

GENERAL PURPOSE COMMITTEE

Meeting Date: 28 September 2004

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environment

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SECTION 1 - ENVIRONMENT

Item: 44 **ENV A - Review of Determination Under Section 82A of the
Environmental Planning and Assessment Act 1979 - 16 Manns Road,
Wilberforce - Development Application No. DA0854/03 - (79347, 85788)**

Previous Item: Item 82, General Purpose Committee (27 January 2004)

ATTACHMENTS:

AT - 1 General Purpose Committee Report of 27 January 2004

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ITEM: 2 Tourist Facility, Lot 1 DP 1055163, 16 Manns Road, Wilberforce

FILE NUMBER: DA0854/03/EVD/ENA27NAX.V09

Applicant: Ron Hackett
Applicants Rep: N/A
Owner: R F Hackett and K D Hackett
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
Area: Approximately 7585sqm
Zone: Environmental Protection Scenic 7(d1)
Advertising: 9 September 2003 to 25 September 2003
Date Received: 28 July 2003

Key Issues:

- ◆ Inconsistent with Hawkesbury Local Environmental Plan 1989
- ◆ Flooding
- ◆ Unsuitability of the Site

Action: Refusal

REPORT:

Introduction

Council has received an application for a tourist facility at 16 Manns Road, Wilberforce. Specifically the application involves use of an existing building for tourist accommodation.

This matter is being reported to Council at the request of Councillors Gilling and Rasmussen.

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

Description of the Site

The site is located on the southern side of Manns Road, Wilberforce with the southern boundary of the site having frontage to the Hawkesbury River. The site has an area of approximately 7585sqm (seven thousand, five hundred and eight five square metres) and road frontage of approximately 19.4 (nineteen point four) metres.

The entire site is located below the 1 in 100 (one in one hundred) year flood event level and is within a moderate bushfire risk area.

The Proposal

The application seeks approval for the use of a building approximately 25 (twenty five) metres from the Hawkesbury River (measurement derived from Council's aerial photos) for tourist accommodation. The building has been converted to and is currently used as tourist accommodation without consent.

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The building contains 2 (two) bedrooms, 2 (two) bathrooms, a combined living and kitchen area and a large covered outdoor patio area with bar and BBQ.

History of Approvals

A search of Council's records indicates the following:

- Application 68A/238/73 was approved for a dwelling (this Colo Sire Council file can not be found).
- Application 68A/464/73 was approved for a shed (this Colo Sire Council file can not be found).
- Application 822/89 was approved for a dwelling near Manns Road. The then applicant indicated on the application form that the existing building on site was a boat shed. This approval lapsed.
- Application B1158/90 for a dwelling. The then applicant indicated on the application form that the existing building on site was a boat shed. Plans do not show second structure. A condition of consent required that habitable rooms be at or above the 1 in 100 (one in one hundred) year flood event level. The 1 in 100 (one in one hundred) year flood event level at this time was 15.2 (fifteen point two) metres AHD. The habitable floor levels were elevated to be above this height.
- Application 307/93 was approved for landfill.
- Application B0569/96 for dwelling extensions to existing dwelling near Manns Road. No second dwelling is mentioned or shown on building plans. Survey plans submitted also show a structure near the river. A condition of consent required that habitable rooms be at or above the 1 in 100 (one in one hundred) year flood event level. The 1 in 100 (one in one hundred) year flood event level at that time was 15.2 (fifteen point two) metres AHD. The habitable floor levels were elevated to be above this height.
- Application 0110/98 for bank rehabilitation, excavation for boat ramps etc lodged by Department of Land and Water Conservation. Plans show a structure near the river. File notes of a site inspection from the Manager Building and Development made since, recall that the structure near the river was a storage shed, which contained boats, skis and wet suits.
- Application DA1347/02 for a 2 (two) lot boundary adjustment between 14 and 16 Manns Road. This was approved and the lots registered on 21/07/03. The land description of 16 Manns Road is now Lot 1 DP1055163 (previously Lot 6 DP 39350, previously Lot 6 RP 2350).

It is further noted that a surveyor's report was submitted to Council in 1999 with regards to the 2 (two) storey brick residence located near Manns Road. This detailed that the ground floor of the dwelling (not containing any habitable rooms) was 15.34 (fifteen point three four) metres AHD and the first floor (which contained habitable rooms) was 18.07 (eighteen point zero seven) metres AHD.

A reasonable conclusion from this search of Council records and inspections in 1998 is that approval for a shed near the river and a dwelling (with floor levels of habitable rooms above the 1 in 100 (one in one hundred) year flood event level) located near Manns Road has been granted. No approval for a tourist facility or for habitable rooms below the 1 in 100 (one in one hundred) year flood event level was found. The following report is written on the basis that the building near the river referred to in the application has been approved as a shed. The applicant has failed to provide any documentation to suggest that this building has any other approval.

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Statutory Situation

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

The site is within a scenic corridor of regional significance as defined by Sydney Regional Environmental Plan No. 20 (SREP No. 20). The aim of the policy is to protect the environment of the Hawkesbury-Nepean River system by ensuring the impacts of future land use are considered in the regional context.

The SREP No. 20 - Scenic Quality Study recommends restriction of the size and mass of new buildings visible from the river within this section of the corridor between Grono's Point to Lower Portland. SREP 20 also requires consideration of the siting of buildings, the colours and building materials proposed, setbacks from the river, and the need for tree planing to protect the scenic quality.

The application is for the use of an existing building. The use will not adversely impact on the scenic quality of the river. However, the works undertaken to convert the shed to tourist accommodation were not approved by Council and as such a full assessment of the impacts of any additions were not undertaken prior to these works. Notwithstanding this, the tourist facility as is now, gives the appearance of a large single storey residence, in close proximity to the river.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

Clause 9 - Carrying Out of Development

The subject land is zoned Environmental Protection Scenic 7(d1) under the HLEP 1989. The proposed development is defined as a tourist facility. This is permissible with consent in the Environmental Protection Scenic 7(d1) zone under Clause 9 of the HLEP 1989.

Clause 9A of HLEP 1989 provides the objectives of the Environmental Protection Scenic 7(d1) zone which are:

- (a) *to preserve the river valley systems, scenic corridors, environmentally sensitive areas and other local features of scenic attraction;*
- (b) *to protect hilltops, ridgelines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping;*
- (c) *to ensure that development does not create unreasonable or economic demands, or both, for provision or extension of public amenities or services;*
- (d) *to prevent the establishment of traffic generating development along main and arterial roads; and*
- (e) *to control outdoor advertising so that it does not disfigure the rural landscape.*

Additional information on the septic system, indicated on the plans by the applicant, is required for a complete assessment of the impact of the development with regard to objective (a). However, given the non-compliance with Clause 25, additional information in this regard was not requested.

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Clause 25 - Development on Flood Liable Land

The application does not comply with the Clause 25 of the HLEP 1989. The relevant sub-clauses are discussed below:

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

The proposed development does not involve the erection of a building. The building is existing, however, was approved as a shed not as the current tourist accommodation.

The 1 in 100 (one in one hundred) year flood level for the area is 16.9 (sixteen point nine) metres AHD. The erection of any building must be on land lying no lower than 13.9 (thirteen point nine) metres AHD. The applicant has not indicated the height of the land with reference to AHD. However, Council's mapping system and records suggest that the land is approximately 8 (eight) metres AHD.

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

The proposed development does not comply with this sub-clause. The proposed habitable rooms are approximately 8-9m below the 1 in 100 (one in one hundred) year flood level.

- (4) *Notwithstanding subclauses (2), (3), (10) and (11) a building that was lawfully situated on any land at 30 June 1997 may, with the consent of the Council, be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*

The building was approved as a shed. With approval, the shed may be extended, altered, added to or replaced, however, only for the purposes of a shed. Notwithstanding this, the floor height standard for the land immediately before the commencement day was 15.2 (fifteen point two) metres AHD. The floor level of the building is more than 3 (three) metres below this height. The proposed development does not comply with this sub-clause.

- (5) *The Council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this clause have been satisfied.*

Access to the site is flood liable. The building is approximately 25 (twenty five) metres from the Hawkesbury River and would be subject to significant floodwater inundation and velocities during flood events.

- (6) *Minor structures such as outbuildings, sheds and garages may be erected on land below the 1-in-100 year flood level, with the consent of the Council. The Council shall, in the*

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assessment of a development application for such a structure, consider the likely frequency of flooding, the potential flood damage and measures to be taken for the evacuation of the property.

The proposed development is for tourist accommodation within a converted building of approximately 136sqm (one hundred and thirty six square metres) plus a 100sqm (one hundred square metres) covered outdoor patio and a 32sqm (thirty two square metres) garage. This sub-clause relates to non-habitable minor structures. Furthermore it is considered that the frequency of flooding and potential flood damage make the site unsuitable for the proposed development.

(7) *Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.*

The building is not constructed of flood compatible materials. The proposed development does not comply with this sub-clause.

Clause 18 - Provision of water, sewerage etc. services

The tourist facility is currently in operation. The applicant has indicated that tank water and a septic system have been provided. No details of the adequacy or performance of the septic system were submitted with the application. Given the non-compliance with Clause 25, additional information in this regard was not requested.

Community Consultation

The application was publicly exhibited from 9 September 2003 to 25 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:

Flooding

The applicant has not provided floor levels with reference to AHD. Council's mapping system suggests that the land on which the building is situated is approximately 8-9 (eight to nine) metres below the current 1 in 100 (one in one hundred) year flood level. This land level is below the 1 in 5 (one in five) year flood event level and the rate of flood water inundation within this area can be rapid in times of flood. As such the use of the land for habitable purposes (for either long term or short term usage) is inappropriate.

The building is not suitable for habitable uses due to the significant effect of flooding on the land. This is reflected through the non-compliance with Clause 25 of the Hawkesbury LEP.

Building Code of Australia - works without consent

The building works converting the shed to a tourist facility have been carried out without development approval or Construction Certificate. Certification that the work undertaken satisfies the Building

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Code of Australia (BCA) would be required. However, given the non-compliance with Clause 25, additional information in this regard was not requested.

