



# Hawkesbury City Council

## ordinary meeting business paper

date of meeting: 15 February 2011

location: council chambers

time: 6:30 p.m.



# mission statement

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

## **How Council Operates**

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

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

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 6:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

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

### **Meeting Procedure**

The Mayor is Chairperson of the meeting.

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

### **Public Participation**

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

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

### **A Point of Interest**

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

### **Planning Decision**

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

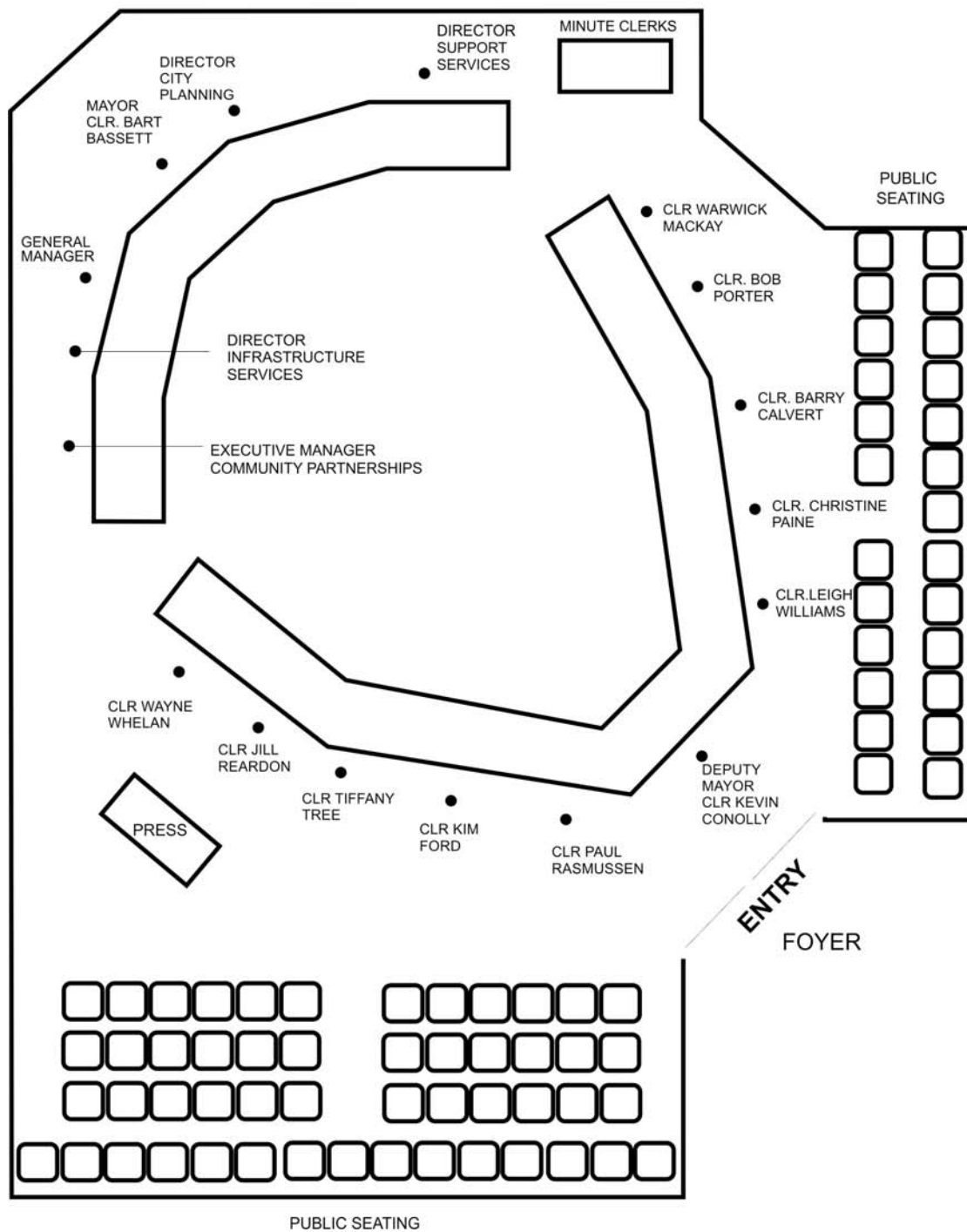
### **Website**

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au).

### **Further Information**

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

# council chambers



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**SECTION 4 - Reports for Determination**

**GENERAL MANAGER**

**Item: 17                      GM - Contingency Reserve - Purpose and Possible Partial Use in Association with 2010/2011 December Quarterly Review - (79351)**

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**REPORT:**

**Executive Summary**

Elsewhere in the Business Paper for this meeting of Council is a report in relation to the 2010/2011 December Quarterly Review.

That report indicates a surplus for the quarter of \$95,438. Included in that report is also a proposed variance of \$275,000 in respect of a "Supplementary Road Rehabilitation Program". It is proposed that the Program is funded partly from the surplus for the quarter with the remainder of the funds coming from the Contingency Revenue.

The Contingency Reserve was established as a "buffer" to difficult financial situations as has occurred in the past. However, it is suggested that the Reserves' level is such that would allow a supplementary program to be implemented, as has occurred in the past, for the benefit of the community whilst still maintaining the Reserve at an acceptable level.

As such it is recommended that an amount of \$275,000 be allocated as part of the 2010/2011 December Quarterly Review for a "Supplementary Road Works Maintenance Program".

**Consultation**

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

**Background**

The Council's current Contingency Reserve was established in 2006 when the surplus from the June Quarterly Review and finalisation of the 2005/2006 final accounts was transferred to this new Reserve. This followed a considerable number of quarterly reviews that were initially in deficit requiring cuts to budgets to bring them into balance. In fact, in preceding years some \$2m had to be cut from the budgets each year to ensure they remained in balance.

In establishing the Contingency Reserve it was indicated that its purpose was to provide a source for meeting, if necessary, deficits in future quarterly reviews if they should occur or to provide a source of funds to meet unexpected expenditure requirements or a reduction in income should they occur and not be able to be met from normal budgetary actions.

It will be noted that elsewhere in this Business Paper the 2010/2011 December Quarterly Review is presented and shows a surplus of \$95,438. The Contingency Reserve has been built up from modest surpluses from the last 18 quarterly budget reviews and is a significant achievement given the negative results that occurred in the 2004/2005 and 2005/2006 financial years.

However, this is not to suggest that a similar situation could not recur in the future and Council's management of the Contingency Reserve should reflect this possibility. In fact, the preparation for the 2010/2011 Budget provided some considerable difficulties in producing a balanced budget due to

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increasing costs and expectations of Council in both operational and capital budget areas increasing at a higher rate than Council's income. It will be difficult to maintain Council's financial position during the forthcoming year and this will continue to require ongoing close monitoring.

From another perspective, the Contingency Reserve was established to benefit the community with a buffer against possible future requirements to reduce budgets so an issue is what level the Reserve should actually be maintained at.

As such, in view of the current level of the Contingency Reserve, which should be able to be maintained during the current financial year, and the continual need for additional funds to maintain Council's road infrastructure, I would like to recommend that an amount of \$95,438 should be allocated from the 2010/2011 December Quarterly Review, as distinct from being transferred to the Contingency Reserve, toward a "Supplementary Road Rehabilitation Program". In addition, it is recommended that \$179,562 is also allocated to the "Supplementary Road Rehabilitation Program" from the Contingency Reserve. This total allocation of \$275,000 would be in addition to funds that have already been allocated as part of the 2010/2011 Budget. Subsequently, the Contingency Reserve will total \$814,359 after the actions recommended in this report. An appropriate item to reflect this recommendation has been included within the 2010/2011 December Quarterly Review that has been separately reported to this meeting.

It will be recalled that Council, in view of the level of the Reserve at the time, also adopted a recommendation to allocate amounts of \$275,000 on three occasions in the past, the last being August 2010, for a "Supplementary Road Maintenance Programs".

To assist in this matter, the Director Infrastructure Services has prepared a "Supplementary Road Rehabilitation Program" for the above-suggested amount, a copy of which is included as Attachment 1 to this report. This Program has been developed on the basis of providing work to areas of high priority.

A recommendation for the allocation of these funds is not taken lightly, however, it is suggested that it would not be unreasonable, in view of the current level of the Contingency Reserve, for a proportion to be allocated towards further maintenance of Council's infrastructure for the benefit of the community.

### **Conformance to Community Strategic Plan**

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

- Have a comprehensive system of well maintained local and regional roads to serve the needs of the community.
- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses.

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

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

### **Financial Implications**

The allocation of the recommended \$275,000 for a "Supplementary Road Rehabilitation Program" in association with the 2010/2011 December Quarterly Review, can be accommodated whilst maintaining the Contingency Reserve at what appears to be an appropriate level.

### **RECOMMENDATION:**

That an amount of \$275,000 be allocated from the 2010/2011 December Quarterly Review, for the purposes of conducting a "Supplementary Road Rehabilitation Program" as identified in Attachment 1 to the General Manager's Report in this regard.



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**ATTACHMENTS:**

**AT - 1** Suggested "Supplementary Road Rehabilitation Program".

**ORDINARY MEETING****Meeting Date:** 15 February 2011**AT - 1 Suggested "Supplementary Road Rehabilitation Program"**

<b>Supplementary Road Rehabilitation Program</b>	
<b>Project</b>	<b>Amount</b>
<b>Terrace Road, North Richmond</b> Rehabilitate failed section South of Redbank Creek	\$88,500
<b>Old Bells Line of Road, Kurrajong</b> Rehabilitate failed section east of McMahons Park Road	\$43,500
<b>Kurmond Road, North Richmond</b> Reconstruct failed pavement generally between House No`s 970 to 982.	\$112,500
<b>King Road, Wilberforce</b> Rehabilitate failed half width road section approaching Wilberforce Road	\$30,500
<b>Total</b>	<b>\$275,000</b>

**oooO END OF REPORT Oooo**

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### CITY PLANNING

Item :18 CP - Development Application - Truck Depot - 1026 Grose Vale Road, Kurrajong NSW 2758 - (DA0894/10, 103315, 103316, 102260)

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#### Development Information

**File Number:** DA0894/10  
**Property Address:** 1026 Grose Vale Road KURRAJONG NSW 2758  
**Applicant:** Montgomery Planning Solutions  
**Owner:** Mrs M R Crambrook and Mr C B Crambrook  
**Proposal Details:** Truck Depot  
**Estimated Cost:** \$20,000  
**Zone:** Mixed Agriculture  
**Date Received:** 29 December 2010  
**Advertising:** 20 January 2011 to 3 February 2011

**Key Issues:**

- ◆ Permissibility of the development
- ◆ Noise impact on neighbouring rural residential properties
- ◆ Unauthorised use of the premises
- ◆ Insufficient information

**Recommendation:** Refusal

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#### REPORT:

##### Executive Summary

Council has received an application for Truck Depot on Lot 2 DP617404, 1026 Grose Vale Road Kurrajong.

This application has been submitted in response to an Order issued by Council pursuant to Section 121B of the Environmental Planning and Assessment Act 1979 requiring the property owner to cease the use of the premises for various activities which had been identified as being carried out on the premises without the necessary development consent.

An assessment of the proposal has revealed that the proposed use of the land does not fall within the definition of a 'truck depot'. The proposal is more appropriately defined as 'Light Industry' under Hawkesbury Local Environmental Plan 1989. It is recommended for refusal as it is a prohibited land use within the Mixed Agriculture zone.

The information submitted is deficient in a range of critical areas (e.g. noise, parking, waste) with the operation of the activity clearly causing distress and disturbance to neighbours and the land use is more suited to an industrial premises. A 'shut down' strategy should be provided to enable relocation of the business to a suitable alternative location.

##### Description of the Proposal

The application proposes the use of an existing approved shed and its immediate surrounds for the purposes of a truck depot including outdoor storage areas and administrative offices associated with the property owner's business 'All Tilt Up Constructions'.

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It is proposed that the development will comprise of the following:

- Use of the land for the parking of three trucks.
- Use of the property for the maintenance of the trucks.
- Use of the property for the storage of formwork and equipment associated with the property owner's business.
- Loading and unloading for formwork on and off the trucks.
- Construction of a 130m<sup>2</sup> mezzanine floor level within the existing shed to be used as an office/studio.
- Use of the shed for the maintenance of equipment and materials associated with the property owner's business.

The applicant states that truck movements will occur between 4:00am and 7:00pm Monday to Friday, with the loading and unloading of the trucks to occur after 5:00am. Office hours are proposed between 8:00am and 6:00pm Monday to Friday.

### Issues Relating to the Application

- Permissibility of the development;
- Noise impact on neighbouring rural residential properties;
- Unauthorised use of the premises; and
- Insufficient information.

### History

13 June 2007	Development Consent No. DA0206/07 issued for a 180m <sup>2</sup> Rural Shed including a 100m <sup>2</sup> awning. A variation to the shed size and height was granted to enable the owner's truck to be parked inside the shed and for the storage of agricultural equipment. A condition was imposed that the shed must not be used for commercial or industrial purposes and any alteration would require Council approval.
29 May 2009	Council approved a modification to Development Consent No. DA0206/07 to reposition the location of the approved shed.
15 February 2010	Council received a complaint that the subject site was being used for an industrial use.
24 February 2010	Council officers investigated the use of the premises and found that the site was being used for the operation of a tilt up concrete panel business.
20 August 2010	Council issued the property owner with a Notice of Intention to Serve an order to cease the use of the premises for the operation of a business.
15 October 2010	Property owner issued with an Order for the continued unauthorised use of the premises for a business.
2 November 2010	Advice received from a consultant engaged by the property owner requesting that Council refrain for taking any enforcement action pending the submission of a development application seeking approval for the use of the site as a 'Truck Depot'.
29 December 2010	Current Development Application received.
20 January 2011	Application notified to adjoining neighbours between 20 January 2011 to 3 February 2011.

**Council Policies, Procedures and Codes to Which the Matter Relates**

State Environmental Planning Policy No. 44 - Koala Habitat Protection  
Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River  
Hawkesbury Local Environmental Plan 1989 (HLEP 1989)  
Draft Hawkesbury Local Environmental Plan 2009  
Hawkesbury Development Control Plan 2002 (HDCP 2002)

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

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

**a. The provisions of any:**

**i. Environmental Planning Instrument:**

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

State Planning Policy No. 44 - Koala Habitat applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

**Conclusion:** The proposal is consistent with SEPP 44, as the proposal does not include the removal of any trees or disturbance of any natural habitats which would be considered as "core koala habitat". Accordingly under Clause 8 of SEPP No. 44 Council is not prevented from granting consent to the proposal.

