



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 12 July 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.

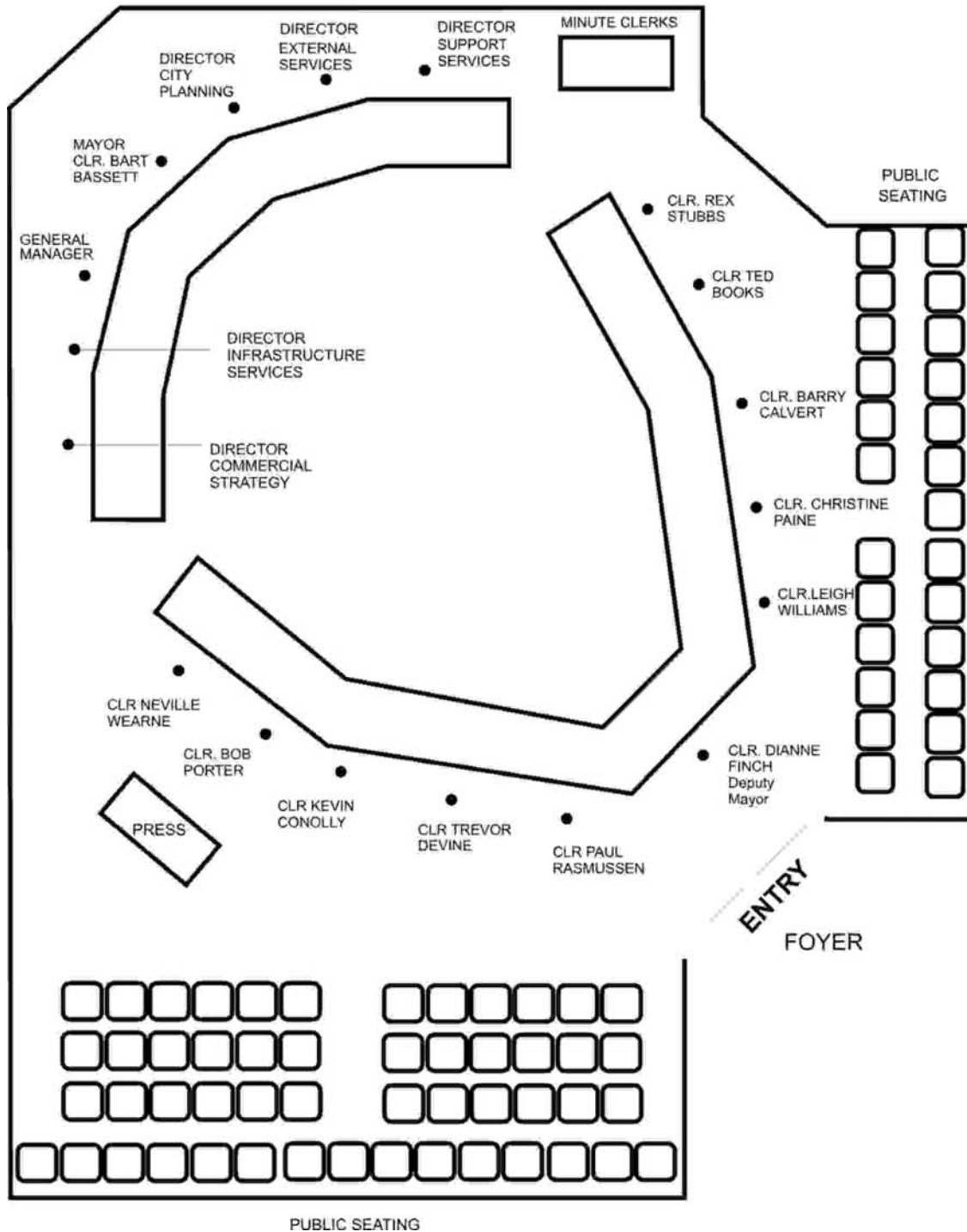
Website

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 1 - Confirmation of Minutes

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QUESTIONS WITH NOTICE

Questions With Notice - 12 July 2005 - (80106, 107)

Question 1

Councillor Rasmussen:

- a) When will the public consultation process for the reclassification of the Richmond pool land begin?
- b) Will the public consultation process be conducted by an independent facilitator or will it be done by in-house resources?
- c) What procedures will be adopted for submissions from the public? Will the Council's Code of Conduct and meeting procedures apply? And if so, will the limitations on the number of residents who can speak at the public forums apply?

Response

a) Public Consultation

The re-classification process, like any amendment to the Hawkesbury Local Environmental Plan must follow a statutory process. The statutory process is:

- a. Council resolution to prepare a Plan;
- b. Consultation with Public Authorities;
- c. Certification for Exhibition;
- d. The Exhibition;
- e. Public Hearing;
- f. Report to Council
- g. Report to the Minister;
- h. Gazettal or not.

Therefore, public consultation will commence after the consultation with the public authority and the issuing of the certificate to allow the matter to proceed to exhibition.

b) Consultation

The consultation period will consist of a normal four week exhibition and in this case, will be followed by a public hearing.

- c) The Plan preparations are being carried out by a consultant planner because of the ownership of the land by Council. The consultant planner has engaged a Chairman for the public hearing. The report of the Chairman will be made direct to Council with the recommendation from staff included, regarding the exhibition and any changes required to be made to the Plan.

Council's Code of Meeting conduct does not apply to public hearings conducted by independent Chairs. It is up to the independent Chair to determine the processes for the meeting and whether or not they wish to restrict the number or the time allocated for people who wish to address the hearing. In most cases, the independent Chair will allow anyone to address them for a reasonable period of time. This of course, may be governed by the number of people who wish to address the Hearing. The Chair may also decide to limit the speakers or to extend the hearing over multiple days.

Question 2

Councillor Rasmussen:

Residents which rely on natural spring water and bore water for domestic and daily needs are deeply concerned regarding the depletion of their potable water supply.

Could I ask what progress has been made to date regarding a draft LEP to prevent the depletion of domestic and natural spring water via the export of ground water from the Hawkesbury City.

Response

Council resolved in May 2005 to prepare new Local Environmental Plans for the City, which included a resolution to update various clauses, including the Land Use Matrix. Council has received requests for amendments to the Hawkesbury Local Environmental Plan to prohibit the extraction of ground water arising from a recent Land and Environment Court case. Council has also received numerous requests from the Roads and Traffic Authority for updates on road boundaries for flood evacuation routes. These will all be included in the replacement Local Environmental Plan. Council is awaiting a response from the Department of Infrastructure, Planning and Natural Resources to determine whether it has been successful or not in receiving a grant for this work. The receipt of the grant would dictate how much the of the resolution can be carried out; if the grant is not received then the alterations to the structure will be limited to those that Council can carry out within its current resources. Once the advice from the Department has been received, the structure of the Plan and a formal resolution so that new Plan can be prepared and presented to Council at the next available meeting.

Question 3

Councillor Rasmussen:

I have been approached recently regarding what has happened to the RSL Committee that once operated between the RSL branches and Council.

My understanding is that apparently they met once a quarter or so and discussed matters such as maintenance for memorials and other important aspect of commemoration events in the Hawkesbury e.g. ANZAC day etc. I would be keen to resurrect this committee and would like to participate.

Given that there is some urgent maintenance needed at the Richmond Park memorial could I please ask that I be given an update on this matter.

Response

The previous General Manager had generally arranged two meetings annually with the combined RSL branches approximately one month before ANZAC day and one month before Armistice Day to ensure that appropriate arrangements were in place, which would allow them to proceed smoothly. Other matters relating to the RSL branches were discussed at this time. These meetings were attended by the General Manager, the Director Infrastructure Services, the Manager Parks & Recreation and a Councillor. The forum provided for ongoing communication between the RSL branches and Council and were generally held at the Richmond Club. It is suggested that this program could be re-instated with attendance by the Mayor, a Councillor of Council's choice, the General Manager and the Director Infrastructure Services.

ATTACHMENTS:

There are no supporting documents for this section.

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SECTION 3 - Notices of Motion

Item: 205 **NM A - Community Partnership/Formal Relationship With the Cancer Council of NSW - (80104, 107)**

NOTICE OF MOTION:

Submitted by: Councillor Paine

That:

1. Hawkesbury City Council enter into a community partnership/formal relationship with the Cancer Council of New South Wales.
2. Hawkesbury City Council acknowledges the high level of physical and emotional suffering, premature death and financial burden caused by cancer in this community. By becoming a Cancer Council Community Partner, we undertake to help lower the impact of this insidious disease in our community by:
 - Learning about and adopting new policies that will help reduce the incidence of cancer in our area.
 - Supporting Cancer Council advocacy campaigns that will benefit the people of the community.
 - Using our communication channels, venues and networks to help deliver Cancer Council information and education.
 - Allowing free use of Council venues and other resources for support group meetings, education programs and other activities that benefit cancer patients and their families in our area.
 - Supporting Cancer Council efforts in our area to raise money for cancer research, prevention and support.
3. Appropriate Council staff be nominated to act as relationship managers for this community partnership.