Conclusion

The application seeks approval for use of a building which was approved as a shed, for tourist accommodation with habitable rooms well below the 1 in 100 (one in one hundred) flood level. The building has been converted to and is currently used as tourist accommodation without consent. The development does not comply with Clause 25 of Hawkesbury Local Environmental Plan 1989. In light of this non compliance, other deficiencies with the information submitted were not pursued.

RECOMMENDATION:

That:

- A. The application for a tourist facility be refused for the following reasons:
1. The proposed development is inconsistent with Hawkesbury Local Environmental Plan 1989.
 2. The site is unsuitable for the proposed development due to the impact of flooding events.
 3. The access is unsuitable for the proposed development.
 4. The development application does not demonstrate that the existing structure is capable of supporting the proposed additions.
 5. The proposed development application does not demonstrate whether the site is suitable for the disposal of effluent generated by the proposed development.
 6. The proposed development is inconsistent with the planning considerations, policies and recommended strategies of the Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River.
 7. In the circumstances, approval of the development would not be in the public interest.
- B. A Notice of Intention to serve an order be issued to the owner requiring:
- i. The use of the building for the purposes of tourist facilities cease within 28 (twenty eight) days; and
 - ii. The unauthorised building works be removed from the shed within 3 (three) months.

oooO END OF REPORT Oooo

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Item: 45 **ENV A - 8 Unit Residential Development, Lot 1 DP1010228 and Lot 2 DP1010228, 31 and 31A Flinders Place, North Richmond NSW 2754 - (DA0403/04, 79347)**

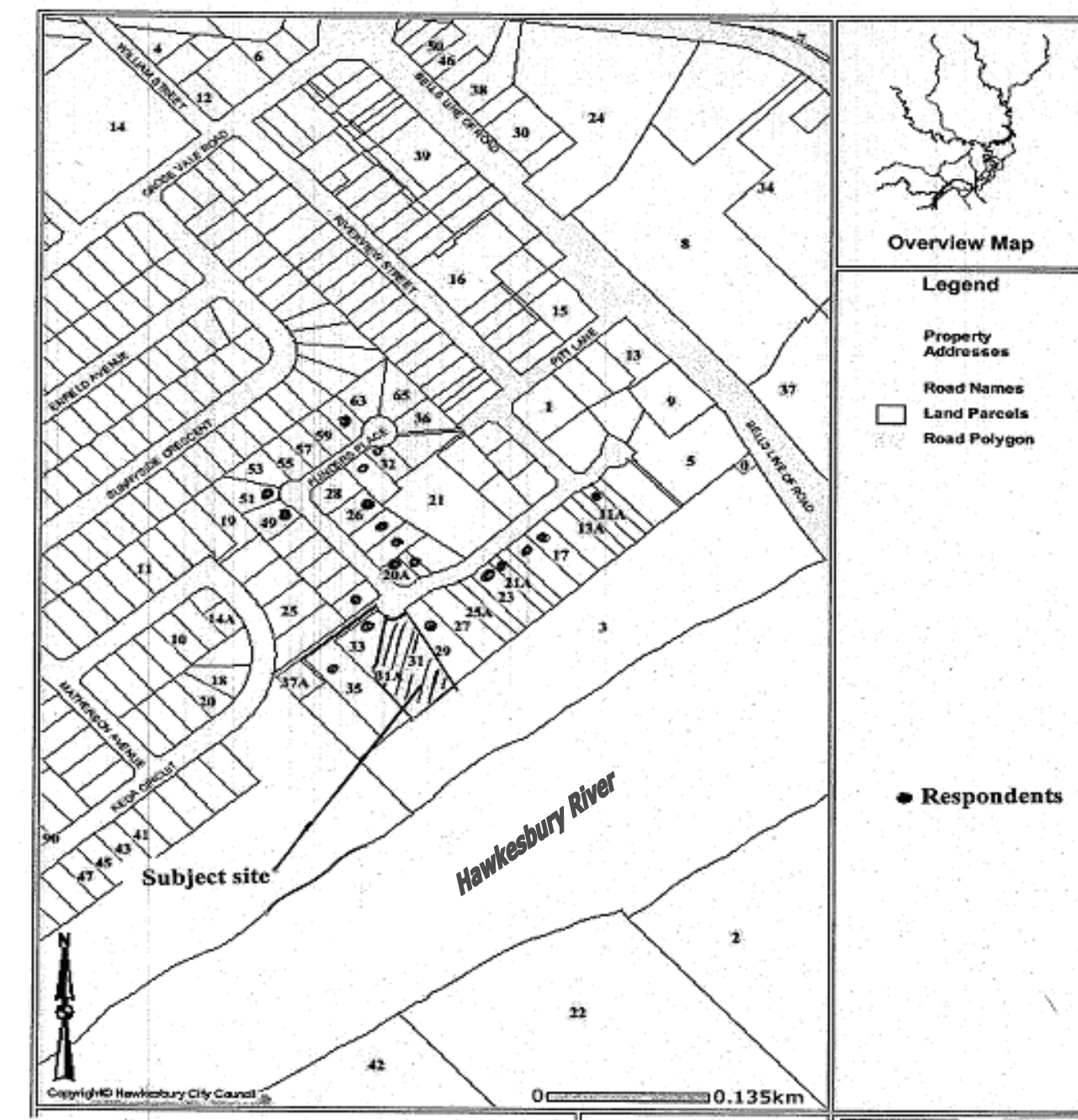
ATTACHMENTS

AT-1	Locality.Plan
AT-2	Site.Plan
AT-3	Plans.and.Elevation.

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AT - 1 Locality Plan



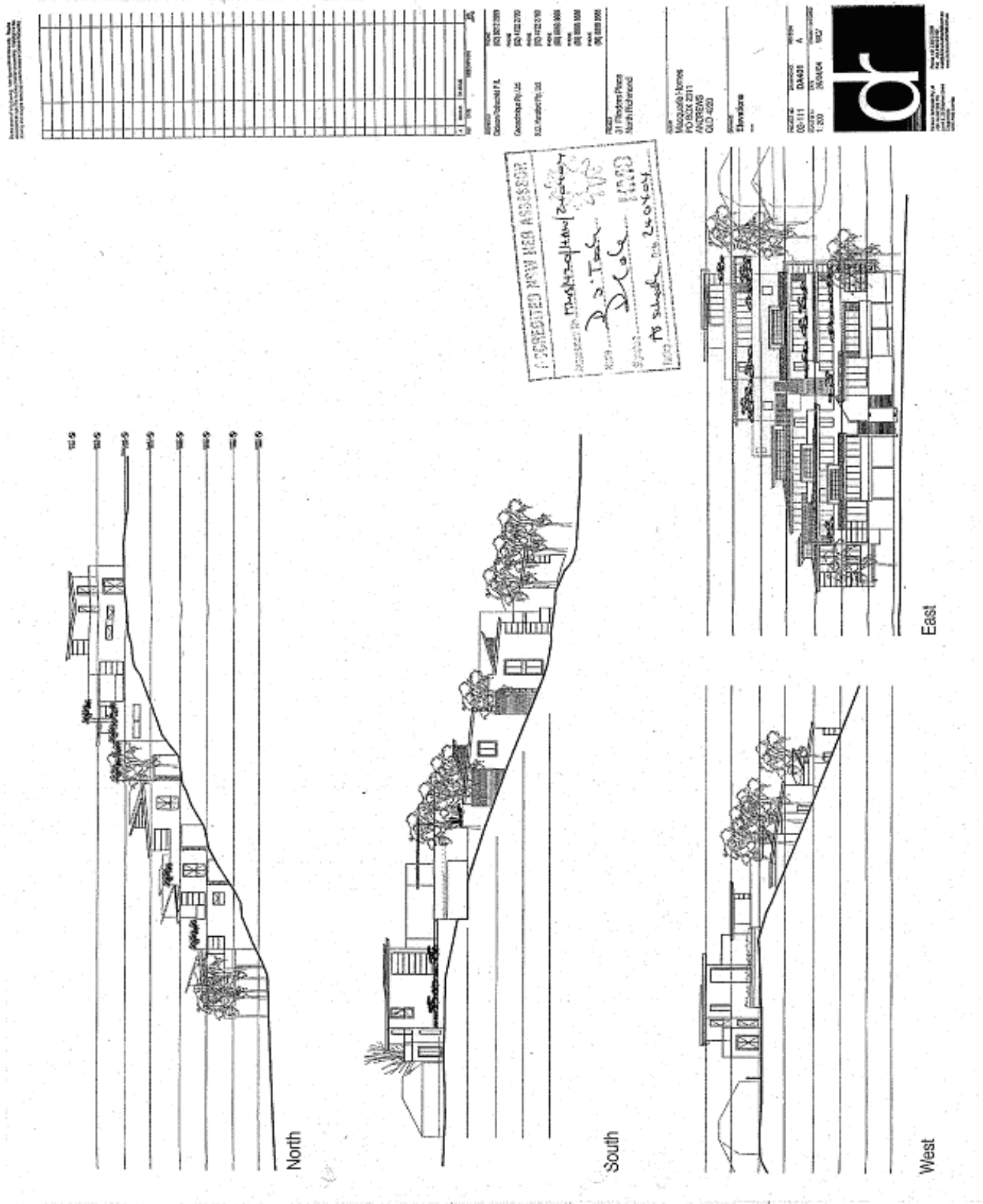
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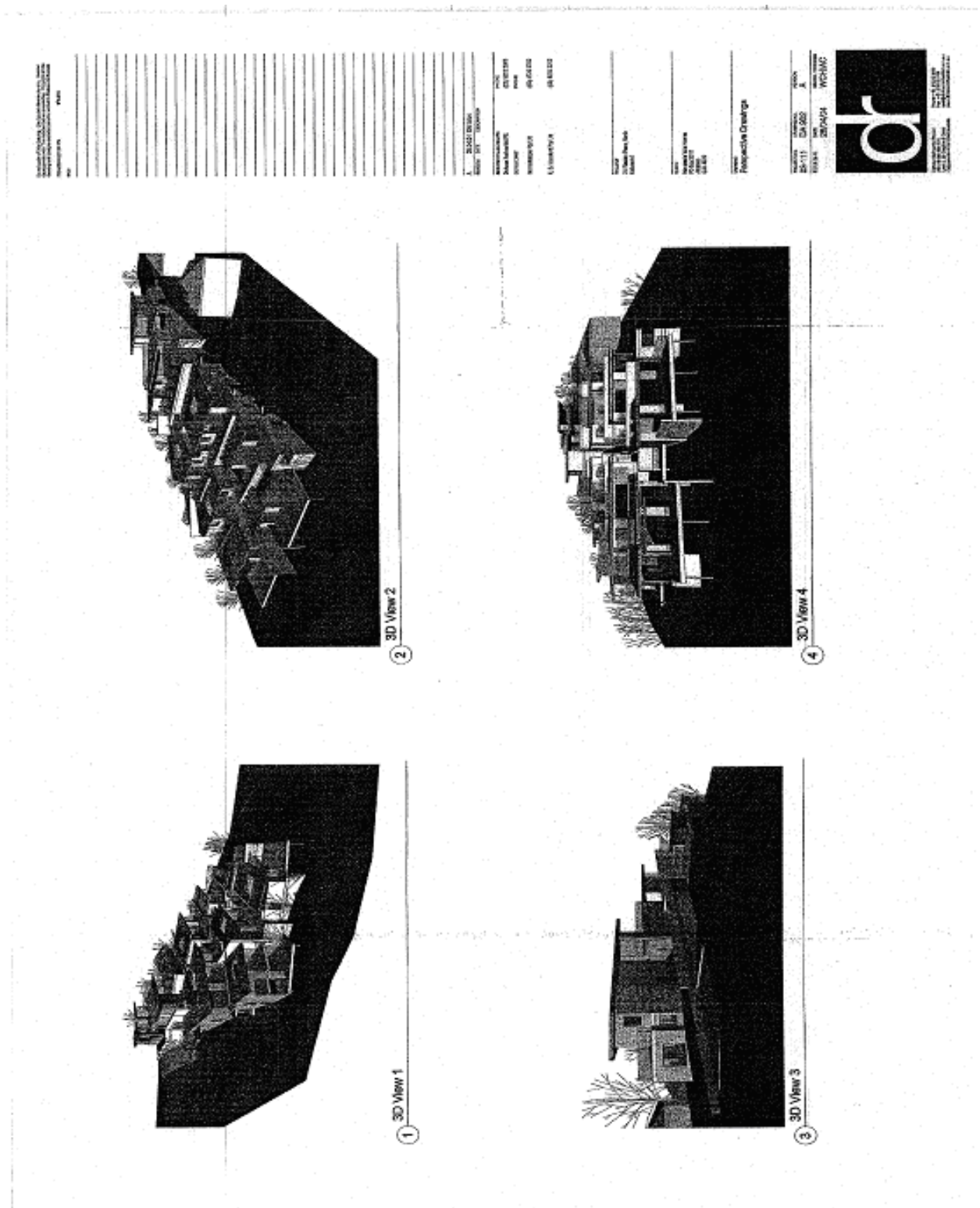
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oooO END OF REPORT Oooo