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

The proposal is consistent with the aims and objectives of SREP No. 20. It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and that the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

**Hawkesbury Local Environmental Plan 1989**

The application has been submitted seeking the consent for the use of a portion of the subject property as a 'truck depot', meaning;

*"a building or place used for the servicing and parking of trucks, earth moving machinery and the like".*

The applicant has identified that the primary use of the shed and its surrounds will be for the parking and servicing of trucks and machinery used in the property owners construction business with an ancillary office, outdoor storage area and a loading/unloading area.

Whilst 'truck depots' are permissible within the Mixed Agriculture zone it is considered that the activities identified, by the applicant, as being ancillary to the truck depot do not fall within the overall scope of development that can be considered ancillary.

In this regard it is noted that the NSW Court of Appeal have considered the issue of development that can be considered as ancillary. In the case of Residents Against Improper Development Inc v Chase Property Investments Pty Ltd [2006] NSWCA 323, Justice Tobias considered circumstances where an application proposed a multi unit residential development which included the installation of a sewerage treatment plant which was to be considered to be ancillary to the dominant use proposed in an attempt to exclude the sewerage treatment plant from the general requirements which apply to designated developments under the Regulations. The appellant argued that development which is typically considered designated development cannot be removed from this category simply by proposing that it is ancillary to the dominant use proposed.

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His Honour looked towards characterising each component of the application disregarding the ancillary use and found that if part of the use can be classified as designated development, then the whole of the use will assume that character.

Characterisation of development was also considered in the case of *Chamwell Pty Limited v Strathfield Council* [2007] NSWLEC 114, whereby His Honour CJ Preston considered a mixed use development comprising a supermarket and multiple-unit housing over a site containing two separate zonings, whereby the supermarket was located on the land zoned for commercial purposes but relied on the use of the portion of the site zoned for residential purposes to gain vehicular and pedestrian access to the supermarket and part of the multi unit housing development.

Characterising the use of the vehicle and pedestrian access way to the shops independently of the multi unit housing development enabled his honour to conclude that because the access way would be used to serve the ends of the supermarket this component of the development would be classified as a “shop” and therefore would not be able to be approved as it constituted a prohibited form of development within the residential zone.

In this case, the proposed truck depot can be categorised separately from the use of the premises for the operation of a concrete tilt up panelling business which includes the proposed storage and maintenance equipment associated with the business, loading/unloading of trucks and office.

It is considered that the operation of the concrete panelling business is best defined as ‘light industry’, the relevant definitions applying to this proposal are as follows:

Definitions under Hawkesbury Local Environmental Plan 1989

***Light Industry*** means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, but does not include a home industry.”

***Industry*** means:

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

Definitions under *Factories, Shops and Industries Act 1962*:

***Manufacturing process*** means any handicraft or process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade or sale or gain, or as ancillary to any business, and includes any handicraft or process declared by the Governor, pursuant to this Act, to be a manufacturing process.

The proposed servicing, maintenance, and loading and unloading of materials and equipment used in the property owners construction business falls within the definition of *manufacturing process* under the *Factories, Shops and Industries Act 1962*, with the activity including the assembling, altering, repairing, preparing, cleaning, washing and adapting of articles ancillary to the business.

A site inspection of the property on the 25 January 2011 revealed that the property owner's concrete tilt up panel business was being conducted directly from the subject site. Discussion with the property owner confirmed that the overall business was run and operated from the subject site with

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no other premises being used to operate the concrete panel business. This is confirmed in the information provided in the Statement of Environmental Effects which proposes the use of the site for the *“storage of formwork and equipment within the shed and on hardstand areas”, “the loading and unloading of formwork”* and the *“maintenance of props, etc will occur within the shed”*.

The components of the application which have been identified as being ancillary to the truck depot are considered to be of a scale which is large enough to be categorised as a separate development. As in the case of *Improper Development Inc v Chase Property Investments Pty Ltd* [2006] NSWCA 323, the activities which have been identified as being ancillary to the dominant use proposed are not excluded from the requirements of Clause 9 of Hawkesbury Local Environmental Plan 1989 which prohibit light industry in the Mixed Agriculture zone.

Based on the above it is considered that the whole use proposed for the site assumes the character of ‘light industry’ and the proposal cannot be supported as it is a prohibited land use.

The proposal is further considered to be inconsistent with the overall zone objectives of Clause 9A Hawkesbury Local Environmental Plan 1989. The development is creating land use conflicts with adjoining rural residential uses as the operation of the business has resulted in the creation of offensive noise. Furthermore the outdoor storage of equipment has the appearance of an industrial/commercial development and does not positively contribute to the landscape values of the locality which is made up of a combination of rural residential and agricultural uses.

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

Clause 2 - Aims, objectives etc  
Clause 5 - Definitions  
Clause 9 - Carrying out of development  
Clause 18 - Provision of water, sewerage services, etc  
Clause 28 - Development within the vicinity of Heritage Items  
Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

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

**Draft Hawkesbury Local Environmental Plan 2009**

Draft Hawkesbury Local Environmental Plan 2009 was exhibited 5 February 2010 to 12 April 2010. The subject lot is identified as being zoned RU1 Primary Production.

It is considered that the development is best defined as ‘Light Industry’ which is a prohibited form of development within the RU1 Primary Production zone under this draft plan. The proposal is further considered to be inconsistent with the objectives of the zone in that the application proposes a prohibited land use and is resulting in land use conflict with neighbouring rural residential land uses.

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

**Hawkesbury Development Control Plan (HDCP) 2002**

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

**Part A Chapter 2 – General Information**

This chapter provides for information that should accompany an application. It is noted that the application is not accompanied by a landscape concept plan and that no specific details have been provided for the proposed retaining wall shown on the site plan provided. It is therefore considered that the application as submitted is inconsistent with the requirements of this chapter.

**Part A Chapter 3 - Notification**

The application was notified to adjacent property owners in accordance with HDCP 2002. Four (4) submissions were received in response to the neighbour notification process. The issues raised as a

result of the neighbour notification process have been listed under the submissions section of this report.

**Part C Chapter 1 - Landscaping**

The applicant has indicated that existing vegetation and a tree planting program currently underway will be sufficient for the development. It is considered that insufficient information has been provided to demonstrate how landscaping can be used to mitigate the visual impacts the development currently has on the rural character of the locality.

**Part C Chapter 2 – Carparking and Access**

The application has indicated that there will be sufficient room available onsite for the parking of cars and trucks generated by the proposal. No specific details including location of spaces, manoeuvring areas or number of parking spaces generated by the proposal has been provided with the application. It is considered that insufficient information has been provided to make a detailed assessment of the proposal against the requirements of this chapter.

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

Not applicable.

**v. Matters prescribed by the Regulations:**

Not applicable.

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

**Context and setting**

The development as it currently operates and is proposed to operate has an adverse impact on the amenity of the surrounding locality as the application uses the site for the storage, servicing, cleaning, repair and loading/unloading of equipment.

The scale and size of the outdoor storage area has the appearance of an industrial/commercial development which differs significantly from the existing agricultural/rural residential outlook of the locality. The proposal is seeking endorsement of the unauthorised conversion of the shed and use of the land for a land use contrary to the intended zone objectives.

**Access, Transport and Traffic**

Insufficient details have been provided in respect to the provision of onsite parking. The application has not provided details on the number of parking spaces expected to be generated as a result of the proposal or the location of parking or manoeuvring areas.

**Noise**

A noise assessment has not been undertaken, especially with respect to the proposed servicing of equipment or unloading/loading of the trucks and the impact on adjoining residences. The applicant has assumed that neighbouring properties will only be subject to six truck movements a day and the submission claims that noise from Grose Vale Road has a greater impact on neighbouring dwellings. There is no technical assessment provided to support this claim.

Council officers have been investigating noise complaints received from adjoining neighbours over the past twelve months. Evidence provided in the form of an extensive noise complaint diary has been submitted to Council identifying that offensive noise commences from the subject site on most days from as early as 4:00am with the loading and unloading of trucks, (which reoccurs in the afternoon), use of forklifts and grinding and cutting.

Council officer's have assessed the proposal and identified that given the location of adjoining dwellings, topography of the site and the location of the proposed activity there would be no possibility of installing any noise attenuating devices that would make the operation of the business



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from the premises comply with acceptable noise levels. It was also highlighted that based on the hours of operation and low background noise levels associated with the area, the development would generate noise levels far in excess of acceptable level in the Noise Control Guidelines.

Note: The applicant was not requested by Council's assessment staff to prepare and submit a noise assessment in this case due to the fact that the preliminary assessment, as outlined above, indicated that the proposed use was prohibited in the zone and staff did not wish to cause the applicant additional unnecessary expense for such an assessment.

### **Waste**

No details in respect to how waste will be managed onsite have been provided. It is not known how waste generated by the operation of the construction business will be managed onsite.

### **Social Impact in the Locality**

The activity is negatively impacting on the amenity of the neighbours and the locality. The application proposes a prohibited form of development that is inconsistent with the overall objectives for development within the zone.

### **Cumulative Impacts**

It is considered that support of the development will have a cumulative impact in terms of rural land use conflicts within the area, especially with respect to the adjoining rural residential land uses.

#### **c. Suitability of the Site for the Development:**

As the proposed use of the land is inconsistent with the various planning controls affecting the site it is considered that the site is not suitable for the proposed development. The proximity of the activity and the operating hours has compounded the severity of the impacts on neighbours.

Insufficient information in regards to how the site can provide for appropriate landscaping, parking, noise and waste as required under Hawkesbury Development Control Plan 2002 have not been provided.

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

##### **Public Submissions**

The application was publicly notified to adjoining owners from 20/01/2011 - 3/02/2011. Four (4) submissions were received. The issues raised in these submissions are listed below:

- Property is being used for an industrial use in a rural area.
- The development currently has an adverse impact on the amenity of the residents surrounding the subject site.
- Noise currently associated with the unloading and loading of trucks and the maintenance of equipment on the subject site is having an impact on the rural residential lifestyle of neighbouring properties.
- The outdoor storage area currently has an adverse visual impact on the locality.
- Hours of operation are outside the times of what can be considered reasonable within a rural area.
- Development would be more suitable to an industrial zone.
- Noise from existing operation travels up the hill to neighbouring dwellings.
- Will decrease values of adjoining properties.

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- Concern at the ongoing disregard, by the owners of the subject site, to comply with the order issued by Council requesting the property owners to cease the operation of the property owners business from the site.

In addition to the issues raised above, Council has received numerous complaints about the operation of the construction business from the subject site with detailed records of dates of when the business generated offensive noise.

**Comment:** It is considered that the matters raised above are justified in that the application proposes a development which is prohibited within the zone and it is clear that the activities being undertaken on the premises, as this proposal is retrospective, result in rural land use conflicts with the neighbouring rural residential properties.

Council officer's have investigated the concerns raised in regards to the operation of the business from the subject site and have found that the development was operating without the necessary consent. Should the application be refused it is recommend that compliance action be undertaken and the business be granted a period of three (3) months to be decommissioned and relocated.

### **e. The Public Interest:**

The proposal is considered contrary to the typical type of development which would be expected within the area as the development proposes a prohibited form of development within the zone. The proposal is likely to have an adverse impact on the amenity of adjoining rural living uses and the rural landscape character of the area. Support of a prohibited form of development is considered to be contrary to the general public interest as it is inconsistent with the adopted planning controls.

### **Conclusion**

The assessment of the proposal has identified various concerns regarding the permissibility and environmental impacts associated with the development. 'Light Industry' is not a permissible form of development within the Mixed Agriculture Zone and is inconsistent with the stated objectives of the zone.

It is recommended that the application be refused and the matter in regards to the use of the premises for the operation of the construction business from the site be referred to Council's Regulatory Services Department for further action.

### **Planning Decision**

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

### **RECOMMENDATION:**

That:

1. Development application DA0894/10 at Lot 2 DP 617404, 1026 Grose Vale Road KURRAJONG for Truck Depot - Truck depot be refused for the following reasons:
  - a) The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. Insufficient information in respect to noise impacts associated with the development has been provided with the application.

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- b) The proposal constitutes "Light industry" being a prohibited land use in the Mixed Agriculture zone under the provisions of Clause 9 - Carrying out of Development of Hawkesbury Local Environmental Plan 1989.
  - c) The proposal is inconsistent with the stated objectives contained in Clause 9A of Hawkesbury Local Environmental Plan 1989 in respect of the Mixed Agriculture zone in that the development of a light industrial use on the subject site will contribute to rural land use conflicts with the neighbouring rural residential land uses and that the proposal does not enhance the existing rural landscape values of the locality.
  - d) The proposal is a prohibited use under the Draft Hawkesbury Local Environmental Plan 2009.
  - e) The proposal is inconsistent with the aims, objectives and rules of Hawkesbury Development Control Plan 2002. The application has not provided adequate information in terms of the retaining wall proposed, parking, landscaping, noise and waste disposal.
  - f) The proposed development would have an adverse impact on the amenity of residents in the immediate locality.
  - g) The proposed development is inconsistent with the established character of the locality and will have an unacceptable impact on the locality in terms of scale, noise and visual amenity.
  - h) Approval would not be in the general public interest.
2. The unauthorised activity be referred Council's Regulatory Service Section for appropriate action to ensure the activity is decommissioned and relocated within three months of the date of Council's determination.