NOTE BY MANAGEMENT:

With regard to dot point 4 within point 2 of the above Notice of Motion, it is suggested that as provision was not made in the 2005/2006 Budget, it would not be appropriate for unrestricted access as suggested to be made and that requests for the use of Council facilities should be considered on a case by case basis.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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Item: 206 NM - Future of Richmond RAAF Base - (80106, 107)

Submitted by: Councillor Rasmussen

Background

1. The Minister for Defence, Senator Robert Hill, recently announced that No. 33 Squadron's new A330 tanker and airlift aircraft would be based at RAAF Base Amberley, Queensland, NOT RAAF Base Richmond the current home base for 33 Squadron. The move of the Squadron is likely to take place at the end of 2007 when the RAAF Amberley new facilities are due for completion.
2. The Minister also announced that the capital investment in RAAF base Amberley to accommodate No 33 Squadron and the new aircraft would inject 780 personnel and would have a major economic benefit for the local area and local industry.
3. Given that Amberley's major economic benefit will result in a major social and economic loss to the Hawkesbury City there is an urgent need to seek from Defence what the actual impact on the Hawkesbury will be and what measures are contemplated by Defence to mitigate this major and sudden loss to the Hawkesbury community.
4. Moreover, Defence has for a number of years now been conducting economic impact studies – Phases I and II – to determine the potential impacts should RAAF Base Richmond be downsized, but these studies have not yet been concluded, nor final Reports produced.
5. These economic impact Reports are now long overdue and Council should seek, as a matter of urgency, the release of these Reports so that long term and strategic City planning can be undertaken to mitigate any likely social or economic impacts on the Hawkesbury community of relocating RAAF Base Richmond operational squadrons to other bases around Australia.
6. Additionally, Defence some years ago undertook a Defence Force Disposition Review (The FDR) of its assets around Australia and this Review was finalized some 2 years ago.
7. Given that one of the objectives of the FDR was to determine where Defence assets should be located around Australia in the National Interest, it is imperative that this Report be made public without delay to give affected communities as much time to prepare their mitigation plans should they be substantially affected, economically or socially, by any likely moves of aircraft, personnel, contracts or major downsizing of bases.
8. RAAF Base Richmond may well be materially affected by the recommendations within the FDR Report given the latest announcement of moving No 33 Squadron to RAAF Base Amberley, Queensland and Council should seek urgent talks with the Minister for Defence to either get assurances that RAAF Base Richmond is not affected by the FDR recommendations or the release of the FDR Report and recommendations.
9. The Hawkesbury Community has a longstanding and excellent relationship with the RAAF Base and its personnel. It relies heavily on the social and economic input that the Base provides and any downsizing or moving of existing operational squadrons, aircraft and personnel will materially affect the functioning and wellbeing of the Hawkesbury Community.
10. Any changes to the operational tempo of the RAAF Base needs careful and detailed plans to mitigate any negative impacts on the Hawkesbury Community, and such plans take time to prepare and implement.

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11. Council needs as much time as can possibly be obtained to activate such planning processes and it is for such reasons that Council needs urgently to commence detailed discussions with the Minister for Defence and the Prime Minister on this vital issue.

NOTICE OF MOTION:

That:

Council as a matter of urgency seek clarification, from the Minister for Defence, on the following matters regarding the future of the RAAF base:

- a. The current status of the long overdue Defence initiated Economic Impact Study – Phases I and II;
- b. The current status of the Defence Force Disposition Review (FDR) concluded in October 2003; and
- c. The immediate and long term social and economic impact on the Hawkesbury City of relocating No. 33 Squadron's personnel and its new refuelling and strategic airlift aircraft, the A330 also known as the Multi Role Tanker Transports, to RAAF Base Amberley, Queensland.

NOTE BY MANAGEMENT:

Management has been holding close discussions with the RAAF on a range of matters and particularly seeking information on the Force Disposition Review. Furthermore, the Mayor has been in constant contact with our Federal Member Kerry Bartlett to remain abreast of any developments in relation to our local RAAF Base.

At this point in time the Department of Defence (DoD) have not indicated when they might be able to release its findings on the Defence Force Disposition Review. The RAAF have indicated that UP TO 80 personnel MAY be affected by the relocation of the A330 Tanker Transport unit to Amberley in Queensland, however as far as our local RAAF Base is concerned, this would be a staged process over many years and would free-up the base to handle more maintenance work and to concentrate on core operations. Also, the local RAAF base is not capable of handling the new A330 aircraft, which are much more suited to operating out of larger facilities such as those at Amberley.

In any case, management is maintaining a close association with senior officers that are stationed locally and we expect to be working with our local RAAF Base to help them secure access to off-site facilities that are important to their ongoing operations.

In addition, a letter dated 30 June 2005 has now been received from the Federal Member of Macquarie, Mr K Bartlett MP in relation to this matter and a copy of this letter is attached for Council's information.

ATTACHMENTS:

[AT-1 - Letter from the Federal Member for Macquarie, Mr K Bartlett MP dated 30 June 2005.](#)

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Item: 207 **NM - Potable Water for Sydney - (80106, 107)**

Submitted by: Councillor Ramussen

Background

1. Potable water for Sydney is clearly at a crisis point with level 3 restrictions already announced by the State Government and the main water storage dam for Sydney at below 36% capacity.
2. Town water for Hawkesbury residents have been pumped from the river at North Richmond for many years and this water source is increasingly becoming more concentrated treated STP effluent water. Higher levels of chemical treatment of the Town water supply will no doubt become necessary or even mandatory as the quality of the river water deteriorates.
3. South Creek is nearing ecological collapse because of the increasing and dangerously high levels of pollutants constantly being added to it. In addition, South Creek is a major source of added pollution to the Hawkesbury river.
4. Solar ponds technology for the production of thermal heat, electricity and potable water (drinking quality water) has come of age to the degree that it is used in commercial applications on dairy farms and food processing plants in countries such as the US, India, Africa and Israel.
5. The advantages of this technology are many, but in particular it is the most environmentally friendly and cost-effective of all the currently available water desalination and water purification technologies.
6. The technology is capable of producing drinking water from polluted and brackish water, and to use the 'left-over' concentrated brine and polluted water stream to enhance the efficiency of the solar pond thermal heat output thus boosting the efficiency of the system.
7. It is also capable of producing its own electricity to power the pumps and machinery comprising the solar pond system thus eliminating the creation of green house gasses normally associated with a high quality drinking water purification process.
8. The solar pond purification system could be set up in conjunction with the McGraths Hill STP operation, thus not only enhancing that plants environmental credentials, but also helping to slow the pollutants and nutrients entering South Creek and the Hawkesbury River.
9. If added to the McGraths Hill STP operation it would also produce potable water for use by residents who preferred to drink chlorine free water instead of the STP derived town water supply now being reticulated. This would add a significant social benefit to the long suffering Hawkesbury residents.
10. Solar ponds are a very low-tech, environmentally friendly and cost-efficient option for the production of potable water, electricity and thermal heat.
11. Given the many economic, environmental and social benefits of the solar ponds desalination and water purification technology, Council should without delay thoroughly investigate this technology as an option for the production of potable water and driving down the pollution currently entering South Creek.
12. Moreover, The Federal Government has recently announced the National Water Initiative (NWI) fund and is seeking innovative and viable options for the production of potable water and for the clean-up of currently polluted waters. The Windsor solar ponds water purification and pollution reduction project in conjunction with Council's McGraths Hill STP complex would be a worthy candidate for funding under the NWI scheme.

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13. Council should therefore take immediate steps to initiate a funding application for this project under the NWI \$2 billion Australian Water Fund and in so doing should also ensure that strong support for this initiative is obtained from State agencies and the HN CMA.

NOTICE OF MOTION:

That:

1. That Council investigate the use of solar ponds technology for the production of potable water for Hawkesbury residents and for the long term remediation of South Creek.
2. That Council seek funding for this investigation from the National Water Initiative (NWI) \$2 billion Australian Water fund set up by the Federal Government.

NOTE BY MANAGEMENT:

In conjunction with the Local Government Advisory Group the 8 South Creek Councils have submitted a grant proposal to the National Water Initiative. This proposal was sent on the 30th June 2005 and given the short 2 week timeframe to prepare the bid it has not been possible to prepare a briefing on the proposals. The bid consists of a series of integrated works across the catchment to improve the water quality of South Creek. In the case of HCC the bid includes funding to decommission the McGraths Hill STP, direct all flows to an augmented South Windsor STP than reticulate the treated water to among other things, parks and possibly irrigators between Windsor and Wilberforce.

