



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 27 May 2008

location: council chambers

time: 5:00 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

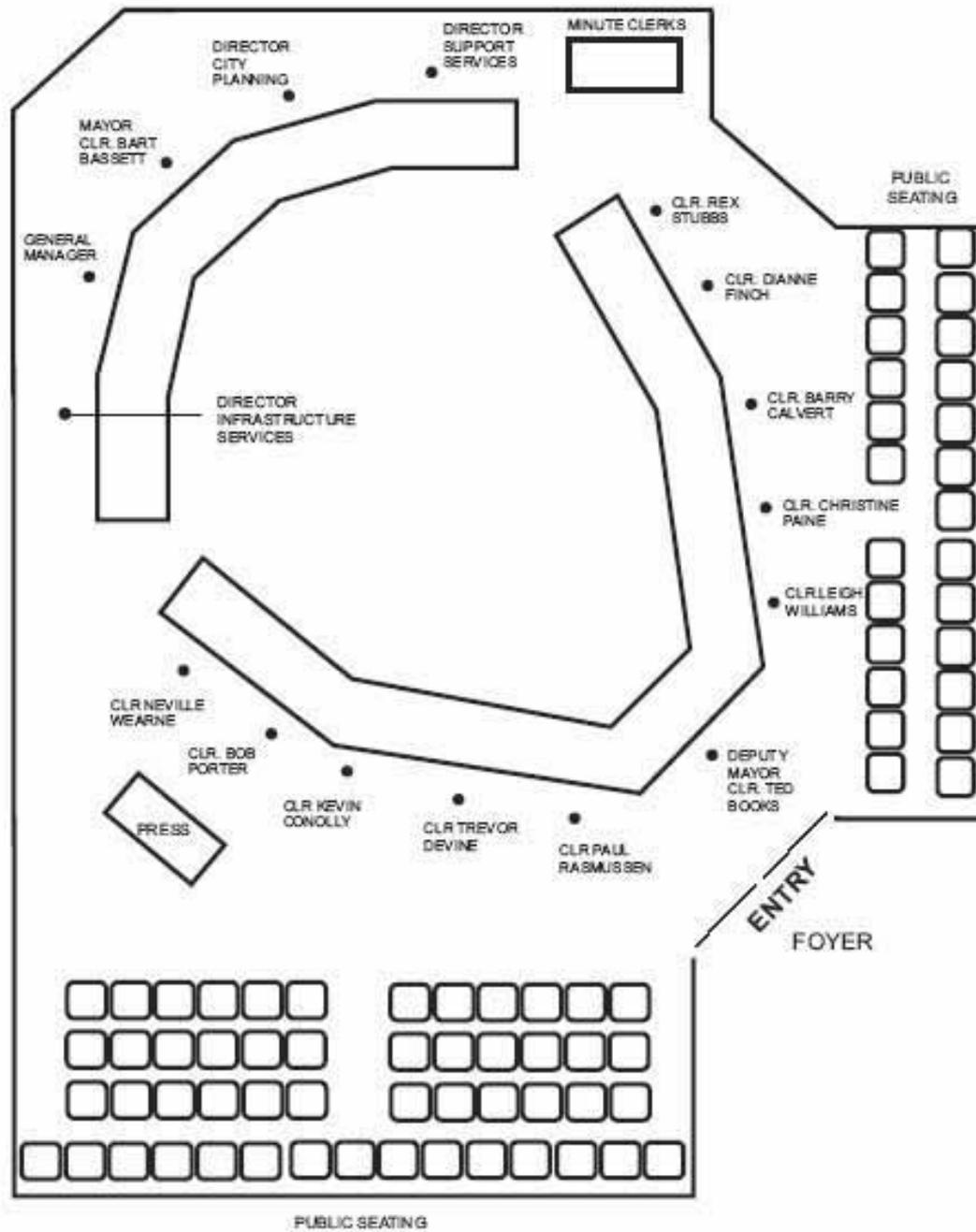
Website

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

Further Information

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

council chambers



ORDINARY MEETING

Table of Contents

Meeting Date: 27 May 2008

AGENDA

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

General Manager

City Planning

Infrastructure Services

Support Services

- **SECTION 5 - Reports of Committees**
- **QUESTIONS WITHOUT NOTICE**

ORDINARY MEETING

Table of Contents

Meeting Date: 27 May 2008

ORDINARY MEETING**Table of Contents**

Meeting Date: 27 May 2008

TABLE OF CONTENTS

| ITEM | SUBJECT | PAGE |
|--|--|-------------|
| SECTION 1 - Confirmation of Minutes | | 3 |
| SECTION 3 - Notices of Motion | | 7 |
| NM1 - Means Testing the Solar Power Rebate - (80105) | | 7 |
| SECTION 4 - Reports for Determination | | 11 |
| GENERAL MANAGER | | 11 |
| Item: 101 | GM - Tourism Industry activity and proposed regional tourism group - (79351, 95497, 96812, 105004) | 11 |
| CITY PLANNING | | 14 |
| Item: 102 | CP - Tourist Facility - Lot 160 DP 1062551, 307 Tizzana Road, Ebenezer - (DA0444/07, 11094, 7663, 95498) | 14 |
| Item: 103 | CP - Application for Residential Rezoning - Lot 2 DP 237575, 35 Chapel Street, Richmond - (95498) | 37 |
| Item: 104 | CP - Application for Rezoning - Lot 1 DP 129442 and Lot 1 DP 779913 - 739 George Street, South Windsor (Windsor Baptist Church) - (85593, 95498) | 49 |
| Item: 105 | CP - Acceptance of Funding for Community Service Programs - Service Agreement 2008 - 2009 - Department of Community Services - (79771, 95498) | 60 |
| Item: 106 | CP - Attribution of Aboriginal Heritage of the Land on Museum Entrance Door - (103542, 95498) | 62 |
| SUPPORT SERVICES | | 67 |
| Item: 107 | SS - Returns Relating to Disclosure of Pecuniary Interests - (96333, 95496) | 67 |
| Item: 108 | SS - Monthly Investments Report - April 2008 - (96332, 95496) | 69 |
| Item: 109 | SS - March 2008 Quarterly Review - 2007- 2008 Management Plan - (96332, 95496) | 72 |
| CONFIDENTIAL REPORTS | | 76 |
| Item: 110 | GM - Legal and Property Matter - Macquarie Street Windsor (79351) | 76 |

ORDINARY MEETING

Table of Contents

Meeting Date: 27 May 2008

ordinary

section 1

confirmation of minutes

ORDINARY MEETING

Confirmation of Minutes

ORDINARY MEETING

Confirmation of Minutes

SECTION 1 - Confirmation of Minutes

ORDINARY MEETING

Confirmation of Minutes

ordinary

section

3

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 3 - Notices of Motion

NM1 - Means Testing the Solar Power Rebate - (80105)

Submitted by: Councillor L Williams

NOTICE OF MOTION:

That Council:

1. Believes that the Federal budget decision to means test the rooftop solar rebate will undermine the Australian renewable energy industry to the detriment of Council residents and our Nation at a time when efforts to address global warming need to be increased.
2. Will write urgently to relevant Government ministers advising them so, including Federal Environment Minister Peter Garret; Senator The Hon Penny Wong Minister for Climate Change and Water; and The Hon Martin Ferguson AM MP, Australian Minister for Resources and Energy.

BACKGROUND:

The Federal Government decision to means test the rooftop solar rebate in its' first budget means that the rebate is now only available to those on a family income of less than \$100,000, but many who plan to invest in rooftop solar systems are above that threshold

While means testing is generally a policy that I support and advocate, applying it to a policy geared at bringing down the price of solar power to our residents will result in many fewer solar systems being installed and undermine the renewable energy industry at a time when efforts to address global warming need to be increased.

This ill thought through move has already sent shockwaves across the country, with speculation that the solar power installation and manufacturing industries could collapse, along with the Solar Cities program and other so-called government priorities.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ordinary

section 4

reports
for determination

ORDINARY MEETING

Meeting Date: 27 May 2008

SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 101 **GM - Tourism Industry activity and proposed regional tourism group - (79351, 95497, 96812, 105004)**

Previous Item: 57, Ordinary (8 April 2008)
 216, Ordinary (30 October 2007)
 89, Ordinary (29 May 2007)

REPORT:

Council at its meeting held on 8 April, 2008 considered the first of four quarterly reports on Council's tourism program and how it might be developed with relevant tourism industry associations and representatives by "...exploring opportunities for working together on projects, promotion and marketing activities and operating the Visitor Information Centre...", as per Council's resolution of 30 October 2007.

One of the tourism industry representatives included in the first quarterly report was the Hills Hawkesbury Tourism Taskforce (Taskforce), which is a working group progressing industry interest in the establishment of a new regional tourism industry association (ie. tourism business membership based) operating in our area and across the 'Hawkesbury' region. The Taskforce is made up of individuals and groups in each of the three local government areas of Hawkesbury, Baulkham Hills and Hornsby.

This report is to further inform Council about the Taskforce, which is working to unite the tourism industry across the region to work together in the first place and to secondly pursue an alliance with local government. The activities of the Taskforce will also be further reported in the next tourism program quarterly report (June 08).

The Mayor, General Manager and Council Officers met with representatives of the Taskforce on 15 April 2008, being Lori Modde, Ian Knowd and Viktoria Darabi. The meeting was scheduled to provide the Taskforce with an opportunity to update Council on the formation of the new regional tourism industry association and to consider ways both parties may wish to work together on regional tourism activities, like marketing campaigns. The Taskforce also raised a further proposal of a regional tourism group (or organisation), being an alliance of the new regional association and key stakeholders, including local government (eg. three councils), as a working arrangement to progress a shared regional tourism message to the travelling public and visitors. Specifically, the Taskforce asked if Council would like to be involved in a regional tourism group. It was indicated that the regional association would be self-sufficient in operating costs and if Council wished to be part of the regional tourism group, then contributory funds would be required, which would be via a traditional membership fee. In discussion the Taskforce indicated that a membership would be desirable from its point of view, and an amount of \$5,000 was suggested.

The meeting was followed up with a letter from the Taskforce, indicating:

- It will approach the other councils with regard to the proposition of the regional tourism group, as a shared vision.
- The finer details of the regional tourism group and its incorporation will be confirmed in coming weeks, but will be operational during June 2008.
- Pre-emptive of the activity, it is hoped council is able to provide an indication of support for commencement of activities from 1 July 2008.

ORDINARY MEETING

Meeting Date: 27 May 2008

Comment

The meeting with the Taskforce, was an opportunity for Council to be briefed about an industry initiative to progress the formation of a regional tourism industry association and its proposal that the association then form a regional tourism group with key stakeholders (ie. councils) to further deliver a shared regional tourism message through activities like marketing and projects.

The initiative of the industry to take a regional approach to membership of a new industry association is encouraged as it will enable it to better respond to customer behaviour and the perception of a destination. It is far easier to market a broader logically defined region than specific localities and towns (if a market presence does not already exist) and this would likely be a better investment for any association and its members. For example, the following regions are customer recognised destinations: The Hunter, Southern Highlands, Gold Coast, Coffs Coast. It is also noted that the association will more than likely parallel tourism business activities that now market into the region or regions, State and International markets. The association is an opportunity for the industry to promote common goals for tourism in the 'Hawkesbury'.

The proposed regional tourism group, is an opportunity for the relevant councils to work with the likely main tourism industry association in the region and to participate in shared regional tourism messages that would be based on key features and activities of the 'Hawkesbury' to attract the travelling public and visitors to each of the three areas that make up the region. While there would need to be further consideration of an operational model for any regional tourism group, which clearly outlines roles, responsibilities, area representation, expectation and performance etc; it is considered that it could deliver part of Council's tourism program and this should be explored further. In particular, the Taskforce indicated the regional tourism group would undertake marketing as a key activity and with Council's involvement a shared 'Hawkesbury' market message could be developed and delivered. Successfully undertaken, the regional marketing message can attract or hook people to visit and be complimented by any local branding and marketing activities undertaken by each council.

Subject to further clarification of the purpose of the regional tourism group, Council should be prepared to be a foundation partner of the regional tourism group, to support a regional approach to some aspects of its tourism program, to work with other regional councils and to support the initiative of the Taskforce, who in turn is working to unite the industry.

At the current stage, it is proposed that the organisation would be known as the "Hills and Hawkesbury Riverlands Regional Tourism Organisation" with \$5,000 membership contribution from participating Councils.

To progress the process, with likely parties, it is considered that Council should undertake the following actions to ensure that there is unity across the region in terms of a regional tourism approach on certain levels.

- Support the intentions of the tourism industry, via the Taskforce, to form a regional tourism industry association as an industry-led initiative that can respond to its industry and market needs.
- Further liaise with the Taskforce about the operation of the new regional tourism industry association, with the intention of identifying ways in which Council and the association can work together on activities that are within the Hawkesbury local government area and invite the association to support the programs and activities of the Hawkesbury Visitor Information Centre.
- Further liaise with the Taskforce on the proposed regional tourism group, on the basis that it is prepared to participate in a regional tourism group that undertakes regional marketing activities of a shared 'Hawkesbury' message, is representative of the local tourism industry and which has an operational structure to the satisfaction of Council.
- Liaise with Baulkham Hills and Hornsby councils in regard to its intentions with the proposed regional tourism group.

ORDINARY MEETING

Meeting Date: 27 May 2008

Funding

Should the organisation ultimately be established the proposed membership fee for Council could be met from proposed budget allocations within the 2008/2009 draft budget.

RECOMMENDATION:

That Council liaise with:

1. The Taskforce and subsequent new regional tourism industry association with the intention of identifying ways in which Council and the association can work together on activities that are within the Hawkesbury local government area and invite the association to support the programs and activities of the Hawkesbury Visitor Information Centre.
2. The Taskforce on the proposed regional tourism group, on the basis that Council is prepared to participate in a regional tourism group that undertakes regional marketing activities of a shared 'Hawkesbury' message, is representative of the local tourism industry and which has an operational structure to the satisfaction of Council.
3. Baulkham Hills and Hornsby Councils in regard to their intentions with the proposed regional tourism group.
4. The Taskforce, Baulkham Hills and Hornsby Councils on an operational structure of the proposed regional tourism group that would be mutually beneficial to each of the key parties.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 May 2008

CITY PLANNING

Item: 102 CP - Tourist Facility - Lot 160 DP 1062551, 307 Tizzana Road, Ebenezer - (DA0444/07, 11094, 7663, 95498)

Development Information

Applicant: Mr MJ Mahoub
C/- Graham Zerk
Owner: Mr NJ Mahboub & Mr MJ Mahboub
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 12.15Ha
Zone: Mixed Agriculture under Hawkesbury Local Environmental Plan 1989
Advertising: 30 November 2007 to 18 December 2007
Date Received: 2 August 2007

Key Issues:

- ◆ Noise
- ◆ Traffic generation / safety
- ◆ Amenity adjoining properties
- ◆ Building Code of Australia Building upgrade/amenities

Recommendation: Approval subject to conditions

REPORT:

Description of Proposal

The application seeks consent for the establishment of a wedding reception facility involving the construction of a chapel building to be used as a place of assembly, provision of a tourist facility involving the construction of six one bedroom cabins and conversion of a portion of the existing dwelling as a refreshment room.

The wedding reception facility involves the following components:

Place of Assembly

The proposed place of assembly is to be located approximately 38 metres from the Tizzana Road boundary of the site and 50 metres north of the existing dwelling. The building design is to take the form of a chapel both externally and internally and it is proposed that it will have a seating capacity of approximately 40 persons. Sandstone is proposed to be used for the external walls and colourbond steel is to be used as the roofing material.

Refreshment Room

A portion of the ground floor level of the existing dwelling situated on the site is proposed to be used as a refreshment room. The refreshment room is to provide for wedding reception activities as well as for meals associated with the proposed rural tourist facility.