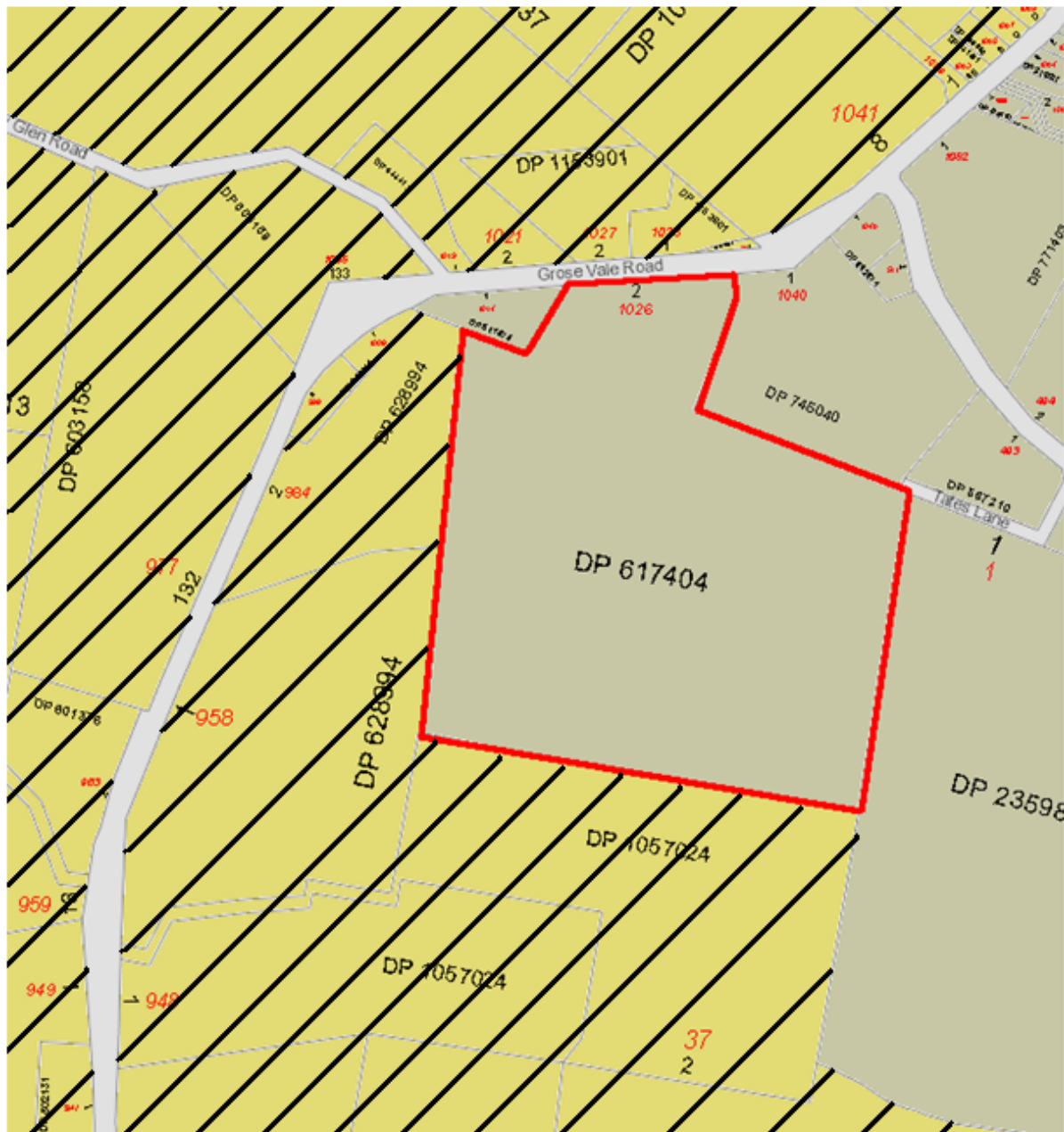
### ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Aerial Photograph
- AT - 3 Applicant's Site Plan
- AT - 4 Plans of Approved Shed

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AT - 1 Locality Plan



Zone under Hawkesbury Local Environmental Plan 1989

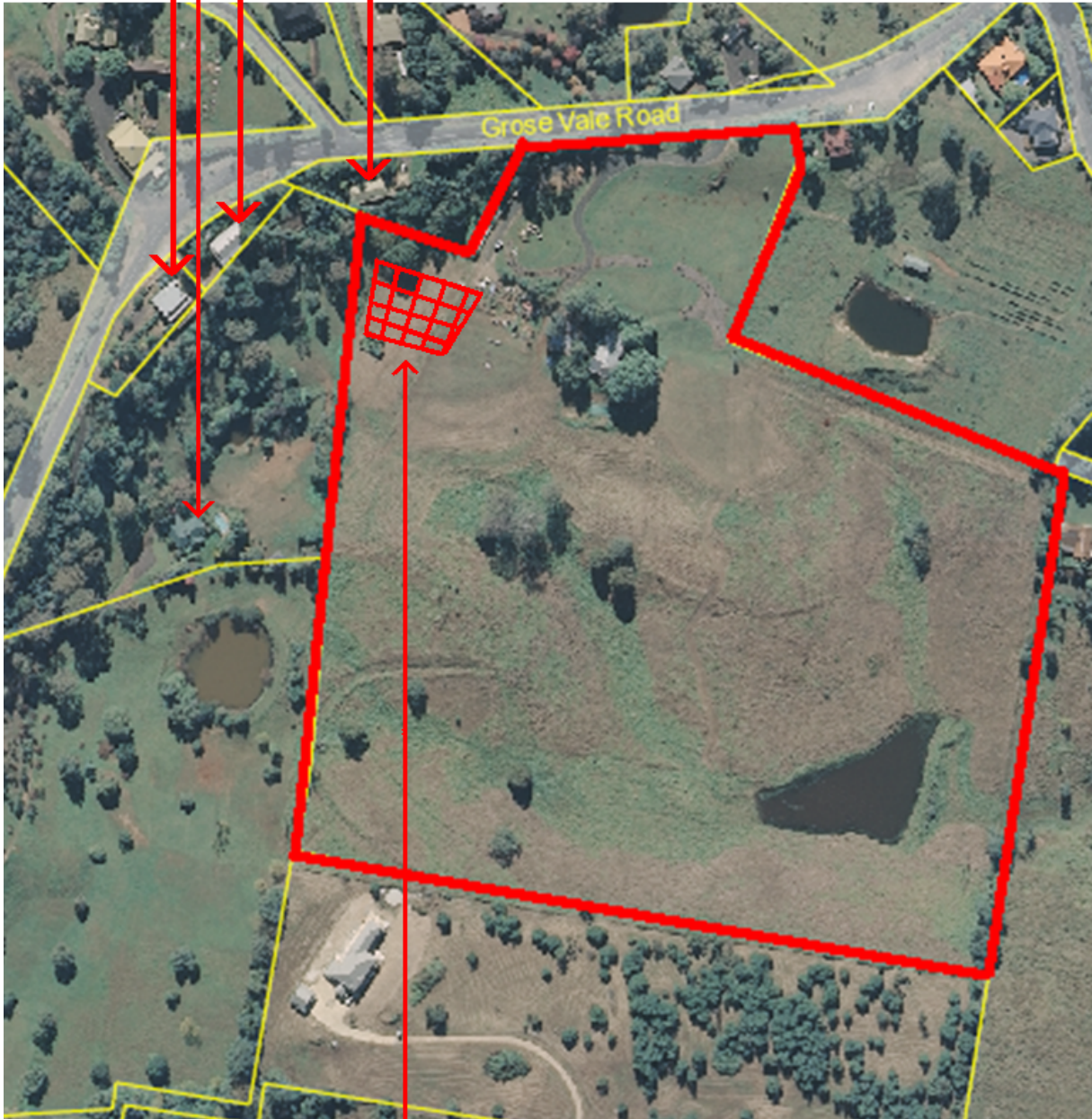
-  Mixed Agriculture
-  Rural Living

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AT - 2 Aerial Photograph

Dwellings directly  
above activity

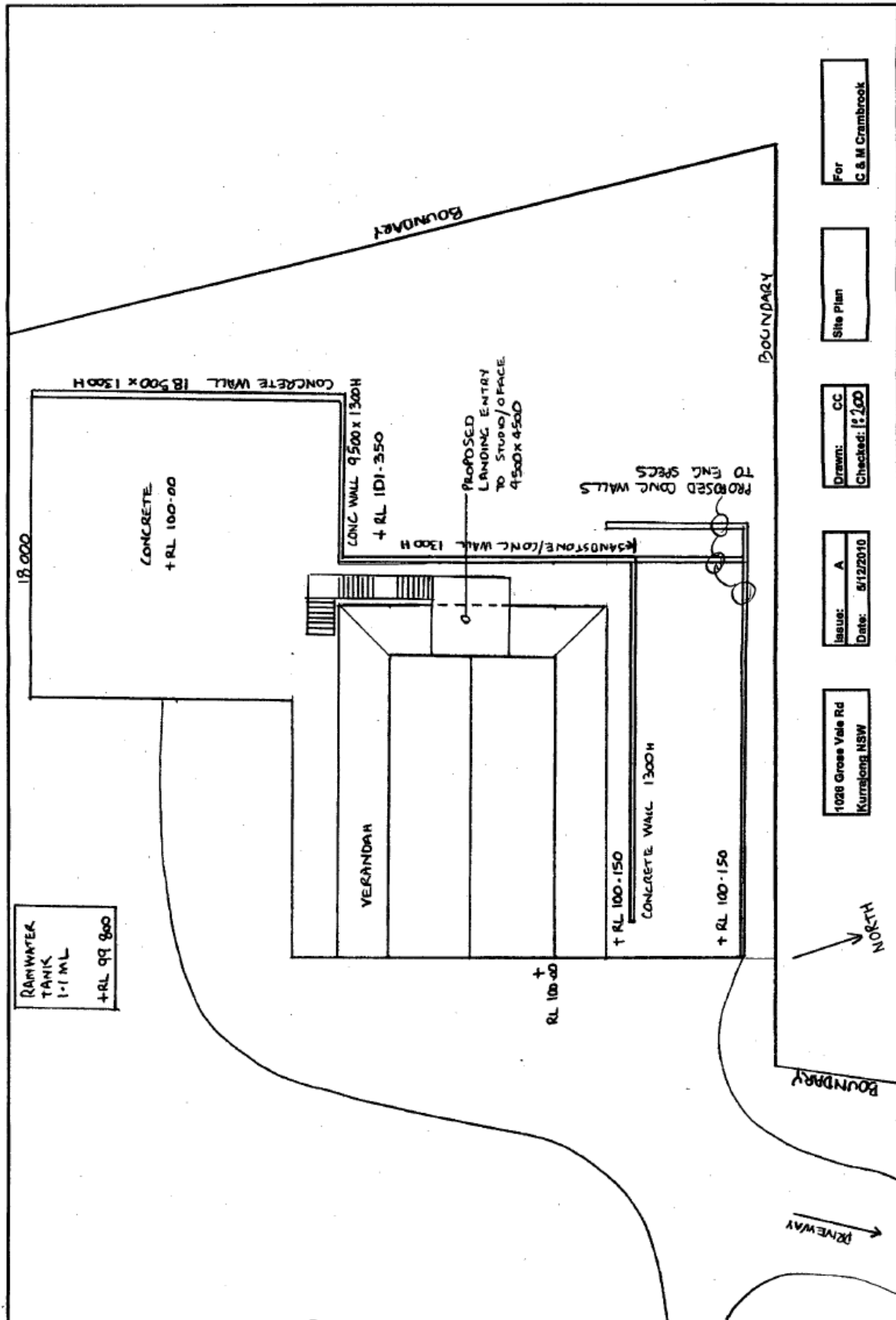


Location of activity

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## AT - 3 Applicants Site Plan



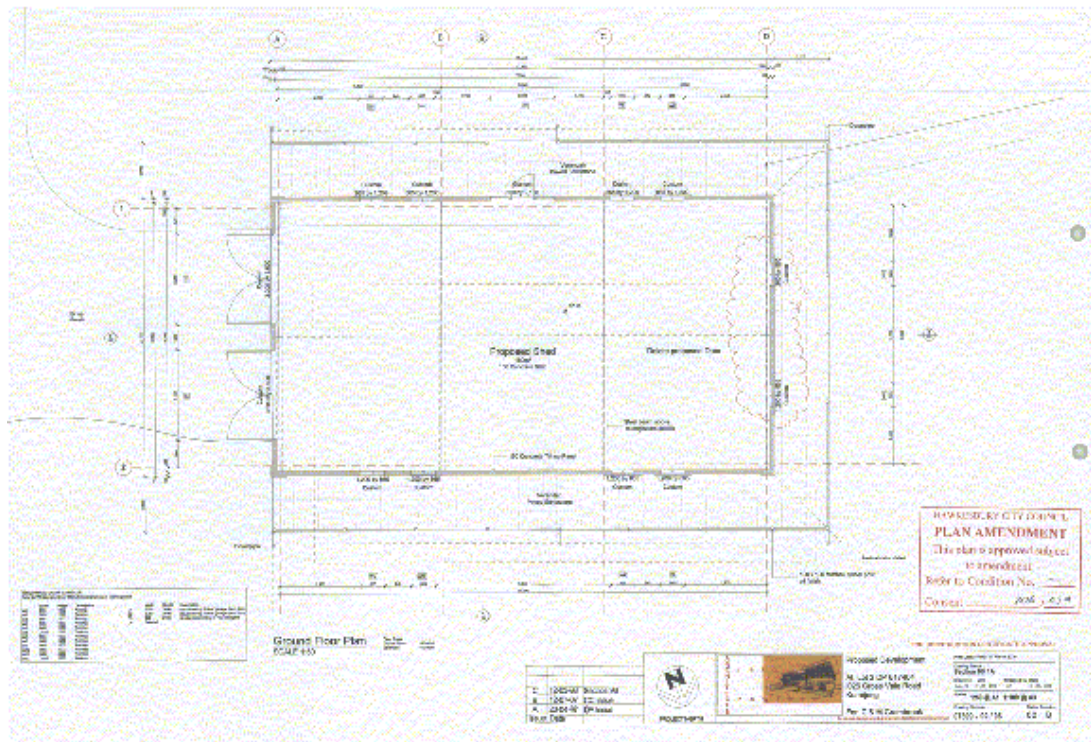


**AT - 4 Plans of Approved Shed**

Site Plan



Floor Plan



oooO END OF REPORT Oooo

**Item: 19 CP - Interim Policy for Wilberforce Subdivision and Development - (95498)**

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**REPORT:****Executive Summary**

Glossodia, Freemans Reach and Wilberforce are part of the "Three Towns" or "Priority Sewerage Scheme" (the Scheme).

With the imminent availability of sewer to properties there is now an expectation that development (including subdivision), which was previously restricted by lack of services, to proceed without further delay. Development Applications (DAs) have been lodged for subdivision and other development, in Wilberforce, in the expectation that approval can now be granted as capacity has been indicated by Sydney Water and therefore that services will be soon made available.

However, the Scheme is a limited coverage scheme and does not provide for unlimited connections. It provides for a limited infill growth but does not provide guidance on the location of that growth area. Council does not have a policy currently in place to guide that future development. This report discusses how an interim policy may assist in providing that guidance until such time as master plans are prepared for the villages and the actual spare capacity of the system is known.

**Consultation**

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

It is proposed that the draft Interim Policy for Wilberforce Subdivision and Development be publicly exhibited for a period of 28 days and then a further report be brought to Council to consider submissions after the exhibition period.

**Background**

In 2007 the New South Wales Government announced the Priority Sewerage Program and identified the communities of Glossodia, Freemans Reach, and Wilberforce as three townships that required servicing.

Sydney Water started construction of the Glossodia, Freemans Reach and Wilberforce Sewerage Scheme in March 2009. The Scheme will provide improved wastewater services to about 1,660 properties in the three towns. Wastewater system connections are now available to Wilberforce.

