



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 11 March 2014

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6:30pm and are scheduled to conclude by 11pm. These meetings are open to the public.

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the items to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager by 3pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

At the appropriate stage of the meeting, the Chairperson will move for all those items which have not been listed for discussion (or have registered speakers from the public) to be adopted on block. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

Members of the public can register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the relevant item is being considered. Speakers have a maximum of three minutes to present their views. The Code of Meeting Practice allows for three speakers 'For' a recommendation (i.e. in support), and three speakers 'Against' a recommendation (i.e. in opposition).

Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.

All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.

Voting

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

Planning Decision

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

Business Papers

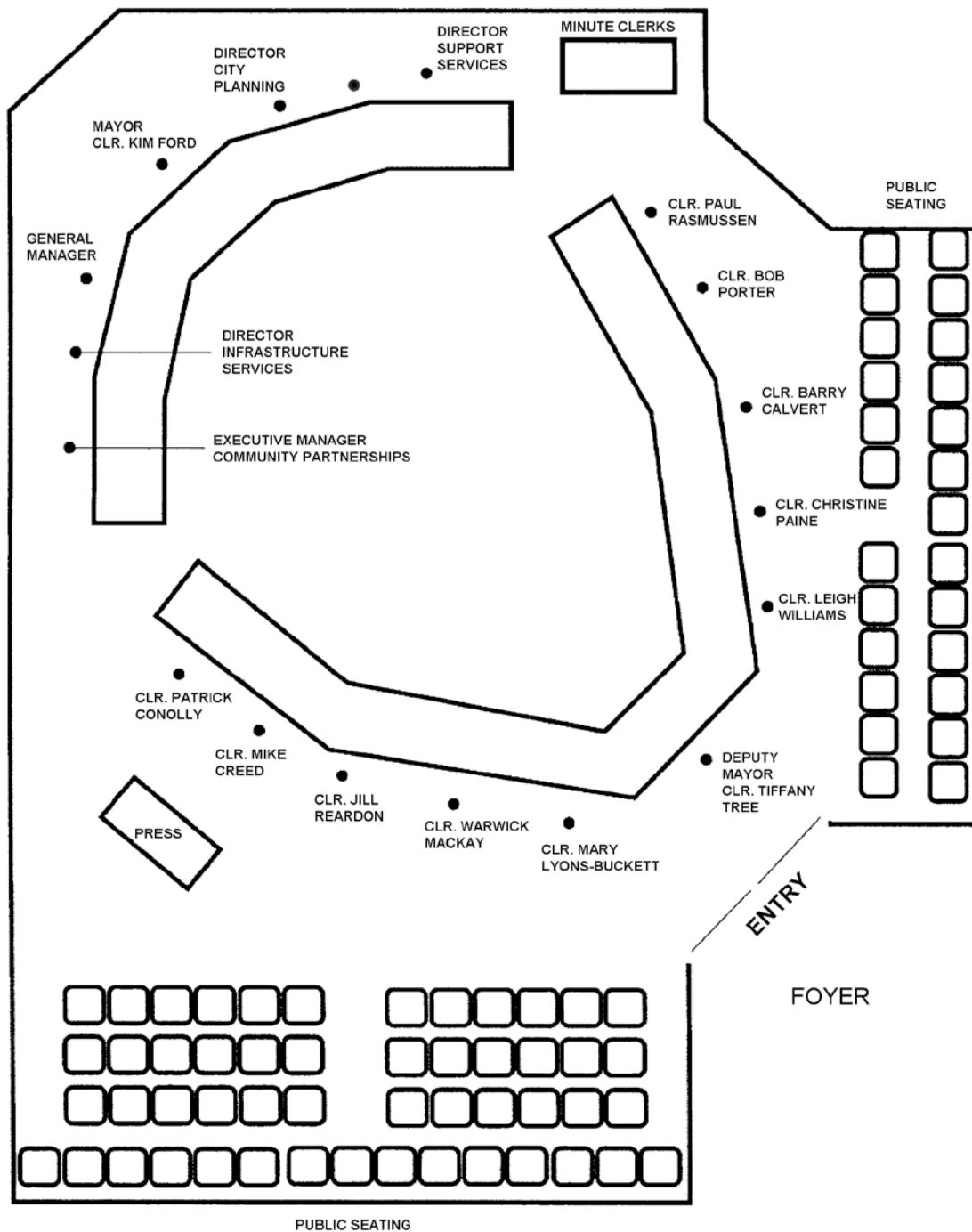
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4444.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 36 **CP - Development Report - DA0002/14 S82A - Lot 7 DP251845 and Lots 1-5 DP262394 - 69 Blacktown Road and 121A Batchelors Wharf Road, Freemans Reach - Intensive plant agriculture - (95498, 85782, 114078)**

Previous Item: 167, Ordinary (27 August 2013)

Development Information

File Number: DA0002/14 S82A
Property Address: 69 Blacktown Road, Freemans Reach and 121A Batchelors Wharf Road, Freemans Reach
Applicant: Urban City Consulting Pty Ltd
Owner: Huang Brother Pty Ltd
Proposal Details: S82A - Intensive plant agriculture - Use of the properties for intensive plant agriculture (horticulture), the construction of an agricultural farm shed and the installation of igloos
Estimated Cost: \$400,000
Zone: E2 Environmental Conservation under Hawkesbury Local Environmental Plan 2012
 RU2 Rural Landscape under Hawkesbury Local Environmental Plan 2012
Date Received: 30/01/2014
Advertising: 6/02/2014 to 20/02/2014

Key Issues: ♦ Flora and Fauna
 ♦ Wetland
 ♦ Water Quality
 ♦ Noise
 ♦ Visual Impact

Recommendation: In accordance with Section 82A(7) of the Environmental Planning and Assessment Act, 1979, it is recommended that the application be refused.

REPORT:

Executive Summary

Development Application DA0280/13 'use of property for intensive agriculture, erection of shed, erection of igloos' on Lot 7, DP 251845, No. 69 Blacktown Road Freemans Reach and Lots 1 – 5 DP 262394, No. 121A Batchelors Wharf Road Freemans Reach was refused at Council's meeting of 27 August 2013. An application pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 has now been received for a review of this determination.

This Review is being reported to Council in accordance with Clause 82A(6)(a) of the Environmental Planning & Assessment Act, 1979, which stipulates that, if a development application was determined by Council, the Section 82A Review Application must also be determined by the Council.

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The application was publicly notified from 6 February 2014 to 20 February 2014. 13 submissions were received. A summary of the matters raised in the submissions follows:

- *The development will significantly impact on the Bushells Lagoon ecosystem, threatened species and migratory birds.*
- *Runoff and pollution from the site will impact on the water quality of Bushells Lagoon.*
- *The hours of operation are excessive and will result in unreasonable noise impacts.*
- *The igloos are unsightly and will detract from the visual character of the area.*
- *The existing igloos are not maintained and are breaking down and creating rubbish.*
- *Discarded waste, packaging and containers litter the site, detracting from the appearance of the locality and ending up as rubbish in Bushells Lagoon.*
- *The development produces light overspill.*
- *The existing agricultural farm shed is being used for habitable purposes.*

The application fails to demonstrate that the amended proposal for the market garden will not generate unreasonable environmental, amenity and scenic quality impacts.

As a result it is recommended that the refusal of Development Application DA0280/13 be upheld.

Introduction

Pursuant to Clause 82A(1)(a) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks a review of Council's determination of Development Application No DA0280/13 for *'Intensive Plant Agriculture – Use of the properties for intensive plant agriculture (horticulture), the construction of an agricultural farm shed and the installation of igloos'* on Lot 7, DP 251845, No. 69 Blacktown Road Freemans Reach and Lots 1 – 5 DP 262394, No. 121A Batchelors Wharf Road Freemans Reach.

The original development application was refused by Council at the Ordinary Council meeting of 27 August 2013.

This 82A Review Application proposes the following amendments to the original proposal:

- The amended application does not propose any development/ works on Lots 1- 5 DP 262394, No. 121A Batchelors Wharf Road Freemans Reach which previously included the installation of up to 162 igloos.
- Construction of an additional two igloos on 69 Blacktown Road.
- The rooms within the mezzanine floor of the shed have been deleted and this open area is proposed to be used for flood storage.

History

Development Application DA0280/13 was received on 4 June 2013 seeking consent for *'use of property for intensive agriculture, erection of shed, erection of igloos'* on Lot 7, DP 251845, No. 69 Blacktown Road Freemans Reach and Lots 1 – 5 DP 262394, No. 121A Batchelors Wharf Road Freemans Reach.

At Council's meeting of 27 August 2013, it was resolved that Development Application DA0280/13 be refused for the following reasons:

1. *The development is inconsistent with the objectives of the RU2 Rural Landscape zone in that it will result in land use conflict, detract from the existing rural character, adversely impact upon water catchments and important ecosystems.*
2. *The development is inconsistent with the objectives of the E2 Environmental Conservation zone in that it will adversely impact on the preservation and conservation of Bushells Lagoon and indigenous and migratory wildlife.*

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3. *The development is not designed, sited or managed to avoid adverse environmental impacts to Bushells Lagoon.*
4. *The development is inconsistent with Section 6.5 of the Hawkesbury Local Environmental Plan 2012 in that it will generate adverse impacts on the condition and significance of Bushells Lagoon, which acts as habitat for indigenous and migratory species.*
5. *The development is inconsistent with the specific planning policies and recommended strategies outlined in Section 6 of Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River, in particular with respect to environmentally sensitive areas, water quality, flora and fauna, riverine scenic quality and agriculture.*
6. *Inadequate management and operational practices are proposed to mitigate the impacts generated by the development.*
7. *The development will generate unreasonable noise and amenity impacts.*
8. *The hours of operation are excessive within the context of the locality.*
9. *The prepared Acoustic Report fails to demonstrate that the activities of the market garden may be undertaken without negatively impacting on the amenity of neighbours.*
10. *The number and extent of the proposed igloos is excessive and will detract from the scenic character of the locality.*
11. *The development will generate unreasonable odour impacts.*
12. *The prepared Salinity Report indicates that a combination of over irrigation and heavy rainfall could raise the watertable bringing salt closer to the surface however no strategies or recommendations have been nominated to alleviate this issue.*
13. *The consent of the Department of Lands, as the owner of the Bushells Lagoon (Lot 7013 DP: 1026224), has not been obtained for the use of the access track through this property as required by Clause 49(1)(b) of the Environmental Planning and Assessment Regulation 2000.*
14. *Legal access to the southern properties at 121A Batchelors Wharf Road (Lots 1 – 5 DP: 262394) has not been demonstrated.*

Description of Proposal

As part of this Application to review the refusal of DA0280/13, the Applicant has amended the proposed development in the following manner:

- The amended application does not propose any development/ works on Lots 1- 5 DP 262394, No. 121A Batchelors Wharf Road Freemans Reach which previously included the installation of up to 162 igloos.
- Construction of an additional two igloos on 69 Blacktown Road.
- The rooms within the mezzanine floor of the shed have been deleted and this open area is proposed to be used for flood storage.

The development now comprises:

- Retrospective approval for 38 existing igloos located at 69 Blacktown Road.

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- Construction of an additional two igloos on 69 Blacktown Road.
- The construction of an agricultural farm shed at 69 Blacktown Road with a ridge height of 6.5m and a gross floor area (GFA) of 990m². The structure is to be used for the parking of tractors, trucks and other agricultural equipment, as well as providing staff facilities such as offices, toilets, showers and storage.
- Retrospective approval is sought for the intensive plant agriculture activities currently being undertaken on 69 Blacktown Road.
- The creation of 100m wide buffer zones between the existing shed and igloos and Bushells Lagoon at the southern end of the property.

Documentation submitted with the review indicates that the farm will operate between the hours of 7am to 8pm seven days a week, although the loading of the delivery truck may extend beyond this time. The application further indicates that a single truck will deliver produce to the markets at 2am to 3am. The activity involves the employment of eight persons.

It is noted that agricultural activities are currently being carried out on Lots 1 - 5 DP 262394, No. 121A Batchelors Wharf Road Freemans Reach, however this application does not seek approval for the use of this property. The Applicant advises that "the other land to the south of Bushells Lagoon (Lots 1-5) will be the subject of a separate application once the owner's consent from Crown Lands has been obtained."

Council Policies, Procedures and Codes to Which the Matter Relates

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

ASSESSMENT OF SECTION 82A

Planning Assessment

Section 82A of the Environmental Planning and Assessment Act permits an applicant's application to be reviewed subject to the following:

- "(1) If the consent authority is a council, an applicant may request the council to review a determination of the applicant's application, other than:*
- (a) a determination to issue or refuse to issue a complying development certificate, or*
 - (b) a determination in respect of designated development, or*
 - (c) a determination in respect of integrated development, or*
 - (d) a determination made by the council under section 116E in respect of an application by the Crown.*
- (2) A request for a review may be made at any time, subject to subsection (2A).*
- (2A) A determination cannot be reviewed:*
- (a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or*

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- (b) *after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.*
- (3) *The prescribed fee must be paid in connection with a request for a review.*
- (3A) *In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4)(c).*
- (4) *The council may review the determination if:*
 - (a) *it has notified the request for review in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and*
 - (b) *it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and*
 - (c) *in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.*
- (4A) *As a consequence of its review, the council may confirm or change the determination.*
- (5) *The decision whether or not to review the determination must not be made by the person who made the determination unless that person was the council, but is to be made by a person who is qualified under subsection (6) to make the review.*
- (6) *If the council reviews the determination, the review must be made by:*
 - (a) *if the determination was made by a delegate of the council - the council or another delegate of the council who is not subordinate to the delegate who made the determination, or*
 - (b) *if the determination was made by the council - the council.*
- (7) *The council must give notice of the result of the review to the applicant as soon as practicable after the review.*
- (8) *If on the review the council grants development consent, or varies the conditions of a development consent, the council must endorse on the notice the date from which the consent, or the consent as varied, operates.*
- (9) *If on a review the council changes a determination, the changed determination replaces the earlier determination as from the date of the review.*
- (10) *If on a review the council grants development consent, or varies the conditions of a development consent, the council is entitled, with the consent of the applicant and without prejudice to costs, to have an appeal made under section 97 in respect of its determination withdrawn at any time prior to the determination of that appeal.*
- (11) *A decision on a review may not be further reviewed under this section."*

The above clauses applied to this Section 82A Review Application at the time of submission.

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The original development application, DA0280/13, was not a complying, integrated, designated or Crown development.

This Section 82A Review Application was submitted to Council on 30 January 2014, approximately five months after the original application's determination on 27 August 2013. The current legislation requires such a review to be lodged within six months. Council is therefore able to consider the review of this application.

The application has been neighbour notified in accordance with Hawkesbury Development Control Plan 2002 and 13 submissions were received. The matters raised in the submissions are discussed further in this Report.

The development has been amended to only include a portion of that originally assessed, and as such is considered to be substantially the same as the original application.

DA0280/13 was determined by Council. Therefore, pursuant to Clause 82A(6)(a) of the EP&A Act, this Section 82A Review Application must also be determined by the Council.

An assessment of the Section 82A Review follows:

Section 79C Matters for Consideration

The following is an assessment of the application in regard to the heads of consideration under the provisions of Section 79C(1) of the EP&A Act.

(a)(i) *Environmental Planning Instruments*

Hawkesbury Local Environmental Plan 2012

The subject property is partly zoned RU2 Rural Landscape and E2 Environment Conservation. The majority of the site is zoned RU2 Rural Landscape, with the portion of the land that is zoned E2 Environment Conservation comprising of Bushells Lagoon.

The objectives of the RU2 Rural Landscape and E2 Environment Conservation zones are as follows:

RU2 Rural Landscape

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses in the zone and land uses in adjoining zones.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

E2 Environmental Conservation

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

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- *To protect wetland areas from development that could adversely affect their preservation and conservation.*
- *To preserve wetland areas as habitats for indigenous and migratory wildlife.*

The market garden use falls under the definition of 'horticulture', which is a form of 'intensive plant agriculture'. Intensive plant agriculture is permissible within the RU2 Rural Landscape zone.

Intensive plant agriculture is prohibited within the E2 Environment Conservation zone. Agricultural activities are not to be undertaken within the area of the site that is within the E2 Environmental Conservation zone.

Bushells Lagoon is identified as a wetland under the HLEP 2012 and as an endangered ecological community under the Threatened Species Conservation Act 1995. Clause 6.4 of the HLEP 2012 provides the following assessment criteria for development within the vicinity of wetlands:

- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
 - (a) *whether or not the development is likely to have any significant adverse impact on the following:*
 - (i) *the condition and significance of the existing native fauna and flora on the land,*
 - (ii) *the provision and quality of habitats on the land for indigenous and migratory species,*
 - (iii) *the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity,*
 - (iv) *the growth and survival of native fauna and flora,*
 - (v) *any wetlands in the vicinity of the development, and*
 - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

In addition, part of the property is identified as being 'significant vegetation' and 'connectivity between significant vegetation' on the Terrestrial Biodiversity Map of HLEP 2012. In this regard Clause 6.4 of HLEP 2012 applies, and in particular subclause (4) states:

- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives – the development is designed, sited and will be managed to minimise that impact, or*

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- (c) *if that impact cannot be minimised – the development will be managed to mitigate that impact.*

The application for review of determination is supported by a Salinity report, Acoustic report and a Water Balance report. However, no Flora and Fauna Report has been submitted in relation to the likely impacts of the development on threatened species and endangered ecological communities (Bushells Lagoon).

