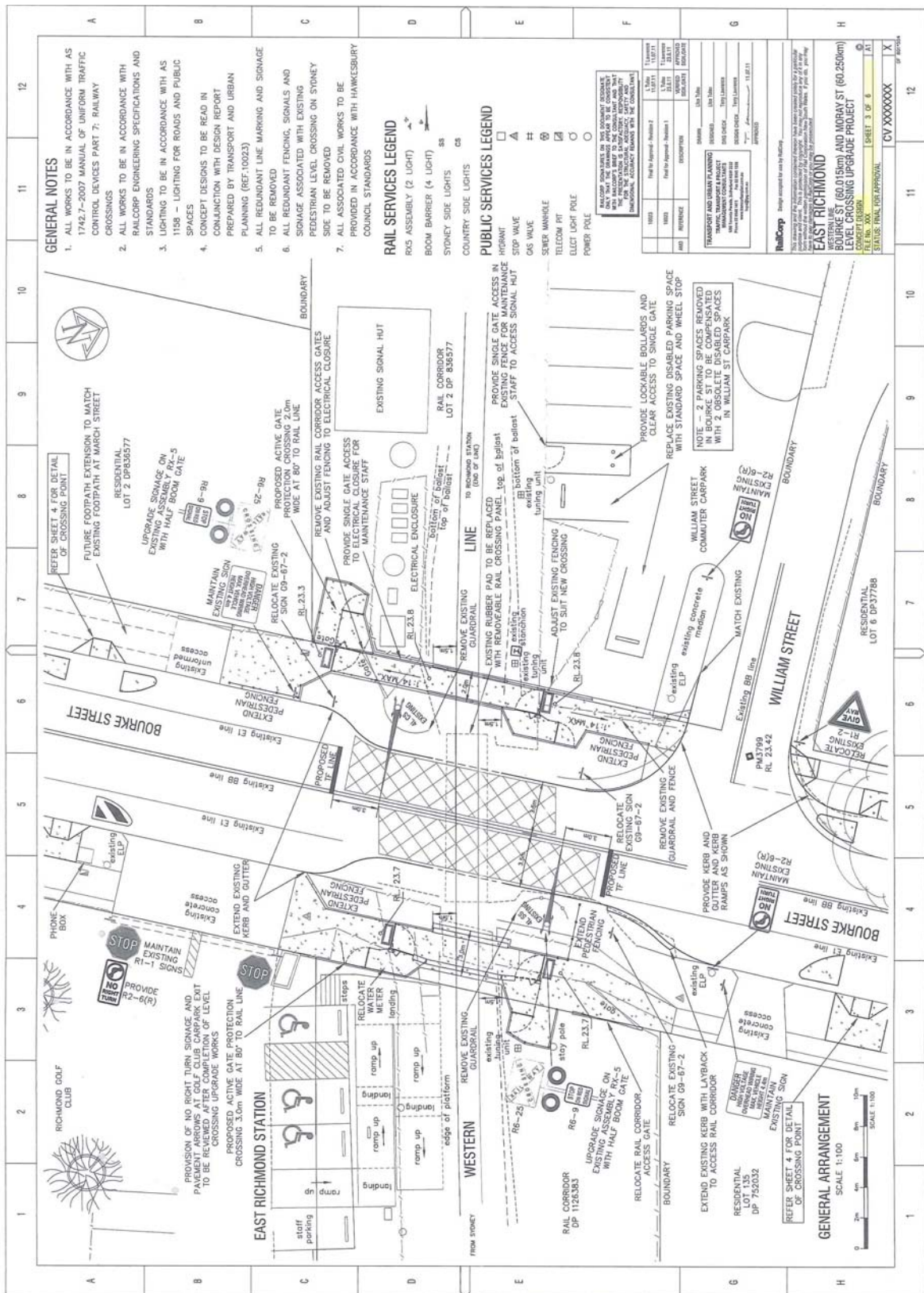


AT - 1 East Richmond Level Crossing Upgrade Project – Concept Design Sheet 2 of 6:



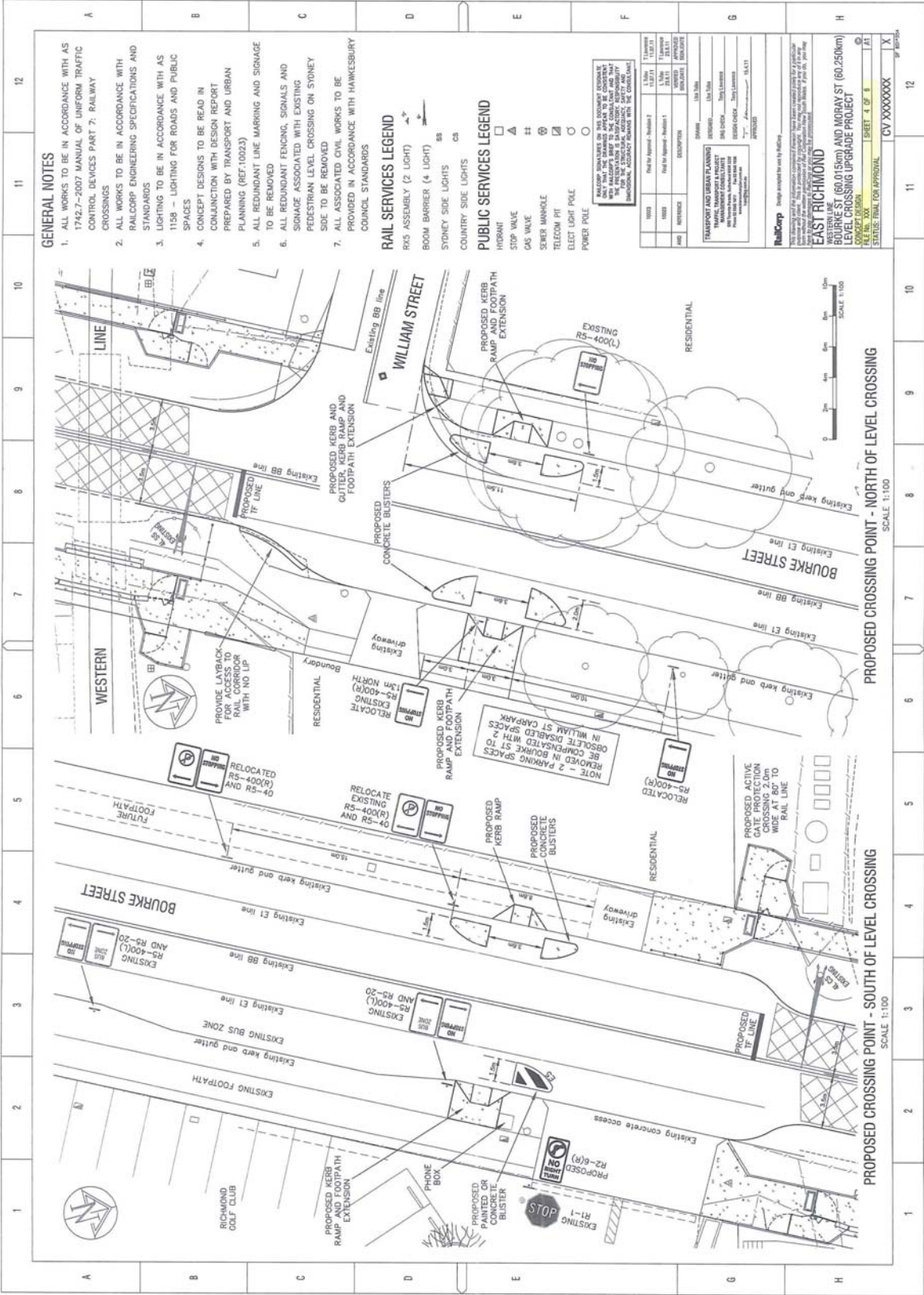
Reports of Committees

AT - 1 East Richmond Level Crossing Upgrade Project – Concept Design Sheet 3 of 6:

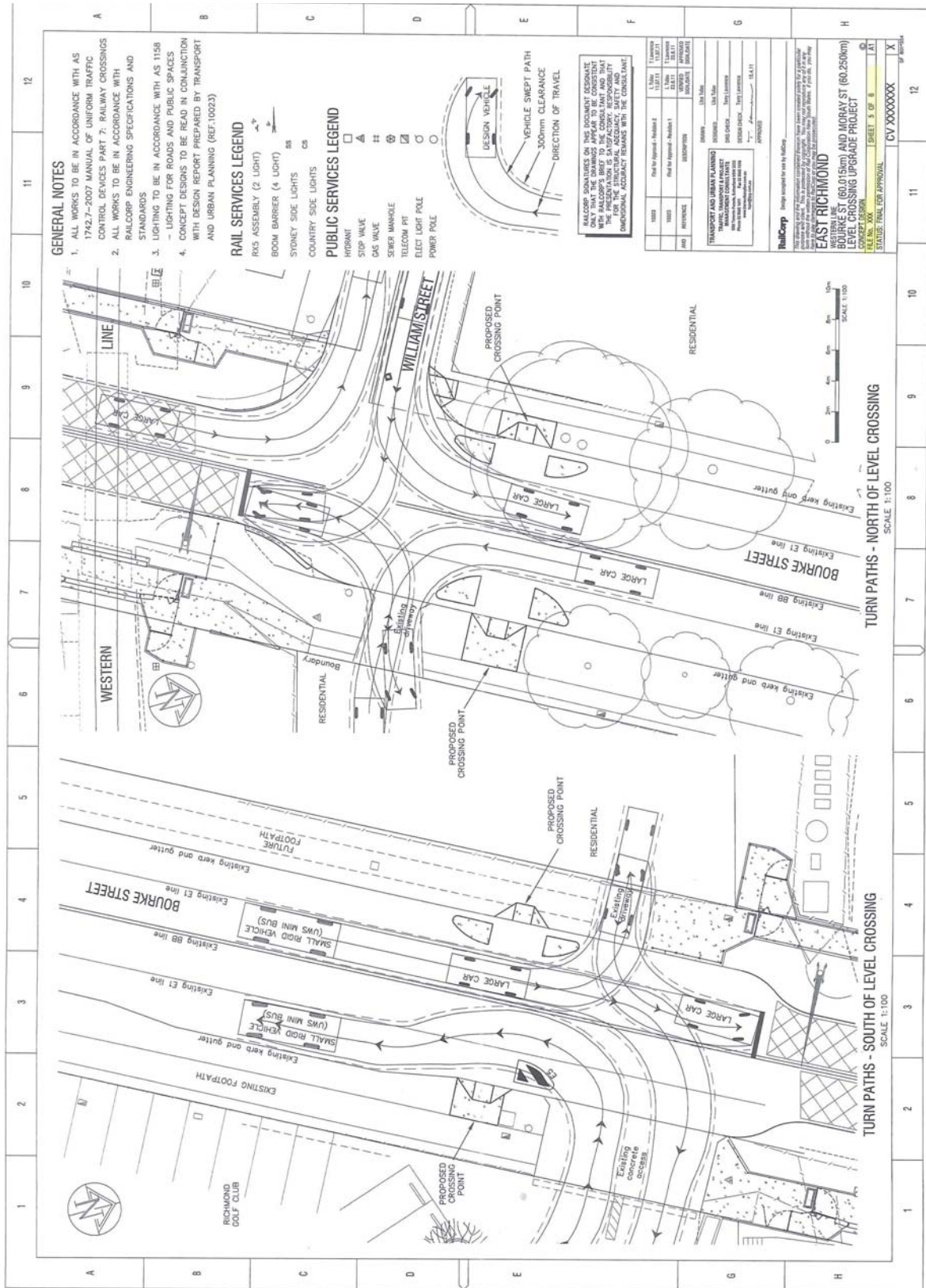


<p align="center">ORDINARY MEETING</p> <p align="center">Reports of Committees</p>