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Item: 46 **ENV B - Draft Local Environmental Plan 5/03 - Amendment 147,
Reclassification of Lot 2 DP788531 - No. 21 Johnston Street, Windsor
from Community to Operational - (79339)**

Previous Item: 92, Ordinary (4 November 2004)

ATTACHMENTS

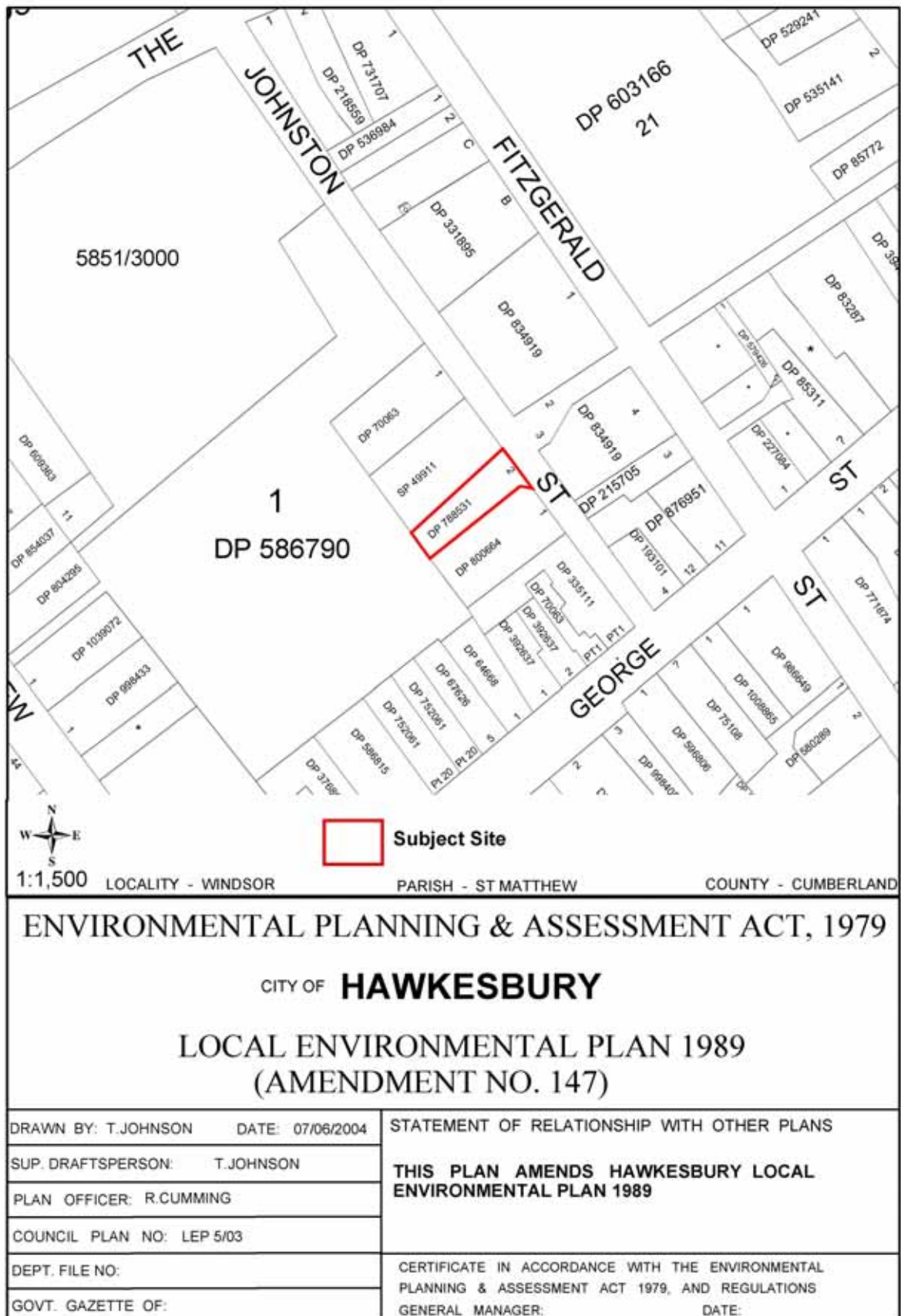
AT - 1 Draft Local Environmental Plan - Amendment 147 map

AT - 2 Report at Public hearing.

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AT - 1 - Draft Local Environmental Plan - Amendment 147 Map



AT - 2 - Report at Public Hearing

**REPORT
OF THE
PUBLIC HEARING
INTO THE
RECLASSIFICATION & REZONING
OF
LAND KNOWN AS
21 JOHNSTON STREET
WINDSOR**

ENVIRONMENT

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1.0 BACKGROUND TO THE HEARING

2.0 PARTICIPANTS

3.0 ISSUES

4.0 CONCLUSIONS & RECOMMENDATIONS

1.0

BACKGROUND TO THE HEARING

Council purchased Lot 2 DP788531 (No.21) Johnston Street Windsor in 1983. The purpose of the acquisition was to provide access to the (then) Hollands Paddock Carpark from Johnston Street.

At that time, the land was identified on the Windsor Planning Scheme as proposed road, however the land was classified as Community land because, at that time, the land had not been dedicated as public road.

The purpose of the draft LEP (the subject of this Hearing) is to reclassify the land from Community to Operational land, in order that Council can dedicate the land as public road.

It should be noted that Council had granted consent (No.98/04) to the owner of the land known as "Holland's Paddock" for the development of a shopping centre, and that consent required that the subject land would provide an access to the proposed development. It is accepted planning practice that land such as the subject land is treated in this way.

The draft LEP was placed on public exhibition Wednesday 16th June 2004 and concluded Friday 16th July 2004.

The purpose of the exhibition was to inform the community of the proposed re-classification of the land and to seek submissions from interested parties.

As a result of the exhibition several written submissions were received and they appear as Appendix i) to this Report.

2.0

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THE PARTICIPANTS

Those present at the Hearing, apart from myself and Council Staff, included the following:

S. Woodley	135 Bocks Road, Oakville
J. Mahaffy	112 Horans Lane, Grose Vale
P. Galloway	80 The Terrace, Windsor
Councillor T. Devine	Hawkesbury City Council
W. Kullen	Hollands Paddock Carpark

3.0 THE ISSUES

The following were the issues raised by the participants to the Hearing.

P. Galloway

- Had not been aware of the exhibition of the draft LEP or Hearing.
- Concerned about traffic conflict between residents of adjoining houses and shopping centre traffic.

Council Staff

Staff detailed the process for advertising the Hearing and the management of the potential for traffic conflict.

S. Woodley

- Represented her mother who resides adjacent to subject land.
- Concerned about concentration of traffic.
- Referred to the objective in the LEP which addressed Heritage issues.
- Hours of operation of Shopping Centre – noise pollution.
- Laneway access should not be used after 10.00pm (as stated in proponents SEE's).