In February 2009 Council adopted the "Glossodia, Freemans Reach and Wilberforce Sewerage Scheme Connection Policy". The Policy encouraged existing residential and commercial development to connect to the sewerage scheme being provided by Sydney Water. The Policy requires certain types of properties to connect within six months of the Sewerage Scheme becoming available including:

- Council properties;
- commercial properties;
- properties with pump-out systems;
- properties with failing onsite sewage management systems.

Wilberforce was split into two sections for connections availability;

- First section (green zone) has been released already.
- Second section (red zone) were released from 31 January.



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Subdivision of land within the Housing zone in Glossodia is currently prohibited by Clause 12(5) in the Hawkesbury LEP 1989 (HLEP) and, as such, the need for an interim policy regarding sewer capacity allocation is not required at this time.

### Statutory Situation

An integral part of determining whether certain land uses are suitable for a site involves assessing whether the appropriate utilities and services are available on the site to service the proposed development, and whether they have sufficient capacity to meet the demand of the proposal (and any future increase in demand) in the area.

As shown below, at the legislation and the local planning level Council is given the direct responsibility for ensuring that the allocation of land occurs in an orderly way and based on services availability.

The objectives under Clause 5 of the *Environmental Planning and Assessment Act 1979* specifically require:

*“(ii) the promotion and co-ordination of the orderly and economic use and development of land,*

The objectives under Clause 2 of the HLEP (and the draft HLEP) both specifically require Council:

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

Clause 18 (1) of the Hawkesbury Local Environmental Plan (HLEP) states that:

*“Council shall not consent to any development on land to which this plan applies unless arrangements satisfactory to the Council have been made for the provision to the land of water, sewerage, drainage and electricity services.”*

Under Clause 12 of the HLEP, the minimum lot size for residential subdivision in the Housing Zone is 450m<sup>2</sup>. Although Wilberforce has had that zone in place for some time, the availability of sewer services had meant that the minimum lot size up until now was 4000m<sup>2</sup> by virtue of Clause 12(3)(a) of HLEP which states that:

*“Council must not grant consent to the subdivision of land in the Housing Zone if:*

*(a) the land is not serviced by reticulate sewerage, and*

*(b) the area of any proposed allotment that is to contain a dwelling is less than 4000m<sup>2</sup>.”*

The current Housing Zone will become under the Draft LEP “Zone R2 Low Density Residential” and the objective for that zone requires Council:

- *“To control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council.*
- *To ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities or services.”*

### Availability versus Capacity

Sydney Water provides letters about the future *feasibility* to service an area at some future time with water and sewerage services. Sydney Water also provides a Subdivider/Developer Certificate (also known as a Section 73 Certificate) to confirm that services are *available*. The feasibility letter indicates that the services are available to an area generally, whilst the Certificate is a guarantee that the service is available

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to a site and specific development. In respect of the Wilberforce area, Sydney Water has been issuing *feasibility* letters.

For Council to release a Subdivision Certificate (also called linen plan) it is the Section 73 Certificate that is the critical requirement. At the Development Application (DA) stage a capacity letter is usually sufficient where there is clearly a large capacity available. However in this case the concern is that a few "first-serve" customers may obtain the benefit of the approvals and assume they can proceed. However when they actually go to develop that capacity may have already been absorbed and may no longer be available for their needs.

### Current applications

As already mentioned feasibility letters are issued by Sydney Water. Council was not initially aware of the full implications of this limited servicing issue and so far one DA was approved as follows:

- **DA0269/10 - 20 Castlereagh Road Wilberforce.** 4 lot subdivision. Approved under delegated authority on 13 September 2010. Status - Compliance Certificate lodged for drainage design.

Once Council officers become aware of the situation, new DAs have been held in abeyance pending the resolution of the matter. Customers with those DAs have all been advised of the situation with a letter stating that:

*"I wish to advise that Council is currently in discussions with Sydney Water about the location and actual sewerage capacity available in your area. There may be some locations not permitted to subdivide (or be developed) given the limited capacity available. Clause 18 to Hawkesbury Local Environmental Plan 1989 prevents Council from granting consent to any development unless Council is satisfied that suitable arrangements have been made for the provision of sewerage to the land.*

*At this point it is unknown what actual spare capacity is available in your area, hence Council cannot be satisfied that the provision of sewerage to your proposal can be provided. As a result, your application will be held pending until discussions between Council and Sydney Water are complete, and you will be advised of the outcome in due course."*

In that situation, there are currently six DAs with Council for consideration that (if supported) could result in a total of 15 new lots. These are summarised below:

- **DA0586/10 - 7 Macquarie Road, Wilberforce** - 4 lots. Called to Council by Councillor Porter and not yet reported. (2 x lots 450 m<sup>2</sup> and 2 lots x 550 m<sup>2</sup>.)
- **DA0029/10 - 533 Wilberforce Road, Wilberforce** - 2 lots. Previously deferred from Council meeting of 12 October 2010. Status - pending resolution of SEPP 1 objection, flooding and landfill issues. (5338m<sup>2</sup> and 8653m<sup>2</sup>). NOTE: Land is partly zoned part (Environmental Protection - Agriculture Protection (Scenic)
- **DA0515/10 - 28 George Road, Wilberforce** - 2 lots (650m<sup>2</sup> and 680m<sup>2</sup>)
- **DA0585/10 - 39 Castlereagh Road, Wilberforce** - 3 lots (1 existing dwelling and 2 lots x 500m<sup>2</sup>)
- **DA0874/10 - 1 George Road, Wilberforce** - 2 lots (1 existing dwelling 1500m<sup>2</sup> and 1 lot x 1500m<sup>2</sup>)
- **DA0879/10 - 70 Macquarie Road, Wilberforce** - 2 lots (1 existing dwelling 649.69m<sup>2</sup> and 1 lot x 454.31m<sup>2</sup>)

During December 2010, Council officers met with Sydney Water to ascertain the actual sewer capacity of the Wilberforce for future development. Sydney Water has advised that a total of approximately 100 equivalent tenements (ET) (1 ET = one allotment/dwelling. This is measured in ET as other non-residential

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uses or multi-unit residential uses take up different proportions of that capacity) is available for infill allocation (this figure is in addition to the allowance made for the existing dwellings, caravan park, butterfly farm, Go Cart Track, additional residential development (200 lots) off King Road as resolved previously by Council in late 1990's).

The available capacity of 100 allotments has to cater for ALL future development in the Housing zone that Council may be asked to consider as well as all development that is exempt and complying (which could also be approved by a private certifier). This includes:

- Home industries and occupations
- Secondary dwellings (granny flats)
- Dual occupancy
- Multi-unit housing
- Seniors housing (including nursing homes)
- Bed and Breakfast accommodation
- Schools
- Places of Public worship
- Child care centres
- Hospitals
- Community facilities
- Recreation facilities
- Extensions/Intensification of existing residential premises
- Extensions/Intensification of existing business premises and community facilities
- Residential Subdivision

### Interim Policy for Wilberforce Subdivision and Development

#### Background

The available capacity of the Scheme is limited. Each development application that Council endorses enables an applicant (subject to services being made available) to subdivide their land or develop it to a higher intensity than one dwelling. The Scheme however has a very small capacity in excess of a one dwelling/lot capacity.

It is prudent to ensure that the allocation of that limited capacity occurs in a way that best serves the public interest. It is also important to not raise a false expectation that a DA approval guarantees that the service will be available when the developer proceeds.

A consent notice is valid for 5 years it is possible that one subdivision could be approved but does not commence until say the 4<sup>th</sup> year. In the meantime other applications have been approved and have already commenced thereby using the available capacity. When the original applicant then goes to commence they are refused a section 73 certificate from Sydney Water as the service capacity is no longer available as the supply has, by then, been exhausted.

The objectives of an Interim Policy would be as follows:

- Ensure development decisions do not prejudice the orderly and economic use of scarce resources.
- Seek to avoid a "first-in-first served" allocation and instead enable development (including subdivision) to occur in a fair and equitable way.
- Provide efficient subdivision layouts that do not substantially alter the established character of Wilberforce.
- Establish criteria to enable the systematic approval of suitable development (including subdivision).

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### Future Planning and Character for Wilberforce

As part of the Community Strategic Plan (CSP), and hence Council's Local Environmental Plan, it is important to establish future character directions partly based on the availability of services and facilities. The allocation of the limited servicing has implications for the availability of sewer for future development (including subdivision).

For example if a school, community or emergency services facility was proposed then arguably these should be given priority access to the limited sewer capacity available ahead of subdivision of land for residential purposes. However Sydney Water has no obligation to allocate the capacity on this type of 'community-first' basis.

Similarly it is best practice to locate new development closest to existing services. Hence, on that basis, any new allotments should be within easy walking distance of the facilities. Sydney Water's program does not give consideration to proximity of facilities or flood levels. Again these are matters for Council's consideration at the DA stage.

The character of Wilberforce has, in part, been established by the previous subdivision pattern and by inference the minimum lot size. Overall the predominant lot size is about 1,000m<sup>2</sup> with a few isolated pockets of lots at about 600m<sup>2</sup>. The Housing Zone provisions in the LEP apply to residential land throughout the Hawkesbury, including Bligh Park, Windsor and Richmond, and not just in Wilberforce. The provisions assume a standard residential layout and a range of services with a typical residential area.

The LEP assumes that in a Housing Zone there would be (over time) widespread development down to the minimum lot size of 450m<sup>2</sup>. However due to the absence of services until recently this has not been the actual situation in Wilberforce. Instead, for subdivision, the minimum lot size has been 4000m<sup>2</sup>.

Clearly, regardless of services being available, the change from 4,000m<sup>2</sup> to 450m<sup>2</sup> lot sizes is significant, particularly amongst mainly 1000m<sup>2</sup> lots. Also, given that lodgement of a subdivision proposal is a choice made by individual owners there is no guarantee that the remaining large parcels would be the ones to subdivide first. It may be that owners of existing lots of 900m<sup>2</sup> in size may seek to subdivide as well. Owners of any lot size could also seek to develop for a range of purposes.

### Criteria

Hence, until such time as additional sewer services are made available to all lots in the Housing Zone of Wilberforce the following criteria is proposed to be used to assess development applications for subdivision and other development proposals assessed by Council:

- (a) Available capacity, based on the number of subdivision approvals that have proceeded to linen release stage, is to be recorded and considered upon lodgement of any new applications. In this regard, a tally is to be kept by Council and approvals are not to result in an allocation over 100 ET.
- (b) Lot size - new lots to be created are to have a minimum area of 1000m<sup>2</sup>.
- (c) Flooding - any new lots created are to be wholly above the 1 in 100 level.
- (d) Proximity - new lots to be created are to be within 800m from existing community facilities, i.e. shops.
- (e) Priority will be given to residential development in excess of a single dwelling house, for the purposes of secondary dwellings, dual occupancies, seniors housing and for community purposes.
- (f) Development applications lodged with Council prior to 15 February 2011, as mentioned in this report, will be assessed on their merits and will not be subjected to this Policy.
- (g) The interim Policy is to be reviewed within two years of adoption.

**Conclusion**

Council has a responsibility to provide for the orderly use of scarce resources and to enable development to occur without unduly burdening the demand for public utilities. Equally it is important that the character of Wilberforce is managed carefully over time and in conjunction with the development of master plans as intended by the Community Strategic Plan.

The proposed Interim Policy for Wilberforce Subdivision and Development seeks to provide an opportunity with this responsibility to be shared by the community in setting out a fair and equitable allocation of the Sydney Water service. The draft Policy seeks to provide an allocation approach based on impartial criteria regardless of when a development application has been lodged.

**Conformance to Community Strategic Plan**

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

- Population Growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities

The Community Strategic Plan (CSP) has set a milestone in 2011-2012 of developing Master Plans for towns and villages. Work is yet to formally commence on these master plans.

**Financial Implications**

No financial implications applicable to this report.

**Planning Decision**

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

**RECOMMENDATION:**

That:

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

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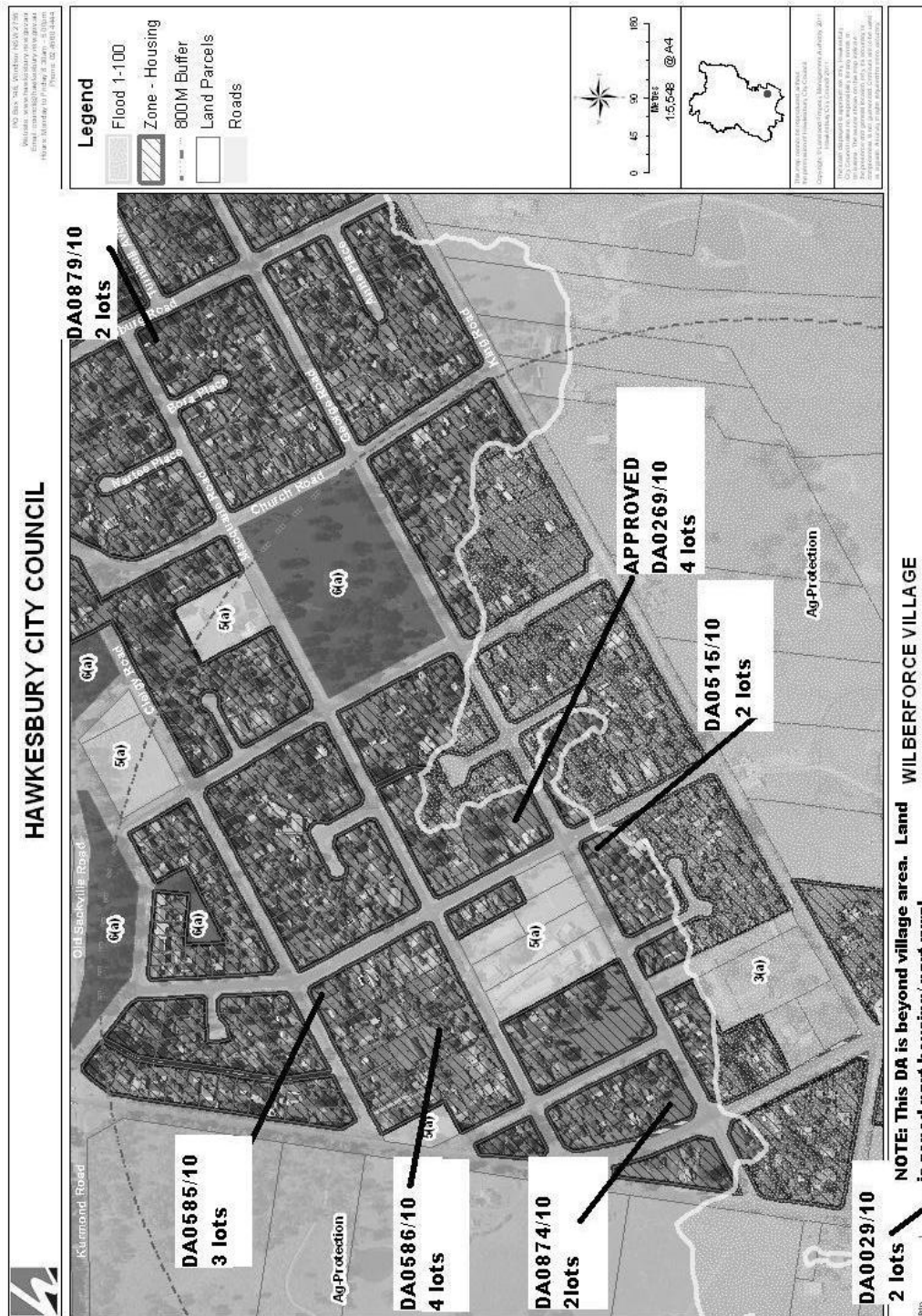
**ATTACHMENTS:**

- AT - 1** Aerial Photo of Wilberforce Village (showing 800m radius and 1 in 100 year flood level) and location of Existing Development Applications (approved and proposed).