Tourist Facility

Six one bedroom cabins are proposed to be constructed to provide accommodation for wedding party members and guests. The cabins are to be configured so as to include two single storey detached cabins

ORDINARY MEETING

Meeting Date: 27 May 2008

and two, two storey attached cabins situated approximately 60 metres towards the west of the existing dwelling on the site. It is envisaged that accommodation for up to twelve persons will be provided.

The application is being reported to Council as requested by Councillor Williams.

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

The relevant matters for consideration under Section 79(C) of the Environmental Planning and Assessment Act, 1979, are addressed as follows:

| Section 79C “Matters for Consideration” Comments | Section 79C “Matters for Consideration” Comments |
|--|--|
| Section 79C (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “HLEP 1989” and SREP No. 20 in this report. |
| Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument | The proposal is not inconsistent with the provisions of Draft Hawkesbury Local Environmental Plan No. 153. |
| Section 79C (1) (a)(iii) – Provisions of any development control plan | Refer to discussion on Hawkesbury DCP 2002 in this report |
| Section 79C (1) (a)(iii) – Provisions of the regulations | None applicable. |
| Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | (i) The environmental impacts of the proposed development on the natural and built environment are addressed in the main body of this report. (ii) The proposed development will not have a detrimental social impact in the locality. (iii) The proposed development will not have a detrimental economic impact on the locality. |
| Section 79C (1) (c) – the suitability of the site for the development | Location - The site is considered able to support the proposed development. Physical - The site has sufficient area and dimensions, has suitable road access, is relatively free from environmental constraint and can be adequately drained. Therefore, the site is considered suitable for the proposed development. |
| Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | Submissions received are addressed in detail in the main body of the report. |

Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River (No 2 - 1997)

The subject site falls within the Middle Hawkesbury Nepean River Catchment area defined by SREP No. 20 (No. 2 - 1997). It is considered that the proposal is consistent with the aims and objectives of the plan.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

SEPP No. 44 applies to land within the Hawkesbury Local Government Area for which development consent is sought having a total land area in excess of 1 hectare. Having regard to the requirements of SEPP No. 44 the proposal does not involve extensive clearing of existing vegetation. As such, it is considered that the proposal would not have an impact upon potential koala habitat.

Hawkesbury Local Environmental Plan 1989

The relevant clauses from Hawkesbury Local Environmental Plan 1989 are discussed as follows:

Clause 2 - Aims, objectives etc

The general aims, objectives etc. of Hawkesbury Local Environmental Plan 1989 are detailed as follows:

- a) *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury;*

Comment: It is considered that the proposal involves the orderly and economic development of the site.

- b) *to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;*

Comment: The subject site is considered to be of an appropriate size and within an appropriate location for the proposal.

- c) *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways;*

Comment: It is considered that the proposal will not compromise the character of the locality and will not adversely impact on any wetland areas or waterways.

- d) *to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations; and*

Comment: The proposal will not have an adverse impact upon any identified items of heritage significance.

- e) *to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City*

Comment: The proposed development does not involve a housing development.

Clause 5 – Definitions/Clause 6 - Adoption of 1980 Model Provisions

The subject proposal is defined as a tourist facility/place of assembly/refreshment room by Hawkesbury Local Environmental Plan 1989. Clause 5 of Hawkesbury Local Environmental Plan 1989 provides the following definition of tourist facilities:

tourist facilities means a building or place that is used to provide refreshment, accommodation, recreation or amusement facilities for the travelling or holidaying public.

ORDINARY MEETING

Meeting Date: 27 May 2008

Places of assembly and refreshment rooms are defined by the Environmental Planning and Assessment Model Provisions, 1980 contained in Part of Hawkesbury Local Environmental Plan 1989 as follows:

“place of assembly” means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment;

“refreshment room” means a restaurant, cafe, tea room, eating house or the like;

Clause 9 - Carrying out of development

The subject site is zoned Mixed Agriculture under Hawkesbury Local Environmental Plan 1989. Tourist facilities, places of assembly and refreshment rooms are uses that are permissible with development consent within the Mixed Agriculture zone.

Clause 9A – Zone objectives

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

Clause 18 – Provision of water, sewerage etc. services

The subject site is not serviced by a reticulated water supply. An on-site wastewater treatment system is proposed to cater for wastewater associated with the proposal. A report titled On-Site Wastewater Management Assessment & Design 307 Tizzana Road Ebenezer, prepared by Kerry Flanagan Wastewater, dated 12 April 2007 was prepared detailing that adequate opportunity exists on-site to effectively treat and dispose of wastewater associated with the proposal.

A suitable condition relating to water provision has been included in the recommendation and electricity and telephone services are available to the site.

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

The land is identified as Class 5 Land on the Acid Sulfate Soils Planning Map. As the proposal does not involve significant earthworks no impact upon the watertable is anticipated on adjacent Class 1, 3 and 4 Land.

Hawkesbury Development Control Plan 2002

Landscaping

Part C, Chapter 1 of Hawkesbury Development Control Plan 2002 provides general provisions having regard to landscape treatment. It is noted that the subject site contains a mixture of cleared pasture and remnant wooded areas. It is proposed to retain the majority of vegetation situated on the site by positioning the proposed buildings in cleared areas with the exception of the south western most cabin which will require the removal of a tree.

It is considered that the landscape values associated with the site will be maintained given the positioning of the proposed buildings and retention of significant areas of vegetation situated on the site.

Car Parking and Access

Part C, Chapter 2 of Hawkesbury Development Control Plan 2002 details the requirements of on-site car parking associated with various land uses. It is noted however that no specific numerical standard has been provided for *tourist facilities*. Accordingly, it is considered reasonable to apply the minimum on-site requirement for *motel* development, being required to provide the following level on-site car parking:

Motel: 1 space per unit, plus 1 space per employee

ORDINARY MEETING

Meeting Date: 27 May 2008

Places of assembly and refreshment rooms are required to provide the following level of on-site car parking:

Restaurants, Reception Centres and Refreshment Rooms: 1 space per 20m² of GFA in all zones other than commercial zones or one space per three seats, whichever is greater.

The plans submitted in conjunction with the application detail the provision of fourteen (14) car parking spaces leading off the southernmost driveway to be provided for the refreshment room whilst six (6) spaces have been provided along the gravel driveway for the proposed tourist cabins. Given that the application provides for a maximum capacity of forty (40) persons in conjunction with the proposed activity the car parking requirements listed above are satisfied. In addition, the site is able to accommodate additional overflow parking should the need arise.

It is considered that the car parking areas are satisfactory subject to the inclusion of appropriate conditions relating to design complying with the provisions of AS2890, use of suitable surface treatment allowing all weather use and the provision of landscaping treatment adjacent to the car park so as to soften the visual impact of these areas.

Vehicular access to the tourist facility and refreshment room is proposed via the existing southernmost driveway from Tizzana Road. Access arrangements to the dwelling are proposed to remain via the central driveway whilst a new gravel driveway is proposed to be constructed approximately thirty seven (37) metres to the north to provide access to the proposed place of assembly (chapel building). In addition, the southernmost driveway is proposed to provide access to the refreshment room and tourist facility car parking.

Given the likelihood of the adjacent public road to provide for vehicle movement between various areas within the site it is considered appropriate to require consolidation of access between the driveway to the existing residence and refreshment room/tourist facility. A condition requiring the above is included in the recommended consent.

It is proposed to signpost each access point to the property so as to assist in minimising confusion for visitors.

Noise Impact

An acoustic assessment prepared by RSA Acoustics Acoustic Consultants titled *Noise Assessment proposed Mixed Development 307 Tizzana Road Ebenezer: Report No. 3313*, dated April 2008.

The report provides the following conclusion relating to operation of the refreshment room and place of assembly:

Noise from the operation of the Refreshment Room facility and Place of Assembly has been calculated to being 24 and 28 dB(A) respectively, at the nearest residential boundary. With a "worst case" scenario of both the Refreshment Room and Place of Assembly operating simultaneously, the noise levels will not be measurable above the existing background noise levels.

The investigation, measurement and assessment of noise impact from the operation of the proposed facility at 307 Tizzana Road, Ebenezer, has shown that the site activities will have no noise impact on the surrounding rural residential community at any time, particularly those properties on the northern side of the site.

In addition, the acoustic report provides the following recommendations relating to the maintenance of an acceptable acoustic environment for neighbouring properties:

- Amplified music in the refreshment room should be maintained at less than 90 dB at 3 metres from any speaker;

ORDINARY MEETING

Meeting Date: 27 May 2008

- Signage should be placed at the exit to all car parking areas requesting patrons consider their neighbours and exit the property quietly.

Appropriate conditions have been included in the recommendation in accordance with the above.

NSW Rural Fire Service Comments

The application was referred to the NSW Rural Fire Service seeking a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997. The NSW Rural Fire Service has granted a Bush Fire Safety Authority as detailed in correspondence dated 10 April 2008. The conditions contained within this Authority are included in the recommended consent.

Notification

The application was notified to eleven (11) adjacent property owners and occupiers in accordance with the requirements of Hawkesbury Development Control Plan 2002 by letter dated 30 November 2007. In response to this notification a total of fourteen (14) submissions were received of which three (3) raised objection and eleven (11) expressed their support for the proposal.

The issues raised are detailed as follows:

1. **Traffic safety associated with vehicle access to the site.**

Comment: Subject to consolidation of access arrangements detailed within the main body of this report it is considered that access associated with the site is satisfactory.

2. **Inadequacy of proposed number of car parking spaces.**

Comment: The number of car parking spaces provided in conjunction with the refreshment room have been increased from eight (8) to fourteen (14) spaces. In addition, a condition has been included in the recommended consent requiring provision of overflow car parking onsite so as to limit the use of road reserve for this purpose.

3. **Noise impact.**

Comment: An acoustic report has been submitted in conjunction with the application detailing that the proposal would not have a significant impact upon the existing acoustic environment of the area. In addition, appropriate conditions have been included in the recommended consent providing a restriction to hours of operation and incorporating the recommendations contained within the acoustic report.

4. **No details relating to lighting provided.**

Comment: Appropriate conditions have been included in the recommended consent relating to provision of details of lighting so as to minimise glare impact to neighbouring properties and use of lighting associated with the development.

5. **Adequacy of on site wastewater disposal system to cater for the proposal.**

Comment: An on-site wastewater feasibility assessment was undertaken in conjunction with the application by Kerry Flanagan Wastewater as detailed within the main body of this report.

6. **Potential impact on neighbouring horse training facilities.**

Comment: The proposed development maintains a minimum setback of approximately 200 metres from the western boundary of the site. Given the setback proposed it is considered that the potential for adverse impact upon activities undertaken on neighbouring land would be minimal.

ORDINARY MEETING

Meeting Date: 27 May 2008

7. Use of the road reserve to provide overflow car parking is considered dangerous.

Comment: A requirement for provision of overflow parking within the site has been included in the recommended consent in order to limit the potential for use of the road reserve for this purpose.

8. The definition of "Place of Assembly" allows a multitude of uses that would enable the facility to be used by other activities.

Comment: The recommended consent contains an appropriate condition restricting the use of the proposed place of assembly to a wedding chapel only.

9. The cabins appear unnecessarily large for their intended function.

Comment: Given the setbacks proposed to the boundaries of the site and extent of existing vegetation situated upon the site it is considered that the design of the proposal is satisfactory.

10. It is considered that the proposal constitutes a commercial premises being a use that is prohibited in the Mixed Agriculture zone.

Comment: The proposal incorporates a place of assembly, tourist facility and refreshment room under the provisions of Hawkesbury Local Environmental Plan 1989. These nominated uses are permissible within the Mixed Agriculture zone.

11. Impact upon native wildlife in conjunction with additional tourists visiting the area.

Comment: The proposal will not require significant modification of the existing vegetation situated on the subject site and the given the scale of development proposed it is not anticipated that there would be a detrimental impact upon native wildlife.

Building Code of Australia Assessment

Where works are involving an existing building which is subject to a change of use, Council is obliged under Clause 93 of the Environmental Planning and Assessment Act to specify the level of upgrading required to the building. The matters prescribed by Clause 93 are prescribed for the purposes of Section 79C (1) (a) (iv) of the Act.

In this regard, under the Building Code of Australia (BCA) the dwelling is required to be changed from Class 1a to Class 4. The classification of the refreshment room will be Class 6. The BCA requires these classifications to be separated to prevent the spread of fire between the different classes.

In addition, toilet facilities are required to be provided for the use of patrons and staff of the refreshment room and should be provided to the assembly building. No details relating to the provision of toilet facilities have been provided in conjunction with the application.

Accordingly, it is recommended that a deferred commencement consent be issued requiring details relating to building upgrading and provision of toilet facilities in conjunction with the proposed development.

Conclusion

The proposed development demonstrates satisfactory compliance with the provisions of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan. Subject to the inclusion of conditions relating to operation of the proposed development it is considered that the proposal constitutes a satisfactory form of development that will not be inconsistent with the established character of the area.

ORDINARY MEETING

Meeting Date: 27 May 2008

RECOMMENDATION:

That Development Application DA0444/07 for a place of assembly, tourist facility and refreshment room involving construction of a wedding chapel, six cabins and conversion of a portion of the existing dwelling as a refreshment room be granted a Deferred Commencement Consent. The Deferred commencement consent conditions that must be satisfied prior to commencement of the consent are as follows:

Deferred Commencement Conditions

1. Toilet facilities are to be provided to the refreshment room for the use of patrons, disabled persons and staff. Toilet facilities are also required to be provided to the assembly building. Details satisfying the provisions of Part F2 of the Building Code of Australia are required to be provided to Hawkesbury City Council.
2. The dwelling must be separated from the refreshment room and kitchen in accordance with Clause C2.7, C2.8 and C2.9 of the Building Code of Australia to prevent the spread of fire between the different uses. The fire wall shall achieve a Fire Resistance Level of 90/90/90. Details of the proposed method of compliance shall be submitted to Council for assessment and determination.
3. An exit door one metre wide is required to be provided to the refreshment room so as to permit occupants to exit the building in the event of an emergency. The exit door is to be provided in the external wall of the refreshment room and must comply with the provisions of Clause D2.15, D2.19 and Clause D2.21 of the Building Code of Australia. Details are required to be provided to Council.
4. Emergency lighting, illuminated exit signage and a smoke/heat detection and alarm system must be provided to the refreshment room and kitchen. Details of the emergency lighting, illuminated exit signage and smoke/heat detection and alarm system are to be provided and shown on the plans.

Upon satisfactory compliance with the above Deferred Commencement consent conditions, the following list of conditions are likely to apply to the consent.

General Conditions

5. The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

| Drawing Number/Title | Dated |
|-----------------------------|--------------|
| DA2 295a | 3 March 2008 |
| DA3 295a | 3 March 2008 |
| DA4 295a | 3 March 2008 |
| DA5 295 | 14 May 2007 |
| DA6 295 | 14 May 2007 |
| DA7 295 | 14 May 2007 |

| Document Name | Dated |
|--|---------------|
| Statement of Environmental Effects - Construction of a Rural Tourist Facility, Place of Assembly and Conversion of Existing Dwelling to a Refreshment Room | 5 April 2007 |
| On-Site Wastewater Management Assessment and Design | 12 April 2007 |
| Bushfire Threat Assessment | 3 March 2008 |
| Noise Assessment Report No. 3313 | April 2008 |

6. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
7. The development shall comply with the provisions of the Building Code of Australia.

ORDINARY MEETING

Meeting Date: 27 May 2008

8. The approved use shall not commence until all conditions of this Development Consent have been complied with.
9. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
10. 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.
11. 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.

Prior To Issue Of Construction Certificate

12. 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) the clearing of vegetation, lopping and removal of trees, earthworks, 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.