At this stage the bid has a total value of \$80 Million and has been submitted to the National Water Commission. If during the determination of the bid or even after it has been granted it will be possible to incorporate other technologies if they prove successful. A further report on Solar Ponds technology will be made at a later date. A detailed briefing on the bid can be provided in the near future if required.

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: 208 GM B - The Hawkesbury Civic and Citizenship Committee - (107, 79356)

REPORT:

In September 2004, the Hawkesbury Awards Committee was disbanded and the Hawkesbury Civic and Citizenship Committee was established with Councillors Finch, Stubbs and Bassett chosen as nominated delegates.

Due to the tight timeframes leading up to the Australia Day Awards selection process, an interim Hawkesbury Awards Committee was established on 30 November 2004 (based on previous membership) to assess the nominations for the Australia Day 2005 Citizenship Awards.

With the relocation of the Hawkesbury Sports Medal Award Ceremony from Australia Day to the Richmond Club Sports Person of the Year Awards Ceremony being held on Friday, 19 August 2005, the Hawkesbury Civic and Citizenship Committee will need to be formed as soon as possible to decide the winners of these awards.

Community representatives were sought through local papers and the nomination process closed on Friday, 1 July, the same date as nominations for the Sports Medal awards closed.

With Richmond Club, a financial contributor to both the Hawkesbury Australia Day Awards and the Sports Medal Awards, it is considered appropriate to appoint a representative from this organisation. With awards of a sporting nature also being featured in both Award programs it is also appropriate to invite a representative of the Hawkesbury Sports Council to sit on the committee.

Four nominations were received from the public for the community representative positions. With no mention in Council's resolution of the maximum number of community representatives to be included, it is recommended that the four nominees are appointed.

The draft constitution attached identifies five objectives for the committee, which are consistent with Council's intent to establish a committee to facilitate the selection process for various award programs.

Conformance to Strategic Plan

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

"An informed community working together through strong local and regional connections"

Funding

No impact on funding.

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RECOMMENDATION:

That:

1. The constitution for the Hawkesbury Civic and Citizenship Committee be ratified.
2. The following members of the Hawkesbury Civic and Citizenship Committee be endorsed:
 - Councillors Finch, Stubbs and Bassett (as per previous resolution)
 - Council's Corporate Communication Manager (or his/her delegate)
 - David Bertenshaw, Chairperson of the Hawkesbury Sports Council
 - Barry Adams, representative of The Richmond Club Inc.
 - Ruth Hart, Journalist, Hawkesbury Independent Newspapers
 - Jean Peare, longstanding members of the disbanded Hawkesbury Awards Committee

ATTACHMENTS:

AT - 1 - Hawkesbury Civic and Citizenship Advisory Committee Constitution.

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AT - 1 - Hawkesbury Civic and Citizenship Advisory Committee Constitution.

Hawkesbury City Council Hawkesbury Civic and Citizenship Advisory Committee Constitution

1. Name

The Advisory Committee, as appointed under the provisions of section 377 of the Local Government Act 1993, shall be known as the Hawkesbury Civic and Citizenship Advisory Committee, and is hereinafter referred to as the 'Advisory Committee'.

2. Objectives

- (a) To facilitate the selection of award recipients for several awards including but not limited to; Australia Day Awards, Sports Medal and Sports Certificate Awards.
- (b) To review the criteria for each of the award systems and make recommendations on changes as to future systems.
- (c) Actively encourage nominations from the community for the awards programs to further enhance the quality and quantity of submissions Council receives.
- (d) To assist when requested, with recommendations for special civic or community celebrations.
- (e) To provide advice and guidance on the administration of any Federal or State funding received for events and special celebrations.

3. Role and Authorities

- (a) Whereas the Advisory Committee is appointed by the Hawkesbury City Council under the terms of the Local Government Act 1993, the Advisory Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- (b) The Advisory Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the Local Government Act 1993:
 - (i) to recommend to Council policies drawn up by professional staff for:
 - the conduct of the civic and citizenship awards including eligibility criteria, nomination and assessment processes.
 - (ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377;
- (c) The Council retains the responsibility for all budgetary considerations;
- (d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) within the Advisory Committee in accordance with the Local Government Act 1993;
- (e) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The Advisory Committee will, however, have the right to bring to the attention of the

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Director of the Department within Council responsible for the Advisory Committee, any issues which, in its opinion, require disciplinary action; and

- (f) Any authorities conferred upon the Advisory Committee under this Constitution may be varied by Council.

4. Term

The Advisory Committee members' term shall be for four years to coincide with Council's term of office. Advisory Committee members shall cease to hold office at the expiration of three months after the Ordinary election of the Council, but be eligible for re-appointment, subject to the condition that the Advisory Committee may be dissolved by Council at any time.

5. Structure and Membership

- (a) The structure and membership of the Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:
 - (i) Three (3) Councillors of the Hawkesbury City Council; and
 - (ii) Four (4) community appointments, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution; Representatives of sponsor organisations to the award programs will receive priority for membership
- (b) Whereas the appointments detailed in clause 5(a) will form the Advisory Committee, a member of the Corporate Communication Unit will be required to attend meetings of the Advisory Committee;
- (c) The Manager Corporate Communication charged with the responsibility for the Advisory Committee within the Hawkesbury City Council shall attend meetings and may delegate the Public Relations Coordinator as his/her delegate when deemed necessary;
- (d) The Advisory Committee shall, at its first meeting following appointment, and each twelve (12) month period thereafter, elect one of its members from those appointed under clause 5 to be the Chairperson of the Advisory Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (e) The position of Chairperson shall not be held by the same person for any longer than three (3) consecutive years;
- (f) The position of Deputy-Chairperson shall not be held by the same person for any longer than three (3) consecutive years;
- (g) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Advisory Committee;
- (h) Each member of the Advisory Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes;
- (i) The Advisory Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Advisory Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and
- (j) The Advisory Committee may invite as observers, citizens or other representatives for the purpose of clarifying certain matters as decided by the Advisory Committee. Such observers will not be permitted to vote.

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6. Appointment and Election of Members

- (a) Three (3) Councillors will be appointed to the Advisory Committee in accordance with practices and procedures of the Council;
- (b) The Council shall, in the month of October following the quadrennial election place advertisements in appropriate newspapers inviting nominations from members of the community for membership to the Advisory Committee;
- (c) The Council shall select and appoint the community representatives to the Advisory Committee;
- (d) The Advisory Committee shall have the power to fill casual vacancies at its discretion;
- (e) Members of the Advisory Committee shall cease to hold office:
 - (i) if the Advisory Committee is dissolved by Council;
 - (ii) upon written resignation or death;
 - (iii) if absent without prior approval of the Advisory Committee for three consecutive meetings; or
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- (f) For the purposes of sub-clause 6(e)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 5(a) in the same way as the Code of Conduct applies to Councillors.

7. Procedures and General

- (a) Ordinary meetings of the Advisory Committee shall be held no less than once per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Manager Corporate Communication shall be the Executive Officer to the Advisory Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Advisory Committee;
- (c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Advisory Committee meetings and for the distribution of Minutes followings meetings of the Advisory Committee;
- (d) No meeting of the Advisory Committee shall be held unless three (3) clear days notice thereof has been given to all members;
- (e) The Minute Clerk shall forward a copy of the Minutes of each Advisory Committee meeting to all Advisory Committee members, as well as to Council, for submission to the appropriate Standing Committee, as soon as possible following such Advisory Committee meeting;
- (f) At any meeting of the Advisory Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;

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- (g) The rules governing meetings and the procedures of the Advisory Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;
- (h) A quorum of the Advisory Committee shall be constituted by four (4) members being present at meetings;
- (i) Any members having a pecuniary interest in any matters being discussed by the Advisory Committee shall declare such interest at the meeting of the Advisory Committee and refrain from voting or discussion thereon.
- (j) The requirements applying to pecuniary interests for members as detailed in clause 7(i) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/Secretary;
- (k) Any recommendations of the Advisory Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Advisory Committee shall not have effect unless adopted by the Council;
- (l) It shall be competent for the Advisory Committee to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the Advisory Committee, and then to report back to the Advisory Committee. These appointed sub-committees or work groups may be dissolved by the Advisory Committee at any time;
- (m) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Advisory Committee, and any recommendations of any sub-committee or work group will only have effect once adopted by the Advisory Committee, or by the Council, as the case may be;
- (n) The Corporate Communication Unit shall prepare an Annual Report of the Awards Ceremonies activities for submission to the Advisory Committee, who will, in turn, present such report to the Council.

