



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 30 August 2005

location: council chambers

time: 5:00 p.m.



mission statement

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

How Council Operates

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

Public Participation

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

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

A Point of Interest

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

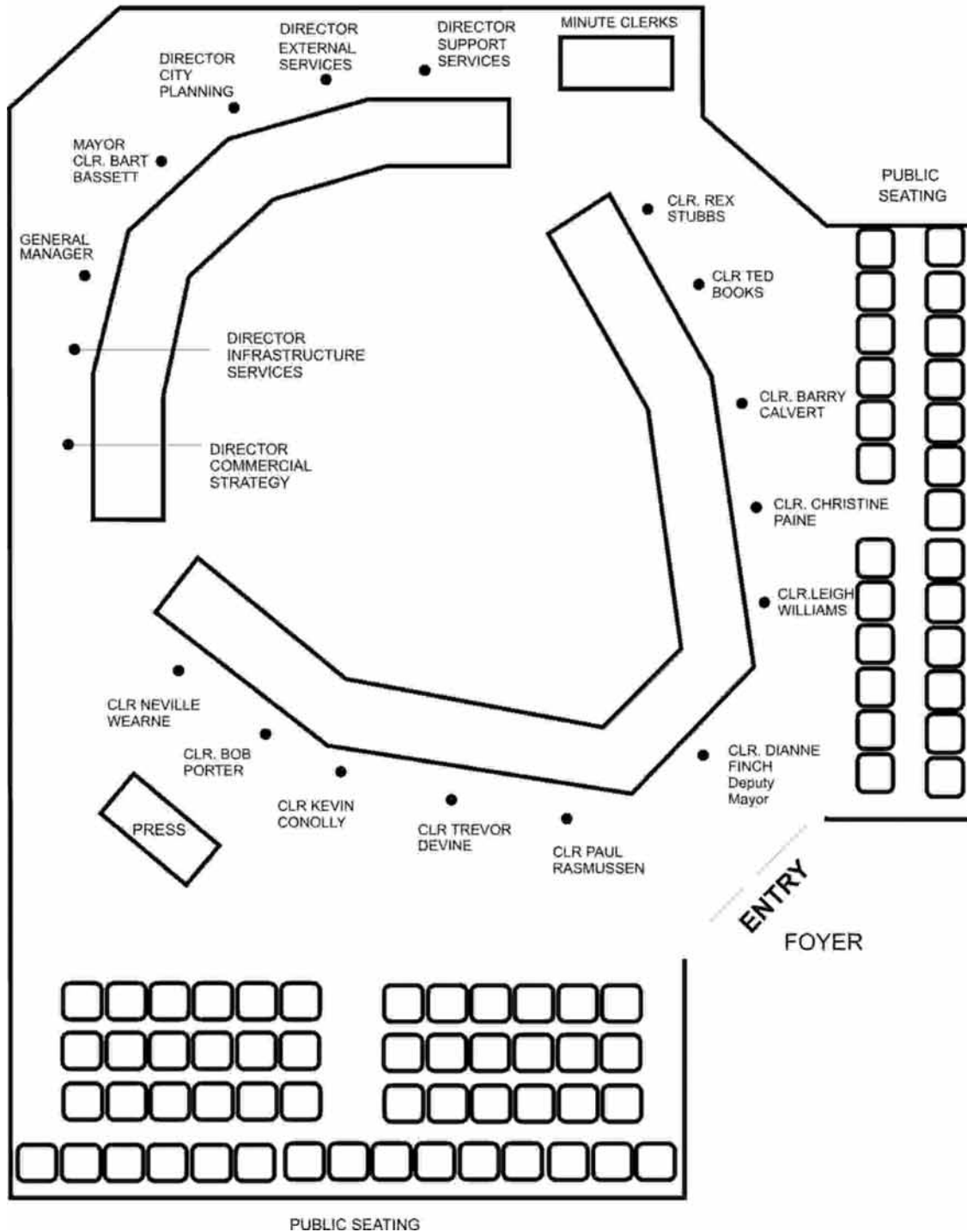
Website

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

Further Information

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

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SECTION 3 - Notices of Motion

NM 1 - Relocation of Parole Office - (90476, 107)

Submitted by: Councillor Devine

Background

Council call on the Minister for Corrective Services, Tony Kelly, as a matter of urgency to relocate the Parole Office from its current position in the Shopping Centre of South Windsor, approximately 300 metres from South Windsor Primary School. This action is required in view of the Minister's recent decision preventing the Department of Corrective Services wish to relocate premises of the Parole Offices near the Windsor Primary School and St Matthews Primary School. The latter school being of a similar distance to the existing Parole Offices and South Windsor Primary School.

The very same concerns identified by the Minister are surely concerns for the parents of the South Windsor Public School.

NOTICE OF MOTION:

That Council call on the Minister for Corrective Services, Tony Kelly, as a matter of urgency to relocate the Parole Office from its current position in the Shopping Centre of South Windsor, approximately 300 metres from South Windsor Primary School.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM 2 - Home Occupations, Home Industries and Professional and Commercial Chambers - (90476, 107)

Submitted by: Councillor Devine

Background

Home Occupations, Home Industries and Professional and Commercial Chambers are all permissible in the residential zone. Home occupations where no customers visit the site are "exempt development" and consent is not required. However, other Home Occupations, Home Industries and Professional and Commercial Chambers require consent.

It is of increasing concern that these developments, which are commercial in nature, are appearing in residential zones. There are impacts on amenity of the surrounding neighbours with commercial activity and higher traffic and car parking requirements

Permitting commercial type development in residential zones has, over time, undermined the function of the town centres. Many services traditionally located within the town centre such as surveyors, solicitors, physiotherapists, dentists and others are now located in residential zones on the fringe of the town centres.

Hairdressers and beauty therapists are locating in residential zones as home occupations. It is considered that these type of developments are better located in the town centres, due to the impacts on the surrounding neighbourhood and the economic impacts in relation to town centres.

NOTE BY MANAGEMENT:

Since 2002, there have been 66 applications for either professional/commercial chambers, home industry or home occupation. The first two types always require a Development Application, whilst an application is only required for home occupations, if clients visit the site otherwise, it is exempt development. If the Notice of Motion is successful based on the historic numbers, there will be on average, one report per Council meeting addressing these types of applications, thus increasing their processing times.

All of these types of applications are notified to the adjoining neighbours, and when there is significant objection, they are reported to Council. In view of the fact that most of these are small-scale in nature, they rarely raise concern with the adjacent neighbours. It should be noted that where they fulfil the requirements of the Local Environmental Plan and the Development Control Plan, it would be very difficult to refuse these applications.

If there is general concern over these applications, then the LEP would be required to be modified to reflect these concerns. It should be noted however, that both home industry and home occupation will be contained in the Local Environmental Plan Template dictionary, and Council will not be able to change these definitions. Council will be required to adopt these definitions, and Council will not be able to prohibit them in zones that the Template allows them.

Council has already workshopped the issue dealing with professional/commercial chambers, and as this is not a Template definition, Council will be able to remove these from its LEP if it so wishes.

It is likely that the Local Environmental Plan Template will be placed on exhibition in September 2005, and this may be the best vehicle to determine Council's attitude on these types of land uses, once it is known how the Template will deal with them. It would seem therefore, that there is little utility in requiring these applications to be reported to Council, if there are no adjoining owners objecting and they have fulfilled the objectives and requirements of Council's planning instruments.

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NOTICE OF MOTION:

That:

1. Any application for the following purposes in a residential zone, which involves customers visiting the premises, be reported to Council for determination:
 - Home Occupation
 - Home Industry
 - Professional and Commercial Chambers
2. The matter be workshopped at a Councillor Briefing Session as soon as possible.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Notices of Motion

NM 3 - Reporting of Confidential Matters - (80106, 107, 95496)

Submitted by: Councillor Rasmussen

Background

1. Recently Council considered a business item, which dealt with the possible lease of a Council owned building to a State Government Agency. The Business Item was classified as confidential and hence all Council discussions and debates on this item were held in 'closed' sessions.
2. As it transpires the community, especially the parents of nearby schools, considered this matter of considerable public interest and concern, but because of the confidential classification had been denied the opportunity to express such views and deep concerns to Councillors within the normal Council processes or meeting before a vote was taken by Council.
3. Councillors similarly were prevented from seeking normal community input on this item or to consult openly with concerned parents regarding this business item.
4. This situation needs to be rectified so that matters of considerable public concern and interest can be openly debated and extensive community input can be obtained prior to a vote being taken by Council.
5. By separating the financial details and other commercially sensitive matters from the public information such as the nature, type and name of the entity or business concerned and only making the commercially sensitive details confidential, public comment and open debate on the non-confidential aspects can occur.
6. Members of the public can under this arrangement present their concerns and comments at Council meetings thus ensuring that Councillors are well informed about such views, concerns and comments before taking a vote on a matter.

NOTE BY MANAGEMENT:

The General Manager has been requested by the Mayor to investigate the issue of matters being dealt with 'in confidential session' with a view to providing a report for Council's consideration and this will be reported in due course.

NOTICE OF MOTION:

That Council, when considering confidential business items, which deal with leasing and or contractual arrangements, separate out the financial details from the nature and identity of business details and only classify the financial/commercial aspects, if deemed necessary, as confidential.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 252 GM - Staff Freeze - (107, 79355)

REPORT:

An initiative has been implemented to provide cost savings in the salaries and wages budget. There will be a six month freeze on all staff appointments to take effect immediately with the exception of those positions currently being advertised.

Staff replacements deemed absolutely critical to the operation of the organisation will be considered, but only in that context where significant expenditure savings within the directorate concerned or by agreement with other Directors can be achieved to offset the costs of those positions.

Two new positions identified within the budget and three current replacement positions are on hold.

It is appreciated that this decision may impact on service levels across the organisation but every endeavour will be made to maintain or improve the existing standards where possible. It is considered imperative that this action be taken to ensure current budget constraints are met.

Conformance to Strategic Plan

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

"Objective: Salary Administration and Performance Management Systems monitored and utilised by organised"

Funding

Ensuring current budget constraints are met.

RECOMMENDATION:

The information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

CITY PLANNING

Item: 253 CP - Waste Not Development Control Plan (DCP) - Management of Construction and Demolition Waste - (95498)

REPORT:

Council adopted the Waste Not Development Control Plan (DCP) at its meeting on 11 February 2003. The existing policy has now been formatted and incorporated into Council's new DCP style. The Waste Not DCP is now referred to as "Part C, General Guidelines, Chapter 8, Management of Construction and Demolition Waste".

Conformance to Strategic Plan

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

"Objective: Prepare additional chapters and review of Hawkesbury Development Control Plan (DCP)."

Funding

There are no funding implications associated with this Plan.

RECOMMENDATION:

The Waste Not Chapter Titled, "Management of Construction and Demolition Waste", be adopted and made effective in accordance with Clause 21 (2) of the Environmental Planning and Assessment Regulation 2000

ATTACHMENTS:

AT - 1 Waste Not Development Control Plan (DCP) - Chapter 8 - Management of Construction & Demolition Waste - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

Item: 254 CP - Water Savings Action Plans - (95498)

REPORT:

The Metropolitan Water Plan includes a range of initiatives to respond to the current drought and increase the certainty of future water supplies.

The Plan gives the NSW Department of Energy, Utilities and Sustainability (DEUS) the responsibility to promote improvements in the water efficiency of key businesses, Local Government and NSW Government agencies.

Specifically, DEUS will promote Water Savings Action Plans to help monitor and assess that water savings are made. This includes:

- Writing the guidelines for Water Savings Action Plans for use by Business, Local Government and NSW Government Agencies.
- Ensuring good quality Water Savings Action Plans are in place for designated high water users.
- Ensuring program participants report on their progress towards implementing cost effective water efficiency improvements on an annual basis, and revise their Plans every four years.

Legislation now requires Local Government to prepare a Water Savings Action Plan by 31 March 2006, setting out measures to save water.

This Plan must include:

1. The determination of how much water is used and then establish baseline water use;
2. The identification of the appropriate level of accountability;
3. The determination of how water is used and efficiency opportunities. This is achieved by conducting a technical review of appliances and processes that are consuming water. It is recommended as a guide that the top ten sites be included in the Plan to capture the bulk of the water use;
4. A compilation of all the identified tasks and prioritised by order of their cost effectiveness and approved by management. The Plan is then assessed by DEUS for compliance; and
5. The identification of a list of prioritised actions that must be implemented over the next four years, including annual progress reports on outcomes, and reviews of the plan every four years.

Council engaged Omega Environmental P/L in 2000, to assist with the development of the 'Cities for Climate Protection Program'. Data collected included energy and water usage, reduction goals and the identification of action to be implemented.

Omega has extensive experience and knowledge of Hawkesbury Council's internal/external processes, and historical data, and therefore it would be appropriate to engage them in this task.

Conformance to Strategic Plan

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

"Objective: Promote Environmental Awareness and encourage community participation in management of natural, cultural and heritage asset"

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Funding

It is proposed to fund the development of Water Savings Action Plan from the application of funds from the Community Water Grant.

Alternatively it could be funded by the storm water levy fund as the benefits of reducing storm water runoff especially impervious areas such as roofs, hard standing areas is directly related to strategic priorities.

RECOMMENDATION:

That Council:

1. Engage the services of Omega Environmental Strategies for a sum of \$10,000.00 plus GST to prepare the Water Savings Action Plan for Hawkesbury City Council.
2. Submit an application under the Community Water Grants scheme for the sum of \$10,000.00 to prepare this Plan.
3. Pending the outcome of the Community Water Grant, alternative funding for a sum of \$10,000.00 plus GST, is to be made available from the community behavioral change component, under the environmental levy from unexpended funds held in reserve.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 255 CP - Energy Savings Action Plans - (95498)

REPORT:

Increasing energy consumption leads to growth in greenhouse gas emissions, localised atmospheric pollution and demands on water and other natural resources. Electricity generation represents 43% of total greenhouse gas emissions in New South Wales. According to CSIRO rising greenhouse gas emissions contribute to the threat of global climate change that means a future of more extreme weather events with higher temperatures, lower rainfall, more storms and rising sea levels.

Electricity consumption is forecast to grow by around 2% per annum and peak demand by around 3% per annum. Increasing growth in peak demand results in increasing pressures on the electricity supply which can drive up costs for the industry and ratepayers.

The promotion of energy savings measures will reduce greenhouse gas emissions in the electricity sector, reduce the electricity bills paid by electricity customers, reduce peak loads to get the greatest benefit from new network investment and further protect electricity supply reliability.

Accordingly, the Energy Administration Amendment (Water and Energy Savings) Act 2005, gives the NSW Department of Energy, Utilities and Sustainability (DEUS) the responsibility to promote improvements in the energy efficiency of key businesses, Local Government and NSW Government agencies. Specifically, DEUS has a monitoring and assessment role to ensure energy savings are made. This includes:

- Writing the guidelines for preparation of Energy Savings Action Plans for use by Business, Local Government and NSW Government Agencies.
- Ensuring good quality Energy Savings Action Plans are in place for designated high water users.
- Ensuring program participants report on their progress towards implementing cost effective energy efficiency improvements on an annual basis, and revise their Plans every four years.

