



general
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committee

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section

environment

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

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Meeting Date: 27 November, 2003

Item: 75

ITEM: 75 **Section 96 Application to Modify Development Consent DA134/95 - Lot 2, DP628806, No. 6102 Singleton Road, Colo Heights (Tinda Creek)**

FILE NUMBER: DA134/95/EVD/ENK27NAX.V01

Applicant: Birdon Contracting Pty Ltd
Applicants Rep: Mr T Bruce
Owner: Birdon Contracting Pty Ltd and Poyneed Pty Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 90 Hectares
Zone: Rural 1(a)
Advertising: 7 August - 22 August 2003
Date Received: 21 December 1998 - Development Consent

Key Issues: Lapsing of Consent
 Compliance with Stage 1 conditions

Action: Approval of the Section 96 application and operation of the Deferred Commencement for Stages 2-6.

REPORT:

Introduction

Council has received an application under Section 96 of the Environmental Planning and Assessment Act to modify Development Consent DA134/95.

The modification involves amending Condition 3 to extend the time frame by 2 (two) years to complete and rehabilitate Stage 1 of the sand mining operation.

Background

In 1986 Council approved development for the purpose of creating a dam on the site. The extraction of sand from the site also took place. The lease operator sought to formalise the sand mining activity and lodged a Development Application (DA134/95), which is the current approval. The application proposed the following:

- Sand extraction from 50,000 tonnes up to 100,000 tonnes annually.
- Life span 25 years.
- Truck movements of 8 (eight) up to 16 (sixteen) daily.
- Final landform being rural grazing and large lake.
- Extraction relates to rear portion of the site only.

Council considered this application at the General Purpose Committee Meeting on 26 November 1996 and resolved at the Ordinary Meeting on 10 December 1996 to issue a staged development

consent for Stage 1, with the remaining stages being a deferred commencement approval subject to completion of the conditions to be completed at Stage 1.

The decision to issue a staged and deferred commencement approval was in recognition of concerns raised by the residents and government agencies as to the potential for the development to pollute.

Any stage after Stage 1 would only be permitted where the operator can illustrate that revegetation/rehabilitation is taking place, in accordance with the approved plan and with an acceptable time frame. A third party appeal was lodged by N. Diamond for Tinda Creek Spiritual and Environment Centre in the Land and Environment Court against Council's decision on the application and the wording of particular conditions of consent. A mediation conference was held with all parties and, as a result of the conference, the Appellant discontinued the proceedings and the Appeal was withdrawn.

The Proposal

The application proposes to amend Condition 3 of Development Consent DA134/95 to extend the time frame to complete and rehabilitate Stage 1 of the sand mining activity. Condition 3 states:

"The development approval being limited to a period of 2 (two) years. Subsequent stages will require a formal submission under Section B of this consent to Council and supported by evidence that the operation has complied with the conditions of Stage 1 consent".

The applicant has indicated that *"Due to market conditions only 50% of the estimated material has been mined from Stage 1, we seek an extension of 2 (two) years to complete and rehabilitate this stage"*.

Photos taken of the site at a recent site inspection, together with full size plans of the site, are displayed in the Council Chambers.

Statutory Provisions

The site is zoned Rural 1(a) under Hawkesbury Local Environmental Plan 1989, Rural 1(a), extractive industry are permissible with Council consent.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment 108

The site is proposed to be zoned Environmental Protection (Mixed Agriculture).

Community Consultation

The application was publicly exhibited and advertised from 7 August - 22 August 2003, in accordance with the provisions of the Environmental Planning and Assessment Act (EPAA) and associated Regulations. The EPAA and Regulations required:

- i) a Notice to be placed in a local newspaper circulating in the area;
- ii) Site sign being erected on the site;

- iii) Letter to adjoining and surrounding property owners and occupants, as well as those persons who previously made submissions on the initial application.

During the exhibition period:

- 4 (four) respondents provided submissions in respect to the application.
- 4 (four) submissions from public authorities.

The 4 (four) submissions from the respondents raised the following issues:

- Concern with Council's management of the matter and time to process the application.
- Need for an EPA Licence.
- Need for a Water Licence from Department of Infrastructure Planning and Natural Resources.
- Validity of consent.
- Section 94 payments.
- Seeking approval for a different operation.
- 4.00am start proposed will have an impact.
- Material displayed lacks detail and is inaccurate.
- Stage 1 (one) now complete.
- Activity on banks of watercourse.
- Non-compliance with conditions of consent.
- Extension of work into other stages.
- No annual reports submitted.
- Modification will take operation beyond 25 (twenty five) year period.
- Mining to 20 (twenty) metres is inconsistent with the restriction on the Title.

These matters will be discussed in the report.

Planning Assessment

Lapsing of Consent

The Development Consent DA134/95 for the sand mining had an endorsed date of 23 December 1996. The Consent was issued under Section 91AB (staged approval) to Stage 1 of the activity, as identified in the Environmental Impact Assessment (EIS). The Consent contained 33 (thirty three) conditions which involved Conditions 1-20 relating to general conditions for the activity and Conditions 21-33 relating to Stage 1. Part B of the Consent was a Deferred Commencement issued under Section 91AA to Stages 2-6, subject to:

1. Compliance with the general conditions for extractive industries provided as part of the approval.
2. Completion of the conditions for Stage 1.
3. Sand extraction not exceeding 100,000 tonnes per year.
4. Sand mining operation to cease upon extraction of 2,000,000 tonnes or a period of 25 years expires.

Council wrote to Abbott Tout seeking advice on several aspects of the Development Consent:

- Legal correctness of consent being a “Staged Approval” and “Deferred Commencement”;
- Whether Condition 3 of Stage 1 had lapsed.
- Whether a need for a further Development Application under Part B of the Consent for the additional stages.

The opinion received indicated that, apart from Stage 1, all other stages were granted Deferred Commencement approval subject to the 4 (four) conditions/requirements set out in Section B being satisfied. The legal opinion advised that as Stage 1 has lapsed, all other matters that hang off the Consent had also lapsed.

The applicant, in response to this issue, provided their own legal advice. The advice indicated that:

- the consent was issued under Sections 91AA and 91AB (Staged and Deferred Commencement).
- the DA documentation submitted indicates activity to be undertaken in 6 (six) stages.
- Consent issued for Stage 1 and Deferred Commencement for Stages 2-6, no need for a further development application.
- The Consent did not operate until 28 (twenty eight) days from the endorsed consent date being the 19 January 1997 and the request for the extension was received on 21 December 1998 when the Consent was still operational.

As a result of the applicant’s legal advice, a further request for advice from Abbott Tout was made. This advice indicated that the:

- Letter from applicant received on 21 December 1998 was an application under Section 96 for modifying the Consent,
- It is still open to Council to approve the modification notwithstanding the lapse of time subject to normal process and assessment under Section 79C of the EPA Act.

Based on the most recent legal opinion from Council’s solicitors; the matter is still open for Council to approve the application notwithstanding the lapse of time.

Assessment of Consent Conditions

The following provides comments on each consent condition in respect to their compliance:

Condition 1

“The development shall be carried out in accordance with Plan No. PS91/E130 dated April 1996 and documentation of Environmental Impact Statement dated 1 November 1995 as amended”.

Applicant Submission

Development is being carried out in accordance with Plan No. PS91/E130 and EIS dated 1/11/95 as amended.

Comment:

The plans PS91/E130 contains 3 (three) sheets:

- Sheet 1 - which shows the site entrance at Singleton Road.
- Sheet 2 - Rehabilitation Plan for the stages of the development. The recent inspection has revealed that Stage 1 has been completed and that the applicant has commenced Stage 3. Stage 2, given its location, will be the last stage to be implemented.
- Sheet 3 - Erosion and Sedimentation Plan. The majority of the works have been undertaken, with some minor works being finalised by the operator.

Condition 2

“The area to be used being limited to the area shown on the submitted plans”.

Applicant’s Submission

Area being used is as shown on plans.

Comment:

The various site inspections by Council officers have confirmed the mining activity is located within the area shown on the submitted plans with the EIS.

Condition 3

“The development approval being limited to a period of 2 (two) years. Subsequent stages will require formal submission under Section B of this Consent to Council and supported by evidence that the operation complies with condition of Stage 1 Consent”.

Comment:

This is the subject of the current application. The applicant has provided a formal submission required under this condition.

Condition 4

“Erosion and sedimentation control devices shall be installed and maintained during construction and ongoing operations. Details shall be submitted and approved by Department of Land and Water Conservation prior to any works commencing.

Applicant Submission

Erosion and Sedimentation control devices were installed and are maintained. Department of Land and Water Conservation approved system designed and Council has approved devices installed.

Comment:

The applicant provided a plan PS91/E130 Sheet 3 which outlined the proposed erosion and sedimentation works and devices. This plan was referred to the Department of Land and Water Conservation for comment. The Department provided some specific comments in respect to the sediment basin, diversion channel and revegetation. The comments related to providing advice on the use of grass/cover crops and straw mulching. The erosion and sedimentation control devices have always been installed and maintained when Council officers inspected the site. The devices have ensured that any erosion and sedimentation is controlled and any impact is kept to within the

site. There is no evidence on file of the final plan being submitted and approved by Land and Water Conservation. Based on the final comments provided by Land and Water Conservation, it would appear that they were generally satisfied with the proposed works/devices subject to some minor details being finalised.

Condition 5

“All necessary works being carried out to ensure that stormwater flow from adjoining properties is not impeded”.

Applicant Submission

Works carried out have ensured that stormwater flow from adjoining properties have been catered for.

Comment:

Site inspection by Council officers have confirmed that this condition is being satisfied.

Condition 6

“All trucks arriving and leaving the site shall have their loads/trays suitably covered to prevent spillage from the truck onto the road”.

Applicant Submission

No spillage has occurred from trucks leaving the site.

Comment:

At the time of the recent inspection no trucks visited the site. The condition is an ongoing management measure.

Condition 7

“Council reserves the right to impose a condition to have a mechanism installed whereby wheels of trucks leaving the site are washed to minimise dust and debris being deposited on roads, however, it shall monitor the operation for 3 (three) months without such a facility to ascertain whether such is required”.

Applicant Submission

No problem has arisen that would require the installation of a wheel wash.

Comment:

This requirement has not been required by Council since the operation has commenced. (Note: this condition is unlawful).

Condition 8

“Payment of Section 94 Contribution under the provisions of the Environmental Planning and Assessment Act 1979 towards the repair, reconstruction and maintenance of the roads based on 46.78 cents per tonne of material to leave the site. This contribution will be used for roadworks external to the site and towards the RTA’s road maintenance program.

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The contribution will be based on monthly tonnage to leave the site, with the applicant to submit to Council records of material removed. The said contribution will be paid on a monthly basis at the rate nominated and will be reassessed annually based on the Sydney Consumers' Price Index.

Applicant's Submission

Section 94 Contribution is made on a monthly basis compiled from sand sale invoices.

Comment:

The respondents have raised concern about the payment of the S94 Contributions based on the receipts and invoices that were kept on Council's file. A complete search of Council's accounting records has revealed that S94 Contributions have been paid on a regular basis since June 1997. The current total payments up to October 2003 is \$160,608.94, which equates to 341,721 tonnes over this period of time. A breakdown of tonnes per financial year, with a total amount, is shown below:

Year	Tonnes	Contribution
1997	2,494.74	\$1,172.53
1998	30,275.89	\$14,229.67
1999	60,147.79	\$28,269.46
2000	66,489.42	\$31,250.03
2001	56,380.40	\$26,498.79
2002	50,191.34	\$23,589.93
2003	67,909.53	\$31,917.48
2004	35,857.89	\$16,853.21

The information obtained from Council's records demonstrates that the Section 94 Contribution is being paid by the operator at regular intervals.

Condition 9

"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".

Applicant Submission

Dust control measures are in place with exposed areas and roads being watered continually.

Comment:

Site inspection has revealed the regular use of a water cart for the site and some of the exposed areas had been planted and were establishing. Additional planting was to be implemented for a section within Stage 1. This area has been prepared for planting which is to occur in Spring. Some additional planting (grass cover) is also required under the electricity easement where some filling has occurred at the request of the electricity provider.

Condition 10

“Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement or natural watercourse”.

Applicant’s Submission

Stockpiles are stored away from drains or water courses.

Comment:

At the time of inspection there was no stockpile area stored in or near any drainage lines or natural water courses. Some fill material was deposited adjacent to the electricity easement and some suitable erosion/sedimentation devices should be installed. This fill material is not associated with the mining activity. The operator agreed to install the devices.

Condition 11

“Submission of a building application, plans and specifications complying with the Building Code of Australia for any future building construction”.

Applicant Submission

To date no building has taken place but formal applications will be made if development is proposed.

Comment:

No evidence of any recent building construction works on site.

Condition 12

“No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.

Applicant Submission

No advertising structure has been erected except original identifying sign at property being renewed.

Comment:

No advertising sign, except for site identification sign at the front of the site and some advisory signs within the site.

Condition 13

“The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.

Applicant’s Submission

The development does not interfere with any neighbours and noise, dust, waste water is totally controlled.

Comment:

At the time of inspection, no evidence was found to suggest the activity interferes with any neighbours. A search of the file has not found any complaints being received in respect to the operation and emission of noise, dust, vibration, smell, wastewater.

Condition 14

“Operating hours shall be limited to 7.00am to 5.00pm Mondays to Fridays and 7.00am to 1.00pm Saturdays. Any alteration of these hours will require the approval of the Director Environment and Development”.

Applicant’s Submission

Operating hours are complied with, however, we request that deliveries be allowed from 4.00am to 8.00pm in line with quarries at Penrith. Please note that no residents are within 4 (four) kilometres of delivery area.

Comment:

The current Section 96 modification sought only extends the time to complete and rehabilitate Stage 1 by 2 (two) years. The extension to the operating hours is not part of the application and would require the submission of a further application under Section 96 to modify Condition 14.

Condition 15

“All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Director Environment and Development”.

Applicant’s Submission

All waste material is stored and used for dam walls or disposed of into mined areas.

Comment:

The applicant is referring to waste material from the sand mining operation (i.e. clays, silt, etc.). The other waste generated which is considered to be minor, is disposed of by a suitable contractor.

Condition 16

“A waste management plan shall be submitted for consideration with the building application. Such plan shall address any builder’s waste and waste generated during day-to-day operations and shall include types and quantities, recycling, reuse, storage and disposal.”

Applicant’s Submission

No building application is made.

Comment:

The activity has not, at this stage, required any additional building works to be undertaken that would require the need to seek building approval.

Condition 17

“(a) An ambient water quality analysis is to be carried out in accordance with the Australian Water Quality Guidelines for Fresh and Marine Waters - “Protection of Aquatic Ecosystems”, and submitted to Council on an annual basis for every three months’ testing and results.

- (b) *Submission of details on a monitoring program for ground and creek water quality and a contingency plan should the proposed water quality controls fail.*

Applicant's Submission

AWT has been engaged to test and monitor water likely to leave the site. Details of this submission and results were forwarded on 30 November 1998.

Comment:

The applicant has provided several reports for the sampling of water. The first report was submitted on 21 July 1998 and further reports were submitted on 28 June 1999, 13 September 1999 and 18 January 2000. The reports have been examined by Council officers. The initial results raised some concerns with chemical levels found and further testing in September 1998 was undertaken. The other reports have been examined and the findings of the most recent report indicate that Tinda Creek is not at present affected by the extraction activities. Recent verbal discussions with the operator on site has suggested that a further report should be undertaken. This is currently being arranged by the operator.

Condition 18

"No fertilizers or pesticides are to be used without prior consultation with Council".

Applicant's Submission

No fertilizers or pesticides are used.

Comment:

The comments by the applicant are noted.

Condition 19

"Maximum number of on-site employees, other than employees/contractors involved in truck haulage, shall be restricted to 15 (fifteen). Any increase in employment would require reassessment of the adequacy of on-site facilities for sewerage, water, car parking and the like.

Applicant's Submission

Number of employees on site still stands at 3 (three).

Comment:

During the site inspection there was only a few employees working and this was well below 15 (fifteen).

Condition 20

"All road and driveway surfaces shall be regularly watered to dampen the surface in order to reduce dust generation".

Applicant's Submission

Roadways are continually watered to reduce dust.

Comment:

During the site inspection it was observed that the roadways had been watered.

Conditions to be Completed Under Stage 1

“Local grass seeds shall be collected from surrounding area to be used as part of the revegetation program”.

Applicant’s Submission

Collection of local seeds has been impractical. Stocks of seed application to the area is stocked. This was obtained from suppliers after consultation with National Parks and Wildlife officers in the area.

Comment:

Due to the severe weather conditions over recent times, the ability to collect seed has been difficult. The operator has used other similar or identical seeds and mixes to establish ground cover for the vegetation. The areas of revegetation are slowly establishing.

Condition 22

“The intersection of the existing driveway and Putty Road shall be upgraded generally in accordance with the amended plan No. PS91/E130 (1 of 3) dated April 1996. All works to be carried out to the requirements of and under the supervision of the RTA and any fees, securities or contributions paid”.

Applicant’s Submission

There has been no necessity to alter the entrance which was modified by the RTA after Plan PS91/E130 was compiled.

Comment:

The current access to the site is satisfactory and considered adequate for the development and traffic generated by the activity.

Condition 23

“All drainage channels shall be constructed to avoid turbulence and scouring.

Applicant’s Submission

All drainage channels are constructed to steady flow.

Comment:

The drainage channels on site showed no evidence of scouring.

Condition 24

“(a) Revegetation Plan shall include the use of seed mixes (including endemic plant material) which reflect the changing seasons and provide short to medium term soil stability. Native grasses should be used as a supplementary secondary stabiliser. No Kikuyu grass to be used.

(b) A qualified Bush Regenerator shall be engaged to specify and supervise all revegetation works”.

Applicant's Submission

A proposal from Land Form Maintenance Contractors is attached. Their recommendations will be carried out as final walls are completed. Seed held in stock will be planted in areas that are disturbed. Land Form Maintenance Contractors handle regeneration programs and clearing for Penrith Lakes Development Corporation Ltd.

Comment:

The rehabilitation plan approved provides details of the rehabilitation measures and methods to be implemented. The works undertaken on site have included a range of seed mixes. The rehabilitation has been difficult to establish due to the severe weather conditions over recent times. The site inspection has shown the rehabilitation works is establishing and the operator is implementing suitable management measures to ensure the revegetation is surviving and will continue to develop and establish.

Condition 25

"Banks of the diversion drainage channel and perimeter mounding shall not exceed a slope of 1:3(V:H)".

Applicant's Submission

All banks and drainage channels are being constructed at greater than 1:3(V:H). Some old shallow channels have been left which are stabilised by trees.

Comment:

Site inspection has indicated that the channels are generally no greater than 1:3(V:H).

Condition 26

"The batter of the ponds and dam shall not exceed a slope of 1:3(V:H)".

Applicant's Submission

All pond walls are being sloped at greater than 1:3(V:H). However, some vertical internal walls exist at present to retain tailings.

Comment:

Site inspection has indicated that the pond walls are generally no greater than 1:3(V:H).

Condition 27

"A site environmental management plan shall be prepared within 1 (one) month of the date of this approval, to address:

- (a) on-site materials management;*
- (b) daily operating procedures;*
- (c) erosion and sediment controls;*
- (d) emergency contingency plans;*
- (e) on-site drainage processes to ensure water quality.*

Applicant's Submission

All these matters have been addressed during the last 2 (two) years and are documented in replies to the Council.

Comment:

The operator provided an Environmental Management Plan to Council on 14 July 1997 which addressed the 5 (five) matters outlined in the condition. Council wrote to the operator advising the details provided were insufficient and requested further information. The operator responded to the matter. The additional information provided still did not satisfy Council officers requirements and additional details should be provided in respect to drainage processes, emergency contingency (fire, work accidents, spillages). This additional request for information appears to have not been conveyed to the operator. However, based on the inspections by Council officers and the reports provided on water quality, it appears the activity is operating to a satisfactory environmental standard and the current management measures are also considered to be appropriate.

Condition 28

“A professional archaeological survey being carried out for the site by a suitably qualified person to particularly assess the site’s Aboriginal Heritage potential”.

Applicant’s Submission

This was addressed in the EIS.

Comment:

The operator provided a letter from Brayshaw McDonald Pty Ltd Consultant Archeologists who carried out a survey of the site in conjunction with the extraction of sand for an agricultural dam. The survey in 1984 focussed on the north western quarter of the extraction area. The consultant indicated that the present extraction proposal is confined to the flat swampy area and that no further archaeological investigation is warranted.

Condition 29

“All general stormwater shall be diverted around the work site other than any controlled inflow to maintain water levels within the work site”.

Applicant’s Submission

All stormwater is diverted around the work site by large drains and banks.

Comment:

Site inspection revealed that stormwater diversion drains are in place to divert general stormwater flow from around the work site.

Condition 30

“All water falling on or contained within the work site shall be retained within the work site and not permitted to leave the site otherwise in accordance with a license issued by the EPA”.

Applicant’s Submission

Water falling within the work site is retained by settling ponds. Any discharge is only after severe rains and is being maintained by AWT in line with approved practices.

Comment:

Site inspection revealed this condition being satisfied.

Condition 31

“The erection of truck warning signs with distance plates located 200m on approved sites to the access to the development”.

Applicant’s Submission

Truck signs are in place.

Comment:

This condition is satisfied.

Condition 32

“The payment of a bond or bank guarantee of \$50,000 for rehabilitation and restoration of the extractive industry operation. Should the plan of rehabilitation not be carried out in accordance with the plan, this money will be used for such work. The performance bond for rehabilitation of the site will be reviewed annually with a review of the conditions of consent.

Applicant’s Submission

Bond by way of Bank Guarantee was supplied in January 1997.

Comment:

Bank Guarantee for \$50,000 lodged in May 1997.

Condition 33

“The applicant (extractor) is to lodge an annual report indicating compliance or otherwise with the conditions of approval of the consent and conformance with any other permits or licenses as issued by the EPA and the Department of Land and Water Conservation.

Applicant’s Submission

Both EPA and Department of Land and Water Conservation visited the site in February 1997 and no suggestions were made to change the plan submitted.

Comment:

The operator provided an annual report/statement on compliance with the conditions of consent in December 1998 and May 2002. The EPA has recently requested further information in respect to the activity and the extraction quantities per year. A meeting on site with the representative of the EPA, Council officers and the operator was held to discuss the matter. The protection of the Environment and Operations (POEO) Act 1997 requires a licence if more than 30,000 cubic metres is extracted per year. Based on the figures from the operator the activity has only exceeded the 30,000 cubic metres per year limit during the 1999/2000 and the 2002/2003 financial years.

The operator has now applied for a licence with the EPA. The EPA, now known as Department of Environment and Conservation, has written to Council advising that they are in the process of preparing the licence. The application was referred to DLWC, now known as Department of Infrastructure Planning and Natural Resources. No response has been received.

Discussions with the Department of Infrastructure Planning and Natural Resources in respect to a water licence has revealed that if the water body is used in conjunction with the mining activity (i.e.

sediment pond or water for dredging) a licence is not required. The current water body on site operates as part of the mining activity.

Council officers have carried out regular annual inspections of the site to check for compliance with conditions of consent and that the suitable management practices are being undertaken to reduce potential for environmental impact.

Information Exhibited

The information that accompanied the application involved:

- i) Letter from Birdon Contracting Pty Ltd dated 15 December 1998 that formally requested continuation of the appraisal for sand mining and a report on compliance with the conditions of consent.
- ii) The completed application form.

These documents formed part of the Section 96 application and were part of the exhibitor material. Other documents received by Council after the Section 96 application did not relate to this application.

Other Matters

Current Operations

The operator advised Council in May 2002 that Stage 1 of the development was now completed. The operator has now moved into Stage 3 of the activity and is now mining this section of the site. The applicant has an application with Council to modify Condition 3 to extend the time frame to complete Stage 1. They have satisfied the 4 (four) requirements of Part B (Deferred Commencement). A plan is attached that shows the approximate location of the current workings on site and the area completed.