The submitted plans and documentation fail to demonstrate that runoff from the farm will be adequately captured and treated prior to disposal to Bushells Lagoon.

Having regard to the provisions of Clauses 6.4 and 6.5(3) and (4) of the HLEP 2012 it is considered that the development will generate unacceptable environmental, water quality and flora and fauna impacts.

The development is contrary to the objectives of the RU2 Rural Landscape and E2 Environment Conservation zones and therefore fails to satisfy the provisions of the HLEP 2012.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

Council's mapping system does not indicate that the site contains 'potential koala habitat' as defined by State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44) and the site is devoid of vegetation that is likely to support koalas (*Phascolarctos cinereus*).

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

Council's records indicate that the site has a long history of agriculture use. The continued use of the property for agricultural purposes is considered suitable having regard to the provisions of SEPP No. 55.

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

The subject land falls within the boundary of SREP No. 20. This Policy aims "*to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*".

The proposed market garden use would be defined as an 'intensive horticultural establishment'. SREP No. 20 defines an intensive horticultural establishment as the "*use of a place to grow a commercial crop of plants or fungi, whether under cover or in the open, using intensive agricultural systems such as hydroponics or a sprinkler system (but not use of a place to grow produce for personal household consumption or enjoyment)*". Development consent is required where the use has the potential to impact significantly on the total water cycle. However, development consent is already required under HLEP 2012.

The Applicant contends that consent for an intensive horticultural establishment has already been obtained for 69 Blacktown Road with the approval of Development Consent No. DA0040/99. However, this consent specifically refers to a turf farm and accordingly it does not cover the use of the site as a market garden.

The documentation submitted in support of the current application fails to demonstrate that the market garden can operate without causing unacceptable environmental and amenity impacts, in particular with respect to the regionally significant Bushells Lagoon. The property is located within a SREP No. 20 identified scenic corridor of regional significance.

The development is inconsistent with the specific planning policies and recommended strategies outlined in SREP No. 20, in particular with respect to environmentally sensitive areas, wetlands, water quality, flora and fauna, riverine scenic quality and agriculture. It is therefore considered that the development fails to satisfy the objectives of SREP No. 20 and will negatively impact on the environment of the Hawkesbury-Nepean River in a local and regional context.

(a)(ii) Draft Environmental Planning Instruments

There are no draft environmental Planning instruments relevant to the proposed development or subject land.

(a)(iii) Development Control Plans

Hawkesbury Development Control Plan 2002

Part A Chapter 3 – Notification

The proposal was notified in accordance with Part A Chapter 3 of the HDCP 2002 from 6 February 2014 to 20 February 2014. 13 submissions were received and are discussed later in this report.

Part D Chapter 8 – Erection of Rural Sheds

The construction of an agricultural farm shed is proposed with a ridge height of 6.5m and Gross Floor Area of 990m², including a mezzanine floor of 90m². The structure is to be used for the parking of tractors, trucks and other agricultural equipment, as well as provide staff facilities such as offices, toilets, showers. The mezzanine floor area will be used for storage during times of flood. The shed is to be green in colour to match the existing agricultural farm shed.

The structure is to be located adjacent to the existing agricultural farm shed and it is considered that this structure will not have a significant visual impact, in particular when viewed from Gorriks Lane.

A floor plan for the existing shed was submitted with the application and indicates that this shed will be used for the washing and packing of vegetables, storage of vegetables (coolroom), machinery store and staff amenities including toilets, shower, kitchen and office.

The aims and objectives of Clause 8.2.2 Size of the Rural Sheds Chapter of Hawkesbury Development Control Plan are:

- To control the size of rural sheds so as to minimise their visual dominance in the landscape.
- To reduce the number of unnecessarily large sheds.
- The size of rural sheds will be associated with the use of the shed, the use of the land and the size of the property.

No justification for the size of the proposed shed has been provided in respect to the size and use of the existing shed and the size and use of the market garden, especially in respect to the reduction in farming area resulting from the amendments to the development and the duplication of amenities and facilities. Details of the number, type and size of vehicles and machinery have not been provided, nor a floor layout plan of the how they can be accommodated within the proposed and existing sheds.

(a)(iia) Planning Agreements

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

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(a)(iv) Matters Prescribed by the Regulations

Should the application be supported the EP&A Regulation will require the proposed farm structures to comply with the Building Code of Australia (BCA) and require payment of Section 94A Development Contributions.

(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*

Noise

Documentation submitted with the application indicates that the following times will be used for the nominated activities:

7am to 8pm	planting and harvesting of vegetables;
6:30pm to 8pm	cleaning and packing of vegetables within the farm sheds;
2am to 3am	loading of vegetables and delivery to market. The truck will depart from the farm shed.

Farm activities will be carried out seven days per week.

Whilst the need for a truck delivery to the markets in the early hours of the morning is understood, the proposed hours of operation are considered excessive given the presence of dwelling houses within the vicinity.

Council's Environmental Health Officer has identified a number of deficiencies in the submitted Acoustic Report. It is also noted that this Report has not been amended to reflect the changed hours for each activity (as listed above).

Furthermore, numerous noise complaints have been received from neighbours in relation to the activities being undertaken into the night, including, more recently, the loading of the delivery truck and departure to market in the early morning.

In response to complaints and the unauthorised use of the site (as the DA had been refused), Council served an Order under Section 121B of the EP&A Act to restrict the market garden's hours of operation to 7am to 7pm. Council investigations and the receipt of further complaints indicate that the operators are not complying with this Order. It is therefore considered that the development will generate unacceptable noise impacts if it was permitted to operate at the nominated times.

Water Quality

A Wastewater Balance Report has been submitted in support of the development application. This report makes a number of recommendations including a proposed stormwater 'treatment train' that includes:

- Grassy swales around the perimeters of the market garden;
- Grassy buffer areas downslope of the market garden; and
- Two existing onsite dams.

With the implementation of these recommendations the Wastewater Balance Report suggests that the treatment train will provide adequate pollutant removal. However, the recommendations and works required are not adequately detailed in the submitted site plans.

In addition, Council records show that no approval has been granted for Onsite Dam No. 1. This dam is located within the drainage channel which passes through the subject land, and as such will accept flows from a larger upstream catchment and not just runoff from the site. Under these circumstances, adequate retention times are unlikely to be achieved and therefore nutrient rich water runoff from the market garden will leave the site and enter Bushells Lagoon.

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The farm management plan indicates that dam water will be filtered and recycled, however no details of how this will be achieved have been provided.

Until such time as these matters are satisfactorily addressed a 'precautionary principle' approach is recommended. Bushells Lagoon is a regionally significant wetland and the current application and operational habits of the operators do not provide sufficient evidence that the risks associated with the market garden on this site can be effectively mitigated or managed.

A number of existing aboveground fuel tanks are located on the site. These tanks are not bunded and any spillages could eventually make their way to Bushells Lagoon. As previously raised with the original application, the installation of bunding around these tanks is proposed, however insufficient information has been provided for assessment.

Flora and Fauna

The subject site is located adjacent to Bushells Lagoon which is listed as freshwater wetlands on coastal floodplain and is known as habitat to various endangered bird species including various migratory bird species. The significance of both the Bushells Lagoon and the migratory birds is recognised in the *Environment Protection and Biodiversity Conservation Act 1999* and other Conventions and Agreements.

A flora and fauna report has not been provided to demonstrate that there will be no significant impact on threatened species and populations, endangered communities, or their habitats, including Bushells Lagoon.

Visual Impact

It is considered that the numerous igloos (40) will have a negative visual impact given that the Farm Management Plan does not adequately address the maintenance of these structures and given that appropriate landscaping has not been detailed within the application.

The application proposes the storage of organic fertiliser under plastic covers. It is likely that this will result in odour impacts and would be unsightly. This concern was previously raised; however the current application does not address this matter.

(c) Suitability of the site for the development

The site is not considered to be suitable for the proposed development given that the application does not adequately demonstrate that:

- adequate water quality measures can be implemented to protect the nearby/adjoining watercourses and waterbodies; and
- the development will have no adverse impact on the adjoining Bushells Lagoon and ecosystem.

(d) Submissions

The application was publicly exhibited in accordance with Part A Chapter 3 of the HDCP 2002 between 6 February 2014 and 20 February 2014. A total of thirteen (13) submissions were received in response to this notification.

The matters raised in these submissions include:

- The development will significantly impact on the Bushells Lagoon ecosystem, threatened species and migratory birds.
- Runoff and pollution from the site will impact on the water quality of Bushells Lagoon.
- The hours of operation are excessive and will result in unreasonable noise impacts.
- The igloos are unsightly and will detract from the visual character of the area.
- The existing igloos are not maintained and are breaking down and creating rubbish.

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- Discarded waste, packaging and containers litter the site, detracting from the appearance of the locality and ending up as rubbish in Bushells Lagoon.
- The development produces light overspill.
- The existing agricultural farm shed is being used for habitable purposes.

The submissions have been considered in the assessment of this application and the concerns raised are generally supported.

(e) The Public Interest

Whilst the development is permissible under the HLEP 2012, the application fails to demonstrate that the market garden could operate without causing unacceptable environmental and amenity impacts. Furthermore the current activities being undertaken onsite are not being effectively managed despite the service of Council Orders.

The approval of the development is therefore seen to be contrary to the public interest.

Financial Implications

Based on the supplied estimated value-of-works of \$400,000 a Section 94A Development Contribution fee of \$4,000 would be payable should the application be approved.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. Based on the supplied documentation and investigations of the current activities, the amended proposal for the market garden is expected to generate unreasonable environmental, amenity and scenic quality impacts. The Review of Determination therefore recommends that the previous refusal of the proposed development be upheld.

Development Application DA0280/13 was refused for 14 reasons. Item 12 of the Refusal Notice has been addressed by the submission of a satisfactory Salinity Report. Items 13 and 14 are not applicable to the review as the application no longer involves the property 121A Batchelors Warf Road. These changes have been reflected within the recommendation 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.

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RECOMMENDATION:

That:

- A. Council refuse Section 82A Review of Determination Application DA0002/14 S82A and reinforce the refusal of Development Application No. DA0280/13 for intensive plant agriculture (horticulture), the construction of an agricultural farm shed and the installation of igloos on Lot 7 DP: 251845, known as 69 Blacktown Road, Freemans Reach, for the following reasons;
1. The development is inconsistent with the objectives of the RU2 Rural Landscape zone in that it will result in land use conflict, detract from the existing rural character, adversely impact upon water catchments and important ecosystems.
 2. The development is inconsistent with the objectives of the E2 Environmental Conservation zone in that it will adversely impact on the preservation and conservation of Bushells Lagoon and indigenous and migratory wildlife.
 3. The development is not designed, sited or managed to avoid adverse environmental impacts to Bushells Lagoon.
 4. The development is inconsistent with Section 6.4 and 6.5 of the Hawkesbury Local Environmental Plan 2012 in that it will generate adverse impacts on the condition and significance of Bushells Lagoon, which acts as habitat for indigenous and migratory species.
 5. The proposed development is inconsistent with Part 5A of the Environmental Planning and Assessment Act, 1979 in that adequate information has not been provided to demonstrate that the proposed development will not have a significant impact on threatened species, populations or ecological communities, or their habitats.
 6. The development is inconsistent with the specific planning policies and recommended strategies outlined in Section 6 of Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River, in particular with respect to environmentally sensitive areas, water quality, flora and fauna, riverine scenic quality and agriculture.
 7. Inadequate management and operational practices are proposed to mitigate the impacts generated by the development.
 8. The development will generate unreasonable noise and amenity impacts.
 9. The hours of operation are excessive within the context of the locality.
 10. The prepared Acoustic Report fails to demonstrate that the activities of the market garden may be undertaken without negatively impacting on the amenity of neighbours.
 11. The number and extent of the proposed igloos will detract from the scenic character of the locality.
 12. The development will generate unreasonable odour impacts.
- B. Council continue compliance action with respect to the unauthorised use of the land.

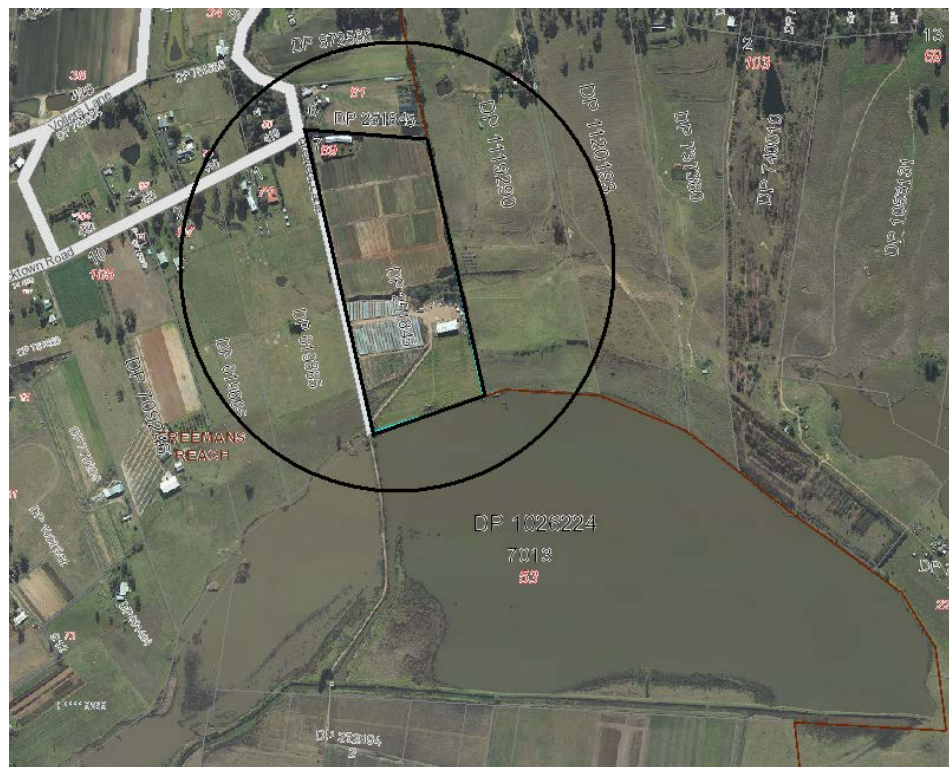
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ATTACHMENTS:

- AT - 1** Locality Map and Aerial Photo
- AT - 2** Site Plan
- AT - 3** Existing Shed Layout
- AT - 4** Proposed Shed Floor Plan
- AT - 5** Proposed Shed Elevations

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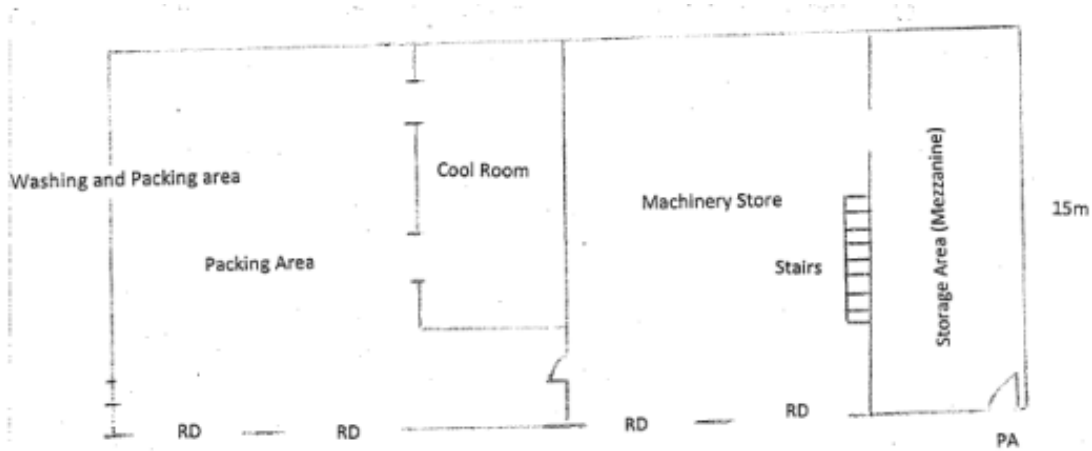
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AT - 3 Existing Shed Layout