3.0 THE ISSUES: cont.

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- Alignment of this laneway with existing laneway was wrong (slight offset).
- Signage and line marking should be provided in laneway so as to prevent access from/to Fire Station.
- Section 10 of the Roads Act had been ignored.
- Pedestrian access in laneway had been ignored.

Council Staff.

Council staff outlined the two processes for dedicating roads (participative and non-participative). Council had adopted the participative process in this instance.

Council tables copies of letters sent to residents notifying of the proposed rezoning.

K. Kullen

- Owner of land for Shopping Centre.
- Supports reclassification.
- Land to the east of the proposed laneway would not have had side/rear access without the dedication of the laneway.
- Council was in fact providing access for both adjoining properties.
- The reclassification (and subsequent dedication) was the most effective way of managing and providing access for both residents and shopping centre.

J. Mahaffy

- Observing process.

4.0

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CONCLUSIONS AND RECOMMENDATIONS:

I have noted the submissions and the issues raised therein and I have inspected the site and the adjoining properties.

The concerns raised regarding increased traffic and noise associated therewith are noted, however, the site to be served by the dedication of the subject land (as road) is an integral component of the Windsor Town Centre, and as such, regard needs to be had to securing the best planning outcomes, with respect to that development.

I am of the opinion that, on balance, the dedication of the subject land should proceed, in order to ensure that the proposed shopping centre, and the development around and adjacent to the development, can function efficiently and effectively.

As has been evident in other Public Hearings conducted for Council it has been noted that residents with an interest in the subject of the Hearing sometimes express concern at not knowing of either the proposed reclassification or the consequent Public Hearing.

Council may wish to consider a form of community communication which might overcome that difficulty.

I recommend Council proceed with the reclassification and rezoning and I commend Council for pursuing the consultative process in securing the dedication of the land.

JOHN MULLANE

oooO END OF REPORT Oooo

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Item: 47 **ENV B - Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 10281047, 34 Chaseling Road, Wisemans Ferry - (79339)**

Previous Item: 175, Ordinary (14 October 2003)
 53, GPC Environment (26 August 2003)
 53, GPC Environment (26 August 1999)

ATTACHMENTS:

AT - 1 Previous Reports to Council.

AT - 2 Additional plan subdivision showing access track, bridges, house site and effluent disposal area.

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ORDINARY

Meeting Date: 14 October, 2003

Item: 175

ITEM: 175 **Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 102807, 34 Chaseling Road, Wisemans Ferry**

FILE NUMBER: DA1023/02,21107/EVD/ORJ14NBX.V19

PREVIOUS ITEM: 53, GPC Section 1 - Environment (26.08.2003)

PREVIOUS ITEM: 53, Ordinary (09.09.2003)

REPORT:

Additional information requested by the General Purpose Committee has been received.

The attached plan shows a proposed building platform measuring 15 (fifteen) metres long by 9 (nine) metres wide (135sqm) located in the north-western corner of the proposed Lot 2. The platform is located 8.5 (eight point five) metres from the property boundary with Bicentenary Road and average of 23 (twenty three) metres from the neighbouring property to the west. The land height of the platform varies from approximately 29 (twenty nine) metres AHD to 32.5 (thirty two point five) metres AHD with an average fall of 20% (twenty percent) (12 degrees).

The proposed arc shaped driveway is located 32 (thirty two) metres from the north-western boundary where the adjacent bank in the Bicentenary Road reserve is approximately 1 (one) metre high. The driveway is approximately 35 (thirty five) metres long and traverses land with heights of 29 (twenty nine) metres AHD to 31.5 (thirty one point five) metres AHD.

The plans suggest that 6 (six) trees will need to be removed for the driveway and house site. This however, does not take into consideration vegetation required to be removed for Asset Protection Zones or effluent disposal areas. Both of these matters are not shown on the plans.

The proposed building envelope does not comply with Section 3.8.1 of Subdivision Chapter of the Hawkesbury Development Control Plan which states that lots should be able to accommodate a building envelope of 2000sqm (two thousand) with a minimum dimension of 20 (twenty) metres. Building envelopes should also be located a minimum of 30 (thirty) metres from significant trees and other significant vegetation or landscape features. No assessment of the surrounding vegetation or landscape features has been provided to support the building envelope proposed.

The visual impact of a future dwelling and its associated asset protection zone so close to Bicentennial Road is likely to be significant and out of character with the bushland character of the area.

If Council wishes to try and support this application to the Department then an appropriate amount of information as outlined previously to the last Ordinary meeting will be required.

RECOMMENDATION:

That Council uphold the previous refusal of the application.

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Meeting Date: 26 August, 2003

Item: 53

ITEM: 53 **Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry**

FILE NUMBER: DA1023/020/EVD/ENH26NAX.V04

Applicant: Falson & Associates Pty Ltd
Applicants Rep: Mr Glen Falson
Owner: Mr and Mrs Ireland
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
Area: 23.48ha
Zone: Environmental Protection (Scenic) 7(d)
Advertising: 7 - 25 November 2002
Date Received: 20 August 2002

Key Issues: ♦ Road Severance
 ♦ Use of SEPP No. 1

Action: Refusal

REPORT:

Introduction

Council has received a request to review a refusal of a development application for a 2 (two) lot subdivision of 34 Chaseling Road, Wisemans Ferry.

The development application was refused under delegated authority on 16 June 2003. The reasons for refusal mainly related to insufficient information being submitted with the application to enable a proper assessment of the application, potential environmental impacts of the subdivision, and non-compliance with the Hawkesbury Local Environmental Plan 1989. A copy of the Notice of Determination is attached to this report.

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979 this matter is to be reported to Council for review.

The Proposal

The application is for a 2 (two) lot subdivision of Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry.

The applicant proposes to create 2 (two) lots, namely Lot 1 with an area of 15.24ha (fifteen point two four) and Lot 2 with an area of 8.24ha (eight point two four). The subdivision is essentially being sought by virtue of severance by Bicentennial Road.

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Item: 53

Description of the Site

The property is irregular in shape and has an area of 23.48ha (twenty three point four eight). It has frontages to Webbs Creek and Chaseling Road and is severed by Bicentennial Road. 15.24ha (fifteen point two four) of the property lies to the north of Bicentennial Road, with the remaining 8.24ha (eight point two four) lying to the south of Bicentennial Road.

The land varies in height from less than 20m (twenty) AHD to greater than 80m (eighty) AHD. Low parts of the site consist of flood plain alluvial soils and riparian vegetation the land then rises to steeply sloping heavily vegetated sandstone escarpments.

The 1 in 100 (one in one hundred) flood level for the area is approximately 7m (seven) AHD. No accurate AHD levels have been provided on the plan of subdivision however from investigation of the site it would appear the minor parts of both proposed Lot 1 and Lot 2 are flood affected.

The property contains a dwelling and associated outbuildings on proposed Lot 1.

The property is within a minor and moderate bushfire risk area and within a high and low bushfire prone area.

Background to Road Severance of the Property

The property is known as Lot 1 DP 1028107 being registered on 11 May 2001. Prior to this the property, including that land occupied by Bicentennial Road, was known as Conveyance No. 36 in Book 370 (2nd Schedule) i.e. an old system title allotment created prior to 1863. This property had an area of approximately 25ha (twenty five) and did not have subdivision potential in terms of achieving the minimum lot size provisions of Hawkesbury Local Environmental Plan 1989 (HLEP 1989).

Council constructed Bicentennial Road through the property in 1988 and as a result it severed the subject lot as discussed above.

Severance of properties by a road is a common feature of rural and environmental protection zones particularly along main roads and flood liable lands. Many examples can be found in throughout these zones and within the locality of the subject site.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

Clause 9 and 9A

The subject property is zoned Environmental Planning (Scenic) 7(d) under the provisions of HLEP 1989. The relevant objectives of the zone are:

- (a) *to preserve existing wooded ridges and escarpments;*
- (b) *to protect hilltops, ridgelines, river valleys and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping;*

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(c) *to protect the low density, broad-acre character of the rural areas.*

Subdivision is permissible within the zone. This report will demonstrate that the proposed subdivision does not demonstrate suitable compliance with the objectives of the zone.

Clause 11(2)

This clause requires that land zoned Environmental Protection Scenic 7(d) be subdivided into lots of not less than 40 ha (forty) and have a satisfactory ratio of depth to frontage.

The proposed lots have areas of 15.24ha (fifteen point two four) (Lot 1) and 8.24ha (eight point two four) (Lot 2). Lot 2 is irregular in shape and appears not to comply with the satisfactory depth to frontage ratio provisions of the Hawkesbury DCP (discussed later).

Under the provisions of State Environmental planning Policy No 1, Council may approve a subdivision with areas less than 40ha (forty) provided Council is of the opinion that the standard is unreasonable and unnecessary. The applicant has submitted an objection under SEPP No.1 arguing that strict compliance with the 40ha (forty) minimum is unreasonable and unnecessary. The SEPP No.1 objection will be discussed later.

Clause 11(3)

This clause allows the subdivision of land if the resultant lots have an area of land above the 1 in 100 (one in one hundred) year level that is sufficient for the erection of a dwelling house.

A dwelling already exists on Lot 1. Lot 2 could accommodate a dwelling house above the 1 in 100 (one in one year) year level, however, this would be dependant upon resolving environmental constraints such as slope, vegetation clearing, bushfire protection and location of driveways and building envelopes.

Clause 18(1)

This clause states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

The applicant has not demonstrated that effluent can be disposed of on the site in an environmentally sustainable manner.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment No 108

The relevant draft plan is draft Amendments No. 108. Under this plan the land is proposed to be zoned Environmental Protection - Mixed Agriculture. It is considered that the proposed subdivision does not demonstrate satisfactory compliance with the objectives (a),(c),(d),(e),(f),(I) and (I) of draft amendment No 108. These objectives seek to preserve agricultural potential; avoid rural land use conflicts; retain and enhance rural character, landscape values, scenic corridors, escarpments and environmentally sensitive areas; avoid economic demands created by demand for public amenities and services.