Depth of Excavation

The EIS proposed to excavate to a depth of 20m and this was approved as part of the Development Application, with no conditions imposed that would restrict this depth. A respondent has provided a copy of the Title of the land that identifies "*Excepting land below a depth from the surface of 15.24 metres by Crown grant*". This is a restriction on the Title to the land. Clause 34 contained in Hawkesbury Local Environmental Plan 1989 allows development to be carried out in accordance with the LEP and any covenant, agreement or instrument imposing restrictions on the development shall not apply to the development.

Extending Life of Activity

Concern was raised that the modification will extend the life of the sand mining activity beyond the 25 (twenty five) years. Condition 4 contained in Section B has not been amended and the sand mining activity is to cease upon the extraction of 2,000,000 tonnes or a period of 25 years expires from the date of Consent operation.

Conclusion

Council has received legal advice to indicate that the consent has not lapsed and that Council has a current application that is not determined. In order to move the matter forward, the current application to modify Condition 3 of Development Consent DA134/95 has to be determined and then the Part B of the development consent (Deferred Commencement) can be considered in respect to the remaining stages of the mining activity.

The majority of the conditions of Stage 1 have been satisfied and where certain documentation (Site Environmental Management Plan) has not been approved by Council officers, the inspections by Council officers has revealed that the activity is being operated in a manner that is considered to have minimum environmental impact. The water quality reports prepared lend support to this statement.

It is recommended that the application to modify Condition 3 be approved and that Council confirm the operation of Part B of the Development Consent to permit the extraction of sand from Stages 2-6.

RECOMMENDATION:

That:

1. The application to modify Condition 3 of Development Consent DA134/95 by extending the period to complete and rehabilitate Stage 1 by 2 (two) years, be approved.
2. The applicant be advised that the Deferred Commencement consent under Part B for Stages 2-6 is now operational.
3. The applicant be requested to provide a site Environmental Management Plan to Council as required by Condition 27 within 2 (two) months.

ATTACHMENTS:

AT-1 Locality Plan

AT-2 Plan showing location of completed current stages on site.

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AT-1 - Locality Plan

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AT-2 - Plan showing location of completed current stages

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Item: 76

ITEM: 76 **Additions to Existing Dwelling and Erection of a Second Dwelling to Create a Detached Dual Occupancy, Lot 17 DP 789582, 17 Evans Crescent, Richmond**

FILE NUMBER: DA1017/03/EVD/ENK27NAX.V03

Applicant: A & N Rozzoli and J & H McIver
Applicants Rep: N/A
Owner: A & N Rozzoli
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Draft Hawkesbury Local Environmental Plan 1989 - Amendment No 130
 Sydney Regional Environmental Plan No. 20 (No.2 - 1997)
Area: Approximately 985sqm
Zone: Residential 2(a) under Hawkesbury Local Environmental Plan 1989
Advertising: 15 September 2003 to 29 September 2003
Date Received: 26 August 2003

Key Issues: Draft Amendment No 130
 Parking and Access

Action: Approval subject to conditions.

REPORT:

Introduction

Council has received an application seeking consent for additions to the existing dwelling and erection of a detached dual occupancy at 17 Evans Crescent, Richmond.

The detached dual occupancy dwelling has a floor area of 54.6sqm and contains only 1 (one) bedroom. This dwelling is considered to be a 'granny flat' and the applicant proposes to use it for 'family support accommodation'. In the absence of a definition for 'family support accommodation' in Draft Hawkesbury Local Environmental Plan 1989 - Amendment 130, the proposed development is defined as 'Multi-Unit Housing'.

This matter is being reported to Council due to the effect of Draft Hawkesbury Local Environmental Plan 1989 - Amendment 130.

This report provides an assessment of the key issues. A complete assessment is contained on file.

Description of the Site

The site has an area of approximately 985sqm and is relatively level with a slight fall toward the street. The site is located above the 1-in-100 year flood level and is within an insignificant bushfire risk area. The site has frontage to the southern side of the cul-de-sac bulb of Evans Crescent,

Richmond. The site does not contain any items of heritage significance as identified in the Hawkesbury Local Environmental Plan 1989. Adjacent sites contain single storey dwellings.

The Proposal

The development involves a 52sqm single storey addition to the south-eastern end of the exiting single storey dwelling and the erection of a 54.6sqm single storey detached 1 (one) bedroom dwelling for the purpose of family support accommodation in the south western corner of the site.

Statutory Situation

Sydney Regional Environmental Plan No. 20 (No.2 -1997)

The proposal is consistent with the aims of the plan as well as the general and specific planning policies, recommended strategies and development controls.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject land is zoned Residential 2(a) under the HLEP 1989. The proposed development is defined as dwelling additions and a detached dual occupancy. These landuses are permissible with consent in the Residential 2(a) zone.

Clause 9A of HLEP 1989 provides the objectives of the Residential 2(a) zone which are:

- (a) *To provide for housing and associated facilities in locations of high amenity and accessibility*
- (b) *To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character; and.*
- (c) *To ensure that development does not create unreasonable demands, in the present or future, for the provision or extension of public amenities or services.*

Other relevant clauses of HLEP 1989 are Clause 15A - Detached dual occupancy on land within Zones Nos. 2(a), 2(a1) and 2(c), Clause 18 Provision of water, sewerage etc services, Clause 21 Danger of Bushfire and Clause 37 Land affected by aircraft noise. The proposed development was assessed to be capable of satisfying these Clauses.

Draft HLEP 1989 - Amendment No. 130

This draft plan is a matter for statutory consideration under section 79C of the Environmental Planning and Assessment Act 1979.

Council resolved on 26 August 2003:

"That exhibition of the Draft Amendment 130 be a factor for determination in considering of applications for medium density housing."

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The subject site is within the proposed Housing zone. The proposed dual occupancy would be defined as multi unit housing. Therefore, the proposed development would be prohibited by Amendment No. 130.

The application was received on 26 August 2003, prior to the exhibition of the draft plan.

Hawkesbury Development Control Plan

Relevant chapters of the Hawkesbury DCP include General Information, Notification, Landscaping, Soil Erosion and Sedimentation Control, Energy Efficiency, Car Parking and Access and Residential Development. The proposed development is capable with complying with the requirements of these chapters with the exception of the requirements for parking and access. This is discussed in the planning assessment below.

The following table provides an assessment of the proposed development against the requirements of the Residential Development Chapter.

Element	Required	Proposed	Complies
Building Height Plane	New buildings are to be constructed within the <u>Building Height Plane</u> for the relevant residential use. The <u>Building Height Plane</u> is to be adjusted for sloping sites to follow the natural ground level.	Eaves overhang within setback to west of proposed dwelling. Can be amended to comply. NB: dwelling additions not required to comply.	Yes
Building Height	7m to ceiling 10m to ridge	2.5m to ceiling 3.2m to ridge	Yes
Setbacks	For sites fronting a local road buildings are to be set 7.5m back from the front boundary. In areas where there is prior development the established pattern is to be regarded as the standard setback.	N/A - proposed development located on rear site. Setback to existing building to remain as existing.	N/A

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Landscaped Areas	All forms of residential development are to contain pervious soft <u>landscaped areas</u> to a total of 30% of the total site area. This may be calculated by adding together soft <u>landscaped areas</u> of private and <u>common open space</u>. Development proposals, where required, are to indicate the proportion of the total site area that is: - total "soft" <u>landscaped area</u>; - total ground level <u>private open space</u>; and - total common open space.	<i>Front Lot</i> <u>Site size</u> = approx 985sqm. <u>Required soft pervious landscape area</u> = approx 295.5sqm (30%) <u>Provided pervious landscaped area</u> = approx 485.5sqm (49%)	Yes
Private Open Space	Single dwelling houses and multi unit housing are to provide at least one area of private open space for each dwelling.	Plans indicated separate private open space areas for each dwelling through a screened area for the proposed dwelling.	Yes
	The total of private open space at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must:	Required total private open space area = 197sqm. (20%) (Based on site area of 985sqm) Provided total private open space area = approx 431sqm(44%)	Yes
	be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10;	Includes 5m x 6m rectangle	Yes
	not be comprised of any area with a dimension less than 4 metres; and	Calculated private open space area has a minimum dimension of equal to or greater than 4m.	Yes
	be exclusive of clothes drying areas, driveways, car parking and other utility areas.	Areas for clothes drying can be provided to comply.	Yes
Access and Parking	Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them.	Not provided. Seeks to use existing driveway	No - however existing

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	Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metre above the driveway	Complies	Yes
	All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion.	2.8m existing driveway	No - however existing
	For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.	N/A	N/A
	Garages and carports must not visually dominate the street facade, should occupy less than 50% of the building facade and must be compatible with the building design.	Garge and Carport to rear - do not dominate	Yes
	Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.	N/A	N/A
	Where parking spaces are located as 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased an necessary to allow adequate manoeuvring on site.	N/A	N/A
	On site manoeuvring areas shall be provided to allow entry and exit to the site in a forward direction.	No turning area. Reversing from site required.	No, however existing
	On site manoeuvring areas shall be provided to allow entry and exit to and from all car spaces including garage, carports, uncovered spaces and visitor spaces by a single turning movement.	No turning area. Reversing from site required.	No, however existing

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	Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access.	N/A	N/A
	On site manoeuvring shall be based on the Ausroads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the swept paths.	No provisions for onsite maneuvering	N/A
	All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening: • On one side only to 3.2m • On both sides to 3.8m.	Required dimensions are provided. However, stacked parking is proposed.	Yes
Visual Amenity	Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP.	Potential loss of privacy is minimal. Of the three windows to adjoining properties - two are of high sill construction. Furthermore, the proposed development is of a single storey nature and windows face 1.8 m high side boundary fences	Yes
	Where there is no alternative to a window, it should be screened.	N/A	N/A
Acoustic Privacy	Acoustic privacy is to be considered at the design stage. Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows A distance of at least 3 metres should separate openings of adjacent dwellings.	Satisfactory	Yes

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External Noise and Vibration	A noise and vibration assessment must be undertaken by a suitably qualified noise consultant for any proposed residential development other than a single dwelling house located within 100 metres of the railway line or within Australian Noise Exposure Forecast (ANEF) 25 or greater. Proposals must comply with the current Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance and incorporate appropriate mitigation measures.	Site within a 25-30 ANEF contour - condition of consent that comply with AS2021.	Yes
Safety and Security	Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road.	Yes	Yes
	Barriers to prevent movement between internal roof spaces of adjoining dwellings are required.	N/A	N/A
	Elements to be incorporated in site and building design and include: • doorway/entry safety and surveillance to and from the footpath • illumination of public spaces including all pedestrian paths, shared areas, parking areas and building entries to the relevant Australian Standard • visibility to the street from the front of the development • restricted access to the rear of the site.	Satisfactory	Yes
Cables	(a) The design, location and construction of utility services must satisfactorily meet the requirements of both the relevant servicing authority and Council.	This can be achieved	Yes

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Recycling garbage and mail	(a) Collection areas must be integrated into the overall site and building design.	Can be provided	Yes
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Community Consultation

The plans were publicly exhibited from 15 September 2003 to 29 September 2003. No submissions were received.

Planning Assessment

Full consideration has been given to Section 79C of the Environmental Planning and Assessment Act and is contained on file. Below are the relevant matters.

Parking and Access

In accordance with the Hawkesbury DCP, 2 (two) covered car spaces are required for the existing dwelling. One covered car space is required for the proposed dwelling. The site currently has a 2 (two) car carport and a garage. The application proposes to use this existing parking. This parking is provided in a stacked arrangement. While stacked parking for 1 (one) dwelling is acceptable. Stacked parking shared between dwellings is generally not acceptable. Notwithstanding this, the proposed development is for 'family support accommodation' and the applicant has indicated that *'there is no expectation that the site of this extra dwelling could be or would be subdivided, now or at any future date'*. This would be restricted by a condition of any forthcoming consent. In this regard, the development could be considered as parking for 1 (one) (extended) family and hence stacked parking could be considered.

Manoeuvring, driveway widths and setbacks are proposed to remain as existing. Given the nature of the proposed development, this is considered satisfactory. Notwithstanding this, the applicant has indicated that *'should it prove necessary the concrete area between the main house and the garage could be utilized as a turn bay. The preference, however, is to continue moving the traffic in and out of the property in the current forward and reverse direction.'*

Amendment 130

The subject site is within the proposed Housing zone. Notwithstanding the small scale nature of the proposed development and its indented use for family support accommodation, in accordance with the amendment, the proposed dual occupancy would be defined as multi unit housing. Therefore, the proposed development would be prohibited by Amendment No.130.

The proposed dwelling is a single bedroom 54sqm dwelling, which, due to parking arrangements will remain dependent on the existing dwelling and unsuitable for subdivision. In this regard the proposed dwelling is not considered to be a standard dual occupancy or multi-unit housing design. The proposed development falls under this definition due to the lack of a more suitable definition referring to Family Support Accommodation.

Conclusion

The application proposes additions to the existing dwelling and the addition of a second detached dwelling for the purposes of family support accommodation. The detached dwelling is defined as a 'detached dual occupancy' under Hawkesbury LEP 1989 and the proposed development is permissible with consent under the current residential 2(a) zoning. The proposed development would be defined as multi unit housing and be prohibited under the provisions of Amendment No.130.

The proposed development is consistent with the Hawkesbury Development Control Plan with the exception of parking and access. In this regard the variations are acceptable given the nature of the proposed development.

In the circumstances, it is considered that Section 94 contributions for multi-unit housing are not required.

RECOMMENDATION:

That:

The application for additions to exiting dwelling and erection of a second dwelling to create a detached dual occupancy be approved subject to the following conditions:

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans (prepared by AFPA Building Services Pty Ltd, Drawing Numbers ANT.1, ANT2, ANT3, ANT4, DAL1 and DAL2 dated 19/08/03) submitted with Development Application No. DA 1017/03 and any supportive documentation, except as amended in red or otherwise provided by the conditions of this consent.

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
3. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
4. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) a local telecommunications carrier

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

5. No excavation or site works shall be commenced prior to the issue of the construction certificate.
6. An occupation certificate is to be obtained on completion of all works and prior to commencement of the approved use. The occupation certificate will not be issued if any conditions of this consent are outstanding.

Use of the site

7. Subdivision of the proposed site is not permissible. No consent shall be granted for subdivision.
8. No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser.
9. No signs shall be displayed on the footpaths, pedestrian ways, roadways or in the vicinity.

Prior to Issue of Construction Certificate

10. Construction of civil works including road, drainage or access works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Environment and Development or an accredited certifier.
11. Payment of a design checking and inspection fee of \$373.50 when submitting Engineering plans for approval. This amount is valid until 30 June 2004. Fees required if an accredited certifier is used will be provided upon request.
12. The submission of engineering designs and calculations covering all works required by this consent.
13. The submission of a satisfactory Erosion and Sediment Control Plan (ESCP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
14. Arrangements are to be made for the provision of common drainage and the disposal of drainage from the site. Where the disposal of drainage involves the provision of drains across land owned by others, drainage easements of adequate width shall be provided for which documentary evidence must be submitted.

Prior to Commencement of Works

15. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless the principal certifying authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

16. The name and licence number of the licensed contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner prior to the commencement of any work relevant to this approval.
17. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environment Planning and Assessment Act.
18. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to 'Your Business' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building and Renovating' under the heading 'Building and Developing', or telephone 13 20 92.
19. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited; and

- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

This condition does not apply to:

- (a) building work carried out inside an existing building; or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
20. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation. The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.
21. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
22. The applicant shall advise Council of the name, address and contract number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1997.
23. Separate certified structural engineer's details of all structural concrete and steelwork shall be lodged with the principal certifying authority for approval.
24. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
- (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.

During Construction

25. All building work must be carried out in accordance with provisions of the Building Code of Australia.
26. Inspections shall be carried out and compliance certificates issued by Council or an appropriately accredited person for the following components of construction:
- (a) erosion controls, site works and site set out;
 - (b) piers;
 - (c) steel reinforcement;
 - (d) damp-proof course, ant-capping and floor timbers, prior to the fixing of any flooring material;

- (e) framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - (f) wet area flashing, after the installation any bath and shower fixtures;
 - (g) external stormwater drainage lines, prior to backfilling;
 - (h) on completion of the structure;
 - (i) smoke detectors; and
27. The floor of the internal WC shall be graded and drained to an approved floor waste located in that compartment.
28. An automatic fire detection and alarm system shall be installed within the building in accordance with Part 3.7.2 of the BCA for class 1A and 1B dwellings and F2.2a of the BCA for Class 2, 3, 4, 5, 6, 7, 8 9a and 9b. Alarms and Detectors shall be installed by a licensed electrician and multiple alarms shall be interconnected, a certificate of the installation shall be provided prior to occupation of the building or addition; (Note: refer to approved plans, for location marked in red ink).
29. The building shall be set out by a Registered Surveyor and the Survey Certificate of the building shall be lodged with the principal certifying authority upon completion of the footings and prior to the external wall construction proceeding above floor level.
30. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue. Registration fees, as per Council's Revenue Pricing Policy, apply.
31. The roofwater shall be drained to the existing roofwater drains.
32. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
33. To reduce nuisance to the surrounding properties, all demolished material and excess spoil from the site shall be disposed of to a location and in a manner to the approval of this office (Note: no material shall be burnt or buried on the site).
34. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
35. The new dwelling is to be provided with a hot water system with a minimum energy rating of 3.5 stars.
36. All work must be carried out in accordance with the provisions of Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification.
37. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed

subdivision. Such utilities include, but are not limited to, water, sewerage, drainage, power, communication, footways, kerb and gutter.

38. The provision of conduit/ducts under new driveways to the requirements of Integral Energy, in accordance with Integral Energy drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy.

The detached dual occupancy dwelling is to be constructed to comply with AS2021 or in accordance with a noise report submitted to Council's satisfaction.

Prior to Issue of Occupation Certificate

39. In order to ensure that the development complies with this consent, the approved use shall not commence until all conditions of this Development Consent have been complied with.
40. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to 'Your Business' section of Sydney Water's web site at www.sydneywater.com.au then the 'e-developer' icon or telephone 13 20 92.

Following application a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

41. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant Units.
42. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones to each Unit.
43. The provision of inter-allotment drainage covering all lots not draining directly to a public road and the creation of necessary easements free of cost to Council.
44. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.
45. A Termite Protection Notice, in accordance with AS3660, printed on durable material shall be affixed at the entrance to a crawl space or in the case of slab on ground construction, in the meter box prior to a "Final Inspection" being carried out. The notice shall include information on the form of termite protection employed and the expected service life of the barrier before maintenance is required.

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ATTACHMENTS:

AT-1 Locality Plan

AT-2 Site Plan

AT-3 Floor Plans and Elevations for Detached Dual Occupancy

AT-4 Floor Plans and Elevations for Additions to Existing Dwelling

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AT-1 - Locality Plan

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AT-2 - Site Plan

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AT-3 - Floor Plans and Elevations for Detached Dual Occupancy

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AT-4 - Floor Plans and Elevations for Additions for Existing Dwelling.

oooO END OF ITEM 76 Oooo

ITEM: 77 **Determination of Submissions on Draft Hawkesbury Local Environmental Plan 1989 - Amendment 130. Housing and Multi Unit Housing Zone Amendments and Subdivision in North Richmond.**

FILE NUMBER: 109, LEP001/01/EVD/ENK27NBX.V04

PREVIOUS ITEM: 179, GPC Section 1 - Environment (12.12.2000)

REPORT:

Introduction

The purpose of this report is to identify and discuss submissions received as a result of the notification and public exhibition of Draft Hawkesbury Local Environmental Plan 1989 - Amendment No 130.

Amendment No 130 aims:

- a) to amend the clauses that relate to residential development;
- b) to introduce a multi unit housing zone into Hawkesbury Local Environmental Plan 1989;
- c) to amend the zone names and objectives of the residential zones contained in Hawkesbury Local Environmental Plan 1989; and
- d) to amend the minimum allotment size for subdivision in North Richmond.

Background

On 12 December 2000 Council resolved, inter alia, that:

1. *A draft local environment plan be prepared to introduce a new zone for multi unit housing into Hawkesbury Local Environment Plan 1989, which confines multi unit housing to within 1km of a railway station or 500m of a commercial zone in the townships of Richmond, North Richmond, Windsor, South Windsor, Hobartville.*
2. *A draft local environment plan be prepared to introduce a new residential zone into Hawkesbury Local Environment Plan 1989 for areas on the north western side of the Hawkesbury River (other than within 500m of the North Richmond commercial area) with a minimum lot size of 600sqm for standard lots and 700sqm for internal lots (excluding the access "handle").*
3. *The above draft local environment plan also amend Hawkesbury Local Environment Plan 1989 to amend residential zone names, objectives and land use matrix to facilitate items (2) and (3).*
4. *The draft local environmental plan be placed on public exhibition for 60 (sixty) days.*

5. *Public meetings be held in relation to this proposal.*

Council on 13 February 2001 subsequently resolved:

1. *The draft local environmental plan be amended to introduce a Multi Unit Housing Zone include 500m from a central point in the Commercial 3(a) Zone in Bligh Park.*

A Councillor Workshop was held on 2 October 2001 and as a result of these discussions properties below 17m AHD and/or within an ANEF contour of 25 or above were to be excluded from the multi unit housing zone (MUHZ). In addition the area for the MUHZ was extended to incorporate all of the Hobartville area as well as an additional area to the south of South Windsor. These areas were included because they contain older housing stock that has the potential for redevelopment.

The outcomes of the workshop were reported to Council on 23 October 2001 with Council resolving that:

1. *A revised Housing Strategy be prepared and forwarded to the Department of Urban Affairs and Planning for approval.*
2. *Upon approval of the revised Housing Strategy Submission Council proceed with the preparation of the draft local environmental plan to introduce a Multi Unit Housing Zone.*

Subsequent to this meeting, the revised Housing Strategy was approved by DUAP (now DIPNR) and a draft plan was prepared.

Public Authority Consultation

In December 2002 the draft plan was referred to the following government authorities in accordance with Section 62 of the Environmental Planning and Assessment Act 1979:

- City Rail
- Commonwealth Department of Defence
- Department of Housing
- Department of Land and Water Conservation
- Integral Energy
- NSW Heritage
- NSW Transport
- State Emergency Service
- Sydney Water
- Telstra

NSW Transport, NSW Heritage, State Emergency Service, Commonwealth Department of Defence, and Department of Land and Water Conservation (DLWC) provided responses to Council. In general these agencies did not object to the draft plan. A summary of the matters raised by these agencies is provided below:

NSW Transport

NSW Transport requested that the planning objectives of the Integrating Land Use and Transport Policy Package and draft SEPP No. 66 be taken into consideration. In particular consideration should be given to:

- *Locating trip generating activities near one another, to encourage multi-purpose trips and the use of more sustainable transport;*
- *Encouraging a mix of housing, employment and services in accessible centres;*
- *Supporting residential densities that help achieve viable public transport services;*
- *Adopting maximum rates of parking provisions that address the car reduction objectives of the policy package and manage the demand for parking rather than accommodating all that demand; and*
- *Ensuring that building forms, subdivision design and street layouts encourage walking cycling and maximise public transport usage.*

Comment:

Two key outcomes of the draft plan will be to concentrate multi unit housing around existing employment, service and transport centres, and encourage a reduced reliance of private motor vehicle use. It is, therefore, considered that the draft plan is consistent with the comments of NSW Transport.

NSW Heritage Office

The NSW Heritage Office advised:

As the draft Plan will not affect the identification of heritage items and is likely to assist the retention of existing residential character in some areas, no objection is raised to the intent and content of the draft LEP.

State Emergency Service

The SES advised:

The proposed LEP amendment would have the effect of restricting the areas in which multi unit development could take place. Presumably this would also reduce the total potential population increase that could result from such development. Although there appears to be a number of reasons for pursuing this outcome, it is clear that flood risk has been identified as a significant factor. The Service is very pleased to see that the flood risk in the Hawkesbury City Area is being discussed and in particular, the relationship between urban population numbers and the safety factor for the community during flood evacuation operations.

It is also noted that Council has been receiving some feedback from Planning NSW (formerly DUAP) indicating that attempts to restrict medium density development are not consistent with metropolitan urban planning strategies. I am sure that these responses from Planning NSW are based on a broad policy framework and that if the flood risk issue is

clearly explained, Planning NSW will understand that the broad policy is inappropriate for an area like that covered by Hawkesbury City Council. The Service will provide any support it can to ensure that the flood risk is fully understood in an urban planning context.