Legislation now requires Local Government to prepare an Energy Savings Action Plan by 31 March 2006, setting out measures to save energy. This Plan must be reviewed every four years.

Through Council's ongoing commitment to the Cities for Climate Protection program the requirement to provide the baseline data, reduction targets, monitoring and review is contained within Council's Milestone achievements. The only amendment required is the inclusion of Energy Performance Contracting (EPC). Typically an energy performance contract lasts 5-10 years and ends when the accumulated savings, discounted for inflation, equal the capital value of the contract. One of the important stages of an EPC is the production of a Detailed Feasibility Study (DFS) that investigates the energy and water saving potential of a site. A DFS is comparable to Council's "Clean Energy Strategy" and all five milestones and strategy can be combined to produce Hawkesbury City's Energy Savings Action Plans.

Council engaged the services of Omega Environmental P/L in 2000, to assist staff with the completion of the 'Cities for Climate Protection Program' with great success. With experience in our internal processes, Omega has been identifying indicators that measure the environmental performance of both the city and the wider Local Government area. This revolutionary reporting process, will be achieved by the collection and interpretation of data, to be utilized to compile a report on organisational environmental performance.

It is necessary to create a database, which collates and performs analysis for ongoing energy consumption, which includes water usage. This information will be required to effectively review action plans for Council's facilities. This information will enable staff to immediately view energy and water consumption, areas of usage, co2 emissions, cost of resources, highlight anomalies and make quantitative comparisons against other Council's and State usage.

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Conformance to Strategic Plan

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

"Objective: Promote environmental awareness and encourage community participation in management of natural, cultural and heritage assets".

Funding

Completion cost for the State of the Environment Report was under budget; therefore the funding for the Energy Savings Action Plan will have no direct impact on the 2005/2006 budget.

RECOMMENDATION:

That Council:

1. Engage the services of Omega Environmental Strategies for a sum of \$2,000.00 to combine the reports from the five milestones and identified priority actions contained within the Clean Energy Strategy to produce the "Hawkesbury City's Energy Savings Action Plans".
2. Subscribe to Omega Environmental Strategies annual on-line energy and water database for a sum of \$950.00.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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EXTERNAL SERVICES

Item: 256 **ES - Produce Store, Lot 1 DP 1003098, 140 Creek Ridge Road, Glossodia - (DA1177/04, 39002, 39003, 96329)**

Previous Item: 211, Ordinary (12 July 2005)

Development Information

Applicant: Mr S and Mrs M Sultana
Owner: Mr S and Mrs M Sultana
Stat. Provisions: HLEP 1989
 SREP No. 20 (No. 2 - 1997)
Area: 4 HA
Zone: Rural 1(c1)
Advertising: 10/12/2004 to 24/12/2004
Date Received: 12/11/2004

Key Issues: ♦ Character of the Area
 ♦ Traffic
 ♦ Noise

Recommendation: Approval

REPORT:

Introduction

Council, at the Ordinary Meeting on 12 July 2005, when considering the application, resolved:

- "1. Council seek additional information from staff regarding the dimensions of the proposed car parks and turning areas in light of the likely vehicles that may attend this site and possible conditions of consent that would address traffic concerns with the development.
2. A site inspection be organised."

Site Inspection

An inspection of the site and the surrounding area was undertaken on 25 July 2005. The site inspection was attended by:

- Councillors Rasmussen, Books, Calvert, Porter and Devine
- Mr and Mrs Sultana (Applicants)
- A number of local residents of Wenban and Creek Ridge Roads
- Council officers

The site inspection was to allow Councillors to view the site and hear from both the residents and applicant. The applicant had prepared two options for the provision of car parking and turning areas involving a cul-de-sac style of turning area and a 'Y' shaped turning area, both with the provision for four car parking spaces. The applicant had marked out the cul-de-sac option with the car parking spaces on site.

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The matters raised by the residents involved:

- Inadequate parking and turning area on site for the likely vehicles that will use the produce store, which would result in car parking in Wenban Road and potential traffic safety issues.
- Location of the turning circle to the adjoining property.
- Lack of safe sight distance at the intersection of Wenban Road and Creek Ridge Road and potential traffic safety issue.
- Drainage from the car parking and turning areas.
- Appropriateness of the site for the Produce Store.
- Car parking/turning.

Amended Plans

The applicant, as a result of the comments made at the site inspection, has provided an amended car parking and access option. The amended plan is attached to the report and proposes the following:

- 7.2 metre wide entry from Wenban Road, which is adjacent to the existing shed that will be used as the Produce Store.
- Four (4) car parking spaces, which are accessed from the entry driveway.
- An 8.5 metre radius turning circle, which will be used by the small trucks associated with the business, as well as cars with trailers and horse floats.
- Separate exit driveway, which uses the existing driveway near the corner of Wenban and Creek Ridge Roads.

The plan proposes a drive through option with separate entry and exit points in Wenban and Creek Ridge Roads.

The amended plan has been assessed and is considered satisfactory, with the exit driveway in Creek Ridge Road needing to be slightly relocated away from the intersection with Wenban Road to provide a 10 metre distance from the sealed pavement in Wenban Road. This will ensure compliance with the "Australian Road Rules".

The provision of suitable signage of the entry and exit points, together with a stop sign for the exit point will help reduce any potential traffic impact on the local road network. It is considered that one additional car parking space is required and can be provided on site.

Other Matters Raised

Sight distance at intersection of Wenban and Creek Ridge Roads

Council staff have inspected the intersection and carried out an assessment using the "Austroads Guide to Traffic Engineering Practices". The Austroad requirements are adopted by the Hawkesbury Development Control Plan. The safe Intersection Sight Distance (SISD) for the intersection is 66 metres. The sight distance measured from Wenban Road intersection with Creek Ridge Road was approximately 200 metres to the east and 300 metres to the west, which is well above the requirements of SISD, as outlined in Austroads.

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Location of Turning Circle to the Adjoining Property

The turning circle distance was measured at the site inspection and was in excess of 20 metres to the adjoining property boundary.

Drainage

The contour of the land will ensure any drainage from the car park and turning area will be directed to the existing dam on the property and will not impact on any adjoining properties.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; i.e.

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

That the application for a produce store be approved subject to the following conditions:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall be modified in the following manner:

The location of the exit driveway in Creek Ridge Road is to be relocated a minimum of 10 metres from the sealed pavement in Wenban Road.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
5. The development shall comply with the provisions of the Building Code of Australia at all times.
6. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
7. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
8. The proposed sign is to be a single "V" sign and erected wholly within the subject property, generally within the south west corner of the property. Amended plans showing the location of the sign are to be submitted to Council for approval prior to installation.

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Prior to Construction Certificate

9. A detailed landscaping plan is to be submitted to Council for approval.
10. Construction of the road, access and drainage works are not to commence until three (3) copies of the plans and specifications of the proposed works are to be submitted to and approved by the Council or an Accredited Certifier.
11. Payment of a Construction Certificate checking fee and a Compliance Certificate Inspection fee when submitting Civil Engineering Plans for approval. Fees will be provided on request from Hawkesbury City Council.
12. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council.

Prior to Commencement of Work

13. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
14. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The warning sign (enclosed with the approval) shall be affixed to the sediment fence/erosion control device.
15. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
16. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
17. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
18. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

19. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
20. Five off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, drained, line marked and signposted.
21. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.

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22. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am – 6:00pm and on Saturdays between 8:00am – 4:00pm.
23. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
24. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
25. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
26. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
27. All proposed entry and exit points are to have a bitumen sealed footway crossing as shown on the approved plans and shall be constructed to the development site in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
28. Widening of the existing bitumen pavement on Wenban Road to 5.5 metres with any transitional works including damage as required. Works are to extend along the Wenban Road frontage of No. 140 from its intersection with Creek Ridge Road through to the Northern extent of the proposed entry point.

Prior to Issue of Occupation Certificate

29. A report from a suitably qualified and experienced consultant shall be provided to Council for approval which:
 - i. investigates the operation of the existing on-site sewage management facility and
 - ii. confirms that the system is of sufficient capacity to cater for the likely increased load generated by the proposed use, or
 - iii. makes appropriate recommendations for the augmentation, relocation, repair or replacement of the system. Any such works are to be completed to the satisfaction of Council prior to the release of the Occupation Certificate
30. Portable fire extinguisher/s containing an extinguishing agent suitable for the risk being protected shall be installed in accordance with AS 2444 E1.6 in the following locations:
 - Sales counter
31. Provision of a survey plan that identifies the location of the existing fencing and structures in relation to the property boundary within Wenban Road and at the access driveways adjoining the north of the site.

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Use of Site

32. No internal or external alterations shall be carried out without prior approval of Council.
33. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) been assessed by a properly qualified person, and
 - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
34. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
35. No advertising signs or structures shall be displayed on the footpaths, pedestrian ways, roadways or on any land other than the approved development site.
36. The development shall be limited to the area shown on the submitted plans.
37. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
38. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
39. All waste materials shall be regularly removed from the property.
40. Provision shall be made for the following directional signage:
 - (a) Entrance sign at entry driveway in Wenban Road as shown on the approved site plan.
 - (c) Exit and stop sign at exit driveway in Creek Ridge Road as shown on the approved site plan.
 - (d) 'No Entry' sign at the exit driveway along Creek Ridge Road as shown on the approved site plan.
 - (c) "Private Access Road only" sign near the entry driveway as shown on the approved site plan.
41. The activity is only to use a small truck for the delivery of stock and produce.

Advisory

42. The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
43. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
44. The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

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Meeting Date: 30 August 2005

ATTACHMENTS:

AT - 1 Amended Plans DA1177/04

AT - 2 Council report from 12 July 2005

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Meeting Date: 30 August 2005

AT - 1 Amended Plans DA1177/04

[Refer to Maps Agenda/Document](#)

ORDINARY MEETING

Meeting Date: 30 August 2005

AT - 2 Council report from 12 July 2005

ITEM: ES A - Produce Store, Lot 1 DP 1003098, 140 Creek Ridge Road, Glossodia NSW 2756 (DA1177/04, 39002, 39003, 96329)

Development Information

Applicant: Mr S and Mrs M Sultana
Applicants Rep: Mr S and Mrs M Sultana
Owner: Mr S and Mrs M Sultana
Stat. Provisions: HLEP 1989
SREP NO. 20 (No. 2 - 1997)
Area: 4.000 H
Zone: Rural 1(c1)
Brief Description: Produce Store
Advertising: 10/12/2004 to 24/12/2004
Date Received: 12/11/2004

Key Issues:

- ◆ Character of the Area
- ◆ Traffic
- ◆ Noise

Recommendation: Approval

REPORT:

Introduction

The applicant seeks approval for a produce store at 140 Creek Ridge Road, Glossodia.

This matter is being reported to Council at the request of Councillor Paine. This report will detail the proposal, the current statutory situation and provide an assessment of the application in accordance with Section 79C (1) of the Environmental Planning and Assessment Act 1979.

A complete assessment report is available on the Council file.

The Proposal

The applicant seeks approval for a produce store. A produce store is defined by HLEP 1989 as "a building or place used for the sale by wholesale or retail of stockfeeds, grains, seeds, fertilizers, veterinary supplies and the like".

The produce store is proposed to be undertaken in an existing barn on the property. The barn has a floor area of approximately 100m² and a height of 3.3m.

Due to the relatively small size of the barn, the applicant advises that stock will be maintained at minimum levels and deliveries to the site will be approximately once per week. Products proposed to be offered for sale include hay and hay products, grains, pellets, supplements and speciality mixes to suit farm animals, pet and equestrian. The applicant proposes a maximum of three pallets of grain and pellets. Agricultural fertilizers and chemicals are not proposed to be stocked. Goods are to be loaded and unloaded manually or with an electric fork lift. Deliveries made to the site will be via a ute or single axle table top truck.

Proposed improvements to the barn include provision of a concrete floor, repairs to the roof, enclosing external walls (green finish), installing additional doors and lighting, additional boundary and internal post and rail fencing.

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The store is to be operated by the owners of the property (husband and wife) and no additional staff are proposed. Proposed hours of operation are 8:00am to 5:00pm weekends. Weekday trading is initially to be by appointment or delivery service. The applicant advises that depending on demand weekday trading from 7:00am to 5:00pm may commence.

Access to the barn and carpark area is to be provided off Wenban Road. Five on site carparking spaces are proposed.

Vermin are to be controlled by grains and pellets being stored in a concealed area and by the use of baits. Spoilt and unwanted feed is to be removed from the site as required.

A two way "V" advertising sign is proposed in the south-west corner of the property near the corner of Creek Ridge Road and Wenban Road. Each face of the sign has an area of 0.72m, the top of the sign will not be greater than 1.8m height. The sign is proposed to have a white background and black lettering and will notify of the name of the business, phone number and weekend trading.

Description of the Site and Surrounds

The site is irregular in shape and has an area of 4ha. It contains a dwelling and associated outbuildings and is bounded by Creek Ridge Road to the south and Wenban Road and a private road to the west. Adjoining properties are to the east and north.

The site of the proposed produce store and carparking area is relatively flat with the dominant vegetation being grass.

Surrounding lots primarily consist of rural residential, animal establishment and intensive agricultural land uses with a wide variety of allotment sizes.

Wenban Road is approximately 75m long and has a 5m wide sealed pavement.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

Clause9 and 9A

"Produce stores" are permissible within the Rural 1(c) zone.

Clause 9A (1) states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The subject property is zoned Rural 1(c1) under the provisions of HLEP 1989. The relevant objectives of this zone are:

- (a) *to primarily provide for a rural residential living style with "on-site" collection of water and disposal of waste;*
- (b) *N/A*
- (c) *to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities infrastructure;*
- (d) *N/A*
- (e) *to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads;*

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It is considered that the proposal is consistent with the objectives of the zone because:

- the proposed use will have a relatively minor impact on the subject property and surrounding properties. It will not compromise the current rural residential uses of the subject property or surrounding properties;
- the proposed use will not require any extension in public amenities infrastructure; and
- the proposed development is not inconsistent with the rural character of the locality and will involve relatively minimal disturbance to the landscape.

Clause 18(1) 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.

Roof water from the barn is to be directed to existing water tanks. Effluent disposal arrangements will be discussed in later sections of this report. Electricity to the barn can be supplied in accordance with supplier requirements.

Draft Hawkesbury Local Environmental Plan - Amendment No 108

Under draft local environmental plan 8/98 (Amendment 108) the property is zoned Rural Living. Produce stores are permissible within the Rural Living zone.

Amendment 108 has been exhibited and therefore is a matter for consideration.

Given such matters as the relatively small size and positioning of the barn, the location of the vehicle access and carpark, the proposed hours of operation, and separation from surrounding residences it is considered that the proposed development is consistent with the objectives of the Rural Living zone.

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

The subject land falls within the Middle Nepean and Hawkesbury River Catchment Area of SREP 20.

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. Relevant specific planning policies and recommended strategies include total catchment management, water quality, water quantity, flora and fauna, agriculture/aquaculture and fishing, rural residential development, and metropolitan strategy.