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State Environmental Planning Policy No. 1

The applicant has submitted the following argument under the provisions of SEPP No. 1 in support of the application:

The subdivision approval sought merely recognises in title an existing physical separation of the land.

The sizes of the existing separated parcels of land are not inconsistent with the array of lot sizes that exist in the locality.

There will be no adverse environmental consequence arising from the subdivision.

Each lot is capable of separate development in accordance with the zone land use table. Specifically the vacant lot has an adequate area for subsequent erection of a dwelling and disposal of wastewater.

The subdivision is an orderly and economic use and development of land and accords with this principle requirement contained within Clause 5 of the Environmental Planning and Assessment Act.

In accordance with the provisions of SEPP No. 1 the application has been referred to Planning NSW for concurrence. Planning NSW have declined to provide their concurrence and requested that the applicant provide additional information relating to flora and fauna, building envelopes, driveways details, effluent disposal, settlement pattern, flood liable land, agricultural uses and agricultural potential.

As yet the applicant has not provided the requested information.

Notwithstanding this request for additional information, it is considered that the use of SEPP No. 1 for subdivision by way of road severance is not an appropriate approach to resolving some of the land management problems of road severance or an appropriate way to preserve the objectives and intent of the zone. Dealing with such applications on an ad hoc is also not an appropriate planning response and could be better addressed in a co-ordinated way by investigating an amendment to HLEP 1989.

Sydney Regional Environmental Planning Policy 20 (No.2 - 1997) - Hawkesbury / Nepean River (SREP No. 20)

The property falls within the Webbs Creek catchment area and is within an area of regional scenic significance.

The aim of SREP NO. 20 is to protect the environment of the Hawkesbury / Nepean River system by ensuring that the impacts of future land use are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies and recommended strategies, and development controls which are to be considered in the assessment of a development application.

It is considered that the proposed development does not demonstrate satisfactory compliance with the general or specific aims, planning considerations, planning policies, recommended strategies and

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development controls of SREP No 20, particularly in relation to location of building envelopes, effluent disposal, clearing of vegetation, and visual impact.

Hawkesbury DCP

The Hawkesbury Development Control Plan applies to the land. Relevant chapters of the DCP are General Information, Notification and Subdivision.

General Information - It is considered that the applicant has not provided sufficient information to enable Council to assess the application. In particular the applicant has not provided clear details as to the levels of the land relative to AHD, nature of flood liable land, location of building envelopes, a flora and fauna assessment, bushfire protection, driveway entry details, or a waste water feasibility study.

Notification - The application was publicly exhibited for the period 7/11/2002 to 25/11/2002. Three submissions were received. The submissions were in favour of the application.

Subdivision - This chapter requires detailed information addressing flora and fauna protection, visual amenity, building envelopes and effluent disposal.

The applicant has not submitted a flora and fauna assessment of the application or an assessment of the vegetation to be cleared for the purposes of building envelopes, asset protection zones and accessways.

No details of the visual impact of the subdivision and resultant development have been provided. Lot 2 site being on the corner of Bicentennial Road and Chaseling Road is in a very prominent position, particularly from the elevated positions along Bicentennial Road which generally look down upon Lot 2.

The applicant has not provided details of the proposed building envelopes for Lot 2. Due to possible flooding of the site and significant access limitations off Bicentennial Road the most likely building site is on the north-western corner of the Lot 2. The land is quite steep, heavily vegetated and exposed to view from Bicentennial Road.

An effluent disposal report prepared by a suitably qualified person has not been provided with the application.

Planning Assessment

Environmental Impact

There is insufficient information submitted with the application to assess its likely impacts on the environment. Notwithstanding this particular concern is raised as to the potential impacts of the development of Lot 2 in terms of visual amenity, effluent disposal, location of buildings and access roads, clearing of vegetation, and bushfire threat.

Suitability of the Site

The applicant has not provided a detailed assessment of the constraints of the site.

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It is considered that Lot 2's constraints in terms of vehicular access to the site, soil type, steep topography, flooding, and vegetation cover make the site unsuitable for the proposed development without further detailed investigation.

Public Submissions and Public Interest

3 (three) submissions were received in favour of the application. These submissions noted the operational difficulties in having a parcel of land severed by a road as well as noting that Council had in the past granted approval for subdivision on land on the basis of road severance. Up until the major changes to the Environmental Planning and Assessment Act 1979 and associated legislation in mid 1998 Council did on occasion grant consent to subdivisions by road severance which produced lots smaller than the minimum required in the zone.

The changes to the above mentioned legislation require subdivisions by way of road severance to be assessed against the provisions of the HLEP 1989. These provision include those relating to minimum lots sizes. The proposed lots do not satisfy the minimum lot size requirements or demonstrate compliance with the other previously identified provisions of HLEP 1989 and the Hawkesbury DCP. Further, it is important to note that the property did not have subdivision potential prior to the construction of Bicentennial Road therefore it questionable whether or not the subdivision potential should be given solely on the basis of the existence of Bicentennial Road.

As stated above it is considered that using SEPP No. 1 for subdivision by way of road severance on an ad hoc basis is not an appropriate planning response and could be better addressed in a co-ordinated way by investigating an amendment to HLEP 1989.

It is considered that the proposed development and the use of SEPP No.1 to achieve the development is not in public interest.

Conclusion

Section 82A of the Environmental Planning and Assessment Act 1979 provide Council with the power to review of determination of a development application. Upon review Council can decide to confirm or change the determination.

Based on the above assessment it is recommended that Council uphold the previous refusal of the application.

RECOMMENDATION:

That Council uphold the previous refusal of the application.

ATTACHMENTS:

- AT-1 Notice of Determination
- AT-2 Locality Plan
- AT-3 Plan of Subdivision

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DA1023/02

Refusal date: 16 June 2003

Notice of Determination of a Development Application

Environmental Planning and Assessment Act 1979

To: The Manager
Falson & Associates Pty Ltd
P O Box 3127
GROSE VALE NSW 2753

being the applicant in respect of Development Application No.: DA1023/02

Pursuant to Section 81(1)(a) of the EPA Act notice is hereby given of the determination of the Development Application relating to the land described as follows:

Lot 1 DP 1028107 34 Chaseling Road, Wisemans Ferry NSW 2775

Council's Property Number: 21107

Building Code of Australia Building Classification:

Determination:

Decision Date: 16/06/2003

The HAWKESBURY CITY COUNCIL has determined your application by refusing consent to:

Two (2) Lot Subdivision

for the following reasons:

1. The development application contains insufficient information to carry out a proper assessment of the likely impacts of the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, there is insufficient information in respect of building envelopes, asset protection zones, waste water disposal, vehicular access.

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2. The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 1989.
3. The proposed development is inconsistent with objective (a), (b) and (c) of the Environment Protection (Scenic) 7(d) zone contained within Hawkesbury Local Environmental Plan 1989.
4. The proposed development is inconsistent with the Objects contained within Section 5 of the Environmental Planning and Assessment Act, 1979.
5. The proposed development will have an unacceptable impact on the visual quality of the area.
6. The development application does not demonstrate whether the site is suitable for the disposal of effluent generated by the proposed development.
7. The site is unsuitable for the proposed development.
8. In the circumstances, approval of the development would not be in the public interest.

The reasons for refusal are those matter referred to above, being those matters referred to in 79(c)(1) of the Environmental Planning and Assessment Act, 1979 as are relevant to the subject development.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

For any enquiries please contact Philip Pleffer on (02) 4560 4544


for General Manager

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<http://172.16.8.4/eproclaim/protege/pmapMapping/pmapprint.asp>

15/08/2003

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ORDINARY - <Meeting Date>

General Purpose Committee - 26 August 1999

Environment

SECTION 1 - ENVIRONMENT

- 53: Review of Determination Under Section 82A of the Environmental Planning and Assessment Act 1979 - Lot 1 DP 1028107, 34 Chaseling Road, Wisemans Ferry (DA1023/020/EVD/ENH26NAX.V04)

Mr Glen Falson, the applicant and Mrs Brenda Ireland, the owner, addressed the Committee

COMMITTEE'S RECOMMENDATION

That a further report be provided to the Ordinary Meeting and the applicant be requested to provide information as to the level of the land, building platform and driveway entry.

ADDITIONAL INFORMATION

At the time of preparing this report the additional information requested by the General Purpose Committee had not been received. It is understood that the applicant is presently preparing this information for submission to Council in due course.

To assist Council with further consideration of this matter the following information is provided.

Due to the proposed variation to the minimum lot size provisions of Hawkesbury Local Environmental Plan 1989 Council cannot issue a development consent without the concurrence of the Department of Infrastructure, Planning and Natural Resources (DIPNR). As stated in the previous report DIPNR have not provided concurrence.

Council cannot approve the application without undertaking an assessment of the potential impacts of the development on threatened species, populations or ecological communities of habitats. This is commonly known as applying the "8 part test". To date the applicant has not provided sufficient information by way of driveway and building sites, flora and fauna assessment, Asset Protection Zones, and waste water feasibility study to enable Council to undertake the 8 part test.

Council's policy with respect to the use of SEPP No. 1, adopted on 9 June 1998, states:

1. Applications which propose 1 (one) undersized lot only which is within 10% (ten percent) of the minimum allotment size, be determined by Council staff under delegated authority.
2. Applications involving more than 1 (one) undersized lot and/or a variation greater than 10% (ten percent) from the minimum be considered and determined by Council where they can demonstrate that the standard is unreasonable or unnecessary in the attainment of the relevant objects of the Act.
3. Applications which do not demonstrate that the standard is unreasonable or unnecessary be refused by Council staff under delegated authority.

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General Purpose Committee - 26 August 1999

Environment

With respect to this application it was considered that the use of SEPP No.1 for the purposes of creating an additional development entitlement by way of road severance was not appropriate and given the relatively common occurrence of lands which are severed by road would create a significant and undesirable precedent. Further, based on the information provided it was considered that the applicant did not demonstrate the minimum lot size standard was unreasonable or unnecessary in the attainment of the relevant objects of the Act. In accordance with the above policy the application was refused under delegated authority.