Refer to detailed floor plan of staff amenities



RD Roller Door

PA Personal Access

Existing Layout of the staff amenities

Scale 1:100

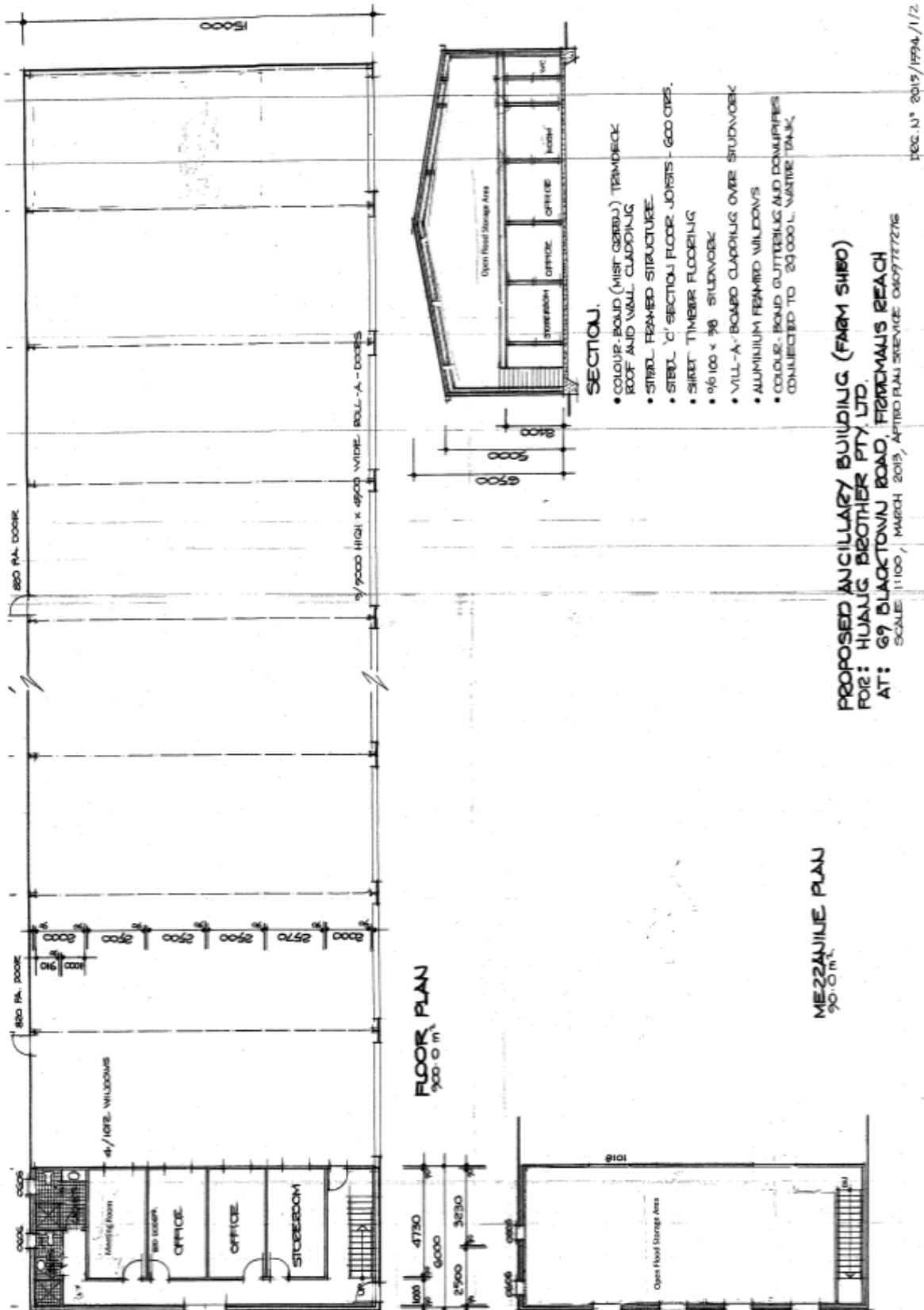
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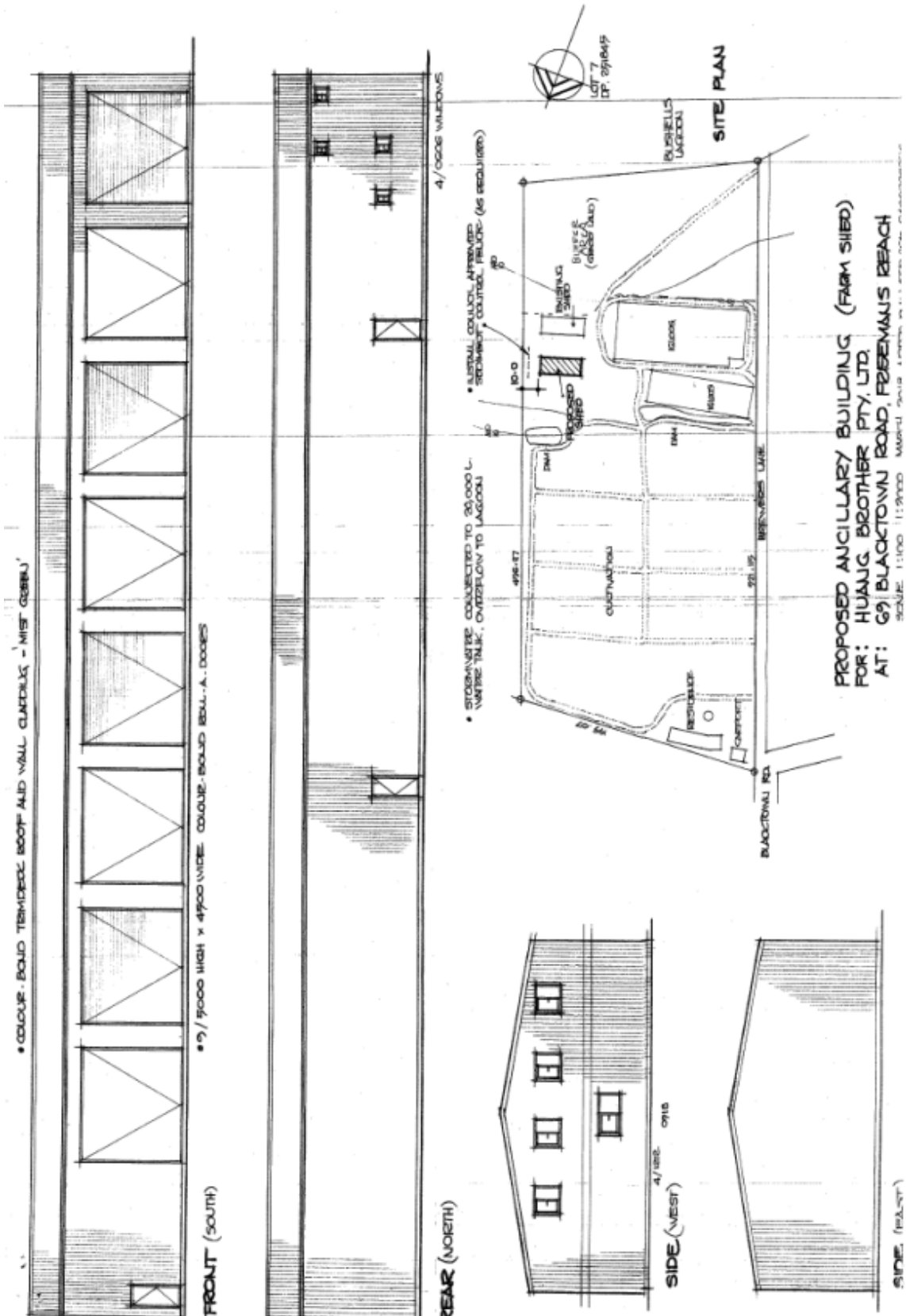
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AT - 4 Proposed Shed Floor Plan



AT - 5 Proposed Shed Elevations



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Item: 37 **CP - Development Report - DA0304/13 - Lot 1 DP811806 - 2 Creek Road, Wilberforce - Construction of a shed ancillary to a dwelling and filling of an existing water storage facility (dam) - (95498, 32577)**

Development Information

File Number: DA0304/13
Property Address: 2 Creek Ridge Road, Wilberforce
Applicant: Lorry Bugeja
Owner: Mr L Bugeja
Proposal Details: Construction of a shed ancillary to a dwelling and filling of an existing water storage facility (dam)
Estimated Cost: \$100,000
Zone: RU4 Primary Production Small Lots and SP2 Infrastructure under Hawkesbury Local Environmental Plan 2012
Date Received: 18/06/2013
Advertising: 18/07/2013 to 1/08/2013

Key Issues:

- ◆ Compliance with Hawkesbury DCP requirements
- ◆ Non-agricultural use of the land
- ◆ Unauthorised imported fill
- ◆ Proposed filling works

Recommendation: Approval in part

REPORT:

Executive summary

The application seeks approval for construction of a 292.8m² shed for the purposes of garaging vehicles, plant and equipment associated with the owner's earthmoving business and garaging machinery and equipment to be used for maintaining the property.

It is also proposed to decommission and fill an existing dam located on the subject property.

An assessment of the proposal has revealed that the filling of a dam is consistent with the relevant planning controls for this land. However, the existing ancillary structures and the proposed shed (292.8m²) total more than 530m². This substantially exceeds the maximum floor space (170m²) for sheds under Hawkesbury Council's Development Control Plan 2002. There is also an encroachment of the maximum shed height proposed.

It is recommended that the proposed filling of the existing water storage facility (dam) be supported and that the shed component (seeking a 313% variation to the DCP) of the Development Application not be supported.

The application is being reported to Council for determination at the request of the Mayor, Councillor Ford.

Description of Proposal

The application seeks approval for construction of a shed ancillary to a dwelling and filling of an existing water storage facility. Details of the proposal are as follows:

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Ancillary shed

The proposed shed has a floor area of 292.8m² (24.4m x 12m) and has a ridge height of 6m. It is intended that the shed would be used for workshop and garaging vehicles, plant and equipment for the owner's earthmoving business being carried out off site; and storing plant and farm equipment associated with the dwelling.

The shed would be constructed using colorbond for the walls and roofing. It is proposed to have a colour scheme of Sand Bank (roof and walls) and Manor Red (trim).

Filling of an existing water storage facility

The application proposes to fill an existing dam located on the site as the subject dam is leaking water and is not considered structurally sound. Approximately 550 tonnes of materials is proposed to be required to fill the dam.

The application is supported by a Statement of Environmental Effects and Waste Management Plan.

Description of the site and its surroundings

The subject site has an area of 3.94ha, contains a dwelling, two dams, a detached garage/shed next to the existing dwelling and a stable building at the rear of the site.

The site is currently used for rural residential purposes which is consistent with the surrounding development in the locality. The proposed shed is to be located at the rear of the existing dwelling at approximately 50m from the front boundary (Creek Ridge Road) and side boundary (Putty Road). No vegetation removal has been proposed as part of the construction of the shed or filling of the dam.

History

21 June 2013	Initial review letter was sent to the applicant seeking details of earthworks in relation to the proposed filling to create a level platform and associated vehicle manoeuvring area and driveways and, in relation to the filling of the existing dam, a typical cross section detail indicating the depth of fill was also sought.
26 August 2013	Seven day letter was sent to the applicant requesting to provide the additional information.
29 August 2013	Additional information submitted by the applicant.
6 November 2013	Letter sent to the applicant advising that the size and height of the proposed shed was not supported as it did not comply with HDCP 2002; concern was raised about whether the proposed use of the shed was ancillary to the dwelling; and recommended that the size of the shed be reduced. In addition a request was made for certification of a significant amount of fill already imported to the site without Council consent.
21 November 2013	Applicant provided additional information letter to justify the proposed size of the shed based on the proposed use and interpretation of the planning controls. A certification report was also provided for the imported fill materials.
27 November 2013	Applicant was contacted to advise that justification for shed size was not supported and recommended that the size of the shed be reduced.
18 December 2013	Application called to Council for determination.

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Issues relevant to the decision

- Compliance with Hawkesbury Development Control Plan requirements
- Non-agricultural use of the land
- Proposed filling works
- Unauthorised imported fill

Council Policies, Procedures and Codes to which the matter relates

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

Section 79C Matters for Consideration

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

a. The provisions of any:

i. Environmental Planning Instrument:

SEPP 44 Koala Habitat Protection

SEPP No. 44 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.

The proposed development will not require removal of any vegetation and therefore unlikely to disturb habitat areas within the site. Consequently, the subject land is not considered to be 'potential koala habitat' or 'core koala habitat' as defined by this Plan.

State Environmental Planning Policy No. 55 – Remediation of Land

A search of Council files indicated that the land has not been used for any activities which would likely result in any significant soil contamination of the site. Therefore the application is considered to be consistent with the provisions of SEPP No. 55.

The documentation submitted with the application indicates that certified clean fill material has been imported to the site.

SREP No. 20 Hawkesbury Nepean River

The proposal is not contrary to the aims, objectives and recommended strategies of this plan. The site is not within a scenic corridor of local or regional significance.

Hawkesbury Local Environmental Plan (HLEP) 2012

The subject site is zoned RU4 Primary Production Small Lots and SP2 Infrastructure. Dwelling houses are permissible within the RU4 zone and an existing dwelling is located onsite.

The proposed filling of the dam and erection of a shed are permissible with consent being works ancillary to the existing rural residential use of the land. No development has been proposed within the SP2 zoned area.

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It is considered that the proposed filling of the dam is consistent with the overall aims and objectives of the zone and this plan. However, the proposed shed, to be used primarily for the purposes of garaging vehicles and equipment associated with the owner's earth moving business undertaken off site, is not considered to be ancillary to the existing rural residential use of the land.

It is therefore considered that the proposed 292.8m² shed in addition to the existing outbuildings on site (approximately 240m²) equalling a total of approximately 532.8m² is inconsistent with the overall aims of this plan. In this respect support of the proposed shed has the potential to have an adverse visual impact on the landscape character of the locality.

The objectives of the RU4 Primary Production Small Lots zone are as follows:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.

The proposed development is considered to be inconsistent with the objectives of the RU4 zone for the following reasons:

- the size, height, bulk, scale and design of the shed is not compatible to the surrounding developments and would detract significantly from the rural character and environmental qualities of the locality.
- the size and height of shed is visually dominant and does not integrate with the rural landscape.
- the 24.4m unarticulated wall length contributes to the adverse visual bulk of the shed.
- the large driveway and manoeuvring area is a large industrial style hardstand area which creates an adverse visual and environmental impact on the rural character/landscape of the locality.

Section 6.2(2) of the HLEP 2012 allows earthworks to be undertaken with the consent of Council on all land. However, before granting consent Council must consider the following:

- a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- c) the quality of the fill or of the soil to be excavated, or both,*
- d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- e) the source of any fill material or the destination of any excavated material,*
- f) the likelihood of disturbing Aboriginal objects or other relics,*
- g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*
- h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Council's Development Engineer has not raised any objection to the proposed filling of the dam on stormwater grounds. In addition the already imported fill is certified as Virgin Excavated Natural Material (VENM).

In addition to the above, the proposal is consistent having regard to following clauses of Hawkesbury Local Environmental Plan 2012:

Clause 1.2 of Part 1 – Aims of Plan

Clause 1.4 of Part 1 - Definitions

Clause 6.1 of Part 6 - Acid Sulfate soils

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

There are no draft environmental planning instruments that directly relate to the land or the specified development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

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

Part A Chapter 2 - General Information

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

Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP 2002. No submissions were received as a result of the notification of the application.

Part C: Chapter 4 - Erosion and Sediment

Erosion and sediment control has been detailed on the plans and would be enforced through conditions of consent.

Part D Chapter 7 - Landfill

The proposed development involves filling of an existing dam and excavation and filling of land to create a platform for the shed and the hard standing manoeuvring area.

The plans and documentation submitted in support of the application demonstrates the amount of fill required to be imported to the site. It is noted that a significant amount of fill has already been imported to the site. A site inspection identified piles of fill material near the proposed shed location and on the area labelled 'area of fill' on plan 93263:E:2 by McKinlay Morgan and Associates.

The applicant provided further information confirming that the imported material is VENM. Council's Environmental Health Officer has reviewed the submitted documentation and it is considered satisfactory.

Part D: Chapter 8 Rural Sheds

Part D Chapter 8 of the HDCP 2002 aims to guide the construction of sheds on rural properties in a manner that compliments the rural character of the landscape and has a minimal impact on the scenic qualities of an area. An assessment of the proposal against the rural sheds chapter is below:

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Element	Rules	Provides	Complies
Sitting	<p>a) Sheds shall be located no closer to the road than the existing dwelling house on the property.</p> <p>b) Cut and fill shall be limited to 2m of cut and 900mm of fill.</p> <p>c) Sheds shall not be erected on land having a slope in excess of 10%.</p> <p>d) The erection of rural sheds shall involve minimal disturbance to native vegetation.</p>	<p>Existing residence is located closer to the road</p> <p>Complies</p> <p>The proposed building platform will be flat.</p> <p>No removal of vegetation has been proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Size	<p>a) The maximum size of sheds in the 1(c). 1(c1) areas shall not exceed 170m². The cumulative total of all outbuildings shall not exceed 170m² on any one property in these zones.</p> <p>b) In zones 1(a), 1(b), 7 (d), 7(d1), 7(e), the applicant will need to justify the size of any shed exceeding 170m² in terms of the use of the shed and the land, as well as measures taken to minimize the impact on neighbours and the general area.</p>	<p>N/A</p> <p>See comments in regards to shed size below.</p>	<p>N/A</p> <p>No</p>
Height	<p>a) The total height of a rural shed erected in a rural 1(c) and 1(c1) zones shall be no more than 5m or no higher than the height of the ridgeline of the dwelling house on the same property, whichever is less.</p> <p>b) In other zones the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development.</p> <p>c) The total height of 'barn style' sheds may exceed 5m based on individual merit.</p>	<p>N/A</p> <p>The shed height exceeds 5m and no articulation has been proposed to minimize visual impact.</p> <p>Proposed shed is not a 'barn style' shed.</p>	<p>N/A</p> <p>No</p> <p>No</p>
Form	<p>a) Rural sheds with standard roof form will be limited to rectangular shapes.</p> <p>b) Sheds of other roof forms, for example barn style, will be encouraged.</p>	<p>Complies</p> <p>Roof form is not barn style.</p>	<p>Yes</p> <p>Yes</p>
Colour	<p>a) The colour of a rural shed will match or blend in with those of existing buildings.</p>	<p>Proposed colours are sandbank (walls and roof) and manor red (trim); and it is considered satisfactory.</p>	<p>Yes</p>

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Element	Rules	Provides	Complies
	b) On vacant land the colour of rural sheds shall be taken from the natural environment.	The land is not vacant. The proposed colours are considered to be earthtone in nature (which was the Vella v Council LEC case outcome).	Yes
Type of building materials	a) Building materials used in the construction of rural sheds are to be new, preprinted and non-reflective.	Complies	Yes
	b) The use of corrugated iron will be considered subject to the size, height, design and location of the rural shed.	N/A	N/A
	c) Any part of a building below the 1-100 year flood level is to be constructed of flood compatible materials.	N/A	N/A
Landscaping	a) Plantings are to be a mix of trees, shrubs and ground cover. b) Trees shall include species that at maturity have a height above the ridgeline of the shed. c) Shrub mass shall provide adequate screening. d) Plants endemic to the area must be chosen.	No landscaping has been proposed for the shed. Should the shed be supported it is recommended that extensive native landscaping be provided to screen the scale of the shed.	No

Shed Size

The application proposes a 292.8m² shed. Council mapping indicates an existing stable shed (approximately 200m²) at the rear of the property and an existing garage / shed (40m²) at the front of the site. Consequently the applicant has requested a variation (in total) to the shed size requirement of 170m² to 532.8m² (i.e. a variation of 313% to the maximum permitted size in the DCP).

