



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 09 October 2012
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 generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. 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 also be held on a Tuesday and 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 items 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 by 3:00pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

At the appropriate stage of the meeting, the Chairperson will move for all those items which have not been listed for discussion (or have registered speakers from the public) to be adopted on block. 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 an item raised in the business paper at the Council meeting. You must register to speak at a Council meeting. To register you must lodge an application form with Council prior to 3:00pm on the day of the meeting. The application form is available on the Council's website, from the Customer Service Unit and by contacting the Manager - Corporate Services and Governance on (02) 4560 4426 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the item is being considered. Speakers have a maximum of five minutes to present their views. The Code of Meeting Practice allows for three speakers on the Proponent side (i.e. in support) and three for the Respondent side (i.e. in objection). If there are a large number of speakers for one item, speakers will be asked to organise for three representatives to address the Council for either the Proponent or Respondent side (six speakers in total).

Voting

The motion for each item listed for discussion will be displayed for Councillors and public viewing, if it is different to the recommendation in the Business Paper. The Chair will then ask the Councillors to vote, generally by a show of hands or voices. Depending on the vote, a motion will be Carried (passed) or Lost.

Planning Decision

Under Section 375A of the Local Government Act 1993, voting for all Planning decisions must be recorded individually. Hence, the Chairperson will ask Councillors to vote with their electronic controls on planning items and the result will be displayed on a board located above the Minute Clerk. 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. This electronic voting system was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

Business Papers

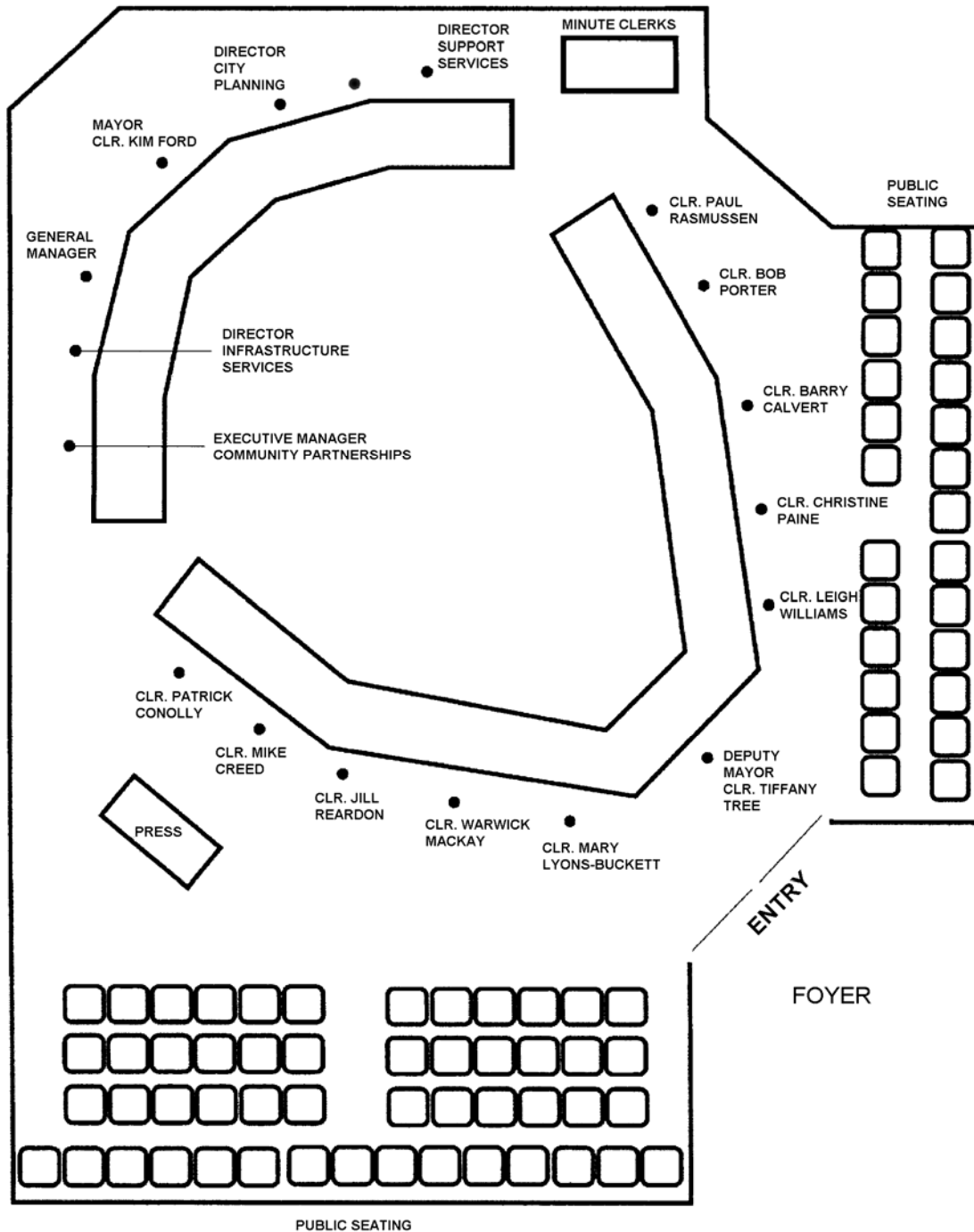
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12 noon on the Friday before the meeting, and electronic copies are available on CD to the public after 12 noon from Council's Customer Service Unit. The business paper can also be viewed on the public computers in the foyer of Council's Administration Building.

Further Information

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

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SECTION 2 - Mayoral Minutes

MM - Exclusive Use Fee be Waived - The Sydney Blues and Roots Festival - (79351, 120428, 79353)

REPORT:

The Sydney Blues and Roots Festival, now in its fourth year, is a very significant event for Windsor and the Hawkesbury Region, contributing to the profile of the area and attracting many visitors to our city.

In seeking to establish and consolidate this festival as a permanent event, Council has provided financial assistance through its Community Sponsorship Program, with funding allocated for the current and past two years. In 2012 the amount allocated is \$3,000.

The festival has provided a significant profile for both the Hawkesbury and our tourist and entertainment businesses, however due to current broader economic circumstances the event requires continuing support to ensure its longterm viability.

In response to requests for additional assistance, in the form of waiving of fees for the use of Thompson Square, I am seeking Council's endorsement of this request, for the current year.

This fee is currently set at the minimum cost of \$6,000 for the three days (based on \$2,000 per day or \$2.30 per patron, whichever is greater).

Whilst the event may, over time, move to a full commercial basis, the continuing support of Council is vital to develop the event. I am advised that, whilst there is a loss of income to Council, this income amount has not been included in the current budget and the waiving of the fee will not affect the current year's budget.

RECOMMENDATION:

That the fee for the exclusive use of Thompson Square for the 2012 Sydney Blues and Roots Festival be waived.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

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SECTION 3 - Notices of Motion

NM1 - Podcasting of future Ordinary Council Meetings - (79351, 80104)

Submitted by: Councillor P Rasmussen

NOTICE OF MOTION:

That Council resolve as follows:

That:

1. A Report be submitted to Council regarding the feasibility of, and associated requirements to, enable the webcasting and/or podcasting of all future Council Ordinary meetings.
2. The Report to also address related issues such as costs involved, funding sources and amendments required to Council's Code of Meeting Practice, requirements arising from the Privacy and Personal Information Protection Act, the Government Information (Public Access) Act and other related legislation.

BACKGROUND:

1. A growing number of Councils throughout Australia webcast their ordinary meetings via the Internet thus enabling their communities to be aware of matters being debated by their elected Councillors.
2. For years many residents and ratepayers have missed attending important Council meetings because of working hours, illness, immobility, childcare difficulties, lack of transport, on holidays and other such issues. Webcasting of Council meetings via the Internet will enable such people to 'tune in live' to Council Ordinary meetings and be aware of matters debated, resolved and otherwise dealt with at Council meetings.
3. The webcasting of Council meetings would make a contribution to promoting the democratic process and to increasing the transparency of the Council's decision making.
4. The webcasting of Council meetings would make an important contribution to increasing community engagement by enabling more of its community to having greater involvement in the democratic process.
5. Many Councils have successfully developed robust webcasting and podcasting procedures and protocols which are both efficient and effective.
6. Podcasting of Council meeting proceedings would enable residents and ratepayers to access the video file, or segments thereof, at a time which best suits their constraints.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

**NM2 - Extension of Time for Compliance with Order No.15 - 331 Grono Farm Road,
Wilberforce - (79351, 80104)**

Submitted by: Councillor P Rasmussen

NOTICE OF MOTION:

That the date by which compliance is required under Order No. 15 issued by Council in respect of the non-compliance with a condition of consent relating to a second dwelling on the property at 331 Grono Farm Road, Wilberforce be extended for six months to 18 April 2013.

BACKGROUND:

1. This matter has previously been raised in Council in relation to rendering a farm dwelling uninhabitable currently occupied by a mother, her daughter and two grandchildren.
2. Order No. 15 served on the owners of this farm cottage falls on the 18 October 2012, at which time the family must vacate the farm cottage. This effectively would see them out on the street and homeless.
3. The Motion seeks to stay the Order for a period of six months at which time the investigation currently being undertaken by staff in respect of permitting a second dwelling on suitable sized rural land would be nearer finalisation and possible resolution by Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM3 - Sealing of Carpark at Pugh's Lagoon - (79351, 111628)

Submitted by: Councillor J Reardon

NOTICE OF MOTION:

That Council write to the local State Member for Londonderry, Mr B Bassett MP, requesting an allocation of funds under the Community Building Partnership Program towards the cost of sealing the carpark at Pugh's Lagoon.

BACKGROUND:

Requests have been received from local residents for the sealing of the carpark at Pugh's Lagoon as it becomes a quagmire after wet weather and there is a high useage of the area and surrounding Park. With the up coming distribution of Community Building Partnership monies, Council could request the local State Member for Londonderry, Mr B Bassett MP, for an allocation of funds for this work which would be of benefit to both the local community and tourists visiting the area.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM4 - NOVA Employment - Councillor Briefing Session - (79351, 111627)

Submitted by: Councillor T Tree

NOTICE OF MOTION:

That NOVA Employment be invited to a future Councillor Briefing Session to outline the organisation's activities and possible use by Council.

BACKGROUND:

NOVA Employment is a supported employment program that offers specialist job seeking assistance and post placement support. The organisation operates across the metropolitan area, as well as in country areas, with an office located in Windsor. The organisation provides an invaluable service to young people, families and businesses in the Hawkesbury. Their employment programs are well organized, benefiting the young people and offering incentives for employers.

The purpose of inviting them to a Briefing Session would to ascertain if Council could utilise their services.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM5 - Brochure to Promote Employment Lands within the Hawkesbury - (79351, 111627)

Submitted by: Councillor T Tree

NOTICE OF MOTION:

That Council produce a brochure for distribution to Federal and State government departments and key industries to promote employment lands within the Hawkesbury and encourage the establishment of employment hubs.

BACKGROUND:

Council has recently adopted its Employment Lands Strategy and in doing so has identified available lands for employment purposes. With neighbouring councils having a competitive edge in their approach to marketing it is time to take advantage of our available land, location and access to public transport.

It is proposed that Council produce a brochure which will promote our employment lands to prospective investors. An example of a similar brochure is one produced by Penrith City Council. This could be distributed to Federal and State government departments and key industries with a view to promoting employment lands within the Hawkesbury and encourage the establishment of employment hubs.

The brochure could be developed in-house at a modest cost with supporting documents and maps of employment lands. A subsequent development could be the production of a video showcasing the Hawkesbury and information on You tube.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM6 - Community Building Partnership Program - Submission Re Wilberforce Shopping Centre - (79351, 111627)

Submitted by: Councillor T Tree

NOTICE OF MOTION:

That Council write to the local State Member for Hawkesbury, Mr R Williams MP, requesting an allocation of funds under the Community Building Partnership Program towards the cost of works at the Wilberforce Shopping Centre.

BACKGROUND:

Wilberforce Shopping Centre has reached the stage where it would benefit from renovation works that are currently beyond Council's resources. These works may include, but are not restricted to works such as lighting, painting and landscaping. With the up coming distribution of Community Building Partnership monies, Council could request the local State Member for Hawkesbury, Mr R Williams MP, for an allocation of funds for this work which would be of benefit to the local community.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM7 - Western Sydney Flood Plain Flood Plan and Mitigation Study - (79351, 111627)

Submitted by: Councillor T Tree

NOTICE OF MOTION:

That:

1. Council submit a Late Motion to the Local Government Association of NSW Annual Conference seeking that the Association makes representations to both the Federal and State governments to develop a Flood Management Plan and Mitigation Study for the Western Sydney Flood Plain.
2. The General Manager be authorised to finalise the Motion to enable its submission to the Local Government Association of NSW.

BACKGROUND:

While many councils in Western Sydney have developed or are developing, Flood Plan Risk Management Studies and associated documentation there does not appear to be significant current documentation in relation flood management or flood mitigation on an overall basis in respect of the Western Sydney Flood Plain.

As such, it would be appropriate for this to be the subject of a Late Motion to the Local Government Association of NSW Annual Conference seeking the Association to make representations to encourage action to be taken by both the Federal and State governments in this regard.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM8 - Review of Councils Rating Structure - (79351, 90477)

Submitted by: Councillor B Porter

NOTICE OF MOTION:

That a report be submitted to Council, following a presentation at a Councillor Briefing Session, reviewing Council's rating structure for possible implementation in the 2013/2014 rating year on the following basis:

1. Each of the Rating Categories/Sub-Categories raising the following approximate proportion of the Notional Yield:

Rating Category/Sub-Category	Notional Yield
Residential	65%
Residential – Rural Residential	20%
Business	10%
Farmland	5%

2. The establishment of three appropriate sub-categories within the Business Category.
3. A Base Rate of 50% to be applied across all Rate Categories/Sub-Categories.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Meeting Date: 9 October 2012

SECTION 4 - Reports for Determination**GENERAL MANAGER****Item: 171 GM - Attendance - 2012 Sister Cities Australia Annual Conference (79351, 110165)**

REPORT:**Executive Summary**

The 2012 Sister Cities Australia Annual Conference will be held 11 - 14 November, 2012 in Devonport, Tasmania. Due to its relevance to Council's Sister City activities, it is recommended that the 2012 Annual Sister Cities Australia Annual 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 2012 Sister Cities Australia Annual Conference will be held 11 - 14 November, 2012 in Devonport, Tasmania. The conference aims to build on the values and vision of the Sister Cities Program and the conference theme of Growing and Future: The Journey Together symbolises the dynamic and interconnected nature of Sister Cities.

Cost of attendance at the 2012 Sister Cities Australia Annual Conference will be approximately \$2,775.00 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made

- | | |
|---------------------------------------------|----------|
| • Total Budget for Financial Year 2012/2013 | \$44,000 |
| • Expenditure to date | \$ 2,489 |
| • Budget Balance as at 27/9/12 | \$41,510 |

It should be noted that commitments of approximately \$8,000 for attendance at the Annual Local Government Association of NSW Annual Conference to be held in Dubbo in October, 2012 are not included in the expenditure to date.

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 (or is a nominated) strategy in the Community Strategic Plan being:

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

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Financial Implications

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

RECOMMENDATION:

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2012 Sister Cities Australia Annual Conference, at an approximate cost of \$2,775.00 plus travel expenses per delegate, be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 October 2012

Item: 172 GM - Windsor Business Group - Request for Contribution towards Windsor Christmas Lights Event - (79351)

Previous Item: 421, Ordinary (30 November, 2010);
 243, Ordinary (8 November, 2011)

REPORT:

Executive Summary

Council has in recent years provided funds towards the provision of Christmas lights. Following a relevant process at the time, these funds were allocated to the Windsor Business Group (WBG) in 2010 and 2011 for the provision of Christmas lights in the Windsor CBD and associated activities.

An amount of \$7,500 has been provided in the 2012/2013 Budget for Christmas lights and following approaches to relevant organisations a request for the allocation of these funds has been received from the WBG for Christmas 2012 and to add to facilities developed in previous years.

It is proposed that the funds provided in the 2012/2013 Budget be allocated to the WBG to facilitate the further development of Christmas lights in the Windsor CBD, following programs developed by this organisation from previous years.

Consultation

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

Background

Council has in recent years provided funds towards the provision of Christmas lights, initially in response to an initial funding request from the WBG in November 2010 for the Christmas period and the WBG's proposal to develop a continuing annual Christmas lights display for the community.

Council contributed funds towards the proposals of the WBG for the development of Christmas lights for Christmas 2010 and 2011 which has seen lights installed on and linking buildings in parts of George Street in the Windsor Mall area. This has also led to the development of a stock of lights for future use by the WBG.

An amount of \$7,500 has been provided in the 2012/2013 Budget to enable a contribution to be made towards the provision of Christmas lights for 2012.

Council's previous resolutions in relation to this matter are as follows:

- (a) 30 November, 2010.

"That Council:

- 1 *Contribute \$2,000 to the Windsor Business Group to start an ongoing Christmas light program for George Street, Windsor.*
2. *Contribute \$200 to the Windsor Business Group towards prize awards for the competition being conducted by the Group for the best lighting display within business premises in the Windsor CBD.*

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3. *Also agree to contribute \$200 to any other business representative group in other townships/villages in the Hawkesbury Local Government Area towards prize awards for similar competitions being conducted in those areas.*
4. *Consider the provision of funding towards Christmas lights in the 2011/2012 Budget."*

In regard to the above resolution, WBG used the funds to hire lights and arranged for them to be installed/ attached to buildings in the Windsor Mall area. The project cost was about \$2,200 and WBG contributed \$200 from its funds. The prize money was shared between two winners. No contribution was made to other business groups, as there was no approach to Council (and the time frame would have been a factor in this).

(b) 8 November, 2011

"That Council:

1. *Agree to contribute up to \$4,000.00 towards the cost of the Windsor Christmas Lights 2011 project being undertaken by the Windsor Business Group.*
2. *Approve the execution of Council's Standard Sponsorship Agreement for the project.*
3. *Make available \$2,000.00 of the relevant funds in the 2011/2012 Budget to facilitate lighting projects in other business centres and that the Mayor and General Manager be authorised to allocate these funds in the event of requests being received from other appropriate business representative groups proposing to undertake similar activities in such locations and in the event of requests not being received, the monies be made available to the Windsor Business Group.*
4. *Retain the remaining \$500.00 provided in the 2011/2012 Budget for potential prizes as referred to in the report."*

In respect of part 3 of this resolution as no further requests were received the additional funds were made available to the WBG.

The WBG used the funds to purchase lights and arranged for them to be installed/ attached to buildings in the Windsor Mall area. The purchased lights are the start of a pool of lights that can be used in subsequent years (about 1 km of rope lighting purchased). The project cost for WBG was about \$12,709, including Council's contribution, from details supplied in the project report for the sponsorship agreement. The prize money was shared between two winners.

Business groups which are involved with town centres have been contacted to ascertain if they would be undertaking any Christmas light activities in 2012 which could be assisted with Council funding in line with Council's resolution regarding Christmas lights and associated competitions. Hawkesbury City Chamber of Commerce and the Kurrajong Community Forum have both advised that they would not be undertaking Christmas light activities in 2012 with the Chamber advising that it supports the WBG Christmas lights activities for Windsor.

The WBG has submitted a request for funding and the project overview indicates that the WBG plans to expand its Windsor Christmas light project in 2012 as a way to create a thriving town centre and support business and employment. The project overview by the WBG indicates that it would like to:

- Install lighting in the Windsor Mall area in a similar fashion to 2011.
- Expand lighting to new locations around Windsor.
- Explore the use of Endeavour Energy light poles in Windsor Mall.
- Undertake a best decorated business lights competition.
- Use different types of lights.
- Involve businesses in the project, and
- Involve other sponsorship.

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Specific detail has not been supplied about the duration of the lights, the cost of lighting, which will be supplemented by lighting stocks from last year, or other project components proposed for Council's funding. As such, it is proposed that Council officers would meet with the WBG to clarify the project prior to the available funding actually being provided to the WBG should Council agree with the proposed recommendation.

Conformance to Community Strategic Plan

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

- Help create thriving town centres, each with it's own character that attracts residents, visitors and businesses.

Financial Implications

An amount of \$7,500 for Christmas light activities and associated prize money for competitions by business groups has been allocated in the 2012/2013 Budget in the Strategic Activities component.

RECOMMENDATION:

That Council:

1. Agree to contribute up to \$7,500 towards the cost of the 2012 Windsor Christmas Lights Project being proposed by the Windsor Business Group subject to the Group providing details of the proposed expenditure of these funds for this purpose to the satisfaction of the General Manager.
2. Approve the execution of the Council's standard Sponsorship Agreement for the project.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

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CITY PLANNING

Item: 173 **CP - Development Report - DA0273/12 - Construction Two Storey Dwelling - Lot 25 DP 246385 - 60 James Meehan Street Windsor - (94598, 112011)**

Development Information

File Number: DA0273/12
Property Address: 60 James Meehan Street, Windsor
Applicant: J McKay, C/- Graham Zerk
Owner: Ms J McKay
Proposal Details: Two Storey Dwelling
Estimated Cost: \$274,350.00
Zone: R2 Low Density Residential
Date Received: 14 June 2012
Advertising: 26 June 2012 – 10 July 2012

Key Issues:

- ◆ State Environmental Planning Policy Variation 1 to Clause 25 of the Hawkesbury Local Environmental Plan 1989
- ◆ Hawkesbury Local Environmental Plan 2012 Development of Flood Liable Land Policy
- ◆ Construction in Proximity of a Railway Corridor

Recommendation: Approval

REPORT:

Executive Summary

The applicant is seeking approval for the construction of a two storey dwelling.

The proposal is contrary to the flooding development controls contained within Clause 25 (2) of Hawkesbury Local Environmental Plan 1989 (HLEP 1989) as the proposal involves the erection of a dwelling on land greater than 3m below the 1 in 100 year flood level of 17.3 (AHD) for the area.