It is critical that the community safety improvements that have been achieved through the cooperative work of the Hawkesbury-Nepean Floodplain Management Strategy are not silently eroded because of a failure to recognise the impact of such things as urban infill and medium density development. If the proposed LEP amendment either directly or indirectly reduces the likelihood of such erosion, the Service supports the initiative.

Commonwealth Department of Defence

The CDD advised:

Defence commends Council's reference to Aircraft Noise associated with RAAF Base Richmond within the Hawkesbury Local Environmental Plan 1989, which requires consideration of Australian Standard regarding noise reduction and construction requirements to ameliorate noise. However, Defence suggest this be further emphasised within the LEP by specific reference to the adoption of the guidelines provided in AS 2021 regarding noise reduction and construction requirements to all residential development within 20 or above ANEF.

Nationally Defence handles many complaints resulting from aircraft noise for which the consent authorities are ultimately responsible. Defence is of the view that Council's attention to this issue would be a progressive approach to forward planning.

Comment:

Clause 37 of HLEP 1989 specifically requires Council to consider, prior to granting consent, the provisions of AS2021 for development for the purposes of a hospital, school, child care centre or residential purposes within land subject to a 20 ANEF or higher.

DLWC

The DWLC advised:

Consideration should be given, where appropriate to the impacts of flooding on the proposed multi-unit housing sites and the impact of the proposal on flooding for the full range of flood events.

The zoning for Multi Unit Housing must be based on an integrated Flood Risk Management Plan type approach, which considers the needs for personal safety during evacuation, flood damage minimisation and limiting the cumulative impacts from further obstruction on the floodplain and management of extra runoff from new development.

The Department strongly recommends that the LEP carry [the following] additional objectives:

"Housing is to ensure that new development is sympathetic to the natural amenity and ecological processes of the area"

"Multi - Unit housing is to ensure that new development is sympathetic to the natural amenity and ecological processes of the area"

Comment:

At present multi unit housing is permissible within all Residential 2(a) and 2(c) zoned land which is serviced by a reticulated water and sewerage system. This permissibility is not subject to any qualification relating to flood levels other than by the provisions of Clause 25 which allows new buildings 3 metres below the 1 in 100 flood event level for the relevant area. Hence, in Windsor, with a 1 in 100 flood event level of 17.3m AHD, multi unit housing is currently possible on residential land at or above 14.3m AHD.

The draft plan seeks to significantly reduce the amount of flood prone residential land in which multi unit housing would be permissible. Land which is proposed to be zoned for multi unit housing is almost entirely above 17m AHD.

The effect of the draft plan will be to significantly reduce the impact of floods on new multi unit housing and assist in the preservation of existing evacuation safety margins.

The recommended objectives were include in the draft plan prior to exhibition.

It is considered that the draft plan is consistent with the comments of DLWC.

Public Exhibition

In accordance with the provisions of Section 66 of the Environmental Planning and Assessment Act 1979 the draft plan was publicly exhibited for the period 27 August - 24 October 2003. Notices advertising the draft plan and public meetings were placed in the Hawkesbury Gazette on 27 August, 3 September, and 10 September 2003.

Letters were sent to approximately 300 individuals being Real Estate Agents, Solicitors, Architects, Building Designers and Builders informing them of the exhibition and public meetings.

Public meetings were held on 16 September 2003 and 8 October 2003 with approximately 15 (fifteen) persons attending.

In response to the public exhibition, Council received 20 (twenty) submissions. Submissions were received from:

- BR & SP Smith, North Richmond
- RE & PA Collis Draughting Services, Windsor (including 20 proforma letters in support of this submission)
- N Crutch, Richmond
- Urban City Consulting Pty Ltd, Windsor
- R Anderson, North Richmond

- S Anderson, North Richmond
- J & H McIvor, Campsie
- Enoch Taylor & Co Pty Limited, Windsor
- D Tetley, Windsor
- M Maxwell, (via email)
- A Tamplin, Richmond
- Monaghan Surveyors Pty Ltd, Windsor
- Baneswa Pty Ltd, North Richmond
- Propa Drafting Architectural Consultants, Tennyson
- Havelock Real Estate, Windsor
- Teroma Pty Ltd, Richmond
- McKinlay Morgan & Associates, Windsor (representing joint submission by McKinlay Morgan & Associates, Falson & Associates, Graham Zerk Design Pty Ltd, Urban City Consulting, O'Mara Constructions Pty Ltd, Wilkinson Real Estate, Bencorp Property Developments)
- L Sullivan, Windsor
- Tams Management Pty Limited, Grose Vale
- K & G Thomas, Windsor

A summary of relevant issues raised by the respondents is provided below, and where relevant recommendations are provided.

Public Consultation and supporting information

Submissions:

The draft plan has been poorly advertised with limited advertising of the exhibition in the Hawkesbury Gazette. Notices should have also been placed in the Courier. Council should have written to all property owners affected by the proposed amendment.

Published notices for the draft plan did not indicate that dual occupancy would be included in the definition of "multi unit housing" and be prohibited from the majority of the Hawkesbury urban areas proposed to be zoned as "Housing".

Many people were away on school holidays when the public information sessions were conducted.

The draft plan has not been properly explained to the public, in particular the effect of the Housing Zone and loss of potential for dual occupancies and traditional "granny flats" and loss of property values. Council should undertake an analysis of existing development opportunities so that the loss of these opportunities are known.

The alteration of housing densities in any area either by increasing them or decreasing them should only follow from proper studies that should form part of the any public exhibition process. The draft plan has been exhibited without any environmental or residential study.

The plan places increased density in parts of North Richmond, which have significant social and economic problems and could result and further multi unit housing which could result in the further intensification of these problems.

There is no obvious justification for the social and environmental impact that this type of development will bring to Hobartville and Richmond.

Amendment 130 does not take into consideration proposals that were discussed by the community at the Mainstreet public meetings.

Comment:

The draft plan was publicly exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Council's usual practice of placing notices in the Hawkesbury Gazette.

The notices in the Gazette clearly referred to where multi unit housing is presently permissible; the proposed distance, flooding and ANEF restrictions; the proposed zone name and objective changes; and the proposed changes to subdivision in North Richmond.

Council did not resolve to notify individual owners of the affect of the draft plan and this has not been Council's practice in the past for draft plans of similar nature or similar number of landowners affected. However, over 300 individuals were notified of the exhibition.

Whilst the EP & A Act 1979 requires draft local environmental plans to be exhibited for a minimum period of 28 (twenty eight) days, Council resolved on 12 December 2000 to extent this exhibition period to 60 (sixty) days and to conduct public meetings. Due to a counting error the length of the exhibition period was only 59 (fifty nine) days. Notwithstanding this all submissions, including submissions received after the close of the exhibition period, are to be considered as part of this report.

The public meetings were held on 16 September 2003 and 8 October 2003. The 8 October 2003 meeting was during school holidays. This meeting attracted the most number of attendees.

In addition to the draft plan, accompanying information such as an information sheet, plain English explanation, Section 117 directions, Best Practice Guidelines, relevant Council reports, relevant SEPPs and SREPs were exhibited.

Council did not resolve to prepare an environmental study of the land effected by the draft plan and the Minister of Infrastructure and Planning did not direct Council prepare such a study. However, during the preparation of the draft plan and as a condition of Planning NSW allowing Council to exhibit the draft plan, Council did apply to Planning NSW for an amendment its Housing Strategy. This amendment was approved by Planning NSW.

A respondents claim that the draft plan does not take into consideration proposals that were discussed by the community at the Mainstreet public meetings is refuted. The Richmond Mainstreet project is being implemented in full knowledge of the effect of the draft plan.

It is considered that the public exhibition of the draft plan was undertaken in such a manner as to allow all interested persons to gain an understanding of the affect of the draft plan.

Compliance with Section 117 Directions, State Government Policies, and effect of SEPP No 5

Submissions:

The draft plan reduces permissible residential density and increases minimum lot sizes contrary to Section 117 Directions G9 principles. It is not conducive to sustainable development or State government policies for urban consolidation.

The amendment should be put on hold until Council receives exemption from SEPP No 5 - Housing for Older People or People with a Disability. Without this exemption the desired effect of the MUHZ will not be realised as developers will promote SEPP No 5 projects in areas outside the MUHZ.

SEPP No 5 allows high density housing on any land that is zoned for urban use or that adjoins zone for urban use therefore there is a contradiction between the effect of the draft plan and SEPP No 5.

Comment:

Planning NSW wrote to Council on 22 August 2002 advising:

Council's proposed amendment to their Residential Development Strategy was submitted to the Residential Strategy Advisory Committee at their meeting of 13 August 2002. The committee raised no objection to council proceeding to prepare a draft LEP.

Subsequent to this letter, further discussions were held between Council staff and DIPNR (formerly Planning NSW) regarding the proposed changes in North Richmond. On 21 August 2003 DIPNR wrote to Council advising that due to environmental and servicing constraints, flooding, and the diversity of housing stock offered by the MUHZ no objection was made to the exhibition of the draft plan. A copy of this letter is attached to this report.

Advice has been received from DIPNR that Council should seek an exemption from SEPP No 5. Whilst the future effect of SEPP No. 5 and the draft plan are somewhat interrelated, is not considered appropriate to stall the making of the draft plan whilst the exemption is being sought. Stalling the making of the draft plan will create confusion and uncertainty within the community as to Council's direction and promote more applications for multi unit housing in areas outside of the proposed MUHZ. Any SEPP No 5 application received between the making of the draft plan and the possible granting of an exemption under SEPP No. 5 can be assessed on its merits.

Recommendation:

That the Council make application to the Minister for Infrastructure and Planning for an exemption from the provisions of SEPP No 5.

That the making of the draft plan not be delayed until such times as the exemption is granted or refused by the Minister.

Use of ANEF map

Submissions:

The ANEF map may not be accurate as aircraft movements are less frequent, new planes are quieter, and more flight training is undertaken in a flight simulator. Council should have greater regard for the proximity of public transport, schools, and shopping areas than excluding properties due to ANEF considerations.

Properties affected by aircraft noise should not be excluded from the MUHZ as future development can achieve adequate sound insulation for bedrooms and living areas. In some cases the aircraft noise is less intrusive than housing along main roads where the noise may be slightly lower level but is constant. The aircraft noise is spasmodic and as such less intrusive into everyday living. Areas within 30 (thirty) ANEF or below should be included in the MUHZ.

If the Richmond commercial precinct is retained for residential construction above the existing shops, then all other areas within similar ANEF contours zones should be included in the MUHZ

Comment:

The ANEF contour map used to prepare the plan is the most current plan provided to Council by the Commonwealth Department of Defence.

The draft plan maintains the existing permissibility of multi unit housing in the Residential 2(c) zone and Business zones. Almost all of the Residential 2(c) land and all of the Business zones in Richmond are subject to ANEF contours 25 (twenty five) or above. The maintenance of this existing permissibility is seen as an appropriate planning approach to promoting mixed commercial/residential development within these zones, achieving an accessible and liveable town centre, and compliments the aims and objectives of the Richmond Mainstreet program. Extending the MUHZ into land which is proposed to be in the Housing zone and subject to an ANEF of 25 (twenty five) or above would have the effect of allowing more types of housing and potentially a greater number of the dwellings in these areas than is presently permissible.

The Department of Defence has previously advised that houses, home units and flats are unacceptable in areas subject to the 25 (twenty five) ANEF contour or above. The draft plan is consistent with this advise in respect of land currently zoned Residential 2(a). As stated earlier in this report the draft plan was forwarded to the Commonwealth Department of Defence who advised that they commend Council's approach to reducing the potential for adverse amenity impacts and complaints as a result of aircraft noise.

Recommendation:

That, in terms of the above submissions, the draft plan not be amended.

Use of distance criteria

Submissions:

The draft plan as written makes no mention of these distances. The plan and accompanying documentation does not properly explain the rationale behind the radial distances.

The distance criteria is arbitrary without any consideration of existing land resource capabilities, lot sizes, infrastructure, services or transport routes. Existing serviced residential areas within the Hawkesbury are not so far from shops and facilities such that they should not be discounted from future examination for higher density development.

Bus transport routes should be considered in defining development corridors rather than adopting a standard planning principle of circular areas around railways.

Comment:

It is not necessarily the role of the written instrument component of the draft plan to mention or explain the rationale of the distance criteria used to formulate the draft plan. The maps, which accompany the draft plan, however, clearly show the areas proposed to be zoned for Multi-unit housing and those for Housing. The draft plan was exhibited with the associated Council reports which explain the use of the distance criteria.

The use of distance criteria is a commonly used planning tool applied in a wide variety of situations. For example distance criteria is commonly used when examining such planning issues as new land releases, provision of public infrastructure and services, designated development criteria, odour and noise management, disease control, and various agricultural uses.

The distances used in the formulation of the draft plan relate to commonly accepted distances people are willing to walk to gain access to transport nodes and commercial centres. Further, in the case of this draft plan, the distance criteria has not been arbitrarily applied independently of other planning considerations. Whilst it has been used as a starting point other matters such as flooding, isolation, accessibility, character of the area, ANEF contours, current State and local government housing strategies have been considered to produce the draft plan.

Recommendation:

That, in terms of the above submissions, the draft plan not be amended.

Loss of Housing Opportunities and Choice

Submissions:

The housing zone is in effect "down zoned" resulting in a loss of housing opportunities and choice and in time an increase in housing costs. No potential for a tradition "granny flat" for an aging relative, or small villa developments.

The draft plan wastes servicing resources currently available on serviced residential land in all areas outside the MUHZ. All residential land which is fully serviced should be available for redevelopment.

The land component cost of a single dwelling in a typical Hawkesbury medium density development has jumped from \$65,000 (sixty five thousand dollars) to over \$150,000 (one hundred and fifty thousand dollars) in only 2 (two) years. The draft plan will exacerbate this problem by further limiting land supply for multi unit housing. Affordable housing will be a thing of the past in the Hawkesbury.

Most of the areas with Bligh Park, Hobartville and North Richmond designated "Multi unit Housing" are not capable of further development under the proposed zone within the foreseeable future. Many of the areas designated to be zoned "Multi unit housing" have only recently been developed and no further development could be contemplated for many years let alone in the foreseeable future.

With the recent DCP further development within the MUHZ will not be practical or viable to achieve thus further development within these areas is not likely in the foreseeable future.

The locations and intensification of the multi-unit housing zones in specific areas will have the complete opposite of the desired impact and will lend themselves to the creation of less than desirable enclaves of poor quality and poor design.

To have any residential development outside the MUHZ will require an amendment to the LEP and this is ludicrous considering the expense and timeframe involved in having the land considered for residential redevelopment.

Comment:

The effect of the Housing zone will be to "down zone" some areas which are currently zoned Residential 2(a). Similarly however, the effect of the MUHZ will be to "up zone" some areas, which are currently zoned Residential 2(a).

It is incorrect to claim at this stage that the draft plan will cause a loss in housing opportunities and choice, will increase housing costs, or is a waste of serviced residential land. These matters can only be determined over time. Any such negative impacts must also be balanced against the positive impacts, which have been considered in the preparation of the plan such as retaining the low scale character of some residential areas, preserving emergency evacuation spare capacity, reducing the impact of flood events and aircraft noise, and promoting improved access to transport nodes and commercial centres.

Some respondents have suggested that the draft plan be amended to allow for a traditional "granny flat" within the Housing zone. A traditional granny flat could be generally considered to be a small detached or attached building containing 1 (one) bedroom, dining/living, kitchenette/bar, bathroom and laundry. Applications for this type of development under the present zoning provisions are virtually non-existent as most applications are for larger dual occupancies. The proposed Housing zone will prohibit dual occupancies, however, still permit the small detached/attached buildings described above. Particular matters of concern relating to traditional granny flats include ensuring

the flat is occupied by a relative, what happens to the flat once the relative no longer requires accommodation, time limits for use, the aesthetic value of temporary buildings, and additional car parking requirements.

With the exception of Bligh Park, which contains newer housing stock, the areas proposed to be zoned for MUHZ contain a varied mix of old and new housing stock. Where appropriate, the older housing stock could readily be redeveloped under the MUHZ provisions with the newer housing stock being redeveloped in time as they approach the end of their economic life.

Whilst various constraints of individual sites within the MUHZ may cause difficulties with redevelopment, the consolidation of 2 (two) or more sites will generally overcome these problems. Such consolidation will assist in gaining the maximum benefits of the new MUHZ and the current DCP. Redevelopment within the MUHZ, whether on an individual site or consolidated site, is considered to be the preferred planning approach to the provision of new well designed and quality housing rather than the generally ad hoc piecemeal redevelopment witnessed by Council.

Recommendation:

That, in terms of the above submissions, the draft plan not be amended.

Potential for Multi Storey Residential Flat Buildings

Submissions:

The definition of "multi unit housing" would allow for any form of housing within the MUHZ. There is nothing in the LEP to stop applications for 4,5, . . . 10 or more storey residential flat buildings.

Are walk up flats appropriate in the multi unit housing zone, especially those areas with current traffic problems?

The DCP has to be cleared up on how walk-up flats can be constructed in the new MUHZ or Amendment 130 will have to make some clear divisions where walk-up flats can be constructed.

Comment:

The definition of "multi unit housing" includes multi storey residential flat buildings (i.e walk up flats) and hence they will be permissible in the MUHZ. Some of the MUHZ is the current Residential 2(c) zone, which permits multi storey residential flat buildings, the balance of the MUHZ is land, which currently does not allow multi storey residential flat buildings.

The Hawkesbury DCP provides a number of development controls for walk up flats. A primary control is that relating to height, which requires buildings to fit within a building height plane (BHP). The BHP allows for a maximum building height above natural ground level of 3.5m at the property boundary, a 8m ceiling height and a 12m ridgeline height.

The draft plan seeks to promote multi storey residential flat buildings within walking distances of transport nodes and commercial areas and prohibit multi unit housing outside of these areas. The

net effect should be a reduction in the dependence of private motor vehicle use than would be the case if the current zoning provisions were to continue.

Recommendation:

That, in terms of the above submissions, the draft plan not be amended.

Potential for Hawkesbury DCP to Overcome Concerns About Inappropriate Development

Submissions:

The draft plan seems to be a reactionary measure as a response to a small number of inappropriate development applications. It would be preferable to fix up this perceived problem by reviewing Council's DCP rather than by excluding the very development that the community needs due to the ageing of the population and the increasing difficulty for many to enter the housing market.

The perceived problems with medium density housing are arising from development approved and being constructed under Council's "old" DCP provisions. The "new" DCP that has been in force for around 18 (eighteen) months has not had a proper chance to be assessed. It is believed that it would be better to keep the current DCP controls with some upgrading along with the existing LEP provisions rather than adopting a new draft LEP that, if gazetted, will have little relationship to the controlling DCP.

The proposed changes are not required as the recently introduced DCP provides sufficient controls to ensure high standards for future development within the Hawkesbury urban areas.

Comment:

In recent years Council has determined a number development applications for multi unit housing based on the old DCPs and the current DCP. Both types of development applications have attracted submissions objecting the proposed development. Common concerns of respondents include loss of character of the area, increase in traffic, concerns about urban consolidation, and isolation due to flooding. Whilst it is believed that the current DCP will produce a higher aesthetic and environmental standard of development, the concerns of residents still remain, particularly in North Richmond.

Recommendation:

That, in terms of the above submissions, the draft plan not be amended.

Impact of Heritage Items and Heritage Conservation Areas

Submissions:

The multi unit housing zone contains a number of individual heritage items and heritage items within conservation areas. Restricting multi unit houses within these areas will lead to a gradual decline of the heritage of the Hawkesbury and its setting as it will become harder to resist higher density housing next to, or on the same land of heritage items. It will become harder to rely on

existing heritage conservation clauses within the LEP when they are to be utilised in an overall framework of promotion of higher density housing.

Particular concern raised due to possible impacts on The Terrace and Toll House Precincts.

Comment:

The demolition and replacement of older style housing for multi unit housing has resulted in the gradual loss of character, in terms of architectural style and density, of residential areas. Whilst these individual houses have not been listed as heritage items on Schedule 1 of the HLEP 1989 they have contributed to the overall streetscape of these localities. Maintaining the status quo may have a detrimental impact on the remaining older style housing stock and existing density of development. The creation of the Housing zone and MUHZ will assist in the appropriate retention of older housing stock as well as maintenance of the historical densities of development in the Housing zone areas.

HLEP 1989 contains specific clauses relating to development of heritage items and within conservation areas, as well as within the vicinity of heritage items (Clauses 26, 27 and 28). The main objective of these clauses is to protect the heritage significance of the item and its stylistic or horticultural features. These clauses give Council more legal ability than would otherwise be the case to ensure that new development complements the character of a given area. In addition to the provisions of HLEP 1989 Council has recently commissioned a consultant to prepare a Local Heritage Manual and heritage related inclusions into the Hawkesbury DCP to assist landowners, developers and Council in preparing and assessing development applications affecting heritage items.

Specifically excluding heritage items from the MUHZ would have little effect because under the conservation incentive clause of HLEP 1989 (Clause 29) Council may consent to development for any purpose, including a prohibited purpose. This is of course subject to the use having little or no adverse effect on the amenity of the area and the conservation of the building being assisted by the development.

Recommendation:

That, in terms of the above submissions, the draft plan not be amended.

Mapping Anomalies

Submissions:

Claimed mapping anomalies are

- Richmond Club in Francis Street, Richmond being within the MUHZ
- area defined by Francis Street, Toxana Street, Paget Street and Windsor Street included in the MUHZ when it is affected by aircraft noise above 30 ANEF
- properties on the corner of Macquarie and Bridge Streets, Windsor being within the MUHZ where Council has resolved to rezone for commercial purposes

- absence of MUHZ for the existing townhouses adjacent to the shops on Bells Line of Road, North Richmond between Grose Vale Road and the United Service Station to the west (i.e Lot 1 DP 1012497, 63 Bells Line of Road, North Richmond)
- the map indicates the MUHZ is within flood liable land and above the tolerable RAAF noise exposure footprint. This is contrary to the explanatory notes for the LEP and the LEP makes no mention of flood liable land or RAAF noise exposures
- the maps do not represent the intension of Council's resolution of November 2000, which states multi unit housing within 500 (five hundred) metres of a commercial zone and 1 (one) kilometre of a railway station

Comment:

Richmond Club is currently zoned Residential 2(c). The draft plan maintains the status quo in terms of permissibility of residential development on this land. The comments of the respondent are noted. It is recommended that the appropriateness of the residential zoning of this property be investigated in the next available general amendment to the HLEP 1989.

The area defined by Francis Street, Toxana Street, Paget Street and Windsor Street, Richmond is currently zoned Residential 2(c). The draft plan maintains the status quo in terms of permissibility of residential development on this land.

The properties on the corner of Macquarie and Bridge Streets, Windsor are currently zoned Residential 2(c). The draft plan maintains the status quo in terms of permissibility of residential development on this land. The comments of the respondent are noted. Draft Amendment No 115 is currently reviewing the appropriateness of the residential zoning of this property. It is appropriate that this matter be resolved through Draft Amendment No 115.

The existing townhouses on Lot 1 DP 1012497, 63 Bells Line of Road, North Richmond are on land currently zoned Business General 3(b). This land is being re-zoned Residential by Amendment 140. It is therefore appropriate now for this amendment to zone their land for Multi Unit housing.

Areas where the MUHZ is within flood liable land or subject to an ANEF of 25 (twenty five) or above are on land, which is currently zoned Residential 2(c). The draft plan maintains the status quo in terms of permissibility of residential development on this land.

The 500 (five hundred) metre and 1 (one) kilometre radii used to assist in the preparation of the map are taken from the centre of the relevant commercial area not the boundary of the commercial area. This is derived from Council's resolution of 11 July 2000, which proposed the centre point as the origin for the radius measurement. Subsequent reports to Council in January 2001, June 2001, August 2001, October 2001, November 2001 and February 2002 highlighted subsequent changes to the map made due to flooding, ANEF, property boundary and street pattern considerations.