Conversely, a more appropriate use of SEPP No. 1 and a possible solution to the apparent land management issues raised by the applicant could be a subdivision involving the consolidation of 1 (one) or both of the proposed lots into adjoining land with no additional development entitlements being created. This option was not considered in the documentation submitted in the application, however, theoretically this could occur with the land adjoining to the west (Lot 1 DP 230331) which is also severed by Bicentennial Road.

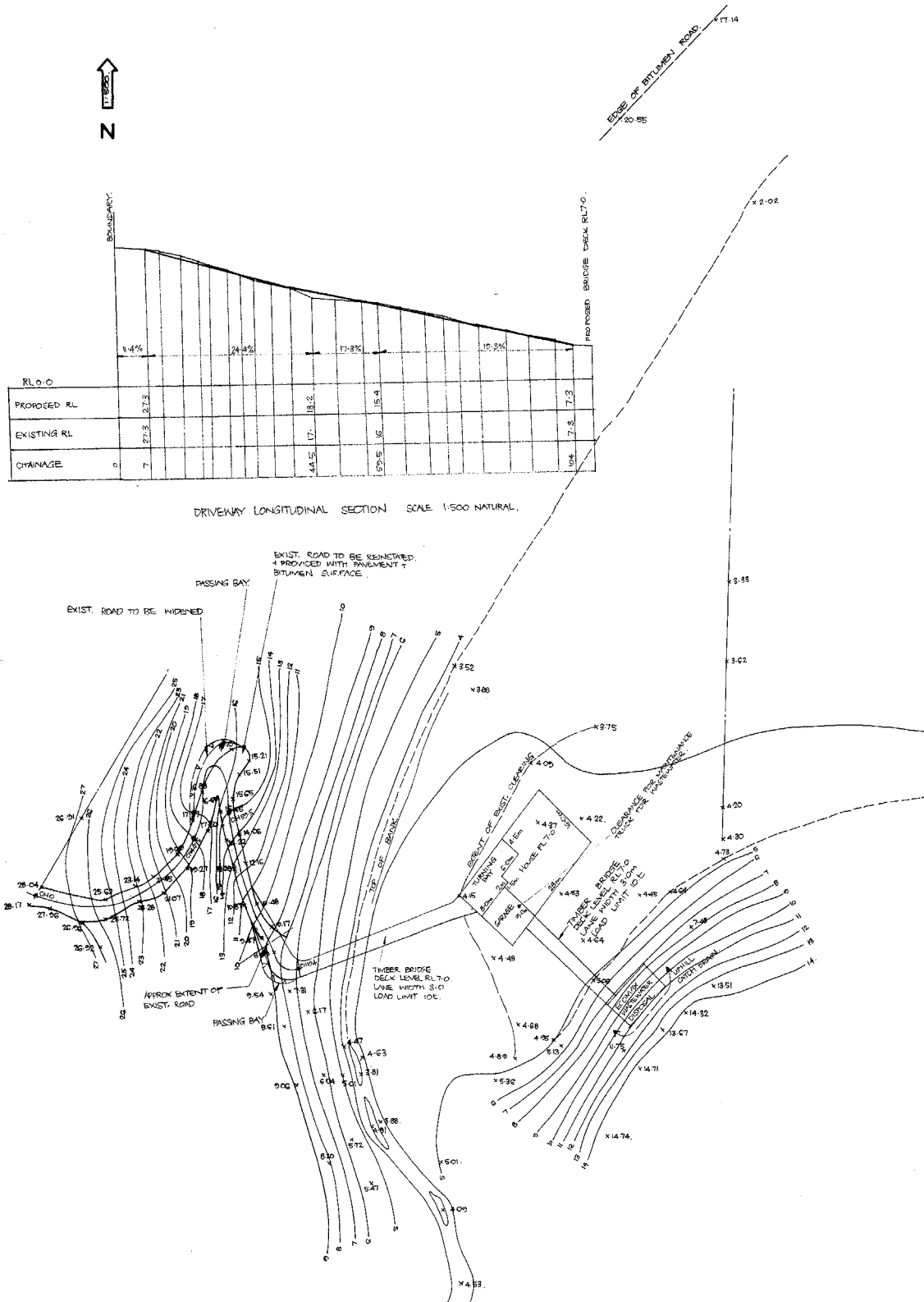
Recommendation

That this information be received.

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AT - 2 - Additional Plan subdivision showing access track, bridges, house site and effluent disposal area



0000 END OF REPORT 0000

general
purpose
committee

section 2

infrastructure

INFRASTRUCTURE

Meeting Date: 28 September 2004

Item: 42 **INF B - Road Naming Proposal - Subdivision Lots 200-203 DP751665, Moles Road, Glossodia - Cartela Pty Ltd DA148/02 - (23968, 79346)**

Previous Item: 10, Ordinary (9 March 2004)

ATTACHMENTS:

AT - Location Map

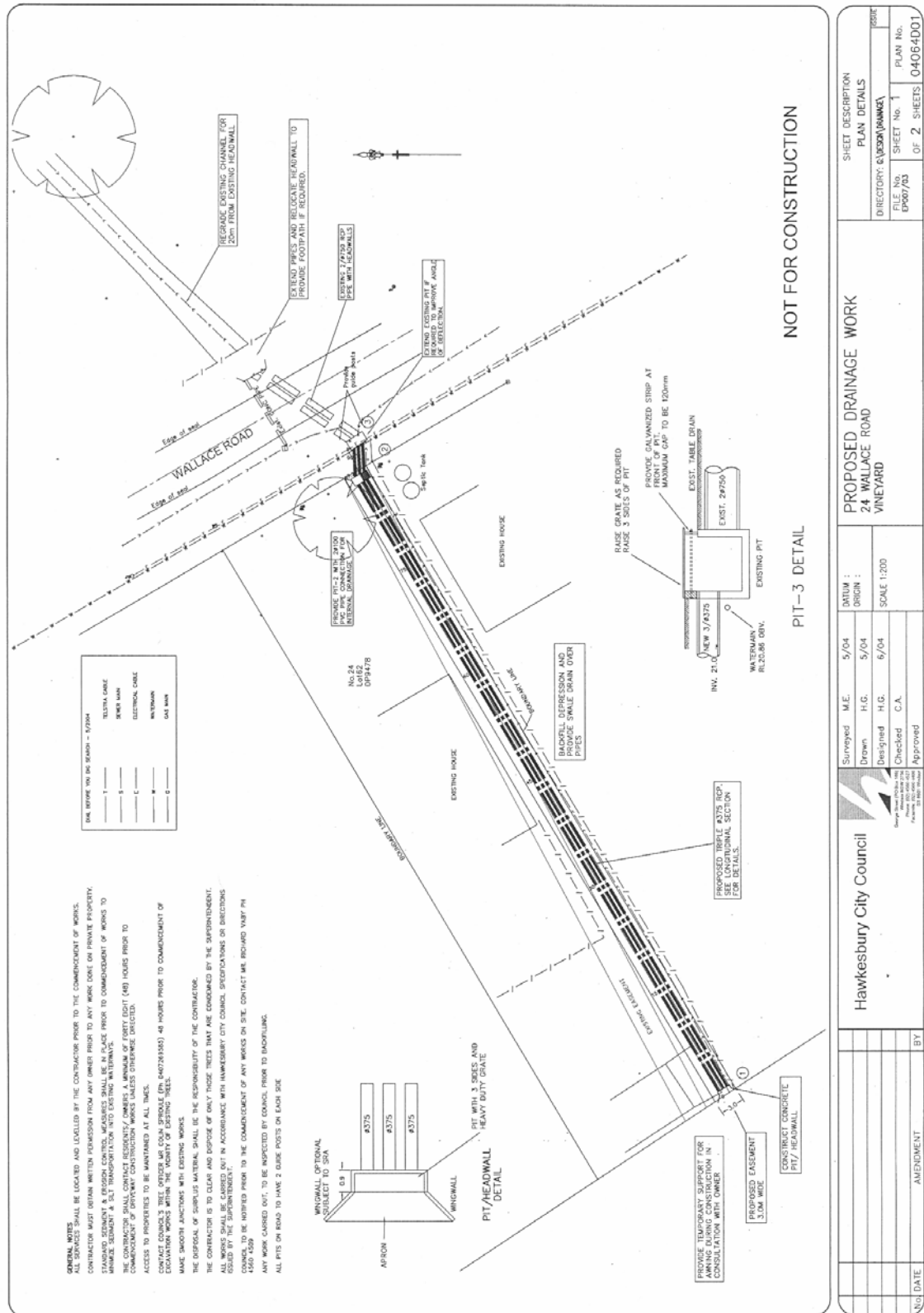
Meeting Date: 28 September 2004



INFRASTRUCTURE

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AT - 2 Plan of Proposed Drainage Work - indicating the intended location of the easement to be created.



oooO END OF REPORT Oooo

general
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committee

section 3

organisation
and resources

ORGANISATION AND RESOURCES

Meeting Date: 28 September 2004

Item: 54 **ORG A - WSROC, Minutes of Meeting held 27/8/2004 - (74251, 79351)**

ATTACHMENTS:

AT - 1 WSROC Board Meeting Minutes of 27 August, 2004



BOARD MEETING NO. 4, 2004

MEETING HELD AT 6.00 PM ON FRIDAY, 27TH
AUGUST 2004 IN THE NEPEAN ROOM, PENRITH
CITY COUNCIL

MINUTES

PRESENT:

Clr Tony Hay	(Acting Chair) Baulkham Hills Council
Clr George Campbell	Auburn Council
Clr Chris Cassidy	Auburn Council
Clr Richard McLaughlin	Bankstown Council
Clr Helen Westwood	(President) Bankstown Council (from Item 2.1)
Clr Raymond Harty	Baulkham Hills Council
Clr Ronald Alder	Blacktown Council
Clr Barbara Gapps	Blacktown Council
Clr Alison McLaren	Blue Mountains Council
Clr Adam Searle	Blue Mountains Council
Clr Bart Bassett	Hawkesbury Council
Clr Barry Calvert	Hawkesbury Council
Clr Doug Bouchier	Holroyd Council
Clr Paul Barber	Parramatta Council
Clr Maureen Walsh	Parramatta Council
Clr Jim Aitken, OAM	Penrith Council
Clr Susan Page	Penrith Council
Clr Leo Kelly	Mayor, Blacktown Council
Clr David Bradbury	Mayor, Penrith Council (to Item 1)
Clr John Brodie	Mayor, Holroyd Council
Mr Trevor Brown	Auburn Council
Mr Richard Colley	Bankstown Council
Mr Luke Nicholls	Bankstown Council
Mr Dave Walker	Baulkham Hills Council
Mr Michael Willis	Blue Mountains Council
Mr Graeme Faulkner	Hawkesbury Council
Mr Dennis Trezise	Holroyd Council
Mr Cliff Haynes	Parramatta Council
Mr Alan Travers	Penrith Council
Mr Roger Nethercote	Penrith Council
Mr Alex Gooding	WSROC
Ms Sharon Fingland	WSROC
Mr Colin Berryman	WSROC
Mrs Esme Evans	WSROC
Ms Tiffany Lee Shoy	WSROC
Mr Yianni Mentis	WSROC

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Mr John Skennar	WSROC
Mr Graham Funnell	Auditor (to Item 1.1.2)
Mr Brian Elton	Elton Consulting
Mr Brendan Blakeley	Elton Consulting

In taking the Chair, Clr Tony Hay, said that the President, Clr Helen Westwood, had been delayed and would be late for the meeting.

Welcome & Apologies

The Mayor of Penrith, Clr David Bradbury, welcomed delegates and guests to Penrith City. A copy of the Mayor's address to the Board is attached.

Recommendations:

That apologies be received and noted from Clr Helen Westwood (President, Bankstown), Clr Sarah Trapla (Fairfield), Clr Mark Pigram (Holroyd), Mr David Mead (Baulkham Hills), Mr Ian Reynolds (Blacktown), Mr John Neish (Parramatta).

<i>Moved:</i>	<i>Clr Susan Page</i>
<i>Seconded:</i>	<i>Clr Bart Bassett</i>
<i>Outcome:</i>	<i>CARRIED</i>

Minutes of the previous meeting

Recommendation:

That the minutes of the meeting held 22nd July 2004 be received and noted.

<i>Moved:</i>	<i>Clr Ron Alder</i>
<i>Seconded:</i>	<i>Clr Barbara Gapps</i>
<i>Outcome:</i>	<i>CARRIED</i>

Business Arising from the Minutes

Business arising from the minutes is dealt with in the agenda below.

matters requiring decision

FINANCE AND ADMINISTRATION

Audited Financial Statements for the year ended 30th June 2004 (26004.04)

Clr Walsh queried the redundancy provisions. The Auditor, Mr Funnell, said that they were related to the contract periods of WSROC staff. Clr Walsh also asked about staff leave entitlements. Mr Funnell said that the amount shown was set against the amount set aside for leave in previous years, and staff were taking the leave they were entitled to.

Recommendations:

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- A. *the Board receive the attached financial statements for consideration by delegates and provide subsequent formal advice by 22nd September, 2004 to the Secretariat, that they resolve to accept Recommendation (B) below:*
- B. (1) *In the opinion of the Directors:*
- (i) *the profit and loss account is drawn up so as to give a true and fair view of the profit of the Company for the financial year;*
 - (ii) *the balance sheet is drawn up so as to give a true and fair view of the state of affairs of the Company as at the end of the financial year;*
 - (iii) *as at this date there are reasonable grounds to believe that the Company will be able to pay its debts as and when they fall due;*
- (2) *The financial statements have been made out in accordance with applicable accounting standards and the requirements of the Corporations Law;*
- (3) *A statement by Directors in accordance with the above resolution and to be signed by two Directors on behalf of the Board of Directors be made and attached to the financial statements of the Company;*
- (4) *The Directors' Report be adopted and be signed by two Directors on behalf of the Board of Directors;*
- (5) *The Annual General Meeting of the Company be convened for 6:00 pm on Thursday, 14th October, 2004 at Holroyd City Council;*
- (6) *The Secretary be directed to duly issue notices of the Annual General Meeting of the Company together with copies of the accounts, Directors' Report and Auditor's Report thereon to the members.*

<i>Moved:</i>	<i>Clr Maureen Walsh</i>
<i>Seconded:</i>	<i>Clr Paul Barber</i>
<i>Outcome:</i>	<i>CARRIED</i>

Draft 2004/2005 Line Item Budget

(27004.01)

Recommendations:

That the 2004/2005 line item budget be endorsed and the forward estimates adopted.

<i>Moved:</i>	<i>Clr Maureen Walsh</i>
<i>Seconded:</i>	<i>Clr Doug Bouchier</i>
<i>Outcome:</i>	<i>CARRIED</i>

Proposed Amendments to the WSROC Constitution

(26002.07)

Clr Walsh asked if there was a mechanism in place to ensure that WSROC was informed if a Council decided to replace one of its Directors to WSROC. The Executive Director indicated that this was provided for in another section (Section 12).

Recommendations:

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That the proposed amendments to the WSROC constitution as outlined in the attachment be endorsed in principle for formal consideration as special business at the 14th October 2004 Annual General Meeting of the organisation.

<i>Moved:</i>	<i>Clr Jim Aitken</i>
<i>Seconded:</i>	<i>Clr Barry Calvert</i>
<i>Outcome:</i>	<i>CARRIED</i>

Strategic Planning & Transport

REGIONAL PLANNING AND MANAGEMENT FRAMEWORK

(35301.01)

Recommendations:

*That in relation to the Regional Planning and Management Framework:
the final Framework document be endorsed by WSROC and a copy sent to the Minister for Planning, Infrastructure and Natural Resources as the region's response to the development of the Metropolitan Strategy;
a presentation copy of the report be prepared for distribution and posting on the Regional Planning Framework website;
WSROC work with participating Councils to implement the Framework's recommendations;
the President, Executive Director and Assistant Director be delegated authority to organise the Framework's launch; and
all participating councils, their staff and other organisations and individuals who contributed to the Framework's development be thanked for their assistance.*

<i>Moved:</i>	<i>Clr Barry Calvert</i>
<i>Seconded:</i>	<i>Clr Bart Bassett</i>
<i>Outcome:</i>	<i>CARRIED</i>

Late items and general business

1.1 PROPOSED FEDERAL ELECTION FORUM

(13002.05)

1.1.1 PROPOSED FEDERAL ELECTION FORUM AND ISSUES PAPERS (13002.05)

Mr Gooding advised the meeting that a number of Federal candidates were unable to attend the proposed Federal Election Forum scheduled to be held on 13th September. Attempts were being made to ascertain if there was a problem with the date and, if so, whether an alternate date would be suitable, or whether candidates had simply decided not to attend.

Clr Alder suggested that WSROC should go ahead with the meeting regardless of which candidates could attend. He said that if it was not a problem with the date, it would look bad if WSROC cancelled the meeting.

Clr Harty expressed concerns with Clr Alder's proposal. Clr Walsh suggested that WSROC should express its concerns and priorities for the region regardless of who attends the Forum or whether it proceeds. The Executive Director said that as it had done for the previous election, WSROC would be preparing Federal Election Issues Papers which would be distributed to candidates in the region.

Mr Gooding pointed out that the decision whether or not to proceed with the forum was not for WSROC to make alone. It would have to be a collective decision of the organisations involved, which include MACROC, the Whitlam Institute and the Western

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Sydney Mayoral Alliance as well as WSROC. If there was a significant withdrawal of candidates there was also virtually no likelihood of TV coverage.

Recommendation:

That, subject to further negotiations regarding the forum date with the Federal candidates, WSROC recommend to the other organisations involved that we proceed with the forum, even if only some candidates are prepared to attend.

<i>Moved:</i>	<i>Clr Ron Alder</i>
<i>Seconded:</i>	<i>Clr Barbara Gapps</i>
<i>Outcome:</i>	<i>CARRIED</i>

Date of the next meeting

Recommendation:

That the next meeting of the WSROC Board, which will be the Annual General Meeting, will be held at 6:00pm on Thursday, 14th October, 2004 at Holroyd City Council.

<i>Moved:</i>	<i>Clr Doug Bouchier</i>
<i>Seconded:</i>	<i>Clr Adam Searle</i>
<i>Outcome:</i>	<i>CARRIED</i>

The Executive Director reminded the Board that the AGM would be followed immediately by the Board meeting.

The Acting Chair thanked members and guests for their attendance and closed the Board meeting at 6.45 pm.

Alex Gooding
Executive Director

Clr Tony Hay
Acting Chair

ATTACHMENT

**Mayoral Welcome to the WSROC Board
by Cllr David Bradbury, Mayor, Penrith City Council
27th August 2004**

I would like to issue a warm welcome to the WSROC Board and the Mayors of Western Sydney Councils and to senior Council officers to Penrith.

I would also like to welcome Professor Ed Blakely, head of the Planning Research Centre and convenor of the Metro Strategy Group, who I am sure will be giving a stimulating address on the opportunity for Local Government engagement in the Metro Strategy development.

It is very pleasing to see the continuing strong interest in regional affairs reflected by the attendance of the senior representatives gathered here tonight from Councils across Western Sydney.

This is a particularly important session for WSROC as it will focus on the development of the organisation's principal program responses on behalf of the region's Councils over the coming term.

I note the Greater Western Sydney Regional Planning and Management Framework is reported to the Board tonight for endorsement. This is one of WSROC's most significant and far reaching achievements. It encapsulates for the first time a shared vision for the region and articulates a well-researched suite of strategic goals and actions for guiding the region's future direction and growth.

In so doing, the Regional Planning and Management Framework provides a vehicle for the collective knowledge and aspirations of the communities within Western Sydney to be injected into the Government's Metropolitan planning process. That will also inform the wider debate about the future of the region.