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## AT - 1 Aerial Photo of Wilberforce Village (showing 800m radius and 1 in 100 year flood level) and location of Existing Development Applications (approved and proposed)



oooO END OF REPORT Oooo

**Item: 20**                      **CP - Proposal to Include Flood Mitigation Notation on the back of Council Envelopes - (86589, 95498)**

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**REPORT:**

**Executive Summary**

At the Floodplain Risk Management Advisory Committee meeting of 6 December 2010 a General Business item was discussed regarding the inclusion of the following statement on the back of Council's envelopes;

*"Flood mitigation for the Hawkesbury - Nepean River valley to protect our community now!"*

When the matter was considered by the Floodplain Risk Management Advisory Committee there was no report, considering context, on the matter as the discussion was initiated by one of the members.

This report considers the statement in the context of Council Policy and the work currently underway at Council and recommends that any such message, if proposed, should have awareness or educational meanings and should not be in the form of a policy statement.

**Consultation**

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

**Background**

On 6 December 2010 Council's Floodplain Risk Management Advisory Committee considered a General Business Item proposal from Mr John Miller, a community representative on the Committee, that a notice relating to flood mitigation be placed on the back of Council envelopes once the Macquarie 2010 promotional envelopes run out.

The request comes on behalf of the Hawkesbury - Nepean Flood Mitigation Action Committee with the recommendation being that the following words (or any alternate statement that Council consider appropriate) be used:

*"Flood mitigation for the Hawkesbury- Nepean River valley to protect our community now!"*

The Committee voted in support of Mr Miller's proposal.

**Discussion**

In New South Wales the prime responsibility for local planning and the management of flood liable land rests with local government. To assist in this management the NSW Government has adopted a Flood Prone Land Policy in conjunction with the "Floodplain Development Manual". In accordance with that process Council is currently undertaking the *Floodplain Risk Management Study and Plan for the Hawkesbury River within the Hawkesbury LGA*. A "Draft Data Collection and Review Report" has been prepared and is currently being reviewed by the Floodplain Risk Management Advisory Committee and staff managing the project. This draft report has reviewed some 85 reports and documents dealing with issues such as flood consequences, education and attitudes, evacuation, flood behaviour and forecasting, floodplain management options, flood modification options, flood regimes and geomorphology, insurance and planning and development. As can be seen from this list, the issue of flood mitigation is only one of the issues that floodplain management addresses.

The Study and Plan will, amongst the other issues mentioned above, investigate floodplain mitigation and management options. These options will include recommendations for public education/awareness



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campaigns. It is considered that any campaign such as that proposed should be guided by the outcomes of the Study and Plan. This will ensure that the basis for the campaign is well founded and informed, proposed mitigation measures are identified and agreed to by the community and the campaign is undertaken in a responsible, targeted and effective manner.

The statement proposed by the Hawkesbury - Nepean Flood Mitigation Action Committee is worded in such a manner that it implies that the proposal is a Council Policy. However, the notice as proposed does not identify, or is backed by, a Council adopted position regarding; the types of mitigation measures proposed; the cost of such measures; the authority responsible for implementing such measures or the timing of implementation. Furthermore, in the event of Council receiving a request to explain the notice, specific advice (in relation to type of measure, costs and benefits of the measure or responsibility for provision of that measure) would not be able to be provided to such a request.

In light of this it is considered that it would be premature to place a notice, with the wording as proposed, on the back of Council's envelope until closer to the completion of the Study and Plan.

### Proposal

The notices on the back of Council's envelopes are reviewed by Corporate Communication staff and the General Manager before approval. The prime purpose of these messages are as an awareness and education tool that informs the community about key issues (Tree Preservation) or interest to the broader community (Macquarie 2010 celebrations).

As Council has a responsibility for local planning and flood management, it is relevant (and currently topical) that there is a need for awareness and education of the community about flooding in the Hawkesbury. There have been a number of reports that have found that that education and awareness programs are required. Colmar Brunton Social Research (1999) found that people in Windsor and Richmond have an awareness about the risk of a major flood but are not greatly concerned about the risk to life. Dovetail Planning (2000) report that the real flood hazard is poorly understood by the community who believe that the only flood hazard is on land below the 1 in 100 year event level. Other studies and reports have considered the effectiveness or otherwise of previous education campaigns and it is clear from those reports that there is a need for clear, consistent and ongoing education campaigns to ensure that the community is aware and prepared for a variety of flood risks and scenarios.

In this regard it is recommended that, should Council wish to place a message regarding flooding on the back of its envelopes, the message could be along the lines as follows:

*"Awareness and preparation for floods in the Hawkesbury community is everyone's responsibility."*

Of course Council can amend the wording of the above at any time. However, it is recommended that the primary task for flood management is to ensure that the affected community have a more complete understanding of the flood affectation and the need to be prepared for those consequences before there is any discussion as to what the management options or solutions may be.

### Conformance to Community Strategic Plan

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

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

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

- Develop disaster response and community safety plans.

It is clear that there is a need to address flood management in the Hawkesbury Local Government Area. However, there is a range of local issues, such as education, identification of the true extent of the local

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risks, prioritise the most appropriate solutions by undertaking proper cost benefit analysis of all relevant options, etc, to develop a suite of solutions prior to settling on one solution.

The proposed implementation timeframe for this matter, as specified in the CSP Milestones is 2010 -2012. The Flood Risk Management Study and Plan are currently underway.

### Financial Implications

No financial implications applicable to this report.

### RECOMMENDATION:

That following exhaustion of current envelope supplies, should there be a message placed on the back of Council envelopes regarding flood matters, the message should have awareness or educational meanings, such as *Awareness and preparation for floods in the Hawkesbury community is everyone's responsibility*, and should not be in the form of a Policy statement.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**INFRASTRUCTURE SERVICES**

**Item: 21                    IS - Parks Generic Plans of Management - (95495)**

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**REPORT:**

**Executive Summary**

Four draft Generic Plans of Management have been developed in accordance with the Local Government Act 1993. These Plans address management issues and strategies for parks and reserves that fall into the categories of Natural Area, Sportsground, Park and General Community Use.

Public hearings were held to categorise each parcel of land. There have been some discrepancies found in the consultant's determination and have been identified with staff recommendations in the Appendices.

The report also aims to identify land that is believed to be of cultural significance. Determination is required as to whether a reserve is considered to be of cultural significance or not. If a reserve is determined as Culturally Significant, an individual Plan of Management must be undertaken for this reserve.

It is recommended that the draft plans of management be placed on public exhibition and further reported to Council for consideration.

**Consultation**

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake the following community engagement process in compliance with Council's policy:

Advertise the availability of the Draft Plans of Management for public comment, in the Hawkesbury Gazette. In accordance with the Local Government Act 1993, the Plans are to be exhibited for a minimum of 28 days, with submissions to be received within 42 days of advertising.

**Background**

The Local Government Act, 1993 (the Act) provides Councils with a specific approach to the classification and management of community land. It states that there must be a plan of management applying to the land and outlines restrictions on the use of such land.

The Plan of Management for Community Land must identify the following criteria:

- The category of land,
- The objectives and performance targets of the plan with respect to the land,
- The means by which the council proposes to achieve the plan's objectives and performance targets,
- The manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets, and
- Actions that may require the prior approval of Council to the carrying out of any specified activity on the land.

In addressing the requirements for plans of management for all community land, a strategy has been developed whereby a number of generic plans, according to category, have been prepared. In this way, Council will meet the requirements of the Act, without having to prepare plans for each individual area of community land.

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Please note, that there are some circumstances where Council will be required to develop plans of management for specific parks or may choose to do so where there are complex management issues that could not be properly addressed in a generic plan of management. Some of the circumstances where a site specific plan of management would be required is where Council declares a park as being of cultural significance; and where a park is directly affected by a recovery plan under the Threatened Species Conservation Act 1995.

### Categorisation of Community Land

The Local Government Act 1993 requires Council to categorise all Community Land into the following categories:

- A natural area
- General community use
- A park
- A sportsground
- An area of cultural significance

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- Bushland
- Wetland
- Escarpment
- Watercourse
- Foreshore

A series of eight public hearings were held between 2004 – 2007 across the Hawkesbury to gather input from the community regarding the appropriate categories for each park and reserve, managed by Council.

Each of the meetings were conducted by consultants who were engaged to visit each park under their brief and then provide recommendations as to the most appropriate categories for that park. Reports were provided to staff which outlined the consultants recommended categories and those recommended by the community.

The five reports submitted by the last consultant contained inconsistencies with the information contained in the summaries of the individual report for each park and the minutes of the Public Hearings. There were also inaccuracies within the reports in relation to the correct classification of the land where Crown lands were included in the categorisation process.

Council staff have created summary tables for each of the reports in an attempt to clarify any uncertainties arising from the inconsistencies, to reflect the intent of the report based on the maps, individual reports and the minutes of the Public Hearings.

Although both consultants liaised with staff in regard to the digitising of maps and the provision of legal descriptions for the parcels, staff did not influence the recommendations made at the meetings. As such, there are a few instances where staff determination of the categories varies to those of the consultant/community.

Appendix 1 lists the recommendations of the consultants, the community and staff with regard to the appropriate category for each park. Where staff recommendations differ from that suggested by the consultant or the community, justification for the decision is provided.

### Cultural Significance

A list of parks and reserves that are believed to be of cultural significance or contain items that may be of cultural interest has been prepared by Council staff and are outlined in Appendix 2. Significance may relate to the land parcel itself, or items on the land and may be of Aboriginal, aesthetic, archaeological, historical, technical/research, or social significance.

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A total of thirty seven (37) parks are believed to be of potential cultural significance or contain items of significance. Twelve of these parks are owned by Council, with the remaining being owned by the Crown, Department of Planning.

Should community land be declared culturally significant, a site specific plan of management is required to be prepared for that parcel and the land must be categorised as such. This is not required where Crown land is recognised as being of cultural significance, however these lands have been included in the list because of the need to recognise and preserve the significance of these parks.

Where land contains items of Aboriginal Significance or potential to contain items of Aboriginal Significance, these parks/reserves have not been included in the list of parks/reserves to be recommended for declaration of cultural significance at this stage. Consultation with the appropriate Aboriginal organisations will be undertaken as part of the generic plan of management exhibition process, and any parks/reserves identified by these organisations will be included and considered prior to the Plans final adoption.

### Cumberland Plain Recovery Plan

On 10 July 2010, Council resolved that the proposed actions relating to Hawkesbury City Council within the Draft Cumberland Plain Recovery Plan be endorsed subject to funding and resource availability.

Advice has been received from Department of Environment and Climate Change (DECC) advising that the Cumberland Plain Recovery Plan has been signed by the Minister, however has not yet been publicly released. This has implications for those parks and reserves that contain any of the threatened biodiversity listed in the Recovery Plan. They are currently included within the draft generic plans of management, however once the Recovery Plan is declared, those parks and reserves will no longer be covered by the generic plans and site specific plans will be required.

The natural areas draft generic plan of management includes the proposed actions that Council has endorsed from the Recovery Plan. This will ensure that the parks and reserves containing the threatened biodiversity are managed appropriately and includes management actions for those reserves under Council's care and control and therefore may not require a site specific plan of management.

### Draft Generic Plans of Management

Four draft Generic Plans of Management have been developed to address management issues and strategies for parks and reserves that fall into the categories of Natural Area, Sportsground, Park and General Community Use. These plans, and a common appendix, are included as an attachment to this report.

To provide consistency of management across all parks and reserves, these plans include all parcels under Council's care and control, including Crown Land. The principles developed in the draft Plans meet the principles of Crown Land management as set out in the Crown Lands Act 1989.

### **Conformance to Community Strategic Plan**

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

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

### **Financial Implications**

No financial implications applicable to this report.

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### RECOMMENDATION:

That:

1. The categorisation of each parcel of land as identified in Attachment 1 be endorsed for the purpose of public consultation.
2. The parks identified in Attachment 2 be supported as being of cultural significance.
3. The draft generic plans of management be amended to reflect the categories identified in 1 and 2 above and placed on public exhibition for a minimum of 28 days, with submissions to be received within 42 days of advertising.

### ATTACHMENTS:

- AT - 1** Proposed Community Land Categories *(to be distributed under separate cover)*
- AT - 2** Proposed Parks and Reserves to be declared Culturally Significant *(to be distributed under separate cover)*
- AT - 3** Draft Generic Plans of Management – Natural Areas *(to be distributed under separate cover)*
- AT - 4** Draft Generic Plans of Management – General Community Use *(to be distributed under separate cover)*
- AT - 5** Draft Generic Plans of Management – Parks *(to be distributed under separate cover)*
- AT - 6** Draft Generic Plans of Management – Sportsground *(to be distributed under separate cover)*
- AT - 7** Draft Generic Plans of Management – Appendix 1 – Schedule of Lands *(to be distributed under separate cover)*
- AT - 8** Draft Generic Plans of Management – Appendix 2 – Community Land Category Maps *(to be distributed under separate cover)*
- AT - 9** Draft Generic Plans of Management – Appendix 3 – Leases, Licences and Other Estates *(to be distributed under separate cover)*
- AT - 10** Draft Generic Plans of Management – Appendix 4 – Documents relating to the management of specific Parks and Reserves *(to be distributed under separate cover)*

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 15 February 2011

**Item: 22**                      **IS - Wilberforce Cemetery - Re-opening for Interments - (95495, 79354, 90781)**

**Previous Item:**            401, Ordinary (9 November 2010)

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### REPORT:

#### Executive Summary

Following the recent upgrade of Wilberforce Cemetery, Council at its meeting of 9 November 2010 resolved to approve the re-opening of Wilberforce Cemetery for burials, and that a report be provided to establish fees and charges for the management of the Wilberforce Cemetery. The purpose of this report is to identify proposed fees and charges for consideration.