Council identified Mapping anomalies:

Council staff have identified 3 (three) mapping anomalies. These are:

27, 29 and 31 Windsor Street, Richmond - Amendment No 19 zoned these properties 4(b) Industry light. The draft plan incorrectly proposes to zone these properties Housing.

54 Francis Street, Richmond - Amendment No 24 zoned this property Residential 2(a). Amendment 97 incorrectly rezoned the property back to its previous zone of Special Use 5(a) Community purposes. The draft plan should be corrected to zone this property to Housing.

Lot 1016 DP 241424, 53 Castlereagh Road, Hobartville and Lot 1070 DP 241457, 53A Castlereagh Road, Hobartville - Amendment No 43 altered the zone boundary between these properties. Amendment 97 incorrectly reinstated the previous zone boundary. The draft plan should be corrected to reinstate the zone boundary as gazetted in Amendment 43.

Recommendation:

The appropriateness of land occupied by the Richmond Club in Francis Street, which is proposed to be in the MUHZ be investigated in the next available general amendment to the HLEP 1989.

Lot 1 DP 1012497, 63 Bells Line of Road, North Richmond re-zoned Multi-unit Housing to complement Amendment 140.

The mapping anomalies identified by Council staff be corrected.

Creation of Existing Use Rights

Submission:

The plan as written would cause any dual occupancy, villa or townhouse already existing on land outside the MUHZ to become an existing non-conforming use within the zone.

Comment:

In brief, existing use rights arise when an planning instrument prohibits previously approved land uses. The effect of existing use rights is that the now prohibited land use can, with consent, be changed to any other prohibited land use.

Council has attempted to address the creation of exiting use rights within Hawkesbury Local Environmental Plan 1989 - Amendment No 110, which made identified land uses permissible in all rural, residential, business, industry and environmental protection zones.

Identified land uses are defined as:

a land use for which consent or approval was granted by the Council on or after 22 December 1989 and that was in operation on the dater that Hawkesbury Local Environmental Plan 1989 (Amendment No 110) took effect.

22 December 1989 was the date upon which HLEP 1989 was gazetted. Amendment 110 took effect on 30 March 2001.

The concern of the respondent is legitimate and it is recommended that the definition of an *identified land use* be amended to mean:

a land use for which consent or approval was granted by the Council on or after 22 December 1989

Recommendation:

The draft plan be amended to include a definition change of identified land use in Clause 5 of HLEP 1989 such that an identified land use means:

a land use for which consent or approval was granted by the Council on or after 22 December 1989.

Objective (d) of Housing zone and MUHZ

Submission:

Objective (d) needs explanation or defining. It is an unusual planning term and one that may cause confusion depending on its interpretation.

Comment:

These objectives were included at the request of the DLWC as a result of the Section 62 consultation with Public Authorities.

The objective states:

To ensure the development is sympathetic to the natural amenity and ecological processes of the area.

The other proposed objectives relate to built environment matters such as character of the area, streetscapes, density and scale of development, and the provision of infrastructure. Objective (d) relates specifically to the natural environment. All objectives are open to interpretation, it is, however, clear that the author of the objective (DLWC) wishes Council to consider the impact of residential development on the natural environment.

Recommendation:

That, in terms of the above submissions, the draft plan not be amended.

Request for additional properties to be included in the MUHZ

Submissions:

Respondents have requested that the following properties be included in the MUHZ. Where provided the respondents justification for inclusion in the MUHZ has been summarised.

Richmond

Dight Street, Evan Crescent, Faithful Street, East Richmond

72 - 74 Dight Street, Richmond

Land bounded by Moray Street, Windsor Street, Bourke Street and extending along Windsor Street to Council's reserve/tennis court - area comprises numerous existing multi unit housing developments and complies with objectives of the MUHZ except for aircraft noise

66 Windsor Street, Richmond - property is one of 12 properties located between Bourke Street, Windsor Street, the Railway line and Council reserve. Seven of these properties contain multi unit development.

Windsor

Land north east of Bridge Street, Windsor

Land bounded by Bridge Street, George Street, Arndell Street and Court Street, Windsor - area within 500 (five hundred) metres of commercial zone, two motels are to the east, villa developments in Arndell Street, restaurant, hotel and other commercial businesses to the west. Land not affected by aircraft noise and above the 1 in 100 flood level.

Brabyn Street, Fairfield Street and Cambridge Avenues, Windsor

Land for James Street to Woods Road, South Windsor

368 Macquarie Street, Windsor - above 1 in 100 flood level, not affect by aircraft noise, large site of 5488sqm, regular public transport is available at street frontage, close proximity to schools, recreation areas and facilities, adjoining properties are multi unit development, multi unit housing would extinguish current timber yard existing use rights.

42 Stewart Street, South Windsor - land is within 500 (five hundred) metres of commercial zone, unaffected by aircraft noise, above 1 in 100 flood level, surrounding area is characterised by multi unit housing, site is close to sporting facilities, shops and public services.

North Richmond

46 Grose Vale Road, North Richmond - the property is within the 500 (five hundred) metre radius of the commercial zone, the subject property is located within the 20 (twenty) to 25 (twenty five) ANEF contour and above the 1 in 100 flood level.

13 Pecks Road, North Richmond - respondent provided a general comment on Amendment 130 the nature of which has been included in other subheadings of this report

Enfield Street, North Richmond (south end) - contains ageing housing stock and large residential lots

Comment:*Richmond*

Dight Street, Evan Crescent, Faithful Street, East Richmond is affected by ANEF contour of 25 (twenty five) and above, most of Evans Crescent is outside 1 (one) kilometre distance criteria. The area has not been substantially redeveloped for multi unit housing.

72 - 74 Dight Street, Richmond - see above comments regarding Dight Street, Evan Crescent, Faithful Street, East Richmond

Land bounded by Moray Street, Windsor Street, Bourke Street and extending along Windsor Street to Council's reserve/tennis court has been excluded because it falls within the 25 - 30 ANEF contour. This area is above the 1 in 100 flood event level, backs onto the Richmond - Blacktown railway line and has a substantial number of existing and approved sites redeveloped for multi unit housing. It is recommended that this area be included in the MUHZ.

Properties located between Bourke Street, Windsor Street, the Railway line and Council reserve (including 66 Windsor Street, Richmond) - see above comments regarding land bounded by Moray Street, Windsor Street, Bourke Street see and extending along Windsor Street to Council's reserve/tennis court.

Windsor

Land north east of Bridge Street, Windsor is mostly outside 500 (five hundred) metre distance criteria and many properties are below the 17 (seventeen) metre AHD contour. Using the criteria adopted to produce the draft plan reveals that some of these properties, in particular those closest to Bridge Street, could be within MUHZ, however, this would create a series of split zonings over properties and a convoluted zone boundary. In order to eliminate this problem all of the area has been zoned Housing.

Land bounded by Bridge Street, George Street, Arndell Street and Court Street, Windsor - see above comments regarding land north east of Bridge Street, Windsor

Brabyn Street, Fairfield Street and Cambridge Avenues, Windsor is affected by ANEF contour of 30 (thirty) and above. The area has not been substantially redeveloped for multi unit housing.

Land from James Street to Woods Road, South Windsor which is not within the MUHZ has been excluded because it is outside the 500 (five hundred) metres distance criteria. The area has not been substantially redeveloped for multi unit housing.

368 Macquarie Street, Windsor is outside the 500 (five hundred) metre distance criteria. The respondent claims the site has existing use rights hence multi unit housing could still be approved on the site.

42 Stewart Street, South Windsor has been excluded because it is outside the 500 (five hundred) metre distance criteria from South Windsor shops.

North Richmond

46 Grose Vale Road, North Richmond was excluded because it is outside the 500 (five hundred) metres radius. It is noted that properties to the north east in Grose Vale Road, Elizabeth Street and Monti Place fall within the 500 (five hundred) metres radius. However, in order to eliminate the potential for split zonings over property and establish a definite boundary between the Housing zone and MUHZ, Grose Vale Road and Elizabeth Street was adopted as the boundary.

13 Pecks Road, North Richmond is outside the 500 (five hundred) metres distance criteria. The area has not been substantially redeveloped for multi unit housing.

Enfield Street, North Richmond (south end) is outside the 500 (five hundred) metre distance criteria. The area has not been substantially redeveloped for multi unit housing.

Recommendation:

It is recommended that area defined as being between Moray Street, Windsor Street, the Railway line and Council reserve be included in the MUHZ.

All other requests for properties/areas to be included in the MUHZ be declined.

Subdivision (North Richmond)

Submissions:

Concern that proposed subdivision changes will prohibit all future subdivision as properties in North Richmond are not of sufficient area for subdivision as the older areas of North Richmond were based on a quarter acre standard.

The quarter acre allotment lends itself to subdivision into 2 (two) lots for single residential dwellings with adequate dwelling and outdoor living space in accordance with the current DCP suitable to contemporary lifestyles, without the higher density of villas or townhouse development.

Why is North Richmond being treated differently to all other residential areas

Comment:

From the establishment of planning controls in 1964, a dominant character for North Richmond emerged. North Richmond was based on the "traditional quarter acre" lot, allowing sufficient area for on site effluent disposal. This established a clear pattern of subdivision which is still evident today.

In 1987, Council prepared a consolidated Local Environmental Plan (LEP) and proposed to amend the minimum allotment size from 1000sqm to 450sqm. The LEP was prepared in accordance with the provisions of both State Environmental Planning Policy No. 25 - Residential Allotment Size.

Whilst the minimum lot size of 450sqm has been in place since the gazettal of HLEP 1989, the traditional quarter acre lot character has remained a dominant feature in the North Richmond township. In more recent times the larger lots have been subdivided, resulting in the gradual loss of that original character.

Newer subdivisions, including the extension of North Richmond in the early 1990's, consisting of some 200 (two hundred) lots have been developed at lot sizes ranging from 700sqm to 1300sqm. This subdivision (part of the Kemsley Downs property), further reinforced the traditional subdivision pattern of subdivision.

In light of this it is considered appropriate that Council increase the minimum allotment size from 450sqm to 600sqm (and 700sqm for internal lots) to further reinforce and retain the character of the area.

The creation of a specific MUHZ and amendments to the minimum allotment size in North Richmond will still provide a range of housing choice, particularly where existing housing reaches the end of its economic life and is redeveloped.

The North Richmond township, being located west of the Hawkesbury River becomes isolated in times of flood due to the river cutting the North Richmond Bridge. This creates a number of problems such as lack of accessibility to basic services such as hospitals and police. Physical access to other parts as well as linkages to other parts of Sydney is also difficult, increasing community isolation. In larger floods the impact would be more severe where services such as electricity, water, sewer and telecommunications are damaged. It is, therefore, appropriate to limit further subdivision and Multi Unit Housing in North Richmond.

Recommendation:

That, in terms of the above submissions, the draft plan not be amended.

Land Use Matrix - Railways, Nature Reserves and effect of draft Amendment 139

Council has received advice from DIPNR that, for the ease of gazettal, columns relating to 5(b) Special Uses (Railways) and 8(a) Nature Reserves be deleted from the Land Use Matrix. This amendment will make no change to the effect of the draft plan and will make the matrix consistent with the provisions of draft Amendment 139. This will require a separate resolution of Council.

Combining draft Amendments 108 and 130

Council has received advice from DIPNR that, for the ease of gazettal, draft Amendments 108 and 130 should be combined into 1 (one) plan prior to forwarding to the Minister for gazettal. This will require a separate resolution of Council.

Conclusion

Having considered the submissions to the public exhibition of the draft plan it is recommended that Council proceed with Amendment 130 subject to the changes recommended in this report before forwarding it to the Minister for Infrastructure and Planning for gazettal.

RECOMMENDATION:

That:

1. Council proceed with the making of the draft plan as per the recommendations contained in this report.
2. That the columns relating to 5(b) Special Uses (Railways) and 8(a) Nature Reserves be deleted from the Land Use Matrix and be replaced with suitable devices.
3. Draft Amendments 108 and 130 be combined into 1 (one) plan prior to forwarding to the Minister for gazettal.
4. The appropriateness of land occupied by the Richmond Club in Francis Street, which is proposed to be in the MUHZ be investigated in the next available general amendment to the HLEP 1989.
5. That the Council make application to the Minister for Infrastructure and Planning for an exemption from the provisions of SEPP No 5.
6. The submission authors be advised accordingly.

ATTACHMENTS:

AT-1 Draft combined Amendment No 108 and 130 map (separate distribution).

AT-2 Letter from DIPNR regarding Housing Strategy.

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ITEM: 78 **Pitt Town Signage****FILE NUMBER:** 79347/EVD/ENK27NBX.V05**PREVIOUS ITEM:** 49, GPC Section 1 - Environment (29.07.2003)

REPORT:**Introduction**

At the Ordinary Meeting on 12 August 2003, Council resolved as follows:-

1. A report be provided as to how the LEP can be modified to allow Council to give consent for signs at Pitt Town.
2. The signs be allowed to remain until any proposed amendment to the LEP be determined.
3. The residents advised to remove signs, be correctly informed that the Pitt Town development has not been determined.

Part 3 of Council's resolution has been carried out by letters dated 14 August, 2003. The purpose of this report is to advise Council of the statutory considerations concerning amendment of the LEP.

Statutory Definition

Section 4 of the Environmental Planning and Assessment Act, 1979 defines advertisement as follows:-

"Advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water".

To clarify the uncertainty within this definition, it is appropriate (in terms of statutory interpretation) to consult the dictionary. The Macquarie Dictionary contains the following definition of advertisement as:

"Any device or public announcement, as a printed notice in a newspaper, a commercial film on television, a neon sign, etc., designed to attract public attention, bring in custom, etc."

State Environment Planning Policy No. 64 - Advertising and Signage 2001 contains the following definition of advertisement.

"Advertisement means signage to which Part 3 applies and includes any advertising structure for the advertisement".

State Environmental Planning Policy No. 64 defines signage as

“Signage means all signs, notices, devices, representations and advertisements that advertise or promote any goods, services or events and any structure or vessel that is principally designed for, or that is used for the display of signage and includes:

- (a) building identification signs*
- (b) business identification signs*
- (c) advertisements to which Part 3 applies*

but does not include traffic signs or traffic control facilities”.

Although the signs displayed on private properties at Pitt Town do not advertise any goods or services, it is clear that they do comprise a public announcement which is designed to attract public attention. It is therefore concluded that the signs in question are “advertisements”.

Statutory Considerations

Pitt Town message advertisements are displayed on a number of individual properties in the locality. The Pitt Town Village is zoned largely Residential 2(a), land to the north is zoned Environmental Protection Scenic 7(d1) and Rural 1(c), land generally to the south is zoned Rural 1(c) and Environmental Protection Scenic 7(d1). It is noted that the statutory controls differ depending on zoning and land to the east is zoned Rural 1(c).

State Environmental Planning Policy No. 64 - Advertising and Signage 2001 (SEPP 64):

SEPP 64 aims, among other things, to regulate signage. The Policy applies to the whole of the State and the relationship between SEPP 64 and Hawkesbury Local Environmental Plan 1989 is that in the event of an inconsistency, SEPP 64 prevails to the extent of the inconsistency.

Of particular relevance to this matter is Clause 10 of SEPP 64 which states that the display of an advertisement is prohibited on land that is within any of the following zones or descriptions.

- Environmentally sensitive area
- Heritage area
- Natural or other conservation area
- Open space
- Waterway
- Residential (but not including a mixed residential and business zone or similar zones)
- Scenic Protection area
- National Park
- Nature Reserve

Accordingly, advertisements are prohibited on land zoned Environmental Protection Scenic 7(d1) and Residential 2(a).

The SEPP goes on to prohibit all signs in rural areas unless Council has a DCP in place that has been prepared in accordance with the SEPP. Council can approve signs that indicate the profession of the occupant of the land or the use of the land, however, all other signs are prohibited.

Hawkesbury Local Environmental Plan 1989:

Under the provisions of HLEP 1989, advertisements are permissible with consent in the Residential 2(a) zone and the Environmental Protection Zone 7(a), 7(d) and 7(d1). Clause 23 of HLEP 1989 contains more detailed provisions, in particular, prohibiting signage in the rural zones, residential zones and environmental protection zones, except for the following:

- Advertising which only relates to the purpose for which the land is used
- Advertising which directs the travelling public to tourist areas
- Private advertisements for tourist accommodation or other tourist facilities

Development Control Plan:

Hawkesbury Development Control Plan contains a chapter on signs. The DCP discourages advertising signs in residential, rural and scenic protection zones and contains the same prohibitions as the Local Environmental Plan relating to tourist direction signs and only advertising the use of the land on which the sign is erected. This DCP predates SEPP 64 and therefore does not meet the requirements of this Policy.

Conclusion:

Although the advertisement requirements contained within Hawkesbury LEP 1989 and the Development Control Plan are a reflection of local policy and community intent, SEPP 64 overrides these controls. Any proposed amendment to the LEP in this regard would be inconsistent with the provisions of SEPP 64 and SEPP 64 would prevail in any case.

Accordingly, an amendment to Hawkesbury LEP 1989 would serve no purpose. In view of the provisions of SEPP 64, the Pitt Town message advertisements are prohibited. The proposed residential development at Pitt Town is an extremely contentious issue which has generated passionate responses from the community. Although approval cannot be given to the advertisements, it is open to Council to require removal of these advertisements within a specified time frame.

In order to overcome this problem, the DCP will need to be modified to bring it into conformity with the SEPP 64. This also applies to all political signs which are also prohibited by the SEPP until a conferring DCP is in place.

RECOMMENDATION:

That:

1. Council issue a Notice of Intention to Serve an Order under the provisions of the Environmental Planning and Assessment Act to the owners of land where Pitt Town message advertisements are displayed, requiring removal of the unauthorised advertisements within 28 (twenty eight) days.
2. Follow up orders be issued as necessary under delegated authority.

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3. That the Hawkesbury Development Control Plan be modified to meet the requirements of SEPP 64 and these modifications include consideration of political signs and election campaign signs.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 78 Oooo

ITEM: 79 Restricted Premises**FILE NUMBER:** 79347/EVD/ENK27NBX.V06**PREVIOUS ITEM:** 50, GPC Section 1 - Environment (29.07.2003)

REPORT:**Introduction**

On 12 August, 2003 Council resolved that:

- “1. *A report be prepared for Council detailing the proposed changes to Hawkesbury LEP and DCP regarding the sale of unauthorised material in the city.*
2. *A report be prepared indicating any other LGA’s in our State that do not have these developments as part of their approvable development applications”.*

This report provides information about the responses received from other councils and suggests changes to the LEP and DCP.

Controls in Other LGA’s

On 21 August, 2003 a request was made by the Local Government and Shires Association of New South Wales to the Local Government Planning e:mail group on behalf of Council. Councils were asked to respond as to whether they have specific policies which either prohibit restricted premises or require consent.

Responses were received from Hurstville, Albury, Tamworth, Hastings, Maclean and Grafton councils. All of those councils require consent for restricted premises, and some councils have prepared Development Control Plans with locational criteria for such premises. None of the councils which responded have an outright prohibition on restricted premises.

Possible Changes to Hawkesbury LEP and DCP

On the assumption that Council wishes to control the locations for restricted premises, it is suggested that an amendment be made to Hawkesbury LEP 1989 to introduce a definition of Restricted Premises and to amend the land use matrix so that consent is required for restricted premises. To control the location of restricted premises it would be necessary to include requirements in a new chapter of the Hawkesbury Development Control Plan.

Draft LEP Amendment

It is suggested that the following definition would be appropriate for inclusion in the LEP:

“Restricted premises means a building or place used or intended for use as a shop in which:

- (a) *any classified publications (other than unrestricted publications) within the meaning of the Classification (Publications, Films and Computer Games) enforcement Act 1995 are available for sale or rental to the public; or*
- (b) *a business is conducted involving selling or disposing of products to which section 578E of the Crimes Act 1900 applies, or*
- (c) *a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with sexual behaviour, but which is not printed matter”.*

The land use matrix within the Local Environmental Plan should also be amended so that restricted premises are permissible with development consent only in 3(a) Business General and 3(b) Business Special zones and prohibited in all other zones.

Draft Development Control Plan Amendments

It is suggested that a new chapter for Restricted Premises be introduced to the Development Control Plan, with the following provisions:

1. *Objectives:*

The general aims in relation to the development of restricted premises within the City are to:

- Ensure that restricted premises are appropriately located so that they minimise offence to the community and any adverse social impacts.
- To ensure that restricted premises are designed so as to minimise the impact and presence of the development in the locality.
- To ensure that the advertising of restricted premises is discreet and does not cause offence to the general public.
- To restrict the operating hours of restricted premises.

2. *Locational and Access*

Objectives:

Restricted Premises are to be located so that they minimise offence to the community and do not create adverse social impact.

Rules:

- (a) Premises are not be located in such concentration (either alone or in combination with other restricted premises or sex related businesses) as to result in the creation of a “red light” district.
- (b) Restricted premises must not be located within 100 (one hundred) metres walking distance of residential zones, churches, schools, public parks or community facilities regularly frequented by children.

- (c) Restricted premises must be located on a well-lit public street.
- (d) Restricted premises shall not be accessed from a laneway and shall have only one visible entrance to the premises.

3. *Signage*

Objectives:

Signage is to be discreet so as not to cause concern or offence to the general public.

Rules:

- (a) No chain bulb or flashing sign is permitted.
- (b) Only one sign is permitted, which is to be located either on the entrance door or wall adjacent to the premises or in the form of an under-awning sign.
- (c) The sign shall not announce the availability of sexually explicit products, contain advertising relating to sexually explicit products or contain sexually suggestive graphics or words.

RECOMMENDATION:

That:

1. Council resolve to prepare a Draft Local Environmental Plan which requires consent for restricted premises in 3(a) and 3(b) zones only and prohibits restricted premises in all other zones. Council resolved that a Local Environmental Study is not required.
2. Council prepare a Draft Development Control Plan for Restricted Premises, as outlined in this report.
3. The Draft Local Environmental Plan and Development Control Plan be prepared and exhibited concurrently.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 79 Oooo

ITEM: 80 **Draft Local Environmental Plan 8/98 - Amendment 108 to Hawkesbury Local Environmental Plan 1989**

FILE NUMBER: LEP8/98/EVD/ENK27NBX.V07

REPORT:

Introduction

Council previously considered the provisions of the draft Amendment 108 at its of meeting 10 December 2002 where the following recommendation was adopted:

1. *The Draft Local Environmental Plan 8/98 (Amendment 108) be amended to allow intensive agriculture in the Rural Living zones with development consent and agriculture in the rural living zones without development consent.*
2. *The Draft Local Environmental Plan 8/98 (Amendment 108) be amended to change the definitions of agriculture and intensive agriculture.*
3. *The Draft Local Environmental Plan 8/98 (Amendment 108) be amended to identify poultry farms and piggeries as a non-permissible use in the rural living zone. 10 December 2002.*
4. *The amended Draft Local Environmental Plan 8/98 (Amendment 108) be re-exhibited.*
5. *The Draft Local Environmental Plan 8/98 (Amendment 108) and the Development Control Plan be exhibited concurrently.*

Council further considered draft Amendment 108 and the submissions requesting a change of zone or subdivision proposal at its meeting of 28 January 2003 where the requests were placed on the agenda for the Strategic Planning Workshop 2003. On 11 March 2003, a report outlining the outcomes of the workshop was considered by Council and it was adopted that "rezonings requested through the amendments to the Local Environmental Plan for subdivisions would not be supported except for any distinct anomalies".

The draft local environmental plan was re-exhibited in July and August 2003 containing the adopted amendments. The purpose of this report is provide a brief background, an overview of the changes contained within draft Amendment 108, consider the submissions received from the most recent exhibition and recommend how to proceed with the draft plan.

Background

The Hawkesbury Sustainable Agriculture Development Strategy (HSADS) was completed in 1997 following a recommendation of Council from the 'Our City Our Future' Strategy in November 1995. A Steering Committee was set up for HSADS consisting of Councillors, Government Agencies and local agricultural interests/residents to oversee the project.

A number of recommendations were prioritised and adopted from HSADS by Council at its meeting of 28 July 1998. This included the preparation of a draft local environmental plan to amend Hawkesbury Local Environmental Plan 1989 (HLEP 1989) to implement the recommendations of HSADS. The draft local environmental plan is known as draft Amendment 108.