LAST CLAUSE

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 209 **CP B - Hawkesbury Community Planning Advisory Committee - Community Representatives & Committee Constitution - (95498)**

REPORT:

As part of the Committee Structure Review, Council resolved to establish the Community Planning Advisory Committee to assist Council in identifying and planning for the access and equity issues facing the Hawkesbury Local Government Area. The Community Planning Advisory Committee will have a strategic role in providing advice in the identification of community and social indicators, measuring the quality of life of residents of the City of Hawkesbury.

Advertisements calling for 'Expressions of Interest' from Community Members to become representatives of the Community Planning Advisory Committee were placed in the local press during December 2004, and again in February 2005. Six Community Members have been recommended for appointment by the selection panel consisting of Council staff and Councillors Books and Stubbs .

Conformation to Strategic Plan

Objective: An informed community working together to build strong local and regional connections to give shape to a shared future for the city.

Funding

No impact on Funding

RECOMMENDATION:

That:

1. Mr Rodger Packham, Ms Fiona Luckhurst-Khan, Mr Nick Sabel, Mr Mike Wildman, Ms Sigrid Wilson and Ms Faith Christie be appointed as Community Representatives on the Community Planning Advisory Committee, to work in accordance with the constitution set out for that Committee.
2. The Constitution of Hawkesbury City Council's Community Planning Advisory Committee be endorsed.

ATTACHMENTS:

AT - 1 Community Planning Advisory Committee - Constitution.

Attachment: Hawkesbury Community Planning Committee - Constitution

**Hawkesbury City Council
Hawkesbury Community Planning Committee
Advisory Committee Constitution**

1. Name

The Advisory Committee, as appointed under the provisions of section 377 of the Local Government Act 1993, shall be known as the Hawkesbury Community Planning Committee, and is hereinafter referred to as the 'Advisory Committee'.

2. Objectives

- (a) To provide advice and guidance in the drafting of Community Plans, including the identification of community and social indicators for measuring the quality of life of residents of the City of Hawkesbury;
- (b) To provide advice and guidance on equity and access issues including the review of publicly exhibited planning documents, to ensure that Council programs address the social, economic and environmental needs of residents in the City of Hawkesbury;
- (c) To provide advice and guidance on social issues impacting on residents of the City of Hawkesbury and, where required, to recommend actions for Council's consideration in relation to these matters;
- (d) To provide advice and guidance on the implementation and monitoring of the Hawkesbury Social Plan in accordance with the provisions of the *NSW Local Government (General) Regulation 1999(Community & Social Plans)*;
- (e) To provide advice and guidance to on the administration of state and federally funded grants programs, including the Community Development and Support Expenditure Scheme and the Western Sydney Area Assistance Scheme, consistent with Councils responsibilities for these programs.

3. Role and Authorities

- (a) Whereas the Advisory Committee is appointed by the Hawkesbury City Council under the terms of the Local Government Act 1993, the Advisory Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- (b) The Advisory Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the Local Government Act 1993:
 - (i) To recommend to Council policies drawn up by professional staff for:
 - The design, implementation, monitoring and review of community plans and community planning processes to address the social, economic, and environmental needs of residents;
 - The design, implementation, monitoring and review of strategies for improving access to services and facilities by disadvantaged groups consistent with Council's responsibilities with regard to equity and access as set down in state and federal legislation;
 - The implementation of Councils responsibilities under the *NSW Local Government (General) Regulation 1999(Community & Social Plans)*;

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- (ii) To bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under section 377;
- (c) The Council retains the responsibility for all budgetary considerations;
- (d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) within the Hawkesbury Community Planning Committee in accordance with the Local Government Act 1993;
- (e) The General Manager (or his/her delegate) retains all responsibility for the direction of any staff member, including any disciplinary action, be it for permanent, temporary or part time staff. The Advisory Committee will, however, have the right to bring to the attention of the Director of the Department within Council responsible for the Hawkesbury Community Planning Committee, any issues which, in its opinion, require disciplinary action; and
- (f) Any authorities conferred upon the Advisory Committee under this Constitution may be varied by Council.

4. Term

The Advisory Committee members' term shall be for four years to coincide with Council's term of office. Advisory Committee members shall cease to hold office at the expiration of three months after the Ordinary election of the Council, but be eligible for re-appointment, subject to the condition that the Advisory Committee may be dissolved by Council at any time.

5. Structure and Membership

- (a) The structure and membership of the Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:
 - (i) Two (2) Councillors of the Hawkesbury City Council;
 - (ii) One (1) Council staff member appointed by the General Manager of Hawkesbury City Council;
 - (iii) One (1) representative from the Department of Community Services;
 - (iv) One (1) representative from the Hawkesbury District Health Service Ltd;
 - (v) Two (2) representatives nominated by the Council of Social Services of NSW (NCOSS);
 - (vi) Six (6) community appointments, with the expertise in community planning appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution;
 - (vii) One (1) representative of the Darug Custodian Aboriginal Corporation.
- (b) Whereas the appointments detailed in clause 5(a) will form the Advisory Committee, the Director, City Planning (or his/her delegate), will be required to attend meetings of the Advisory Committee;
- (c) The Director of the Department charged with the responsibility for the Hawkesbury Community Planning Committee within the Hawkesbury City Council shall attend meetings and may delegate the Assistant Strategic Planner, as his/her delegate when deemed necessary;
- (d) The Advisory Committee shall, at its first meeting following appointment, and each twelve (12) month period thereafter, elect one of its members from those appointed under clause 5 to be the Chairperson of the Advisory Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson;
- (e) The position of Chairperson shall not be held by the same person for any longer than three (3) consecutive years;

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- (f) The position of Deputy-Chairperson shall not be held by the same person for any longer than three (3) consecutive years;
- (g) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Advisory Committee;
- (h) Each member of the Advisory Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes;
- (i) The Advisory Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Advisory Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights; and
- (j) The Advisory Committee may invite as observers citizens or other representatives for the purpose of clarifying certain matters as decided by the Advisory Committee. Such observers will not be permitted to vote.

6. Appointment and Election of Members

- (a) Two (2) Councillors will be appointed to the Advisory Committee in accordance with practices and procedures of the Council;
- (b) The Council shall, in the month of October following the quadrennial election place advertisements in appropriate newspapers inviting nominations from members of the community for membership to the Advisory Committee;
- (c) The Council shall select and appoint the community representatives to the Advisory Committee;
- (d) The Advisory Committee shall have the power to fill casual vacancies at its discretion;
- (e) Members of the Advisory Committee shall cease to hold office:
 - (i) if the Advisory Committee is dissolved by Council;
 - (ii) upon written resignation or death;
 - (iii) if absent without prior approval of the Advisory Committee for three consecutive meetings; or
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- (f) For the purposes of sub-clause 6(e)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 5(a) in the same way as the Code of Conduct applies to Councillors.

7. Procedures and General

- (a) Ordinary meetings of the Advisory Committee shall be held no less than four (4) times per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Director of City Planning, shall be the Executive Officer to the Advisory Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Advisory Committee;
- (c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Advisory Committee meetings and for the distribution of Minutes followings meetings of the Advisory Committee;
- (d) No meeting of the Advisory Committee shall be held unless three (3) clear days notice thereof has been given to all members;

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- (e) The Minute Clerk shall forward a copy of the Minutes of each Advisory Committee meeting to all Advisory Committee members, as well as to Council, for submission to the appropriate Standing Committee, as soon as possible following such Advisory Committee meeting;
- (f) At any meeting of the Advisory Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;
- (g) The rules governing meetings and the procedures of the Advisory Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;
- (h) A quorum of the Advisory Committee shall be constituted by five (5) members, being present at meetings;
- (i) Any members having a pecuniary interest in any matters being discussed by the Advisory Committee shall declare such interest at the meeting of the Advisory Committee and refrain from voting or discussion thereon.
- (j) The requirements applying to pecuniary interests for members as detailed in clause 7(i) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/Secretary;
- (k) Any recommendations of the Advisory Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Advisory Committee shall not have effect unless adopted by the Council;
- (l) It shall be competent for the Advisory Committee to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the Advisory Committee, and then to report back to the Advisory Committee. These appointed sub-committees or work groups may be dissolved by the Advisory Committee at any time;
- (m) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Advisory Committee, and any recommendations of any sub-committee or work group will only have effect once adopted by the Advisory Committee, or by the Council, as the case may be;
- (n) The Assistant Strategic Planner, City Planning Division shall prepare an Annual Report of the Hawkesbury Community Planning Committee's activities for submission to the Advisory Committee, who will, in turn, present such report to the Council.