It is considered that the applicant has been able to satisfactorily justify, via a SEPP 1 objection, the non compliance in relation to the flood control requirements and it is recommended that the application be supported.

The application is being reported to Council as the variation to the flooding control contained within HLEP 1989 is 35-77% and it is a requirement for all State Environmental Planning Policy No. 1 variations greater than 10% to be considered by Council.

Description of Proposal

The application is proposing the construction of a two storey dwelling and associated earthworks including the placement of fill on site.

The proposed ground floor of the dwelling (to be used for non habitable purposes) is to have a finished floor level of 13.6m. The first floor (to be used for habitable purposes) is proposed to have a finished floor level of 17.3m.

Council Policies, Procedures and Codes to Which the Matter Relates

State Environmental Planning Policy 1 – Development Standards (SEPP 1)
State Environmental Planning Policy (Infrastructure 2007)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Sydney Regional Environmental Plan No 20 (SREP 20) - Hawkesbury Nepean River
Hawkesbury Local Environmental Plan (HLEP) 2012
Hawkesbury Local Environmental Plan (HLEP) 1989
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:

The provisions of any:

Environmental Planning Instrument:

State Environmental Planning Policy No. 1 – Development Standards

An objection under State Environmental Planning Policy No. 1 was lodged in respect to the variation to Clause 25 (2) of Hawkesbury Local Environmental Plan 1989. Clause 25 (2) of this plan restricts the construction of a building on land greater than 3m below the 1 in 100 year flood level.

The 1 in 100 year flood level for the area is 17.3m AHD and the application proposes the construction of a dwelling with a ground floor (to be used for non habitable purposes) level of 13.6m AHD and the first floor (with habitable living areas) to be 17.3m AHD.

Given that the proposal seeks to construct a dwelling with a non habitable area between 1.3m and 1.7m below the prescribed 3m development standard the application proposes a degree of variation greater than 10% against Clause 25 (2) of HLEP 1989.

The applicant has requested Council support a variation to this rule as the proposed habitable portion of the dwelling will be above 17.3m AHD and non-habitable area are to be located below the 1 in 100 year height. Further the site is not located within a floodway and can be designed to withstand prolonged immersion in water.

Clause 25 (2) of HLEP 1989 reads as follows:

- (2) *A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).*

The above control is a development standard which can be varied under SEPP 1 as it sets a numerical standard for the minimum building level required for development below the 1 in 100 year flood level. Council has also previously received legal advice confirming that this clause is a development standard which can be varied under SEPP 1.

The applicant has detailed that a variation to this standard should be supported given:

- *The NSW Government's Flood Plain Development Manual, 2005 clearly advocates that a merit approach should be adopted for all development decisions in the floodplain to take into account, social, economic and ecological factors as well as flooding considerations.*
- *The proposed portion of the dwelling below the 1 /100 year flood level is to be used as non-habitable. The dwelling is to be designed to withstand flood waters and prolonged immersion in water.*

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- *The proposed dwelling is appropriate to be constructed with a residential area.*
- *There is sufficient advance warning of a flood event to allow the occupiers to vacate the dwelling in the event of approaching flood waters.*

Given the land is not within a floodway, the flood hazard is considered to be low.

The submission received had also reviewed a set of Planning Principles provided by his honour Chief Judge Preston in Land and Environment Court hearing *Wehbe v Pittwater Council* [2007] NSWLEC 827 - 21 December 2007.

The proposal is believed to be consistent with these planning principles as the applicant has been able to justify that the objectives of the standard are achieved notwithstanding noncompliance with the numerical standard, the standard is not relevant to the development, compliance with the standard would be unreasonable and the standard would prohibit a permissible development within the zone.

It is considered that the objection submitted is well founded as granting consent to the proposal would allow for the appropriate development of flood liable land which is the overall intention of Clause 25 (2) of HLEP 1989.

Clause 25 (3) of HLEP 1989 requires that:

- (3) *Each habitable room in a building situated on any land to which this plan applies shall have a floor level no lower than the 1 in 100 year flood level for the area in which the land is located.*

No habitable part of the dwelling is proposed below the 1 in 100 year flood level.

Support of the objection in this instance will not raise any matters of State or regional planning significance and would not adversely impact the public in contravening this development standard. In conclusion of the above it is considered that the submission provided by the applicant is sufficient reasoning for Council to support the proposal and it is recommended that the objection made under SEPP 1 be supported.

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

A BASIX Certificate has been issued for the proposed development and supports the application. A condition of consent will ensure that the development meets the necessary performance requirements as set out in the BASIX certificate, therefore complying with SEPP (BASIX 2004)

State Environmental Planning Policy (Infrastructure 2007)

Due to the proximity of the development to the rail corridor the applications has been notified to the relevant Authority, and the following has been considered:

85 Development immediately adjacent to rail corridors

- (1) *This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:*
 - (a) *is likely to have an adverse effect on rail safety, or*
 - (b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) *involves the use of a crane in air space above any rail corridor.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must:*
 - (d) *within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*

(e) take into consideration:

- (i) any response to the notice that is received within 21 days after the notice is given, and
- (ii) any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

87 Impact of rail noise or vibration on non-rail development

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:
 - (a) a building for residential use,
 - (b) a place of public worship,
 - (c) a hospital,
 - (d) an educational establishment or child care centre.
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.
- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10:00 pm and 7:00 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Comment: No response was received within 21 days from the notified state government agency. Instead a condition to show compliance with the above mentioned construction requirements is proposed in the recommendation to address potential for rail noise and vibration.

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 2012

The subject land is zoned R2 Low Density Residential under Hawkesbury Local Environmental Plan 2012.

The proposed development is defined as '**dwelling**' under this Plan, which means "means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile." '**Dwelling**' is permissible with consent within the R2 zone.

The 'Height of Buildings' Map restricts the total height of the building to 10m. The proposed buildings will have a total height of approximately 8.5m.

Clause 1.8A - Savings provision relating to development applications states:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

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Hawkesbury Local Environmental Plan was gazetted on 21 September 2012. The subject Development Application was lodged on 14 June 2012. As a result, the application has been assessed against the relevant provisions of Hawkesbury Local Environmental Plan 1989 as detailed below.

Regardless, the proposed development is considered to be consistent with the relevant provisions of the draft Plan, including the R2 zone objectives

Development of Flood Liable Land Policy

On 31 July 2012 Council adopted the "Development of Flood Liable Land Policy" and the Policy took effect on 21 September 2012 upon gazettal of LEP 2012. The purpose of the Policy is to convert Clause 25 of HLEP 1989 into a Council Policy to provide some interim provisions for flood assessment.

The Policy only applies to development applications lodged on or after 21 September 2012. Older applications are still assessed against the relevant Clause 25 provisions of HLEP 1989 related to development of flood liable land.

Hawkesbury Local Environmental Plan (HLEP) 1989

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

Clause 9 - Carrying out of development

The proposed dwelling is consistent with the requirements of HLEP 1989 being a permissible form of development Housing zone.

Clause 9A - Zone Objectives

The objectives of this zone are as follows:

- (a) *to provide for low density housing and associated facilities in locations of high amenity and accessibility,*
- (b) *to protect the character of traditional residential development and streetscapes,*
- (c) *to ensure that new development retains and enhances the existing character,*
- (d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area,*
- (e) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character,*
- (f) *to control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council,*
- (g) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

Comment: The proposed dwelling is not dissimilar to the surrounding development; and is not expected to adversely affect the residential character of the nearby area.

James Meehan Street has established water supply and sewerage disposal services provided; as a result the garage is not an extension of public amenities or services.

Clause 25 Development of Flood Liable Land

The non compliance with Clause 25(2) is addressed in the SEPP 1 objection.

Clause 37A Development on land identified on Acid Sulfate Soils Planning Map (class 5)

The depth of excavation is not considered to affect the Acid Sulfate Soils.

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

There are no planning agreements applicable to the proposed development.

v. Matters prescribed by the Regulations:

Should the application be supported the Environmental Planning and Assessment Regulation 2000, requires the development to:

- Comply with the National Construction Code – Building Code of Australia, and
- Be levied against Council's S94A Development Contributions Plan (where relevant)

Context and Setting

The surrounding land uses consist of residential dwellings, outbuilding and associated services along James Meehan Street. The proposal is considered to be compatible with surrounding developments and will be unlikely to change the nature of development within the locality.

Access, Transport and Traffic

Access to the site is considered satisfactory. The traffic generated by the development is unlikely to have any significant impact to the adjoining residential development.

Noise

Assessment has been carried out under the provisions of the State Environmental Planning Policy (Infrastructure) 2007. As a result a condition to require consideration of rail noise and vibration will be included in the recommendation.

Utilities

Electricity, water, sewer and telephone services are available to the site. It is considered that the proposal would not place unreasonable demands on the provision of services.

Natural Hazards

The site is subject to the 1 in 100 year flood level of the area. It is considered that the proposal would not create a risk to the occupiers of the land or adjoining properties in terms of flood.

An assessment of the proposal against the flooding controls has already been addressed in this report.

Cumulative Impact

The proposed development is permissible with the consent of Council and no significant negative cumulative impact is foreseen.

c. Suitability of the site for the development:

There are no constraints from surrounding land uses that would make this development prohibitive and it is considered that the development will not adversely impact adjoining land uses.

The site is considered able to support the proposed development. Suitable services are available onsite and will not be required to be changed/ upgraded as a result of the proposal.

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

The application was notified to the relevant state government agency in accordance with the Environmental Planning and Assessment Act 1979, as well as was notified to adjacent property owners in accordance with Hawkesbury Development Control Plan.

No submissions were received during the notification period.

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e. The Public Interest:

The proposal is consistent with the desired character provisions of the relevant planning instruments affecting the site. Approval of the development will not create an undesirable precedent for inappropriate development which would be in the public interest.

Financial Implications

Based on the supplied estimated value-of-works of \$274,350.00 a Section 94A Development Contribution of \$ 2,743.50 is payable should the application be approved.

Planning Decision

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

RECOMMENDATION:

That:

1. The objection to Clause 25(2) of the Hawkesbury Local Environmental Plan 1989 (as amended), lodged pursuant to State Environmental Planning Policy No. 1 – Development Standards, is supported;
2. Development Application No. DA0273/12 for the construction of a two storey dwelling on Lot 25 DP: 246385, known as 60 James Meehan Street, Windsor, be approved subject to the conditions as follows:

General Conditions

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 or in red on the plans.

Plans are listed as follows:

DA1 885 dated 4 June 2012
DA2 885 dated 4 June 2012
DA3 885 dated 4 June 2012
DA4 885 dated 4 June 2012
DA5 885 dated 4 June 2012

BASIX Certificate 431433S issued 12 June 2012

2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate construction certificate.
3. The development shall comply with the provisions of the National Construction Code / Building Code of Australia at all times.
4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
5. The building shall not be used or occupied prior to the issue of an Occupation Certificate.

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6. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
7. To minimise potential impact upon the nearby rail and airport, the external finishes are to be colours and materials that have a low reflective quality similar to the surrounding development.
8. The ground floor of the dwelling (located below 17.3 AHD) must not be used for habitable purposes.

Prior to Construction Certificate Issue

9. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$ 2743.50 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the commencement of works and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

10. Details that the development will not be adversely affected by rail noise or vibration are to be submitted for approval to the nominated Principal Certifying Authority prior to the issue of the Construction Certificate. These details are to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.
11. The applicant shall submit a report from a suitably qualified engineer which verifies the following:
 - (a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - (b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the forces of flood waters (including buoyancy forces) and the impact of debris.
 - (c) All finishes, fittings and equipment subject to inundation are to be of materials and functional capability that is resistant to the effects of prolonged immersion in floodwaters.

Prior to Commencement of Works

12. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must either:

- Ensure that Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or

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- If there is a combine Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.
- 13. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
- 14. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
- 15. 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.
- 16. Toilet facilities (to the satisfaction of the Principle Certifying Authority) 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.
 - (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.
- 18. Qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.

During Construction

- 19. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
- 20. All fill, including existing fill, must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results accompanied by a contoured depth of fill plan.
- 21. A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
- 22. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
- 23. 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.
- 24. 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:

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- (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.
25. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority .
26. No trees are to be removed without the prior approval of Council.

Prior To Issue of Occupation Certificate

27. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
- (a) The type and method of termite treatment (complying with AS 3660) provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.
 - (b) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights and showers.
 - (c) The type of timber installed indicating both species and durability as required by AS 1684.
 - (d) An automatic smoke detection system installed in residential development by a licensed electrician. Smoke alarms must comply with AS 3786 and be connected to the consumer mains power where supplied to the building.
 - (e) 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.
 - (f) Certification that the requirements of Conditions 10 and 11 of this Consent have been achieved and complied with.

Advice to this Consent

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.

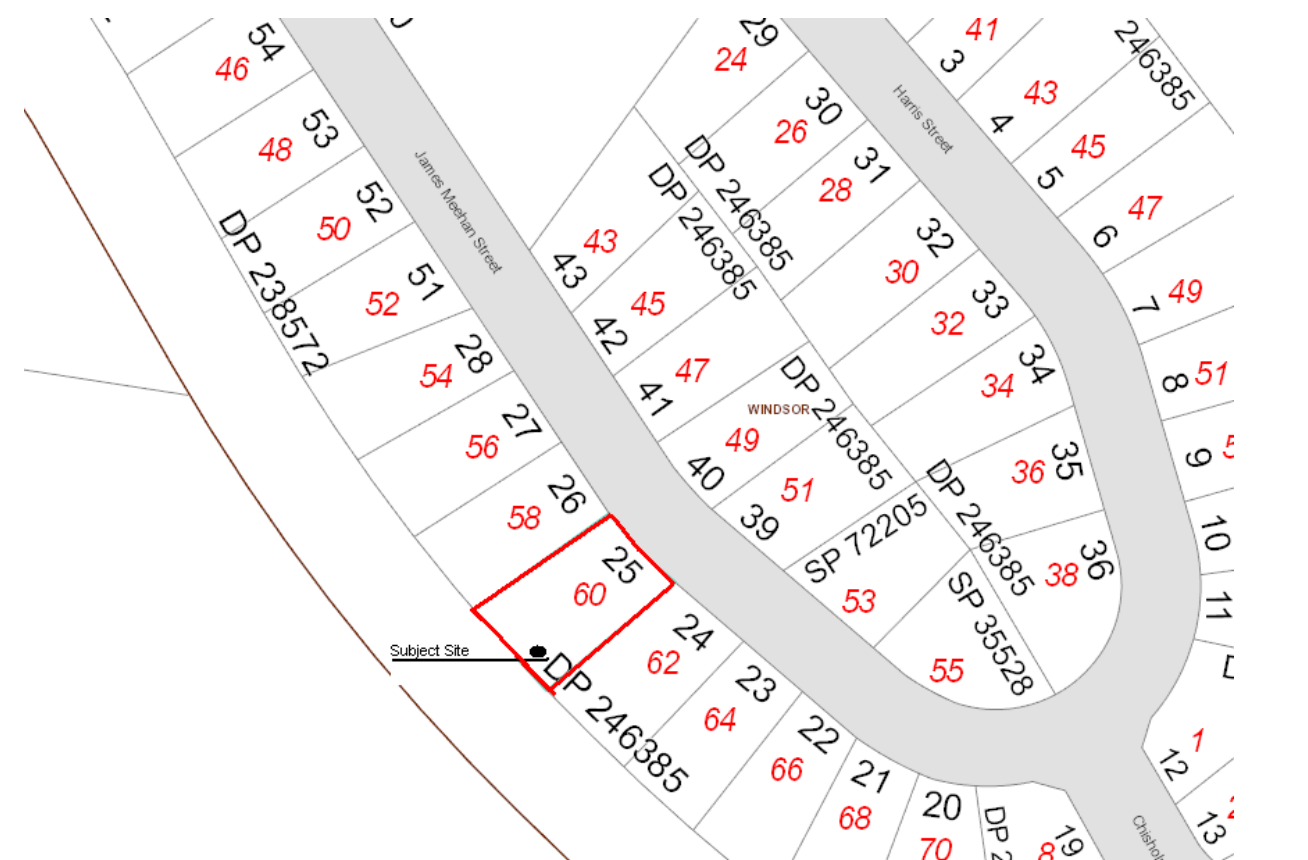
ATTACHMENTS:

- AT - 1** Locality Map
- AT – 2** Aerial Map
- AT – 3** Elevation Plan
- AT - 4** Site Plan

<p align="center">ORDINARY MEETING</p> <p align="center">Meeting Date: 9 October 2012</p>

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AT 1 - Locality Map



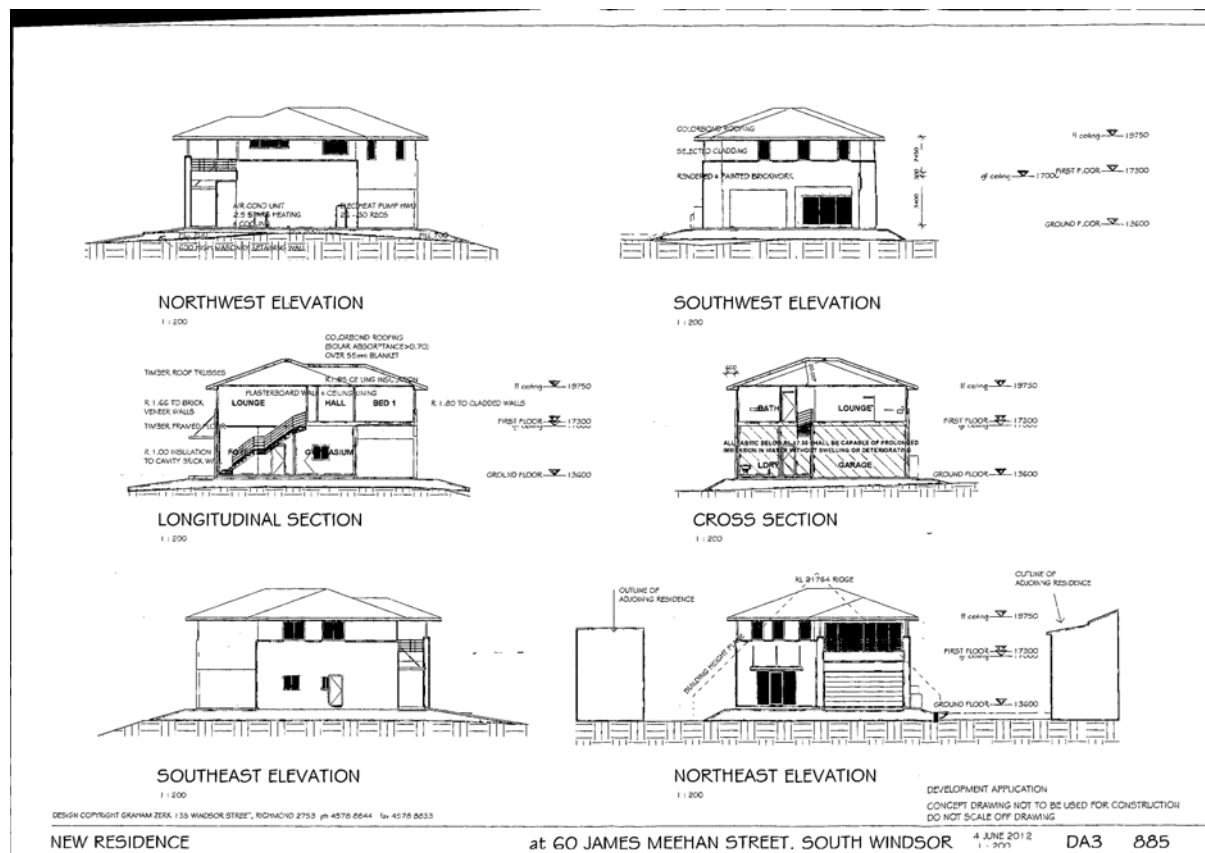
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AT 2 - Aerial Map

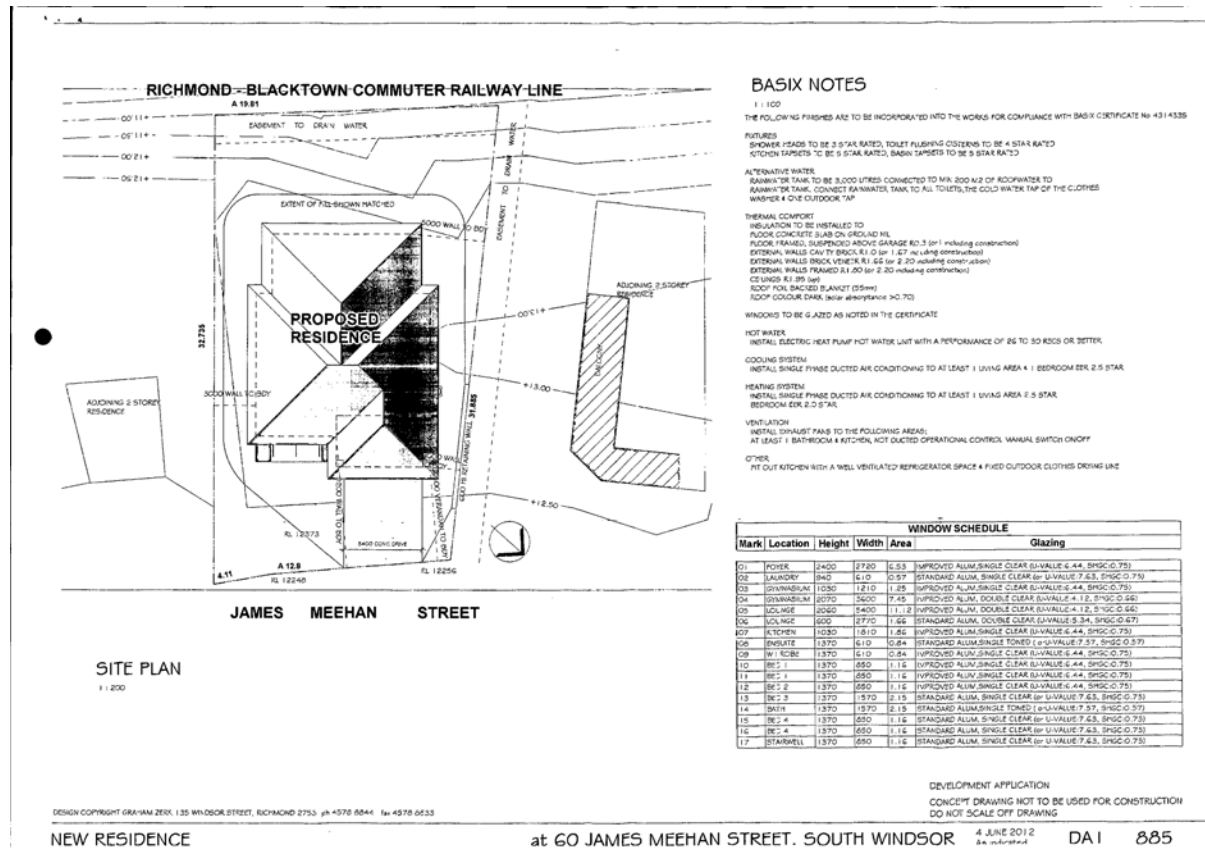


AT 3 - Elevation Plan



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AT 4 - Site Plan



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Item: 174 **CP - Development Report - DA0583/11 - Operation of an Animal Establishment and the Construction of an Animal Training/ Stables Building and Covered Horse Arena - Lot 3 DP 217618 - 21 Rickaby Street, South Windsor - (94598, 102260)**

Development Information

File Number: DA0583/11
Property Address: 21 Rickaby Street, South Windsor
Applicant: Montgomery Planning Solutions
Owner: Ms K Feddersen
Proposal Details: Operation of an animal establishment and the construction of an animal training/stables building and covered horse arena
Estimated Cost: \$262,000.00
Zone: RU4 Primary Production Small Lots under Hawkesbury Local Environmental Plan 2012
Rural Living under Hawkesbury Local Environmental Plan 1989 (Repealed)
Date Received: 4 October 2012
Advertising: 11 to 25 October 2011
Recommendation: Approval

REPORT:

Executive Summary

This application seeks the consent of Council to operate an animal establishment and construct an animal training/stables building and covered horse arena at 21 Rickaby Street, South Windsor. The proposed development is for the training of horses, dogs, cats, birds and other animals that perform in film and television.