13. Construction of the road, access, car park, drainage and retaining walls are not to commence until three copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
14. Payment of a Construction Certificate checking fee of \$1 017.00 and a Compliance Certificate inspection fee of \$1 952.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2008. Fees required if an Accredited Certifier is used will also be provided on request.
15. 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.
16. 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 \$3,491.00 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 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.

17. The driveways to the existing residence and proposed refreshment room are to be consolidated through the deletion of the southern most access roadway with internal access being provided from the existing driveway to the refreshment room parking area. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.
18. A minimum of two car-parking spaces [one in conjunction with refreshment room and one in conjunction with cabins] for use by persons with a disability shall be provided as part of the total car-parking requirements. Disabled parking shall be provided in accordance with AS2890.6 Off Street Car Parking for People with Disabilities. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

ORDINARY MEETING

Meeting Date: 27 May 2008

19. Details demonstrating high quality internal and external lighting for security without adverse affects on public amenity due to excessive illumination levels/glare are to be submitted with the Construction Certificate.
20. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
21. Appropriate areas shall be provided for the storage of garbage/waste material and recycling material and all waste and recyclable material generated by this premises.

The following requirements shall be met:

- a) The storage areas shall be designed to prevent entry of vermin/insects and are to incorporate a smooth surface, graded and appropriately drained with a tap in close proximity to facilitate cleaning; and
 - b) The storage areas shall be adequately screened from the street/adjacent property boundaries; Details of the storage area/s are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.
22. A plan detailing the provision of landscape treatment adjacent to the proposed car parking areas and cabins is to be prepared. This landscape plan is to be prepared in accordance with the requirements of Hawkesbury Development Control Plan and submitted to the Principal Certifying Authority for approval prior to release of any Construction Certificate. The works identified in this plan are to be completed prior to occupation of the works associated with this approval.
 23. Separate specific details of the flooring, wall and ceiling finishes and any benches, appliances, equipment, fittings, fly screen barriers, low temperature rooms and the grease trap facility shall be lodged (in duplicate) with Council. Such details are to be approved in writing by Council prior to construction and installation of relevant work.
 24. Scale plans of the kitchen, cool-room and dry food store indicating the separation distances of equipment from floor level and walls are to be prepared. Separate scale plans indicating configuration of range hood/mechanical exhaust system shall be lodged with Council. Such details are to be approved in writing by Council prior to construction and installation of relevant work.
 25. A BASIX certificate is to be provided in conjunction with the proposed tourist cabins demonstrating that the buildings satisfy the appropriate Energy and Water target criteria. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for the cabins.

Prior To Commencement Of Works

26. The applicant shall advise Council of the name, address and contact number of the Principal Certifier Authority, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
27. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
28. 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.
29. All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal

ORDINARY MEETING

Meeting Date: 27 May 2008

Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

30. All protected trees on-site shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder's waste are to be stored in the vicinity of the tree / trees.
31. A separate application is to be lodged with Council for approval under Section 68 (Part C) and Section 68A of the Local Government Act 1993 for the installation of a Centralised Sewage Management Facility at the premises to receive, treat, and dispose of wastewater from the proposed development. The design of the system is to incorporate the following requirements:
 - (a) Sub-surface irrigation system to be installed in conjunction with the wastewater disposal system;
 - (b) A Wastewater Management Plan is to be prepared for the site addressing individual tasks within the operation of the wastewater management system, identification of persons responsible for each task, the reporting/monitoring period, contingencies for system component failures and generation of annual operating reports by suitably qualified independent person.
 - (c) A soil monitoring regime is to be undertaken on an annual basis and is to consider an analysis for total nitrogen, plant available phosphorous, electrical conductivity, pH, cations (sodium, calcium, potassium, magnesium and calculation of exchangeable sodium percentage) and organic carbon.
32. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
33. 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.
34. 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.
35. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
36. A 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.

ORDINARY MEETING

Meeting Date: 27 May 2008

During Construction

37. A minimum of 22 car parking spaces together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plans. The spaces shall be allocated in the following proportions:

- 14 - Place of Assembly/Refreshment Room
- 6 - Tourist Cabins
- 2 - Residential Dwelling

Such spaces are to be identified on-site by line-marking and suitable sign posting. Car-parking provided shall only be used in conjunction with the uses contained within the development.

- 38. Provision for overflow car parking is to be made available on site if required so as to restrict parking within the road reserve areas adjacent to the site.
- 39. The car parking and manoeuvring areas are to be designed to comply with the requirements of AS2890.1 2004.
- 40. All constructed batters are to be topsoiled and turfed and where batters exceed a ratio of 3 horizontal to 1 vertical, retaining walls, stoneflagging or terracing shall be constructed.
- 41. All roof water shall be drained to the water storage vessel/s.
- 42. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
- 43. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
- 44. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 45. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
- 46. A pavement, 4m wide shall be constructed along the access strip and across the footway to the proposed on-site car parking area appropriate to the gradient of the land in accordance with the following table containing the minimum construction requirements:

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

Driveway gradients are not to exceed 25% in any section.

- 47. The driveways are to be widened to six metres for the first six metres to enable two vehicles to pass upon entry to the site.
- 48. A turning circle is to be constructed at the termination of the proposed access road. The turning circle is have a minimum 12 metre outer radius, in accordance with the requirements of 'Planning for Bushfire Protection 2006'.
- 49. A bitumen sealed rural footway crossing 6m wide shall be constructed to the each approved driveway to the development in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

ORDINARY MEETING

Meeting Date: 27 May 2008

50. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
51. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
52. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
53. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
54. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
55. 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.
56. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
57. The development shall be provided with on-site water storage vessels of minimum 100,000 (one hundred thousand) litres capacity for the dwelling. In addition, suitable water supply is to be provided for the proposed tourist cabin development.
58. The finished floor level shall be a minimum of 225mm above the surrounding finished ground level and the ground around the perimeter of the building shall be graded and drained to the satisfaction of the Principal Certifying Authority to ensure the free flow of surface water away from the buildings.
59. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.

Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.
60. Access arrangements to Cabin 1, the Assembly Building and Refreshment Room are to incorporate measures for people with disabilities in accordance with the requirements of Part D3 of the BCA and AS1428.1 (1993), 1228.2 (1992) and 1428.3 (1992) all thresholds and room access (both internal and external) shall have "lipless thresholds".
61. Provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, sight impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and Council's Access Policy.

ORDINARY MEETING

Meeting Date: 27 May 2008

62. Portable fire extinguisher/s containing an extinguishing agent suitable for the risk being protected shall be installed in accordance with AS 2444 E1.6 in the following locations:
- (a) kitchen
 - (b) adjacent to exits
63. Provision of adequate on-site loading and unloading facilities to cater for the proposed use of the land.
64. The following Fire Safety Measures shall be provided and installed in the building/property by a suitably qualified person and a Certificate of Installation shall be provided to the owner/agent:
- a) Fire Blanket.
 - b) Portable Fire Extinguishers.
 - c) Exit Signs.
 - d) Emergency Lighting.
 - e) Automatic Fire Detection and Alarm System.
 - f) Fire Doors.
 - g) Smoke/Heat Detectors.
 - h) Floor and Wall Coverings.

Prior to Occupation

Prior to requesting an occupation certificate the owner/agent shall certify that each of the essential fire safety measures specified in this statement has:

- a) 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.
- 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.

All sound-producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary.

Certification from an accredited acoustic practitioner shall be provided to the Principal Certifying Authority, to the effect that the development complies with the above condition of consent, prior to the issue of an Occupation Certificate.

ORDINARY MEETING

Meeting Date: 27 May 2008

65. An illuminated exit sign shall be provided above the exit door. The installation shall be in accordance with AS 2293. A certificate of compliance shall be provided to the Principal Certifying Authority upon the completion of the installation.
66. Emergency lighting shall be provided to the kitchen and in the refreshment room. The installation shall be in accordance with AS 2293. A certificate of compliance shall be provided to the Principal Certifying Authority upon the completion of the installation.
67. A smoke detection and alarm system shall be provided to the dwelling and the refreshment rooms and to the roof space. The kitchen is to be provided with a suitable heat detection and alarm system. The smoke and heat detection and alarm system shall be interconnected so as to alert sleeping occupants in the event of fire. A certificate of compliance shall be provided to the Principal Certifying Authority upon the completion of the installation.
68. During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
 - a) A general decline in health and vigour.
 - b) Damaged, crushed or dying roots due to poor pruning techniques.
 - c) More than 10% loss or dieback of roots, branches and foliage.
 - d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - f) An increase in the amount of deadwood not associated with normal growth.
 - g) An increase in kino or gum exudation.
 - h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

69. Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.
70. The construction and fit out of the premises is to comply with Council's Food Premises Fit Out Code. A copy of the Code is to be obtained by the applicant prior to any construction or fitting out work being undertaken. When inconsistencies between the development/ fit out and the Code are identified, written advice is to be sought from the Council as to the course of action to be adopted.
71. Any area used for the storage of food or food appliances/equipment is to comply with the relevant section of the Council's Food Premises Fit Out Code.
72. The fit out and ancillary works are to be inspected by Council's Environmental Health Officer prior to commencement of any food preparation or retail operations at the premises.
73. The premises are to be registered with Council as a Food Premises and the premises are to be subjected to inspections by Council's Environmental Health Officers as required. The particulars of the business are to be notified to the NSW Food Authority (www.foodnotify.nsw.gov.au).
74. The provisions of the Food Act 2003 and Regulations and the provisions of the Australian New Zealand Food Safety Standards are to be complied with. The construction and fit out is to comply with Australian Standard AS 4674-2004 Design, construction and fit-out of food premises.

ORDINARY MEETING

Meeting Date: 27 May 2008

75. Any building or part thereof to be used for the purpose of storage, preparation or sale of food for human consumption shall be constructed in accordance with the requirements of the Food Act 2003 and Regulations there under and Council's Food Premises Fit Out Code.
76. Ceilings throughout the premises are to be solid and are to comply with Council's Food Premises Fit Out Code. Drop-in suspended ceiling panels are not permitted over food preparation or food storage areas.
77. All walls, floors, benches, shelves, chairs, fittings and the like are to be constructed with materials that are smooth, durable, impervious to moisture and capable of being easily cleaned with a disinfectant. Fittings and equipment are to be constructed so as not to harbour food, insects or vermin. Fittings and equipment are to comply with Council's Food Premises Fit Out Code.
78. An exhaust hood, filters and flue are to be installed and maintained in accordance with the provisions of Australian Standard AS1668.
79. The kitchen floors are to be covered with a durable, non-toxic, impervious surface, graded to a trapped floor waste outlet, and connected to an approved drainage installation. The floor covering is to be free of protrusions or gaps.
80. Floor tiles are to be butt jointed, or alternatively, open joints are to be epoxy grouted.
81. All wall/floor junctions in the food preparation, serving area and storage areas, including in any prefabricated low temperature room wall and floor, shall be coved according to the Council's Code for the Construction and Fitting Out of Food Premises. The coving is to be a minimum radius of 25mm using a smooth impervious material of a light colour. Where walls and floors are tiled, the coving is to be of a tile type. 'Stick-on' type coving is not permitted.
82. Provide a hand wash basin to be located within the all food preparation rooms and within close accessible proximity to the food preparation section is:
 - To be fitted with hands free taps.
 - To be provided with hot and cold running water.
 - To be provided with a common spout delivering water at approx 40 degrees Centigrade.
 - Provided with a liquid soap dispenser and paper towel dispenser.
 - To be clearly designated as being for the sole purpose of washing hands.
83. The installation of non-commercial refrigeration is not permitted.
84. A slop sink should be installed so that mop water does not contaminate the kitchen sinks. Mop water and water used for washing of garbage receptacles must not be disposed of into any storm water drainage outlet.
85. The area used for the storage of garbage receptacles is to be maintained in a clean condition at all times.
86. Equipment and appliances are to be installed on legs or castors as specified by Council's Food Premises Fit Out Code. Where plinths are to be used, the plinths shall be sealed to the floor, be covered in an equivalent finish to the floor, and the equipment/appliance effectively sealed to the plinth. Coving is to be provided to the plinth where necessary.
87. Food preparation, display and storage areas are to be adequately protected from flies, insects and vermin. Windows are to be screened and doorways are to be provided with self-closing devices.
88. Toilet and washing facilities are to be provided in accordance with Part F2 of the Building Code of Australia relevant to Class 3 to 9 buildings.

ORDINARY MEETING

Meeting Date: 27 May 2008

89. Refrigerators and frozen food cabinets should be installed so as to comply with Council's Code for the Construction and Fitting Out of Food Premises.
90. Adequate provision is to be made for the disposal of condensation from low temperature rooms and from refrigerators or air conditioning units. Condensation waste is to be disposed of in accordance with the requirements of Hawkesbury City Council.
91. An appropriate temperature gauge is to be provided externally in the low temperature room, refrigerated food display unit and refrigeration units.
92. All panels of any low temperature rooms are to be neatly cut and finished smooth to eliminate any cracks, crevices, or imperfections which may provide access for food, vermin or insects.
93. Storage racks for low temperature rooms shall be constructed of pipe, angle iron, 'T' iron, channel iron, flat metal or other approved materials. The material should be galvanised and otherwise treated to prevent corrosion. Racks are to be of a smooth surface to facilitate cleaning.
94. Adequate lighting is to be provided to the food preparation area. Such lighting is to be flush mounted and provided with a smooth faced diffuser that is designed to minimise dust and grease accumulation.
95. Signage is to be placed at the exit to all car parking areas requesting patrons consider the neighbouring property owners and exit the property quietly.

Prior To Issue Of Occupation Certificate

96. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
97. A works as executed plan of the access driveway shall be submitted to the Principal Certifying Authority on completion of works and prior to the issue of any Occupation Certificate. The plan shall include the location of the access in relation to property boundaries and certification that the access complies with the requirements of Planning for Bushfire Protection 2001.
98. To ensure the safety of occupants of the building a "Fire Safety Certificate" which identifies the schedule of "Fire Safety Measures" that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an "Occupation Certificate" as required in the "Environmental Planning and Assessment Act & Regulation.
99. In accordance with the EPA Act & Regulation the owner of a building is to provide Council with an Annual Fire Safety Statement for the buildings.
100. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
101. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.

Use Of The Development

102. The maximum capacity associated with the place of assembly and refreshment room is to be restricted to a maximum of 40 persons at any given time.
103. Hours of operation associated with the place of assembly and refreshment room shall be restricted as follows:

7am to 10.00pm Monday to Thursday and Sunday
7am to 12.00 midnight Friday and Saturday
104. No internal or external alterations shall be carried out without prior approval of Council.

ORDINARY MEETING

Meeting Date: 27 May 2008

105. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
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.
106. The area used for the storage of garbage receptacles is to be maintained in a clean condition at all times.
107. All sound producing plant, equipment, machinery, fittings, and the like shall be sound insulated and/or isolated so as to control noise emissions from the premises to ensure there is no emission of intrusive or offensive noise.
108. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
109. The subject development, including landscaping, is to be regularly maintained. Plant species shall be replaced as required in order to maintain the viability of the approved landscape concept prepared for the site.
110. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.
111. The use of the tourist cabins is to be restricted for short term stay only and are not to be made available as long term accommodation. In this regard any continuous length of stay is to be restricted to not more than two (2) weeks.
112. The bushfire asset protection zones required by this consent shall be maintained at all times.
113. 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) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
114. No deliveries, loading or unloading associated with the premises are to take place between the hours of 5:00pm and 7:00am on any day.
115. Separate development consent is required to be obtained in order to use the refreshment room as a "Place Of Public Entertainment."
116. All food and food handling equipment and utensils are to be stored at least 300mm clear of the floor on smooth faced shelving or other equipment. No food is to be stored on the floor in a low temperature room or freezer.
117. The refrigeration equipment and all associated fittings are to be installed in such a manner that it is capable of operating without causing a noise or vibration nuisance for adjoining property occupiers.
118. All waste matter to be stored away from food areas and disposed of at regular intervals.
119. A portable thermometer accurate to +/-1°C is to be available at the premises at all times for the purpose of checking and monitoring hot and cold foods for compliance temperatures.
120. Materials and equipment for cleaning are to be stored in a cupboard physically separated from any food, food storage, display, or preparation area. Separate cleaning equipment is required for the cleaning of any toilets.