LAST CLAUSE

oooO END OF ITEM 44 Oooo

oooO END OF REPORT Oooo

Item: 210 CP B - Affordable Housing - (95498)

REPORT:

This report is in response to Council's request for information regarding affordable housing, and in considering the development of an Affordable Housing Policy.

Housing is a significant factor in Australia's economic development and living standards, and current studies closely link housing to employment growth, and sustainable communities.

A lack of affordable housing options continues to have an impact on local communities in the form of 'housing stress' (households paying more than 30% of their income on housing costs) and increasingly, "extreme housing stress" (households paying more than 50% of their income on housing).

The increasing impacts of affordable housing stress - particularly for low to medium income earners - affects the sustainability of local communities, including the labour market/employment security, family homelessness, education, and other negative social impacts in Local Government Areas (LGA's) of Western Sydney.

According to the WSROC Report - *Housing Affordability in Greater Western Sydney* (Oct. 2004), between 2000 and 2004 average house sale prices in the Hawkesbury have increased by 71.4% (\$170,000) while the estimated average income (25-34 year olds) has only increased by 20.4% (\$6,046 p.a.). The same relative increases are reflected across other LGA's in Western Sydney, which were once considered affordable (average house price increase of \$158,000). Median weekly rents for 20-24 year olds in a two-bedroom dwelling increased by 12.5% in this same period (which was reflected in most Western Sydney LGA's). Overall rent levels for this age group in Western Sydney were high or very high (31% to 48% of pre-tax income) - reducing disposable income to save for a deposit for potential first home buyers.

The issue of affordable housing has been an identified community need since 2001 (Hawkesbury Community Needs Reports 2001-2004 and Hawkesbury Community Survey 2004) and council staff have participated in strategies at local, regional and state levels.

Council adopted a Homelessness Policy in 2002, which recognises that all people have a right to housing that meets their individual needs and that such accommodation should be 'safe, secure, appropriate and affordable'.

Some examples of Local Government initiatives range from:

- providing research, information and advocacy;
- supporting housing related welfare services; and (in a few cases)
- directly providing social housing (either alone or in partnership).

In relation to the provision of social housing, Council in 2001 submitted an innovative pilot project (Hawkesbury Affordable Housing Pilot Project) in conjunction with Wentworth Area Community Housing Ltd., and Hawkesbury Women's Housing Inc. to develop a model of affordable housing for the Hawkesbury. This submission to the Affordable Housing Service was unsuccessful. Since this time Council staff have pursued an active role on the board of Wentworth Area Community Housing Ltd - resulting in the allocation of 35 units of affordable housing for the Hawkesbury over this period. Council staff have also been active on affordable housing forums (WSROC & Hawkesbury Housing Forum 2000 to 2004).

The Local Government & Shires Association have stated that each council "seeks to use the capacity of the Environmental Planning and Assessment Act to assist in the retention and provision of affordable housing and adaptable housing" (2003 Annual Conference).

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A number of larger Sydney Council's (Sydney, Willoughby, North Sydney, and Waverly) are currently using development assessment processes to facilitate affordable housing. Some of the ways that planning powers are used include: inclusionary zoning approaches; developer incentives; compensation for the loss of existing affordable housing; and direct negotiations with developers. It is generally accepted that these approaches present a number of 'hurdles' for Local Government but can deliver some affordable housing in high growth areas. In the Hawkesbury context (with few large scale housing developments) they are unlikely to result in more than a few units of additional affordable housing.

Housing advocates (such as Shelter NSW) have focused on State Government in recent years to introduce an umbrella State Environmental Planning Policy (SEPP) that allow Council to more easily use developer contributions (Section 94F) as an option for affordable housing. It is claimed that this lack of planning instruments from State Government has hindered Parramatta Council from implementing its affordable housing scheme, and Newcastle Council from amending its Local Environmental Plan and developing a dedications/contributions scheme.

It is important to note that the problem of affordable housing is primarily the responsibility of State and Federal Government Authorities to provide a range of housing options and mechanisms to support affordable housing. The continuing problems of the last two decades is largely as a result of ineffective macro-economic, housing, and social policies. By comparison, Local Government has limited capacity to assist in the provision of affordable housing. In practice Council's role has been limited to working in partnership with social housing providers to expand the stock of affordable housing and/or support specific housing initiatives.

To develop a comprehensive affordable housing policy for the Hawkesbury it would be necessary to fund a more detailed study analysing the feasibility and resource implications of the range of options outlined. WSROC, in conjunction with the Centre for Affordable Housing (NSW Department of Housing) will shortly be releasing a series of 'Fact Sheets' on affordable housing and include examples of Local Government involvement.

Conformation to Strategic Plan

Objective: An informed community working together to build strong local and regional connections to give shape to a shared future for the city.

Funding

No impact on Funding

RECOMMENDATION:

That Council work with WSROC to develop an Affordable Housing Policy for Western Sydney Councils that will support local and regional projects, to increase the stock of 'Affordable Housing' in the Hawkesbury and Western Sydney.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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EXTERNAL SERVICES

Item: 211 **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.

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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.

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

Clause 9 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*

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- (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;*

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:

- 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 spoiled 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 AssessmentContext 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.

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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.

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

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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.

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.

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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. 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.

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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, 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:
 - (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.

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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 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:
 - 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

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:
 - (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.
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.

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40. 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.

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 Business Paper

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AT - 2 Site Plan

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AT - 3 Elevations

Refer to Maps Business Paper

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AT - 4 Signage

Refer to Maps Business paper

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 212 **IS B - Kurrajong Trees - (95495, 107, 90311, 79426, 94492)**

Previous Item: NM, Ordinary (22 February 2005)

REPORT:

Council at its meeting of 22 February 2005 resolved:

- A Prior to the removal of any trees in the streets of the Hawkesbury's towns and villages:*
 - 1. A notice inviting public comment be put in the Council's notices page of the Hawkesbury Gazette for a period of 2 (two) weeks.*
 - 2. A notice explaining why the intended tree is to be removed and inviting public comment be attached to the tree of concern for 2 (two) weeks.*
 - 3. Trees deemed to be in a dangerous condition, as assessed by a qualified expert, be exempt from points 1 and 2 above.*
- B The Ombudsman's Office or an independent person/body be requested by the General Manager to submit a report to Council in relation to the removal of the trees in question.*
- C Three (3) advanced trees be planted in Kurrajong in the same locations as the 3 (three) recently removed. Species and maintenance to be as per Don Schofields report.*
- D A draft Tree Management Policy in respect of Council's street trees be presented to Council for consideration within 1 (one) month.*
- E An apology be given to the general community for the apparent lack of community consultation with regard to the recent removal of trees in the Kurrajong Village."*

In relation to *A*, the removal of street trees, these are being advertised as the need arises.

Regarding *B*, the Ombudsman and ICAC have been advised of the incident and the independent investigation report is currently being finalised.

In reference to *C* the replacement of the trees in Kurrajong has been delayed initially on advice from the independent investigator and also due to the fact that Westpool, Council's insurers, were carrying out an investigation as to which trees are appropriate as street trees to ensure Council's risk in relation to trips and falls and property damage is minimised. An investigation is also being undertaken through the Minister for Energy and Utilities to produce firmer guidelines for urban Councils and Utilities to manage nature strips. This review is still proceeding. In regard to Don Schofield's report of 17 February 2005 and his further clarification of 8 March 2005 he has "*strongly recommended the replanting with the original Liquidambar Styracifula or the slightly smaller Liquidambar Formosana, this latter species has the added advantage of having softer fruit capsules.*" He has also suggested the possibility of relocating "*the new trees differently and increase the distance from nearby buildings. For instance their placement could move into the kerbside parking edge of the road with attractive guards around each tree to protect both trees and cars. Root barriers may also be installed to further help by directing roots deeper or away from structures.*" Obviously planting trees within the kerbside lane of the roadway will reduce parking in the area. The other major consideration is the fact that there is likely to be a Master Plan undertaken for Kurrajong and the replanting of these three trees should not be seen in isolation but as part of an overall planting concept for the Village area. In this regard it is felt appropriate that further consultation be undertaken with the

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Kurrajong Community Forum which would include a recommendation from that group in relation to the type and location of the replacement trees to complement future plantings.

A meeting of Kurrajong Community Forum was attended by the Mayor and Director Infrastructure Services where Council's commitment to replacing the trees was reinforced. The situation regarding the report from Westpool was also explained in relation to the implications of planting "unsuitable" trees which may increase Council's liability for claims regarding trips and falls.

With regard to *D, the Draft Tree Management Policy*, it too has been on hold at the request of the independent investigator as has the apology to the community on advice from Council's solicitors, Pike, Pike and Fenwick.