The proposal is defined as an 'animal establishment' under the Hawkesbury Local Environmental Plan 1989 (HLEP 1989) and an 'animal training and boarding facility' under the Hawkesbury Local Environmental Plan 2012 (HLEP 2012). Under each of these planning instruments the proposal represents a permissible form of development.

The subject property comprises flood liable land and the proposed structures fail to satisfy the minimum land level requirements under Clause 25(2) of the HLEP 1989. The Applicant has therefore submitted an objection pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP No. 1) that compliance with this development standard is unreasonable and unnecessary in this instance.

Given that the development involves a non-habitable use and will be constructed of flood compatible materials it is recommended that Council support the SEPP No. 1 Objection to Clause 25(2) of the HLEP 1989.

The proposed structures are purpose-designed buildings for the training of animals and the Applicant maintains that a reduction in the height or size of the structures would compromise the activities to be undertaken onsite.

Whilst the size of the structures is acknowledged, the stables building is setback 15m from the front boundary and is broken up in a series of elements to reduce its visual bulk. The horse training arena is to have an open appearance. Each of the buildings are comparable to a large rural shed structure in terms of form and material selection.

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The provision of a condition requiring the submission of a landscaping plan is recommended to further ameliorate the development's visual impact. With the imposition of this condition the proposal is seen to be acceptable within the context of the locality.

The application is being reported to Council as the variation to Clause 25(2) of the HLEP 1989 is approximately 40%. It is a requirement that all SEPP No. 1 Objections with a variation in excess of 10% are reported to Council for determination.

Description of Proposal

Pursuant to Section 78(1A) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council consent to operate an animal establishment and construct an animal training/stables building and covered horse arena at 21 Rickaby Street, South Windsor.

The proposed animal establishment use involves the training of horses, dogs, cats, birds and other animals that may perform in film and television. The documentation submitted with the application indicates that the buildings will be used for training purposes only; the animals will not be housed within the buildings permanently, although horses may be grazed onsite.

The animal establishment's hours of operation are nominated as 9:00am to 5:00pm, seven days a week. A single animal trainer runs the business, with the documentation indicating that three additional contractors may be employed on an as required basis.

The animal training/stables building is to have dimensions of 20m by 60m and a gross floor area of 1,320m² (including mezzanine level). The structure is to have a wall height of 4.8m and a ridge height of 6.65m. The building is to comprise of stables, feed and equipment storage areas, indoor arena, kitchen and toilet. This building is also to be provided with an attached awning with dimensions of 12m by 60m. The open awning area will comprise of a round yard, day yards and a loading area.

The covered horse arena is to have dimensions of 20m by 60m and an area of 1,200m². Like the animal training/stables building it is to have a wall height of 4.8m and a ridge height of 6.65m. The floor of the arena is to consist of sand over a crushed sandstone base.

Each of the structures are to be constructed of Colorbond steel in the Pale Eucalypt colour.

Summary Recommendation

The proposed development is permissible under the HLEP 1989 and the HLEP 2012. The proposed animal establishment use is seen to an acceptable form of development and it is recommended that Council support the SEPP No. 1 Objection to Clause 25(2) of the HLEP 1989.

Whilst the proposal is seen to be generally acceptable, a consent condition is recommended to require the submission of a landscaping plan to soften and screen the development.

Site History

Previous applications submitted to Council for the subject site include:

NO.	DATE	PROPOSAL	DECISION
B1161/91	26/11/1991	Construction of a farm shed	Approved
M1391/00	27/09/2000	Construction of a horse shelter	Withdrawn

Previous consents were noted in the assessment of this application. The property has a history of agricultural use.

Application History

- 4 October 2011 – The development application was lodged with Council and notified between 7 and 25 October 2011.
- 28 December 2011 – Additional information was requested of the Applicant.
- 7 March 2012 – The Applicant requested additional time to provide a response to the matters raised. An extension was granted.
- 17 July 2012 – Amended plans and a written response to the matters raised were provided by the Applicant. Integrated development fees were paid on 20 August 2012 and the proposal was subsequently referred to the Office of Water for comment.
- 7 and 14 September 2012 – Comments were received from the Office of Water.

Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- Hawkesbury Local Environmental Plan 1989 (HLEP 1989) (Repealed)
- State Environmental Planning Policy (SEPP) No. 44 – Koala Habitat Protection
- State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land
- Sydney Regional Environmental Plan (SREP) No. 20 – Hawkesbury-Nepean River
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 79C Matters for Consideration

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act:

(a) The provisions (where applicable) of:**(i) Environmental Planning Instruments:*****Hawkesbury Local Environmental Plan 2012***

HLEP 2012 was gazetted on 21 September 2012.

Under the HLEP 2012 the subject site is zoned RU4 Primary Production Small Lots. The proposed use, which involves the training of a variety of animals, is defined as an 'animal boarding or training establishment' under the HLEP 2012. Animal boarding and training establishments are a permissible form of development within the RU4 Primary Production Small Lots zone.

The construction of the animal training/stables building and covered horse arena would be ancillary to the use of the property as an animal boarding or training establishment. The structures also satisfy the 10m height limit established by Clause 4.3(2) of the HLEP 2012.

The savings provision of Clause 1.8A of the HLEP 2012 outlines that development applications submitted before the gazettal of the Plan are to be assessed as if the Plan had not commenced, i.e. applications are to be assessed and determined under the provisions of HLEP 1989.

The development is consistent with the provisions of the HLEP 2012 however.

Hawkesbury Local Environmental Plan 1989

The subject land was zoned Rural Living under the recently repealed HLEP 1989. However, as detailed previously in this report, Clause 1.8A of the HLEP 2012 requires applications submitted prior to the gazettal of the Plan to be determined under HLEP 1989.

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The HLEP 1989 contains the following definition for 'animal establishments':

animal establishment means a building or place used or intended for use for the intensive purposes of husbandry, boarding, training or the keeping (or any combination of them) of animals, birds or fish.

The proposed development is for the training of horses, dogs, cats, birds and other animals that perform in film and television. The construction of the animal training/stables building and covered horse arena are proposed to provide facilities for this purpose.

The operation of the animal training facility falls under the definition of an animal establishment and is permissible within the Rural Living zone.

The objectives of the Rural Living zone are:

- (a) to provide primarily for a rural residential lifestyle,
- (b) to enable identified agricultural land uses to continue in operation,
- (c) to minimise conflict with rural living land uses,
- (d) to ensure that agricultural activity is sustainable,
- (e) to provide for rural residential development on former agricultural land if the land has been remediated,
- (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,
- (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,
- (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,
- (i) to prevent the establishment of traffic generating development along main and arterial roads,
- (j) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

It is considered that the proposal is consistent with the objectives of the zone in that the animal establishment use represents a permissible form of development within the zone and is consistent with a rural/agricultural landuse. The development is not expected to adversely impact on water catchments, identified wetlands, surface conditions or native vegetation. The development is therefore seen to be compatible with the objectives of the Rural Living zone.

Clause 25 of the HLEP 1989 establishes Council's flooding controls. The floor levels of both the animal training/stables building and the covered horse arena fail to satisfy the minimum land level requirements of Clause 25(2) of the HLEP 1989 and consequently a SEPP No. 1 Objection has been lodged arguing that full-compliance with this development standard is unreasonable and unnecessary in this instance. A discussion of this SEPP No. 1 Objection is included below.

Given the existing levels and the extent of inundation predicted the property would be defined as a high hazard area under the Floodplain Development Manual. However, the operation of an animal establishment in such a location is seen to be acceptable, primarily on the basis that there is expected to be a low risk to human life. The imposition of conditions relating to the structural integrity of the buildings and the use of flood compatible materials are recommended to satisfy Clauses 25(5) and (7) of the HLEP 1989.

State Environmental Planning Policy No. 1 – Development Standards

The adopted 1-in-100 year flood level for the locality is 17.3m AHD and the areas accommodating the structures have levels of approximately 7.3 to 9.6m. Accordingly the subject property is defined as flood liable land.

Cut and filling of the land is proposed to create a floor level of 8.75m AHD for the animal training/stables building and a floor level of 8.25 AHD for the covered horse arena.

Clause 25 of the HLEP 1989 outlines controls for development within flood liable land. The relevant provisions of this clause state:

- (1) *In this clause:*
commencement day means the day on which Hawkesbury Local Environmental Plan 1989 (Amendment No 86) commenced.
flood compatible materials means building materials and surface finishes capable of withstanding prolonged immersion in water.
floodway means the channel of a river or stream and those portions of the flood plain adjoining the channel which constitute the main flow path for floodwaters.
- (2) A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).
- (3) Each habitable room in a building situated on any land to which this plan applies shall have a floor level no lower than the 1-in-100 year flood level for the area in which the land is located.
- (4) The Council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this clause have been satisfied.
- (5) Minor structures such as outbuildings, sheds and garages may be erected on land below the 1-in-100 year flood level, with the consent of the Council. The Council shall, in the assessment of a development application for such a structure, consider the likely frequency of flooding, the potential flood damage and measures to be taken for the evacuation of the property.
- (6) Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.

Clause 25(2) of the HLEP 1989 allows buildings to be constructed on land that is no more than 3m below the 1-in-100 year flood level for the area. For South Windsor the adopted 1-in-100 year flood level is 17.3m AHD.

However, with nominated levels of 8.75m AHD and 8.25 AHD respectively, the animal training/stables building and covered horse arena each fail to achieve the minimum 14.3m AHD land level required by Clause 25(2) of the HLEP 1989. A variation of approximately 40% applies in this instance.

The Applicant has submitted a SEPP No. 1 Objection arguing that compliance with this development standard is unreasonable and unnecessary in this instance. The Applicant has provided the following justification for the proposed development:

1. *The NSW Government's Floodplain Development Manual, 2005 clearly advocates that a merit approach should be adopted for all development decisions in the floodplain to take into account, social, economic and ecological factors as well as flooding considerations.*
2. *The buildings proposed are non-habitable.*
3. *The proposed animal training facility is an appropriate use of flood prone rural land.*
4. *There is sufficient advance warning of a flood event to allow the safe evacuation of animals without endangering humans or animals.*

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5. *The construction of the buildings is compatible with periodic inundation and the materials used are capable of withstanding prolonged immersion in water.*
6. *The rural design of the buildings and rural nature of the use is compatible with the surrounding land.*
7. *Considering that the nature of flooding is backwater from Rickabys Creek with a velocity of below 1m³/second, the flood hazard is considered to be low.*

Comment:

Clause 25(2) of the HLEP 1989 is expressed as a numerical measurement and is not seen to be a prohibition. It is therefore accepted that it is a development standard. The tests outlined in Wehbe v Pittwater Council [2007] NSWLEC 827 have been used in the assessment of this SEPP No. 1 Objection:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard.*

Comment:

Clause 25(2) of HLEP 1989 outlines that buildings shall not be constructed on any land that is more than 3m below the adopted 1-in-100 year flood level. The underlying objective of this clause is to prevent inappropriate development on land which is flood liable.

The NSW Government's Floodplain Development Manual advocates a merit-based approach to the development of flood-labile land.

It is generally accepted that animal establishments are an appropriate use of rural land. The proposed structures are associated with this animal establishment use and will not be used for habitable purposes. Furthermore, documentation submitted with the application indicates that the structures will generally be vacant except when used for the training of animals. Therefore the risk to human life is reduced.

The provisions of Clause 25(6) of the HLEP 1989 should also be noted in the consideration of this SEPP No. 1 Objection. This clause outlines that minor outbuildings may be considered on flood liable land. Whilst this clause does not apply to the proposed development, the fact that the HLEP 1989 permits certain forms of development on flood-labile land should be acknowledged.

Given the nature and frequency of this non-habitable use, the safety risks associated with the proposed animal establishment are seen to be acceptable.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.*

Comment:

It is not accepted that the underlying objective of the development standard is not relevant to the proposed development. However, the use of the structure is a prime consideration. Given the nature of the animal establishment use the proposed development is seen to be acceptable and strict compliance with Clause 25(2) is seen to be unnecessary in this case.

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.*

Comment:

Strict compliance with the development standard would prevent the development of all flood liable land, which is not the intention of Council. Instead a merit-based approach is appropriate. For this reason strict compliance with Clause 25(2) of the HLEP 1989 is seen to be unreasonable in this instance.

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4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*

Comment:

Clause 25(2) of the HLEP 1989 applies to both habitable and non-habitable buildings. Structures associated with an animal establishment use and other non-habitable buildings have previously been approved by Council.

The provisions of this development standard have generally been enforced, except in rare circumstances. As such it cannot be argued that the development standard has been abandoned or destroyed by past Council determinations.

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Comment:

Both the current and former zonings are appropriate given the use of the subject land and adjoining properties.

1. *The applicant must satisfy the consent authority that "the objection is well founded" and compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.*

Comment:

The justification detailed in the supplied SEPP No. 1 Objection for the development's non-compliance is seen to be well founded.

2. *The consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in s 5(a)(i) and (ii) of the EP&A Act.*

Comment:

Section 5(a) of the EP&A Act aims to encourage:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land.*

The subject property is to be used as an animal establishment and the proposed structures are associated with this use. The animal training/stables building will not be used for habitable purposes and the submitted documentation indicates that no animals will be left within the animal training/stables building. Only a small number of horses are to be grazed onsite and their evacuation would be likely with adequate flood warnings. As such the flooding and safety risks associated with the development are seen to be acceptable. Accordingly the proposal is seen to satisfy the objectives of Section 5(a)(ii) of the EP&A Act in that it allows for the orderly development of the property.

SEPP No. 1 allows for the flexible application of Council controls and the proposal is seen to be consistent with the intent of this Policy.

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3. *It is also important to consider:*
- (a) *whether non-compliance with the development standard raises any matter of significance for State or regional planning; and*
 - (b) *the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

Comment:

The non-compliance with the development standard does not raise any matter of significance for State or regional planning. The relevant planning control, the HLEP 1989, has been established by Council and is therefore a local planning matter.

The proposal is seen to be consistent with the NSW Government's Floodplain Development Manual in that it advocates a merit-based approach to the development of flood-labile land.

The benefits of maintaining Council's flooding controls are recognised given that they apply to a variety of building types. However, in this instance it is considered that the development standard may be varied to allow for the construction of non-habitable buildings associated with a permissible use, i.e. an animal establishment.

Having considered the submitted SEPP No. 1 Objection it is felt that the non-compliance with Clause 25(2) will not conflict with Council's flooding objectives. On account of the non-habitable use of the structures and the frequency of use, it is considered that the approval of this application will not diminish the significance of the development standard. The submitted SEPP No. 1 Objection is seen to be well-founded and in this instance a departure from the minimum land level controls contained within Clause 25(2) of the HLEP 1989 is considered acceptable. It is therefore recommended that the Council support the SEPP No. 1 Objection.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

Council's mapping system identifies a northern portion of the site (with an area of approximately 200m²) as containing potential koala habitat. The proposed structures are located away from this area and no trees are to be removed to accommodate the structures. Although it is highly unlikely that any koalas remain within the locality, having regards to the requirements of SEPP No. 44, it is considered that the proposal will not impact any significant stands of vegetation or disturb any natural habitats which would be considered as potential or core koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines a consent authority "*must not consent to the carrying out of any development on land unless:*

- (i) *it has considered whether the land is contaminated, and*
- (ii) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (iii) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose".*

Council's records indicate that a number of approvals have been issued relating to the use of the land for agricultural purposes. Given the known history of the site, the land is considered suitable for use as an animal establishment.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The subject land falls within the boundary of SREP No. 20. This Policy aims “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”. SREP No. 20 requires an assessment of development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The subject property adjoins Rickabys Creek and the north western portion of the site (generally located within 40m of shared boundary with Rickabys Creek) is identified as a wetland under SREP No. 20. Section 11(19) of SREP No. 20 outlines that development within an identified wetland constitutes ‘designated development’. However, the proposed structures are to be located approximately 230m away from the wetland and as such the provisions of this Policy do not apply in this instance.

Section 11 of SREP No. 20 requires consent to be obtained for ‘horse training and boarding establishments’. Before granting approval Council must make an assessment of:

- (a) The need for farm management, including the use of appropriate best management practices, to mitigate the impact of the development on the water quality of the river.
- (b) For development on flood prone land, the likely additional impact of that development on the river during a flood event.

Whilst the proposed use involves the training of a number of animals, the proposal has been considered against these provisions on the basis that horses are one of the main animals involved.

The proposed buildings, including the animal training/stables building and the covered arena, are for the training of animals only; the accommodation of animals is not proposed.

A management plan has been submitted for the proposal, and includes references to the disposal of waste and the treatment of wastewater. Council’s Environmental Health Officer has also imposed conditions relating to the disposal of wastewater from the animal training/stables building. Whilst the property is flood liable, the small number of horses to be grazed onsite are unlikely to generate unreasonable water quality impacts. It is therefore felt that the training of horses in this area will have a limited impact on the water quality of the Hawkesbury River (and other watercourses).

To minimise impacts it is recommended that a condition is imposed requiring the erection of a fence preventing access by horses to the wetland and Rickabys Creek.

The proposal is seen to be consistent with the provisions of SREP No. 20 and will not significantly impact on the environment of the Hawkesbury-Nepean River in either a local or regional context.

- (ii) **Draft Environmental Planning Instruments that is or has been placed on exhibition and details of which have been notified to Council:**

Draft Hawkesbury Local Environmental Plan 2011

Not applicable. Draft Hawkesbury Local Environmental Plan 2011 (Draft HLEP 2011) was gazetted as HLEP 2012 on 21 September 2012.

- (iii) **Any Development Control Plan**

Hawkesbury Development Control Plan 2002

The proposal has been considered against the provisions of the HDCP 2002:

Part A Chapter 3: Notification

The proposal was notified in accordance with Sections 3.3 and 3.10 of Part A Chapter 3 of the HDCP 2002. No submissions were received.

Part C Chapter 2: Car Parking and Access

Council's Development Engineer has reviewed the proposal and has raised no objection to the proposal on traffic or parking grounds.

A parking and loading area for the delivery of animals and equipment is provided adjacent to the animal training/stables building.

Part C Chapter 7: Effluent Disposal

The installation of a toilet and other facilities are proposed within the animal training/stables facility. The requirements of Council's Environmental Health Officer are discussed later in this report.

Part D Chapter 8: Rural Sheds

Not applicable. The proposed structures are ancillary to the use of the property as an animal establishment. The structures are not defined as 'rural sheds'.

(iia) Any Planning Agreement:

Not applicable. The developer has not entered into a planning agreement with Council or the Department of Planning and Infrastructure.

(iv) Matters prescribed by the Regulations:

These matters have been considered in the assessment of this application. Should the application be supported the Environmental Planning and Assessment Regulation 2000 requires the development to:

- Comply with the National Construction Code – Building Code of Australia, and
- Be levied against Council's S94A Development Contributions Plan (where relevant).

(v) 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:

These matters have been considered in the assessment of this application.

The animal training/stables building is to have dimensions of 20m by 60m, with an attached awning with dimensions of 12m by 60m. The structure is to have a wall height of 4.8m and a ridge height of 6.65m. The covered horse arena is to have dimensions of 20m by 60m, a wall height of 4.8m and a ridge height of 6.65m. Both structures are to be constructed of Colorbond steel in the Pale Eucalypt colour.

The Applicant has provided the following justification for the size and height of the proposed structures:

The proposal is a purpose-designed building for animal keeping and training. This is a very specific activity which requires specific spaces, in particular for:

- *Flying of birds within the confines of a secure area;*
- *Training horses, which involves the rider often standing;*
- *Training horses to accomplish various tricks, which requires no outside distractions and additional head height.*

A recent example is the training provided by Kirsko for a short film called "Queen of the Beasts". This job required training a number of animals to interact with each other. The shed would have allowed enough room to mark out the same dimensions as those on the day of filming so the animals could be trained to the actual distances the galah had to fly, the pony had to walk, and the dog had to run.