ORDINARY MEETING

Meeting Date: 27 May 2008

121. Personal clothing, bags, shoes and other personal items are to be stored in a cupboard physically separated from any food, food storage, display, or preparation areas.
122. All potentially hazardous foods are to be stored at a temperature below 5°C or above 60°C unless the type of food is appropriate for storage at ambient room temperatures.
123. The provisions of the Australia New Zealand Food Standards Code is to be complied with at all times.
124. Amplified music in the refreshment room shall be maintained at less than 90 dB at 3 metres from any speaker.
125. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

NSW Rural Fire Service General Terms of Approval

Asset Protection Zone

126. At the commencement of building works and in perpetuity the property around the proposed cabins shall be managed as follows:

North for a distance of 40 metres as an inner protection area and 20 metres as an outer protection area;

East for a distance of 50 metres as an inner protection area and 20 metres as an outer protection area;

South for a distance of 10 metres as an inner protection area;

West for a distance of 10 metres as an inner protection area, as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for Asset Protection Zones'.

127. At the commencement of building works and in perpetuity the property around the proposed chapel shall be managed as follows:

North for a distance of 10 metres as an inner protection area and 10 metres as an outer protection area;

East for a distance of 15 metres as an inner protection area and 10 metres as an outer protection area;

South for a distance of 10 metres as an inner protection area;

West for a distance of 15 metres as an inner protection area and 10 metres as an outer protection area, as outlined within planning for Bushfire protection 2006 and the Service's document 'Standards for Asset Protection Zones'.

Water and Utilities

128. Water, electricity and gas are to comply with Sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006 for the proposed cabins.
129. Water, electricity and gas are to comply with Section 4.1.3 of Planning for Bush Fire Protection 2006 for the existing dwelling/proposed refreshment room and proposed chapel.

ORDINARY MEETING

Meeting Date: 27 May 2008

Access

130. Internal roads shall comply with following requirements of Section 4.2.7 of Planning for Bush Fire Protection 2006 for the proposed cabins:
- (a) Internal perimeter roads are provided with at least two traffic lane widths (carriageway 8 metres minimum kerb to kerb) and shoulders on each side, allowing traffic to pass in opposite directions.
 - (b) The minimum distance between inner and outer curves is six metres. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.

Design and Construction

131. New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1 for proposed cabins 5 & 6.

Evacuation and Emergency Management

132. Arrangements for emergency and evacuation are to comply with Section 4.2.7 of Planning for Bush Fire Protection 2006.

Advisory Notes

- The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- The applicant is advised to consult with:
 - (a) Integral Energy
 - (b) Natural Gas Company
 - (c) a local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

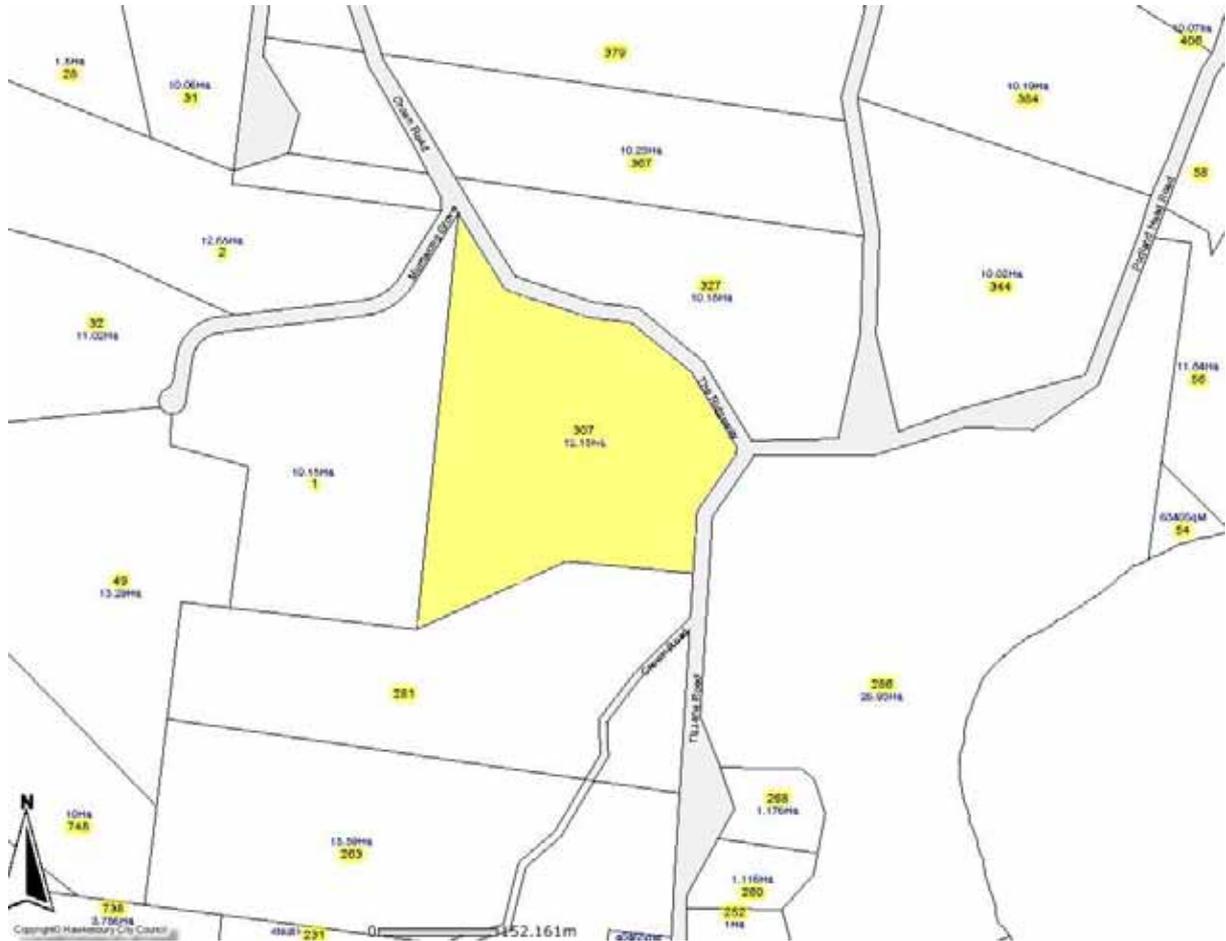
ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Site Plans

ORDINARY MEETING

Meeting Date: 27 May 2008

AT - 1 Locality Plan



ORDINARY MEETING
Meeting Date: 27 May 2008



| | | |
|---|-----------------|------------------------------|
|  LANDSCAPE SURVEYS 108 BRIDGEVILLE ROAD BRIDGEVILLE SA 7148 (08) 82727195 | PLAN OF | 307 TEZZANA ROAD EBENEZER |
| | CUSTOMER | MICHAEL M. HOUJI |
| DRAWING | CONTROLS SURVEY | DATE |
| SHEET 1 OF 2 SHEETS | DATE | ASSIGNED |
| SCALE 1:100 | DATE | DATE |
| NAME | A | SHEET DAY |

oooO END OF REPORT Oooo

SITE PLAN

ORDINARY MEETING

Meeting Date: 27 May 2008

Item: 103 CP - Application for Residential Rezoning - Lot 2 DP 237575, 35 Chapel Street, Richmond - (95498)

REPORT:

Introduction

Council has received a request from Montgomery Planning Solutions, acting on behalf of land owners Mr P and Mrs K Smith, for the rezoning of Lot 2 DP 237575, 35 Chapel Street, Richmond to allow for the subdivision of the land into 16 lots. The proposed lots range in size from 1200m² to 5.20ha.

The applicant requests the rezoning be incorporated into the Council's conversion of Hawkesbury Local Environmental Plan 1989 into the NSW Governments Standard LEP (template LEP) and that Council prepare a site specific Development Control Plan to control allotment sizes, setbacks, upgrading of access, building heights and roof pitch.

This report provides an assessment of the proposal.

Description of Site and Surrounds

The property is to the south of Chapel Street, Richmond and is accessed via an accessway over an access handle for the adjoining equine stud (Hobartville Stud). Note the legal status of this accessway will be discussed later in this report. The property has an area of 8.099 ha and is presently zoned part Environmental Protection - Agriculture Protection (approx 6.6ha) and part 7(a) Wetlands (approx 1.5ha). The land zoned 7(a) Wetlands is also shown as a wetland under Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No.2 - 1997).

Under the current provisions of the Environmental Protection - Agriculture Protection zone, the minimum lot size for new lots is 10ha, hence at present the property does not have subdivision potential.

The property varies in height from approx 21m AHD to 17m AHD in the area where the new lots are proposed. This is an area of approx 3.5ha with the higher land fronting the Right of Carriageway. Beyond this upper plateau the land then falls sharply to the north-west to low lying land with a height of approximately 9m AHD.

Improvements on the land currently consist of a dwelling with onsite disposal of effluent, a tennis court and associated driveway and landscaping. The balance of the property mainly consists of grass lands.

Housing and Open Space zoned land is located to the south, Hobartville Stud is located to the west, Kurrajong Road is located to the north, two dwellings with an aged care village (Hawkesbury Village) beyond is located to the north-east and Multi Unit Housing zoned land (John Tebbutt Mews) is located to the east. Hobartville Stud is listed as a heritage item on Schedule 1 of HELP 1989.

Beyond the immediately surrounding properties, the main distant views to the property are from the west through to north across the floodplain.

The height of 1 in 100 year flood event for the surrounding area varies from 18.3m AHD at Yarramundi to 17.5m AHD at North Richmond bridge.

The land is partly affected by the 20 - 25 ANEF contour, however most of the land proposed to be subdivided is not affected by the ANEF contours. The 20 - 25 ANEF affection does not represent a significant impediment to further subdivision of this land.

ORDINARY MEETING

Meeting Date: 27 May 2008

The land contains Class 4 and Class 5 acid sulfate lands as shown on the Acid Sulfate Soils Planning Map. The Class 4 land is generally in the low lying wetland areas, the Class 5 land is generally in the area of the proposed allotments.

Chronology of Rezoning Requests / Council Decisions

August 1993 - Plan submitted to Council for 46 lots.

October 1998 - Re-submission of August 1993 plan from McKinlay Morgan & Associates Pty Ltd. McKinlay Morgan advised by the then Manager Building and Development to submit a site specific Local Environmental Plan application with accompanying Local Environmental Study considering matters such as visual impact, effect on wetlands, proximity to heritage items, service availability.

February 1999 - Request from owners for Council to include land in Urban Development Strategy. Suggestion of approximately 30 lots.

March 1999 - Letter from Council advising owners that property falls outside Urban Land Strategy investigation areas. Advised that if they wish to pursue the matter then they should submit a detailed application and accompanying fee. Matters to be considered included in the letter.

May 1999 - Rezoning submission received by Falson and Associates Pty Ltd as well as \$2000 application fee. Proposal for 46 lots (same plan as 1993 plan).

August 1999 - Letter from Council to Falson and Associates requesting further information and clarification of some matters.

April 2000 - Response received from Falson and Associates. Number of proposed lots reduced to 38.

June/July 2000 - Matter reported to Council's General Purpose Committee. Recommendation that proposal not be supported, suggestion that a lower density development addressing concerns raised in report may be considered by Council. Ordinary Meeting of Council deferred matter pending submission of further information from applicant. Petition from some residents of William Cox Drive objecting to proposal was received.

December 2000 - Additional information, including traffic report, received from Falson and Associates. Proposal amended to 18 lots.

January 2001 - Meeting with Council staff, Mr Glenn Falson and Mr Smith. Additional information/clarification of issues requested by Council staff.

November 2003 - Letter from owners requesting advice regarding possibility of subdivision of land into 8 to 10 allotments. Letter also stated that a stud cattle farm had existed on the property since 1971.

April 2004 - Letter from Council advising of previous matters which require consideration/additional information.

October 2006 - Letter from owners requesting property be considered for residential rezoning in new template LEP.

November 2006 - General report to Council regarding template LEP. Mr Smith addressed Council.

December 2006 - Letter from Council advising of "conversion" nature of new template LEP and information to be submitted with rezoning request.

April 2007 - Notice of Motion regarding anomalies in Hawkesbury Local Environmental Plan 1989. Subject property nominated for change to residential zone or zone for aged care facility.

May 2007 - Report to Council regarding investigations resulting from Notice of Motion. Recommendation was that "The land owned by Mr Smith in Chapel Street Richmond not be included in the adjoining

ORDINARY MEETING

Meeting Date: 27 May 2008

residential zone or a zoning appropriate for an aged care facility." Council resolution was that "The land owned by Mr Smith in Chapel Street Richmond be subject to a further report to Council following the release of the State Government Subregional Study."

October 2007 - Current proposal received from Montgomery Planning Services. Proposal for 16 lots.

In general terms, throughout the various proposals and discussions, Council staff have requested the follows matters be addressed in any rezoning proposal:

- Visual impact
- Effect on wetlands
- Proximity to and impact on adjacent heritage item
- Service availability
- Department of Planning Section 117 directions
- Provisions of SREP No 20 Hawkesbury - Nepean (No.2 -1997)
- Details and justification of lot sizes, configuration and density
- Aircraft noise
- Impact on flora and fauna
- Traffic impacts, in particular operation of intersection of Chapel Street and Kurrajong Road - March Street
- Legal access over Right of Carriageway and adequacy of access

Applicant's Justification of the Proposal

In summary the applicant's justifications are:

- The proposed form of housing is not available in the City.
- The proposal would have negligible impact on the environment.
- The land is flood free and presents no constraints to the proposed development.
- The adjoining wetland system will not be impacted and the proposal will not affect sight lines to the historic "Hobartville" stud.
- The developable area of the subject land is currently not used for agriculture.
- There is no agriculture in the immediate locality other than animal grazing and forestry, it is unlikely that the development proposed would create or contribute to rural land use conflict.
- Existing landscape values will be retained through careful subdivision design and application of development controls.
- The scenic river valley corridor, including the wetland floodplain grazing land and historic Hobartville Stud, will not be impacted by the proposed development.
- The land is bounded on two sides by existing urban development. Development of the land for large residential lots will create an appropriate transition between rural and urban land uses.
- The land has the appropriate physical characteristics to support residential development.
- The proposed rezoning represents infill development utilising existing infrastructure.
- The land is close to all amenities and services produced in the Richmond town centre.

- The proposal will add to the range of housing choice within the City of Hawkesbury and Richmond in particular.

Assessment

Draft North West Subregional Strategy

The Draft North West Subregional Strategy was released in December 2007 and on exhibition for comment until March 2008. The strategy is yet to be finalised.

Within the Housing section of the draft Strategy the flood evacuation constraints of the Hawkesbury Local Government Area are specifically mentioned and states that further development in Richmond and Windsor is constrained by the capacity of the existing flood evacuation network. In this regard the strategy suggests that there is no capacity for additional growth outside that already planned under the current LEP without substantial work to the flood evacuation route. In this regard the dwelling target (5000 additional dwelling) assumes that growth will occur within the existing capacity of the LEP and north (west) of the Hawkesbury River.

The draft Strategy does not preclude further development south of the river, however, it needs to meet the sustainability criteria and it will be necessary to demonstrate flood evacuation measures are in place to the satisfaction of the State Emergency Service.

Land Use Strategy

On 7 May 2007 Council resolved to undertake a Land Use Strategy.