AT - 1 East Richmond Level Crossing Upgrade Project – Concept Design Sheet 4 of 6:



AT - 1 East Richmond Level Crossing Upgrade Project – Concept Design Sheet 5 of 6:



SECTION 3 - Reports for Information

**Item 3.1 LTC - 16 November 2011 - Item 3.1 - Local Traffic Committee 2012 Calendar -
(Hawkesbury, Londonderry, Riverstone) - (80245)**

REPORT:

The current format for the Local Traffic Committee (LTC) meetings is to meet on the 3rd Wednesday of the month, commencing at 3.00pm in the Large Committee Room, Council Offices at 366 George Street, Windsor.

Due to various commitments of the committee members, it is requested that consideration be given to changing the meeting day from the 3rd Wednesday of the month to the 2nd Monday of the month. The recommendation at this stage is that the frequency of meetings remain, subject to discussion at the meeting.

Proposed is a list of dates for 2012 in the current Wednesday format (3rd Wednesday of the month) and the proposed Monday format (2nd Monday of the month) as outlined below;

Wednesday

18 January 2012
15 February 2012
21 March 2012
18 April 2012
16 May 2012
20 June 2012
18 July 2012
15 August 2012
19 September 2012
17 October 2012
21 November 2012

Monday

9 January 2012
13 February 2012
12 March 2012
16 April 2012
14 May 2012

18 June 2012

9 July 2012

13 August 2012

10 September 2012

8 October 2012

12 November 2012

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor K Ford, seconded by Snr Constable B Phillips.

That:

1. The 2012 Local Traffic Committee Meetings be undertaken from January to November on the 2nd Monday of the month.
2. Where the Monday falls on a Public Holiday the meeting will be held on the 3rd Monday of the month.

APPENDICES:

There are no supporting documents for this report.

SECTION 4 - General Business

Item 4.1 LTC - 16 November 2011 - QWN 4.1 - Reinstate No Stopping Zone on George Street, Windsor opposite Suffolk Street

Previous Item: Item 2.3 LTC (21 July 2010)

REPORT:

Ms P Millar from Westbus recently conducted an on-site inspection and risk assessment on George Street opposite Suffolk Street. This bus zone was found to be a high risk to all parties due to the buses encroaching on George Street during drop off's and pick ups. A safer and more convenient bus zone is located on Suffolk Street. The bus zone in George Street was provided as a temporary measure during the changes to traffic movements undertaken in 2010 for Suffolk Street.

Westbus request that the existing bus zone on the North-Western side of George Street, Windsor opposite Suffolk Street be reinstated to a No Stopping Zone.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms P Millar, seconded by Mr M Kayello.

That the existing bus zone on the North-Western side of George Street, Windsor opposite Suffolk Street be reinstated to a No Stopping Zone.

APPENDICES:

There are no supporting documents for this report.

Item 4.2 LTC - 16 November 2011 - QWN 4.2 - Installation of a No Stopping Zone on Thorley Street, South Windsor, opposite the Westbus Depot entrance

REPORT:

Ms P Millar from Westbus has had repeated occurrences where by vehicles owned by the public utilising Bounty Reserve are parking directly opposite the depot driveway. Westbus drivers require a full road width at the depot driveway to manoeuvre the buses in and out. The width of Thorley Street in the vicinity of the Bus Depot is not sufficient for vehicles to park and allow buses to manoeuvre as well. Therefore drivers have to locate the vehicle owners and request them to relocate their vehicle.