It is considered that the proposed produce store will not significantly impact on the environment of the Hawkesbury - Nepean River either in a local or regional context and that the development is not inconsistent with the general or specific aims, planning considerations, planning policies, recommended strategies and development controls.

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan applies to the land. Relevant chapters of the DCP are General Information, Notification, Landscaping, Soil Erosion and Sedimentation Control, Carparking and Access, Signage and Effluent Disposal.

Community Consultation

The application was exhibited for the period 10 - 24 December 2004. Council received five (5) submissions. A summary of the matters raised in the submissions is provided below:

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- Use of Wenban Road to access the property.
- Adequacy of carparking area to accommodate horse floats and trucks
- Narrowness of Wenban Road, potential for vehicles to reverse from the site onto Wenban Road, potential for on-street parking of customers
- Potential for customers to use private road extension of Wenban Road and legal ramifications in the event of an accident
- Weather tightness of shed and potential for feed to spoil as a result of rain
- Odour as a result of spoilt feed
- Signage inconsistent with character of the area and will affect sight distances
- Vermin control
- Increased surface water and effluent runoff and resultant impact on adjoining properties and flora and fauna
- Traffic and pedestrian safety
- Fire risk
- Proximity of carparking area to mailboxes and potential to breathe in exhaust fumes
- Potential for increase in cattle to eat excess feed
- Noise of vehicles will unsettle nearby horses

Subsequent to the receipt of these submissions the applicant provided amended plans and details which, inter alia, improved the onsite manoeuvring areas, reduced the size and height of the proposed signage, provided further information regarding stock volumes.

Planning Assessment

Context and setting (raised by respondents)

Surrounding properties are primarily used for rural – residential, animal establishments and intensive agricultural purposes

The produce store is proposed within a small existing barn with an area of approximately 100m² and an associated carparking area catering for five vehicles. It is considered that the proposed development will represent a relatively minor use of the land and will have a minor impact on the surrounding locality.

It is considered that both by way of definition and scale the proposed development is consistent and compatible with the rural - residential character of the area and will not significantly impact upon the scenic quality of the landscape. The proposed development is not inconsistent with the existing land uses and activities in the locality. Surrounding properties will not be significantly or unreasonably impacted upon in terms of loss of visual or acoustic privacy, loss of views and vistas.

Access, transport and traffic (raised by respondents)

The Development Control Plan has no specific standard for the number of car spaces to be provided for a produce store. The closest land use characterisation is a roadside stall for which five spaces are required.

The produce store is to be accessed via Wenban Road which has a sealed width of 5m. The access is 6m wide and 5 car parking spaces are provided. The carparking area is of sufficient dimensions to allow the vehicles of likely customers (including those with trailers and horse floats) to enter and exit in a forward direction. It is therefore considered unlikely that vehicles will reverse onto Wenban Road, or that customers will park in Wenban Road, or that customers will need to proceed onto the private road extension of Wenban Road.

The scale of the development and the proposed hours of operation suggest that traffic impacts will be minor and will not create unreasonable traffic demands on the surrounding street pattern or significant conflict with other uses of the local road network.

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Soils, Air and Climate and Other land resources (raised by respondents)

The soil structure of the site is suitable for the proposed development. Erosion and sedimentation devices are to be installed during construction. The air and microclimate of the locality is suitable for the proposed development and given the limited stock volumes, improvements to the barn and waste management procedures, the proposed development will not create an offensive odour. The proposed development will not significantly reduce the potential of the property to be used for the current low scale grazing use.

Flora and fauna (raised by respondents)

The proposed development is to occur in a substantially cleared area and is therefore considered to have an insignificant impact on surrounding flora. The proposed development will partly rely on on site disposal of effluent and baiting for vermin control. Subject to confirmation as to the adequacy of the existing sewage management system it is considered that the produce store will have an insignificant impact on surrounding fauna.

It is therefore considered that the proposed development satisfies the "eight part test" of Section 5A of the Environmental Planning and Assessment Act 1979 and that a species impact statement is not required.

Waste, Noise, Construction (raised by respondents)

Waste generated by the development can be expected to be minimal given the relatively small amount of stock to be stored on site. Notwithstanding this, waste management can be addressed by conditions of consent.

Noise likely to be generated by the development includes that from vehicles, electric forklift and voices. The nearest residence is approximately 120m from the development site. It is noted that horse stables are approximately 40m from the development site and the owner of the stables has raised concern that noise generated by vehicles accessing the site may unsettle the horses. It is also noted that these stables are approximately 70m from Creek Ridge Road. Council traffic volume counts taken in 1995 suggest that Creek Ridge Road carries approximately 420 vehicles per day (combined directions). In relative terms the proposed produce store would not significantly increase surrounding traffic volumes or noise levels.

Construction works required for the improvements to the barn and carparking area are not expected to unreasonably impact upon surrounding neighbours and can be controlled by condition of consent.

Natural hazards

The property is within moderate bush fire risk. The risk is not sufficient to make the site unsuitable for the proposed development.

Signage (raised by respondents) -

The applicant proposes two signs fixed to the existing chain wire fence on the corner of Creek Ridge Road and Wenban Road. Note the site plan contains a minor error in that it does not show the splay corner of the property as registered and hence the proposed sign is within land dedicated for public road. The splay corner is 18m² in area. This error and the relocation of the sign can be readily resolved by conditions of consent.

Each sign has an area of 0.72m² and appear to be arranged in a "V" shape around the corner of the property. The top of the sign is not more than 1.8m above ground level. The size and height of the signs comply with the DCP. The "V" style signage is considered appropriate given the corner location.

Effluent Disposal (raised by respondents) -

The applicant proposes to make available the existing toilet facilities within the residence to customers as needed. The applicant claims that the existing on-site system is satisfactory however, has not provided any evidence from an appropriately qualified and experienced expert to support this claim. The additional wastewater load to be created by the proposed produce store is expected to be minimal and therefore it is recommended that the adequacy of the existing system and any need for repair/augmentation can be addressed by conditions of consent.

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Social and economic impact in the locality

No significant negative social impact anticipated. The produce store is expected to create a positive economic impact for the operators, suppliers and local customers.

Cumulative impacts

The proposed development is compatible with the surrounding land uses and subject to compliance with conditions of consent no significant negative cumulative impact is foreseen.

Suitability of the site for the development

The constraints of surrounding land uses do not make this development prohibitive. The proposed development will not lead to unmanageable transport demands. Access to the site is satisfactory. The air quality and microclimate is appropriate for the proposed development. There are no known hazardous land uses/activities nearby. Ambient noise levels are suitable for the development. The site is not critical to the water cycle of the catchment. The development will not have a significant impact upon critical habitats and threatened species, populations, ecological communities and habitats. The site attributes are conducive to the development. It is therefore concluded that the site is suitable for the proposed development.

Public interest

The submissions of the respondents have been identified in an earlier section of this report. It is considered that the concerns raised are not of sufficient weight as to warrant refusal of the application or can be addressed by way of conditions of consent.

Conclusion

The proposed produce store, signage and carparking area demonstrates satisfactory compliance with the HLEP 1989, Hawkesbury DCP and other relevant environmental planning instruments.

Key concerns of the respondents relate to traffic volumes and movements, waste management, noise, and drainage and have either been adequately addressed by the applicant or can be controlled by conditions of consent.

It is considered that the environmental impacts are acceptable and that the site is suitable for the proposed development.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; i.e.

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

That the application for a produce store be approved subject to the following conditions:

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General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The approved use shall not commence until all conditions of this Development Consent have been complied with.
4. The development shall comply with the provisions of the Building Code of Australia at all times.
5. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
6. The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
7. The proposed sign is to be a single "V" sign and erected wholly within the subject property, generally within the south west corner of the property. Amended plans showing the location of the sign are to be submitted to Council for approval prior to installation.

Prior to Construction Certificate

8. A detailed landscaping plan is to be submitted to Council for approval.
9. Construction of the road, access and drainage works are not to commence until three (3) copies of the plans and specifications of the proposed works are to be submitted to and approved by the Council or an Accredited Certifier.
10. Payment of a Construction Certificate checking fee of \$409.00 and a Compliance Certificate Inspection fee of \$793.00 when submitting Civil Engineering Plans for approval. This amount is valid until 30 June 2006. Fees required if an Accredited Certifier is used will be provided on request.
11. A Traffic Guidance Scheme prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council.

Prior to Commencement of Work

12. All traffic management devices shall be installed and maintained in accordance with the approved traffic guidance scheme.
13. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.
14. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
15. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
16. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.

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17. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
18. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

19. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
20. Five off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, drained, line marked, signposted.
21. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
22. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am – 6:00pm and on Saturdays between 8:00am – 4:00pm.
23. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
24. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
25. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
26. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
27. A bitumen sealed footway crossing 6m wide shall be constructed to the development site in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
28. Widening of the existing bitumen pavement on Wenban Road to 5.5 metres with any transitional works including damage as required. Works are to extend along the frontage of No. 140 from its

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intersection with Creek Ridge Road through to the Northern extent of the proposed six metre wide entry/exit point.

Prior to Issue of Occupation Certificate

29. A report from a suitably qualified and experienced consultant shall be provided to Council for approval which:
 - iv. investigates the operation of the existing on-site sewage management facility and
 - v. confirms that the system is of sufficient capacity to cater for the likely increased load generated by the proposed use, or
 - vi. makes appropriate recommendations for the augmentation, relocation, repair or replacement of the system. Any such works are to be completed to the satisfaction of Council prior to the release of the Occupation Certificate
30. Portable fire extinguisher/s containing an extinguishing agent suitable for the risk being protected shall be installed in accordance with AS 2444 E1.6 in the following locations:
 - Sales counter

Use of Site

31. No internal or external alterations shall be carried out without prior approval of Council.
32. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (e) been assessed by a properly qualified person, and
 - (f) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
33. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
34. No advertising signs or structures shall be displayed on the footpaths, pedestrianways, roadways or on any land other than the approved development site.
35. The development shall be limited to the area shown on the submitted plans.
36. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
37. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
38. All waste materials shall be regularly removed from the property.

Advisory

39. The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
40. The applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company

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(d) a local telecommunications carrier

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

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

ATTACHMENTS:

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Elevations
- AT - 4** Signage

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AT - 1 Locality Plan

[Refer to Maps Agenda/Document](#)

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AT - 2 Site Plan

[Refer to Maps Agenda/Document](#)

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AT - 3 Elevations

[Refer to Maps Agenda/Document](#)

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AT - 4 Signage

[Refer to Maps Agenda/Document](#)

oooO END OF REPORT Oooo

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Item: 257 **ES - Proposed Shop-Top Housing, Lot 121 DP 771719, Lots 1 & 2 DP 577444, Lots 100 & 103 DP 776172, Lot 3 DP 748866, 47 Bells Line of Road, North Richmond - (DA0488/04, 95494, 96329)**

Development Information

Applicant: Urban City Consulting Pty Limited
Applicants Rep: Mr Troy Myers
Owner: Botanic Property Developments Pty Limited and DSLP Pty Limited
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Sydney Regional Environmental Plan No 20 (No2) Hawkesbury Nepean River
State Environmental Planning Policy No 11 - Traffic Generating Development.
State Environmental Planning Policy No 65 - Design Quality of Residential Flat
Development.
State Environmental Planning Policy No 55 - Remediation of Land
Area: 2926sqm
Zone: Business General 3(a) under Hawkesbury Local Environmental Plan 1989
Advertising: 15 September 2004 to 1 October 2004
Date Received: 20 May 2004

Key Issues:

- ◆ Bulk and Scale
- ◆ Car-parking
- ◆ Access
- ◆ Shop-Top Housing Interim Policy

Recommendation: Approval

REPORT:

Introduction

This development application seeks Council approval for a mixed commercial retail and residential development at North Richmond. The site, comprising six existing properties, fronts Bells Line of Road and backs onto Council's car park adjacent to the Bendigo Bank and the laneway between the car park and the BiLo car park. The development is substantial and proposes 32 residential units along with the retail development in two buildings ranging from three to five levels in height with basement parking.

Background

The original development application was submitted on 20 May 2004. The original proposal was for 19 residential units, commercial and residential on the ground floor and involved restoring/rebuilding the existing heritage cottage. The original proposal was lower in scale than the current proposal.

Prior to the original submission discussions took place between the applicant and Council officers. Consistent with advice given at the time to shop-top proponents, the applicant was advised that concessions may be given in relation to on-site parking due to the proximity of the site to services and facilities. The advice was contained within a letter dated 2 March 2004, which stated:

"Consideration may be given to reducing the car parking requirements outlined in the Parking & Access Chapter of the DCP. As a minimum, it is suggested that the mixed use building should provide at least one (1) covered parking space per residential unit and 1 parking space per 30sqm of the commercial floor area".

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These discussions have continued with letters of advice being sent in relation to the proposal. Council's consultant town planner has also been asked to provide comments and has had discussions with the applicant and staff with a number of meetings taking place.

On 13 July 2004 Council resolved to adopt the following interim policy pending any changes to the LEP:

"Council supports residential development within the Business Zones provided it is in the form of shop-top housing which comprises basement parking, the total ground floors area devoted to retail/commercial activity and residential dwellings on upper levels."

Council's resolution was conveyed to the applicants. In response, revised plans were submitted which made the following changes:

- Total ground floor area retail/commercial
- Additional two storeys of residential units (additional 13 units)

A number of deficiencies were identified by Council's town planning consultant. In response, the applicant provided a traffic report and urban design report to support the proposal and some further amendments were made. The most recent amendment, received on 23 June 2005, was to provide an additional basement level of car parking.

It is also noted that Council has informally discussed the appropriateness of development of this scale at a briefing session in January 2005.

On 8 March 2005, Council resolved as follows:

1. *The interim policy relating to Shop-Top Housing development in commercial zones be as follows:*
 - a) *Council supports residential development in the 3(a) and 3(b) zones, provided it is in association with commercial and/or retail development on the same parcel of land;*
 - b) *Ground floors within developments are to consist of commercial/retail units.*
 - c) *Barrier free access to at all residential units within the development is to be provided, in accordance with the requirements of SEPP No 65;*
 - d) *Developments within the Richmond and South Windsor commercial areas, 1 (one) car parking space will be required, for up to 85 (eighty five) square metres floor area of each unit. Above that floor area, and for all other areas the normal car parking requirements of the Development Control Plan will be required.*
 - e) *The concession currently contained in the Development Control Plan within the car parking section, be removed.*
 - f) *The open space requirements of SEPP No. 65 be adopted, for the provision of shop-top housing developments.*
2. *The Development Control Plan be modified to ensure that stack parking solutions are not acceptable for any forms of development other than residential development containing up to 3 (three) dwellings.*
3. *The Hawkesbury Local Environmental Plan be amended in accordance with the Department's Best Practise Guidelines, to reflect this interim policy.*
4. *Applicants with current Development Applications before Council regarding these types of development be informed of Council's resolution on this matter and be invited to amend their applications to comply with the policy. In relation to applications lodged prior to 8 March 2005, the changes made at this meeting are not to be used as the basis for refusal under delegated authority.*

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5. *A further report be presented to Council on the implication for the provision of garbage services to this type of development, once the position has been clarified with the Department of Local Government.*

This resolution was conveyed to the applicant.