It is envisaged that this Strategy would, inter alia, investigate future housing needs and options to fulfil any required demand. This would include an examination of the criteria to be used to identify land suitable for new residential development.

As resolved in May 2007, the preparation of the Land Use Strategy is dependent on the North West Sub-Regional Strategy prepared by the Department of Planning. The draft Sub-Regional Strategy has enabled work on population projections and initial data gathering to commence, including discussions with other authorities. However, at present this Strategy has not advanced to a stage whereby housing supply and demand has been thoroughly investigated or the criteria for land to be investigated established. It is expected that the criteria will be discussed and reported progressively to Council in the latter half of 2008. In the absence of this Strategy it is considered premature to recommend support for the proposal presented to Council.

Department of Planning Circulars & Sustainability Criteria

Two Department of Planning Circulars are of particular relevance in considering the proposal. They are *Spot rezoning*, dated 15 June 2006 and *Local environmental plan review panel*, dated 16 February 2006.

In the *Spot rezoning* Circular the Department's objective to reduce the number of spot rezonings is outlined. The main reasons being:

- *Firstly, the aim is to encourage a planning approach which is fair and transparent, deals with all like cases consistently, and provides for planning decisions with a clear strategic basis.*
- *Secondly, reducing the number of amending LEPs in the planning process reduces the administrative load for councils, the Department and the Parliamentary Counsel.*

The circular does state that spot rezonings will continue to be considered by the Department, however justification for the rezoning should take into account the public interest and explain the implication of not proceeding with the spot rezoning.

ORDINARY MEETING

Meeting Date: 27 May 2008

The *Local environmental plan review panel* circular explains the role of the Department of Planning's LEP Review Panel and identifies the information required to be submitted to the Department.

With respect to Spot rezonings the Circular states:

In particular, the proposed plan must be considered in the context of State and regional policy direction, as well as the site context in terms of compatibility with neighbouring uses and the potential to create an undesirable precedent in terms of other rezoning requests.

Further the Circular states that rezonings unlikely to be supported include the rezoning of a site for residential uses ahead of other land that is identified in a strategic urban settlement strategy and land rezoning or change of development controls in isolation and in the absence of a context and where such a rezoning would be more appropriately included in the preparation of a comprehensive LEP.

The outcomes of the previously mentioned Land Use Strategy would serve as a guide for a urban settlement strategy (or similar) and provide context for any resultant comprehensive LEP dealing with the supply and type of residential development permissible within residential zones. In light of the Department's advise it would appear premature to support the proposal in the absence of the Land Use Strategy.

The Local environmental plan review panel circular also provides pro-forma evaluation criteria for the consideration of spot rezonings. The applicant has provided a response to these criteria and this is reproduced in the table below along with a comment in reply.

| | Evaluation Criteria | Applicant's Response | Comment in Reply |
|----|--|--|---|
| 1. | Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)? | At this time there is no agreed regional strategic direction for development in the area. | The draft Subregional Strategy (released after this proposal was received) seeks to set the direction for development in the area. Direction of draft Subregional Strategy discussed above. |
| 2. | Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions? | The LEP will be consistent with State and Regional Policies. In regional terms the proposal is relatively minor and should be considered on merit as an opportunity to increase housing choice and availability within the existing Richmond township. | Compliance with S117 directions discussed later in this report. |
| 3. | Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy? | No | Agreed. |
| 4. | Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands? | There will be no loss of employment lands within the City of Hawkesbury. | Agreed. |

ORDINARY MEETING

Meeting Date: 27 May 2008

| | Evaluation Criteria | Applicant's Response | Comment in Reply |
|----|---|--|---|
| 5. | Will the LEP be compatible/complementary with surrounding land uses? | The LEP will be compatible and complementary with the surrounding land uses. The surrounding uses are a mix of residential, aged persons housing, nursing home and grazing land. The LEP will provide an appropriate transition between land uses. | Compatibility with surrounding landuses discussed later in this report. Existing development of the property also provides an appropriate transition between surrounding agricultural and residential land uses. |
| 6. | Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders? | No. It is considered that this site is unique. | The site not unique. Hobartville Stud and selected properties in Dight Street, Richmond are in the same zone with land above the 1 in 100 year flood level, outside of the ANEF contours and with possible connection to services. |
| 7. | Will the LEP deal with a deferred matter in an existing LEP? | No. | Agreed. |
| 8. | Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? | There have been no other spot rezonings in recent years in the locality | Whilst there have been no other written rezoning requests in the locality, Council staff regularly field counter and telephone enquiries regarding rezoning of rural and environmental protection zone land. Examination of the cumulative effects would be best achieved after the Land Use Strategy, this would also include the cumulative effect of similar proposal on the capacity of the flood evacuation routes serving Richmond. |

Section 117 Directions

Section 117(2) of the Environmental Planning and Assessment Act 1979 directs Councils to consider various matters when preparing a draft LEP.

ORDINARY MEETING

Meeting Date: 27 May 2008

The relevant Section 117 directions for the proposal are as follows:

Direction 2.1 Environmental Protection Zone - a LEP shall not reduce the environmental protection standards that apply to Environmental Protection zones, including modifying any development standards or subdivisions controls.

Direction 3.1 Residential Zones - a draft LEP shall include provisions that encourage the provisions of housing that will:

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

Direction 3.4 Integrating Land Use and Transport - a draft LEP shall locate zones for urban purposes in such a manner so as to give effect to the aims, objectives and principles of *Improving Transport Choice - Guidelines for planning and development*

Direction 4.1 Acid Sulfate Soils - a Council shall not prepare a draft LEP that proposes an intensification of land uses on land identifies as having the probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.

Generally a draft LEP may be inconsistent with a Direction provided Council can satisfy the Department of Planning that the inconsistency can be justified by way of an environmental study or the inconsistency is of minor significance.

In terms of Direction 2.1 the applicant contends that the proposal is of minor significance. The applicant has not provided any specific information in relation to Directions 3.1, 3.4 or 4.1.

LEP Template Conversion

The applicant suggests than the most appropriate template LEP zone for the developable area is RU6 Transition.

The mandated objectives of this zone are:

To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.

To minimise conflict between land uses within the zone and land uses within adjoining zones.

This zone has not been selected in the conversion of HLEP 1989 to the template LEP. The guidelines issued by the Department state that the transition zone is generally intended to be used in special circumstances for land that provides a transition or buffer between rural land uses (including intensive rural land uses) and other sensitive land uses such as residential, education or community uses.

In light of this, it would appear using the RU6 Transition zone for residential development, as is proposed, is in conflict with the intention of this zone which to provide a buffer between rural landuses and residential uses.

HLEP 1989 and SREP No 20

Relevant aims and objectives of Clause 2 of HLEP 1989 are:

- To provide a mechanism for the management, orderly and economic development and conservation of land with the City of Hawkesbury;

ORDINARY MEETING

Meeting Date: 27 May 2008

- To provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;
- To protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways; and,
- To provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City.

In order to satisfy these objectives it is recommended that support for any zone change, as proposed in this particular case, be considered in a wider strategic manner such as through a Land Use Strategy as apposed to being considered in a piece-meal and possibility inconsistent manner.

SREP No 20 Hawkesbury - Nepean (No.2 - 1997) contains many matters to take into consideration by Council when preparing a draft LEP. The main relevant provisions include total catchment management, environmentally sensitive areas, water quality, water quantity, cultural heritage, flora and fauna, riverine scenic quality, agriculture, rural residential development, and urban development.

In general terms the SREP encourages minimising impacts on scenic areas, water qualities, and flora and fauna; protection of wetlands; new development to be located in areas that are already cleared; conservation of heritage items; and providing effective separation between agricultural uses and adjoining residential uses.

Potential Agricultural Land Use conflicts

Rezoning of the property and its resultant subdivision in the manner proposed will result in more dwellings being closer to the adjacent equine stud Hobartville Stud.

When separation distances between equine establishments and surrounding residences are inadequate typical conflicts which arise relate to odours, harbourage of vermin, noise, and the early morning training and transportation of horses. Some of Hobartville Stud's horse paddocks, including stables, are located immediately to the west of the subject property.

Access and Traffic Management

Vehicular access to the subject property is gained via the short section of Chapel Street (approx 82m long) south of Kurrajong Road - March Street and then via an existing accessway over an access handle for Hobartville Stud.

There is some confusion regarding the legal status of this existing accessway. Examination of relevant Deposited Plans and associated title documents suggests that the legal accessway to 35 Chapel Street may be via a 4.6m wide right of carriageway over adjoining Lots 1 and 2 DP 1065028 and Lot 11 DP 851433. These properties are immediately to the north-west of the Hobartville Stud access handle. The actual physical accessway appears to be within the 9.15m access handle for Hobartville Stud. If the proposal is to be supported this will need to be clarified.

The applicant notes that the existing accessway over Hobartville Stud's land provides a tree-lined semi rural laneway entrance to the subject land and it is proposed that the accessway be upgraded by way of a number of single passing bays rather than widening to current road standards. The applicant has not provided any design or concept diagram showing the layout of this access. The Indicative Lot Layout submitted with the rezoning request shows an internal private accessway serving lots 4 to 16. This access is towards the south-western corner of the subject property.

A subdivision of the type proposed would normally require a properly constructed public road accessing the new properties with a minimum road reserve width of 15m and a sealed carriageway width of 8m, kerb and guttering and stormwater drainage. The existing legal and/or physical right of carriageway does not and cannot comply with this requirement.

ORDINARY MEETING

Meeting Date: 27 May 2008

Typically, passing bays require a minimum sealed width of 6m, inclusive of the width of the single trafficable lane. Given the above mentioned confusion it is unclear if passing bays could be accommodated within the legal right of carriageway.

The legal right of carriageway terminates near the eastern most corner of subject property. As a result proposed lots 2 - 16 would not have legal access over Hobartville Stud land beyond the termination of the right of carriageway.

The applicant has submitted a traffic impact review prepared by Christopher Hallam & Associates Pty Ltd. The report is dated August 2000 and examines the traffic generation impacts of an 18 lot subdivision. It is unfortunate that the applicant has not submitted an updated traffic report which takes into account the possible impacts of the subsequent additions to Hawkesbury Village in the early 2000s and the anecdotal evidence that traffic volumes on Kurrajong Road - March Street have increased since 2000. RTA traffic counts for the period 1987 to 2002 show that Kurrajong Road average daily traffic volumes at the nearest traffic counter to the site have increase by 2% per annum. In 2002 the average daily traffic volume was approximately 27,000, if this trend has continued to present day then the average daily volume would be approximately 30,500.

In summary the traffic report found that the then intersection of Kurrajong Road - March Street/Chapel Street had an "E" level of service in the morning and afternoon peak hours. For a Give Way/Stop Sign controlled intersection an "E" level of service means the intersection is at capacity and requires another control mode. The reasons given in the report for this level of service was the high traffic volumes in Kurrajong Road - March Street and the difficulty drivers faced in making a right turn from Chapel Street. Such a turn movement requires drivers to wait for gaps in both easterly and westerly traffic flows in Kurrajong Road - March Street. The report states that the proposed subdivision would not change this level of service. The report also stated that:

The current situation is one where there is no easy improvement option. The level of side street traffic flow is so low that options such as traffic signals or a roundabout would not be justified.

Given the level of service identified in 2000, the possibility of a worse level of service now, and there being no identified opportunity to improve the level of service it would not be good planning practice to approve additional lots whereby the only means of access to the public road network is via this at capacity intersection.

Services

The applicant advises that initial enquiries have been made with Sydney Water and Integral Energy and that sewer, water and electricity can be provided for the proposed development. The applicant has not provided any details as to any necessary easements, existing or proposed, required to provide these servicing.

Garbage and recycling collection in this short section of Chapel Street currently consists of approximately 17 services (i.e bins from existing dwellings in Chapel Street, Hawkesbury Village and the properties accessed via the right of carriageway). Council's trucks do not enter onto Hobartville Stud's land to collect garbage, hence all bins are serviced in Chapel Street. The proposed subdivision would add an additional 15 garbage and recycling services. Hence, at peak, approximately 32 garbage and 32 recycling bins would be put out for collection within this relatively short (82m) section of roadway . The Indicative Lot Layout shown in the proposal would also require residents to transport their bins up to 500m from their residences to a pick up point in Chapel Street. This in practice is considered inappropriate and unacceptable for a residential development.

The proposed rezoning for residential purposes is inconsistent with the Department of Planning's draft North West Subregional Strategy in so far as it would result in residential development outside of that already planning under the current provisions of HLEP 1989.

Any decision to support the rezoning in advance of the findings of Council's Land Use Strategy, and resultant land release criteria, is considered to be premature. Such support would not be consistent with

ORDINARY MEETING

Meeting Date: 27 May 2008

the fundamental aims of the HLEP 1989 which, in summary, is to provide for the orderly development of land within the City as well as to provide appropriate land in quality, area and location for residential uses.

The proposal rezoning is in conflict with the Department of Planning's objective of reducing the number of spot rezonings and the criteria for assessing spot rezonings. The proposal has not demonstrated satisfactory compliance with the Department's evaluation criteria.

The applicant's suggested zone change to RU6 Transition appears to be in conflict with the intent of that zone, in so far as it would introduce residential development in an zone which is to provide separation between residential uses and rural land. Furthermore, the resultant residential development may create land use conflicts with the neighbouring Hobartville Stud given the proximity of the Stud to the subject land.

Finally, a fundamental failing of the proposal is the vehicular access to the site. This includes the currently at capacity intersection of Chapel Street and Kurralong Road - March Street, the currently inadequate right of carriageway, the substandard proposed road construction to serve the resultant residential development, and the excessive distance residents will have to transport their garbage and recycling bins for collection.

It is therefore recommended that the proposed rezoning of 35 Chapel Street, Richmond for residential purposes not be supported.

Conformance to Strategic Plan

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

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

Funding

No budget impact if recommendation adopted.

RECOMMENDATION:

That:

1. The proposed rezoning of 35 Chapel Street, Richmond for residential purposes not be supported at this time.
2. That the land be considered further when Council has finalised a residential strategy that is consistent with the North West Subregional Strategy.

ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Indicative Lot Layout

ORDINARY MEETING

Meeting Date: 27 May 2008

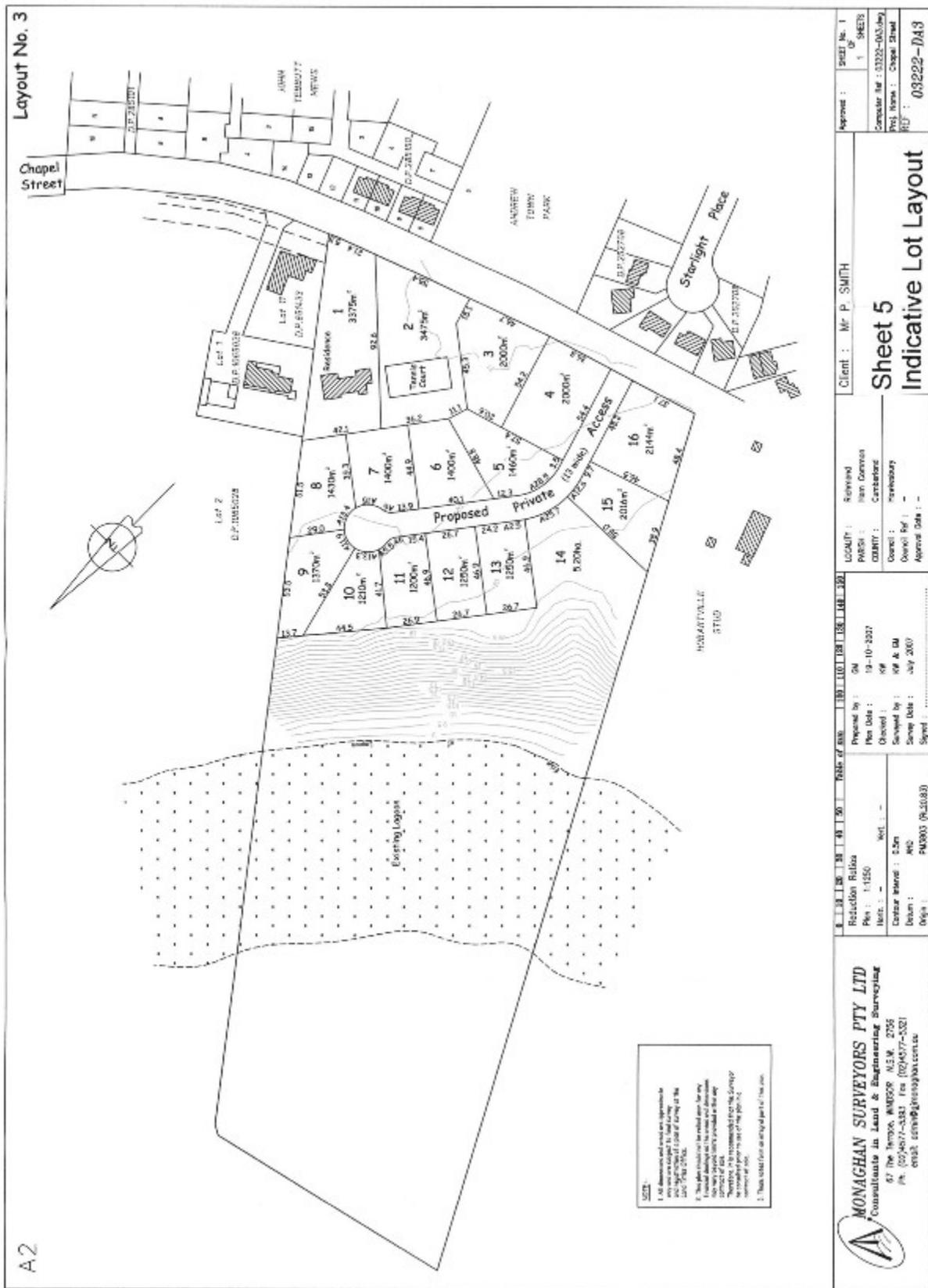
AT - 1 Locality Plan



ORDINARY MEETING

Meeting Date: 27 May 2008

AT - 2 Indicative Lot Layout



| | | |
|--|--|--|
| Client : Mr P. SMITH Sheet 5 Indicative Lot Layout | | Approved : 1 OF SHEETS Computer Ref : 03222-DA3 Plot Name : Chapel Street RID : 03222-DA3 |
| LOCALITY : REGION : COUNTY : Council : Council Ref : Approval Date : | Prepared by : Plan Date : Checked : Drawn : Scale Date : Signed : | Received : Main Contents : Comments : Approved : Approval Date : |
| Resection Station Plan : 1:150 North : Contour Interval : 0.5m Datum : MSL Org. : | Proposed by : GM Plan Date : 19-10-2007 Checked : Drawn : Scale Date : July 2007 Signed : | MONAGHAN SURVEYORS PTY LTD Consultants in Land & Engineering Surveying 67 The Terrace, MIMSWORTH N.S.W. 2755 Ph: (02)4577-3333 Fax (02)4577-5321 email: info@monaghan.com.au |

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 May 2008

Item: 104 **CP - Application for Rezoning - Lot 1 DP 129442 and Lot 1 DP 779913 - 739 George Street, South Windsor (Windsor Baptist Church) - (85593, 95498)**

REPORT:

Introduction

Council has received a request from Montgomery Planning Solutions, acting on behalf of the Winten Property Group and the land owners, the Baptist Church of NSW Property Trust, to rezone land at Lot 1 DP129442 and Lot 1 DP 779913 - 739 Corner George Street and Richmond Road, South Windsor.

The applicant requests that three hectares of the subject land be rezoned to facilitate the development of a *"small local centre which will be a gateway to the City of Hawkesbury"*.

The purpose of this report is to provide an assessment of the proposal.

Proposed Development

The application seeks to rezone part of the land from Special Uses 5(a)(Church) to SP3 Tourist zone under the NSW Standard LEP Template. The proposed development comprises the following:

- Service station
- Day Care Centre
- Motel
- Two Fast food restaurants
- Family restaurant
- Car Wash
- Garden Supplies
- Associated carpark and internal road

An indicative concept plan is attached to this report.

The existing Baptist Church and associated facilities would retain the current Special Use 5(a) zone and its equivalent NSW Standard Template LEP Zone.

Description of Site and Surrounds

The subject land is located on the northern corner of Richmond/Blacktown Road and George Street and has an area of approximately 6 hectares. The site is generally triangular in shape with a south-western frontage to Blacktown Road, a south-eastern frontage to George Street. A small section of north-western boundary adjoins Rickabys Creek.

The existing access to the site is from George Street and existing structures include the church, car park and several structures ancillary to the church, including emergency accommodation and a residence.

The land is currently zoned Special Uses 5(a)(Church) and the proposed uses are not permissible within the zone. In July 2004 consent was issued for a re-subdivision the 2 lots and the construction of an aged persons housing development under State Environmental Planning Policy No.5 comprising nineteen buildings containing- sixty-four units. The applicant has advised that this proposal is not proceeding at this stage.

The height of 1 in 100 year flood event for the locality is 17.3m and approximately a third of the site is below this level.

ORDINARY MEETING

Meeting Date: 27 May 2008

The land along the western side of George Street consists of a service station directly adjacent to the subject land, Masonic lodge, landscape supplies, costume hire and a landfill facility. The remainder of the uses are predominantly rural residential living in character. Under the provisions of Hawkesbury LEP 1989 the land is zoned Rural Living until just short of the Rifle Range Road intersection. The eastern side of George Street land uses include a fish hatchery, rural fire brigade, bus depot and the Bligh Park residential area. The zone in this locality is Rural Living from Richmond Road to Thorley Street, Open Space 6(a) to Colonial Drive and Housing to the Windsor Leagues Club.

Previous submissions

The application was lodged on 31 January 2008 and previous discussions were held with the proponent prior to this time. A letter was issued in June 2007 to the applicant advising the matter could not be considered in the current conversion of Hawkesbury LEP 1989 to the NSW Standard Template LEP.

Applicant's Justification of the Proposal

In summary the applicant's justifications are:

- 1. The land is surrounded by a mixture of commercial uses and rural residential on land which is largely degraded. This site presents an opportunity to provide a suitably designed and much enhanced gateway to Windsor and Richmond.*
- 2. The land has the appropriate physical characteristics to support a small local centre which caters for passing traffic, tourists and local residents.*
- 3. The proposed rezoning will make use of existing infrastructure.*
- 4. The proposal will provide suitable sites for tourist development, restaurants, information centre and fast food which are not currently available within this part of the region.*
- 5. The proposal will provide significant permanent employment opportunities (250 – 300 jobs) for residents of the Hawkesbury and the adjacent Bligh Park in particular.*
- 6. The proposal will promote walking and reduce vehicle trips from the adjacent Bligh Park.*
- 7. The proposal provides a better urban outcome than would be achieved by constructing the approved DA for 70 aged care units.*
- 8. The proposal will have a positive affect on the local economy by capturing expenditure from outside the area (ie motorists driving through the LGA on Blacktown Road).*
- 9. The proposed development will not threaten existing local centres or town centres as the primary focus of activity will be on passing motorists and tourists.*
- 10. There will be no adverse environmental or visual impact as a consequence of development of the land.*
- 11. The proposed development will provide a more appropriate use for this prominent gateway site than the current seniors living approval.*

Assessment

Draft North West Subregional Strategy

The Draft North West Subregional Strategy was released in December 2007 by the NSW Department of Planning and was exhibited for comment until March 2008. The strategy is yet to be finalised by the State Government.

ORDINARY MEETING

Meeting Date: 27 May 2008

As previously reported to Council, the Strategy acts as a broad framework for the long-term development of the region, guiding government investment and linking local and state planning issues. The key directions for the subregion are as follows:

- Plan to meet employment and housing capacity targets
- Develop Penrith as a regional city
- Strengthen the role of centres
- Improved access to, from and within the subregion
- Protect rural and resource lands
- Promote the environmental and scenic qualities of the region
- Improve access to open space and recreation opportunities

The Strategy acts as a framework for local councils in preparing new Local Environmental Plans (LEP) and therefore LEP's will need to be consistent the Strategy. It is clear that Council is operating within the framework of a Metropolitan Strategy and Subregional plan and therefore must work to ensure that LEP's are consistent with the actions of the Subregional strategy. These are essentially "tests" that must be applied by Councils in preparing new strategies and subsequent LEP's.

The draft Subregional Strategy contains employment targets for the city and the subregion as a whole. For the Hawkesbury the draft figure is 3,000 jobs over the next 25 years. Councils are required to plan for sufficient land and infrastructure to achieve employment capacity targets. In relation to the current rezoning proposal, an assessment of this matter is made later in this report.

Hawkesbury Employment Strategy 2008

In March 2008 Council engaged SGS Economics and Planning to assist in developing an employment strategy. The purpose of the strategy is to develop a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region.

The outcomes which will be deliverable to Council will include:

- analysis of the existing supply of employment (industrial, commercial, retail) land;
- identification of the drivers of employment land development;
- identification of competitive opportunities for employment land development;
- projections of future employment land requirements by type over 25 years;
- development of criteria for the spatial distribution of employment lands;
- strategic planning approach for future employment land provision;
- identification of future investigation areas for industrial and commercial uses;
- definition of an implementation strategy for the investigation areas;
- consideration of infrastructure capacity, identifying limitations/augmentations.

At present this Study has not advanced to a stage whereby the above matters have been thoroughly investigated or the criteria for land to be investigated established. In the absence of this Strategy it is considered premature to recommend support for the proposal presented to Council.

The study is due for completion in draft form in June 2008.

Department of Planning Circulars & Sustainability Criteria

Two Department of Planning Circulars are of particular relevance in considering the current rezoning proposal. They are *Spot rezoning*, dated 15 June 2006 and *Local environmental plan review panel*, dated 16 February 2006.

In the *Spot rezoning* circular the Department's objective to reduce the number of spot rezoning is outlined. The main reasons being:

ORDINARY MEETING

Meeting Date: 27 May 2008

- *Firstly, the aim is to encourage a planning approach which is fair and transparent, deals with all like cases consistently, and provides for planning decisions with a clear strategic basis.*
- *Secondly, reducing the number of amending LEPs in the planning process reduces the administrative load for councils, the Department and the Parliamentary Counsel.*

The circular does state that spot rezonings will continue to be considered by the Department, however justification for the rezoning should take into account the public interest and explain the implications of not proceeding with the spot rezoning.

The *Local Environmental Plan Review panel* circular explains the role of the Department of Planning's LEP Review Panel and identifies the information required to be submitted to the Department.

With respect to Spot rezonings the Circular states:

In particular, the proposed plan must be considered in the context of State and regional policy direction, as well as the site context in terms of compatibility with neighbouring uses and the potential to create an undesirable precedent in terms of other rezoning requests.

Further the Circular states that rezonings unlikely to be supported include:

- *a land rezoning or change in development controls in isolation and in the absence of a context and where such a rezoning would be more appropriately included in the preparation of a comprehensive LEP.*
- *the introduction of additional uses to specific zones or to specific sites with no broader economic /employment imperative.*

The current proposal seeks to amend the LEP provisions on the subject land to allow the proposed development. It seeks to introduce a new zone, being the SP3 Tourist zone. This zone or a similar zone does not exist within Hawkesbury LEP 1989 and it is not proposed to be adopted in the conversion to the NSW Standard Template LEP. Whilst the site may be considered a "gateway" to the City, there has been no consideration about other gateway sites located around the City, or what may be appropriate land uses at these locations.

The Local environmental plan review panel circular also provides pro-forma evaluation criteria for the consideration of spot rezonings. The applicant has provided a response to these criteria and this is reproduced in the table below along with a comment in reply.

| | DOP Evaluation Criteria | Applicant's Response | Comment in reply |
|----|--|--|--|
| 1. | Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)? | <i>The LEP will be compatible with the draft North West Subregional Strategy). The land will fall within Category 2 Employment Land.</i> | It is agreed that the proposed development will provide for additional jobs. However it would be more appropriate to consider this aspect of the proposal upon completion of the Hawkesbury Employment Strategy. |
| 2. | Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions? | <i>The LEP will be consistent with State and Regional Policies. In regional terms the proposal is relatively minor and should be considered on merit as an opportunity to increase employment opportunities within the City.</i> | Compliance with S117 directions are discussed later in this report. |

ORDINARY MEETING

Meeting Date: 27 May 2008

| | DOP Evaluation Criteria | Applicant's Response | Comment in reply |
|----|--|---|---|
| 3. | Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy? | No | Agreed. |
| 4. | Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands? | <i>The LEP will facilitate permanent employment generating activity. Some 250-300 jobs will be created.</i> | The applicant has provided additional information which indicates the employment generation may be between approximately 230-270 jobs (110 full time). |
| 5. | Will the LEP be compatible/complementary with surrounding land uses? | <i>The LEP will be compatible and complementary with the surrounding land uses. The surrounding uses are a mix of special uses, retail and service land uses. The LEP will provide a suitable gateway for the City.</i> | Compatibility with surrounding land uses discussed below. |
| 6. | Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders? | <i>No. It is considered that this site is unique as it is a major gateway to the City and will service passing motorists and tourists.</i> | This is not considered to be a unique site. There are several locations that may be considered a gateway site. Further other landowners along George Street may also seek a similar rezoning. |
| 7. | Will the LEP deal with a deferred matter in an existing LEP? | No. | Agreed |
| 8. | Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? | <i>There have been no other spot rezonings in recent years in the locality.</i> | Council considered a proposal for a family restaurant/service station at the George/Colonial Drive roundabout in 2000 and resolved not to support the application. |

It is considered that the proposed rezoning does not comply with the current Department of Planning guidelines or Circulars. Further, given the current status of the Employment Strategy it would appear premature to support the proposal.

Section 117 Directions

As Council is aware the section 117 Directions under the provisions of the Environmental Planning and Assessment Act 1979 direct Council to consider various matters when preparing a draft local environmental plan.

The following information lists the Section 117 Directions that are considered of relevance to the proposed rezoning.

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

The applicant states that the proposal is consistent with this Direction as:

"The draft LEP will give effect to the objectives of the Direction by providing significant long term employment in a suitable location. There is currently no strategy for employment lands in the City".

Comment

As this Direction applies there are several matters relevant to Council, including giving effect to the objectives of this Direction and to ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director General of the Department of Planning.

As noted above the Hawkesbury Employment Study is nearing completion and seeks to provide direction for future employment lands within the City. It is therefore considered premature to consider a rezoning proposal of this nature.

Direction 3.4 Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances traveled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The applicant comments as follows:

"The draft LEP will provide significant employment opportunities within walking and cycling distance for residents of adjacent Bligh Park. The existing bus stop on George Street will service the proposed development."

Comment

The Department of Planning's guidelines *Integrated Landuse and Transport* seeks to improve the integration of landuse and transport planning. This issue has not been addressed by the applicant and it would be appropriate to finalise the Hawkesbury Employment Strategy prior to determining the proposal.

The proposed development may provide additional employment opportunities, however, there is no evidence to suggest there will be a direct link to the resident population in Bligh Park. The pedestrian links between subject land and Bligh Park are currently inadequate. This issue was not addressed in the Traffic Report submitted by the applicant.

Direction 4.3 Flood Prone Land

The objectives of this direction are:

- a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the ***Floodplain Development Manual 2005***, and
- b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The applicant states that the proposal is not consistent with the Directions and comments as follows:

"The provisions of the draft LEP that are inconsistent are of minor significance. Also the hazard is lower for development in accordance with the draft LEP compared to development currently approved on the land.