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As discussed with the City Planning Director, any reduction in the height or size of buildings would not be workable due to the unique nature of the proposed use.

In terms of visual impact, it is submitted that buildings are rural in character and will sit well within the surrounding landscape. The site is within a rural floodplain, characterised by flat, cleared pasture land with scattered trees and a number of rural buildings.

The proposed buildings will be visible from surrounding properties and from Cox Street and Rickaby Street (public road area). The nearest dwelling is located in Rickaby Street, some 95m to the south-west of the proposed stable building. The nearest dwelling to the west is accessed from George Street and is some 170m from the proposed building. Dwellings located in Church Street, 150-200m to the east, will have a filtered view of the building through existing trees (from the rear second storey).

It is noted that all dwellings in the locality are two storeys in height due to the flood prone nature of the area. The proposed structures will be a maximum of 6.652m in height, which is comparable with the two storey dwellings in the locality. As shown on the enclosed plan by McKinlay Morgan and Associates, the stables/indoor arena building will be in cut by approximately 700mm at the Rickaby Street end of the building, effectively lowering the height above ground as viewed from this direction.

The enclosed section of the building is 20 metres wide, representing only one quarter of the width of land at Rickaby Street. It is submitted that the arrangement of the stables and covered arena is such that it minimises the visual impact of the proposal.

In my submission, the views from nearby dwellings and from the public roads will not be significantly affected. The proposal satisfies the view sharing principles established by the Land and Environment Court in Tenacity Consulting v Warringah [2004] NSW LEC 140.

It is considered that the proposed structures are simple rural forms, which are located within a very large view shed. In my opinion the visual impact is acceptable.

Comment:

It is accepted that the size and the height of the structures relate to their use as an animal establishment. The proposed structures will be recognisable as buildings associated with an agricultural use and the training of horses. On this basis each of these structures are seen to be compatible with the rural character of properties on the northern side of Cox Street.

The animal training/stables building is to be setback in excess of 15m from the front boundary and is also broken up into a series of elements to reduce its visual bulk. The horse training arena is to be located more than 90m from the front boundary and will have an open appearance.

The structures are to be constructed in Colorbond steel. The Pale Eucalypt colour is an earth tone colour and is seen to be compatible with the rural character of the area. This colour is also comparable to other buildings located within the vicinity.

During the assessment of the application a landscaping plan was requested of the Applicant to soften and screen the development. The need for landscaping was acknowledged by the Applicant and Council was invited to impose a condition requiring the submission of landscaping plan.

It is therefore recommended that consent is granted for the development containing a condition requiring the approval of a landscape plan that clearly details the plantation of endemic trees, shrubs and groundcovers along the eastern and northern property boundaries to further ameliorate the development's visual impact.

With the imposition of this condition the proposal is seen to be acceptable within the context of the locality. The proposed development is not expected to generate significant adverse environmental, social or economic impacts for the locality.

(vi) Suitability of the site for the development:

These matters have been considered as part of the assessment of the development application.

Council's mapping system indicates that a northern portion of the site contains Alluvial Woodland. Also known as Riverflat Eucalypt Forest, this vegetation is identified as an endangered ecological community under the Threatened Species Conservation Act 1995. The property does not contain Cumberland Plain Priority Conservation vegetation.

The proposed development area is located away from this vegetation community and no indigenous trees or shrubs are to be removed to accommodate the development. As such it is considered that the development will have no significant adverse impacts on flora and fauna species, populations or habitats.

The development is therefore considered suitable within the context of the locality.

Given that the property is located below the 1-in-100 year flood level, the imposition of conditions requiring the use of flood compatible materials and certification of adequacy to withstand floods is required.

(vii) Any submissions made in accordance with the Act or the Regulations:

The application was publically notified in accordance with the HDCP 2002 from 11 to 25 October 2011. No submissions were received in relation to the proposal.

The amended plans submitted for the development did not alter the location or size of the structures and as such the amended plans were not notified.

(viii) The Public Interest:

The proposed development is permissible under both the current HLEP 2012 and the recently repealed HLEP 1989. The development is not expected to generate unreasonable impacts for neighbours or the environment. The proposed animal establishment use is consistent with the property's rural zoning and as such the approval of the application is seen to be in the public interest.

Development of Flood Liable Land Policy

On 31 July 2012 Council adopted the 'Development of Flood Liable Land Policy' and the Policy took effect on 21 September 2012 upon gazettal of HLEP 2012. The purpose of the Policy is to convert Clause 25 of HLEP 1989 into a Council Policy to provide some interim provisions for flood assessment until the Floodplain Risk Management Study and Plan (currently on public exhibition) is completed.

The Policy only applies to development applications lodged on or after 21 September 2012. Older applications are still assessed against the relevant Clause 25 provisions of HLEP 1989 related to development of flood liable land.

Referrals - External

NSW Office of Water

A drainage channel passes through the unformed portion of Rickaby Street and into the subject property. As the structures are to be located within 40m of this drainage line the proposal is defined as 'integrated development' and was referred to the NSW Office of Water for comment.

Having considered the proposal the NSW Office of Water has provided their General Terms of Approval. It should be noted that the NSW Office of Water have raised no objection to the structures being located within 10m of the top bank of the drainage channel.

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Financial Implications

Based on the supplied estimated value-of-work of \$262,000.00 a Section 94A Development Contribution of \$2,620.00 would be payable should the application be approved.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposal is generally acceptable and it is recommended that the development be approved.

Planning Decision

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

RECOMMENDATION:

That:

1. The objection to Clause 25(2) of the Hawkesbury Local Environmental Plan 1989 (as amended), lodged pursuant to State Environmental Planning Policy No. 1 – Development Standards, is supported;
2. Development Application No. DA0583/11 for an Animal Establishment – The operation of an animal establishment and the construction of an animal training/stables building and covered horse arena on Lot 3 DP: 217618, known as 231 Rickaby Street, South Windsor, be approved subject to the conditions as follows:

NSW Office of Water Conditions

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2011/583 and provided by Council:
 - (i) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3. The consent holder must prepare or commission the preparation of:
 - (ii) Erosion and Sediment Control Plan
 - (iii) Soil and Water Management Plan
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx

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(i) Outlet structures

5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
6. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
7. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
8. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
9. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Hawkesbury City Council Conditions

General Conditions

10. The development shall take place in accordance with the approved plans (Drawing Numbers DA-01 and DA-02 prepared by RE and PA Collis Design, DA-03 and DA-04 prepared by Montgomery Planning Solutions and 93051:E:1 prepared by McKinlay Morgan and Associates Pty Ltd), specifications and accompanying documentation (Operational Management Plan dated July 2012 prepared by Kirsco Film Animals) submitted with the application, except as modified by these further conditions.
11. A detailed landscaping plan, prepared by a suitably qualified person, shall be submitted to the Principle Certifying Authority for approval prior to the issue of a construction certificate. This plan is to indicate the use of endemic vegetation consisting of trees (minimum mature height of 6.0m), shrubs and groundcovers along the full length of the front property boundary and along the northern boundary (adjoining the unformed portion of Rickaby Street) for at least the full length of the structures. All plants are to be of local provenance.

The landscaped areas shall have a minimum width of no less than 4.0 m.

The landscaping plan shall clearly detail species names and heights at maturity and planting and maintenance instructions. The maintenance instructions are to detail the minimum period required for full establishment of the landscaping.

12. The applicant is to be responsible for the maintenance and replacement of the approved landscaping until all landscaping is established. Should any plants die they are to be replaced by a similar species and maintained until established.
13. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate (Building and Engineering).
14. The structure shall not be used or occupied prior to the issue of an Occupation Certificate.
15. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010

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16. 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 seven (7) days of issuing the certificate. A registration fee applies.
17. Hawkesbury City Council is the sewer authority for this development. As this development involves connection to an onsite effluent disposal system, a payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a construction certificate.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.

18. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$2,620.00 shall be paid to Hawkesbury City Council. This fee is based on the supplied estimated value-of-works of \$262,000.00.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

19. The development shall comply with the provisions of the National Construction Code/Building Code of Australia (BCA). Details of compliance are to be provided to the Principal Certifying Authority (PCA) prior to issue of a Construction Certificate (Building).
20. Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.
21. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.
22. The structures shall be designed by a practising Structural Engineer to ensure the construction is able to withstand a maximum water velocity of 1.5m/sec. A copy of the certified design shall be provided to the Principal Certifying Authority (PCA) prior to the release of the construction certificate.
23. Construction of the access, bulk earthworks and stormwater drainage are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director City Planning or an Accredited Certifier.
24. Payment of a Construction Certificate Checking Fee of \$455.20 and a Compliance Certificate Inspection Fee of \$770.00 when submitting Civil Engineering Plans for approval. Fees are valid until 30 June 2013. Fees required if an accredited certifier is used will be provided on request.

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25. A Traffic Management Plan prepared in accordance with AS 1742-3:2002 by an appropriately qualified person shall be submitted to Council.
26. A Construction Certificate shall not be issued until evidence is provided to the Principal Certifying Authority (PCA) that a controlled activity approval has been issued by the NSW Office of Water.

Prior to Commencement of Works

27. 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.
28. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
29. 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.
 - (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.
30. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
31. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority (PCA) prior to any works commencing on site.
32. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
33. An Application to Install a Sewage Management Facility (for the AWTS and disposal area for the staff amenities and for the septic and trench for the stable and horse washdown) must be submitted and approved with Hawkesbury City Council prior to any works being commenced in relation to the sewage management facility.
34. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
35. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
36. Toilet facilities (to the satisfaction of the Principle Certifying Authority) shall be provided for workmen throughout the course of building operations. Such facilities shall be located wholly within the property boundary.

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During Construction

37. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am - 6:00pm and on Saturdays between 8:00am - 4:00pm.
38. The site shall be secured to restrict access to unauthorised persons and prevent the depositing of any unauthorised material.
39. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
40. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
41. The site shall be kept clean and tidy during the works and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply:
 - (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 metal 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.
42. No excavated material, including soil, shall be removed from the site.
43. The topsoil shall be stripped and stockpiled and used to cover the landfill as appropriate.
44. Batters shall be grassed immediately after filling takes place.
45. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
46. The cut or fill shall be battered at a slope not exceeding one (1) vertical to three (3) horizontal, unless prior geotechnical advice has been provided to the principal certifying authority as part of the construction certificate application.
47. A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
48. Filling shall comprise of uncontaminated virgin excavated natural material (VENM) only. Contamination certificates for all source material shall be provided to the Principal Certifying Authority (PCA) (and the Council if it is not acting as the PCA) prior to the placing of any fill onsite.
49. The development shall be constructed of flood compatible materials in accordance with the NSW Government Flood Plain Manual.
50. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components or construction:

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- (a) piers;
- (b) steel reinforcement prior to pouring concrete;
- (c) waterproofing
- (d) framing
- (e) on completion of the works;

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- 51. A fence shall be installed a minimum of 50m away from the lot boundary with Rickabys Creek to prevent access to the creek and wetland by horses and other animals. This fence must extend across the full width of the property.
- 52. To ensure that the location of the building satisfies the provisions of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority (PCA) at an early stage indicating the location of the building with respect to the boundaries and the site coverage of the buildings on the site.
- 53. A bitumen sealed rural footway crossing 4m wide shall be constructed to the development in accordance with Hawkesbury Development Control Plan Appendix E – Civil Works Specification.
- 54. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E – Civil Works Specification.
- 55. Any sewer or stormwater main or manhole affected by the development, shall be repaired or altered in level as so directed at the applicant's expense.
- 56. Arrangements are to be made for the provision of common drainage and the disposal of storm water from the site.

Prior to Occupation:

- 57. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
- 58. The written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the onsite detention system is required to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Interim or Final Occupation Certificate.
- 59. Prior to the release of the Occupation Certificate the applicant shall submit a report from a suitably qualified Engineer which verifies the following:
 - (a) Any damage to the proposed structure sustained in a flood will not generate debris capable of causing damage to downstream buildings or property.
 - (b) Any part of the structure at or below the 1 in 100 year flood level will be able to withstand the force of floodwaters (including buoyancy forces) and the impact of debris.
 - (c) All finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of floodwaters.
- 60. Prior to the release of the Occupation Certificate a flood warning sign of durable material shall be permanently fixed in a prominent location within the site. The sign shall advise occupants that the site may subject to inundation during times of flood.

Use of the Development

- 61. Operating hours for the animal establishment shall be limited to 9:00am to 5:00pm seven days a week.
- 62. The operation of the animal establishment is to be undertaken in accordance with the Operational Management Plan dated July 2012 prepared by Kirsco Film Animals.

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63. 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), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.
64. The structures (animal training/stables building and covered horse arena) shall not be used or adapted for use for human habitation.
65. The principles and practices contained in the Office of Environment and Heritage's "Horse properties on the rural urban fringe – Best practice environmental guide for keeping horses" (ISBN 1 74137 0787 www.environment.nsw.gov.au) shall be observed.
66. The site, including the animal training/stables building and covered horse arena, is to be kept clean. Stock piles of any organic animal manure are to be stored in an enclosed area, undercover and appropriately banded to avoid the escape of contaminated water. Waste manure is to be disposed of at regular intervals to prevent the waste from overflowing and emanating odour.
67. Stables and yards must be kept clean. Soiled bedding, uneaten food, refuse and manure must be removed at least once a day and placed in a receptacle such as a large metal bin with a flanged-fitting lid which is water-proof, prevents access by flies and vermin and reduces the emission of noxious odours. The bin should be emptied and disinfected weekly.
68. Feed shall be stored in containers with close-fitting hinged lids to prevent the entry of vermin. Materials used should be water resistant or waterproof to prevent the spoilage of food.
69. The disposal of manure, bedding, food wastes and animal bodies shall be prompt and hygienic.
70. Efforts must be made to effectively control pests including ticks, flies, lice, mosquitoes and rodents, under professional supervision if applicable. Suitable measures such as the use of flybaits and surface residual insecticidal sprays should also be used where necessary. Chemicals are to be kept out of reach of children and animals, stored away from foods and kept in their original container.
71. Any cages are to be kept clean and maintained in a satisfactory condition at all times, with excess food being removed from the cage daily.
72. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties.

The reasons for the imposition of these conditions are those matters in 79(c)(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

Advisory Notes

- This consent operates from the *consent date* shown on the top of this notice and will lapse unless the development is commenced within five years from this date.
- It is advised that the buildings are considered to be used for the purposes of commercial gain. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010 details of compliance are to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.
- The development shall comply with the National Code of Construction. As such appropriate Fire Safety Measures should be provided and installed in the building/property by a suitably qualified person. Following their installation a Certificate of Installation shall be provided to the owner/agent.
- Where they are installed prior to requesting an occupation certificate the owner/agent shall certify that each of the essential fire safety measures specified in this statement:

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- (a) has been installed and assessed by a properly qualified person, and
- (b) was 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.

A copy of the Fire Safety Certificate to be completed is available from Council.

(This Certificate cannot be signed by persons who inspected and/or tested the installed services)

A copy of the Initial Certificate and the Annual Certificate, together with the relevant Fire Safety Schedule must be forwarded to the Council and the Commissioner of the New South Wales Fire Brigades. A copy of this Certificate, together with the relevant Fire Safety Schedule must be prominently displayed in the building.

Annually:

The Fire Safety Measures are to be regularly serviced/ maintained and the owner/agent (including subsequent owners) 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.
- 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.
 - If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
 - Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
 - The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
 - Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
 - Endemic plants are available from Council's Community Nursery at 10 Mulgrave Road, Mulgrave (Ph: 4560 4525).

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ATTACHMENTS:

AT - 1 Locality Map

AT - 2 Plans of the Proposal

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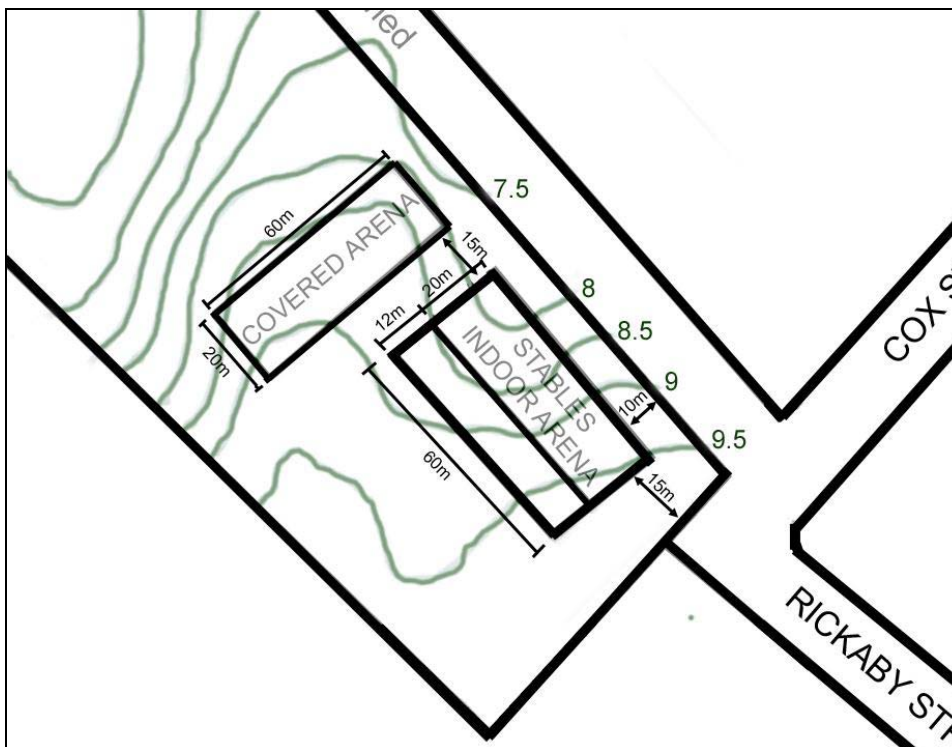
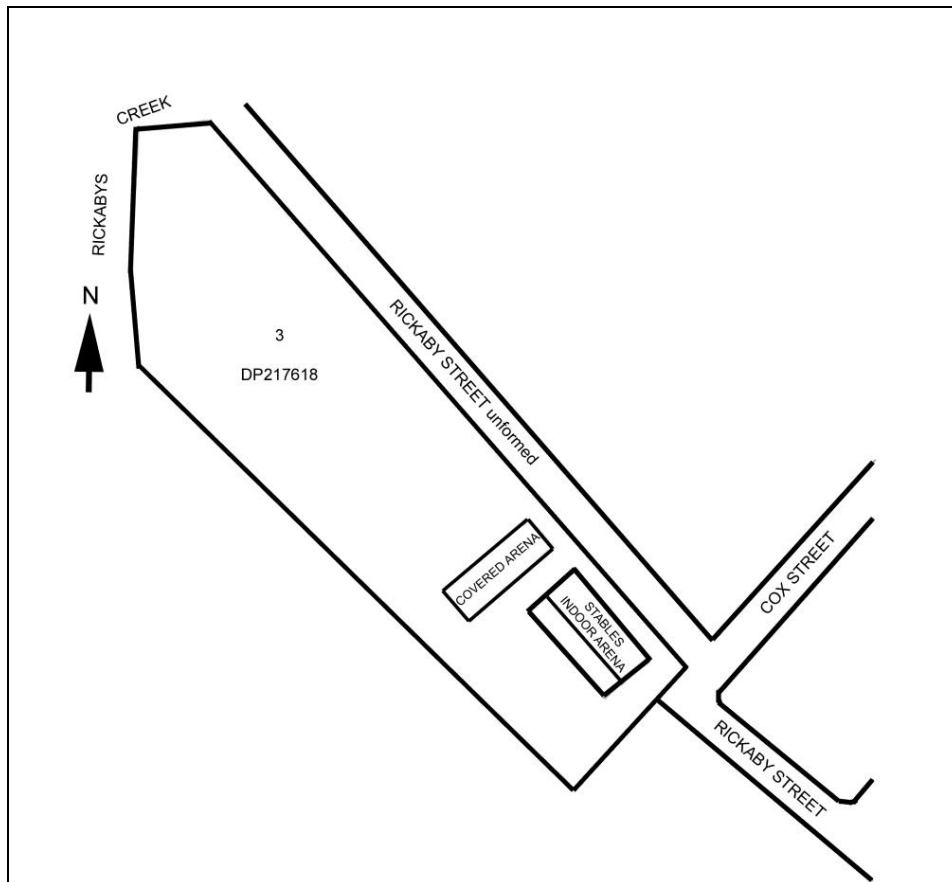
AT 1 – Locality Map