The additional information as submitted provides the following justification:

"The size of the shed is needed to garage and store the following items:

- *Truck and trailer*
- *Excavator*
- *Equipment and machinery used to maintain the property (tractor, bobcat and mowers)*
- *Workshop and storage area.*

....The length of the shed being 24m is needed to be able to park the truck and trailer in the shed. The combined length of both truck and trailer is 19m and there is also a need for 2 metres at either end to allow the truck cabin to be moved forward to access the engine to check the fluids as well as pedestrian access around the truck and trailer in the shed.

Based on the above the length of the shed needs to be around 22-23m. Sheds are normally set out in 6m wide bay and this is how they are manufactured....

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The storeroom/workshop area is not a separated area but is part of the shed and will be used to store smaller equipment such as air compressors, various hand held tools, welding equipment, work benches and water pressure cleaners that the property owner uses to maintain the rural properties”.

The aims and objectives of Clause 8.2.2 Size of the Rural Sheds Chapter of Hawkesbury Development Control Plan are:

- To control the size of rural sheds so as to minimise their visual dominance in the landscape.
- To reduce the number of unnecessarily large sheds.
- The size of rural sheds will be associated with the use of the shed, the use of the land and the size of the property.

The aims and objectives of Clause 8.2.3 Height of the Rural Sheds Chapter of Hawkesbury Development Control Plan are:

- To control the height of rural sheds so as to minimise their dominance and bulk in the landscape.
- Rural sheds will not dominate the landscape due to the bulk of the building or intrude into the skyline.

The proposal involves construction of a shed to be used for the purposes of garaging vehicles (truck and trailer, excavator, bobcat), plant and equipment associated with the owner's 'earth moving business' and garaging of machinery and equipment to be used to maintain the property.

The primary use of the shed is considered to be for the operation of the 'earth moving business' which involves a workshop for repairs and maintenance of plants and equipment used for the business which is not considered to be ancillary to the rural residential use of the site. No information has been submitted with regard to the potential noise generation from the workshop area.

The proposed cumulative total of all outbuildings is approximately 532.8m² which is significantly greater than what would be considered to be necessary to support the use of the land for rural residential purposes.

It is considered that supporting the construction of a 292.8m² shed based on the justification provided is inconsistent with the overall aims and objectives of this chapter as the applicant has not been able to satisfactorily demonstrate that the shed size is needed to support the use of the land.

It is noted that the maximum 170m² shed size rule is consistently applied to rural residential developments within the Hawkesbury and that sheds greater than 170m² are generally only supported where the shed area is necessary based on the size of the property and need to support the use of land for an agricultural or other rural land use.

It is considered that the use of the land and size of the property is not of a nature that justifies a large variation to the 170m² shed size limit in the DCP. Supporting the shed based on the reasons provided has the potential to set an undesirable precedent in supporting sheds substantially greater than 170m² for purposes other than agriculture.

Furthermore it is considered that the proposed variation to the shed size has the potential to increase the visual dominance of a large scale industrial style sheds in the landscape and would not contribute positively to the character of the site or the surrounding area.

As a result of the above it is recommended that the shed component of the application not be supported.

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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:

These matters have been considered in the assessment of this application. Should the application be supported the EPandA Regulation 2000 outlines that the development is to:

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

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:

An assessment into the key issues relating to the proposal has been undertaken below.

Context

The surrounding locality is used for a combination of rural residential and agricultural purposes. The filling of the dam is considered to be compatible with surrounding developments and would be unlikely to change the rural nature of the locality.

However it is considered that the proposed shed is of a size that is substantially larger than what is required to support the use of the land and that approval of a large shed has the potential to impact the scenic appearance of the locality.

Civil Works

Council's Development Engineer has reviewed the application. It appears that approximately 520m³ of fill will be imported to fill the dam which would result approximately 43 loads to be transported to the property. Suitable conditions during the filling phase have been recommended to limit dust and noise that would be associated with the proposed earthworks.

Cumulative Impacts

There are no negative cumulative impacts concerning the filling of the dam. It is however considered that approving the proposed shed use and size, height and style has the potential to set an undesirable planning precedent in supporting unnecessarily large sheds used for purposes that are non-agricultural.

c. Suitability of the site for the development:

A summary of the suitability of the site for the development has been undertaken and it is considered that the proposed filling of the dam is consistent with the planning controls which relates to the land.

The site is considered to be inappropriate for the proposed size and activities of the shed. The use of the shed is primarily for storing plant and equipment for a non-agricultural primary production use of the land which is not compatible to the surrounding developments and would detract significantly from the rural character and environmental qualities of the locality.

As detailed in the report above it is considered that the applicant has not been able to justify the size of the proposed shed in respect to the proposed use of the land. In this respect it is recommended that the shed component of the application not be supported.

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

No submissions were received in respect to the subject application.

e. *The Public Interest:*

It is considered that the support of the filling of the dam is in the general public interest as the proposal would encourage the continued use of the land for rural residential purposes.

It is considered that the applicant has not been able to satisfactorily justify the size of the proposed shed and that support of the excessive shed size is contrary to HDCP 2002 and is not in the public interest.

Conclusion

An assessment of the proposal has revealed that the applicant has been able to satisfactorily address the environmental impacts concerning the proposed filling of the dam however the proposed size of the shed has not been able to be satisfactorily justified based on the use of the land.

On the whole, Council has supported relatively minor variations to shed size in other cases and approved those development applications. As outlined in this report there have been repeated requests to the applicant (and their consultants) to have the shed altered in order that a shed of suitable size could be supported by Council officers however these negotiations have not been successful.

It is therefore recommended that the filling of the dam be supported and the proposed shed not be supported.

Planning Decision

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

Developer Contribution

The development is exempt from contributions under Section 94E of the Environmental Planning and Assessment Act 1979 or Council's Section 94A Contributions Plan.

RECOMMENDATION:

That Development Application DA0304/13 at Lot 1 DP 811806, 2 Creek Ridge Road, Wilberforce filling of an existing water storage facility (dam) be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. This consent does not include the construction of the proposed ancillary outbuilding (shed) or associated outbuilding earthworks.
3. No excavation, site works or building works shall be commenced prior to the issue of a Design Compliance Certificate.
4. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.

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Prior to Issue of Design Compliance Certificate

5. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

Prior to Commencement of Works

6. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
7. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation.
8. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
9. Toilet facilities (to the satisfaction of the Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
10. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of the works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour seven day emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

During Construction

11. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
12. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted. Water flows from the site shall follow the original flow direction without increased velocity.
13. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
14. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.

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- b) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- 15. The topsoil shall be stripped and stockpiled and used to cover the landfill in areas not forming part of a building platform.
- 16. The filled dam area shall be top soiled and grassed immediately after filling takes place.
- 17. All fill, including existing fill, must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results in layers not exceeding 300mm.
- 18. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 19. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 20. A ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
- 21. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
- 22. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
- 23. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 24. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.

Prior to Issue of Compliance Certificate

- 25. Compliance with all conditions of this development consent.
- 26. A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted.

Use of the Development

- 27. The subject development, including landscaping, is to be maintained in a clean and tidy manner.

Advisory Notes

- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

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*** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter

ATTACHMENTS:

AT - 1 Locality Map

AT - 2 Aerial Photograph

AT - 3 Site Plan

AT - 4 Shed plans / elevations

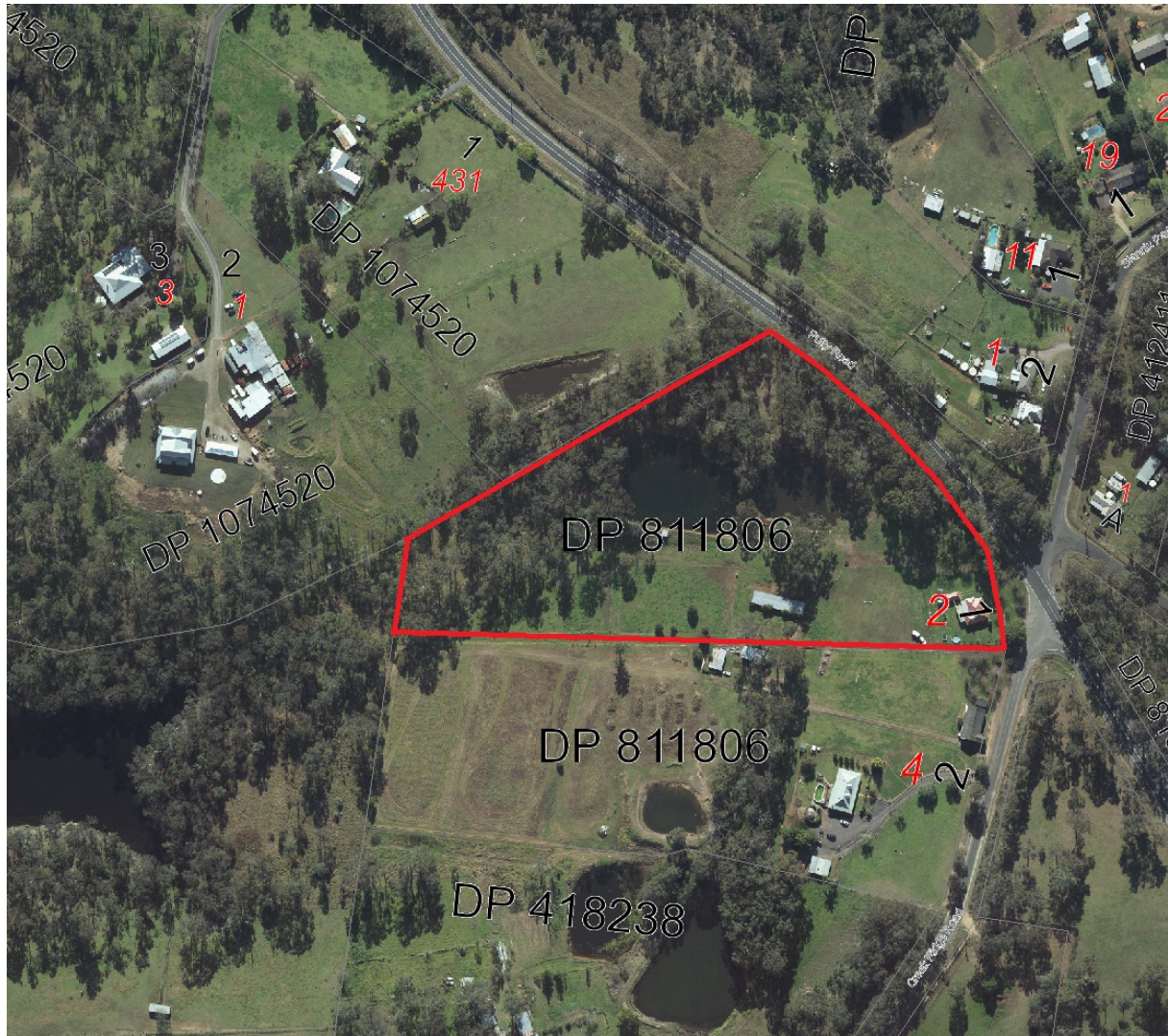
Meeting Date: 11 March 2014

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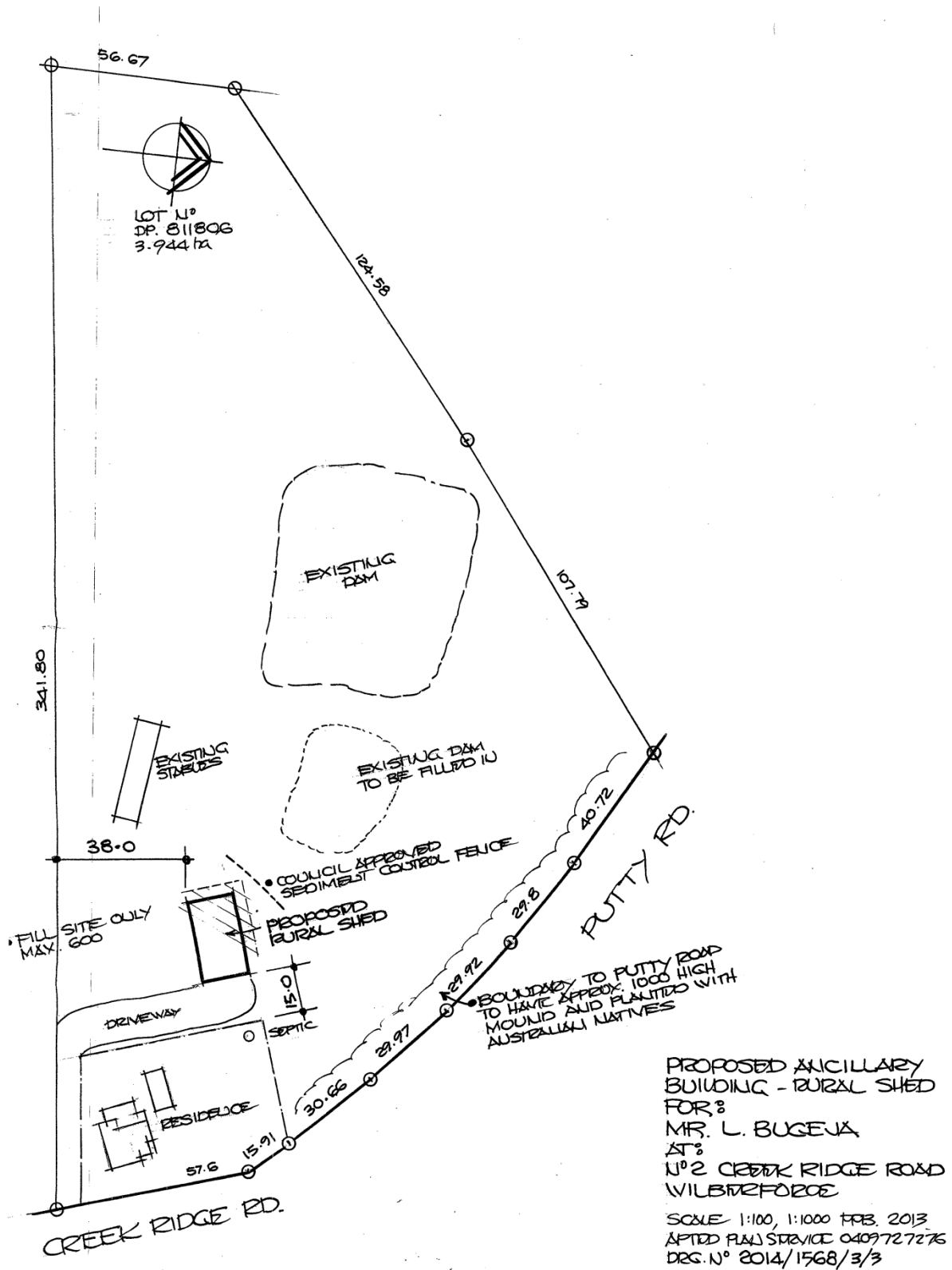
AT - 2 Aerial Photograph