The applicant provided a further set of amended plans, which were reported to Council on 28 June 2005. The recommendation was refusal, essentially due to car parking deficiencies. However, at the request of the applicant, the application was not determined.

A final set of amended plans was received late in July 2005. These plans provide for 18 additional car parking spaces on site. This is achieved by increasing and reconfiguring the two basement levels. Also nine residential units, which were marginally larger than 85m² have been reduced in size to 85m². This reduces the parking demand (in terms of the DCP) by four spaces.

The Proposal

Following numerous amendments, the outline below describes the proposal for which the applicant now seeks consent.

The development is for retail shops and pedestrian areas and courtyards on the ground floor with four levels of residential accommodation above. The development is split into two buildings with each of these buildings comprising of a mixture of three levels towards Bells Line of Road and five levels towards the car park and pedestrian way to the rear (south).

The retail development is split into six shops with a combined floor space of 1228m².

Above the shops are provided 32 residential units having a mixture of two and three bedrooms.

99 car parking spaces are provided in two basement levels.

Vehicular access for the development is from the rear, across Council's car parking area. A loading bay is proposed along the western end of the building, with entry from the rear via Council's car park and left turn only egress to Bells Line of Road.

The site currently contains two old cottages, one of which is a listed Item of Environmental Heritage in Council's LEP. These buildings are proposed to be removed as a consequence of the development.

Community Consultation

The original application plans were notified to the community and three submissions received. The amended plans were notified and a further two submissions were received.

Planning Assessment

Section 79C Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development:

- (a) the provisions (where applicable) of:
 - (i) any Environmental Planning Instrument:

The following planning instruments are relevant:

- Hawkesbury Local Environmental Plan 1989.

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- Sydney Regional Environmental Plan No 20 (No2) Hawkesbury Nepean River.
- State Environmental Planning Policy No 11 – Traffic Generating Development.
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.
- State Environmental Planning Policy No 55 – Remediation of Land.

Hawkesbury Local Environmental Plan 1989

The land is zoned 3(a) Business General under the provisions of this plan. Clause 9 of the LEP permits both commercial and residential development within the zone subject to the development being consistent with the zone objectives at clause 9A of the LEP. These zone objectives are:

- (a) *to promote the development and expansion of business activities to meet the optimum employment and social needs of the City of Hawkesbury.*

Comment: The development is consistent with this objective.

- (b) *to permit non-commercial development within the zone where such development is compatible with the commercial character of the locality.*

Comment: Whether the development is consistent with this zone objective is debatable although it is conceded that it is a subjective assessment. Clearly the primary aim of commercial zones is for commercial development. Residential development whilst being permissible is a subordinate use to the primary zone objective of promoting commercial use. The development comprises of 1144m² of commercial/retail space and 3333.2m² of residential space or otherwise a residential/commercial ratio of approximately 3:1. For this to be consistent with the zone objective requires the residential component of the development to be “compatible with the commercial character of the locality”. Within the 3(a) zone at North Richmond there is very little residential development. Some of the older shops have residential units on top but the overall dominant characteristic of the locality is that of a commercial precinct. The actual ratio of commercial to residential floor space is not conclusive as to whether a non-commercial development is satisfactory. Matters such as bulk, scale, access to transport, community needs are also important to consider. Whether it is likely that multi storey commercial space will be required or is viable is also a matter for consideration.

- (c) *To ensure that there is adequate provision for car parking facilities within the zone.*

Comment: This zone objective is satisfied for reasons indicated later in the report.

- (d) *To minimize conflicts between pedestrians and vehicular movement systems within the zone.*

Comment: This zone objective is believed to be satisfied by the design.

- (e) *To preserve the historic character of the City of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.*

Comment: The proposal requires the removal of two old buildings one of which is a listed heritage item within Council's LEP. The removal of these buildings is the subject of consultant's reports and comments from Council's Heritage Advisor. There are differing opinions as to whether these buildings should be able to be removed. The heritage aspects of the development are discussed later. Notwithstanding the merits or otherwise of removing the heritage items their removal would appear to be inconsistent with this zone objective with the question remaining as to whether the inconsistency is justifiable in the circumstances of this proposal.

The following additional clauses in the LEP are applicable:

Clauses 16 & 18– Erection of Residential Flat Buildings and Provision of Services

These clauses require that reticulated water and sewerage and electricity be available to this type of development. Whilst the application is not accompanied by details of the serving abilities of the relevant

authorities it is believed that adequate services would exist subject to a possible contribution to service providers. This can be covered by conditions of consent.

Clause 22 – Development fronting a main or arterial road

Bells Line of Road is a main road and hence this clause applies. It requires additional assessment of the following principles:

- (a) *Development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing scenic character of the locality.*

Comment: There is little scenic merit of the site and the locality at the moment with the exception of the existing heritage police station next door to the site. The development therefore, whilst introducing a new form and scale of development, is not necessarily incompatible with the existing scenic character of the locality.

- (b) *Development should not generate significant additional traffic or create or increase ribbon development directly along a main or arterial road, relative to the capacity and safety of the road.*

Comment: Whilst the development will increase traffic it is considered that the road system is capable of adequately containing this traffic. Egress for service vehicles only is proposed to Bells Line of Road. The Local Traffic Committee has considered the proposal and is in agreement.

- (c) *Any building should be sited and designed to be of an appropriate scale, so as to maintain the character of the area, to minimize disturbance to the landscape, not to intrude into the skyline and to maintain an overall pattern of building development that is consistent with the character of the area.*

Comment: The height and scale of the buildings are unlike other development in the locality. Whilst there will be some intrusion into the skyline the design and location of the taller elements of the buildings minimizes any adverse impacts.

- (d) *Any building should be set back...from the main road... having regard to:*

- (i) *the nature, scale and function of the building;*
- (ii) *sight distances for drivers;*
- (iii) *minimisation of driver distraction;*
- (iv) *future road alignments.*

Comment: The buildings are setback between two metres and eight metres, a distance that is appropriate given the alignments of other buildings along this section of Bells Line of Road. The development has some potential to distract drivers and there will need to be careful control of subsequent advertising signage associated with the development.

Clause 27 – Heritage Items

Requires Council consent to demolish heritage items. The application requests that Council consent to the demolition of one heritage item and another adjacent building of similar age but not listed. The clause also requires that consideration be given to the effect that the development would have on heritage items. This is discussed later.

Clause 28 – Development in the vicinity of Heritage Items

This clause requires an assessment of the impact of the proposed development on any nearby heritage items that aren't associated with the development. The old Police Station building is on adjacent land and therefore the impact of the development on this building is required to be assessed. This is discussed later.

Clause 37A – Acid Sulphate Soils

This clause requires an assessment of the impact of the development on soils that are classified as acid sulphate on a map kept by Council. The site is within an identified acid sulphate locality. The applicant has undertaken no assessment. This can be covered by a condition of consent.

Sydney Regional Environmental Plan No 20 (No2) Hawkesbury Nepean River.

The development is consistent with the water quality objectives of this plan subject to proper engineering practices being implemented during and post construction.

State Environmental Planning Policy No 11 – Traffic Generating Development.

In accordance with this policy the application was referred to the Local Traffic Committee for their consideration.

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.

The Policy provides 10 design principles against which development is to be tested. These are:

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Comment: The development does exhibit good design characteristics however does introduce new types of built elements into the North Richmond locality. If this development is approved and given that North Richmond is undergoing a transition in character, Council will be indicating what it sees as the desired future character of the area.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment: Similarly, the scale of this development is unlike the scale of existing development in the locality and approval of the development will set the desired future character of the area.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment: The built form including its modulation and articulation have properly accounted for public domain, character, streetscape, amenity and outlook. Notwithstanding the height and scale, the building is a good design for the site.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Comment: The commercial density proposed is typical of ground floor densities that might be achieved on aggregated commercial sites. The residential density is higher than normally achieved in Hawkesbury sites and will set new benchmarks for development of other commercial zoned lands. Whether these densities are appropriate will depend on site-specific characteristics. The main rationale for increasing densities in commercial areas is their closeness to shops, facilities and public transport. North Richmond does not have good public transport facilities, however does have a full range of shops and services.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Comment: The design of the proposal is appropriate in terms of solar access and use of light and ventilation. The sustainability of the proposal is a combination of methods of design and construction and ongoing recycling activities etc. Some of these are appropriate for conditions of consent.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-coordinating water and soil management, solar access, microclimate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Comment: Due to the ground floor being used as commercial space there is little landscaping proposed however what is proposed is consistent with commercial spaces. Some feature landscaping is proposed along with a variety of planter boxes in common areas between shops. There are also some planter boxes provided in the common areas outside some of the residential units on the first floor. No other landscaping is proposed with residential units relying on their private balconies for outside space.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Comment: Fourteen of the 32 residential units rely on stair access. The remaining 18 units have the benefit of lift access. Normally this would be a satisfactory ratio of barrier free access to multi unit residential development however it is noted that Council's recent resolution requires barrier free access to 100% of units. This development could not achieve this without significant redesign.

It is noted that the Residential Flat Design Code which supplements SEPP 65 provides a rule of thumb that storage (in addition to wardrobes and kitchen cupboards) should be 8 cubic metres for two bedroom apartments and 10 cubic metres for three bedroom apartments. Small storage cupboards are provided within the units and a "resident store" is provided in the basement. From our assessment it appears that storage provision is below that suggested by the Code. There is sufficient room within the units to comply. This can be resolved with a condition of consent.

Otherwise the development provides satisfactory amenity.

Principal 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Comment: The development satisfies safety and security criteria.

Principal 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

Comment: There is no doubt that the development will provide a range of housing types that is not currently available in the Hawkesbury. Whether North Richmond community requires this type of housing is not known as there has been no social assessment carried out by the applicant. Notwithstanding this lack of social assessment there is believed to be a demand for additional accommodation of all types that are close to facilities and transport. As mentioned there is not a good transport system to/from North Richmond and consequently the majority of shoppers and residents associated with the complex will rely on private transport.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Comment: Other than possibly the number of levels that has an impact (height, bulk and scale commented on elsewhere) the development is of a satisfactory design and has good use of modulation and articulation including textures and finishes.

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State Environmental Planning Policy No 55 – Remediation of Land.

This Policy is in similar terms to clause 37A of the Hawkesbury LEP commented on above. There should be an assessment undertaken however this can be covered by a condition of consent.

(ii) Any Draft Environmental Planning Instrument that is or has been placed on exhibition pursuant to Section 47(b) or 66(1)(b):

Draft amendment No 130 is applicable. The proposal would be permissible under the provisions of this amendment, which, inter alia, promotes the increasing of housing densities around commercial centres. The proposal would be consistent with this draft amendment.

(iii) Any Development Control Plan in force under Section 72:

While there is no specific chapter of the Hawkesbury DCP that specifically deals with this form of development, the Residential Parking chapters have some application.

Residential Chapter

The following table shows the applicable controls in respect of the proposal.

Element	Rules	Provides	Complies
Height		N/A	N/A
Setbacks		N/A	N/A
Development Fronting Rear Lanes		N/A	N/A
Landscaped Areas		N/A	N/A
Private Open Space	Any above ground level balcony or rooftop area designed for <u>private open space</u> must have a minimum area of 10 square metres with a minimum dimension of 2 metres. This area is not included in the calculation for the provision of total <u>private open space</u> .	Range from 2.93m ² to 42.3m ² . Many are only 1m wide.	Yes Refer to discussion below
Common Use Open Space	(a) For development proposals than contain 5 or more units common use open space is required. Concession may be given where it is demonstrated that sufficient useable private open space for each dwelling has been provided. (b) The communal open space should generally have access only from within the site. (c) <u>Common open space</u> for multi-unit housing developments should be accessible from all	Area provided	Yes

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Element	Rules	Provides	Complies
	dwelling within the development. Surveillance of this space should be possible from at least 2 dwellings. (d) Any proposed communal recreational <u>facilities</u> must be designed and located to avoid nuisance or danger to neighbours, residents and visitors.		
Access and Parking	- 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. - 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 as necessary to allow adequate manoeuvring on site. - On site manoeuvring areas shall be provided to allow entry and exit to the site in a forward direction. - 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. - 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. - 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. - 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:	N/A 6.0m Provided N/A Difficulty in reversing from basement spaces.	Applicant relies on AS2890. Refer to discussion below. Yes No No No

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Element	Rules	Provides	Complies
	On one side only to 3.2m On both sides to 3.8m. Refer to Part C Chapter 2 - Car Parking and Access for additional requirements.		
Basement Parking	(a) Only the basement's parking entry should be seen as a separate level in a building. Large exposed foundations, voids and walls are not to be used. (b) No part of a basement should extend more than 1 metre above natural ground level so the height of the building is not excessive. (c) Consideration may be given to a sump and pump where storm water volumes are low based on merits of the site	Complies Extends 1.5m above ground for approx 50% of Bells LOR elevation	Yes Refer to discussion below
Visual Amenity	(a) Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP. (b) Where there is no alternative to a window, it should be screened.	Complies	
Acoustic Privacy	(a) Acoustic privacy is to be considered at the design stage. (b) Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows (c) A distance of at least 3 metres should separate openings of adjacent dwellings.	Does not comply for units 12/13, 17/18, 24,25, 28/29	Can be conditioned
External Noise and Vibration		N/A	
Safety and Security	(a) Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road. (b) Barriers to prevent movement between internal roof spaces of adjoining dwellings are required.	Complies	

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Element	Rules	Provides	Complies
	(c) 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.		
Cables	(a) The design, location and construction of <u>utility services</u> must satisfactorily meet the requirements of both the relevant servicing authority and Council.	Complies	
Recycling, garbage and mail	(a) Collection areas must be integrated into the overall site and building design.	Service area provided	Yes
Effluent Disposal		Reticulated sewer available	
Fencing and Retaining Walls		N/A	
Energy Efficiency Chapter	(a) NatHERS Assessment or Energy Performance Statement	Provided.	Yes

Private Open Space

The DCP requires that all private open space provided as balcony should be a minimum of 10m² with a minimum dimension of 2m. The development provides a number of balconies off bedrooms, which are less than the required dimensions. However all units have one compliant balcony located off a living area. The additional small balconies add to external design interest and generally improve amenity. Accordingly private open space areas are considered to be satisfactory.

Visibility of Basement

The site slopes from the rear down to Bells Line of Road and also from east to west. While the ground floor at the rear of the development is approximately at ground level, the ground floor level closest to Bells Line of Road varies from 0.8m and 1.5m above ground level. Although this means that the basement is higher than the ground level, it will not be visible as a 'deep soil zone' covering the full frontage of the site and 8m wide is provided. Also, the combination of paving, planting, steps and pedestrian areas, means that the basement will not be visible from Bells Line of Road.

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Parking Chapter

The parking chapter of the DCP requires parking to be provided at the following rates:

Commercial/Retail:	1 space per 30m ² of gross floor area
Residential:	1 covered space per small dwelling (GFA less than 55m ²)
	1.5 covered spaces per medium dwelling (GFA 55 to 85m ²)
	2 covered spaces per large dwelling (GFA more than 85m ²)
	1 visitors space per 5 dwellings or par thereof

The chapter also states that "consideration will be given to reducing car parking rates for residential development in commercial zones, particularly for 'shop top' housing." Our pre-lodgement advice of a minimum of 1 space per residential unit and 1 space per 30m² of commercial retail floorspace was based on this statement in the DCP.