It is recommended that the fees and charges outlined within the report be placed on public exhibition for a period of 28 days and be further reported to Council for consideration.

#### Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council undertake the following community engagement process in compliance with Council's policy:

The fees and charges be advertised for 28 days in accordance with the Local Government Act 1993.

#### Background

Council resolved on the 9 November 2010:

*"That:*

- 1. The re-opening of Wilberforce Cemetery for burials be approved, following the policy guidelines detailed within the Wilberforce Cemetery Conservation Management Plan, to allow commencement of interments following the adoption of appropriate fees and charges by Council.*
- 2. A report be submitted to Council to establish fees and charges for the management of the Wilberforce Cemetery to allow such to be advertised for public comment and subsequent adoption as soon as possible."*

The following fees and charges have been based on other Council managed cemeteries.

Description	Proposed Fees & Charges
<b>D5.1 Plot Fees</b>	
D5.1.1 Adult Plot	\$1000.00
D5.1.2 Child / Infant Plot - where casket is less than 1.1m in length (single depth only)	\$500.00
<b>D5.2 First interment</b>	
D5.2.1 Adult	\$850.00
D5.2.2 Burial of infant - where casket is less than 1.1m in length	\$535.00
D5.2.3 Monumental Headstone	POA
D5.2.4 Perpetual Maintenance	\$500.00
<b>D5.3 Second interment</b>	

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Description	Proposed Fees & Charges
D5.3.1 Re-opening of grave for second interment	\$850.00
D5.3.2 Additional inscription on Monumental Headstone	POA
<b>D5.4 Associated Fees</b>	
D5.4.1 Interments after 2.30pm on weekdays	\$213.00
D5.4.2 Interments on weekends/public holidays	\$500.00
D5.4.3 Administration fee for relinquishing/reversing purchase of cemetery plots	10% of plot cost + GST
D5.4.4 Placement of War Office plaque at Wilberforce Cemetery	\$52.00
<b>D5.5 Columbarium Walls</b>	
D5.5.1 Niche in Columbarium	\$423.00

Due to the Wilberforce Cemetery being listed as an item of State Heritage significance there are additional processes to follow in comparison to other Council managed cemeteries. This includes an application form that is a requirement of the NSW Heritage Office outlining the style of monument to be installed, including proposed captions. Advice has been received that approvals can take up to three weeks. Staff will investigate the option of supplying a set number of headstones styles that meet the NSW Heritage Office criteria, and until then fees have been set at POA (Price on Application). It is recommended that surrounds not be allowed (Headstones and Foot stones only) in the new part of the cemetery. This will delineate between the old and new sections as well as allow mower access between the rows assisting maintenance efficiency.

Survey work is still to take place prior to the Cemetery being opened and it is anticipated that this work will be undertaken whilst the fees and charges are on exhibition. It is recommended that the proposed fees and charges be advertised for a period of 28 days and further reported to Council for consideration.

### Conformance to Community Strategic Plan

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

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

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

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

### Financial Implications

New fees and charges to be adopted for the management of the Wilberforce Cemetery.

### RECOMMENDATION:

That the proposed fees and charges for the Wilberforce Cemetery as outlined within the report be placed on public exhibition for a period of 28 days.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



**Item: 23                    IS - Community Banner Poles Policy - (79354, 95495)**

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**REPORT:**

**Executive Summary**

The current Community Banner Poles Policy is aimed at not-for-profit groups, allowing them to place banners on Council's permanent banner poles. Numerous requests have been received over the year from organisations/for profit groups who wanted to place banners on these poles.

The policy has been updated to allow these groups to display banners that advertise broad based community events as long as they meet the policy guidelines.

It has been recommended that the policy be updated, placed on public exhibition and that additional banner pole sites be investigated.

**Consultation**

It is proposed that this policy be placed on public exhibition for 28 days.

**Background**

In response to requests from not-for-profit community groups and organisations to erect banners in the Hawkesbury LGA to promote their community activities or to convey information to residents, Council resolved to erect permanent banner poles at North Richmond, Ham Common and McGraths Hill.

The banner poles are well utilised, with many groups booking up to 6 months in advance. Council run events as well as road safety initiatives, often struggle to find space on these banner poles due to their popularity. Due to this demand it is recommended that other sites be investigated such as the intersection of Macquarie Street/George Street and Windsor Road/Groves Avenue for possible permanent banner poles.

There have been a number of requests from organisations/ for-profit groups to use the banner poles to advertise broad based community events. It is felt that there is a need to include these activities as they are of community interest. The policy has thus been updated to include these events as long as the intent of the banner is to promote a free or cost recovery community event or activity or where the net proceeds of the event or activity are used to:

1.    raise funds for donation to a registered charity;
2.    raise funds in conjunction with a 'community appeal';
3.    generate income to be used to supplement funds ordinarily used to operate a not-for-profit funded or volunteer service

In the context of a commercial undertaking, a donation of \$1,000 (derived from the net proceeds of the event) would be a reasonable minimum level of donation.

It is recommended that the updated Banner Policy be adopted

**Conformance to Community Strategic Plan**

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

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

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

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

**Financial Implications**

No financial implications resulting applicable to this report.

**RECOMMENDATION:**

That:

1. The Draft Community Banner Poles Policy be placed on public exhibition for a period of 28 days and further reported for consideration.
2. Additional locations be investigated for the placement of permanent banner poles.

**ATTACHMENTS:**

**AT - 1** Draft Community Banner Poles Policy

**AT - 1 Draft Community Banner Poles Policy**

**DRAFT COMMUNITY BANNER POLES POLICY**

**1. PURPOSE**

- 1.1 To describe Hawkesbury City Council's approach to the assessment and approval of banner displays for installation on permanent purpose built banner poles, at designated community banner pole sites on Council managed land.
- 1.2 To establish a framework to assist community groups to determine if a proposed banner display can be approved for display at Council managed community banner pole sites.

**2. SCOPE**

This Policy applies to community groups, organisations and other entities requesting to display banners at Council managed banner poles sites.

**3. BACKGROUND**

- 3.1 In response to requests from not-for-profit community groups and organisations to erect banners in the Hawkesbury LGA to promote their community activities or to convey information to residents, Council has erected permanent banner poles at key locations within the Hawkesbury Local Government Area.

Include something about~~ Requests to use the banner are also received from groups, organisations and businesses who host events of community interest. (Subject to GM discussions etc)

- 3.2 The community banner poles sites are located at:

Ham Common, Hawkesbury Valley Way, Clarendon;  
Cnr. Bells Line of Road and Terrace Road, North Richmond  
Cnr. Pitt Town Road and Windsor Road, McGraths Hill

- 3.3 The community banner poles set consists of two poles (8m in height) between which a banner is supported. Up to three banners can be displayed on a community banner pole at anyone time.

**4. PRINCIPLES**

- 4.1 Council acknowledges that it has a role in assisting community groups to raise awareness about issues impacting on residents and to promote activities and events which are undertaken for the community's benefit.
- 4.2 Council recognises that working in partnership with community groups to promote community events and to publicise public health and safety messages will complement Council's strategic and operational objectives.
- 4.3 Council has established community banner pole sites to provide safe and permissible locations for the display of banners by community groups. Council's primary aim in establishing these sites is to support local community groups, with limited access to funds,

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to undertake promotional activities. Council will operate these sites in a way that minimises the cost to community groups of accessing these sites for the display of banners deemed to be in the community interest.

- 4.4. Approval to display a banner at a designated community banner pole site managed by Council may convey an implied association between Council and the banner applicant. In providing a community group with access to a community banner pole site for the purpose of promotion and/or information sharing, there will be an obligation on the part of the banner applicant to ensure that the text of the banner is appropriate and is consistent with the principles outlined in this Policy. While the text and content of a banner remains the responsibility of the banner applicant, the banner applicant should be aware that the wording and intent of a banner displayed at a community banner pole site may be perceived by the community as communicating information which Council has approved or endorsed.
- 4.5. Community banner pole sites will therefore be made available provided that the activity or information to be displayed on the banner refers to an event, activity or publicises information which delivers a demonstrable community benefit or outcome which aims to
  - 4.5.1 Raise funds for donation to a registered charity;
  - 4.5.2 Raise funds in conjunction with a 'community appeal';
  - 4.5.3 Generate income to be used to supplement funds ordinarily used to operate a not-for-profit funded or volunteer service or program;
  - 4.5.4 Facilitate a free community event or activity which is open to all members of a community;
  - 4.5.5 Facilitate a community event or activity where, if an entry fee is charged, the fee is set at a full or partial cost-recovery basis and is not intended generate a private commercial gain for the organiser of the event or activity;
  - 4.5.6 Raise awareness within the community about a matter of public health or safety, generally in conjunction with a regional, state or national public education campaign and which is co-ordinated by a reputable and/or accredited public institution or registered charity;
  - 4.5.7 Advises the community of activities of a local sporting, leisure, hobby, cultural or other community based not-for-profit community group which has been established by members of the community to promote a collective interest within the community;
- 4.6. Council may approve the display of a banner proposed by a corporate, commercial or for profit enterprise provided that the intent of the banner is to promote a free or cost recovery community event or activity,, where the net proceeds of the event or activity are used for the one of the purposes identified in clauses 4.5.1, 4.5.2, 4.5.3 as outlined above. In the context of a commercial undertaking, a donation of \$1,000 (derived from the net proceeds of the event) would be a reasonable minimum level of donation.
- 4.7. Council will not generally approve the display of a banner where to do so would place Council in conflict with its adopted *Sponsorship Policy*. In this context Council may choose not to approve a banner where;

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- 4.7.1 The text of the banner may be in breach of a legislative provision enacted by the state or federal government or a Council regulation or statutory responsibility and which may be perceived as encouraging persons to disregard or contravene these provisions;
- 4.7.2 The text of the banner is overtly party political (unless Council has explicitly resolved to approve the display of such a banner in conjunction with its legitimate role as a community advocate-.
- 4.7.3 Where the activities of the organisation seeking approval to display a banner could impact adversely on Council's reputation or where the banner seeks to promote an event or activity which could be perceived by the broad community as inappropriate;
- 4.7.4 Where the approval of the text of a banner could compromise, or be seen to compromise Council's ability to exercise its role or functions impartially on behalf of the community, or which otherwise might diminish public confidence in Council.
- 4.7.5 The text of the banner could be perceived as an implicit endorsement by Council of a commercial product or service and where the promotion of an ostensibly community event is incidental to the promotion of a corporate or commercial entity for marketing purposes.
- 4.7.6 The display of a banner may be perceived as conferring unfair financial advantage to a corporate, commercial or for profit enterprise or where such a banner may be perceived as commercial or corporate advertising.
- 4.8. Where a banner which has been approved for display is subsequently determined to be in breach of the provision of Clause 4.6 or 4.7 Council reserves the right to remove and impound a banner without reference to the banner applicant.

## 5. DEFINITONS

- 5.1 Commercial or for-profit enterprise is defined as any group that is NOT a non-profit organisation and which operates for the profit or gain of its individual members, whether these gains would have been direct or indirect.
- 5.2 Community benefit generally refers to an outcome, usually of an event, program or activity, that delivers an improvement to the welfare or well-being of a community or which seeks to reduce a social or economic disadvantage within a community. In broad terms a community benefit involves an activity which;
- responds to needs of special populations such as persons living in poverty and other disenfranchised persons
  - aims to supply, augment or maintain a social services or program that would likely be discontinued or reduced without financial assistance
  - responds to a public health or public safety need
  - raises community awareness or involves education or research that improves overall community health and well-being
  - supports the active participation of residents in community and civic life who otherwise might face barriers which would prevent their participation
  - usually generates a low or negative financial return

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- 5.3 Community event is an event whose primary purpose is not to generate income for private gain and which is generally open to all residents to attend. Where an entry fee is payable, the level of the fee is generally determined on a cost recovery basis or alternatively has been imposed to raise funds for a charitable purpose usually in conjunction with an advertised community appeal.
- 5.4 Keys refer to the keys used to open the banner poles.
- 5.5 Community or not for profit organisation is taken to refer to a community association or legal entity registered under the Associations Incorporation Act 2009 which has generally been established for the purpose of engaging in small-scale, non-profit and non-commercial activities. A not-for-profit organisation is one which does not operate for the profit or gain of its individual members, whether these gains would have been direct or indirect. A not-for-profit organisation may generate income to operate, including profit, but this income must be used to carry out its purposes and cannot be distributed to owners, members or other private people.
- 5.6 Week for the purposes of this Policy a week is determined as Tuesday to Monday.

### 6.0 ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITIES
<b>Customer Service Officers</b>	Receiving applications and processing, answering incoming enquiries/bookings, handling of payment and bonds, managing the loaning of keys.
<b>Manager Parks and Recreation</b>	To oversee the implementation and the revision of the policy and make determination where the issue is grey.
<b>Director Infrastructure Services</b>	To determine if banners can be placed in alternative locations to the permanent banner poles for one off requests.

### 7.0 TRAINING REQUIRED

- 7.1 Training and refresher sessions will be arranged from time to time for relevant Council officials on the contents and implementation of this policy.
- 7.2 All groups are given a procedure for the installation and removal of banners on the permanent banner poles prior to attempting this activity

### 8.0 AMENDMENTS

Council reserves the right to review, vary or revoke this Policy. Notwithstanding, the Policy will be reviewed at least within 12 months after election of a new Council. Amendments to the Policy other than amendments due because of legislative changes will be reported to Council.

### 9.0 PROCEDURES

- 9.1 This policy allows for the erection of banners by not-for-profit organisations for community information/activities/events held within the Hawkesbury Local Government area or for a purpose approved by the Director of Infrastructure Services.