Westbus requests that a No Stopping Zone be installed opposite the Westbus Depot Driveway on the Northern side of Thorley Street, South Windsor. The No Stopping zone requested is to commence adjacent to the Power Pole (333-54A) east of the driveway, across the stormwater pit to a point 50 metres west of the power pole.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms P Millar, seconded by Mr M Kayello.

That a 50m No Stopping Zone be provided on the Northern side of Thorley Street, South Windsor, opposite the Westbus Depot Driveway. The No Stopping zone is to commence adjacent to the Power Pole (333-54A) east of the driveway, across the stormwater pit to a point 50 metres west of the power pole.

APPENDICES:

AT – 1 Requested extent of No Stopping Zone on Thorley Street.

AT – 2 Photographs of buses turning area required.

AT – 1 Requested extent of No Stopping Zone on Thorley Street



Image 1 – Driveway location in relation to stormwater pit



Image 2 – 50m No Stopping zone

AT – 2 Photographs of buses turning area required.



Image 1 – Bus exiting driveway



Image 2 – Bus entering driveway

Item 4.3 LTC - 16 November 2011 - QWN 4.3 - Notification that the Roads and Traffic Authority is now known as the Roads and Maritime Services

REPORT:

Mr M Kayello of the Roads and Maritime Services advised that as of 1 November 2011, the name and reference to the Roads and Traffic Authority (RTA) has been abolished by the NSW Government and replaced with the establishment of the Roads and Maritime Services.



The Hon Duncan Gay MLC
Minister for Roads and Ports
Deputy Leader of the Government
Legislative Council

MEDIA RELEASE

1 November 2011

**ROADS AND MARITIME SERVICES AGENCY EFFECTIVE
FROM TODAY**

Today marks the introduction of the new Roads and Maritime Services, NSW Roads and Ports Minister Duncan Gay announced today.

In July Mr Gay, along with Transport Minister Gladys Berejiklian, announced the RTA and the NSW Maritime Authority would be wound up and a new agency created.

"Today also marks the start of true integration across all modes of transport, with the formal creation of our new agency, Transport for NSW," Mr Gay said.

"Transport for NSW aims to promote a renewed focus on the customer experience, ensuring the customer is at the centre of everything we do."

Transport for NSW is responsible for improving the customer experience, planning, program administration, policy and regulation, procuring transport services, transport projects and freight and regional development.

The new Roads and Maritime Services will focus on service delivery, concentrating on delivering the key tasks of building and maintaining road infrastructure and the day-to-day compliance and safety for roads and waterways.

The safety brand NSW Maritime will continue as a Division of Roads and Maritime Services. The NSW Roads and Maritime Services agency will be led by Peter Duncan, who was recently announced as the new Chief Executive.

Mr Gay said the RTA and the NSW Maritime Authority shared key focus areas, including delivery of licence and registration services, regulating users of roads and waterways, managing compliance issues, providing critical input into innovative safety initiatives, the provision and maintenance of infrastructure, and provision of frontline services and web-based information for customers.

"The new agency will focus on improving customer service, while ensuring cost effective delivery," he said.

"Roads and Maritime Services will be working towards integration so transactional services such as driver and maritime licences can be obtained from the one location.

"However it will take some time to integrate all services and we will keep our customers informed during the transition. In the meantime we will continue to provide licensing, registration and other customer services, without disruption."

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr M Kayello, seconded by Snr Constable B Phillips.

That the information be received.

APPENDICES:

There are no supporting documents for this report.

Item 4.4 LTC - 16 November 2011 - QWN 4.4 - Request for No Parking zones either side of the driveways of No's 6 & 8 Mileham Street, Windsor

Previous Item: Item 2.1 LTC (20 October 2010)

REPORT:

Snr Constable B Phillips, NSW Police Service raised the issue relating to vehicles parking in close proximity to the driveways of Nos. 6 & 8 Mileham Street, Windsor. This affects the visibility for the residents exiting their driveway due to the crest in the road and the blind corner from Day Street into Mileham Street adds to this difficulty. The vehicles parking close to and at times partly across the driveways, also impede access into the properties.