Council's interim policy on shop-top housing, adopted 8 March 2005, provides no parking concessions for development at North Richmond.

The following table details the parking required for the development under various assumptions for comparison purposes:

	Commercial Spaces	Residential Spaces	Total Spaces
DCP with no concession for shop-top	41	67	108
DCP with concession as per Richmond & Windsor	41	62	103
Application provides	Total spaces		99

Note: Commercial gross floor area is 1228m².

The above table shows a DCP shortfall of nine car parking spaces. By comparison, the original DA for 19 residential units and 584m² of commercial/retail had a shortfall of 25 spaces. However, assessment of that proposal was not completed.

Two shop-top developments have been approved in Riverview Street. These are much smaller developments than this proposal. They are on small parcels of land, are only two storeys and had no ability to provide a second basement level. By comparison, those developments (6 & 24 Riverview Street) were ten and nine spaces below the DCP rate.

While our pre-lodgement advice was that as a minimum, one space per 30m² of commercial floorspace and one space per residential unit may be considered, the applicant has made numerous amendments to increase the number of spaces and therefore reduce the shortfall to a minimal number.

The DCP also contains minimum dimensions for car parking spaces and aisle widths. The aisle widths in the basement levels are 6.0 metres, whereas the DCP requires a minimum aisle width of 6.7metres. This matter has been the subject of considerable discussion with the applicant. It is recognised that the aisle width dimensions within Council's DCP are in excess of the that required by Australian Standard AS2890.1:2004. The applicant has provided a statement by Christopher Stapleton Traffic Consultants, which confirms that the proposed basement parking levels fully conform to the requirements of AS2890.2004.

It is therefore, concluded that the parking provisions and access for the development is acceptable. The concession requested equates to a minimal shortfall of some 8% and Council would have difficulty in sustaining a view that the Australian Standard for car parking is not acceptable.

Community Consultation

The application was notified and advertised from 15/09/2004 to 1/10/2004. Three submissions were received. All three submissions raised concern about the bulk and height of the building, while one

submission objected to the demolition of the heritage item and adjoining cottage. The amended plans were exhibited and two submissions were received. One submission is on behalf of Caltex Australia raising concern to ensure that adequate design and acoustic treatment is in place due to their 24 hour operation opposite the site. The other submission is from a North Richmond resident and worker, who raises numerous issues relating to:

- Height, scale and character
- Lack of infrastructure
- Lack of open space
- Ratio of commercial to residential
- Traffic and parking
- Access over Council car park

These matters are addressed within this assessment report.

Planning Assessment

Context & Setting

The context and setting of the site is appropriate for a mixed commercial/residential development. Whether the provision of a development that provided up to five storeys is appropriate for the locality is largely subjective. The development provides good use of building forms and locations including setting back from Bells Line of Road the highest building components. This will however have some impact on commercial amenity for those properties adjoining to the south where the public lane access way between the car park adjacent to the Bendigo Bank and the BiLo car park will be presented with a five storey commercial and retail building. Shadow impact is however acceptable and not excessive.

Access, Transport & Traffic

As mentioned it is the preferred option of the RTA and the applicant's traffic consultant that access from Bells Line of Road be denied except for egress of delivery vehicles. Access for residents, visitors and business operators to the basement car park is proposed to the rear and through Council's car park adjoining the Bendigo Bank. The applicant will be required to make necessary alterations within the car park to assist traffic flow, and no carparking spaces will be lost.

Legal advice has been sought as to the requirements for securing access over Council's car park. The carpark is zoned Business General 3(a) and is classified as Community Land under the Local Government Act 1993. Council's solicitor has advised that as the land is classified as community land, Council is unable to legally issue any licence or lease for access purposes. Council does however have the ability to allow access to occur on an informal basis only. The legal advice confirms that the development can be approved, with access over Council's car park on an informal basis.

Council staff are currently reviewing the classification of all public car parking areas, and a recommendation concerning this will be submitted for consideration as soon as possible. In relation to the subject development, it is proposed to include a condition requiring formal arrangements to be made in the future if and when the land is classified Operational.

The development application was considered by the Local Traffic Committee on 18 May 2005. The Committee supported the development with the following recommendations:

1. *Speed control by way of Watts Profile Speed humps be provided (minimum four) in the car park along the travel route and in particular within the access point to Riverview Street. (Two along the eastern roadway, one half way along the western roadway and one half way along the southern roadway);*
2. *nil net loss of parking spaces within the car park;*
3. *the RTA monitor the exit point from the site to Bells Line of Road given its close proximity to the signalised intersection of Grose Vale Road/Terrace Road. Also the*

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- installation of "Left Turn Only" on exit and "No Queuing" across traffic for exiting vehicles;*
4. *control within the development limiting only service vehicles to exit onto Bells Line of Road. Internal speed humps at entry and exit, as well as a boom gate be placed along the service road. "No Entry" signs fronting onto the car park for vehicles other than service vehicles;*
 5. *signage at the Bells Line of Road end of the service road to be appropriately sign posted to prohibit vehicles entering the service road from Bells Line of Road.*

Council recently considered a report, which proposes to provide traffic signals at the intersection of Riverview Street and Grose Vale Road. The cost is estimated at \$170,000. Although this project is not contained within Council's section 94 Contributions Plan, it is considered that new development in the immediate locality will contribute to the demand for traffic signals. Additional traffic through this intersection will be a direct consequence of the development and it is therefore appropriate for the subject development to contribute towards the cost. The applicant's traffic consultant has assessed RTA traffic flow data and based on estimated vehicle trips generated by the development, the development would represent between 4% and 6% of traffic flow through the intersection. The traffic consultant states that it would accept Council seeking a contribution equivalent to a maximum of 5% of the cost of the signals. This equates to \$8,500.

Public Domain

A number of submissions were received. The issues are dealt with in this assessment.

Heritage

The proposal includes the demolition of a listed heritage item and another similar dwelling but not included within the heritage list. The applicant's heritage consultant has recommended that the buildings be removed following their proper recording. It is suggested that the buildings are beyond economic salvation and are not appropriate for inclusion into the development.

There are submissions from local heritage groups that urge the dwellings to be saved and incorporated into the development. Council's heritage advisor also believes that the dwellings should be retained.

There is no doubt that the dwellings would require significant expenditure to bring them to a state of use. Council is presented with contrary views from recognized heritage consultants and in the end an assessment is required balancing both heritage viewpoints and the wider community interest in the appropriateness of this development.

Clause 30 of Council's LEP requires notification to the Heritage Council should it be Council's intention to permit demolition of the heritage listed dwelling. The Heritage Council has 28 days to respond. Should the Heritage Council not respond or should it not object to the demolition then the consent to demolish can be issued. Should the Heritage Council respond by indicating that it does not agree with the demolition then Council's LEP is silent as to what then happens. Presumably the Heritage Council can arrange for an Interim Conservation Order to save the building pending further advice.

On the balance of issues it is considered that the dwellings are beyond reasonable repair and should be removed as a consequence of the development if ultimately approved.

Additionally Council is required to assess whether there will be an impact from the development on other heritage items in the vicinity of the site. The old Police Station on Bells Line of Road to the east of the site is one such item. It is considered that the subject site is sufficiently removed from the Police Station site that no adverse impact will arise.

Other Land Resources

There are no other identified land resources applicable to this site.

Water

Reticulated water is available subject to possible augmentation costs. Storm water from the site can be controlled subject to appropriate design and conditions.

Soils

Existing soil types should pose no impediments to development as proposed.

Air & Micro-climate

There would be no calculable climate impacts arising from the proposal.

Flora & Fauna

There are no flora or fauna issues associated with the site. It is noted that the large palm trees at the front of the site are to be incorporated into the development and it's landscaping, however some mature native trees will be removed.

Waste

Garbage and recycling facilities are incorporated into the design, an appropriate condition requires details for the waste disposal/garbage collection.

Energy

Compliant NatHERS assessment has been received.

Noise & Vibration

This will be satisfactory subject to appropriate conditions of consent relative to hours of construction etc.

Natural Hazards

There are no natural hazards associated with the site.

Technological Hazards

There are no technological hazards associated with the site.

Safety, Security & Crime Prevention

Satisfactory

Social Impact in the Locality

The applicant has carried out no social impact assessment. Accommodation as proposed is believed to be required within the Hawkesbury however, its appropriateness in an area of poor public transport is questioned. On balance, the presence of additional residential accommodation within the commercial precinct and the additional variety of accommodation available will have a positive social impact.

Economic Impact in the Locality

A positive impact is expected due to construction costs/jobs and the ongoing multiplier effect. Also providing additional residential accommodation within the commercial area will have ongoing positive benefits.

Site Design and Internal Design

Satisfactory.

Cumulative Impacts

Cumulative impacts can be expected if this proposal is approved due to the likelihood of similar developments being proposed in commercial areas. There is one such proposal currently being designed on the adjacent land around the former Police Station site. An issue for Council to decide is whether the height and bulk of this development is acceptable at North Richmond. Approval of the development will signal a recognition that the height and bulk is acceptable.

(b) *The suitability of the site for the development:*

The site is suitable for a mixed commercial/residential development.

(c) *Any submissions made in accordance with this Act or the Regulations:*

As mentioned, will require notification to the Heritage Council if approval is recommended.

(d) *The public interest*

Generally satisfied by the proposal.

Conclusion

The development has many positive attributes and a mixed commercial/residential development of the site is generally supported. The design of the building is acceptable and the requirements for design and amenity contained within SEPP 65 are satisfied. Traffic and access issues have been resolved and the minor deficiency in car parking spaces is considered acceptable in the context of the scale of the development.

The issue of character and height is one, which Council must carefully consider, as this development will essentially be a benchmark for the changing character of North Richmond.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan, i.e.

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on Budget

RECOMMENDATION:

That:

- A. In accordance with clause 30 of Hawkesbury Local Environmental Plan 1989, Council notify the Secretary of the Heritage Council that it intends to issue development consent for the development, including demolition of a heritage item.
- B. After 28 days from the notification referred to in Part A, development consent for a mixed commercial/residential development at 47 Bells Line of Road North Richmond be approved subject to the following conditions:

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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 CT Architects dated 20 July 2005 numbered DA 04191:01-21, Issue I) submitted with development application DA0488/04 and any supportive documentation, except as otherwise provided by the conditions of this consent.
2. The development shall be completed in accordance with the approved colours and finishes nominated in the colour schedule submitted with the development application DA0488/04.
3. The two large palm trees located close to Bells Line of Road are to be retained. This consent covers the removal of other trees and vegetation from the site for the construction of the approved buildings, structures, permanent accessways and car parks.
4. Storage areas shall be provided for all residential units in accordance with the Residential Flat Design Code, which supplements SEPP65.
5. A distance of at least 3 metres shall be provided to separate openings of adjacent dwellings for units 12/13, 17/18, 24/25, 28/29.
6. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979 and the Building Code of Australia.
7. Prior to construction of the approved development it is necessary to obtain a Construction Certificate.
8. No excavation or site works shall be commenced prior to the issue of the Construction Certificate.
9. This consent includes approval for the occupation and use of the approved commercial and retail units for commercial and retail purposes.
10. Should the public car parking area adjacent to the development be re-classified under the Local Government Act as "operational", the applicant and or owner shall at that time obtain legal access to the development over the car park.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.

11. A monetary contribution is to be paid to Council pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

a)	Open Space and Recreation	\$51,027.34
b)	Community Facilities	\$72,165.68

The above contributions have been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

Contributions are to be paid prior to issue of the Construction Certificate.

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The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contribution Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index, as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for 3 (three) months.

12. As a consequence of the additional traffic to be generated by the development, a contribution in the amount of \$8,500 shall be paid to Council towards the cost of providing traffic signals at the intersection of Riverview Street and Grose Vale Road.
13. Construction of civil works including road, drainage, access or sewer works are not to commence until 3 (three) copies of the plans and specifications of the proposed works are submitted to and approved by the Director External Services or an accredited certifier.
14. Payment of a design checking fee and inspection fee when submitting Engineering Plans for approval.
15. The submission of Engineering designs and calculations covering all works required by this Consent.
16. The submission of a satisfactory Soil and Water Management Plan (SWMP) prepared in accordance with the State Government Guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".
17. Submission of proof of the payment of the Building Industry Long Service Levy.
18. A Construction Management Plan is to be submitted prior to the issue of the Construction Certificate.
19. A preliminary assessment of the proposed excavation works in accordance with the Acid Sulphate Soils Assessment Guidelines shall be submitted to Council for consideration. Subject to the findings of the preliminary assessment, an acid sulphate soils management plan may be required to be prepared and implemented by the applicant.
20. Plans showing the extent of excavation, together with details of the method retaining, draining and stabilising of the disturbed areas shall be submitted to and approved by Council prior to the issue of the Construction Certificate.
21. Retaining walls are to be designed by a suitably qualified and experienced Engineer.
22. A report shall be submitted from a suitably qualified professional which confirms that the design of the residential units meets all necessary acoustic requirements to ensure that the residential amenity in terms of noise intrusion is acceptable.

Prior to Commencement of Works

23. The heritage item is to be photographically recorded to the levels specified by the NSW Heritage Office "Guidelines for Photographic Recording of Heritage Items". Two copies of this record shall be lodged with Council.
24. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to commencement of works.
25. If the work involved in the erection or demolition of a building:
 - a) Is likely to be dangerous to a person in a public place or adjoining property;

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- b) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- c) Involves the enclosure of a public place.

A hoarding or protective barrier must be erected between the work site and the public place. Such hoarding or barrier must be designed and erected in accordance with Council's requirements and Work Cover requirements/guidelines.

If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work, falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

The applicant is to provide drawings and details to Council's Building Surveyor for approval **prior** to such installation/erection.

- 26. The applicant or person having the benefit of this development consent must give at least 2 (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 Regulations 1998.
- 27. 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.
- 28. A waste management plan shall be submitted for consideration and approved by Council. 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.
- 29. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved ESCP or SWMP. In the absence of any approved plan the work is to be in accordance with Council's Development Control Plan 1/94 - Soil Erosion and Sedimentation.
- 30. Adjoining owners are to be given 24 hours notice, in writing, prior to commencing demolition to enable them to take necessary action to prevent disturbance by dust to both inside and outside their dwelling.