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- 9.2 Banners are to be placed on permanent purpose built banner poles at the locations identified in Clause 3.2 and other locations as determined by the Director of Infrastructure Services.
- 9.3 Commercial or for-profit enterprises may apply to display a banner provided that the purpose of the banner is consistent with the Principles outlined in Section 4 of this Policy.
- 9.4 Council managed civic and community events often have short notice periods for their organisation and therefore at the time of seeking to use them, the banner poles are already pre booked by other groups. Due to their importance and the Council's commitment to support their own sponsored or hosted event, the Director of Infrastructure Services can give permission for their banners to be placed at alternative locations.
- 9.5 The placing of a banner is subject to the following conditions:
  - 9.5.1 Permission to erect banners to be obtained by written application and will be subject to Councils fees and charges.
  - 9.5.2 Applicants must provide evidence of Public Liability Insurance for a minimum of \$10 million (ten million dollars).
  - 9.5.3 Due to the high demand for the usage of banner spaces, banners can only be erected for a maximum 2 week period. Back to back bookings are not permitted without a week break in between.
  - 9.5.4 Bookings will be accepted no earlier than 6 (six) months prior to an event for (1) one banner only at 1 (one) location only, to allow maximum use of available space by the community. Additional banners could be displayed, subject to space being available when a request is received, (no more that three weeks prior to the advertised event).
  - 9.5.5 Responsibility for erection and removal of the banner is to remain with applicants
  - 9.5.6 Keys can be collected on the required Tuesday between 8.30 and 5pm.
  - 9.5.7 Banners are to be removed and the keys to be returned on the required Monday between 8.30pm and 4pm. A late fee is applicable as per Councils Fees and Charges if the banner is not removed and/or the key not returned within the required timeframe.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

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**Item: 24**                    **IS - Stanley Park, East Kurrajong - (79354, 95495)**

**Previous Item:**        NM1, Ordinary (14 December 2010)

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### REPORT:

#### Executive Summary

This report covers the costs associated with the general clean up of Stanley Park, including reopening of public toilets, clean up and mowing of the road verge fronting the Park.

Stanley Park is an underutilised park, with a majority of the usage being from the local community.

An estimate of costs associated with the clean up are provided within the report, and it is recommended that the public toilets in Stanley Park be reopened, to include the installation of gates to allow park hirers access, and the mowing of the nature strip be added to the current mowing contract.

#### Consultation

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

#### Background

In consideration of a Notice of Motion tabled at Council's meeting of 14 December 2010, it was resolved:

*"That a report be submitted to Council, including approximate costings, regarding:*

- 1.     The repair and reopening of the public toilets in Stanley Park East Kurrajong.*
- 2.     The clean-up and mowing of the road verge between Stanley Park and East Kurrajong Road in the general mowing program.*
- 3.     A general clean-up in the Park including the removal of the old sandpit."*

Stanley Park is mainly utilised by the local community with the local rural fire brigade holding training sessions a couple of times a year. As an indication of the usage of the park, only one event booking was received during 2010.

In relation to point one of the resolution, the public toilets were closed in the 2006/2007 financial year due to service level reductions.

Reopening of the toilets would add to the workload of the cleaning crews. It is recommended that if the toilets were to be reopened that they not be opened 24 hours but rather gates installed and a key given to hirers so that they could access the amenities if required.

In relation to point two, Stanley Park is mowed by contractors once a month with the exception of June and August. The current contractor has indicated to mow the nature strip as an amendment to the current contract would be at a cost of \$80 per mow. Council staff would be required to tidy up the nature strip prior to this occurring at a cost of approximately \$1000. This amount includes the grinding of stumps, removal of dead trees, debris and the slashing of the area, labour and machinery.

In relation to point three, a general clean up of the park and removal of the old sand pit could be carried out from within the current Parks maintenance budget.



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The approximate costs for the overall works at Stanley Park are as follows:

Item	Estimate of cost
Repair and open the public toilets including labour, plumbing costs to repair cisterns and replace vent pipes.	\$750
Installation of gates	\$3000 (\$1500 per gate)
Ongoing mowing of the nature strip	\$800 per year plus CPI
General clean up of the nature strip, the park and removal of the old sand pit	\$1000
TOTAL	\$5,550

### Conformance to Community Strategic Plan

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

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

### Financial Implications

Should Council resolve to undertake the actions outlined within the report on appropriate adjustment would be required in the March 2011 Quarterly Budget Review.

### RECOMMENDATION:

That:

1. The public toilets in Stanley Park be reopened, to include the installation of gates to allow park hirers access.
2. The current mowing contract be amended to include the mowing of the nature strip at Stanley Park.
3. Funding for the required works be allocated as part of the March 2011 Quarterly Budget review process.

### ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

### **SUPPORT SERVICES**

**Item: 25                    SS - Monthly Investments Report - January 2011 - (96332, 95496)**

**Previous Item:**        17, Ordinary (3 February 2009)  
                               82, Ordinary (28 April 2009)

#### **REPORT:**

##### **Executive Summary**

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

This report indicates that Council held \$41.35 million in investments at 31 January 2011.

It is recommended that this report be received and noted.

##### **Consultation**

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

##### **Background**

The following table indicates that Council held \$41.35 million in investments as at 31 January 2011. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

<b>Investment Type</b>	<b>Institution Short Term Rating</b>	<b>Institution Long Term Rating</b>	<b>Lodgement Date</b>	<b>Maturity Date</b>	<b>Interest Rate %</b>	<b>Principal \$</b>	<b>Percentage of Portfolio</b>	<b>Total \$</b>
<b>On Call</b>								
CBA	A1+	AA	31-Jan-11		5.25%	3,350,000	8.04%	3,350,000
<b>Term Investments</b>								
ANZ	A1+	AA	20-Oct-10	20-Jul-11	6.30%	1,500,000	3.63%	
ANZ	A1+	AA	17-Nov-10	17-Aug-11	6.30%	1,000,000	2.42%	
ANZ	A1+	AA	02-Sep-10	23-Mar-11	6.10%	2,000,000	4.84%	
ANZ	A1+	AA	27-Jan-11	18-May-11	6.20%	500,000	1.21%	
ANZ	A1+	AA	29-Nov-10	26-Oct-11	6.36%	1,500,000	3.63%	
ANZ	A1+	AA	26-Aug-10	09-Feb-11	6.20%	2,000,000	4.84%	
ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	1,000,000	2.42%	

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ANZ	A1+	AA	25-Nov-10	23-Nov-11	6.60%	2,000,000	4.84%	
Bank of Queensland	A-2	BBB+	21-Dec-10	22-Jun-11	6.45%	1,000,000	2.42%	
Bankwest	A1+	AA	19-Aug-10	23-Feb-11	6.05%	1,000,000	2.42%	
Bankwest	A1+	AA	21-Jul-10	20-Apr-11	6.25%	1,000,000	2.42%	
Bankwest	A1+	AA	04-Aug-10	04-May-11	6.15%	1,000,000	2.42%	
Bendigo and Adelaide Bank	A-2	BBB+	13-Oct-10	15-Jun-11	6.10%	1,000,000	2.42%	
Credit Union Australia	A-2	BBB+	26-Jul-10	23-Feb-11	6.21%	1,000,000	2.42%	
Defence Force Credit Union Ltd	unrated	unrated	17-Nov-10	18-May-11	6.30%	1,000,000	2.42%	
IMB	A-2	BBB	11-Aug-10	11-May-11	6.20%	1,000,000	2.42%	
ING Direct	A-1	A+	19-Aug-10	23-Feb-11	6.36%	1,000,000	2.42%	
Members Equity	A-2	BBB	21-Dec-10	22-Jun-11	6.30%	500,000	1.21%	
NAB	A1+	AA	20-Jan-11	06-Jul-11	6.14%	1,000,000	2.42%	
NAB	A1+	AA	20-Jul-10	20-Jul-11	6.24%	1,000,000	2.42%	
NAB	A1+	AA	17-Nov-10	16-Nov-11	6.46%	1,000,000	2.42%	
NAB	A1+	AA	08-Dec-10	10-Aug-11	6.39%	2,000,000	4.84%	
NAB	A1+	AA	02-Dec-10	07-Dec-11	6.44%	1,000,000	2.42%	
NAB	A1+	AA	03-Dec-10	07-Dec-11	6.45%	2,000,000	4.84%	
NAB	A1+	AA	08-Dec-10	07-Dec-11	6.44%	500,000	1.21%	
NAB	A1+	AA	20-Jan-11	14-Sep-11	6.22%	2,000,000	4.84%	
Newcastle Permanent	A-2	BBB+	15-Jun-10	15-Jun-11	6.10%	1,000,000	2.42%	
Qantas Staff Credit Union	unrated	unrated	25-Aug-10	23-Feb-11	6.10%	500,000	1.21%	
Rural Bank	A-2	BBB	16-Jun-10	15-Jun-11	6.40%	1,000,000	2.42%	
Suncorp	A-1	A	15-Jun-10	15-Jun-11	6.50%	1,000,000	2.42%	
Westpac	A1+	AA	20-Jan-11	19-Oct-11	6.20%	1,000,000	2.42%	
Westpac	A1+	AA	23-Sep-10	20-Apr-11	6.15%	2,000,000	4.84%	38,000,000
<b>TOTAL INVESTMENT AS AT 31 JANUARY 2011</b>								<b>41,350,000</b>

## Bench Marking

Bench Mark	Bench Mark %	Actual %
UBS 90 Day Bank Bill Rate	4.92%	6.29%
Reserve Bank Cash Reference Rate	4.75%	5.25%

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### Performance by Type

Category	Balance \$	Average Interest	Difference to Benchmark
Cash at Call	3,350,000	5.25%	0.50%
Term Deposit	38,000,000	6.29%	1.37%
<b>Total</b>	<b>41,350,000</b>	<b>6.21%</b>	<b>1.29%</b>

### Restricted Funds

Restriction Type	Amount \$
External Restrictions -S94	6,424,776
External Restrictions - Other	10,204,885
Internal Restrictions	15,520,506
Unrestricted	9,199,833
<b>Total</b>	<b>41,350,000</b>

The various sources of the restricted funds referred to in the above table are as follows:

External Restrictions – Section 94 Contributions

External Restrictions – Other (reserve details below)

- Waste Management
- Sewerage
- Unexpended Grants
- Stormwater Management

Internal Restrictions (reserve details below)

- Employees Leave Entitlements
- Election
- Information Technology
- Plant Replacement
- Infrastructure
- Property Development (currently negative balance)
- Risk Management
- Heritage
- Sullage
- Tip Remediation

With regard to the above details those funds subject to external restrictions **cannot** be utilised for any purpose other than that specified.

Internal restrictions refer to funds allocated for specific purposes or to meet future known expenses that should be provided for on an ongoing basis. Whilst it would “technically” be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended nor would it be “good business practice”.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

### Investment Commentary

The investment portfolio decreased by \$3.05 million for the month of January, 2011. During January, various income was received totalling \$2.66 million, including rate payments amounting to \$0.9 million, while payments to suppliers and staff costs amounted to \$5.92 million.

## ORDINARY MEETING

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The investment portfolio currently involves a number of 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 and Council's investment portfolio is independently reviewed each calendar quarter.

On 25 May 2010 the Division of Local Government released the Investment Policy Guidelines to assist councils in the preparation of their Investment Policy. Consequently, Council has reviewed and adopted a revised Investment Policy on 29 June 2010.

Council's investment portfolio complies with the adopted policy.

As at 31 January 2011, Council has \$13 million invested with 2<sup>nd</sup> tier financial institutions, noting that one of these institutions is a subsidiary of a major Australian trading bank. The investment of up to \$1 million with 2<sup>nd</sup> tier Authorised Deposit Taking Institutions (ADIs) is entirely covered by the free Government Guarantee Scheme, and is in accordance with Council's Investment Policy. Also, Council's adopted Investment Policy allows Council to invest above \$1 million with 2<sup>nd</sup> tier Authorised Deposit Taking Institutions that are wholly owned subsidiaries of major Australian trading banks.

### Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

### **Conformance to Community Strategic Plan**

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

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

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

- Maintain and review a sustainable long term financial framework.

### **Financial Implications**

Funds have been invested with the aim of achieving budgeted income in 2010/2011.

### **RECOMMENDATION:**

The report regarding the monthly investments for January 2011 be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

## ORDINARY MEETING

Meeting Date: 15 February 2011

**Item: 26**                      **SS - December 2010 Quarterly Review - 2010/2011 Management Plan - (95496, 96332, 107)**

**Previous Item:**            126, Extraordinary (22 June 2010)

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### **REPORT:**

#### **Executive Summary**

Within two months of the end of each quarter, Council is required to review its progress in achieving the objectives set out in its Management Plan. This report and the relevant attachment provide information on Council's financial performance and financial position for the second quarter of the 2010/2011 financial year, and the resulting financial position including the Budget variations proposed.

The December Quarterly Budget Review resulted in a surplus of \$95,438 after allowing for a number of recommended variations. This Review recommends that this surplus be used to fund additional works under the Roads Rehabilitation Program. The works associated with the expansion of the program total \$275,000, and the difference is to be funded from the Contingency Reserve (see separate report on this business paper).

The report and attachment provide details on the major Budget variations proposed in this Quarterly Budget Review and provide an itemised list of all variations requested. The attachment to this report also includes the Quarterly Operational Plan Review, providing an update on the achievement of Council's adopted targets for the 2010/2011 financial year.

#### **Consultation**

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

#### **Background**

Council adopted its Management Plan for 2010/2011 on 22 June 2010.

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the council a Budget Review Statement within 2 months after the end of each quarter (except the June quarter).

The December 2010 Quarterly Review has been prepared and is attached for Council's information.

#### **Financial Position**

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

The December 2010 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 December 2010 Review include:

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- **Interest Income – Favourable Variance \$200K**  
(Adopted Management Plan –Part 2 – SS Pg 39)

The Full Year Budget for interest income, after the September Quarterly Review, for 2010/2011 is \$1.75M. As at the end of December 2010, Council's earnings are \$1.3M. Based on the current level of investment funds and the trends associated with interest rates, the full year income is projected to exceed the Full Year Budget. However, the current trend of capital expenditure and considering several major projects are underway, it is expected that the level of invested funds may drop over the coming months. In light of these factors, a favourable adjustment of \$200K is included in this Review.

- **Development Fees – Net Favourable Variance \$86K**  
(Adopted Management Plan –Part 2 – CP, Pg 33)

Favourable adjustments of \$73K for Development Application Income and \$13K for Subdivision Fees have been included in this Review. The increases in income are forecast to result from the ongoing Pitt Town development.

- **Public Works Plant – Net Favourable Variance \$159K**  
(Adopted Management Plan –Part 2 – IS Pg 12, Pg 62, Pg 65)

Adjustments resulting in a net favourable variance of \$159K have been processed in this Review in relation to public works plant. The net favourable variation results mainly from unbudgeted sale of plant and from delayed sales.

- **Public Liability Claims – Unfavourable Variance \$100K**  
(Adopted Management Plan –Part 2 – GM Pg 2)

An additional \$100K is being requested to cover the unbudgeted increase in public liability claims. The Original Budget was \$50K, with an addition of \$30K being processed in the September Review, bringing the Full Year Budget to \$80K. The YTD Actual expenditure as at the end of December is \$88K. The amount requested is based on further claims received, but not paid as at the end of the reporting period, including a commitment of \$40K.