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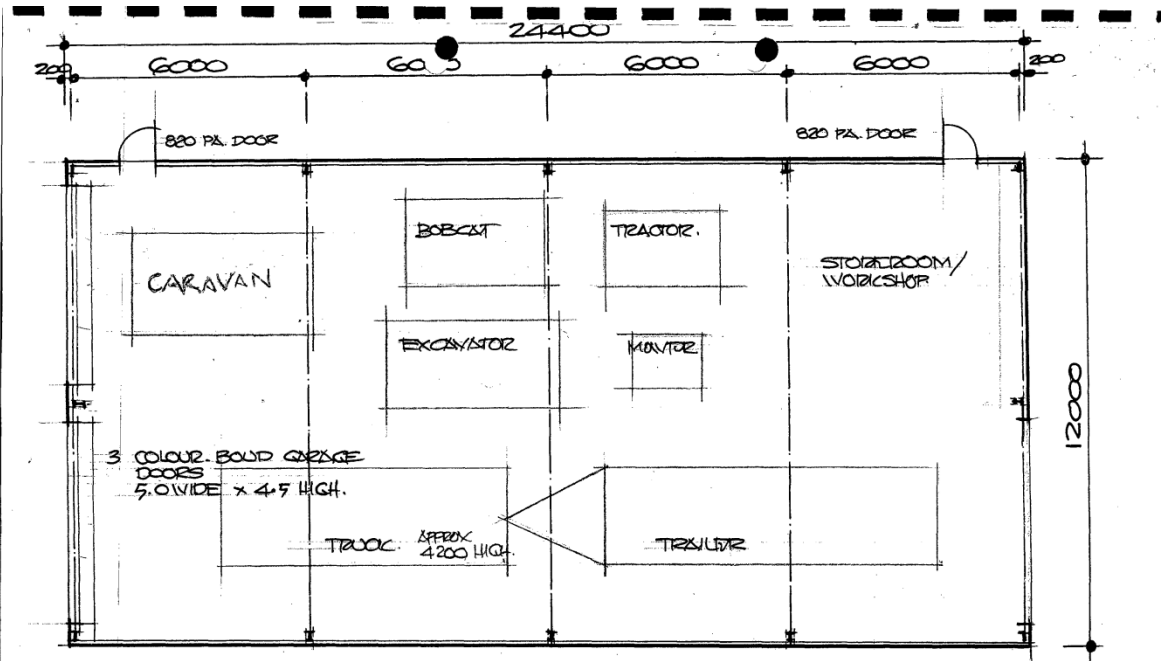
AT - 3 Site Plan



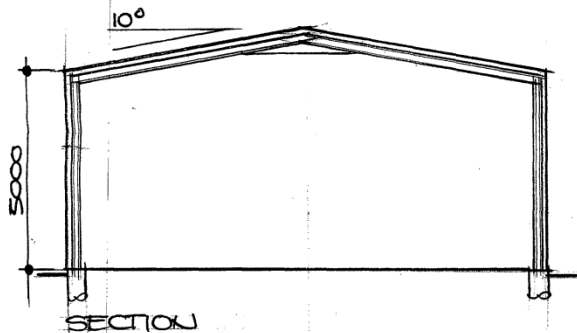
ORDINARY MEETING

Meeting Date: 11 March 2014

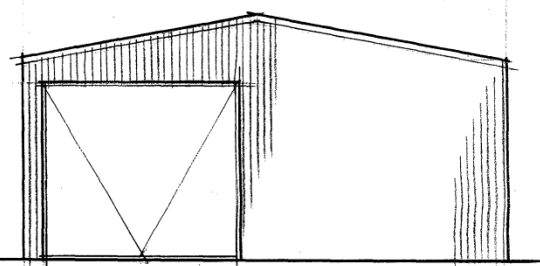
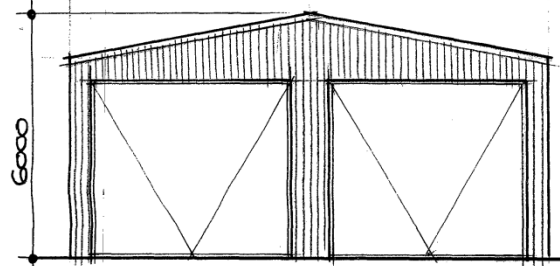
AT - 4 Shed plans / elevations



FLOOR PLAN AREA 292.0m²



- CORRUGATED COLOUR-BOND ROOF AND WALL CLADDING
- ALL STRUCTURAL DETAILS IN ACCORDANCE WITH BUILDERS REQUIREMENTS
- STEEL COLUMNS TO BE BOLTED TO BUILDING DESIGNER CONCRETE PAD FOOTINGS
- COMPACTED ROAD BASE FLOORING



- 3/ 5.0 WIDE x 4.5 HIGH SELECTED GARAGE DOORS

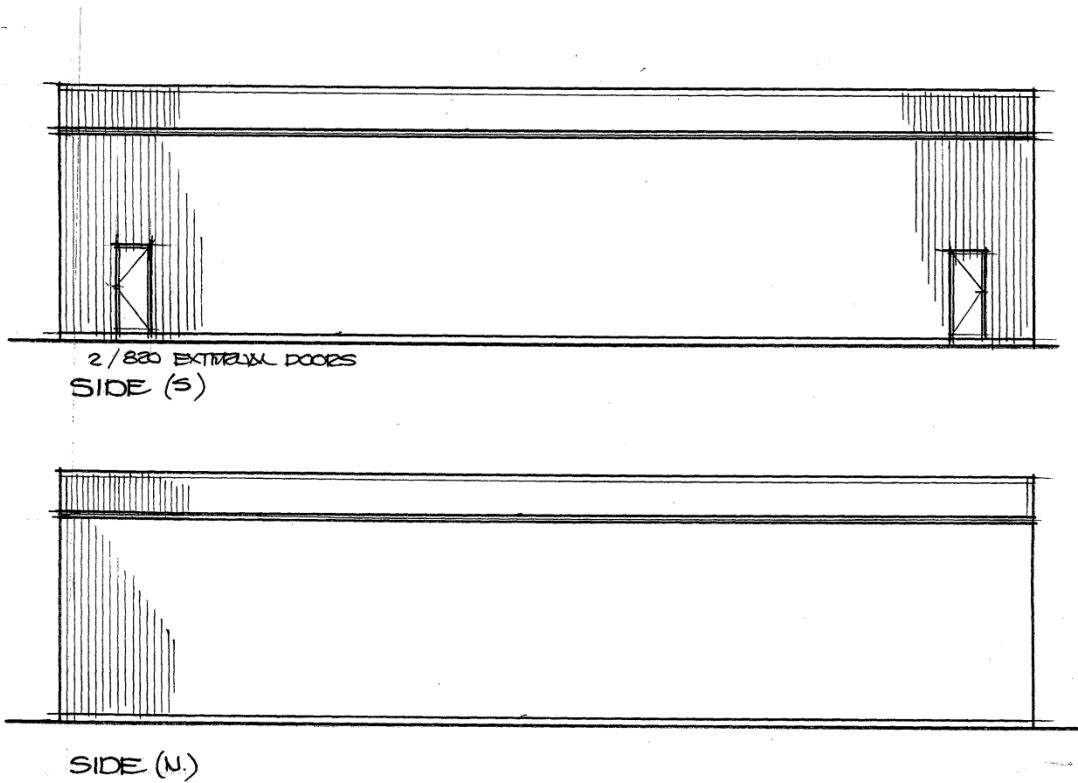
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COLOUR SCHEDULE
ROOF - SAND BARK
WALLS - "
TRIM - MAJOR RED

PROPOSED A/CIL BUILDING - RURAL SHED FOR:
MR. L. BUGEJA
AT:
N°2 CREEK RIDGE ROAD
MILBURNFORD
SCALE 1:100 FEB. 2013
BPTD PLAN SPACE 0409727276
DEC. N° 2014/1568/1/3

ORDINARY MEETING

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PROPOSED ANCILLARY
BUILDING - RURAL SHED
FOR :
MR. L. BUGEJA
AT :
N°2 CREEK RIDGE ROAD
WILBERTFORCE

SCALE 1:100, FEB. 2013
APTD PLAN SERVICE 0409727276
DES. N° 2014/1568/2/3

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 March 2014

GENERAL MANAGER

Item: 38

GM - 2014 Best Practice in Local Government Conference - (79351)

REPORT:

Executive Summary

The 2014 Best Practice in Local Government Conference will be held 21 and 22 May, 2014 in Sydney and has been reported to Council at the request of Councillor P. Rasmussen. Due to its relevance to Council's business, it is recommended that the 2014 Best Practice in Local Government Conference be attended by Councillors and appropriate staff.

Consultation

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

Background

The 2014 Best Practice in Local Government Conference will be held 21 and 22 May, 2014 in Sydney. The Conference will feature two conference streams as well as a number of presentations and workshops. Key focal points of this Conference will be organisational development; improving workplace culture; change management; people and performance management; pursuing business excellence and continuous improvement; enhancing management systems and business processes; staff productivity and workforce development and achieving effective leadership.

Cost of attendance at the 2014 Best Practice in Local Government Conference will be approximately \$1,460 per delegate.

Budget for Delegate Expenses - Payments made:

• Total Budget for Financial Year 2013/2014	\$45,500
• Expenditure to date	\$23,475
• Budget balance as at 4/3/2014	\$21,714

It should be noted that outstanding commitments of approximately \$28,475 in relation to the; 2014 Urban Development Institute of Australia National Congress to be held in March; 2014 LGMA National Congress and Business Expo to be held in April and the 2014 Waste Conference to be held in May are not reflected in the balance indicated

Conformance to Community Strategic Plan

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

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.
- Have transparent, accountable and respected leadership and an engaged community.

ORDINARY MEETING

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

- Achieve community respect through good corporate governance and community leadership and engagement.
- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations.

Financial Implications

Funding for attendance at this Conference will be provided from the Delegates Expenses within the 2013/2014 Adopted Operational Plan. However, it would appear that this amount will be over expended due to conference attendances approved to date and an adjustment will need to be made in association with the next quarterly review.

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2014 Best Practice in Local Government Conference at an approximate cost of \$1,460 per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 March 2014

Item: 39 GM - 2014 Floodplain Management Association Conference - (79351)

REPORT:

Executive Summary

The 2014 Floodplain Management Association Conference will be held from 20 - 23 May, 2014 in Deniliquin. Due to its relevance to Council's business, it is recommended that the 2014 Floodplain Management Association Conference be attended by Councillors and appropriate staff.

Consultation

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

Background

The 2014 Floodplain Management Association Conference will be held from 20 - 23 May, 2014 in Deniliquin. This annual Conference brings together local government councillors, government officers, planners, engineers, technical experts, emergency response personnel, consultants and insurance representatives. A focus of this Conference is designing, building and living with flood levees.

Cost of attendance at the 2014 Floodplain Management Association Conference will be approximately \$2,200 per delegate.

Budget for Delegate Expenses - Payments made:

• Total Budget for Financial Year 2013/2014	\$45,500
• Expenditure to date	\$23,475
• Budget balance as at 4/3/2014	\$21,714

It should be noted that outstanding commitments of approximately \$28,475 in relation to the; 2014 Urban Development Institute of Australia National Congress to be held in March; 2014 LGMA National Congress and Business Expo to be held in April and the 2014 Waste Conference to be held in May are not reflected in the balance indicated.

Conformance to Community Strategic Plan

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

- Provide for a safer community through planning, mitigation and response.

Financial Implications

Funding for attendance at this conference will be provided from the Delegates Expenses within the 2013/2014 Adopted Operational Plan. However, it would appear that this amount will be over expended due to conference attendances approved to date and an adjustment will need to be made in association with the next quarterly review.

ORDINARY MEETING

Meeting Date: 11 March 2014

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2014 Floodplain Management Association Conference at an approximate cost of \$2,200 per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 March 2014

CITY PLANNING

Item: 40 CP - Reporting of Variations Granted to Development Standards - (95498)

REPORT:

In accordance with the Department of Planning and Infrastructure's (DPI) Planning Circular PS 08-14, Hawkesbury City Council is required to report variations granted to development standards for development applications, which relied upon either:

1. State Environmental Planning Policy No. 1 - Development Standards (SEPP 1) under Hawkesbury Local Environmental Plan 1989 (HLEP 1989); or
2. Clause 4.6 of the Standard Instrument under Hawkesbury Local Environmental Plan 2012 (HLEP 2012).

The purpose of this report is to report the list of variations granted since Council's last report (10 December 2013). It is recommended that Council receive and note this information.

Consultation

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

Discussion

The background to the reporting requirement for variations to development standards was detailed in the report to Council dated 28 February 2012. The report also included a list of development applications determined from July 2010 to December 2011 involving SEPP 1 variations under HLEP 1989.

HLEP 2012 was gazetted on 21 September 2012. This report provides a list of development applications determined, by Council and under delegated authority involving variation to a development standard under Clause 4.6 of the HLEP 2012. The list was also recently reported to DPI as required by the circular provisions. It should be noted that unlike HLEP 1989, the standard template provisions of HLEP 2012 have a 'cap' on the upper limit for some variations such as rural subdivision where a maximum of 10% variation applies.

Conformance to Community Strategic Plan

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

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

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the report regarding the reporting of variations granted to development standards under Hawkesbury Local Environmental Plan 1989 and Hawkesbury Local Environmental Plan 2012 be received and noted.

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ATTACHMENTS:

- AT - 1** Reporting Variations granted to Development Standards under Clause 4.6 of HLEP 2012 - 01
October 2013 to 31 December 2013

ORDINARY MEETING

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AT - 1 Reporting Variations Granted to Development Standards

under Clause 4.6 of HLEP 2012 - 01 October 2013 to 31 December 2013

Council DA reference number	Street Number	Street Name	Suburb / Town	Zoning of land	Development standard to be varied	Justification of variation/Delegate	Extent of variation	Date DA determined
DA0417/13	200	Catali Road	Pitt Town	RU4 Primary Production Small Lots	Clause 4.2B (2) & (3) – minimum land level – new building construction in flood liable land	Future dwelling will be able to achieve a filled platform or floor level at or above 1 in 100 year flood level, consistent with the overall objectives of the zone, the concurrence of the Director-General is assumed under the planning circular PS08 - 003 – Planning Manager (only variations >10% for rural subdivision are determined by Council)	6%	5/12/2013

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 March 2014

INFRASTRUCTURE SERVICES

Item: 41 **IS - Bowen Mountain - Emergency Evacuation Route Improvements (94595, 79344)**

Previous Item: NM, (29 October 2013)

REPORT:

Executive Summary

This report responds to a Council resolution seeking advice on improvements to emergency evacuation routes in Bowen Mountain and identifies a number of short and longer term improvements that can be undertaken. The report recommends consideration of funding in the 2014/2015 Operational Plan for the identified short term works, estimated at \$80,000.

Consultation

The issues detailed in this report have been discussed with the President of the Bowen Mountain Association and a Senior Officer at Wilberforce RFS. Further notification of any proposed works will be undertaken as part of construction planning activities.

Background

Extreme fire conditions in October 2013 generated a heightened level of community concern, particularly in the Bowen Mountain area. Council has received representations from the Bowen Mountain Association seeking improvements to sections of the road network to alleviate traffic issues during an emergency evacuation.

Council, at its meeting on 29 October 2013, resolved that:

- "1. Council acknowledges the concern of the Bowen Mountain Association with regard to serious bush fire threats to the Bowen Mountain village and the lack of safe ingress/egress to Bowen Mountain.*
- 2. A report be brought to Council identifying possible actions in the short and long term, with estimates of cost to mitigate the bush fire threat to the village to improve means of emergency evacuation from Bowen Mountain. Such report to cover matters such as the creation of an additional evacuation route from the village and improvements to the safety of Bowen Mountain Road such as the creation of lay-bys at various intervals and widening of the road verge to allow a breakdown lane on each side of the road from the village to Carters Road."*

The Bowen Mountain village is generally surrounded by dense bush land particularly along its northern, western and southern boundaries. The topography comprises extensive deep gullies and high ridges with little opportunity for an alternate evacuation route. The land to the east is not as steep and may provide limited opportunities during an emergency evacuation. These opportunities are presented further within this report. The majority of Bowen Mountain residents are reliant upon Bowen Mountain Road as their only means of access/egress. Sections of this road are relatively narrow and winding and during an emergency situation any breakdown, accident, or fallen tree could significantly restrict access/evacuation.

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A number of options have been suggested by the Association and have generally been included in the short and long term proposals listed below:

Short Term Strategy

Short term strategies generally comprise road widening, tree and vegetation clearing at select locations as shown below. It is also proposed to widen Bowen Mountain Road between Wattle Street and Serpentine Lane over several years, which will provide one additional lane on its northern side. This proposal will require utility adjustments, earth works, retaining walls in addition to road and drainage works. It is recommended that an initial amount of \$80,000 be considered in the 2014/2015 Operational Plan to adjust utilities including bulk earthworks, drainage and limited tree/vegetation clearing.

Location	Description of Works	Approximate Cost \$
Bowen Mt Road, between Wattle Street and Serpentine Lane (necessary works prior to lane construction)	Detailed Survey Utility adjustments Bulk earthworks on the bend generally opposite Grandview Lane Limited drainage and retaining wall const.	65,000
Bowen Mt Road, between Lt Bowen Dr & Carters Rd	Remove excess vegetation including unstable trees within road reserve	15,000
	TOTAL	\$80,000

Long Term Strategy

Whilst no alternative access roads are considered feasible due to topography and other constraints, Grandview and Grose Lanes, currently provide limited vehicular access between Bowen Mountain Road and Carters Road and may be upgraded to provide an additional emergency evacuation route. Any access improvement along this Lane is supported by the RFS. This route upgrade, if undertaken, would be gated to prevent through traffic.

Stage 1

Location	Description	Approximate Cost \$
Bowen Mountain Road between Wattle Street and Serpentine Lane.	Construct sealed lane on the northern side including retaining walls and drainage.	195,000
Bowen Mountain Road between Serpentine Lane and Carters Road.	Construct up to ten passing / break down Bays.	40,000
	Total Stage 1	\$235,000

NB: Some areas in the vegetation / tree removal activity may require Environmental Assessment, which is not included in the above estimates.