The aim of both the HSADS and the subsequent draft amendment 108 to HLEP 1989 was to retain existing agricultural activities as well as encourage new activities to locate in appropriate zones. It did not recommend changes to zone boundaries nor minimum allotment sizes for subdivision.

Previous Community Consultation

A number of public meetings were held to discuss the 5 (five) draft local environmental plans, including draft Amendment 108 as part of the Hawkesbury Our Future Consultations in July 2002. These meetings were held in St Albans, Richmond, North Richmond and Windsor.

Students from the University of Western Sydney (Hawkesbury) also assisted Council in seeking the opinion of the farming community on draft Amendment 108. A survey was prepared by the students in consultation with Council staff and forwarded to over 700 (seven hundred) residents who receive farmland rates.

A further public meeting was held for these residents and was attended by approximately 40 (forty) people. Approximately 40 (forty) submissions were received in relation to the draft plan and these are currently being reviewed. The issues raised related generally to:

- definitions of agriculture and intensive agriculture;
- uncertainty of continuing use of agriculture and intensive agriculture in the proposed Rural Living zones;
- general inadequacies of the plan; and
- requests for rezoning.

As noted above, this was reported to Council in December 2002 and the draft plan was amended.

Overview of Draft Amendment 108

Draft Amendment 108 amends Hawkesbury Local Environmental Plan 1989 by:

1. Amending the zone objectives in the rural and environmental protection zones.

The HSADS proposed to incorporate future character statements for each of the rural and environmental protection zones. The character statements were translated into zones objectives.

2. Amending the name and colour of the zones on the maps.

The colours of the zones on the maps will be changed and the maps are displayed on the notice board at this meeting. Draft Amendment 130 (multi unit housing and housing amendments) is also being considered at this Council meeting and the draft local environmental plan maps also display amendment 130.

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The following zone names will be changed:

Current Zone	Proposed Zone - Draft Amendment 108.
Rural 1(a)- Colo, Colo Heights/Singleton Road.	Environmental Protection-Mixed Agriculture
Rural 1(b)	Mixed Agriculture
Rural 1(c)	Rural Living
Rural 1(c1)	Rural Living
Environmental Protection 7(d) - Bilpin	Environmental Protection - Agriculture Protection
Environmental Protection 7(d) Macdonald Valley, St Albans etc	Environmental Protection-Mixed Agriculture
Environmental Protection 7(d1)	Environmental Protection - Agriculture- Protection
New Zone	Rural Village

The Environmental Protection 7(d)(Scenic) zone in the band along Bowen Mountain Kurrajong Hill and Heights remains unchanged.

3. Land use matrix.

Major amendments to the land use matrix include removing inappropriate uses such as hotels, motels and childcare centres from the Environmental Protection-Agricultural Protection zone. This land contains the most fertile prime agricultural land and the HSADS recommended that activities that compromise the use of the land for agriculture should not be permitted within this zone.

Notwithstanding the above, it is important to allow for low key tourist facilities in the Environmental Protection zones as they have the potential to create understanding and education for agricultural activities as well as supplement incomes. A new definition has been created and is called "rural tourist facility".

Consultation with Department of Mineral Resources

The Director General of the Department of Infrastructure Planning and Natural Resources (DIPNR) (then Planning NSW) certified the draft local environmental plan for public exhibition in September 2001. In issuing this Certificate, DIPNR noted that whilst comments under section 62 of the Environmental Planning and Assessment Act 1979 had been sought from the Department of Mineral Resources, a response had not been received. DIPNR, therefore, requested that a written response be obtained from the Department Mineral Resources prior to the draft plan being finalised.

The Department of Mineral Resources (DMR) was again consulted on 5 September 2003 and a response was received on 23 October 2003. The DMR comments relate to the importance of allowing the mineral resources to be accessed and ensuring that the related development of these resources are permissible in the zones. Specifically the DMR requests that underground mining and

coal seam methane recovery be made permissible uses in the Environmental Protection-Mixed Agriculture and Rural Living Zones.

Furthermore, the DMR refers specifically to existing extraction sites along Singleton Road which are identified in relation to Section 117 Directions G28. Whilst approvals apply to the land, the extractive resource extends beyond the current consent area. Draft Amendment 108 will prohibit the extension of these quarries.

Comment

The comments relate to the continuance of extracting mineral resources within the City. Extractive Industries are currently permissible in the Rural 1(a) and Rural 1(b). Under draft Amendment 108, extractive industries will be allowable only in the Mixed Agriculture zone.

Mines and mineral sand mines are currently permissible in the Rural 1(a), 1(b), 1(c) and 1(c1) zones. Draft Amendment 108 only allows these land uses in the Mixed Agriculture zone.

Notwithstanding the provisions of draft Amendment 108, it would be difficult to fully realise the extractive potential with the Rural 1(c) and 1(c1) zones given the small lot sizes and fragmented land ownership. It is, therefore, not appropriate to amend draft Amendment 108 to allow for the extraction of mineral resources in the Rural Living zones.

In the Singleton Road, Colo Height locality, the comments made by DMR are noted. The most appropriate way to meet the requests of the DMR is as suggested, that is either change the land use matrix for the Environmental Protection-Mixed Agriculture zone or change the zone applied to this locality.

It considered that the best manner to proceed with issue to maintain the current land uses for the Rural 1(a) and, therefore, the appropriate zone under draft amendment 108 is Mixed Agriculture. The current minimum allotment size for subdivision is 40 (forty) hectares and the maps and subdivision clause will need to be updated accordingly.

Recommendation

That the land along the Singleton/Putty Road, generally north of the Colo River and currently zone Rural 1(a) be zoned Mixed Agriculture and the map and written instrument be amended to ensure that the subdivision minimum sizes do not alter.

Public Exhibition of draft amendment 108 - 2003.

The draft local environmental plan was placed on public exhibition from 16 July 2003 to 12 September 2003. Over 800 (eight hundred) letters were sent out to residents receiving farmland rates and those who had lodged submissions to the previous exhibition. The draft plan was exhibited concurrently with the draft chapters for the Intensive Agriculture and Pollution Control Principles for the Hawkesbury Development Control Plan.

A public information session was held on Wednesday, 13 August 2003 and attended by approximately 50 (fifty) people. A second information session was held on Wednesday, 27 August 2003 and attended by approximately 15 (fifteen) people. This meeting was advertised in the Hawkesbury Gazette.

Submissions

A total of 8 (eight) submissions were received. Further submissions were received concerning the draft Intensive Agriculture and Pollution Control Chapters for the Hawkesbury Development Control Plan and these will be the subject to a separate report to Council.

Submission were received from:

- Messrs Anderson, Fielding and Lehrer, Gadds Lane and Slopes Road Kurmond
- Umwelt Environmental Consultants
- Boral Quarries
- K & P Bennett
- GD Blackwood, Higher Macdonald
- GP & E Dunesky, Pitt Town
- M Ripper, Pitt Town
- J Moxon, Pitt Town

Each submission is summarised below followed with comments and a recommendation where appropriate.

1. Messrs Anderson, Fielding and Lehrer, Gadds Lane and Slopes Road Kurmond

This submission is joint proposal for subdivision of several lots at Gadds Lane and Slopes Road Kurmond and suggests the following characteristics for the subdivision:

- Lot sizes of 1.3 hectares
- Buildings contained within 800sqm envelope
- Property boundaries defined by hedgerows of no more than 2.5m or trees of same type no more than 7.5m in height.
- Dogs to run free only with boundary of building envelope
- No hard hooved animals permitted
- Each owner to register with HARTDaC
- Minimum water storage of 90,000 litres
- Each property to access main water supply for agricultural irrigation
- Water for domestic gardens etc to be recycled or grey water
- Underground services preferred.

Comments

This submission seeks to allow further subdivision of the subject properties. The properties are indicated on the maps attached to this report and the current land size and zone of the subject properties are indicated in the following table:

Property	Land Size (hectare)	Zone	Proposed zone	Minimum lot size
63 Gadds Lane	24.2 ha	Rural 1(b)	Mixed Agriculture	10 ha

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404 Slopes Road	3.9 ha	Rural 1(c1)	Rural Living	4 ha
423 Slopes Road	4.8 ha	Rural 1(c1)	Rural Living	4 ha

The combined total land size of the 3 (three) lots is 32.9 hectares and using the requirements suggested in the submission would allow for a 25 (twenty five) lot subdivision.

The zone boundary between Rural Living and Mixed Agriculture is located to the north of Gadds Lane, along Currency Creek and No.'s 404 and 423 are located within the proposed Rural Living zone. Surrounding lots vary in size and reflect both the current minimum allotment size and past planning policies.

Council has consistently resolved that HSADS and the subsequent amendments to HLEP 1989 were not about providing additional land for subdivision. Further, Council has consistently refused requests for rezoning received over the past 3 (three) years, which proposed additional subdivision of the City's rural lands. This position has also been re-iterated at the last 2 (two) Council Strategic Planning Workshops.

As mentioned in the background information in this report the previous exhibition of draft Amendment 108 attracted 8 requests for rezoning, all which were not supported by Council.

Recommendation

That the proposed rezoning to allow further subdivision of the subject properties not be supported.

2. Umwelt Environmental Consultations

This submission is from consultants acting for the current owners of Tinda Park, a sandstone extraction site on Singleton Road, Colo Heights (Lots 1,2 & 3 DP997733). It requests Council to consider the implications of draft Amendment 108 on the subject land in relation extractive industries.

The submission provides detailed information about the friable sandstone resource available on the subject land and it is noted that consent has been issued for the extraction of the resources on Lot 2 (estimated at 2 million tonnes). Development consent has not been issued for the resources on Lots 1 and 3 estimated to be approximately 10 million tonnes of sand resource.

Detailed information is also contained in the submission about the supply and demand for construction sand in the Sydney Region

The submission also suggests HSADS did not include the subject land in the study area and focussed on 5 (five) land units, not inclusive of the Colo Heights locality. It is, therefore, suggested that a "blanket" application of the new zone over an area not investigated in HSADS is an inappropriate basis to justify a rezoning of the subject land.

The submission concludes by suggesting 2 (two) options for the subject land:

1. Zone the land Mixed Agriculture and therefore maintaining the permissibility of extractive industries.

2. Amendment to schedule 3 (three) of Hawkesbury Local Environmental Plan (Development for Certain Purposes) to enable the subject land to be used for the purposes extractive industry for sand removal.

Comment

The comments are noted and the submission is further supported by comments made by the DMR. It considered that the recommendation should be consistent with DMR and the preferred option to rezone the Singleton Road locality to zone the Singleton Road, Colo Heights locality is supported.

Recommendation

That the land along the Singleton/Putty Road, generally north of the Colo River and currently zone Rural 1(a) be zoned Mixed Agriculture and the maps and written instrument be amended accordingly and to ensure that the minimum lot size remains at 40 (forty) hectares.

3. Boral Quarries

Boral Quarries raise significant issues associated with the sand resources located on Richmond Lowlands and objects to Draft Amendment 108 for the following reasons:

- Owned land since 1960's as a substantial deposit of sand and gravel which could supply the Sydney market.
- The importance of Richmond Lowlands has been recognised by the State Government due to its underlain economic sand and gravel.
- New zone objectives and name will make it harder to justify future extractive industry.
- Sydney Regional Environmental Plan No. 9 - Extractive Industries recognises the resource and Council's proposed amendment fails to recognise such significance.
- Always acknowledged that any approval for extractive industry would have to follow extensive studies on a range of issues.

Comment:

Extractive industries are prohibited in the Environmental Protection 7(d) zone under the current provisions of Hawkesbury Local Environmental Plan 1989 HLEP 1989. Draft Amendment 108 does not alter the current situation.

Sydney Regional Environmental Plan No. 9 - Extractive Industries was gazetted in 1995 (Amendment 2) and aims to:

- a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land, which contains extractive material of regional significance, and
- b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in the Schedules and
- c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and

- d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and
- e) to prohibit development for the purpose of extractive industry on the land described in Schedule 3 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.

The submission is correct in that the Richmond Lowlands are listed in this Regional Plan and the relevant planning studies will be required prior to the resource being extracted. Notwithstanding draft Amendment 108 is not inconsistent with the provisions of the Regional Plan in relation to Richmond Lowlands.

Previous resolutions of Council including a Mayoral Minute of 11 March 2003 have consistently opposed the extraction of sand resources on the Richmond Lowlands. The Richmond Lowlands have equally been recognised for its significant agricultural activities which contributes not only to the economic and social future of the City for the Sydney Region as a whole.

The Mayoral Minute notes that "agriculture on the Richmond Lowlands will soon come under threat from extractive industries. Extraction will provide a one-off economic benefit at a great environmental cost and must be strongly opposed".

It should also be noted that the DMR submission does not make any comment about the Richmond Lowlands.

Given Council's previous resolutions concerning the opposition of the extraction of sand resources from the Richmond Lowlands and the current HLEP 1989, it is recommended that the status quo be maintained.

Recommendation

There are no changes recommended as a result of this submission.

4. K & P Bennett, Kurrajong

This submission requests that the localities of Grose Vale, Kurrajong and Kurrajong Hills be protected from intensive agriculture due environmental constraints. It also suggests as follows:

- NSW Agriculture's Agricultural Classification Classes of 1 and 2 be protected from the threat of residential development and quarrying
- Protection of Class 1 and 2 Agricultural land through a conservation zone due to historical significance of this land.

Comment

The 2002 exhibition of draft amendment 108 attracted 40 (forty) submissions, many of them requesting the plan be amended to continue to allow Intensive Agriculture with the Rural Living zones.

By way of background, one of the intentions of HSADS and subsequent amendments to Hawkesbury Local Environmental Plan 1989 was to encourage new agricultural activities to locate

in appropriate zones. The desired result being to limit rural land use conflict and provide some security of tenure for agricultural activities. It was recognised by continuing to allow new activities in the Rural 1(c) and 1(c1) zones (Grose Vale, Kurrajong and Kurrajong Hills), which essentially provided for a "rural residential style of living" may create difficult situations for farmers, residents and Council due to increased complaints about conflicting land uses.

Conversely, when prospective purchasers are looking for a rural style of living, rather than full agricultural use, they would be encouraged to locate in the proposed Rural Living zones as opposed to the Mixed Agriculture zones. The proposed removal of zone numbers with zone names has already had the effect of making this clearer when advising to prospective purchasers through planning certificates and general enquiries.

Since HSADS was completed, Hawkesbury Harvest and the Farmgate Trail have been established and to a large extent contribute to the original aims of HSADS. However, prohibiting intensive agriculture in the proposed Rural Living zones was seen to conflict with the aims of Hawkesbury Harvest.

Furthermore, many submissions indicated concern about the definitions of intensive agriculture and agriculture as this is the determining factor for their particular land use requiring development consent or not under the draft plan.

The HSADS committee discussed this and considered that the best way to overcome this is to amend the draft amendment 108 to continue to allow intensive agriculture, with development consent in the Rural Living zones, agriculture without the consent and amend the definitions agriculture and intensive agriculture.

Any new activities or extensions to existing operations would be tested against the new zone objectives, which are much rigorous than the current objectives. The amendments to definitions would include exclusions for uses that are used for the personal consumption or enjoyment of the occupier.

Whilst the comments in relation to Grose Vale, Kurrajong and Kurrajong Hills are noted, it is not recommended that the plan be altered to prohibit intensive agriculture in the Rural Living zones. The previous resolution of Council does however have the effect of prohibiting piggeries and poultry farms in the Rural Living zones.

The Protection of Class 1 and 2 Agricultural land is an important consideration and draft amendment 108 generally re-names this land from Environmental Protection 7(d1) to Environmental Protection-Agriculture Protection and updates the zone objectives to further preserve this land for agricultural activities. The majority of this land is located along the Hawkesbury River, on the floodplain and this also provides for some protection as the much of the land is below the 1 in 100 year flood frequency.

It is appropriate the issues raised concerning the protection of agricultural land via a conservation zone be referred to Hawkesbury Heritage Study Team for consideration.

Recommendation

That the issues raised concerning the protection of agricultural land via a conservation zone be referred to Hawkesbury Heritage Study Team for consideration.

5. G Blackwood, Higher Macdonald

This submission suggests that land uses and zones should be uniform across every Council and therefore, it may unwise to create new zones. It also questions the appropriateness of industrial land uses and that they should only be sited on zoned noxious areas or the most applicable, unless stages of production are separated.

Comments

The intention of the submission is a little unclear. However, it appears to suggest that the rural village zone may attract land uses that are more akin to an urban area. The rural village land uses and zone objectives are quite different from a urban or residential zone and considered to be appropriate.

Recommendation

There are no changes required or recommended as result of this submission.

6. GP & E Dunesky, Pitt Town and M Ripper, Pitt Town

Apart from comments concerning State Environmental Planning Policy No. 1 - Development Standards, these submissions raise identical issues and are therefore considered together. Each issues raised is summarised and addressed below:

- a) Supportive of the amendments to the plan to allow agriculture without consent in the Rural Living zones as without agriculture there would be no rural in Rural Living. Furthermore, without agriculture activities the district is at risk from developers and urban encroachment. In a similar theme the submission also suggests that farming activities can an integral part of the amenity of rural residential living.
- b) Concerns are raised over the proposal to require development consent for Intensive Agriculture. The definition of Intensive Agriculture is too broad and the inclusion of irrigation as a distinguishing element is not supported and considered naïve. To avoid this embarrassment an alternative is proposed Intensive Agriculture could be better defined through an assessment of the impacts created on adjoining properties rather than an outcome based formulae. An example is also provided whereby cut flower nursery where there was no or minimum/manageable effects on adjoining properties then this would be allowable without consent.

Furthermore an establishment period is suggested and stakeholders could comment and methods adjusted accordingly. A method of pre evaluation could be a simple checklist relating to a farm management strategy, but not an expensive and constraining consent process.

- c) The submission is critical of the removal of word "scenic" from the Environmental Protection-Agriculture zone currently named Environmental Protection 7(d1)(Scenic) zone.

The submission suggests that new activities are not likely to start up as development consent is required and the land will come under further pressure for rezoning.

- d) Creation of Rural Village legitimises the poor inappropriate development in the past. The submission suggests that these are isolated pockets of small blocks, remote from facilities and not in keeping with surrounding land use. Draft amendment 108 fails to state how these will be applied in the future and may add to urban sprawl and further fragmentation of the rural lands.
- e) Outdated plan - Concern that the plan no longer accurately represents the wishes of the people.
- f) Inconsistent with the objectives of State Environmental Policy No. 1, specifically the protection of rural land east of the Great Divide from urban encroachment.

Comments

Clause 44 of Hawkesbury Local Environmental Plan 1989 currently contains the definition of intensive agriculture and the matters for consideration when assessing development applications. Clause 44 is reproduced as follows and the adopted changes are indicated in ***bold italics***:

44. (1) *This clause applies to land within Zone No. 1(a), 1(c), 1(c1), 1(b), 7(d) or 7(d1).*

(2) *In this clause:*

intensive agriculture means intensive animal production or intensive horticulture;

intensive animal production means the holding of goats, poultry or other livestock in a confined area to be reared or fattened wholly or substantially on prepared or manufactured feed and, without limiting the generality of the above, includes:

- (a) *the use of a poultry farm;*
- (b) *the use of a feedlot;*
- (c) *fish farming (which may consist of or include farming of crustaceans); or*
- (d) *the use of a piggery;*

intensive horticulture means the growing of plants or fungi involving any of the following:

- (a) *hydroponics;*
- (b) *artificial housing;*
- (c) *crop protection structures;*
- (d) *market gardening;*
- (e) *orcharding; or*
- (f) *the growing of field flowers.*

(3) *Despite any other provision of this plan, a person may carry out development for the purpose of intensive agriculture on land to which this clause applies only with*

development consent. However, this subclause does not require consent for the growing of produce or the keeping of livestock or poultry that the Council is satisfied are grown or kept only for the personal consumption or enjoyment of the occupier of the building or place at which they are grown or kept.

- (4) *The council, in determining an application for consent required by this clause shall take into consideration the following matters:*
- (a) *the need to protect the quality of downstream watercourses;*
 - (b) *the need to conserve native vegetation;*
 - (c) *the need to protect environmentally sensitive areas, such as wetlands, riparian zones, endangered ecological communities and threatened species within the meaning of the Threatened Species Conservation Act 1995;*
 - (d) *the need to protect the amenity of the area from noise, spray drift, odour or any other potentially offensive sources; and*
 - (e) *the need to limit the impact of development on flood liable land.*
- (4) The council, in determining an application for consent required by this clause shall take into consideration the following matters:
- (a) the need to protect the quality of downstream watercourses;
 - (b) the need to conserve native vegetation;
 - (c) the need to protect environmentally sensitive areas, such as wetlands, riparian zones, endangered ecological communities and threatened species within the meaning of the Threatened Species Conservation Act 1995;
 - (d) the need to protect the amenity of the area from noise, **dust, visual impact, spray drift**, odour or any other potentially offensive sources; and
 - (e) the need to limit the impact of development on flood liable land.

The adopted amendments to the definition of agriculture is as follows and again the changes are highlighted in **bold italics**:

"agriculture" means the use of land for horticulture, any purpose of husbandry, including the keeping or feeding of live stock, poultry or bees, and the growing of fruit, vegetables and the like, **except for uses that Council is satisfied are undertaken only for the personal consumption or enjoyment of the occupier of the building or place**, but does not include animal establishments or intensive agriculture.

Exhibited concurrently with draft amendment 108 was the draft chapter of the Hawkesbury Development Control Plan for Intensive Agriculture and it is here that the issue of irrigation is raised as a means of further defining intensive agriculture.

The submission raises interesting questions and suggestions for managing intensive agriculture and it is considered that these matters should be further investigated in relation to the Intensive Agriculture Chapter of the Hawkesbury Development Control Plan.

HLEP 1989 currently contains some 5 (five) or 6 (six) objectives for the Environmental Protection zones 7(d1) and 7(d) respectively. Whilst these objectives still allow for the proper assessment of

development applications, they are somewhat outdated and general. The proposed new zone objectives are much clearer in their intentions, particularly in relation to ensuring agricultural activities occur in a sustainable manner and not having a significant impact on water catchments, land surface conditions and ecosystems. The new objectives for the Environmental Protection-Agriculture Protection and Environment Protection-Mixed Agriculture contain 10-12 new zone objectives.

The intention of the Hawkesbury Sustainable Agriculture Development Strategy and the subsequent amendment to HLEP 1989 is maintain and encourage agricultural activities within the City. The aims of the draft plan are to amend the zone objectives and names for the preservation of agriculture. In this regard the draft plan itself provides more security of tenure for farmers than the current plan (HLEP 1989).

Furthermore the proposed new zone objectives, particularly in the Environmental Protection-Agriculture Protection zone, provide for "the protection of the agricultural protection of rural land in order to promote, preserve and encourage agricultural protection".

In relation to comments made concerning the Rural Village it is important to realise that inconsistencies exist in lots sizes throughout the City due to past planning policies and an historical pattern of subdivision. In establishing the Rural Village the HSADS Committee agreed that it was inappropriate to zone existing small lots with the rural zones for mixed agriculture or Agriculture Protection. It was therefore, agreed that several existing clusters of small lots, ranging in size from 1000sqm to 4000sqm would be zoned Rural Village. Should the zone be applied in the future, the same criteria would be used.

State Environmental Planning Policy No. 1 - Development Standards is at State Policy, which provides flexibility of development standards. It allows Councils to approve a development proposal that does not comply with a set standard where this standard is shown to be unreasonable or unnecessary. It unclear what the link the submission is attempting to make with this State Policy.

There are no changes recommended as a result of the issues raised in these two submissions.

Recommendation

No change to draft Amendment 108.

7. J Moxon, Pitt Town

This submission raised several issues which are summarised below:

- a) Draft Amendment 108 is a good concept in providing best practice guidelines and could be adopted for a practical trial prior to gazettal to weed out any flaws.
- b) Definition of Intensive Agriculture may require the majority of agriculture in the district to be defined as intensive and, therefore, require a costly development consent process. The draft plan may potentially adversely affect the viability of farming in the City.