During Construction

- 31. 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) foundations;
 - (d) steel reinforcement;
 - (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 of any bath and shower fixtures;
 - (g) internal drainage lines prior to covering;
 - (h) external drainage lines, prior to backfilling;
 - (i) fire protection to penetrations;

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- (j) on completion of the structure;
- 32. The two palm trees located near Bells Line of Road are to be protected from damage at all times during demolition and construction. A physical barrier shall be erected around the trees to prevent damage by vehicles equipment or storage of materials.
- 33. All necessary works being carried out to ensure that "any water" flow from adjoining properties is not impeded.
- 34. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
- 35. The site shall be secured to prevent the deposition of any unauthorised material.
- 36. 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.
- 37. 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, natural watercourse, footpath, kerb or road surface.
- 38. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 39. 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.
- 40. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without approval.
- 41. 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.
- 42. Should any Aboriginal site or relic or European relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service or the Heritage Office (European relic) consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 and Heritage Act.
- 43. 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 development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- 44. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. Such work is to be guarded and protected to prevent it from being dangerous to life or property.
- 45. If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
 - a) Must preserve and protect the building from damage; and
 - b) If necessary, must underpin and support the building in an approved manner; and
 - c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the

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adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

46. 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.
47. 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.
48. The demolition work is to be executed by a competent person, with due regard for safe working practices and in accordance with the requirements of the WorkCover Authority. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - a) The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.
 - b) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes. Severe weather changes refer primarily to localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.
 - c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - d) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.
 - e) Unless otherwise permitted by Council, structures shall be demolished in the reverse order to that of their construction. The order of demolition for buildings shall be progressive, having proper regard to the type of construction.
 - f) In consideration of the proximity of the site's adjoining buildings:
 - i) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - ii) No demolition activity is to cause damage to or adversely affect the structural integrity of adjoining buildings. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of demolition and appropriate action taken.
49. All debris (including felled trees) resulting from the approved clearing of the site for construction is to be removed from the property unless alternative arrangements are agreed to, in writing, with this office.
50. Removal of the existing redundant laybacks and footway crossings and replacement with concrete kerb and gutter and the restoration of the footway area.
51. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site.

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52. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm at predevelopment levels.
53. The construction of full width concrete path paving and all necessary drainage over the frontage of the site, together with any necessary works to make this construction effective.
54. 99 car parking spaces are to be provided on site in accordance with the approved plans.
55. Disabled parking is to be provided in accordance with Australian Standard AS2890.1 - 1993 and the Building Code of Australia.
56. A sump and pump stormwater drainage system is to be provided to drain the basement car park.
57. All security fencing proposed for the development should be of an open style decorative nature and should complement the approved building design.

Prior to Issue of Occupation Certificate

58. 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.
59. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.
60. The owner shall enter a positive covenant with Council which provides the following:
 - (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
 - (c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.
61. Submission of a report by the Design Engineer stating the conformance or otherwise of the system in relation to the approved design.
62. Works-As-Executed drawings for the One Site Detention Stormwater System which indicate the following shall be submitted to and approved by Council:
 - (a) Invert levels of tanks, pits and pipes
 - (b) Surface levels of pits and surrounding ground levels
 - (c) Levels of surrounding kerb
 - (d) Floor levels of buildings
 - (e) Top of kerb levels at the front of the lot; and
 - (f) Extent of inundation
63. "Left Turn Only" and "No Queuing Across Traffic" signs are to be installed at the service vehicle exit to Bells Line of Road.

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64. A "No Entry" sign, visible from Bells Line of Road, shall be installed at the service vehicle exit.
65. A "Service Vehicles Only" sign and a boom gate shall be installed at the service vehicle entry from the Council car park.
66. Speed humps shall be installed near the service vehicle entry and exit.
67. Changes to the Council carpark adjoining the property are to be implemented at the cost of the applicant. These changes include widening of the access to Riverview Street, relocating and constructing car parking spaces, and traffic flow direction marking, in accordance with the approved plan DA04191-02.
68. Speed control by way of Watts Profile Speed humps shall be provided (minimum four) in the car park along the travel route and in particular within the access point to Riverview Street. (Two along the eastern roadway, one half way along the western roadway and one half way along the southern roadway)
69. The rear public walkway shall be constructed in accordance with the approved plan DA04191-02 at the cost of the applicant. The construction shall include paving, planter boxes, permanent seating, landscaping and sail cloth structures as depicted in the photographic perspective submitted with the application.
70. Landscaping shall be completed in accordance with the approved landscaping plan and shall be maintained in perpetuity by the existing or future owners and occupiers of the property.
71. Registration of a Plan of Survey consolidating the site into a single allotment. Documentary evidence to be submitted prior to occupation of the building.
72. Submission of a S73 Compliance Certificate under the Sydney Water Act 1994.
73. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of underground electricity supply to each of the resultant units.
74. 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.
75. Submission of written details to Council for approval demonstrating what arrangements have been made for waste disposal/garbage collection for the development.

The Use of the Site

76. Any lighting on the site is to be directed in such a manner that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
77. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
78. The basement parking spaces shall be available for the use of occupants, visitors and customers.
79. Any internal or external alterations being the subject of a separate development application.
80. All waste materials to be stored and disposed of at regular intervals.
81. 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.

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82. No signs shall be displayed on the footpaths, pedestrian ways, road-ways or in the vicinity.

ATTACHMENTS:

AT - 1 Plan Booklet - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 258 **IS - Kurrajong Trees - (95495, 79426, 90311, 107, 94492)**

Previous Item: NM, Ordinary (22 February 2005)
IS, Ordinary (12 July 2005)

REPORT:

Council at its meeting of 12 July 2005 resolved:

"That the replanting of the trees in Kurrajong Village be deferred until the Westpool report has been received and an appropriate species determined through consultation with the Kurrajong Community Forum and action in this regard be taken within one month of the report becoming available."

The Westpool report on planting of urban street trees was received on 15 August 2005 with a list of trees recommended and not recommended for planting on streets. As well, the author visited the site in the Kurrajong Village and listed six suitable site specific tree for consideration. On Thursday 18 August 2005 the Kurrajong Community Forum met for its Annual General Meeting and a presentation was given. The Callery Pear (*Pyrus calleryana* 'Bradford') was chosen, however, after further investigations by some members of the Forum there was some doubt in relation to the life of the tree and possible brittle branches. An alternative tree, the Claret Ash (*Fraxinus oxycarpa* 'Raywood') was then chosen. And Forum members advised there was general agreement to the change.

All Councillors were notified of the decision for replanting of the trees by email on Friday 19 August 2005 with a deadline of 5.00pm on Monday 22 August 2005 to lodge any objections/feedback.

Four mature Claret Ash will be planted 17 metres apart adjacent to Bennett's Real Estate, the hardware store, Kurrajong Cellars and the Cellars' carpark. There is a need to locate utility services, source root guards and appropriate tree guards to keep the trees upright and protect them. It is anticipated that the planting will be undertaken prior to the end of August.

Conformance to Strategic Plan

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

"Direction: establish a framework to define and equitably manage the infrastructure demands of the city."

Funding

Funding is provided with the Tree Planting Budget.

RECOMMENDATION:

That the actions taken to replant mature Claret Ash trees in Kurrajong Village be endorsed.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 30 August 2005****SUPPORT SERVICES****Item: 259 SS - Monthly Investments Report - July 2005 - (79349, 95496)****REPORT:**

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 tables outline the investment portfolio held by Council as at the end of July 2005. All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

July 2005

Investment Type	Balance B/fwd	Deposits	Withdrawals	Accrued Interest Reinvested	Balance End of Month
Managed Funds	\$14,386,804.81		-\$2,000,000.00	\$66,597.75	\$12,453,402.56
On Call Funds	\$700,000.00	\$2,050,000.00	-\$2,450,000.00		\$300,000.00
Term Investments	\$820,000.00				\$820,000.00
Direct Investments	\$3,500,000.00				\$3,500,000.00
TOTAL	\$19,406,804.81	\$2,050,000.00	-\$4,450,000.00	\$66,597.75	\$17,073,402.56

Investment Commentary

The investment portfolio decreased by \$2.333 million during July 2005. The decrease is representative of the increase in expenditure over income for the month of July. The 2004/2005 rate notices were posted on 25 July 2005 which should realise significant revenue in August ahead of the first instalment due date of 31 August 2005.

Managed Fund performance exceeded the benchmark (UBS Australia) Bank Bill Index in July 2005 with an average return after fees of 6.243%, compared with the index of 5.80%. The managed funds portfolio has achieved a return after fees for the past 12 months of 6.193%, which has outperformed the (UBS Australia) Bank Bill Index of 5.66% for the corresponding 12-month period.

Official cash interest rates have remained unchanged at 5.50%.

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.

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.

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Conformance to Strategic Plan

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

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

Funding

Funds invested with the aim of achieving budgeted income in 2005/2006.

Lisa Desmond
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 30 August 2005**Item: 260****SS - June Quarterly Review - 2004/2005 Management Plan - (79350, 107)****REPORT:**

The June Quarterly Review of the 2004/2005 Management Plan is reported to Council in accordance with the requirements of the Local Government Act 1993 as amended. The review for the 12 month period ending 30 June 2005 has been completed prior to completion of the financial reports and audit. The pre-audited financial reports are expected to be presented to Council at the Ordinary Meeting in October with the audited financial reports presented to Council in November.

The June Quarterly Report estimates a balanced position subject to final audit and the recommended budget revisions detailed in this report.

A summary of major variations from the adopted budget are as follows:

Favourable Adjustments

Component	\$	Variation Explanation
Investment Income	(93,000)	Additional investment earnings.
Rating Services	(40,000)	Additional rating income and reduced printing, valuation fees and rate collection costs.
Animal Control	(55,000)	Additional animal control income from life-time registration and impounding fees.
Capital Works Savings	(195,000)	Identified savings in capital works expenditure attributed to library services, fleet, printing, parks and roadworks.
Parks Capital Works	(108,424)	Capital works projects not to be carried forward and funds to be transferred to working funds - Wilberforce Cemetery, Bilpin Park, Aboriginal Memorial Reserve, Panorama Crescent and Peter Place.
Roadworks Capital Works	(147,000)	Capital works projects not to be carried forward and funds to be transferred to working funds - Lower Colo Road and Mitchell Drive.
Total Favourable Adjustments	(638,424)	

Unfavourable Adjustments

Component	\$	Variation Explanation
Computer Services	37,000	Additional computer licensing fees.
Building Maintenance	36,000	Additional costs for provision of office space within Administrative building and utility costs for associated buildings.

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Component	\$	Variation Explanation
Development Control & Sewerage Management Facilities	58,000	Net development income (\$45,000), additional legal and consultancy expenses \$50,000 and less than budgeted sewerage management inspection fees \$53,000.
Property Development & Administration	53,000	Additional, maintenance expenditure on buildings and costs associated with recruitment of staff including agency fees, advertising and short listing
Road Maintenance	158,000	\$61,000 2003/2004 contribution to BHSC for maintenance on Boundary Road, \$32,000 additional plant hire costs and \$65,000 attributed to essential maintenance and repairs required after heavy rains in October.
Ferry Operations	68,000	Net increase in expenditure required on major overhaul of Ferry at Lower Portland.
Land Mgmt - Parks	68,000	Additional expenditure required on safety rectifications, vandalism and mowing.
Hawkesbury Leisure Centre	46,994	Additional expenditure to fund quarterly deficit of HLC.
Operations Management	67,000	Additional plant operating costs attributed to rising fuel prices and other associated costs.
Other Minor Variations	46,430	Various net minor variations across all programs.
Total Unfavourable Adjustments	638,424	

These adjustments have resulted in a nil net budget position for the period ending 30 June 2005. These variations are discussed in more detail in the 2004/2005 Management Plan June Quarterly Review.

Carry Forward Projects

The 2004/2005 Management Plan June Quarterly Review also details program budgets requiring variation due to carry forward projects from the 2004/2005 financial year to the 2005/2006 financial year.

The 2004/2005 carry forward project requests total \$9.45 million, consisting of \$8.42 million Capital and \$1.03 million Operational funded as follows:

Carryforward	Total	Specific Reserve	Loan Reserve & Working Funds	Grants
Operational	\$1,034,292	\$29,210	\$181,748	\$823,335
Capital	\$8,414,736	\$4,327,914	\$2,718,983	\$1,367,839

Carry forward requests have been limited to capital works, grant funded projects and specific one-off operational projects.

A detailed summary of carry forward projects are contained within the 2004-2005 Management Plan June Quarterly Review.

Carry forward projects include:

- \$2,017,000 - Construction of the New Museum;
- \$1,197,000 - Upgrade of rising mains;
- \$401,000 - Roads to Recovery Program funding;
- \$564,000 - Environmental works associated with installation of GPT"s at King Rd and Duke Rd and EMP for Bushland Studies;
- \$1,611,000 - Road construction work including kerb, guttering & drainage works and car parking;
- \$881,000 - Park related projects including park improvements, landscaping, furniture, bush regeneration and S94 improvements; and
- \$1,534,000 - Building related projects including scheduled maintenance and repairs, S94 community buildings and grant funded projects.

Conformance to Strategic Plan

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

"Objective: Preparation of Quarterly Reviews of Management targets and financial information."

Funding

Budget variations include an amount of \$9,449,028 in carry forward projects from 2004/2005 to be funded as tabled above.

At the conclusion of the results for the financial year ending 30 June 2005 the estimated surplus is nil, subject to final audit.

RECOMMENDATION:

The quarterly review of the 2004/2005 Management Plan including carry forward projects and Financial Statement for the period ending 30 June 2005 be adopted.

ATTACHMENTS:

AT - 1 2004/2005 Management Plan Review - June Quarter - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 30 August 2005

Item: 261 **SS - Outstanding Receivables - Arrears of Rates and Charges 2004/2005 - (79348, 96332, 107)**

REPORT:**Outstanding Rates and Charges**

Detailed below is a summary of the outstanding rates and charges as at 30 June 2005.

Charge Type	Amount
Rates Residential	\$635,187.06
Rates Business	\$30,033.91
Rates Farmland	\$4,934.90
Rates Ex-Gratia	\$58.32
Environmental Stormwater Charge	\$35,114.17
Garbage Residential	\$189,574.91
Garbage Business	\$6,486.85
Interest	\$44,946.01
Legal Costs	\$10,354.51
Sewer Residential	\$90,282.04
Sewer Business	\$2,847.79
Sullage	\$180,776.86
Rates Credit Balances	-\$86,348.87
Net Arrears	\$1,144,248.46
Add Postponed Rates	\$70,755.25
Gross Arrears	\$1,215,003.71

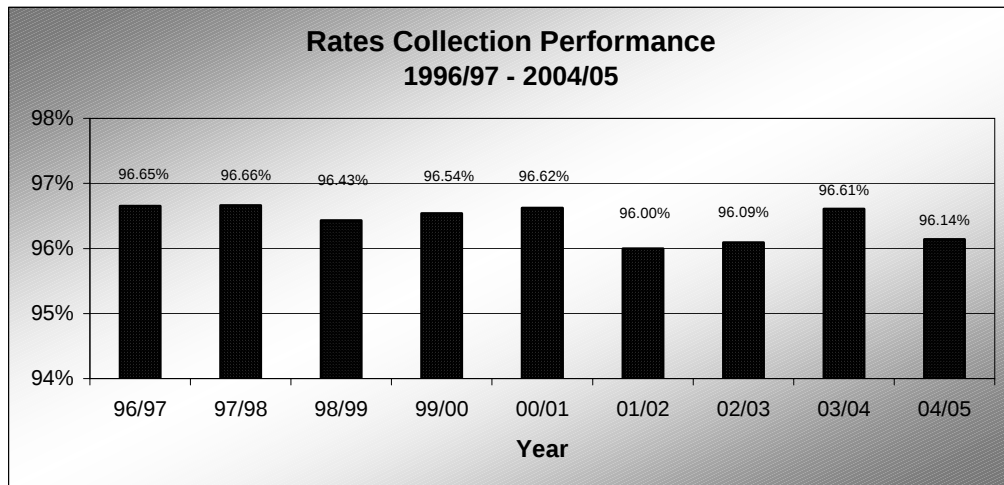
Collection Performance

The rates and charges levied in 2004/2005 combined with the gross arrears brought forward from 2003/2004 resulted in a total collectable amount of \$31,442,712.50.