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Stage 2

Location	Description	Approximate Cost \$
Grandview Lane and the western section of Grose Lane.	Detailed survey to establish road and property boundaries	15,000
	Construct culverts at appropriate locations.	120,000
	Widen sections to provide passing and breakdown bays at select locations including vegetation clearing.	75,000
	Install a locked gate at the lower end of Grandview Lane.	4,000
Serpentine Lane (possible easement for access between Serpentine and Grandview Lanes)	Investigate options to provide a link between Serpentine and Grandview Lanes. May require an easement for access through an adjoining property with locked gates.	35,000 **
	Clear vegetation and construct an all weather road formation.	45,000
Serpentine Lane	Construct up to 10 passing/breakdown lanes	25,000
	Remove unstable trees and trim excess vegetation within road reserve	20,000
Gunbower Lane	Trim vegetation and provide passing breakdown bays where possible within the road reserve	15,000
	Total Stage 2	\$354,000

** Includes a provisional amount for investigation and legal compensation for easement acquisition.

NB: Some areas in the vegetation / tree removal activity may require Environmental Assessment, which is not included in the above estimates.

Conformance to Community Strategic Plan

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

- Provide for a safer community through planning, mitigation and response.

Financial Implications

The short term estimate for improving emergency evacuation from Bowen Mountain is \$80,000 and consideration should be given for this amount to be included in the 2014/2015 Operational Plan.

The long term estimate for Stages 1 and 2, for improving emergency evacuation from Bowen Mountain is \$589,000 and consideration should be given for this amount to be included in the future Capital Works Programs.

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RECOMMENDATION:

That

1. Funding in the amount of \$80,000 be considered in the 2014/2015 Operational Plan for the provision of short term Emergency Fire Evacuation Projects in the Bowen Mountain area as detailed in this report.
2. Consideration be given to provide funding in the amount of \$589,000 in future Capital Works Programs for the implementation of Fire Emergency Evacuation Projects in the Bowen Mountain area, as detailed in this report.

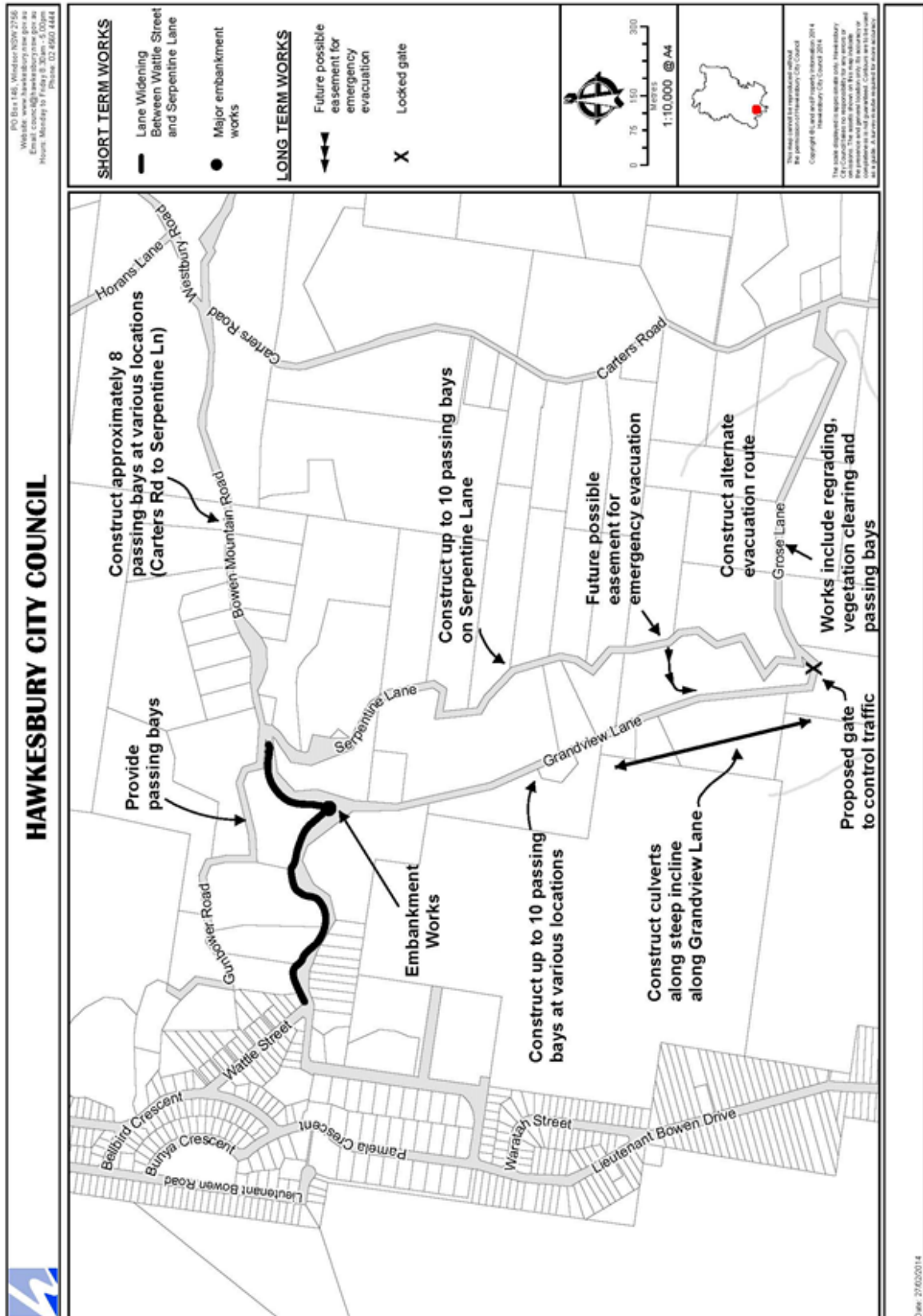
ATTACHMENTS:

AT - 1 Schematic plan showing locations of works

ORDINARY MEETING

Meeting Date: 11 March 2014

AT - 1 Schematic plan showing locations of works



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 March 2014

Item: 42 **IS - Enhanced Town and Village Cleaning Program - (105109, 80104, 79351, 95495)**

Previous Item: NM2, (12 November 2013)

REPORT:

Executive Summary

This report responds to a Council resolution seeking advice on development of an enhanced cleaning and maintenance program for key areas of the city. A review has been undertaken to identify process improvements and resourcing to provide such a program. This report proposes a reallocation of resourcing to enable the establishment of a dedicated cleaning crew to undertake a broad range of tasks associated with the presentation of the overall city and its villages in particular.

Consultation

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

Background

Council at its meeting on 12 November 2013, resolved:

"That a report be submitted to Council regarding the costs that would be involved in establishing a regular ongoing cleaning program in the business areas of Council's various towns and villages, particularly to address the need for regular cleaning of the footpaths and maintenance of pot plants in main streets in these areas."

Council staff, within both the Parks Maintenance and Works Maintenance, presently perform a diverse variety of programmed cleaning works, including:

- Regular street and car park cleaning, particularly in the Windsor and Richmond CBD areas, which are swept on a daily basis. These works are performed by Council's street sweeper which operates on a two shift basis Monday to Friday and single shift on Saturday and Sunday.
- Windsor Road cycle way and sections of the nature strip on the northern side receive maintenance attention on a monthly basis.
- Ongoing maintenance of Windsor Mall, Ham Common and the various parks and reserves in the CBD areas.
- Street bins are emptied on a daily basis.
- Public toilets are cleaned on a daily basis.

In addition unplanned/reactive works are carried out to remove dumped rubbish, and to carry out manual sweeping of car park areas where necessary.

In relation to sweeping, Council's large street sweeper is unable to effectively clean small areas including corners due its turning restrictions. Unfortunately, increasingly higher levels of littering and dumped rubbish are being experienced resulting in increased requests, and this is impacting upon Council's ability to carry out programmed maintenance.

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In response it is proposed to establish a dedicated full time cleaning crew with appropriate plant and resources. In order to achieve the necessary efficiency to undertake both larger scale cleaning and smaller tasks it is proposed to acquire a smaller specialised sweeper to undertake work on paths, cycle ways and car parks, for use by this crew, and enable allocation of time to other cleaning and presentation tasks.

The scope of works for the proposed cleaning program will include (although not be limited to) the following functions:

- Regular cleaning of cycle ways including collection of litter along the adjoining grassed areas, for example Ham Common and Windsor Road.
- Daily sweeping of Windsor Mall
- Numerous footpaths within town and village centres, including weed and litter removal.
- Small car parks not readily accessible by Council's large street sweeper, including the area behind wheel stops.
- Paved access lanes (generally within the Bligh Park area).
- Bus shelters including touch up paint and minor repairs.
- Minor maintenance of Town Centre seating and pot plants.
- Clean footpath surface beneath street bins where grease and particles accumulate.
- Trim low level branches adjacent to foot paths, considered to be potentially hazardous to pedestrians, in villages and centres.
- Removal of advertising posters from Council's road signage e.g. garage sales signage.
- Traffic islands, thresholds and roundabouts not accessible by Council's large street sweeper.
- General litter collection when required.

Resourcing

The resources considered necessary for an enhanced program for town and village cleaning are as follows:

DETAILS	COST	
	Capital	Recurrent
Two crew members		\$110,000 pa
Multifunction suction sweeper with trailer, including a weed broom and spray nozzle and other options.	\$140,000 - \$160,000	
Annual operational costs		\$25,000 pa
Small truck.	Utilise existing plant 117	
Annual operating costs		\$25,000 pa
Small plant and equipment (blower, barrow, brooms etc.)		Utilise existing
Tipping fees		\$50,000 est./variable

Council has previously utilised its road maintenance crews to pick up dumped rubbish, however the recent introduction of a specialised vehicle for road patching whilst improving this function, has reduced the capacity and efficiency for responding to rubbish removal requests.

By creating a dedicated crew for cleaning / dumped rubbish pick up, and provision of appropriate plant (sweeper) significant efficiencies can be achieved, for both this function as well as road maintenance. No additional recurrent funding is required, however a capital expenditure of between \$140,000 - \$160,000 is required for the sweeper purchase. This can be funded from within existing reserves.

ORDINARY MEETING

Meeting Date: 11 March 2014

Conformance to Community Strategic Plan

The proposal is consistent with the directions statement Looking After People and Place and is also consistent with the nominated strategy:

- Revitalise and enhance town centres and villages

Financial Implications

The procurement of a multifunction suction sweeper at a cost of up to \$160,000 can be funded through existing reserves.

The annual wages for two staff members is estimated at \$110,000 per annum with this amount currently contained within the operational budget.

The operating costs estimated at \$50,000 per annum, for the sweeper and truck are also contained within various operational budget areas (dependent on actual tasks/activities).

RECOMMENDATION:

That an Enhanced Town and Village Cleaning Program be established in the 2014/2015 financial year, with:

1. The establishment of a dedicated two person cleaning crew.
2. The purchase of the multifunction suction sweeper and trailer from reserves.
3. The operational costs associated with the truck and sweeper to be funded from existing reserves.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 43

IS - Governor Phillip Reserve Proposed Markets - (95495, 79354)

REPORT:

Executive Summary

Council has received an application for a monthly market to be held at Governor Phillip Reserve. The operator proposes to sell a range of high quality arts, craft, fashion and food. The proposal is permissible within the Plan of Management.

This report recommends that the proposal be placed on public exhibition, with an initial proposed term of operation of one year.

Consultation

Although the issues raised in this report concern matters which do not constitute a trigger for Community Engagement under Council's Community Engagement Policy, it is proposed that the proposal for markets be placed on public exhibition for a 14 day consultation period.

Background

Council has received an application from Eclectic Markets and Events to hold a monthly market at Governor Phillip Reserve. The market proposes to sell a range of high quality arts, craft, fashion and food. The Markets would be held on the third Saturday of the month between 9am and 2pm.

Councils *Markets – Commercial and Non Profit Policy* which was adopted in 1999, states that:

"Proposals by groups wishing to operate markets or the like on a commercial or non-profit basis are to be referred to the full Council for consideration. Requests for alterations of original consents for markets are also to be referred to Council."

The Windsor Foreshore Plan of Management, which covers Governor Phillip Reserve, allows for such usage.

Governor Phillip Reserve hosts a range of events throughout the year and some could potentially conflict with a Saturday market. To ensure that the market does not dominate or conflict with other usage, it would not be given exclusive use of the site and part of their conditions would allow other events to take place. This may mean that their dates may need to change at times.

There are also a number of other markets approved within the Windsor area. Council recently resolved to permit a weekly growers market at McQuade Park that will be held on Saturdays and Richmond Park monthly on a Saturday (not yet commenced) and the Windsor Mall also has a weekly Sunday Market.

Council does not have a policy restricting the number of markets allowed within the area. The Governor Phillip Reserve market, being monthly only and with a different offering to the approved weekly Saturday Growers market is however unlikely to impact on these other markets significantly.

It is recommended that the application from Eclectic Markets and Events (for a period of one year) be placed on public exhibition. Subject to no significant objections, approval would be granted under delegated authority.

ORDINARY MEETING

Meeting Date: 11 March 2014

Conformance to Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Direction Statement;

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

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That:

1. The proposal be advertised and subject to no significant objections being raised during the 14 day public consultation period Eclectic Markets and Events the General Manager be given delegated authority to approve monthly market at Governor Phillip Reserve for one year.
2. Such approval be subject to the following :
 - a) Council's general park conditions
 - b) Council's fees and charges
 - c) The Windsor Foreshore Plan of Management
 - d) Management of conflict with other users (including possible block out dates at the sole discretion of the General Manager)
3. In the event of significant objections being raised by the Community, the matter be reported back to Council.

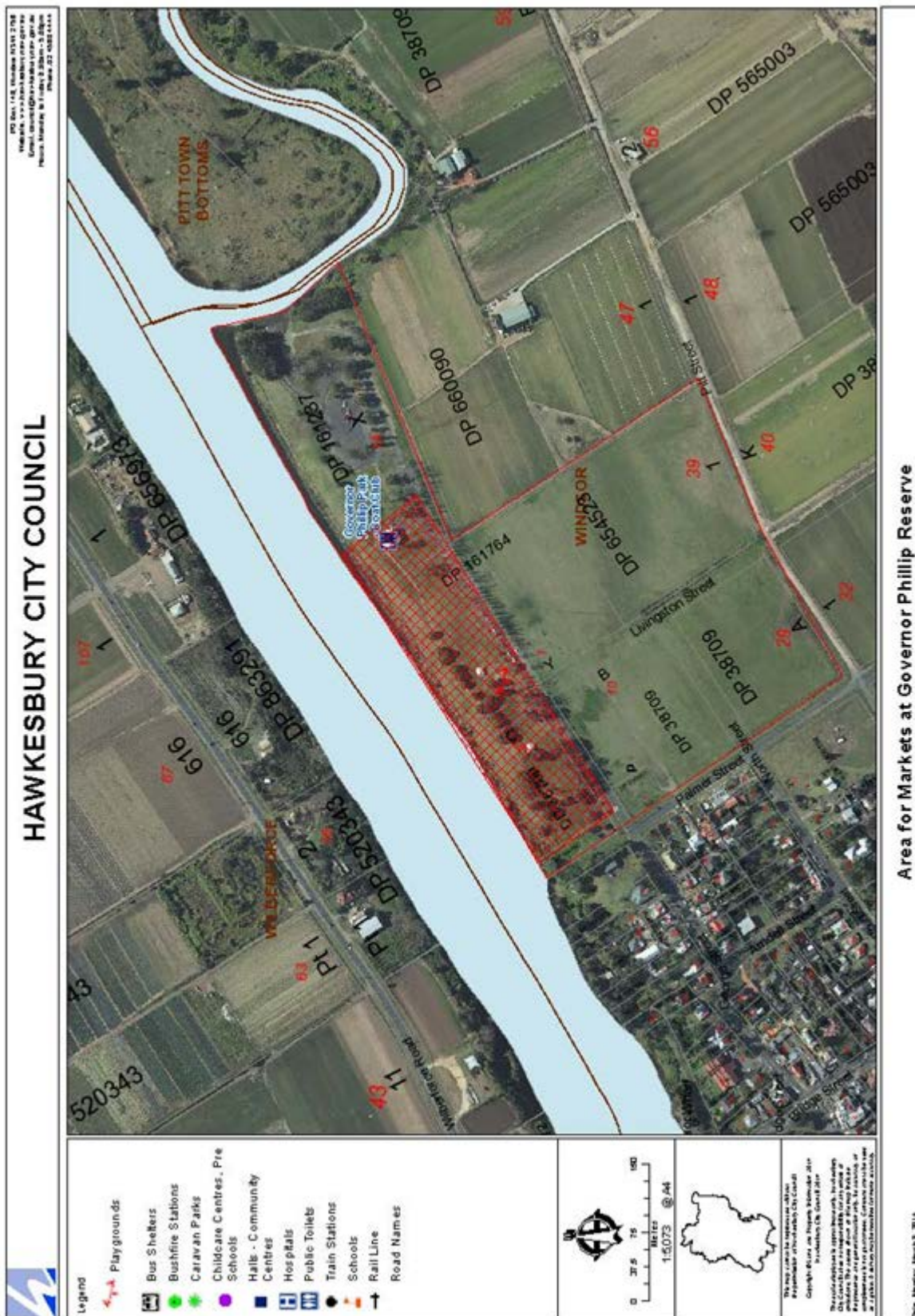
ATTACHMENTS:

AT - 1 Map showing location of proposed markets

ORDINARY MEETING

Meeting Date: 11 March 2014

AT - 1 Map showing location of proposed markets



oooO END OF REPORT Oooo

Item: 44 IS - Grant Offer - MacDonald Valley Weed Management - (95495, 79354)

REPORT:**Executive Summary**

On behalf of the NSW Government, the Deputy Premier, the Hon. Andrew Stoner MP, has offered a grant of \$8,775 for weed management at MacDonald Valley. This grant will supplement Council's existing program at this site and enable a more extensive program to be undertaken. The grant offer requires a formal acceptance by Council and this report recommends such acceptance.