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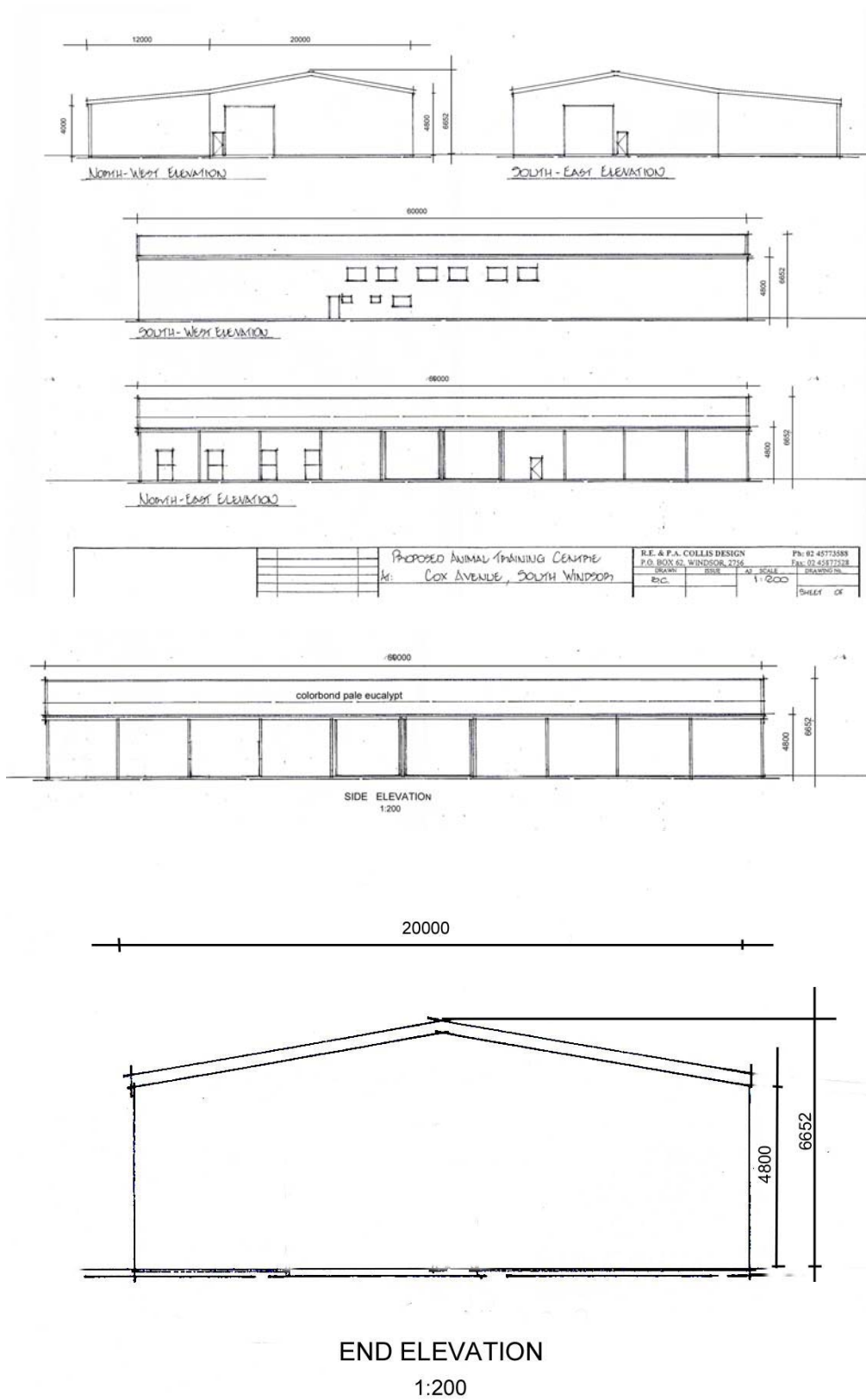
Meeting Date: 9 October 2012

AT 2 – Plans of the Proposal



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oooO END OF REPORT Oooo

Item: 175 CP - Hawkesbury Youth Summit 2012 - (95498, 96328)

Previous Item: 55, Ordinary (29 March 2011)
30, Ordinary (23 February 2010)
233, Ordinary (10 November, 2009)
212, Ordinary (21 October 2008)
NM1, Ordinary (8 April 2008)

REPORT:

Executive Summary

This report has been prepared to advise Council of the findings and recommendations of the Hawkesbury Youth Summit held on 29 March 2012. The report also outlines the outcome of the recommendations of the previous Youth Summit held in 2009 which were adopted by Council for implementation. The report proposes that a further report be prepared for Council's consideration on how the recommendations of the 2012 Youth Summit can be practically implemented.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The report outlines the outcomes of a consultation process undertaken pursuant to a previous resolution of Council.

Background

The *Young People - Community Participation and Civic Leadership Report* was commissioned in response to a request from Council to identify options for supporting youth services and young people to plan and deliver events, programs and activities for young people, and to increase their involvement in Council's policy-making processes.

The report was prepared in conjunction with the Hawkesbury Youth Interagency and documented the outcomes of focus groups and interviews held with young people and youth workers. The results of consultations informed the eight recommendations in the Report which were adopted by Council in October 2008.

Three of the eight recommendations in the *Young People - Community Participation and Civic Leadership Report* related to the staging and funding of a regular youth summit. The first Hawkesbury Youth Summit was held on 24 November 2009 and was attended by 66 young people and youth workers with the findings and recommendations reported to Council on 23 February 2010.

Outcomes of Hawkesbury Youth Summit 2009

The Hawkesbury Youth Summit 2009 referred five recommendations for Council's consideration, all of which were subsequently adopted by Council. The following table documents the 2009 recommendations (in an abridged form) and their current status.

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Recommendation	Current Status
<i>Recommendation 1 - Council consider funding a youth worker position within Council to act as a channel between young people and Council.</i>	Completed. Youth Participation Officer (YPO) recruited and commenced duties in January 2011.
<i>Recommendation 2 - Council liaise with schools to provide a face to face opportunity for young people to meet with or contact Councillors or a relevant Council representative to educate young people about Council processes</i>	YPO has undertaken visits to Hawkesbury schools, as has Council's Community Safety Co-ordinator. The focus of these meetings has been to involve young people in the planning of events and activities for young people. The creation of a YPO Facebook profile has reduced the requirements and demand for face to face contact as young people have been able to access information via their preferred medium.
<i>Recommendation 3 - Existing driver education programs provided by Council continue to be provided and enhanced.</i>	A proposal to enter into a partnership with <i>Youthsafe</i> (a non government charitable organisation focusing on youth injury prevention) to implement the ' <i>Are we there yet</i> ' road safety program was reported to Council in March 2011 and approved for implementation. The program has been implemented in conjunction with other RMS/Council and Australian Drug Foundation/Council road safety projects including Learner Driver Workshops and Good Sports Program.
<i>Recommendation 4 - Council maintain dialogue with young people through use of social media (Facebook), Youth Events and facilitated meetings with young people.</i>	Council has established a YPO Facebook profile to enable the YPO to communicate with young people working on different projects with Council. Council has also worked with youth service providers to fund and resource youth specific events including a program of events celebrating Youth Week. The YPO has also facilitated an on-line consultation forum with Young People as part of the Hawkesbury Community Survey and Hawkesbury Character Study.
<i>Recommendation 5 - Youth Summits be held regularly to continue the dialogue between Council and Young People.</i>	Youth Summit held in March 2012. The Summit was planned, designed and staged by young people who were supported and resourced by the YPO and youth workers.

Hawkesbury Youth Summit 2012

The second Hawkesbury Youth Summit was held on Tuesday 29 March, 2012. The summit was attended by 65 young people from across the Hawkesbury. Participants represented five Hawkesbury High Schools, including Richmond, Hawkesbury, Colo and Windsor High Schools and Bede Polding College. Following the Summit, Council's Youth Participation Officer has worked with the young people involved in organising the 2012 Summit to prepare a report documenting the outcomes of the Summit. *The Hawkesbury Youth Summit 2012 Outcomes: Imagine Create Inspire Report* is appended to this report (Attachment 1 – distributed under separate cover).

The six Key Findings and 6 Recommendations in the *Summit Report* are outlined below:

Youth Summit Key Findings:

1. Participants indicated that the primary issue young people are facing in the Hawkesbury is bullying, both in its traditional forms and in online mediums. This was followed by transport issues and lack of age appropriate activities.
2. Young people are struggling to access relevant information on employment or career opportunities. Participants requested greater focus from Council in regards to youth employment opportunities and improved engagement in education, suggesting career expos as an option.

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3. Young people indicated that their preferred communication method for communicating with council is Facebook. This was followed by the internet, through an enhanced website, and youth events. Participants indicated that they were unable to access relevant information from the Council website and requested a more comprehensive youth section.
4. A significant portion of young people at the summit were already in contact with council or were aware of methods available to communicate with Council. Those not already in contact with council stated that this was due to accessibility. Issues with accessibility were stated as being due to a lack of time to make the contact, the lack of knowledge of relevant ways to communicate directly with council and to a lesser extent fear of not making a difference or not being taken seriously.
5. Young people continue to be unaware of the role of local government and consequently hold Council responsible for the perceived lack of resources and services for young people - even where these were the responsibility of other levels of government.
6. The young people indicated overwhelmingly that they are interested in consulting with Council, in civic leadership and in being involved in Council process.

Youth Summit Recommendations:

1. Hawkesbury City Council work with Hawkesbury Youth Interagency to investigate a suitable anti bullying program and make available to all Hawkesbury High Schools.
2. The Youth Safe program 'are we there yet' continue to be delivered to schools and widened to include youth projects accessing young people not engaged in education.
3. Hawkesbury City Council continues to work with Peppercorn Services Inc to promote and enhance existing youth transport initiatives.
4. A Council education strategy be developed to provide youth friendly information to young people about the role of local government and how to contact various departments within Hawkesbury City Council.
5. Contact to be maintained with young people to provide opportunities for young people to be involved in civic leadership and Council process
6. Hawkesbury City Council to determine measures to support young people in accessing employment services or events.

Proposed response to Youth Summit

The Youth Summit has proved to be a successful mechanism for young people to talk with Council and to express their views and experiences of living in the Hawkesbury. The staging of the summit will give rise to the reasonable expectation (by young people and youth workers) that Council will carefully consider the outcomes of the summit and provide an informed response to its recommendations. To facilitate this it is proposed that Council:

- a) receive The Hawkesbury Youth Summit 2012 Outcomes: Imagine Create Inspire Report;
- b) call for a further report on how the recommendations of the Hawkesbury Youth Summit 2012 can best be actioned. The report to outline a practical strategy for resourcing and implementing the recommendations;
- c) consult with the Hawkesbury Youth Interagency, young people and other stakeholders in the preparation of the Youth Summit 2012 Action Plan.

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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 the nominated strategy in the Community Strategic Plan being:

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

Financial Implications

The funding implications arising from the recommendations within the youth summit report are to be assessed and further reported to Council.

RECOMMENDATION:

That:

1. Council receive *The Hawkesbury Youth Summit 2012 Outcomes: Imagine Create Inspire Report*.
2. A further report be prepared on actioning the recommendations of the Hawkesbury Youth Summit 2012 with the Hawkesbury Youth Interagency and other stakeholders to be consulted in the preparation of the report.

ATTACHMENTS:

- AT - 1** *The Hawkesbury Youth Summit 2012 Outcomes: Imagine Create Inspire Report (Distributed under Separate Cover).*

oooO END OF REPORT Oooo

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Item: 176 **CP - Execution of Variation to Service Agreement - Family & Community Services
- (124932, 95498)**

Previous Item: 78, Ordinary (29 May 2012)

REPORT:

Executive Summary

This report has been prepared to seek Council's approval to execute a variation to the Service Agreement previously signed by Council with Family & Community Services, NSW Government for funding for the 2012/2013 financial year. These funds are provided for the operation of community and child care services.

Consultation

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

Background

Council receives funding from Family & Community Services, NSW Government (formerly Community Services Department of Human Services NSW) to operate a number of community services within the City of Hawkesbury. In May 2012 Council resolved to execute a Service Agreement from Family & Community Services for total annual funding of \$605,111.

A variation to the previously executed Service Agreement has been received from Family & Community Services, NSW Government which provides for a small increase in total funding to for the 2012/2013 financial year to \$612,028. The revised funding amounts are as listed below:

Community Builders Salary Subsidy	\$11, 038
Community & Youth Worker Salary Subsidy	\$33, 941
Family Support Hawkesbury & Community Hub	\$212, 532
Forgotten Valley Mobile Resource Unit	\$107, 043
Forgotten Valley Vacation Care	\$3, 516
Richmond Occasional Care	\$32, 057
Peppercorn Forgotten Valley Community & Youth	\$107, 770
Peppercorn Family Services Forgotten Valley	\$104, 131
New Total 2012/2013 Funding	\$612, 028

With the exception of the Local Government Salary Subsidy Programs, Council has delegated management responsibility for the operation of these funded services to Peppercorn Services Inc (PSI). This delegation requires PSI to operate within the policy and operational framework defined by Council's legal and statutory responsibilities as the funding auspice for these services. These responsibilities are clearly outlined in the documents which drive the operations of these services including:

- the funding agreement between Council and Family & Community Services, NSW Government;
- the Children's Services Regulation;
- the industrial awards under which staff are employed;
- other legislation relating to workplace safety, child protection etc
- the *Associations Incorporation Act 2009*

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Peppercorn Services Inc. has established financial, operational and governance systems to manage and operate the services transferred to its control in compliance with these documents and regulations.

To facilitate the remittance of these funds, Family & Community Services NSW Government, requires Council to execute a variation to the Service Agreement under the Seal of Council.

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 the 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 advocates for the continued provision of a range of human services to address the diverse needs of the Hawkesbury Community. Executing funding agreements for the provision of these human services in partnership with government agencies and community organisations is a primary strategy for achieving the broad thrust of the Community Strategic Plan.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That the authority be given to execute, under the Seal of Council, a variation to the Service Agreement with Family & Community Services, NSW Government to accept funds for the 2012/2013 financial year as outlined in this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 177 IS - Richmond Bridge and Approaches Congestion Study - Long-term Options - (95495)

REPORT:

Executive Summary

This report provides a summary of the four options currently being reviewed by the Roads and Maritime Services (RMS) as part of its long-term strategy to improve traffic movements between Richmond and North Richmond. The report recommends that in general, Council support Option C (a new two lane bridge 25-50 metres downstream of the existing bridge, constructed at a 1:5 year ARI flood level) subject to further analysis and determination of the short-term options report currently being finalised in conjunction with the long-term options report.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy, with all direct consultation with the Community, in relation to this Study, being undertaken by RMS.

Background

RMS has undertaken a long-term options report for the Richmond Bridge and approaches congestion study. The project makes reference to the Bridge over the Hawkesbury River between Richmond and North Richmond as Richmond Bridge (commonly known as North Richmond Bridge). As part of the consultation process, RMS is seeking input from all stakeholders.

Richmond Bridge and approaches are congested during morning and afternoon peak times and the investigation seeks to improve access for communities who rely on Richmond Bridge. In April 2011 the Federal Government allocated \$2 million for planning to alleviate traffic congestion on Richmond Bridge and its approach roads.

The study is limited to the existing road connection between Grose Vale Road, North Richmond and East Market Street, Richmond. RMS have investigated both the short-term improvements to relieve traffic congestion and the long-term options.

Consultation with the community is an important part of this process and during July 2012 RMS met with the community and key stakeholders to better understand community views about improving local traffic for the short-term and a possible road corridor in the vicinity of Richmond Bridge for future traffic needs. RMS received a wide range of constructive comments, which are being considered in detail by the project team.

RMS Design objectives for the long-term options:

The primary objective of the study is to alleviate traffic congestion along the corridor between Richmond and North Richmond. The secondary objective of the study is to provide an improved level of flood immunity for the corridor. To support these key objectives, the following additional objectives also need to be satisfied by the study:

- Ensure the operations of Richmond Bridge and its approaches can be maintained during construction.
- Maintain/Improve the accessibility of Richmond Bridge.

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- Minimise the impacts on the built and natural environment along the route.
- Improve safety for pedestrians, cyclist and motorists.
- Minimise the project whole of life cost.

The information collected in the process of identifying the constraints associated with the corridor allowed a number of road and bridge alignment options to be identified. These included:

- Contra flow traffic management options.
- Widening the existing carriageway and the existing bridge by two lanes.
- New bridges at higher elevations to improve flood immunity.
- Additional lanes on the eastbound carriageway, and or, additional lanes on the westbound carriageway.
- Options that bypass the townships of Richmond and North Richmond were not considered as these would be examined as part of the overall transport planning for the north-west region of Sydney.

These six preliminary options were further refined to six strategic concept options by identifying the most viable options presented. The six options selected were:

- Option 1 -** A Contra flow traffic management option which includes an additional lane from Yarramundi Lane to Grose Vale Road, and associated widening of the existing bridge to accommodate a Contra flow arrangement. Minor intersections adjustments (widening) in the Richmond and North Richmond precincts were also proposed as part of this option. Widening Kurrajong Road by an additional two lanes to provide a four lane divided road between Chapel Street and Old Kurrajong road/Yarramundi Lane. No change to the current level of flood immunity (Bridge at RL=8.4m).
- Option 2 -** Widening of the existing bridge to provide two additional lanes and a shared user path. This option also proposes two additional lanes for the eastbound carriageway, and minor intersection adjustments (widening) in the Richmond and North Richmond precincts. All other features similar to Option 1.
- Option 3 -** A new bridge five metres downstream of, and at the same level as, the existing bridge. This option also proposes two additional lanes for the eastbound carriageway and minor intersections adjustments (widening) in the Richmond and North Richmond precincts. Widening Kurrajong Road by an additional two lanes to provide a four lane divided road between Chapel Street and Old Kurrajong road/Yarramundi Lane. No change to the current level of flood immunity (Bridge at RL=8.4m).
- Option 4 -** A new bridge 25-50 metres downstream of the existing bridge, constructed at a 1:5 year ARI flood level (Bridge at 12.5m). This option also proposes two additional lanes for the eastbound carriageway, provides a 1:5 year ARI flood immunity for the road formation and includes minor intersections adjustments (widening) in the North Richmond and Richmond precincts. Widening Kurrajong Road by an additional two lanes to provide a four lane divided road between Chapel Street and Old Kurrajong road/Yarramundi Lane.
- Option 5 -** A new bridge 25-50 metres downstream of the existing bridge constructed at a 1:20 year ARI flood level (Bridge at 15.3m). This option proposes two additional lanes for the eastbound carriageway, also providing a 1:20 year ARI flood immunity for the road formation and minor intersections adjustments (widening) in the Richmond and North Richmond precincts. Widening Kurrajong Road by an additional two lanes to provide a four lane divided road between Chapel Street and Old Kurrajong road/Yarramundi Lane. Removal of some turning movements at Old Kurrajong Road/Yarramundi Lane.

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Option 6 - A new bridge 25-50m downstream of the existing bridge constructed at a 1:100 year ARI flood level (Bridge at 17.5m). This option proposes two additional lanes for the eastbound carriageway, aiming to provide a 1:100 year ARI flood immunity to the road formation and minor intersections adjustments (widening) in the North Richmond and Richmond precincts. Widening Kurrajong Road by an additional two lanes to provide a four lane divided road between Chapel Street and Old Kurrajong road/Yarramundi Lane.

Options 2 and 6 were not selected as part of the short listing process. These two options were considered less desirable on the basis of:

- The impacts on the heritage value of the existing bridge.
- The structural limitations of the existing bridge.
- The severity of impacts on properties on the North Richmond side of the bridge.
- The impacts on the high voltage power assets within the corridor.
- The requirement to widen on both sides of Kurrajong Road which would have involved complex staging and worsened the existing traffic issues during construction.

Consultation with the State Emergency Service (SES) and Hawkesbury City Council (HCC) considered the impacts of a 1:5 year, 1:10 year and 1:20 year ARI flood event and the flood access issues that need to be addressed with regard to the bridge and approaches. It was established that whilst the routes considered are not flood evacuation routes for the SES the provision of higher level flood access along this route would minimise community disruption and economic impacts.

Options that involved full grade separation of the existing intersections such as Grose Vale Road/Bells Line of Road were not considered further due to the following issues:

- Traffic volumes were capable of being catered for by at grade intersections and can still provide an adequate level of service.
- The preliminary economic assessment of the capital cost of grade separation interchanges indicated that these options were not economically justifiable.

The final short list of strategic options considered by RMS for the Richmond Bridge are:

- **Option A -** Three lane contra flow traffic management option to provide two lanes in the peak direction (previously Option 1)
- **Option B -** A new two lane bridge 5 metres downstream to provide four lanes, two lanes in each direction (previously Option 3)
- **Option C -** A new two lane bridge with a 1 in 5 year flood immunity to provide four lanes, two lanes in each direction (previously Option 4)
- **Option D -** A new two lane bridge with a 1 in 20 year flood immunity to provide four lanes, two lanes in each direction (previously Option 5)

Consideration of a new four lane bridge:

A new four lane bridge was considered as a sub-option of options C and D. This sub-option would involve constructing option C or D as a new four lane bridge. The existing bridge could then be used as a pedestrian and cycle link across the river.

This option would involve:

- Two lanes in each direction across a single bridge.
- Restricted turning movements at Old Kurrajong Road / Yarramundi Lane.
- Adjustments at Bosworth Street to cater for additional traffic.

This sub-option could be accommodated within the road corridor required for option C or D.

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Matters relating to the RMS short-term options:

During July 2012 RMS sought comments in relation to the Richmond Bridge and Approaches Congestion Study Stage 1 Summary Report – July 2012. An interim response was provided to RMS to assist in refining the study, with a formal response to be provided following finalisation of the study.

Some of the issues raised in the interim response relating to the outcomes and recommendations included:

1. State road traffic should be contained within its own road network and not diverted into the Local road network. The peak hour traffic volumes outlined in the study clearly demonstrate that the State road traffic is not following the State road network
2. Matters discussed during the various workshops were not included in the study and one notable omission is the banning of the following manoeuvres during the PM peak;
 - a. Left turn out of Yarramundi Lane (actual road name Old Kurrajong Road) into Kurrajong Road,
 - b. Right turn out of Old Kurrajong Road (OKR) into Kurrajong Road (KR).
3. The Study makes reference to “high right turning traffic” from Kurrajong Road into Yarramundi Lane in the order of 350 veh/h, during the AM peak and the corresponding left turn out of Yarramundi Lane during the PM peak of 380 veh/h. The concern is that by undertaking the improvement works outlined in Option H, these traffic numbers will increase and could easily double over time. This traffic should be contained within the State road network of Kurrajong Road, Bosworth Street and Castlereagh Road.
4. Yarramundi Lane (Old Kurrajong Road) is similar to a local road with a maximum environmental capacity in the order of 300 veh/h, and is currently beyond capacity. The road reserve for the majority of this section is only 10.0 metres wide and should not be considered as a de-facto State Road. Unless Option H is amended, RMS will need to consider widening and upgrading this road with funding provided to further maintain it. A Road Safety Audit will need to be undertaken for Yarramundi Lane to ascertain its viability.
5. Improvements are required at the intersection of Bosworth Street and Kurrajong Road as outlined in The Study which in the short term could result in removing all parking for both the AM and PM peak between Chapel Street and East Market Street. There are currently turning manoeuvre issues at the Intersection of East Market Street and March Street (extension of Kurrajong Road) which have been raised previously with RMS which includes;
 - a. Left lane on March Street at East Market Street (eastbound), adjacent to Richmond Park, which only allows for the left turn. The centre lane allows for right and straight through which is affected by the right turn being undertaken through a filter phase only and without a dedicated green arrow.
 - b. Improvements to traffic flow at this intersection can be provided by allowing the kerb lane to be left turn and through, providing a green right turn arrow from March Street into East Market Street or banning the right turn from March Street into East Market Street.
6. The Study makes reference to the “Penrith bound traffic” turning into Yarramundi Lane and not travelling further to the intersection of Kurrajong Road and Bosworth Street. There is anecdotal evidence that some of the traffic turning right at Yarramundi Lane has a destination of either Richmond or travelling towards Windsor/Blacktown, using Yarramundi Lane/ Inalls Lane / South Road as a rat-run. The Study data could be further enhanced by undertaking an Origin/Destination Study for some of these critical movements.