- c) The submission suggests a provisional determination, as compliance with all the development consent conditions would be a financial hurdle for any small business.
- d) Protection and rehabilitation of waterways - in addition to the water management recommendations for development applications (DCP issue) a suggestion is offered whereby new developments install simple filters as a condition of consent. Combined with the above mentioned provisional determination will encourage on going assessment and compliance as the small business/farms grows.
- e) Black and white rule to be adhered to. Sensitive application and policing of compliance is critical to minimise conflict if shown to be best practice guidelines.
- f) The submission concludes stating that the draft document presents fair environmental policies but stops short of encouraging agriculture and will inhibit new growth.

Comments Under the provisions of the Environmental Planning and Assessment Act 1979, once a draft local environmental plan is placed on public exhibition, it must be considered in the determination of Development Applications. Draft Amendment 108 was initially placed on public exhibition in July 2002 and has been considered since time. Whilst this is not a formal "trial" period, it takes give Council the opportunity to uncover any flaws in the plan.

The EP&A Act 1979 does not provide for provisional consent or determination. However, the Draft Intensive Agriculture Chapter for the Hawkesbury Development Control Plan or the development application guidelines could outlined options such as staged consents. Situations may also arise where a trial of a particular activity may fall under agriculture or be for "personal consumption or enjoyment", should a small trial which essentially feeds the occupiers of the land, the use could be extended and this is when it would be appropriate for a development application should be lodged.

This submission (and others) highlights the difficulty of balancing the environmental issues with preserving and maintaining agriculture. As with all forms of development the environmental issues must be considered and addressed, if development consent is not required how is this done? Conversely if the restrictions or requirements are excessive, then agricultural activities or projects may be inhibited.

General Issues

In line with the Council resolution, the plan requires amending to prohibit piggeries and poultry farms from the Rural Living zones.

Conclusions

It is also interesting to note that HSADS and draft amendment 108 was one of the first "rural lands study" and Local Environmental Plan to be carried out in Sydney that was not about providing additional land for subdivision but about protecting land for agriculture. Other Councils such as Penrith and Baulkham Hills have since carried out similar studies to HSADS. It would appear that the community has become even more interested in protecting the rural amenity of the City as is evidenced in the Hawkesbury Our Future Consultations held in 2002.

It is acknowledged that Amendment 108 is just one avenue to achieve Councils goal of preserving and maintaining agriculture. It not only strengthens the objectives of the rural zones but also compliments a number of other projects and policies including Farm gates sales and HartDAC which were inspired by a clear policy direction to preserve and encourage agricultural activities.

It is, therefore, recommended that Council accept the recommendations outlined in this report and resolve to prepare the plan for finalisation and gazettal. This will further enhance the suite of policies and projects that assist in maintaining the City's agricultural resources.

RECOMMENDATION:

That:

1. The information is received.
2. The land along the Singleton/Putty Road, generally north of the Colo River and currently zone Rural 1(a) be zoned Mixed Agriculture and the maps and written instrument be amended accordingly and the minimum lot size be maintain at 40 (forty) hectares.
3. Council not support the request for rezoning Slopes Road and Gadds Lane, Kurmond properties.
4. The issues raised concerning the protection of agricultural land via a conservation zone be referred to Hawkesbury Heritage Study Team for consideration.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 80 Oooo



general
purpose
committee

2
section

infrastructure

GENERAL PURPOSE COMMITTEE - INFRASTRUCTURE

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ITEM: 42 **Department of Sport and Recreation - Funding Withdrawal**

FILE NUMBER: 79354/ENG/INK27NBX.E01

PREVIOUS ITEM: 45, Ordinary (11.09.2001)

REPORT:

In the 1999/2000 the Capital Assistance funding program (CA), run through the Department of Sport and Recreation, granted \$20,000 (twenty thousand dollars) to Council for the development of a skate park to be built at North Richmond and in 2000/2001 granted \$10,000 (ten thousand dollars) for a half basketball court to be built at Wilberforce Park.

Both grants were on the condition that Council matched the amount of funds and that the money was spent within 2 (two) years. Unfortunately, due to unforeseen circumstances, the projects have not progressed.

North Richmond Skate Park

In regards to the North Richmond skate park, there were numerous complaints about the initial proposed location at Hawkesbury Park. Following meetings and reports to Council it was eventually decided to move the location to Hanna Park.

On 11 September 2001, Council adopted the following motions (in relation to the construction of a proposed skate park in North Richmond):

- "1. *Council progress with a smaller skateboard facility at Lot 32 in DP841742 Hanna Park to the cost of approximately \$50,000.00 (fifty thousand dollars).*
2. *A management Committee be established, at an early stage, to have responsibility for planning and ongoing management, with this Committee to be made up of representatives of youth of the area, residents, Hawkesbury Chamber of Commerce, Hanna Match Group and a representative of Council".*

As part of the management committee, a design sub-committee was established to facilitate the input of young people into the design of the proposed skate park. The sub-committee met on 14 November 2001, 21 November 2001 and 21 January 2002 to finalise a proposed design for the skate park facility.

A Development Application was lodged in March 2002 and was determined by Council on 9 September 2003.

As it became obvious that the time frame would not be met, a 5 (five) month extension was sought from the Department and was approved. Due to ongoing delays including a desire to have the regional skatepark at Clarendon in operation prior to commencement of the North Richmond Project, the time frame has not been met. A request was forwarded to the Department of Sport and

Recreation, through Hon. Kevin Rozzoli, MP Member for Hawkesbury, requesting the transfer of the Capital Assistance funding to the regional skate park, however, this was not supported.

Council at its meeting of 11 September 2001 resolved in part that a smaller skateboard facility be constructed in Hannah Park to a cost of approximately \$50,000 (fifty thousand dollars).

Quotes for the development of the skate park identified that costs were in excess of what was envisaged with initial quotes being between \$75,000 (seventy five thousand dollars) and \$100,000 (one hundred thousand dollars).

Discussions with the Hawkesbury Sports Council, led to Councillor Les Sheather offering to co-ordinate a number of concreters to volunteer their time to build the skate park. While it is thought that the cost will be less than the \$50,000 (fifty thousand dollars), quotes are currently being sought to confirm this.

Section 94 funding has been provided for this project in the amount of \$45,881 (forty five thousand, eight hundred and eighty one dollars). As such further Capital Funding will be required for the skatepark to be constructed.

Wilberforce Basketball Court

A Development Application was submitted on 8 February 2002 for a half court basketball court in Wilberforce Park and while there was some community concern regarding the location of the court approval was granted on 25 August 2003.

As the development application was being assessed, Council resolved on 7 May 2002 that:

"The preparation of a Conservation Management Plan for the three Macquarie Town Parks within the City area, namely, Richmond Park, McQuade Park and Wilberforce Park be considered in the formulation of the 2002/2003 budget."

An allocation of \$20,000 (twenty thousand dollars) was included in the 2002/2003 budget for the Conservation Management Plan.

As such, it was felt that the development and construction of the basketball court should wait till the Conservation Management Plan was completed so as not to preempt the outcome of the Plan.

Colleen Morris, and her associates, who are undertaking the Conservation plans indicated that the basketball court is not appropriate for the park and will recommend that it be placed elsewhere within Wilberforce.

It would be appropriate to Utilise the matching funding for the project - \$10,000 (ten thousand dollars) towards works identified in the Conservation Management Plan.

RECOMMENDATION:

That:

1. The information recording the withdrawal of funding under the Capital Assistance Program for the North Richmond Skatepark and Wilberforce Park half court basketball court be received.
2. The matching funding for the Wilberforce Project of \$10,000 (ten thousand dollars) be considered for works identified within the Conservation Management Plan for Wilberforce Park.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 42 Oooo

ITEM: 43 **Governor Phillip Reserve, Windsor - Exclusive Use - Policy**

FILE NUMBER: 79338/ENG/INK27NBX.E05

PREVIOUS ITEM: 26, Ordinary (11.02.2003)

REPORT:

Council at its meeting held on 11 February 2003 resolved that the following policy be adopted in relation to use of Governor Phillip Reserve, Windsor.

1. *As a matter of policy, that exclusive use of Governor Phillip Reserve not be granted on consecutive days, nor during public holiday periods.*
2. *Exclusive use for the evenings leading up to an event (maximum of two nights) may be granted to organisers from 6pm till 7am the following morning.*
3. *The Police are informed of the exclusive use dates and times prior to an event by the organiser.*
4. *The policy be reviewed every two years.*
5. *No additional fee to be charged for the overnight exclusivity.*
6. *Other general conditions of consent are still to be adhered to.*
7. *Exception in relation to exclusive use for 6 and 7 September only.*
8. *Council retain the noise limits as set for those regular events held prior to 29 August 2000. The noise limits are to be reviewed every two years or following any changes to the noise limits by the Waterways Authority.*

This policy is currently recorded in the Policy Register.

Report

1. With regard Item 1 (one), in addition to those restrictions contained within the existing policy, prior policy precluded exclusive use on consecutive weekends, principally to afford relief to adjoining residents.

It is felt that this prior practice should continue.

2. Some complaint was received from the community regarding exclusive use on Fathers' Day 2003; the central issue of complaint devolving to families on outings were either denied access or charged admission fee to enter the reserve. The same issue would arise on Mothers' Day.

It is felt that as a matter of policy exclusive use should not be granted on either Fathers' Day or Mothers' Day.

3. With regard to Item 2 (two), this head of policy was adopted to assist applicants set up for large events requiring exclusive use - provide security of equipment. It is felt that this head should have the words "to assist in set-up, and provide security only" inserted after the word "morning".

This would remove any ambiguity regarding an applicant making the assumption that an event or activity, such as a water event, concert etc, could be conducted on those evenings.

Again, the local community would be afforded reasonable amenity.

4. With regard to Item 7 (seven), this head of policy related to the application by the Upper Hawkesbury Power Boat Club for exclusive use on 6 and 7 September, 2002 in conducting its Club Spectacular. The club conducts its Club Spectacular over a 2 (two) day weekend period around this time each year and the intent has been that the club be exempted from Item 1 (one) and this should be reflected in the policy.

RECOMMENDATION:

That the following policy in relation to exclusive use of Governor Phillip Reserve be adopted:

1. Exclusive use of Governor Phillip Reserve, Windsor not be granted on:
 - a) consecutive days of a weekend excepting the Upper Hawkesbury Power Boat Club Spectacular (usually held in September);
 - b) consecutive weekends;
 - c) public holiday periods; and
 - d) Fathers' Day/Mothers' Day of each year.
2. Exclusive use for the evenings leading up to an event (maximum of 2 (two) nights) may be granted to organisers from 6.00pm till 7.00am the following morning to assist in set up and provide security only.
3. The NSW Police Service be informed of the exclusive use dates and times by the applicant prior to an event.
4. No additional fee to be charged for the overnight exclusivity.
5. The policy be reviewed every two years.
6. Other general conditions of consent are to be adhered to.

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7. Council retain the noise limits as set out for those regular events held prior to 29 August 2002 - the noise limits are to be reviewed every 2 (two) years or following any changes to the noise limits by the Waterways Authority.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 43 Oooo

ITEM: 44 **Water Tanker Filling Station - Mill Road, Kurrajong**

FILE NUMBER: 79338/ENG/INK27NBX.E07

PREVIOUS ITEM: 54, Ordinary (10.12.2002)

REPORT:

Council at its meeting held on 10 December 2002 resolved, in part, that:

- “1. *Sydney Water be requested to provide additional hydrants at:*
- (a) *Bells Line of Road, northern side, east of Comleroy Road;*
- (b) *Greggs Road, Kurrajong;*
- (c) *Price Lane, Agnes Banks.*
2. *A 100mm diameter main be extended down Mill Road for approximately 280 metres and hydrants and parking area be provided at an estimated cost of \$83,505.00 (eighty three thousand five hundred and five dollars).*

In regard to items a, b and c above Sydney Water has provided one additional filling point within the stockpile site off Bells Line of Road and will install one additional hydrant off Price Lane, Agnes Banks in the near future. The provision of a filling point off Greggs Road is not recommended by Sydney Water as this is a low pressure end main which can cause problems to the system and nearby residents if utilised by commercial carriers.

The Mill Road project comprising two hydrants, concrete parking bays and associated facilities was completed several months ago. Despite some initial water pressure problems the site has now gained popular acceptance by the water carriers due to the substantial increase in flow rates. The Kurrajong Road site has a 7 (seven) litre/sec higher flow rate than the Mill Road site and represents a 3.5 minute faster filling time for two large water tankers. Both the water carriers and residents consider this minor time differential insignificant.

The Working Committee held its third meeting at 5:30 pm on 5 November 2003 to discuss the issues and consider options for the future. The representative for the residents welcomed the successful establishment of the Mill Road site and called for the total closure of the filling station off Kurrajong Road for the following reasons:

- dust
- noise
- traffic hazards
- pollution (erosion/sedimentation due to unsealed surface)

The residents acknowledge that since the establishment of the Mill Road site there has been a reduction in dust and noise caused by commercial carriers. However, the non-commercial usage

i.e. plastic drums on trailers and utes etc, has increased, with proportional increases in dust and noise, particularly from empty trailers. The increased number of vehicles queuing in and around Kurrajong Road has the potential to create traffic hazards due to congestion and loss of adequate site distance. It is also alleged that some vehicles not associated with water procurement use the hydrant site as a speed short cut when turning right from Kurrajong Road into Old Bells Line of Road. This is considered extremely dangerous and could result in a very serious accident.

A final matter relates to a request by some of the residents for Sydney Water to investigate the possibility of upgrading the pump system and extending the water main along Grose Vale Road towards Bowen Mountain. Sydney Water indicated that an estimate will be prepared, however, no commitment was given to implement any proposal.

The Water Carriers endorsed the new facility in Mill Road and argued that the 2 (two) hydrants off Kurrajong Road should remain open as it provides a convenient and reliable facility when servicing the area of Bowen Mountain. It was stated the level of usage and associated noise/dust has dropped significantly since the opening of the Mill Road site. Water Carriers also indicated that when servicing Bowen Mountain it was potentially hazardous to cross Bells Line of Road to access the Mill Road hydrants.

The representative from Sydney Water advised that one of the existing hydrants off Kurrajong Road will need to be closed due to legal proceedings associated with the earlier upgrading works. Following initial debate from all sides the inevitable closure was accepted.

In summary the Working Committee agreed to the following options:

1. That the facility for non-commercial usage off Kurrajong Road be relocated to a suitable area within Matheson Park adjacent to Roxana Road, Kurrajong at an estimated cost of \$5,500 (five thousand and five hundred dollars).
2. That Truck access to the remaining hydrant site be restricted to Old Bells Line of Road only.
3. That the present access off Kurrajong Road be closed to vehicular traffic by extending a suitable landscaped mound for the full frontage of the site at an estimated cost of \$3,500 (three thousand and five hundred dollars).
4. That the access, parking and turning areas off Old Bells Line of Road be sealed at an estimated cost of \$18,500 (eighteen thousand and five hundred dollars).

Funding for the above works is not available at this stage and if the above recommendation is adopted by Council, it will be necessary for Council to consider allocating funding in the 2004/2005 Works Program. It may be possible to complete most of item 3 (three) within the current year at minimal cost if suitable material becomes available from nearby works.

RECOMMENDATION:

That the following projects be listed for Councils consideration when determining projects for inclusion in the 2004/2005 Works Program:

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1. That the facility for non-commercial usage off Kurrajong Road be relocated to a suitable area within Matherson Park adjacent to Roxana Road, Kurrajong at an estimated cost of \$5,500 (five thousand and five hundred dollars).
2. That Truck access to the remaining hydrant site be restricted to Old Bells Line of Road only.
3. That the present access off Kurrajong Road be closed to vehicular traffic by extending a suitable landscaped mound for the full frontage of the site at an estimated cost of \$3,500 (three thousand and five hundred dollars).
4. That the access, parking and turning areas off Old Bells Line of Road be sealed at an estimated cost of \$18,500 (eighteen thousand and five hundred dollars).
5. Item 3 (three) above can proceed at any time subject to the availability of suitable material from nearby projects.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 44 Oooo

ITEM: 45 Management of RTA Vehicular Ferry Contracts - Extension of Contracts**FILE NUMBER:** 74282/ENG/INK27NBX.E02**PREVIOUS ITEM:** 61, GPC Section 2 - Infrastructure, GPC Section 2 - Infrastructure (26.11.2002)**PREVIOUS ITEM:** 101, Ordinary, Determination, Ordinary (10.06.2003)

REPORT:

The RTA has advised that it has commenced its statewide program of directly inviting tenders for the operation of its vehicular ferries. Each ferry contract is to go through a 6 (six) month process of inviting Expressions of Interest (EOI), short listing for final tenders, and allowing contractors sufficient time to recruit and train staff.

The Mortlake ferry is currently in the EOI phase. The next ferry to commence the tender process will be Berowra Waters ferry, followed by the Hawkesbury River ferries. It is currently programmed that the new contract for the Hawkesbury River ferries will commence operation in mid-August 2004.

The RTA has requested Council confirm:

1. That Council is prepared to extend the existing Caretaking and Operation contract for a further 6 (six) months, i.e, so that it would now end on 30 June 2004;
2. That Council will be prepared to manage the existing contract for the duration of this extended period; and,
3. That O'Connor Ferry Service is prepared to have the existing contract extended for this same period, and to continue with their services over the extended period in accordance with the rates and conditions prescribed in the contract.

The RTA also advise that the allocation for the year 2003/04 for the caretaking and operation of Hawkesbury River ferries for the full year would be \$1,236,000.00 (one million, two hundred and thirty six thousand dollars). The Authority has also advised it appreciates Council's patience and co-operation during the extended tendering process.

RECOMMENDATION:

That:

1. Council extend the existing Caretaking and Operation contract of the Hawkesbury River ferries, ie Sackville, Webbs Creek and Wisemans Ferry, for a further six months, i.e. so that it would now end on 30 June 2004;

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2. Council manage the existing contract for the duration of this extended period; and
3. O'Connor Ferry Service is prepared to have the existing contract extended for this same period, and to continue with their services over the extended period in accordance with the rates and conditions prescribed in the contract.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 45 Oooo

ITEM: 46**Governor Phillip Reserve, Windsor - Upper Hawkesbury Power Boat Club 2004 Racing Calendar****FILE NUMBER:** 73829/ENG/INK27NBX.E04**REPORT:**

The Upper Hawkesbury Power Boat Club (UHPBC) has advised of the following 2004 Racing Calendar at Governor Phillip Reserve:

Sunday	11 January 2004	Club Day
Sunday	8 February 2004	Club Day
Sunday	7 March 2004	Club Day
Sunday	4 April 2004	Australian Yamato & 550cc Championships
Sunday	2 May 2004	Bridge to Bridge (exclusive use required)
Sunday	23 May 2004	Alternate date - Bridge to Bridge (exclusive)
Sunday	11 July 2004	Australian Displacement Titles
Sunday	8 August 2004	Club Day
Saturday-Sunday	11-12 September 2004	Club Spectacular (exclusive use required)
Sunday	17 October 2004	Club Day
Sunday	14 November 2004	Club Day
Sunday	5 December 2004	Club Day

Report

Application for exclusive use on 2 May 2004 and 23 May 2004 (alternate date to 2 May 2004) comply with Council policy.

With regard to 11-12 September 2004, the application does not currently comply with Council policy regarding use of the reserve, namely exclusive use not be granted on consecutive days of a weekend. Council, at its meeting held on 11 February 2003 resolved to exempt the applicant from that policy in relation to its Club Spectacular held on 6-7 September 2002. It is felt that a similar exemption might be granted this year. It should be noted that it is proposed to formalise this as policy in an accompanying report to this meeting.

RECOMMENDATION:

That approval be granted to the Upper Hawkesbury Power Boat Club 2004 Racing Calendar, including exclusive use on 2 May 2004 (with an alternate date of 23 May 2004) and 11-12 September 2004, subject to the following conditions:

1. Prior to dates of exclusive use a letter drop be undertaken by the applicant to all affected residents in proximity to the event with that letter advising full details of the function;
2. The reserve is to be left clean and tidy with the organisation being responsible for collection and disposal of all waste; the applicant is to lodge with Council a damage bond of \$750.00 (seven hundred and fifty dollars) in relation to each date of exclusive use, which is refundable less any costs incurred by Council, administrative or otherwise, to clean or restore the area;
3. Any building, vehicle or stall that is preparing food for public consumption is to comply with Council's "Information for Food Stall Holders" brochure; this information and any related food/public health information can be obtained by contacting Council's Environmental Health Officer.
4. If required, the applicant obtaining all necessary permit/approvals in relation to amusement devices/rides and liaising with Integral Energy regarding the supply of power and their proximity to power supply lines.
5. If required, the applicant to obtain appropriate licence from the Licensing Branch of the NSW Police Service for the sale of alcoholic beverages at the proposed event.
6. The applicant obtaining appropriate licences from the Waterways Authority regarding the conduct of the 2004 Calendar.
7. The applicant paying to Council such fees as may be applicable at the time for exclusive use of the reserve being \$1.20 (one dollar and twenty cents) per person or \$1,206.60 (one thousand, two hundred and six dollars and sixty cents) per day (whichever is the greater).
8. A fee of \$50.00 (fifty dollars) is payable for the cleaning of the toilets prior to the event.
9. A copy of a Public Liability Policy for \$10,000,000 (ten million dollars) and indemnifying Hawkesbury City Council is to be submitted prior to 31 December 2003; in the event of renewal of that policy occurring at some time during the course of the 2004 Racing Calendar a Certificate of Currency is to be submitted within 1 (one) week of renewal - this Public Liability Policy is to cover all events conducted as part of the applicant's 2004 Racing Calendar.
10. The event manager/applicant must undertake a Risk Assessment of the event to be conducted including pre-event preparations. This assessment must identify potential hazards and the procedures that need to be implemented to eliminate or control those hazards. The event manager/applicant is responsible for ensuring that procedures are

followed and that they comply with the requirements of the Occupational Health and Safety Regulations 2001.

11. The event to comply with Council's current policy in regard to noise levels.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 46 Oooo

ITEM: 47 **Half Pipe Skate Ramp at North Richmond Community Centre**

FILE NUMBER: 79354/ENG/INK27NBX.E06

PREVIOUS ITEM: 34, Ordinary (14.10.2003)

REPORT:

Following a recommendation to Council that:

1. The half pipe skate ramp be removed from the North Richmond Community Centre and taken to the depot for assessment.
2. Funds be set aside in the next financial years budget to turn this ramp into a portable ramp, should the ramp be in good enough condition to so.
3. Council pay for the repairs to the adjoining colour bond boundary fence,

Council resolved, on 14 October 2003, "that this matter be deferred until further consultation with staff from North Richmond Neighbourhood Centre". A meeting was held on Monday, 17 November 2003.

Staff from the North Richmond Neighbourhood Centre indicated that young people use the ramp every day and that they would like to keep the ramp at this location on a permanent basis. The staff indicated that discussions with a group of young people, seen throwing stones at the fence, indicated they were unhappy/frustrated that the skate ramp was to be moved.

As indicated in the previous report, it is felt that the half pipe skate ramp has outlived its current position for a number of reasons. Firstly, the ramp is situated too close to houses and is very noisy as it is constructed from steel. If the portable ramp was to be placed in a similar location it would only be for an event, not be left there for long periods of time. Secondly, other options for this type of recreation are now available to young people such as at the regional skate park at Clarendon and the proposed skate park at Hanna Park, North Richmond.

Due to the interest of the young people in building a skate park in North Richmond, it may be prudent to keep the ramp in its current location, until the other facility is completed.

Tenants of 37 William Street indicated that the vandalism of the fence and their buildings started when the skate ramp was constructed in its current location. Whilst they feel that vandalism had reduced over the years it still occurred on a regular basis. As they have had put up with the vandalism, they felt that the replacement of the fence was a priority.

Replacing the fence using colorbond, may mean that the damage/vandalism occurs again over a short period of time. An alternative to replace the fence with a wire fence, which would give good surveillance of the area and give the vandals no place to hide was suggested. The owner, who could not make the meeting, indicated that he would prefer a colour bond fence as he felt that a wire fence would not be in keeping with other fences in the area and that it would detract from his property.