The existing consent allows the land to provide seniors accommodation for 70 -140 permanent residents, some of whom will be aged, frail or disabled. The consent also approves significant filling of the floodplain."

Comment

The proposal is inconsistent with this objective for the area proposed to be rezoned below the 1:100 year flood level. However, it is agreed that the flood impact of a proposed commercial development would be lower than the currently approved seniors living development.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The applicant states that the proposal is consistent with the Direction and that:

"The draft LEP will comply with the provisions of Planning for Bushfire Protection 2006 and this Direction.

The fact that the current consent allows for 70 seniors dwellings, makes it clear that the bushfire provisions will be satisfied."

Comment

Agreed.

Direction 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Comment

The applicant has not addressed this Direction.

It is noted that generally a draft LEP may be inconsistent with a Section 117 Direction provided Council can satisfy the Department of Planning that the inconsistency can be justified by way of an environmental study or the inconsistency is of minor significance. The applicant has not provided any specific information in relation to this matter.

Direction 6.1 Approval and Referral Requirements

Objective

- (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Comment

This direction applies to the preparation of draft LEP's and seeks to minimise concurrence, referrals and consultation requirements in LEP's. An LEP can only contain a provision for referral to a government agency (for example, RTA) if the Director General of the Department of Planning approves.

At this stage it is uncertain if any concurrence, referrals or consultation requirements would be required.

Standard LEP Template Conversion

As Council is aware the provisions of Hawkesbury LEP 1989 are currently being converted to the associated NSW Standard Template LEP zone. In this regard the new zone for the subject site will be SP2 Infrastructure which is similar to the provisions of the existing zone and complies with the directions for the Department of Planning.

In the original application the application proposed the use of a B2 Local Centre zone. However this zone allowed uses such as Bulky Goods, retail premises and office premises and had the potential to significantly undermine the existing centres of Richmond and Windsor. The applicant lodged a revised submission requesting the application of the SP3 Tourist Development.

The mandated objectives of this zone are:

- *To provide for a variety of tourist-oriented development and related uses.*

The mandated permitted uses are *Food and drink premises* and *Tourist and visitor accommodation*. The applicant has also requested that the following land uses be permitted with consent:

- Service Station
- Childcare Centre
- Landscape and garden supplies
- Timber and Building Supplies
- Information and education facilities

The applicant has suggested that the five additional use would be consistent with the objectives of the zone which is to provide for a variety of tourist related development and related uses.

Comment

The Department of Planning's Circular advise that the SP3 zone is generally intended to be located where a variety of tourist orientated land uses are to be permitted, and includes uses such as tourist and visitor accommodation, pubs and restaurants.

The SP3 Tourist Development zone is not currently used in the draft Template LEP as Hawkesbury LEP 1989 has no similar zone. If this zone is to be used it needs to be considered in the strategic context, including whether it would be appropriate for other "gateway" locations across the city.

The proposed uses would have the effect of allowing uses such as Bunnings or Mitre 10 and landscape supplies and it is considered that these uses are clearly not tourist related. In this regard the applicant's proposed additional uses for the zone of Landscape and garden supplies and timber and building supplies would not be suitable for this zone.

The other option is to use an enabling clause to allow this (and only this development) on the subject land. This however is no longer recommended as best practice by the Department of Planning as it is contrary to the principle of "simplifying the planning system", and therefore a suitable template zone should be applied should the rezoning proceed.

Hawkesbury Local Environmental Plan 1989

The relevant aims and objectives of Clause 2 of HLEP 1989 are:

- To provide a mechanism for the management, orderly and economic development and conservation of land with the City of Hawkesbury;
- To provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production;

In order to satisfy these objectives it is recommended that support for any change to zones, as proposed in this particular case, be considered in a wider strategic context such as through the Hawkesbury Employment Strategy.

Traffic and Access

The applicant was requested to provide additional information in relation to the traffic and access to the site. The information was submitted and included a traffic report prepared by Traffix dated July 2007.

The report is a preliminary assessment of access requirements based on a concept plan and formed the basis of discussion with the RTA by the applicant. The main features are a seagull layout at the Bennett Road/Richmond Road intersection to allow access to the site from Richmond Road. A median strip will also be constructed along Richmond Road along with a 60m deceleration lane for the entry movement. The George Street access is proposed to the northern site boundary, approximately 70m north of Thorley Street and permits left-in/left-out movements. A median strip is also proposed along George Street with a 60m long deceleration lane. The proposed layout has been incorporated into the site plan attached to this report.

The preliminary report states that there is some spare capacity within the traffic network. At this stage the traffic report has not been independently reviewed nor has it been referred to the RTA for comment by Council officers.

Services

The applicant states that water is available to service the development and the site is connected to Council sewer. There is no commentary about other service providers.

Conclusions

There has been little or no economic analysis as the best or most appropriate mix of land uses for, firstly, the subject site and secondly, other "gateway" sites within the City. Should Council consider that a

ORDINARY MEETING

Meeting Date: 27 May 2008

"gateway" should be developed at this site, it would be appropriate to investigate what a suitable statement is to be made at this, and other gateway sites.

The opportunity exists with the Hawkesbury Employment Strategy to consider a number of employment related issues and this should form the basis of any decision making. The Department of Planning is also clear in its advice to Council about undertaking strategic studies to ensure that there is a proper framework for decision making.

Therefore it is considered that the proposal has not been justified in the strategic context and therefore should not be supported in its current format. It would appear to be premature to contemplate such a rezoning when the Hawkesbury Employment Strategy has not been finalised. Given this work is almost complete it is recommended that the applicant be advised that the proposed be reconsidered following the finalisation of the Employment Strategy.

Conformance to Strategic Plan

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

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

Funding

There are no funding implications.

RECOMMENDATION:

That the:

1. Application to rezone land at Lot 1 DP129442 and Lot 1 DP 779913 - 739 George Street South Windsor not be supported at this time.
2. Matter be further considered upon exhibition of the draft Hawkesbury Employment Strategy.

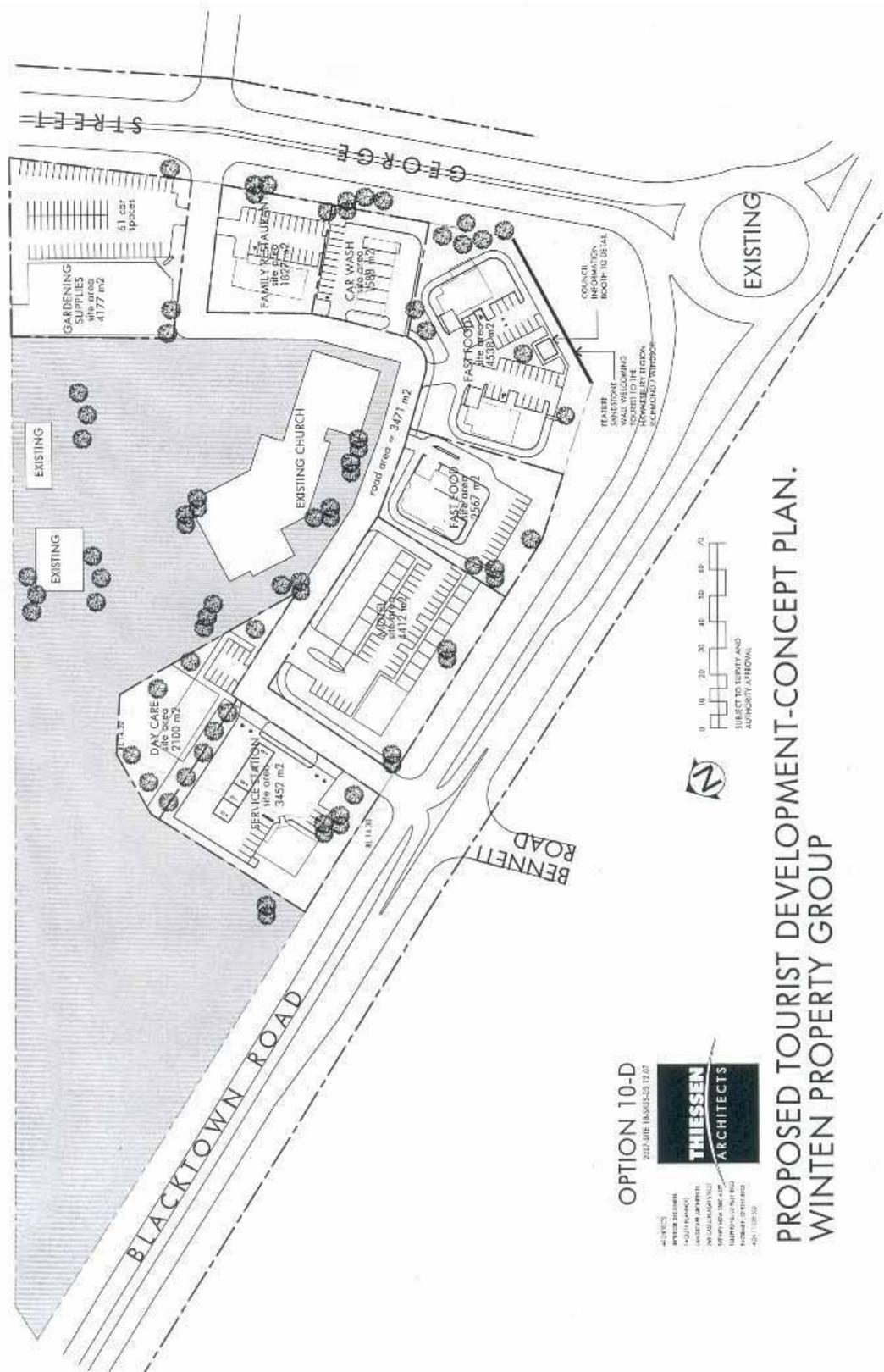
ATTACHMENTS:

AT - 1 Indicative concept plan.

ORDINARY MEETING

Meeting Date: 27 May 2008

AT - 1 Indicative Concept Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 May 2008

Item: 105 CP - Acceptance of Funding for Community Service Programs - Service Agreement 2008 - 2009 - Department of Community Services - (79771, 95498)

REPORT:

This report has been prepared to seek Council's approval to execute a Service Agreement with the Department of Community Services, for the 2008 -2009 financial year.

The Department of Community Services is the major funding body for the family, child, youth and community service projects auspiced by Hawkesbury City Council and delivered by Peppercorn Services Inc. under delegated authority.

In addition, the Department of Community Services also funds Local Government Salary Subsidies as a contribution to the costs of employing staff within the Community Services Branch.

On 8 May 2008, Council received a Service Agreement from DoCS specifying the funding levels for these projects for 2008- 2009.

They are as follows:

| | |
|--|-------------------|
| Hawkesbury Community Hub | \$113, 630 |
| Forgotten Valley Community & Youth Project | \$ 80, 748 |
| Forgotten Valley Family Support Service | \$ 93, 625 |
| Forgotten Valley Pre-School | \$ 76, 939 |
| Forgotten Valley Vacation Care | \$ 3, 162 |
| Hawkesbury Early Intervention Family Worker | \$123, 563 |
| Local Government Salary Subsidy - Community Worker | \$ 12, 715 |
| Local Government Salary Subsidy - Youth Worker | \$ 12, 715 |
| Richmond Occasional Child Care | <u>\$ 28, 823</u> |
| Total | \$545, 920 |

Conformance to Strategic Plan

The Service Agreement is required to be executed by Council and returned to DoCS.

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

"Work in partnership with Community and Government to implement plans to meet the social, health, safety, leisure and cultural needs of the City".

Funding

Funding for the projects delegated to Peppercorn Services Inc are 100% derived from external grants - there is no requirement for a Council contribution. The salary subsidies provided by DoCS are intended as a contribution to the employment costs of designated Community Services staff - Council's contribution for these staff are included in Council's annual financial estimates.

RECOMMENDATION:

That authority be given to execute, under the Seal of Council, the Service Agreement - 2008-2009, with the Department of Community Services, to accept a total \$ 545,920, for the deliver of community services projects in the Hawkesbury Local Government Area.

ORDINARY MEETING

Meeting Date: 27 May 2008

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 May 2008

Item: 106 **CP - Attribution of Aboriginal Heritage of the Land on Museum Entrance Door - (103542, 95498)**

Previous Item: 5, Ordinary (5 February 2008)

REPORT:

This report has been prepared to advise Council of the outcome of consultation with local Aboriginal groups to identify appropriate wording which will be included on the front door of the Hawkesbury Regional Museum. The simple statement is intended to acknowledge aboriginal heritage of the land on which the museum stands.

Background

On 5 February 2008, Council, in considering a report into the naming of rooms within the Regional Museum, resolved (in part):

"That:

8. *Attribution be made on the front door of the museum to the aboriginal heritage of the land on which the Museum stands and that appropriate wording will be confirmed in consultation with local Aboriginal groups and that a recommendation on the wording be presented to Council."*

Consultation with Aboriginal Groups with regard to the Wording

Letters were sent on 11 February and 9 April 2008 to three local Aboriginal groups:

- Darug Tribal Aboriginal Corporation
- Darug Custodian Aboriginal Corporation
- Deerubbin Local Aboriginal Land Council

Written responses have been received from each group (see Attachments 1-3). The Darug Tribal Aboriginal Corporation and the Darug Custodian Aboriginal Corporation both support the proposed statement:

"Welcome to the Hawkesbury Regional Museum which stands on traditional lands of the Darug People."

The Deerubbin Local Aboriginal Land Council objects to the proposed statement on the grounds that it *'is flawed and is in fact, nothing more than an assertion'*. The Land Council's position is based on their belief that *'there is no evidence supporting the assertion that there was a Darug tribe or polity'*.

At face value, the position of the Deerubbin Local Aboriginal Land Council (DLAC) would appear to be irreconcilable with the views of the Darug Tribal Aboriginal Corporation and the Darug Custodian Aboriginal Corporation. As the DLAC does not acknowledge the existence of Darug polity, by implication the DLAC does not recognise the legitimacy of the Darug organisations. It is unlikely that Council will be in a position to resolve these diametrically opposing views.

Council has however established a precedent in relation to the acknowledgement of the prior indigenous occupation of the Hawkesbury. The current position of Council is to acknowledge the Darug People as the traditional custodians of the land at the beginning of functions and Council meetings.

It is therefore proposed that the attribution recognising the Darug People as the traditional custodians of the Hawkesbury (as outlined above) be endorsed by Council for inclusion on the front door of the

ORDINARY MEETING

Meeting Date: 27 May 2008

Hawkesbury Regional Museum. This position is in keeping with the accepted convention currently applied by Council.

The statement will be produced using translucent lettering of a style and proportion that is compatible with the building and will accompany information such as the Museum's opening hours and the Museum and Council logos.

Conformance to Strategic Plan

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

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

Funding

There are no funding implications arising from this report.

RECOMMENDATION:

That the statement *"Welcome to the Hawkesbury Regional Museum which stands on traditional lands of the Darug People"* be placed on the front door of the Hawkesbury Regional Museum.

ATTACHMENTS:

- AT - 1** Letter from Darug Tribal Aboriginal Corporation dated 28 April 2008
- AT - 2** Letter from Darug Custodian Aboriginal Corporation dated 30 April 2008
- AT - 3** Email from Deerubbin Local Aboriginal Land Council dated 11 April 2008

ORDINARY MEETING

Meeting Date: 27 May 2008

AT - 1 Letter from Darug Tribal Aboriginal Corporation dated 28 April 2008



Darug Tribal Aboriginal Corporation
(Incorporating Darug Link Associating Inc.)

PO Box 441 Blacktown NSW 2148

PH: (02) 9622 4081

Mobile 0431 343 021

Fax: (02) 9622 4081

Email: darug_tribal@live.com.au

ABN: 77 184 151 96

The Committee of darug tribal would like to inform you of changes to our contact numbers so please do not hesitate to contact us for any further information so that we may assist you.