The outcomes from Option H relating to the intersection of Kurrajong Road/ Yarramundi Lane/OKR whilst potentially improving capacity and safety on Kurrajong Road, does so at the expense of the physical, environmental and safety of Yarramundi Lane and the feeder local road network. If this option is pursued, then these issues must be addressed

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Upcoming community consultation activities:

RMS is seeking feedback on the 4 long-term options until Wednesday, 17 October 2012. Information sessions and displays as well as a Value Management Workshop have been arranged.

Community information sessions are to be undertaken at the North Richmond Community Centre on:

- Wednesday, 10 October 2012 from 4.30pm to 8.30pm
- Saturday, 13 October 2012 from 10.00am to 2.00pm.

Display locations are at Council's Main Foyer and the Richmond Motor Registry.

A Value Management Workshop is to be held on Wednesday, 24 October 2012. Participants will review the outcomes of the technical and environmental investigations that are detailed in the long-term options report and consider each of the options. Participants are required to register with RMS by Wednesday, 17 October 2012.

Information on the project can be accessed from the link www.rms.nsw.gov.au/roadprojects at the RMS web site.

Summary:

The key objective of the Study undertaken by RMS is to provide a long-term solution to the traffic congestion along the road corridor between Richmond and North Richmond, whilst taking into consideration improved flood immunity.

In relation to the four Strategic options developed by RMS, Option C (a new two lane bridge 25-50 metres downstream of the existing bridge, constructed at a 1:5 year ARI flood level) is considered to be a most viable option which will be in keeping with the flood level proposed for the new Windsor Bridge.

This option provides an enhanced level of flood access for the community as well as providing a new standalone bridge structure with a longer service life than an upgrade of the existing bridge.

Whilst Council's technical staff will have an ongoing technical liaison with RMS, and will provide further reports on this matter, it remains open to Councillors to attend the Value Management Study, noting that the structure of a Value Management Study requires participation as an individual.

Conformance to Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions statement;

- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses.

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

- Facilitate the integration of a transport network

Financial Implications

There are no financial implications arising from this report.

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RECOMMENDATION:

That:

1. RMS be advised that Council supports, in principal, Option C (a new two lane bridge 25-50 metres downstream of the existing bridge, constructed at a 1:5 year ARI flood level) subject to further analysis and determination of the short-term options report currently being finalised in conjunction with the long-term options report.
2. RMS be requested to undertake further consultation with Council following Community input and the Value Management Workshop prior to finalising its option for the long-term strategy for the Richmond Bridge and its approaches.

ATTACHMENTS:

- AT - 1** Community Update - Richmond Bridge and Approaches Congestion Study - September 2012 (*to be distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 October 2012

Item: 178 **IS - Rural Fire Service Bid and Estimates 2013/2014 - Hawkesbury District - (95495, 79016, 73835)**

REPORT:

Executive Summary

Council provides funding contributions to the NSW Rural Fire Service (RFS) through both a statutory charge and additional discretionary funding to support the operation of the district service and facilities.

The NSW RFS seeks Council endorsement of these budgets for the next financial year at this time of year in order to align with the State Budget process. Council receives the Budget Estimates from the State in March to allow further consideration as part of Council's Budget Process.

The report recommends the endorsement of the proposed budget.

Consultation

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

Background

Under the provisions of the Rural Fires Act 1997, Local Government provides a statutory contribution to the cost of the NSW RFS. Additional statutory contributions are also made to NSW Fire and Rescue as well as the State Emergency Service.

The NSW Rural Fire Service has submitted its estimates for the 2013/2014 financial year for Council's consideration. The attached estimates consist of two components, the Rural Fire Fighting Fund (RFFF), which is submitted to the NSW RFS, and a Council submission (bid) which is presented to Council for consideration. Council is statutorily required to contribute 11.7% of the RFFF budget. The Council submission is discretionary and it is for Council to determine the appropriate funding commitment. There is also an amount identified as "Provided by Council" which is the cost identified directly related to the Service Level Agreement between Council and the RFS which includes insurance of stations (\$10,000) and Council rates (\$12,500), totalling \$22,500.

The RFFF estimates include \$310,000 for the acquisition of a bulk water carrier to provide greater operational efficiency in remote areas. This amount is included within the RFFF bid and as such Council is required to contribute 11.7% of the actual plant purchase cost.

Total funding within Council's budget for rural fire fighting is made up of the 11.7% RFFF contribution and District Salaries, salaries for part time and casual workers at Hawkesbury Rural Fire Service, Council's own internal overheads and any additional funding provided by Council in response to the submission by Hawkesbury Rural Fire Service.

The "other programs" charges, which is a proportion of RFS statewide programs and insurances has been estimated at an amount of \$2,000,000. Reimbursement of 11.7% of these program charges can be sought as part of the budget process and this has been included within the documentation. It will be noted that the reimbursement amount is included within the RFS bid for the district budget.

The submission seeks to maintain the additional Council funding on a range of programs totalling \$246,500, plus any Council budgeted building works for the RFS. This figure is similar to that which has been provided in previous years (2011/2012 - \$249,000). Confirmation of this amount will be undertaken as part of Council's budget process.

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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.

Financial Implications

Consideration of funding will be required as part of the 2013/2014 Budget preparation.

RECOMMENDATION:

That the 2013/2014 Rural Fire Fighting Fund estimates as submitted by the NSW Rural Fire Service be endorsed in principle.

ATTACHMENTS:

AT - 1 Rural Fire Service Estimates 2013/2014

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AT - 1 Rural Fire Service Estimates 2013/2014

HAWKESBURY RURAL FIRE DISTRICT BID & ESTIMATES 2013 - 2014			
ACTION	RFS BID	COUNCIL BID	PROVIDED BY COUNCIL
Station maintenance & repair	\$35,000.00		
Radio repairs	\$15,000.00		
Fuel	\$50,000.00		
PMR Site Costs	\$8,000.00		
GRN radio access fees	\$207,314.16		
Vehicle maint & repair	\$70,000.00	\$23,000.00	
Telephone calls		\$19,000.00	
Telephone rental		\$15,000.00	
Electrical Tagging & Fire Extinguisher Maint		\$10,000.00	
Part Time Wages - Cleaning		\$25,000.00	
Wages - Casual		\$35,000.00	
Printing & Stationery		\$25,000.00	
Equipment (Council General)		\$12,000.00	
Catering		\$20,000.00	
Group Officer vehicle replacement (1)		\$22,500.00	
Field Day		\$15,000.00	
Training		\$15,000.00	
Mitigation works		\$10,000.00	
Council rates			\$12,500.00
Insurance stations			\$10,000.00
Insurance vehicles	\$55,464.00		
Station upgrades	\$400,000.00		
Electricity & Water - stations			
Electricity & Water - Fire Control / WOOSH / Wilberforce Station / Stores	\$55,000.00		
Staff vehicle changeovers (2)	\$29,000.00		
Computer replacements	\$10,000.00		
Travel expenses	\$5,000.00		
Vehicle running costs	\$51,000.00		
Staff Phones	\$6,000.00		
Network Provision (Communications Platform)	\$4,697.00		
Protective equipment	\$50,000.00		
Bulk Water Carrier	\$310,000.00		
Tanker Replacement Programme (inc. trade-ins)	\$0.00		
Equipment (Firefighting)	\$225,000.00		
Community Education Activities	\$4,000.00		
Information Services & GIS Contribution	\$66,904.00		
TOTALS	\$1,657,379.16	\$246,500.00	\$22,500.00
Plus RFS Staff Wages	\$706,434.00		
TOTAL	\$2,363,813.16		
Plus RFS Programme Charges (EST)	\$2,000,000.00		
TOTAL	\$4,363,813.16		
Reimbursement of Council 11.7% Programme Charges (2012/13)	\$211,153.00		
TOTAL BID to RFS (EST)	\$4,574,966.16		
Councils Statutory Contribution 11.7% (EST)		\$535,271.04	
COUNCIL CONTRIBUTION (EST)		\$804,271.04	
Less Reimbursement of 11.7% Programme Charges(EST)		\$211,153.00	
TOTAL COUNCIL CONTRIBUTION (EST)		\$593,118.04	

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 October 2012

Item: 179 **IS - Naming of a Proposed Road - William Hall Place, East Kurrajong associated with DA0036/10 - (95495, 31568)**

Previous Item: 121, Ordinary (10 July 2012)

REPORT:

Executive Summary

This report has been prepared following Council's resolution of 10 July 2012 to seek public comment under the New South Wales Roads Act 1993 on the naming of a new public road at East Kurrajong associated with DA0036/10 as William Hall Place. The proposed road provides access to seven new lots.

Public comment was sought with one submission from the Geographical Names Board (GNB) being received, raising no objection to the proposed name.

The report recommends that the new public road at East Kurrajong associated with DA0036/10 be named as William Hall Place, East Kurrajong.

Consultation

The issues raised in this report do not require further Community Engagement under Council's Community Engagement Policy. The community engagement process undertaken meets the criteria for the minimum level of community engagement required under Council's Policy.

Public consultation was sought by way of advertisement in the local press, Council's web page under Consulting the Community, correspondence addressed to adjoining and surrounding owners of the proposed new road (10 letters), various organisations (9 letters), the applicant and the owner. The public comment period expired on 24 August 2012. No further public consultation is required for naming of the road.

Background

Council at its meeting held on the 10 July 2012, resolved the following:

"That public comment be sought under the New South Wales Roads Act, 1993 for the naming of the new public road in connection with the DA0036/10 and contained within Lot 11 DP 1154540 (120 Royerdale Place, East Kurrajong), as William Hall Place, East Kurrajong."

This was in response to an application from the developer, on behalf of their client, requesting Council, as the road authority, to proceed with the road naming process.

Details relating to the proposed name William Hall Place are listed below:

- William Hall was the original grantee of land in the area of DA0036/10.
- The use of "Place" best describes the road type.
- There is no other William Hall Place within the Hawkesbury LGA and the name conforms to the guidelines set by The Geographical Names Board of NSW and the requirements of the Roads Act 1993.

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At the end of the public consultation period, one submission was received as follows:

- No objection to the use of the name "William Hall Place" from the Geographical Names Board of New South Wales.

Based on the information outlined in the report and the one response received, it is proposed to name the new public road at East Kurrajong, associated with DA0036/10 and contained within Lot 11 DP 1154540 (120 Royerdale Place, East Kurrajong), as William Hall Place, East Kurrajong.

Conformance to Community Strategic Plan

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

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

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

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

Financial Implications

The advertising and administrative expenses associated with this matter have been paid by the applicant in accordance with Council's Operational Plan.

RECOMMENDATION:

That the new public road at East Kurrajong associated with DA0036/10 and contained within Lot 11 DP 1154540 (120 Royerdale Place, East Kurrajong), be named as William Hall Place, East Kurrajong.

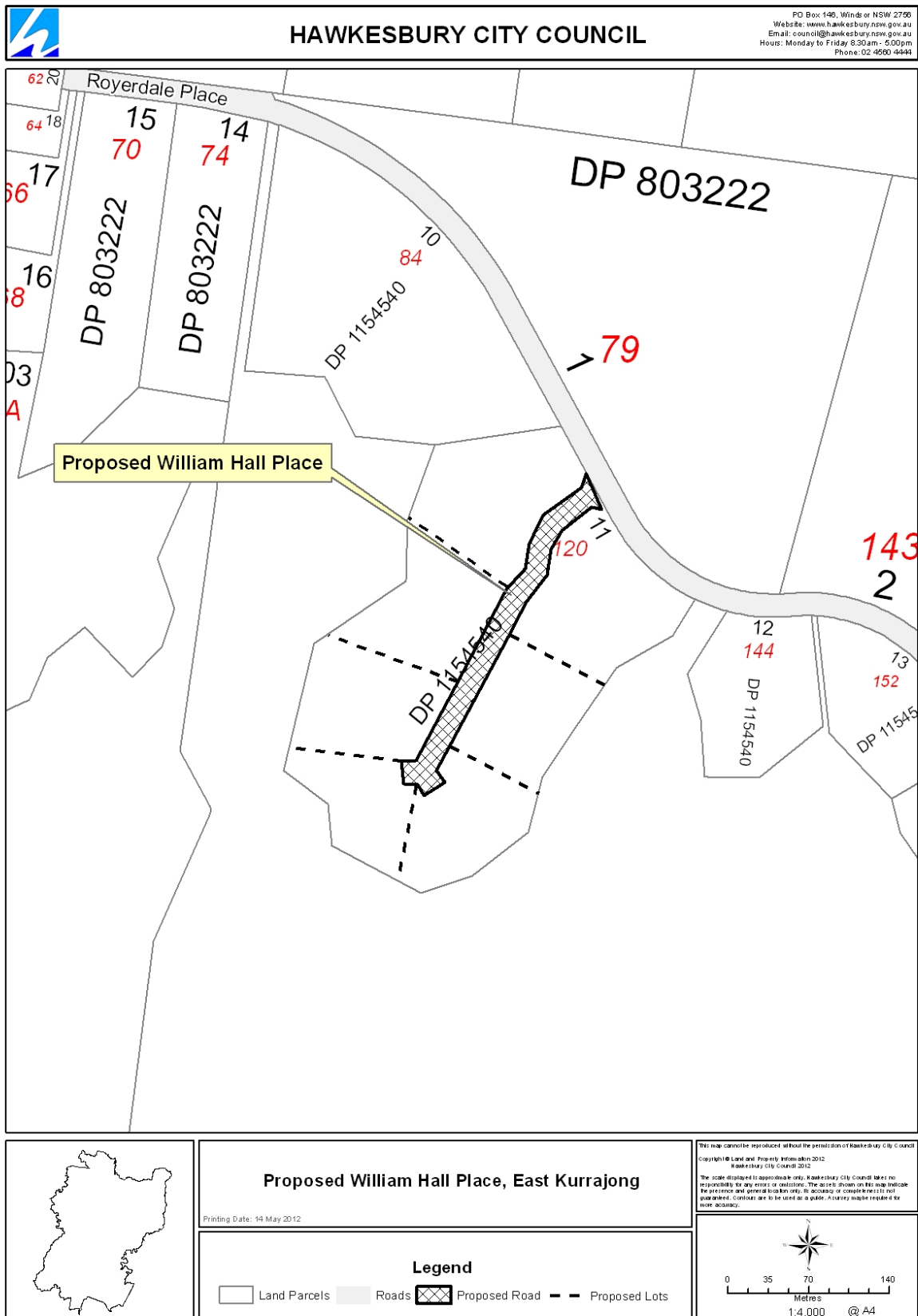
ATTACHMENTS:

AT - 1 Locality Plan - Proposed William Hall Place, East Kurrajong

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AT 1 - Locality Plan – William Hall Place, East Kurrajong



oooO END OF REPORT Oooo

SUPPORT SERVICES

Item: 180 SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 79337)

REPORT:

Executive Summary

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

Consultation

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

Background

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

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

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

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

With regard to Section 450(2) (a), the following Section 449(1) Return has been lodged:

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Position	Return Date	Date Lodged
Corporate Systems & Database Administrator	09/07/2012	12/09/2012
Print Room Co-ordinator	25/06/2012	29/08/2012

The Return has been lodged prior to the due date for the receipt of the Return, being three months after the return date.

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

Councillor	Return Period	Date Lodged
Clr Bart Bassett	01/07/2011 - 30/06/2012	14/08/2012
Clr Barry Calvert	01/07/2011 - 30/06/2012	28/08/2012
Clr Kevin Conolly	01/07/2011 - 30/06/2012	14/08/2012
Clr Kim Ford	01/07/2011 - 30/06/2012	30/07/2012
Clr Warwick Mackay	01/07/2011 - 30/06/2012	04/09/2012
Clr Christine Paine	01/07/2011 - 30/06/2012	30/08/2012
Clr Robert Porter	01/07/2011 - 30/06/2012	14/08/2012
Clr Paul Rasmussen	01/07/2011 - 30/06/2012	06/09/2012
Clr Jill Reardon	01/07/2011 - 30/06/2012	14/08/2012
Clr Tiffany Tree	01/07/2011 - 30/06/2012	07/08/2012
Clr Wayne Whelan	01/07/2011 - 30/06/2012	28/08/2012
Clr Leigh Williams	01/07/2011 - 30/06/2012	06/09/2012

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Position	Return Period	Date Lodged
General Manager	01/07/2011 - 30/06/2012	30/07/2012
Human Resources Manager	01/07/2011 - 30/06/2012	14/08/2012
Human Resources Officer	01/07/2011 - 30/06/2012	04/09/2012
Corporate Communication Manager (Job Share)	01/07/2011 - 30/06/2012	30/08/2012
Corporate Communication Manager (Job Share)	01/07/2011 - 30/06/2012	04/09/2012
Manager Risk Management	01/07/2011 - 30/06/2012	30/07/2012
Senior Strategic Planner	01/07/2011 - 30/06/2012	26/07/2012
Internal Auditor	01/07/2011 - 30/06/2012	27/07/2012
Director City Planning	01/07/2011 - 30/06/2012	30/07/2012
Planning Manager	01/07/2011 - 30/06/2012	06/08/2012
Senior Strategic Co-ordinator	01/07/2011 - 30/06/2012	24/08/2012
Senior Strategic Planner	01/07/2011 - 30/06/2012	07/08/2012
Senior Strategic Planner	01/07/2011 - 30/06/2012	14/08/2012
Senior Strategic Planner	01/07/2011 - 30/06/2012	26/07/2012
Senior Strategic Planner	01/07/2011 - 30/06/2012	31/07/2012
Subdivision & Development Engineer	01/07/2011 - 30/06/2012	16/08/2012
Subdivision & Development Engineer	13/03/2012 - 30/06/2012	03/09/2012
Senior Town Planner	09/08/2011 - 30/06/2012	03/09/2012
Senior Town Planner	01/07/2011 - 30/06/2012	03/09/2012
Town Planner	01/07/2011 - 30/06/2012	26/07/2012
Town Planner	01/07/2011 - 30/06/2012	26/07/2012
Town Planner	24/09/2011 - 30/06/2012	15/08/2012
Building and Development Co-ordinator	01/07/2011 - 30/06/2012	01/08/2012

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Position	Return Period	Date Lodged
Building & Development Officer	01/07/2011 - 30/06/2012	14/08/2012
Senior Building Surveyor	01/07/2011 - 30/06/2012	27/08/2012
Building & Development Officer	01/07/2011 - 30/06/2012	23/08/2012
Executive Manager - Community Partnerships	01/07/2011 - 30/06/2012	14/08/2012
Customer Services Manager	01/07/2011 - 30/06/2012	03/09/2012
Community Program Co-ordinator	01/07/2011 - 30/06/2012	03/09/2012
Manager Regulatory Services	01/07/2011 - 30/06/2012	30/07/2012
Senior Environmental Health Officer	01/07/2011 - 30/06/2012	26/07/2012
Environmental Health Officer	01/07/2011 - 30/06/2012	10/09/2012
Environmental Health Officer	01/07/2011 - 30/06/2012	14/08/2012
Environmental Health Officer	01/07/2011 - 30/06/2012	24/09/2012
Environmental Health Officer	01/07/2011 - 30/06/2012	26/07/2012
Environmental Health Officer	01/07/2011 - 30/06/2012	14/08/2012
Environmental Health Officer	01/07/2011 - 30/06/2012	20/08/2012
Environmental Health Officer	01/07/2011 - 30/06/2012	14/08/2012
Companion Animals Team Leader	01/07/2011 - 30/06/2012	26/07/2012
Companion Animals Controller	01/07/2011 - 30/06/2012	06/08/2012
Companion Animals Controller	01/07/2011 - 30/06/2012	26/07/2012
Administration Officer	01/07/2011 - 30/06/2012	30/07/2012
Compliance & Enforcement Coordinator	01/07/2011 - 30/06/2012	24/08/2012
Compliance & Enforcement Officer	01/07/2011 - 30/06/2012	06/08/2012
Compliance & Enforcement Officer	01/07/2011 - 30/06/2012	14/08/2012
Compliance & Enforcement Officer	13/12/2011 - 30/06/2012	06/09/2012

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Position	Return Period	Date Lodged
Parking Patrol Officer	24/01/2012 - 30/06/2012	06/08/2012
Parking Patrol Officer	01/07/2011 - 30/06/2012	14/08/2012
Director Infrastructure Services	18/01/2012 - 30/06/2012	03/09/2012
Manager Building Services	01/07/2011 - 30/06/2012	12/09/2012
Building Services Officer	01/07/2011 - 30/06/2012	03/09/2012
Building Services Officer	01/07/2011 - 30/06/2012	03/09/2012
Building Services Officer	01/07/2011 - 30/06/2012	02/08/2012
Manager Construction & Maintenance	01/07/2011 - 30/06/2012	03/09/2012
Construction / Maintenance Engineer	01/07/2011 - 30/06/2012	28/08/2012
Manager Parks & Recreation	01/07/2011 - 30/06/2012	03/09/2012
Land Management Officer (Maternity Leave)	01/07/2011 - 30/06/2012	19/09/2012
Project Officer	01/07/2011 - 30/06/2012	31/07/2012
Parks Foreman	01/07/2011 - 30/06/2012	31/07/2012
Swimming Pool Superintendent	01/07/2011 - 30/06/2012	02/08/2012
Manager Water & Waste Management	01/07/2011 - 30/06/2012	30/07/2012
Waste Management Officer	01/07/2011 - 30/06/2012	14/08/2012
Wastewater Maintenance/Project Engineer	01/07/2011 - 30/06/2012	21/08/2012
Wastewater Maintenance/Project Engineer	01/07/2011 - 30/06/2012	03/09/2012
Design Engineer	01/07/2011 - 30/06/2012	14/08/2012
Manager Design & Mapping Services	01/07/2011 - 30/06/2012	03/09/2012
Design Investigation/Project Engineer	01/07/2011 - 30/06/2012	31/07/2012
Project Engineer	29/05/2012 - 30/06/2012	30/07/2012
GIS Co-ordinator	01/07/2011 - 30/06/2012	26/07/2012

ORDINARY MEETING**Meeting Date:** 9 October 2012

Position	Return Period	Date Lodged
Director Support Services	01/07/2011 - 30/06/2012	31/07/2012
Manager Corporate Services & Governance	01/07/2011 - 30/06/2012	26/07/2012
Senior Property Officer	01/07/2011 - 30/06/2012	26/07/2012
Property Officer	01/07/2011 - 30/06/2012	14/08/2012
Print Room Co-ordinator	26/06/2012 - 30/06/2012	30/08/2012
Chief Financial Officer	01/07/2011 - 30/06/2012	03/09/2012
Senior Financial Accountant	01/07/2011 - 30/06/2012	21/08/2012
Senior Management Accountant	01/07/2011 - 30/06/2012	17/08/2012
Financial Accountant	13/09/2011 - 30/06/2012	05/09/2012
Rates Team Leader	10/01/2012 - 30/06/2012	17/08/2012
Supply Co-ordinator	20/03/2012 - 30/06/2012	30/07/2012
Administration Officer (Purchasing)	01/07/2011 - 30/06/2012	31/07/2012
Administration Officer (Purchasing)	01/07/2011 - 30/06/2012	14/08/2012
Information Services Manager	01/07/2011 - 30/06/2012	14/08/2012
Senior Network Administrator	01/07/2011 - 30/06/2012	26/07/2012
Manager Cultural Services	01/07/2011 - 30/06/2012	01/08/2012
Information & Lending Services Librarian	01/07/2011 - 30/06/2012	14/08/2012
Local Studies & Outreach Librarian	01/07/2012 - 30/06/2012	30/08/2012
Museum & Gallery Director	01/07/2011 - 30/06/2012	14/08/2012

All the above Councillors and Designated Persons have lodged their Section 449(3) Returns prior to the due date of 30 September 2012, as required by the Act for the receipt of the Returns.