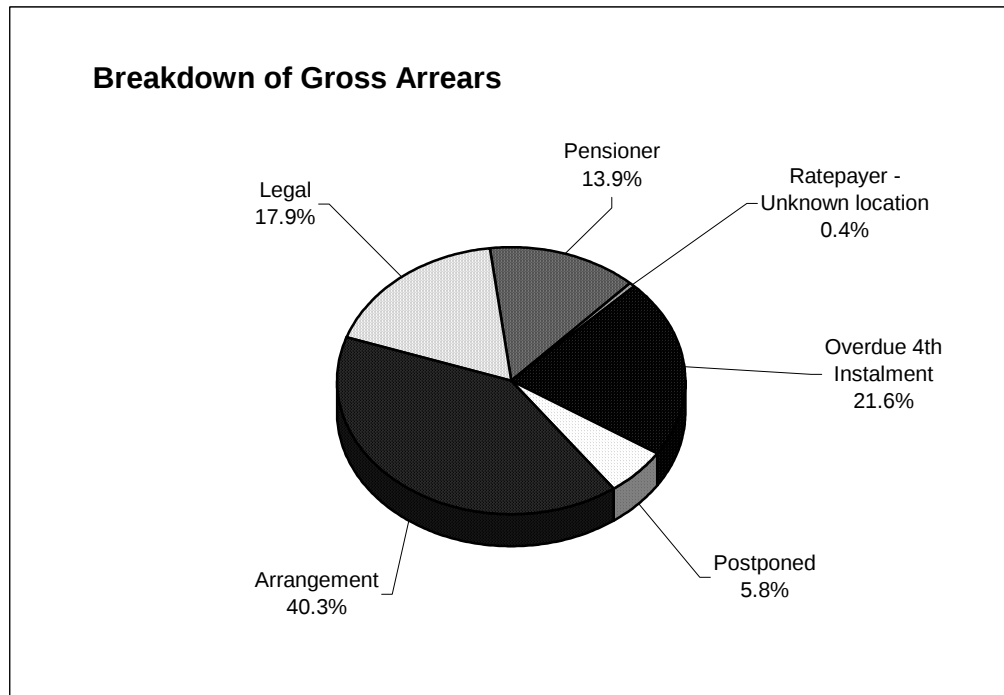
For 2004/2005 total collections of \$30,227,708.79 were received. This resulted in a collection performance of 96.14%. Collection performance over the past nine years has been maintained at a relatively constant rate, as depicted in the following graph.

ORDINARY MEETING

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The outstanding rates and charges are accounted for as follows:



Abandonment of Receivables

Rates and Charges totalling \$25,527.41 were abandoned during the year as a result of postponed rates write offs, changes in rating classification, waste service abandonments, removal of incorrect interest charges and legal costs and end of year small balance write offs. Provision for the writing-off of these amounts is contained in the *Local Government Act, 1993*.

In addition to the above rates and charges, other receivables totalling \$3,332.90 have proved irrecoverable either at law, economically or otherwise and are now recommended for abandonment.

Delegation has previously been granted for the Responsible Accounting Officer to approve the abandonment of debts below \$500.00. Any debts over this amount may be written off only by resolution of the Council. Debts which were written off under delegated authority totalled \$2,287.90.

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A schedule will be tabled providing details of the receivables for 2004/2005 totalling \$1,045.00 requiring a resolution of Council for abandonment.

Conformance to Strategic Plan

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

"Objective: Timely and Accurate processing of accounts receivable function"

"Follow up of overdue debts to Council. Includes debtors aging and continual follow-up of overdue amounts".

Funding

A provision for debt write offs is provided within the 2005/2006 Budget.

RECOMMENDATION:

That:

1. The report on the outstanding receivables and arrears of Rates and Charges for 2004/2005 be received.
2. Rate and Charges totalling \$25,527.41 be abandoned against the 2004/2005 rating year in accordance with the Local Government Act, 1993.
3. The abandonment of other receivables totalling \$2,287.90 under delegated authority to the Responsible Accounting Officer be noted.
4. Other receivables totalling \$1,045.00 requiring a resolution of Council be written off in accordance with the *Local Government (Financial Management) Regulation, 1993*

ATTACHMENTS:

AT - 1 Schedule of other receivables submitted for abandonment will be tabled at the meeting.

oooO END OF REPORT Oooo

ORDINARY MEETING
Meeting Date: 30 August 2005

Item: 262 SS - Payment to Hawkesbury Sports Council Inc - (107, 79350, 73611)

REPORT:

Set out below are the summarised financials as at 30 June 2005, of Hawkesbury Sports Council Inc (HSCI) that Council resolved to allocate funds for 2004/2005.

Organisations (Unaudited Results)	Income	Expenses	Surplus (Deficit)
Hawkesbury Sports Council Inc.	\$880,893.38	\$599,249.89	\$281,643.49

HSCI has reported an operating surplus for the period ending 30 June 2005 of \$281,643.49. 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 2004/2005 to HSCI was \$781,109.00 which included \$215,000.00 for Capital expenses.

HSCI's report to HCC is as follows:

"The end of the 2004/5 financial year (prior to audit adjustments) resulted in a Net Profit of \$281,649.49 with total available funds of \$312,952.87.

From the \$215,000 Capital Works allocation for this period, \$138,773 was expended on capital projects and \$35,608 on plant & equipment. The remaining funds of \$40,619 will be carried over to subsidise outstanding capital works and section 94 projects yet to be completed and/or commenced.

Maintenance costs increased by 16.9% mainly due to increases in plumbing repairs (up 85.9%), irrigation (up 26.7%), electrical (up 111.7%), electricity costs (up 46.9%), cleaning/rubbish removal (up 92.7%) and fencing repairs (up 230.3%).

Income increased by 1.4% and operational expenses reduced by 23.1%

Significant infrastructure and voluntary labour contributions were also provided during the year by Hawkesbury Softball Association, Oakville Baseball Club and Pitt Town Soccer Club."

(Information supplied by Diane Taite from HSCI)

Conformance to Strategic Plan

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

"Objective: Provide efficient allocation of financial and physical assets for the Hawkesbury Sports Council."

Funding

No effects on current funding.

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RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 August 2005

Item: 263 **SS - Proposed Acquisition for Road Purposes - Lot 2 in Deposited Plan 995355, Part 41 George Street, Windsor - (79337, 28599)**

Previous Item: Ordinary (8 September 1987)

REPORT:

A title anomaly over a small triangular parcel of land adjoining 37, 39 and 41 George Street has become apparent, due to the sale of 39 George Street, Windsor by its owners. The small triangular parcel, approximately 31m² has been utilised for access to the adjoining properties for an extended period of time. The owners of 41 George Street have claimed title to this portion of land and have indicated through their solicitors to the other adjoining owners that they seek compensation for an easement or intend to restrict the access. The owners of the adjoining properties have no alternative access to their properties and have approached Council to rectify the matter.

A search of Council's minutes indicated that the matter had been previously considered on 8 September 1987 in conjunction with a subdivision when it resolved

That:

1. *Council continue to negotiate the purchase of the interest, if any, which Mrs Burch has in the triangular piece of land adjacent to Lots 19 and 20 DP 739562.*
2. *That Mrs Burch's solicitors be advised that if reasonable progress is not achieved for the purchase of the land within 14 days then Council will claim that the triangular parcel is part of George Street by virtue of long usage by the public, the lack of any conclusive title to the area and the registration of DP 739562, which shows the area as being part of George Street.*

It appears that action had been taken to approach the owners to acquire the land without success and subsequently it would appear Council then considered the land to be public road however no further action was taken to finalise the matter legally.

Upon becoming aware of the matter again in 2004, due to the complex title issues, advice was sought from Council's solicitor and subsequently Council wrote to the current owners of 41 George Street, Messers Hayes, Welsh and Campbell requesting their agreement to transfer the land at a nominal value. A response was received from the owner's solicitor denying any title anomaly and not agreeing to the request. An approach was made to the Land Titles Office to rectify the matter by effectively making the land part of George Street, however, this request was also denied. The owner then, through their solicitor, advised the owners of 37 George Street, Mr and Mrs Miller that access would be denied unless compensation was paid in the sum of \$5000.00 plus costs. It is noted that to date this threat has not been effected, however it is believed that the owners of the other adjoining property, 41 George Street, Windsor did pay for right of way in a effort to sell their property. Mr and Mrs Miller have strongly requested Council to pursue the matter, particularly in view of its previous resolution.

Title to this old system land is proven by documents prepared by individuals rather than a Department. For 21 years at least ownership of this parcel has been in doubt. The owners have been invited to submit additional evidence but have not done this.

A valuation was obtained from Council's consultant valuers, K D Wood Valuations who advised that the acquisition value was \$1,000.00, however, it is noted that the owners were able to obtain \$5,000.00 from the neighbouring 41 George Street for a right of way.

An offer based on the valuation was conveyed to the Messers Hayes, Campbell and Welsh and was rejected also implying their objection to any acquisition. They have claimed the land to be worth twice the

ORDINARY MEETING

Meeting Date: 30 August 2005

value of the right of way. Further negotiations have taken place in an effort to resolve the matter for an amount generally in line with Council's valuation. They have advised that they would be willing to accept an amount of \$9,000.00 for the transfer of the land to Council. It appears unlikely that further negotiation will resolve the issue in Council's favour.

The alternative to purchase is compulsory acquisition and on a commercial basis it is difficult to predict the outcome of who owns the land. If this process is initiated, assuming there will be a dispute on valuation, given the time involved, the potential legal fees and expert's costs are likely to be considerable.

In an effort to resolve this long outstanding matter and in view of the potential for the legal costs to acquire the land by compulsory acquisition to exceed the suggested amount it is considered that the proposal to acquire the land for road purposes from Messers Hayes, Campbell and Welsh for \$9,000.00 could be agreed to by Council.

Conformance to Strategic Plan

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

"Processing of miscellaneous property matters including road closures/openings, easements, acquisitions etc"

Funding

This proposal to be funded out of future capital works funding.

RECOMMENDATION:

That:

1. Lot 2 in Deposited Plan 995355 be acquired from Messers Hayes, Campbell and Welsh for the sum of \$9,000.00.
2. Upon acquisition the land be dedicated as road under section 10 of the Roads Act 1993.
3. Authority be given for any documentation in association with the matter to be executed under the Common Seal of Council.

ATTACHMENTS:

AT - 1 Location Plan

ORDINARY MEETING

Meeting Date: 30 August 2005

AT - 1 Location Plan

[Refer to Maps Agenda/Document](#)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 30 August 2005

CONFIDENTIAL REPORTS

Item: 264 **GM - Senior Executive Contracts - (107, 79355) CONFIDENTIAL**

Previous Item: 245, Ordinary (9 August 2005)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (a) personnel matters concerning particular individuals (other than councillors)*

ORDINARY MEETING

Meeting Date: 30 August 2005

Item: 265 **CS - Legal Services - CONFIDENTIAL - (107, 95497) CONFIDENTIAL**

Previous Item: 27, Ordinary (8 February 2005)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and (d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*
- (d) commercial information of a confidential nature that would if disclosed:*
 - (i) prejudice the commercial position of the person who supplied it*
 - (ii) confer a commercial advantage on a competitor of the council*
 - (iii) reveal a trade secret*

ORDINARY MEETING

Meeting Date: 30 August 2005

**Item: 266 SS - Lease Agreement with Mrs J White and Miss K White - Part of Visitor
Information Centre Building - (95496, 1739, 96894) CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

ORDINARY MEETING

Meeting Date: 30 August 2005

Item: 267 **SS - Proposed Lease, Level 1, Part Floor, 320 George Street, Windsor, The Deerubbin Centre - (107, 81072) CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

ORDINARY MEETING

Meeting Date: 30 August 2005

Item: 268 **SS - Property Matter - Bosworth Street, Richmond - (79337, 95496, P-769)**
CONFIDENTIAL

Previous Item: 220, Ordinary (12 July 2005)
 130, Ordinary (26 April 2005)

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

ORDINARY MEETING

Meeting Date: 30 August 2005

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Cultural Precinct Advisory Committee Meeting - 19 July 2005 - (97382)

The meeting commenced at 5:05pm in the Stan Stevens Studio - Deerubbin Centre

Present:	Councillor Dianne Finch, Hawkesbury City Council (Chairperson) Margarete Formanek, Education representative Carolyn Kelly, Community representative Glenda Ewin, Community representative Sharon Stone, Chamber of Commerce representative Simon French, Community representative Ian Jack, Hawkesbury Historical Society representative Michael Georgeson, Tourism Hawkesbury representative Michael Ginnings, Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. representative Johneen Hibbert, Community representative
Apologies:	Graham Edds, Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. representative Alan Aldrich, Hawkesbury Historical Society representative
In Attendance:	Ingrid Hoffman, Hawkesbury City Council Robyn Gosper, Hawkesbury Library Service Joseph Litwin, Hawkesbury City Council Prue Charlton, Hawkesbury City Council - (Minute Taker)

REPORT:

Resolved on the motion of Ingrid Hoffmann and seconded by Robyn Gosper

That the apologies be accepted

Ian Jack reported that Alan Aldrich will be replaced by Judy Newland as the second Hawkesbury Historical Society representative.

1. Chair's opening remarks.

Clr Finch welcomed members and congratulated those who helped with the very successful opening on 24-25 June.

2. Confirmation of Minutes

Resolved on the motion of Sharon Stone and seconded by Johneen Hibbert. That the Minutes of the Cultural Precinct Advisory Committee held on 17May 2005 be confirmed.

3. Matters Arising from Minutes

- 3.1 It was noted that the Committee is required to elect a Chair & Deputy Chairperson. Michael Ginnings nominated Clr. Dianne Finch, 2nd by Ian Jack this was duly confirmed. Johnneen Hibbert was nominated but declined. Michael Ginnings was nominated and in the absence of other nominees was appointed to the position.
- 3.2 Michael Ginnings requested that the minutes be circulated to members in draft form to enable corrections to be forwarded to Clr Finch prior to the minutes being reported to Council.
- 3.3 Ingrid Hoffmann reported that she had yet to complete the discussion paper on performance indicators but has contacted the Museums & Galleries Foundation who have developed benchmarks for the operation of museums and galleries. This information will be included in the Discussion Paper.

4. Correspondence

In: Letter from Lorraine Price (dated 28 June 2005) thanking Council for invitation to opening of Deerubbin Centre.