Consultation

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

Background

The Deputy Premier, the Hon. Andrew Stoner MP has written to Council offering a grant of \$8,775 for control of invasive weeds at this site. This project will complement the Hawkesbury River County Council (HRCC) and Council's ongoing bush regeneration projects to increase the resources available to improve the ecological condition of MacDonald Valley.

A number of noxious and environmental weeds exist on site with the noxious weeds under management of the HRCC.

The focus of the work to be undertaken through the grant funding will be the eradication and control of invasive woody weeds and scramblers that impact on riparian vegetation.

Council currently invests around \$8,000 per annum on bush regeneration activities including weed control, track maintenance and revegetation at MacDonald Valley. The acceptance of this funding offer will provide Council with additional resources to manage this area.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions Statement;

- To be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- To look after our cultural and environmental assets for future generations so they too can enjoy and benefit from a clean river and natural ecosystems, rural and cultural landscape.

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

- Effective management of our rivers, waterways, riparian land, surface and groundwaters and natural eco-systems through local action and regional partnerships.

Financial Implications

There are no financial implications applicable to this report. The grant does not require matching funding by Council.

ORDINARY MEETING

Meeting Date: 11 March 2014

RECOMMENDATION:

That:

1. The grant offer of \$8,775 for the control of Invasive Weeds in the MacDonald Valley be accepted.
2. Council write to the Deputy Premier, the Hon. Andrew Stoner, MP, thanking him for the offer of the grant.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 11 March 2014****SUPPORT SERVICES****Item: 45 SS - Consultants Utilised by Council - 1 July 2013 to 31 December 2013 - (95496, 79337)****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.

The purpose of this report is to provide details of the various firms, or persons, the Council has utilised as consultants for the period from July to December 2013.

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. The 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 from July to December 2013, detailing the purpose of the consultancies and the amount (excluding GST) paid in this period:

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2013
AAM Pty Ltd	EPA Volume Reporting - HWMF	Waste Management	Manager Waste Management	Internal Reserve	Environment Protection Authority	\$12,900.00
Altstadt Consultants	Heritage Assessments	Development Services	Manager Development Services	General Funds/ Grant Funds	No	\$4,085.00
SW Booth & Associates	Valuation Services – Lower Portland Ferry	Risk Management	Manager Risk Management	General Funds	No	\$600.00
BMT WBW Pty Ltd	Estuary Management Plan and Study	Strategic Planning	Director City Planning	General Funds/ Grant Funds	No	\$57,560.00
Brown Smart Consulting	Certification Services -SWTW	Waste Management	Manager Waste Management	External Reserve	No	\$1,480.00

ORDINARY MEETING

Meeting Date: 11 March 2014

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2013
Clouston Associates	Hawkesbury Sports Strategy	Parks & Recreation	Manager Parks & Recreation	General Funds	No	\$28,100.00
Computer Systems (Australia) Pty Ltd	IT Consultancy Services	Information Services	Manager Information Services	General Funds	No	\$1,542.50
Consulting Earth Scientists Pty Ltd	WMF Monthly and Quarterly Environmental Monitoring and Annual Report	Waste Management	Manager Waste Management	Internal Reserve	Environment Protection Authority	\$22,885.01
Kirsten Davies and Associates Consultants	Hawkesbury Cultural Plan	Cultural Services	Manager Cultural Services	General Funds	No	\$8,000.00
Diversi Consulting	Bridge Investigation and Design – Stannix Park Road Bridge	Survey, Design & Mapping Services	Manager Design & Mapping	Loan Reserve	No	\$20,940.00
Etco	Deerubbin Centre Plant Control	Building Services	Manager Building Services	General Funds	No	\$5,255.00
Environmental Partnership (NSW) Pty Ltd	Landscape Architectural Fees – Berger Road Lake Reserve POM	Parks & Recreation	Manager Parks & Recreation	Internal Reserve	No	\$16,500.00
Floth Sustainable Building Consultants	Richmond Seniors Centre	Building Services	Manager Building Services	External Reserve	No	\$20,700.00
	Data Centre Upgrade	Building Services	Manager Building Services	General Funds	No	\$14,850.00
David G Hart Consulting Pty Ltd	Workers Compensation Actuary Services	Risk Management	Manager Risk Management	General Funds	Workcover Authority	\$6,500.00
Hibbs & Associates	Asbestos Consultancy Services – Slopes Road North Richmond	Construction & Maintenance	Manager Construction & Maintenance	Grant Funds	No	\$960.00
International Conservation Services	Conservation Treatment - Museum	Cultural Services	Manager Cultural Services	General Funds	No	\$6,000.00
JDH Electrical	Building Condition Audits	Building Services	Manager Building Services	General Funds	No	\$1,375.00
JK Geotechnics	Bridge Investigation and Design – West Portland Road Bridge	Survey, Design & Mapping Services	Manager Design & Mapping	Loan Reserve	No	\$15,690.00
Landarc	Holmes Drive Reserve POM	Parks & Recreation	Manager Parks & Recreation	General Funds	No	\$1,920.00

ORDINARY MEETING

Meeting Date: 11 March 2014

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2013
Justin Long Design	CC Documents Richmond Village – Technology & Arts Centre	Building Services	Manager Building Services	External Reserve	No	\$12,000.00
	DA Documents – Customer Service Signage	Building Services	Manager Building Services	General Funds	No	\$1,600.00
Lunney Watt & Associates Pty Ltd	Rental Indices Advice for Industrial and Commercial Property	Strategic Activities	General Manager	General Funds	No	\$2,500.00
Microsystems Pty Ltd	Archiving - Microfiche Project	Corporate Services & Governance	Manager Corporate Services & Governance	General Funds	No	\$12,274.29
OCP Architects	Heritage Advice	Development Services	Manager Development Services	General Funds/ Grant Funds	No	\$4,165.00
OHS Services Australia – Minerva Consulting Group	WHS Professional Services	Risk Management	Manager Risk Management	General Funds	No	\$23,482.66
Pickford & Ryder Consulting Pty Ltd	Asbestos & Occupational Hygiene Advice – Gavin Lane Richmond	Construction & Maintenance	Manager Construction & Maintenance	General Funds	No	\$2,322.10
The Playground Doctor	Playground Inspections and Safety Surfacing July – December 2013	Parks & Recreation	Manager Parks & Recreation	General Funds	No	\$4,270.00
Ian Reynolds & Associates	City Planning Operational Review	General Manager	General Manager	General Funds	No	\$1,800.00
SLR Consulting Australia Pty Ltd	Noise Survey – Rural Press	Environment & Regulatory Services	Manager Environment & Regulatory Services	General Funds	No	\$7,600.00
Spectra Financial Services	Investment Advisory Services July – December 2013	Financial Services	Chief Financial Officer	General Funds	Division of Local Government	\$8,000.00
Technology One Ltd	IT Consultancy Services	Information Services	Manager Information Services	General Funds	No	\$9,789.42
UmbaCo Landscape Architects Pty Ltd	Landscape Design Services – Bligh Park Community Area Revitalisation Project	Parks & Recreation	Manager Parks & Recreation	Grant Funds	No	\$5,250.00

ORDINARY MEETING**Meeting Date:** 11 March 2014

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2013
Workplace Navigation Pty Ltd	Workers Compensation Management Services May – November 2013	Risk Management	Manager Risk Management	General Funds	No	\$14,902.50
KD Wood Valuations (Aust) Pty Ltd	Valuation Services for Council Owned Properties	Corporate Services & Governance	Manager Corporate Services & Governance	General Funds	No	\$1,500.00
John Woodhouse	Training Program and Consultation – Human Resources	Human Resources	Manager Human Resources	General Funds	No	\$1,827.00
TOTAL						\$361,125.48

Conformance to Community Strategic Plan

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

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

Funding

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 2013 be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 March 2014

Item: 46 **SS - Glossodia Shopping Centre - (38869, 95496)**

Previous Item: 1, Ordinary (4 February 2014)

REPORT:

Executive Summary

At the Ordinary Meeting held on 4 February 2014, Council considered a report in relation to the Jacaranda Ponds Planning Proposal (Glossodia) and resolved, in part:

"That:

6. *A report be brought to the 11 March 2014 Ordinary Meeting on options, costs and funding sources to upgrade the Glossodia Shopping Centre Precinct"*

This report provides Council with the information requested.

Background

In the early 1980's, Council commenced the construction of a neighbourhood shopping precinct at Glossodia. The precinct, now referred to as Glossodia Shopping Centre, is situated on the western side of Golden Valley Drive, and is approximately 750m north of Spinks Road, being the main thoroughfare through Glossodia.

Glossodia Shopping Centre is of brick construction with concrete flooring and a Colorbond roof. The Centre is designed in a "U" shape configuration with an awning/covered pedestrian walkway adjoining the shopfronts. The centre of the development comprises a paved, open-air courtyard with picnic shelters for use by visitors to the Centre. A sizeable car park is available at the rear of the Centre. A detached toilet block is also located within the car park.

The tenancy mix, within Glossodia Shopping Centre, has varied greatly since it opened; however, the current tenancy mix is, as follows:

- Bottleshop;
- Take-Away Shop;
- Butcher;
- Pizza Café;
- General Store (two shops);
- Pharmacy; and
- Hairdressing Salon.

Of the eleven shops within the Centre, there are currently three vacancies which Council Officers continue to actively market by way of newspaper advertisements, online listings, cold-calling, direct mail-outs and letterbox drops. Strong interest is often shown, by prospective tenants, in the vacant premises. However, despite incentives such as rent-free periods, reduced annual rentals, assistance with shop fit-outs and subsidised legal fees, most prospective tenants opt not to proceed to the stage of formalising a lease.

General feedback from prospective tenants is that the Centre is appealing and the suburb attractive, however, the current population of Glossodia is not great enough for most proposed businesses to generate a profitable turnover. It is anticipated that feedback will differ if and when Glossodia experiences population growth.

ORDINARY MEETING

Meeting Date: 11 March 2014

It should be noted that some service providers (i.e. Australia Post and NSW Lotteries), financial institutions and healthcare practitioners will not consider a tenancy within the Glossodia Shopping Centre, whilst the population within Glossodia is so low, but have verbally indicated that further consideration would be given if and when Glossodia experiences population growth.

The existing tenants of Glossodia Shopping Centre have advised Council that business is often slow, and the financial viability of the same is a struggle. In this regard, Council Officers regularly liaise with the tenants, and implement various arrangements to assist. Such arrangements include, but are not limited to, rent-free periods, reduced annual rentals, assistance with shop improvements (i.e. provision of appropriate floor coverings, installation of additional basins and upgrade of kitchenettes), subsidised legal fees, subsidised outgoings and the waiving of rental increases when due.

Inspections are formally undertaken on an annual basis; however, Council's Property Officers, and other staff, attend the Centre on a more regular basis. On 10 February 2014, an inspection of Glossodia Shopping Centre was undertaken by Council's Director Infrastructure Services, Director Support Services and Manager Corporate Services and Governance, with a view to ascertaining what work would be necessary to upgrade the existing Centre to assist the current tenants and secure additional tenancies.

At the time of the inspection, Glossodia Shopping Centre was found to be clean and well maintained and is considered to be in an above average condition for a precinct of this age and style. The garden beds, whilst basic, were neat and the grounds were free of debris. There was no sign of dilapidation affecting the Centre, or the detached toilet block located within the car park. All windows, guttering, downpipes and roofing were intact and all buildings were free from evidence of vandalism.

However, some minor maintenance issues were identified and will be undertaken in the near future, as follows:

- Mulching of garden beds;
- Pruning of vegetation;
- Renewal of signage;
- Repairs to picnic shelters;
- Upgrade/replacement of planter pots; and
- Repair/replace concrete wheel stops (in car park).

The above maintenance works will be funded from the current 2013/2014 Adopted Operational Plan and will be carried out in the coming months.

In the medium term, the following upgrades could be considered by Council:

- Tenant specific signage affixed to the shop fascia;
- The installation of a small play area in the courtyard of the Centre (in conjunction with a café or similar type tenancy) with increased outdoor seating.

The approximate costs associated with these upgrades are \$22,000 for the production and installation of signage and \$60,000 for the play area. There is no funding currently available for these upgrades and, therefore, funding would need to be considered in future budgets.

In the long term, the following upgrades could be considered by Council:

- Enhancing the streetscape by undertaking landscaping (including retaining walls), front fence removal or replacement, improved signage and additional lighting and
- Renewing the façade of the entire Shopping Centre to create a more contemporary look.

The approximate costs associated with the streetscape enhancement and the façade renewal upgrades would be in the vicinity of \$300,000 to \$400,000. There is no funding source currently available for these upgrades and therefore, funding would need to be considered in future budgets.

ORDINARY MEETING

Meeting Date: 11 March 2014

At present, based on the current population of Glossodia, visitation rates to the Centre, and the difficulty which has been experienced for the past 15 years of leasing the Shopping Centre, in its entirety, an expansion or major upgrade is not considered warranted.

Currently, it is considered more beneficial to the existing tenants and the community of Glossodia, if additional resources are expended on improving the existing assets.

In summary, the Glossodia Shopping Centre is considered to be in an above average condition, and based on the current population of Glossodia, current visitation rates to the Centre, and the difficulty of leasing all of the shops within the Centre, an expansion or major upgrade, is not considered warranted. During 2013/2014 various minor maintenance works will be undertaken, and various upgrades could be undertaken in the medium and long terms, should funding be allocated. Council will continue to liaise and negotiate with both existing and prospective tenants to secure long term tenancies.

Conformance to Community Strategic Plan

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

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

Financial Implications

The costs associated with the minor maintenance matters outlined in the report will be undertaken in the near future, and will be funded from the current 2013/2014 Adopted Operational Plan. The funding of the upgrades outlined in the report will need to be considered in future budgets.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 11 March 2014

Item: 47 **SS - Local Government NSW - Request for Contribution to Legal Costs - Canterbury City Council - (112608, 90674, 95496)**

REPORT:

Executive Summary

Correspondence was received from Local Government NSW (LGNSW) dated 10 February 2014 requesting financial assistance towards estimated legal costs, to be incurred by Canterbury City Council, in a matter before the Supreme Court.

This report recommends that Council contribute the amount of \$532.50 towards the estimated legal costs that will be incurred by Canterbury City Council in regard to this matter.

Consultation

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

Background

A letter dated 10 February 2014 has been received from LGNSW requesting financial assistance towards estimated legal costs to be incurred by Canterbury City Council, in a matter before the Supreme Court. The letter states, in part, as follows:

"The former Associations' Joint Committee considered a report and resolved to approve an application for legal assistance by Canterbury City Council (the Council).

The matter concerns a land locked piece of land that was purchased by a private owner with no legal access to a public road. The land was previously owned by the RTA, who informed Council of their intention to sell the land to the adjoining owners. In 2006 the land was subject to an LEP that rezoned the land as residential and included a provision requiring the land to have suitable road access before any approval could be given.

The RTA proceeded to sell the property on the open market without consulting Council. The new owner contacted Council and sought an easement to the public road over land zoned as Open Space and classified as Community land. Council informed the owner that it did not have the power to do this. The owner then made an application to the Supreme Court of NSW to impose an easement over the Council land, which was granted.

Council has argued that, if allowed to stand, the decision will lower the bar for people seeking easements over community land and that the decision could have major adverse implication for other councils in terms of undermining their attempts to protect public recreation land from alienation for private purposes.

The former Associations' Joint Committee approved the application for legal assistance as it complied with the provisions of the Legal Assistance Policy."

It is noted that the former Associations' Joint Committee has approved the application to assist Canterbury City Council as it complied with the provisions of the Legal Assistance Policy, and have apportioned the amount of \$532.50 to Hawkesbury City Council. The matter is of importance to all councils in that public recreation land should be protected from alienation for private purposes.

It is a longstanding convention for Council to assist other councils with contributions to legal costs, where LGNSW approved an application for such assistance. In this way, councils support other councils, and the awareness of legal precedent is available for the benefit of all councils.

ORDINARY MEETING

Meeting Date: 11 March 2014

Conformance to Community Strategic Plan

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

- The Council have transparent, accountable and respected leadership and an engaged community.

Financial Implications

Funding is available in Service Account 142 - Legal Services in the 2013/2014 Adopted Operational Plan for a contribution of \$532.50.

RECOMMENDATION:

That Council contribute the amount of \$532.50, as outlined in the correspondence dated 10 February 2014 from Local Government NSW, towards estimated legal costs to be incurred by Canterbury City Council, in a matter before the Supreme Court regarding an easement over land classified as Community land.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC Heritage Advisory Committee - 6 February 2014 - (80242)

The meeting commenced at 5:45pm in Council Chambers.

Present:	Professor Ian Jack, Chairperson Ms Janice Hart, Community Member Mr John Miller, Community Member Ms Judith Newland, Community Member Mr Glenn Falson, Community Members Ms Carol Roberts, Community Member
Apologies:	Mr Jonathan Auld, Deputy Chairperson Ms Michelle Nichols, Community Member Councillor Patrick Conolly, Hawkesbury City Council
In Attendance:	Mr Matthew Owens, Hawkesbury City Council Mrs Shari Hussein, Hawkesbury City Council Mr Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

In the temporary absence of the Chair, Mr Glenn Falson was nominated as provisional Chair and commenced to preside over the meeting.