The nature of this expense makes it challenging to budget for as it is dependent upon the number of claims lodged and the outcome and timing of the rulings, which vary from months to years. Last year there were 16 claims averaging \$5,400 each, conversely for this year there have been 7 claims but with an average \$14K each.

- **Richmond Pool Income – Unfavourable Variance \$30K**  
(Adopted Management Plan – IS Pg 8)

A reduction in the Budget of \$30K for Richmond Pool Income is included in this Review. Based on the YTD Actual Income as of the end of January 2011, and when forecasting income based on the same period last year, a shortfall of approximately \$30K is expected. The reduction in patronage is attributed to the above average number of inclement days within the peak season, which significantly impact upon income received.

- **Animal Control Income - Unfavourable Variance \$31K**  
(Adopted Management Plan – CP Pg 18)

A reduction in the Budget of \$31K for Animal Control Income is included in this Review. The unfavourable variance results mainly from lower than budgeted revenue received from lifetime registration (\$18K) and less than expected dog impounding.

- **Employee Costs – Unfavourable Variance \$130K**  
(Adopted Management Plan –Part 2 – CP Pg 7, Pg 18, Pg 21, Pg 23; IS Pg 67, Pg 71, Pg76; SS Pg 33)

Unfavourable adjustments totalling \$130K are included in this Review in respect of Employee Costs. Variations included are for casuals, overtime, allowances, and employment agencies. These costs were

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incurred as a result of the change in the application of allowances and overtime as per the new State Award; along with backfill arrangements for staff on extended leave and vacant positions.

- **Road Rehabilitation Program - Variance \$275K**  
(Adopted Management Plan –Part 2 – IS Pg 26)

The December Quarterly Budget Review resulted in a surplus of \$95,438.

Included in this Review is an additional \$275K to be allocated to a Road Rehabilitation Program to be funded from the Quarterly Review surplus, with the remaining funding coming from the Contingency Reserve. After this adjustment, the Contingency Reserve will have a balance of \$814,359. Details of the Road Rehabilitation Program are included in a separate report within this business paper.

- **Grants**

There are no major grant adjustments included in this Review.

- **Reserve Funded Adjustments**

The following adjustments are within internally or externally restricted funds, and consequently have no net impact on Council's overall position.

- **Hawkesbury Waste Management Facility** – A net favourable variance of \$160K is included in this Review. A favourable adjustment of \$300K is included in this Review in respect of the S88 Levy payable by Council in the current financial year. As at the end of the second quarter, gate takings at the Hawkesbury Waste Management Facility have been lower than expected, resulting in less than expected waste entering the Facility, and consequently a lower amount payable in S88 levies. This has also lead to unfavourable adjustments in Gate Takings Income of \$100K and Recycling Income of \$40K.
- **Sewerage Program** – An unfavourable adjustment of \$500K is included in this review for S64 Contributions. As at the end of December only \$43K had been received as opposed to an \$800K Budget. The income from the Pitt Town Development has been significantly less than expected as a result of the provision of a private treatment system.
- **Sullage Income** – The number of properties connecting to sewerages provided by Sydney Water has been greater than expected, resulting in a significant drop to sullage income. Included in this Review is an unfavourable variance of \$445K as a result.

The Review includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.

### Conformance to Community Strategic Plan

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

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

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

- Maintain and review sustainable long term financial framework

### Financial Implications

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



**ORDINARY MEETING**

**Meeting Date:** 15 February 2011

**RECOMMENDATION:**

That:

1. The information contained in the report on the 2010/2011 Management Plan – December 2010 Quarterly Review be received.
2. The Quarterly Review of the 2010/2011 Management Plan for the period ending 31 December 2010 is adopted.

**ATTACHMENTS:**

- AT - 1** 2010/2011 Management Plan Review – December 2010 Quarter - *(Distributed Under Separate Cover)*

**oooO END OF REPORT Oooo**

**ORDINARY MEETING****Meeting Date:** 15 February 2011

**Item: 27**                    **SS - Consultants Utilised by Council - 1 July to 31 December 2010 - (95496, 79337)**

**Previous Item:**        187, Ordinary (14 June 2005)  
                              34, Ordinary (23 February 2010)  
                              206, Ordinary (31 August 2010)

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**REPORT:****Executive Summary**

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council in 2003/2004 and 2004/2005. Subsequently, in recent years Council has been provided with reports outlining consultants utilised by Council on a six monthly basis.

This purpose of this report is to provide details of the various firms or persons the Council has utilised as consultants for the period July to December 2010.

**Consultation**

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

**Background**

At the meeting of Council held on 14 June 2005 consideration was given to a report regarding the consultants utilised by Council. That report detailed various consultants, the purpose of the engagement and the expenditure in 2003/2004 and 2004/2005.

Subsequently, in recent years Council has considered reports outlining consultants utilised by Council for six monthly periods, being January to June and July to December each year.

The following table provides details of the various firms or persons the Council has utilised as consultants for the period July to December 2010, detailing the purpose of the consultancies and the amount paid in this period:

<b>Firm</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>External Requirement</b>	<b>6 Months to 31/12/2010</b>
Aprince Consulting Pty Ltd	Bulky Waste community consultation, survey and project management	Reserve	No	\$17,920.00
Barker Ryan Stewart Pty Ltd	Development engineering services	General Funds	No	\$15,750.00
Berzins Environmental Planning Pty Ltd	Hawkesbury LEP July / December 2010	Grant	Yes	\$6,840.00
Bewsher Consulting Pty Ltd	Hawkesbury Overland Flow Study	Grant	No	\$5,052.35
Bewsher Consulting Pty Ltd	Hawkesbury Floodplain Risk Management Study and Plan	Grant	No	\$24,420.95

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<b>Firm</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>External Requirement</b>	<b>6 Months to 31/12/2010</b>
Cityscape Planning and Projects	Hawkesbury LEP	Grant	No	\$3,750.00
Consulting Earth Scientists Pty Ltd	WMF monthly and quarterly environmental monitoring	Internal Reserve	Dept of Environment & Climate Change	\$20,234.40
Ecological Australia	Roadside Vegetation Management Plan	Reserve	No	\$12,935.70
Donald Ellsmore Pty Ltd	Heritage advisory services	General Funds	No	\$11,695.00
Environmental Partnership (NSW) Pty Ltd	Architectural landscaping – Windsor Foreshore	Grant	No	\$13,220.00
Golder Associates Pty Ltd	Environmental monitoring – East Kurrajong landfill	Reserve	Dept of Environment & Climate Change	\$11,212.00
Darrell Hair Associates	Development of Delivery and Operational Plans in line with the Integrated Planning and Reporting Framework	General Funds	No	\$23,850.00
Christopher Hallam and Associates Pty Ltd	Submission to RTA – Bells Line of road Long Term Strategic Corridor Plan	General Funds	No	\$1,650.00
Harris Page & Associates Pty Ltd	Fire Protection services	General Funds	No	\$6,200.00
Hassell Ltd	Hawkesbury Residential Development Strategy	General Funds	No	\$1,600.00
HBA Consulting Services	Preparation of design and tender documentation – Hawkesbury Council mechanical upgrade	General Funds	No	\$750.00
Ross Heathcote	Education Plan - Hawkesbury Regional Museum	Grant	No	\$450.00
Jones Lang LasSalle	Rental Valuation Assessments	General Funds	No	\$4,000.00
KD Wood Valuation (Aust) Pty Ltd	Rental Valuation Assessments	General Funds	No	\$3,500.00
Lunney Watt and Associates Pty Ltd	Rental Valuation Assessments	General Funds	No	\$6,750.00
Mercury Commercial People and Employment Solutions	Waste Water workplace review	Internal Reserve	No	\$1,400.00
Minerva Consulting Group	OH&S Professional Services June - September 2010	General Funds	No	\$33,625.00

**ORDINARY MEETING****Meeting Date:** 15 February 2011

<b>Firm</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>External Requirement</b>	<b>6 Months to 31/12/2010</b>
Mullane Planning Consultants Pty Ltd	DA assessment – Proposed Seniors Living, North Richmond	General Funds	No	\$13,723.27
The Playground Doctor	Council playground site inspections	General Funds	No	\$3,690.00
Public Works NSW Water Solutions	South Windsor Pump Station V and South Windsor effluent Reuse Scheme	Reserve / Grant	No	\$112,939.00
Spectra Financial Services	Investment advisory services July – December 2010	General Funds	DLG Investment Policy Guidelines	\$6,000.00
Sphere Property Consultation	Advisory services - Macquarie Street development	General Funds	No	\$10,800.00
Travers Environmental Pty Ltd	Flora and Fauna Assessment – Upper Macdonald Road Bridge	General Funds	No	\$8,079.00
University of Technology Sydney	Sustainable Futures workshops	General Funds	No	\$21,500.00
Vekta Pty Ltd	WMF volumes and aerial photography – June 2010	Internal Reserve	No	\$12,000.00
Warwick Donnelly Pty Ltd	Structural engineering services– various locations	General Funds / Grant	No	\$11,634.00
Worley Parsons Resources and Energy	Software – Flood study	General Funds	No	\$11,109.00
<b>TOTAL</b>				<b>\$438,279.67</b>

**Conformance to Community Strategic Plan**

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

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

**Financial Implications**

This is an information report requested by Council and costs detailed have been met within existing budgets.

**RECOMMENDATION:**

That the information concerning consultancies utilised by Council during the period July to December 2010 be received.

**ORDINARY MEETING**

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**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

## ORDINARY MEETING

Meeting Date: 15 February 2011

Item: 28                      **SS - Pecuniary Interest Returns - (79337, 95496)**

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### REPORT:

#### Executive Summary

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

#### Consultation

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

#### Background

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

"450A Register and tabling of returns:

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

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

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

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

Position	Return Date	Date Lodged
Corporate Systems & Database Administrator	1/11/2010	21/12/2010

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

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

### **Conformance to Community Strategic Plan**

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

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

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

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

### **Financial Implications**

No financial implications applicable to this report.

### **RECOMMENDATION:**

That the information be received and noted.

### **ATTACHMENTS:**

There are no supporting documents for this report.

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**Meeting Date:** 15 February 2011

**CONFIDENTIAL REPORTS**

**Item: 29                      SS - Council's Co-Generation Plant - (95496)**

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**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) and (g) of the Act as it relates to information that may be regarded as being commercial information of a confidential nature that would, if disclosed could potentially prejudice the commercial position of Council and information that could potentially affect possibly legal proceedings concerning Council's Co-Generation Plant 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****Questions for Next Meeting****QUESTIONS FOR NEXT MEETING****Councillor Questions From Previous Meetings and Responses - (105109)****REPORT:****Questions - 1 February 2011**

#	Councillor	Question	Response
1	Reardon	Enquired on behalf of the Kurrajong/Comleroy Historical Society if a reserve could be named after Singleton where Singleton's Flour Mill was off Mill Road.	Director Infrastructure Services advised that the matter will be investigated and a report provided for Council's consideration.
2	Tree	Enquired if there is a way to prevent all items being nominated for discussion at Councils meetings unless necessary.	General Manager advised that the issue of items being nominated for discussion at meetings is a matter for individual councillors to determine.
3	Williams	Enquired about the status of the roadside vegetation policy.	Director Infrastructure Services advised that the Roadside Vegetation Management Plan has been prepared. Electronic copies will be forwarded to Councillors upon request.
4	Paine	Enquired if staff can write a letter to The Friends of Australiana Pioneer Village congratulating them on the opening of the Village.	General Manager advised that a letter of congratulations has been forwarded to the Friends of the Australiana Pioneer Village.
5	Paine	Enquired if an extension can be provided for Patchy's Café regarding the matter of the alfresco dining area.	Director City Planning advised an extension would be granted and the matter is the subject of ongoing discussions with the owner.
6	Paine	Enquired if bins can be placed at Yarramundi Reserve next Australia Day to enable people attending the site on the day to dispose of their rubbish in the correct manner.	Director Infrastructure Services advised that high usage of Navua and Yarramundi Reserves have highlighted the need for additional bins to be provided at both locations at the beginning of the summer months to meet this increase in demand, and this will be arranged.

## ORDINARY MEETING

### Questions for Next Meeting

#	Councillor	Question	Response
7	Paine	Enquired if the Old Hospital Site has been leased.	<p>Director Support Services advised that the information provided here is of a general nature in keeping with the commercial in confidence nature of property issues.</p> <p>To date, the Old Hospital Building has not been leased. In September 2010, Council formally terminated the services of the real estate agent previously engaged to market the property, however, the agent continued to market the site whilst Council was in the process of engaging a new agent.</p> <p>As previously advised, on 6 December 2010, a proposal was received by Council, and further information was requested to enable the feasibility of the proposal to be determined. Unfortunately, the prospective tenant has recently opted not to proceed and the agent has indicated that there is no further interest and will not, therefore, continue to market the property.</p> <p>Since then, Council has appointed a new agent with a view to implementing a fresh approach to marketing the property.</p>
8	Paine	Enquired if Warragamba Dam is 85% full and if that is the case when do they start mitigating the dam water.	Director Infrastructure Services advised that although the overall capacity for Sydney Dams is 73.19% (at 3 February 2011), Warragamba Dam is currently 55.86%. Warragamba Dam was constructed as a water supply dam and can only mitigate floods to a limited extent ( <i>Sydney Catchment Authority website</i> ).
9	Calvert	Enquired if the "speed hump" in the laneway that runs down the side of the Commonwealth Bank towards KFC in Windsor could be painted yellow to ensure it is easily visible.	Director Infrastructure Services advised that the issue is currently being negotiated with the landowner.
10	Porter	Enquired if the Mayor was invited to open the Australiana Pioneer Village.	General Manager advised that the Mayor was not invited to open the Australiana Pioneer Village.
11	Porter	Enquired about the cost of the new lookout area on the Terrace and also enquired what authorities were required to provide authority to build the lookout considering it is on the riverbank.	Director Infrastructure Services advised that the total cost of the decking and landscape works was \$125,000, including gabion retaining wall, pavement and associated turfing. The deck itself cost \$68,468 and replaced an existing structure, and as such no approval was required.
12	Mackay	Enquired if it is correct that Items on Block did not exist when he was on Council previously between 1987 and 1999.	General Manager advised that the process for considering "Items on Block" was incorporated into the Code of Meeting Practice in late 2004 and commenced at the start of 2005.

**ORDINARY MEETING**  
Questions for Next Meeting

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

Questions for Next Meeting



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meeting

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