Further to your phone conversation with Terry we have no objections in any way with your proposal put in your letter dated 9th April 28, 2008 if I can assist you in any way in future please do not hesitate to contact me also I would like to attach an invitation to you & your family at our reunion

Hugs & Smiles

Sandra Lee
Secretary

ORDINARY MEETING

Meeting Date: 27 May 2008

AT - 2 Letter from Darug Custodian Aboriginal Corporation dated 30 April 2008

30-4-08

DARUG CUSTODIAN ABORIGINAL CORPORATION.
146 Boundary Road
Oakville N.S.W. 2765.

Hawkesbury

07 MAY 2008

City Council

DEAR Keri.

The wording for the front door of the Museum sounds and looks very impressive. On behalf of our organization I thank you for recognizing the Darug people in this way and look forward to being there for the opening.

Thanking you.

ORDINARY MEETING

Meeting Date: 27 May 2008

AT - 3 Email from Deerubbin Local Aboriginal Land Council dated 11 April 2008

From: Kevin Cavanagh [dlalc_kc@bigpond.com]
Sent: Friday, 11 April 2008 5:36:37 PM
To: Keri Whiteley
Subject: Re: debunking the myth

Dear Keri

As you would no doubt appreciate, this matter is one of uppermost importance in the hearts and minds of Deerubbin LALC and its members.

Deerubbin wishes you to know that it strongly objects to the 'statement' which is flawed and is in fact, nothing more than an assertion.

In support of the above I would like to draw to your attention a copy of a submission (attached) Deerubbin sent to the Minister for Lands The Hon. Tony Kelly. MP. And, despite some 12 months having come and gone, Minister Kelly is yet to make a decision on this matter.

A copy of Minister Kelly's letter was also forwarded (March 07) to the General Manager, Hawkesbury City Council.

I also draw your attention to the Native Title Tribunal Hot Spots - Determination of native title - Gale v Minister for Land & Water Conservation (NSW) 2004- (copy attached).

I would further like to draw your attention to the fact that Dr Jim Kohen was not only the Research Officer for the Darug Link Group, later to become known as the Darug Tribal Aboriginal Corporation - between 1988- and 1996, but he was also the Public Officer for the Darug Tribal Aboriginal Corporation.

Furthermore Dr Jim Kohen was the Darug Peoples 'expert' witness in the Lower Portland case.

Dr Jim Kohen also co-wrote the Book, Darug & their neighbours.

Dr Jim Kohen was no doubt a very busy non-Aboriginal person.

The facts are that there is no evidence supporting the assertion that there was a Darug tribe or polity. The term Dharuk did not emerge until the late nineteenth century in particular, from the work of Matthews.

In conclusion Deerubbin wishes to re-iterate its above- stated remarks, namely, that it strongly objects to the 'statement' which is flawed and is in fact, nothing more than an assertion.

Yours Faithfully,

Kevin Cavanagh
Chief Executive Officer Deerubbin Local Aboriginal Land Council

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 May 2008

SUPPORT SERVICES

Item: 107 SS - Returns Relating to Disclosure of Pecuniary Interests - (96333, 95496)

REPORT:

Section 450A of the Local Government Act, 1993 is in regard to the register of Returns relating to the disclosure of pecuniary interests and other matters and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

"450A Register and tabling of returns

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

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

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

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

| Position | Return Date | Date Lodged |
|--|--------------------|--------------------|
| Design & Investigation/ Project Engineer | 18/2/2008 | 20/2/2008 |
| Parking Patrol & Compliance Officer | 26/2/2008 | 28/2/2008 |

The Returns have been lodged prior to the due dates for the receipt of the Returns, being three (3) months after the return dates.

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

Conformance to Strategic Plan

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

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

ORDINARY MEETING

Meeting Date: 27 May 2008

Funding

Not applicable.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 May 2008

Item: 108 SS - Monthly Investments Report - April 2008 - (96332, 95496)

REPORT:

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

The following table lists the investment portfolio held by Council at 30 April 2008 in a form compliant with legislative and policy requirements.

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

April 2008

The following table indicates that Council held \$35.2 million in investments as at 30 April 2008. Details of the financial institutions with which the investment was made, date investments were taken out, the maturity date (where applicable), the rate of return achieved and the credit rating of the investments are provided below.

| Investment Type | Lodgement Date | Maturity Date | Interest Rate % | Principal \$ | Rating | Total \$ |
|---|----------------|---------------|-----------------|--------------|--------|----------------------|
| On Call | | | | | | |
| CBA | 30-Apr-08 | | 7.20% | 1,460,000.00 | A1+ | 1,460,000.00 |
| Cash Fund | | | | | | |
| LGFS FOCF | 30-Apr-08 | | 8.77% | 9,282,573.26 | AA | 9,282,573.26 |
| Term Investments | | | | | | |
| Bankwest | 29-Feb-08 | 29-May-08 | 8.11% | 5,000,000.00 | A1+ | |
| IMB Ltd | 20-Mar-08 | 16-Jun-08 | 7.98% | 2,000,000.00 | A2 | |
| IMB Ltd | 26-Mar-08 | 25-Sep-08 | 8.16% | 2,500,000.00 | A2 | |
| IMB Ltd | 27-Mar-08 | 25-Sep-08 | 8.22% | 2,000,000.00 | A2 | |
| Citibank | 25-Mar-08 | 25-Sep-08 | 8.18% | 5,000,000.00 | A1+ | |
| Bank of Queensland | 17-Mar-08 | 16-Jun-08 | 8.02% | 3,000,000.00 | A2 | |
| Bank of Queensland | 1-Apr-08 | 29-Sep-08 | 8.13% | 1,000,000.00 | A2 | |
| Bendigo Adelaide Bank | 1-Apr-08 | 29-Sep-08 | 8.16% | 1,000,000.00 | A2 | |
| CBA – Range Accrual Note | 28-Nov-07 | 19-Oct-08 | 0.00% | 500,000.00 | A1+ | |
| CBA – CPI Linked Note | 04-Apr-07 | 04-Apr-12 | 1.35% | 500,000.00 | A1+ | |
| CBA – Equity Linked Note | 05-Dec-07 | 05-Jun-09 | 0.00% | 2,000,000.00 | A1+ | 24,500,000.00 |
| TOTAL INVESTMENT AS AT 30 APRIL 2008 | | | | | | 35,242,573.26 |

ORDINARY MEETING

Meeting Date: 27 May 2008

Investment Commentary

The investment portfolio decreased by \$1.5m for the month. The decrease was due to additional expenditure over income for the April period. During April, various income was received totalling \$3.2m, including rate payments amounting to \$0.86m, while payments to suppliers and staff costs amounted to \$4.86m.

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

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

Recently the final report by Michael Cole was released reviewing NSW Local Government investments. The Cole report made a number of recommendations, all of which have been adopted by the NSW Government. In the near future, this will result in a new Ministerial Order and new guidelines for Council's Investment Policy.

Conformance to Strategic Plan

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

"Objective: Maximise return on Council's investment portfolio "

Funding

Funds are invested with the aim of achieving budgeted income in 2007/2008. Interest earnings for 2007/2008 are on budget YTD, and the full year budget is expected to be achieved.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 May 2008

Item: 109 SS - March 2008 Quarterly Review - 2007- 2008 Management Plan - (96332, 95496)

Previous Item: 107, Special (25 June 2007)

REPORT:

Within two months of the end of each quarter, Council is required to review progress in achieving the objectives set out in its Management Plan.

Management Plan

Council adopted its Management Plan for 2007/2008 on 25 June 2007.

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council the extent to which strategies set by the Council's current Management Plan have been achieved during that quarter.

The March 2008 quarter review has been prepared and is attached for information.

Financial Position

As part of the Management Plan review, Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of the income and expenditure for the year.

The March 2008 review recommends budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains a satisfactory short-term financial position for Council.

The more significant items of the March 2008 review include:

Operational Expenditure Variations

Election Reserve - Unfavourable Variance \$24K

A transfer of \$24K to the Election reserve is recommended to bring the reserve balance to the forecast required level of \$288K.

Roadworks Maintenance - Unfavourable Variance \$39K

It is projected that expenditure on unsealed roads will slightly exceed the budget allocation for the financial year. To fund this shortfall it is being recommended that \$39K be transferred from the Street Sweeping Program.

Financial Services – Favourable Variance \$25K

Savings of \$15K in relation to internal audit work has been identified as a favourable variance. These funds have been reallocated where required. Also a saving of \$10K in relation to rates postage expenses is included in this review.

Sullage Contractors Charges - Favourable Variance \$362K

As a result of reduced contract charges arising from the sullage collection contract, a favourable adjustment of \$362K is included. This saving is transferred to the sullage reserve and therefore does not impact on the overall budget.

ORDINARY MEETING

Meeting Date: 27 May 2008

Parks and Recreation - Favourable Variance \$67K

Expenditure on parks maintenance and repairs, cleaning, and building maintenance, is expected to slightly exceed estimates. Funds to cover this estimated overrun are being reallocated from various areas within the Parks and Recreation Branch. Favourable adjustments include savings in the subsidy payable to the Hawkesbury Leisure Centre due to an improving financial performance of both the stadium and the Oasis centre.

Operating Revenue Variations

Rental Income - Favourable Variance \$28K

The estimated income from property rental is being increased by \$21k to reflect additional income expected from the Black Stump Restaurant site. Also additional budgeted income of \$7K in respect of the Upper Colo Reserve is included in this review to reflect actual income received as at the end of the 3rd quarter.

Sewerage Management Facilities Income - Unfavourable Variance \$38K

As at the end of March, income from septic tanks inspection was below budget. Based on this trend a shortfall is estimated for the financial year. Part of this shortfall is attributed to a reduction in inspections during the Equine Flu outbreak. An unfavourable adjustment of \$38K is included in this review.

Animal Control - Favourable Variance \$100K

Income received from the Animal Control Program are projected to exceed estimates. As at the end of March, various income streams showed a positive trend. These include income from dog sales, dog registration, micro chipping, and impounding fees.

Parking Patrol Income - Favourable Variance \$35K

Based on the trend as at the end of March, the budgeted income from infringement notices is expected to exceed estimates. The income estimate from this program is being increased by \$35K.

Development Control - Favourable Variance \$15K

As at the end of March, income from development applications, subdivision fees and S149 certificates exceeded YTD targets. Positive adjustments included in this review are \$20K for development applications income, \$4K for subdivision fees, and \$5K for S149 certificates. Partly offsetting the increases in estimates, unfavourable adjustments are requested for Agricultural fees (\$3K), and sundry development control income (\$11K).

Building Control - Unfavourable Variance \$39K

Income estimates for various income streams in this program are being reduced in this review. As there is only 3 months to the end of the financial year, it is not expected that income will reach the budgeted target of \$558K. Adjustments processed include income from septic tanks permits (\$7K), construction certificates (\$34K), and other building development income (\$3K). Partly offsetting this shortfall are favourable adjustments for licences and fees (\$3K), and sale of drainage diagrams (\$2K).

S94 and S94A Income - Nil Variance

Budgets estimates for S94 income have been included as part of this quarterly review. \$82K is expected to be received from S94 contributions for the full financial year. All these funds are externally restricted, and are therefore transferred to reserves with no effect on the overall budget. S94A income estimates have been adjusted to reflect income received as at the end of March. A conservative approach is maintained in respect of this income stream, due to the uncertainty in relation to applicable legislation and proposed potential changes.

ORDINARY MEETING

Meeting Date: 27 May 2008

Capital Variations

Sealing of Racecourse Road - Extra funds required \$84K

The budget for this project as at the end of March is \$723K. An additional allocation of \$60K has been included in this review to reflect the contribution by the Hawkesbury Race Club and the Hawkesbury District Association. Also, another \$84K is from transferred from savings in the Thompson Square project. This has been previously considered and agreed to by Council.

Richmond Pool - Extra funds required \$223K

Extra funding is required for the Richmond Pool project. Additional funds required are being transferred from the Windsor Wharf project, which has been deferred until 2010/11. This has been previously considered and agreed to by Council.

Sports Council Vehicle \$12.5K

The current vehicle in use is due for replacement and the funds required for the purchase and corresponding expected trade-in value, resulting in a net unfavourable adjustment of \$12.5K, has been included in this review.

Regulatory Services PW Vehicles \$38K

A provision of \$54K has been made in this review for the purchase of vehicles for regulatory services. These are replacement vehicles, but the funds required had not been included in the current budget. Trade-in budgeted values have been included in the amount of \$38K.

Provision for Cell Construction - Extra funds required \$408K

The budget allocation for the cell construction as at the end of March is \$600K. In revising the costing of the project, it is estimated that an additional \$408K will be required. This budget variation has no effect on the overall budget as it is fully funded from the Tip Reserve and this has been previously considered and agreed to by Council.

Lighting Pole Mileham Street / Second Timber Bridge Upper Colo - \$50K

The amount allocated for the relocation of the lighting pole at Mileham Street/Drummond Street intersection is being reallocated to the Second Timber Bridge Upper Colo. A reassessment of the requirement to move the pole from its existing location has been carried out, and it is recommended for the works not to proceed. The successful tender for the bridge exceeds estimates, and it is therefore recommended to reallocate the \$50K to these more urgent works.

Building Construction A/C - Extra funds required \$50K

In the current budget there is an allocation of \$250K for the replacement of air-conditioning in the administration building. The costs quoted in the tender exceed the allocation by \$50K. The current unit is past its useful life and needs to be replaced. Expenditure on major repairs on the current unit would not be recommended.

Purchase of mowers - Sewerage Treatment Plant - \$50K

In this review it is recommended that \$50K is allocated for the purchase of mowers for the sewerage treatment plant. This amount is fully funded from the sewerage reserve.

Grants

Various adjustments in relation to grants have been included in this quarterly review. Details can be found in the Management Plan Review attachment. Some of the main grants adjustments are discussed below.

ORDINARY MEETING

Meeting Date: 27 May 2008

Parks and Recreation Grants

A number of grants received in relation to the Parks and Recreation programs have been included in this budget review.

Please refer to details in the Management Plan Review document attached. A major grant received is \$200K from the NSW Sports & Recreation Dept. These funds will be expended on the upgrade of Richmond Pool.

Roads to Recovery

Funds allocated to various Roads to Recovery funded projects have been reviewed and reallocated accordingly to reflect actual funds expended, works brought forward and works postponed to next financial year. The reallocation of funds has a nil effect on the overall Roads to Recovery program.

Cultural Services - Museum Grants

A grant in the amount of \$41.5K has been received from Arts-NSW for an inaugural permanent exhibition project. A budget variation on income and corresponding expenditure has been included in this review.

Natural Disaster Mitigation

An adjustment of \$160K in relation to grants received for the Digital Terrain Model.

Provision for Contingencies - Favourable

It is proposed that the surplus of \$40,257 resulting from the March 2008 Quarterly Review be transferred to the Contingency Reserve.

Conformance to Strategic Plan

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

"Objective: Preparation of quarterly reviews of management targets and financial information"

Funding

Funding and budget impacts have been specified within this report and attached review documents.

RECOMMENDATION:

That the:

1. Information contained in the report on the 2007-2008 Management Plan - March Quarter Review be received.
2. Quarterly review of the 2007-2008 Management Plan and Financial Statement for the period ending 31 March 2008 be adopted.

ATTACHMENTS:

AT - 1 2007-2008 Management Plan Review - March Quarter - *(distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 27 May 2008

CONFIDENTIAL REPORTS

Item: 110 GM - Legal and Property Matter - Macquarie Street Windsor (79351)

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)(d) of the Act as it relates to Legal and Property Matter - Macquarie Street, Windsor and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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



ordinary
meeting

end of
business
paper

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