In relation to the report from Westpool, which it is understood will advise of "inappropriate" street tree plantings, it is understood that this will be available in mid August. It is felt that knowing this report is imminent, it may increase Council liability a species of tree which may impact on Council's insurance risk in the future.

In summary, there would appear to be a number of options:

- 1 replant the three trees in their current location utilising either the *Liquidambar Styracifula* or *Liquidambar Formosana*, with the final decision being made by the Kurrajong Community Forum;
- 2 request the Kurrajong Community Forum to advise of the preferred species with regard to future street tree plantings within the Village;
- 3 defer the replanting until the Westpool report has been received, discuss the options with the Kurrajong Community Forum and determine the appropriate species.

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 equitable manage the infrastructure demands of the city"

Funding

Funds will be provided from Infrastructure Budgets.

RECOMMENDATION:

That:

- 1 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, **or alternatively**;
- 2 Three advanced trees be planted in Kurrajong in the same locations as the three removed. Species and maintenance to be as per Don Schofield's report. Species to be either *Liquidambar Styracifula* **or** *Liquidambar Formosana*

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 213 IS B - Macdonald Valley Riverbank Rehabilitation Project - (95495, 94272)

REPORT:

Council has been given ministerial approval to raise additional revenue, through a special five year levy, to assist environmental/stormwater management. The funds raised are directed to both structural and non-structural projects that pursue improved environmental/stormwater management over the whole of the Hawkesbury City Council Local Government Area.

A community survey undertaken in the MacDonald Valley as part of the Community Involvement and Support project in the 02/03 Stormwater/Environmental Levy program identified a very strong community desire for environmental improvement actions focused on the MacDonald River (non structural part). The Survey also showed that the community of the Valley was cohesive, that residents were actively undertaking environmental works, and that they wanted assistance in achieving environmental improvement in the Valley.

The MacDonald River underwent catastrophic change following a series of floods in the late 1940s. The environmental and economic impacts of this continue to the present day. The river is now in the initial stages of recovery. This process is strongly associated with riparian vegetation. River bank rehabilitation is consistent with expressed community desires and will provide real environmental benefit that is expected to carry over to economic and social benefit by improving the area and encouraging people to move into the valley. This conclusion was independently supported by the Hawkesbury Nepean Catchment Management Authority (CMA) in identifying the MacDonald River as a priority Catchment.

Collaborative environmental action will produce the most benefit for expenditure. The Catchment Authority was involved with Council in project development in the MacDonald catchment from an early stage.

It is proposed to follow a model riverbank rehabilitation process developed by the Department of Infrastructure Planning and Natural Resources and successfully trialed on the Colo River. This project has continued to deliver environmental outcomes years after funding ceased. Maximum community benefit will only be achieved through bank rehabilitation on private and public lands. The CMA is better placed to administer works on both private and public lands. Works will be undertaken on both public and private lands to achieve benefits for the whole community. The project will be co-ordinated by the CMA.

The proposed project was discussed with 16 selected residents of the MacDonald Valley at a meeting held in September 2004. This resulted in the proposal being put to the broader community at a meeting held in November 2004. The proposal and the potential benefits were well received and endorsed by the community at this meeting.

The potential benefits from the rehabilitation of the river bank at the MacDonald Valley will be:

- Stabilisation of the banks.
- Initiate river recovery processes through trapping sediment and lateral expansion of the banks.
- As the River recovers water depth and water availability will increase.
- The quality of water entering the Hawkesbury River system from the MacDonald River will improve.
- Promotion of social cohesion in the Valley.
- Promotion of economic and social economic and socio development of the Valley in line with community desires.

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- Proactively address the riparian weed problem and its economic impacts in the Valley.
- Increase biodiversity along the riverbank in both the terrestrial and aquatic environments.
- Assist with improved Council/Community relations in the Valley.
- Provide a lead in for other environmental actions in the Valley.

It is proposed that Council will provide the funds for the employment of a Community Support Officer (Riparian Management) for a period of one year at a total cost of \$90,000. This person will work with the community to develop riverbank rehabilitation plans which will be used as a basis for allocation of funds to undertake on-ground works. These works will be funded by the CMA for an amount of \$20,000 and \$30,000 from Council with an additional \$30,000 identified for possible unexpected contingencies.

Expenditure of project monies, project responsibilities, and achievement of project milestones will be administered through a project agreement between Council and the Hawkesbury Nepean Catchment Management Authority.

Funding for this project to the value of \$150,000 is available from the Stormwater/Environmental Levy projects undertaken during 02/03 and 03/04 that were completed under budget.

Conformance to Strategic Plan

Directions: Promote environmental awareness and encourage community participation in management of natural, cultural and heritage assets and also identify and implement appropriate actions to protect and rehabilitate the natural environment.

Funding

Funding is provided from the Environmental/Stormwater Levy.

RECOMMENDATION:

That funding of \$150,000 for the Macdonald Valley Riverbank Rehabilitation Project be provided from savings from completed projects within the Stormwater/Environmental Levy reserve fund.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 214 IS B - Riverview Street/Grose Vale Road - Traffic Lights - (95495, 92522)

REPORT:

Due to the ever-increasing traffic volumes around the North Richmond commercial area it has been identified for some time that traffic control measures are required at the intersection of Grose Vale Road and Riverview Street to allow access to those streets and improve traffic safety.

It is estimated that the required traffic review and design works will cost in the vicinity of \$15,000 with the cost of the actual traffic lights being around \$155,000, making a total project cost of \$170,000. It is proposed that the project be funded from a combination of Council funds and contributions by developers. In terms of Council funding it had previously been proposed to install roundabouts at the intersection of Arnold Street and Tyne Crescent with Pecks Road and also at the intersection of Elizabeth Street and Charles Street. These works have not been undertaken and while they are desirable in terms of local area traffic management they are not seen as being essential to the area at this stage. An amount of \$60,000 has been allocated for those works. The new owner of the majority of the North Richmond Shopping Centre, Valad Property Group, has indicated that they would contribute \$50,000 towards the installation of traffic lights at the intersection. This would leave a shortfall of \$60,000 for the project and it is proposed that the shortfall be funded by contributions from the major developments proposed within the precinct.

Conformance to Strategic Plan

Directions: Invest in technological and engineering innovation to improve the safety, accessibility and value of public infrastructure.

Funding

Funding is to be provided through a combination of Council and Developer funding.

RECOMMENDATION:

The proposal to construct traffic lights at the intersection of Grose Vale Road and Riverview Street proceed on the basis of Council providing \$60,000 from a previous Works Program to provide roundabouts at Pecks Road at its intersection with Arnold Street and Tyne Crescent and Charles Street at its intersection with Elizabeth Street, \$50,000 from the Valad Property Group and \$60,000 from major developments within the precinct.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 12 July 2005****Item: 215****IS B - St Albans Road - Tender for sealing - (79344, 79596)****REPORT:**

Part of the 2004/2005 Works Program provides for the further sealing of St Albans Road with a corresponding budget in the amount of \$236,000. The proposed road works comprise two separate sections as follows:

- Section 1, commences from the end of the existing seal resulting from the previous contract stage through to the existing seal in front of Central MacDonald a distance of 0.535 km.
- Section 2, recommences from the northern end of the existing seal in front of the school for a distance of approximately 0.330 km.

Tenders for the above works closed at 2:00pm on Wednesday, 22 June 2005. At the closing time and date, a total of seven tenders were received and are listed as follows in ascending order of price:

Tenderer	Amount (Excl GST)
Hawkesbury Excavations P/L	\$250,311.90
M D & M J Skinner P/L	\$257,838.74
Savage Earthmoving	\$275,008.95
Civil Constructions	\$308,584.00
Casbee P/L	\$309,252.80
Pavement Constructions (NSW)	\$385,791.00
Kingston Civil Constructions	\$411,037.61

The lowest tender in the amount of \$250,311.90 has been received from Hawkesbury Excavations P/L. The tendered amount is based on a schedule of rates contract which includes provisional items for plant hire etc. As per previous years the full extent of works will be carefully monitored to ensure construction costs do not exceed available funding and provisional items will be modified where necessary.

Hawkesbury Excavations Pty Ltd has previously carried out similar work for both Council and local developers in a satisfactory manner and are considered to have the necessary skills and capacity to fulfil the requirements of the contract/specification.

Conformance to Strategic Plan

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

"Objectives: a network of towns, villages and rural localities connected by well maintained public and private infrastructure, which supports the social and economic development of the city."

Funding

Funds are provided from within the 2004/2005 Capital Works Program.