Significantly, the Framework strategy acknowledges that effective and responsive regional management requires sustainable and congruent programs for implementation. A number of different, and in some cases new, partnerships will need to be established to deliver the agreed outcomes. That will, in all likelihood, require WSROC to forge new bonds with regional interest groups and agencies who can collaborate with WSROC in forming appropriate responses around issues of common interest and collectively influence government decision making for the region.

The Framework also importantly acknowledges that the growth of the region is much more than just about providing for the housing needs of an expanding Sydney. It advances the principle of greater self containment and the notion of regionalisation and promotes the more effective use of regional infrastructure.

By 2001, there were 80 jobs located in the Greater Western Sydney region for every 100 of its resident workers.

The region also provides jobs to an increasing number of its own residents with nearly 70% of local workers finding employment in various industrial and city centres within the region. This measure of self-sufficiency dispels the perception that GWS suburbs are functioning primarily as dormitory places.

There is, however, a developing rift between Sydney's two economies – the more eastern and contemporary one and the more western, traditional or suburban one. A new focus has been identified in the WSROC work for Western Sydney to work cooperatively in providing sufficiency of access to employment opportunities, rather than planning for the more common goal of self-sufficiency within the individual Western Sydney jurisdictions. The long-term goal being to

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ensure resident workers in GWS have the same level of access to employment opportunities as those within other parts of the metropolitan area.

The Framework strategy therefore articulates the critical need to match residential growth within the region with a concurrent expansion of employment opportunities so that fewer people need to leave the region and travel long distances to work. The principle of enhancing intra-regional connections and accessibility to centres of employment is an intrinsic element of that.

By way of example, in Penrith some 20,000 new dwellings are planned to be established over the next 15 to 20 years, accommodating an additional 45,000 people in the City. Striving to provide them with equitable access to job opportunities is a significant endeavour for Penrith. This is particularly so when the journey to work data indicates that some 63% of the Penrith work force travel outside of our City for employment. In so doing, Penrith residents travel twice as long and three times as far as the average commuter in the Sydney region for journey to work trips.

Our interest therefore in tackling this problem takes us beyond the confines of our own LGA and to press the need for key transport infrastructure which would service not only Penrith but other surrounding communities.

Many of your Cities no doubt will have similar issues to contend with. However, I think it is of benefit to consider, with a sense of renewed purpose, the opportunities to strengthen co-operation between local councils in Western Sydney and embrace new partnerships and alliances in the interests of winning better outcomes for Western Sydney from which we might all benefit.

Undoubtedly, the agenda you are about to develop for WSROC's current term will be a significant opportunity to develop the organisation's responses to the important issues confronting the region.

I wish you well in your endeavours and I look forward to continuing our City's close relationship with WSROC and its member Councils.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 28 September 2004

Item: 55 **ORG A - The 3rd A-Z of Australian Water Trading Conference, Sydney
- (79351)**

ATTACHMENTS:

AT - 1 Brochure for the 3rd A-Z of Australian Water Trading Conference.

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Debbie Boyd, Australian Taxation Office

Stephen Carroll, Australian Bankers Association

Cr Phyllis Miller, Shires Association of NSW

Dr John Marsden, Marsden Jacob Associates

Prof. Mike Young, CSIRO

Mark Hamstead, NSW Dept of Infrastructure, Planning & Natural Resources

Randall Cox, QLD Dept of Natural Resources & Mines

Rod Banyard, WA Dept of Environment

Julie Cann, SA Dept of Water, Land & Biodiversity Conservation

Stephen Harding, Sinclair Knight Merz

Imogen Fullagar, Bureau of Rural Sciences

Ross Muir, SunWater

John Chant, Murrumbidgee Irrigation

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ORGANISATION AND RESOURCES

Meeting Date: 28 September 2004

"COAG have taken another step in the long journey to..."



DAY ONE
Monday 29th November 2004

8:30 *Registration & coffee*

9:00 *Opening remarks from the chair*

Dr John Marsden, Principal, Marsden Jacob Associates

KEYNOTE OPENING ADDRESS

9:10 The National Water Initiative

- ❖ The timeline for future reform
- ❖ The role of the National Water Commission

Dr James Horne, First Assistant Secretary,
Department of the Prime Minister & Cabinet

KEYNOTE ADDRESS

9:50 Building on the National Water Initiative

- ❖ Creating wealth from water
- ❖ The elements of a fair water price
- ❖ The challenge of benchmarking
- ❖ Developing a knowledge strategy for the water industry
- ❖ A role for the National Water Commission

Prof. Peter Cullen, The Wentworth Group

10:30 *Morning tea*

THE SEPARATION OF LAND FROM WATER: THE IMPLICATIONS

11:00 The National Water Initiative and
acknowledging Indigenous interests in
planning

Bardy McFarlane, Member, National Native Title Tribunal

11:40 The National Water Initiative: Implications
for local councils

- ❖ The separation of land from water
- ❖ Effect on local council rating systems
- ❖ Future issues/opportunities

Cr Phyllis Miller, President, Shires Association of NSW

12:20 Impact the NWI has had on lending & what
needs to be further done to increase banks'
confidence

Stephen Carroll, Director, Australian Bankers Association

1:00 *Lunch*

2:10 The application of Capital Gains Tax to the
trading of water entitlements

Debbie Boyd, Capital Gains Tax Division,
Australian Taxation Office

2:50 Trading water across connected
groundwater and surface water

- ❖ Intro to the concept that hydraulic systems are comprised of connected surface water & groundwater
- ❖ Existing allocation regimes for g/w & s/w
- ❖ Licenses under existing allocation regimes
- ❖ Sustainable yields
- ❖ Trading markets - how are they different for g/w & s/w?
- ❖ The need for review of allocation regimes
- ❖ How have markets affected social networks & what complexities has this introduced to the concept of a single water market?

Imogen Fullagar, CRC for Irrigation Futures,
University of South Australia

3:30 *Afternoon tea*

4:00 PANEL: A practical look at trade operations

This panel will look at how trade is facilitated by the different types of trade organisations across the markets. Speakers will provide a brief overview (10 min each) of their operations as well as touching on current & future issues/opportunities with trade within their regions. Concluding the presentations, the floor will be open for questions.

John Chant, Company Secretary, Murrumbidgee Irrigation

Geoff Calder, CEO, Harvey Water

Tom Rooney, Director, Waterfind

Ross Muir, Commercial Manager, SunWater

5:00 *Close of day one from the chair*

5:10 IBC invites all speakers and delegates to discuss
the day's presentations at the informal
networking drinks reception



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ORGANISATION AND RESOURCES

Meeting Date: 28 September 2004

Towards a sustainable water future" The Australian 28/6/04



DAY TWO
Tuesday 30th November 2004

8:30 *Morning coffee*

9:00 *Opening remarks from the chair*

Prof. Mike Young,
Director Policy & Economic Research Unit, CSIRO

STATE REFORM & PROGRESS ON TRADE

9:10 Water trading in NSW - Impact of National Water Initiative

- ❖ Trading with water separated from land
- ❖ A 'Torrens' style licence register
- ❖ Separate water use approvals
- ❖ Short term impediments to trading
- ❖ Further developments foreshadowed

Mark Hamstead, Manager Water Consents,
Water Management Division,
NSW Dept of Infrastructure, Planning and Natural Resources

9:50 Water trading in Queensland - Consistency with the NWI

- ❖ Separating water from land - managing the impacts
- ❖ Rules based environmental flows
- ❖ Water entitlements specified through planning processes
- ❖ Avoiding barriers to trade
- ❖ Trading rules specified through planning processes
- ❖ Trading information and activity
- ❖ Current issues

Randall Cox, Director Water Allocation,
QLD Department of Natural Resources, Mines & Energy

10:30 *Morning tea*

11:00 Latest developments in water trade throughout South Australia

- ❖ Current & emerging policies
- ❖ WILMA: South Australia's new Water Information & Licensing Management Application system

Julie Cann,
SA Department of Water Land & Biodiversity Conservation

11:40 Water management in WA - Adapting principles to practicalities

- ❖ Reform and community priorities in WA
- ❖ South Western Australia - Adapting to a changing climate
- ❖ Ord irrigation - Managing for the future in times of plenty
- ❖ Trading in small systems

Rod Banyard, Manager Strategic Development & Planning Branch, WA Department of Environment

12:20 *Lunch*

1:30 The NWI & interstate water trading in the MDB

Representative, Murray Darling Basin Commission

2:10 The "temporary entitlement" trading market

- ❖ Trading modes
- ❖ Trading rules
- ❖ Indemnity pools
- ❖ Encumbered water registry
- ❖ Valley trading pools
- ❖ Taxation implications

Brian Peadon, CEO, WaterExchange

2:50 *Afternoon tea*

3:20 A framework for planning and assessment of irrigation development proposals

- ❖ A vision for irrigation within the landscape - linking catchment plans to farm activities
- ❖ An impact based approach using objective technical criteria and risk thresholds
- ❖ Alternative assessment paths according to the impact of the development
- ❖ Continuous improvement based on accountability, monitoring and reporting

Stephen Harding, Project Manager, Sinclair Knight Merz

4:00 Water values and delivery charges - relationships and impacts

- ❖ Unbundling water values from infrastructure costs
- ❖ Potential market impacts from delivery charges
- ❖ Tariffs and trading behaviours
- ❖ Issues for new water storage developments

Ross Muir, Commercial Manager, SunWater

4:40 *Closing remarks from the chair*

visit www.informa.com.au/watertrade3

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ORGANISATION AND RESOURCES

Meeting Date: 28 September 2004



The 3rd A-Z of Australian Water Trading

29th & 30th November 2004, Rydges Jamison, Sydney

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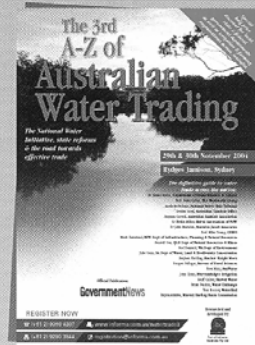
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