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

ORDINARY MEETING

Meeting Date: 9 October 2012

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

Item: 181 **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496)**

Previous Item: 222, Ordinary (31 July 2012)

REPORT:

Executive Summary

Councils are required by the Local Government Act, 1993 (LGA) to adopt a Policy on the Provision for the Payment of Expenses and the Provision of Facilities to Councillors. The LGA requires that the Policy be reviewed annually and be publicly exhibited prior to changes to the Policy being adopted.

At its meeting on 31 July 2012, Council resolved to place its amended Policy on public exhibition.

The period to lodge submissions closed at 5:00pm on Friday, 14 September 2012, following a public exhibition process. No submissions have been received.

The report recommends adoption of the exhibited Policy.

Consultation

The public were provided with the opportunity to review and comment on the Policy, and the proposed amendments, through a statutory 28 day public exhibition process.

Background

Section 252 of the Local Government Act, 1993 (LGA) requires a council, within five months after the end of each financial year, to adopt a policy for the payment of expenses and the provision of facilities to Councillors.

Section 253 of the LGA also details requirements to be complied with prior to such a policy being adopted or amended in the following terms:

- "(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submission and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsection (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) a copy of the notice given under subsection (1).*

ORDINARY MEETING

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- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy."*

At the meeting of Council held on 31 July 2012, Council resolved as follows:

"That the amended Policy for Payment of Expenses and Provision of Facilities to Councillors attached as Attachment 1 to the report be placed on public exhibition for a period of at least 28 days and that the matter be reported back to Council at the conclusion of the exhibition period"

The amended Policy proposed minor alterations to the previous Policy, specifically:

- Councillor training and learning, are further refined and defined
- The provision of productivity enhancing facilities by way of an iPad as well as a laptop or desktop computer
- Identification of time limits to make payments for mobile phone reimbursements to Council
- Other minor amendments for the purposes of updating

In accordance with the above resolution the amended Policy was placed on public exhibition. The period to lodge submissions closed on Friday, 14 September 2012. No submissions have been received.

As no submissions were received during the exhibition period, it is now appropriate for the Council to adopt the amended Policy which is attached to this report, as Attachment 1.

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

The cost of providing expenses and facilities in accordance with the Policy would be met from the 2012/2013 Adopted Operational Plan.

RECOMMENDATION:

That:

1. The Policy for 'Payment of Expenses and Provision of Facilities for Councillors', attached as Attachment 1 to the report, be adopted.
2. As required by Section 253(4) of the Local Government Act, 1993, a copy of the adopted Policy be forwarded to the Division of Local Government within the Department of Premier and Cabinet, together with a copy of the public notice placing the draft Policy on public exhibition, and advice that during the required exhibition period, the Council received no submissions in respect of the draft Policy.

ORDINARY MEETING

Meeting Date: 9 October 2012

ATTACHMENTS:

- AT - 1** Amended Policy for Payment of Expenses and Provision of Facilities to Councillors - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 9 October 2012**Item: 182****SS - Monthly Investments Report - August 2012 - (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 \$39.05 million in investments at 31 August 2012.

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 \$39.05 million in investments as at 31 August 2012. 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-	31-Aug-12		5.00%	2,650,000	6.79%	
CBA	A1+	AA-	31-Aug-12		4.00%	2,450,000	6.27%	5,100,000
Term Investments								
ANZ	A1+	AA-	23-Mar-12	17-Oct-12	6.00%	400,000	1.02%	
ANZ	A1+	AA-	13-Jun-12	07-Nov-12	5.10%	1,000,000	2.56%	
Bankwest	A1+	AA-	07-Mar-12	05-Sep-12	5.85%	2,000,000	5.12%	
Bankwest	A1+	AA-	21-Mar-12	05-Sep-12	5.90%	500,000	1.28%	
Bankwest	A1+	AA-	13-Jun-12	26-Sep-12	5.20%	1,000,000	2.56%	
Bankwest	A1+	AA-	31-July-12	30-Jan-13	5.10%	1,000,000	2.56%	
Bankwest	A1+	AA-	01-Aug-12	30-Jan-13	5.10%	500,000	1.28%	
Bankwest	A1+	AA-	08-Aug-12	30-Jan-13	5.10%	3,000,000	7.68%	
CUA	A-2	BBB	07-Mar-12	06-Feb-13	6.05%	250,000	0.64%	

ORDINARY MEETING

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	11-Apr-12	10-Oct-12	5.72%	2,000,000	5.12%	
NAB	A1+	AA-	16-May-12	20-Nov-12	5.35%	2,000,000	5.12%	
NAB	A1+	AA-	16-May-12	20-Nov-12	5.35%	1,000,000	2.56%	
NAB	A1+	AA-	06-Jun-12	05-Dec-12	5.15%	2,500,000	6.40%	
NAB	A1+	AA-	13-Jun-12	16-Jan-13	5.12%	1,000,000	2.56%	
NAB	A1+	AA-	25-Jul-12	30-Jan-13	5.04%	2,000,000	5.12%	
NAB	A1+	AA-	25-Jul-12	24-Jul-13	4.92%	1,000,000	2.56%	
St George	A1+	AA-	24-Feb-12	05-Sep-12	6.01%	800,000	2.05%	
St George	A1+	AA-	17-May-12	20-Nov-12	5.35%	1,000,000	2.56%	
St George	A1+	AA-	15-Aug-12	21-Aug-13	5.15%	2,000,000	5.12%	
St George	A1+	AA-	22-Aug-12	18-Sept-13	5.16%	2,000,000	5.12%	
St George	A1+	AA-	22-Aug-12	16-Oct-13	5.16%	1,500,000	3.84%	
Westpac	A1+	AA-	09-May-12	07-Nov-12	5.55%	3,000,000	7.68%	
Westpac	A1+	AA-	06-Jun-12	05-Dec-12	5.10%	1,000,000	2.56%	
Westpac	A1+	AA-	26-Apr-12	24-Oct-12	5.70%	500,000	1.28%	
Westpac	A1+	AA-	26-Apr-12	24-Oct-12	5.70%	1,000,000	2.56%	33,950,000
TOTAL INVESTMENT AS AT 31 AUGUST 2012								39,050,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	5,100,000	4.52%	Reserve Bank Cash Reference Rate	3.50%	1.02%
Term Deposit	33,950,000	5.33%	UBS 90 Day Bank Bill Rate	3.65%	1.68%
Total	39,050,000	5.23%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	7,587,353
External Restrictions - Other	6,981,302
Internal Restrictions	18,942,178
Unrestricted	5,539,167
Total	39,050,000

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 Section 94 Contributions, Domestic Waste Management, Stormwater Management and Grants.

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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 increased by \$3.35 million for the month of August 2012. During August 2012, income was received totalling \$10.83 million, including rate payments amounting to \$7.23 million, while payments to suppliers and staff costs amounted to \$6.53 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 August 2012, Council has invested \$15.30 million with second tier financial institutions, that are wholly owned subsidiaries of major trading banks, and \$0.25 million invested with a second tier institution that is not a wholly owned subsidiary of a major Australian trading bank, with the remaining funds being invested with first tier institutions. Council's adopted Investment Policy allows Council to invest funds with second tier Authorised Deposit-taking Institutions that are wholly owned subsidiaries of major Australian trading banks, subject to conditions stipulated in the Policy. Investments in second tier financial institutions, that are not wholly owned subsidiaries of major trading banks, are limited to the amount guaranteed under the Financial Claims Scheme (FCS) for Authorised Deposit-taking Institutions (ADIs), in line with Council's Investment Policy.

The FCS protects depositors by guaranteeing deposits (up to the cap) held in ADIs incorporated in Australia, and allows quick access to deposits if an ADI becomes insolvent. A permanent guarantee cap, per account holder, per ADI, of \$250,000, has been in place since 1 February 2012.

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 26 June 2012.

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.

Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2012/2013.

ORDINARY MEETING

Meeting Date: 9 October 2012

RECOMMENDATION:

The report regarding the monthly investments for August 2012 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 183 SS - General Purpose Financial Statements and Special Purpose Financial Statements for 2011/2012 - (79350)

REPORT:

Executive Summary

Section 413 (1) of the Local Government Act, 1993 (LGA) requires that *“a council must prepare financial reports for each year, and must refer them for audit as soon as practicable.”* The unaudited Annual Financial Statements for 2011/2012 have been completed and are ready for audit.

The purpose of this report is to refer the Annual Financial Statements for 2011/2012 to audit.

Consultation

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

Background

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

The unaudited Annual Financial Statements for 2011/2012 have been completed and are ready for audit. This report recommends that Council refer the draft financial statements for audit by completing the Statements attached as Attachment 1 to this report.

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

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

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

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

ORDINARY MEETING

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

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

The Financial Statements are prepared by Council staff and comply with Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting. The Statements are required to be audited by an independent auditor, and lodged with the Division of Local Government (DLG) before 7 November 2012.

An unaudited copy of the Annual Financial Statements for the financial year 2011/2012 was presented to Council's Audit Committee meeting held on 3 October 2012. At that meeting, Council's External Auditor, Mr Dennis Banicevic from PricewaterhouseCoopers summarised the financial results and Council's financial position as presented in the draft financial statements. At that meeting, the Audit Committee sought clarifications on and discussed a number of issues relating to the draft statements presented, and resolved to receive the information concerning the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2012.

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

Item	2011/2012	2010/2011
Income from continuing operations (excluding Capital Grants and Contributions)	\$60.0m	\$56.2m
Expenses from continuing operations	\$68.5m	\$63.9m
Net Operating result	(\$8.5m)	(\$7.8m)
Capital Grants and Contributions	\$17.1m	\$12.3m
Total Assets	\$812.2m	\$803.6m
Total Equity	\$791.1m	\$781.9m
Cash and Investments	\$40.4m	\$44.0m
Unrestricted Current ratio	4.86	4.26
Rates, Annual Charges, Interest & Extra Charges Outstanding Ratio	6.26%	7.05%

A copy of the audited General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2012, will be submitted for adoption at the Council Meeting on 13 November 2012. A detailed explanation on these key results will be included in the financial statements presented at that meeting. At the Council Meeting on 13 November 2012, a presentation relating to these statements will be given by Council's External Auditor, Mr Banicevic from PricewaterhouseCoopers.

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

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

ORDINARY MEETING

Meeting Date: 9 October 2012

Funding

There are no financial implications applicable to this report.

RECOMMENDATION:

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
 - (a) Council's annual Financial Statements for 2011/2012 have been drawn up in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulations made there under,
 - The Australian Accounting Standards and Professional Pronouncements, and
 - The Local Government Code of Accounting Practice and Financial Reporting; and
 - (b) The Statements present fairly the Council's financial position and operating result for the year; and
 - (c) The Statements are in accordance with the Council's accounting and other records; and
 - (d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the "Statement by Councillors and Management". The Statements are to be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer.
3. Council seek a presentation from its External Auditor, PricewaterhouseCoopers, at a Council Meeting following the completion of the audit.

ATTACHMENTS:

- AT – 1** Statements by the Council on the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2012.

AT 1 - Statement by the Council on the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2012

HAWKESBURY CITY COUNCIL

**General Purpose Financial Statements
FOR THE YEAR ENDED 30 June 2012**

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

The General Purpose Financial Statements have been prepared in accordance with:

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

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

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

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

Signed in accordance with a resolution of Council made on 9 October 2012

Councillor Kim Ford, Mayor

Councillor Tiffany Tree, Deputy Mayor

Peter Jackson, General Manager

Emma Galea, Responsible Accounting Officer

HAWKESBURY CITY COUNCIL

**Special Purpose Financial Statements
FOR THE YEAR ENDED 30 June 2012**

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

The Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement *“Application of National Competition Policy to Local Government”*.
- The Division of Local Government guidelines *“Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality”*.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines – *“Best Practice Management of Water and Sewerage”*.

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

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

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

Signed in accordance with a resolution of Council made on 9 October 2012

Councillor Kim Ford, Mayor

Councillor Tiffany Tree, Deputy Mayor

Peter Jackson, General Manager

Emma Galea, Responsible Accounting Officer

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 9 October 2012

CONFIDENTIAL REPORTS

Item: 184 SS - Lease to H & H Hotel Group Pty Limited - Windsor Function Centre - Cnr
Dight and Macquarie Streets, Windsor - (95496, 112106, 115255, 33132)
CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 9 October 2012

Item: 185 GM - Staff Matter - (79351) CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 9 October 2012

Item: 186 MM - Staff Matter - (79351) CONFIDENTIAL

Reason for Confidentiality

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

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

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

ORDINARY MEETING

Meeting Date: 9 October 2012

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Mobility Plan Implementation Committee - 15 August 2012

The meeting commenced at 5:07pm on the 15 August 2012, in the Meeting Room, Peppercorn Place.

Present:	Councillor Leigh Williams, Chair, Councillor Representative Mr Alan Aldrich, Community Representative, Deputy Chair Mr Doug Bathersby, Community Representative Mr John Street, Community Representative Mr Richard McHenery, Roads and Maritime Services NSW
Apologies:	Councillor Christine Paine, Councillor Representative Senior Constable Richard Wright, Hawkesbury Area Local Command Mr Chris Amit, Hawkesbury City Council Mr Chris Cameron, Community Representative
In Attendance:	Mr Joseph Litwin, Hawkesbury City Council Ms Judy Wong, Hawkesbury City Council Mr Richard Vaby, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Mr Alan Aldrich and seconded by Mr Doug Bathersby that the apologies be accepted.

Councillor Leigh Williams welcomed everyone to the meeting. Cllr Williams welcomed new committee member, Mr McHenery, and the Community Safety Coordinator, Judy Wong, to the meeting. The committee was advised that the representative from Hawkesbury Local Area Command has changed, and will be Senior Constable Richard Wright.

SECTION 1 – CONFIRMATION OF MINUTES

MATTERS ARISING FROM PREVIOUS MINUTES

Bridge across Rickaby's Creek:

- Mr John Street sought clarification in relations to RMS representations regarding this item.
- Mr Joseph Litwin confirmed Council had written to RMS (then RTA) about the bridge and other items under its responsibility. No reply had been received. Mr Richard McHenery requested a copy of the letter to follow up the matter.
- Mr Richard Vaby outlined options for constructing the cycleway extension over Rickaby's Creek.
- Mr Alan Aldrich noted that the parked cars along Hawkesbury Valley Way would be a problem to the construction of a cycleway.

Windsor Bridge Options

- Mr John Street sought advice as to whether the Windsor Bridge options included provision for cycleways/shared pathways.
- Mr Richard McHenery advised that all options provided for pedestrian and cyclist needs.

Maintenance and/or sweeper for broken glass on pathways

- Mr Alan Aldrich raised the issue of the continued presence of glass on the Windsor Road cycleway, particularly at McGrath's Hill.
- Mr Doug Bathersby advised that he had forwarded correspondence to Council requesting that Council give consideration to purchasing a sweeper for the cycleway or to contact Blacktown Council to sweep the cycleway, as they have a sweeper which is used for their section of the Windsor Road cycleway.
- Councillor Leigh Williams advised that he would put forward a Notice of Motion to Council to seek a report regarding the matter.

RESOLVED on the motion of Mr Doug Bathersby and seconded by Mr John Street that the Minutes of the Hawkesbury Mobility Plan Implementation Committee held on the 11th August 2011, be confirmed.

SECTION 2 – REPORTS FOR DETERMINATION

Item 2.1: Update to Committee on progress of implementing recommendations of Hawkesbury Mobility Plan

DISCUSSION

- Mr Joseph Litwin confirmed that changes to the adopted 2011-2012 program for the Windsor/Richmond cycleway link, were required due to technical issues. Mr Richard Vaby was invited to take the floor.
- Mr Richard Vaby gave a technical overview and a whiteboard sketch of the box culvert situation at #32 Windsor Road, near Horseland. There are some issues relating to the negotiations with RailCorp. Mr Vaby advised that a solution to the situation has been identified and will be implemented.
- Mr Doug Bathersby requested clarification regarding the timing of the 2012-2013 construction program for the Richmond to Windsor Cycleway/Shared Pathway. Mr Joseph Litwin advised that he would follow up the request.

Mr Richard Vaby left the meeting.

MOTION:

RESOLVED on the motion of Doug Bathersby and seconded by John Street.

That:

The information be received.

SECTION 3 - GENERAL BUSINESS

Item 3.1: RMS Representation

It was noted that Mr Richard McHenery had been appointed to the committee as the RMS representative.

Item 3.2: Super Tuesday Bike Count

Mr Alan Aldrich left the meeting.

- Mr John Street advised that the agenda was very comprehensive in the Super Tuesday description, goals and benefits. He has been previously involved for 3 years with Parramatta Council. The event was established 5 years ago.
- The main benefits for Council comes from obtaining actual real figures of local bicycle use on a workday (during a 2 hour morning block from 7-9am) in order to help feed into the decision making. Better priorities and support could be determined to increase community cycling and safer measures for kids.
- There is a cost as Bicycle Network does the analysis and gives a report to the participating council.
- Ms Myfanwy Lawrence from Parramatta Council would be an informative referee for Ms Judy Wong to contact.

MOTION

RESOLVED on the motion of Councillor Leigh Williams and seconded by Mr Doug Bathersby.

That:

Hawkesbury City Council considers participating in March 2013 Super Tuesday Bike Count subject to the availability of funding and the cost of participation.

Item 3.3: Appreciation of Ms Denise Oakes

- Mr John Street expressed his appreciation for the dedication, support, work and cycling efforts of Ms Denise Oakes in assisting this committee. It made a tremendous difference to him that Ms Oakes was a cyclist.
- The remaining members resoundingly agreed.
- Ms Judy Wong concurred that Ms Oakes was well respected amongst her peers, both in and out of the Council, thereby leaving a willing source of excellent help from which Ms Wong could draw upon.

MOTION:

RESOLVED on the motion of Mr John Street and seconded by Councillor Leigh Williams.

That:

The committee recognise and appreciate the good work of Ms Denise Oakes for supporting this committee and community in pedestrian and cycle activities.

ORDINARY MEETING
Reports of Committees

NEXT MEETING - to be advised upon reformation of the post-election committee.

Meeting closed at 6.35pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Hawkesbury Access and Inclusion Committee Minutes - 23 August 2012 - (124569)

The meeting commenced at 4:07pm.

Present:	Councillor Christine Paine Alan Aldrich Des Crane Ken Ferris Carolyn Lucas Jimmy Ball	Council Representative Community Representative Community Representative Community Representative Community Representative YMCA
Apologies:	Robert Bosshard Mary-Jo McDonnell Joseph Litwin	Community Representative Community Representative Hawkesbury City Council
In Attendance:	Craig Johnson Meagan Ang Toni Rowe	Hawkesbury City Council Hawkesbury City Council Oricom

REPORT:

RESOLVED on the motion of Councillor Paine and seconded by Mr Crane that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Lucas and seconded by Mr Crane that the Minutes of the Access and Inclusion Advisory Committee held on the 26 April 2012, be confirmed.