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RECOMMENDATION:

That:

1. The tender submitted by Hawkesbury Excavations P/L in the amount of \$250,311.90 for the further sealing of St Albans Road be accepted.
2. The seal of Council be affixed to any contract documentation.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 216 SS B - Relocation of Historic House to Australiana Pioneer Village - (26561, 17606, 95496)

REPORT:

Representations have been made to Council regarding the possible relocation of a historic house from a property at 230 Freemans Reach Road, Freemans Reach to the Australiana Pioneer Village.

The owners of the property, Mr E and Mrs A Muscat have recently built a new dwelling on the site and a condition of consent for that dwelling requires the demolition of the existing house on the property. They have since requested and have been granted a three month extension in respect of that condition pending the outcome of this proposal.

Mrs K Gannell has submitted the proposal to relocate the timber weatherboard house, known as McMahons House to the Village. It is noted that the house is not contained on Council's LEP as a Heritage item. The following extract of information regarding the house was prepared by local historian, Jan Barkley-Jack;

"2.0 Statement of Significance;

The farm cottage has considerable significance as representative of a once common type built in the Hawkesbury, by pioneering families like the McMahons, who lived in their houses over several generations, sometimes for 100 years as the McMahons did. It is particularly significant as the childhood home of Mrs Honora Cuppitt, a well-known figure in the Hawkesbury education and community affairs throughout the twentieth century. It has aesthetic qualities and has both social and technical significance, which will be retained if it is removed intact to APV, where it can be used further for community and educational purposes.

C. Aesthetic

The farmhouse retains the pleasing, visual characteristics of a rural wooden farmhouse, typical of the Hawkesbury District, with steeply pitched roof and scalloped gable barge boards.

D. Social

The McMahon farmhouse fulfils a need the community has to recognize nineteenth century buildings of significance to the Hawkesbury district. When, such buildings are at risk the community responds as now to save them. In this case the only way to avoid an already approved demolition, is to transfer the house to another site. It is important to realise, that in the Hawkesbury, relocation of buildings has been a common feature of rural existence for 2 centuries. Moreover, such removal falls within the criterion under which the APV at Wilberforce was created, to transfer buildings, which are at risk to a single site for educational purposes. In this case the Burra charter article 9 applies as removal (is the sole practical means of ensuring survival) ...with an appropriate use. This cottage would enhance the APV by improving the sampling, since none of the 15 nineteenth century buildings re-erected at the Village is representative of the dwelling and lifestyle of a comfortably (well off, educated) Irish Hawkesbury farming family. The unadapted 4 roomed weatherboard house, with loft is a distinctive type to the Hawkesbury floodplains.

E. Technical

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At APV it would demonstrate well the continuity of building styles at Hawkesbury, providing a contrast to its earlier prototype, the slab built Rose Cottage, which has a more primitive loft opening, which dates 50 or so years earlier."

The matter was referred to Council's Heritage advisor Mr D Ellsmore who advised "I would support the relocation of this cottage from its now compromised site to the Village although relocations are not normally endorsed except as a last resort. In this instance the cottage has lost its authentic context and it will join other relocated buildings." He also indicated that as there is no Conservation Management Plan for either the cottage or the Village he would be guided by Jan Barkley-Jack's opinion in his support of the proposal.

Mrs K Gannell advises that she has received a quote to remove and relocate the house for \$20,000.00. She has identified someone to replace chimneys and restump the house at no cost. However, it would appear that the total costs are uncertain. She has indicated that she is willing to fund raise as much as possible towards this project.

An application was made by the Village Volunteers to the NSW Heritage Office for funding and they have received the following advice;

"Funding offer under the 2005/2006 Heritage Office Special Small Grants and Loans Program: McMahon House relocation onto the site of Australiana Pioneer Village in Wilberforce

I am pleased to advise that a \$ for \$ grant of up to \$10,000 has been approved by the Director towards your project which is to cost in the order of \$20,000.

This grant is subject to the following conditions:

- 1. the attached Heritage Office standard conditions;*
- 2. you approaching Hawkesbury City Council to contribute a matching amount – I will cc a copy of this letter to Katrina Parker at the City Council;*
- 3. you seeking the building free of charge from the owner;*
- 4. you will ensure each and every detail of the proposed relocation, relocation site, levels and reconstruction being approved by the Heritage Advisor to Hawkesbury Council; this condition imposed because to be successful relocation projects need to be handled very carefully;*
- 5. acceptance of this offer within 21 days of the date of this letter; sign and make a copy for your own records; and*
- 6. all of the work must be completed and claimed by 31 January 2006.*

As can be seen, the Heritage Office has approved the grant on a "dollar for dollar" basis referring the Volunteers to Council to seek the additional funding required. It should be noted that Council was not advised that the above application was to be submitted nor was it requested to indicate if it was prepared or able to provide the matching funding.

In fact, funds for this purpose have not been included in the Works Program for 2005/2006. Council's Local Heritage Assistance Fund has a budget of \$30,000 for 2005/2006, however, is usually only allocated for relatively small dollar for dollar grants and is not usually allocated for this type of project. The deadline for the project to be completed of 31 January 2006 may not provide sufficient time for the Volunteers to raise further funds themselves.

The proposed relocation would also require a development application to be prepared and approval to be obtained from the NSW Heritage Office for the proposal as the Village is a state listed property.

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Following an earlier Council resolution, discussions have also been held with the Village Volunteers regarding their proposals for the site. They have, on a number of occasions, been requested to provide details of any proposals they may have in writing so that Council can further consider the issue, however, to date these details have not been provided. The Volunteers have once again recently been requested to provide this advice to Council and it is proposed that if a response is not received in the near future that a report regarding the future use of the Village will again be submitted to Council for consideration. This will also occur in the event of a response being received.

It should also be noted that the Village is currently classified as Community Land and, as such, any changes to it must be allowed for in a Plan of Management. In addition, a Conservation Management Plan is also required for a heritage listed site. Due to time and financial constraints, as well as uncertainties regarding the future use of the site, action has not been taken to commence the preparation of either of these plans and this aspect of the matter will also be further addressed in the report referred to in the preceding paragraph.

Due to the numerous unresolved issues relating to the future use of the APV it is considered that it would not be appropriate for further buildings to be relocated to the site at this point in time and, therefore, Council should not agree to the request to relocate the house in question. However, in the event that Council wishes to accede to the request it should only do so on the basis of all necessary approvals are obtained by Mrs K Gannell or the Village Volunteers and that the relocation takes place at no cost to the Council as funds are not available within the current budget for this purpose.

Conformance to Operational Plan

This proposal is deemed to conform to the objectives as set out in Council's Strategic Management Plan, i.e:

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

Funding

Funding for this proposal is not provided for in the 2005/2006 budget.

RECOMMENDATION:

That Council not agree to the request for the relocation of McMahons House from 230 Freemans Reach Road to the Australiana Pioneer Village.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Meeting Date: 12 July 2005

Item: 217 **SS B - Sale of Various Council Properties - (95496)**

Previous Item: 85, Ordinary (13 July 2004)

REPORT:

At the meeting of Council held on 13 July 2004 consideration was given to a report regarding Council's Property Development Strategy and it was ultimately resolved that a number of properties be sold. These property sales, the proceeds of which would be applied to the Property Development Reserve, were part of the strategy for the funding of the construction of Council's Cultural Precinct.

The properties involved at that point in time were:

- 1 Conlan Street, Bligh Park
- 155 Colonial Drive, Bligh Park
- 5 Yarwood Road, Bligh Park
- 8 Yarwood Road, Bligh Park
- 9 Pearson Street, Bligh Park
- 20 Fitzgerald Street, Windsor
- 22 Fitzgerald Street, Windsor
- 28 Lawrence Street, Hobartville (Hobartville Shops)
- 139 Colonial Drive, Bligh Park

As a result of a subsequent public auction, and negotiations in respect of two of the properties, six of the above nine properties have been sold. As Council is aware, the results achieved from these sales are as follows:

1 Conlon Street, Bligh Park	\$25,188
5 Yarwood Road, Bligh Park	\$237,840
9 Pearson Street, Bligh Park	\$270,340
*20 Fitzgerald Street, Windsor	\$485,000
*22 Fitzgerald Street, Windsor	\$374,000
28 Lawrence Street, Hobartville	\$812,000
TOTAL	\$2,204,368

*Contracts for these properties have been exchanged, however settlement has not been achieved as yet as this is dependent upon a boundary adjustment and conversion of title from the Old System to Torrens Title. This action has been proceeding and it is anticipated to be finalised in the near future, enabling settlement of these sales to occur.

In respect of 139 Colonial Drive, Bligh Park, Council has resolved that a DCP be prepared for this site prior to its sale. It is anticipated that a report regarding the DCP will be submitted to Council in the relatively near future and, subject to the ultimate adoption of the DCP by Council, the property would be submitted for sale by public auction during the second half of 2005/06 financial year.