5. Cultural Activities Report

5.1 Ingrid Hoffmann presented a verbal report to the Committee in relation to Gallery and Museum Operations:

- Gallery visitor numbers 838 in first 20 days, not including an estimated 650 at the opening on 24 June. There have been visits from Macquarie University Museum Studies students and other informal groups. WSROC and Probus have booked in for tours. Future exhibitions include Friends and Neighbours (16 September – 23 October), The Mail Run (4 November – 11 December) and Palimpsest (16 December – 29 January). Artist talks are being negotiated with Angus Nivison and Craig Waddell, and a marzipan fruit workshop will be given with Jennie Lloyd as part of Fruits of the Hawkesbury Festival. Discussions are underway for a talk by Kate Grenville on her new book, The Secret River, and with the distributors of the film The Oyster Farmer.
- The museum has received the go-ahead from the NSW Heritage Office.
- Cultural Planning is proceeding smoothly. A forum is to be held on 26 July and four community workshops will follow.

5.2 Robyn Gosper presented a verbal report to the Committee in relation to Library Operations:

- The 'human chain' opening event attracted nearly 600 visitors. The number of borrowers and visitors has increased. Water damage is the subject of an insurance claim. Community rooms are being used, with 37 regular monthly community bookings and 4 commercial. Public programs, including Storytime, Family History group, Fire Safety Talk/demonstration and Lemony Snickert have been very well received.

6. Business Plan

Manager, Community and Cultural Service drew the Committee's attention to the Discussion Paper distributed with the Business Papers. He confirmed that Council Committees were required to develop a Business Plan and outlined the proposed elements to be included with a Business Plan. The Committee will be required to identify strategies and performance measures for the development of the Cultural Precinct, which reflect Council's strategic directions and corporate aims.

ORDINARY MEETING
Reports of Committees

Within this process, the role of the committee is to assist Council to access resources - including human, material and financial resources – which would not otherwise be available to Council (to augment the funds within Council's adopted budget). Mr Litwin indicated that should the Committee wish to develop proposals for non-budgeted programs and activities, then it would be required to raise or obtain external funds to resource these activities.

It was agreed that the committee would meet on 3 September for a half-day session with an external facilitator to develop goals, objectives and performance measures.

7. Draft Exhibition Policy.

The Gallery and Museum Manager, Ingrid Hoffmann, drew the Committee's attention to the draft exhibition policy included in the Business Papers. It was agreed to postpone the endorsement of this policy until the Deed of Agreement has been finalised. The policy would then be forwarded to Council with a recommendation for its adoption.

8. Deed of Agreement.

Ian Jack reported that the negotiation for the Deed were progressing satisfactorily. Once the Deed was completed it would be referred to Council's legal advisers prior to it being forwarded to Council with a recommendation for its execution.

9. Other Business.

- 9.1 Glenda Ewin tabled a paper outlining a number of concerns regarding the design of the regional gallery.

(At 6.25 Cllr Finch vacated the chair to attend another function. Michael Ginnings assumed the Chair).

The content of the paper was discussed and it was agreed that the issues raised would be considered by the Committee in the drafting of the Committee's Business Plan.

RESOLVED on the motion of Johneen Hibbert, and seconded by Carolyn Kelly that the document be appended to the minutes to be reported to Council.

RESOLVED on the motion of Johneen Hibbert, seconded by Margarete Formanek that Glenda be thanked for bringing these matters to the attention of the committee.

- 9.2 Michael Ginnings requested information as to whether there were any rules or procedures, which defined the operation of Council Committees. The Manager Community and Cultural Services advised that the Adopted Constitution outlined the objectives, roles and authorities, structure and membership of the Committee together with procedures for the conduct of the business of the Committee. Mr. Litwin also advised that he would distribute Council's Code of Conduct to Committee members.
- 9.3 Michael Ginnings also sought clarification regarding the status of sub-committees referred to in the MoU document. The Manager Community and Cultural Services advised that the MoU provided for the establishment of up to three sub-committees by the Committee should a need be identified for them. It was agreed that the formation of sub-committees be deferred until the business plan is further advanced.

The Next Meeting will be held in The Tebbutt Room, Deerubbin Centre at 5pm on Tuesday 20 September.

ORDINARY MEETING
Reports of Committees

ATTACHMENTS:

- AT - 1** 'Some Initial Observations and Concerns Regarding Our New Regional Gallery' (Discussion Paper tabled by Glenda Ewin).

ORDINARY MEETING
Reports of Committees

AT - 1 'Some Initial Observations and Concerns Regarding Our New Regional Gallery'
(Discussion Paper tabled by Glenda Ewin).

[Refer to Maps Agenda/Document](#)

ORDINARY MEETING
Reports of Committees

[Refer to Maps Agenda/Document](#)

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - E-Commerce / Markets Advisory Committee - 11 August 2005 (91367)

The meeting commenced at 7:10pm.

Present:	Councillor Bart Bassett Councillor Trevor Devine Councillor Rex Stubbs Councillor Neville Wearne Mr Graeme Faulkner Mr Stephen Phillips Mr Justin Melton Ms Janette Fairleigh Mr Zac Hope Mr Peter Hudson
Absent:	Mr Barry Crockford Wing Commander Tracey Simpson Mr Chris Young
Apologies:	Clr Barry Calvert Mr Bob McCallum
In Attendance:	Ms Fiona Mann Ms Julie Sinclair (Minute Secretary)

REPORT:

RESOLVED on the motion of Councillor Rex Stubbs and seconded by Mr Graeme Faulkner that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Rex Stubbs and seconded by Mr Graeme Faulkner that the Minutes of the E-Commerce/Market Advisory Committee held on the 19 May 2005, be confirmed.

ORDINARY MEETING
Reports of Committees

SECTION 2 - Review of EMAC Business Plan

[Refer to Maps Agenda/Document](#)

ORDINARY MEETING
Reports of Committees

[Refer to Maps Agenda/Document](#)

ORDINARY MEETING
Reports of Committees

[Refer to Maps Agenda/Document](#)

DISCUSSION:

Action 1.1 - Committee Represented at Business Breakfast Meetings hosted by Commercial Strategy Division

- The key factor of the Business Plan is to ensure that the Committee is moving forward and being productive by reporting to Council through the Committee Minutes.
- 'Working Groups' - Page 13 - Reference to Councillor Trevor Devine as a member of the Technology Park Working Group be removed, as he is not affiliated with this group. The Committee agreed that the Working Group comprise of Councillor Bart Bassett, Mayor; Graeme Faulkner; Stephen Phillips; Fiona Mann plus others as need be.

MOTION:

RESOLVED on the motion of Mr Graeme Faulkner, seconded by Councillor Neville Wearne.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That an invitation be forwarded to select Councillors to attend (on a rotational basis) future Business Breakfast meetings hosted by the Commercial Strategy Division.

Action 2.1 - Roll-Out Of New Signage Policy

- The LGA Entry Signs are now erected and the italicised yellow 'i' at the Visitor Information Centre; at the intersection of Macquarie & Windsor/Richmond Road; and at the intersection of George Street, Windsor & Richmond Roads. This has been progressed through the RTA/Tourism NSW rules and regulations for sign posting on State roads.
- Next Stage involves the Town Entry Signs commencing with the Macquarie Towns, followed by South Windsor, Glossodia and North Richmond.
- The Gateway at Windsor Road will follow the Town Entry Signs.
- Hawkesbury/Lithgow Tourism partnership will be looking at Flags as a 'gateway' roll.
- The Strategic Working Party will investigate the possibility of including a theme for each of the signs.
- Town Entry Signs are due for completion within the next three (3) months.
- Flags are due for completion by the end of 2005.
- The joint RTA and Tourism NSW are meeting during the week commencing 15 August 2005, to discuss their position on signposting on RTA roads.

MOTION:

RESOLVED on the motion of Ms Fiona Mann, seconded by Councillor Rex Stubbs.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information provided with regard to Action 2.1, be noted.

Action 3.1 - Regular Reporting Of High-Speed Broadband Rollout

- All major towns are connected, there are still a couple of smaller towns that are still to be set-up on exchanges. Mr Justin Melton will provide all members with documentation highlighting the towns remaining and which towns require more support by way of 'expressions of interest' so the investment can be made.
- Glossodia, Tennyson and Freemans Reach have all been updated to the high-speed broadband rollout in recent weeks.
- Telstra has also invested in Mobile Broadband and will be launched on the 3G Network over the next couple of weeks.
- Telstra are sponsoring the 2005 Small Business Awards with the Hawkesbury Gazette which will include workshops to explain to people how to enter the awards and how to use wireless technology to the best of its ability.
- The CEO of Telstra, has advised that he is interested in investments with local Councils and local entities, at this stage there is nothing further to advise on this. Mr Justin Melton will follow through on this matter, and will report back to the Committee on any findings.

Action 4.1 - Identify Space For Technology Park

- Council staff have met recently with Mr Kevin Sproats and other senior UWS staff who indicated that they were willing to document for Council a letter indicating agreement, in principle, for the use of land that they have the responsibility for, located past Clarendon for Council use in any Public / Private Partnership or joint venture it goes into.

Action 4.2 - Identify Potential Development

- As previously advised above.
- Continue discussions with the University of Western Sydney, and extract the letter of agreement.

Action 5.1 - Facilitate Mentors For 'Business Skills Program' For High School Students

- Unfortunately there were insufficient applications received to host the Business Skills Program for 2005.
- Committee members were approached to encourage local schools to be aware of this program for next year, advising local high schools that this program will be running again in 2006, and encourage their involvement.
- Councillor Bart Bassett recently attended a workshop held by a group who provided work placements for both State and Catholic Schools, and advised that he would confirm the groups details and report back to the Committee at a later date for comment.

MOTION:

RESOLVED on the motion of Councillor Bart Bassett, seconded by Councillor Rex Stubbs.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That a Business Breakfast be utilised to invite key people from the local High Schools and YAA and other interested parties, to present what they have to offer local schools.

Action 6.1 - Support An Integrated 'Bridge-To-Bridge' Marketing Campaign

- First meeting surrounding the 'Bridge-to-Bridge' marketing campaign is scheduled for Friday, 12 August 2005.

Action 6.2 - Support Christmas Competition To Provide Incentives To Local Business To Coordinate Marketing

- This matter was deferred for discussion, as this issue is addressed in Item 12.

Action 7.1 - Facilitate Tourism Cooperatives With Industry And Local Government Partners

- Hawkesbury/Lithgow Tourism is a continuing working partnership.
- \$10,000 from both Councils has been committed in funding for Gateways.

Action 8.1 - Support Establishment of 'm-commerce' Business Directory and Marketing Incubator

- Mr Justin Melton to organise an initial meeting to discuss the establishment of an 'm-commerce' Business Directory and Marketing Incubator.

Action 9.1 - Facilitate Partnerships that Aggregate Demand for New Technology

- Council undertook to conduct a review of its I.T. capabilities facilities. The services of 'Consult Point' have been engaged to undertake this review. Mr Stephen Phillips will report back to the Committee on this review once it is complete.

Action 10.1- Facilitate Development of Major Employment Precincts such as RAFF, UWS, etc

- This matter has been previously discussed in Action 4.1.
- The Air Show will be returning to Richmond RAAF Base towards the end of 2006.

SECTION 3 - Reports for Determination

ITEM: 12 Hawkesbury Christmas Decorations Competition (91367)

DISCUSSION:

- Business Owners being encouraged to get involved in this competition, either solely or with other businesses.
- Possibility of simplifying the application form, as some small businesses may feel overwhelmed.
- Key objective of the competition is to encourage all business owners within the Hawkesbury to become involved in this event and in turn encourage local shoppers to remain within the Hawkesbury area.
- Business Owners wishing to sponsor a category may do so by way of setting up an individual category specifically for these businesses, with the distribution of the donation to remain at the business owner's discretion.

MOTION:

RESOLVED on the motion of Councillor Trevor Devine, seconded by Councillor Rex Stubbs.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Terms & Conditions of Entry and the Entry Form be accepted as written, along with the following amendments:

- Terms & Conditions - Eligibility, allow 1 or more businesses.
- "How to Enter", simplify to allow only brief outline of project.
- Removal of the "Disqualification" condition, judges have discretion "Not to Award".
- Part 2: Entry Form, amendments to reflect changes.

MOTION:

RESOLVED on the motion of Councillor Rex Stubbs, seconded by Councillor Trevor Devine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. A Judging Panel is formed comprising of three (3) Committee members and two (2) celebrity judges to promote the Hawkesbury Christmas Decorations Competition 2005, evaluate applications, award prizes and report back to Council via the Committee upon completion of the competition.
2. The Judging Panel consist of the following persons:
 - (a) Committee Members
 - Councillor Bart Bassett
 - Councillor Neville Wearne
 - Mr Zac Hope
 - Councillor Rex Stubbs (alternate)
 - Mr Graeme Faulkner (alternate)
 - (b) External Nominees
 - Miss Hawkesbury Showgirl 2005
 - 2005 Hawkesbury Young Citizen of the Year
 - UWS Scholarship Recipient (alternate)

ITEM: 13 Hawkesbury Valley Way Gateway (91811)

DISCUSSION:

- A resolution of Council has recommended that the Committee advise on possible Gateway strategies with regard to the Flood Evacuation Route, which will be renamed to the Hawkesbury Valley Way.

ORDINARY MEETING
Reports of Committees

- The Flood Evacuation Route be extended to include Groves Avenue, as Council owns land within this area.
- Gateway signs will not be advertised as a 'Flood Evacuation Route', as the purpose of this road is for it to be used as a by-pass road.

MOTION:

RESOLVED on the motion of Councillor Mr Graeme Faulkner, seconded by Councillor Trevor Devine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Hawkesbury-Lithgow Tourism Partnership Working Group consider Gateway strategies for the new Hawkesbury Valley Way in conjunction with the Signage Policy and report to Council via the Committee.

GENERAL BUSINESS

ITEM: 14 UWS Cooperatives Program

DISCUSSION:

- The Committee organise to forward a letter of thanks to the undergraduate students of the University of Western Sydney (UWS) involved in the composition of the Hawkesbury Residential Research Project study.
- Report to be deferred to the next meeting for further discussion.

MOTION:

RESOLVED on the motion of Mr Graeme Faulkner, seconded by Councillor Trevor Devine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That a letter of thanks be forwarded to the students who participate and that management provide an analysis to the Committee with regard to the studies undertaken by the students.

ITEM: 15 Resignation from the Committee of Mr Robert McCallum

DISCUSSION

- Mr Bob McCallum has advised that he is available to attend meetings, if required, for one-off events.

ORDINARY MEETING
Reports of Committees

MOTION:

RESOLVED on the motion of Mr Stephen Phillips, seconded by Mr Graeme Faulkner.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. A letter be organised for Mr Robert McCallum thanking him for his efforts & input during his time as a member of the Committee.
2. Mr Graeme Faulkner to recommend to the Committee, via email, a suitable replacement applicant to attend future meetings prior to the next Committee Meeting to allow their possible attendance at the next meeting.

ITEM: 16 'Welcome to Your Business' - Forum

DISCUSSION:

- The key purpose of this evening was for businesses to network, and to show that Council is actively interacting with the local businesses and communities.
- Congratulations and thanks were passed to the Commercial Strategy Division for the coordination of a most successful, and enjoyable evening for all involved.

The meeting terminated at 9:05pm.

Proposed Future Meeting Dates:

E-Commerce / Markets Advisory Committee Meeting

Thursday, 10 November 2005

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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