RECOMMENDATION:

That:

1. The half pipe skate ramp be removed from the North Richmond Community Centre, once the North Richmond Skate Park is completed, and taken to the depot for assessment.
2. Consideration be given in the next financial year's budget to turn this ramp into a portable ramp, should the ramp be in good enough condition.
3. Council pay for the repairs to the adjoining colorbond boundary fence. This work to be done once the ramp has been removed. Funding for for the works be provided from the Community Buildings Maintenance Budget.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 47 Oooo



general
purpose
committee

3
section

organisation
and
resources

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Item: **96****ITEM: 96****General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June, 2003****FILE NUMBER:** 107/FNC/OGK27NAX.F06

Council's General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June 2003, have now been completed, audited and advertised in accordance with the provisions of the Local Government Act (1993). The unqualified audit certificate from Council's Auditors, Millington SBS, has been received and is available for inspection by Councillors and the community.

Given below is a summary of Council's financial result under the Australian Accounting Standard 27 (AAS27) for the period ended 30 June, 2003 along with a brief commentary of the reported figures.

Operating Statement	2002/03 \$'000	2001/02 \$'000
Operating Revenue	47,438	50,253
Operating Expenditure	47,589	48,589
Operating Result before Capital Amounts	(151)	1,664
Capital Grants Contributions and Donations	1,872	3,794
Net Surplus (Deficit) for Year	1,721	5,458

The 2002/03 operating result represents a surplus of \$1.721 million as compared to a surplus of \$5.458 million the previous year. Details of revenues and expenses that resulted in the surplus as compared to the previous year can be explained as follows:

Revenues from Ordinary Activities	2002/03 \$'000	2001/02 \$'000
Rates and Annual Charges	26,949	25,521
User Charges and Fees	5,943	7,604
Interest	1,853	1,840
Grants and Contributions provided for Non-Capital Purposes	10,530	12,603
Grants and Contributions - Capital	1,872	3,794
Other Operating Revenues	2,014	2,240
Profit from Disposal of Assets	149	445
Total Revenue from Ordinary Activities	49,310	54,047

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- Rates & Annual Charges - Rates and annual charges represent about 55% of Council's total revenue. This compares with 47% year. Income received increased due mainly to the annual increase allowed under rate pegging of 3.3% for Rate Income and Sewerage Services, 9.0% increase for Sullage Collection and a 3.9% decrease for Domestic & Business Waste and Recycling Annual Charges.

In addition, an amount of \$850K in revenue was raised as a result of a special environmental and stormwater levy.

- User Charges & Fees - Income received for User Charges & Fees is some \$1.661M less than the previous year due to relinquishing auspice and control over several child care centres and pre-schools. Otherwise a small increase in other user charges & fees resulted in variety of areas including Dog Registration Fees, Road Reinstatement Fees, Leisure Centre Income and Private Works Income.
- Interest Received - Interest on Investments Income received decreased over the 12 month period. Official interest rates have remained generally constant with a slighter higher return achieved in floating interest rates. The average interest rate on investments was around 4.98% for 2002/03 compared with 4.44% in the previous year. However Councils investment portfolio (cash assets) decreased throughout 2002/03 by some \$7.764M.
- Grants & Contributions Received (Operating) - Council received \$10.53M in operating grants and contributions in 2002/03 compared with \$12.60M in the previous year. Council's decision not to consolidate various management committees contributed to a reduction in revenues from this source.
- Grants & Contributions Received (Capital) - Council received \$1.872M in capital grants and contributions in 2002/03 compared with \$3.794M in the previous year. The major reduction between 2001/02 & 2002/03 relate to one off grant income received by Council for the Museum of \$1.15M in 2001/02 and a reduction in capital grants in 2002/03 for bushfire and emergency services of \$656K.
- Other Operating Revenue - There was a decrease in other income of \$226K in 2002/03 primarily from a reduction in lease rental income and as a result of Council's decision not to consolidate various management committees.

Expenses from Ordinary Activities	2002/03 \$'000	2001/02 \$'000
Employee Costs	16,130	16,247
Materials and Contracts	19,949	21,300
Borrowing Costs	293	309
Depreciation and Amortisation	6,223	5,693
Other Expenses from Ordinary Activities	4,994	5,040
Total	47,589	48,589

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- Employee Costs - Employee costs fell from \$48.589M in 2001/02 to \$47.589 in the current year. A major factor for this reduction is due to relinquishing auspice and control over several child care centres and pre-schools. Otherwise an increase would have been recorded reflecting larger than average termination payouts and an increase in salaries and wages in real terms as a result of award salary/wage case increases and Council's salary and wages administration system increases which were allowed for in Council's budget.
- Materials & Contracts - Council's budget is based on a "normal" mix of self-constructed and contract works. The process of calling and accepting tenders during the year can result in substantial changes in this mix, resulting in significant variations from one year to the next.
- Interest Charges - Interest Charges have decreased due mainly to Council not borrowing funds from financial institutions, electing to borrow internally against reserves.
- Depreciation and Amortisation - The amount calculated and charged to depreciation was \$6.223M in 2002/03 representing 13% of total expenses. This compared with \$5.693M (12%) in 2002.
- Other Operating Expenses - Total other expenses for 2002/03 amounted to \$4.994M compared with \$5.040M in 2001/02.

Statement of Finance Position (Balance Sheet)

The Statement of Financial Position discloses the assets, liabilities and equity of Council. It depicts the accounting term 'Assets - Liabilities = Equity'.

The table below displays Council's reported Statement of Financial Position under AAS27.

Statement of Financial Position	2002/03 \$'000	2001/02 \$'000
Current Assets	25,579	35,782
Non Current Assets	315,070	309,286
Total Assets	340,649	345,068
Current Liabilities	6,924	9,441
Non Current Liabilities	3,120	3,341
Total Liabilities	10,044	12,782
Net Assets	330,605	332,286
Equity	330,605	332,286

Council's Statement of Financial Position reports a strong position similar to that portrayed at the conclusion of 2001/02. Specific details relating to financial performance are detailed below.

Debt Service

Council's outstanding external load principal was only \$112,000 at the end of the financial year. This has enabled Council to achieve a debt service ratio of 0.89%. This ratio is used in assessing the degree to which revenues are committed to the repayment of debt. With the retirement of a significant amount of debt during 2000/01, the debt service ratio has fallen and provides Council with the flexibility of utilising debt funds if and when it needs to in the future. Moreover, the ratio achieved is well below the Group 6 of Councils average for 2002 of 4.07%.

Current Ratio

The Statement of Financial Position also illustrates that Council has a high ratio of current assets to current liabilities (Current Ratio). The Current Ratio currently stands at 3.69:1 This ratio is used to determine a councils adequacy and ability to satisfy financial obligations in the short term. Hawkesbury City Council's high Current Ratio means that it is in a strong position to meet its short term financial commitments and has flexibility in making strategic decisions for the future.

Unrestricted Current Ratio

As a modification to the current ratio, the unrestricted current ratio is a more rigorous measure of Council's ability to meet future short term commitments as it excludes those assets and liabilities restricted for specific purposes such as sewerage and waste. Even the unrestricted current ratio is a high 3.31:1. Moreover, this indicator reflects a strong increase on the average of the previous three years of 2.05:1 and is well above the Group 6 of Councils average for 2002 of 1.97%.

Budget Result

The budget result, based on the movement in available funds, was reported with the review of Council's Management Plan at the Ordinary Meeting of Council held on 12 August, 2003. The available funds result for the period ending 30 June 2003 is a deficit of \$467,341. This compares with a previously estimated deficit result of \$382,764. The variance to the final result and the previously reported result is due to a number of minor favourable and unfavourable variations in various Council components relating to salaries and maintenance expenses.

FINANCIAL POSITION As at 30 June 2003	GENERAL FUND	SEWER FUND	TOTAL
Total Income	68,941,385.17	13,978,091.73	82,919,476.90
Total Expenditure	69,408,726.38	13,978,091.73	83,386,818.11
Budget Surplus/ (Deficit) for Year	(467,341.21)	0	(467,341.21)

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Accumulated funds position as at 30/6/02	1,185,690.00	249,085.00	1,434,775.00
Accumulated funds position as at 30/6/03	718,348.79	249,085.00	967,433.79

Converting Councils AAS 27 Reported Operating Result back to Councils Budget Result

Operating Result (AAS 27)	\$1,720,720.29
Less - Consolidations (S355/377)	637,177.00
- Hawkesbury Sports Council	87,486.48
Unconsolidated Result	<u>\$2,445,383.77</u>
 Add: Capital Income	
- Sale of Assets	\$1,173,044.21
- Depreciation	\$6,005,167.82
- Transfers from reserve	\$24,706,514.01
- Long term debtors repaid	\$78,742.88
- Loan income	\$308,447.49
Total	<u>\$32,271,916.41</u>
 Less: Capital Expenditure	
- Purchase of Assets	\$12,893,629.37
- Transfers to reserve	\$21,577,331.69
- Loan repayments	\$380,617.30
- Net ELE Movement	\$333,063.03
- Long term debtors raised	\$0
Total	<u>\$35,184,641.39</u>
 Budget result	<u>(\$467,341.21)</u>

The budget result is a reflection of the movement in available cash. The purchase and sale of assets and transfers to and from reserve affect the availability of cash, however, do not effect the operating result of Council. The table below summarises the movement to and from Council reserves during the period.

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Reserve	Balance 01-Jul-2002	Movement	Balance 30-Jun-2003
Sewer -Asset Replacement	214,799.78	119,930.48	334,730.26
Bligh Park Reserve	4,100,659.73	87,355.44	4,188,015.17
Council S94 Allocation	378,918.71	(4,543.73)	374,374.98
ELE Reserve	1,491,600.32	(688,686.56)	802,913.76
Election Reserve	98,328.07	35,617.84	133,945.90
Environmental Plan Reserve	525,449.29	23,040.03	548,489.33
Ext. Industries Reserve	845,185.99	105,548.67	950,734.66
Garbage Reserve	(65,947.92)	641,394.84	575,446.92
Information Technology Reserve	216,700.95	96,323.71	313,024.66
Kerb & Gutter Reserve	171,030.62	122,101.70	293,132.32
Loan Reserve	3,537,991.16	(476,481.27)	3,061,509.89
Parks & Gardens Reserve	26,005.61	437.14	26,442.75
Plant Reserve	410,681.29	51,236.80	461,918.09
Property Development Reserve	2,596,549.71	375,448.02	2,971,997.73
Risk Mgt Reserve	184,894.35	(35,640.29)	149,254.05
Road works Reserve	238,814.19	1,706.80	240,520.99
S94 Car Parking Reserve	313,684.18	13,732.19	327,416.37
S94 Comm. Facilities Reserve	3,102,645.09	59,428.96	3,162,074.05
S94 Drainage Reserve	38,779.14	18,339.37	57,118.51
S94 Park Imp Reserve	564,724.63	(24,903.15)	539,821.48
S94 Rec Buildings Reserve	661,487.36	112,035.69	773,523.05
S94 Road Works Reserve	553,295.55	25,907.26	579,202.81
S94 Bushfire Reserve	30,208.52	1,322.44	31,530.96
Sullage Reserve	(88,899.81)	(30.74)	(88,930.55)
Sewer -Treatment Works Reserve	7,258,884.27	(3,957,938.27)	3,300,946.00
Workers Comp Self-Ins. Reserve	1,368,075.46	108,131.24	1,476,206.70
Sewer - Operating Reserve	384,497.35	(384,497.35)	0
Environmental Stormwater Res.	0	487,189.13	487,189.13

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Reserve	Balance 01-Jul-2002	Movement	Balance 30-Jun-2003
Heritage Reserve	30,946.91	(21,691.25)	9,255.66
Other Reserves	173,470.90	(20,997.94)	152,472.96
Internal Loans	(135,000)	0	(135,000)
	29,228,461.42	(3,129,182.33)	26,099,279.09

RECOMMENDATION:

Council exercising its delegation as a Committee of the Whole recommend that Councils General Purpose and Special Purpose Financial Reports and Special Schedules for the period ended 30 June 2003 be adopted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 96 Oooo

ITEM: 97**Quarterly Review as at 30 September 2003****FILE NUMBER:** 107/FNC/OGK27NAX.F08**REPORT:**

The September Quarterly Review of the Management Plan 2003/2004 financial year is reported to Council in accordance of the requirements of the Local Government Act 1993.

The September Quarterly Financial Statements discloses a deficit result of \$173,835, when comparing actual income and expenditure to Council's adopted budget for 2003/2004 financial year to date. The main variations from the adopted budget occurred in the following areas:

- Unbudgeted contract payments for sub-division inspectors \$40,000.
- Favourable adjustment of \$5,468 towards Council's contribution to the Environmental Planning Authority.
- An allocation of \$30,000 for the Pitt Town Masterplan Study to effect Council's decision in July 2003.
- Unexpected increase in Health Services legal expenses of \$5,000 in relation to a prosecution for polluting waters.
- Net decrease in revenue received of \$ 17,965 from the Financial Assistance Grant. The general purpose component revenue decreased by \$43,041 and the roadworks component increased by \$25,076.
- Unbudgeted increase in Hawkesbury River County Council annual fees by \$7,500.
- Additional expenditure of \$13,000 for capital works performed at Richmond Pool to meet OH&S requirements.
- Increase of \$7,316 towards the Council's contribution to the NSW Fire Brigades Fire District Estimates for 2003/2004.
- Additional expenditure of \$59,530 for the NSW Fire Service Contribution for 2003/2004.
- Expenditure funded by Risk Management Reserve to ensure compliance of OH&S legislative requirements.

These variations are discussed in more detail in the 2003/2004 Management Plan and Financial Statement September Quarterly Review.

RECOMMENDATION:

That the quarterly review of 2003/2004 Management Plan and Financial Statement for the period ending 30 September 2003 be adopted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 97 Oooo

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Item: **98****ITEM: 98 Monthly Financial Report - October 2003****FILE NUMBER:** GF011/005/FNC/OGK27NAX.F04**REPORT:**

Summarised below, are particulars of both the income received and the expenditure incurred by Council for the month of October 2003. This information has been reconciled between the cashbook and the bank statement balance as at the end of October 2003. All expenditure is fully supported by vouchers and invoices which have been duly certified.

Cash Book (General Ledger) Reconciliation - October 2003

Opening Balance as at 1 October 2003	(\$763,456.81)
Add Receipts for the Month	\$7,119,567.62
Less Payments for the Month	(\$6,273,589.03)
Closing Balance as at end of October 2003	<u>\$82,521.78</u>

Bank Statement balance - October 2003

Statement Balance as at end of October 2003	\$192,200.10
Less Unpresented Cheques	(\$292,611.55)
Add Outstanding Deposits	\$215,552.91
	<u>\$115,141.46</u>
Adjustment: Statement entries not yet posted to GL	(\$32,619.68)
Equal balance as per Cash Book	<u>\$82,521.78</u>

Commentary

The above reconciliations reflect the cashflow for October 2003. Receipts include rate payments, fees and charges, grant payments and matured investments. Expenditure for the month typically consists of payments to contractors, employee salaries, purchase of stores and materials and lease/loan repayments.

The bank account balance may vary significantly from the cashbook balance. The difference is made up of unpresented cheques, outstanding deposits and bank statement entries that have not yet been recorded in the general ledger.

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Cash management procedures are in place that ensure adequate funds are available to meet daily expenditure obligations. Active cash management minimises the risk of Council's bank account going into an overdraft situation.

Any surplus funds are invested so as to maximise interest earnings.

Investments - October 2003

The Local Government (Financial Management) Regulation requires that each month, details of all money that has been invested under section 625 of the Local Government Act, 1993 be reported to a meeting of Council.

The following table outlines the investment portfolio held by Council as at the end of October 2003. All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

October 2003

Investment Type	Balance Brought Forward	Deposits	Withdrawals	Interest Added to Investment	Balance End of Month
Managed Funds	\$17,140,205.22			\$83,688.16	\$17,223,893.38
On Call Funds	\$4,550,000.00	\$1,000,000.00	(\$2,700,000.00)		\$2,850,000.00
Term Investments	\$1,235,000.00				\$1,235,000.00
Rolling Investments	\$8,728,450.99			\$18,138.15	\$8,746,589.14
TOTAL	\$31,653,656.21	\$1,000,000.00	(\$2,700,000.00)	\$101,826.31	\$30,055,482.52

Investment Commentary

Managed Fund performance exceeded the benchmark index for the month of October. Official cash interest rates were increased earlier this month by 0.25% to 5.00%. With Australia's current low level of unemployment (5.6%) and high household spending that has been buoyed from an increase in household wealth in the form of higher house prices, the increase in interest rates has been viewed by economists as an economic turning point. Current consensus suggests that official interest rates could rise to 5.50% by mid 2004.

The investment portfolio is diversified across a number of investment types. This includes a number of managed funds, term deposits, rolling rate investments, floating rate notes and on-call accounts.

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

Geoff Banting
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 98 Oooo

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Item: **99****ITEM: 99 Payment of External Organisations**

FILE NUMBER: GT050/005, GT070/018, GM001/021 Pt14, GC210/014
Pt3/FNC/OGK27NAX.F05

REPORT:

Set out below are the summarised financials as at 30 September 2003, of external organisations that Council resolved to allocate funds for economic development service delivery and projects for 2003/2004.

Organisations (Unaudited Result)	Operating Income	Operating Expenses	Surplus (Deficit)
Hawkesbury Sports Council Inc.	\$396,198.37	\$109,708.73	\$286,489.64
Hawkesbury City Chamber of Commerce Inc.	\$ 44,016.90	\$ 33,339.16	\$ 10,677.74
Tourism Hawkesbury Inc.	\$162,456.16	\$140,367.90	\$ 22,088.26
Hawkesbury Harvest Inc.	\$ 14,622.82	\$ 2300.36	\$ 12,322.46
Hawkesbury Economic Development Advisory Committee	\$ 6,695.00	\$ 10,963.04	(\$ 4,268.04)

Hawkesbury Sports Council Incorporated (HSCI)

HSCI has reported an operating surplus for the period ending 30 September 2003 of \$286,489.64 (two hundred and eighty six thousand, four hundred and eighty nine dollars and sixty four cents). HSCI continues to maintain, manage and improve Council's sporting facilities including mowing, cleaning, repairs and security as well as collecting fees from users of the facilities. Council's funding allocation for 2003/2004 to HSCI was \$752,301.51 (seven hundred and fifty two thousand, three hundred and one dollars and fifty one cents) which included \$200,000.00 (two hundred thousand dollars) for Capital expenses.

Projects commenced in 2003/2004:

- Storage facility extension to Tamplin Field
- Extensions to toilet at Icely Park

Projects due to commence in the near future:

- S94 Project - Extensions to Mileham Netball
- S94 Project - Extensions to Turnbull Oval

Hawkesbury City Chamber of Commerce Inc. (HCCCI)

HCCCI has reported an operating surplus for the period ending 30 September 2003 of \$10,677.74 (ten thousand, six hundred and seventy seven dollars and seventy four cents). Council's funding allocation for 2003/2004 was \$125,000.00 (one hundred and twenty five thousand dollars).

A summary of HCCCI actions, incorporating the Mainstreet Program - July 2003 to September 2003 include:

- Facilitate and assist with monthly meeting of the 4 (four) Mainstreet committees, complete and distribute minutes, agendas, organize venues, complete action points for committees as required.
- Distribute council surveys on shopping centre development to 4 (four) major town centre businesses.
- Co-ordinate street decorations for Richmond Crazy Day Sale, Hawkesbury Carnivale and Hawkesbury Jazz and Waratah festival.
- Coordinate sale of 500 (five hundred) Waratahs to Richmond Mainstreet businesses to cross- promote the Jazz /Waratah Festival.
- Supervise pavement pressure cleaning for Richmond Mainstreet Committee.
- Produce monthly mainstreet newsletters.
- Prepare strategic plans and budgets for the 4 (four) Mainstreet Committees with Chamber executive.
- Supervise 'shopping centre' signage upgrade for the Windsor Shopping Centre.
- Assess all Integral Energy boxes on Hawkesbury main streets for graffiti damage and request Integral to repaint boxes throughout the LGA.
- Liaise with Department of State and Regional Development to secure funding to assist Kurrajong town centre.
- Coordinate South Windsor Mainstreet promotion with a 'Family Fun Day' in South Windsor funded by the Commonwealth 'Families First Program'.
- Install 32 (thirty two) 'Fruits of the Hawkesbury' banners over 5 (five) towns.
- Liaise with Council (Chris Daley) and Manager of MacDonalds in Richmond to recess bus shelter back from street level.
- Liaise with Council (Sonia Porter) and Windsor Mainstreet Committee to promote Vinegar Hill historic celebrations in Windsor in February 2004.
- Replant mainstreet planters on South Windsor mainstreet with assistance of Work- for-the-Dole clients.
- Liaise with Council (Richard Vaby) on installation of new bins to South Windsor Mainstreet and North Richmond, also extra bins for Richmond.
- Attend town centre manager's conference in Hurstville (September).
- Liaise with Council (Chris Daley) on repaving South Windsor pavements in current capital works budget.
- Coordinate 4 (four) - 8 (eight) page features on town centres in Hawkesbury Gazette.
- Promote Mainstreet achievements and issues to local press through draft press releases.
- Continue to work with Council on 'Linking Richmond' Project in Richmond Park.
- Support Chamber staff with office functions, servicing the needs of members, Chamber meetings, and recruiting new members.

- Survey retailers in the purchase of appropriate Christmas decorations for the town centres. Purchase and distribute 200 (two hundred sets) sets of Christmas lights to mainstreet businesses.

Tourism Hawkesbury Inc. (THI)

THI has reported an operating surplus for the period ending 30 September 2003 of \$22,088.26 (twenty two thousand and eighty eight dollars and twenty six cents). Council's funding allocation for 2003/2004 was \$172,000.00 (one hundred and seventy two thousand dollars).

The September Quarter 2003 represents the final reporting Quarter for the current THI Board, as the full Board is to be re-elected at the forthcoming November AGM.

The current Board has recently completed the 2003 Marketing plan and 2 (two) year Business plan for the organisation. These tools and the professional management and staffing of the centre should allow for a smooth changeover in executive.

Operations of Tourism Hawkesbury Inc. for the term of the current Board have been highlighted by:

- Awards for Excellence in General Tourism Services at the Western Sydney Industry Awards 2002 and 2003.
- The Wendy O'Donoghue NSW Young Achiever in Tourism Award being won by THI's Tourism Manager Karina Groth.
- Represented of the association and the Hawkesbury region on various committees.
- Successfully in gaining a \$50,000 (fifty thousand dollars) grant from the Federal Government to aid in branding and marketing the Hawkesbury region.
- P.R. and cooperative marketing campaigns developed for the Hawkesbury Valley.
- Tourism NSW admitting the "Hawkesbury Region" into its short Breaks program for the first time.
- Development of the Duncan Galbraith Award for outstanding UWS tourism students.

Council funding for the Quarter ended 30 September 2003 has been allocated directly against the running costs of the Visitors Information Centre. September financial results show that the Information Centre Overheads were \$56,050 (fifty six thousand and fifty dollars) against which the Council Grant for the period of \$43,000 (forty three thousand dollars) were allocated. The shortfall of \$13,050 (thirteen thousand and fifty dollars) represents a direct contribution from THI member funds towards the running of the centre.

The current Board would like to take this opportunity to thank HCC Councillors and Staff for the co-operation extended to THI over the course of the past 2 (two) years. The new Board will need to continue to work in close partnership with HCC as the next 2 (two) years will see the opening of the World Heritage Interpretative Centre, Hawkesbury Art Gallery and the new Museum. These new attractions will require additional resources and associated PR and marketing.

Hawkesbury Harvest Inc. (HHI)

HHI has reported an operating surplus for the period ending 30 September 2003 of \$12,322.46 (twelve thousand three hundred and twenty two dollars and forty six cents). Council's funding

allocation for 2003/2004 was \$40,000.00 (forty thousand dollars).

Report to HCC for Quarter ending 30 September 2003 is as follows:

Replacement of Marketing and Promotions Manager

Action to replace Kate Faithorn who resigned at the end of April 2003 was restricted until the last week of June 2003 when it became officially known that funding was to be provided to HH by the Hawkesbury, Baulkham Hills and Hornsby Councils for the 2003/04 financial year. It was decided that the position should be upgraded to that of Executive Officer as the organisation was at an appropriate stage of development for this level of input. Recruitment action resulted in 25 (twenty five) enquiries, 16 (sixteen) applications and 6 (six) interviews. The successful applicant was Margaret Down.