Mr C Amit advised that in October 2010 the Local Traffic Committee recommended a No Parking Zone either side and across the driveway to No. 11 Mileham Street following representations from the Sisters of the Good Samaritan, after drivers exiting No. 11 Mileham Street (Sisters of the Good Samaritan) expressed difficulties in seeing oncoming vehicles travelling along Mileham Street due to vehicles parking near the access to the driveway. No 11 Mileham Street is located opposite Nos 6 & 8 Mileham Street and is affected by the same crest in Mileham Street.

Mr C Amit also advised that Council has received representations from the residents of No's. 6 & 8 Mileham Street, requesting that No Parking signs be installed either side of their access driveways to improve site distance when entering and exiting their driveways.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr K Ford, seconded by Mr M Kayello.

That No Parking signs be installed 6 metres either side of the access driveways for Nos. 6 & 8 Mileham Street, Windsor, creating No Parking zones either side and across these driveways. .

APPENDICES:

There are no supporting documents for this report.

ORDINARY MEETING
Reports of Committees

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday 9 January 2012 at 3.00pm in the Large Committee Room.

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

The meeting terminated at 4:25pm.

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 - 8 November 2011

#	Councillor	Question	Response
1	Rasmussen	Enquired about the Drainage Network in North Richmond and requested any past reports that have been written be provided to Councillors.	Director Infrastructure Services advised that an initial North Richmond township flood study report was undertaken. Following review by staff further refinement was required and the study expanded to assess mitigation options. It is anticipated that the final report will be available early 2012, and will be presented to Council at a briefing session.
2	Porter	Enquired if Council could congratulate the Bridge to Bridge Committee on the 50 th anniversary event.	The General Manager advised that an appropriate letter has been sent.
3	Paine	Enquired if the gas lights in the Mall had been checked lately as there were a few not working and asked if this could be investigated.	Director Infrastructure Services advised that he inspected the Mall area on the evening of Tuesday, 15 November 2011 and found all gas lights and street lights were in working order. Two lights attached to the pergola adjacent to the street stall were not working and arrangements were made to have the bulbs replaced.
4	Paine	Referred to the shade-cloth that had been installed in the Kurrajong Village and advised that the community had been fundraising for seats to place under the shade-cloth and enquired if Council could budget to fund to provide one seat.	Director Infrastructure Services advised that there are currently two single seats close to the playground providing some seating for parents. The placement of additional seats under the shelter on the softfall is not appropriate as it would impact on the fall zones required around the playground equipment. Consideration will be given to installing table/chair combinations close to the shelter as part of the 2012/2013 budget process.
5	Paine	Enquired when the upgrade to McQuade Park was going to commence.	Director Infrastructure Services advised that there are two projects being funded within McQuade Park this financial year. These include: <ul style="list-style-type: none"> the replacement of the island