Councillor Paine proposed that the agenda be amended to allow Ms Rowe and Mr Johnson to address the Committee in relation to the following items of General Business: 3.3 Presentation from Oricom; 3.4 Presentation - Accessible Outdoor Fitness Equipment. The proposal was agreed to.

SECTION 3 - General Business Items brought forward

Item 3.3: PRESENTATION - ORICOM

- Projects where Oricom have partnered with a community service agency to address safety of vulnerable persons residing in the community discussed including Blacktown City Council Personal Alarm Project and Mount Gravatt Community Centre Storm Safe Project.
- Oricom products which have an emergency call function presented including TP170 (phone and pendant device)

DISCUSSION

- The Committee discussed the benefit of emergency call functions and where these might be needed. The Committee requested further information on Oricom's mobile phone product to support people in community settings (i.e. outside the home).

MOTION:

RESOLVED on the motion of Mr Aldrich and seconded by Mr Crane

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received
2. Ms Ang to report back to Committee on origins of funding of Blacktown City Council's Personal Alarm Project
3. Oricom be invited back to Committee meeting along with leaders of local groups including CWA, University of the 3rd Age, Rotary. Legacy and Lions Club to determine interest and need for project which would support roll out of emergency call product.

Item 3.4: PRESENTATION - WHEELCHAIR ACCESSIBLE ACTIVITY PANELS

- Information on outdoor units which are compliant with ADA guidelines (American Access Guidelines equivalent to those prescribed in the Australian Disability Discrimination Act) was presented by Mr Johnson. Mr Johnson is still investigating whether units are compliant with Australian Standards.
- Cost of purchase and installations of all six (6) units is \$100, 000. Panels can be purchased separately at \$15 000 each (plus installation).

DISCUSSION

- Committee discussed the possibility of having the equipment viewed by a physiotherapist to assess suitability for use by people with disabilities.

MOTION:

RESOLVED on the motion of Ms Lucas and seconded by Mr Crane

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. Mr Aldrich to forward equipment specification to a physiotherapist and report back to Committee.
3. Mr Johnson to check on compliance of equipment with Australian Standards and report back to Committee.

SECTION 2 - Reports for Determination (items carried forward from June Business Papers due to lack of quorum at June Committee meeting)

Item 21: Blacktown City Council Personal Alarm System Project

This item was dealt with in conjunction with General Business Item 3.3 above.

Item 22: Results - Access and Inclusion Plan Survey

DISCUSSION:

- The Committee notes that there was not a large response to the survey

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Aldrich and seconded by Mr Ball.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received
2. Ms Ang to report back to Committee on how many contacts the survey link had been emailed.

Item 23: Proposed Framework for (Draft) Hawkesbury Access and Inclusion Plan

DISCUSSION:

- The Committee noted that the plan must acknowledge the contribution of Committee in developing the document by naming of Community Representatives.

RECOMMENDATION TO COMMITTEE:

1. The Committee review the proposed framework for drafting the content and format of the Access and Inclusion Plan
2. A Working Party be established to develop the content of the draft plan based on a review of the outcomes of the community forums, the findings of the on-line survey and such other matters or issues as raised by Committee members.

ORDINARY MEETING
Reports of Committees

MOTION:

RESOLVED on the motion of Ms Lucas and seconded by Mr Crane.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received
2. A Working Party be established once the outcomes of the Community Access and Inclusion Forums are received from Elton Consulting.

Item 24: Accessible Change Room Hawkesbury Oasis

DISCUSSION:

- Mr Ball provides details on the change of staffing arrangements within Hawkesbury YMCA
- Ms Ang (in the absence of Mr. Litwin) advised the Committee of current review of Section 94 works programs being undertaken by Council with a view to amend the existing Sec 94 Plan to accommodate new works. The proposal to amend the works program is to be reported to Council to seek approval to place the amended S94 Plan on public exhibition.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Crane and seconded by Ms Lucas

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

1. That the information be received.
2. Ms Ang to confirm the time frame for the review of the existing Section 94 Developer Contributions Plan and the possible inclusion of a training pool and accessible amenities in the revised S94 works program.

SECTION 3 - GENERAL BUSINESS

3.1 UPDATE - POUND PADDOCK

DISCUSSION

- Progress on the proposed construction of a Disability Services Centre on Pound Paddock was discussed.

3.2 UPDATE ACCESS AND INCLUSION CHECKLIST - COUNCIL AUDITS

DISCUSSION

- Suggested that a plan of access audits to be established.
- Next sites suggested Richmond Park and Richmond Library.
- Request that Committee assist with development of mobility map of Richmond

MOTION:

RESOLVED on the motion of Ms Lucas and seconded by Mr Ferris

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That:

1. The information be received.
2. Two sites are audited in Richmond within the next month.
3. Managers of Council be given checklist and requested to self assess areas of responsibility.

The Meeting closed at 6:52pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Human Services Advisory Committee Minutes - 30 August 2012 - (123486)

The meeting commenced at 9.35am in Council Chambers.

Present:	Councillor Barry Calvert, Chairperson Mr Chris McAlpine, Community Representative Mr Glenn Powers, Community Representative Ms Vickie Shackley, Community Representative
Apologies:	Councillor Jill Reardon, Deputy Chairperson Ms Megan Ang, Hawkesbury City Council Mr Matthew Owens, Hawkesbury City Council Mr Joseph Litwin, Hawkesbury City Council
In Attendance:	Mr Michael Laing, Hawkesbury City Council Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council
Non Attendance:	Mr Nick Sabel, Wentworth Community Housing

REPORT:

The Chair welcomed the Committee to the last meeting of the current Council and thanked members and staff for their contributions throughout the term.

RESOLVED on the motion of Mr Chris McAlpine and seconded by Mr Glenn Powers that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Vickie Shackley and seconded by Mr Chris McAlpine that the Minutes of the Human Services Advisory Committee held on 17 May 2012, be confirmed.

BUSINESS ARISING

Mr Laing advised he had attended a Homeless Hub recently at Windsor which was held once per quarter. Mr Laing further reported planning was in progress for a Hawkesbury Homeless Forum on 31 October. Mr Laing advised the forum was open to anyone who had an interest in homelessness.

SECTION 3 - Reports for Determination

Item 1: Nepean Blue Mountains Local Health District Draft Strategic Plan for Consultation

DISCUSSION:

- Mr Laing distributed updated information relating to Attachment 3 - Draft Submission to the Nepean Blue Mountains Local Health District Draft Strategic Plan for Consultation. Mr Laing reported the Nepean / Blue Mountains / Hawkesbury area was more under -resourced than the three other local governments in the Nepean Blue Mountains Local Health District, citing Lithgow was more advantaged with only one third of the Hawkesbury's population.
- The Committee agreed Recommendation 1 of Mr Laing's Draft Submission be re-worded to emphasise the Hawkesbury area was under-resourced according to the statistics and to assert the need for infrastructure due to future growth in the area.

RECOMMENDATION TO COMMITTEE:

1. That the information regarding the Nepean Blue Mountains Local Health District Draft Strategic Plan for Consultation, be received.
2. That HSAC members forward any comments to Michael Laing – mlaing@hawkesbury.nsw.gov.au for collation of comments in response to the Nepean Blue Mountains Local Health District Draft Strategic Plan for consultation prior to the next meeting of the HSAC.

MOTION:

RESOLVED on the motion of Mr Chris McAlpine, seconded by Mr Glenn Powers.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Information regarding the Nepean Blue Mountains Local Health District (NBM LHD) Draft Strategic Plan for Consultation be received.
2. Committee ask staff to send a submission to the NBM LHD, using the amended wording as agreed by the Committee.
3. Submission be sent to Council with a recommendation that Council forward the submission to the NBM LHD, relevant Ministers and opposition members.
4. Committee invite a representative from NBM LHD to attend a future meeting of the Committee to discuss issues.

Item 2: Establishing Human Services Planning Framework for the Hawkesbury

DISCUSSION:

- Mr McAlpine referred to the Results Based Accountability Training undertaken in June and reported he appreciated the opportunity to attend.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. A further report to be prepared by Council staff on the design, resourcing and implementation of a proposed community indicators framework as outlined in this report.

MOTION:

RESOLVED on the motion of Ms Vickie Shackley, seconded by Mr Chris McAlpine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.
2. A further report to be prepared by Council staff on the design, resourcing and implementation of a proposed community indicators framework as outlined in this report.

SECTION 4 - Reports for Information

Item 3: Community Builders Program - Response to Correspondence

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Glenn Powers, seconded by Ms Vickie Shackley.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

ORDINARY MEETING
Reports of Committees

Item 4: 2011/2012 Annual Report of the Human Services Advisory Committee (HSAC)

RECOMMENDATION TO COMMITTEE:

That the Committee note the Annual Report.

MOTION:

RESOLVED on the motion of Mr Chris McAlpine, seconded by Mr Glenn Powers.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Committee note the Annual Report.

SECTION 5 - General Business

Verbal report - Results Based Accountability (RBA) Training

- Mr Laing advised RBA training would be scheduled early next year once the new Committee was formed. Mr Laing reported the training would take place annually and would be open to staff and community leaders. Mr Laing advised he had recently attended an RBA learning group session in the city and presented his workshop notes to the Committee to demonstrate the principles behind RBA.

The Chair thanked the Committee and staff for their contribution throughout the term of the Committee.

Mr McAlpine thanked the Chair for his support to the Committee and for his assistance to the community.

The meeting closed at 10:53am.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee - 10 September 2012 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Monday, 10 September 2012, commencing at 3:00pm.

ATTENDANCE

Present:	Councillor Kim Ford (Chairman) Mr Richard McHenery, Roads and Maritime Services Ms Janine Daher, Office of Member for Riverstone, (Riverstone) Mr Bart Bassett, MP (Londonderry)
Apologies:	Mr Kevin Conolly, MP (Riverstone) Mr Ray Williams, MP (Hawkesbury) Snr Constable Rob Wright, NSW Police Force Mr Peter Ramshaw, NSW Taxi Council Mr Jodie Edmunds, Westbus Mr Carlos DeSousa, Hawkesbury Valley Bus Service
In Attendance:	Mr C Amit, Manager, Design & Mapping Services Ms Judy Wong, Community Safety Co-ordinator

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

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Mr Richard McHenery, seconded by Councillor Kim Ford, that the minutes from the previous meeting held 12 August 2012 be confirmed.

Item 1.2 Business Arising

There was no business arising from the previous minutes.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 10 September 2012 - Item 2.1 - Farming Small Areas Expo 2012 - Hawkesbury Showground, Clarendon - (Londonderry) - (80245, 14632)

REPORT:

Introduction

An application has been received from Rural Press/Fairfax Agricultural Media seeking approval (in traffic management terms) to conduct the Farming Small Areas Expo 2012 within the Hawkesbury Showground, Clarendon, on Friday, 09 November 2012 and Saturday, 10 November 2012.

The event organiser has advised:

- This is the 10th running of the event.
- The times for operation are proposed from 9.00am to 4.00pm for both days.
- The showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.
- The event is a Community and Trade Field Day, confined to the boundaries of the Hawkesbury Showground.
- The event is expected to attract approximately 150 exhibitors and approximately 6,000 to 7,000 spectators/visitors over the 2 days.
- No road closures are required.
- Traffic control for parking and egress along Racecourse Road will be provided. Parking for vehicles will be provided within the Hawkesbury Showground and Racecourse Road. Entry to the Hawkesbury Showground will be via Gates 1 and 4.
- Variable Messaging Signs (VMS) will be provided along Hawkesbury Valley Way approximately 250 to 300 metres on each approach to Racecourse Road.
- Public walk-in entry will be via Gate 1 (turnstiles) for those using Clarendon Railway Station as a commute and Gate 2 for foot traffic only.
- It is anticipated that, as in previous years, no disruption to general traffic flow in the area is expected.

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 is anticipating that a high proportion of traffic is expected from the Hawkesbury Valley Way intersection and is providing VMS's along Hawkesbury Valley Way. Both Hawkesbury Valley Way and Blacktown Road are main arterial roads.

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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. It is likely that some vehicles, to avoid the congestion at Hawkesbury Valley Way, will travel towards the intersection of Blacktown Road.

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

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Nos: 4145218 & 4156076):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Traffic Management Plan (TMP) that only gives a brief outline of the event,
5. Event Site Plan,
6. Public Liability Insurance to the value of \$10,000,000, which expires on 30 September 2012 and does not list Council or RMS as interested parties on the Policy,
7. Copy of correspondence forwarded to the NSW Police Force.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Richard McHenery, seconded by Councillor Kim Ford.

That:

1. The Farming Small Areas Expo 2012 event within the Hawkesbury Showground, Clarendon, on Friday, 09 November 2012 and Saturday, 10 November 2012 be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly 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 Roads and Maritime Services - RMS (formerly 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 responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential

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risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (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>; additionally council has an events template which can be provided to assist in identifying and controlling risks);

- 5b. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 5c. the event organiser **is to submit a Transport Management Plan (TMP) for the entire event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 5d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 5e. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 5f. 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);
- 5g. 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;**
- 5h. 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 - and the traffic impact/delays expected, due to the event, 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 all the residences and businesses which may be affected by the event - including the proposed traffic control measures - and the traffic impact/delays expected, due to the event, 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;**
- 5j. 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:

- 5k. access is to be maintained for businesses, residents and their visitors;
- 5l. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;

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- 5m. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 5n. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA); and,
- 5o. 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 Farming Small Areas Expo 2012 - Event Site Plan.

AT - 2 Special Event Application – (ECM Document Nos: 4145218 & 4156076) - *see attached*

Item 2.2 LTC - 10 September 2012 - Item 2.2 - Convert Intersection Control from Give Way to Stop for Crowleys Lane at Yarramundi Lane and Castlereagh Road, Agnes Banks (Londonderry) - (80245)

REPORT:

Representations have been received, advising of traffic incidents at the T-intersection of Crowleys Lane and Yarramundi Lane, Agnes Banks. The incidents include drivers who corner recklessly from Crowleys Lane turning right into Yarramundi Lane, which is a concern for drivers travelling along Yarramundi Lane approaching Crowleys Lane.

Crowleys Lane extends between Yarramundi Lane to the north and Castlereagh Road to the south for an approximate distance of 940 metres. The T-intersection of Crowleys Lane at Yarramundi Lane is currently controlled by Give Way signs and a holding Line. Crowleys Lane and Yarramundi Lane are classified as rural distributor roads with rural properties on both sides of the road. The narrow road reserve for both Crowleys Lane and Yarramundi Lane has resulted in restricted road formations. Details of road section data is listed in Table 1. It was noted during the site inspection that Crowleys Lane at Castlereagh Road is also controlled by Give Way signs and a holding line. Castlereagh Road is an arterial road.

Table 1: Crowleys Lane and Yarramundi Lane - Road Section Data

Road Section	Road Seal Width	Road Reserve Width	Speed Limit	ADT (year)	RTA Road Traffic Accident Database (2006 to 2011)
Crowleys Lane at Yarramundi Lane	5.6 metres	10.0 metres and Variable	60kph	2679	Nil
Crowley Lane at Castlereagh Road	5.5 metres	11.4 metres and Variable	60kph	2679	3
Yarramundi Lane – NE of Crowleys Lane	6.8 metres	10.0 metres and variable	60kph	2596	1
Yarramundi Lane - SW of Crowleys Lane	5.5 metres	10.0 metres and variable	60kph	N/A	Nil

The minimum sight distance requirements of vehicles approaching an intersection, as stipulated in AS 1742.2-2009, Section 2.5, is not available for vehicles exiting Crowleys Lane at both Yarramundi Lane and Castlereagh Road. As a result of the limited sight distance for vehicles exiting Crowleys Lane, the intersection control in Crowleys Lane needs to be changed from Give Way to Stop.

It is proposed to replace the existing Give Way signs governing Crowleys Lane at its intersection with Yarramundi Lane and Castlereagh Road, Agnes Banks with Stop signs, which will force vehicles to stop prior to entering both Yarramundi Lane and Castlereagh Road and minimise the incidence of vehicles cornering recklessly and improve safety at these intersections.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Bart Bassett MP, seconded by Mr Richard McHenery.

That:

1. The existing Give Way signs governing Crowleys Lane at its intersection with Yarramundi Lane and Castlereagh Road, Agnes Banks, be replaced with Stop signs, and the existing Holding lines be adjusted accordingly,
2. Barrier lines be provided in Yarramundi Lane (approximately 30 metres) at both approaches to Crowleys Lane with the length of barrier line adjusted to suit the available seal width on the south western approach in Yarramundi Lane.

APPENDICES:

There are no supporting documents for this report.

SECTION 3 - Reports for Information

There were no Reports for Information.

SECTION 4 - General Business

Item 4.1 LTC - 10 September 2012 - Item 4.1 - Traffic Issues in Bridge Street at George Street, Windsor, from Macquarie Street to Windsor Bridge (Riverstone) - (80245, 109742)

REPORT:

Ms J Daher advised the Committee that there is an on going problem with traffic during the PM peak for vehicles turning left from Macquarie Street into Bridge Street to cross the Windsor Bridge. Traffic is generally banked-up from the George Street round-about back towards the signalised intersection of Macquarie Street.

There is currently a rat-run, whereby vehicles to avoid turning left from Macquarie Street into Bridge Street are turning right from Macquarie Street into Bridge Street, then turning left into Court Street, left into Arndell Street, left into George Street and back onto Bridge Street at the round-about. As a result of the high numbers of vehicles undertaking the rat-run and having priority at the round about, this is causing the traffic in Bridge Street to bank-up, back towards the signalised intersection of Macquarie Street making it very difficult for vehicles sitting at the Macquarie Street traffic lights to turn left.

Ms Daher requested that a No Right Turn be imposed during the PM peak from the northern leg of George Street entering the Bridge Street round-about, even if this restriction was to be undertaken as on a trial basis.

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Both Mr McHenery and Mr C Amit advised that imposing a No Right Turn, even on a trial basis, cannot be enforced and could not be supported. The main issue is that vehicles will do the full circle at the round-about, thus making the No Right Turn redundant.

Mr C Amit advised the Committee that Council had undertaken traffic counts along the rat-run roads in May 2012 and forwarded the information to RMS, with a view to formulating a solution. RMS was requested to review the signalised intersection operation with an option to increase the green-time for the left turn from Macquarie Street into Bridge Street. It was evident from the Traffic data collected that during the PM peak in the order of 500 plus vehicles were undertaking this manoeuvre (17.00 to 16.00 hours) compared to the weekend traffic numbers of less than 50 vehicles.

Mr Bart Bassett, MP, suggested that RMS investigate the option of banning the left turn from Bridge Street into Court Street during the PM peak which will alleviate the rat-run and keep the traffic within the State Road network. Access to Court Street and the roads within that catchment can be accessed via the round-about at George Street and Bridge Street.

Mr McHenery suggested that Ms Daher advise Mr Kevin Conolly, MP to forward correspondence directly to RMS with the issues at hand as well as the option of providing the No Left Turn ban during the PM peak from Bridge Street into Court Street, Windsor. Ms Daher indicated that correspondence will be forwarded to RMS as suggested by Mr McHenery.

COMMITTEE RECOMMENDATION:

Resolved on the motion of Ms Janine Daher, seconded by Councillor Kim Ford.

That the Information be received.

Item 4.2 LTC - 10 September 2012 - Item 4.2 - Speeding Vehicles in Bathurst Street, Pitt Town between Chatham Street and Buckingham Street (Hawkesbury) - (80245, 79953, 79958)

REPORT:

Mr Bart Bassett, MP advised the Committees that there are issues with speeding vehicles along Bathurst Street, Pitt Town between Chatham Street and Buckingham Street and requested for traffic counters to be placed.

Mr C Amit advised that traffic counters can be placed in this vicinity, to ascertain the traffic volume and speeds generated. It would be appropriate to place a traffic counter between Chatham/Grenville and Grenville/Buckingham Streets. The traffic counters will provide an accurate account of traffic numbers and speed. Based on the current schedule for traffic counter sites, it is anticipated that the traffic counters will be in place within the next two to three months, taking into account also that traffic counters are not placed one week either side of school holidays and during school holidays as it does not represent a true account of traffic.

Mr C Amit advised that the matter relating to speeding traffic in Bathurst Street should be forwarded to Windsor Police to patrol this area. The data, when available from the traffic counters will enable Windsor Police to have specific times to target their patrols.

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

Resolved on the motion of Mr Bart Basset, MP, seconded by Councillor Kim Ford

That

1. Traffic counters be placed in Bathurst Street, Pitt Town, with a counter each within the road sections of Chatham Street/Grenville Street and Grenville Street/Buckingham Street.
2. Windsor Police be requested to patrol Bathurst Street, Pitt Town between Chatham Street and Buckingham Street.
3. The results of the traffic counters be forwarded to Windsor Police and reported back to the Local Traffic Committee when available.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on 8 October 2012 at 3.00pm in the Large Committee Room.

The meeting terminated at 4.15pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses

REPORT:

Questions – 28 August 2012

#	Councillor	Question	Response
1	Porter	Asked if Council were aware that the Hawkesbury 2012 Water Ski Race was held over the past weekend at Governor Phillip Park, which was a great success.	The General Manager advised that a letter expressing Council's appreciation and congratulations has been forwarded to organisers of the 2012 Hawkesbury 120 Ski Classic.
2	Williams	Asked if the Director City Planning could provide the Development Application details of a shed that was approved on Currency Creek Bridge on Sackville Road.	The Director City Planning advised that the information requested has been provided to Councillor Williams.
3	Bassett	Asked if Council was aware that there have been allegations made and referred to the Minister for Gaming and Racing, that Hawkesbury Radio allegedly conducted competitions where members of the board and associated families of the board won \$1000 cash prizes. Councillor Bassett asked if Council was members of Hawkesbury Radio at that time.	The General Manager advised that Council was not aware of this until it was raised at the meeting and Council would have been a member at the time.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



ordinary
meeting

end of
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