The property known as 8 Yarwood Road, Bligh Park has some access difficulties and its sale in its present configuration appears to be somewhat problematic. However, this aspect of the matter will be pursued in an endeavour to resolve the situation at some point of time in the future.

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At a briefing session held earlier this year it will be recalled that the funding of the Cultural Precinct was addressed. In the light of Council's land sales it was suggested that in addition to the properties from the abovementioned list that are still to be sold that further surplus properties should be considered for sale in order to avoid the need for loan borrowings for the purpose of funding the Cultural Precinct.

Council also subsequently allocated additional Section 94 funds that had become available to this project and authorised an interim internal loan between Reserve Funds to avoid borrowing, pending the finalisation of additional sales.

The properties referred to at that briefing session were:

- 897 Sackville Road, Ebenezer
- 3004 River Road, Wisemans Ferry
- 520 Windsor Road, Vineyard
- 6,7,8 and 11 John Tebbutt Place, Richmond

897 Sackville Road, Ebenezer and 3004 River Road, Wisemans Ferry:

At its meeting held on 12 October 2004 Council was advised of the fact that the RTA had assumed responsibility for the operation of the ferries at Webbs Creek and Wisemans Ferry that had been previously operated by Council. It was recommended that the "ferry cottages" associated with these facilities be leased to the RTA for a twelve month period and that the RTA be requested to purchase both properties.

The two properties in question were subsequently leased to the RTA with such leases due to expire in October 2005. Correspondence was also forwarded to the RTA regarding the possible acquisition of the properties with subsequent discussions being held on a number of occasions regarding their requirements in association with the servicing of the ferries.

The RTA has now verbally advised that at this stage their proposal to provide facilities for staff in association with the operation of these services does not involve utilisation of Council's properties. It is understood from advice received that this position will be confirmed in writing in the near future.

In view of the advice received from the RTA it is considered that these two properties could now be offered for sale by public auction as Council would have no further use for the two sites. As the current RTA leases expire in October 2005 should the RTA still be in occupation they would be offered for sale on the basis of a "carry over lease" by the RTA with the new owner then being able to determine what action they wish to take in relation to the use of the property.

520 Windsor Road, Vineyard

This property is located under the power transmission lines approximately 200 metres north west from the intersection of Windsor Road and Bandon Road and is also partially occupied by a transmission line stanchion. The property has an area of 2.108 ha and is zoned Rural 1(c). It is also affected by an easement for transmission lines, which covers approximately 99% of the site.

The property was previously leased to Kellyville Christmas Tree Farms with the lease having been terminated in late 2004 due to non-payment of rental.

There is no valid reason for the property to be retained by Council and it is recommended that in accordance with Council's policy it be offered for sale by public auction. This would be undertaken after a valuation had been obtained in association with other properties to be auctioned.

6, 7, 8 and 11 John Tebbutt Place, Richmond

It has previously been suggested that due to the low level of return on investment being received from these properties that they should be sold. However, some questions have arisen regarding requirements for utilisation of the proceeds of the sale should this occur, in view of the nature of the land that was sold to

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enable this development to occur and that title to these properties was transferred to Council as part of the purchase process.

This aspect of the matter is being investigated, however, due to the period of time involved ie, the property was initially acquired by Council in the mid 1970's and sold in 1991, it has not been possible to finally resolve this issue to date.

Accordingly it is proposed that at this point in time these investigations will continue to enable Council to ultimately determine the action to be taken in this regard and a further report will be submitted to Council when possible.

Additional Properties

In addition to the properties already referred to in this report, Council also owns four residential properties in Glossodia. The properties in question are:

- 28 Boomerang Drive, Glossodia
- 15 Chestnut Drive, Glossodia
- 132 Mitchell Drive, Glossodia
- 188 Spinks Road, Glossodia

These properties have areas ranging from 500 to 750 square metres and were originally dedicated to Council in 1966 as public reserve as part of the sub-division that created Glossodia Village. Investigations revealed that these particular lands, due to their location and/or availability to other areas in the village, were not required for any community purpose. Subsequently, Council in 1998 resolved to reclassify the lands from community land to operational land and to rezone them from open space 6(a) existing recreation to residential 2(a). At that time Council resolved to sell the properties when the sewer was available for connection to each of the lots.

The reclassification and rezoning process was finalised in 2001.

With regard to delaying the sale of the properties until the availability of the sewer the Director of Infrastructure Services has provided the following comments:

" When considering the reclassification and sale of these lots, consideration was given to on-site disposal of effluent. As the lots were considered not large enough for on-site disposal it was decided that the sale of the properties should be delayed until the sewer is available to the lots.

At the time this matter was being considered, effluent from pumpout systems was being disposed of at the Blaxlands Ridge Sullage Ponds. The use of this facility has now ceased with the site being rehabilitated with the exception of enough capacity to treat pumped out effluent during periods of flooding, when access to the Windsor Treatment Plant is not available. As such it would be appropriate for consideration to be given to the provision of a pumpout service to these lots to enable the sale to proceed."

In light of the above comments it is suggested that it would now be appropriate for Council to proceed with the sale of these surplus properties.

Conformance to Operational Plan

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

"Implementation of opportunities identified within the Property Development Strategy and subsequently are resolutions of Council regarding property sales."

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Funding

Suggested sales are required to avoid borrowing requirements for the funding of Council's Cultural Precinct and maintain Council's Property Development Reserve.

RECOMMENDATION:

That:

1. The information concerning the progress and sale of various Council properties resulting from Council's resolution on 10 August 2004 be noted.
2. Further to Council's resolution of 12 October 2004, Council's properties located at 897 Sackville Road, Ebenezer and 3004 River Road, Wisemans Ferry, currently leased to the RTA, be sold by public auction following the conclusion of the current lease period and in association with other Council property sales.
3. That Council proceed with the sale by public auction at an appropriate time of all the following additional surplus Council properties:
 - 520 Windsor Road, Vineyard
 - 28 Boomerang Drive, Glossodia
 - 15 Chestnut Drive, Glossodia
 - 132 Mitchell Drive, Glossodia
 - 188 Spinks Road, Glossodia
4. Authority be given for the execution of any documentation in association with these sales under the Common Seal of Council.

oooO END OF REPORT Oooo

ORDINARY MEETING

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CONFIDENTIAL REPORTS

Item: 218 **GM B - Executive Manager - Community Partnerships - (107, 79355)**
CONFIDENTIAL

Previous Item: 2, Ordinary (25 January 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: 12 July 2005

Item: 219 **SS B - Windsor Function Centre - (33132, 107, 79337, 95496) CONFIDENTIAL**

Previous Item: 142, Ordinary (10 May 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: 12 July 2005

Item: 220 **SS B - Property Matter - Bosworth Street, Richmond (79337, 95496 P-769)**
CONFIDENTIAL

Previous Item: 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

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

LTC - 22 June 2005 - Kurrajong Road/Old Kurrajong Road/Yarramundi Lane, Richmond - (80245, 74282)

Previous Item: Local Traffic Committee Minutes - 15 June 2005

REPORT:

1.1 Kurrajong Road/Old Kurrajong Road/Yarramundi Lane, Richmond

As resolved at its meeting held on 15 June 2005 a site inspection, commencing at 5.30pm, was convened to discuss traffic delays at the intersection of Kurrajong Road/Old Kurrajong Road/Yarramundi Lane, Richmond.

Observations

- a) west-bound traffic on Kurrajong Road between Chapel Street and Old Kurrajong Road almost at a standstill due to the influx of traffic from Old Kurrajong Road;
- b) At times, up to 20 vehicles queued on Old Kurrajong Road;
- c) Upon passing the intersection, westbound traffic was free-flowing towards North Richmond Bridge/North Richmond;
- d) Two (2) "No Right Turn" signs, for weekend traffic, had been erected by the Authority preventing traffic from Old Kurrajong Road turning west onto Kurrajong Road.

Mr D Mr D Chui, Roads & Traffic Authority

- a) undertook a traffic count during the site inspection;
- b) acknowledged that traffic exiting Old Kurrajong Road was causing traffic queues on Kurrajong Road east of Old Kurrajong Road;
- c) believed that the North Richmond Bridge should be augmented to provide increased capacity;
- d) upon rebuttal of Item c) on the basis that two lane traffic flowed unimpeded over a two lane bridge, such rebuttal did not provide justification to restrict the left-turn manoeuvre from Old Kurrajong Road west onto Kurrajong Road during afternoon peak periods;
- e) suggested that Council write to the Authority seeking investigation of this issue.

RECOMMENDATION:

That the Roads & Traffic Authority be requested to investigate AM and PM turning restrictions at the subject intersection as previously resolved.

Meeting terminated 6.15pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees



ordinary
meeting

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