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
			<p>bridge over the lake – quotes are being sought now for replacement by the end of the financial year.</p> <ul style="list-style-type: none"> Development of a Management Plan – a contract has been awarded and it is anticipated that the Plan will be completed by the end of the financial year.
6	Paine	<p>Referred to the Bligh Park Group who are concerned about what is happening at Tiningi as there is a theory that the PCYC will be moving in there for a Police Boys Club. Councillor Paine advised the Bligh Park Group run the Tiningi facility for Council with a Youth Program and advised they hadn't been informed and the residents around Tiningi have also not been notified of any changes and are all concerned. Councillor Paine enquired if Council could do some consultation with some of the residents and the Group who run the facility.</p>	<p>The Director City Planning advised that on 27 September 2011, Council resolved to lodge an Expression of Interest with the NSW Government to seek a \$250,000 capital grant to refurbish the Tiningi Community Centre as a PCYC venue. Council also resolved to advise Bligh Park Community Services Inc. (BPCS) of its intention to lodge an EOI and commence discussion with BPCS regarding the future management and usage of the Tiningi Centre should the EOI prove to be successful. On the following day Council staff contacted BPCS to arrange a meeting pursuant to Council's resolution. Council staff subsequently met with BPCS on 27 October 2011.</p> <p>Council were first advised of the call for EOIs in late August 2011. Unfortunately, the short time frame for the preparation and lodgement of the EOI together with the requirement to submit evidence of Council's formal endorsement of the EOI, effectively precluded any meaningful community consultation about the EOI prior to the submission deadline of 31 October 2011. Should the EOI be successful, Council staff will work with the PCYC to inform residents of the proposed operating framework of the PCYC and representatives of the PCYC will be able to answer specific questions regarding PCYC activities. However it should be noted that the proposal to establish a PCYC will not change the functions of the Tiningi Community Centre – it will still operate as a community facility, providing a venue for the same types of community programs and activities which are currently held at the Centre, with the PCYC required to operate in</p>

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
			conformance with the development consent issued for the building.
7	Paine	Enquired about the status of tarpomatic following the recent delivery.	Director Infrastructure Services advised that the Tarpomatic was delivered on 26 October 2011. Modifications have been made to the compactor unit and staff have now undergone training in the use of the equipment. The Tarpomatic is being utilised on a daily basis.
8	Paine	Enquired about the disabled access facility for the outdoor pool at the Oasis Aquatic Leisure Centre and enquired if there was any proposals or funds in the current budget for this to be replaced.	<p>The General Manager advised that due to the age and condition of the previous pool hoist there was currently no easy access to the outdoor pool at Oasis Aquatic Leisure Centre for people who use a wheelchair.</p> <p>A resolution of this situation was sought by the Hawkesbury Disability Advisory Committee with action by Councillor Paine, as Chair of that Committee. Councillor Paine also contacted the Mayor at the time, Councillor Bassett, who subsequently discussed possible assistance the Council may have been able to provide to resolve the situation with the General Manager.</p> <p>External sponsorship was initially possible but did not eventuate. Specific funds are available for the Leisure Centre and Stadium and a portion of these will be utilised to allow the replacement of this facility and arrangements are being made, in consultation with the YMCA for this to occur. It is also proposed that Council will liaise with the YMCA to provide information that will allow specific groups to be targeted that would benefit from this facility and the use of the pool.</p>
9	Bassett	Enquired how the matter of the disabled access facility for the outdoor pool at Oasis Aquatic Leisure Centre was progressing as he had previously raised this matter.	See response to Question 8.
10	Mackay	Enquired if a further update could be provided in relation to vehicles on Griffiths Road.	The Director City Planning advised that this matter is still being pursued by staff for the removal of the remaining vehicles. The vehicles are not classified as abandoned as the

ORDINARY MEETING
Questions for Next Meeting

#	Councillor	Question	Response
			owner is known and they are attended regularly by the owner. Council staff are attempting to pursue alternate arrangements that will not result in additional expense to other ratepayers. However, an alternate site has not yet been found.
11	Conolly	Enquired as to an update on the Flood Evacuation Route at Pitt Town as it was one of Council's imposed conditions when approved to raise it from 16mAHD to 17.3ADH.	The Director City Planning advised that the works required on this route are listed as part of the Section 94 Contributions Plan for Pitt Town. In this regard, the development consents issued are levied a contribution, proportionate to the size of the development, to contribute to these works. The works are not contained as a condition in the Part 3A Concept Approval and the works are not attributed to any single development.
12	Reardon	Enquired if the Garden Awards could be given more than a \$5,000 budget to run the event.	Director Infrastructure Services advised that an increase in the Garden Competition funding will be included for consideration as part of the 2012/2013 budget process.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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