RESOLVED on the motion of Mr John Miller and seconded by Ms Carol Roberts that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr John Miller and seconded by Ms Judith Newland that the Minutes of the Heritage Advisory Committee held on the 22 August 2013, be confirmed.

ORDINARY MEETING
Reports of Committees

Attendance Register of Heritage Advisory Committee

Member	22.08.13	06.02.14		
Councillor Patrick Conolly	✓	A		
Mr Glenn Fallon	✓	✓		
Ms Janice Hart	A	✓		
Mr John Miller	✓	✓		
Professor Ian Jack	✓	✓		
Ms Carol Roberts	✓	✓		
Mr Jonathan Auld	✓	A		
Ms Michelle Nichols	✓	A		
Ms Judith Newland	✓	✓		

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 3 - Reports for Determination

ITEM: 1 Heritage Promotion and Events for 2014/15

DISCUSSION:

- Mrs Hussein referred to discussion at the last meeting relating to Council's participation in the National Trust Heritage Festival and reported due to the deadline for registration of events being 3 March 2014, it would not be possible to achieve the necessary arrangements in that short timeframe and recommended preparation work be undertaken for the following year's Festival in 2015.

Professor Jack - Chair, arrived at 5:52pm.

ORDINARY MEETING
Reports of Committees

- Mrs Hussein referred to the correspondence from RMS on page 16 of the agenda relating to historical milemarkers and boundary stones, and reported she had organised for an advisor to provide a quote for the purposes of checking on the condition of those milestones.
- The Chair asked if those milestones affected Council property and Mrs Hussein responded she would investigate to ascertain if any milestones were located on Council's land.
- Mr Miller advised he and Ms Roberts have volunteered to conduct guided walking tours of Windsor cemeteries during the National Trust Heritage Festival after having been approached by St Matthews Anglican Church. Mr Miller asked if Council's assistance be sought in making the community aware of the event by way of including an (in kind) publication in the local newspaper (Courier).

Mrs Hussein responded she would discuss with Manager Cultural Services.

6:06pm - Mr Glenn Falson handed the meeting over to the Chair.

RECOMMENDATION TO COMMITTEE:

That

1. The information in the report be noted.
2. The application for a financial assistance grant of \$10,000 from the NSW Office of Environment and Heritage and a matching potential allocation of \$10,000 of Council's Heritage Reserve for works to Slab Outbuilding Scheme be noted.
3. If the grant funding bid is successful, a report be provided to the Heritage Advisory Committee to commence the Heritage Incentive Fund in July.
4. A sub-committee of the Heritage Advisory Committee members prepare a draft list of actions in preparation for the National Trust Heritage Festival 2015.
5. A sub-committee of the Heritage Advisory Committee members prepare a bibliography for library heritage resources.
6. That a report be prepared for the Heritage Advisory Committee regarding the condition of the milestones in the Hawkesbury Area identified by the Roads and Maritime Services.

MOTION:

RESOLVED on the motion of Mr John Miller, seconded by Ms Carol Roberts

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That

1. The information in the report be noted.
2. The application for a financial assistance grant of \$10,000 from the NSW Office of Environment and Heritage and a matching potential allocation of \$10,000 of Council's Heritage Reserve for works to Slab Outbuilding Scheme be noted.

ORDINARY MEETING
Reports of Committees

3. If the grant funding bid is successful, a report be provided to the Heritage Advisory Committee to commence the Heritage Incentive Fund in July.
4. A sub-committee of the Heritage Advisory Committee members prepare a draft list of actions in preparation for the National Trust Heritage Festival 2015.
5. A sub-committee of the Heritage Advisory Committee members prepare a bibliography for library heritage resources.
6. That a report be prepared for the Heritage Advisory Committee regarding the condition of the milestones in the Hawkesbury Area identified by the Roads and Maritime Services.
7. Council's assistance be sought by publishing an in-kind notice in the local newspaper (Courier) promoting the National Trust Heritage Festival 2014 event.

ITEM: 2 Hawkesbury Heritage Descriptive Plaques

DISCUSSION:

- Mr Owens referred to the Notice of Motion to Council on 10 December 2013 seeking investigation into erecting descriptive plaques on heritage sites and sought input from the Committee.
- Mr Miller submitted to the Chair draft wording for the proposed plaque at Dight Street, for the Committee's consideration.
- Mrs Hussein tabled a list of 298 locally listed (formally recognised in LEP) heritage sights in Windsor and Richmond and suggested the Committee review the list.
- In relation to the list tabled by Mrs Hussein, Ms Roberts suggested a sub-committee be formed in order to prioritise buildings to be put forward for consideration for 'plaquing'. Ms Roberts added it was also important to recognise the value of heritage sites where a building had been demolished.
- Mr Owens advised at the Council meeting discussion arose regarding the use of Apps in lieu of plaques to reduce visual clutter, adding unfortunately bronze plaques were popular for thieves.
- Ms Newland suggested once the sites had been identified, that allocation of funds be provided for the works on an ongoing basis for budgetary purposes.
- Mrs Hussein asked for the Committee's assistance in utilising its knowledge of the 298 items in Windsor and Richmond and in bringing connectivity between the items and existing four heritage walks to identify the sites which already have plaques. Mrs Hussein also suggested a theme be applied to the list (eg Georgian or Greenway buildings).
- Mr Miller reported he had discussions with Ms Whiteley last year in relation to the formulation of a walking tour to be held during the RAAF Centenary activities in remembrance of Cox and Evans and asked if Ms Whiteley be invited to the sub-committee meetings as Chairperson.
- The Chair suggested contact be made with the City of Sydney as they were in the process of reviewing their plaques (over 100).
- Ms Roberts, Ms Hart, Professor Jack and Mr Miller accepted nominations to the sub-committee and it was determined Mrs Hussein would be advised when a meeting had been scheduled.

ORDINARY MEETING
Reports of Committees

- Ms Roberts asked where heritage related items were reported to Council meetings in future, if it was possible for the Committee to be informed of the meeting date.

Mr Owens responded the Committee would be advised should a relevant item be reported in future to Council.

RECOMMENDATION TO COMMITTEE:

That

1. The information in the report be noted.
2. A sub-committee be formed to compile an initial list of heritage sites and items for Windsor and Richmond town centres.
3. A report be prepared for the Heritage Advisory Committee responding to the matters raised in this report.

MOTION:

RESOLVED on the motion of Mr Glenn Falson, seconded by Mr John Miller

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information in the report be noted.
2. A sub-committee be formed to compile an initial list of heritage sites and items for Windsor and Richmond town centres.
3. A report be prepared for the Heritage Advisory Committee responding to the matters raised in this report.

SECTION 5 - General Business

Mr Owens distributed documentation tabled by Ms Roberts for discussion at the end of General Business.

Correspondence received from National Trust dated 1 February 2014 regarding Jolly Frog Hotel

- The Chair made reference to correspondence from the National Trust concerning the Jolly Frog Hotel and enquired as to the status of the matter from Council's perspective.

Mr Owens responded Council officers had issued an Order to the insurance company to clean up as the building contains asbestos. Mr Owens advised an industrial hygienist would be required to ascertain the state of the asbestos and to have it secured/bonded. It was reported whilst Council was in the process of encouraging action from the owner, the building was not Council owned and therefore Council had no right nor power to enter the building.

ORDINARY MEETING
Reports of Committees

- Reference was made to Council's previous involvement with the reconstruction of "Lynwood" (a fire damaged heritage building at Pitt Town), and Mr Owens advised that property was the subject of a Development Application and therefore Council was in a position to act in an advisory capacity throughout the DA process. Mr Owens added the Minister's office and Heritage Council were being kept informed of Council's predicament and Council will continue to pursue the owner.

MOTION:

RESOLVED on the motion of Mr John Miller, seconded by Ms Janice Hart

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the correspondence received from the National Trust regarding the recent fire damage to the heritage listed Jolly Frog hotel building be received and noted.

- Ms Roberts referred to tabled correspondence concerning a building at 92-98 George Street, Windsor and raised concern she was unable to locate the item on the Heritage Council's website. Ms Roberts advised the building (previously occupied by Cooks Plumbing) had been vacant for some weeks and it was believed the property may form part of the Thompson Square precinct.

The Chair responded he was not certain that property lay within the Thompson Square curtilage and asked if officers could check for a heritage listing and report back to the Committee.

Mrs Hussein added she would check if the property formed part of the Thompson Square Conservation Area and would report back to the Committee.

- Mr Falson reported St Gregory's Catholic Church at Kurrajong appeared to have dropped off the Heritage list in the process of developing the current LEP. Mr Falson added he had reported this anomaly to Mr Pleffer who advised he would look into the matter.

Future meeting dates:

- 22 May 2014
- 28 August 2014

The meeting closed at 7pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Human Services Advisory Committee - 20 February 2014 - (123486)

The meeting commenced at 9:35am in Council Chambers

Present:	Councillor Barry Calvert, Chairperson Councillor Mary Lyons-Buckett, Deputy Chairperson Ms Denise Handcock, Community Representative Mr Nick Sabel, Wentworth Community Housing Ms Vickie Shackley, Community Representative
Apologies:	Councillor Warwick Mackay, Hawkesbury City Council Mr Douglas Carbery, Community Representative
In Attendance:	Mr Matthew Owens, Hawkesbury City Council Mr Joseph Litwin, Hawkesbury City Council Mr Michael Laing, Hawkesbury City Council Ms Megan Ang, Hawkesbury City Council Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council
Non Attendance:	Mr Glenn Powers, Community Representative

REPORT:

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Ms Denise Handcock that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Ms Vickie Shackley that the Minutes of the Human Services Advisory Committee held on the 31 October 2013, be confirmed.

ORDINARY MEETING
Reports of Committees

Attendance Register of Human Services Advisory Committee

Member	31/10/13	20/02/14			
Councillor Barry Calvert - Chair	✓	✓			
Ms Vickie Shackley - Deputy Chair	✓	✓			
Councillor Mary Lyons Buckett	✓	✓			
Councillor Warwick Mackay	A	A			
Ms Denise Handcock	A	✓			
Mr Matt Randell - (Resigned 6.01.14)	A	n/a	n/a	n/a	n/a
Mr Douglas Carbery	A	A			
Mr Nick Sabel	A	✓			
Mr Glenn Powers	✓	X			

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 3 - Reports for Determination

ITEM 1: Draft Hawkesbury Homelessness Action Plan

Previous Item: 147, 148 Ordinary (30 July 2013) - Hawkesbury Homelessness Workshop

DISCUSSION:

- Mr Laing advised Council had met with Hawkesbury Homelessness Forum in November and January to develop a draft Homelessness Action Plan (HAP).

- The Chair referred to page 8 of the HAP at 2.4 (*Advocate for caravan parks to keep rent affordable*) and enquired what strategy/action Council would initiate.

Mr Laing responded Council had a regulatory role in caravan parks - other key agencies would explore actions and strategies to advocate for caravan parks to keep rent affordable.

- The Chair enquired as to what steps Council and this Committee should take to progress and work out measures in the HAP.

Mr Litwin responded the most appropriate way to proceed would be on a partnership basis to establish an implementation task force to look at strategies and actions, in addition to reviewing Council's Homelessness Policy.

9:48am - Mr Nick Sabel arrived.

RECOMMENDATION TO COMMITTEE:

That the:

1. Information be received.
2. Human Services Advisory Committee endorse the draft Hawkesbury Homelessness Action Plan and recommends that it is forwarded to Council for adoption and public exhibition.

MOTION:

RESOLVED on the motion of Ms Vickie Shackley, seconded by Councillor Lyons- Buckett

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Information be received.
2. Human Services Advisory Committee endorse the draft Hawkesbury Homelessness Action Plan and recommends that it is forwarded to Council for adoption and public exhibition.

SECTION 4 - Reports for Information

ITEM 2: Affordable Housing - 2014 Update

DISCUSSION:

- The Chair asked Mr Sabel if he could provide an estimate of the reduction in public housing over the last few years.

Mr Sabel responded there had been a significant reduction, however he could not provide a figure and advised he would send through the information for minute purposes. Mr Sabel added a Legislative enquiry into Social, Public and Affordable Housing was being undertaken where submissions were invited (closing date 28 February 2014), with a final report due on 9 September 2014. Mr Sabel suggested it would be a good opportunity for Council to make a comment. Mr Sabel advised the submission from his organisation would relate to the investment in more community housing, adding he would send through details for the Committee's consideration.

- The Chair referred to the proposed Affordable Housing Policy to be developed and asked if he could be provided with a timeframe for its completion.

Mr Laing responded he estimated the draft Policy should be completed within 12 months and confirmed the document would be reported to the Committee in the first instance, prior to reporting to Council.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Mr Nick Sabel

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

ITEM 3: Voluntary Planning Agreements - North Richmond and Glossodia

DISCUSSION:

- The Chair referred to the Jacaranda Ponds proposal and asked if the proposed park near the dam (as you enter the development) was going ahead as he noted it did not form part of negotiations as the park was deemed to be of a physical nature and not infrastructure. The Chair raised concern as he believed the park should be classified as both physical and infrastructure and believed it to be important to the social infrastructure.
- Mr Owens responded the proposed park was one of the areas of open space to be dedicated to Council through a mechanism in the VPA. Mr Owens advised the land itself was a requirement and embellishment of that land was included in the VPA.

ORDINARY MEETING
Reports of Committees

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Nick Sabel, seconded by Ms Vickie Shackley

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

- The Chair recommended Mr Sabel be part of the review process once the policies come back to the Committee.

Mr Sabel responded he appreciated the work Council was doing.

- Next meeting - 8 May 2014.

The meeting closed at 10:32am.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

REPORT:

Questions - 25 February 2014

#	Councillor	Question	Response
1	Porter	Requested advice on the line marking works carried out on King Road, Wilberforce and whether works were carried out under Council direction or from an external body.	The Director Infrastructure Services advised that line marking was undertaken by a Council Contractor following reconstruction works. The new alignment provides a wider travelling lane.
2	Calvert	Referred to a previous request for signage at the corner of Bosworth Street and Bells Line of Road, indicating the direction required to travel to Blacktown, and asked for advice as to the status of the matter.	The Director Infrastructure Services advised that further representations have been made in relation to both directional signage and road classification.
3	Calvert	Referred to a previous request to locate a 'Road Flooding' sign near Windsor Downs, to prevent traffic from entering a flood affected area, and asked for advice as to the status of the matter.	The Director Infrastructure Services advised that further representations have been made to Penrith and Blacktown Councils as well as Roads and Maritime Services.
4	Paine	Requested an update and additional information on the application to use Richmond Park, for operating a food market.	The Director Infrastructure Services advised that following consideration of a report in August 2013, Council resolved to grant approval for a weekly farmers market in Richmond Park, but it has not yet commenced operation.
5	Paine	Enquired if the water feature at the Old Windsor Hospital site is still functioning and if it is being maintained.	The Director Infrastructure Services advised that the water feature is operating and is maintained. The misting feature operates on a 15 minute cycle.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
6	Paine	Enquired if the Old Windsor Hospital Building has been leased.	The Director Support Services advised that Council previously resolved to enter into a lease with Hawkesbury Living (Cancer Trust) with respect to the Old Hospital Building. As previously advised, in mid-2013, Hawkesbury Living (Cancer Trust) provided advice that they no longer intended to proceed with the lease. Council Officers have continued to actively market the property. Council Officers are currently involved in on-going discussions with a possible tenant.
7	Paine	Enquired if it is possible for Council to reduce the flow of traffic through the Windsor Mall area during the evening.	The Director Infrastructure Services advised that the matter would be investigated and advice provided to councillors.
8	Paine	Enquired if it is possible for Council to write to Hawkesbury Netball Association offering congratulations for being successful in being selected to hold the 2015 Division Four - State Age Championships and offer minor assistance in holding the event.	The Director Infrastructure Services advised that correspondence has been forwarded to Hawkesbury Netball Association.
9	Williams	Requested that Packer Road, Ebenezer receive repair and an increase in routine maintenance.	The Director Infrastructure Services advised that Packer Road receives programmed grading and maintenance, however investigations will be carried out into an enhanced program and its cost.
10	Lyons-Buckett	Requested that the Councillor Newsletter be distributed the day after the meeting.	The General Manager advised that the day of distribution of the Newsletter would be altered as requested.
11	Creed	Sought advice on the repair of the sandstone pillars at McQuade Park, Windsor.	The Director Infrastructure Services advised that the pillar, previously damaged by a truck, had been restored.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 48 **IS - Property Acquisition Lots 1223, 1275, 1273 Upper MacDonald Road
(Associated with Jurds Bridge Replacement) - (95495, 36386, 29316, 34783,
27338)**

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 49 **IS - Sullage Collection Database Report - (95495, 112179)**

Previous Item: NM1, Ordinary (9 July 2013)

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to Sullage Collection Database Reporting and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 50

SS - Property Matter - Lease to Ms Kirsty Robertson - Shop 1A McGraths Hill Shopping Centre - (95496, 112106, 111190, 76666, 9587)

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 51 **SS - Property Matter - Lease to Sai Chong Lao and Yen Sreg Tran - Shop 10 Wilberforce Shopping Centre - (73565, 76755, 34779, 74405, 95496)**

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 52 **SS - Property Matter - Lease to The Minister for Emergency Services (NSW Fire Brigades) - 43 March Street Richmond - (95496, 112106, 82354)**

Reason for Confidentiality

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

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

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



ordinary
meeting

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