Margaret is a resident of the NW sector and lives at Kellyville. Margaret's background is in the hospitality industry. For the past 3 (three) years she has been the General Manager of the Cove Sports and Community Club at Castle Cove, a not-for-profit organisation. During that time Margaret has taken a struggling organisation with 3 (three) employees to a thriving operation employing 11 (eleven) people including 5 (five) casuals. Margaret is especially community-oriented and is a Director of Membership First Credit Union at Merrylands. She commenced duties on 25 August 2003 and since that time has been coming to grips with the organisation, meeting its members and promoting HH's expansion across the NSW sector. Margaret's business experience is very evident.

Agribusiness Tour

Hawkesbury Harvest members played a pivotal role in the successful agribusiness visit to the Hawkesbury by 40 people representing 20 (twenty) countries, industry and the finance sector. The members visited were Elf Farm Supplies, Kurrajong Kitchens and Loxley on Bell Bird Hill. Blue Mountain Natural Spring Water was also on the agenda, however, the bus was too large for the road to the business so John Digges, Principal, addressed the visitors over lunch at Loxley. The event was organised by Sydney West Marketing. Council, Tourism Hawkesbury and UWS-Hawkesbury were also local partners in the day.

Jazz and Waratah Festival

Hawkesbury Harvest participated in this event by providing a display at Richmond Park on Sunday, 28 September. An effort was made to sell fresh produce, however, again it was demonstrated that people who go to such events do not go with food shopping in mind.

BASI Award

Hawkesbury Harvest received the Business Advisory Services Inc. (BASI) 2003 Agri-business Leadership Award at a gala event sponsored by St George on 24 September at the Castle Hill RSL. This is the first award that HH has received and did not have to apply for. This, I believe, says a great deal about how the organisation is perceived in the wider community.

Workshops

During July 2 (two) workshops were held. The first one on 1 July involved 25 (twenty five) people who included HH members and other targeted people with particular skills and expertise. The purpose of that workshop was to determine three to 4 (four) strategic objectives that would hasten the establishment of an income stream so the organisation could at least meet the private good costs

associated with its activities. The 4 (four) objectives were regional branding, standards and structure. Efforts to achieve the first 2 (two) had already commenced so it was heartening to have those efforts ratified.

The nature of the lobbying is to be very positive - what HH is about rather than taking an aggressive stand and to take people with us on our journey. In regard to structure was agreed if the organisation is to become business oriented (which it is bound to do as agreed to in committee and the Regional Assistance Program contract HH has with the Federal Government for Stage II - Paddock to Plate) its structure needs to be altered.

The recommended structure is a business-oriented board with a number of sub-committees such as the Farm Gate Trail Committee, Branding Committee, Farmers Markets Committee and Special Events Committee. Chairs of those committees would work with and/or be a member of the Board. The members of the committees would be charged with maintaining the focus and doing much of the work agreed upon.

The outcomes of the 1 July workshop were taken to the second workshop held on 29 July. All level II and III members were invited to this workshop. 21 (twenty one) people attended. A great deal of interaction occurred and people really enjoyed contributing to setting directions for the future.

The main outcomes of the workshop were that people were provided the opportunity to contribute to determining:

- Where they have come from, where they were at and where they would like to be with HH and the associated challenges.
- What format they think the new Trail map should take.
- What standards should apply to the various categories of HH members.

Again the proposed change in the structure was presented. The final stage of the process of changing the structure will occur at the AGM, which will be held 22 October 2003.

Hawkesbury Economic Development Advisory Committee (HEDAC)

HEDAC has reported an operating deficit for the period ending 30 September, 2003 of \$4,268.04 (four thousand two hundred and sixty eight dollars and four cents). Council's funding allocation for 2003/2004 is \$26,780.00 (twenty six thousand seven hundred and eighty dollars). The deficit for the first quarter can be attributed mainly to the payment of sponsorship payments for:

- Hawkesbury Business Enterprise Centre - \$6,180.00 (six thousand, one hundred and eight dollars).
- Greater Western Sydney Ambassador Program - \$1,800.00 (one thousand and eight hundred dollars).

HEDAC has continued to work towards promoting tourism within the local area as well as encouraging business and agricultural sustainability. HEDAC's Home Base Business Connection (HBBC) Project is due to finish in January 2004 with the continuation of the initiative to occur through the Hawkesbury City Chamber of Commerce and Industries Inc.

Major issues still confronting HEDAC include the recent release of the RAAF Base Richmond Economic Impact Study Stage 1 Report and the finalisation of the Stage 2 Report. HEDAC's Chairperson was also invited to give evidence at the recent public hearing on the RAAF Base Richmond Reinvestment Project, which has been approved by the Federal Government. \$35,000,000 (thirty five million dollars) will be spent on the Project.

Initiatives commenced by HEDAC include a submission to the University of Western Sydney (UWS) supporting the establishment of a Community Board to discuss issues relating to the courses on offer and the future direction of the Richmond Campus. This Community Board has now been established with HEDAC's Chairperson being a member of the board

HEDAC also held strategic workshop for its committee members to discuss a broader marketing program for the Hawkesbury LGA which Council approved at its February Strategic Planning weekend. Funding for the program has been made available in the 2003/2004 budget. The UWS has been invited to help with the program and a sub-committee has been formed to focus specifically on achieving a positive outcome, which will be reported back to Council.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 99 Oooo

ITEM: 100 **Community Donation Program Round 2 (Two) 2003/2004****FILE NUMBER:** 79356/CSV/OGK27NBX.C09

REPORT:

As part of the Donations Policy that came into effect on 1 July 2001, the Community Donations Program now has 3 (three) funding rounds annually. Residents are reminded of due dates through advertisements in the local paper. Applications are available from libraries, Council offices and on the website.

A total of 10 (ten) applications were received in Round 2 (Two) of the 2003/2004 Program requesting a total of \$39,820 (thirty nine thousand, eight hundred and twenty dollars).

The applications were assessed by a staff committee and are ranked below in order according to the criteria defined in the Policy. Recommendations for amounts of donations are provided as well as comments.

MacDonald Valley Association requests \$1,000 (one thousand dollars) for seed funding for the "Art is for the Birds" Project. The long term project involves the production and sale of Greeting Card Sets using images created by local artists. The fundraising from the sale of card sets would be used for a noxious weed program that has been ongoing for 4 (four) years raising over \$8,000 (eight thousand dollars).

The aim of this project is to make the cultural heritage of the local area a major focus, giving work to local artists, create a continuous fundraising mechanism, which will be able to be reproduced with other artists work and fundraise for an important environmental project. Producing high quality artwork for the benefit of the tourist trade, the Association is committed to contributing \$600 (six hundred dollars) if the Council will donate the requested amount to start the project.

A donation of \$1,000 (one thousand dollars) was given in 2001/2002 for a monograph to be printed of the St Nortons Bridge at St Albans celebrating its 100th Anniversary.

Windsor Pre-School Association Inc. requests \$700 (seven hundred dollars) to provide and erect a double sided metal sign to be placed in front of the building. This will inform the public and prospective clients of the name and purpose of the service and that the service is community managed under the auspice of Council.

Note: Similar signage was provided as a donation last financial year to Colo Wilderness Committee for signs at the Kurrajong Before and After School Care Service. The Building Services budget normally provides these types of signs when new community facilities are built, but this centre is now 20 (twenty) years old.

NSW Floral Art Association Inc. applies for \$5,000 (five thousand dollars) to assist in the hosting of the third Australian National Floral Art Show, which is a 3 (three) day competition for state, interstate and overseas delegates. The committee lobbied long and hard to have the Show held in the Hawkesbury region strongly advertising the local history aspect.

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The show will be held at the Windsor Function Centre in 2004 and aims to promote floral art in all its forms through demonstrations by the talented artists. The event is to be promoted nationally and internationally and is deemed to assist tourism in the Hawkesbury for the event. The requested amount is less than one-sixth of the total cost of staging the event.

Note: Council has supported similar national events such as Rescue Expo in 2002 and 1997 for \$10,000 (ten thousand dollars) and Unique Horse sports in 2000 for \$10,000 (ten thousand dollars). These events are held as 1 (one) off events in the Hawkesbury and are given support to assist the local community organisations that organise them and to bring tourism dollars into the area.

Nova Employment and Training Program Inc. request \$3,245 (three thousand, two hundred and forty five dollars) to purchase a NEC VT 660G Projector to assist with the Job Club Program run by the organisation. This community based, non profit organisation is also a registered charity and provides specialist support to young people with an intellectual disabilities, assisting special needs students at local high schools develop the skills necessary to enter the workforce. The purchase of this projector will enable Nova staff to present material used in Job Club in a readily understandable visual format.

Bridgewater Baptist Church at North Richmond applies for \$5,000 (five thousand dollars) to provide a maintenance trailer with a lockable hood and equip with a variety of tools such as lawnmower, chainsaw, power tools, yard and house cleaning equipment. The trailer and equipment is to be used by volunteer labour to carry simple property maintenance to assist those in the community who are elderly, disabled or experiencing other forms of hardship.

The organisation believes they will benefit the community by filling a practical need and by building stronger relationships between individuals and businesses giving them an opportunity to be involved in the project through their support.

The Church will then seek funds to acquire a vehicle to tow the trailer and in the meantime will use volunteer vehicles. Those in need of the service will at first be found by word of mouth, but plans for an application form to enable the organisation to assess applicants that are in genuine need of the services will be developed.

Autism and Aspergers Support Group Inc. apply for between \$2,500 (two thousand, five hundred dollars) and \$5,000 (five thousand dollars) for the community education and awareness of Autism Spectrum Disorders. The group would like to either purchase a photocopier or have in-kind printing donated by Council to provide educational information through kits and the monthly newsletter. The organisation has a membership base of 100 (one hundred) members who reside in the Hawkesbury and provides support through information sharing, monthly newsletter and meeting with guest speakers and counselling for members.

Kurrajong Branch of the Country Women's Association apply for \$2,000 (two thousand dollars) for the purchase of 2 (two) upright stoves for the CWA hall, which is owned by branch members. The current stoves are over 50 (fifty) years old and were second hand when donated. Currently members are cooking in their own homes and bringing food to the hall to be warmed up with great difficulty.

These stoves would be of benefit to the community and to the CWA members who donate their time and service running an efficient catering service. The aims of the organisation include improving the welfare and conditions of children and to provide better facilities and education through fundraising efforts. A local electrician has agreed to donate his labour to connect the stoves.

MacDonald Valley Public School applies for \$475 (four hundred and seventy five dollars) for an excursion to visit the NSW Art Gallery, Aquarium and to see the theatre production of the Lion King. Cheaper tickets were ordered for the Lion King but due to a mix up, ended costing the school double the original amount. The school asks for the shortfall to be paid as a donation to the school which provides educational experiences for students living in an isolated rural area.

Comleroy School of Arts applies for \$2,500 (two thousand, five hundred dollars) for the basic repair and replacement of both doors and door supports for those on the men's and women's toilets ripped off their hinges in the September gale force winds.

The work will require moving and replacing electrical cables also as they need to be altered in order to fix the cubicles.

The project seeks to restore basic privacy for those using the toilets. It is not possible to continue to hold community events until the cubicles are repaired and the cost is well beyond the financial resources of the management committee. The rise in cost of public liability insurance means that fundraising efforts are continually focused on this purpose.

The Sydney Showjumping Club Inc. applies for \$14,900 (fourteen thousand, nine hundred dollars) for the installation of a sewerage treatment plant (septic tank) - \$4,700 (four thousand, seven hundred dollars) and connection to the mains at the Hawkesbury Equestrian Centre including trenching, material, pipe and labour to the mains - \$10,200 (ten thousand, two hundred dollars).

This treatment system will enable the installation of toilet facilities for the caretaker. (Amenities block currently on the site). The centre currently provides a facilities for approx 430 (four hundred and thirty) residents of the Hawkesbury and surrounding areas.

The Club has recently completed the purchase and installation of an amenities facility on the grounds to the value of \$64,150 (sixty four thousand, one hundred and fifty dollars) partially funded by the Department of Sport and Recreation for \$30,000 (thirty thousand dollars) and the balance through members funds. In 2002/2003 Council donated the cost of the development application for the facility to the value of \$2,401.00 (two thousand, four hundred and one dollars).

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Item: **100****Summary of Donation Requests**Recommendations For Approval

Applicant	Activity / Project	Donation Requested	Donation Recommended	Comments
MacDonald Valley Association	Art is for the Birds	\$1,000.00	\$1,000.00	Seeding Grant for project which supports both cultural and environmental issues.
Windsor Pre-School Association Incorporated	Sign for Pre-School	\$700.00	\$700.00	Council responsibility to provide appropriate signage for their buildings.
New South Wales Floral Art Association Inc	Australian National Floral Art Show	\$5,000.00	\$5,000.00	Supporting National events brings tourism and business to area. One-off event in Hawkesbury.
Bridgewater Baptist Church North Richmond	Maintenance trailer	\$5,000.00	\$500.00	Donations towards tools for community support program. No capacity to show ongoing support and maintenance for trailer.
Autism and Aspergers Support Group	Purchase of photocopier	\$2,500.00 - \$5,000.00	\$500 in-kind towards printing	Encourage to apply for Equity and Access seeding grant for additional equipment.
Kurrajong Branch of Country Women's Association	2 new upright stoves	\$2,000.00	\$500.00	Contribution towards fundraising for equipment required.
Macdonald Valley Public School	Excursion to Sydney	\$475.00	\$150.00	Inappropriate to start a precedent funding shortfalls, but a small donation supports the fundraising efforts of school to cover the balance.

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Item: **100****Other applications**

Applicant	Activity / Project	Donation Requested	Donation Recommended	Comments
Nova Employment & Training Program Incorporated	Purchase projector	\$3,245.00	Nil	Recommend group apply for Equity and Access seeding grant.
Comleroy Community School of Arts	Fixing men's & women's toilets	\$2,500.00	Nil	Large capital expenditure for infrastructure required, total hall in a poor state of repair, other funding bodies not supporting.
Hawkesbury Equestrian Centre Sydney Showjumping Club	Sewerage treatment plant & connection to sewer mains	\$14,900.00	Nil	Beyond the capabilities of this budget to fund large infrastructure projects.

The total Community Donations budget is \$35,000 (thirty five thousand dollars). Committed funds allocated to date are \$18,173.97 (eighteen thousand one hundred and seventy three dollars and ninety seven cents).

With the recommended amount of \$8,350 (eight thousand, three hundred and fifty dollars) being approved in this report, the amount available for the final round of the program in 2004 would be \$8,476.03 (eight thousand, four hundred and seventy six dollars and three cents).

RECOMMENDATION:

That as part of Round 2 (two) of Community Donations 2003/2004 a total of \$8350 (eight thousand, five hundred and fifty dollars) be paid as donations as follows:

1. MacDonald Valley Association receive \$1,000.00 (one thousand dollars) towards their Arts is for the Birds Project.
2. Windsor Pre-School Association Inc. receive \$700.00 (seven hundred dollars) to provide and erect a double sided metal sign for the front of their building.
3. NSW Floral Art Association Inc receive \$5000.00 (five thousand dollars) towards the staging of the third Australian national Floral Art Show.

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4. Bridgewater Baptist Church receive \$500.00 (five hundred dollars) towards the cost of tools towards their community garden and home maintenance program.
5. Autism and Aspergers Support Group Inc. receive \$500.00 (five hundred dollars) in-kind printing for their monthly newsletters etc.
6. Kurrajong Branch Country Women's Association receive \$500.00 (five hundred dollars) towards the purchase of two upright stoves for their catering fundraising project.
7. MacDonald Valley Public School receive \$150.00 (one hundred and fifty dollars) towards fundraising efforts to cover the cost of shortfall in excursion fees to Sydney.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 100 Oooo

ORGANISATION AND RESOURCES

Meeting Date: 27 November, 2003

Item: **101****ITEM: 101****Community Cultural Grants Program - October Round****FILE NUMBER:** 79356/CSV/OGK27NBX.C03**REPORT:**

Three (3) committee members attended the meeting of 29 October to consider the two (2) applications received under the October round of Council's Community Cultural Grants Program.

A summary of applications received is as follows:

Ellen Manning, on behalf of Chorella Inc, applies for \$1,000 (one thousand dollars) towards professional fees for Mr Anthony Linden-Jones to enable him to act as musical director of the group, which was formed in May 2003. The applicant advises that the grant would assist in raising the standard of singing through community and professional performances, workshops, future commissions (composers), liaison with school choral and musical groups.

Patricia Watson, on behalf of Mountain Opera, a Blue Mountains-based, unincorporated group, applies for \$1,000 (one thousand dollars) towards the staging of a performance of Mozart's Don Giovanni at the Richmond School of Arts. The applicant advises that the grant would give residents the opportunity to attend an enjoyable cultural event, performed to a high standard, at reasonable cost and without the need to travel to Sydney.

In arriving at its recommendation, the committee considered the following:

1. The limited funds available.
2. The fact that Mountain Opera is neither a Hawkesbury-based group nor an incorporated association and that two other opera productions have been staged in the Richmond School of Arts in recent months.

**Summary of Grant Applications
Recommendations For Approval**

Title	First Name	Last Name	Company	Amount	Project	Assessment
Ms	Ellen	Manning	Chorella Inc.	\$1,000	Musical Director professional fees	Recommended \$500
Ms	Patrica	Watson	Mountain Opera	\$1,000	Don Giovanni	Not recommended.

The Cultural Committee meets quarterly to consider applications for funding under the Fruits of the Hawkesbury Festival small grants program and the Community Cultural Grants Program.

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Item: **101**

Total Budget allocation for the Cultural Grants program is \$25,000 (twenty five thousand dollars). Funds expended in this financial year are \$17,000 (seventeen thousand dollars).

Current members are:

Councillors

Councillor Glenys Gilling;
Councillor Joan Woods;
Councillor Les Sheather; and
Councillor Paul Rasmussen

Community representatives

Ms Sheila Sharp	Macquarie Towns Arts Society
Mr Craig Laffin	formerly coordinator, Kurrajong Scarecrow Festival
Mr Greg Hansell	Friends of the Hawkesbury Art Collection
Ms Johneen Hibbert	University of Western Sydney
Ms Louise McMahon	Kurrajong-Comleroy Historical Society

Staff representatives

Alannah Norman
Prue Charlton

RECOMMENDATION:

That:

1. A total of \$500 (five hundred dollars) as detailed in the report be allocated as grants under the Community Cultural Grants Program - October Round.
2. Funding be provided from the Community Cultural Grants Program.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 101 Oooo

ITEM: 102**Proposal for Council to Administer a Memorial Award in Memory of Natalie Burton****FILE NUMBER:** 87688/CSV/OGK27NBX.C01**REPORT:**

An application has been received from Julie Lawrance of Narrandera for Council to administer a perpetual Memorial Award in memory of her daughter-in-law, Natalie Burton.

The proposal is for the award to be given to 1 (one) student from a secondary school within the Hawkesbury City Council area around the time of the School presentations every year.

Schools would be encouraged to submit nominations of students for the award, which Council would process. Although some memorial awards are set up within schools in memory of students who undertook their education there, this method would mean that no one school would be advantaged or disadvantaged over another, due to the procedure being officiated by an independent organisation.

Natalie Burton was born and lived in the Hawkesbury District until she completed her HSC exam and spent much time here again after being diagnosed with a brain tumour in 1996. She won a Hawkesbury Healthy City award for her work promoting a healthy lifestyle including volunteering her time to visit Hawkesbury General Practitioners to raise awareness of a cancer information service that was available to doctors in the region.

She was a student of St Monica's Catholic Primary School and dux of Colo High in 1987. In 1993, Natalie received her Bachelor of Science (Veterinary) with first class honours, in 1994 a Bachelor of Veterinary Science with first class honours and awarded a fellowship to Cornell University in the USA where she studied Epidemiology. In 1995 she was awarded the Australian College of Veterinary Scientists College Medal and invited to become a member of the Epidemiology Chapter of the College. During her years as a veterinary student, Natalie supported herself working as a veterinary nurse at several Sydney practices including Enfield, Guildford and Bondi Junction veterinary hospitals.

In 1996 Natalie was diagnosed with a grade 3 (three) astrocytoma and developed a keen interest in cancer research while undergoing highly invasive brain surgery and radiation treatment. She volunteered her time to the activities of Cancer for Young Adults (CanYA) and the NSW Cancer Council. In 1999, she participated in a pilot study for the use of thalidomide to restrict the growth of brain tumours. She appeared in the ABC 7:30 Report to promote the Andrew Ollie Memorial Trust.

Natalie had a profound sense of optimism towards her disease. She continued to follow her dreams of travelling and adventure, climbing lower levels of the Himalayas and cycling around Australia and overseas.

In 2000, Natalie's courage and desire to continue her academic life led her back to Sydney University to study a Masters of Health. She was granted her Masters on 17 March 2003, the day before she died.

Proposed Award

The Natalie Burton Memorial Award for Application and Determination.

Recipient

This award is to be made to a student in secondary school in the Hawkesbury District, who, through application and determination, has overcome adversity to achieve.

Criteria

This award is intended for a recipient who has faced a challenging circumstance and through their application and determination, overcome this adversity, to succeed. This circumstance could be a disability, illness, serious accident, loss of a family member or other situation.

This award is not restricted to academic achievement. It may take the form of academic achievement, community achievement, sporting achievement or general achievement and improvement.

It is proposed that the individual secondary schools in the Hawkesbury District will nominate a student for the award each year and the recipient be chosen from these nominations either by Hawkesbury City Council, or by School representatives or by a committee with representatives of both.

The Award

It is proposed that the award be a perpetual plaque - "The Natalie Burton Memorial Award", which has individual blank plates for the name of the recipient to be engraved each year. The plaque will remain in the school of the recipient for the year.

The recipient will receive a certificate, a monetary award for \$50.00 (fifty dollars) and their name will be engraved on the perpetual Natalie Burton Memorial Award.

Hawkesbury City Council would coordinate and administer this trust, which Mrs Lawrance intends to initially fund for at least 10 (ten) years to the value of \$500 (five hundred dollars) - \$600 (six hundred dollars). This will include the perpetual plaque, funds for engraving, and for the monetary award each year. The Lawrances are willing to prepare a nomination form, which would be sent to schools early in Term 4 (four) each year.

Due to the timing of school presentations fast approaching, Council would need to make a decision on this proposal immediately for the process to be initiated.

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RECOMMENDATION:

That Council, as a Committee of the Whole, resolve to administer The Natalie Burton Memorial Award for Application and Determination with the procedure and process to be as outlined in the report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 102 Oooo

ORGANISATION AND RESOURCES

Meeting Date: 27 November, 2003

Item: **103**

ITEM: 103 **Lease of Shop 2 Hobartville Shopping Centre**

FILE NUMBER: GC283/006, 78377, 2286, 74406/CSV/OGK27NBX.C02

REPORT:

An application has been received from Mr Nicholas and Mrs Amba Rosman for the lease of Shop 2 (two) Hobartville Shopping Centre as the current tenant, Mrs Hazel Grosman is in the process of selling the business located therein.

Mr and Mrs Rosman has requested a 1 (one) year lease with a 1 (one) year option and a commencing annual rental of \$7,145 (seven thousand, one hundred and forty five dollars) plus GST. The rent would be subject to market valuation at the commencement of the option and the tenant would be responsible for 8.77% (eight point seven seven) of the total centre outgoings, which currently equates to \$104.63 (one hundred and four dollars and sixty three cents) per month, plus GST.

As the business is currently experiencing financial difficulties, Mr and Mrs Rosman have requested a rent-free period of 2 (two) months to allow for renovations of the shop and promotion of the business.

RECOMMENDATION:

That:

1. The premises be leased to Mr Nicholas and Mrs Amba Rosman for an annual rental of \$7,145.00 (seven thousand, one hundred and forty five dollars) per annum, plus 8.77% (eight point seven seven) of centre outgoings.
2. Mr and Mrs Rosman be allowed a rent-free period of 2 (two) months for renovations and the promotion of the business.
3. The Common Seal of Council be affixed to all necessary documents.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 103 Oooo